New Decade, Old Challenges:
Civic Space in Hungary, Poland and Romania

Introduction 2

Overview of changes 3

Hungary, Poland and Romania - A summary 5
  Hungary 5
  Poland 6
  Romania 6

Civil society in Hungary, Poland and Romania 7

The changing space for civil society organizations 8

Limitations in works 9
  Changes to the freedom of assembly 9
  Access to public information 10
  Further limitations 10

Changes in access to financing for CSOs 10
  Changes in legal provisions affecting access to financing for CSOs 11
  Policy changes 13
  Attacks on civil society organizations 14

Recommendations 16
Introduction

When Hungary, Poland and Romania joined the European Union in the first decade of the 21st century, it looked as if the governments of the three countries were trying to meet high standards governing their participation and cooperation within the European Union. Now, in the second decade of the 21st century, it seems that the same governments are trying hard to test how far they can go with attacks on independent institutions, rule of law and civil society.

In the last several years, fundamental rights and freedoms, as well as the rule of law, face systemic attacks in Hungary, Poland and Romania. In each of the countries, governments took steps to limit the independence of courts, prosecution services and the media. Although the pace of this process and the scope of the changes differ among these countries, still, its bedrock is the same: the governments’ attempts to silence down any institution which may prevent the process of consolidation of the powers.

In this context, civil society became particularly vulnerable. By monitoring government action and holding it accountable for breaching core democratic principles, civil society organizations became one of the key targets of government’s attacks. In recent years, in each of the three countries, governments adopted or tried to adopt changes limiting civil society organizations’ operational space and restricting their access to resources. In many cases, these changes were accompanied by smear campaigns and propaganda rhetoric depicting civil society activists and their organizations as the enemies of the state and a threat to national security. Despite the efforts by civil society to mobilize against the systemic changes, they still had a significant impact on the conditions of the sectors in each of the countries.

As the third decade of the century is starting, nothing indicates that the trends of undermining the rule of law and closing civic space would reverse. On the contrary, it could be expected that certain elements of attacks on civil society organizations will be repeated in other countries.

Given the scope of the trend and the alarming pace at which it is developing, we have to see that attempts to limit civic space are no longer a national problem. Thus, the protection of civic space requires the European Union’s attention and direct actions.

The process of closing civic space in each of these countries has been already well documented in numerous reports and analyses. This paper complements this body of evidence by presenting the latest developments in the civic sectors in Hungary, Poland and Romania and their impact on civil society activists’ works.
## 2. Overview of changes

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<tr>
<th>Changes in the system of the state</th>
<th>Hungary</th>
<th>Poland</th>
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<td>Although constitutional institutions do exist, they no longer act as checks and balances on executive power but merely facilitate its operation.</td>
<td>The system of checks and balances has been undermined by government reforms of the Supreme Court, the Constitutional Court and ordinary courts. The changes are accompanied by smear campaigns against judges.</td>
<td>The governing majority made several attempts to undermine the independence of the judiciary and the anti-corruption legal framework</td>
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<td>The government has systematically dismantled media independence, freedom and pluralism, distorted the media market and divided the journalistic community in the country,</td>
<td>Whereas private media remain rather independent from the government, the public radio and TV broadcasters “have been renamed “national media” and have been transformed</td>
<td>During 2016-2019, opponents of the governing coalition have been systematically targeted by the pro-government press with pseudo-investigations into drug use, ghostly transactions with bitcoin and unhealthy relations with colonial</td>
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achieving a degree of media control unprecedented in an EU member state.”

into government propaganda mouthpiece”.

 powers. The government has used fiscal policies to harass alternative media outlets.

Civil society organisations working on human rights and democracy issues are stigmatised in smear campaigns in pro-government media that take cues from government statements. Laws restrict freedom of association and access to funds. Certain CSOs are effectively blocked from accessing national public funds or cooperation with state authorities.

The governing majority targeted specific organizations (women’s rights and migrants’ rights organizations) which were effectively prevented from access to financing. The changes were also accompanied by supporting the organizations loyal to the government.

Civil society organizations are subjected to attacks from media outlets and representatives of the governing majority. Other fundamental rights like e.g. freedom of assembly was also threatened by the excessive use of violence by the law enforcement.

