

ACTIVIZENSHIP

DEMOCRACY UNDER STRESS/REBUILDING TRUST/RIGHTS FOR ALL



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Edito by the European Civic Forum team

The present issue of “Activizenship” is dealing with negative trends inside our European societies.

Today, many citizens are questioning the value of Democracy as decision making processes do not meet their expectations. Yet, the low electoral turnout in many countries, as well as the downward trend in others, had been a recurrent early warning of citizens’ disaffection with decision-makers over the last decades.

Far right regressive populists and, more recently, a radicalising right, have been surfing these negative feelings. They claim that their political offers provide “The” answer to a democracy that is not delivering. They tend to combine small social benefits with strong adverse policies towards migrants and foreigners and shrinking spaces for media freedom, judiciary independence and civil liberties more generally.

Scholars who study the raise of “illiberal democracy” have outlined the links between nativist and exclusionary ideology, authoritarian politics and capitalist economy.

The recent decision of the Hungarian Government and Parliament to pass a law allowing enterprises to impose up to 400 hours overtime a year and pay for them in a lag time of three years is a case in point. It illustrates the very short distance between “shrinking

democracy and civil liberties” and “shrinking socio-economic rights”, with people being treated as slaves of the socio-economic system. To date, democracy proved to be the “worst system except for all the others”. Therefore, its significant failure to deliver more equality in access to fundamental rights for many has to be answered by more democracy and not less. In the same way, denying access to rights to some does not ensure enjoyment of rights by the many.

Now, expecting people to adhere to democracy only because they see the dead-end of illiberal democracy is just insane. There is a need for effective policies to reduce inequalities that globalisation has increased. In other terms, there is a need to demonstrate that democracy is delivering social cohesion through wealth sharing, if we want democracy to survive the present attacks. And it’s not sure that mainstream political parties have so far understood the issue at stake, as the historical experience shows they are more able to analyse disasters after they happened than anticipating them. Against this gloomy picture, in this issue of “Activizenship” we present actual elements which feed optimism for getting out of the downward trends.

In many circumstances, civic organisations find themselves at the forefront of the resistance to these measures, as they act towards a

better functioning of democracy and the defence of Human rights, and the delivery of services that insure an effective access to those rights for all (housing, education, healthcare, food...).

Across Europe governments increasingly divide civil society between “good” and “bad” or distinguish between “political” and “a-political”. In spite of numerous attempts to refrain citizens from stepping into the realm of topics they consider should be left to political parties and/or technocratic expertise, recent opinion polls show that organised civil society benefits of higher level of trust in comparison with other actors in most European countries. Obviously, the landscape is neither homogeneous nor static. Civil society’s capacities and structures are crucially linked to the historical path each culture and society went through and, even within the same cultural space, civil society is animated by entities that are significantly different in structures and *modus operandi*.

But the basis for a positive turn is there. Civil society is undergoing a transformation globally and new ways for citizens to associate are emerging alongside traditional ones. Civil society is also expanding its scope, widening its public audience and constituencies, fighting back to reclaim its usual spaces and conquer new ones.

Furthermore, powerful civic mobilisations are gaining successes. Mobilisations for women rights, for equality and against violence, have gained pace and are expanding the debate to the need for an inclusive society based on democratic processes. The recent demands from the far-right Vox in Spain recall to all of us the centrality of this issue, nothing being taken for granted.

Mobilisations for sustainable development contribute to rethinking production, markets and access to rights in our societies, in opposition to the present model that is feeding fear. This is a virtuous circle for the revival of a democracy that delivers. The successes and failures of civic mobilisations recall how rights are interconnected and how each setback or advancement on one category of rights always affects their universality.

We hope reading through this magazine will bring relevant elements for our readers to encourage, motivate and strengthen their civic engagement and action! ■

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DEMOCRATIC SOCIETY UNDER THREAT

**CIVIL SOCIETY CHALLENGES
AND ACTUAL STRATEGIES
IN EASTERN EUROPE**

Facing shrinking space for democracy and hateful smear campaigns spreading in a domino effect across Central and Eastern Europe, civil society in the region is confronted with long-standing weaknesses as well as new, emerging challenges for its action. What are the threats faced? What options and strategies are available to fight back? What are the prospects towards an effective democratisation in the region?

UNDERSTANDING CIVIL SOCIETY'S STRUCTURAL CHALLENGES IN THE VISEGRÁD REGION TO BUILD TRUST THE POLISH CASE

Filip Pazderski

After 1989, civil society sector professionalised in service delivery and started partnering with public authorities, but stayed quite weakly rooted in local communities, which makes them now vulnerable to hostile campaigns.

This situation has to be sorted out, because at this moment really a lot of money is spent on the functioning of various social organisations or NGOs. (...) Only that it often turns out that these are foundations that were subordinated to the politicians of the previous ruling system” said Polish prime minister, Beata Szydło, in November 2016¹

Her statement followed a one-month-long smear campaign in public media attacking selected organisations claiming they misuse public funds and are allies of opposition parties. In this way, organised civil society was undermined and thrown in the middle of heated political disputes. Similar events are known from other countries in Central Eastern Europe.

¹ Tygodnik Solidarność. Sytuacja z fundacjami musi zostać uporządkowana. Wywiad z Premier Beatą Szydło. Solidarity Weekly. 2016.

a result, it did not build any models of action, especially the patterns of political activity.

The martial law pronounced in the first half of 1980s brutally stopped this so-called “carnival of Solidarity”. People were discouraged to take part in public life, so they retreated

Why did the civil sector, which in principle was supposed to function outside party politics, in the area between the authorities and citizens, find itself in this situation? What are the causes of the sector structural weaknesses? And, is there hope for the civic sector in this part of Europe?

ROOTS OF ORGANISED CIVIL SOCIETY DEVELOPMENT IN THE REGION

While speaking about the beginnings of the civil society in the region, we cannot avoid mentioning the links with the anti-communist opposition. I will focus on the situation in the country that I know the best – Poland. Here, the “Solidarity” mass movement of the early 1980s is often presented as the ideal emanation of civil society and igniter for the events that culminated in the socio-political transformation that began in 1989. However, part of our problems right now might be due to the fact that the experience of early “Solidarity” was not taken as the basis for changes introduced in Poland in the 1990s. As

into private life creating a “socio-logical vacuum”: a strong identification with primary groups (like family and closest friends) and the Polish nation with low or no identification with intermediary bodies². This public attitude did not change with the creation of the new state, and when the negotiations on the political system change started between representatives of the opposition and the ruling communist party and first (partially) free elections were organised, the participation was not as massive as the early “Solidarity” movement. Direct participation was ten times smaller - there were 1 to 1,5 million members of Civic Committees that were created out of the “Solidarity” at the very end of 1980s³.

While civil society emerged during the anti-communist opposition after 1956 and developed into the “Solidarity” movement of 1980-1981, its final form was shaped after 1989 by solutions brought to Poland from abroad. Funds

² Nowak, Stefan. *System wartości społeczeństwa polskiego, Studia Socjologiczne*, 4/1979, pp. 155-173.

³ Pazderski, F. (2018a), “Open society in Poland in the grip of authoritarian populism – a project under construction?” OSEPI/d|part/ IPA.

Broad segments of the general public had no real grasp of what civil society is about, what are its roles and functions and why NGOs are important for democracy

were redirected to such political project called ‘civil society’, aiming to establish the civil society organisations independent and self-sufficient.

Similar processes

took place in all Visegrád countries with some local characteristics. However, differently from Poland, in other countries, the anti-communist opposition was mainly led by intellectuals and experts, and they lacked the experience of a mass social movement similar to the Polish “Solidarity”.

STRUCTURAL PROBLEMS OF CIVIC SECTOR DEVELOPMENT IN 1990S AND 2000S

After 1989, the model for the development of the CSO sector was based on the Western patterns and came in a package with “*extensive financing and know-how provided by the western, mainly North American rich foundations, such as Ford Foundation or Rockefeller Brothers’ Foundation*”⁴. The aim was to establish civil society organisations professionalised in service delivery and partner to public authorities. Creating such intermediary entities, acting between the

⁴ Makowski G. An ‘empty shell’. The condition of Polish civil society in the light of available research and quantitative analyses”, Warsaw: Instytut Spraw Publicznych, Warsaw [an electronic, unpublished document possessed by the author]. 2012a. p.45.

authorities and the society, was in line with neo-liberal ideology that underlined the reforms introduced in Poland since the beginning of 1990s. In this phase of development, the *“state would not intervene in the situation of the third sector, leaving it mostly to itself”*⁵.

In this analysis, I will not delve into the dilemma of whether this was the only possible solution considering the socio-economic situation in the region. However, we may observe that in these countries, there were already some initial grass-rooted local civic initiatives that grew out of the anti-communist opposition. But often these groups fell apart at the beginning of the 1990s with the social energy standing behind them. In Poland, we had the so-called “Civic Committees”: they were a continuation of the ‘Solidarity’ movement and they played an important role in the elections of the 4th of June, 1989. They could have constituted good background for being reshaped into local version of civil society organisations. But it did not happen⁶.

The breakup of the Civic Committees was connected to the political disputes that started between former allies from the “Solidarity” movement as well as to normal processes of an emerging open society, where people were choosing different career paths for themselves⁷. People leaving these “Civic Committees” were moving to national or local politics, or they were establishing civil society organisations

(operating already according to the model adopted to Poland from the West). At this stage, until the first half of 1990s the number of such civil society organisations grew up significantly in Poland. But after this initial carnival of civic engagement and exercise of freedom, the development of the civic sector started losing its energy by the end of the 1990s, proportionally to weakening foreign funding. In the same time, due to some social dynamics (society focusing extremely on individual advancement and market economy), CSOs getting more focused on cooperating with public authorities and increasing general social discouragement for politics, those already existing CSOs become estranged from their social milieus⁸.

A new opening for the civil sector came with the beginning of the 21st century. By this point, it became quite clear that the countries in the region would finally enter the European Union. As a result, American donors were gradually stepping back from supporting Central-Eastern Europe financially. While realising that, the civil society representatives started working out new, more sustainable means for the financial existence of the sector. Firstly, hope was put in the upcoming European funds, but it soon became clear they were not as sizeable as American funding. Secondly, there were endeavours carried out to establish stable relationships and cooperation with the public sector, perceived as a reliable partner and a source of a large



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⁵ Gliński P. Sektor obywatelski w słabej demokracji. *Deniszczuk M., Supińska J.* (eds.), Warsaw: Stowarzyszenie Studiów i Inicjatyw Społecznych. 2003.

⁶ Moreover, there was also a significant number of different state-led civil society organisations, representing various interest groups, which have flourished under the communist regime. Many of these entities stayed operating after the socio-political transformation. See: Ekiert and Kubik, J, *Civil Society in Post-communist Europe. Poland in a Comparative Perspective*, 2017:1-43, Berghahn Books, New York/Oxford.

⁷ Osiatyński, W. *Rzeczpospolita obywateli*, 2004:130-134, Warsaw: Rosner i Wspólnicy.

⁸ Juros, Andrzej, et al. *From Solidarity to Subsidiarity: the Nonprofit Sector in Poland*. VS Verl. für Sozialwiss.

amount of funding. The EU-accession procedures also *“forced the decision-makers to get acknowledged with the matter of civil society and the problems of the third sector”*⁹ perceived as a useful partner. In such circumstances, for example, in April 2003, the new Law on the Public Benefit Activity and Voluntary Work was adopted in Poland, becoming a milestone regulating the relationship between the public administration and CSOs, especially at the level of local government. The Act also provided for another important source of CSOs funding – allocation of a part of income

⁹ See Makowski G. note 4 above. p. 5.

tax paid by each citizen (the so-called 1% tax mechanism).

All these may be taken as a sign of positive change, opening up new possibilities for the CSOs to flourish. However, this model resulted in drawbacks that created the fertile soil for recent events. Comparative research implemented in 7 countries of Central-Eastern Europe (CEE) under the project „Have our dreams come true?”¹⁰ shows that CSOs are weakly rooted in the local communities for whose benefit they are supposed to work. This is linked to the loss of contact with their social constituencies. One reason is the fact that the CSOs' leaders admitted that they prefer working with the authorities, talking to them about new policies or social services CSOs deliver to citizens because they all speak the same language. On the contrary, involving citizens requires special communication skills, more time (which is always limited in the civil sector) and energy¹¹. In these countries, it is easier to direct the public opinion against organisations represented as entities financed from “suspicious” foreign resources and carrying out activities described as contrary to the national interest.

The low public awareness of CSOs contributes to making them vulnerable to attacks. For example, in Poland,

CSOs are primarily seen through the prism of large foundations that conduct large public fundraising campaigns and are the most present in the media.

This factor creates a misleading picture that most organisations are responsible for the collection and management of large sums of money without transparent control over their spending¹². Moreover, some people are reluctant to become engaged in the CSOs activities due to the tight bureaucratic requirements (as declared 80% of respondents involved in informal social activities) and burden of the financial obligations (declared by 73% of informal social activists)¹³.

CSOS IN THE MIDDLE OF A HEATED POLITICAL DISPUTE IN THE COUNTRY

All the features of the Polish CSOs' sector presented above exposed it to the activities of hostile political actors, aiming to build political capital at its expenses. The conservative populist party, Law and Justice, took power in late autumn 2015. Alongside implementing significant constitutional reforms, the new

government significantly decreased public dialogue with CSOs. Some civil dialogue bodies were dissolved, and the legislative process rarely included public consultations. At the same time, central authorities carried out various procedural irregularities in the granting of public funds. Several calls were suspended or cancelled without explanation. In a growing number of grant competitions organised by various

ministries, organisations with little or no relevant experience won over applicants with extensive relevant experience¹⁴. This negative attitude of the government towards CSOs has heightened concerns regarding future access to public funds and empha-

sised the importance of diversification of sources of funding for CSOs. At the end of 2016, a smear campaign in state-controlled public media was launched: in the main news programmes, chosen CSOs – mostly foundations – were presented as allies of the political opposition and misusing public funds for private purposes. The prime minister and other prominent representatives of the government also declared that CSOs in the country need stronger control since public funds have been used for political purposes by some of them¹⁵. After a sham public consultation, the National Centre for Civil Society Development (later “National Freedom Institute”), an agency responsible directly before the

The EU-accession procedures also “forced the decision-makers to get acknowledged with the matter of civil society and the problems of the third sector”

¹⁰ Institute of Public Affairs was one of the implementing partners

¹¹ Makowski, G. Czy spełniły się nasze sny? Wymarzony i realny pejzaż społeczeństw obywatelskich w Europie Środkowo-Wschodniej. 2012:26:31-47.

¹² Adamiak, P. Wizerunek organizacji pozarządowych Raport z badania. Warsaw: Klon/Jawor Association. 2015:6-7.

¹³ Walczak and Pazderski. Społecznicy, profesjonalni działacze czy obywatelscy malkontenci? Formalna i nieformalna aktywność społeczna Polaków w świetle badań ogólnopolskich”, *Chimiak G., Iwińska K. Polska*. 2014. p.158.

¹⁴ Pazderski, F. *CSO Sustainability Index 2016: Poland*. 2017c USAID. p. 181

¹⁵ Pazderski, F. *Poland: Expecting Negative Trends*. Belokurova E, *EU-Russia Civil Society Forum*, 2017a, Berlin, p. 77-93.

IS THERE HOPE FOR THE CIVIL SECTOR IN THE REGION?

As this brief overview shows, Poland followed the path already laid out by Hungary a few years before¹⁸. Similar patterns also emerged in other CEE states, e.g. Romania or Bulgaria¹⁹. In all these countries, ruling politicians play on the large level of mistrust within the society. They gain political capital by deepening existing divisions and creating new ones, for example by establishing parallel CSOs that are close to the ruling parties. In effect, they drag civil society in their political struggle. They also take advantage of the poor financial condition of the CSOs by offering them access to public funds to buy their support. This could lead to the total loss of the independence of civic organisations which have the role of overseeing the authorities on behalf of (and together with) regular citizens.

However, when we look at the public trust in civil society, the impact of these stigmatising measures is debatable. An opinion poll conducted on representative samples of all four Visegrád countries in August-September 2017 shows that in the countries where people were exposed to the harshest smear campaigns against the CSOs sector and other activities aiming at dismantling the bounds rooting the CSOs in the society²⁰, the perception of the non-governmental non-profit organisations is visibly better than in the rest of V4. Almost 60% of Poles and 58%

of Hungarians declare trusting CSOs. These results also show that CSOs are perceived much more positively than the most important institutions of representative democracy – which only confirms the well known crisis that this system of governance is witnessing in the Western world.

Looking closer at Poland, these data are confirmed also by the latest survey from the Edelman Trust Barometer,

which shows that among 9 EU Member States surveyed (out of 28 in total) in 2018, Poland is the country with the second highest level of trust in CSOs (54%), and the second for increase of trust in one year (+6%, first is Sweden with

19%)²¹. Moreover, studies carried out after the smear campaigns have shown that public awareness of the role of CSOs in democratic societies have even grown in Poland as compared to its previous state²².

There are several factors that can help us understand these data. First, due to the public distrust in politics and representative institutions, inhabitants of both Poland and Hungary appear reluctant to accept the discourse produced by politicians. Second, from many different surveys we know that these

The ruling party started dividing CSOs into “bad” (liberal) and “good” (conservative) ones in both its narratives and activities

prime minister and composed mostly of the government representatives, was created. Its aim is to centralise the distribution of all governmental funds dedicated to the CSOs development as well as European and other international financial support. It is also responsible for controlling the CSOs operating in the country¹⁶.

At the beginning of 2017, the ruling party (PiS) suggested that the National Center for Civil Society Development should manage the roughly €40 million from the European Economic Area and Norway Grants to be allocated to supporting the civil society development in Poland¹⁷. A defamation campaign was launched against the Batory Foundation – the former Polish operator of the previous edition of Norwegian Funds for civil society. This campaign was led by the government as well as by a coalition of conservative, government-friendly CSOs. Many of these organisations were created *ad hoc* in February 2017. In the course of this events, narratives against foreign funding to Polish CSOs were raised, resembling to the so-called “foreign agents” laws known from Hungary and Russia. The ruling party started dividing CSOs into “bad” (liberal) and “good” (conservative) ones in both its narratives and activities. This has adversely affected organisations dealing with issues that do not fit into the conservative government program, as well as those that benefit from support from abroad.

¹⁶Pazderski, F. CSO Sustainability Index 2017: Poland, 2018b, USAID.

¹⁷Pazderski, F. Civil society development in Poland on the crossroads of political game, Visegradinsight, 2017b.

¹⁸Hunyadi and Wessenauer, Hungary: Advanced Negative Trends”, Belokurova E. (eds.) 2017 EU-Russia Civil Society Forum, Berlin, p. 98-122.

¹⁹For further consultation see <https://civicspacewatch.eu/>.

²⁰See Pazderski note 14 above, and Hundy-Wessenauer note 18 above.

²¹Ries E-T. et al, Edelman Trust Barometer. Global Report, 2018.

²²Gumkowska M. Co Polacy myślą o organizacjach?. Klon/Jawor Association, 2017. Warsaw.

**Level of distrust towards public institutions compared for the V4 area
(average results; scale: 1 – large trust, ..., 4 – large distrust)**

	Level of distrust to public institutions (means)				
	V4	Czech Rep.	Slovakia	Poland	Hungary
Fireman	1,36	1,31	1,35	1,39	1,39
Police	2,4	2,2	2,6	2,3	2,4
Local authorities in your village/town	2,4	2,3	2,6	2,4	2,4
Non-governmental organisations (CSOs)	2,6	2,9	2,9	2,3	2,4
President	2,6	2,5	2,5	2,5	2,9
Courts	2,7	2,6	3,0	2,6	2,6
Public media (radio i TV)	2,7	2,5	2,3	3,0	3,0
European Commission	2,7	3,2	2,9	2,4	2,3
European Parliament	2,8	3,2	2,9	2,5	2,4
Church	3,0	3,3	3,0	2,9	2,9
Government	3,1	3,1	3,1	3,0	3,1
Parliament	3,1	3,1	3,1	3,1	3,2
Political parties	3,3	3,3	3,4	3,3	3,3

SOURCE: CIVIC PARTICIPATION IN THE VISEGRAD COUNTRIES, 2017 & 2018, STEM/IVO/POLITICAL CAPITAL/IPA

**Still, CSOs are
perceived much more
positively than
the most important
institutions
of representative
democracy**

societies are largely polarised. As a consequence, when CSOs were attacked by the ruling party and by media they control, the part of the society that opposes the government stood stronger behind independent civil society. Third, other actors in the public debate defended attacked CSOs and explained their work to citizens in a fair manner. In the case of Poland this role was played by the private media, which were able to answer the accusations towards CSOs produced by public media. There is also a fourth explanation that might be even more interesting for us: these troubles pushed some of the CSOs to react and look for new, innovative solutions in the way they operate. The sector has started re-organising itself by establishing several thematic coalitions²³ and looking for support to their causes amongst their fellow-citizens.

