WHAT IS THE STATE OF CIVIL SOCIETY IN EUROPE?

RECENT ASSESSMENTS, FACTS AND CONCLUSIONS

Forum on state of civil society and civic space in Europe, November 16, 2017



Eszter Hartay European Center for Not-for-Profit Law (ECNL)

ISSUES TO COVER

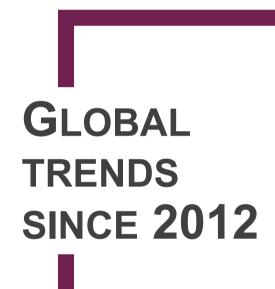
- Civic Space- framework and trends
- How does closing space manifest in Europe?
- What can be done within the EU?

ccording to data collected by ICNL network

33% of initiatives affecting civic space have peen positive, while 68% have been restrictive

39 countries enacted 158 restrictive initiatives, ncluding 47 initiatives from Europe and Eurasia

Of the enacted restricted initiatives, 46% impact ifecycle, 33% foreign funding, and 21% assembly.



Fundamental rights

- Freedom of association
- State duty to protect
- Equal treatment
- Access to funding
- Freedom of assembly
- Right to participation
- Freedom of expression
- Right to privacy

Necessary conditions

- State support
- Government-CSO cooperation



GENERAL TRENDS

- The problem is widespread in Europe
- Threats to undermine CSOs vs small change that together make the space smaller
- Most common threats:
 - Increased reporting
 - Attacks on foreign funding
 - Crackdowns on assemblies
 - Increased scrutiny in the name of AML/CTF
 - Reduced space for genuine dialogue
 - Diminishing or changing roles of public funds

- The concept is highjacked, misunderstood an or overregulated
- In practice: Limitation on access to funding increased administrative burden, dono withdraw, NGOs close down
- It violates: right to freedom of association access to resources, right to privacy, freedom of expression and peaceful assembly, fair trial
- Transparency rules on the state
 - E.g. Polish draft Law on Transparency in Public Li
- Transparency rules on NGOs
 - Rules on lobbying, foreign funding etc



INCREASED SCRUTINY IN THE NAME OF AML/CT(F)

Spain:

Identify and verify the identity of all persons who done
equal to or greater than 100 Euros.

Bulgaria (on the agenda)

- According to the initial draft, CSOs would be treated in the same way as banks and notaries
- Complex customer verification process
- Risk assessment of the AML/CTF threats
- Model internal regulations by the State Agency for National Security

UK (proposal)

- Government's proposal to increase the information collected from charities in the Annual Return starting from 2018
- Includes reporting requirements on ALL income charities receive from abroad, for CT purposes
- Charities oppose such broad-brush burden on reportin
 - Especially considering UK national risk assessment found charities to be at low CT risk, with certain parts of the sector facing higher risk (but not entire sector)

EU has a role:

- Anti-Money Laundering Directive
- EU Transparency Register
- EU discussion on funding of NGOs

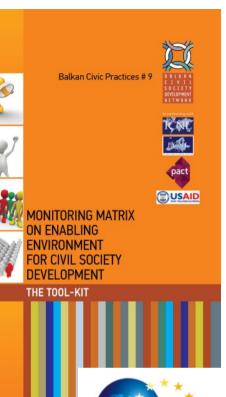
Examples from EU countries have contagion effect in neighborhood

• Hungary - Moldova, Ukraine



- E-participation in Estonia
- CoE Guidelines for Civil Participation in political decision making
- Transparency rules respecting the characteristics of CSOs- e.g. lobbying rules in Slovenia and Austria
- Enabling legislation emerging on social enterprises - Romania, Slovenia and Lithuania etc







COUNCIL OF THE EUROPEAN UNION



EU Human Rights Guidelines on Freedom of Expression Online and Offline

FOREIGN AFFAIRS Council meeting Brussels, 12 May 2014

The Council adopted the following guidelines:

OVERVIEW AND DEFINITIONS





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EU Guidelines on Human Rights Defenders

21/06/2016 - 12:22

Miscellaneous

EU Guidelines on Human Rights Defenders

BUILD ON **EXISTING Tools**

- System to monitor and alert in case of violations of fundamental rights (early warning system)
- Reference document on freedom of association and assembly (guidelines, or indicators)
- Established system for monitoring
- Focal point within the EU to monitor internal actions and facilitate alert and action
- EU fund to support groups working on human rights and fundamental freedoms (specifically for NGOs in the countries)
- EU to look internally into own policies and make sure they are also in line with nternational standards and good practices.



THANK YOU!

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