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3. Overview of national situations
3.1. Hungary

In 2010, a populist, right-wing government was elected, which – using its constitutional majority – significantly and systematically weakened the system of checks and balances: for instance, it “packed” the Constitutional Court with judges loyal to the ruling party, removed the president of the Supreme Court, changed the leadership of the ordinary courts, and – through financial means – took over most of the Hungarian media. This process inevitably reached NGOs criticizing the government from the rule of law perspective, when in 2014, the Prime Minister publicly endorsed the idea of an “illiberal state” and denounced human rights NGOs as agents of foreign political interests.

Using vehemently xenophobic campaign rhetoric, which was launched in parallel with the 2015 refugee crisis, as a springboard, the Hungarian government increased its smear campaigns against NGOs working in to protect human rights and democracy and whose activities conflict with government priorities. The smear campaign continues to this day.

Since early 2017, the governing majority adopted three laws to stigmatise and intimidate certain civil society organisations despite strong domestic protest and warnings not to do so from European and international organisations. Over the years, civil society organisations’ stability has significantly deteriorated due to the adopted laws and government harassment. NGOs whose activities conflict with government priorities and policies have come under pressure in recent years, and are unable to access public funds or find it increasingly difficult to reconcile human rights advocacy and accessing such funds. Independent CSOs are excluded from any forms of meaningful consultations or cooperation with state authorities. At the same time, the government strongly supports organizations loyal to the government.

3.2. Poland

Since 2015, Poland has been facing a rule of law crisis which has impacted all aspects of the system of the state. The crisis started with attacks on the Constitutional Tribunal, significantly weakening the system of checks and balances. In the following years, the governing majority adopted almost 20 different pieces of legislation undermining the position of courts and the independence of the judiciary. The changes in the judicial system were also accompanied by legal changes limiting fundamental rights protection and civil society development.

The governing majority has adopted laws and policies influencing how public funds aimed at supporting civil society organizations are distributed and limiting access to funds for certain organizations, especially those dealing with women’s rights and migrants’ rights. The operating space for civil society organizations has also been limited. One important restriction is how the
process of social consultations on new legislation has been effectively weakened: the key legislative acts concerning the system of the state were presented as MPs’ private bills bypassing the duty for consultations with experts. Civil society organizations have also been targeted by smear campaigns and in some cases extensive controls from state authorities.

Despite these changes and several examples of organizations that had to cease their operation due to the lack of funding, still in general the situation of civil society organizations remains relatively stable. Civil society organizations and grass roots movements effectively mobilized in protest against changes in Polish judiciary system and attempts to limits fundamental rights (protests against the proposal on the complete ban on abortion in 2016 and 2017).

3.3. Romania

Since 2017, the governing majority in Romania has undertaken several attempts to pass emergency ordinances and laws limiting judicial independence and the state’s anti-corruption framework. These changes were opposed by a massive mobilization of formal and informal civil society which contested not only the changes related to the judiciary, but also governmental decisions on fiscal policies and pensions. The mass mobilizations of citizens also contributed to creating informal groups and grassroots movements focusing mainly on anti-corruption and government transparency issues.

The freedom and predictability of CSOs’ operation was mainly influenced by legislative changes implementing the EU Anti-Money Laundering Directive which created new, unclear and disproportionate burdensome reporting and financial obligations for CSOs. Although Romanian CSOs have been operating without major formal restrictions, many of them face financial and capacity shortages. Since 2017, the general perception of CSOs was also influenced by on-going media attacks and smear campaigns often presenting civil society activists as foreign agents.

4. The symptoms of closing space

Civil society organizations play an important role in democracy, both at the national and supranational level. As independent organizations they monitor and hold government accountable government, document changes which influence society and provide services to the members of their constituencies. Furthermore, in Central and Eastern Europe, civil society organizations “were perceived as an integral part of society's transition toward democracy”. However, with the growth of populistic movements and the process of consolidating power by governments, the role and perception of civil society organizations changed over the years and more and more often CSOs are
portrayed as opponents of the government posing a threat to the national security and state’s best interests.

The process of closing space for civil society organizations entails also the process of limiting the operational space for organizations and curbing fundamental rights which influence CSOs ability to implement their mission.

