The shrinking space of civil society in Europe

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The Committee on Civil Liberties, Justice and Home Affairs adopted an own-initiative report by Anna Júlia DONÁTH (Renew Europe, HU) on the shrinking space for civil society in Europe.

Crucial role of civil society organisations

Members assert the **crucial role** played by civil society organisations in the realisation and protection of EU values and the formulation and implementation of EU law, policies and strategies, including combating climate change, digital transformation and

recovery from the COVID-19 pandemic. Their key contribution is to give a voice to vulnerable and marginalised people, ensuring access to crucial services, providing expertise in policy-making, promoting active citizenship, acting as schools of democracy and being indispensable watchdogs exercising democratic control over state institutions and ensuring accountability for public action and use of public funds.

However, many civil society organisations struggle to survive and have problems with funding, which can seriously hinder their effectiveness and their ability to fulfil their mandate. Moreover, freedom of association is being eroded in some Member States by reforms that put civil society organisations at risk of deregistration or that introduce unduly burdensome administrative processes. In some Member States, restrictions have been imposed with the deliberate aim of **limiting civic space** and are accompanied by legal, administrative and fiscal harassment, criminalisation and negative rhetoric aimed at stigmatising and delegitimising civil society organisations draining their capacity to carry out their legitimate work.

The EU should therefore commit to the preservation and cultivation of civic space at local, regional, national and European level.

European civic space index

Stressing that the rule of law cannot function without a vibrant civil society operating in a secure and enabling environment, Members urged the Commission, therefore, to step up and structure its monitoring of the situation of civic space in the Member States by creating a ‘European civic space index’ based on existing frameworks for measuring civic space.

Civil society strategy

The Commission is urged to adopt a comprehensive civil society strategy for the protection and development of civic space within the EU that integrates all existing tools, fills monitoring, support and protection gaps, and gives genuine political recognition to the crucial role played by civil society organisations. This strategy should outline a set of concrete measures that will protect and strengthen civic space, including *inter alia* by:

- introducing minimum standards for the legal and administrative environment of civil society;

- introducing a statute of European cross-border associations and non-profit organisations;

An enabling regulatory and political environment free from chilling effects, threats and attacks

The report emphasised that for civil society organisations to thrive, civic space must be an enabling and safe environment free from undue interference, intimidation, harassment and chilling effects by both state and non-state actors.

Policies and practices instilling a chilling effect on civic space have been adopted in certain Member States with the aim of achieving self-censorship and deterring civic actors from exercising their rights.

The Commission should use its powers under the Treaties to propose EU legislation to fill gaps and address challenges facing civil society actors across the Union, including minimum standards on the registration, operations and financing of civil society organisations and procedural safeguards against SLAPPs, and to provide guidance on how to use EU law to better protect civil society.

Sustainable and non-discriminatory access to resources

The report noted the challenges faced by civil society organisations in relation to funding include a lack of sufficient sources of funding, burdensome administrative procedures to access funding, a lack of transparency and fairness in funding allocation, and restrictive eligibility criteria.

The Commission is urged to identify existing obstacles and propose a comprehensive set of measures and recommendations to ensure long-term predictable, adequate and enabling financing for civil society organisations, including the funding of their operational activities related to advocacy and monitoring.

The report stressed the importance of securing **complementary sources of funding**, including from public institutions at all levels, private, philanthropic and individual donors, membership fees and income generated through economic activities.

For its part, the Commission is urged to set out conditions and procedures to ensure that EU funds designated to civil society, whether in direct or shared management, are only awarded to organisations that are strictly independent from any government and fully adhere to the EU values.

Civil dialogue and participation in policy-making

Members consider that the President of Parliament could appoint one of her Vice-Presidents to carry out an open, transparent and regular dialogue with civil society organisations and encourage the political groups to devise their own civil dialogue structures.

As for the Commission, in its consultation process, Members called for it to **restore the balance between representatives of corporate interests and representatives of other interests**, such as workers' rights, social rights and environmental protection, and to ensure safeguards against unfair lobbying practices that are not compatible with fair and transparent dialogue.