

# MAECENATA OBSERVATORIUM

ANALYSEN, POSITIONEN UND DISKURSE ZU ZIVILGESELLSCHAFT, ENGAGEMENT UND PHILANTHROPIE

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## **Report on the ECSO-Symposium: The Civic Space in Europe – Shrinking, Growing, Enhancing?**

*By Florian Faltenbacher and Flavia Gerner*

### **Introduction**

The danger of a shift to the right in parliaments of certain EU countries, the silencing of critical voices, the growing oppression of minorities and the enormous legal and political restrictions on many civil society actors such as the climate movement are topics that attracted the attention of participants and speakers during the conference on the state of the civic space and democracy in Europe organized by Maecenata Institute. The conference marked the end of a three-year research project that explored the critical issues of the changing civic space in Europe, focusing on several countries in particular. The project was made possible through generous support from Porticus and from Open Society Foundations. The conference opened with an introduction by Dr. Siri Hummel, director of the Maecenata

Institute. She raised concerns and issues which were taken up on other occasions during the conference. She reminded the audience that the principles of democracy are increasingly being threatened, and a setting characterized by declining civic space in many parts of the world is encountered by the associates of the "Civic Space in Europe" project ECSO (European Civic Space Observatory) over the last years. We are witnessing democratic backsliding in the EU and a shrinking or changing civic space. Hence, the reasons and consequences of these developments need to be monitored more closely. In this context, the idea of a project that monitors civic space, with a special focus on the identification of tendencies and issues in Europe was developed.

Siri Hummel also presented the edited volume "Contested Civic Spaces: A European Perspective", completed in time for the conference in the framework of the project. 12 experts from different countries in Europe examined the question whether the space for civil society is

shrinking. Aimed at policy makers, civil society scholars and the field, the book provides insights into the latest civil society developments and aspects such as the changing interaction between state, market and civil society and the impact of populist movements on civil society.

As one part of the project, a new website and database was developed, which was presented by Laura Pfirter following the introduction. It was created in order to connect those organizations who work in the field of protection of civil society with the concerned organizations and actors and offers assistance to organizations and activists in need of information on the subject of a shrinking civic space. Organizations and individual citizens who may provide support to civil society have the opportunity to register on the website and can then be found by those who require assistance.

### **1<sup>st</sup> session**

The conference then proceeded with a session comprised of country reports from Austria, Germany and Hungary, presented by Ruth Simsa, Siri Hummel and Melanie Hien. All three speakers agreed that there is at least a changing, if not a shrinking civic space. In their reports, they emphasized the specific national context and political situation in the countries they referred to in their presentations.

Ruth Simsa reported on the situation of civil society in Austria, a country with a strong

democratic tradition. Recently however, since the growth of right-wing populism, it has become an example of a shrinking civic space. The semi-authoritarian politics in Austria correlate with the upcoming right-wing forces during the last years. At the beginning of her presentation, Ruth Simsa introduced the concept of the 'Raw Bourgeoisie', which was repeatedly taken up all through the conference. The term describes the insidious, subtle, and smooth spread of populism, which is often not immediately apparent but carries significant consequences for marginalized groups, as observed in Austria. The empirical data collected during the project addressing the two phases from 2017 to 2019 (government coalition of FPÖ and ÖVP) and from 2020 to 2023 (coalition of ÖVP and the Greens) supports the hypothesis that the model of liberal, representative democracy is in crisis. Even if the general situation for civil society has recently improved slightly and there is less defamation and delegitimization of civil society actors by the government, conditions are not expected to be good in the near future. According to Ruth Simsa, rather than a significant decline, a redirection of funds from politically independent to politically dependent CSOs is particularly noticeable. These developments coincide with increasing corruption, media concentration, increasing inequalities of income and wealth and polarization within the society. With the currently increasing suppression and violence towards climate activists, the

window of slightly improved conditions might close again in the very near future.

Siri Hummel picked up from this conclusion and asked whether a radicalization of climate activists could lead to more stringent restrictions for civic space in Germany. While climate movements have a long tradition, the classical players in the field of environmental and animal protection are recently more and more accompanied by “new kids on the bloc”, a younger generation of climate activists. Narratives of increased aggressiveness may be observed in Germany, while public support for different forms of protests is high. Nevertheless, several examples of the contested discourse are to be identified, the most recent example being the “Last Generation” (Letzte Generation) being accused of forming a criminal association. The criminal code in Germany simplifies strict monitoring of civil society groups which results in noticeable lack of freedom for them. A new project idea, presented by Siri Hummel and discussed with the participants, was the investigation of the discourse around climate protests in Germany analysing interviews with activists, media and social media coverage and parliamentary documents or documents of election campaigns with the aim of responding to questions related with the German discourse on climate protests.