The process of closing civic space presented manifold challenges for civil society organizations working in Hungary, Poland and Romania: a gradual limitation of freedom of association, freedom of assembly and freedom of speech, as well as legal and policy changes that prevent citizens from actively participating in public life and debates, accompanied by negative rhetoric presenting civil society organizations and civic activists as "foreign agents" or individuals posing a threat to national security and stability. Moreover, this process threatens not only organizations working in the civil sector but more broadly the entire system of human rights protection. In the most severe cases, "governments are also breaching their human rights obligations through the use of violence, harassment, and threats".

Furthermore, in some countries, e.g. Poland or Romania, the process of limiting civic space is accompanied by another process of favouring specific NGOs supported by the government. In recent years, in each of the countries GONGOs (government-organised non-governmental organizations that work closely with the government) started receiving significant support, both in terms of financial support and access to e.g. public media.

For example, in Hungary over the years GONGOs became "a significant feature of Hungarian civil society". The organizations are used to support the government's new policies and "respond to foreign criticism". Some organizations, e.g. Civil Összefogás Fórum (Civil Union Forum) have been extensively supported by companies with close ties to the government, the government and the ruling party.

Similarly in Poland, since the end of 2015, some of the relatively newly established organizations of a conservative profile gained much attention and state support. For example, according to media reports organizations such as e.g. Ordo Iuris (a conservative organization promoting among others a complete ban on abortion) gained significant impact on the state's institutions since the end of 2015 by either supporting government's policies or promoting its own agenda including limiting the school classes or any educational activities for pupils on anti-discrimination and equality.

4.1. Social consultations on legislation
In all three countries, CSOs’ access to public consultations became quite restricted. The decline was not a result of legal changes in the process of organizing public consultations, but rather that of deteriorating practices of the legislative process.

For example, in Poland, according to the Civic Observatory of Legislation, the average time of social consultations was 12 days, however, the key pieces of legislation concerning the system of the state (e.g. changes to the Constitutional Tribunal, Supreme Court or the National Council of Judiciary) were presented mainly as MPs private bills and bypassing the obligation of organizing social consultations. Furthermore, in 2019, the Minister of Justice threatened to sue a group of legal experts and academics for their opinion on draft legislation amending the Criminal Code.

In Hungary, while preparing the draft legislation the government is obliged to organize the process of social consultations. In practice, however, the key pieces of legislation have been adopted in a way leaving very little possibility for NGOs to present their opinions. For example, in 2018, the government presented a draft law concerning administrative courts without organising any wide public consultations and instead, only consulted with a working group of selected external lawyers. However, "the sessions of the group, or the conclusions of these meetings were withheld by the government despite the Hungarian Helsinki Committee’s freedom of information request".

In Romania, in recent years, the cooperation between CSOs and government deteriorated as "public authorities discouraged citizens and CSO involvement in the policy-making process". Similarly to Poland and Hungary, Romanian authorities "selectively respect the provisions requiring consultations when making public decisions”.

4.2. Freedom of assembly

In Poland in 2016, the Parliament adopted changes to the Act on public assemblies which introduced the institution of "cyclical assemblies". Cyclical assemblies are defined as public gatherings organized on an annual basis to commemorate important historical events or traditions. Consent to organize cyclical assemblies is granted by the government administration and not, as in the case of regular assemblies, by the local government. Cyclical assemblies have a priority over any other public assembly registered at the same time and place. The law, which clearly favored government-sponsored assemblies, sparked numerous controversies. Many groups, including activists of the Citizens of the Republic Foundation, contested the law by organizing protests against it. Participants of these protests and other protests against cyclical assemblies were prosecuted. Since 2017, it is estimated that over 600 hundred criminal proceedings have been launched against the protesters.

In Hungary, a new law on freedom of assembly came into force in October 2018, which has made it more difficult for Hungarian citizens to protest. While the law clarified several controversial issues,
it created a new set of uncertain situations and very broad conditions for prior restraint. Since the law came into force, authorities have been increasingly relying on the uncertainties built into the law. Hence the police’s decision in many cases will be challenged in court as broader powers for authorities often result in prior restraints of protests.