²³ e.g. Citizens Observatory of Democracy, <http://citizensobservatory.pl/>

Some CSOs started changing their modus operandi not only to engage more with regular citizens and their constituencies,

but also to build or enlarge their circles of supporters. Some also started asking more openly for financial donations, for example using crowdfunding mechanisms²⁴. All of these measures have created the potential for countering the main problems of the civil society sector in the region. If civil society organisations in the region adopt such new internal arrangements and innovative methods of operation, they may come out more sustainable than before.

We already observe the positive effects that these new approaches have on public trust. We can conclude that the impact of the smear campaigns attempting

²⁴ e.g. Citizens Network Watchdog Poland, <https://siecobywatelska.pl/?lang=en>, Action Democracy, <https://www.akcjademokracja.pl/> or Civic Found, run by the “For Poland” Foundation, www.funduszobywatelski.pl

to undermine the perception of civil society organisations might be contained with clear counteracts from the civil society sector. Moreover, there are evidences that some new patterns of social behaviour are developing in the Polish society – those of more constant care of the public good (e.g. related to constant financial support to chosen CSOs). If supporting CSOs on a daily basis becomes more constant, it may create new opportunities for civil society to grow in the future, including overcoming the weakness of the private philanthropy that characterised Poland since the beginning of our political transformation. Nevertheless, for the time being, these challenges can bring a threat to their existence. Thus, we need to continue observing carefully current developments and try to respond to them in a collective manner within the national and European civil society! ■

RAISING THE PROFILE OF INDEPENDENT CIVIL SOCIETY THROUGH SOCIAL MEDIA

A COALITION-BUILDING EXPERIENCE

Dorota Setniewska

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By the end of 2016, Poland's public media started undermining the credibility of several civil society organisations found inconvenient by the authorities. Targeted NGOs were working to protect freedom, democracy, civil rights and equality but the smear campaign had a negative impact on the entire sector. The unspoken goal of the government was, and still is, to reduce the level of confidence among Poles towards independent civic organisations and to sow distrust.

Civil society in Poland felt an immediate need to create a coalition among the sundry independent groups to counter the trend. It will clearly take a long-term, systematic campaigning to strengthen the civic sector and to improve its tarnished image among the society. We need such actions to systematically raise the level of public awareness concerning the array of positive activities on the part of independent organisations, their role in everyday life of people, and their part in developing and strengthening the society at large.

Informal coalition of Polish CSOs

In reaction to the smear campaign, in the beginning of 2017, representatives of several dozen organisations decided to hold regular meetings to work out an action plan jointly. The goal was to strengthen the NGO sector and to defend it against similar attacks in the future.

From the beginning of 2018, our group has worked out the principles for a nationwide, long-term information and promotion campaign about the activities of civil society organisations in Poland. The goal of the campaign is twofold:

- 1 on the one hand, it targets the civic sector with an aim to build solidarity among organisations working in different thematic areas and different geographical regions and create a sense of unity among them, so that if some of them are attacked, smeared, compromised, others will stand by them and defend them;
- 2 on the other hand, it targets the general public with an aim to raise the profile of CSOs, increase public trust and appreciation for their work, and, as a result, build the foundations for public support and resistance to anti-NGO propaganda/narrative.



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Dorota Setniewska is a communication specialist, working for over 15 years in the NGO sector. She planned and carried out several communication strategies for raising awareness in national campaigns and advocacy matters. Currently, she works as a promotion and communications specialist and coordinates campaign such as "Social organisations. It works!".

Preparatory activities for the nationwide campaign started in May 2018. The preliminary budget for promotional activities was made up of contributions by over 20 CSOs representing different sectors, both large and smaller ones. All activities are managed by a coordinator delegated to this task by one of the partner organisations. In developing the communication strategy, the coalition seeks the support of PR and marketing consultants as well as a research company offering their help pro bono or at discount rates.

National public campaign

The main coalition's activity was a national public campaign called „Social organisations. It works!“. During the focus groups carried out at the preparation stage, we found that expressions such as NGOs, non-profit, third sector are unclear and confusing for the public. The most appropriate and understandable expression was “social” organisations. Studies also showed that the most important values for organisations' reputation were

- 1 the positive impact on people's day-to-day lives,
- 2 the measurable effects of their activities and
- 3 their social impact.

Based on these results, we decided to use the expression “social organisations” and show effectiveness (“it works!”) of CSOs in the campaign's slogans. The communication also focuses on the diversity of sectors covered; their role in day-to-day live; positive impact and “social activism” as the demonstration of freedom and democracy available to everyone.



After five months of preparation, we have launched the campaign on October 19. The campaign's message consists of three elements:

- *emotions*: human stories, both activists and beneficiaries, positive narration (see pic.)
- *facts and figures*: scale and effects of CSOs activities
- *education/information*: how foundations and associations work, what their role is, how they are financed etc. – through media mostly: press releases, interviews etc.

The campaign is planned as a long-term activity with three stages:

- 1 We introduce CSOs: who we are, what we do, why we are needed
- 2 Everyone can join CSOs: how one can join or support
- 3 Fundraising campaign: promotion of financial support for the organisations

▲ *Emotions* – short (1 min. max) stories in social media

Key communication channels are social media (profiles on Facebook, Twitter, Youtube, Instagram) and traditional media. The campaign's website (todziala.org) gathers all information and materials: human stories, basic facts on NGOs as well as Q&A, press releases, media contact etc.

We aimed to reach the largest possible audience through viral short videos and memes and to encourage Polish NGOs to “stamp” their activities in social media with campaign's hashtag #todziala.

At the same time, we plan to make representatives of CSOs more visible in public debates. We have already started to create a database of activists-experts on different topics; we want to expand it and make popular among journalists. In just three weeks of activities, we have reached ca 160,000 range in social media. ■

FRAGILITY AND RESILIENCE OF CIVIC SECTORS IN TROUBLED WATERS

A CZECH REPUBLIC INSIGHT

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Jolana Turnerova and Ryan Turner

CSOs helped Czech democracy to grow amidst the post-communist transition but, as in other Eastern European countries, they are still facing low trust and recognition by the public, weak government recognition and low media attention.

Since the early days of the Czech Republic, the civil society sector has been essential for Czech social, cultural, economic, and civic life. During the brutal periods of totalitarianism, fascism and communism, organisations were not allowed to exist. Authorities were fearful of any force that could unify people, mobilise citizens, and engage political influence against oppressive political forces. While civil society organisations (CSOs) helped the young Czech democracy to grow amidst the post-communist transition, challenges to the sector still exist, including:

- ▶ Low trust and public awareness of the sector's relevance and social benefit;
- ▶ Weak government acceptance of the sector's voice and influence;
- ▶ Low media attention regarding the sector's diversity and impact.

THE CONTEXT IN WHICH CIVIL SOCIETY OPERATES: LOW TRUST AND LOW PARTICIPATION

While since 2008, Czechs have shown higher trust in democracy than in the past, according to the *Hodnoty a postoje v České republice 1991–2017* survey conducted as part of the European Values Study, only 23% of Czechs believe it is possible to trust others. The same survey found that Czechs are less tolerant towards people of different ethnicities and beliefs, and even less trusting of their own neighbours. The traditional public distrust in others and in politics results in low active civic participation. Between 2015 and 2017, the Czech government faced an especially intense crisis of confidence due to a series of controversies and scandals including:

- a. the ongoing investigations into the conflicts of interest around then-Deputy Prime Minister and Finance Minister (and current Prime Minister Andrej Babiš);
- b. the attempts by the current President Miloš Zeman to curtail the separation of powers;
- c. the ongoing legal / judicial proceedings into past government administrators and elected officials;
- d. the inability to form a majority governing coalition among a number of establishment parties, due to both intra- and inter-party disagreements.

At the height of the constitutional crisis during Spring 2017, both large demonstrations and smaller protests took place across the country.

Public distrust is a sad, yet increasing reality which also affects Czech NGOs.

According to the March 2018 Public Opinion Research Centre (CVVM) survey on public attitudes towards key social institutions, non-governmental organisations were high among the key social entities that faced the greatest levels of public distrust (51%) instead of public confidence (36%). The same survey noted that, at best, Czechs viewed NGOs at a level of 50% confidence in 2012. Since October 2015, however, there has been a steady decline in positive public opinion towards NGOs and the NGO sector.

The increasing level of public distrust in the Czech Republic is a mirror of

Civil society tends to focus only on short- to mid-range objectives, at the expense of long-term stability. This constraint also limits the ability to sustain or scale successful projects beyond the pilot stage.

similar developments across Central and Eastern Europe. This distrust reflects collective fears, suspicions, and tensions among interests that have been divided for decades, if not centuries. Opportunistic forces are now exploiting those same tensions to limit, if not undermine, the very foundations of democracy by attacking social institutions in all forms. The best efforts of NGOs to bridge these long-standing divides now face tremendous political and social pressures as economic and cultural challenges continue to increase.

WEAK GOVERNMENTAL SUPPORT FOR THE SECTOR

At present, there is no central Czech agency with the sole or primary responsibility of coordinating NPO/NGO policy and regulatory matters. organisations must navigate across ministries, often with conflicting rules and expectations.

This is most evident when applying for funds, implementing programmes, and complying with evaluation and reporting requirements. Any shift in the political environment, therefore, directly affects the sector's existence and ability to serve people and communities.

Public funding is scarce and unpredictable: every year, CSOs have to compete to obtain the same public grants. As a result, civil society is largely financed by foreign donor government sources, including EEA Norway Grants and the European Social Fund. These sources generally restrict support to project-based efforts, usually with a fixed duration of 2-3 years maximum.

Because a general operating support for Czech organisations is missing, civil society tends to focus only on short- to mid-range objectives, at the expense of long-term stability. This constraint also limits the ability to sustain or scale successful projects beyond the pilot stage. Recently, smear campaigns depicting Czech NPOs/NGOs as economic parasites have been led by prominent political leaders, including Czech President Miloš Zeman, who regularly calls NPOs/NGOs "leeches (pijavice) of the state budget". He particularly targets organisations deemed "political", those providing humanitarian aid internationally, charitable services domestically, regional European planning and development partners, and even donor entities

Online and social media are giving NPOs/NGOs the opportunity to create spaces for communicating their work directly with the public, while connecting with stakeholders and supporters

which assist and invest in the Czech society and economy.

The Czech government also has threatened to limit the availability of public funds for NPOs/NGOs. During Spring-Summer 2018, the coalition government issued a series of conflicting statements regarding the allocation of subsidies available to the sector for the 2019-2020 fiscal year. The messaging was that funding would be sizably cut by CZK 568 million (approximately 22 million EUR). Political statements implied that the cut would particularly affect "political" organisations.

Multiple rationales were issued for the proposed cuts, including the need for budget deficit reductions and concerns for waste, fraud, and abuse. Such

concerns were not supported by examples of corruption in the sector. On the contrary, these harmful narratives appeared to be an attempt to damage public trust in civil society.

The most vocal proponents for eliminating the availability of public subsidies for NPOs/NGOs have often been political parties most linked to anti-democratic sentiments, anti-EU attitudes, targeting ethnic minorities, religious groups, LGBT people, and other vulnerable groups and marginalised populations in Czech society. Of particular attention are the actions of the SPD (*Svoboda a přímá demokracie*) party, which has seen incremental gains in political influence in recent years. The leader of the SPD, Tomio Okamura, currently serves as Deputy Speaker of the Chamber of Deputies.



THE AUTHORS

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Ryan Turner is an Expert-in-Residence at Spiralis. He serves as advisor on their "Spectrum of Women's Development" and "Thematic Network for the New Legislation" platforms. Since 1996, he has worked as a volunteer, consultant, and advocate for civil society and social entrepreneurship efforts throughout Central and Eastern Europe.

THE MEDIA LANDSCAPE: OUR MESSAGE IS LOST

Civil society's voice has difficulties to reach out the public due to the concentration of media ownership, lack of balanced media coverage on issues involving NPOs/NGOs, and lack of media capacity within the NPO/NGO sector. Media access and awareness directly determine the reputation of civic organisations and how well the public understands their activities. Media attention also determines which issues are covered, and which perspectives are captured in the reporting.

Concerns are growing about efforts to undermine the social fabric of Czech society by marginalising NPOs/NGOs. This is a growing threat especially for organisations serving the most vulnerable populations in our society.

Political and media forces have suggested that groups helping refugees and migrants are undermining Czech society. These same forces have also suggested that foreign agencies, private foundations, and individual donors want to eliminate democracy.

The challenges for NGOs at the intersection of media and civic spaces include more audience fragmentation,

shorter attention spans, and a public seeking information that confirm already-held beliefs and biases, which reinforces their existing distrust in social institutions.

NEW OPPORTUNITIES AND STRATEGIES

Even as public distrust grows, more than 130,000 non-profit / non-governmental organisations are currently registered in the Czech Republic. Younger, less professional organisations and social movements are emerging focusing more explicitly on local issues. Emerging groups are instead framing their existence with respect to a broader spectrum of diverse needs and complex challenges across all levels of society. These newer organisations are also embracing technology and innovative financing models.

Despite growth in the number of organisations, membership levels in traditional

NGOs are also becoming more active in discussing their role in society against a changing landscape of political hostility, economic uncertainty, cultural apathy

organisations is in decline. This has a direct impact on funding available for Czech organisations. Nevertheless, NGOs do have some options available to counter these threats.

Online and social media are giving NPOs/NGOs the opportunity to create spaces for communicating their work directly with the public, while connecting with stakeholders and supporters. There is also even a small, but growing, set of Czech media players focused on NPO/NGO sector issues. These channels may also present opportunities for enhanced and expanded dialogue with largely disconnected audiences.

Cross-sector collaborations, with an emphasis on strengthening NGO capacity, is crucial. Spiralís has been coordinating the NGO's Development Platform that includes 28 NGO partners from each region of the Czech Republic. It serves as a catalyst for policy advocacy of the NGO sector, enabling citizens and organisations to inform about the legislative and regulatory framework

for the sector. This helps ensuring greater citizens' engagement and civic activity on concerns affecting all Czechs.

NGOs are also becoming more active in discussing their role in society. In December 2018, Spiralís launched „Make

Europe Great for All”

(MEGA) campaign, resp. its Czech version „Posilujeme Česko“. The aim of the campaign was to reinforce the importance of NGOs against a changing landscape of political hostility, economic uncertainty, cultural apathy, and social doubts for civil society, in democracies where civic spaces are closing. ■

BACK TO THE ROOTS TO RESIST BACKSLIDINGS IN DEMOCRACY AND ATTACKS TO CIVIL LIBERTIES A WAKE UP CALL FROM HUNGARY

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Interview with Veronika Móra

Attempts to vilify and restrict civil society space, alongside limitation of the independence of the judiciary and of the media in Hungary are notorious.

The good news is that civil society is finally organising to strike back.

As addressed in the previous edition of *Activizanship*, in the last decade, Hungary experienced a democratic backsliding illustrated by the limitation of judiciary independence, the creation of partisan media industry, and the centralisation of public education, among others. Attempts to vilify and restrict civil society are part of the trend. Veronika Móra

from Ökotárs - Hungarian Environmental Partnership Foundation, shares some insight on civil society strategic responses.

Civil society in Hungary is under unprecedented pressure. Can you tell us more about the last measures to control and stigmatise civil society, passed in the summer?

Civil society has been under increasing pressure for the last six-seven years. The anti-civil society campaign consisted of many forms, including media smear campaigns and vilification, administrative harassment and stigmatising legislation. Last year, a law was passed stigmatising foreign funding and organisations receiving financial support from abroad.

A WAKE-UP CALL FOR CIVIL SOCIETY

According to Veronika Mora, these attacks forced civil society to address challenges that already existed but were long ignored.

While there was democratic opposition to the communist regime on the ground in the 80s, in Hungary, as elsewhere in Central Europe, the transition from socialism to democracy was managed top-down following the model of the Perestroika in Russia. The transition was centralised, without strong civic movements leading it. Parallely, the economic restructuring of the early Nineties meant heavy economic and social costs on the majority of the population. As a result, while the Hungarian population did not have to fight for freedom, they did not experience freedom as a liberating, positive force.

Civil society grew under these circumstances. While some civic movements were already present in Hungary in the 19th century, they suffered a long vacuum during the Communist regime. The majority of civil society organisations started raising in the early Nineties. At this time, US private donors played a very important role in developing civil society in Hungary. They appeared very early on and brought not only money but also methods, strategies, philosophies to organise and move forward.

When American funding left the region, the EU funding lacked a strategy for the further development of the sector. CSOs were treated as sub-contractors or service providers receiving grants to perform specific tasks. Civil society started relying on funding from public and private institutions that

were project-oriented. Accountability was focused towards the donors, rather than the people benefitting from their projects. This short-term perspective did not encourage civil society to innovate, build constituencies or explain their work and functioning to the broader public.

The NGO world also shows some of the societal divides that characterise the country: civil society in the capital was disconnected from the countryside, and vice versa. The consequence was low public awareness of civil society, and therefore, civil society was vulnerable when the government-led attacks started, and the public did not respond (or just in a small way).

Today, civil society response stems from the new awareness of these weaknesses.

According to Veronika Mora, there are four pillars:

Constituency - building strong roots into the society

Communities - encouraging active citizenship and participation in public debate

Communication - narrating civil society story and gaining support

Coalitions - building trust and standing up for each other

Civil society in Hungary is using communication to shorten the distance with the citizens and engage them in the public debate on the role of civil society. For example, in autumn 2017, Civilizacio members travelled to major countryside cities for a series of “Civil Evenings”, an opportunity for the local communities to meet and discuss with representatives of the national NGOs.■

“STOP SOROS” PACKAGE

On 20 June, the Hungarian Parliament passed changes to the Fundamental Law and the Penal Code, known as the “Stop Soros” package, sanctioning under criminal offence individuals and organisations carrying out any migration-related activity, including “border monitoring at the external borderlines of Hungary” and preparing or distributing “information materials or commissions such activities“. The broad definition of such activities hampers legal certainty that must be ensured by penal law and raises issues of legitimacy and proportionality.

The Hungarian Helsinki Committee commented:

« the Criminal Code provision (Section 353/A on ‘promoting and supporting illegal migration’) uses vague notions; hence it breaches the criteria of legal certainty. The sanctions concerning the activities of civil society organisations clearly breach the right to freedom of expression and the freedom of association, which are protected not only by the Fundamental Law of Hungary but also by the European Union Convention on Human Rights and the European Union Charter on Fundamental Rights.»

The Parliament also introduced a “special tax on immigration”, sanctioning up to 25% of the income of any organisation, with the exception of political parties and public foundation, whose work is in any way related to migration. According to the English translation of the law by the Hungarian Helsinki Committee, activities include:

“a) carrying out media campaigns and media seminars and participating in such activities;
b) organising education;
c) building and operating networks or
d) propaganda activities that portray immigration in a positive light.”

On the same day, an amendment to Hungary’s Fundamental Law was approved which prioritises the right to privacy and family life over the right to assembly. According to Amnesty International Hungary, the legislation « could pave the way for violations of the right to freedom of assembly under international and regional human rights law by allowing the state to unnecessarily and disproportionately interfere with the right to peaceful protest. Specifically, the law may allow authorities to restrict protests without requiring that such restrictions be strictly necessary and proportionate to protect the rights and freedoms of others or to advance another legitimate goal. Such a blanket restriction on peaceful protest would undermine the right to freedom of assembly and cut off an important avenue for the public in Hungary to collectively and publicly address their concerns to political figures and other state actors.»

[Originally appeared on the Civic Space Watch]

This year, the newly elected Parliament passed legislation dubbed the “Stop Soros law”. On the one hand, this legislation criminalises people who provide support to immigrants - refugees and asylum seekers -, including those who give legal aid. On the other hand, the law penalises organisations through a tax of 25% of their income if they help immigrants and refugees. Both legislations are formulated in a very intentionally opaque manner, meaning that it is very hard to decide to whom they will apply. So far none of them was implemented or enforced against any organisation and person, but they are good to maintain an atmosphere of intimidation and insecurity among civil society organisations.

Have these measures had an impact on public trust in civil society organisations?

Interestingly, so far at least around half of the Hungarian population trusts civil society and views it more in a positive manner. There have been several public polls made over the last year, and this showed that the Hungarians consider the work of NGOs important, including those that are funded from abroad. The latter are less popular, but a significant part of the population still considers them important and doing good

work. However, we also see from the same polls that when asked to name a civil society organisation, only 18% of the respondents could do so. So, while Hungarians are generally more positive than negative towards civil society, they know very little about it.

