

PROTECTING DEMOCRACY MEANS PROTECTING CIVIC SPACE:

A MESSAGING GUIDE TO RESIST NEW EU REPORTING AND REGISTRATION RESTRICTIONS ON CIVIL SOCIETY

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I. Who is this guide for?

The European Commission intends to impose new reporting and registration restrictions on civil society organisations (CSOs) in EU countries that receive funding from donors in third countries. This guide is intended for people who wish to convince decision-makers at EU-level to safeguard civic space and abandon these plans that would damage democracy. For more detail on the measures being contemplated and Liberties' advocacy position on this issue see [this paper](#).

The guide begins by explaining how the transparency frame used by opponents of civic space undermines support for civil society. It then sets out how supporters of civic space are reinforcing this damaging frame through their current lines of argument, before explaining how to structure a persuasive message and offering alternative messaging.

The advice in this guide is based on research and testing by academics and practitioners that has been successfully applied in campaigning to promote progressive causes. It has been adapted to the topic of civic space and to the context of advocacy towards decision makers. In this sense, it differs from the messaging one would use when talking to a public audience. For advice on how to talk towards a public audience to create support for civic space see Liberties' [messaging guide on civic space](#).

II. Anti-civic space messaging: the transparency frame

Opponents of civic space undermine public trust in CSOs through a transparency frame, claiming that CSOs need to be more transparent because they are not trustworthy. The transparency frame is built on a false and malign premise: that CSOs are threatening our democracies because they are secretly advancing malign foreign interests.

How frames work

Research from the brain sciences demonstrates that people think in frames. A frame is a mental shortcut that contains information about an issue: who the actors are, what their motivations are, whether they are beneficial or threatening to things we find important and how we should respond to them. The frames that dominate public debate determine how people interpret information that they receive. When we argue from within our opponent's frame, we end up reinforcing that frame, even if we're presenting evidence that contradict our opponent's claims. For further information on framing see: Lakoff, G., 'The all new Don't think of an elephant!: Know your values and frame the debate', 2014.

The transparency frame is particularly damaging to CSOs because research demonstrates that public support for CSOs is contingent on trust. By undermining public trust, opponents

of civic space make it harder for CSOs to gather donations or inform and mobilise the public.

Readers should note that the transparency frame is counter-productive even when used by CSOs about themselves. This may sound counter-intuitive, given that CSOs are often encouraged by donors to stimulate trust by telling their audience that they are transparent. The transparency frame is counter-productive because of the line of reasoning that the frame triggers in your audience. When a CSO makes the argument that it can be trusted because it is transparent, this is the equivalent to your partner saying ‘you can trust me because I’ll let you check the messages on my phone’. Rather than creating trust, this actually tends to have the opposite effect, because it prompts someone receiving the message to think that if transparency is necessary, it’s because your partner has something to hide.

Research shows that trust in CSOs is actually based on whether the public agrees with the causes a CSO is promoting. Thus, to counter the transparency frame, the most effective argument is to explain how CSOs are key to promoting things the decision maker you’re speaking to finds important, and to point out the malign ulterior motives of certain politicians pushing for new transparency restrictions. This will be illustrated later in this short guide.

This is not to say that CSOs should not continue to be transparent about sources of funding and make these public, as the vast majority do. Rather, it is to say that transparency should not be at the heart of what CSOs say about

themselves because it undermines public trust. Transparency as a practice is a good thing, but making transparency the core of your message about CSOs is not.

III. Current pro-civic space messaging and why this doesn’t work

Supporters of civic space are currently struggling to find persuasive arguments to support their resistance to current proposals for new transparency restrictions. The transparency frame is a communications trap for supporters of civic space. The latter are currently arguing from within this transparency frame, arguing either that transparency is being applied unevenly (to CSOs but not to corporations), that it is damaging to civic participation, or that it is not necessary (because it already exists). But none of these arguments dissolves the core of the transparency frame: that CSOs are threatening our democracies. It’s only possible to counter the transparency frame by framing CSOs differently and exposing the malign intentions of some of those calling for new registration and reporting restrictions. This will be covered in the next section. This present section will review the three main arguments used by supporters of civic space and explain why they are likely to be unpersuasive and will often prove counterproductive.

a) ‘Yes to transparency, but it should be applied to all lobbyists’

Some CSOs agree on the need for greater transparency but argue that new restrictions should be widened to include all entities that lobby governments. This argument relies on the idea that similar entities should be treated similarly. That is, if transparency restrictions are imposed on CSOs, they should also be imposed on others like corporations.