In Romania, the freedom and safety of protesters were severely threatened by police disproportionate violence, especially during the anti-government protests in August 2018. The events were followed by several judicial and legislative decisions. In September 2018, the Minister of Interior announced planned amendments to the law on assemblies that would subject the permission to organize public gatherings to a subjective evaluation of the purpose of the assembly. Although the intentions did not materialize in an amended law, in October 2018, the High Court of Cassation and Justice further restricted the scope of spontaneous public gatherings and required assemblies which were previously exempted from notification, to be declared in advance.

4.3. Access to public information

Limitations in access to public information form a further important element of reducing the methods and opportunities for civil society activity in all three countries.

In Hungary, “human rights defenders’, NGOs’ and investigative journalists’ access to information was weakened by the 2015 amendment to the Act on freedom of information (Act CXII of 2011) which allowed government agencies that possess public interest data to charge the requesting party the labour costs associated with completing a request for information, the amount of which is determined by the agency concerned. Civil society representatives informed the Commissioner that their freedom of information requests were often not granted by the authorities and that they had to apply to courts to enforce such requests in addition to paying substantial fees for obtaining information.”

In Romania, in turn, in 2016 the law on access to public information was amended in a way which provided broader access for civil society organizations to the information. Although the law by gradually widening the access to public information was a step in a positive direction, still the implementation of the law may bring significant difficulties like e.g. granting the information on time or the need to challenge the decision in the court proceedings.

In Poland, regulations on access to public information have not changed, however, the practice of cooperation between civil society organizations and state authorities has been gradually deteriorating. One of the most important examples of this trend is the case of access to the list of supporters for candidates to the new National Council of the Judiciary (a constitutional body which was reformed in 2018 in a way that widened political control over it). Despite a final court ruling granting a civil society organization the right to have access to this information, the state authority
persistently refuses to disclose the lists. This example is also strongly connected with another ongoing grave problem in Poland, which is related to the weakening of judicial independence and the court's ability to protect fundamental rights.

### 4.4. Funding

Access to reliable and sustainable sources of financing has remained one of the pressing persisting problems for civil society in general in Hungary, Romania and Poland. Sustainability of human rights organizations remains an ongoing challenge, and even those organizations which are under political pressure would identify ensuring the availability of financial resources as their biggest headache. The difficulties in accessing stable funding sources were exacerbated by the process of democratic backsliding in Hungary and Poland as well as growing hostility towards CSOs in Romania in recent years.

In each of these countries, neither the culture of individual and regular donations nor the fundraising techniques used by the organizations are sufficiently developed to allow them to rely only on their individual supporters. Only few organizations in these countries rely heavily on individual private donors’ support, and most depend heavily on European Union funds, foreign private funding and, to a certain extent, revenue from taxpayer donations via personal income tax schemes. In the case of service-providing organizations, financial support from local governments for specific projects may also play an important role in CSO income.

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<th>Hungary</th>
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<tr>
<td><strong>Population</strong></td>
<td>9.87 million</td>
<td>38.5 million</td>
<td>20 million</td>
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<tr>
<td><strong>Number of civil society organizations</strong></td>
<td>61,500</td>
<td>117,000</td>
<td>More than 100,000</td>
</tr>
<tr>
<td><strong>Main areas of work</strong></td>
<td>Sports, culture, leisure/hobby, education, social services</td>
<td>Sport, culture and art, education, social services</td>
<td>Culture, work with youth, social services and advocacy and public policy monitoring</td>
</tr>
<tr>
<td><strong>Main sources of financing</strong></td>
<td>Public financing (43%), CSOs' own income</td>
<td>National public funds (39%), foreign</td>
<td>50% public funds, 31% private companies,</td>
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Furthermore, the difficulties in access to EU funds also grew over recent years. Many EU funds dedicated to social projects run by CSOs are operated at national level – by changing rules on how CSOs may apply for funds, it became possible to sideline certain categories of organizations, especially those dealing with politicised issues such as women’s rights or migrants’ rights.

### 4.4.1. Legal changes affecting access to financing for CSOs

In recent years, many Central and Eastern European governments have adopted or considered adopting laws effectively limiting the scope of work and standing of CSOs. None of these changes, however, were as detrimental as those in Hungary.

