



**Friends of
the Earth
Europe**

Civic space as a fundamental pillar of democracy

According to the Universal Declaration of Human Rights, all people, everywhere in the world, have the right to speak out, to organise, and to take action. These rights – the freedoms of association, assembly and expression - give us the freedom to form and join groups, peacefully protest, and advocate for the things we want – and to counter the things we don't. These freedoms are called 'civic space' and are an essential part of a vibrant democracy; where debate and discussion thrive, and where people are able to contribute to important decisions that affect them.

According to the [United Nations High Commissioner for Human Rights](#): *"If space exists for civil society to engage, there is a greater likelihood that all rights will be better protected. Conversely, the closing of civil society space, and threats and reprisals against civil society activists, are early warning signs of instability. Over time, policies that delegitimize, isolate and repress people calling for different approaches or legitimately claiming their rights can exacerbate frustrations and lead to instability or even conflict."*

An open, plural and dynamic civic space is a central feature of democratic societies because it allows citizens to be an active part of the political sphere beyond elections. It also encourages governments to be transparent and accountable.

There are three fundamental civil society freedoms – of association, peaceful assembly and expression, when there are increasing restrictions on those freedoms we can speak of Shrinking civic space, or even more common – shrinking space.

[Van der Borgh and Terwindt](#) have developed a useful model to identify different types of pressure that civil society actors can face, using five different categories:

- a) physical harassment and intimidation;
- b) criminalization through prosecution and investigation;
- c) administrative restrictions;
- d) stigmatization and negative labelling; and
- e) participation under pressure

Shrinking space is a growing global trend

If we look at the map [CIVICUS monitor world map on Civic space](#), countries are divided in the 5 categories: open, narrowed, obstructed, repressed and closed in relation to civic space.

According their [CIVICUS 2019 – State of civil society report](#):

- The space for civil society – civic space – is now under serious attack in **111 of the world's countries** – well over half

- **Only four per cent of the world's population** live in countries where our fundamental civil society freedoms are respected.
- There are **now serious restrictions in civic space** on every continent, including Europe

Another example, from the **The International Centre for Not-for-Profit Law** records that [120 restrictive laws were adopted in 60 countries](#) between 2012 and 2015. One third of the restrictions were on international funding, half applied to the general legal framework for CSO operations and 20% were directed specifically against freedom of assembly.

So we can draw the conclusion that **Shrinking space is global growing trend.**

Europe is still more free than other regions, but... it is under attack.

In the recent years, we witness increasing pressure on civil society and growing restrictions. This is one of threat that we have identified in our strategic context analysis and might continue in the next years, in particular with the continuing rise of the extreme right and authoritarian politics and movement. In the same time, **it is important to maintain and increase civic space in Europe as it is kind of global standard setting.**

In other words, if we lose Europe as an open society, we will surely lose the rest of the World. Moreover, only strong European civil society can provide adequate solidarity and support with other CSOs in other countries.

On the continent, we see East - West and North – South divide. There is more pressure on civil society in the Eastern Europe with the worst situation in those who are not in the EU (Russian Federation, Belarus and Turkey, followed by Ukraine, Moldova and Hungary). In fact, Hungary is the only European Union member in which civic space is obstructed. In the rest of Europe, in the most countries the open space for civil society is still considered narrowed, and therefore there is quite a lot of room for improvement.

Right wing politics and right wing civil society are very active in shrinking space

[CIVICUS 2019 report](#) describes also **emerging trend of very vocal anti-rights groups** reported to be very active in some European countries. They say that: *“part of the means through which right-wing populism was mobilised against the ranks of progressive, rights-oriented civil society in 2018 was through extremist groups that attack human rights and social justice. Anti-rights groups position themselves in the civil society arena and often self-identify as civil society groups, but they do not share the same fundamental and progressive values that motivate many of us to be part of civil society”.*

Environmental CSOs are not the first ones to be attacked... unless they dare to meddle in the natural resources management and use (Nature defenders)

When social movements, NGOs, and affected communities attempt to influence natural resource governance, they often experience a strong negative reaction from political and corporate actors defending their own interests. Recent reports have provided insights into prevalent forms of repression against communities and NGOs resisting or criticizing natural resource exploitation. Most striking is the high rate of attacks on physical integrity, including lethal attacks. It starts with the obstruction of participation and ends by killings.

[The 2019 frontlines defender report](#) says that “in 2018, 321 defenders in 27 countries were targeted and killed for their work – the highest number ever on record. More than three-quarters of these, **77% of the total number of activists killed, were defending land, environmental or indigenous peoples’ rights, often in the context of extractive industries and state-aligned mega-projects.**”

A former UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai [in his 2015 Report on freedom of peaceful assembly](#), criticizes the absence of legal frameworks that clearly spell out land rights, as this «creates opportunities for arbitrary expropriation or land grabbing, which in turn can lead to conflict. Opaque procedures for granting exploitation licenses and concessions aggravate the situation and often fuel social protests.». This is also confirmed by Friends of the Earth International groups and allies across the globe and by Friends of the Earth Europe internal survey as our allies (local communities) are more vulnerable and under more pressure than our member groups.