Why do you think so? Why is there such high trust in civil society but little knowledge?

The latter question is easier to answer. I think part of the responsibility goes to civil society organisations themselves too. Now we see more clearly that in the first decade of the 2000s, civil society organisations did not do enough to convey their messages to the public, to make people understand what they do and how is it important, how it helps Hungarian people and the Hungarian society. As to the former, I would say that until very recently the news coverage had mostly been positive about the work of NGOs. So, many people still think that NGOs are about charity and social services, which are not so conflicting or controversial issues.



THE AUTHOR

Veronika Móra has been working with the Hungarian Environmental Partnership Foundation (Ökotárs) since 1997 and holds the position of the Director since 2007. Besides her full-time occupation, she also volunteered in a number of NGOs, among them the chairmanship of the Hungarian Donors Forum, which works on developing the (corporate) philanthropic culture in the country.

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“First came the media campaign and vilification statements, which are pretty stable since 2013. This was later accompanied by administrative harassment, such as inspections by the tax authorities or other state agencies. In 2014, this culminated in criminal accusations and, even, raids of civil society’s offices. Later came the court battles and the restrictive legislation.”

29 MAY 2010

Orban becomes Prime Minister for the second time after winning the elections with a large margin.

25 APRIL 2011

Adoption of the new Hungarian Constitution, a clear shift towards authoritarianism that endangers media pluralism, the independence of justice, the freedom of religion and the possibility of alternation in political power.

14 AUGUST 2013

First claims in pro-government media that some NGOs are “serving foreign interests”.

APRIL 2014

Fidesz wins the general elections, and secures its two third majority at the Parliament.

Has the strategy of civil society in communication and accountability changed due to the pressure?

There is increased awareness about the need for communicating our causes and our work and bringing it closer to the people. Not to talk about it in abstract terms but to show how the work of civic organisations actually helps people, be the protection of their rights or providing some services or helping in any other manner. Also, organisations are more aware and more conscious about the need for making themselves transparent, for example by putting on their website their reports and finances. Though I must say that the legal requirements make the work of the sector quite transparent and accountable anyway, organisations realise that they have to go beyond just the legal requirements.

Coalition-building has been crucial for Hungarian civil society to respond to illiberalism. Tell us more about Civilizacio and the role it plays in coordinating civil society's reaction.

Traditionally, cooperation within the civic sector was quite weak in Hungary. There were some sub-sectors where organisations could work together, for example, the environmental NGOs... But in a broader sense, there was very little

cooperation. To the contrary, sometimes organisations viewed each other as competitors.

However, the developments of the last couple of years, with the environment becoming increasingly hostile, led nationwide NGOs to realise that they need to cooperate, they need to find ways to work better together and stand up for one another.

The Civilizacio movement emerged at the beginning of last year with the first news about the act on foreign-funded organisations. It took quite a lot of discussion among the organisations to understand each other, understand each other's approaches, sensibilities, and to find good ways to work together, a kind of *modus operandi*.

Last year, before and after the foreign-funded law was passed, NGOs were able to organise several major actions such as a street demonstration, which drew about 10,000 people and a protest in the Parliament Justice Committee session where they discussed the last draft legislation. Later, 23 of them submitted a joint petition to the Constitutional Court to challenge the legislation.

These successes also brought the organisations together. We have something to build upon, something to remember. Even though eventually, we were not

While Hungarians are generally more positive than negative towards civil society, they know very little about it

MAY 2014	26 JULY 2014	AUGUST 2014	8 SEPTEMBER 2014	JUNE 2015	2017
The Prime Minister's Office publishes a blacklist of 13 organisations, the "dirty thirteens".	Orban declares his objective to build an "illiberal State". He refers to NGOs as "paid political activists" helping foreign interests.	First criminal procedure is launched against the operator foundations of the Norway Grants.	Squads of police officers raided the offices of Ökotárs and Demnet, two foundations that were charged with the distribution of Norwegian grants for civil society.	A communication campaign against refugees is launched by Orban's Government.	Government steps up its anti-CSO campaign targeting "foreign funding".

successful because the law was passed, we still keep on working together, and right now we are very consciously building ways to defend one another quickly, should any of the organisations come under fire and be directly attacked.

On the other hand, we also realised that we need to broaden this circle of organisations that work together and also go out to the countryside, not just to remain in the capital. This is the other main line of our work: to engage directly with smaller, local countryside organisations and try to have them to create their own networks as well.

In August, the Italian Minister of Interior Matteo Salvini was in Milan to welcome Viktor Orban. It seems that representatives from illiberal groups are quickly learning from each other and sharing best practices to restrict rights. Do you think that civil society should do the same, sharing best practices to resist across borders, to learn from each other's experiences?

Absolutely, and I think it is already happening. For example, we had several exchanges with the Polish civil society organisations. We tried to learn how they act and exchange our mutual experience, but it happens with civil society from other countries as well. It is absolutely necessary not only to look at what our governments do or how the anti-civil society measures are shaped, but also to learn from one another. I think each of us has, in its own ways, something to bring into this.

Before and after the foreign-funded law was passed, NGOs were able to organise several major actions such as a street demonstration, which drew about 10,000 people

Hungarian civil society received massive support from all across Europe, organisations and citizens sent messages of solidarity.

What impact does international solidarity have?

It is very important for our mental health to feel that we are not alone. We do not have to struggle by ourselves; many pay attention to what is happening in Hungary, which is a small country. And not only do they pay attention, but they also express their solidarity or stand up for Hungarians. Unfortunately, the policies of the Hungarian government will not change as a result of this expression of solidarity, but to us, civil society organisations under pressure, it is very important.■

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13 JUNE 2017

Parliament adopts the Law on the Transparency of Organisations Supported from Abroad.

28 AUGUST 2017

23 Hungarian NGOs jointly petitioned the Constitutional Court of Hungary to annul the legislation.

2018

Electoral propaganda targets NGOs which in any way work with asylum seekers and refugees.

8 APRIL 2018

Parliamentary elections take place: the Fidesz-KDNP alliance gains two-thirds majority again.

20 JULY 2018

Parliament approves legislation criminalising solidarity.

25 AUGUST 2018

25% tax on the donors of NGOs which "support immigration" and NGOs themselves enters into force.

THE MOST DREADED NARRATIVE KEEPING CIVIL SOCIETY BUSY

A CRITIC-FREE GOVERNMENT IN ROMANIA

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Andrei Pop

To redress its position in the present context, civil society has limited options. Most of them relate to changing its narrative, and thus reaching higher constituencies in support of its vision for open society based on the effective right to open criticism.

On August 10th, a large number of Romanians working abroad, home for the holidays, were planning to express their grievances to the government in front of its main office in Bucharest. This was announced in the context of on and off peaceful anti-corruption protests in this square ever since the beginning of 2017, when the newly installed Social Democratic Government tried to pass an emergency ordinance alleviating anti-corruption legislation.

Under the excuse of an overinflated number of people expected to participate (one million), the actual tens of thousands of protesters in Bucharest were for the first time met by an impressive number of riot police officers. Also unlike any of the previous protests, the August 10th protesters, including parents with children, were actually met with active dissuasion measures by

the riot police, such as large amounts of tear gas.

Later in the evening, an official order to clear the square of any protesters led to massive violence towards the remaining people, including the use of a water cannon and the old-fashioned beating. More than 400 people needed medical assistance, some of them seriously wounded. The riot police subsequently claimed the situation was due to the fact that protesters were violent themselves. However, shocking footage rapidly began circulating online, with completely peaceful protesters being randomly beaten by the riot police, while the rather scarce violent protesters actually seemed to be singled out by the other protesters.

George Soros
became the
epitome of evil in
the discourse of
Romanian
political leaders

Besides the totally random use of force by the state representatives, what made August 10th special was the utter lack of subsequent apologies or responsibility by the governmental leaders. On the contrary, the official discourse involved a strong narrative justifying the violence. Thus, major political leaders stated the protest was actually a Coup d'Etat organised abroad, that the protesters were on drugs or even that the shocking video footage might be fake and that any statements from the political opposition condemning the violence are in fact undue intimidations on the institution of the riot police. In terms of actual policy, the Government had a clear response: it announced a revision of the law on public assemblies was necessary and would be soon initiated. Topping it off, late October, the Ministry of Interior officially proposed one of the main riot police coordinators for the August 10th intervention for a significant promotion, from colonel to general.

THE GOVERNMENT IS WILLING TO DO WHAT IS NEEDED IN ORDER TO DISSUADE CRITICISM

The simple meaning looming after the August 10th protest is the fact that peaceful criticism of governmental action is now expected to trigger violent reprisals from the state.

The fact that the government was not willing to allow criticism had slowly emerged in the last few years: Romanian civil society has been busy responding to a great number of threats coming from the government. Some of them have turned into real policy in the meantime, in terms of burdening the legislation governing the sector. The most recent example is the gold plating used by the Government to transpose the 4th EU Anti-Money Laundering Directive in early fall 2018. Thus, the transposed law

Civil society is
thus in one of
the most frail
positions ever
since 1989

includes NGOs amongst the entities obliged to high reporting, just like banks and other financial institutions, way beyond the provisions of the EU Directive. Similarly, following this law, the government will be able to demand the dissolution of any NGO which refuses to regularly submit the list of names and personal data of the citizens benefitting from civil society projects.

Moreover, the major topics preoccupying civil society, such as independent justice, anti-corruption or LGBT minority protection, are ready to crumble at any time, with government representatives totally ignorant at NGO arguments about the toxic effects of the policies proposed in these fields. In the meantime, there are hardly enough resources left within civil society to deal with the more specific, but often highly stringent human rights and social service issues.

Civil society is thus in one of the most frail positions ever since 1989. And it is now becoming clearer that, fundamentally, the situation is due to totally

different understandings, one by the government and the other by civil society, of one clear-cut issue: should or shouldn't a democratic government be subject to criticism by its citizens? On the one hand, civil society considers its duty, not only its right, to criticise government whenever the welfare of citizens is at risk. Even more, before early 2017, civil society was enriched with a great number of informal groups and actively engaged citizens, adding to the strength of the institutionalised CSOs. Such citizens have been extremely visible and active in terms of demanding what they consider to be rightfully theirs, even if they had to take to the streets in peaceful protests.

On the other hand, the government creates more and more intricate scenarios explaining why its critics are totally worthless in the Romanian society, while the policies it is proposing are utterly necessary in order to save Romania. Even worse, the critics are usually presented to be outside the

The government is willing to do whatever is needed in order to dissuade criticism, even if this involves such drastic changes in narrative and action, highly incompatible with an open society

law, the state or even outside common sense, it is them that Romania needs to be saved from. Any of the critics against the government are said to be animated by essentially bad intentions, threatening national identity and even the functioning of the state. This is in fact how George Soros became the epitome of evil in the discourse of Romanian political leaders and how two distinct proposals on sanctioning anti-Romanian behaviour were tabled in Parliament this year.

On August 10th, such different perspectives on the idea of criticism dramatically clashed. Violently. Memorably. Sadly. It became clear that the government is willing to do whatever is needed in order to dissuade criticism, even if this involves such drastic changes in narrative and action, highly incompatible with an open society. To redress its position in this new context, civil society has limited options, and most of them relate to changing its own narrative, and thus



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reaching higher constituencies in support of its vision for open society based on open criticism. An integral part of this solution is for institutionalised civil society organisations to better facilitate support and partnership with the newly formed, informal, civic groups, while also improving access to varied, but sustainable funding sources covering such new types of solutions. ■

UNPACKING THE LIMITS OF THE ANTI-CORRUPTION PROTESTS IN ROMANIA

FROM CONTESTATION TO A NEW CONSTELLATION

Florin Poenaru



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While the success of the anti-corruption mobilization in Romania was praised internationally, the #rezist movement is showing its limits as political parties of the opposition capitalized on it to delegitimize the government rather than bringing real system-change.

For almost two years, Romania has witnessed significant political turmoil. The loosely articulated and leaderless #rezist movement has accused the ruling government coalition of trying to roll back anti-corruption legislation to the benefit of Liviu Dragnea, the head of the Social Democrats, and other party members, currently investigated for various corruption allegations. From their perspective, the Social Democrats emphasized the need to alter legislation in order to stop the abuses committed by the judiciary in the name of fighting corruption, especially the unconstitutional collusion between the magistrates and the secret services.

This confrontation took the form of a genuine civil war in the media, each side mercilessly trying to destroy its opponent via an arsenal of tactics involving slurs, fake news and double standards. But it did not stop to that: the #rezist movement was notable also for the way it managed to organize spectacular street demonstrations, some of them mobilizing hundreds of thousands of people in the big cities of the country. One of them is particularly noteworthy because of its violent repression: on

August 10, 2018, the demonstration against the government was violently repressed by the police and the gendarmerie by indiscriminately beating up protesters and by using tear gas and water cannons. This only exacerbated the animosity between the two camps and the virulence of the language used.

Politics subsided for the festive season, but this is surely only the quiet before the storm: in 2019 there will be elections for the European Parliament and, more importantly, for the President. It will be a heavily contestatory year.

IDEOLOGICAL SHIFTS THE SOCIAL DEMOCRATS: DIVIDE ET IMPERA

Ideologically, the situation is particularly murky. What does a libertarian economic advisor for PNL (the national liberals, the main opposition party) have in common with the Minister of Finance (a member of the social democrats, the main party in power)? They both want to get rid of the minimum wage. For both, the minimum wage is an indefensible burden placed



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This kind of policies amount to constant friction between various social categories that fight among each other and are thus unable to organize their efforts together

on the private sector that restricts economic growth and dynamism. It also makes the workers feel entitled and, thus, prone to slacking off.

What kind of ideological collusion is this? At first glance, it seems to be an old hat. In the past 30 years, under the weight of neoliberalism, the Social Democrats moved increasingly to the right so much that what initially seemed like a necessary compromise became an identity change. This type of social democracy began to collapse everywhere in Europe following the 2008 crisis and, most spectacularly, in the US with the defeat of Clintonism 2.0. What seems to be replacing the old establishment is yet to be fully crystallized, but a combination of right-wing nationalistic, protectionist and anti-establishment parties with neoliberal-populist movements à la Macron seem to offer the contours of what lays ahead. In this context, a radicalization of the right-wing features of the social democrats in order to stay in the game is not beyond imagination.

But social democrats in Eastern Europe are a different story and, as the Romanian case shows, disturb our familiar understanding of the left-right divide. Just like in other countries of the former communist states, the Social Democrats in Romania were the successors of the Communist Party. As such, they were

called to do two contradictory things simultaneously: on the one hand, to hang on their immense electoral base through protectionist and paternalistic policies; on the other hand, to stabilize the political and economic situation by making precisely those changes and reforms that negatively affected their electoral base. The pursuit of NATO, but especially EU membership, which in many countries of the former East was accomplished by social democratic parties, made this contradiction even more acute.

In this constellation, paternalism towards the former working classes and the poor became synonymous to a left-wing orientation even though there was no substance to it and it came in the same package with neoliberal measures. Therefore, what we identify today as a staple of the new populists like Trump that mobilize the language of class for their political goals was already a defining feature of the post-communist social democrats. What the success of Trumpism and ilk-like

movements did was only to galvanize features that were already constitutive of the populist-paternalist political assemblage of post-communist social democracy.

From the perspective of Romania, what is truly perplexing is neither the complete demise of social democracy to the right nor the absence of even a modicum of left-wing mobilization. The real question is how fundamentally opposed policies are able to coexist, implemented as they are by the same political party. The Romanian social democrats are a case in point. Ideally, they would like to get rid of the minimum wage while they almost doubled it in the past few years. Increases in wages and pensions went hand in glove with a new provision that stipulates that only the employees pay for their social security and pension taxes (the capital is exempted). State expenditure for education and health remains the lowest in the EU while the government recently announced a plan for granting more direct subsidies to private firms and businesses. Expenditure for defense went up, while local authorities had to be bailed out because many of them finished their annual budgets by mid-July.

While such a strategy might be labelled textbook-populism (offering minimum concessions to labor while granting even more to capital), it is, in fact, a strategy of rule by divide. What this kind of policies amount to is constant friction between various social categories (and in some cases, the social democrats in power even encouraged a mild criticism of the global capital in favor of the national one) that fight among each other and are thus unable to organize their efforts together. Recent increases in salaries pitted the employees in the private sector against those working for the state. But in the state sector disparities in salaries are still huge, therefore trade unions continue to elbow their way into securing more for their members from the government.

This constant fragmentation enables the Social Democrats to keep a steady ship while presenting themselves as indispensable for people with lower wages and those working in the state sector.

No wonder in this context that there is no opposition. The chief reason is a very weak internal organization of the main opposition parties, with no leaders, no ideas, and no strategy worthy to speak of. While this situation has historical roots, the double strategy of PSD (contradictory policies and fragmentation) also makes it very difficult to formulate alternative policies, either on the right or on the left. Basically, they can cover the whole spectrum, from increases of the smallest pensions to tax breaks and incentives for capital. This makes the party quite powerful, already enjoying a solid base and structure at the lower levels, but also quite arrogant and prone to clientelism and clan-like promotion and internal selection.

the definition referred mostly to the actions of politicians and state functionaries; corruption done by capital, especially global firms, was conveniently left out of the investigations

**#REZIST
MOVEMENT:
WHO'S THE
WINNER?**

In this context, PSD was particularly prone to become the target of the anti-corruption campaign. The party has a long history of corrupt leaders. The current one, Liviu Dragnea, was already convicted for electoral fraud while his sentencing in another case (for abuse of office) is pending. He is hardly the type of figure who could credibly enforce much-needed reforms of the judicial system.

Without retracing the entire history of the anti-corruption campaign in Romania it is worth remembering that it was meant from the very beginning as a tool in the hands of the former president Traian Băsescu in order to fight the political class as such. No one disputes that corruption has been and still is a problem in Romania, (albeit its levels and outreach are more often exaggerated than real) and something had to be done. But the definition of corruption was very narrow and it referred mostly to the actions of politicians and state functionaries (corruption done



**The #rezist movement
was unable to
articulate anything
more than street
mobilization and social
media guerrilla war**

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by capital, especially global firms, was conveniently left out of the investigations).

But the problem with anti-corruption is not restricted to its design, which was faulty to begin with. Its long-term effects are more damning. Anti-corruption managed to strip of credibility the political class as such and to raise suspicion to the political act in itself. Politicians and politics are dirty by nature, they must not be trusted and should always be kept in check. Technocrats and other unelected figures should fill the void and directly administer things for the people.

With the #Rezist movement, anti-corruption has shifted from being a state-backed policy of the judiciary and the secret services under President Traian Băsescu to becoming a way to channel the

opposition against PSD and its policies. But the #rezist movement was unable to articulate anything more than street mobilization and social media guerrilla war. The true beneficiary of the current turmoil in Romania is USR, a political construction that is simultaneously a party and a movement with deep roots in the post-socialist civil society sector.

USR stands for Union Save Romania. Before becoming the name of a party that managed to enter the Parliament in 2016 with a noteworthy 9% of votes, it was a generic name for the movement against Roșia Montana gold mining project using cyanides. Back in 2013, the movement managed to stop the Canadian corporation project that would have destroyed the environment in the small mountain hamlet. However, its roots run deeper: the party is an upgrade of Uniunea Salvați Bucureștiul (Union Save Bucearest), a grassroots movement that sought to alter the urban politics in Bucharest.

In the 2016 local elections, the movement became the second party. The old guard of this movement was joined by a layer of Brussels technocrats, civil society public figures and neoliberal experts which formed the technocratic, apolitical government run by Dacian Ciolos, a former EU Commissioner and prime minister-designate after the fall of the government in the wake of 2015 protests following nightclub fire in Bucharest.

Once in Parliament, USR became notorious for guerrilla-like opposition to PSD, especially regarding

what was perceived to be an attempt to change anti-corruption laws, a process that involved unusual tactics like occupations, disruptions and granting access to outside supporters. Opposition to PSD and staunch support for the anti-corruption campaign became the main features of the party. The party is split internally between a more conservative wing (against gay marriage, etc.) and a libertarian one. Surprisingly, however, it managed to incorporate a social perspective by linking poverty to corruption, claiming that the former is a consequence of the latter. This maneuver transformed anti-corruption into a catch-all policy that was easy to promote to their electorate, which was already highly suspicious of PSD, its paternalism, corrupt past, crony and clan-like behavior.

ANTINOMIES OF THE OPPOSITION

Here we encounter another paradox: while the social and economic policies implemented recently by PSD are highly worthy of criticism, the anti-PSD protests address none of these issues. In fact, the August 10 protest addressed no issue: the protesters naively demanded that the government should step down and PSD should give up power. More tellingly, the protests were prefaced by a rather surrealist episode in which the vulgar, tasteless and macho slogan "Muie PSD" (which roughly translates as "PSD suck dick!") became *the* defining slogan of the #resist movement and embraced across the board. This approach is indicative of the opposition and its repertoire. It is not only misguided and rudimentary but it also suits PSD perfectly, allowing the party leaders to excel in the practice of victimization.