It is unlikely that this argument serves to levy support for transparency for other entities because the current discourse only frames CSOs as tools of malign foreign interests and not other lobbyists. For example, it’s likely that decision makers see corporate actors differently: as nakedly advancing their own self-interest, rather than being tools of foreign powers. Rather, this argument is probably damaging to supporters of civic space because it accepts the premise that greater transparency for CSOs is justified, which in turn confirms the core of the frame that CSOs are a threat to democracy.

b) ‘New transparency restrictions will damage democracy by making it harder for CSOs to do their job’

Most CSOs point to the damage that new transparency restrictions will cause to their ability to do their jobs and to democracy in general. First, because governments that wish to restrict the activities of CSOs will misuse future legislation by using it in smear campaigns to damage the public’s trust in them. Second, because governments, philanthropies and individuals who donate to CSOs promoting public

interest causes will be deterred from doing so because they wish to avoid direct or indirect reprisals from governments that want to restrict the work of CSOs.

It is important for supporters of civic space to articulate these harms. However, by itself, this is unlikely to persuade many decision-makers to abandon the proposed new restrictions. This is because the proponents of new restrictions maintain that these will only be used against CSOs that have been hijacked by malign foreign powers. In essence, this is a ‘nothing to hide, nothing to fear’ argument. Under this line of reasoning, because CSOs that genuinely promote public interest causes are not the intended target, they have nothing to fear. By implication, only CSOs that do have something to hide will raise this concern and resist greater transparency restrictions. Thus, the transparency frame renders this argument powerless.

c) ‘We already adhere to high standards of transparency’

Many CSOs highlight that they often already adhere to high standards of transparency as a matter of good practice. This not only triggers the transparency frame, which is harmful. The argument also makes it difficult to continue to object to the proposed new restrictions: if they are already meeting transparency restrictions, they should surely have no good reason to oppose them, unless they have something to hide.

IV. Arguments supporters of civic space should use instead

Supporters of civic participation need to shift debate away from the transparency frame as much as possible and engage with it only insofar as necessary to expose it as a strategy to damage democracy by destroying trust in CSOs.

Where possible, messaging should stick to the following three-part structure, including the order, because this has been found to be the most persuasive. Having said this, not every piece of content needs to contain all three elements or go into the same level of detail. Communications content can also focus on one element of the message, or can encapsulate the core of the entire message in a handful of words, for example a slogan. What's important is that in the round, all your content either transmits the message, explains part of it, or reminds your audience of it. This means that at least some of your content needs to contain the whole thing.

What follows is a description of the three elements of the message and its contents. The next section will set out how to put this into practice with sample messages.

a) Values: Remind decision-makers of their policy goals to promote democracy in the EU and explain why CSOs are important to making democracy work properly.

The EU's institutions have made various commitments to promote democracy, fundamental rights and the rule of law, while recognising the essential role that CSOs play in making this possible. These commitments are also contained in Article 2 of the Treaty on European Union. Beginning your message in this way will reframe CSOs as integral to delivering a central goal of the institutions.

Remind your audience how CSOs bring democracy to life: either by making sure governments stay within the law (including EU law); keeping citizens informed of what decision-makers are doing and offering citizens channels through which to join their voices to speak to their elected representatives.

b) Problem: Explain how transparency is being weaponised to prevent CSOs making democracy work properly.

This is not just about explaining the damage that the new restrictions would cause, though it remains important to set this out. Just as important is to explain who is pushing for these proposals and their motivations. The latter is important to prompt your audience to recognise that the transparency argument is disingenuous.

Many decision-makers behind the proposed new restrictions have good intentions and genuinely wish to protect democracies in the EU from efforts to destabilise them by foreign powers with malign intentions. But certain supporters of the new restrictions see them as an opportunity to weaken CSOs and civic participation. These fall into two broad categories.