In June 2017, the Hungarian parliament adopted the Act on the Transparency of Organizations Receiving Support from Abroad (“2017 Lex NGO”), which introduced the obligation for NGOs that receive more than 9 million HUF per year from any foreign source (including from an entity in another EU member state or from the European Commission) to register with the court as an organization receiving foreign funding and label themselves as ‘foreign-funded’ in all of their print and digital publications. The Hungarian governing majority presented the laws as an important step in increasing the transparency of CSO funding, but it was widely criticized by the Venice Commission, OSCE/ODIHR, UN OHCHR and other organisations. In the lawsuit before the EU Court of Justice that resulted from the rapid infringement action launched by the European Commission, the Advocate General’s opinion made it clear that the “LexNGO” not only restricts the free movement of capital but also violates several fundamental rights, and is therefore incompatible with EU law. In Hungary, while a high number of civil society organisations from a wide range of fields registered as foreign-funded, about 10 human rights and watchdog NGOs defied registration, without any enforcement of sanctions to date.

In June 2018, the Hungarian parliament adopted a law that the government had dubbed the “Stop Soros” law, which criminalized any assistance to “illegal migration” and carries a penalty of up to a year in prison. Activity that could be punished under the law includes working with NGOs that help asylum seekers and preparing and distributing information leaflets that address migration or the needs of migrants. The Office of the UN High Commissioner for Human Rights condemned the law as “shameful and blatantly xenophobic,” while the Council of Europe’s Venice Commission concluded that it “infringes upon the right to freedom of association and expression and should be
repealed.” The European Commission said the measure violated EU law and has referred Hungary to the EU Court of Justice over the law in July 2019.

Complementing the criminal law, a ‘special immigration tax’ took effect in August 2018 that introduced a 25 percent tax on “financial support for immigration.” To date, the tax authority has not started any examination nor has it fined any CSO in relation to the special migration tax, but many CSOs have reported that the tax law has had a tangible chilling effect on their fundraising prospects.

In Romania, increased transparency was also used as a justification in the legislative process on the implementation of the fourth and fifth Anti-Money Laundering Directive. In 2018, the Romanian parliament adopted the law implementing the Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing. As of July 2019, the law places civil society organizations in the same category of financial risk as providers of gambling services and banking institutions and requires that they declare their “beneficial owners”. However, the law fails to clarify who are the beneficial owners of NGOs to be reported. Faced with an incomplete and contradictory law, NGOs are currently presented with two detrimental alternatives: if they fail to declare their beneficiaries, they can be dissolved or fined, if they do so but incompletely, any omission will trigger criminal liability. Public institutions, especially the Ministry of Justice, have failed to clarify these questions, despite repeated calls and requests for meetings from civil society.

Further legal changes concerned also the distribution schemes for national public funds for CSOs, where both Hungary and Poland introduced several changes concerning the institutional framework.

In 2011, Hungary established the National Cooperation Fund, which distributes public funds from the central government to civil society organisations. The way in which the Fund operates has been criticised for political bias.

In Poland, a similar institution emerged in 2017, when the Parliament adopted an Act on the National Institute of Freedom – the Centre of Civil Society Development, which is fully dependent on the government, leaving no space for NGOs to influence its operations.

In Romania, various ministries and central government agencies provide grants to certain types of organizations (e.g. national minorities, sports federations), however, information about eligibility criteria and grant recipients is not sufficiently transparent.

4.4.2. Policy changes
Another trend concerning limitations of access to public funds for CSOs emerged in policy changes concerning the distribution of EU funds or public funds operated by government agencies. By changing the rules and procedures of distributing part of the funds, CSOs dealing with particular problems e.g. domestic violence or migrants’ rights protection face significant difficulties in access to funding.

In Poland, in 2016, the Ministry of Interior announced that the call for proposals within the EU Asylum, Migration and Integration Fund (AMIF) was cancelled. The Ministry justified its decision by stating that significant changes had occurred in relation to migration and integration in the period between the announcement of the call and presentation of its results. Altogether, the Ministry was supposed to distribute over 2,500,000 PLN (approx. 625,000 EUR). The deadline in those two calls was set for June 2016 and the costs were eligible as of August 2016. However, these calls remained unresolved for over two years. The significant delay in resolving these calls weakened the affected NGOs’ capacity to provide legal aid and support to migrants and refugees. Later, in 2018, the methods of distributing funds for migrants and refugees projects were changed so that CSOs were effectively bypassed and currently, the funds are distributed to the voivodeships (regional offices) who are then free to select a social partner in conducting the project. The lack of access to public funds for projects related to migrants and refugees significantly limited the capacity of several organizations, forcing one of them, Refugees.pl, to close down after 20 years.