The party constantly portrays the protesters as being paid by George Soros (who, like in many places in Central-Eastern Europe and the US, is portrayed as the chief conspirator against the status quo) and labels them simultaneously as anarchists and fascists. Moreover, PSD misconstrued the events on August 10 as an attempt to a coup d'état. Police brutality was justified by PSD as necessary in order to prevent it.

These forms of argumentation and tactics elicited comparisons in the #resist movement between PSD and ruling parties in Hungary, Poland and Turkey. But to be fair, neither Dragnea, nor PSD (nor any other political actor) has or could muster that much political power and control over the state. After all, Erdogan put some tens of thousands of people in jail without proper trial, Orban changed the

**Towards a new
articulation between
post-communist civil
society ethos,
technocratic
post-ideological
pragmatism and
anti-corruption
populism**

constitution five times since 2011, and is planning to implement more amendments, and the governing party in Poland changed the composition of the Supreme Court by one decree – to name just few examples. By contrast, in Romania, PSD faced significant backlash for trying to pass legislation that even the Constitutional Court deemed necessary. The anti-corruption campaign shifted the real place of power from politicians (the Government and the Parliament) to the nexus that links the judiciary with the Secret Services - SRI.

The #resist movement turned anti-corruption into street politics against the current ruling coalition and the current political class more generally. This allows political forces like USR to capitalize on this aspect and articulate anti-corruption into a wider political project. The results seem to be noteworthy. According to the polls, USR is closing the gap to becoming the second political party in Romania, capitalizing on the implosion of the liberals and the widespread disenchantment with the post-communist politics in general embodied by the social democrats. Should they succeed, it will represent the victory of a particular articulation: that between post-communist civil society ethos, technocratic post-ideological pragmatism and anti-corruption populism. Perhaps what we witness now it is the birth of this new constellation.■

FROM “ONE-ISSUE MOVEMENT” TO “HUMAN RIGHTS FOR ALL” NARRATIVES AND MOBILISATIONS THE CASE OF THE POLISH WOMEN’S STRIKE

In a country with the most
restrictive law concerning the
right to abortion, “feminism”
was long considered a swear
word. However, since 2016 the
Polish Women’s Strike is
mobilising tens of thousands to
stop a complete ban of abortion
and more generally advocate for
human rights for all.



Why do you think so many people now feel it is time to take the streets to protest against the legislative proposal for a full ban of abortion lobbied for by religious groups?

First of all, not just this one, but all governments were conservative: no matter the name, all the governments were working with the Church. So, the role of the Catholic Church in Poland has been growing for years. This time, with the total abortion ban, people perceive that the border has been crossed. They are forced to think about the issue. So I guess we have to thank the government and the Catholic church for that. Every time we protest against the ban, more and more people want abortion to

be legalised. The most recent polls say that when we started the fight, which initially was just about stopping the total ban, only 37% of people in Poland were pro-choice. Now 69% of the people in Poland want to legalise abortion. So, after each protest against the total ban, more and more people want to have the choice.

What are the key elements of the success of your national mobilisation? How were you able to reach out to small communities?

I think we used Facebook in the right way to get organised. We used Facebook to bring equality within the groups and the people who are mobilising. At the

very beginning we created a Facebook group to support all these people. And the structure remained the same: it is entirely flat, horizontal. It does not matter if you are in a big city or not: you get an equal amount of help or even more help if you are in a small or middle sized city.

We only provide help. We do not give general thinking for all the local groups. For example, at the national level, we do not have any alliances, it is up to local leaders to decide. And it is working: they organise by themselves. We support them with the money we collect, with visual identification (posters, flyers...), with the media, with legal advice...

But they decide locally who they want to ally with. They can ally with political parties or civil society organisations as they prefer. We do not interfere with what they do; we do not tell them what to do locally. We are just there to provide support, especially collect the money and send it out to people.

Are you able to overcome stigmatization led by the governing parties and encourage people to participate?

We do not have to do it; people participate on their own. After the first protest, the Catholic Church instead of staying silent attacked all the women protesting, including religious women, women who took part against the total ban not for legalising abortion. The Church told them that they were evil and it lost ground: the hate of the Church set them free.

I think they are very brave and it took them just that one time to go out on the main square in some small or middle sized city to realise that they

First of all, not just this one, but all governments were conservative: no matter the name, all the governments were working with the Church

do not have to be afraid. They do not have to fear the government, nor the police, nor the church: we are stronger than they are.

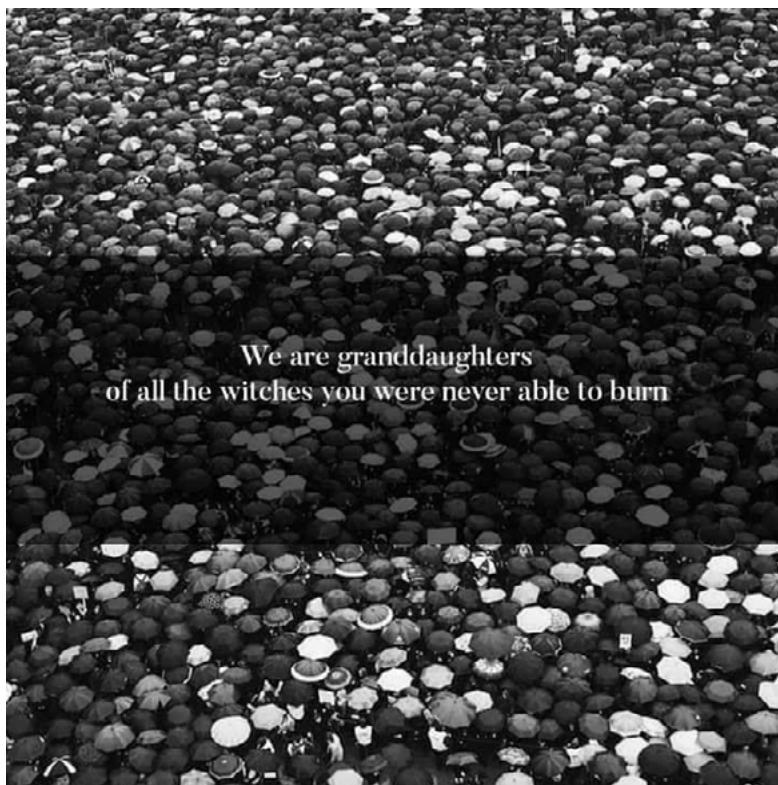
Messages of support came from all over the world, and people mobilised against the full abortion ban also in other cities in Europe. How did you connect to the network of international solidarity and why is it important for the PWS' action?

We did not connect back then. We did not have the time or capacity to do that. We were new to this, and we did not have connections. We just had very good visual identification and a very clear message. A very good polish artist did the symbol of the strike and it spread, together with the black colour and the hashtags.

In Poland, has the movement contributed to revitalising the debate on the role of women in society including on gender and sexuality?

I would not say it influenced the debate; I think it influenced the reality. Mostly it affected the way people are acting which it is what matters the most. Women run most of the protests not only those on women's rights but also pro-democratic protests. Women are very strong, and they were the main force of the anti-fascist, anti-nazi protests. Women are also running massively now in the local elections and not just to fill the list; they are running to the City Council, to become mayor. So I guess the debate is the outcome of people doing things and people doing things is much more important to me than debating about it.

But I can say this: this is the first time that we have women's issues and women's rights debated in local elections. This never happened before. For the first time, candidates in the local



This is the first time that we have women's issues and women's rights debated in local elections

elections are speaking about women and, for the first time, it is politically incorrect not to talk about women and not to mention women's issues in the local elections. And this is twice as much important than if it happened in parliamentary elections: local elections should be about roads, about schools, but now it is also about women.

With time PWS shifted from a one-issue action to a movement advocating for democracy and the rule of law in Poland. How was it able to bring together different forces and co-lead such a large coalition?

It is because it was done locally and, in very small cities, you have five people doing things: they do the protests about the Bialowieza forest, about the abortion ban, the same people are doing the protests outside the Courthouse

for judiciary independence. This is the strength of the local coalitions. This is much harder in the big cities because there are so many divisions and everybody has so much time to discuss the programs, the words, the narratives... In the small city, when there are five people to do things, they have to do things together, and that is how it happened.

What are the perspectives to build a long-term political project that has access to rights for all and democracy at its heart?

I think nobody expects us to build a political party *per se* because there was a women's party already... We created a program that is called *Poland for everyone*, and it is possible that after these elections many people will join the new progressive force that will appear. We will run in parliamentary elections with this progressive force that we will co-create, we will work together for it to happen and I think many women from the Polish Women's Strike will join it.

Poland for all is a general program that the Polish Women's Strike from all across the country agreed upon. This program is also about the local elections. These are the general things that people agree upon, but they come up with their own solutions to implement at the local level. For example, we have *Wroclaw for everyone* in my city. And the same happened in many cities in Poland. But then locally everybody can pick things that are most important for them: you do not have to have all this very long, costly points that you have in a big city. Maybe there are just a few

Poland for all is a general program that the Polish Women's Strike from all across the country agreed upon



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small things that you can do to improve the life of women in your area, so it is very, very flexible.

But *Poland for everyone* is not only about women's rights, it is about human rights and human rights for everyone: women, LGBT persons, ethnic minorities, seniors, people with lower income... It is also about the rule of law, free media, free judiciary and Poland in the European Union. In Poland now we have to claim loudly that we want to stay in the European Union because the government does not.

Aren't you afraid that after entering the regular politics PWS movement can be contaminated by general lack of trust and negative perception of party politics in the society?

No, it is refreshing the political landscape. Of course, there is this narrative that politics is bad and it is; we see it in local elections. But we have a more positive impact on the politics than the negative effect politics has on us.

Big parties want politics for themselves. They want us to protest, and to do social actions and leave the politics to them, leave the power to them, leave the authority to them. But we say no. They do not like the idea of citizens getting engaged in politics, and this is our fight. This is the struggle that we now face, but I am sure we will win. I am sure we will win. ■

2

INCREASING PRESSURE VS GROWING RESISTANCE

ABOUT SHRINKING
AND SHIFTING CIVIC SPACE

ivil society is undergoing deep transformation. In the face of current socio-democratic challenges, the catch-all concept of “shrinking civic space” does not capture all the factors and directions of the changes. What pressures is civil society facing? How can long term and more spontaneous forms of civic engagement co-shape a democratic revival of our societies?

MAPPING PERCEPTIONS OF CIVIL SOCIETY ORGANISATIONS IN EUROPE

THE CIVIC SPACE IS SHRINKING ALSO IN WESTERN DEMOCRACIES

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Carlotta Besozzi

While attacks against civil society in Eastern Europe have attracted huge attention, civic actors in the West face crucial challenges too: the “fight against terror” and austerity policies are transforming dramatically the relationship between institutions and civic activism.

Since 2016, Civil Society Europe in cooperation with Civicus has started to investigate the perception of civil society organisations leaders and activists on civic freedoms, such as the freedom of association, assembly and expression which give all of us the freedom to create and join groups, peacefully protest, advocate for new policies or actions or counter legislative or policy proposals.

Our surveys targeting national and local associations and NGOs active in very diverse fields, of different sizes and resources have allowed us to do

a first mapping of key trends on civic space in Europe, covering the European Economic Area and candidate countries in the European neighbourhood.

CONFIDENCE IN THE LEGAL FRAMEWORK IS HIGH BUT WORRYING TRENDS EMERGE ACROSS ALL REGIONS

There is certainly a general confidence of civil society organisations in the legal framework in place across the European Economic Area compared to the European Neighbourhood. Evidence of deterioration has emerged particularly in Central and Eastern Europe in the last years and is largely documented by studies and official reports. In addition, since last year, worrying trends emerge in Western Europe with stronger impact in Southern Europe. However even in Northern countries, which are traditionally very supportive of civil society organisations, while quantitative responses indicate good or very good conditions for civil society, comments by participants highlight some worrying elements, such as distrust by governments towards NGOs and citizens'

Civil society organisations are gaining support from citizens because of their watchdog role and ability to adapt to changing environments

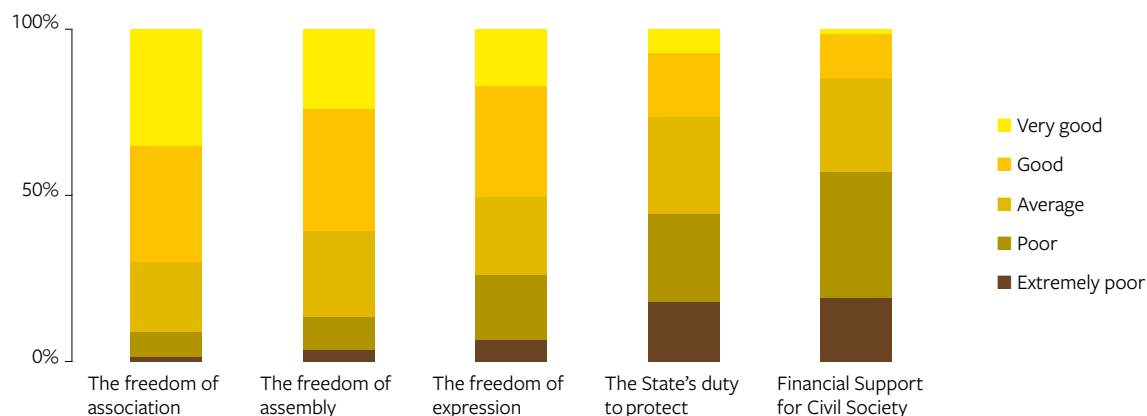
movements and increased polarisation of politics.

Most significant issues in Western Europe are the emergence of forms of managed participation, reduction in the availability of funding particularly affecting advocacy groups, the polarisation of the debate and increased intolerance due to pressure from extremist groups creating barriers for public participation.

ATTEMPTS TO MANAGE CRITICISM

Respondents indicated a more difficult access to public authorities and insufficient transparency of information. They also point to the need for more adequate mechanisms for a structured civil dialogue, which is perceived by many civil society organisations as formal rather than effective. In some countries, transparency reforms in the public sector have had the unintended consequence of limiting access to information, such as in Denmark and Austria.

Authorities also tend to manage more and more participation by civil society organisations, who tend to be considered as implementers of public policies rather than contributors or



initiators of change. Funding is more and more geared towards service provisions, and the role of non-profit actors is often not distinguished from private and commercial bodies. We also witness to the emergence of regulatory bodies of civil society that tend to interfere with the freedom of expression of organisations critical of government policies or advocating for change under the pretext of exercising undue political influence. For instance, this happens in the United Kingdom with the Charity Commission.

DEPRIORITISATION OF HUMAN RIGHTS

More visible in Western Europe is also the interference of economic interests on freedom of expression. Such interference is due to pressure to dismiss or silence human rights violations from third countries which are strategic economic partner or to business corporations, which are increasingly using legal proceedings for defamation and denigration of environmental, social rights or consumer civil society groups such as Strategic Lawsuits against Public Participation. Some concrete examples

of the first instance is the assassination of Giulio Regeni involving bilateral relations between Italy and Egypt and the increased use of SLAPPs in France.

As a reaction to terrorist attacks or terrorist threats, Governments' responses have been affected by a predominance of security over rights creating as a result a chilling effect on freedom of assembly. In several countries, such as France and Spain, legislative or administrative measures have resulted in restrictions to demonstrations, either by banning the demonstrations from the areas of power (around the seats of Government, Parliament, etc), or by introducing unlawful authorisation procedures or by prosecuting ambiguous attitudes of contempt towards public authorities.

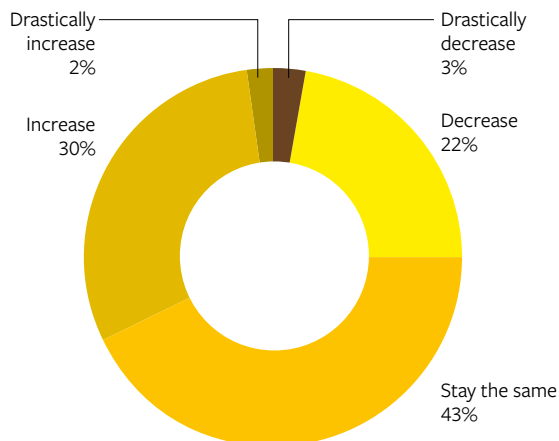
Legislations aimed at fighting money laundering and countering financing of terrorisms have had an unintended negative effect on civil society organisations. Banks have applied de-risking strategies limiting access to financial services for less profitable clients such as civil society organisations. Also reporting procedures have become increasingly burdensome. Organisations



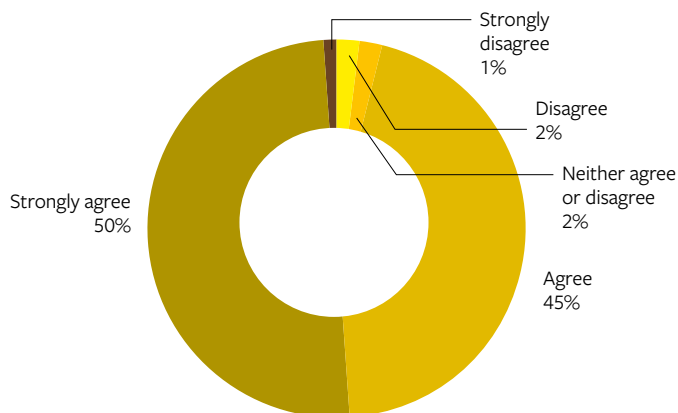
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Carlotta Besozzi is Coordinator of Civil Society Europe since September 2015, the coordination of European Civil Society Organisations on transversal issues such as civil dialogue, civic space and funding. Previously, she was the Director of the European Disability Forum where she started as social policy and membership development officer, after starting her career as a European Parliamentary assistant working mainly on budgetary policies and social affairs.

Expectations for support base for civil society (Q10)



Cooperation at EU level (Q9)



operating in countries at risk have been forced to cease humanitarian operations or development programmes increasing distress of local population and making them more liable to the influence of terrorist groups.

SMEAR CAMPAIGNS SPREAD BUT POPULAR SUPPORT IS NOT EXPECTED TO DECREASE

An emerging trend is smear campaigns in the media or by political parties or even members of Government against civil society. In particular, organisations working on migrants and refugees and minority issues have been particularly targeted, but also human rights and environmental activists. In several western countries we have also seen legal proceedings against persons offering shelter or humanitarian assistance to refugees or migrants and restrictions and intimidations to formal or informal groups organising such support. These campaigns have contributed to raising doubts over the legitimacy of civil society towards the public, and allowed in some instances decision makers to shy away from founded criticism

and divert attention from real issues or needed reforms.

Despite this, the survey shows that civil society organisations in Western countries believe that in the future public support will remain the same and in some cases even increase.

However, there are great divergences among Western countries in terms of the level of trust towards civil society. For example in Italy, the use of terms such as NGOs because of last years' smear campaigns has an increasing negative connotation. In other countries, civil society organisations are gaining support from citizens because of their watchdog role and ability to adapt to changing environments.

THE ROLE OF THE EUROPEAN UNION AND EUROPEAN COOPERATION

It is interesting to note that also in Western Europe almost half of the respondents (a majority in Southern Europe) believe that Governments are not providing enough support to independent civil society in the promotion of democratic values and universal human rights.

Civil society seems to be looking at the European Union for a coherent strategy to be put in place to ensure full enjoyment of civic freedoms which are an essential part of vibrant democracy and EU values. The European Union is expected to do more to protect civic space, and the institutional response to civic society threats in Hungary and Poland has been perceived as hesitant and confusing. Consistency must be ensured in internal and external policies. Furthermore, mechanisms to monitor and address violations of civic rights

must be put in place. Finally, public authorities should facilitate conditions for civil society organisations such as increased and more flexible funding and facilitating private donations including easing cross border philanthropy.

The overwhelming majority of respondents rated positively the role played by European cooperation and pointed at the fragmentation of the civic sector as one of its weaknesses. In order to call upon the European institutions, sectoral as well as transnational coordination should be fostered at the European level. ■

Civil society seems to be looking at the European Union for a coherent strategy to be put in place to ensure full enjoyment of civic freedoms which are an essential part of vibrant democracy and EU values

WHAT LIES BEHIND THE CONCEPT OF CIVIL SOCIETY?

SHIFTING PERSPECTIVES IN GERMANY AND BEYOND

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Interview with Rupert Graf Strachwitz

“We have to make the difference between civil society and civic space. Governments in Western Europe are warming up to the idea of encouraging citizen participation, but I wonder whether this might not be a ruse to undermine the position of organised civil society.”