First, political movements with authoritarian agendas that either target CSOs promoting democracy, the rule of law and fundamental rights to silence criticism or as part of a tactic to divide and distract their populations from problems they have caused, such as falling living standards. Examples of this include Hungary and Poland. Second, political movements with close ties to corporate interests that target CSOs that promote standards which threaten their profits, such as environmental CSOs. Germany is an example of this. Indeed, Liberties has documented efforts in recent years by politicians with close ties to corporate interests, such as car manufacturers, abusing outdated legislation to strip CSOs promoting environmental protection of their charitable status.

c) Solution: Offer a solution that will help protect democracy from damaging interference by foreign powers while continuing to allow CSOs to do their jobs.

The EU's goal of preventing governments with malign intentions from destabilising democracies is important. By engaging with this constructively, CSOs undermine attacks against them that they threaten democracy, while helping decision makers reach their goal without destroying the CSOs that help democracy work in the first place.

V. Sample messaging

The following sample messaging is intended as guidance that can be used as the basis for opinion pieces, video scripts or reduced to short social media formats.

Long version of a pro-civic space message (e.g. for use as the basis for an opinion piece or interview talking points)

Values: The EU is committed to promoting and protecting fundamental rights, the rule of law and democracy in its member states, through Article 2 of the Treaty on European Union as well as through policy and legal tools, such as the rule of law conditionality mechanism and its defence of democracy package.

The institutions have also recognised the vital role that civil society organisations play in promoting and protecting its founding values, including in bringing democracy to life by helping implement EU law, promoting public interest causes and facilitating citizen participation in public life.

Problem: But the Commission's plans to impose new reporting and registration restrictions on CSOs that receive funding from donors in third countries threatens their ability to function. These rules will be used by movements with authoritarian agendas to destroy public trust in CSOs through smear campaigns, as has been the case in countries like Hungary and Russia. Even in countries without such legislation, leaders attacking CSOs in order to promote authoritarian agendas commonly weaponise transparency arguments to delegitimise CSOs. This makes people less willing to support CSOs through donations, trust the information they provide, or make use of the tools CSOs provide for

citizens to join together to speak to their representatives.

Certain politicians with authoritarian agendas, as well as those with close links to corporations, such as the fossil fuel industry which see CSOs as a threat to their commercial interests, want to make it harder for CSOs to operate. They will abuse new rules to mount smear campaigns that destroy the public trust on which CSOs rely to do their work.

Solution: If the Commission were to carry out a proper impact assessment this would reveal the seriousness of the risks posed to the ability of CSOs to promote and protect fundamental rights, the rule of law and democracy posed by new registration and reporting restrictions. The Commission should consider better targeted measures to protect democracy that would not undermine the key role of CSOs in making democracy function. These could include stronger rules on political advertising, cybersecurity, countering disinformation as well as a strategy to strengthen civil society, including through proposed harmonised rules that facilitate the establishment and operation of CSOs.

Medium-length version of a pro-civic space message (e.g. for a longer social media post)

Values: Protecting democracy and promoting civic participation is a priority for the EU. Democracy means that our elected representatives listen to their citizens' concerns and act in the public's interest. Whether we're asking for cleaner air or affordable energy bills, when we want to talk to our representatives, we rely on associations so we can join our voices together and be heard.

Problem: Politicians with authoritarian agendas aren't interested in what their citizens want. They're busy accumulating wealth and power. And to do that they restrict and undermine public trust in civil society organisations. Civil society organisations point out their failings, hold them to their legal obligations and promote public interest causes like equality, anti-corruption and environmental protection that interfere with authoritarian agendas. So these leaders try to silence & discredit associations through smear campaigns that portray them as a threat to democracy.

[OR] But some politicians with close ties to corporate interests want to restrict civil society organisations that call for measures that threaten their profits. For example, big polluting industries want to make it harder for citizens to organise through civil society organisations that want to protect the environment. So these leaders try to silence & discredit associations through smear campaigns that portray them as a threat to democracy.

Solution: New EU registration and reporting restrictions would hand politicians that want to restrict civil society organisations a new weapon to destroy the public trust that associations rely on to let citizens participate in their democracies. We have already seen similar smear campaigns against associations inside and outside the EU.

The EU needs to take its proposal off the table and come back with targeted measures that don't weaken the civil society organisations that democracy depends on.

Twitter-length version of a pro-civic space message

Values: Leaders who care about citizens listen to citizens.

Problem: But certain politicians with authoritarian agendas want to silence the associations we work through. Now the EU wants to hand them a new weapon.