Similar constraints are also present in Hungary, where the barriers in accessing government-distributed funds became almost impossible to overcome for civil society organizations which do not show loyalty to the governing majority. First of all, as in Poland, EU funds for projects carried out by CSOs are distributed by state authorities who also adopt the rules and regulations of assigning the financing to particular organizations. Frequent modifications of these rules, limitations for CSOs in access to these funds (e.g. CSOs are usually not eligible to apply individually for EU Structural Funds grants, but mostly in the partnerships with local governments or churches) as well as the bureaucratic procedures make the funds relatively difficult to apply for CSOs. Furthermore, research indicates that EU funds are not distributed in a way that would be free from favoring particular organizations.

For example, in 2016 a call for projects under the EU Structural Funds concerning gender equality was focused primarily on traditional family values, and CSOs with their headquarters registered in the central region of Hungary (where most women’s rights CSOs are seated) were excluded from applying. While progressive women's rights organizations have reported difficulties in having access to state-managed funds, "non-feminist women's organizations are gaining substantial state funding".

In recent years, biased funding policies that favor certain CSOs over others based on clear political preferences have become more prevalent in the distribution of national public funds. A practice that could be observed both in Poland and in Hungary is that of putting at an advantage, via national
funds, organizations that are clearly loyal to the governing majority and sidelining government-critical organizations. In Poland, in 2016-2019, the Polish Federation of Non-profit Organizations documented over 40 incidents of irregularities (including favoring certain new CSOs over well-established organizations critical or potentially critical to the government) in the process of distributing CSO funding within ministerial funds.

For example, in 2016 and 2017, the Women’s Rights Center, a leading organization in the field of combating domestic violence and supporting crime victims did not receive financial support from the Minister of Justice’s Fund of Victim Support. The decision was justified by a statement that “the organization provides aid only to women which could be considered as discriminating against men.

During his visit to Hungary in early 2016, Michel Forst, the UN Special Rapporteur on the situation of human rights defenders found that “some NGOs providing community or social services have seen their contracts simply discontinued or interrupted after they published information or testimonies perceived as hostile to the Government.”

In Hungary, in mid-2017, amid highly charged smear campaigns and the adoption of the 2017 LexNGO, law-enforcement authorities terminated cooperation agreements with the Hungarian Helsinki Committee and denied it access to police detention, prisons and immigration detention after two decades of cooperation and over 2,000 visits. The HHC can no longer monitor human rights in closed institutions, even though NGOs’ access to police, prison and immigration detention reduces the risk of torture and ill-treatment and contributes to improving detention conditions.

In Romania, the atmosphere of mistrust in cooperation between CSOs and the government led to creating a perception of lack of stability of public financing. According to recent research “over 70% of NGO representatives think that those who criticize the government expose themselves to the risk of losing their public financing”.

4.5. Attacks on civil society organizations

A downturn in the legal and policy environment concerning CSOs is often accompanied by hostile rhetoric accusing organizations of e.g. representing foreign interests and tarnishing the good name of their countries. In recent years, in all three countries – Hungary, Poland and Romania – there were numerous examples of attacks in media or social media on CSOs. The attacks on specific organizations or particular civil society activists were usually a part of a bigger trend of using an anti-Semitic, xenophobic or homophobic narrative. Regardless of the scope of the campaign in each of the three countries, smear campaigns have the same goals: to delegitimize the participation of CSOs in public debate or justify further restrictions placed on CSOs.
In Hungary, the first instances of attacks on CSOs took place in the summer of 2013 when media outlets supporting the governing majority listed 11 organizations receiving financing from Open Society Foundations. The media reports suggested that the organizations are owned by George Soros and are used to create political influence. The same narrative was then repeated in numerous attacks during e.g. the migration crisis in 2015 when CSOs protesting against the Hungarian draconian asylum regime were described as activists "who support everything that weakens the nation states". Later, the adoption of the Lex NGO in 2017 was preceded by a series of media articles and politicians’ statements questioning the transparency of financing certain CSOs. Furthermore, in Fall 2017, the Hungarian government organized a national consultation called "Stop Soros". In a questionnaire sent to almost all Hungarian households, the Hungarian Helsinki Committee (HHC) was indicated as one of the organizations facilitating the illegal migration and advocating for lighter criminal responsibility for migrants committing a crime in Hungary. The HHC sued the government for civil law damages and demanded a public apology. After a 2-year long proceeding involving three court levels, the Curia ordered the government to publish a formal apology on its website and pay 2 million HUF damages, with which the government finally complied in January 2020.

