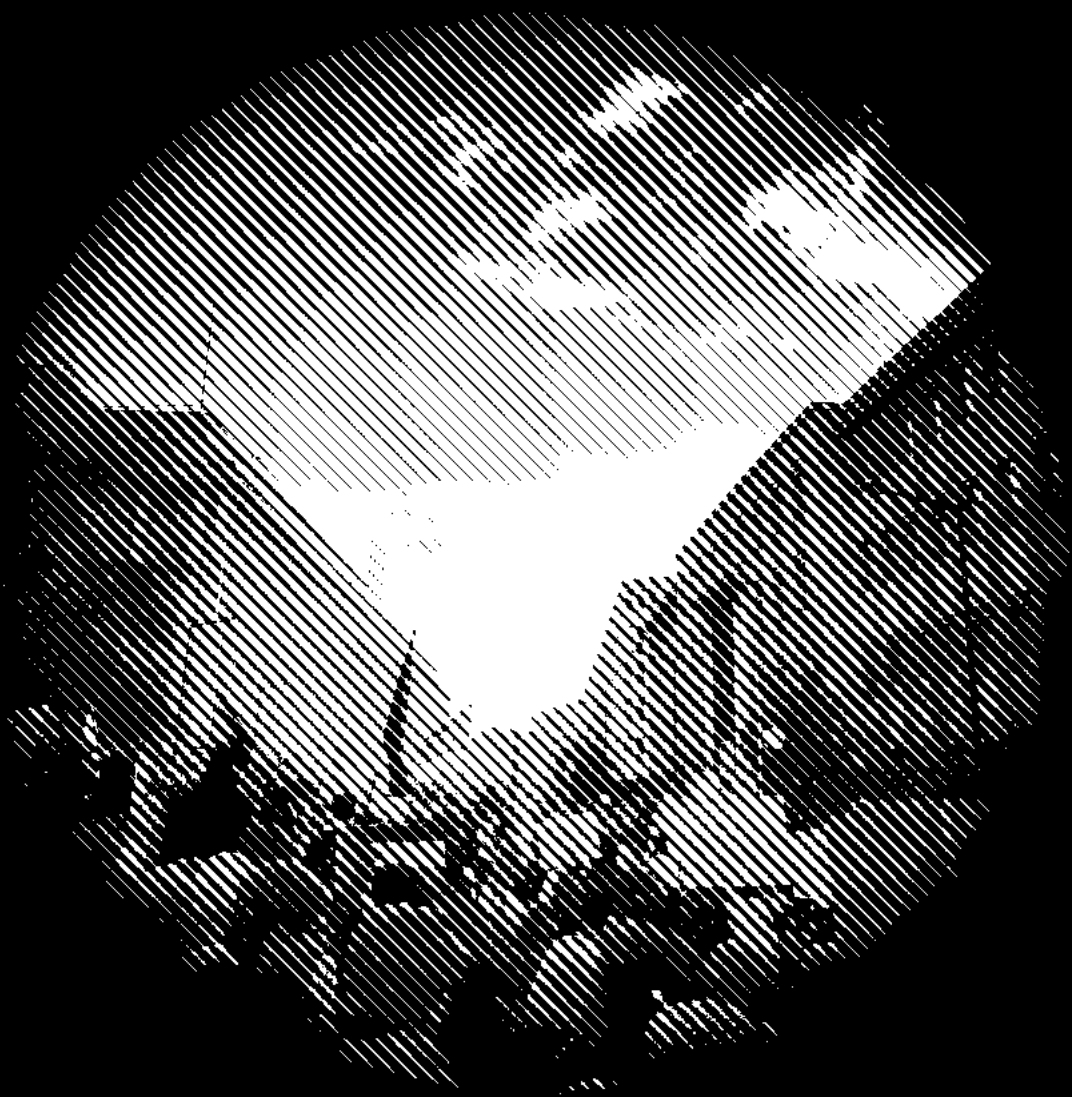


# CIVIC SPACE REPORT 2026





## ABOUT THIS REPORT

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This report was published by the European Civic Forum (ECF) in May 2026, with chapters written by its secretariat, member organisations, and partner organisations. Much of the content originally appeared as part of ECF's submission to the European Commission's Rule of Law consultation, while some country reports were first published under the Monitoring Action for Civic Space (MACS) project. Each chapter reflects the views and analysis of its respective author. For more information about the European Civic Forum, please visit [www.civic-forum.eu](http://www.civic-forum.eu).

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## **TABLE OF CONTENTS**

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<b>METHODOLOGY AND ACKNOWLEDGEMENTS.....</b>	<b>4</b>
<b>FOREWORD .....</b>	<b>6</b>
<b>HORIZONTAL ANALYSIS .....</b>	<b>8</b>
<b>AUSTRIA .....</b>	<b>31</b>
<b>BULGARIA.....</b>	<b>41</b>
<b>CZECH REPUBLIC .....</b>	<b>56</b>
<b>DENMARK.....</b>	<b>68</b>
<b>FRANCE .....</b>	<b>79</b>
<b>GERMANY .....</b>	<b>96</b>
<b>HUNGARY.....</b>	<b>106</b>
<b>ITALY .....</b>	<b>118</b>
<b>THE NETHERLANDS .....</b>	<b>131</b>
<b>POLAND.....</b>	<b>150</b>
<b>PORTUGAL.....</b>	<b>168</b>
<b>ROMANIA.....</b>	<b>182</b>
<b>SPAIN .....</b>	<b>202</b>
<b>WESTERN BALKANS .....</b>	<b>217</b>

# Methodology and acknowledgements

This report was compiled and edited by the European Civic Forum (ECF). It is composed of a horizontal analysis, which looks at pan-European developments in civic space and was written by ECF, in addition to 13 country reports and one regional report written by civil society experts on the ground. The reports cover developments in 2025, though in exceptional cases we have drawn on relevant examples from 2026. Some of the country reports were originally published as part of the Monitoring Action for Civic Space (MACS) project in February 2026. They have undergone minor edits to align with the wider report and to reflect new developments.

The ECF uses the MACS methodology,<sup>1</sup> which aims to monitor the six key dimensions that shape civic space. Each dimension encompasses several standards for fulfilling state obligations under international law. The dimensions are:

1. Freedom of Association
2. Access to Funding
3. Freedom of Peaceful Assembly
4. Freedom of Expression
5. Participation in Decision-Making
6. Safe Space

The horizontal analysis draws on the findings of the country and regional chapters, ECF's Civic Space Watch platform, the CIVICUS Monitor, and on the work of civil society organisations like Climate Action Network (CAN) Europe, Corporate Europe Observatory, the Platform for International Cooperation on Undocumented Migrants (PICUM), European Digital Rights (EDRI), European Network Against Racism (ENAR), and ILGA Europe.

The country reports are written by local organisations, on the basis of an ECF questionnaire. The authors choose the areas on which to focus based on their expertise and the relevance of the issues for their national context. Each chapter reflects the views and analysis of its respective author.

1. [https://civicspacewatch.eu/wp-content/uploads/2025/11/MACS-Monitoring-Methodology-28-February-2025\\_0.pdf](https://civicspacewatch.eu/wp-content/uploads/2025/11/MACS-Monitoring-Methodology-28-February-2025_0.pdf)

CIVIC SPACE REPORT 2026

# Foreword

by Natacha Kazatchkine, Secretary General, European Civic Forum

We often hear that civic space in Europe is “shrinking”. For those working within it, the diagnosis is familiar. Yet the language is passive: it suggests erosion, invites concern, but too often stops there. Civic space does not simply disappear. As this report shows, it is being actively restricted by anti-rights actors, political forces, and governments seeking to reshape it to fit their agendas, silence debate, and exclude or discriminate against groups of people — migrants first and foremost, but also sexual minorities, women, environmental defenders, and dissident voices ranging from anti-racist groups to broader social justice movements.

When institutional channels close or lose credibility, participation does not vanish; it changes form. What governments often label as “disruption” is frequently a direct response to the restrictions they have imposed. Disobedience, boycott, and direct action are signs of blockage, not excess.

At the same time, the costs of acting are rising. Defunding, criminalisation, and surveillance of civil society organisations and activists, repression of protest, and the dismantling of collective social spaces are reshaping civic engagement, making it less accessible and less safe.

But while civic space is narrowing, civic action is not. Across Europe, organisations, movements, and activists continue to hold the line. They have resisted repression, adapted under pressure, and found ways to act even as institutions limit participation. In many contexts, civil society is left carrying out functions that should never

be optional in a democracy: demanding accountability, defending human rights, and insisting that policy-making includes and serves the entire community, leaving no one behind.

Our previous report highlighted how developments at the EU level were increasingly shaping civic space across Europe, often negatively. A year later, this trend has become entrenched. The interplay between EU and national policies is clear: restrictions in member states are reinforced in Brussels, with EU-level measures legitimising crackdowns on civil society. This is visible in migration policies that criminalise solidarity, “foreign agent” laws that stigmatise civil society organisations, and funding attacks that undermine public advocacy and organisational sustainability. Such institutionalisation of pressure risks turning worrying national patterns into structural features across Europe — unless EU institutions and member states commit to securing adequate funding for civil society and embedding participation and independent civic scrutiny throughout policymaking.

For ECF, monitoring civic space cannot stop at describing its decline. It must prompt action. The purpose of our work is to detect early signs of deterioration, call out abuses, and identify civic space trends across Europe in order to determine *when, where, and how* civil society and institutional actors can intervene to restore balance, redress violations, and protect and expand an open space for action for rights and equality for all.

CIVIC SPACE REPORT 2026

# Horizontal Analysis

# Executive Summary

In 2025, **restrictions on civil society were becoming institutionalised and mainstreamed across the continent.** Not only were these multiplying across national contexts but restrictive patterns were increasingly being taken up, legitimised, and reinforced at the EU level. **This interplay risks upscaling these dynamics structurally into European-wide policies and practice.**

There were recurring attempts by far-right parties both at national and EU level — often with the support of other mainstream parties — **to delegitimise the activities and funding of civil society through parliamentary inquiries or questions based on false premises.** Increasingly, public authorities and political actors restrict, condition, or withdraw public funding of civil society organisations (CSOs) engaged in advocacy, particularly when they are critical of government policy. The trend of targeting foreign funded civil society through negative rhetoric branding organisations as “foreign agents”, or legislative proposals (known as “foreign agents” laws) continued in 2025. Of serious concern is **the criminalisation of protest movements, which is becoming normalised across Europe. Our findings overwhelmingly demonstrate that this has become a sustained and institutionalised trend in restricting civic space.** In particular, the Palestine solidarity, climate justice, and social justice movements have faced disproportionate restrictions on the right to protest.

The ongoing **criminalisation of solidarity with migrants and refugees has become a structural trend** and is in line with Europe’s coercive migration policies. The expansion of data gathering and monitoring powers by governments — often facilitated by surveillance technologies — is increasingly shaping the environment in which civic actors operate.

Not only are public spaces for civic participation increasingly repressed, but opportunities to engage in decision-making processes are shrinking. **Civil society has raised its concerns over the EU’s deregulation agenda, which is framed around the need to boost industry’s “competitiveness” and “simplify” an overly complex and bureaucratic European regulatory framework.** There are serious concerns that these plans will weaken and dismantle rules that safeguard fundamental rights and further sideline civil society in policymaking processes.

**Despite these repressions,** civil society continued to hold the line by adapting, resisting, and securing measurable impacts. Initiatives like the EU Civil Society Strategy and the proposal to increase funding for CSOs through the AgoraEU programme signal a growing recognition within the EU that civil society is a democratic asset.

# Context

In 2025, the conditions for civic space to thrive in Europe further deteriorated. The civic space ratings of **France, Germany, and Italy** were downgraded from “Narrowed” to “Obstructed” by the CIVICUS Monitor, a global ratings index, while **Serbia’s** rating fell from “Obstructed” to “Repressed”.<sup>1</sup>

Wider geo-political and socio-economic developments have impacted on the space for civil society to operate. Political parties have repeatedly targeted and scapegoated civil society during electoral cycles to portray civic engagement as illegitimate interference in the public sphere and in institutional decision-making, as documented during election campaigns in the **Czech Republic, Germany, Hungary, the Netherlands, Romania, and Slovenia**. This rhetoric has contributed to discrediting grassroots mobilisations and associations, while undermining participatory democracy.

**Pressures on public finances have led to an increasingly precarious situation for civil society.** Several states have cut funding for civil society, including **Belgium, Finland, France, Germany, and the Netherlands**. In **Belgium**, civil society and trade unions have staged several strikes over funding cuts by the ruling coalition government.<sup>2</sup> Meanwhile, over 350 demonstrations were organised across **France** in protest against the significant deterioration in funding for associations.<sup>3</sup> These cuts, combined with increased bureaucratic requirements associated with access to funding and organisational operations — a development covered in previous ECF reports — is increasingly leading to funding insecurity, instability, and unsustainability for the sector. In some cases, this has led to the closure of organisations. In one glaring example of this precarity, the Periferia Cimarronas, the first Black theatre in **Spain**, was forced to close after it faced repeated refusals and

**Political parties have repeatedly targeted and scapegoated civil society during electoral cycles to portray civic engagement as illegitimate interference in the public sphere and in institutional decision-making**

withdrawals of public subsidies, resulting in serious debt and staff burnout.<sup>4</sup> More recently, in March 2026, the European Network Against Racism (ENAR), the only anti-racism network at EU level, launched an urgent funding campaign after a disruption of its structural EU grant caused an acute funding crisis.<sup>5</sup>

The ongoing democratic backsliding in several countries has underscored the indispensable role of civil society in countering polarisation, safeguarding the rights of marginalised groups, documenting lived realities, and amplifying people’s voices. **Yet in 2025, an increasingly assertive anti-rights agenda directly targeted civil society,** while the increasing normalisation of

hatred, including xenophobia, Islamophobia, antisemitism, and other forms of discrimination, continues to pose a challenge for civil society, especially those working in these areas.<sup>6</sup>

In **France**, structural restrictions on associations advocating for Muslim rights have been repeatedly documented, including negative rhetoric from public officials and restrictive administrative measures on Muslim associations.<sup>7</sup> Political figures in **Denmark** have hardened their stance on migration and made it challenging for CSOs working on migration and anti-discrimination to operate.<sup>8</sup> In **Bulgaria**, the parliament passed an amendment to the Foreigners in the Republic of Bulgaria Act, eliminating the possibility for non-EU citizens to obtain long-term residence permits based on their intention to carry out non-profit activities.<sup>9</sup> Meanwhile, CSOs working on migration have been **targeted** through restrictive legislation in **Greece**.<sup>10</sup>

**The targeting of associative spaces, both in the physical and organisational senses, is a revealing indicator of the state of civic space in Europe.**<sup>11</sup>

1. <https://civicspacewatch.eu/alert/civicus-monitor-downgrades-six-european-countries-due-to-severe-deterioration-of-civic-space/>

2. <https://www.cncd.be/L-Arizona-limite-la-casse-mais-ne?lang=fr>

3. <https://lemouvementassociatif.org/wp-content/uploads/2025/10/Le-Mouvement-associatif-CP-Suites-mobilisation-11-octobre-VDiffusion.pdf>

4. <https://periferiacimarronas.es/cerramos>

5. <https://www.enar-eu.org/we-need-you-defund-racism-defend-anti-racism/>

6. <https://www.ilga-europe.org/news/equality-betrayed-commission-unilaterally-gives-up-on-anti-discrimination-law/>; <https://www.enar-eu.org/wp-content/uploads/Reimagining-Racial-Justice-Joint-Statement.pdf>; <https://ccieurope.org/wp-content/uploads/2026/02/CCIE-report-2025.pdf>; <https://fra.europa.eu/en/themes/hate-crime>

7. Structural restrictions refer to patterns of restrictions embedded in legal, policy, and institutional frameworks and implemented consistently. See: <https://civicspacewatch.eu/alert/france-a-new-witch-hunt-investigation-on-the-repression-of-associations-in-the-context-of-the-fight-against-islamism/>; <https://ccieurope.org/wp-content/uploads/2026/02/CCIE-report-2025.pdf>

8. <https://www.politico.eu/article/mette-frederiksen-denmark-migration-eu-presidency-europe/>

9. <https://civicspacewatch.eu/bulgaria-change-in-law-limits-residence-permits-for-non-eu-citizens-engaged-in-civil-society-work/>

10. <https://greekreporter.com/2025/09/03/greece-toughens-migration-law-penalties-detention/>; <https://www.hrw.org/news/2026/01/29/greek-immigration-bill-demonizes-civil-society>

11. <https://11.be/sites/default/files/2025-10/202509-Mid-term-Evaluation2024-international-program-Summary-study-civic-space.pdf>

These physical spaces include community centres, independent cultural venues, CSO offices, and other non-commercial gathering places where civic actors organise and build solidarity. In several states, these spaces have been vandalised by far-right groups, raided by the police, or pushed out by market-driven dynamics. In

**Portugal**, where there are early signs of deteriorating civic space, the cultural space Academia de Amadores de Música saw its rent increase by 588% after its landlord requested a revaluation, putting its continued existence at risk.<sup>12</sup> Additionally, between October 2024 and April 2025 police conducted four raids on the LGBTQI+ community space Planeta Manas in Loures without judicial warrants, and used physical violence and homophobic insults, ultimately leading to its closure and the eviction of the community using the space.<sup>13</sup> In **Austria**, police and special forces, supported by aerial surveillance and dog units, raided and detained participants at an anti-fascist youth camp at the Peršman Homestead.<sup>14</sup> At the same time, movements themselves are being undermined through police infiltration and surveillance.<sup>15</sup> Such attacks are eroding the social fabric of civic organising.

Several states continued to question the credibility and applicability of international human rights conventions, raising significant concerns for the preservation of fundamental rights and the rule of law. In an open letter led by Italian Prime Minister Giorgia Meloni and her Danish counterpart Mette Frederiksen, nine EU member states called for the re-interpretation of the European Convention on Human Rights (ECHR) to allow for policy changes on migration.<sup>16</sup> In **Latvia**, in late October 2025, the parliament voted to withdraw the country from the **Istanbul**

**The targeting of associative spaces, both in the physical and organisational senses, is a revealing indicator of the state of civic space in Europe.**

**In 2025, the interplay between EU level initiatives and national political dynamics became both more visible and more consequential.**

**This two-way dynamic is reinforcing and normalising practices that undermine the role of civil society as a guardian of the rule of law, democracy, and fundamental rights.**

**Convention**, Europe's leading human rights treaty on preventing and combating violence against women and domestic violence. According to Equality Now, if this move goes ahead, Latvia will become the first EU member state to withdraw from an international human rights treaty.<sup>17</sup>

Developments at the EU level have become increasingly decisive in shaping civic space across Europe. **In 2025, the interplay between EU level initiatives and national political dynamics became both more visible and more consequential.** Legislative proposals and political priorities emerging from EU institutions are contributing to restricting civic space with direct repercussions at the national level.<sup>18</sup> At the same time, national developments such as restrictive migration measures, smear campaigns targeting CSOs, and the adoption of "foreign agent" style legislation feed back into EU debates and policymaking. **This two-way dynamic is reinforcing and normalising practices that undermine the role of civil society as a guardian of the rule of law, democracy, and fundamental rights.** While EU institutions have become more aware of the importance of protecting civic space, their policy responses remain contradictory: initiatives such as the Civil Society Strategy and the proposed increase in funding for democracy and rights-based CSOs in the next EU long-term budget co-exist with proposals that could limit access to funding or otherwise restrict civic space.

This chapter explores eight cross-cutting trends emerging from monitoring conducted in EU member states, the United Kingdom, and the Western Balkans, and the EU level in 2025 and early 2026, as well as the findings of the country chapters of this report.

<sup>12</sup> <https://www.sabado.pt/portugal/detalhe/80-anos-depois-academia-de-amadores-de-musica-tera-que-deixar-instalacoes>

<sup>13</sup> <https://acabine.pt/2025/02/novamente-sem-mandado-pp-faz-rusga-ao-planeta-manas/>

<sup>14</sup> On 23 October 2025, a special task force appointed to investigate the raid concluded that the operation was partially unlawful and disproportionate.

See: <https://kaernten.orf.at/stories/3315292/>; <https://english.sta.si/3480749/task-force-finds-persman-raid-unlawful-targeting-anti-fascist-camp-not-minority>











<sup>15</sup> Read more in the trends below.

<sup>16</sup> <https://www.euronews.com/my-europe/2025/05/23/nine-eu-countries-seek-european-human-rights-conventions-rethink-on-migration>

<sup>17</sup> <https://equalitynow.org/news/news-and-insights/whats-happening-in-latvia-with-the-istanbul-convention/>

<sup>18</sup> Read more in the trends below.

# CIVICUS MONITOR RATINGS BY COUNTRY IN 2025

COUNTRY	RATING 2025	CHANGE
 AUSTRIA	OPEN	
 ALBANIA	NARROWED	
 BELGIUM	NARROWED	
 BOSNIA & HERZEGOVINA	OBSTRUCTED	
 BULGARIA	NARROWED	
 CROATIA	NARROWED	
 CYPRUS	NARROWED	
 CZECH REPUBLIC	OPEN	
 DENMARK	OPEN	
 ESTONIA	OPEN	
 FINLAND	OPEN	
 FRANCE	OBSTRUCTED	↓
 GERMANY	OBSTRUCTED	↓
 GREECE	OBSTRUCTED	
 HUNGARY	OBSTRUCTED	
 IRELAND	OPEN	
 ITALY	OBSTRUCTED	↓
 KOSOVO	NARROWED	
 LATVIA	OPEN	
 LITHUANIA	OPEN	
 LUXEMBOURG	OPEN	
 MALTA	NARROWED	
 MONTENEGRO	NARROWED	
 NETHERLANDS	NARROWED	
 NORTH MACEDONIA	NARROWED	
 POLAND	NARROWED	
 PORTUGAL	OPEN	
 ROMANIA	NARROWED	
 SERBIA	REPRESSED	↓
 SLOVAKIA	NARROWED	
 SLOVENIA	OPEN	
 SPAIN	NARROWED	
 SWEDEN	OPEN	
 UNITED KINGDOM	OBSTRUCTED	

RATINGS KEY
OPEN
NARROWED
OBSTRUCTED
REPRESSED
CLOSED

Source: CIVICUS Monitor: [monitor.civicus.org](https://monitor.civicus.org)

## 8 KEY TRENDS IN CIVIC SPACE

### **MANUFACTURING SUSPICION:**

from fringe smear campaigns  
to institutionalised harassment of NGOs

### **CONTRACTING COMPLIANCE:**

advocacy delegitimised  
and defunded

### **THE SOVEREIGNTY SCARE:**

“foreign agents” laws become part of the  
European authoritarian playbook

### **PEACEFUL ASSEMBLY UNDER ATTACK:**

the repression of protest movements  
becomes the norm

### **SOLIDARITY OUTLAWED:**

the systemic criminalisation of support  
for refugees and migrants

### **PERVASIVE SURVEILLANCE:**

governments expand monitoring powers  
and technologies

### **ACCESS DENIED:**

civil society sidelined  
from policy consultation processes

### **RESISTING REPRESSION:**

civil society holds the line

# Manufacturing suspicion: from fringe smear campaigns to institutionalised harassment of NGOs

**In 2025, there were recurring attempts by far-right parties — often with the support of other mainstream parties — to delegitimise the activities and funding of civil society via parliamentary inquiries or questions.** While formally framed as routine parliamentary scrutiny aimed at enhancing transparency, the scope of these inquiries, and the narratives used to justify them, suggest a broader attempt to exert control over civic space. This trend was exacerbated by the interplay between such actions at the **EU level** and similar attempts at the national level, with instances documented in at least five countries: **Austria, Bulgaria, Germany, Hungary, and Slovakia.**

In the **European Parliament**, a “scrutiny working group” to examine EU funding to NGOs was established within the budgetary control committee in June 2025, with the support of the European People’s Party (EPP), the European Conservatives & Reformists (ECR), and the Patriots for Europe (Pfe). Liberal and progressive parties in the committee decided to boycott the hearings, dismissing them as an “NGO witch hunt”.<sup>19</sup>

Civil society has condemned the working group as part of the ongoing delegitimisation of their work,<sup>20</sup> while a European Court of Auditors report found no evidence of irregularities or misuse of EU grants.<sup>21</sup> Despite this, **several MEPs have used the hearings to attack the legitimacy of CSOs’ public interest advocacy, often conflating it with lobbying and “political activity”, and have questioned CSOs’ current participation and influence in policymaking.** In one example, during a hearing in

**In 2025, there were recurring attempts by far-right parties — often with the support of other mainstream parties — to delegitimise the activities and funding of civil society via parliamentary inquiries or questions.**

**Several MEPs have used the hearings to attack the legitimacy of CSOs’ public interest advocacy, often conflating it with lobbying and “political activity”, and have questioned CSOs’ current participation and influence in policymaking.**

**Far-right political groups have launched repeated smear campaigns, often targeted at CSOs.**

February 2026, Muslim-led organisations were accused of being “close to terrorist organisations” and CSOs working on migration faced accusations of facilitating “illegal migration”.<sup>22</sup> These allegations reflect a broader hostile framing of civil society and echo global anti-rights narratives that depict rights-based organisations as security threats or foreign proxies. Such rhetoric contributes to the stigmatisation and delegitimisation of civil society and further constrains civic space.

Alongside these formal parliamentary mechanisms, politically-aligned actors are amplifying these narratives through a network of affiliated organisations and media ecosystems. For example, the Taxpayers Association of Europe filed a complaint to the European Public Prosecutor’s Office alleging that two former European Commissioners closely involved in the EU Green Deal — Frans Timmermans and Virginijus Sinkevičius — made “illegal” payments through “secret contracts” to NGOs to lobby over EU laws.<sup>23</sup> An investigation by Desmog, a factchecking platform which tackles misinformation about global warming, revealed that the association has close ties with a member of the scrutiny working group and budgetary control committee.<sup>24</sup> It also revealed that Austria’s far-right Freedom Party (FPÖ) — which has launched similar attacks against CSOs nationally — filed a separate complaint with the public prosecutor a day later.

In addition to the working group, **far-right political groups have launched repeated smear campaigns, often targeted at CSOs.** An ECR report accused leading anti-racism group the European Network Against Racism

19. <https://civicspacewatch.eu/alert/eu-meps-launch-controversial-ngo-scrutiny-group/>

20. <https://civilsocietyeurope.eu/transparency-or-ngo-hunt/>

21. <https://civilsocietyeurope.eu/no-scandal-no-misuse-of-funds-but-the-commission-needs-to-invest-in-a-more-understandable-database/>

22. [https://multimedia.europarl.europa.eu/en/webstreaming/cont-scrutiny-working-group\\_20260211-1600-COMMITTEE-CONT](https://multimedia.europarl.europa.eu/en/webstreaming/cont-scrutiny-working-group_20260211-1600-COMMITTEE-CONT)

23. <https://www.politico.eu/article/taxpayer-group-demands-probe-into-eu-green-deal-architects-over-ngo-funding/>

24. <https://www.desmog.com/2025/09/11/epp-linked-tax-group-collaborated-far-right-party-criminal-complaints/>

(ENAR) and its member the Forum for European Muslim Youth and Student Organisations (FEMYSO) of being part of the Muslim Brotherhood.<sup>25</sup> In written questions, a Hungarian MEP from the Patriots for Europe group accused NGOs of being funded in an “untransparent way” and requested that the European Commission disclose a list of all NGOs funded between 2019 and 2024 and the amount they received.<sup>26</sup> However, this information is already publicly available on the EU Funding and Tenders portal.<sup>27</sup> Later that year, the far-right group created its own online directory listing NGOs that pursue “political activities,” sparking concerns that it could be used for targeted smear campaigns against Hungarian CSOs.<sup>28</sup> **Repeated unfounded accusations of the misuse of EU funds, together with reports making false allegations against well-established CSOs, are contributing to a feedback loop in which institutional scrutiny legitimises politically-motivated reputational attacks, and vice versa.**

These developments took place ahead of long negotiations over the next Multi-Annual Financial Framework (MFF), a crucial moment for civil society given the increasingly constrained funding landscape. Some MEPs have proposed amendments that attack civil society,<sup>29</sup> in particular those working on Muslim rights and Palestine solidarity. In addition, at the time of writing, there is a coordinated attempt by members of the scrutiny working group and their respective parties to propose amendments to limit NGO funding in other policy documents.<sup>30</sup> These tactics are aimed at putting pressure on the European Commission to introduce restrictions on the funding of specific activities and organisations.

**Repeated unfounded accusations of the misuse of EU funds, together with reports making false allegations against well-established CSOs, are contributing to a feedback loop in which institutional scrutiny legitimises politically-motivated reputational attacks, and vice versa.**

**These inquiries provide fertile ground for negative narratives about CSOs to become mainstream and are early warning signs that new restrictions on civic space may soon follow.**

The politicisation and control of NGO funding at EU level adds to the dynamics at national level in several states. In **Austria**, the far-right Freedom Party (FPÖ) initiated

an extensive parliamentary inquiry into the funding of NGOs, submitting more than 2,000 questions to various ministries concerning over 700 organisations.<sup>31</sup> In **Bulgaria**, on 5 November, the parliament adopted a decision to establish an *ad hoc* temporary parliamentary commission into funding of civil society actors by US philanthropist George Soros.<sup>32</sup>

**These inquiries provide fertile ground for negative narratives about CSOs to become mainstream**

**and are early warning signs that new restrictions on civic space may soon follow.** This can be seen in the case of **Germany**. Following the parliamentary inquiry into “political neutrality” of NGOs, launched by the governing CDU/CSU, false and distorted narratives directed against civil society were spread initially through social media and right-wing populist platforms, but have now entered mainstream debate.<sup>33</sup> In **Hungary**, the recently established Sovereignty Protection Office (SPO) released several reports targeting civil society, including those who are EU- and internationally-funded.<sup>34</sup>

As a result of these campaigns, CSOs are forced to constantly respond to attacks, thereby detracting from their core missions and reducing their overall capacity and resources. There is a **serious risk that such accusations become mainstream, institutional repressions.**

25. [https://ecrgroup.eu/files/Unmasking\\_the\\_Muslim\\_Brotherhood\\_%282%29.pdf](https://ecrgroup.eu/files/Unmasking_the_Muslim_Brotherhood_%282%29.pdf)

26. [https://www.europarl.europa.eu/doceo/document/P-10-2025-001007\\_EN.html](https://www.europarl.europa.eu/doceo/document/P-10-2025-001007_EN.html)

27. <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home>

28. <https://english.atlatzso.hu/2025/08/14/database-created-by-the-ep-patriots-group-disproves-attacks-on-eu-funded-ngos/>

29. [https://oeil.europarl.europa.eu/oeil/en/procedure-file?reference=2025/0571R\(APP\)](https://oeil.europarl.europa.eu/oeil/en/procedure-file?reference=2025/0571R(APP))

30. See, for example, amendments tabled to the Special Committee on the European Democracy Shield: [https://www.europarl.europa.eu/doceo/document/EUDS-AM-784367\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/EUDS-AM-784367_EN.pdf) and Discharge Procedure 2024: [https://www.europarl.europa.eu/doceo/document/CONT-AM-784512\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/CONT-AM-784512_EN.pdf)

31. <https://www.derstandard.at/story/3000000285018/die-regierung-tappt-bei-ngos-in-die-falle-der-fpoe>

32. <https://civicspacewatch.eu/bulgaria-parliament-establishes-commission-targeting-soros-funded-csos/>

33. <https://www.maecenata.eu/2025/12/02/anti-ngo-diskurs-social-media-analyse/>

34. <https://civicspacewatch.eu/alert/hungary-sovereignty-protection-office-escalates-attacks-on-csos/>

# Contracting compliance: advocacy delegitimised and defunded

**Increasingly, public authorities and political actors restrict, condition, or withdraw public funding of CSOs engaged in advocacy, particularly when they criticise government policy.**<sup>35</sup> Changes to funding rules, restrictive legislative proposals, and instances of the withdrawal of funding from NGOs that are critical of government policy have been documented in several states including in **Belgium, Czech Republic, Denmark, France, Hungary, Spain**, and the **United Kingdom**, as well as at the **EU level**.