The Maecenata foundation is a think tank for civil society based in Germany. It is also part of Transnational Giving Europe which operates in partnership with 20 other European foundations and institutions. Through this programme and the work done by the

research centre, the Maecenata Foundation has been mapping civil society in Europe for years. Dr. Rupert Graf Strachwitz comments on how civil society has been changing over the years.

What elements should we consider when delving into the “shrinking space” issue?

First, the shrinking civic space issue is usually associated with countries like Hungary, Turkey, Russia, Egypt, countries where the government is harassing civil society organisations. But we found that the attempts by governments to stop civil society from expanding are not restricted to the countries I mentioned or to similar countries; we see them almost everywhere.

Second, despite these attempts, we observe that the scope of civil society is growing in some places. So we do have a shrinking space, but we also have a

growing space. In the attempt to analyse it, this has made us call it, a “changing space” rather than just “shrinking space”. We need to look at both sides and to look also at other countries.

Europe has recently witnessed a series of crises - the economic crisis, the so-called refugee crisis - which opened an opportunity for civil society to expand taking up new roles...

Yes, we can see that civil society is expanding: new civil society organisations have been created all over the world in fairly high numbers. There is also a shift from larger, more formal organisations to smaller, younger, more informal organisations. We saw this very clearly in Germany when the influx of refugees started: within few days, large quantities of citizens volunteered to do something about it, to help, to support refugees. They were not affiliated with any large organisation, they were just there, and this was all informal.

This shows us that the urge to contribute to society in a positive way is there and growing. More people get involved in protest movements. Who would have thought that 700'000 people would assemble in London to say “we should stay in the European Union”? Everybody thought it was going to be 100'000, but it was 700'000. Many governments are suspicious of all these people voicing their concern or their anger by taking to the streets and getting involved in the way a country is run.

Civil society is expanding in areas that one generation ago hardly existed,

for example actively by taking part in public affairs, by what Haberman called “deliberative democracy”. At Maecenata, we have developed a list of eight functions of civil society: service provision, advocacy, watchdog function, self-help, intermediary, community-building, public affairs and self-fulfillment¹, to show the width and breadth of civil society.

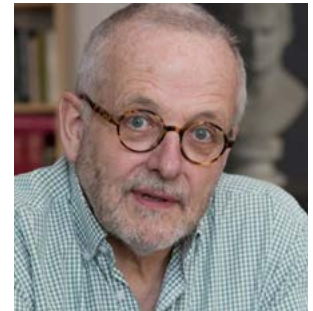
Your research also addresses the concept of civil society itself...

Yes. There has always been a debate on whether civil society is a normative concept or an analytic concept. The snag with the normative concept is that it does not capture the dark side of civil society. This said, however, it must be added that there is no such thing as a concept that does not have any normative frame. The background in which we operate is that of an open, liberal society and, within this society, the idea

that there is an arena - as we like to call it - besides the State and the market has become commonplace. This arena is now commonly called “civil society”, and it does necessarily include a dark side. But there is a caveat here: civil society is a term that has been used since antiquity, but the modern use of the term implies certain characteristics.

That is not to say that civil society does not exist without the framework I mentioned: we see a very active civil society in totalitarian regimes. We saw this in Germany in 1989. The wall would not have come down without civil society. The same

¹ See i.a. Strachwitz, Achtung vor dem Bürger. Freiburg: Herder 2014



THE AUTHOR

Rupert Graf Strachwitz has been involved with not-for-profit organizations for well over 30 years. Since 1989, he has been Director of Maecenata Management, a consultancy specialized in foundations and associations, corporate citizenship and philanthropy. Since 1997, he has also been the Director of the Maecenata Institute for Philanthropy and Civil Society in Berlin. Furthermore, he is Executive Director of the Maecenata Foundation, Deputy Chairman of the German-British Society, Chairman of the Board of the Fliege Foundation, Deputy Chairman of the Board of the ADAC Foundation, and Deputy Chairman of the Board of the Wilhelm Kempff Cultural Foundation. His approx. 400 publications include books and articles on foundation issues as well as cultural policy, the third sector, and civil society.

of course goes for Hungary, Poland and the other countries in Central and Eastern Europe.

So, we have civil society everywhere, but we think of civil society as an asset to an open society. However, accepting an organisation as “civil society” does not imply that one accepts the views and positions held by its members. There could be very minor differences or very fundamental ones. If they are fundamentals, we would tend in a normative sense to call them “the dark side of civil society”. The classic example is the Ku Klux Klan in the U.S., formally a civil society organisation.

In establishing whether an organisation is part of civil society, one has to take a two-step approach:

A. Does it belong to civil society in a formal sense? Is it non-state and non-market?

B. Does it belong to “good” civil society in a normative sense? Are there very fundamental differences?

In Germany we have a number of right-wing organisations, the best well known is Pegida. There is no doubt that they are civil society in a formal sense, but they belong to the dark side of civil society organisations in a normative sense.

Is this side of civil society also growing and, if so, what are the drivers?

Behind the dark side of civil society, there are those who wish to eradicate an open society and revert to a very different kind of societal model. But quite often, the followers of this kind of organisations are themselves being deceived by their leaders.

Right-wing populists are attracting much attention at the moment, in France, in the UK, in Germany, in Italy... And they are, of course, worrying, but I would be optimistic in the sense that I do not think that this kind of organisations will succeed in

RESTRICTION CIVIL SOCIETY'S POLITICAL ACTIVITIES: THE CASE OF ATTAC GERMANY

In Spring 2014, the local tax office in Frankfurt notified ATTAC Germany that the public-benefit status it had enjoyed was being retroactively revoked as of 2010. The motivation was that ATTAC campaigns for financial market regulations and on a tax on financial transactions were political in nature. As a result, the NGO had no permission to provide receipts for donations, meaning donations to ATTAC would no longer be deductible from taxes. As ATTAC's appeal was rejected, the organisation brought the case to court and won the case in November 2016. According to the Hessian Tax Court in Kassel, the Fiscal Code – which ATTAC had allegedly broke – does not intend to prohibit political activities in general but aims at refraining

public-benefit organisations from supporting political parties. The court also forbade the possibility to appeal the decision. Nevertheless, in December 2017, under the pressure of the Federal Ministry of Finance, the Federal Court of Finance decided to allow an appeal. The court is expected to rule by 2019 while ATTAC will not be able to issue receipts for the donations until the court's decision. ■



© ATTAC

actually overthrowing the open society we have come to enjoy. For example, Steve Bannon, who was one of Donald Trump's advisers, tried to set up a foundation to cooperate with all these right-wing populist political parties in Europe, with the ultimate goal of destroying Europe. But my impression is that, after having announced this very grandly about three or four months ago, he is not being all that successful. All in all, while some people support this kind of view, possibly with a lot of funding as well, it is not the majority.

This does not mean that we do not have to take this seriously. It is endangering the kind of society we would like to have, and we should not take it lightly. In countries where this kind of activities is met with approval, other types of civil society organisations are being harassed. We can see this quite clearly in Hungary and in Russia, where governments support – and fund – organisations they approve of or even create, which we would classify as belonging to the dark side – to the detriment of more liberal civil society organisations. But I

would maintain that we can overcome these happenings.

Are the same trends of expansion and transformation of civil society emerging in Germany?

Yes. As everywhere, one significant shift concerns membership in civil society organisations, which is shifting from large traditional civil society organisations to the much smaller, younger organisations or to spontaneous groups of people who come together for a purpose and then disintegrate.

The second big shift is that civil society organisations are becoming more political. Even a few years ago, most CSOs would have said that they would not interfere in politics. Today, very few organisations would say that. Politics have moved away from being a state affair to becoming the concern of the whole society.

The third shift is that governments and the business community are gradually taking civil society more seriously: they try to be in touch with civil society where even ten years ago they would not.

Do you see in Germany an attempt to shift the work of civil society organisations away from policy work as elsewhere in Europe?

Yes, this is what the government would like to do. It is looking into existing rules and regulations to see how to keep civil society out of politics. We have a famous court case going on, involving the German branch of Attac which had its charitable *status* removed for being too political a few years ago. Attac went to court and won the case, but the government is taking it to the supreme financial court. We are expecting the ruling to be handed down in 2019. We are very anxious to see what will happen. The point is that in order to take away the charitable status, the local tax officer used an obscure financial regulation

which had not been applied for many years. It has since been used against other CSOs as well.

We have recently seen a new legislative initiative of the State of Bavaria to introduce a clause into fiscal law that organisations receiving aid from outside the country should have to reveal additional information on the source².

I am not sure whether this will become law, but if so, it would not be very far removed from Russia's rules on foreign agents. As I said, attempts at narrowing the space are not limited to countries like Russia. I was in a meeting last week with colleagues from France and the UK. When we got onto this subject, and I told them this story, they both commented that this is what seems to be happening in their countries as well. So there is a general mood in governments that if others start meddling in politics, it should be considered an infringement of their position, of their rights and their privileges.

Let me add one other point: I think you have to make a difference between civil society and the civic space. Governments in Western Europe are warming up to the idea of encouraging citizen participation, but I wonder whether this might not be a ruse to undermine the position of organized civil society.

² A parliamentary initiative was launched by the government of Bavaria a few months ago into the second chamber of the parliament, where the states are represented and, at the time of writing, it was under discussion. If they approve it, then it might go to the first chamber and be written into law. It is not very clear what this would entail but they raised the issue of controlling foreign support to civil society organisations in Germany above a minimum sum. It is directed against money coming from Turkey and Saudi Arabia that support muslim organisations, but it will hit many other organisations.

Politics have moved away from being a state affair to becoming the concern of the whole society

Do you think that the move to increase control over organisations receiving funding from abroad could have an impact on the perceived legitimacy of these organisations in the German context?

This is a very difficult question. There is an ongoing debate on the question of legitimacy and representativeness of civil society organisations. However, the real question is whether this is a fake argument or not. I would tend to respond that it is a fake argument. If you restrict voicing an opinion in public matters, no individual would be able to do so either. The question would always be: "Whom are you representing?". This is absurd.

Prominent individuals, e.g. academics, who voice an opinion do not have to answer the question on their legitimacy. So why should an organisation not have the same right to voice an opinion? The issue is not about voicing an opinion but where the decisions that affect everybody are taken. These decisions, in our understanding, may be taken only by bodies that are democratically elected. Voicing an opinion on something is not the same as forcing anybody, it is just part of the

political debate. So, to introduce the legitimacy argument at this point, is a fake argument.

In 2017, the Edelman trust barometer showed a stiff decline in public trust in organised civil society in Germany; in 2018, it did not show a recovery³. However, NGOs are still the most trusted actors. What factors can help us to understand this data?

This issue of trust has become probably one of the most crucial issues we need to deal with. Mistrust has spread all across the Western countries to an extraordinary degree. We have all kinds of numbers on this phenomenon, and they all say that people do not trust their governments, do not trust large organisations, and are very worried about this lack of trust. On the other hand, governments do not trust their citizens either. The amount of controls and checks has gone up enormously over the past twenty or thirty years.

All in all, people and institutions do not trust each other, so trust is moving to small collective entities where people know each other. We will need to rebuild trust on a much larger scale. We cannot sustain a society based on control; we need trust because without trust, society disintegrates. We are seeing the disintegration of society already, and Germany is no different from many other countries.

What we do see, is that some large organisations are trying to change their internal procedures and structures. It is a slow process, but I do think that some organisations are attempting to change and reinvent themselves. They will have to do this quite actively; it is not going to happen automatically. They will have to make an effort to adapt to the 21st-century society. To be successful, this change will need leadership. ■

³ Ries, E.T., et al., (2018), “2018 Edelman Trust Barometer. Global Report”.

Foreign funding to civil society organisations and movements has increasingly attracted attention in the European Union. A number of governments has tightened or threatened to tighten the oversight on grants from abroad, treating it as a matter of transparency. In some cases, legislation and narratives on foreign funding was used to discredit the work of NGOs.



IRELAND

While civil society can receive foreign funding, the 2001 amendment to the Electoral act completely bans foreign donations to third parties for a political purpose. Recently, the broad definition of “political purposes” was applied to the campaigning work conducted by CSOs. In 2017, two organisations were requested to return their foreign funding, putting

at risk their financial sustainability.

The issue became particularly controversial during the heated campaign for the referendum on the right to abortion, when organisations campaigning in favour of changing existing legislation were described by opponents as a threat to national sovereignty even though they carefully

used only national donations to fund their campaign. Read more on the CIVICUS Monitor: <https://monitor.civicus.org/country/ireland>



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UNITED KINGDOM

The government implemented significant changes to the 2018 annual return, the financial information that Charities provide annually to the Charity Commission, with the aim of simplifying the process. However, the amount of information collected also saw an increase, including data that are already available to the Commission. Among the new information requested, from 2019, all sources of foreign income will need to be declared. Read more on the CIVICUS Monitor: <https://monitor.civicus.org/newsfeed/2018/02/22/government-plans-assess-media-sustainability-welcomed-some-criticised-others/>.

FOREIGN AGENT NARRATIVE IN EUROPE



SLOVAKIA

A law to enhance the transparency of civil society organisations was expected to be passed in the fall. While the original draft proposal was not suspicious per se, civil society raised that issue of duplication of information on funding already provided through

the annual reports. Worries were linked to the political climate in which such legislative proposal was advanced. The narrative on foreign funding on NGOs became especially recurrent after mass demonstrations called for the resignation of

Fico, following the murder of investigative journalist Jan Kuciak. Fico frequently pointed at foreign-funded NGOs as the instigator of the protests. Read more on the Civic Space Watch: <http://civicspacewatch.eu/slovakia-draft-law-on-transparency-for-the-third-sector-raises-worries-among-civil-society/>.



ESTONIA

In March, the Minister of Justice hinted that the government could draft a Foreign Agents Act. He said: “If different associations or persons dealing with third-country affairs take part in various actions in our territory, then it would be wise for society to set certain conditions for informing the public about the functions, roles, resources and what they are doing in the third country influenced (translated from Estonian)”. Such a proposal would require CSOs operating in Estonia under the “influence” of foreign countries to be registered as such or dismantled. To date, the statement did not have any follow up nor popular support. Read more on the CIVICUS Monitor: <https://monitor.civicus.org/newsfeed/2018/05/24/consultative-process-civil-society-strategy-welcomed-process-remains-ambiguous/>.



LATVIA

In September 2018, 11 Members of Parliament wrote to the former Latvian Prime Minister requesting to open an investigation into funding to civil society, in particular, NGOs working on advocacy. The letter stressed the need to look into whether the actions of these NGOs had impaired the Latvian constitution. The MPs’ letter stated that “this foreign-financed NGO project, which is openly aimed at repealing a law of the Republic of Latvia, endangers the Constitution of the Republic of Latvia and the independence of the country”. A majority of the Parliament voted against the inquiry. Read more on the CIVICUS Monitor: <https://monitor.civicus.org/newsfeed/2018/10/01/mps-request-investigation-NGO-elections-approach/>.



ITALY

The Italian Minister of Interior has harshly criticised NGOs involved in sea rescue in the Mediterranean. Salvini has often stressed how these NGOs fly a foreign flag even though they bring the rescued

refugees to Italian ports. His narrative opposed the foreign element of these NGOs to the Italian national interest. Italian civil society has raised worries that this could be the first step towards more concrete measures to stigmatise and control NGOs. Read more on OpenDemocracy: [https://www.opendemocracy.net/can-europe-](https://www.opendemocracy.net/can-europe-make-it/maria-baldovin/will-salvini-copy-orb-n-in-fight-against-ngo-s-which-comes-from-ea)



[make-it/maria-baldovin/will-salvini-copy-orb-n-in-fight-against-ngo-s-which-comes-from-ea](https://www.opendemocracy.net/can-europe-make-it/maria-baldovin/will-salvini-copy-orb-n-in-fight-against-ngo-s-which-comes-from-ea). ■

SOLIDARITY AS A DUTY, NOT A CRIME

IN ITALY, THE BEST ANSWER TO CRIMINALISATION IS TO DISOBEY

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Interview with Francesco Martone

“We must have a two-front strategy:
disobey on the ground, highlighting
the contradiction between state
international commitments and
actual action, and bring the battle at
the upper international level to
contain what is happening
nationally.”

After the last elections in March, Italy is creating increasing concern among civil society organisations all over Europe. However, toxic narratives and stigmatizing measures against migrants' rights defenders had already prepared the ground for a crisis of trust in the NGO sector. According to the data by the Edelman trust barometer, at the beginning of 2018 the trust in civil society had dropped of 13% from previous years. Francesco Martone, coordinator of the Italian coalition *In difesa di*, and associate for the Transnational Institute helps us understanding this data.



Can you share some of these insights from the framing paper on shrinking civic space for the Transnational Institute that are relevant to understand the phenomenon in Europe and Italy?

I have some problems with the concept of “shrinking civic space”.

The first one is that in some cases this space is not shrinking, it is being denied from the very beginning. Look for instance at social actors that do not have access to the decision-making or the public space. For example, the Roma are put at the margins; they are criminalised, stigmatised, excluded. So I think that the concept of shrinking civic space does not fully capture all the different geographies of exclusion and marginalisation and also the different power relations within the space.

The second issue is who is to whom the civic space is shrinking: what are the actors and the drivers of this process of marginalisation and exclusion from the public sphere? The concept as such

The concept of shrinking civic space does not fully capture all the different geographies of exclusion and marginalisation and also the different power relations within the space

does not help much. It feels like a natural process while there are actors that are contributing to kick out people from the public sphere. For example, in some countries, transnational companies are colluding or collaborating with local security forces to repress groups protecting the environment.

The concept requires a critical unpacking, including the idea of space: is there a *space*? Who occupies this space? Who populates this space? I do not think that the concept of “civil society” as such is enough to describe the variety of social actors that populate this space. It is a concept that relates to the standards of liberal democracy, whereas now there are many others elements like social movements, organisations that occupy and create mutualism. This is not civil society as such.

Also, it feels like the people in that space are just suffering the shrinking, whereas many, many activities actually try to counteract or to resist, and also to create alternatives within that space.

So I think it is a much more complex process that has to do with the transformation of the role of the State and the re-elaboration of the so-called “triad”: State, civil society and the market. There is a reshuffling within this triad that is not very easy to conceptualise in one single concept. There are processes of exclusion, processes of empowerment and disempowerment. It is a continuous dynamic and shuffling from society to power, and vice-versa. In that shuffling back and forth,

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CRIMINALISATION IN THE MEDITERRANEAN TIMELINE

3 OCTOBER 2013

359 people die in shipwreck off the coast of Lampedusa.

18 OCTOBER 2013

The Italian government starts the Mare Nostrum search-and-rescue operation, bringing 130,000 refugees safely to Europe's shores.

OCTOBER 2014

Mare Nostrum is replaced with the less ambitious Frontex -coordinated EU mission: Triton.

While we cannot speak of outright repression in the case of NGOs, we can definitely speak of the progressive undermining of the legitimacy of citizens organisations and social actors

there is an erosion of power and rights, but also the consolidation of new rights and new powers.

Shrinking civic space is a catchy word to describe a process but we need to problematise it, unpack it to make sure to understand really what happens on the ground, what it really means to the people and movements. This would also help to think about how to target the problem.

This paper also highlighted some trends that are emerging globally and in our European context. Can you share some of the relevant ones?

Yes, I think you can see very clearly in Italy and other countries in Europe. For example, the strategies of criminalisation and stigmatisation:

...when you talk about civil society and social movement as a threat to national security;

...when you talk about organisations that are saving human rights as a pull factor;

...when you introduce complex bureaucratic procedures to harness the advocacy capacity of civil society and divert it into administrative and bureaucratic purposes when resources are scarce;

...when you use media for smear campaigns that are aimed at delegitimising the role of active citizenship, social movements and organisations and at the same time you hurt the key sources of funding for these organisations.

These are strategies that in a way we see replicating everywhere.

Here in Italy we are not yet in the point of anti-NGO legislation, although some elements hint to that direction: look at the code of conduct on NGOs by Minniti, but also at the subsequent elaboration and actions by this government that deny access to search and rescue (SAR) NGOs to the Italian harbours. We moved from an issue of

registering NGOs, thus dividing them between “good” ones and “bad” ones - and this was already creating a sense of suspicion in the public opinion that these organisations have something to hide or to be taken accountable for, to a total denial to civil society organisations to fulfil the goals for which they exist.

What is interesting is that the dynamics we are experiencing now *vis-a-vis* the so-called NGO world had been traditional of the dialectic and the conflict between power and social movements anywhere in the past. This creates an opportunity for NGOs and social movements for an unprecedented alliance between the different actors that populate civic space. Whereas the NGOs had traditionally been considered part of this triad, now are targeted as enemies or as threats to the national security and integrity. While we cannot speak of outright repression in the case of NGOs, we can definitely speak of the progressive undermining of the legitimacy of citizens organisations and social actors. In the past, this was limited to smear campaigns to targeted individuals, now is the whole sector of civil society. In Italy, the NGO sector is not fully aware of this risk or it lacks the tools to counteract .