What are root causes of the shrinking space?

In the last decade, the economic crisis and neoliberal response to it by implementing austerity measures led to welfare cuts and increased unemployment and precarity with grave consequences to living standard of many, particularly young people, leading the rise of discontent, populism and neo-fascism. The discontent caused by raising inequality and decline of socioeconomic prosperity was used by populists to challenge existing socio-political system by blaming others (be it remote European Union or immigrants).

The European Union (EU) is rightly criticised for a democratic deficit, deregulation policies, and the influence of the corporate sector on decision-making. There is a feeling of distance between people and EU decisions – leading to anti-EU sentiment, which has sometimes been exploited by the right-wing populists. In the context of Brexit and the election of anti-EU governments, there is rising concern of what will happen to the European integration project – will it lead to the disintegration of the EU, or will it open a debate on European cooperation that will include all Europeans and establish a fair relationship with the rest of the world?

The above pressures have in recent years resulted in an increase in militarisation and anti-terror policies, with additional contraction of human rights and liberties, and a shrinkage of space for civil society across much of Europe. This trend is already present in Eastern Europe, where in populist authoritarian oligarchs have taken power in some countries – we have witnessed them introduce new types of governance through rapid, un-consulted changes to constitutions and legislation. At the same time there is an attack on all opposition, and in particular civil society, by limiting resources for funding and freedom of speech. Indeed, these, so called “illiberal democracies”, are gaining momentum in the eastern regions of Europe – whilst recent elections in western Europe have shown serious gains for right-wing populist parties espousing many of the same measures.

But influence of corporate sector on pressure on civic space should not be underestimated, be it direct or indirect. In conflicts between corporate and public interests, in particular over resources, the latter is one that lose very often and, as illustrated in many cases of environmental human rights defenders being attacked it can be deadly.

Indeed, even a former UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, warned that «[free market fundamentalism – the belief in the](#)

[infallibility of free market economic policies – is an urgent threat](#),» observing a trend of states prioritizing the freedom of the market over the freedom of human beings.

This trend of shrinking space for civil society, attacks on human rights and misuse of democratic processes must be stopped. One of the FoEE's goals in the years to come is therefore to diminish the power of corporations and increase the power of people.

FoEE experiencing shrinking space

In spring 2019, FoEE has conducted an internal survey to identify how many of our member groups have experienced different types of pressure and forms of shrinking space. In total 76% (16 out of the 21 groups that participated in the survey) have reported some sort of pressure.

FoEE member groups experienced the following forms of shrinking space

Type	Country	Description
Stigmatization and negative labeling	CZ, CH, RU, BIH, SI, UK, DK, AT, BG, MT, HR**, DE**, CY**	criminal stigmatization of specific actors -leadership (RU, HR*), Social stigmatization of specific actors - leadership(BIH, RU) and civil society sector (UK, DK, SI, RU, AT, MT, HR**, DE**). Smear campaigning
Participation under pressure	AT, LV, UK, MT, SI, RU, BG, PL	Short deadlines or even pressure to and constrains to take participation in the processes
Physical harassment and intimidation	SK, RU, MT, DK, PL	A physical attack is reported in Russia, in other countries there were different examples of intimidation of exposed leaders
Administrative restrictions and undue state interference	AT, MT, UK, RU, BG, PL, ES* HU**, DE**, CZ**	Examples are including treating CSOs as potential money laundering actors and freezing bank accounts, restrictions on foreign funding; limiting and withdrawing funding (local and national governments), imposing taxation to eliminate public advocacy work, rise of Governmental NGOs, courts took away right to declare donations from an NGO, some NGOs losing their charity status (this limits access to courts). Increased burden of reporting and administrative control (audits) is visible also on pan European level (for FoEE), militarization of police, interference in the CSOs media work
Criminalization through prosecution and investigation	SK, RU, BIH, BG, PL, HU**, HR**, FR**, UK**	Mostly criminalization of public gatherings, being called foreign agent and eco-terrorists in media, criminalization and detention of activists and journalists (HU**, HR**, FR**), companies suing CSOs for campaigning - SLAPP (UK**, HR**)

* Didn't participated in the survey but reported case at the Annual Assembly

** Didn't participated in the survey but reported case at a programme meeting

Allies of FOEE member groups experienced the following forms of shrinking space

Type	Country	Description
Stigmatization and negative labeling	CZ, UK, BIH, RU, DK, MT, SI	Smear campaigns on social and mainstream media Being named as terrorist, eco-terrorist, foreign agent, traitor
Participation under pressure	DK, SI, RU, PL	Short deadlines for consultations and direct pressure on CSO actors not to participate
Physical harassment and intimidation	BIH, SI, CY, DK, GE, LV, MT, RU, PL	Injuries (BIH, MT, RU), Threats (RU, BIH, GE, MT, SI), killings, lack of impunity & protection (RU)
Administrative restrictions and undue state interference	CZ, DK, MT, SI, RU	Changes to more restrictive legal framework for CSOs (SI), Restrictions to rights to assembly (RU), association (RU) and participation (CZ). Criminalization of solidarity with refugees by changed Law on Foreigners (HR)
Criminalization through prosecution and investigation	CZ, UK BIH, RU, HR	SLAPP cases, criminalization and fines of humanitarian CSOs helping refugees (HR)