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In **Belgium**, six sociocultural organisations that have been critical of the Flemish government appealed to the Council of State after all or most of their subsidies were cut over their alleged support of civil disobedience group Code Rouge, or for not distancing themselves from “violent actions”.<sup>36</sup> In **France**, the 2021 *Contrat d’engagement républicain* (CER), which requires associations applying for public funds or subsidies to subscribe to “republican values”, has systematically been used to target associations critical of government policies. For example, at the end of December 2025, the social association AREA was forced to cease its activities after the government withdrew its funding over its reports and statements, which were viewed as too critical by government departments.<sup>37</sup> In some cases, organisations opt for toning down their messages in order to continue receiving public funding, as seen in the case of the Léo-Lagrange Club in Vienne which committed to refraining from calling on people to vote against far-right ideas, in order to unfreeze its municipal subsidy.<sup>38</sup> In the **Czech Republic**, the new coalition government has pledged to introduce restrictions on “political non-profit organisations” and plans to prevent public

**Proposals to stop the funding of CSOs’ advocacy activities have also been put forward at the EU level.**

money from being used for political activism.<sup>39</sup> Across the **Western Balkans**, similar patterns are evident, where public funding is often used selectively and critical CSOs face smear campaigns, administrative pressure, and funding insecurity. These dynamics contribute to a chilling effect, particularly for watchdog and rights-based organisations.

In **Denmark**, some CSOs report having had conditions tied to their funding, such as not being allowed to use their funding for advocacy or campaigns that are political in nature.<sup>40</sup> In the **Netherlands**, under the new govern-

ment’s funding framework, advocacy towards the Dutch government is not eligible for funding.<sup>41</sup> This significantly affects the capacity of CSOs to continue to monitor and engage in particular with the foreign policy agenda of the country. In **Germany**, the government has failed to amend the tax-exempt status, thus the legal framework for civil society engaged in “occasional political activities” remains unclear, creating significant uncertainty.<sup>42</sup> The far-right AfD party has capitalised on this by reporting CSOs to the tax authorities for alleged non-compliance with their non-profit status.

In June 2025, the party introduced a bill in the German parliament to ban the public financing of “political” NGOs.<sup>43</sup>

**Proposals to stop the funding of CSOs’ advocacy activities have also been put forward at the EU level.** Civil society has raised concerns about the European Commission’s 2024 policy guidelines on funding lobbying activities, which state

that entities receiving EU funding should ensure that their lobbying and advocacy activities “avoid reputational risk”.<sup>44</sup> **There are growing concerns that this vague definition of “reputational risk” could be**

35. The Venice Commission emphasised that CSOs have the “right to participate in matters of political and public debate, regardless of whether the position taken in accord with government policy or advocates a change in the law. See: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2019\)002-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2019)002-e)

36. <https://vrede.be/nl/nieuws/zes-geveiserde-sociaal-culturele-organisaties-stappen-naar-raad-van-state-tegen-beslissing>

37. <https://civicspacewatch.eu/alert/france-funding-for-social-support-association-withdrawn-due-to-criticism-of-government-actions/>

38. <https://www.ledauphine.com/politique/2025/06/23/apres-la-polemique-le-club-leo-lagrange-retrouve-finalement-sa-subvention-municipale>

39. <https://vlada.gov.cz/vlada/programove-prohlaseni/programove-prohlaseni-vlady-224629/>

40. Focus group held by Nyt Europa with Danish CSOs 16 December 2025. [https://www.nyteuropa.dk/\\_files/ugd/3d7754\\_0d3b1bd599384246a682298bd60437c5.pdf](https://www.nyteuropa.dk/_files/ugd/3d7754_0d3b1bd599384246a682298bd60437c5.pdf)

41. <https://www.government.nl/topics/grant-programmes/femfocus-2026-2030>

42. To be recognised as an NPO, an association must fulfil one of the 26 charitable purposes outlined in the German Fiscal Code. Since 2019, a ruling by Germany’s highest court for tax matters, the Federal Fiscal Court (BFH), established that the political engagement of charitable associations is subject to strict limits. For example, NPOs may only engage in political activity to further its charitable purpose. See: <https://www.bundesfinanzhof.de/de/entscheidung/entscheidungen-online/detail/STRE201910035/>; <https://www.deutschlandfunk.de/gemeinnuetzige-vereine-politisch-afd-anzeige-100.html>

43. <https://www.bundestag.de/dokumente/textarchiv/2025/kw26-de-nichtregierungsorganisationen-1084814>

44. [https://www.europarl.europa.eu/cmsdata/290965/Guidance\\_funding%20to%20lobbying%20activities\\_final%20Ares%282024%293320196-%2007052024.pdf](https://www.europarl.europa.eu/cmsdata/290965/Guidance_funding%20to%20lobbying%20activities_final%20Ares%282024%293320196-%2007052024.pdf)

**used to restrict CSOs' advocacy and critical engagement in policymaking.** For instance, in late

November 2024, several NGOs receiving operating grants under the LIFE programme were invited to screen their existing grant agreements against the new guidance and to then request amendments to their grant agreements, if necessary, after most of the year's activities had already been carried out by beneficiaries. The NGOs concluded that such changes were neither necessary nor possible under the EU's Financial Regulation or contract law in general.<sup>45</sup>

**CSOs feel they must choose between toning down their messages, strategically taking fewer public positions, or simply reducing the visibility of their work to avoid being attacked.**

Concerning proposals related to funding of civil society advocacy have surfaced at the European Parliament within the context of negotiations of the long-term

EU budget (the MFF) and the activities of the scrutiny working group described above. For instance, several MEPs from the far-right ECR group proposed restrictions on the eligibility of advocacy activities under EU funding.<sup>46</sup>

As in the first trend, there is a concerning interplay between national and EU level. **The repeated delegitimisation of civil society advocacy and the increasing restriction of funding is contributing to a severe chilling effect.** CSOs feel they must choose between toning down their messages, strategically taking fewer public positions, or simply reducing the visibility of their work to avoid being attacked.

<sup>45</sup>. <https://eeb.org/wp-content/uploads/2025/11/Shared-NGO-funding-Transparency-updated-QA-October-2025.pdf>

<sup>46</sup>. <https://drive.google.com/file/d/1GrqiwL57nx9H9Dv-AibRc9OzxCicHYsh/view>

# The sovereignty scare: “foreign agents” laws become part of the European authoritarian playbook

In several states, including in **Bosnia and Herzegovina's** Republika Srpska, the **Czech Republic**, **Hungary**, the **Netherlands**, **Serbia**, and **Slovakia**,<sup>47</sup> foreign funding of civil society was targeted under the guise of transparency, either through negative rhetoric branding organisations as “foreign agents”, or legislative proposals (known as “foreign agents” laws). These laws have posed a significant challenge for cross border philanthropy and foreign donors.<sup>48</sup>

In yet another escalation of the sustained attacks on civil society in **Hungary**, a controversial draft law titled “On the Transparency of Public Life” would give a broader mandate to the recently established Sovereignty Protection Office (SPO) to determine whether a foreign-funded organisation’s activities threaten Hungary’s sovereignty, which could result in an organisation being placed on an official blacklist and be effectively cut off from all major funding sources.<sup>49</sup> In the **Netherlands**, where there are early warning signs of shrinking civic space, the Civil Society Organisations Transparency Act (WTMO) gives local mayors, the public prosecutor, and other designated government agencies broad powers to make targeted inquiries about foreign donations to CSOs and risks being used to target specific religious groups.<sup>50</sup> In **Bulgaria**, there have been repeated attempts to propose a Russian-style foreign agents law,<sup>51</sup> which in 2025 was once again on the parliament’s agenda.<sup>52</sup> Additionally, the far-right, pro-Russian Vazrajdana party proposed amendments to the Pre-School and School Education Act, introducing fines of between €5,000 and €10,000 for legal entities that are registered abroad

**In some states, while draft “foreign agent” laws were stalled or shelved, their stigmatising effect continued to shape public discourse.**

or receive at least half of their funding from foreign sources if they carry out trainings, surveys, or research involving children, students, or school personnel.<sup>53</sup>

More broadly across the **Western Balkans**, wide smear campaigns have been launched to discredit CSOs and independent media by branding them as “foreign agents”, including in the context of narratives surrounding the withdrawal of USAID support.<sup>54</sup> **In some states, while draft “foreign agent” laws were stalled or shelved, their stigmatising effect continued to shape public discourse.** In **Serbia**, the draft foreign agents law from 2024 is regularly referenced by individual MPs during periods of intensified smear campaigns against CSOs. The narrative is further reinforced by repeated references to the potential reintroduction of such legislation by the current deputy prime minister.<sup>55</sup>

This trend is gaining traction and risks being legitimised at the **EU level**. Civil society has repeatedly raised concerns over the foreign funding directive proposed as part of the Commission’s 2023 Defence of Democracy package.<sup>56</sup> While the European Parliament and the Council of the EU under the Polish and Danish presidencies have improved the proposal,<sup>57</sup> the draft directive risks being used as a tool to stigmatise CSOs that receive foreign funding and has already been referenced by some national actors to justify their more dangerous foreign agents acts. CSOs continue to call for the withdrawal of the package and a thorough fundamental rights impact assessment.<sup>58</sup>

47. <https://www.predemokraciu.sk/2025/04/16/parlament-schvalil-rusky-zakon-vyzyvame-prezidenta-sr-na-veto/>

48. Information received from Philea.

49. <https://civicspacewatch.eu/hungary-new-transparency-legislation-targets-foreign-funded-csos/>

50. <https://civicspacewatch.eu/the-netherlands-legislative-proposals-risk-stigmatising-csos-expanding-censorship-and-granting-more-powers-to-authorities/>

51. The latest FARA proposal available here: <https://www.parliament.bg/bg/bills/ID/165804>

52. The FARA was proposed between 2022 and 2025 in four parliaments

53. <https://civicspacewatch.eu/bulgaria-proposed-ban-on-foreign-funded-cso-activities-in-schools/>

54. See the Western Balkans chapter of this report.

55. <https://www.danas.rs/vesti/politika/vulin-porucio-ne-odustajem-od-zakona/>

56. <https://civic-forum.eu/press/press-release-european-commission-adopts-problematic-foreign-funding-directive-ignoring-civil-society-warnings>

57. <https://civilsocietyeurope.eu/parliament-approves-position-on-foreign-interest-representation-could-it-harm-civil-society/>

58. <https://civic-forum.eu/our-work/defence-of-democracy>

# Peaceful assembly under attack: the repression of protest movements becomes the norm

Across Europe, the freedom of peaceful assembly is under attack. **There is an alarming normalisation of repressive laws and practices to criminalise peaceful protest movements. Our findings overwhelmingly demonstrate that this has become a sustained trend in restricting civic space.**

In 2025, governments have not only maintained existing restrictive legislation but introduced new laws that further constrain peaceful assembly. Restrictive laws were proposed or passed in **Austria, Belgium, Cyprus, Hungary, Italy, the Netherlands, Slovenia, and the United Kingdom.**

In **Italy**, the controversial security decree, which CSOs say is the greatest attack on protest rights in the history of the country, introduces new criminal offences and expands police powers to restrict protests.<sup>59</sup> In **Cyprus**, the parliament approved a law which introduces a mandatory seven-day advance notification requirement for protests, penalties for wearing face coverings during demonstrations, and expands police powers to disperse assemblies.<sup>60</sup> In the **United Kingdom**, the new Crime and Policing Bill — the third major piece of legislation in recent years to restrict the right to protest — would criminalise the use of face coverings and restrict protests near places of worship.<sup>61</sup> In **Serbia**, following massive anti-government protests, amendments to the Criminal Code sought to criminalise blockades with up to a year imprisonment.<sup>62</sup> Meanwhile, existing restrictive legislation

**There is an alarming normalisation of repressive laws and practices to criminalise peaceful protest movements.**

**Several states are taking explicit steps to criminalise movements by portraying them as “terrorists” or a threat to national security.**

has also been used to **limit the right to protest** as demonstrated in **Spain** with the gag law,<sup>63</sup> in **Italy** with the use of *foglio di via* (expulsion orders),<sup>64</sup> and in the **United Kingdom**, with the Policing, Crimes, Sentencing and Courts Act.<sup>65</sup>

**Several states are taking explicit steps to criminalise movements by portraying them as “terrorists” or a threat to national security.** In **Belgium**, a proposed law includes plans to ban “radical organisations”, leaving broad discretion to authorities to decide which organisations qualify as such.<sup>66</sup> The proposal comes in the context of increased repression on protest movements in the country. Anti-fascist (Antifa) movements have faced threats of criminalisation in the **Netherlands**,<sup>67</sup> while in **Hungary**, the Orbán government added “Antifa” to the national terrorism list and further blurred the line between peaceful democratic civic engagement and national security threats.<sup>68</sup> Attacks on movements have also been mirrored at the **EU level**. For example, several MEPs from the Patriots for Europe group suggested in questions to the Council of the EU that persons affiliated with the anti-fascist movement should be added to the EU terrorist list and subject to sanctions,<sup>69</sup> while an MEP from the same party proposed a motion to declare “Antifa” a terrorist organisation.<sup>70</sup>

In line with findings of previous years, **the use of excessive force, arbitrary detentions, and**

59. <https://www.politico.eu/article/giorgia-meloni-security-decree-anti-protest-law-italy/>

60. [https://www.cylaw.org/nomoi/arith/2025\\_1\\_151.pdf](https://www.cylaw.org/nomoi/arith/2025_1_151.pdf)

61. <https://www.gov.uk/government/publications/crime-and-policing-bill-2025-factsheets/crime-and-policing-bill-overarching-factsheet>, <https://www.bond.org.uk/news/2025/10/what-the-crime-and-policing-bill-means-for-protest-rights/>

62. <https://www.serbianmonitor.com/en/what-is-changing-in-the-criminal-code-and-does-it-have-anything-to-do-with-the-protests-in-serbia/>

63. The “gag” law grants broad powers to authorities and imposes high fines for a range of acts, including resisting or disrespecting authorities, refusing to identify oneself to the authorities, and the unauthorised dissemination of images of police officers during operations: <https://www.es.amnesty.org/en-que-estamos/noticias/noticia/articulo/ley-mordaza-diez-anos-de-vulneraciones-de-derechos-humanos-y-promesas-incumplidas/>

64. *Foglio di via* a preventive administrative measure which requires individuals to stay away from a specific municipality for public order reasons and has been frequently used against protesters: <https://www.amnesty.it/fogli-di-via-strumento-di-prevenzione-o-di-repressione/>

65. The Policing, Crime, Sentencing and Courts Act gives authorities unprecedented power to impose noise-based restrictions on protests, greater powers to restrict static assemblies and limit protest outside parliament: <https://civicspacewatch.eu/alert/united-kingdom-policing-bill-about-to-become-a-very-damaging-piece-of-legislation-for-human-rights-defenders/>

66. <https://www.amnesty.be/infos/blogs/blog-paroles-chercheurs-defenseurs-victimes/carte-blanche-loi-quintin>

67. <https://www.tweedekamer.nl/kamerstukken/moties/detail?id=2025Z17241&did=2025D40130>

68. <https://www.theguardian.com/world/2025/oct/12/european-far-right-follows-trump-in-calling-for-antifa-to-be-declared-terrorists>

69. [https://www.europarl.europa.eu/doceo/document/E-10-2025-003804\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-10-2025-003804_EN.html)

70. <https://www.politico.eu/wp-content/uploads/2025/09/22/ANTIFA-Terrorist-Organization-Resolution.pdf>

harassment was a sustained pattern in 2025, and was documented in **Austria, Belgium, Bulgaria, Denmark, France, Italy**, the **Netherlands, Portugal, Serbia, Spain**, and the **United Kingdom**.

Police infiltration and surveillance (see trend 6) have also been used to restrict protests. In particular, the Palestine solidarity, climate justice, and other social justice movements have faced disproportionate restrictions on the right to protest, as outlined in the case studies below.

### Case Study 1: Palestine solidarity movement

**Restrictions on peaceful protests expressing solidarity with the Palestinian people and opposing Israel's actions in Gaza, which amount to genocide according to a UN Commission of Inquiry<sup>71</sup> and multiple Palestinian, Israeli, and international human rights groups,<sup>72</sup> has become a sustained trend in Europe,<sup>73</sup> documented in several states including in **Austria, Belgium, Bulgaria, France, Germany, Ireland, Italy, Spain, Sweden**, and the **United Kingdom**.<sup>74</sup>**

In **Germany**, authorities have imposed prohibitions on chanting in Arabic and displaying certain symbols, like the watermelon or Keffiyeh scarf, deployed excessive force and extensive surveillance measures, and carried out criminal prosecutions to target participants and organisers.<sup>75</sup> In **Belgium**, Palestine solidarity protests have been dispersed with excessive force, including the disproportionate use of tear gas and water cannon in Brussels.<sup>76</sup> In **Denmark**, police arrested around 20 activists and used tear gas and batons during a non-violent protest at the Maersk

**Restrictions on peaceful protests expressing solidarity with the Palestinian people and opposing Israel's actions in Gaza, which amount to genocide according to a UN Commission of Inquiry and multiple Palestinian, Israeli, and international human rights groups, has become a sustained trend in Europe,**

**Organisations and individuals participating in protests have faced intimidation, harassment, surveillance, and threats of dissolution**

headquarters in Copenhagen, where demonstrators attempted to block the entrance in opposition to the company's alleged involvement in transporting arms

to Israel.<sup>77</sup> In the **United Kingdom**, almost 900 people were arrested for supporting the activist group Palestine Action in September 2025, after it was proscribed as a terrorist organisation in July of that year, making membership or support for the organisation a criminal offence.<sup>78</sup> Ahead of the decision, UN experts urged the UK government to not proscribe the group, arguing that it would "criminalise legitimate actions" by members of the group.<sup>79</sup>

Around two thousand people are facing criminal charges for showing support for the group during demonstrations.<sup>80</sup> In 2026, the High Court ruled that the government's decision to proscribe the group was "disproportionate" and unlawful.<sup>81</sup>

**Organisations and individuals participating in protests have faced intimidation, harassment, surveillance, and threats of dissolution**, with cases documented in **Belgium, France, Germany, Italy, Latvia, the Netherlands, Portugal, Slovenia, and Spain**. In **Belgium**, an activist is facing prosecution following their participation in direct action to denounce the complicity of arms companies.<sup>82</sup> In **Sweden**, a German student who was active in the 2024 university encampments was fined for "disobedience against public authority", and in 2025 was deported to Germany and given a five-year entry ban.<sup>83</sup> In **France**, the interior minister announced the dissolution of Urgence Palestine, under the internal security code. However, the dissolution decree has not yet been published.

71. <https://www.ohchr.org/en/press-releases/2025/09/israel-has-committed-genocide-gaza-strip-un-commission-finds>

72. See, for example: [https://www.alhaq.org/cached\\_uploads/download/2023/11/15/briefing-note-genocide-third-state-responsibility-14-november-2023-1700041879.pdf](https://www.alhaq.org/cached_uploads/download/2023/11/15/briefing-note-genocide-third-state-responsibility-14-november-2023-1700041879.pdf), <https://www.mezan.org/en/post/46444/Israel%E2%80%99s-Genocide-in-Gaza-The-Latest-Episode-in-the-Ongoing-Nakba-Against-the-Palestinian-People>, [https://www.btselem.org/publications/202507\\_our\\_genocide](https://www.btselem.org/publications/202507_our_genocide); <https://www.phr.org.il/en/genocide-in-gaza-eng/>; <https://www.amnesty.org/en/latest/news/2024/12/amnesty-international-concludes-israel-is-committing-genocide-against-palestinians-in-gaza/>; <https://www.hrw.org/news/2024/12/19/israels-crime-extermination-acts-genocide-gaza>

73. <https://civic-forum.eu/wp-content/uploads/2025/06/Civic-Space-Report-2025-ECF.pdf>; <https://civic-forum.eu/wp-content/uploads/2024/05/CIVIC-SPACE-REPORT-2024-RESTRICTIONS-ON-PALESTINE-SOLIDARITY.pdf>

74. Since October 2023, many member states have violated international human rights standards on the freedoms of peaceful assembly, expression, and association. See: <https://civic-forum.eu/press/repression-on-protests-in-solidarity-with-flotilla-and-palestinian-people-ngos-demand-eu-council-action>; <https://civic-forum.eu/wp-content/uploads/2024/05/CIVIC-SPACE-REPORT-2024-RESTRICTIONS-ON-PALESTINE-SOLIDARITY.pdf>

75. <https://www.ohchr.org/en/press-releases/2025/10/un-experts-urge-germany-halt-criminalisation-and-police-violence-against>; <https://www.tni.org/en/publication/solidarity-under-siege>; <https://www.index-of-repression.org/de/platform>

76. <https://www.brusselstimes.com/belgium/1780646/questions-raised-over-police-brutality-at-gaza-flotilla-protests-in-brussels>; <https://www.vrt.be/vrtnws/en/2025/11/04/antwerp-police-use-water-cannon-and-pepper-spray-against-pro-pal/>

77. [https://www.nyteuropa.dk/\\_files/ugd/3d7754\\_22fd8cbcc8dd4ffda465a80329476038.pdf](https://www.nyteuropa.dk/_files/ugd/3d7754_22fd8cbcc8dd4ffda465a80329476038.pdf)

78. <https://civicspacewatch.eu/uk-mass-arrests-for-supporting-palestine-action-and-second-appeal-for-the-ban/>

79. <https://www.ohchr.org/en/press-releases/2025/07/un-experts-urge-united-kingdom-not-misuse-terrorism-laws-against-protest>

80. <https://www.bbc.com/news/articles/c051g2q5651o>

81. <https://www.itv.com/news/2026-02-13/high-court-ruling-what-is-palestine-action-and-why-was-it-banned>

82. <https://www.lavenir.net/regions/wallonie-picarde/tournai/2025/09/10/proces-danuna-de-wever-a-tournai-des-actions-pour-denoncer-la-complicite-des-entreprises-darmement-avec-le-genocide-en-cours-en-palestine-BAKYG54KXRDKJW3KXLLMMVCD5M/>

83. <https://www.sydsvenskan.se/lund/polisen-tvingar-tysk-demonstrant-fran-palestinagard-att-lamna-sverige/>

Furthermore, there have been several reported cases of police infiltration of the movement documented in **Spain** and **Italy**.<sup>84</sup>

Repeated restrictions on the freedom of expression, which is closely tied with the freedom of peaceful assembly, has been documented in several states. Cases include cancellation of events and the banning of Palestinian symbols such as the watermelon, the Palestinian flag, the Keffiyeh scarf, and the chant “from the river to the sea”.<sup>85</sup> **In several states, legitimate critical speech, protected by the freedom of expression under international law, has been labelled as antisemitic.** For example, a report by the local Amnesty chapter raised such concerns in **Austria** where the conflation of antisemitism with criticism of the Israeli state has led to a chilling effect for the Palestinian solidarity movement and civil society advocacy, while undermining efforts to combat actual antisemitism.<sup>86</sup> Similarly, other countries such as **Denmark** and **Italy** proposed legislation which threatens to conflate criticism of Israeli state policies with antisemitism and is likely to impact on civic actors expressing solidarity with Palestine.<sup>87</sup>

2025 saw a “renewed criminalisation” of LGBTQI+ people, including their right to protest

### Case study 2: Climate Justice movement

Environmental and climate justice groups continue to face sustained repression, including excessive force, legal harassment, surveillance, harsh sentences, and disproportionate financial penalties, including in **Belgium, France, Italy, Serbia, Spain, Sweden,** and the **United Kingdom**.

In **France**, an environmental activist was sentenced in November 2025 to six months in prison for spraying water-based paint on the façade of the prime minister’s office — the harshest sentence ever handed down for an act of environmental civil disobedience.<sup>88</sup> In **Sweden**, five activists involved in peaceful direct action at the Finnish Embassy in Stockholm were ordered

to pay disproportionate fines, with three of them also receiving prison sentences.<sup>89</sup> These convictions illustrate the harshening of penalties for civil disobedience — a form of protest that is recognised as legitimate and protected by international human rights law.<sup>90</sup> Movements have also faced Strategic Lawsuits against Public Participation (SLAPPs). In **Italy**, energy company Fox Petroli filed a defamation lawsuit against two activists seeking €2 million in damages after they criticised environmental conditions at an oil storage site linked to a planned methane liquefaction plant.<sup>91</sup> In **Romania**, the state-owned energy company Romgaz filed a case to dissolve Greenpeace Romania for opposing a gas extraction project.<sup>92</sup>

### Case study 3: Social justice movements

A wide range of social justice movements and activists — including anti-austerity, workers’ rights, anti-fascist, housing rights, feminist, migrant’s rights, and LGBTQI+ rights movements — have faced escalating repressions on their right to protest.

**2025 saw a “renewed criminalisation” of LGBTQI+ people, including their right to protest.**<sup>93</sup> Bans or partial bans and restrictions on Pride parades occurred across Europe, including in **Bulgaria,**<sup>94</sup> **France,**<sup>95</sup> **Germany,**<sup>96</sup> **Hungary,**<sup>97</sup> and **Romania.**<sup>98</sup> In **Hungary**, despite the parliament passing a law to ban Pride, a massive march was staged in Budapest.<sup>99</sup> In Pécs, Géza Buzás-Hábel, a gay Roma teacher and long-time organiser of the local march, became the first person in the EU known to face criminal charges for organising a Pride march (under the 2025 amendment of the Assembly Act), which could lead to up to one year in prison.<sup>100</sup> In **France**, the president of the Île-de-France region cancelled two €25,000 subsidies awarded to the Inter-LGBT Association, the organiser of the Paris Pride march, due to a poster which it claims incited

84. <https://www.napolitoday.it/cronaca/proteste-federico-ii-agente-infiltrato.html>, <https://directa.cat/un-policia-espanyol-sinfiltra-dos-anys-en-lactivisme-de-lleida/>, <https://www.elsaltodiario.com/repression/directa-destapa-una-policia-infiltrada-movimiento-palestina-izquierda-independentista>

85. <https://archiveofsilence.org/>, <https://www.ldh-france.org/gilles-platret-apres-les-atteintes-aux-libertes-fundamentales-les-injures/>, [https://www.lemonde.fr/societe/article/2025/12/18/un-mois-apres-l-annulation-du-colloque-sur-la-palestine-l-unite-reste-fragile-au-college-de-france\\_6658473\\_3224.html](https://www.lemonde.fr/societe/article/2025/12/18/un-mois-apres-l-annulation-du-colloque-sur-la-palestine-l-unite-reste-fragile-au-college-de-france_6658473_3224.html)

86. <https://www.amnesty.org/en/latest/news/2026/03/austria-crackdown-on-palestinian-solidarity-has-triggered-significant-chilling-effect/>

87. <https://www.fidh.org/en/issues/freedom-of-expression/fidh-publishes-a-report-on-the-repression-of-the-solidarity-movement>

88. <https://libertesassociatives.org/entrevue/157-apres-une-action-symbolique-de-jet-de-peinture-devant-matignon-une-militante-de-derniere-renovation-est-condamnee-a-6-mois-de-prison-ferme/>

89. <https://www.sverigesnatur.org/aktuellt/fangelse-for-klimataktion-vid-finlands-ambassad-i-stockholm/>

90. [https://unece.org/sites/default/files/2025-10/Aarhus\\_SR\\_EnvDef\\_Guidelines\\_Right%20to%20Peaceful%20Environmental%20Protest\\_Civil%20Disobedience\\_ENG\\_0.pdf](https://unece.org/sites/default/files/2025-10/Aarhus_SR_EnvDef_Guidelines_Right%20to%20Peaceful%20Environmental%20Protest_Civil%20Disobedience_ENG_0.pdf)

91. <https://www.articolo21.org/2025/10/due-attivisti-citati-in-giudizio-da-una-potente-compagnia-energetica-la-causa-riconosciuta-comeslapp/>

92. <https://www.greenpeace.org/romania/articol/10798/romgaz-bahamas-renunta-la-dizolvarea-greenpeace-si-au-dat-seama-ca-pierd/>

93. <https://www.ilga-europe.org/press-release/europe-reaches-new-low-as-lgbti-people-face-renewed-criminalisation/>

94. <https://novini.bg/article/2025031002012984943>

95. <https://france3-regions.franceinfo.fr/bourgogne-franche-comte/cote-d-or/dijon/pride-2025-interdite-dans-le-centre-de-dijon-la-polemique-continue-d-enfler-a-la-veille-de-la-marche-des-fiertés-3170109.html>

96. <https://www.lgbtqnation.com/2025/07/germanys-parliament-banned-the-pride-flag-it-backfired-spectacularly/>

97. <https://www.amnesty.hu/hungary-banning-lgbti-march-for-resembling-budapest-pride-a-deeply-disturbing-development/>

98. <https://www.forbidden-colours.com/2025/07/23/second-pride-banned-in-eu-in-2025/>

99. <https://www.hrw.org/news/2025/03/20/hungary-bans-lgbt-pride-events>

100. <https://civicspacewatch.eu/hungary-teacher-faces-eu-first-criminal-charges-for-organising-pride/>

violence. The poster depicted seven figures, including a trans person, a woman wearing a headscarf, and another woman with a Palestinian flag pin, and the corpse of a white man hanging by his tie.<sup>101</sup>

In **Belgium**, 13 complaints were filed to police oversight bodies due to the use of tear gas and water cannon against protesters during the biggest national strike in decades against pension reforms.<sup>102</sup> In **Portugal**, during a general strike by major trade unions against the government's new labour package, police

used rubber bullets to disperse a crowd gathered near the parliament.<sup>103</sup> In **Serbia**, authorities deployed sonic weapons against anti-corruption and anti-government protesters in Belgrade.<sup>104</sup> In **Spain**, a record number of police infiltrations into activist groups, including the youth, independence, climate, Palestine solidarity, and housing rights movements, have raised serious concerns about their potential chilling effect on civic organising.<sup>105</sup>

<sup>101</sup>. <https://libertesassociatives.org/entrave/149-la-region-ile-de-france-retire-50-000-euros-de-subsidiation-a-linter-lgbt-apres-la-publication-dune-affiche-contre-linternationale-reactionnaire-pour-la-marche/>

<sup>102</sup>. <https://www.politico.eu/article/police-clash-with-protesters-huge-strikes-rock-brussels-belgium/>

<sup>103</sup>. <https://indymedia.pt/229685/>

<sup>104</sup>. <https://crt.rs/en/the-european-court-of-human-rights-statement-regarding-the-alleged-use-of-sonic-weapons-during-the-protest/>

<sup>105</sup>. <https://www.amnesty.org/en/latest/news/2025/06/italy-new-case-of-journalist-targeted-with-graphite-spyware-confirms-widespread-use-of-unlawful-surveillance/>; <https://directa.cat/una-policia-espanyola-sinfiltra-durant-dos-anys-al-moviment-per-palestina-i-a-lesquerra-independentista/>

# Solidarity outlawed: the systemic criminalisation of support for refugees and migrants

**The criminalisation of solidarity with migrants and refugees has become a structural trend in Europe.** In 2025, CSOs, volunteers, and activists

assisting migrants continue to face legal harassment, public vilification, and criminal prosecution. Monitoring by the Platform for International Cooperation on Undocumented Migrants (PICUM), found that at least 110 individuals faced judicial proceedings for acting in solidarity with migrants in the EU in 2025. At least 11 CSOs and other entities have been subject to administrative fines and sanctions. Moreover, at least 33 cases of non-judicial harassment, such as intimidation and smear campaigns that targeted both individuals and civil society actors were documented.<sup>106</sup>

**This trend is closely linked to the broader tightening of Europe’s migration policies, a phenomenon known as the “criminalisation of migration”, as irregular migration is increasingly addressed through security-oriented enforcement and frameworks.** In this context, assistance or support to migrants is increasingly more narrowly regulated, limiting permitted activities and who can carry them out, with tougher criminal or administrative sanctions for failure to comply.