Melanie Hien from the University of Regensburg presented the third country report with a focus on civil society at a turning point in Hungary. While an example of a pioneer for the

rights and opportunities for participation of foundations and associations, when there was a boom in civil society activity during the transition period in the 1990s, much has changed since 2010. For example, the introduction of a one percent income tax paid out to a CSO of the tax payer’s choice can be seen as a source of special support, but regulations have been gradually phased out and new laws have increasingly conditioned CSO in regard to this source of funding. In 2002, the national conservative Civic Circles Movement was revived by Viktor M. Orbán in order to expand the grassroots networks, associations, and media of the political right and to contribute to Fidesz party's electoral success. With the introduction of laws regulating the non-profit status of organizations and obligations to disclose foreign funding, non-profit organizations are experiencing enhancing challenges, and dependence on national funding is creating major difficulties in the sector.

## **2<sup>nd</sup> session**

The focus shifted to the increasing pressures that civil society activists and organisations are facing globally.

Packed with figures and statistics, Deniz Devrim, representing the OECD, opened the debate and presented the findings of the OECD's Global Report on the Protection and Promotion of Civic Space, published in December of 2022. The report focuses on the protection of civil liberties, access to information as a right, media

freedom and civic space in the digital age, and the enabling environment for civil society. Devrim highlighted the challenging and evolving context in which the protection of a civic space is taking place and pointed to the overall decline of open societies. Following the OECD report, Kerstin Giese from Bread for the World presented the Civil Society Atlas, which this year focuses on migration. She highlighted the case of Greece, where civil society faces many challenges. Giese gave an impressive account of the increasing criminalisation of civil society engagement for immigrants. As examples, Giese highlighted containment measures, restricted access, and the implementation of an NGO registration law. She also discussed the criminalisation of solidarity efforts, which may result in over 100 years in prison for individuals involved in civil society work. Furthermore, restrictive NGO registration requirements and funding restrictions were identified as significant obstacles. Migrant defenders in Greece are in constant danger as a result of these pressures, and defamation is a widespread problem. A provocative and completely different approach was offered by Gerry Salole from the European Cultural Foundation, which marked the last contribution of the section. He challenged the idea that civil society really needs explicit protection. Salole stressed that civil society is by nature adaptive and finds ways to continue its existence. He argued that it is in the nature of civil society, as a form of human behaviour, to

be resilient and adaptable. It is because of this characteristic that there is a wide variety of civil society organisations, of all sizes and shapes. Salole questioned the use of empirical reports and stressed the need to think about civil society in a new way, finding different approaches to combine the strengths of diversity within civil society.

The statement that civil society does not necessarily need to be protected met with some resistance from the audience. However, there was general agreement that too little attention is paid to the diversity of civil society and too little focus to the resulting strengths.

### **3<sup>rd</sup> session**

A panel discussion completed the first day of the conference. The panelists were Sergey Lagodinsky MEP, Aarti Narsee of the European Civic Forum, and Gerry Salole from the European Cultural Foundation. Dr. Rupert Graf Strachwitz, CEO of the Maecenata Foundation, chaired the panel. All three speakers responded with a definite yes to his first question as to whether civil society should be protected. As outlined before, Gerry Salole underlined that this should not mean that civil society needs protection or cannot protect itself, it is indeed more resilient than we believe. Aarti Narsee emphasized the serious threat that civil society faces due to the right-wing shift as well as democratic backsliding in many European countries. Sergey Lagodinsky, the politician, followed this up by making the salient point that

protecting civil society is synonymous with protecting democracy, as there would be no democracy without civil society. In the course of the discussion, the three speakers set different priorities, but it became clear above all that there is considerable demand for academia to collect data, listen to the representatives of civil society in their concerns, put topics on the agenda and thus introduce them to more general debates. During the discussion, the importance of being transparent and creating opportunities for marginalized groups to contribute to academic discourse was emphasized. It was agreed that in order to gain a holistic view of civil society, it is necessary to discuss the dark side of civil society and to realize the importance of controversy for democracy.

#### **4<sup>th</sup> session**

Recovered and inspired from the first day, the second day of the conference began with country perspectives on civil society in England and the Netherlands.

Asif Afridi from brap Birmingham provided insight into the current challenges and future opportunities for civil society in England. Afridi discussed the decline in trust and confidence in charities over the last decade. Inequalities within the sector, such as funding disparities and pay gaps, were highlighted as key issues. Afridi also addressed legal restrictions, including the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act, which have limited the role of civil society

in public and political debate. Afridi emphasised the need for greater awareness of power-sharing, accountability, connectivity and trust within civil society to overcome these challenges.

