

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



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**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

- 32% 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**

1. 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

2. Necessary conditions

- State support
- Government-CSO cooperation



**ENABLING
ENVIRONMENT
FRAMEWORK**



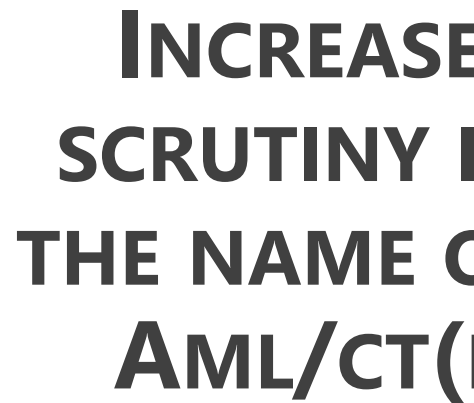
GENERAL TRENDS

- 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, donors 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 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

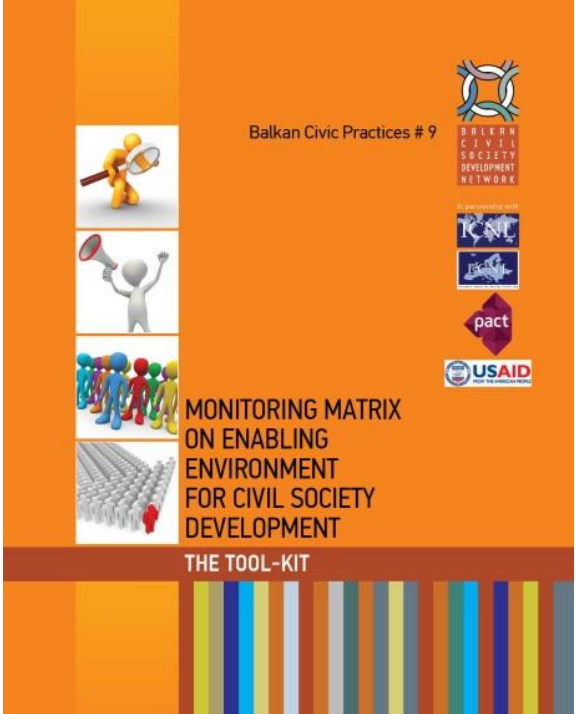


EU ROLE AND CONTAGION EFFECT

- 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**



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



European Union
EXTERNAL ACTION



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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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