This approach is becoming embedded in legal, policy, and institutional frameworks developed at the EU level. **In recent years, several pieces of legislation have contributed to the criminalisation of solidarity and migration itself** including the EU’s Pact on Migration and Asylum,<sup>107</sup> the package “to prevent and combat migrant smuggling”,<sup>108</sup> and the Returns Regulation<sup>109</sup> — dubbed the “deportation regulation” by civil society and still under negotiation at the time of writing.<sup>110</sup> The latter proposal was issued without a formal human rights impact assessment or formal

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consultations.<sup>111</sup> If passed the regulation would expand the digital surveillance infrastructure targeting racialised communities and solidarity groups. The

final law could also include the Council proposal to legalise police raids of private homes and humanitarian shelters, further repressing solidarity and assistance.<sup>112</sup>

Furthermore, a proposed revision of the EU Facilitation Directive — presented as part of the package “to prevent and combat migrant smuggling” — could broaden the definition of smuggling in ways that risk further enabling the prosecution of solidarity with migrants.<sup>113</sup>

A mutually reinforcing pattern is becoming entrenched: **in line with member states’ harsh approach, EU policies are contributing to the normalisation of the criminalisation of migration and solidarity.** This, in turn, provides political and legal cover for stigmatisation and repression of migration-related civil society organisations at both national and EU level.

Restrictive laws, administrative barriers, criminal prosecutions, and SLAPPs targeting organisations and activists working with migrants have been documented in **Bulgaria, France, Greece, Italy, Latvia, Poland, and Spain.**

In **Greece**, the government has systematically targeted migration organisations. The government proposed an immigration bill which introduces measures that explicitly link non-governmental groups and humanitarian workers with criminal conduct.<sup>114</sup> Similarly, in **France**, a legislative proposal aims to prevent CSOs from providing information and support to migrants held in detention centres.<sup>115</sup>

<sup>106</sup>. [https://picum.org/wp-content/uploads/2026/04/Criminalisation-of-solidarity-with-migrants-in-the-EU\\_2025.pdf](https://picum.org/wp-content/uploads/2026/04/Criminalisation-of-solidarity-with-migrants-in-the-EU_2025.pdf)

<sup>107</sup>. <https://www.accessnow.org/press-release/joint-statement-eu-migration-pact-a-dangerous-regime-of-migrant-surveillance/>

<sup>108</sup>. <https://www.equinox-eu.com/towards-a-safer-migration-ending-the-criminalisation-of-migration-and-solidarity/>

<sup>109</sup>. <https://www.equinox-eu.com/more-than-200-organisations-inhumane-deportation-rules-should-be-rejected/>

<sup>110</sup>. <https://euobserver.com/206195/eu-moves-to-allow-two-years-jail-for-families-facing-deportation/>

<sup>111</sup>. <https://picum.org/wp-content/uploads/2026/02/Ombudman-complaint-RR.pdf>

<sup>112</sup>. <https://odi.org/en/insights/europes-surveillance-deportation-regime-is-here-and-its-expanding-fast/>

<sup>113</sup>. <https://civic-forum.eu/publications/open-letter/eu-stop-criminalising-migration-in-the-facilitators-package-law>

<sup>114</sup>. <https://www.hrw.org/news/2026/01/29/greek-immigration-bill-demonizes-civil-society>

<sup>115</sup>. <https://www.senat.fr/leg/exposes-des-motifs/pp124-472-expose.html>, <https://www.infomigrants.net/en/post/64593/french-senate-votes-to-exclude-associations-from-migrant-detention-centers>

In **Bulgaria**, the interior ministry announced an investigation into activists from the volunteer group Mission Wings, accusing them of obstructing authorities by issuing false calls for help in a case of three migrants dying in the Bulgarian mountains.<sup>116</sup> Later, the minister publicly claimed that the organisation had been misused by Russian spies aiming to “flood” Europe with migrants.<sup>117</sup> In **Latvia**, in August 2025, Ieva Raubiško from refugee rights organisation “I Want to Help Refugees” was found guilty of aiding, but not of organising, an illegal border crossing, after assisting five Syrian asylum seekers, and sentenced to 200 hours of community service.<sup>118</sup> In **France**, the president of Germà — an association supporting undocumented

people and asylum seekers in the Pyrénées-Orientales department — was taken into police custody on suspicion of “forgery and use of forged documents” and “aiding the irregular entry, stay, and movement of persons.”<sup>119</sup>

**The criminalisation of migration by EU governments and institutions is steadily delegitimising support for migrants and contributing to their dehumanisation.**

By investigating, prosecuting, or publicly delegitimising organisations that assist migrants, authorities create an environment of fear, uncertainty, and stigmatisation, making it challenging for migrant rights organisations to operate. Furthermore, **the criminalisation of migration by EU governments and institutions is steadily delegitimising support for migrants and contributing to their dehumanisation.**

<sup>116</sup>. <https://www.segabg.com/hot/category-bulgaria/mvr-razsledva-aktivisti-za-neverni-signalni-za-bedstvashti-migranti>; [https://www.facebook.com/MissionWingsStaraZagora/posts/pfbid0365sU1VBbC5y4Ap89WF43YaR48xnvS7Gd1bHTWHcEFcaWjTp4dyxdoYFcNLMg4XX8l?\\_rdc=1&\\_rdr#](https://www.facebook.com/MissionWingsStaraZagora/posts/pfbid0365sU1VBbC5y4Ap89WF43YaR48xnvS7Gd1bHTWHcEFcaWjTp4dyxdoYFcNLMg4XX8l?_rdc=1&_rdr#)

<sup>117</sup>. <https://bnrnews.bg/starazagora/post/358988/fondacia-misia-krile-otgovori-na-vatreshnia-ministar-za-obviniata-pred-britansko-izdanie>

<sup>118</sup>. <https://eng.lsm.lv/article/society/society/20.08.2025-refugee-rights-activist-raubisko-given-community-service.a611098/>

<sup>119</sup>. [https://picum.org/wp-content/uploads/2026/04/Criminalisation-of-solidarity-with-migrants-in-the-EU\\_2025.pdf](https://picum.org/wp-content/uploads/2026/04/Criminalisation-of-solidarity-with-migrants-in-the-EU_2025.pdf)

# Pervasive surveillance: governments expand monitoring powers and technologies

Across Europe, **governments are expanding data gathering and monitoring powers — often facilitated by surveillance technologies — which are increasingly shaping the environment in which civic actors operate.** Documented cases across countries including **Finland, France, Italy**, the **Netherlands, North Macedonia, Romania, Serbia, Spain**, and the **United Kingdom** show how such tools have been used to monitor civic activism, watchdog organisations, investigative journalism, and public dissent. This raises significant concerns about the erosion of privacy of those exercising their fundamental rights; the potential use of data to harass, fine, and prosecute civic actors; and the overall chilling effect of mass surveillance.

**Plans to expand legal and technical frameworks enabling surveillance and large-scale data processing are advancing in several countries, including in Austria, Belgium,<sup>120</sup> Denmark, France, Ireland,<sup>121</sup> Italy, and**

the **Netherlands**. Rights groups raised concerns over a new narcotics law in **France**, aimed at tackling drug trafficking, as it would have authorised the use of new mass surveillance technologies that could affect activists and other civic actors.<sup>122</sup> Introduced on the grounds of security and the fight against terrorism, a draft law in **Austria** would give enforcement authorities the power to install spyware on private devices to monitor people’s encrypted communications.<sup>123</sup> Similarly, amendments to the traffic regulation law could enable comprehensive surveillance across city centres.<sup>124</sup> In the **Netherlands**, a proposal seeks to extend police powers to conduct large-scale surveillance of individuals in response to “public order” disruptions. Such approaches to surveillance risk creating a climate of constant observation in public

spaces and restricting civic freedoms and could result in a chilling effect.

At the **EU level**, parallel developments reinforce these national trends by expanding interconnected data infrastructure and surveillance practices, particularly in migration policy. Europol and Frontex have seen continuous increases in mandates, budgets, and surveillance roles,<sup>125</sup> with further reforms expected in 2026 under the ProtectEU agenda.<sup>126</sup> These changes build on two decades of creating an EU-wide “interoperable” system linking EU and national

police and migration databases, enabling authorities to exert extensive control over migrants and those associated with them,<sup>127</sup> all increasingly treated as alleged criminals — a category that has, in practice, come to include human rights defenders working on migrant and refugee rights (see above trend).<sup>128</sup>

Civil society groups describe this as the construction of “technological infrastructures to further surveillance and criminalisation” of racialised communities, migrants, and those who support them.<sup>129</sup>

There have been several documented cases illustrating how civil society is impacted by the expansion of surveillance. In **Italy**, two new cases of the deployment of unlawful spyware against journalists and activists were uncovered in 2025.<sup>130</sup> A parliamentary report argued that the surveillance of the staff of a sea rescue organisation was warranted on national security grounds due to the group’s suspected involvement in facilitating irregular migration.<sup>131</sup> In **Finland**, media investigations revealed that police conducted phone surveillance against climate activists.<sup>132</sup> In **Spain**, authorities increasingly deployed drones equipped with cameras to

**Plans to expand legal and technical frameworks enabling surveillance and large-scale data processing are advancing in several countries.**

120. [https://www.liguedh.be/wp-content/uploads/2026/01/EDH\\_2025\\_WEB.pdf](https://www.liguedh.be/wp-content/uploads/2026/01/EDH_2025_WEB.pdf)

121. <https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/press-releases/minister-jim-ocallaghan-strengthens-lawful-interception-powers/>

122. <https://www.laquadrature.net/en/warondrugslaw/>

123. [https://www.parlament.gv.at/aktuelles/pk/jahr\\_2025/pk0661](https://www.parlament.gv.at/aktuelles/pk/jahr_2025/pk0661)

124. <https://www.amnesty.at/presse/geplante-stvo-novelle-bedroht-recht-auf-meinungs-und-versammlungsfreiheit-kundgebung-am-27-november/>

125. [https://protectnotsurveil.eu/uploads/ProtectNotSurveil-Europol\\_Paper.pdf](https://protectnotsurveil.eu/uploads/ProtectNotSurveil-Europol_Paper.pdf)

126. <https://edri.org/our-work/protectnotsurveil-coalition-raises-alarm-about-eu-frontex-expansion-plans/>

127. <https://www.statewatch.org/media/3725/frontex-and-interoperable-databases-report.pdf>

128. <https://www.euractiv.com/opinion/it-is-time-to-tear-down-this-wall/>

129. <https://ainowinstitute.org/publications/from-infrastructure-power-to-redistribution-how-the-eus-digital-agenda-cements-securitization-and-computational-infrastructures-and-how-we-build-otherwise>

130. <https://www.amnesty.org/en/latest/news/2025/06/italy-new-case-of-journalist-targeted-with-graphite-spyware-confirms-widespread-use-of-unlawful-surveillance/>

131. [https://documenti.camera.it/\\_dati/leg19/lavori/documentiparlamentari/IndiceETesti/034/004/INTERO.pdf](https://documenti.camera.it/_dati/leg19/lavori/documentiparlamentari/IndiceETesti/034/004/INTERO.pdf)

132. <https://www.hs.fi/tutkiva/art-2000011394660.html>

monitor public demonstrations.<sup>133</sup> Similarly, in **Serbia**, authorities used facial recognition tools, deployed drones during protests, and weaponised both in-house and commercial spyware and Cellebrite forensic extraction tools against activists and civil society.<sup>134</sup> In the **United Kingdom**, authorities deployed digital surveillance capabilities for “public order” policing of protests. Online spaces, including social media content and digital activity have also become sites for intelligence-gathering.<sup>135</sup>

**Police infiltration has generated a profound chilling effect and can cause serious personal harm, including psychological trauma, violation of privacy, and erosion of trust.**

**Another concerning form of surveillance impacting civil society is police infiltration.**

In **Italy**, university students engaged in Palestine solidarity and housing rights movements in Naples reported police infiltration into their assemblies.<sup>136</sup> In **France**, agents infiltrated the protest movement

opposing the construction of the A69 highway.<sup>137</sup> In **Spain**, there were severe cases of prolonged police infiltration documented in several movements such as the Palestine solidarity, Catalan independence, and climate movements.<sup>138</sup> **Police infiltration has generated a profound chilling effect and can cause serious personal harm, including psychological trauma,**

**violation of privacy, and erosion of trust.**<sup>139</sup>

<sup>133</sup>. <https://novact.org/es/publicacio/diagnostico-del-derecho-a-la-protesta-en-espana-2024/>

<sup>134</sup>. [https://www.europarl.europa.eu/doceo/document/P-10-2025-000686\\_EN.html](https://www.europarl.europa.eu/doceo/document/P-10-2025-000686_EN.html)

<sup>135</sup>. [https://netpol.org/wp-content/uploads/2026/03/WEB\\_HowRepressionBecameRoutine.pdf](https://netpol.org/wp-content/uploads/2026/03/WEB_HowRepressionBecameRoutine.pdf)

<sup>136</sup>. <https://www.napolitoday.it/cronaca/proteste-federico-ii-agente-infiltrato.html>

<sup>137</sup>. <https://monitor.civicus.org/explore/national-human-rights-institution-warns-that-civic-space-in-france-is-under-threat/>

<sup>138</sup>. <https://www.elsaltodiario.com/madrid/nieves-otra-policia-infiltrada-movimiento-ecologista-madrid>; <https://directa.cat/una-policia-espanyola-sinfiltra-durant-dos-anys-al-moviment-per-palestina-i-a-lesquerra-independentista/>; <https://directa.cat/un-policia-espanyol-sinfiltra-dos-anys-en-lactivisme-de-lleida/>

<sup>139</sup>. Information received from NOVACT, 2025.

# Access denied: civil society sidelined from policy consultation processes

In 2025, participation through public consultation processes, access to information, and structured dialogue remained uneven across Europe. Evidence from several countries shows that **participation is often inconsistent, time-constrained, and in some cases limited, rather than systematically guaranteed.**

**Not only are public spaces for civic participation increasingly repressed, but opportunities to engage in decision-making processes are shrinking.** In **France**, for example, a proposed bill aims to reduce the number of state advisory bodies and targets in particular the High Council for Associative Life, a consultative body responsible for formulating proposals relating to the financing, operation, and organisation of associations, and the French Chamber of Social and Solidarity Economy, an association representing the social and solidarity economy sector.<sup>140</sup> The proposals constitute an attack on intermediary bodies and consultative democracy, and risk undermining public participation in decision-making for organised civil society.<sup>141</sup> The shift in attitudes towards CSOs who engage in advocacy in the **Netherlands** has resulted in more selective engagement with the government, which sidelines those CSOs deemed too critical, in favour of politically aligned and less controversial voices.

**In some cases, ongoing attacks against CSOs discourage their active participation.** In **Germany**, uncertainty over the political neutrality of CSOs has led to questioning their role in public participation processes. In **Denmark**, some CSOs report that their formal consultation response is used against them, which further discourages participation.<sup>142</sup> Across the **Western Balkans**, participation in decision-making remains largely procedural,

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**A coalition of nearly 500 civil society organisations and trade unions have defined this as a wave of deregulation aimed at weakening and dismantling rules that safeguard fundamental rights.**

with consultation mechanisms often limited to formal compliance rather than meaningful engagement, contributing to declining trust in institutional dialogue. In **Serbia**, civil society representatives suspended participation in the Civil Society Council and other formal cooperation mechanisms with legislative and executive authorities, pointing to sustained attacks, shrinking space for independent voices, and the instrumentalisation of consultation processes, which undermined the credibility and purpose of institutional engagement.<sup>143</sup>

**There are growing concerns over the right to participation at the EU level. Civil society has expressed serious concerns about the EU's deregulation agenda, which is framed around the need to boost industry's "competitiveness" and the "simplification" of an overly complex and bureaucratic European regulatory framework.**

In 2025, the European Commission launched ten "Omnibus" packages on issues ranging from corporate sustainability and digital rights to food safety.<sup>144</sup> These packages bundle multiple legislative amendments into single procedures. **A coalition of nearly 500 civil society organisations and trade unions have defined this as a wave of deregulation aimed at weakening and dismantling rules that safeguard fundamental rights.**<sup>145</sup>

These major proposals have been developed by the European Commission without standard impact assessments and with limited consultation of civil society. On the contrary, they have been shaped via closed door dialogues and consultations with targeted industry actors. A report by Corporate Europe Observatory found that all 13 European Commissioners who introduced Omnibus proposals

<sup>140</sup>. <https://civicspacewatch.eu/alert/france-two-bills-proposed-by-mp-attack-on-consultative-democracy-and-organised-civil-society/>

<sup>141</sup>. <https://civicspacewatch.eu/alert/france-two-bills-proposed-by-mp-attack-on-consultative-democracy-and-organised-civil-society/#:~:text=Civil%20dialogue-FRANCE:%20Two%20bills%20proposed%20by%20MP%20attack%20consultative%20democracy%20and,social%20and%20solidarity%20economy%20sector.>

<sup>142</sup>. Reported by several CSOs at a dialogue meeting on 16 December 2025. The meeting was organised by Nytt Europa.

<sup>143</sup>. <https://n1info.rs/english/news/serbian-civil-society-breaks-ties-with-authorities>

<sup>144</sup>. <https://cloud.corporateeurope.org/s/RjrwkPITmmZM5BG?dir=/&editing=false&openfile=true>

<sup>145</sup>. <https://corporateeurope.org/sites/default/files/2025-09/Deregulations%20Statement%20September%202025%20ENG.pdf>

met overwhelmingly with business groups, with seven Commissioners only meeting with civil society groups less than 7% of the time.<sup>146</sup> The legislative process has also been fast tracked using the “urgent procedure”<sup>147</sup> which leaves no room for a democratic debate in the European Parliament. Rather than representing an isolated case, this signals a broader erosion of the rule of law at the EU level.

Concerns about these practices are supported by findings from the European Ombudswoman. In a preliminary outcome to a complaint filed by civil society, the ombudswoman found that the European

Commission violated fundamental principles of good administration, including transparent, inclusive, and evidence-based law making in preparing the Corporate Sustainability and Due Diligence Directive (CSDDD) Omnibus proposal.<sup>148</sup> In early 2026, the European Commission launched a review of its Better Regulation guidelines. There are concerns that the review may restrict civil society participation and limit the need for fundamental rights impact assessments.<sup>149</sup>

Taken together, there are early signs of a consolidation of this approach at EU level, although it is not yet fully embedded across all legislative processes.

<sup>146</sup>. [https://corporateeurope.org/sites/default/files/2026-03/REPORT\\_CORPORATE%20CAPTURE.pdf](https://corporateeurope.org/sites/default/files/2026-03/REPORT_CORPORATE%20CAPTURE.pdf)

<sup>147</sup>. <https://www.europarl.europa.eu/news/en/agenda/plenary-news/2025-03-31/9/sustainability-and-due-diligence-rules-meps-set-to-fast-track-postponement>

<sup>148</sup>. <https://corporatejustice.org/news/joint-press-release-eu-watchdog-slams-commissions-undemocratic-environmental-rollbacks/>

<sup>149</sup>. <https://eeb.org/wp-content/uploads/2026/02/Better-Regulation-Open-Letter-vf5.pdf>

# Resisting repression: civil society holds the line

Despite the overall deterioration of civic space across Europe in 2025, civil society continued to adapt, resist, and secure measurable impacts. **These positive developments are not isolated; they point to a consistent pattern of civic resistance and resilience across multiple countries and governance levels, particularly through advocacy, strategic litigation, and sustained mobilisation.**

At the **EU level**, the European Commission published its first-ever **European Civil Society Strategy**, a long-term demand of many CSOs.<sup>150</sup> The strategy is an important step in formally recognising civil society as a core pillar of European democracy, and sets out a framework for supporting, funding, and protecting CSOs and human rights defenders (HRDs) at the national and EU levels, as well as in the enlargement candidate countries.

**The Commission also launched anti-racism,<sup>151</sup> LGBTQI+,<sup>152</sup> and gender equality<sup>153</sup> strategies, thanks to sustained civil society advocacy.**

Aligning the Civil Society Strategy with these documents would help address structural discrimination, a major factor in the shrinking of civic space for excluded groups.<sup>154</sup>

In an increasingly financially precarious environment, European civil society has been calling for more resources and funding for the promotion of democracy and fundamental rights. As a result, the European Commission launched the new AgoraEU funding programme as part of its 2028-2034 budget proposal, aimed at supporting civic engagement, democracy, culture, artists, and independent media. CSOs welcome

this proposal as a valuable resource for civil society that must be secured in the next EU budget.<sup>155</sup>

Other actors are also stepping in. The launch of the European Economic Area (EEA) and Norway Grants Civil Society Fund, with a total allocation of €327 million for the 2021–2028 period across 15 countries, represents a significant investment in civil society.<sup>156</sup> Particularly important, following years of absence, is a new funding cycle that will deliver nearly €23 million to civil society organisations in **Hungary**.<sup>157</sup> Notably, private donors, foundations, pooled funds,<sup>158</sup> and lotteries<sup>159</sup> are also gaining traction in some states, including **Austria**, the **Czech Republic**, **Denmark**, **France** and **Germany**.

On the national level, civil society advocacy continues to produce tangible outcomes, particularly in preventing or mitigating restrictive measures. In **Italy**, search and rescue missions in the Mediterranean Sea managed to operate and save the lives of hundreds of migrants, despite the increased legal

and bureaucratic attacks against their work.<sup>160</sup> In several countries, public pressure and civil society mobilisation have led to the withdrawal, amendment, or halting of harmful policies. In **Montenegro**, amendments to the Law on Public Assemblies explicitly banning all road blockades were withdrawn after public pressure.<sup>161</sup> In **Poland**, a new measure that removes CSOs' right to challenge final court rulings was removed from a draft law after civil society voiced their concerns.

Strategic litigation is growing as an effective tool for civil society. For example, in **Spain**, environmental groups won a landmark lawsuit against Spanish authorities who breached people's fundamental rights by failing

**These positive developments are not isolated; they point to a consistent pattern of civic resistance and resilience across multiple countries and governance levels, particularly through advocacy, strategic litigation, and sustained mobilisation.**

<sup>150</sup>. <https://civic-forum.eu/wp-content/uploads/2025/09/ECF-Briefing-Civil-Society-Strategy.pdf>; <https://civic-forum.eu/press/european-commission-publishes-long-awaited-civil-society-strategy-in-positive-step-forward>

<sup>151</sup>. <https://www.enar-eu.org/the-new-eu-anti-racism-strategy-a-missed-opportunity-to-confront-the-structural-violence-experienced-by-racialised-communities/>

<sup>152</sup>. <https://www.ilga-europe.org/press-release/eu-publishes-new-lgbtqi-equality-strategy-but-is-it-fit-for-purpose/>

<sup>153</sup>. <https://europe.ipdf.org/resource/ipdf-ens-contribution-eu-gender-equality-strategy-beyond-2025>

<sup>154</sup>. <https://www.enar-eu.org/the-new-eu-anti-racism-strategy-a-missed-opportunity-to-confront-the-structural-violence-experienced-by-racialised-communities/>

<sup>155</sup>. <https://civic-forum.eu/publications/new-briefing-strengthening-democracy-in-times-of-crisis-why-the-eu-must-invest-in-agera>

<sup>156</sup>. <https://eeagrants.org/en/fmo/news/new-civil-society-fund-launched-iceland-lictenstein-and-norway-unprecedented-commitment-strengthen-democracy-and-human-rights-europe>

<sup>157</sup>. <https://civic-forum.eu/members-corner/okotars-new-cycle-of-eea-civil-soicety-fund>

<sup>158</sup>. <https://fondspourlademocratie.org/en/home/>

<sup>159</sup>. <https://www.theparliamentmagazine.eu/partner/article/lotteries-as-a-pillar-of-eu-civil-space>

<sup>160</sup>. <https://sea-watch.org/en/auroras-rescues-in-may/>

<sup>161</sup>. <https://institut-alternativa.org/en/proposed-amendments-to-the-law-on-public-assemblies-represent-a-serious-violation-of-human-rights-and-a-bypass-of-democratic-procedures/>

to address pollution caused by industrial animal farming.<sup>162</sup> In the **Netherlands**, the Friends of Extinction Rebellion (XR) Foundation filed a lawsuit demanding that the police stop making home visits to peaceful demonstrators, resulting in the police changing their guidelines on house visits.<sup>163</sup> In the **Netherlands**<sup>164</sup> and **Germany**,<sup>165</sup> CSOs helped to take legal action against discriminatory measures based on people's expressions of solidarity with Palestine, leading to significant legal victories.

**An inspiring example comes from Italy, where diverse organisations and grassroots movements have joined forces to establish an infrastructure of coordinated local protection hubs.**

In some states, courts have safeguarded civic freedoms, alongside continuous civil society campaigning. In **Poland**, the District Court in Hajnówka acquitted five activists accused of aiding migrants at the Polish-Belarusian border, recognising that humanitarian assistance cannot be equated with criminal activity.<sup>166</sup> Similarly, in **Greece**, humanitarian workers who faced a sentence of up to 20 years were acquitted of all charges.<sup>167</sup>

Despite increasing legal and administrative barriers, 2025 saw large civic mobilisations. Despite the attempts to ban the pride march in **Hungary**, resulting in a chaotic and uncertain legal situation for organisers, Budapest Pride was one of the largest protests in Hungary's history.<sup>168</sup> Similarly, the Global Sumud Flotilla sparked a widespread global movement, attempting to break Israel's illegal blockade on the

**Across the continent, there is a growing move towards international solidarity, which is becoming a crucial in how civil society responds to attacks.**

Gaza Strip and deliver essential food, water, and medical supplies for civilians. In **Spain** and **Italy**, millions of people mobilised across the countries as part of a global solidarity with the people of Gaza and Israel's illegal capture of the flotilla.<sup>169</sup>

CSOs are also developing innovative and collaborative strategies to counter growing attacks. **An inspiring example comes from Italy, where diverse organisations and grassroots movements have joined forces to establish an infrastructure of coordinated local protection hubs.** These hubs serve as platforms for documentation, rapid response, legal support, and collective advocacy locally and nationally. By being connected to European-level networks, these initiatives also elevate local and national challenges, enabling cross-border learning, solidarity, and more coordinated responses to shared threats.<sup>170</sup>

**Across the continent, there is a growing move towards international solidarity, which is becoming a crucial in how civil society responds to attacks.**

Despite the growing number of restrictions, civil society in Europe is still well placed to host, support, and strengthen democratic resistance.

162. <https://www.clientearth.org/latest/news/spanish-in-court-against-authorities-for-not-acting-against-industrial-livestock-pollution/>

163. <https://www.politie.nl/nieuws/2025/mei/30/00-politie-verduidelijkt-werkwijze-huisbezoek-rondom-demonstraties.html>

164. <https://elsc.support/dutch-labour-court-confirms-firing-of-palestinian-employee-by-dutch-company-over-solidarity-with-palestinian-resistance-was-discriminatory-large-compensation-is-due/>

165. <https://elsc.support/legal-victory-german-federal-constitutional-court-ends-separation-of-baby-and-parents-over-palestine-solidarity/>

166. <https://hfhr.pl/aktualnosci/-piatka-z-hajnowki-uniewinniona>

167. <https://www.amnesty.org/en/latest/news/2026/01/greece-sean-binder-acquitted-of-all-charges/>

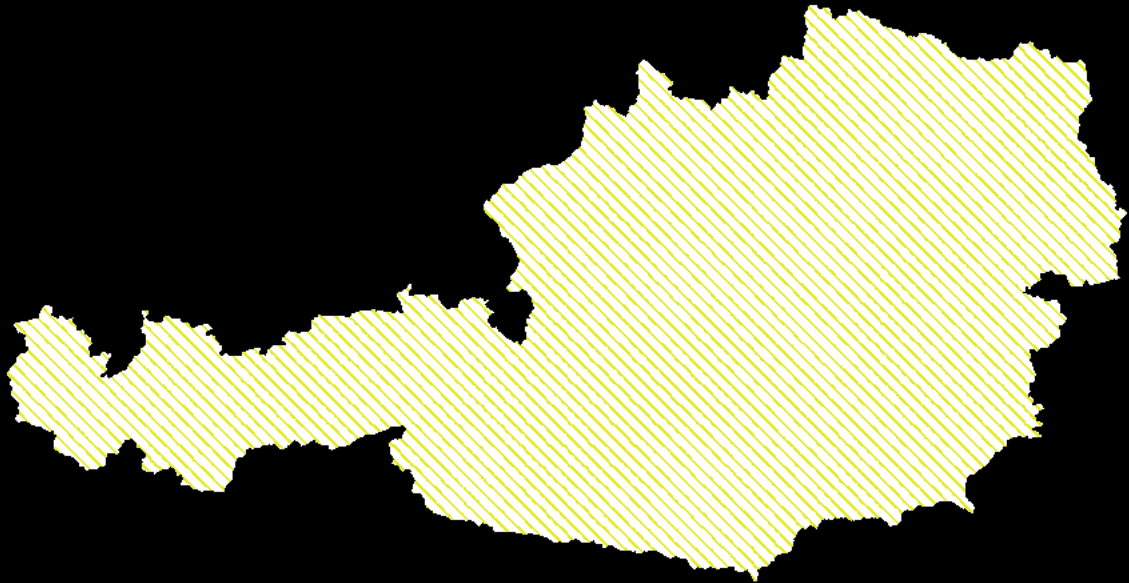
168. [https://hvg.hu/itthon/20250628\\_Budapest-Pride-Buszkeseg-Menet-LMBTQ-Karacsony-Gergely-rendorseg-elo-kozvetites-ebx](https://hvg.hu/itthon/20250628_Budapest-Pride-Buszkeseg-Menet-LMBTQ-Karacsony-Gergely-rendorseg-elo-kozvetites-ebx)

169. <https://civic-forum.eu/wp-content/uploads/2025/10/OINT-STATEMENT-Wave-of-civic-activism-in-support-of-Global-Sumud-Flotilla.pdf>; <https://apnews.com/article/italy-gaza-protests-meloni-2-million-0fcc2fc85f53209100beb3dbff1256a9>; <https://www.aljazeera.com/gallery/2025/10/3/global-protests-erupt-over-israeli-interception-of-gaza-aid-flotilla>

170. <https://www.arci.it/campagna/net4defenders/>




# Austria

by Bündnis für Gemeinnützigkeit / Civil Society Alliance Austria



Key Trends .....	32
Summary .....	32
Freedom of Association .....	33
Access to Funding .....	33
Freedom of Peaceful Assembly .....	35
Freedom of Expression .....	36
Participation in Decision-making .....	36
Safe space .....	37
Recommendations .....	39
About the author .....	40

# Key Trends

-  Economic turmoil, financial instability, and a prevailing budget deficit puts CSOs financial resilience at risk.
-  Media landscape shrinks as outlets face significant financial burdens, while independent journalism diminishes, limiting people's access to quality media and information, crucial for a thriving democracy.
-  Anti NGO narratives undermine the legitimacy of civil society actors.