We need open civic space for healthy democracy and as one of the pillars of just and sustainable society

Civil society organisations and activists play a crucial role in ensuring healthy democracy and play a “watch-dog” role without pressure or intimidation. As reported in the special [Eurobarometer 489 from July 2019 on Rule of Law](#), a vast majority of people in EU considers it important or essential that the media and journalists (90%), as well as civil society organisations and activists (87%) can criticise the government or major economic interests without the risk of intimidation. They also think that there is a need for improvement to some extent in their country regarding the fact that media and journalists (77%) and civil society organisations and activists (73%) can criticise the government or major economic interests without the risk of intimidation.

In the [Statement of Civil Society Europe after the European elections](#) published in June 2019, it is stated that Civil society plays a key role in the defense and promotion of the values enshrined in Article 2 of the EU Treaty, which include respect for human dignity, human rights, equality, democracy and the rule of law. In addition, the work of civil society organisations is to empower people within their diversity to speak up on key issues making a reality their “right to participate in the democratic life of the Union”, as enshrined in Article 10, as well as to seize the opportunity to “make known and publicly exchange their views in all areas of Union action” and participate in an open, transparent and regular dialogue with the institutions (Article 11). In order to ensure this, the EU institutions need to introduce measures to support and development the civic space in Europe and recognise in their work and statements, the specific role of civil society organisations: NGOs, associations and foundations in the development of a European democratic society.

CSE also published a concrete set of actions that need to be taken by European Commission, Parliament, Council of EU and European Council to ensure enabling civic space in Europe.

In the [political guidelines](#) of the new President of the EU commission, Ursula Van Der Leyen, one of priorities is a new push for European democracy, promising the citizens will have more say in the Future of Europe and that active involvement of civil society is expected on many issues mentioned in the priorities.

In response to this, Civil Society Europe called for implementation of the following measures:

- Active involvement and promotion of participation of CSOs in EU policy making, including in the preparation of the Future of Europe Conference
- Active protection of CSOs by expanding rule of law mechanisms for their protection, measures to promote and enable civic space, including adequate funding to CSOs
- Prevention of new legal frameworks that are restrictive for the freedom of Association, Assembly and Expression

Defend and Increase Civic Space Actions

Objectives from the 3 year workplan:

- FoEE contributes to civil society actions to advocate for and promote a legal framework, security, and institutional capacity for environmental civil society to perform a watchdog role and take actions to defend the environment.
- FoEE contributes to understanding of the need for an enabling context for civil society amongst EU and national decision-makers.

Priorities 2019:

We will map needs and impacts of shrinking space on the member groups and their allies. We will discuss at AGM and other fora with network and other CSOs changing context and develop joint strategies and tactics. We will provide support to 5 cases.

Priorities 2020-21:

Increase understanding about mechanisms and policies needed to provide an enabling environment for civil society among FoE member groups and allies; Develop common strategies and actions with member groups and other CSOs to stop and reverse the trend of shrinking space for civil society in Europe and globally and increase awareness among decision-makers of the importance of civic space for upholding European values and advocate for supportive policies.

Planned activities to fundraise for:

1. Solidarity actions to put pressure on states to enable space and adequate framework with civil society

This includes solidarity actions on demand from member groups and support to requests in coalitions to Address European institutions to put pressure on member states and other countries to enable adequate civic space and drawing media and decision-makers attention to the issue, through solidarity actions

FoEE will work in Pan-European alliances to develop common strategy, campaign, monitoring or joint media work to promote positive narrative about civil society and address root causes of shrinking space

This includes participation in the working groups in Civil Society Europe and Europe we Want, joint advocacy letters and meetings with decision makers, joint advocacy actions for civil society's role to be recognised and supported in the new work plan/agenda of the Commission and the new EU Multiyear Financial Framework (MFF) provides funding for CSOs; skills shares and capacity building within network and/or with allies on the issue and how to address it

Exposing corporate capture of democratic processes and decision-makers and corporate impacts on civic space

- document and expose how corporations are behind attacks on funding for civil society organisations and pushing for shrinking space for civil society (Strategic Lawsuit Against Public Participation- SLAPP cases)
- investigate what role corporations play in pushing shrinking space (Companies push for criminalisation of activists; Companies lobby to end funding for CSOs; Companies support/corrupt authoritarian leaders and allow them to get strong)

- We can start with looking at campaigns where there are conflicts on land use and natural resources in different countries in Europe and potentially within FoEI.

Support member groups to address shrinking civic space in their countries by providing grants at national level in 5 countries to implement the following actions:

- Work in alliance with other organisations to address the issue with development of common strategy, campaign or monitoring pressure
- Work in alliance with other organisations to implement joint press release or common media campaign to call attention to experienced pressures
- Enable them to get legal support
- form a coalition or a network in alliance with other orgs to deal with specific challenges and develop self-help strategies
- systematically inform the public and international partners
- like to work with other organisations to set up a collective dialogue with governmental agencies