MID-2014 – MID-2015

NGO-led search and rescue missions start to be carried out in the Mediterranean.

MAY 2015

the new European Agenda on Migration is launched, introducing a “hotspot” approach.

SUMMER 2016

some Italian municipal authorities start outlawing the distribution of food and drinks in public spaces.

DECEMBER 2016

Financial Times releases a leaked report from the European Boarder and Coastguard Agency (EBCG) making allegations of the connections between SAR NGOs and human traffickers.

APRIL 2017

Prosecutor of Catania Carmelo Zuccaro tells the media about an investigation on the allegations of the EBCG.

What are the drivers of this phenomenon?

Well, globally, one of the drivers is the expansion of extractivism. The majority of killings of human rights defenders worldwide has happened because they were protesting the environmental and social impacts of large-scale business or extractive industry. There is a strong link between extractivism, policing and pacification. The Transnational Institute, local academic insitutions, the Associazione Bianca Guidetti Serra and the NO TAP movement organised an international workshop on extractivism and pacification in Salento in the same areas of resistance against the TransAdriatic Pipeline. This conference was precisely looking at the link between the expansion of extractivist frontieres, the securitisation of the public space, the attacks and criminalisation of defenders of the environment.

However, in the Italian case, there is another interesting element to take into account: the rise of the extreme right, the xenophobic discourse and reactionary political movements. This was already quite well sketched in the last state of civil society by CIVICUS and raises the need for a very sophisticated counter-campaign that is not only aimed at legislative change but also cultural change. So now the battle to win the heart and the mind of the public opinion is won by the xenophobic, racist discourse.

How is civic space in Italy affected by the change in power after the elections in March?

I have to say that in the past, the previous government did nothing to prevent this from happening. On the contrary, directly or indirectly, they contributed to fuel this climate of suspicion and stigmatisation, especially in relation to SAR NGOs. In a way, they should have expected some of the potential drawbacks just looking at other countries in Europe. But this did not happen and, in effect, I think that there was guilt by omission.

For example, all the discourse on trafficking, on the taxi of the sea.. it was not only masterminded by the right-wing but also by some media. The previous government did not sufficiently oppose it as, at that time, it was more concerned about re-articulating an alternative, progressive vision of security in the attempt to limit the damage of the upcoming elections. But this did not work.

Already a year ago, when *In difesa di* organised a public meeting with human rights defenders' Special Rapporteur, Michel Forst, in Rome the atmosphere was conducive of what we see today. That government did not do enough to acknowledge the role of human rights



THE AUTHOR

Francesco Martone is the spokesperson of "In Difesa Di". Formerly Greenpeace Italy Board chair, and former member of the Italian Senate for 7 years, he enlarged his area of activism into peace, development, globalization, and disarmament. He founded a campaign against the World Bank. He participated in several counter-summits in occasion of G7, UN, World Bank, IMF and WTO meetings, and in various World Social Forum activities. He is a juror of the Permanent Peoples' Tribunal, and become associate of Transnational Institute in 2018. Currently, he is advisor of the Tebtebba Foundation on issues related to climate change and sits in the Board of "Un Ponte Per..."

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JULY 2017

Minister of the Interiors Marco Minniti introduces a Code of Conduct for SAR NGOs, a list of requirements, including obligations to allow judicial and armed police officers on board.

AUGUST 2017

Vessel Iuventa is confiscated under the accuse of cooperating with smugglers.

MARCH 2018

Italian authorities order the seizure of Proactiva Open Arms for refusing to transfer migrants back to Libya.

APRIL 2018

The court rules that Proactiva Open Arms was acquitted but the crew might still face a trial.

1 JUNE 2018

New Italian government takes office.

defenders publicly and recognise the role of defenders of migrants. There was a different attitude vis-a-vis the traditional NGO world that was not yet so much undermined as it is now.

So how has criminalisation of solidarity evolved after the elections?

There have been different trends. One is the discourse and the propaganda behind all this. In September, the Minister of Interior went to Luxembourg in a high-level EU meeting on migration and evoked the conspiracy theory that there is a specific global plan to impose ethnic substitution in the country and implied that NGOs and people rescuing or supporting migrants are part of this plan. You can guess that the terms of the discourse have pretty much changed. It is very difficult to find a counterbalance to this irrational and xenophobic speech. The distinguishing element is the link

between the populist, xenophobic and securitarian approach that is pretty unprecedented.

In the last two decades, a process of disenfranchisement, distrust, individualisation, destruction of the social texture laid the ground for this rhetoric

Civil society organisations involved in search and rescue in the Mediterranean have also been targeted by criminal investigations...

The funny story is that the majority of these people have been acquitted. The Italian criminal code acknowl-

edges the right to break

the law in case of extreme necessities, but no matter the fact they are acquitted or not, the suspicion on what NGOs or citizens are doing is fueled further. And there are neo-fascist groups that are thriving into this climate: they start threatening NGOs.

How has criminalisation of solidarity affected public trust in civil society?

I think it does. If you look at the figures and the polls, confidence in civil society organisations has dropped, and, with that, the income from public contributions. So there is a causal link between the criminalising discourse on the one hand and the decrease in trust in

organisations. Moreover, the economic crisis is hitting, middle-income families have their expenditure priorities, so they think twice before giving money to charities. Even more, if those charities or NGOs are pointed at as colluded with other criminals or traffickers.

Why are these narratives resonating with the Italian public?

I think that what is moving in this space in Italy is more complex than simply talking about civil society. There are capacities for activating social, civic and political commitments that go beyond that denomination. So, I will not be able to provide with a clear and simple answer. Depending on what kind of actors we are talking about then there are different considerations to do. For instance, if you have a squat movement that occupies a building and activates a series of activities in the territory and also social mobilisation, this is pretty much different from what traditional civil society does: it is practising forms of civil disobedience that are far from what big NGOs do. So also the reactions and counter-actions by power are different even though, at the end of the day, they end up by having some of the same results. So again to answer this question is important to have a clear geography of the power relationship and of the diversities within the space.

When it comes to narratives stigmatising citizens and NGOs working

13 JUNE 2018

Minister of Interior Matteo Salvini suggests to introduce policies to increase transparency on foreign funding to NGOs while referring to the Senate on the events involving the ship Aquarius.

28 JUNE 2018

Malta and Italy decide to deny NGOs to dock at their ports even for refuel.

2 OCTOBER

Mimmo Lucano, Mayor of Riace, arrested for favouring illegal migration.

4 OCTOBER 2018

Italian Mare Ionio vessel sails for the first time.

NOVEMBER 2018

Vessel Aquarius is impounded, Médecins Sans Frontières' assets in Italy are frozen and 24 people are investigated for "trafficking and the illegal management of waste".

CIVIL DISOBEDIENCE TO RESPOND TO THE CRIMINALISATION OF SOLIDARITY: THE CASE OF MEDITERRANEA

The majority of the search and rescue (SAR) activities in the Mediterranean started as a response to the sudden increase of the deaths in the sea after the Italian mission Mare Nostrum was replaced with a much less ambitious Operation Triton, led by the Frontex EU agency¹. This was a turning point for the European approach that shifted from saving lives in the Mediterranean to externalising the burden to outside the EU. The public statements on SAR operations started to deteriorate and, with time, these organisations became the object of criminal investigation. The fact that these organisations flew foreign flags created the perfect opportunity for far-right forces to label them as “foreign actors” operating against the “national interest”. As a result of the criminalisation of the SAR operations, NGOs were forced out of the Mediterranean.

To respond to these events, Italian civil society organisations, including ARCI, together with activists, journalists and social enterprises, started the mission of “Mediterranea”. The mission brought the first Italian ship “Mare Ionio” in the Sea, which sailed on the 4th of October 2018. The objective is to monitor and denounce the situation in the Mediterranean and, if needed, save lives. The presence of Mare Ionio led to the reactivation of those actors involved in guaranteeing saving human lives. For example, during the first operation, 130 people have



been rescued by the Maltese Coastal Guard and 70 by the Italian Coastal Guard.

The solidarity expressed by the citizens represents the broader success of the operation. The wide network of diverse actors directly involved in the realisation of a concrete goal – reversing the dramatic situation in the Mediterranean Sea – attracted substantial popular support. In a couple of weeks, Mediterraneana collected over 230.000 euros from almost 2000 supporters. The mission intends to create a network of civil society beyond the Italian borders aimed at coordinating concrete projects and, consequently, triggering mobilisation of citizens.

¹ See: Solidarity under attack, by SUSI MERET and SERGIO GOFFREDO, 18 October 2017, Open Democracy, <https://www.opendemocracy.net/can-europe-make-it/susi-meret-sergio-goffredo/solidarity-under-attack>.

with migrants, I think there is an underlining, general feeling of fear, of insecurity. You know, Italy is undergoing a serious cultural crisis. If you look at the yearly analysis of CENSIS, there is a process that has been going on in the last two decades, a process of disenfranchisement, a process of distrust, of individualisation, of destruction of the social texture. This is the ground where this discussion and this rhetoric thrive. So the strategy of criminalisation is speaking into a situation where the Italian public opinion and population have been experiencing substantial transformation for worst, in my opinion.

How is civil society responding to the criminalisation?

So you can be on the offensive, you can be on the defensive or you can try to rearticulate your role. But there are different situations, right? The organisations that are more directly affected in the work they do, the people that actually do solidarity with migrants, do rescue people, they face a different situation vis-a-vis NGOs that sympathise or feel part of the same front but are not necessarily exposed on the front line.

I could see a legitimate caution by those NGOs in the frontline, whose mandate is continuing saving people or rescuing people and migrants, as compared to those that do more of advocacy in support of the others and are not necessarily directly impacted in their core area of work but realise that this problem must be targeted altogether. Organisations that do Search and rescue need to do search and rescue. This is what they live for. So there are different strategies.

I do think that probably the best answer to criminalisation is to disobey. It is to do what *Mediterranea* is doing: you close all the harbours? Then there is a civic platform with social movements and individuals that buys a ship

and does what authorities do not want us to do. There needs to be more courage in defying the orders. Also because the majority of these orders are just pure propaganda, they do not actually have any impact concretely.

Some of the organisations are starting to look at the UN system, the UN Special rapporteur on human rights defenders or on the rights of migrants. There are more contacts than before with those special mandate holders. I think this is a very interesting element, especially what we do as a network to facilitate this kind of interactions. Also, in the last meeting of the OSCE ODIHR, there was a public statement by a substantial group of Italian organisations on the issue of criminalisation of solidarity. There is a need to have a sort of two-front strategy: disobey on the ground and bring the battle at the upper international level and vice-versa with a view to contain what is happening at the national level.

Recently, Italy has joined the UN Human Rights Council and one of the related pledges, also thanks to our advocacy work, is the protection, support and recognition of the role of human rights defenders. Now, they will have to make sure to be consistent and take steps to protect human rights defenders also at home. What we are trying to

To respond to these events, Italian civil society organisations, including ARCI, together with activists, journalists and social enterprises, started the mission of “*Mediterranea*”

do with the coalition *In difesa di* is to transform the terms of the discussion: we do not talk about ‘civil society’ but about ‘human rights defenders’ as collective actors. This change of narrative can highlight a serious contradiction between stated commitment and actual action, that we can try to play out. It also allows organisations to access a whole system of internationally recognised rights and guarantees that the so-called ‘civil society’ does not have. But someone who protects migrants’ rights collectively is, in effect, a human right defender.

I am not sure that at this stage trying to convince the public opinion is an easy thing to do. Now we have to protect the space that we have to reclaim our rights and save peoples lives, and this should bring a different message to counter the dominant narrative. ■

HUMANISING THE NARRATIVE ON CRIMINALISATION OF SOLIDARITY: THE WELCOMING EUROPE ECI CAMPAIGN

The European Citizens' Initiative (ECI) is a European tool for direct democracy: the European Parliament and Commission are legally bound to react to the proposal if 1 million signatures are collected from at least seven different countries within a year time. Over 200 civil society organisations across Europe came together to engage the public and change EU migration policy. The initiative demands to decriminalise solidarity, provide direct support for those who welcome refugees and protect victims of abuses.

As migration has become a highly divisive topic in Europe, a crucial side of the ECI campaign was its communication strategy. It is based on a few elements:

1. Simplifying the narrative on migration.

The ECI campaign chose to focus solely on three key demands that are realistic enough to gain the support of a critical part of the population.

2. Humanising the debate. The communication of the ECI campaign encompasses the individuals and groups affected by the failed EU migration policies, allowing them to speak for themselves. Whether through videos, quotes and stories, the champions of the campaign are regular citizens, faces that resemble the public the ECI aims to convince.

3. Finding the best tools for action beyond click-baiting. Social media is essential to



spread the news about the ECI campaign to a wide audience. However, their experience signifies that social media tends to enable users to interact with the campaign, rather than push them to take action (sign the petition). Emails have proved to be the best channel to encourage people to act and sign the online petition.

4. Finding a balance between centralisation and decentralisation. The ECI requires substantial financial and human capacities. While strong central coordination is crucial for collecting and distributing these resources as well as for ensuring the uniformity of the main messages, the narratives are developed by national and local partners to best approach the targeted audiences. ■



BUILDING TRUST BETWEEN NGOS AND LOCAL COMMUNITIES

ANTI-FRACKING EXPERIENCE IN LANCASHIRE

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Interview with Jamie Peters

“The frack-free groups in local communities are autonomous and self-directed. They are strong because they are diverse and organic. They don’t allow more prominent voices to compromise or change their direction. NGOs can only be there in support, to amplify their voices.”

As the opposition to fracking is becoming more vocal in the United Kingdom, repressive measures carried out by authorities and by fracking companies are becoming recurrent. Jamie Peters, from Friends of the Earth UK, shares some insights on how Friends of the Earth balances the relationship with local communities to counter strategic lawsuits to discourage protests and smear campaign against activists.



While the UK is a well-established democracy with a sound tradition of government support for civil society, environmental activists are facing shrinking civic space to criticise fracking policies. Can you tell us more about this phenomenon?

Few examples showcase how the anti-fracking movement has been targeted by what is perceived to be a shrinking civic space for protests.

Among the most striking are the injunctions at fracking sites. Five different private gas companies have taken up injunctions against protesters at their operations. This has been a huge concern for the anti-fracking movement. The drastic steps they have taken have created anxiety among the anti-fracking movement and had quite bad repercussions on protesters.

A second example is quite recent: three young anti-fracking protesters were arrested for up to 16 months in jail for “public nuisance” - an extremely harsh sentence. They were finally released after a few weeks in prison.

Three young anti-fracking protesters were arrested for up to 16 months in jail for “public nuisance” – an extremely harsh sentence

A third more general concern is linked to the government’s Prevent programme which is part of the anti-terrorism strategy and mentioned anti-fracking activists among domestic extremists.

There is also a general demonisation of the anti-fracking movement which sometimes comes from politicians, MPs. So, a concern is that the space for protest has been affected by the way that protest has been talked about.

How did you gain the trust of these movements? What is the role of NGOs like Friends of the Earth in the mobilisation against fracking?

Friends of the Earth is an NGO, and as in most countries, also here NGOs cannot expect to get instant respect from anyone. It must be worked out over time and build up by showing you are trustworthy.

Friends of the Earth has been working with several communities especially in Lancashire for six or seven years. We tried to provide support rather than brand their movements. I guess that our role is to give a platform to these communities, to elevate their voices. We have been on the ground to help their campaigns when they asked us. For example, we were on the site to arrange protests or to join protests or to join community events. We also provided legal and planning support. We do have our own national campaign on fracking but working with communities we try to play a role of support.

We helped in a number of ways, but the starting point was always to listen to the communities, what they want. And this is how we built trust. But building trust is a constant process, and trust can be lost quickly. It is something we constantly work on.

Despite the measures aimed at discouraging opposition to fracking, protests are becoming stronger and stronger. People are speaking out against the criminalisation of anti-fracking activists. How are these activists able to explain to their communities that this cause is worth fighting for?

I think that the message comes best from the people in the communities. The messenger is essential: communities can see that these people live with them, they look and sound like them. They recognise that it is 'normal' people standing up against fracking. I think that this is the most powerful thing: communities see that this is their fight, they are part of it. And this has happened across the country: the fight has started during community meetings, public talks. This fight is growing from the ground up. When people see that this activism against fracking is not something completely strange for them, they gain the confidence to be active.

People see the anti-fracking movement as accessible, something that they can join. And there are multiple reasons for them to become involved: some people are worried about their water, some about their air, their health, their children, some about climate change, some about democracy. People have different motivations to be involved, but the main thing is that these anti-fracking groups are set up by people in their community. They are not experts or NGOs or politicians. They are just ordinary people worried about fracking.

When people see that this activism against fracking is not something completely strange for them, they gain the confidence to be active

To have people involved, you need to make people feel welcome, make them feel like they can make a difference. And the anti-fracking movement did make the difference: it was able to delay fracking for years in this country. So activists are able to explain this cause is worth fighting for because they have done it themselves and it worked.

Public support for fracking is at a historical low. How is civil society reaching out to the broader public and convincing of the detrimental effects of fracking?

People and groups have been very focused on their own sites' battles and their immediate threats, but of course, it is crucial that they do a lot to create public awareness. Recently, the discussion is being around democracy: the government in London has been so outrageous in forcing fracking on communities, for example by making changes to laws that affect the whole country. And this has pushed people to get involved, for example by signing petitions to go to politicians or the government itself.

Moreover, now fracking has finally started so there is a lot of media attention all across the country. People are calling for national demonstrations against fracking, so even if London is not directly affected by the fracking policies, people are asked to get involved and invited to join. The attempt to build public support is ongoing because more communities could be affected by fracking in the future. And communities that are already affected are doing so by telling their own stories.

Potentially, NGOs like Friends of the Earth have a role to play. We have more resources and more reach than local, organic anti-fracking groups. For example, we are mobilising our national supporters, telling them what they can do to help: they can send solidarity, donate money to these groups, attend their events or write their own MPs.

Companies also are playing a role. Some have been lobbying for repressive actions, but others are also supporting citizens' mobilisation. Can you give us some examples?

Local businesses have been very supportive of the anti-fracking movements in some areas of the country. For example, in Lancashire, over 300 local businesses supported the anti-fracking activists. Activists went door to door to companies asking if they could sign letters or provide resources. Local businesses have a lot of concerns of their

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SURVEILLANCE ON ANTI-FRACKING CAMPAIGNERS

own. Regarding big companies, the cosmetic company Lush has helped to provide funds. Again this support is due to the fact that the anti-fracking movement is very grassroots, built from grassroots up. And I know that this has happened in other parts of the world where different industries have been involved in opposition to fracking because they are also worried about the impact on the water pollution will have on their businesses.

What lessons can other European movements and civil society organisations learn from this mobilisation to consolidate public trust?

The anti-fracking movement is unprecedented, I have never seen anything like this in my lifetime both in terms of diversity and successes. So there is a lot to be learned from this movement.

The strength of the anti-fracking movement is that it is rooted in people and places: it is very authentic and is led by those most affected by it. The people that are really pushing this movement are those that are motivated by this real threat. Sometimes, people had never been part of a protest before, but they felt welcomed and feel they can have an impact because the movement was successful in stopping the fracking industry for seven years.

It is a real people-based movement. The frack-free groups are autonomous and self-directed. They are strong because they are diverse and organic. These groups do not allow more prominent voices, for example, politicians, to compromise them or change their direction. NGOs can support them when they ask for it, can provide them with a platform to raise their voices, but other groups and NGOs cannot direct these anti-fracking groups. ■

In September 2017, leaked documents had exposed how “the security services and police have been using Prevent to monitor not just Muslim activism and charitable work, but dissent and “subversive activities” that go well beyond ideologies that “draw people into terrorism” including anti-war, anti-fracking, pro-Palestinian, anti-austerity, animal rights campaigns.

Network for Police Monitoring (Netpol) coordinator Kevin Blow commented:

« This document shows how completely subjective the terms ‘domestic extremist’ and ‘extremist symbols’ are: no wonder the police and the government have failed to pin down a legally robust definition. »

Dr Les Levidow, of the Campaign Against Criminalising Communities (CAMPACC), said:

« As this guidance illustrates, the vague criteria/requirements of the Prevent programme are predictably turned into an agenda for stigmatising political dissent, perhaps intentionally... »

On 11 June 2018, London’s Information Rights Tribunal ruled that the police cannot refrain from providing information to the Netpol on how often anti-fracking activists are referred to a secretive “de-radicalisation” programme



based on national security reasons. Netpol brought the case to court after the Information Commissioner supported five police forces who rejected the requests for information about “Channel”, a deradicalisation programme which part of the UK government’s controversial Prevent strategy. Prevent is a referral system for people identified as “vulnerable to being drawn into terrorism”. Netpol reported that the police tendency to disregard the request for transparency on national security grounds “is a long-standing concern for many campaigners alarmed about the scale of intrusive surveillance on political dissent”.