## Summary

Civic space in Austria is rated as “Open” by the CIVIUS Monitor.<sup>1</sup> There were no recommendations on civic space for Austria in the European Commission’s 2025 Rule of Law report. The report noted the positive impacts for civil society organisations (CSOs) due to the implementation of the recent reform of the tax framework.

In 2025, there were concerns around the growing influence of right-wing actors trying to undermine the legitimacy of NGOs. For example, the far-right FPÖ party submitted almost 30,000 questions to the federal

government targeting specific CSOs. The funding environment continues to be shaped by economic uncertainty, political volatility, and persistent administrative burdens. Meanwhile, there are concerns that newly proposed measures which give the authorities enhanced surveillance capacities, could have a chilling effect on assemblies, especially on marginalised groups or participants in politically sensitive demonstrations. While there is generally an enabling environment for civil society, some groups continue to face structural discrimination and interpersonal threats to their safety.

1. <https://monitor.civicus.org/country/austria/>

# Freedom of Association

Freedom of association remains well protected in Austria. The Austrian constitution guarantees the right to freedom of association for both natural persons and legal entities. An association, club or society is recognised as such if it is composed of at least two people with the objective of achieving a common, non-material goal. The registered office of the association must be located in Austria. Under the Associations Act (*Vereinsgesetz 2002 - VerG*), an association cannot be profit-oriented, and its funds may only be used in pursuit of its original purpose.<sup>2</sup>

To acquire public benefit status and associated tax benefits for the purpose of the federal tax code (*Bundesabgabenordnung — BAO*), an organisation has to follow certain legal and organisational requirements.<sup>3</sup> A reform of this law, which entered into force on 1 January 2024, has simplified administrative procedures, reducing the waiting period for acquiring public benefit status from three years to one, and simplified the process for independent auditors to confirm eligibility. It has also widened the scope of public benefit purposes, extending eligibility to organisations from all fields of activity (such as culture, human rights, sports, education, or animal protection, which were formerly illegible). This change has made public benefit status more accessible and attractive to smaller non-profit organisations and positively influenced their financial viability.<sup>4</sup> Since the introduction of the law in the beginning of 2024 an additional 1,300 organisations gained public benefit status, an increase of around 86%.<sup>5</sup>

In practice, CSOs continue to enjoy a favourable environment for exercising the right to association,

## Access to Funding

Access to stable, transparent, and diversified funding remains a central pre-requisite for the long-term resilience of CSOs in Austria. While the regulatory environment has improved in recent years, especially regarding public-benefit status and tax deductibility (see previous section), the sector continues to operate under conditions shaped by economic uncertainty,

with no reported restrictive legislation targeting them. Nevertheless, the practical enjoyment of this right is increasingly shaped by broader political dynamics. Research indicates that the operating conditions for organisations can vary depending on the stance of the government of the day, underscoring a degree of dependence on political goodwill. This is particularly evident where cooperation with ministries is informal and where organisations rely heavily on public funding, creating potential vulnerabilities should political priorities shift.<sup>6</sup>

Emerging political trends heighten these concerns. The growing influence of right-wing actors that try to undermine the legitimacy of NGOs<sup>7</sup> and the intensification of polarised rhetoric, particularly on migration and climate justice, contribute to apprehension among organisations active in these areas. Although no direct legal restrictions have been introduced, these developments may result in increased scrutiny or pressure on specific segments of civil society. CSOs therefore emphasise the importance of vigilance to safeguard the substantive exercise of freedom of association, ensuring that political changes do not translate into administrative hurdles or informal constraints.

Overall, the legal framework remains robust and recent reforms have improved the environment for many organisations. However, the continued protection of freedom of association will depend on stable political conditions, the consistent implementation of reforms, and the recognition of civil society as a legitimate and essential democratic actor.

political volatility, and persistent administrative burdens. Public funding remains the most significant financial source for many organisations. While this ensures stability, it also creates dependencies that may become critical when the political climate shifts and in times of economic turmoil. Both scenarios are

2. <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20001917>

3. <https://www.bmf.gv.at/themen/steuern/spenden-gemeinnuetzigkeit/spendenbeguenstigung-neu.html#unser-verein-ist-noch-nicht-spendenbeguenstigt-und-wir-moechten-die-spendenbeguenstigung-beantragen-welche-voraussetzungen-bestehen-dafuer--0-7>

4. <https://www.parlament.gv.at/gegenstand/XXVII/ME/299>

5. <https://www.fundraising.at/wp-content/uploads/media/69f/fva-spendenbericht-2025.pdf>

6. <https://doi.org/10.1515/npf-2019-0029>

7. <https://www.derstandard.at/story/3000000276797/ngos-im-blauen-visier-fpoe-flutet-ministerien-mit-tausenden-fragen-zu-geldfluessen>

very likely to negatively influence CSOs in Austria in the upcoming months and years.<sup>8</sup>

Public funding plays a pivotal role in financing CSOs: over half of the income of organisations comes from performance-related payments by the public sector to fund at least one staff member. An additional 16.5% comes from other public funding sources. There have been no major changes in the financing structure since these last numbers were published in 2013.<sup>9</sup> While public funding has become the most important source of income, bureaucratic burdens associated with accessing such funds have steadily increased. To ensure long-term efficiency, it is essential to simplify funding processes, improve legal certainty, and reduce administrative hurdles.

In addition to structural challenges, the sector faces heightened political risks. As seen elsewhere, political forces undermine the legitimacy of CSOs. Notable examples include an inquiry by the freedom party (FPÖ) concerning CSOs' government subsidies and the response thereof. On 14 August 2025, the far-right Freedom Party (FPÖ) initiated an extensive parliamentary inquiry into the funding of non-governmental organisations in Austria, submitting more than 2,000 questions to various ministries concerning over 700 organisations. The inquiry framed the work of CSOs as "NGO-industry" and sought detailed information on public financial support, legal grounds, internal reporting, and the involvement of civil servants in civil society organisations.<sup>10</sup> Actions to undermine the legitimacy of CSOs also jeopardise their financial stability by discouraging private donations — particularly to organisations engaged in politically sensitive fields such as migration, anti-discrimination, or climate justice. Developments like this further illustrate how the changing political environment is increasing pressure on NGOs, especially those perceived as critical or oppositional to government priorities.

Private donations remain another vital financial source for the sector. According to the Austrian Fundraising

Association, €1.07 billion was donated in 2024. Although the total donation volume decreased slightly, survey data simultaneously indicates that the proportion of donors among the population remains not only consistently high — unlike in many other leading philanthropy nations — but even reached a new peak (79%) in 2024.<sup>11</sup>

Philanthropic giving through foundations is also becoming increasingly relevant. Recent reporting indicates a strong rise in newly established foundations, with around one-third of Austrian foundations now active in charitable work. A 2025 mid-year review even noted a record number of newly established charity foundations, indicating a growing interest in structured, long-term philanthropic engagement within Austria's civil society landscape.<sup>12</sup>

Despite these positive developments, the overall financial outlook for NGOs is shaped by broader socio-economic factors. Austria faces a significant budget deficit that even exceeds EU Maastricht rules, and recessionary tendencies persist.<sup>13</sup> These economic conditions directly impact both public funding availability and private giving. Economic instability affects NGOs and independent journalism alike and further demonstrates how challenging economic environments can reduce the resources available to civic actors and public-interest media. Such constraints highlight the need for stable, predictable, and diversified funding structures across the sector.

Overall, while Austria's civic sector benefits from a comparatively supportive legal framework and a strong culture of public engagement, its financial viability remains exposed to political, economic, and administrative pressures. Ensuring a resilient funding landscape will require safeguarding the independence of media, strong political and public acknowledgement of the importance of CSOs, reducing administrative burdens in public funding systems, and supporting diversified funding streams — including philanthropy and donations.

8. <https://de.statista.com/statistik/daten/studie/288503/umfrage/sonntagsfrage-zur-nationalratswahl-in-oesterreich-nach-einzelnen-instituten/>, <https://orf.at/stories/3410593/>

9. Pennerstorfer, A., and Schneider, U. (2022). Der Nonprofit-Sektor in Österreich, in R. Simsa, M. Meyer, & C. Badelt (eds.), *Handbuch der Nonprofit-Organisationen. Strukturen und Management* (55-72). Stuttgart: Schäffer-Poeschel Verlag.

10. <https://www.derstandard.at/story/3000000285018/die-regierung-tappt-bei-ngos-in-die-falle-der-fpoe>

11. <https://www.fundraising.at/wp-content/uploads/media/69f/fva-spendenbericht-2025.pdf>

12. [https://www.ots.at/presseaussendung/OTS\\_20250806\\_OTS0006/halbjahresbilanz-gruendungsrekord-bei-gemeinnuetzigen-stiftungen-in-oesterreich](https://www.ots.at/presseaussendung/OTS_20250806_OTS0006/halbjahresbilanz-gruendungsrekord-bei-gemeinnuetzigen-stiftungen-in-oesterreich)

13. <https://www.statistik.at/fileadmin/announcement/2025/03/20250331oeffentlicheFinanzen2024.pdf>

# Freedom of Peaceful Assembly

Freedom of peaceful assembly is guaranteed under the Austrian constitution and regulated through the *Versammlungsgesetz* (Assembly Act),<sup>14</sup> yet several developments indicate increasing pressure on protest environments, policing standards, and privacy safeguards.

In 2025, epicenter works — a leading CSO in defending fundamental rights and freedoms in the digital age — warned against the tightening of state surveillance measures. Its assessment raises concerns that enhanced monitoring capacities could have a chilling effect on assemblies, especially on marginalised groups or participants in politically sensitive demonstrations.<sup>15</sup> In August 2025 the interior minister announced plans to extensively widen surveillance in Austria, including a planned legal amendment enabling comprehensive surveillance in Austria's city centres ("*StVO-Novelle*").<sup>16</sup> While the government claims that these plans are aimed at increasing security in public spaces, digital rights NGOs warn that they interfere with the fundamental rights of all citizens, regardless of whether their behaviour provides any specific grounds for monitoring. Such blanket approaches risk creating a climate of constant observation, which may significantly restrict the free exercise of democratic rights, including the rights to peaceful assembly and freedom of expression.<sup>17</sup> Similar concerns have been raised by epicenter.works and Amnesty International Austria over a decision taken in favour of the use of software that enables the surveillance of digital communication, justified on the grounds of criminal prosecution and counterterrorism (*Bundestrojaner*).<sup>18</sup>

The proportionality of policing at assemblies also remained in the spotlight. On 27 July, Austrian police conducted a large-scale operation during an anti-fascist youth camp at the Peršmanhof, a memorial site for the Resistance of Slovenian partisans against the Nazi regime in Carinthia. Citing alleged administrative violations, police and special forces, supported by aerial surveillance and dog units, intervened, detaining several participants and mildly injuring one person. On 23 October, a special task force found the raid was unlawful and disproportionate, concluding that the alleged violations were unsubstantiated and that the police response had been excessive, with inadequate oversight by the responsible district authority.<sup>19</sup>

Although the case was investigated by a commission of the interior ministry and measures to prevent such incidents in the future were published,<sup>20</sup> it fuelled debates on whether current practices sufficiently safeguard the right to peacefully assemble.<sup>21</sup>

Concerns about inconsistent and potentially unlawful differential treatment remain. For a long time, Amnesty International Austria has called for the introduction of an obligation for police officers in Austria to wear identification, ensuring that officers can be clearly and unambiguously identified, as well as for a revision of the law to decriminalise spontaneous assemblies.<sup>22</sup> Despite worrying signs, Austria's legal framework remains largely enabling, and assemblies continue to take place frequently and peacefully. Nevertheless, developments outlined above emphasise the need for improved oversight mechanisms, more transparent investigative procedures, and clear safeguards to ensure that surveillance and policing practices remain fully compliant with human rights standards.

14. <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000249>

15. [https://www.ots.at/presseaussendung/OTS\\_20250811\\_OTS0053/beispiellose-ausweitung-von-videoueberwachung-durch-innenminister-karner](https://www.ots.at/presseaussendung/OTS_20250811_OTS0053/beispiellose-ausweitung-von-videoueberwachung-durch-innenminister-karner)

16. <https://epicenter.works/content/verfueffachung-der-videoueberwachung-in-oesterreich-geplant> ;

<https://www.amnesty.at/presse/geplante-stvo-novelle-bedroht-recht-auf-meinungs-und-versammlungsfreiheit-kundgebung-am-27-november/>

17. [https://epicenter.works/fileadmin/medienspiegel/user\\_upload/epicenter.works-Forderungspapier\\_Keine\\_Ueberwachung\\_durch\\_KI.pdf](https://epicenter.works/fileadmin/medienspiegel/user_upload/epicenter.works-Forderungspapier_Keine_Ueberwachung_durch_KI.pdf)

18. <https://epicenter.works/content/bundestrojaner-beschlossen-und-jetzt>

19. <https://orf.at/stories/3409310/>

20. <https://www.diepresse.com/20237896/persmanhof-museum-und-betroffene-fordern-entschuldigung-fuer>

21. <https://www.derstandard.at/story/3000000293580/persmanhof-daten-von-campnern-wurden-illegal-an-verfassungsschutz-uebermittelt> ; ;

<https://www.derstandard.at/story/3000000293291/kommission-legt-bericht-zum-umstrittenen-polizeieinsatz-am-persmanhof-vor>

22. [https://cdn.amnesty.at/media/2u0nbnpl/advo-briefing\\_recht-auf-friedliche-versammlung.pdf](https://cdn.amnesty.at/media/2u0nbnpl/advo-briefing_recht-auf-friedliche-versammlung.pdf)

# Freedom of Expression

Freedom of expression is guaranteed under the European Convention on Human Rights (ECHR), which was incorporated into Austria's constitution in 1964.<sup>23</sup> Additionally, the 1981 Media Law provides the basis for media freedom in Austria.<sup>24</sup> However, several developments demonstrate that the effective enjoyment of this right depends on active protection, careful implementation of new legislation, and vigilance regarding political and structural pressures.

The Freedom of Information Act entered into force on 1 September 2025 and marked an important step toward strengthening transparency and public oversight. With the abolition of the much-criticised “confidentiality clause”, a long-standing demand of civil society was fulfilled. While the clause imposed comprehensive official secrecy at the expense of transparency, the new act allows for new general rights to freedom of information that include both an obligation for administrative authorities to provide information to all citizens and a duty to proactively publish administrative data, provided that no grounds for confidentiality apply. For citizens and media, this results in greater transparency of state action and faster access to reliable information.<sup>25</sup> However, as these provisions only entered into force recently, CSOs have emphasised that its implementation must be monitored closely to ensure it results in real improvements in access to information.

Independent journalism — an integral component of the civic space ecosystem — faces precarious conditions. Media outlets are under financial pressure, while journalists, watchdog organisations, and media

experts continue to call for comprehensive reforms. Several analyses highlight in particular structural weaknesses in the distribution of public advertising, the lack of sustainable funding mechanisms for non-profit journalism, and the need for greater transparency and independence in public service media. Reporters Without Borders Austria (Reporter ohne Grenzen) underlines the pressures on journalists and increasing threats to media freedom.<sup>26</sup>

In comparison to many other European countries, the Austrian Public Broadcasting Corporation (ORF) holds a relatively high market share.<sup>27</sup> However, its independence remains a concern. Despite amendments to the ORF law in March 2025, demanded earlier by the Constitutional Court, independence from political influence has not yet been fully achieved.<sup>28</sup> Journalist associations, including Presseclub Concordia, continue to call for reforms such as legal frameworks for non-profit journalism, stronger protections against Strategic Lawsuits against Public Participation (SLAPPs), improved media literacy, and regulation of digital platforms.<sup>29</sup>

Overall, the right to freedom of expression in Austria remains protected in law but exposed to a range of pressures that require continuous vigilance. Independence and resilience of quality media, transparency, data protection, and the enabling environment for civil society will determine whether this right can continue to be exercised fully and without undue interference in the coming years.

# Participation in Decision-making

CSOs in Austria remain meaningfully involved in political processes, yet their access to decision-making continues to depend heavily on the broader political context. Academic assessments confirm that CSOs are deeply embedded in policy dialogue and contribute to negotiations on issues such as social services, healthcare, education, and environmental

protection.<sup>30</sup> Federal structures shape these participation channels, with strong umbrella organisations operating at different levels.<sup>31</sup>

Despite this long-standing engagement, civic participation rights of civil society actors are not formally protected, as Austria lacks any legislation or binding

23. <https://www.ris.bka.gv.at/NormDokument.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000308&Artikel=10&Paragraf=&Anlage=&Uebergangsrecht=>

24. <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000719>

25. <https://orf.at/stories/3403128/>

26. <https://www.rog.at/kritischer-dialog-mit-medienpolitik/>

27. Trappel, F. (2023). Medien und Politik – ein Geben und Nehmen, in K. Praprotnik & F. Perlot (eds.), Das Politische System Österreichs (129-153). Wien: Böhlau Verlag.

28. <https://www.diepresse.com/19715092/der-fromme-wunsch-nach-weniger-politikeinfluss-auf-den-orf>

29. <https://concordia.at/stellungnahmen-und-positionieren/>

30. <https://www.ssoar.info/ssoar/handle/document/73928>

31. <https://www.gemeinnuetzig.at/ueber-uns/>

framework governing structured civil dialogue. This results in inconsistent procedures and irregular access to consultation processes, since participation remains contingent on the discretion of individual ministries or political actors rather than being structurally guaranteed.

Cooperation between public institutions and civil society improved between 2020 and 2024, with progress in areas such as tax reforms for non-profit organisations, energy-related subsidies, and support for voluntary services. These achievements reflect growing government recognition of civil society's contributions to society. However, the political landscape shifted following the 2024 elections, which brought significant gains for the FPÖ and the formation of a three-party coalition in February 2025. The current government's stance towards enhancing civil dialogue remains unclear.

Financial dependence on public funding complicates participation. Since many organisations receive a

substantial share of their income from national, regional, or municipal budgets, changes in political priorities may affect not only their financial stability but also their ability to contribute to decision-making processes. This dynamic is intensified by the absence of structured participation rules. Without a predictable framework, CSOs — especially those representing marginalised groups or holding critical positions — may be excluded from consultation processes.

To safeguard inclusive governance, civil society actors continue to call for legal guarantees that ensure transparent, predictable, and accessible participation mechanisms across all stages of policymaking. Formalising civil dialogue would not only support democratic resilience but also reduce the extent to which civil-society participation depends on political goodwill. Given current political uncertainties, establishing such structures is increasingly critical for maintaining open and inclusive decision-making processes in the long run.

## Safe space

In Austria, people are generally able to exercise their rights. However, developments across multiple areas underline that some communities continue to face discrimination, targeted hostility, and systemic exclusion.

According to anti-racism CSO ZARA's Report 2024, 1,951 racist incidents were recorded — an increase compared to previous years — with a significant proportion occurring online and in public institutions. These incidents include hate speech, denial of services due to discrimination, and unequal treatment in everyday interactions.<sup>32</sup>

Islamophobia persists, with 1,569 cases of anti-Muslim hatred recorded in 2024, representing a notable rise compared to previous years and marking one of the highest ever annual figures. Many incidents involved insults and harassment in public spaces, the workplace, and schools, as well as hate speech online. The same report further identifies institutional discrimination.<sup>33</sup>

Alongside the rise in anti-Muslim hate incidents, antisemitism continues to pose a pressing challenge.

The Antisemitic Incidents Report January–June 2025 recorded 726 antisemitic incidents within six months.<sup>34</sup>

The situation of intersex persons, as documented in a Fundamental Rights Agency (FRA) report, highlights another dimension of insecurity. Intersex respondents in Austria reported the highest rate of physical or sexual attacks in Europe (45%) in the previous five years. They also experienced disproportionate discrimination, mental health challenges, housing insecurity, and barriers in healthcare access, illustrating how marginalisation impacts their safety and wellbeing.<sup>35</sup>

Residence status and citizenship continue to shape access to rights but the hurdles to gain citizenship remain disproportionately high. For example, one third of Vienna's residents cannot vote in national elections because they do not have Austrian citizenship. This displays a gap between people living in the capital and people actually engaged in democratic participation.<sup>36</sup>

The situation of unaccompanied child refugees continues to be particularly alarming: more than 16,000 have gone missing since 2022 due to severe gaps in

<sup>32</sup>. [https://assets.zara.or.at/media/rassismusreport/ZARA\\_RassismusReport\\_2024-EN.pdf](https://assets.zara.or.at/media/rassismusreport/ZARA_RassismusReport_2024-EN.pdf)

<sup>33</sup>. [https://dokustelle.at/fileadmin/Dokumente/Reports/Report\\_2024/Dokustelle\\_ARR\\_2024\\_9.juni.2025.pdf](https://dokustelle.at/fileadmin/Dokumente/Reports/Report_2024/Dokustelle_ARR_2024_9.juni.2025.pdf)

<sup>34</sup>. [https://www.antisemitismus-meldestelle.at/\\_files/ugd/0a9e18\\_03230340db6b423bbf9d515c036b3b5e.pdf](https://www.antisemitismus-meldestelle.at/_files/ugd/0a9e18_03230340db6b423bbf9d515c036b3b5e.pdf)

<sup>35</sup>. <https://fra.europa.eu/en/publication/2025/being-intersex-eu>

<sup>36</sup>. <https://www.derstandard.at/story/3000000280625/die-unbequeme-wahrheit-ueber-oesterreichs-staatsbuergerschaft>

Austria's child protection and guardianship systems. The lack of immediate legal guardianship, insufficient funding for federal care facilities, and exclusion from compulsory education structures create heightened vulnerabilities to exploitation and abuse.<sup>37</sup>

Civil society actors also operated in a more strained environment. The Democracy Index 2025 notes a deterioration in civil society conditions, including politically driven anti-NGO narratives and administrative pressures, particularly in areas linked to migration and anti-racism. Parliamentary inquiries into NGO funding and public campaigns that delegitimise CSOs have contributed to increased insecurity for activists and organisations.<sup>38</sup>

Structural discrimination against women continues to undermine the existence of a safe and enabling environment. Amnesty International Austria reports that women in Austria still experience restrictions and violations of their rights, particularly due to insufficient

systemic measures to prevent gender-based violence. The scale of the problem is reflected in the 27 femicides recorded in the past year. While the government has announced an action plan to combat violence against women, CSOs stress that its implementation remains overdue.<sup>39</sup> This goes in line with a remaining high gender pay gap (ranked second when compared with all other EU countries).<sup>40</sup>

People with disabilities continue to face structural discrimination in Austria. They not only experience physical violence, but face discrimination in education, the workplace, access to healthcare and justice and many other areas of daily life. CSOs emphasise the importance of consequently implementing the UN's Convention on the Rights of Persons with Disabilities.<sup>41</sup>

Taken together, these developments demonstrate that while Austria's civic space remains formally open, some groups continue to face structural discrimination and interpersonal threats to their safety.

<sup>37</sup>. [https://www.amnesty.at/themen/unbegleitete-gefluechtete-kinder-in-oesterreich/warum-unbegleitete-gefluechtete-kinder-in-oesterreich-dringend-besseren-schutz-brauchen/?mtm\\_campaign=gefluechtete\\_kinder\\_linkedin\\_social\\_organic&mtm\\_source=linkedin&mtm\\_medium=social](https://www.amnesty.at/themen/unbegleitete-gefluechtete-kinder-in-oesterreich/warum-unbegleitete-gefluechtete-kinder-in-oesterreich-dringend-besseren-schutz-brauchen/?mtm_campaign=gefluechtete_kinder_linkedin_social_organic&mtm_source=linkedin&mtm_medium=social)

<sup>38</sup>. [https://www.ots.at/presseaussendung/OTS\\_20251022\\_OTS0071/demokratie-index-2025-die-demokratische-infrastruktur-muss-aktiv-gestaerkt-werden-sonst-verfaellt-sie-weiter](https://www.ots.at/presseaussendung/OTS_20251022_OTS0071/demokratie-index-2025-die-demokratische-infrastruktur-muss-aktiv-gestaerkt-werden-sonst-verfaellt-sie-weiter)

<sup>39</sup>. <https://www.amnesty.at/presse/un-bericht-zu-menschenrechten-in-oesterreich-zivilgesellschaft-zieht-bilanz-es-braucht-mehr-als-nur-worte/>

<sup>40</sup>. <https://www.statistik.at/fileadmin/announcement/2025/03/20250305GenderStatistik2025.pdf>

<sup>41</sup>. <https://www.behindertenrat.at/aktuelles/presseaussendungen/>

# Recommendations

## **TARGETED RECOMMENDATION:**

- **Urgently secure core funding for civil society organisations' activities and services to strengthen their long-term stability and independence.**
- **Urgently implement measures to promote and fund a diverse and sustainable media landscape and protect independent journalism.**
- Establish structured civil dialogue to ensure open, inclusive, ongoing, and transparent participation of civil society at all stages of the policy and decision-making processes in line with the EU Civil Society Strategy.
- Promote understanding of the importance of CSOs and civil society in Austria for a functioning rule of law and a vibrant democracy, in order to counter anti-NGO narratives.
- Take urgent steps to reduce bureaucratic burdens and harmonise funding processes to enhance NGOs' efficiency and impact, for example by unifying application procedures and reporting requirements across all ministries and/or by creating a unified body that handles all public funding and related procedures.

# About the author

**Bündnis für Gemeinnützigkeit** is the umbrella organisation of non-profit and voluntary organisations in Austria. Its 100+ members range from small and local associations to large organisations such as the Austrian branches of Red Cross, Caritas, Amnesty International, WWF, Transparency International or Birdlife and include sector-specific umbrella organisations such as Sozialwirtschaft Österreich and arbeit plus (social and health) or Ökobüro and Umweltdachverband (environment). Members cover all areas of civil society – from environment to human rights and inclusion, from culture to social issues, education, and humanitarian aid. Bündnis für Gemeinnützigkeit advocates for general civil society matters and provides accessible consulting services to the entire Third Sector.

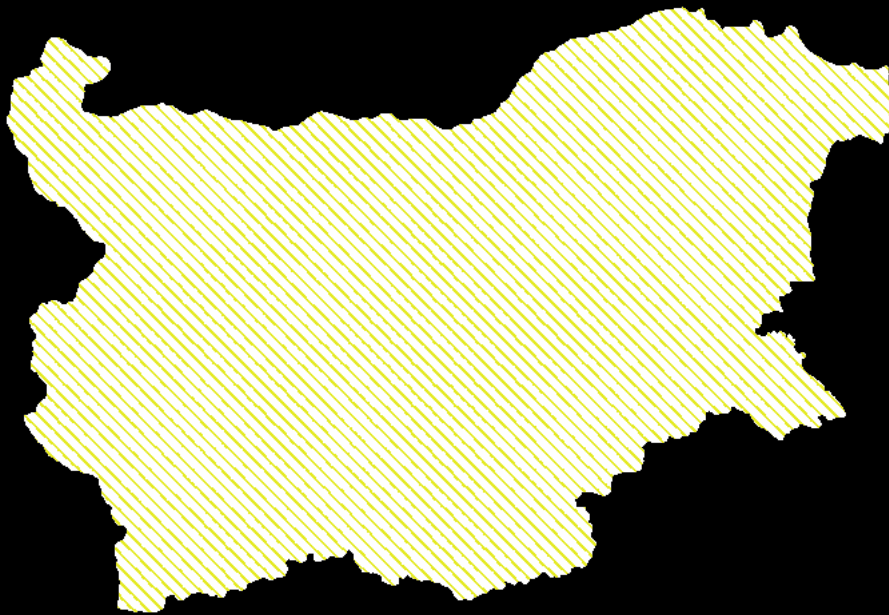
BÜNDNIS FÜR  
GEMEINNÜTZIGKEIT

INTERESSENVERTRETUNG  
DES GEMEINNÜTZIGEN SEKTORS &  
DER FREIWILLIGENORGANISATIONEN

CIVIC SPACE REPORT 2026




# Bulgaria

by Bulgarian Center for Not-for-profit Law (BCNL)



<b>Key Trends</b> .....	<b>42</b>
<b>Summary</b> .....	<b>42</b>
<b>Key developments</b> .....	<b>42</b>
Bulgaria - civic space in times of political crisis.....	42
<b>Dimensions</b> .....	<b>44</b>
Freedom of Association .....	44
Freedom of Peaceful Assembly .....	47
Freedom of Expression.....	49
Right to Participation in Decision-Making .....	51
<b>Recommendations</b> .....	<b>54</b>
<b>About the author</b> .....	<b>55</b>

# Key Trends

-  Political and legislative pressure on CSOs remains, including renewed attempts to pass “foreign agents” law and the creation of a parliamentary committee investigating CSOs and their funding.
-  Increased bans on protests, pre-emptive police pressure, restrictions on online mobilisation, attacks on media freedom, SLAPPs, and harassment of civic actors.
-  Abuse of procedures in the parliament hinders meaningful public participation.

## Summary

Civic space is rated as “Narrowed” in Bulgaria by the CIVICUS Monitor.<sup>1</sup> There were no recommendations on civic space in the European Commission’s 2025 Rule of Law report.

In 2025, there were renewed attempts to introduce a Russian-style “foreign agents” law. Similarly, the establishment of an *ad hoc* parliamentary committee targeting CSOs with alleged links to philanthropist George Soros and funding from his foundations contributed to a hostile climate for civil society.

Bulgarian authorities issued bans and relocations of protests, applied pre-emptive police measures, and used inconsistent measures to facilitate protests. Media freedom remained weak, with several Strategic Lawsuits Against Public Participation (SLAPPs) threatening journalists and activists. Political pressure,

self-censorship and legislative proposals targeting information on private life or gender identity further undermined freedom of expression. Protections and safeguards against smear campaigns remained largely ineffective.

Civil society participation in decision-making continued to be inconsistent and largely inadequate. Existing consultative councils met infrequently or lacked decision-making power. Legislative processes were in some cases fast-tracked and opaque, with last minute amendments, thus limiting meaningful engagement. Activists, CSOs, and journalists faced harassment, smear campaigns and targeted investigations. The cumulative effects of political hostility, intimidation, legal uncertainty, and administrative pressure created a chilling effect.