[OR] But certain politicians want to help polluting corporations by silencing the environmental associations citizens speak through. Now the EU wants to hand them a new weapon.

Solution: Protect our democracies by protecting civil society.

Rebuttals

The core message proposed here does not deal with every possible argument by those trying to restrict civic space. It can be used proactively and in response to attacks. However, there may be other attacks that the core message doesn't speak to. Below are some anticipated attacks and suggested rebuttals. Even when using a rebuttal, users should revert back to the main message as much as possible, for example, when in an interview situation.

Attack

'CSOs have often upheld transparency as a desirable end in itself when calling for greater transparency to expose corporate influence on decision-making, and facilitating public scrutiny of, and participation in, decision-making. But now you're calling for different standards for yourself. This double-standard undermines your credibility.'

Rebuttal

'Transparency is a tool for citizens to use so that we know how the wealthiest and most powerful people are using their influence, and to let citizens have a say in the decisions their elected representatives are taking about them.'

Corporations have huge resources, that allow them to aggressively lobby politicians, and reach the inner circles of power, for example by hiring ex-politicians, and they have economic power because politicians rely on the taxes they pay and the

employment they create. This is where the biggest powers and resources to influence decision-makers lies. And they use it to push for laws that suit them and help their profits, even when that's bad for ordinary people. Think of how the 'dieselgate' scandal revealed the influence the car industry had over writing rules designed to protect the public from pollution.

As CSOs, we have different tools: our expertise and our ability to give ordinary citizens a channel and a platform to express their views. Decision-makers talk to us because we can give them information and expertise they don't have and help them make better decisions. Similarly, we're only able to mobilise the public when people are convinced that we're speaking up on something they find important.

We are open about what we do and where our funds come from. But politicians and corporate lobbyists often are not. We're asking for the same treatment. And we're also asking the EU not to hand politicians, who don't want citizens to know what's going on or have their say, a weapon to exclude and restrict CSOs from providing citizens with the information they need and the channels we offer to talk to their representatives.'

Attack

'You claim to be speaking on behalf of citizens, but even the bigger CSOs have

a tiny number of members or even social media followers. This is especially so if you consider how many people vote in elections. How can you claim to be legitimate if you speak for so few people?'

Rebuttal

'Our governments have determined that there are certain causes that are above partisan politics, like promoting human rights and equality or protecting the environment. These are public interest causes and an organisation can't become a charity unless it's promoting a cause that our laws recognise as being in the public interest. Often, you'll also find these causes already in constitutions and international agreements our governments have created and signed up to.

Decision-makers talk to a wide range of organisations to help them make law and policy. Whether that's technical experts, corporations, trade unions, religious leaders or civil society organisations. And that's a good thing. Our leaders make better rules when they get advice from people who have expertise in an issue or who are going to be affected by their decisions. In the end, politicians make decisions according to their own convictions. What CSOs bring is making sure that our leaders don't only take decisions based on party-political, religious or corporate interests. We make sure that they take the public interests we promote into account as well. And when we have the resources, we also create tools that the

public can use to join their voices and show their concern, like through petitions or letter-writing campaigns.'

Attack

'You say that you're independent, but when you get a lump of funding from donor x how can you argue you're not doing what this donor wants?'

Note: avoid answering this kind of question by trying to explain the rules and practices that guarantee independence from donors. Most people don't understand how philanthropy works or the culture around grantor-grantee relationships that stops donors telling beneficiaries what to do. More importantly, donors are often from other countries, which will always make them 'foreign', which usually carries negative connotations.

Rebuttal

'You have to look at where these attacks are coming from and why they're coming. The causes we promote are about giving everyone the same opportunities in life, regardless of the colour of your skin or your gender or who you're attracted to. They're about making sure governments spend public funds to benefit everyone instead of lining their own pockets while schools and hospitals collapse. They're about shifting away from polluting fossil fuels to clean, locally produced energy that

creates good jobs. They're about making sure people who work get paid enough to support their families.

Certain politicians don't want these things. Because they're building an authoritarian state, because they rely on hate and division to get votes, or because they prioritise the profits of polluting or greedy corporations over the health and futures of the rest of us. And obviously, they don't like associations that promote these public interest causes. This is their way of discrediting us. They don't have an issue with where funding comes from. They have an issue with us helping put citizens in control of their democracies and pressing governments to work for citizens instead of themselves or corporate interests.'