The Tribunal’s ruling highlighted the need for more transparency about the way the Prevent strategy and Channel programme operate, as both “can only work if [they have] widespread public understanding and support”. ■

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**RE-THINKING
LEGITIMACY
IN TIMES
OF TROUBLE**

**FRAMING THE TERMS
OF THE DEBATE**

In the age of authoritarian politics, nativist and exclusionary populism, notions like legitimacy and accountability are being manipulated in order to silence down those who criticise and take action on rights-based objectives. How can NGOs fight back the denial of their legitimacy? How can NGOs gain credibility and support for their action from local constituencies to the public at large?

CIVIL SOCIETY LEGITIMACY IN QUESTION

DEFAMATION PATTERNS AND RESPONSE STRATEGIES

Saskia Brechenmacher

“We need to understand why certain negative narratives about civil society gain prominence, and why they may resonate with parts of the public; what are the locally relevant sources of legitimacy that civic actors can draw to protect themselves against attacks.”

How is this fast-changing context impacting the space where civil society operates?

Over the past few years, several trends have collided to make the environment for civic activism more challenging. First, in places like Hungary and

Turkey, governments have rolled back democratic checks and balances and concentrated political power in the executive. These governments tend to feel very threatened by civic groups that are challenging their abuses of power. As a result, they foster and reinforce an atmosphere of fear and paint those who are criticising their agenda as threats to order and stability.

The rise of populist movements and leaders over the past several years poses an additional challenge. In many European countries, perceptions of dysfunctional governance and uneven growth combined with social struggles over migration have fueled anger with the political establishment. The consequences have been well-documented: voters have increasingly turned to outsider parties, some of which embrace

explicitly nativist and exclusionary platforms. This context of resurgent nationalism poses several challenges for civil society. It creates a hostile context for groups defending progressive values and the rights of vulnerable minorities, including refugees and LGBTQI communities. It also represents a challenge for civic groups that rely on international networks, human rights frameworks, and funding: not surprisingly, right-wing populists have lashed out against these groups as representative of unfettered 'globalism' and cosmopolitan elitism. Other (decidedly non-populist) leaders increasingly borrow from this populist toolbox to attack their critics. It is easier to dismiss domestic critics as "George Soros-funded agents" than to engage with their arguments. In countries where these trends have fueled political and social polarisation, civic actors face additional challenges: polarisation tends to be reflected within civil society, which makes it more difficult to build broad coalitions and facilitates government attacks.

A third important trend is that many Western democracies over the past several years have become less vocal in their support for democracy and human rights around the world. This support has of course always been inconsistent. Yet, domestic political crises and a strong focus on counterterrorism and migration control have led some to further deprioritise this type of international engagement. Some Western governments are themselves setting a negative example with respect to freedom of assembly, freedom of association, and press freedom. As a result,

We see new forms of grassroots mobilisation, new protest movements, and citizen resistance to government corruption and democratic backsliding, but also an upswing in conservative civic activism

movements, and citizen resistance to government corruption and democratic backsliding. Some European countries have also experienced an upswing in conservative civic activism. The implications of these trends for the legitimacy of civil society require further analysis.

Do you see patterns in the narratives that governments use to discredit the work of NGOs in Europe and the rest of the world?

Yes, we definitely see similar patterns. Efforts to stigmatise civil society typically revolve around four key arguments or accusations. First, governments argue that civil society organisations are self-appointed rather than elected, and thus do not represent the will of the majority. For example, the Hungarian government has justified new restrictions on foreign-funded NGOs by arguing that politics should be the domain of elected politicians rather than unelected civic groups—while at the same time actively undermining the quality and competitiveness of elections in the country. Second, governments in countries as diverse as Egypt, Macedonia,

groups fighting for human rights principles in difficult political contexts feel that they no longer have the same degree of international backing that they enjoyed in the past.

Lastly, our research at the Carnegie Endowment has also sought to highlight the broader transformation of civic activism in many places. Across Europe, we see new forms of grassroots

mobilisation, new protest

Turkey, and India [editor's note: also EU countries like Italy and Slovakia] have argued that civil society organisations receiving foreign funding are accountable to external rather than domestic interests. Many deploy the label of "foreign agent" to discredit critical organisations.

A third accusation is that civil society groups are partisan political actors disguised as nonpartisan civic actors. Governments denounce both the goals and methods of civic groups as being illegitimately political, and hold up any contacts between civic groups and opposition parties as proof of the accusation. While many civil society groups insist that they stand for universal rights rather than partisan agendas, this can be a difficult argument to make if society is deeply polarised or the government is actively seeking to curtail those same rights. Lastly, critics sometimes frame civil society groups as elite actors who are not representative of the people they claim to represent. They point to the foreign education backgrounds, high salaries, and frequent foreign travel of civic activists to portray them as out of touch with the concerns of ordinary citizens and only working to perpetuate their own privileged lifestyle.

Civil society's legitimacy is under unprecedented pressure and, in many European countries, trust in civil society is lower than in the past. Yet, often civil society is more trusted than other institutions and societal actors. Is this legitimacy-crisis linked to a more widespread crisis of trust?

I think it is difficult to generalise across contexts. In Western democracies, political scientists have documented decreases in institutional trust beginning in the 1980s. Some institutions, including political parties and parliaments, have been particularly hard hit, perhaps because they are directly blamed

for recent governance crises and perceived democratic dysfunction. Yet, there are important variations even within Europe. For example, the new democracies of East Central Europe are characterised by substantially lower levels of institutional trust than Western European democracies. Among the latter, the decline in trust over the past decade was starkest among poorer Europeans and residents of Southern Europe, who were most severely affected by the economic recession.

It is true that civil society on average still enjoys higher average levels of trust than many other institutions. But low levels of overall institutional trust can create an environment that is perhaps more fertile for conspiracy theories, disinformation, and anti-establishment appeals—all of which contribute to further lowering trust. As noted above, this cycle plays into the hands of illiberal and anti-democratic parties that seek to challenge the progressive values that many civil society organisations seek to defend—particularly in places where civil society is not necessarily as robust, pluralistic, or locally rooted. Yet, it can also be an opportunity for civic groups to try and build new alliances around shared basic values and popular grievances.

What factors should we consider when framing civil society's discussion on its public legitimacy?

In an increasing number of countries, governments are not only making it more difficult for civil society organisations to operate: they are also attacking the very legitimacy of an autonomous

civic sphere. Governments are specifically lashing out at civic actors that are critical of government policy. They often draw on existing prejudices or partisan divides as well as weaknesses within civil society itself.

These types of attacks raise the question: what are the sources of legitimacy of civil society? And how can civil society organisations strengthen their public legitimacy to help them weather attacks? These questions do not have easy answers. Legitimacy is a notoriously difficult concept to define and measure. And civil society groups differ widely in terms of their origins, objectives, and constituencies. Organisations

seen as legitimate by some parts of the public may be viewed very negatively by others.

A nuanced analysis needs to proceed along several lines. First, we need to understand why certain negative narratives about civil society gain prominence, and why they may resonate with parts of

the public. Who are the actors that are driving these narratives, and what are their incentives? What mechanisms and tactics do they rely on, and what aspects of the political context facilitate these attacks? For example, we know that heightened polarisation can easily be exploited by governments: it allows them to deny the legitimacy of any type of opposition and use hardball measures to weaken their critics.

Second, we need to examine the locally relevant sources of legitimacy that civic actors can draw to protect themselves against attacks—and how they can foster public support for freedom of association and assembly as basic rights that should be protected for all.

Possible strategies may include building strong cross-cutting coalitions among civil society actors and with other sectors or reaching out to groups across social divides to foster a shared commitment to core democratic principles. There is no one-size-fits-all model that will apply across all contexts.



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The decline in trust over the past decade was starkest among poorer Europeans and residents of Southern Europe, who were most severely affected by the economic recession

What elements have proven successful to build successful counter-narratives?

In our report, titled “Examining Civil Society Legitimacy,” we asked civic activists and experts from different countries to reflect on the sources of and challenges to civil society legitimacy in their respective contexts. Some of the contributors shared lessons learned from their own organisations and activism. While the challenges organisations face vary by context, we found that there is a core set of “legitimacy sources” that civic groups can cultivate and highlight.

In terms of building successful counter-narratives, three important themes emerged. First, if the political context allows it, civic groups should challenge conspiracy theories and rumours that misrepresent their identity head-on. In some countries, humour has proven an effective tool in this regard. Others suggested highlighting inconsistencies in government attitudes toward civic advocacy versus private sector lobbying; the latter is often poorly regulated and nontransparent, while restrictions only apply to civic groups. Similarly, civic activists accused of pursuing foreign agendas can stress that they represent norms that governments themselves have signed up to and which are, in most cases, embedded in domestic legal frameworks.

A second priority is to ensure local relevance by working on issues that directly impact people’s lives. Rather than only responding to smear campaigns, civic actors should seek to tackle the root causes of citizen discontent and demonstrate why their work is relevant to ordinary citizens’ priorities. In some cases, this approach may mean reframing specific social or political causes in ways that are more locally resonant or culturally appropriate, rather than simply adopting international frameworks. A third and related strategy is

to highlight civil society’s diverse contributions to social and political development. In some cases, working on service delivery and other more “palatable” issues can give civil society organisations space to address more politically challenging topics: it allows organisations to point to concrete achievements in areas such as health, education, or economic development.

But there are other aspects that can help civil society organisations’ weather government attacks—including ethical leadership, strong downward accountability to their constituencies, a reputation for political independence, and efforts to build coalitions across social and political divides.

Across all the contributions collected, coalition-building and solidarity actions have emerged as an important element to enhance civil society’s response to shrinking civic space. What factors should civil society bear in mind while building alliances?

Indeed, almost all of the authors highlighted the importance of building long-term partnerships and alliances, both to expand their support base and to push back against attacks on individual organisations or the sector as a whole. In deeply polarised societies, such collaboration can be very difficult, as it requires reaching out to actors that do not

Regional networks can be very helpful to share advocacy strategies and build solidarity, especially for activists from countries in which space for internal coordination is already very restricted

necessarily share similar political values or objectives. As a first step, it may require recognising each other’s grievances and concerns as legitimate,

and being open to sidestepping certain issues or reframing others in ways that ensure broader buy-in.

In general, alliances can be built within countries, at the regional level, as well as with international allies. Regional networks can be very helpful to share advocacy strategies and build solidarity, especially for activists from countries in which space for internal coordination is already very restricted. In terms of additional stakeholders, several contributors highlighted the role of independent media and the private sector. The former can help disseminate advocacy messages and information in novel ways and help reach a wider audience, while hold governments accountable for abuses. The latter can result in some instances an ally in pushing back against government restrictions or in providing funding for civil society, though many businesses worry about potential negative consequences and are more likely to engage behind the scenes.

Lastly, many countries suffer from a divide between older generations of activists who led or continue to lead traditional advocacy organisations, and younger activists who are organising in more informal and fluid ways. Bringing these actors together can help coordinate roles and generate new ideas for action, and encourage younger people to get involved. ■

DELEGITIMATION OF CIVIL SOCIETY ORGANISATIONS

LESSONS FROM THE GLOBAL SOUTH ON “FOREIGN AGENT” NARRATIVES

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Jonas Wolff

The effect of “reputational attacks”
depends on dynamics in the public
sphere and society: in countries
with a long history of foreign
intervention and asymmetric
economic interdependencies,
suspicions of and resistance
to “Western” interference often
constitute deep-seated
public sentiment.

The phenomenon of closing civic space essentially reflects a political struggle over the legitimate role of civil society organizations in public affairs as well as over the legitimate role of the state in regulating such civil society activities. The public sphere is a key site in which this struggle is waged. In general, in the context of closing spaces, governments publicly define increasingly narrow limits as to what kinds of civil society organizations and activities are to be considered

appropriate¹. Based on such a definition of standards of appropriateness, governments may then publicly criticize individual civil society organizations (CSOs) with a view to designating them as, in one way or another, outside the realm of legitimate civic behavior.

THE LOGIC BEHIND “REPUTATIONAL ATTACKS AGAINST CIVIL SOCIETY ACTORS”

The basic logic of what is called “reputational attacks against civil society actors” involves three steps. First, a given government promotes a specific set of general standards of appropriateness that defines and delimits the range of legitimate CSOs and their activities. Second, individual CSOs are publicly delegitimized, that is, designated as transgressing these limits. Third, in doing so, governments indirectly weaken the CSOs concerned by negatively affecting their reputation with the public.

Consequently, in contrast to other forms of civic space restrictions in which governments directly constrain CSOs, the effect of such “reputational attacks” depends on dynamics in the public sphere and society. The reputation of a given CSO will only be harmed by governmental statements if the audience buys into (i) the specific charges leveled against the organization as well as (ii) the general standards of appropriate civic behavior that underlie these charges. To be sure, governments have privileged access to—if not partial control of—the public sphere and

¹ Governments may do so through legal action (e.g., through CSO laws) and/or via public statements. Such limits—and the corresponding standards of appropriateness—can also refer to actor characteristics (i.e., what defines a legitimate civil society actor in terms of legitimate purposes, internal procedures, or funding sources), their activities (i.e., which types of civil society action are or are not legitimate), or both (defining, for example, that certain CSOs are or are not entitled to engage in specific activities).

may utilize a disproportionate amount of resources to shape public discourse. But nowhere can governments simply decide what people should think. Government efforts at delegitimization, therefore, depend on two key factors:

1. The vulnerability of the individual CSO is determined, in particular, by the extent to which the organization is perceived as credible by the public as well as by the depth of its societal roots and the breadth of its alliances.

2. The public resonance of the general standards of appropriateness and of the kind of transgressive behavior the civil society actor is charged with is determined, in particular, by societal norms and values as well as by pre-existing public narratives².

² In this sense, in her comparative study on Egypt, Ethiopia, and Russia, Brechenmacher .

*The “foreign agent”
frame has strong
resonance in a world
organized according
to the logic of
nation-states*

THE RELEVANCE AND SPECIFIC POWER OF THE “FOREIGN AGENT” MOTIF

In the context of the current trend of closing civic space around the world, the most prominent motif used by governments in order to delegitimize CSOs is the notion of “foreign agents.” More specifically, external civil society support is “deliberately depicted as a new form of imperialism or neo-colonialism”³, and civil society organizations that receive foreign funding are frequently labeled as “foreign agents or puppets of Western powers pursuing larger geostrategic objectives”⁴.

Why is the “foreign agent” frame so powerful? Generally, the overall motif refers to principles—including collective self-determination, sovereignty, and noninterference—that have strong resonance in a world organized according to the logic of nation-states. More specifically, in countries with a long history of foreign intervention and asymmetric economic interdependencies, particularly in postcolonial settings, suspicions of and resistance to “Northern” and/ or “Western” interference often constitute deep-seated public sentiment⁵. As a result, “push-back measures against Western actors often enjoy significant domestic public support”⁶. When CSOs are faced with governmental campaigns that specifically use foreign support as a means to publicly delegitimize them, they should certainly do their best to tactically respond to inappropriate, misplaced, or

³ Kiai, Maina, 2013a, 9, United Nations Human Rights Council.

⁴ Carothers, Thomas, at al. 2014.

⁵ For different country case studies, see Wolff, Jonas, and Annika E. Poppe. 2015. (PRIF) and Brechenmacher, Saskia. 2017. Carnegie Endowment for International Peace.

⁶ Carothers, Thomas. 2016. Journal of Human Rights Practice 8 (3): 358–377

outright false charges. However, if the corresponding organizations indeed receive a significant amount of foreign support, this oftentimes is not enough. Given the societal resonance of the “foreign agent” motif, local CSOs—as well as the external actors supporting them—are well advised to take the basic allegation seriously and think hard about how to address it strategically. Such strategic action can address the specific vulnerability of the CSOs at hand and/or address the public resonance of the charge, that is, the general legitimacy question.

MAKING CSOS LESS VULNERABLE

The most obvious way to make CSOs less vulnerable to the “foreign agent” charge is to reduce reliance on foreign funding. [...] Yet, very clearly, the potential of raising domestic money depends very much on the specific context and generally it will be hard if not impossible to entirely substitute foreign resources. Furthermore, as Hussein Baoumi has argued, relying on domestic funding also comes at a cost: given the concentration of wealth “in the hands of few families, corporations or individuals” that is typical for countries from the global South, locally funded CSOs may become “accountable to a small rich elite in their countries”⁷.

[...] A different set of strategies attempts at reducing CSO vulnerability to governmental delegitimization efforts by expanding societal support. Again, there are basically two complementary ways to do so. On the one hand, CSOs can strengthen their ties with domestic constituencies and build close links with local communities, in particular in rural areas outside the capital⁸. As a

result, CSOs can preventively counter the image that foreign-funded organizations are essentially opportunistic enterprises alienated from domestic society and accountable only to their external funders⁹.

On the other hand, CSOs that operate in “sensitive” areas are well advised to build formal coalitions and informal alliances with other CSOs, but also with the broad range of socio-political actors that exist outside the world of formal non-governmental organizations (NGOs). Such alliances may include traditional mass- and/or community-based organizations and new forms of “civic activism” that are rather sporadic and fluid¹⁰, but also political parties and individual politicians that enable access to the political arena. Being part of broad coalitions or networks can be crucial when it comes to publicly counteracting negative governmental campaigns. For instance, in the case of Kenya, a previously established alliance of NGOs, the CSO Reference Group, proved crucial when the government tried, starting in 2013, to enact legislation that would severely restrict foreign funding to local organizations¹¹.

DEALING WITH THE PUBLIC RESONANCE OF THE “FOREIGN AGENT” MOTIF

The predominant response to the “foreign agent” charge, at least in the international debate on closing civic space,

Being part of broad coalitions or networks can be crucial when it comes to publicly counteracting negative governmental campaigns



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⁷ Baoumi, Hussein. 2016. *OpenGlobalRights*, 27(6).

⁸ Howard, Kerrie, et al. *Space for Civil Society: How to Protect and Expand an Enabling Environment*. 2014. *Act Alliance and CIDSE*.

⁹ Hahn-Fuhr and Worschech 2014; Mendelson 2015, 5–6.

¹⁰ Youngs, Richard, et al. “Global Civic Activism in Flux.” *Carnegie Endowment for International Peace - Reports*, 2017, pp. 1–77

¹¹ Carothers, Thomas. *The Closing Space Challenge: How Are Funders Responding?* 2015. And Hetz, Fabian. 2017. Unpublished Master Thesis, Gent University. And Mbogori, Ezra. 2016. *openGlobalRights*, 21(04).

The predominant response to the “foreign agent” charge, at least in the international debate on closing civic space, is characterized by an emphasis on human rights

is characterized by an emphasis on human rights. As Maina Kiai has argued, for instance, “we need to use the language of human rights as a universal standard, and move towards a rights-based approach to development, rather than a results-based one”¹². This is certainly what one would expect from a UN Special Rapporteur on the rights to freedom of peaceful assembly and of association. Such a strategy may indeed work in contexts in which public narratives that emphasize negative experiences with foreign meddling and the importance of sovereignty and self-determination are marginal. But in many cases, such a strategy will probably not be very successful.¹³ In fact, the very case in Kenya to which Kiai refers suggests a different strategy. The successful NGO campaign that in 2013 (and again years later) managed to prevent the Kenyan government from passing a severe foreign funding restriction did not use a human rights-based discourse but precisely a results-based one. The key argument that ultimately convinced both a majority of legislators and the public was that the loss of foreign funding would have severe socioeconomic consequences: most notably, 240,000 jobs in the CSO sector would be at risk, and 20 million Kenyans would lose access to basic health care^{13 14}.

The key strategy here is to reframe the terms of the legitimacy discourse¹⁵.

¹² See Kiai note 3 above.

¹³ Maracci, Clarissa. 2013. Devex, November 26, 2013. See also Kiai note 3 above and Vandyck, Charles Kojo. Center for Strategic and International Studies. May. 2017.

¹⁴ Fabian Hetz (2017) has analyzed the successful strategy of the CSO Reference Group in detail.

¹⁵ Such a strategy, of course, can still be combined with a human rights-based discourse that emphasizes international and national human rights law.