## Key developments

### Bulgaria - civic space in times of political crisis

Bulgaria has been in a political crisis since 2021, marked by a series of inconclusive elections, historically low voter turnout in the June 2024 elections,<sup>2</sup> a major party split,<sup>3</sup> fraud scandals that plagued the October 2024 elections,<sup>4</sup> and arrests of high-ranking politicians in 2024 and 2025, coined by some as politically-motivated repressions.<sup>5</sup>

In early 2025, a new government was formed, including ministers from three political parties: GERB,<sup>6</sup> There

is Such People, and the Bulgarian Socialist Party. The Movement for Rights and Freedoms - New Beginning Party (DPS), led by Delyan Peevski who is sanctioned under the Global Magnitsky Act, a US law that imposes sanctions on individuals involved in serious human rights violations or corruption, was expelled from the Renew Europe Party in late 2024<sup>7</sup> and does not participate in the government. Nevertheless, the DPS Party’s ever-growing influence, combined with various other social problems, led to

1. <https://monitor.civicus.org/country/bulgaria/>

2. <https://boulevardbulgaria.bg/articles/tsik-otchete-nay-niskata-izbiratelna-aktivnost-ot-1990-g-nasam>

3. <https://www.segabg.com/hot/category-bulgaria/parlamentarnata-grupa-na-dps-se-razcepi>

4. <https://www.svobodnaevropa.bg/a/peevski-chadur-mvr-samnenia-kupuvane-glasove/33166812.html>

5. <https://www.reneweuropengroup.eu/news/2025-07-12/renew-europe-condemns-worsening-political-persecution-and-rule-of-law-backsliding-in-bulgaria>

6. Full name - Citizens for European Development of Bulgaria (Граждани за европейско развитие на България)

7. <https://www.reneweuropengroup.eu/news/2024-12-22/exclusion-of-the-dps-party-from-the-renew-europe-group>

the biggest anti-government protest in recent years in early December 2025.<sup>8</sup> Protesters demanded a new State Budget Bill and called for the resignation of the government, clearly demonstrating that the political crisis is far from over.

Additionally, in 2025, Bulgaria was approved to adopt the Euro on 1 January 2026. This led to yet another division in Bulgarian society, reinvigorating the far-right political parties' anti-EU campaigns. During an anti-EU protest organised by the Revival Party in February, the EU office in Sofia was vandalised by members of Parliament (MPs) and demonstrators.<sup>9</sup>

This turmoil has resulted in a deepening institutional crisis affecting the judiciary, regulatory bodies, and civic space.

During 2025, Bulgaria's civic space<sup>10</sup> remained narrowed, marked by a mix of minor positive institutional steps and persistent, and in some cases growing, institutional and political pressures affecting civil society organisations (CSOs), journalists, activists and marginalised groups.

Smear campaigns against Bulgarian CSOs, led by politicians abusing parliamentary procedures, continued in 2025. The Russian-style "foreign agents" legislation was once more on the agenda of the National Assembly at the beginning of the year. New attempts to further restrict the work of CSOs in schools were also made, and after several failed attempts in late 2025, parliament voted to create an *ad hoc* committee to investigate "Soros-funded" CSOs and media outlets, implying that they have been a source of malign influence "aiming to establish dictatorship".<sup>11</sup>

Meanwhile, the right to participate in decision-making was not fully respected in parliament through multiple abuses of procedures that prevented public participation. The procedures included fast-tracking legislation, skipping discussions in the committees, the last-minute cancellation or postponement of

committee meetings,<sup>12</sup> as well as instances of the chair of the parliament preventing citizens and CSOs from taking part in discussions and from entering the parliament building.<sup>13</sup> Other mechanisms to ensure dialogue between civil society and decision makers, such as consultative bodies, remained either non-functional or subject to severe delays. For instance, the Civil Society Development Council (CSDC) to the Council of Ministers only had its first meeting five months after its election.<sup>14</sup> Since September, however, it has functioned regularly.

Progress was made on the drafting of a law on the representation of interests (also referred to as a Lobbying Law) after an early draft, discussed in late 2024,<sup>15</sup> proposed measures which would disproportionately burden CSOs and activists. Following pushback from CSOs, the newly appointed justice minister committed to engaging with civil society and agreed to remove the most controversial proposals in the draft law. By the end of 2025, however, a draft had not yet been presented for public consultation.

After the adoption of a ban on the "propaganda of ideas and views related to non-traditional sexual orientation" in schools in 2024,<sup>16</sup> new discriminatory measures were proposed in parliament,<sup>17</sup> while legal safeguards against hate speech based on sexual orientation remain ineffective. In contrast to previous years, however, no serious incidents or attacks were observed during the Sofia Pride and the related events in 2025.

Media freedom remains under threat. After a slight improvement in 2024, in 2025, however, Bulgaria once again ranked among the lowest EU countries in the Reporters Without Borders (RSF) World Press Freedom Index.<sup>18</sup> The EU Anti-SLAPP Directive is still in the early stage of transposition, with no legal measures presented for public consultation.<sup>19</sup> In a positive development, the long-overdue reforms to implement the Digital Services Act were adopted at the end of 2025.<sup>20</sup>

8. <https://www.focus-news.net/novini/mejdunarodni/Edin-ot-nai-golemite-protesti-ot-1989-ta-nasam-Zapadnite-medii-otraziha-protestite-v-Bulgariya-2806219>

9. <https://www.politico.eu/article/anti-eu-protesters-storm-eu-mission-offices-bulgaria-sofia/>

10. According to the Civicus Monitor, available here: <https://monitor.civicus.org/country/bulgaria/>

11. See the motives to decision to establish the Committee, here: [https://www.parliament.bg/bg/ns\\_acts/ID/166709](https://www.parliament.bg/bg/ns_acts/ID/166709)

12. See for example: <https://clubz.bg/167612>;

[https://www.dnevnik.bg/politika/2025/07/31/4814407\\_bez\\_kvorum\\_i\\_v\\_razrez\\_s\\_vsichki\\_pravila\\_deputatite/](https://www.dnevnik.bg/politika/2025/07/31/4814407_bez_kvorum_i_v_razrez_s_vsichki_pravila_deputatite/);

<https://boulevardbulgaria.bg/articles/ppdb-blokiraha-opita-na-gerb-i-dps-da-glasuvat-byudzhet-v-obednata-pochivka>

13. See additional information here: <https://clubz.bg/166083>

14. <https://www.gov.bg/special/bg/prestentor/novini/savetat-za-razvitie-na-grazhdanskoto-obshchestvo-initsiira-sazdavaneto-na-strategiya-za-podkrepa-na-razvitieta-na-grazhdanskite-organizatsii-v-bulgaria>

15. <https://bcnl.org/trainings/krivorazbrana-ideya-za-zakon-za-lobizma-zaplashva-grazhdanskite-svobodni>

16. See art. 11 of the Pre-School and School Act, available here: <https://bcnl.org/trainings/krivorazbrana-ideya-za-zakon-za-lobizma-zaplashva-grazhdanskite-svobodni>

17. Bill available here: <https://www.parliament.bg/bg/bills/ID/165835>

18. Freedom press index for Bulgaria, available here: <https://rsf.org/en/country/bulgaria>

19. More information available here: <https://shorturl.at/ol6mB>

20. The bill implementing the DSA, available here: <https://www.parliament.bg/bg/bills/ID/166496>

# Dimensions

## Freedom of Association

Freedom of association in Bulgaria is formally guaranteed by the constitution and the Non-Profit Legal Persons Act, allowing both Bulgarian and foreign individuals and entities to form CSOs, including informal groups. While the legal framework provides clear procedures, low fees, and accessible digital registration, in practice, the Registry Agency frequently issues inconsistent instructions and maintains a high rate of refusals. There has been a long-standing denial of registration to organisations advocating for the Macedonian minority, despite repeated European Court of Human Rights (ECtHR) judgments. Additional pressures on civic actors intensified in 2025, including renewed attempts to introduce a Russian-style “foreign agents” law, municipal restrictions on fundraising, *ad hoc* parliamentary committees targeting CSOs, and public attacks on groups assisting migrants. These developments collectively illustrate an environment where legal rights exist in principle but are increasingly undermined by administrative arbitrariness, political stigmatisation, and targeted harassment.

In Bulgaria, freedom of association is recognised as one of the fundamental rights of citizens at the level of the constitution,<sup>21</sup> general law (such as the Non-Profit Legal Persons Act – NPLPA),<sup>22</sup> and a number of special laws. This right is exercised through the formation of legal entities (associations, foundations, and community centres<sup>23</sup>) with various non-profit goals such as education, human rights, and religion. The law allows for the right to freedom of association to be exercised through informal civil society groups.

With regard to the accessibility of freedom of association, legal requirements and recognition exist for legal entities. Some informal groups receive limited legal recognition under special laws, for example, youth groups.<sup>24</sup> According to the NPLPA, founders of a non-profit legal entity can be Bulgarian by nationality, foreign legal entities and/or natural persons with legal capacity. In other words, any established legal entity and any natural person, regardless of nationality, who is over 18 years of age and is not under legal guardianship,

may be a founder of a CSO. This provision on guardianship contravenes Article 29 of the Convention on the Rights of Persons with Disabilities,<sup>25</sup> ratified by Bulgaria, and which guarantees the right of people with disabilities to participate in non-governmental organisations and associations and to form and join organisations of persons with disabilities.

Although there are no restrictions on foreigners establishing CSOs in Bulgaria, non-EU citizens cannot obtain long-term residence permits based on their intention to carry out non-profit activities. This was included in an amendment to the Foreigners in the Republic of Bulgaria Act,<sup>26</sup> adopted in June 2025. Although the government cited the low number of applications for long-term residency (just 486 since 2002) as a justification for the amendment, a MP from the centre-right majority GERB Party openly argued that the change aims to prevent foreigners from using not-for-profit organisations as a route to residency. Following the adoption of the amendment, non-EU citizens are not prohibited from establishing CSOs or from working in the civil society sector with a labour contract. However, the amendment limits non-EU citizens from obtaining permanent residency for being a director of a CSO without a work contract. The law could become discriminatory as there is an option for permanent residency for non-EU citizens engaged in religious activities or self-employed, but not for non-profit activities.<sup>27</sup>

The legal steps in the process of establishing a civil society organisation are clear, and the necessary documents and grounds for refusal are specified. The procedure for appealing a refusal is also clear and easy for the applicant: an appeal is submitted through the Registry Agency to the relevant district court, and the decision-making process takes about two months. The decision of the district court may be appealed in the upper court of appeals, which rules on a final decision.

Documents can be submitted on paper to the Registry Agency office located in each district city

21. Art. 12 of the Constitution, available here: <https://www.parliament.bg/bg/const>

22. Available here: <https://lex.bg/laws/ldoc/2134942720>

23. Community centre in this report refers to a special kind of traditional community centre for Bulgaria NPOs called *чуманува/читалишта*. They are regulated by a special law – The Law on Peoples Community Centers, available here: <https://lex.bg/laws/ldoc/2133897729>

24. See Chapter Three of the Youth Act ; available here: <https://lex.bg/laws/ldoc/2135786802>

25. Available here: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>

26. Amendment to art. 24, paragraph 1, point 16 of the Foreigners in the Republic of Bulgaria Act, available here: <https://lex.bg/laws/ldoc/2134455296>

27. See more here: <https://civicspacewatch.eu/bulgaria-change-in-law-limits-residence-permits-for-non-eu-citizens-engaged-in-civil-society-work/>

or electronically.<sup>28</sup> The application forms come with instructions. The registration fee for submitting the documents by paper is €25, and the fee for electronic submission is half that amount. The appeal fee is equal to half of the paid registration fee. The procedure is quick, taking between one day (for new registrations) and three days (for changes to an existing entry).

In practice, however, there are inconsistencies in the implementation of the lawful procedures, leading to a high number of refusals of initial registration or changes in a legal entity's files.<sup>29</sup> A major issue is the unclear instructions that the Registry Agency issues, paired with, in some cases, unrealistic deadlines. For instance, the Registry Agency continues to instruct CSOs to provide copies of documents "without personal data except the personal data required by law". This blanket requirement does not comply with the information provision for processing personal data required by GDPR and leads to confusion and uncertainty amongst the applicants on how to comply. However, it is the only guidance provided.<sup>30</sup>

CSOs can freely determine their objectives, the purpose of their activities (private or public), and whether they will pursue economic activities. According to the law, the state may intervene and dissolve a CSO if it is not lawfully established; it carries out activities in breach of the law, constitution or public morals; or if it is included on the list of entities and people connected to terrorism financing.<sup>31</sup>

A major violation of the freedom of association is the continued denial of registration for organisations advocating for Macedonian minority rights.<sup>32</sup> Since 1999, Bulgaria has been found in violation of the freedom of association (Art. 11 of the European Convention on Human Rights) by the ECtHR in what is now known collectively as *United Macedonian Organisation Ilinden and others v. Bulgaria*.<sup>33</sup> As of February 2024, there were 24 applications concerning

this violation pending a decision by the ECtHR.<sup>34</sup> In 2025, the Bulgarian government reported some progress, including issuing guidelines, conducting training, but legislative changes did not result in any legislative amendments.<sup>35</sup> Despite this, civil society watchdogs report that the issue of freedom of association is far from resolved. CSOs are calling for the Council of Europe's Committee of Ministers "to continue monitoring Bulgaria until the country implements the decisions of the court and ensures unhindered registration of Macedonian organisations".<sup>36</sup>

Most Bulgarian CSOs are required to fulfil obligations under anti-money laundering and countering financing of terrorism legislation (EU AML/CFT Directives).<sup>37</sup> In comparison to other private and public sector organisations, CSOs have additional administrative requirements, including the obligation to carry out AML/CFT risk assessments and to adopt internal rules for AML/CFT if their annual turnover exceeds €25,000. Given this low threshold, even small, grassroots organisations could be obligated to report.

Additionally, CSOs face increased AML/CFT monitoring by banks, although the country's Non-Profit Organisations Sectoral Risk Assessment concluded that there is a low to medium risk of Bulgarian civil society sector being complicit in terrorism financing.<sup>38</sup> This has nevertheless resulted in banks refusing to open bank accounts for organisations, requiring excessive fees for reviewing applications for bank accounts, blocking existing bank accounts, whilst at the same time demanding excessive documentation.<sup>39</sup>

At the local level, the Sofia municipality's Ordinance for Public Order continues to restrict civil society activities, as it bans informal groups and CSOs in "private benefit" CSOs from collecting donations at public venues and requires "public benefit" CSOs<sup>40</sup> to acquire permission to do so from the relevant mayor.<sup>41</sup>

28. The registration procedure is regulated in the Law on the Commercial Register And the Register Of Non-Profit Legal Entities available here: [https://www.registryagency.bg/media/filer\\_public/2021/03/22/zakon\\_zatrgovskiaa\\_registr\\_i\\_registra\\_na\\_iulnts.pdf](https://www.registryagency.bg/media/filer_public/2021/03/22/zakon_zatrgovskiaa_registr_i_registra_na_iulnts.pdf)

29. Information provided by the Registry Agency after an access to information request shows that in 2025 out of 590 submissions for initial registration 458 got refusal and for foundations – 240 out of 283 got refusals.

30. Available here: <https://portal.registryagency.bg/preview-news/208>

31. See art. 13 of NPLPA, available here: <https://lex.bg/laws/ldoc/2134942720>

32. <https://www.einnetwork.org/blog-five/ein-civil-society-briefing-december-2025-bulgaria-hungary-north-macedonia-and-poland>

33. For more information see: Two decades of violation of the right of association – the case of United Macedonian Organisation: Ilinden and others against Bulgaria, <https://bcnl.org/en/two-decades-of-violation-of-the-right-of-association-the-case-of-united-macedonian-organisation-ilinden-and-others-against-bulgaria>

34. <https://hudoc.echr.coe.int/eng?i=001-231511>, <https://hudoc.echr.coe.int/eng?i=001-231509>, <https://hudoc.echr.coe.int/eng?i=001-231510>

35. [https://hudoc.exec.coe.int/?i=DH-DD\(2025\)813E](https://hudoc.exec.coe.int/?i=DH-DD(2025)813E)

36. <https://efaparty.eu/news/council-of-europe-monitor-closely-minority-rights-in-bulgaria>

37. The scope of obliged CSOs is based on the NPO definition set by Recommendation 8 of FATF, available here ; <https://www.fatf-gafi.org/en/publications/Fatfrecommendations/protecting-non-profits-abuse-implementation-R8.html>

38. Results of the NPO Sectoral Risk Assessment, available here: <https://www.dans.bg/bg/78>

39. Information collected by BCNL in the course of its provision of consultations with CSOs.

40. In Bulgaria, there is a distinction between "private benefit" CSOs, which perform activities that are only for the benefit of its the members, or a defined person or group and "public benefit" CSOs, which have a broader focus.

41. See art. 3, point 10 of the ordinances available here: <https://sofia.obshtini.bg/doc/3792691/0>

In early 2025, a Russian-style Foreign Agents Registration Act (FARA)<sup>42</sup> was once again on the parliament's agenda.<sup>43</sup> The bill introduces prohibitions and restrictions on civil society and independent media. According to the proposal, "foreign agents" (defined as a person or entity which has received funds, goods, or services from abroad cumulatively exceeding €500 within a year) and persons associated with them are prohibited from implementing activities in public institutions, such as schools, kindergartens, public and private universities, the interior and defence ministries, and the Bulgarian Academy of Sciences. It imposes restrictions on political rights and freedom of expression, prohibiting state-labelled "agents" from participating in political activities or actions which might influence the domestic or foreign policy of the country. It is also envisaged that once a person or entity is designated as an "agent", they are labelled as such for five years, even after ceasing to receive foreign assistance. The Bulgarian version of the FARA law is clearly designed to restrict civil society and to exclude people labelled as "agents" from public life.<sup>44</sup> It contains the main characteristics of the Hungarian Transparency Act, which was found by the Court of Justice of the European Union to violate the free movement of capital and to infringe the rights to freedom of association, respect for private life, and protection of personal data, as enshrined in the EU Charter of Fundamental Rights. The FARA-like bill has been proposed four times since 2024 and it was rejected twice in plenary: in 2024, when all but two parliamentary groups boycotted the plenary, and in 2025, when all parliamentary groups were present.

Later in 2025, the Revival Party, which also authored the FARA-like bill, proposed to impose fines of between €5,000 and €10,000 on foreign CSOs or those receiving at least 50% of their funding from abroad that carry out any activities with students or school personnel. This would represent a breach of the freedom of movement and fundamental rights guaranteed by EU law.<sup>45</sup> The proposal came before the second reading of the major reform to the Pre-School and School Education Act proposed by the government.<sup>46</sup> The pending proposal would not only limit the freedom of

association but would also serve as part of a broader campaign to stigmatise the foreign funding of CSOs. The same reform envisages the introduction of an obligatory school subject on "virtues and religion". This provoked heated public debate, during which CSOs were targeted by supporters of the proposal.<sup>47</sup> During the first reading of the reform by the education committee in parliament, the chair, as well as other MPs, belittled and questioned the legitimacy of student council representatives who were against the new school subject, disregarding the right of young people to participate in decision-making processes and the right of students to associate.<sup>48</sup>

In November 2025, parliament established an *ad hoc* committee "to establish facts and circumstances regarding the activities of George Soros and Alexander Soros and their foundations in the Republic of Bulgaria, financing Bulgarian individuals, legal entities, and non-governmental organisations, as well as establishing their connections with political parties, magistrates, educational institutions, media, business structures, and state authorities".<sup>49</sup> The committee was established after several previous failed attempts earlier in the year and is yet another instance of utilising parliamentary procedure against the civil society sector in Bulgaria. The committee is expected to summon citizens and representatives of CSOs and to produce a report on activities connected to Soros. As of December 2025, the committee had just one meeting which failed due to the lack of a quorum.

In 2025, the authorities harassed organisations and volunteers helping migrants. After the deaths of three migrants in the Bulgarian mountains in late 2024, the Bulgarian organisation Mission Wings accused the interior ministry for failing to take proper action to save the victims, despite multiple calls for help by activists from the organisation.<sup>50</sup> In January 2025, the ministry announced that it would investigate the activists, alleging that their calls for help were false and that Mission Wings had obstructed the work of the authorities.<sup>51</sup> Later in 2025, Interior Minister Daniel Mitev told the Times newspaper that Mission Wings had been misused by Russian spies with the aim of

42. The latest FARA proposal available here: <https://www.parliament.bg/bg/bills/ID/165804>

43. The FARA was proposed between 2022 and 2025 in four parliaments

44. See details about the latest version of the FARA law proposed in Bulgaria in September 2024: <https://bcnl.org/news/zakonat-sreshtu-grazhdanskite-svobodni-nova-ataka-sreshtu-grazhdanskite-prava.html>

45. <https://civicspacewatch.eu/bulgaria-proposed-ban-on-foreign-funded-cso-activities-in-schools/>

46. Proposal with entry number 51-554-04-330 ; bill available here: <https://www.parliament.bg/bg/bills/ID/166550>

47. See for example a recording of a debate organised by the education ministry, available here: <https://www.youtube.com/watch?v=zH5PkFMhBDM>

48. See more information here: <https://www.svobodnaevropa.bg/a/deputati-uchenitsi-samoupravlenie-zakon-obrazovanie/33492041.html>

49. The decision for the establishment of the Committee: <https://www.parliament.bg/bg/desision/ID/166709>

more information available here: <https://civicspacewatch.eu/bulgaria-parliament-establishes-commission-targeting-soros-funded-csos/>

50. <https://new.bnr.bg/bugas/post/102097931/atanas-ilkov-migrantite-v-strandja-sa-pochinali-ot-preumora-i-izmrzavane>

51. <https://www.segabg.com/hot/category-bulgaria/mvr-razsledva-aktivisti-za-neverni-signali-za-bedstvashti-migranti>

“flooding”<sup>52</sup> Europe with migrants.<sup>53</sup> In November 2025, however, FRONTEX concluded in a report that the Bulgarian authorities had not taken appropriate measures to save the three migrants, despite being aware of their situation.<sup>54</sup>

Overall, Bulgaria’s legal framework continues to recognise the freedom of association, but persistent administrative obstacles, political pressure, and repeated attempts to stigmatise or restrict CSOs undermine the full exercise of the right.

## Freedom of Peaceful Assembly

Peaceful assembly in Bulgaria remains legally protected under a stable notification-based process, with spontaneous protests generally tolerated and no systematic misuse of restrictive provisions. However, 2025 saw a noticeable rise in bans and relocations of assemblies in Sofia as well as inconsistent facilitation and pre-emptive police pressure. While violent incidents at anti-EU demonstrations were handled proportionately, accountability for police inaction and misconduct remained weak, and online mobilisation faced unexplained platform takedowns affecting civic actors. Overall, the gap between the protective legal framework and uneven enforcement continues to narrow the space for peaceful public participation.

The right to peaceful assembly is constitutionally protected,<sup>55</sup> and mainly regulated by the Law on Assemblies, Rallies, and Demonstrations<sup>56</sup> which remains unchanged since 2019. In principle, individuals, and groups — including minors, foreigners, and informal collectives — may organise or participate in assemblies without needing permission. The law only requires a notification regime, and spontaneous assemblies are recognised in practice. Two provisions of the law regulating peaceful assembly could be improved: the general ban on the participation of masked people in assemblies and the ban on assemblies 10pm and 8am.<sup>57</sup> However, there are no reports of these provisions being strictly applied or used to restrict peaceful assemblies.

Banning protests is a rare occurrence; however, there has been a notable increase in the number of banned protests or assemblies that have been

ordered to relocate in Sofia, the main site of protests in Bulgaria. On average, one or two such orders were issued annually between 2020-2022, compared to six orders for banning assemblies and eight orders for relocated assemblies issued in 2025 alone.<sup>58</sup> Most of these bans and relocation orders targeted protests in solidarity with the Palestinian people.

Additionally, 2025 saw some instances of inconsistencies in the facilitation of assemblies and of interference, particularly during politically sensitive protests. In March 2025, after a spontaneous demonstration against Russia’s aggression in Ukraine, triggered by the public appearance of the Russian ambassador, attempts were made to intimidate the protesters, including a complaint to the prosecutor filed by supporters of the Revival Party against a participant in the demonstration who had booed the ambassador.<sup>59</sup>

In several cases, protest organisers reported pre-emptive pressure by the police and identification checks that appeared aimed at discouraging participation rather than ensuring order.<sup>60</sup> In October 2025, activists from the Bulgarian Union with One Goal (known as BOEC)<sup>61</sup> faced police pressure during the daily “Garbage for the Garbage” protests in front of the headquarters of the DPS Party. Intimidation tactics included repeated document checks and attempts to disperse demonstrators, even though the protest was peaceful.<sup>62</sup> In September, Amnesty Bulgaria had to cancel a protest in solidarity with Palestine, planned in front of Arena 8888 on the occasion of the first Euroleague basketball match between Hapoel Tel Aviv and Barcelona.<sup>63</sup> Police summoned Amnesty Bulgaria

52. Statement by Mission Wings, available here: <https://bnrnews.bg/starazagora/post/358988/fondacia-misia-krile-otgovori-na-vatreshnia-ministar-za-obvineniata-pred-britansko-izdanie>

53. Article of the Times available here: <https://www.thetimes.com/uk/politics/article/russia-and-left-wingers-trying-to-flood-europe-with-illegal-migrants-vhmwxxch>

54. FRONTEX report available here: <https://prd.fronTEX.europa.eu/document/serious-incident-reports-cat-1/additional-information>: <https://www.svobodnaevropa.bg/a/granichna-politsiya-nepalnoletni-migranti-smart-strandzha/33595923.html>

55. See art. 43 of the Constitution of the Republic of Bulgaria, available here: <https://www.parliament.bg/bg/const>

56. See Закон за събранията, митингите и манифестациите, adopted 2.02.1990 and lastly amended 2.07.2019, available here: <https://legislation.apis.bg/doc/10978/0>

57. Those restrictions are not aligned with the international standard set by General Comment No. 37 on Article 21 (Right of peaceful assembly), available here: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-37-article-21-right-peaceful>

58. Information provided to BCNL after a FOIA request

59. <https://www.bta.bg/bg/news/bulgaria/oficial-messages/849237-pp-vazrazhdane-vazrozhdentsi-sas-signal-do-prokuraturata-zaradi-mitrofanova>

60. Reports about police intimidation during a protest against the Mol in October - <https://bnr.bg/horizont/post/102225936/masirano-policeisko-prisastvie-na-protesta-na-boec-pred-mvr>

61. България Обединена с Една Цел | БОЕЦ - блог България Обединена с Една Цел | БОЕЦ - блог

62. A video showcasing unprovoked police checks of alleged protestors here: [https://www.facebook.com/watch/?ref=search&v=3587606724723820&external\\_log\\_id=58c102ea-0962-473a-932e-ae62d8fa06c2&q=%D0%BF%D0%BE%D0%BB%D0%B8%D1%86%D0%B8%D1%8F%D0%BF%D1%80%D0%BE%D0%B2%D0%B5%D1%80%D1%8F%D0%B2%D0%B0%20%D0%B1%D0%BE%D0%BA%D0%BB%D1%83%D0%BA](https://www.facebook.com/watch/?ref=search&v=3587606724723820&external_log_id=58c102ea-0962-473a-932e-ae62d8fa06c2&q=%D0%BF%D0%BE%D0%BB%D0%B8%D1%86%D0%B8%D1%8F%D0%BF%D1%80%D0%BE%D0%B2%D0%B5%D1%80%D1%8F%D0%B2%D0%B0%20%D0%B1%D0%BE%D0%BA%D0%BB%D1%83%D0%BA)

63. Bulgaria has recognized the state of Palestine since 1988

representatives to a meeting in a police station, where they were pressured to relocate the protest. After refusing to do so, the mayor of Sofia issued an order to relocate the protest to a location that diminished the original purpose and cause of the demonstration.<sup>64</sup>

There was a surge in anti-EU protests in 2025 organised by politicians due to the anticipated adoption of the Euro in 2026. In February 2025, during such a protest organised by the Revival Party, the headquarters of the European Parliament's representation in Sofia was vandalised and members of the police force were attacked. The authorities reacted adequately by arresting individuals implicated in the violence and allowing the peaceful participants to continue the protest. Following the incidents, criminal prosecution was initiated against the alleged violent participants,<sup>65</sup> which included both politicians from the party and its supporters. However, the prosecution of four MPs who were identified as participants in the violent acts was postponed, as parliament refused to strip them of their immunity.<sup>66</sup>

As of November 2025, the Sofia Municipality received 451 notifications for public assemblies and issued six orders to ban assemblies and eight to relocate them. Some of the orders contained motives incompatible with human rights standards, namely that the assembly would cause distress to some members of the public or the police would be unable to provide adequate policing as there would be other events in the city at the same time or unproven claims about possible violent acts during the assembly. Although the number of such orders is still not significant, it has increased notably since the current administration of Sofia was elected in 2023.<sup>67</sup> In comparison, the third biggest city, Varna, while being the site of significantly fewer protests, has not issued a single order limiting the freedom of assembly since 2020.

There were no major incidents during LGBTIQ+ assemblies in 2025 in Sofia. However, a member of the Sofia Municipal Council publicly called for a ban on Sofia Pride, claiming that the event is not only immoral but expensive for the municipality, thus not

only inciting discrimination but also dismissing the state's obligation to protect assemblies.<sup>68</sup>

Online mobilisation remained generally unrestricted. However, several CSOs' Facebook pages faced temporary takedowns or reduced visibility, including the page of "Justice for Everyone" with over 140,000 followers, which serves as a platform for organising protests demanding judicial reforms.<sup>69</sup> The lack of transparency in such decisions, combined with state inaction to defend organising online, contributed to a weaker enabling environment.

Although the legal framework sets minimal obligations on protest organisers, notifications for roadblocks remain arbitrary in practice.<sup>70</sup> In some cases, the municipalities do not object to the protesters blocking roads and in others, organisers need to seek permission from the Public Road Administration.

Some municipalities require documentation beyond what the law requires, especially for assemblies that include physical installation of objects or street art. In several cases, police discouraged protest organisers, warning about potential "public disorder liability", even when no such risk existed.<sup>71</sup>

Following incidents of police brutality during lengthy anti-government protests in 2020,<sup>72</sup> the interior ministry updated instructions regarding police equipment during assemblies.<sup>73</sup> These obliged police to visibly wear a personal identification number when policing public assemblies. There were no reports in 2025 about breaches of this regulation. However, the regulation on the use of surveillance during protests remains overly general and non-transparent. According to the Ministry of Interior Act,<sup>74</sup> the police is permitted to carry out surveillance activities, such as filming or taking photographs, during public gatherings. However, there is no information for law enforcement on how to inform the public on the surveillance used — a legal obligation.