In recent years in Romania, the media coverage of the CSOs works has also deteriorated. Certain organizations as well as individual civil society activists are presented as "foreign agents" in defamatory media reports. The media reports follow a similar pattern as e.g. in Poland, where participants of public anti-government protests are accused of being paid. Furthermore, in Romania, in some press materials, civil society activists were presented as drug users or mentally disturbed in reports which did not rely on true and verified information, but targeted specific persons in order to undermine their reputation in public opinion.

Both in Hungary and Romania, the attacks on CSOs are usually underpinned by a narrative attacking George Soros, the founder of the Open Society Foundations, who is presented by the illiberal politicians and state-funded propaganda media as a key figure threatening the Christian identity and the nation state. The attacks on Mr Soros and organizations supported by the Open Society Foundations go beyond attacks against organizations and individuals, but are a part of a wider xenophobic, anti-Semitic populist campaign spread by governing majorities.

In Poland, in October 2016 public media carried out a smear campaign aimed at certain NGOs. By using publicly available information and presenting the reports as a result of "journalistic investigations", the public media made allegations that certain CSOs receive financing only due to their personal and professional ties to the politicians and other public figures. The allegations were unsupported by any evidence suggesting showing a breach of law or any other irregularities in the process of distributing the funds. Furthermore, over the last five years there were several incidents of the attacks on the headquarters of LGBTQI organizations which were not effectively investigated.
Interestingly, despite on-going attacks from the governments and public media, CSOs still enjoy the very high level of public trust.

5. Recommendations

5.1. Establishing a focal point for CSOs within the European Union institutions

Civic space is shrinking at an alarming rate in the European Union. Depending on the specific legal and political situation in a Member State, it might be less or more advanced, however, with the rise of populism and growing social and political polarization, civil society organizations are now much more exposed to attacks which may be difficult or even impossible to tackle only at the national level. Thus, contact points for civil society organizations should be established within the structures of the European Parliament and the European Commission, which should serve as units gathering information on attacks on civil society organizations and civil society activists and fast-tracking this information to relevant specialised units within both of these institutions.

5.2. EU civil society stability index

Currently, there is no pan-European, comprehensive and regular study analysing the state of civil society and the situation of civil society organizations in the European Union. In early 2018, the European Union Agency for Fundamental Rights published a report summarising the challenges organizations face across European Union member states. Despite the comprehensive nature of this research, it has not been updated since it was published. The EU Agency for Fundamental Rights should regularly conduct monitoring of civic space and should be provided additional resources necessary to perform this new task.

In order to regularly monitor the situation concerning the health status of the civic sector in Member States and at EU level, the European Commission should prepare annual reports describing the trends and changes in the sector. (Reports prepared by USAID Civil Society Sustainability Index covering countries in Central and Eastern Europe and the Balkans could serve as one example.) The annual report should become a part of the rule of law review cycle and form the basis of a dialogue between the EU institutions and national governments as well as affected stakeholders.
5.3 CSO participation in EU monitoring of rule of law, democracy and human rights

The European Commission should provide CSOs with an opportunity to actively participate in the European Rule of Law Mechanism. The model of participation could be based on the already existing mechanisms used in e.g. reporting before UN Treaty bodies or during the Universal Periodic Review. The mechanism should envisage a fair and equal possibility for CSOs to present their information, but at the same time should provide a mechanism protecting CSOs from reprisals at the national level.