Rather than trying to defend the intrinsic legitimacy of foreign-funded CSOs (by emphasizing a universal right to access foreign funding), CSOs and their sympathizers must accept that reliance on external support compromises their domestic legitimacy, at least in the eyes of some. Yet, they can emphasize other forms of legitimation. The Kenyan example above suggests that CSOs’ instrumental legitimacy—that is, the appreciation they receive because they are perceived as meeting important societal needs—is key in this regard. Procedural legitimacy—arguments that explain how CSOs operate—could also be a worthwhile emphasis: wherever the funding comes from, mechanisms of transparency and accountability guarantee that resources are used for the declared purposes of the organization. As an experience from a German NGO that supports CSOs worldwide suggests, the establishment of voluntary codes of conduct and seals of approval can be useful tools to improve the reputation of CSOs precisely in terms of their procedural legitimacy. In short, instead of letting governments define the terms of reference, CSOs need to redefine them in terms that will ensure their status with the public, thus deflating government attempts to attack their reputations. ■

[This article is an adaptation of the author’s book chapter found in *Rising to the Populist Challenge: A New Playbook for Human Rights Actors*.]

RESPONDING TO THE “FOREIGN AGENT” CHALLENGES IN HUNGARY

A STORYTELLING CAMPAIGN

Stefánia Kapronczay and Anna Kertész

In 2017 the campaign against human rights and pro-democracy NGOs heightened including smear campaigns against the organization. The accusations included lack of transparency about financial resources as well as questioning the value of these organizations' work. As a response, we created a campaign called “HCLU is needed” (*Kell a TASZ*). The campaign grew out of the realization that the organization would be cornered into a defensive position if it solely responded to the accusations and vague suggestions of politicians and pro-government media. Furthermore, our experience with previous communications campaigns highlighted the power of being explicit about our values and sharing individual stories that resonate with people's feelings. We therefore decided to use the increased attention to present an alternative narrative about human rights and our activities. We decided not to respond directly to the stigmatizing statements, but instead start telling our own story about who we are, what we believe in, and who we are fighting for.

At first, we began using the “HCLU is needed” hashtag after we published success stories about making a difference in citizens' lives. Further to this, we introduced our clients through personalized online stories that demonstrated they are “one of us” and that human rights protect everyone (see figure 1). We wanted to highlight the people behind the organization, not only the abstract principles we protect. We therefore posted introductions to our staff members discussing why we work at the HCLU (see figure 2). Furthermore, we were aware of the often-alienating human rights jargon and felt



Figure 1

Maria shared an article that claimed that the local government in Tata sold its real estates and then rents the state estates above market price. She was criminally charged for hitting share.

We represented Maria at court and organized a successful crowdfunding campaign to collect fund for her legal costs. Learn more about our client's case: If we are not standing with Maria, she does not get help.



Figure 2

This is who we are, people of HCLU. Dominika Milanovich. A former student of CEU, psychologist, lesbian woman. I organized Budapest Pride, I lead a Norwegian NGO Fund project. I got trust and opportunity from the

HCLU to advocate for people with disabilities. I am everything this system wants to portray as enemy. In the meantime, how am I spending my time at the HCLU? I am helping people with disabilities to stand up for their rights.

the need to explain our values in plain language. We created posts mimicking memes with inspirational quotes such as these (see figure 3):

- “The state should not question our relationship just because we did not get married”
- “I would like to be treated in a hospital that is well maintained, where doctors and medication are available, and where I will not get infected”
- “It is important to me that my child who has a disability learns together with other pupils”
- In response to the allegations about lack of transparency, we highlighted the available easy-to-understand information about our finances (see figure 4).

The goal for our dissemination strategy was to reach people outside of our usual circles with our new alternative message: this is who we are; this is what we work for. We used multiple dissemination techniques, including advertising on social media, asking partners, clients to write about the HCLU and also opinion leaders in various groups (graphic designers, musicians, and other artists).

The “HCLU is needed” campaign started at the beginning of 2017. By the end of October, the number of HCLU Facebook followers had grown by 17% in a steep and steady growth with no decline. April 2017 was the strongest month, our Facebook reach was 84% higher than it had been in March and engagement had doubled. In 2017, HCLU had also doubled the number of regular individual donors. While 35% of the population had heard of the HCLU in May 2016, 41% had by the summer of 2017. ■

The excerpt is based on an article published in Rising to the Populist Challenge: A New Playbook for Human Rights Actors (César Rodríguez-Garavito and Krizna Gomez, eds.). To read more about the campaign visit: <https://www.dejusticia.org/wp-content/uploads/2018/04/Rising-to-the-populist-challenge-VERSION-FINAL-PARA-WEB-1.pdf?x54537>



Figure 3

I would like to be treated in a hospital that is well maintained, where doctors and medication are available, and where I will not get infected. On the side: When we initiated a lawsuit for the transparency in relation

to hospital infections, we received tons of personal stories about tragedies. It turned out that most people only wanted one thing: if relatives end up in hospital, they would not get hospital infections. This is what the HCLU work for.

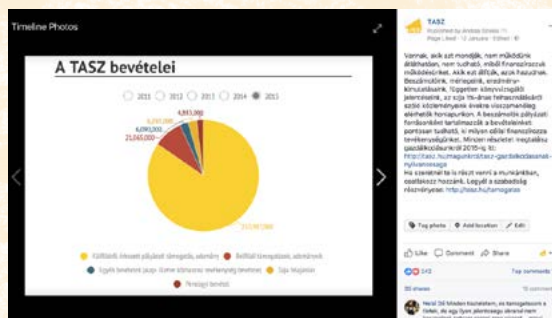


Figure 4

The revenue sources of the HCLU There are people who say that we are not transparent, it is unknown how we finance our operations. Those claiming this, are lying. Our financial reports and the external auditor's reports are

available on our website for years back. The financial reports list our revenue sources: it is clear who and for what purposes gives support to the HCLU. You can find the details about the previous financial year, 2015 here:

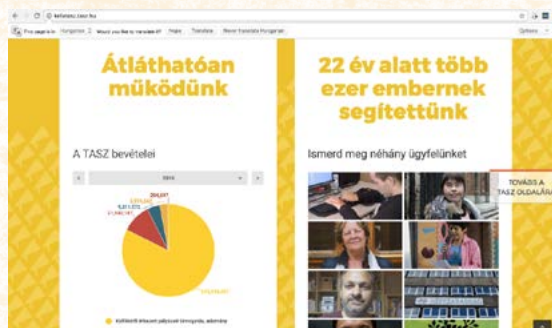


Figure 5

We work transparently (The revenue source of the HCLU) --- We helped

thousands of people over 22 years (Get to know our clients)

CIVIL SOCIETY ACCOUNTABILITY IN TIMES OF DECLINING TRUST

CIVICUS'S JOURNEY

76

Tamryn-Lee Fourie and Merle Rutz

**“Accountability does not end with
a report or self-assessment, but
rather it is an ongoing constructive
relationship that improves the
agency and credibility of CSOs.
Exposing to critical or dissenting
voices is important to avoid
locking ourselves in echo
chambers.”**

Under attack about their legitimacy and accountability, CSOs defending citizens' rights have to maintain credibility among their constituency and the wider public. Tamryn-Lee Fourie and Merle Rutz from CIVICUS guide us through the organisation's journey to ensure strong accountability and transparency to its members, beneficiaries and donors.

Populist tendencies are on the rise in Europe and beyond. At the same time, there is a harmful lack of trust growing in institutions, including in those of governance and politics, and the ways in which democracy is being practised. As indicated by the Edelman Trust Barometer, this trust deficit (both from the informed public as well as from the general population) also extends, albeit

often to a lesser extent, to sectors essential to holding governments and politicians to account, including civil society organisations (CSOs) and the media. The GlobeScan Foundation's 2016 results indicate that this mistrust in CSOs includes associating them with self-interest, corruption, unethical behaviour, no real impact, misuse of financial aid, and lack of transparency.

One response to this is that CSO compliance with (voluntary) accountability frameworks such as Accountable Now or the Core Humanitarian Standard is steadily increasing. Unfortunately, as shown by the Edelman Trust Barometer, trust levels are not increasing as a result of this (voluntary) compliance. What does this say about the perception of CSOs' accountability and transparency efforts? Are these accountability initiatives the right fit for the current global challenges? Are there mechanisms in place, both within individual CSOs and across the sector, to shift the accountability discussion away from a "tick box" compliance exercise into a dynamic values discussion? This should be the time to reflect on unequal power relationships in the contexts of fake news, safeguarding scandals and smear campaigns and one's actual impact. However, there is "a danger of creating more regulations as a 'quick fix' solution to appease donors".

Over the past year, CIVICUS' recurring thematic focus on Reimagining Democracy has revealed that some CSOs may consider themselves standing for democratic values, but are liable to be challenged as to how democratic we are internally in practice (and this

does not refer to just policies in place). For example, many of us are based in capital cities, and so are not good at reaching and understanding what is happening in rural and isolated areas, from where right-wing populism draws its bedrock support. So, we find it hard to talk to the people that we are supposed to be supporting. Based on their findings, GlobeScan also suggests that championing the

public's "democratic rights space" plays in the civil society sector's strength in upholding widely-supported principles that will thus increase trust. However, a concern with democratic freedoms and democratic practice is that these are not seen as a mainstream focus for many CSOs.

At CIVICUS, we have taken the opportunity of a new strategic period to relook at what accountability means to us. Accountability does not end with a report or self-assessment, but rather it is an ongoing constructive relationship with stakeholder groups that improves the agency and credibility of CSOs.

Many of us are based in capital cities, and so are not good at reaching and understanding what is happening in rural and isolated areas, from where right-wing populism draws its bedrock support



THE AUTHORS

Tamryn-Lee Fourie

is currently leading the impact and accountability agenda at CIVICUS. This includes implementation of the organisation's new accountability framework that will help CIVICUS to consistently and systematically track progress and impact against their new strategic priorities, meet accountability commitments and enable learning.

Merle Rutz

is part of CIVICUS' Impact & Accountability Cluster which ensures that CIVICUS' new Accountability Framework is systematically applied to track the organisation's progress and impact. Previously, Merle worked in managing accountability reporting and vetting process for with Accountable Now in Berlin.

CIVICUS' APPROACH TO TRANSPARENCY & ACCOUNTABILITY

DESIGNING OUR ACCOUNTABILITY FRAMEWORK:

In response to these changing contexts, CIVICUS elevated its accountability agenda, moving away from a technical Monitoring and Evaluating (M&E) emphasis to embedding accountability as a culture and strategic enabler.

As a result, CIVICUS' new accountability framework was developed alongside its Strategic Plan 2017-2022 to (1) help consistently and systematically track the organisation's progress and impact against the new strategy, (2) meet accountability commitments and (3) enable organisational learning. It is grounded in two schools of thought - utilisation-focussed evaluation and developmental evaluation theory. The starting point is recognising that in complex environments,

where social change is difficult to measure and attribute to one single effort, evaluation needs to be purpose-driven and enhance the likelihood to inform decisions.

We have also shifted away from traditional notions of measurement of success as we acknowledge that the markers of success vary depending on the levels of the implementation of the programme. Neither outputs, nor outcomes, nor impact markers are the most important measurements in our story of success because each depends on the other.

Our understanding is that social change does not occur in a vacuum, and every effort to affect social change requires us to tell the full story of when/how change happened (or did not). Quantifiable indicators are important for more immediate and intermediate changes. However, longer-term

changes or measures of success may be, in some cases, less quantifiable because they involve changes in social actors, governments, activists and citizens. These behavioural changes are longer lasting and, ultimately, what we are most interested in capturing, measuring and learning to inform our decisions.

As a break from the norm, we have adopted what we call Critical Learning

Questions for measuring these longer-term changes. The below table (Table 1) highlights the difference between indicative impact indicators and our alternative, utilisation-focused Critical Learning Questions, which we propose will replace non-utilitarian "markers of success".

For us, this preference makes the most sense as the evaluation of the level of impact depends on what we intend to do with the outcomes.

At CIVICUS, accountability and transparency are more than the

Social change does not occur in a vacuum, and every effort to affect social change requires us to tell the full story of when/how change happened (or did not)

Goal 1 Defending civic freedoms and democratic values

Indicative Impact Indicator	Usefulness	Alternative to Impact Indicators: Critical learning Question	Usefulness
Degree to which alliance members feel that CIVICUS has defended civic freedoms and democratic values.	This indicator will help measure the alliance perception of CIVICUS. To change the outcome we need to improve perception of the impact of our work not necessarily the quality of the work we produce.	Is CIVICUS' research and analysis influencing perceptions among global publics and key stakeholders to spur change in the policy and practice regarding civic freedoms and democratic values? What types of research products have impact when and why?	These questions help us to think critically about what we do and why. Including which of the strategies is most effective. If our goal is to defend civic freedom, we want to be able to best improve the way we do this. This typifies what is expected from an organisation grounded in learning and self-improvement.

frameworks, policies and documents we put in place. More and more, we are seeing accountability becoming a dynamic two-way relationship with stakeholders in order to ensure people's participation and the systematic use of feedback in decision making at all levels. This type of accountability, called dynamic accountability, is how we are approaching implementing the above framework, to ensure that our well-designed and thought-through intentions are embodied in our programmes' approaches, communications, reports and decision-making processes.

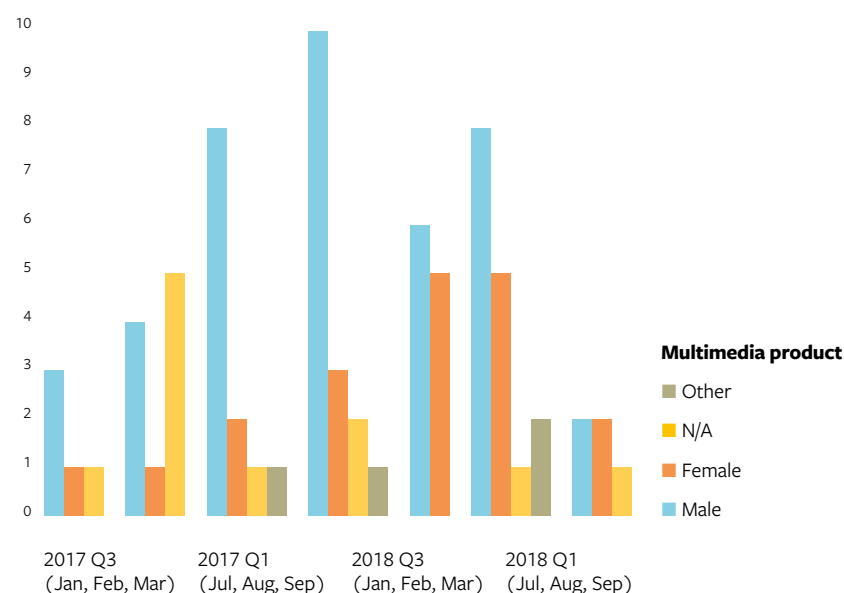
IMPLEMENTING OUR ACCOUNTABILITY FRAMEWORK

In order to breathe life into the accountability framework, CIVICUS has put in place several processes and systems to make sure we not only meet our commitments but also use this framework to embed a culture of values-based accountability supported by robust data-driven decision making.

1. BEING MORE SYSTEMATIC IN CAPTURING PERFORMANCE DATA

CIVICUS is fortunate to be in a very data-rich environment with data being generated through online platforms, participant evaluations etc. However, we needed a common platform to capture results-related data to analyse more holistically our activities, outputs and outcomes in relation to our new strategic plan. As such, during the first year of the accountability framework, we put in place a central system that houses all our programmatic and organisational performance-based data, DevResults, which is a secure web-based monitoring, evaluation and portfolio management system that tracks programme, progress and organisational results data.

Op-ed authors – Gender



Analysis of the data for 2017-2018 gave us the opportunity to learn a lot. For example, as part of our diversity and inclusion agenda, we are also able to capture disaggregated data for gender and youth. Even though our staff composition shows that women are well represented at all levels in CIVICUS, when we started to track the gender of those writing our opinion pieces (as one form of our external representation), we saw that the authors are mostly men. We were also able to course correct by becoming more intentional around creating capacity and encouraging women in our organisation to pick up the pen.

2. CREATING A CULTURE OF EVIDENCE-BASED REFLECTION AND DECISION MAKING

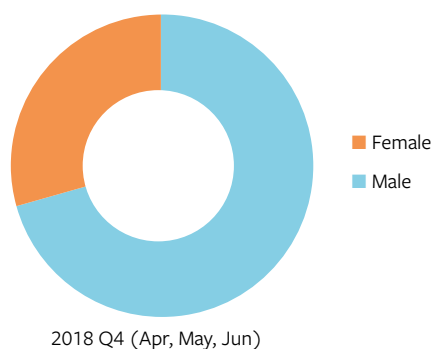
The data-driven decision-making in CIVICUS was supported by an organisational-wide reflection process to discuss progress against year 1 of our strategy and how to course-correct.

During the first round of impact reflection discussions, all the teams were engaged in the analysis and reflection on their results. The intention was to:

- ▶ Encourage data-driven performance discussions based on the annual results captured on DevResults (and other sources as well)
- ▶ Allow for objective discussions to be held at various levels of the organisation on what has/has not been achieved, why and how we need to change and/or strategically course correct
- ▶ Identify content/discuss/analyse our results for inclusion in CIVICUS' annual reporting to the Senior Leadership Team (SLT), donors, Board, members etc.

During this time, we also began our first attempt at answering our Critical Learning Questions and testing whether these are in fact the right questions for us to be answering.

Civicus staff – Gender



2018 Q4 (Apr, May, Jun)

3. PROACTIVELY ENGAGING WITH AND FEEDING BACK TO STAKEHOLDERS AT ALL LEVELS

Along with our impact reflection process, we also launched our online feedback form to enable us to gather complaints, advices and suggestions from a wider range of stakeholders (members, partners and the general public). We also invite members and partners to provide regular inputs via the Annual General Meeting, Annual Constituency Survey, Membership Survey, events feedback forms and project evaluations. Exposing ourselves to critical or dissenting voices is important so that we do not risk locking ourselves in echo chambers.

CIVICUS is confident that having well-designed and responsive mechanisms for handling external and internal feedbacks (including suggestions, complaints, or positive feedbacks) will improve the quality of its work, enhance trust and confidence of stakeholders, identify areas of work which need strengthening, and ensure that CIVICUS learns from feedbacks provided through such a process. The aim is to embed a culture of values-based accountability rather than one-directional reporting.

Another way that we engage stakeholders is through our donor coordination group whom we meet every 6 months. The purpose of these meetings is to actively engage with our core donors on strategy, approach and progress and to allow the opportunities for donors to have robust discussions on our reports. We have also used this opportunity to create an alignment of reporting requirements across our donors, and all our core donors have adopted our accountability and reporting framework which allows us to focus our efforts on impact measurement against our strategy rather than creating too many additional M&E requirements and frameworks at the project level.

4. TESTING A NEW HYPOTHESIS FOR ACCOUNTABILITY

As part of CIVICUS' contribution to the civil society sector, we not only aim to share our accountability learnings but also push the boundaries in terms of testing new tools, approaches and assumptions concerning accountability. Currently, we are investing in various innovative approaches to accountability which manifest themselves in different pilot projects. Examples of these projects include the Resilient Roots, *a pilot project in collaboration with Keystone Accountability and Accountable Now, where we aim to test whether organisations who are more accountable and responsive to their roots - namely, their primary constituents - are more resilient against external threats. We have begun working with 15 pilot organisations, and our initial learnings thus far can be found here.*

LESSONS LEARNT

CIVICUS has begun to systematically capture and synthesise lessons learnt, successes and challenges through our impact reflection process:

- ▶ We have laid the groundwork by implementing systems such as DevResults to house our programmatic and organisational results data centrally but need to do more to ensure that systematised relationship and knowledge management are further embedded in our culture, e.g. incentivising sharing between projects, teams etc.
- ▶ Although we have made progress to meet our accountability commitments, we have not made as much progress in terms of measuring the impact of our work, especially in terms of interrogating our theory of change and *why* we believe that our approach is impactful;
- ▶ We need to continue to improve the quality of our data that is generated across project, programme and organisational levels to inform decisions to understand better the extent to which our accountability framework is evidencing our progress against strategy;
- ▶ Our accountability framework has allowed us to strengthen cross-cluster collaboration within CIVICUS as we aim to answer our broader critical learning questions to inform the overall strategy and approach. Further alignment of our planning and reporting processes will be necessary to foster collaboration both within CIVICUS and with our members and partners;
- ▶ Finally, we need to work with CIVICUS leadership to identify organisational priorities and set targets against these to help us better understand our progress and effectiveness and demonstrate long-term impact.

With these lessons and many others, we are striving to improve how we implement our accountability framework going forward and will continue to share our experiences with our members and the wider sector in the hopes of contributing to a more effective, innovative and accountable civil society that enjoys greater trust from the public. ■

[This article is an adaptation of the authors' article found on the Civic Space Watch]

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