There is no effective mechanism guaranteeing the accountability of law enforcement when policing public gatherings. In most cases of alleged use of excessive

64. Statement by Amnesty Bulgaria - <https://www.amnesty.bg/solidarity-action-euroleague-sofia/>

65. <https://url-shortener.me/6QG8>

66. <https://www.mediapool.bg/nova-sedmitsa-nov-neuspeshen-opit-za-svalyane-imunitete-na-vazrazhdane-news372392.html>

67. Data collected by FOIA requests and interviews

68. <https://novini.bg/article/2025031002012984943>

69. <https://pravosadiezvaseki.com/2025/09/20/svalyane-na-fejsbuk-stranitsata-na-initsiativa-pravosadie-za-vseki/>

70. According to experts who took part in the MACS evaluation process

71. According to responders in the research phase of the MACS reporting process

72. <https://www.dw.com/en/bulgaria-riots-police-anti-government-protesters-clash-in-sofia/a-54798039>

73. ИНСТРУКЦИЯ № 8121з-988 от 17.08.2015 г. за вида на личния знак, за условията и реда за ползването му и реда за носене на индивидуален идентификационен номер от служителите на Министерството на вътрешните работи

74. Art. 91 ЗАКОН за Министерството на вътрешните работи

force by police during public gatherings, there is no immediate information about the sanctions imposed on police personnel. Victims need to resort to civil claims for damages, which in many cases are lengthy and thus discourage individuals from taking legal action. In 2025, the ECtHR found Bulgaria in breach of the European Convention on Human Rights (ECHR) by failing to carry out an effective investigation into alleged police brutality and inhuman treatment following the arrest of a participant in the 2020 anti-governmental protests.<sup>75</sup> Additionally, in 2025, another victim participating in the same protest was awarded damages in a civil case, though decision is not yet final.<sup>76</sup>

## Freedom of Expression

Despite constitutional guarantees, the freedom of expression in Bulgaria continued to deteriorate in 2025, with no meaningful reforms to strengthen media independence. Bulgaria ranked again among the lowest EU countries in the Reporters Without Borders (RSF) World Press Freedom Index. Criminal defamation remains in force and vulnerable to Strategic Lawsuit Against Public Participation (SLAPP) misuse, while new restrictive legislative proposals — including broadened bans on content related to gender identity — further threaten open public debate. Structural safeguards remain weak: The EU Anti-SLAPP Directive has not been transposed; hate-speech protections are ineffective in practice; political pressure on journalists persists; and concerns about censorship, restrictions on access to information, and interference with public media, intensified. At the same time, reforms to the Electronic Communications Act finally aligned Bulgaria with the EU Digital Services Act (DSA), but broader guarantees for media freedom and free expression remain fragile.

The constitution<sup>77</sup> as well as relevant acts, such as the Radio and Television Act, the Criminal Code and the Access to Information Act, guarantee the freedom of expression and set limitations on it. However, in 2025, media freedom deteriorated, as once again, Bulgaria is amongst the lowest ranking EU countries in the RSF World Press Freedom Index, above only Greece and Cyprus.<sup>78</sup> In addition, there have been

Although Bulgaria's legal framework provides solid guarantees for the right to peaceful assembly, inconsistent enforcement, growing administrative restrictions in Sofia, and weak police accountability continue to erode trust in the authorities' ability to protect this right. Without structural reforms and predictable, rights-based policing, the space for peaceful public participation will remain vulnerable to restrictions.

no significant reforms to improve the guarantees for protection of the right to freedom of expression. In addition, restrictive legislative proposals have been made; SLAPP cases remain unaddressed; and smear campaigns against journalists by politicians still occur.

In several cases before the ECtHR,<sup>79</sup> Bulgaria has been criticised for its legislation criminalising insult or slander and in particular, for punishing insult and slander against public officials more severely and for imposing disproportionate punishments.<sup>80</sup> In 2023, several reforms to the Criminal Code were initiated to amend the insult and slander crimes in accordance with ECtHR case law. These included the removal of the more severe punishment for slander targeting public officials (in 2023) and decreasing the fines imposed for those crimes (in 2025). Despite the progress made, the criminalisation of insult and slander can be abused through SLAPPs.

Since 2023, crimes related to hate speech have been expanded to cover crimes based on sexual orientation.<sup>81</sup> In practice, however, there have been no convictions on this basis as of 2025,<sup>82</sup> despite potential cases identified by CSOs.<sup>83</sup> Meanwhile, legislative proposals were made in 2025<sup>84</sup> to build upon the 2024 ban on “propaganda, promotion, or incitement in any way, directly or indirectly, of ideas and views related to non-traditional sexual orientation and/or

75. <https://hudoc.echr.coe.int/?i=001-245860>

76. <https://defakto.bg/2025/06/09/pavel-tsvetkov-bivsh-chlen-gerb-osadi-sdvr-za-nezakonen-arest-v-nosthta-na-protestite-ot-2-septemvri-2020-g/>

77. Arts. 39-41, <https://www.parliament.bg/bg/const>

78. <https://rsf.org/en/index>

79. See among others: *Marinova and others v. Bulgaria* available here: <https://hudoc.echr.coe.int/eng?i=001-164668>

*Karzhev v. Bulgaria* available here: <https://hudoc.echr.coe.int/eng?i=001-176816>

and *Kasabova v. Bulgaria* available here: <https://hudoc.echr.coe.int/eng?i=001-104539>

80. Art. 146 – 148 of the Criminal Code, available here: <https://lex.bg/laws/ldoc/1589654529>

81. Art. 162 of the Criminal Code.

82. According to interviewed experts and confirmed by research of the case law.

83. See report here: <https://shorturl.at/Du95z>

84. <https://www.parliament.bg/bg/bills/ID/165835>

gender identity different from the biological one” in schools.<sup>85</sup> The new proposals envisaged a wider ban on access to and dissemination of information related to gender identity and expression that does not conform to the view of sex as strictly biological.<sup>86</sup> This triggered a warning from the Council of Europe’s (CoE) human rights commissioner that such legislative changes would “lead to disproportionate restrictions on the rights to education, freedom of expression and assembly, and the right to health without discrimination, including on grounds of gender identity.” The commissioner also noted that such measures may reinforce stigma and prejudice against LGBTQI+ people.<sup>87</sup>

The EU Anti-SLAPP Directive has not yet been transposed. The justice ministry announced that it is working on amendments to the Civil Procedural Code but no draft law has been made public.<sup>88</sup> Additionally, the measures proposed by the European Parliament in its Recommendation (EU) 2022/758 on protecting journalists and human rights defenders from unfounded or abusive court proceedings<sup>89</sup> have not been implemented. Therefore, there is still no data provided either by the state or by the courts on the number and legal nature of SLAPP cases.<sup>90</sup>

Currently, SLAPP cases are only monitored by CSOs, according to which there are 17 ongoing cases.<sup>91</sup> In 2025, notable SLAPP cases involved big businesses suing journalists and politicians suing activists. For example, in 2023, the insurance company Lev Ins filed a civil defamation lawsuit against the media outlet Mediapool, for €500,00.<sup>92</sup> The case, now infamous, is ongoing. It concerns quotes from a minister’s statements during an official meeting, which were then disseminated by the media outlet. In 2025, the company decided to appeal the second instance court’s decision to the third and final instance.<sup>93</sup> Another

notable SLAPP case was filed by a local Sofia region mayor Emil Branchevsky, who sued two activists for €25,000 for their social media posts that criticised his order to evict an entire Roma neighbourhood in the middle of the night.<sup>94</sup>

Instances of politicians pressuring or undermining the role of the media are also common. The new parliament, which was formed in late 2024, limited journalists’ access to the parliament building and, in some cases, journalists had their accreditation revoked without justification.<sup>95</sup>

The state of the public broadcaster, Bulgarian National Television (BNT), which has been governed by a director with an expired mandate since 2022, is another cause for concern.<sup>96</sup> In October, BNT published an interview with the mayor of Sofia, a member of the opposition. The mayor’s criticism of Delyan Peevski, a political leader sanctioned under the Magnitsky Act, had been removed from the interview.<sup>97</sup> This case is an example of what experts claim is self-censorship being practised in the Bulgarian media sector.<sup>98</sup>

In October 2025, the smallest party in the ruling coalition, There is Such People, proposed amendments to the criminal code regarding the unauthorised dissemination of information about a person’s private life through the press, mass media, electronic systems, or any other means. The proposed amendments also defined “information about private life” as including data about personal relationships, family relations, intimate matters or health conditions.<sup>99</sup> Two days after the proposal was made, it was passed in the leading parliamentary committee without any public consultation. If adopted, the amendments would “open the doors for unprecedented censorship” and potentially criminalise investigations into corruption.<sup>100</sup>

85. See art. 11 of the Pre-School and School Education Act, available here: <https://lex.bg/bg/laws/ldoc/2136641509>

86. <https://civicspacewatch.eu/bulgaria-attacks-on-fundamental-freedoms-and-civic-space-through-anti-lgbtqi-legislation/>

87. <https://www.coe.int/en/web/commissioner/-/commissioner-asks-bulgarian-lawmakers-to-reject-amendments-that-would-undermine-the-human-rights-of-lgbti-people-1>

88. According to interviewed experts in 2025 the working group to the MoJ has restarted its work with a new composition including only one CSO.

89. Available here: [https://eur-lex.europa.eu/EN/legal-content/summary/protection-of-journalists-and-human-rights-defenders-from-unfounded-or-abusive-court-proceedings.html#:~:text=WHAT%20IS%20THE%20AIM%20OF,the%20Treaty%20on%20European%20Union\).](https://eur-lex.europa.eu/EN/legal-content/summary/protection-of-journalists-and-human-rights-defenders-from-unfounded-or-abusive-court-proceedings.html#:~:text=WHAT%20IS%20THE%20AIM%20OF,the%20Treaty%20on%20European%20Union).)

90. Confirmed by the answers provided by courts to access to information requests sent as part of the desk research for this report.

91. The data is provided by the working group on SLAPPs in Bulgaria part of the international coalition CASE. Information about the working group available here: <https://url-shortener.me/6QGN>

92. Lev Ins was the “winner” of the 2024 European SLAPP Contest’s highly coveted Corporate Bully of the Year award of the international CASE coalition. <https://www.the-case.eu/gallery-of-shame/>

93. <https://www.mediapool.bg/lev-ins-shte-sadi-mediapool-za-1-mln-lv-i-na-treta-instantsiya-news372683.html>

94. More on the SLAPP case - [https://romalo.bg/?p=746&fbclid=IwY2xjawOWON9leHRuA2FlbQlxMQBzcnRjBmFwcF9pZBAyMjIwMzkwNzg4MjAwODkyAAEene\\_Si3Kwk-E9MkMuamce81zhdC0ZYB1tQmnPgKTqMKom1wix5k9XkQBua\\_aem\\_A5b\\_uUwovlvxx67H6Vlsg](https://romalo.bg/?p=746&fbclid=IwY2xjawOWON9leHRuA2FlbQlxMQBzcnRjBmFwcF9pZBAyMjIwMzkwNzg4MjAwODkyAAEene_Si3Kwk-E9MkMuamce81zhdC0ZYB1tQmnPgKTqMKom1wix5k9XkQBua_aem_A5b_uUwovlvxx67H6Vlsg)

More on the eviction: <https://www.amnesty.bg/zaharna-fabrika-chronology/>

95. <https://www.svobodnaevropa.bg/a/informatsionni-bodigardove-do-peeovski-koy-ima-pravo-da-e-zhurnalst-v-parlamentna/33575537.html>

96. <https://www.svobodnaevropa.bg/a/emil-koshlukov-bnt/33494068.html>

97. <https://www.svobodnaevropa.bg/a/terziev-intervyu-bnt-sem/33550255.html>

98. Self-censorship was pointed out as a serious freedom of expression issue by multiple experts in the course of the research conducted for this report.

99. Bill available here: <https://www.parliament.bg/bg/bills/ID/166655>

100. <https://europeanjournalists.org/blog/2025/10/09/bulgaria-wants-to-criminalise-alleged-privacy-violations/>

The proposal, however, was withdrawn a couple of days later following public backlash.<sup>101</sup>

Another highly contested legislative proposal in 2025 was the reform on accessing the public property registry. The justice minister claimed that the changes would prevent property fraud.<sup>102</sup> However, the initial idea to limit access to copies of notarial deeds only to those who can prove a legal interest was criticised as limiting access to information for journalistic investigations into corruption.<sup>103</sup> The justice ministry amended its original proposal, with information such as the contractual parties and price to be made available to the public.<sup>104</sup> However, according to journalists, notarial deeds contain other useful information which could now be restricted.<sup>105</sup>

The *ad hoc* parliamentary committee mandated to investigate the “influence of George Soros, Alexander Soros and their foundations” was created in early

November and explicitly targets media outlets. In the justification for the decision to create the committee, an owner of several media outlets could be highlighted as a threat to the “interests of the Bulgarian citizens and the sovereignty of the country.”<sup>106</sup>

On 6 November 2025, the Bulgarian parliament adopted amendments to the Electronic Communications Act (ECA),<sup>107</sup> confirming the designation of the Communications Regulation Commission (CRC) as the Digital Services Coordinator. It grants the CRC supervisory powers and the authority to certify out-of-court dispute settlement bodies and award trusted flagger or vetted researcher status, while also introducing comprehensive enforcement architecture.<sup>108</sup> The legislative reform implementing the EU Digital Services Act came after more than a year and a half of delay and an official warning by the European Commission.<sup>109</sup>

## Right to Participation in Decision-Making

Bulgaria has a formal legal framework that supports public participation in decision-making, including the Law on Normative Acts,<sup>110</sup> which requires public consultation for draft legislation of the government, and the Access to Public Information Act,<sup>111</sup> which provides citizens and CSOs with tools to obtain information needed to participate in policy discussions. In practice, however, participation remains inconsistent and often superficial, with weak early-stage inclusion of CSOs, irregular or ineffective consultative bodies, and no obligation for MPs to provide their legislative proposals for public consultation.

The updated Public Consultation Portal improved transparency and introduced new participatory tools, but authorities still provide uneven feedback, and many consultations suffer from short deadlines or fast-tracked procedures. Throughout 2025, several high-profile cases — including rushed environmental and budget reforms — demonstrated systemic

shortcomings that undermine meaningful civic involvement in policymaking.

Municipalities also have consultation rules embedded in local governance acts. However, in many cases, the existing public participation mechanisms do not function in practice or are carried out informally. A major issue remains the inconsistencies in the parliamentary legislative process and the absence of rules requiring legislative proposals by MPs to undergo public consultations.

In late 2025, an updated government Public Consultation Portal was launched.<sup>112</sup> The central government (and local governments if they choose to) publish legislative and other policy proposals for public consultations on the portal, according to a procedure set out in the Law on Normative Acts. The updated portal also provides a new participatory mechanism which allows citizens to make legislative proposals and to vote on each other’s proposals.

101. More information here: <https://shorturl.at/DB8Se>

102. <https://mjs.bg/home/index/ce10cdc1-6aec-4d35-bb7b-182a37816715>

103. More information here: <https://shorturl.at/RjMqW>

104. <https://www.justice.government.bg/home/index/ce10cdc1-6aec-4d35-bb7b-182a37816715>

105. Information from an interview with Atanas Chobanov, an investigatory journalist at Bird.bg.

106. [https://www.parliament.bg/bg/ns\\_acts/ID/166709](https://www.parliament.bg/bg/ns_acts/ID/166709)

107. Available here: <https://lex.bg/laws/ldoc/2135553187>

108. <https://www.kinstellar.com/news-and-insights/detail/3893/bulgaria-completes-digital-services-act-implementation>

109. The Commission calls on Bulgaria to comply with the Digital Services Act, <https://digital-strategy.ec.europa.eu/en/news/commission-calls-bulgaria-comply-digital-services-act>

110. <https://lex.bg/laws/ldoc/2127837184>

111. <https://lex.bg/laws/ldoc/2134929408>

112. <https://www.strategy.bg/>

The government promptly publishes its legislative and policy proposals on the portal, with 1,080 public consultations announced in 2025.<sup>113</sup> Data shows that approximately one-third of the consultations received input from the public; however, the authorities are inconsistent in their feedback.<sup>114</sup>

There are no rules on how the government chooses to invite or not to invite CSOs to working groups on policy and legislative acts. This leads to inconsistent practices in the inclusion of civil society in the early stages of the decision-making process. In 2025, 197 working groups were created by the Council of Ministers, of which only 24 CSOs took part.<sup>115</sup>

The government also includes CSOs in policymaking and institutional dialogue processes by establishing consultative councils with, in some cases, limited decision-making powers. In 2025, there were 32 consultative councils<sup>116</sup> established by the Council of Ministers in accordance with the Law on Administration. CSOs participate in 14 of these working groups.<sup>117</sup> There are other councils established by other laws. However, in many cases, they do not function or function only sporadically. For instance, the civil society members of the National Council for the Prevention of Domestic Violence report that they had just one meeting in 2025,<sup>118</sup> despite multiple calls for more active engagement.<sup>119</sup> The functioning of the Civil Society Development Council (CSDC) to the Council of Ministers<sup>120</sup> — a body which, according to the Non-for Profit Legal Persons Act, has a significant role in the drafting and implementing of the state's policies concerning the CSO sector, has faced delays. After the election of 14 new civil society members in April 2025, the CSDC had its first meeting in September.<sup>121</sup> Since then, it has been functioning regularly and has

resumed its work on a new Strategy for the Support of Civil Society Development.<sup>122</sup> Similarly, the establishment of the civil society consultative council to the Parliamentary Commission for Direct Citizen Participation, Complaints, and Interaction with Civil Society was delayed, with the procedure finalised in late November<sup>123</sup> — more than a year after the election of the new parliament.

The National Council for Cooperation on Ethnic and Integration Issues, the Children's Rights Council, and other consultative bodies remained largely ineffective, meeting infrequently and lacking influence on policy outcomes. The resignation of the Public Council on the National Children's Hospital in November 2025 is an example of frustration with the lack of meaningful engagement.<sup>124</sup>

In contrast to the legislative proposals of the Council of Ministers, the bills proposed by MPs are not subject to obligatory public consultations. Although civil society actors could take part in the decision-making process in the parliament by sending legal opinions and participating in parliamentary committee meetings, in practice they are often prevented from effectively doing so due to short deadlines, fast-tracked procedures,<sup>125</sup> proposals of major amendments between two readings of bills, or by transitional provisions.

An illustrative example of these faulty practices in 2025 was the abolition of the second instance appeal of environmental impact assessments — a major tool for strategic litigation for ecological organisations.<sup>126</sup> The controversial amendment to the Environmental Protection Act was made during the procedure for amending the Public Property Act. It was made on the day of the deadline for making proposals before the

<sup>113</sup>. Data collected through access to public information requests. The number of public consultations published per year are as follows: 2023, 687 ; 2024, 704 ; 2025 (as of 11 November), 1018. The numbers of public proposals filed per year was: 2022, 277 ; 2023, 303 ; 2024, 295

<sup>114</sup>. <https://bcnl.org/chuva-li-vlastta-napravenite-predlozhe>

<sup>115</sup>. Information provided after an access to information request.

<sup>116</sup>. [https://iisda.government.bg/ras/executive\\_power/cm\\_councils](https://iisda.government.bg/ras/executive_power/cm_councils)

<sup>117</sup>. Information provided after an access to information request.

<sup>118</sup>. Established on the basis of art. 6a of the Domestic Violence Protection Act, available here: <https://lex.bg/laws/ldoc/2135501151>

<sup>119</sup>. <https://www.bta.bg/bg/news/bulgaria/oficial-messages/1014881-fondatsiya-buditelkite-slaba-otsenka-za-institutsiite-v-borbata-s-nasilieto-n>

<sup>120</sup>. The Civil Society Development Council is composed of 14 CSOs elected by other CSOs. It is established on the basis of art. 4 of the Non-for-Profit Legal Persons Acts according to which the Council: 1. gives opinions on all draft legislation, strategies, programs, and plans that relate to the activities of civil society organisations. 2. coordinates and monitors the implementation of the Strategy for Supporting the Development of Civil Society Organisations in the Republic of Bulgaria and the Action Plan for the Strategy.

3. proposes to the Council of Ministers an action plan, including a financial plan, for the implementation of the strategy under item 2 for each subsequent year and reviews and evaluates its implementation.

4. collects information on the financing of civil society organisations with public funds in order to determine the effectiveness of the funds allocated.

5. conducts an annual review of the needs and problems of civil society organisations, as well as their results and achievements.

6. supports the process of interaction between state and local authorities and civil society organisations.

7. determines priorities and adopts rules and procedures, as well as allocates funds for the promotion and financial support of projects of public importance to non-profit legal entities for the implementation of activities of public benefit.

<sup>121</sup>. <https://www.gov.bg/special/bg/prestsentar/novini/savetat-za-razvitie-na-grazhdanskoto-obshtestvo-initsiira-sazdavaneto-na-strategiya-za-podkrepa-na-razvitiето-na-grazhdanskite-organizatsii-v-bulgaria>

<sup>122</sup>. Information by BCNL which is a member of the CSDC

<sup>123</sup>. Decision available here: <https://tinyurl.com/mfj8rdx4>

<sup>124</sup>. <https://nmd.bg/obsthestveniyat-savet-otteglya-doverieto-si-ot-procesa-po-sazdavane-na-nacionalnata-detska-bolnicza/>

<sup>125</sup>. In November a parliamentary committee voted important amendments related to the governance of the sanctioned Russian oil company Lukoil during an already infamous 28 second meeting. [https://www.dnevnik.bg/bulgaria/2025/11/07/4849606\\_za\\_28\\_sekundi\\_i\\_taino\\_upravliavashite\\_reshiha/](https://www.dnevnik.bg/bulgaria/2025/11/07/4849606_za_28_sekundi_i_taino_upravliavashite_reshiha/)

<sup>126</sup>. <https://forthenature.org/poreden-opit-za-premahvane-na-vtorata-instantsiya-za-obzhalvane-na-aktove-po-ekologichnoto-zakonodatelstvo--1-9476>

second reading of the Public Property Act amendment, which was adopted three days later, leaving no time for any meaningful consultations.<sup>127</sup>

The procedure for adopting the state budget for 2026 also exposed serious flaws that deeply undermined public participation. The main part of the budget was published by the finance ministry for one day of public consultation, which was in violation of the Law on Normative Acts.<sup>128</sup> The National Tripartite Cooperation Council had not agreed upon it.<sup>129</sup> In the parliament, the budget was also fast-tracked, and the meeting of the Budgetary Commission to vote on the second reading of important parts of the budget was rescheduled at the last minute, bringing it forward by a couple of hours. The lack of meaningful dialogue and consultations on the budget, seen by many as controversial, led to a major protest in Sofia, following which the legislative procedure was stopped.<sup>130</sup>

In October 2024, the Bulgarian government started consultations on its fifth National Plan within the Open Governance Partnership (OGP),<sup>131</sup> following the process applied during the previous National Plan (2022-2024) which was praised for its inclusivity of civil society in the drafting process.<sup>132</sup> By the end of 2025, however, there was no follow up of the consultations and no signals that the new National Plan was being drafted.

Bulgaria has committed to regulating lobbying as part of its EU Recovery and Resilience Plan and the OECD, within the scope of its accession process. The initial draft law presented by the justice ministry within the working group on the act<sup>133</sup> in late 2024 was met with harsh

criticism by civil society.<sup>134</sup> It envisaged disproportionate accountability obligations for CSOs and proposed to regulate indirect lobbying — public statements or interviews calling on the public to influence decision makers. In March, the newly appointed justice minister withdrew the controversial draft and committed to a dialogue with civil society and to address concerns.<sup>135</sup> However, by the end of 2025, no draft legislation had been presented for public consultation.

Access to information, which enables meaningful public participation, is regulated by the Access to Information Act.<sup>136</sup> It establishes an easy procedure for making an access to information request with no need to justify why the information is being requested. Inconsistencies in the implementation are often successfully challenged in court. A landmark decision in 2025 was reached against the prosecutor general, who falsely claimed that there were no obligations for the prosecutor general under the Access to Information Act and blocked access to information required for investigations into corruption.<sup>137</sup>

In a separate case, a journalist was ordered to pay disproportionate court expenses after challenging a refusal to grant access to information on a rural municipality. Additionally, the mayor of the municipality immediately requested enforcement actions in accordance with the court decision, which resulted in the journalist's court expenses almost doubling.<sup>138</sup> This case was seen as a form of SLAPP, where a journalist faces sanctions for attempting to access information that should be made available upon request.

<sup>127</sup>. This approach is in violation to art. 79 of the Rules of Procedure of the National Assembly, available here: <https://www.parliament.bg/bg/podns>

<sup>128</sup>. Consultation information available here: <https://www.minfin.bg/bg/legislation/7572>

<sup>129</sup>. The National Tripartite Cooperation Council is chaired by the Minister of Social Affairs and has members representatives of the trade and labour unions, information available here: [https://isda.government.bg/ras/executive\\_power/council/220](https://isda.government.bg/ras/executive_power/council/220)

<sup>130</sup>. <https://www.mediapool.bg/upravlyavashite-spirat-byudzheta-2026-po-narezhdane-na-borisov-obnovena-news377713.html>

<sup>131</sup>. Information about the consultations available here: <https://strategy.bg/bg/ogp/news>

<sup>132</sup>. <https://www.opengovpartnership.org/documents/bulgaria-results-report-2022-2024/>

<sup>133</sup>. BCNL received the draft as a member of the group.

<sup>134</sup>. <https://bcnl.org/trainings/krivorazbrana-ideya-za-zakon-za-lobizma-zaplashva-grazhdanskite-svobodni>

<sup>135</sup>. <https://www.justice.government.bg/home/index/645eea1d-dbac-4650-9f71-7doba3ac7512>

<sup>136</sup>. Available here: <https://lex.bg/laws/ldoc/2134929408>

<sup>137</sup>. <https://www.segabg.com/hot/category-bulgaria/sudut-e-kategorichen-prepiskite-sreshtu-saravov-ne-mozhe-da-sa-tayna>

<sup>138</sup>. More information here: <https://tinyurl.com/mpuav6kb> ; <https://tinyurl.com/9y32p9t2>

# Recommendations

## **TARGETED RECOMMENDATION:**

- **Commit to civic engagement and state support for civil society by adopting and implementing the Civil Society Development Strategy aligned with the EU Civil Society Strategy**
- Stop the harassment and stigmatisation of CSOs that receive foreign funding by disbanding the committee on Soros-funded entities and rejecting current and future FARA-like proposals.
- Improve the accessibility of the CSO registration procedures. The Registry Agency needs to issue clear and user-friendly guidance tailored to the needs of both CSOs and the public officials administrating the registration procedures.
- Fully transpose and implement the EU Anti-SLAPP Directive by adopting measures covering both domestic cases and cases with an international component.
- Ensure full accountability for police personnel accused of violating the rights of citizens during protests by carrying out transparent and timely investigations.
- Commit to robust and transparent public mechanisms for funding CSOs instead of stigmatising foreign funding.

# About the author

**The Bulgarian Center for Not-for-Profit Law (BCNL)** is a public-benefit foundation that provides support for the drafting and implementation of legislation and policies aiming to advance civil society, civic participation and good governance in Bulgaria. We have participated in the development and discussion of a number of laws related to the activities of non-profit organisations, such as the Law on Non-Profit Legal Entities, the Social Assistance Act, the Law on Normative Acts and many others. More about us and our work can be found at [www.bcni.org](http://www.bcni.org).



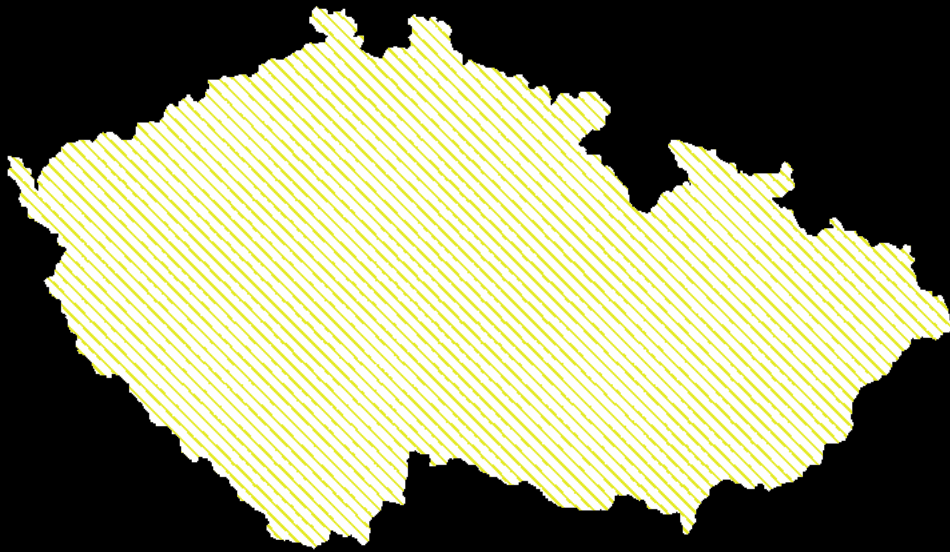
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CIVIC SPACE REPORT 2026




# Czech Republic

by Glopolis



Key Developments .....	57
Summary .....	57
Freedom of Association .....	57
Access to funding .....	58
Freedom of Peaceful Assembly .....	60
Freedom of Expression .....	60
Participation in Decision-Making .....	62
Safe space .....	64
Recommendations .....	66
About the author .....	67

# Key Developments

-  Babiš's coalition government plans to impose special obligations for so-called "political NGOs", including the disclosure of all expenses and foreign funding, as well as limiting subsidies and access to policy dialogue.
-  Methodologies for public participation were adopted in 2025, but the system lacks political backing, binding standardisation across public administration, and a central competence centre for participation.
-  Public funding system remains unstable, multi-year funding is lacking, and unnecessary administrative burdens prevail.

## Summary [written by ECF]

Civic space is rated as "Open" in the Czech Republic by the CIVICUS Monitor.<sup>1</sup> The European Commission made no recommendations related to civic space in its 2025 Rule of Law report. However, it noted that some civil society organisations (CSOs) expressed concerns that specific areas continue to be at risk of underfinancing. Additionally, it highlighted that some CSOs reported incidents of negative labelling by some politicians.<sup>2</sup>

In January 2026, after the 2025 parliamentary elections, Andrej Babiš's new government coalition came to power, consisting of his ANO party, the conservative Motorists for Themselves party, and the xenophobic populist Freedom and Direct Democracy (SPD) party. Through the SPD, small radical and anti-rights parties entered into the Chamber of Deputies and gained decision-making positions in the state administration, despite their weak electoral results. The first months of the new government have shown a weakening of the rule of law: the prime minister has downplayed his conflict of interest, his immunity has been politically prioritised over legitimate criminal prosecution, legislative proposals to liquidate public media have been proposed and journalists have been verbally

attacked, and standard legislative processes have been bypassed by parliamentary proposals.<sup>3</sup>

The coalition government's programme contains several worrying proposals regarding CSOs. These include measures to monitor foreign funding, place restrictions on CSOs engaging in political activity, and increase administrative burdens on the sector. A draft law on the "registration of entities with foreign ties", prepared by members of the governing coalition and an advisor to Prime Minister Andrej Babiš, attracted significant public attention.<sup>4</sup> The proposal was not formally submitted to parliament and was shelved in its original form, following tensions within the governing coalition and strong public criticism. In 2025, some positive measures have been introduced to enhance participation, such as the methodology for CSOs participation guidelines. However, these lack binding standards, and thus are dependent on the willingness and capacities of each ministry and authority to implement it. The public funding system remains unstable, administratively demanding, and largely based on short-term, annual project grants. With few exceptions, multiannual funding is not available.