Crossing the Channel to the Netherlands, Ulla Pape of the Free University of Berlin discussed the transition of civil society in the Netherlands from "privileged partnership to political neglect", as her title suggested. Ulla Pape noted that while there are no legal restrictions, there has been a decline in understanding and support for civil society. Dutch civil society organisations are often seen primarily as service providers rather than as representatives of citizens, which reduces the appreciation of their democratic function. Pape highlighted the growing polarisation between the political elite and the public, which challenges the role of civil society in bridging this gap. In addition, she reported an increased vertical fragmentation of Dutch CS, whose advocacy function is compromised due to its partly highly market-oriented logic.

#### **5<sup>th</sup> session**

The session zoomed into the Eastern and South Eastern parts of Europe, namely Romania, Greece and Slovakia. Chaired by Rupert Graf Strachwitz, the session featured presentations by Stefan Cibian of the Făgăraş Research Institute, Vasilios N. Makrides of the University of Erfurt and Boris Strečanský of Comenius University, Bratislava. Cibian discussed the

vulnerabilities of a consolidating civil society sector in Romania. In his view, the lack of trust in civil society is a legacy of the country's totalitarian past. Cibian noted that although freedom exists constitutionally, it is not fully realised in people's lives. He also pointed to the impact of EU funding programmes on civil society, which initially reduced the space for civil society organisations because they did not fit the specificities of Romanian civil society, due to the level of funding and bureaucratic hurdles. Nevertheless, Cibian emphasised the importance of civil society's role in maintaining democracy and the need for cooperation within civil society.

After Kerstin Giese had already provided a glimpse of the challenges facing civil society in Greece, Professor Vasilios Makrides focused on civil society in Greece in a more general way. He noted the presence of both informal and formal civil society networks in Greece and emphasised the need to distinguish between them. Makrides discussed challenges such as negative public opinion of the civil society sector, particularly due to corruption scandals, as well as tensions between formal and informal civil society in addressing the refugee crisis. For him, it is important to overcome negative perceptions and strengthen the image of civil society in order to face the many challenges mentioned by Kerstin Giese. Finally, Boris Strečanský's presentation on the current state of civil society in Slovakia gave an impression of the challenges of normative vision and

engagement. Strečanský mentioned the rise of right-wing movements, demonstrations, and civic engagement, as well as the struggle for autonomy, legitimacy and emancipation within civil society. He noted the failure of the concept of political parties regarding good political offers that counteract a shift to the right and emphasised the importance of inter- and cross-sectoral cooperation to counterbalance the degradation of the state and the public sector.

### **Conclusion**

To add some variety to the way the discussions took place during the conference, the participants met at flipcharts in small groups for the last part of the programme. Four different questions were discussed in a world café format. This made it possible to address questions that had arisen at various points during the conference. One of these questions related to the biggest challenges civil society is facing in contemporary Europe. In the wake of climate change, democratic backsliding, and increasing inequality, major difficulties are ahead for civil society. Despite a digitalized world in which society continues to transform, the present symptoms of crisis in some cases lead to a reinforcement of national identity, and civil society's responses to these challenges are not simple. While the answer to the question regarding countering extremism consisted mainly of better monitoring and agenda setting, the participants agreed that sharing knowledge and building coalitions is a

resilience-building measure. At the same time, all legal means would have to be permanently employed in order to take action against any act of defamation, agitation, etc. On the question of the best balance between legal protection and control, it was argued that in a democratic environment, civil society itself should be able to participate actively in decision making processes. For this to happen, however, fundamental rights must be guaranteed, including, most importantly, the freedom of assembly.

Siri Hummel and Rupert Graf Strachwitz closed the conference with a condensed analysis of the situation. In the course of the project, but also in listening to the country reports at the conference, it became clear that a shrinking civic space may be observed as a global phenomenon, including all of Europe. Among the core problems that civil society must address are the difficulties caused by right-wing populism and extremism. The reports have shown that not all areas in civil society are equally attacked by such developments, examples of particularly affected areas identified during the research are migration aid and climate protest. Considering the need for a common identity as civil society is pressing, could this be a way to fight together for better framework conditions?

Civil disobedience is - as most agreed - an important and necessary part of the strategy of civil society and social change. An awareness of past struggles can contribute to a better understanding of these socially necessary dynamics. Not to forget, no matter the circumstances, civil society is resilient. As an alliance of representatives from academia and civil society from 12 different countries, the project can help make civil society an important partner in the fight for democracy. Research on the topic of Shrinking Space in Europe will not end with the publication of the anthology "Contested Civic Spaces" and the 30 publications related to the project. Rather, further work on the subject will follow, with the goal of exploring the many important questions discussed during the conference.

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