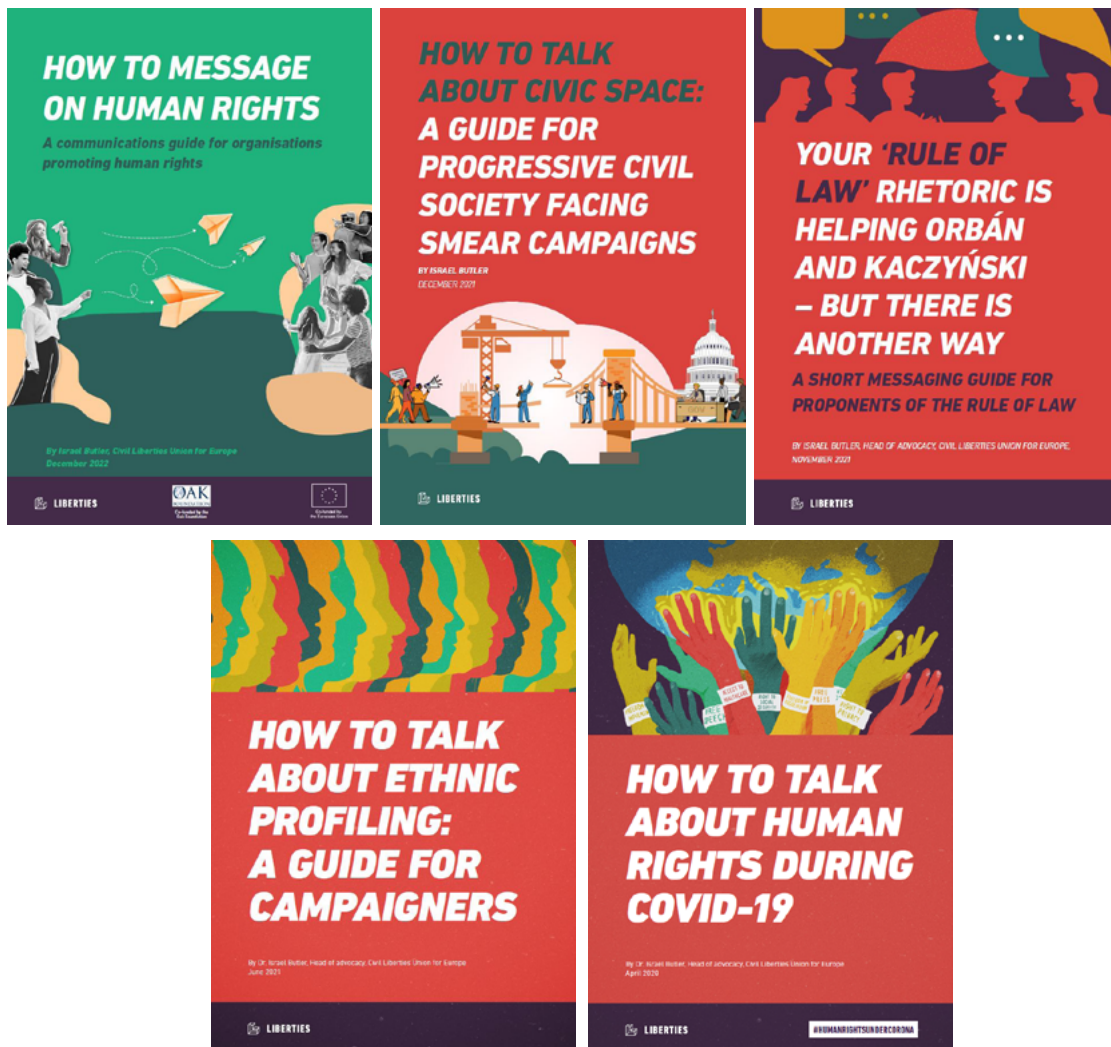
Further information:

For further guidance on how to talk about civic space, including research about trust, transparency and support for civil society organisations see:

Butler, I., 'How to talk about civic space: A guide for progressive civil society facing smear campaigns', 2022.

If you're interested in taking e-learning courses in framing for progressive causes visit our knowledge hub: <https://knowledgehub.liberties.eu/>.

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