## Freedom of Association

Fundamental rights, including freedom of association, peaceful assembly and expression, are protected in the Czech Republic both *de jure* (in the Constitution,<sup>5</sup> the Charter of Fundamental Rights and Freedoms,

the Civil Code,<sup>6</sup> and elsewhere) and *de facto*. The legal framework provides for several legal forms of CSOs (registered associations, foundations, endowment funds, registered institutes), each with clearly defined

1. <https://monitor.civicus.org/country/czech-republic/>

2. [https://commission.europa.eu/document/download/be724460-59e5-4be3-b882-b329d1613d9a\\_en?filename=7\\_1\\_63938\\_coun\\_chap\\_czechia\\_en.pdf](https://commission.europa.eu/document/download/be724460-59e5-4be3-b882-b329d1613d9a_en?filename=7_1_63938_coun_chap_czechia_en.pdf)

3. <https://www.transparency.cz/premier-babis-mel-byt-snemovnou-vydan-prednost-dostala-nizka-politicka-kultura/>

4. <https://www.seznamzpravy.cz/clanek/domaci-kauly-po-vzoru-ruska-babisova-poradkyne-sepsala-s-rajchlem-zakon-proti-neziskovkam-301146>

5. <https://www.psp.cz/docs/laws/constitution.html#>

6. [https://www.usoud.cz/fileadmin/user\\_upload/ustavni\\_soud\\_www/Pravni\\_uprava/AJ/Listina\\_English\\_version.pdf](https://www.usoud.cz/fileadmin/user_upload/ustavni_soud_www/Pravni_uprava/AJ/Listina_English_version.pdf)

and administratively manageable requirements corresponding to the specific legal form.

Smaller associations in particular struggle with a lack of legal capacity and experience, which can result in committing unintentional procedural errors. Pro-bono legal services for CSOs would be helpful, but there are very few of these services. The quality of mandatory data disclosure by associations has improved significantly over the past three years. Any removal of entries from the register is based on the law and the systematic approach of the Ministry of Justice to consistently identify inactive associations.<sup>7</sup>

However, the escalating rhetoric against CSOs in the public sphere, the stigmatisation of specific CSOs based on their work in certain areas (e.g. the protection of environment, the integration of migrants, and inclusion in education), or new obligations (e.g. related to the new act on lobbying regulation, effective from 1 July 2025) may discourage citizens from certain types of activities or from deciding to establish a new organisation.<sup>8</sup>

The state's approach to organisations has been relatively transparent and, in most cases, consistently applied. Differences may arise as a result of different application of the law by specific officials in service. The information available does not indicate that organisations critical of the government faced discriminatory measures or stricter targeted controls within 2025.

However, this is likely to change with the new government coalition of Andrej Babiš composed of his ANO party, the conservative Motorists for Themselves party, and the xenophobic populist Freedom and Direct Democracy (SPD) party coming into power in January 2026. Its programme statement contains a number of worrying proposals that specifically target CSOs, including:

- ▶ “Non-profit organisations receiving public funds will be required to publish their specific expenditures in a transparent manner.”
- ▶ “We will introduce a requirement for organisations that engage in political activities and are financed from abroad to disclose this fact transparently.”
- ▶ “We will make the financing of non-profit organisations that draw funds from public budgets or foreign sources transparent — all financial flows will be publicly accessible”<sup>9</sup>

Some media outlets pointed out that this statement gives the impression that civil society is a source of opacity and even an internal enemy.<sup>10</sup>

CSOs are already subject to several legal and reporting duties and controls: from mandatory registration and publication of financial statements to supervision of public collections. In addition, the flow of public funds can be tracked in the Register of Contracts,<sup>11</sup> the Subsidy Register,<sup>12</sup> and the State Treasury Monitor.<sup>13</sup> There is no evidence that there is a systemic problem with the transparency of CSOs. Additional administrative measures targeting only this sector would very likely be seen as unjustified and discriminatory.

At its last meeting on 9 December 2025, the Government Council for NGOs, as the permanent advisory body, approved its opinion on the government's draft policy statement of 31 October 2025. The council emphasised that the government should not use non-existent or vaguely-defined terms such as “political non-profit organisation” or “organisation engaged in political activity”. It also argued that any new measures for transparency of public funding must apply to all grant recipients not only to CSOs and rejected the mandatory labelling of foreign funding of CSOs as contrary to the EU law.<sup>14</sup>

## Access to funding

The legal framework in the Czech Republic allows CSOs to seek, receive, and use diverse funding sources for their activities, including foreign funding. The state primarily commissions CSOs to deliver services and activities supporting the implementation of public

policies. CSOs have the opportunity to apply for public funds in grant programs and public tenders at the state and local government levels. In June, the government approves main areas of state subsidy policy to support public benefit activities through CSOs for the following

7. [https://glopolis.org/site/assets/files/1506/posilovani\\_obcanskeho\\_prostoru\\_glopolis.pdf](https://glopolis.org/site/assets/files/1506/posilovani_obcanskeho_prostoru_glopolis.pdf)

8. [https://glopolis.org/site/assets/files/1506/posilovani\\_obcanskeho\\_prostoru\\_glopolis.pdf](https://glopolis.org/site/assets/files/1506/posilovani_obcanskeho_prostoru_glopolis.pdf)

9. <https://vlada.gov.cz/vlada/programove-prohlaseni/programove-prohlaseni-vlady-224629/>

10. <https://denikreferendum.cz/clanek/238187-politicke-neziskovsky-jako-slameny-panak-vlada-sivybrala-nepritele>

11. <https://smlouvy.gov.cz/>

12. <https://red.fs.gov.cz/registr-dotaci>

13. <https://monitor.statnipokladna.gov.cz/>

14. <https://vlada.gov.cz/ppov/rnno/aktuality/zasedani-rady-vlady-pro-nestatni-neziskove-organizace-dne-9--prosince-2025-223777/>

year. For 2026, the plan included 89 subsidy programs administered by a total of 16 public granting authorities, including 13 ministries, the Office of the Government, and two agencies (the National Sports Agency and the Czech Development Agency) in 22 thematic areas.<sup>15</sup> The largest subsidy envelopes have long been dedicated to support various sports associations through the National Sports Agency, while the smallest subsidies have gone to areas such as environmental protection, human rights, integration of migrants, the fight against corruption, and reducing inequalities.

However, the approval of the main areas of state subsidy policy for 2026 was halted due to the rejection of the state budget by the new Babiš government. The Babiš new state budget proposed in February 2026, sends very worrying signals: up to 70% cuts in subsidy programs for areas covered by CSOs including environmental protection and education, humanitarian aid, and international development cooperation (including aid to Ukraine), support for dissidents and democratic processes in non-democratic regimes, and youth and non-formal education.<sup>16</sup>

The public funding system remains unstable, administratively demanding, and largely based on short-term, annual project grants. With few exceptions, multiannual funding is not available due to the uncertainty of the granting authorities, although multi-annual financing is not explicitly prohibited under current legislation. The finance ministry agreed in 2025 to clarify the conditions for the granting authorities and to allow the settlement of subsidies to the state budget only after the period for which the subsidy was provided, rather than the end of each year.<sup>17</sup> However, the proposal was not adopted.<sup>18</sup> Public funding is often disbursed with significant delays, creating operational uncertainty, particularly for providers of social services. CSOs are therefore highly dependent on short-term and project funding. The administrative burden, annual financial reporting, and complex reporting requirements for public funds are a particular obstacle for smaller or voluntary organisations and for certain areas of activity, such as the complexity of compensation payments for social services. In both public subsidy and grant schemes, support for investments is largely absent, with the exception of some European

programmes, despite being essential for the sustainability and stable provision of certain services. Due to this subsidy environment, CSOs cannot practically plan for the provision of services and the development of human resources in the long term.<sup>19</sup>

Disruptions in foreign funding, including the cuts to USAID funding by the Trump administration, led to an immediate reduction of activities for several organisations, which state and domestic donors were unable to replace in the short term.

However, private philanthropy has been increasing. The volume of donations in Czechia exceeded 20 billion CZK (around €823 million), which corresponded to approximately 0.3% of GDP.<sup>20</sup> The driving force behind this were individuals, who donated nearly 15 billion CZK (€617.5 million) annually. Companies donated a further 6 billion CZK (€247 million). The environment for private donations is generally relatively well established. Since the 2020 tax period, private donors have been able to reduce their tax base for income tax calculations by up to 30% of the value of their donations, and this adjustment has been extended until the 2026 tax period. After ten years of negotiations, the amendment to the Public Collections Act,<sup>21</sup> effective from 1 January 2025, removed certain administrative barriers, particularly in relation to cashless fundraising, thereby simplifying the organisation of public fundraising campaigns.

The Czech Republic so far has not had any law aimed at monitoring foreign funding, although such attempts were made as early as 2019 with a proposal by SPD members of parliament (MPs). The then Babiš government rejected them, arguing that they were discriminatory, violated European law, interfered with fundamental rights protected by the Charter of Fundamental Rights and Freedoms, and were unnecessary.<sup>22</sup> However, in 2026, Andrej Babiš's new government appears to be going against its previous position, as its programme statement directly allows for the implementation of proposals put forward by the SPD, its current coalition partner, stating: "We will introduce a requirement for organisations that engage in political activities and are financed from abroad to disclose this fact transparently." This and

15. <https://vlada.gov.cz/cz/ppov/rnno/dokumenty/hlavni-oblasti-statni-dotacni-politiky-vuci-nejstatnim-nejiskovym-organizacim-pro-rok-2026-220232/>

16. <https://www.seznamzpravy.cz/clanek/domaci-zivot-v-cesku-mene-penez-od-statu-bude-znamenat-zdravani-varuji-skauti-ci-pioniri-298806> ; [https://www.irozhlaz.cz/zpravy-domov/humanitarni-organizace-zadaji-babise-o-schuzku-duvodem-je-planovane-snizeni\\_2602171922\\_kv](https://www.irozhlaz.cz/zpravy-domov/humanitarni-organizace-zadaji-babise-o-schuzku-duvodem-je-planovane-snizeni_2602171922_kv)

17. [https://vlada.gov.cz/assets/ppov/rnno/ex\\_skup\\_fin/Zapis\\_Expertni\\_skupina\\_08\\_04\\_2024.pdf](https://vlada.gov.cz/assets/ppov/rnno/ex_skup_fin/Zapis_Expertni_skupina_08_04_2024.pdf)

18. The change would come through amending Decree No. 433/2024 Coll. on the financial settlement with the state budget. The negotiations continued until June 2025 with no result. See: <https://vlada.gov.cz/assets/ppov/rnno/aktuality/Zapis-ze-zasedani-RVNN0-dne-19-6-2025.pdf>

19. [https://glopolis.org/site/assets/files/1506/posilovani\\_obcanskeho\\_prostoru\\_glopolis.pdf](https://glopolis.org/site/assets/files/1506/posilovani_obcanskeho_prostoru_glopolis.pdf)

20. [https://indexsolidarity.cz/index\\_solidarity\\_podrobna\\_zprava.pdf](https://indexsolidarity.cz/index_solidarity_podrobna_zprava.pdf)

21. <https://www.e-sbirka.cz/sb/2024/239?zalozka=text>

22. <https://vlada.gov.cz/cz/ppov/rnno/usneseni-vlady/usneseni-vlady-cr-ze-dne-25-listopadu-2019-c--853-181055/>

other proposals in the statement broadly mobilised civil society to issue a joint press release appealing to the public and MPs to reverse these trends of unjustified

and selective increase in administrative burden, risks of stigmatisation and discrimination of CSOs.<sup>23</sup>

## Freedom of Peaceful Assembly

The freedom of peaceful assembly is protected by the constitution and the conditions for its exercise are stable and transparent. State interventions, including police supervision of assemblies, are carried out in accordance with the law and are considered to be appropriate. Public gatherings must simply be announced; they do not require authorisation.<sup>24</sup> In the event of a conflict between two announced gatherings at the same place and time, the authorities must attempt to find a compromise with the aim of allowing both gatherings to take place and preventing so-called blocking gatherings. This may involve, for example, limiting the size of an assembly, defining the exact area in which it can take place, and determining the route of a march. It is also possible to file a request for judicial review of decisions restricting or prohibiting public assemblies, which happens only in exceptional cases. Regional courts then decide within the statutory

three-day period and in sufficient time before the planned date of the event.<sup>25</sup>

There were few court cases in 2025 (that are accessible from public sources) that directly addressed punishment for protests or assemblies and significantly influenced the interpretation of freedom of peaceful assembly or association. However, in August 2025 the district court in Prague ruled that painting a Ukrainian flag near the Russian embassy was not a criminal offense. In 2025, activists from the Kaputin association were charged for damage to public property in the context of protests against Russia's illegal invasion of Ukraine, which the court found as lawful action.<sup>26</sup> This case is relevant in terms of the boundary between peaceful assembly, expression, and criminal liability for actions during political speech.

## Freedom of Expression

Freedom of expression is constitutionally guaranteed through Article 17 of the Charter of Fundamental Rights and Freedoms. The legal framework is further shaped by case law, which defines the boundaries between legitimate expression and unlawful speech such as hate speech or defamation. Overall, the framework is aligned with democratic and human rights standards, and state interventions are generally perceived as lawful and proportionate.

In its decision *No. I. ÚS 1927/24* of 11 March 2025,<sup>27</sup> the Constitutional Court stated that:

- ▶ Freedom of expression of a political nature is constitutionally protected under Article 17 of the Charter of Fundamental Rights and Freedoms.
- ▶ The expression of a political opinion cannot automatically be considered “alarmist” simply because it contains disinformation or absurd claims.

- ▶ When assessing such matters, courts must respect the higher level of protection afforded to political speech and evaluate the context, purpose, and nature of the speech.

The Constitutional Court confirmed that the right to freedom of expression also includes statements that may be incorrect, shocking, or worrying if they fall in the scope of opinion or political commentary, and that criminal prosecution must meet strict conditions of proportionality. The Constitutional Court did not question the legitimate interest of the state in defending itself against disinformation, as it can cause serious harm to human lives and society. It emphasised that the fight against its spread must also be guided by the aforementioned principles. This is particularly true for expressions of a political nature, as even permissible restrictions on such expressions may lead to the erosion of precisely the values that the restrictions were intended to protect. Given the

<sup>23</sup> <https://glopolis.org/pro-civic/vladni-prohlaseni-ohrozuje-fungovani-verejne-prospesnych-sluzeb-upozornuje-pres-140-nevladnich-organizaci/>

<sup>24</sup> <https://mv.gov.cz/clanek/shromazdovaci-pravo.aspx>

<sup>25</sup> [https://glopolis.org/site/assets/files/1506/posilovani\\_obcanskeho\\_prostoru\\_glopolis.pdf](https://glopolis.org/site/assets/files/1506/posilovani_obcanskeho_prostoru_glopolis.pdf)

<sup>26</sup> [https://www.irozhlas.cz/zpravy-domov/namalovani-ukrajinske-vlajky-pred-byty-ruske-ambasady-nebylo-trestnym-cinem\\_2512231052\\_mst](https://www.irozhlas.cz/zpravy-domov/namalovani-ukrajinske-vlajky-pred-byty-ruske-ambasady-nebylo-trestnym-cinem_2512231052_mst)

<sup>27</sup> <https://www.usoud.cz/en/decisions/judgment-case-no-i-us-1927-24-du-11-mars-2025-protection-de-la-liberte-d-expression-evaluation-de-la-presence-des-elementes-constitutifs-du-delit-de-diffusion-de-fausse-alertes-et-d'alarmisme-resume-juridique>

risk of abuse, the instruments of criminal repression in the area of information dissemination must therefore be used with caution.<sup>28</sup>

Initially, the freedom of expression in Czech society in the post-communist period was perceived mainly as the right to criticise the authorities without fear of repression and did not represent a major political challenge. However, with the advent of social networks, the spread of disinformation and heated opinions, the debate has shifted: measures against harmful content are described by some actors as censorship. The topic of freedom of expression has thus become a significantly polarised social and political issue. Some parts of society consider hate speech and disinformation as a serious threat to democracy and security. Others point out that the line between disinformation and legitimate opinion is difficult to define and that interventions against “fake news” can lead to the suppression of critical voices. After the October 2025 parliamentary elections, the latter approach gained a stronger position in the government.

In its program statement, the new government states that “freedom of speech is inviolable” and pledges to “prevent the abuse of state power and repressive forces against citizens for their opinions or public positions.” However, the government’s actions to date indicate that its rhetoric about freedom of expression is in direct contradiction to how it is undermining the stability of institutions that are supposed to ensure pluralism of opinions or combat disinformation, and to remain resistant to political interference.

Prime Minister Babiš and his coalition partners have long been critical to the Czech public service media<sup>29</sup> and have been preparing major steps to transform them since taking office. The government wants to transfer the funding of public service media from an independent fee-based system to direct allocation from the state budget. This would effectively reverse the recently adopted amendment to the Broadcasting Fees Act. The amendment increased concession fees for the first time in nearly two decades and was widely seen as a groundbreaking step toward stable and predictable funding for public service media.<sup>30</sup> The government is also considering merging the Czech Television and Czech Radio — institutions that have so

far served as statutory guarantors of media pluralism, accessibility, and editorial independence. The Czech culture minister has requested consultation with his Slovak counterpart, the minister whose government oversaw the effective suppression of public service media in Slovakia, allegedly with the aim of drawing lessons for a similar process in the Czech context.<sup>31</sup>

The government dissolved STRATKOM, a government body established to coordinate the state’s response to disinformation and hybrid information threats.<sup>32</sup> Instead, a new advisor on “freedom of speech” was appointed — a person who has a documented record of opposing public criticism of the Russian regime.<sup>33</sup>

A whistleblower protection law has been in force since 2024, but protection is weak in practice. In general, there is distrust of this system, given that all protection costs are borne by the whistleblower. This puts the whistleblower at a disadvantage if the subject of the report has significantly greater resources, for example for legal services and media coverage. Another challenge is related to political culture, where public officials repeatedly make offensive or aggressive statements against investigative journalists who report on political scandals. While these statements do not come from state institutions and do not represent systemic restrictions, they can undermine impartiality of the state administration.<sup>34</sup>

While there is no comprehensive data on attacks against the digital infrastructure of civic actors, specific incidents have been reported in the media. For example, in October 2025, Czech CSO Tady a teď, which supports children and adults from socially disadvantaged families, lost approximately 5.3 million CZK (€218,000) after its accountant was deceived into transferring funds to a fraudulent account by attackers posing as police officers.<sup>35</sup>

The situation for civic actors in relation to online content moderation is insufficiently monitored. There is no systematic assessment of account suspensions, shadow banning, or the disproportionate removal or retention of content affecting civil society actors on digital platforms. These gaps have become more visible in the context of recent platform-level policy changes that directly shape the operating environment for civil

28. <https://www.zakonyprolidi.cz/judikat/uscr/i-us-1927-24-1>

29. <https://www.novinky.cz/clanek/domaci-babis-okamura-a-stacilo-se-predhaneji-v-utocich-na-novinare-40513077>

30. [https://www.irozhlas.cz/zpravy-domov/medialni-novelu-odsouhlasil-senat-zyseni-poplatku-za-verejnopravni-media-musi\\_2504091859\\_job](https://www.irozhlas.cz/zpravy-domov/medialni-novelu-odsouhlasil-senat-zyseni-poplatku-za-verejnopravni-media-musi_2504091859_job)

31. <https://www.seznamzpravy.cz/clanek/domaci-politika-klampir-prijal-v-praze-slovenskou-ministryni-kultury-pooobedvala-i-s-okamuroou-297753>

32. <https://www.info.cz/zpravodajstvi-a-komentare/svoboda-slova-po-konci-stratkomu-autocenzura>

33. <https://denikreferendum.cz/clanek/238513-babis-ucinil-svou-poradkyni-pro-svobodu-slova-kriticku-boje-proti-dezinformacim>

34. [https://glopolis.org/site/assets/files/1506/posilovani\\_obcanskeho\\_prostoru\\_glopolis.pdf](https://glopolis.org/site/assets/files/1506/posilovani_obcanskeho_prostoru_glopolis.pdf)

35. <https://denikn.cz/minuta/1910711/>

society online. On 10 October 2025, Meta introduced a ban on social and political advertising across the European Union, including the Czech Republic. The ban affects CSOs' ability to conduct fundraising activities, particularly lead generation, and advocacy campaigns, petitions, and awareness-raising related to social, environmental, and civic space issues. In its communication on the ban, Meta defines social

content as including civil and social rights, crime, the economy, environmental policy, health, immigration, political values and governance, security, and foreign policy. For CSOs operating in the Czech Republic, this policy change substantially limits their ability to reach donors and the broader public through paid online communication.<sup>36</sup>

## Participation in Decision-Making

In the Czech Republic, the emphasis on supporting participation in public decision-making is enshrined in a number of strategic documents, including the Strategic Framework Czech Republic 2030,<sup>37</sup> the Concept of Client-Oriented Public Administration<sup>38</sup>, the Czech Republic's commitments under the Open Government Partnership (OGP),<sup>39</sup> Regulatory Impact Assessment (RIA) procedures,<sup>40</sup> and the Convention on the Rights of Persons with Disabilities.<sup>41</sup> However, participation is not considered normal practice unless it is explicitly required by law. Regulations and legislative proposals do not normally undergo *ex ante* and *ex post* impact assessments, which would involve those affected by the regulations or who have expertise on them. In the past four years, the bypassing of the legislative process by amendments and additions to laws has intensified and eliminated consultation entirely. In practice, participation is unfortunately often formal or selective and has no real impact on decision-making.

The quality of participation has not been consistent and fundamentally depends on the political will, capacities, and competencies of those who set up and manage the processes, as well as those who are supposed to be involved and are affected by the issues.<sup>42</sup> There is also a difference between participation in the legislative process with the central government and participation at the local level. Formally, there are various instruments for participation of public and non-state actors in the development and implementation of public policies, such as advisory bodies, consultation processes, panels, and focus groups. The advisory bodies in which CSOs are represented, such as the

Government Council for Persons with Disabilities, only produce resolutions or recommendations that are non-binding on ministries. The degree of inclusiveness of participatory processes varies considerably. Although the criteria for participation are often formally defined, their application and communication are not uniform, and public authorities are not always able to explain why and how specific actors were invited to participate. As a result, participation in practice often relies on established organisations with existing networks and capacities, while smaller actors and those representing excluded groups may face practical barriers related to resources, time, and access.<sup>43</sup>

The Methodology for Participation approved by the government in September 2025 represents a positive step forward, as it sets out principles and recommended practices for involving CSOs in advisory bodies and policy drafting.<sup>44</sup> By the end of 2025, the Office of the Government also prepared a "10 Point methodology" for coordinating partnership, cooperation, and involving partners from CSOs in the implementation of EU funds and other similar activities.<sup>45</sup> This is another important document to support the partnership principle. However, these methodologies, whether adopted by the government or issued only at the level of individual ministries, remain only a recommended framework without binding standards. Their application therefore depends on the willingness and capacities of individual ministries and office and are therefore not sufficient to ensure that existing challenges will be reduced.

36. <https://fundraising.cz/2025/10/zakaz-reklamy-s-politickym-a-socialnim-obsahem-spolecnosti-meta/>

37. <https://www.cr2030.cz/udrzitelny-rozvoj-v-ceske-republice/strategicky-ramec-ceska-republika-2030>

38. <https://kvalitavs.gov.cz/kvalitni-verejna-sprava/klientsky-orientovana-verejna-sprava-2030/>

39. <https://korupce.cz/partnerstvi-pro-otevrene-vladnuti-ogp/>

40. <https://ria.vlada.cz/>

41. <https://www.ochrance.cz/umluva/>

42. <https://glopolis.org/publikace/posilovani-obcanskeho-prostoru-v-cesku-2025/> ; ;

[https://glopolis.org/site/assets/files/1506/posilovani\\_obcanskeho\\_prostoru\\_glopolis.pdf](https://glopolis.org/site/assets/files/1506/posilovani_obcanskeho_prostoru_glopolis.pdf)

43. [https://glopolis.org/site/assets/files/1506/posilovani\\_obcanskeho\\_prostoru\\_glopolis.pdf](https://glopolis.org/site/assets/files/1506/posilovani_obcanskeho_prostoru_glopolis.pdf) ;

<https://glopolis.org/publikace/posilovani-obcanskeho-prostoru-v-cesku-2025/>

44. [https://vlada.gov.cz/assets/ppov/rnno/aktuality/usneseni\\_2025\\_708.pdf](https://vlada.gov.cz/assets/ppov/rnno/aktuality/usneseni_2025_708.pdf)

45. [https://vlada.gov.cz/ppov/rnno/aktuality/zaverecná-konference-projektu-\\_metodicka-podpora-zapojeni-partneru-nno\\_-224698/](https://vlada.gov.cz/ppov/rnno/aktuality/zaverecná-konference-projektu-_metodicka-podpora-zapojeni-partneru-nno_-224698/)

While the Office of the Government has been promoting participation over the past four years, political support remains insufficient. There is still a lack of methodological support at the central level of state administration, and systematic steps to train civil servants in participation practices have not begun. The state also lacks the tools and resources to adequately support the capacities needed to engage CSOs in policy-making processes. CSOs provide their expertise without financial compensation for the preparation of background materials, which as a result comes from their own resources (for example, a legal analysis to enable multi-annual financing which was commissioned by CSOs at a legal firm).<sup>46</sup>

The act on regulating lobbying, effective as of 1 July 2025, introduced new concepts and regulatory obligations,<sup>47</sup> including a new Lobbying Register.<sup>48</sup> The act was adopted with the aim of increasing transparency in legislative and regulatory processes, in particular by identifying actors seeking to influence public decision-making, the interests they represent, and the stages at which such influence is exercised. The law applies to anyone who consistently communicates with a lobbied person with the aim of directly influencing his or her actions in the preparation, discussion, or approval of legislation, policy documents, or international treaties and other areas related to policy making. Initial feedback from civil society points to specific problems related to the application of the law to civic engagement and participation. The law introduces new administrative obligations without fully taking into account the specific nature of civic engagement and participation. The effects of the law on civil society participation are already becoming apparent. The registration requirement also applies to informal citizens' initiatives and collective, open, and issue-based forms of advocacy (such as joint letters and statements). These activities differ from professional lobbying carried out by economic entities and may require more complex internal coordination and reporting, especially for organisations with limited administrative capacities. The duty of registration and reporting also applies to individuals acting within CSOs or within informal initiatives and may discourage

them from actively engaging in political dialogue. The Office of the Government, the Department of Civil Society Cooperation together with Transparency International Czech Republic has prepared two seminars with the justice ministry to explain the new obligations and address the application of the law in practice.<sup>49</sup> There are already signs of revision of the law, without sufficient space for evaluating its application in practice.<sup>50</sup> There is a risk of its politicisation and emptying of its original purpose, i.e. the transparency of the legislative process.

CSOs do not have a formal status for submitting comments to *eKlep* — an electronic library that contains all documents in the legislative process, within the framework of interdepartmental comment procedures. There was some hope that *eKlep* would be replaced by the new e-Legislation system,<sup>51</sup> but its implementation was postponed. Compared to the current practice, the new system should ensure that the public has a broader and continuous overview of the development of legislative proposals throughout the political process, and not only at the stage when they are submitted for comments. However, this does not mean that all government documents will be automatically published. Transparency will increase mainly for legislative proposals and their amendments, but not in all working or non-legislative materials of the state, meaning that CSOs' access to information will remain limited.

In previous years, the Czech government was interested in the relevant expertise of CSOs in a number of areas and adopted a strategy for the cooperation of public administration with CSOs, which is in place until 2030. Under previous governments, ministries such as the environment ministry and the foreign affairs ministry had established functional cooperation with civil society. However, this began to change with the new Babiš government. Since the end of 2025, there has been a thorough reorganisation of agendas, dismissals of officials, and the cancellation of previous consultation processes, especially in ministries led by the coalition partner Motorists for Themselves, which strongly opposes cooperation with CSOs.<sup>52</sup>

46. [https://vlada.gov.cz/assets/ppov/rnno/ex\\_skup\\_fin/Zapis\\_Expertni\\_skupina\\_12\\_07\\_2023\\_final.pdf](https://vlada.gov.cz/assets/ppov/rnno/ex_skup_fin/Zapis_Expertni_skupina_12_07_2023_final.pdf)

47. <https://msp.gov.cz/en/web/msp/regulace-lobbovani>

48. <https://relob.gov.cz/>

49. <https://vlada.gov.cz/cz/ppov/rnno/aktuality/probehl-webinar-k-zakonu-o-regulaci-lobbovani-222955>

<https://vlada.gov.cz/cz/ppov/rnno/aktuality/webinar-k-aplikaci-zakona-o-regulaci-lobbovani-potvrdil-velky-zajem-neziskoveho-sektoru-224956/>

50. <https://zpravy.ckait.cz/vydani/2025-06/profesni-komory-nejsou-lobbiste-je-nutne-zvysit-odbornost-legislativni-procesu/>

51. <https://www.e-legislativa.cz/portal/domu>

52. <https://ct24.ceskatelevize.cz/clanek/domaci/reorganizace-na-ministerstvu-zahranici-vyvolala-kritiku-z-opozice-368502> ;

<https://www.ceskenoviny.cz/zpravy/reorganizace-mzv-bude-podle-macinky-komplexni-zatim-nikoho-nepropustil/2762706>

# Safe space

The Czech legal framework formally protects against threats and violence and offers tools such as the possibility to file a criminal complaint, propose dismissal of charges, or contact the police. In practice, this protection is insufficient and not adapted to the specific nature of attacks against human rights defenders (HRDs) and civil society representatives. Threats, harassment, and bullying (especially online) are often not investigated thoroughly or are downplayed. Experience shows that an attack must always be of a certain intensity for the police to take action, and generally the police and prosecutors assess threats relatively mildly. Attacks on the internet often go unresolved or are classified by the police as misdemeanours, which does not provide real protection for the victim.<sup>53</sup>

A positive development in 2025 was the establishment of the National Human Rights Institution (NHRI) and the Children's Ombudsman. It is expected that this will lead to the creation of an institutional framework for the comprehensive protection of human rights, a measure that the EU, international institutions, and CSOs have long called for.<sup>54</sup>

On the part of civil society, the lack of capacity to report incidents is often a problem. This lack of effective protection is further highlighted by new data from independent research conducted by IPI and Ipsos (published in April 2025).<sup>55</sup> The study confirmed that 33% of Czech journalists face attacks at least once a month, with 6% facing them on a daily basis. These attacks are highly personalised in nature, with women journalists experiencing personal verbal attacks twice as often as men. Despite the severity, 60% of victims did not report the latest attack, citing a lack of trust in the authorities' ability to provide a resolution.

Measures to protect journalists and activists remain insufficient. Authorities do not collect or analyse data on attacks against these groups, and most incidents are treated under general criminal or administrative law without considering the victims' public-interest

role. The lack of targeted monitoring limits the understanding of the scope and nature of threats, making it difficult to implement coordinated protective measures. During protests or public events, safety largely depends on individual police officers or the experience of editorial teams, with no uniform rules or rapid-response mechanisms in place. Although the European Media Freedom Act emphasises the state's responsibility to protect journalists, no comprehensive system currently guarantees their safety in practice.<sup>56</sup>

Like other EU member states, the Czech Republic is required to transpose the European Directive 2024/1069 on protection against Strategic Litigation Against Public Participation (SLAPPs) by 7 May 2026. The state has made some preparatory steps on this, however there are no clear milestones and the transposition has not been tabled in the government legislative work plan for 2026.<sup>57</sup> In its resolution of 18 March 2025, the Government Council for Human Rights called for an effective transposition that ensures broad protection of civil society actors acting in the public interest, extends safeguards beyond to domestic cases, provides a wide range of remedies (including costs, damages and sanctions), addresses the risk of abusive use of criminal law, and ensures regular collection of data on lawsuits against public participation.<sup>58</sup> Similarly, the Government Council for NGOs adopted a resolution in the same spirit at its meeting on 19 June 2025.<sup>59</sup> A draft amendment to the Civil Procedure Code, partly addressing protection against SLAPPs, was prepared by the justice ministry,<sup>60</sup> and was open for public comment. However, it has not been submitted in parliament, and the entire process has been suspended.

