

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



ISSUES TO COVER

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

According to data collected by ICNL network

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

69 countries enacted 158 restrictive initiatives, ***including 47 initiatives from Europe and Eurasia***

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



**GLOBAL
TRENDS
SINCE 2012**

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



**ENABLING
ENVIRONMENT
FRAMEWORK**



GENERAL TRENDS

- The problem is widespread in Europe
- Threats to undermine CSOs vs small changes 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



TRANSPARENCY

- The concept is hijacked, misunderstood and/or overregulated
- **In practice:** Limitation on access to funding, increased administrative burden, donor withdrawal, 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 Life
- 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 donate 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 reporting
 - 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



EU ROLE AND CONTAGION EFFECT

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



**INVEST IN
GOOD
EXAMPLES**

Balkan Civic Practices # 9



MONITORING MATRIX ON ENABLING ENVIRONMENT FOR CIVIL SOCIETY DEVELOPMENT

THE TOOL-KIT



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:

"I OVERVIEW AND DEFINITIONS



**BUILD ON
EXISTING
TOOLS**

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EEAS homepage > Headquarters Homepage > EU Guidelines on Human Rights Defenders

EU Guidelines on Human Rights Defenders

21/06/2016 - 12:22

Miscellaneous

EU Guidelines on Human Rights Defenders

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 international standards and good practices.



**WHAT CAN BE
DONE WITHIN
THE EU?**

THANK YOU!

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