In January 2026, the new Babiš government incorporated proposals targeting non-governmental organisations into its programme statement.<sup>61</sup> In several points, it outlines a fundamental shift in the state's approach to civil society and non-profit organisations by viewing them as potentially risky entities that should be subject to selective and stringent obligations. The

53. <https://glopolis.org/publikace/posilovani-obcanskeho-prostoru-v-cesku-2025/> ; ;

[https://glopolis.org/site/assets/files/1506/posilovani\\_obcanskeho\\_prostoru\\_glopolis.pdf](https://glopolis.org/site/assets/files/1506/posilovani_obcanskeho_prostoru_glopolis.pdf)

54. <https://msp.gov.cz/en/web/msp/-/snemovna-schvalila-zrizeni-funkce-detskeho-ombudsmana-dochazi-tak-k-vyznamnemu-posileni-ochrany-prav-deti>

55. [https://czipi.media/wp-content/uploads/2025/04/Ipsos-pro-CZ-IPI-prezentace\\_23042025\\_FIN.pdf](https://czipi.media/wp-content/uploads/2025/04/Ipsos-pro-CZ-IPI-prezentace_23042025_FIN.pdf)

56. <https://www.ecpmf.eu/ten-demands-for-maintaining-media-freedom-in-czechia/> ; ;

<https://policie.gov.cz/clanek/zverejnene-informace-2024-utoky-na-novinare.aspx>

57. <https://www.komora.cz/pravni-predpis/6-26-navrh-planu-legislativnich-praci-vlady-na-zbyvajici-cast-roku-2026-a-navrh-vyhledu-leg-praci-vl-na-leta-2027-az-2029t19-1-2026/>

58. <https://vlada.gov.cz/assets/ppov/r/p/cinnost-rady/zasedani-rady/Usneseni---sikanozni-zaloby.pdf>

59. <https://vlada.gov.cz/cz/ppov/r/nno/aktuality/zasedani-rady-vlady-pro-nestatni-neziskove-organizace-dne-19--cervna-2025-220329/>

60. <https://www.zakonyprolidi.cz/monitor/8160783.htm>

61. <https://vlada.gov.cz/vlada/programove-prohlaseni/programove-prohlaseni-vlady-224629/>

proposed measures include mandatory disclosure of foreign funding, “preventing the use of public money for political activism” and the threat of extensive restrictions on public support—create an environment of uncertainty, stigmatisation, and unequal treatment.

The programme states that:

“a public register of all subsidies for non-governmental organisations from public budgets will be established, covering not only the state but also municipalities, regions, and associations of municipalities, and that organisations receiving public funds will be required to publish their specific expenditures in a transparent manner”.

“organisations involved in political activities and financed from abroad will be required to disclose this fact transparently, and the use of public funds for political activities will be prevented. NGOs can promote their political views, but not with taxpayers’ money”.

“education must remain free from ideological influences and the involvement of political non-governmental organizations, as the role of schools is to educate and develop knowledge and critical thinking, not to spread political or activist attitudes.”

“funding for non-governmental organisations that hinder development and investment will be stopped [and] funding for environmental initiatives from public funds will undergo a fundamental review.”

The programme statement also introduces the term “political non-profit organisations.” Such labelling calls

into question the legitimate professional and public activities of CSOs and unnecessarily creates uncertainty about their role in a democratic system. The activities of associations, foundations, public benefit corporations, and others are a direct exercise of the constitutionally guaranteed right to freedom of association, and their involvement in public affairs is a sign of a healthy democracy.

While the requirement for transparency in public financing may be legitimate, it must not become a tool for discriminating and stigmatising CSOs, which are already subject to strict controls, from mandatory registration and publication of financial statements to supervision of public collections. In addition, the flow of public funds can be traced in the Register of Contracts and the State Treasury Monitor. Instead of introducing further selective burdens on the non-profit sector, the state should focus on its own digital debt. The fragmentation of state data, duplicate reporting, and the lack of interconnection between registers is more of a problem on the state level. To ensure efficiency administration on the part of the state should be more coherent, rather than creating unequal conditions and new barriers for active citizens.

Furthermore, mandatory disclosure of foreign funding is potentially stigmatising and contrary to EU law.<sup>62</sup> Although reducing the influence of undemocratic regimes on events in the Czech Republic is a legitimate goal, the mandatory labelling of CSOs who are foreign funded does not lead to this goal. On the contrary, it stigmatises legal income, including European funds, from which organisations co-finance services for Czech citizens. Similar measures have been introduced in Russia, Belarus, and Georgia, leading to restrictions on freedom of association and expression and even the criminalisation of civic engagement. In the Czech environment, it would be contrary to European law and the Charter of Fundamental Rights and Freedoms.<sup>63</sup>

<sup>62</sup> CJEU, C-78/18 *Commission v Hungary*, where the court ruled that mandatory disclosure and labelling of CSOs receiving foreign funding is stigmatising, disproportionate, and contrary to EU law: <https://infocuria.curia.europa.eu/tabs/document?source=document&docid=227569&doclang=EN>

<sup>63</sup> See more in the joint press statement of more than 140 CSOs at <https://gljopolis.org/pro-civic/vladni-prohlaseni-ohrozuje-fungovani-verejne-prospesnych-sluzeb-upozornuje-pres-140-nevladnich-organizaci/>

# Recommendations

## **TARGETED RECOMMENDATION:**

- **Recognise civil society organisations as important partners and institutionalise effective mechanisms for meaningful citizen and stakeholder participation by building on the CSOs Participation methodology, in line with Commission Recommendation (EU) 2023/2836, OECD and the European Civil Society Strategy.**
- Transpose the anti-SLAPP directive preventing abusive lawsuits against public participation and extend protection to domestic disputes ; introduce rapid procedural filters, the possibility of awarding compensation to those unjustly prosecuted, and systematic data collection.
- Clarify the rules for multi-annual funding provided by the public granting authorities, expand multi-year programmes (especially for social and health services), and align the timelines for grant calls and grant allocation with the cash flow of grant recipients.
- Integrate clear participatory standards into law- and policy-making by ensuring timely access to information and consultations, transparent stakeholder selection, consistent feedback on input received, and stronger impact assessment (RIA).
- Upgrade the central *e-Legislativa* portal to support public awareness and consultation functions and establish a central competence centre for participation.
- Ensure that the act on lobbying regulation is implemented and interpreted in line with EU law and international standards and its original objective of enhancing transparency is not used to restrict legitimate civic engagement and advocacy.

## About the author

**Glopolis is a Czech civil society organisation**, established in 2004, striving to strengthen collaboration among CSOs with each other and with government and business, promoting enabling conditions for CSOs and civic space. In the Stronger Roots programme, we support networks to better cooperate with diverse partners at national and EU levels. We provide backbone coordination to NeoN - a network of 20 networks from different fields, associating 1000+ CSOs to engage effectively with the state, fulfilling democratic principles and sustainability.

The logo for Glopolis, featuring a stylized white graphic of two parentheses on the left and the word "glopolis" in a lowercase, rounded sans-serif font to the right, all set against a black background.

# Denmark

by Nytt Europa



<b>Key Trends</b> .....	<b>69</b>
<b>Summary</b> .....	<b>69</b>
<b>Key developments</b> .....	<b>69</b>
Pressure is mostly rhetoric and practice-driven.....	69
Conditional funding undermines autonomy and voice .....	70
A worsening of safe space across segments.....	70
<b>Dimensions</b> .....	<b>70</b>
Freedom of Association .....	70
Access to Funding .....	71
Freedom of Peaceful Assembly .....	72
Freedom of Expression.....	73
Right to Participation in Decision-Making .....	74
Safe Space .....	75
<b>Recommendations</b> .....	<b>77</b>
<b>About the author</b> .....	<b>78</b>

# Key Trends

- 🔍 Civil society funding unstable, with organisations that take a critical stance on politically sensitive issues threatened with defunding.
- 🔍 CSOs working on minority rights face public vilification from some politicians.
- 🔍 “Politically sensitive” protests face disproportionate police responses.

## Summary

Civic space in Denmark is rated as “Open” by the CIVICUS Monitor.<sup>1</sup> There were no recommendations on civic space in the European Commission’s 2025 Rule of Law report. In 2025, pressure on civic space that was driven by political discourse and administrative practices rather than formal legal restrictions.

Certain civil society organisations (CSOs), especially those working on minority rights, climate activism, and Palestine solidarity, were portrayed as illegitimate or “anti-democratic”. Policing of demonstrations which are deemed “politically sensitive” also raised concerns, with several incidents of excessive force or large-scale detentions.

Civil society funding is unstable, and some organisations who have taken critical stances against the government faced threats of being defunded. For example, a coalition of right-wing political parties called for the public funding of ActionAid Denmark to be revoked for its work on Gaza. Online harassment and smear campaigns targeted activists working on climate, gender, and Palestine-related issues, thereby contributing to a more hostile public climate.

Despite strong formal structures and several positive examples, civil society participation in decision-making has also been subjected to formal restrictions, untransparent systems, and discursive marginalisation.

## Key developments

Denmark has historically been considered a robust democracy with a strong civil society. Collaboration between the state and civil society organisations (CSOs) has been a cornerstone for the development and implementation of policies, and CSOs have generally enjoyed a vibrant civic space. However, Denmark has not been immune to the increasing autocratic trends

spreading globally and in Europe in the last 15 years. While it is important to stress that Danish democracy is relatively healthy, compared to other countries in Europe, worrying developments have placed civic space under pressure. A survey amongst Danish CSOs from 2025 found that 22% of respondents expressed that civic space is in a poor state.<sup>2</sup>

### Pressure is mostly rhetoric and practice-driven

Although Denmark maintains a strong legal framework for the rights to association, expression, and assembly, 2025 was marked by pressure on civic space that was driven by political discourse and administrative practices rather than formal legal restrictions. Political rhetoric portrayed certain CSOs, especially those working on minority rights, climate activism, and Palestine solidarity, as illegitimate or “anti-democratic”. This

resulted in narrowing the space of what is considered acceptable dissent. Policing of demonstrations deemed “politically sensitive” also raised concerns, with several incidents of excessive force or large-scale detentions. Together, these trends contributed to a climate of caution and self-censorship, even though civil and political rights remained intact.

1. <https://monitor.civicus.org/country/denmark/>

2. [https://www.nyteuropa.dk/\\_files/ugd/3d7754\\_87c9c78c80314c29b7ec7818601a6f9b.pdf](https://www.nyteuropa.dk/_files/ugd/3d7754_87c9c78c80314c29b7ec7818601a6f9b.pdf)

## Conditional funding undermines autonomy and voice

Funding remained a central challenge, with many CSOs reporting unstable or politicised conditions for the receipt of funds. For example, 69% of CSOs noted limited or absent core funding, and one in four had experienced conditions tied to politically prioritised themes. Threats from politicians and political actors of defunding reinforced concerns that critical voices

risk losing financial support. In particular, organisations engaged in litigation or “undesirable political activities” experienced increased concern over losing state funding. Private foundations continue to play a major role in funding, but with limited transparency and concentrated decision-making power.

## A worsening of safe space across segments

Despite Denmark’s comparatively safe environment for civil society, 2025 marked a clear decline in the sense of security and inclusion experienced by several segments of the sector. Online harassment and smear campaigns targeted activists working on climate, gender, and Palestine-related issues, thereby contributing to a more hostile public climate. Minority groups continued to face disproportionate barriers to exercising their rights. At the same time, administrative decisions

also contributed to this uncertainty and instability. Instances such as municipalities denying Palestinian solidarity groups’ access to public venues curtailed civic space. Combined with political debates questioning Denmark’s commitment to international human-rights standards, these developments signalled a weakening of the safe, inclusive, and enabling environment required for equal participation in democratic life.

# Dimensions

## Freedom of Association

Freedom of association is guaranteed under the Article 78 of the Danish constitution and is only limited if activities are unlawful.<sup>3</sup> The courts are cautious when limiting this freedom, with rare cases of dissolution, notably of the gang-based groups Loyal to Familia in 2021 and more recently, Bandidos in October 2025, due to threats to public safety.<sup>4</sup> Associations are not regulated by a specific law, but certain formal requirements are enforced, including that civil society organisations (CSOs) must have more than two members, be formally established in a documented founding meeting, and have statutes that are approved by a general assembly of its members.<sup>5</sup> It also requires a form of management functioning as an authorising entity, and that the organisation has specified finances and a bank account. This means that the threshold for forming an association is low, which also corresponds to a survey conducted amongst CSOs in 2025, wherein 67% of respondents found that the conditions are generally favourable.<sup>6</sup>

At the same time, however, CSOs have also experienced bureaucratic hurdles that make it difficult to exercise this right in full. One issue is with opening a bank account, which the aforementioned survey found was a challenge for 15% of respondents. It seems that issues with opening a bank account are most prevalent among CSOs and activists belonging to minority groups or who have partners in countries such as Afghanistan and Palestine.<sup>7</sup> In some cases, these problems seem to be related to the arbitrary enforcement of anti-money laundering and counter-terrorism financing (AML/CFT) rules, and in other instances, it seems to be related to issues of discrimination against minority groups.<sup>8</sup> This limits the freedoms of specific groups to form an association.

On a positive note, in early 2025, the Danish government presented a policy proposal to reduce administrative burdens for volunteer associations and to strengthen civil society.<sup>9</sup> The proposal introduces 30 initiatives focused on simplifying financial procedures,

3. § 78 / Folketin <https://www.ft.dk/da/dokumenter/bestil-publikationer/publikationer/mingrundlov/min-grundlov/kapitel-8/paragraf-78get>

4. These groups are known as street gangs or biker gangs. They have been convicted for criminal and violent activities that pose a threat to the public. <https://www.tv2kosmopol.dk/metropolen/nu-er-dommen-faldet-bandidos-forbydes-i-danmark-063cb>

5. <https://frivillighed.dk/guides/saadan-starter-i-nemt-en-ny-forening>

6. [https://www.nyteuropa.dk/\\_files/ugd/3d7754\\_87c9c78c80314c29b7ec7818601a6f9b.pdf](https://www.nyteuropa.dk/_files/ugd/3d7754_87c9c78c80314c29b7ec7818601a6f9b.pdf)

7. [https://www.nyteuropa.dk/\\_files/ugd/3d7754\\_87c9c78c80314c29b7ec7818601a6f9b.pdf](https://www.nyteuropa.dk/_files/ugd/3d7754_87c9c78c80314c29b7ec7818601a6f9b.pdf)

8. Information based on various interviews that Nyt Europa held with CSOs and activists in Spring 2025.

9. <https://www.ft.dk/samling/20241/almedel/KUU/bilag/237/3056632.pdf>

easing documentation requirements, and improving cooperation between associations, banks, and municipalities. Overall, the proposal aims to free up time and resources for the CSOs and alleviate bureaucratic

burdens. This has been welcomed by both key stakeholders and local councils. The proposal is still in the implementation phase, but it is a step in the right direction for associations.

## Access to Funding

Funding for civil society is provided through both public and private funds, many through open tenders. Historically, there has been a political consensus that support for civil society is important and a priority for both public and private donors. This largely remains true, but it is, however, challenged by recent developments. While some CSOs receive relatively stable funding, it can be scarce and unreliable for other organisations. In a survey of CSOs, 69% indicated that core funding is limited or not available, and this is true of both domestic and European funding sources. For smaller civic actors, in particular, this can lead to a constant struggle for survival rather than being able to focus on affecting change and implementing activities for their constituencies.<sup>10</sup> Another problem that has persisted in 2025 is that funds are increasingly linked to extensive administrative requirements and an expectation to adapt to politically prioritised topics or issues. In the same survey, more than one in four CSOs experienced problems with complex and often opaque administrative requirements.

More alarmingly, the system that distributes public funds is not very transparent, and in some cases even dependent on personal relationships and individual MPs arguing for or against funding a particular CSO — either in debates or publicly in the media. Public financial support is provided through various funding schemes at both national and local levels. This takes place primarily through the finance bill that is proposed by the government to the parliament annually, listing CSOs that have been selected for public funding and the amount awarded.<sup>11</sup>

2024 saw high-profile cases of threats to defund CSOs working on the protection of minorities and/or fundamental rights, including ActionAid Denmark, LGBTIQ+ Denmark, Oxfam Denmark and Sabaah.<sup>12</sup> This

continued in 2025, with a recent example from Helle Bonnesen — an MP from the Conservative People's Party — who stated that Danish CSOs who sue the state should not be able to get financial support from the state.<sup>13</sup> This statement followed a lawsuit filed by three Danish CSOs and one Palestinian organisation against the Danish government over its weapons exports to Israel. The statement drew criticism from the public and especially from other CSOs.<sup>14</sup> Though Helle Bonnesen later withdrew parts of her statement, her reasoning can still be found in the political programme that four right-wing parties (Liberal Alliance, Denmark Democrats, Conservative People's Party and Danish People's Party) launched ahead of the national election in March 2026.<sup>15</sup> Liberal Alliance's political spokesperson, Sólbjørg Jakobsen, has stated that, among other things, CSOs that engage in (unfavourable) political activities should not receive public funding.<sup>16</sup>

A more widespread concern in 2025 has been that CSOs often experience difficulties when raising funds for political work that differs from the political agenda of the government.<sup>17</sup> This has become especially relevant in the light of the war in Gaza, where CSOs that expressed their position on this issue have faced negative repercussions. One example is ActionAid Denmark, which has been singled out by a coalition of right-wing political parties as an organisation that should have its public funding revoked.<sup>18</sup> Another example is the restrictions put in place by the Municipality of Copenhagen targeting public events in solidarity with Palestine.<sup>19</sup> These restrictions have since been found to be in breach of the constitution and therefore reversed.<sup>20</sup> It is important to note, however, that these issues predate the current war in Gaza, and that organisations working on environmental or other more controversial topics also face challenges. CSOs report having conditions tied to funding; for example, organisations

10. [https://www.nyteuropa.dk/\\_files/ugd/3d7754\\_87c9c78c80314c29b7ec7818601a6f9b.pdf](https://www.nyteuropa.dk/_files/ugd/3d7754_87c9c78c80314c29b7ec7818601a6f9b.pdf)

11. [https://www.nyteuropa.dk/\\_files/ugd/3d7754\\_36cb3688616e4655b734b50b1310bde0.pdf](https://www.nyteuropa.dk/_files/ugd/3d7754_36cb3688616e4655b734b50b1310bde0.pdf)

12. <https://civic-forum.eu/wp-content/uploads/2025/06/Civic-Space-Report-2025-ECF.pdf>

13. <https://www.altinget.dk/civilsamfund/artikel/k-vil-tage-offentlig-stoette-fra-ngoer-der-sagsoeget-staten>

14. <https://www.altinget.dk/artikel/konservative-vil-tage-stoetten-fra-danske-ngoer-der-sagsoeget-staten>

15. <https://www.altinget.dk/uddannelse/artikel/laekket-dokument-her-er-den-blaa-opposition-50-forslag-til-en-borgerlig-regering>

16. <https://www.altinget.dk/artikel/konservative-vil-tage-stoetten-fra-danske-ngoer-der-sagsoeget-staten>

17. [https://www.nyteuropa.dk/\\_files/ugd/3d7754\\_0d3b1bd599384246a682298bd60437c5.pdf](https://www.nyteuropa.dk/_files/ugd/3d7754_0d3b1bd599384246a682298bd60437c5.pdf)

18. <https://www.altinget.dk/udvikling/artikel/trods-politiske-trusler-ngo-saelger-billetter-til-palaestina-aktivisme>

19. [https://www.linkedin.com/posts/k%C3%B8benhavns-kommune-vil-bestemme-hvad-borgerne-share-7290342901513883650-k4Tw/?utm\\_source=share&utm\\_medium=member\\_desktop&rcm=ACoAAEz3PWQBjLgy1txzIffeYdZAKgv9QhDyP7M](https://www.linkedin.com/posts/k%C3%B8benhavns-kommune-vil-bestemme-hvad-borgerne-share-7290342901513883650-k4Tw/?utm_source=share&utm_medium=member_desktop&rcm=ACoAAEz3PWQBjLgy1txzIffeYdZAKgv9QhDyP7M)

20. <https://dfs.dk/nyheder/nyheder/dfs-vinder-vigtig-sag-kommune-er-vendt-paa-tallerken/>

have not been allowed to use funding for advocacy or campaigns that are political in nature.<sup>21</sup> Specifically, 25% of respondents in the aforementioned survey declared that they have experienced such issues of conditional funding.<sup>22</sup>

There are many positive aspects about the large presence of private donors in Denmark. Many such donors are increasingly mission-oriented and seek to build long-term projects, which, for some CSOs, has contributed to greater sustainability. At the same time, private donors can operate with limited transparency and oversight, which critics have warned can lead to “black-boxing” and unchecked control over civil society and unequal power dynamics.<sup>23</sup> This is reinforced by the fact that the 20 biggest private donors are responsible for distributing 75% of the funds, meaning that civil society is dependent on a small group of powerful donors.<sup>24</sup> The discretionary nature of private funding, combined with concerns that critical perspectives are not always encouraged, has

raised concerns that CSOs may refrain from criticism in order to safeguard access to funding.<sup>25</sup>

In a positive development, a new core funding plan for welfare-oriented CSOs, to make funding more long-term, transparent, and independent from the government, has been adopted in a political agreement.<sup>26</sup> This plan follows years of advocacy, notably from The Sector-organisation for Civil Society. This new core funding mechanism is mostly for welfare-oriented CSOs that address social issues and provide support and services to vulnerable groups. This means that political, environmental, or other CSOs cannot benefit from this funding plan. For many welfare CSOs this core funding plan is long-awaited, and the debate has been ongoing for many years. There are still unanswered questions about this plan, but concerns have been raised that the allocated funds will not be allowed for advocacy efforts. The final procedures for this mechanism had not yet been finalised at time of writing.<sup>27</sup>

## Freedom of Peaceful Assembly

Article 79 of the Danish constitution guarantees the right to freedom of peaceful assembly for all citizens and residents. Of surveyed CSOs in 2025, 77% state that they can freely assemble.<sup>28</sup> During the year, large demonstrations took place on international and domestic issues. Notably, Palestine solidarity demonstrations grew in size and frequency. One large-scale demonstration for Palestine on 4 October drew substantial crowds in Copenhagen. Various CSOs, including Amnesty International and grassroots movements such as Alle På Gaden For Et Frit Palæstina, collaborated to promote the public gatherings. This can be viewed as a positive sign for civil society in its fulfilment of the right to peaceful assembly and expression. Annual events, such as Copenhagen Pride Week, also proceeded unhindered, with thousands participating in parades and gatherings celebrating LGBTQI+ communities.<sup>29</sup> This can likewise be highlighted as an example of peaceful assembly and “safe space” for expression.

Alongside these encouraging examples, several developments in 2025 also raised concerns over how this right is upheld in practice, particularly during demonstrations considered as politically sensitive. In February, police arrested around 20 activists during a protest at the Maersk headquarters in Copenhagen, where demonstrators attempted to block the entrance in opposition to the company’s alleged involvement in transporting arms to Israel. Reports indicated police use of batons and tear gas, raising concerns about whether the intervention was proportionate, especially as the protest was mostly non-violent.<sup>30</sup> At a Palestine solidarity protest, during the European leaders’ summit in October 2025, police detained 13 protesters, with several arrests made on charges related to violations of public order.<sup>31</sup> While the police described these actions as proportionate responses to disturbances, civil society observers and legal experts have raised concerns that the level of force and the pattern of detentions risk narrowing the space for peaceful

21. Focus group held by Nyt Europa with Danish CSOs 16 December 2025.

22. [https://www.nyteuropa.dk/\\_files/ugd/3d7754\\_0d3b1bd599384246a682298bd60437c5.pdf](https://www.nyteuropa.dk/_files/ugd/3d7754_0d3b1bd599384246a682298bd60437c5.pdf)

23. <https://www.altinget.dk/fonde/artikel/forsker-advare-fondenes-nye-missionsfokus-er-ikke-noedvendigvis-mere-demokratisk> ;

<https://politiken.dk/debat/debatindlaeg/art10443597/Nu-m%C3%A5-vi-begr%C3%A6nse-kernetopperne-i-den-danske-magtelite>

24. <https://dm.dk/forskerforum/magasinet/2025/forskerforum-nr-2-2025/fonde-skaber-ulighed-milliardkloeft-i-fondsmidler-deler-universiteterne/>

25. <https://fundats.dk/branche/fondsmagt/fonde-vi-er-klar-over-at-bevillingsmodtagerne-er-bange-for-at-kritisere-os/>

26. <https://frivillighed.dk/nyheder/grundfinansiering-af-civilsamfundet-hvad-ved-vi-og-hvad-ved-vi-ikke-endnu#:~:text=Den%20nye%20model%20for%20grundfinansiering%20af%20civilsamfundet%20er,%20m%C3%A5den%20at%20staten%20st%C3%B8tter%20frivilligt%20socialt%20arbejde%20p%C3%A5>

27. Grundfinansiering af civilsamfundet: Hvad ved vi – og hvad ved vi ikke? <https://frivillighed.dk/nyheder/grundfinansiering-af-civilsamfundet-hvad-ved-vi-og-hvad-ved-vi-ikke-endnu#:~:text=Den%20nye%20model%20for%20grundfinansiering%20af%20civilsamfundet%20er,%20m%C3%A5den%20at%20staten%20st%C3%B8tter%20frivilligt%20socialt%20arbejde%20p%C3%A5>

28. [https://www.nyteuropa.dk/\\_files/ugd/3d7754\\_87c9c78c80314c29b7ec7818601a6f9b.pdf](https://www.nyteuropa.dk/_files/ugd/3d7754_87c9c78c80314c29b7ec7818601a6f9b.pdf)

29. <https://www.copenhagenpride.dk/copenhagen-pride-afslutter-en-fantastisk-pride-uge-med-stor-opbakning-og-mange-deltagere/>

30. [https://www.dawn.com/news/1894160?utm\\_](https://www.dawn.com/news/1894160?utm_)

[3d7754\\_22fd8cbcc8dd4ffda465a80329476038.pdf](https://www.dawn.com/news/1894160?utm_source=twitter&utm_medium=social&utm_campaign=pride-week)

31. <https://ekstrabladet.dk/krimi/masseanholdelse-13-demonstranter-blokerede-h.c.-andersens-boulevard/10357816>

assembly and may have a chilling effect on participation in protests.<sup>32</sup> NOAH, the Danish chapter of Friends of the Earth, has reported similar concerns for climate-related demonstrations, asserting that: “Many activists seem to experience a discrepancy between the law and what the police enforces through their handling of protests and protesters.”<sup>33</sup>

Finally, it is important to note there are subtle deterrents that can inhibit the right to peaceful assembly for certain groups. In May 2025, the Danish Institute for Human Rights published an analysis revealing that 47% of sexual minorities in Denmark had self-censored or withdrawn from public debate in the past year out of fear, including refraining from attending demonstrations, compared to 30% of cis-gendered heterosexual

individuals. This suggests that fear of harassment or violence is disproportionately silencing LGBTQI+ persons and other minorities, effectively limiting their participation in assemblies and public events.<sup>34</sup>

In summary, freedom of peaceful assembly in Denmark remained generally respected in 2025, with numerous high-profile demonstrations taking place and even contentious protests largely permitted. However, the year’s events also indicate that challenges persist in ensuring proportional and rights-based policing. Taken together, they suggest a need for closer oversight, transparent reporting on police conduct, and safeguards to prevent practices that could deter participation in public assemblies.

## Freedom of Expression

The freedom of expression remains formally protected under Article 77 of the Danish constitution, and the principle continues to be widely regarded as a defining feature of Danish democracy.<sup>35</sup> A majority of CSOs can express themselves freely and many report that they retain broad freedom to voice their positions without direct legal restrictions. This safe space for free expression demonstrates that Denmark continues to uphold a strong institutional foundation for open democratic debate. Several developments in 2025, nonetheless, also point to a widening gap between the strong legal framework and the lived experiences of an increasing number of CSOs. While no legislative prohibitions on speech have been introduced, CSOs report growing indirect pressures that influence their ability to speak freely and participate in public debate.

A key finding from the survey of CSOs was that a concerning number of respondents reported having self-censored, due to fears of political or financial repercussions. There are reports of increased political pressure and hostile rhetoric that portray some CSOs as partisan or illegitimate. This has created a shift in tone, where political actors publicly challenge the role and credibility of organisations that advocate for minority rights, humanitarian issues or criticise the current systems.<sup>36</sup> As mentioned earlier, this has been combined with threats by politicians to review or cut funding for organisations expressing critical

views. CSOs note that this rhetoric has contributed to an atmosphere of caution and strategic silence, particularly for smaller organisations with limited financial resilience. This effect was particularly pronounced among actors working on minority rights, climate activism, and international solidarity.<sup>37</sup> Some CSO employees report having been instructed to refrain from certain statements in their work to avoid threats of defunding and public criticism.<sup>38</sup>

Direct criticism from Danish politicians is viewed as a way for the government to interfere in CSOs’ right to express their positions and platforms. Due to fear that their funding will be removed or limited, CSOs may self-censor, which is a troubling tendency.

A major policy development shaping debate in early 2025 concerned the legislative package derived from the 2024 political agreement to strengthen efforts against antisemitism.<sup>39</sup> The package was scheduled for fast-track adoption on 1 February 2025. While the initiative was widely welcomed for its aim of countering rising antisemitism, it raised significant concerns among civil society and media actors. ActionAid Denmark and others warned that the agreement’s broad definition of “the new antisemitism,” which characterises “contempt for the State of Israel” as a form of antisemitism, risks conflating legitimate criticism of a state with discrimination. Further concerns were raised regarding the

32. <https://cphpost.dk/2025-10-03/news/round-up/13-detained-after-pro-palestinian-protest-in-copenhagen/>

33. <https://noah.dk/sites/default/files/2024-11/Under%20pressure%20rapport.pdf>

34. <https://menneskeret.dk/nyheder/sekssuelle-minoriteter-laegger-baand-paa-offentlige-debat>

35. [https://mpm.cmpf.eu.eu/public/upload/%2077%20\\_%20Folketinget.pdf](https://mpm.cmpf.eu.eu/public/upload/%2077%20_%20Folketinget.pdf)

36. Views voiced by several CSOs as a Roundtable Meeting with EU Commissioner Micheal McGrath, 4 December 2025. The meeting was organised by Nyt Europa.

37. [https://www.nyteuropa.dk/\\_files/ugd/3d7754\\_87c9c78c80314c29b7ec7818601a6f9b.pdf](https://www.nyteuropa.dk/_files/ugd/3d7754_87c9c78c80314c29b7ec7818601a6f9b.pdf)

38. [https://www.nyteuropa.dk/\\_files/ugd/3d7754\\_87c9c78c80314c29b7ec7818601a6f9b.pdf](https://www.nyteuropa.dk/_files/ugd/3d7754_87c9c78c80314c29b7ec7818601a6f9b.pdf)

39. <https://www.justitsministeriet.dk/pressemeddelelse/alle-folketingets-partier-indsatsen-mod-antisemitisme-styrkes/>

proposal's expanded powers for police to order the removal of online content deemed "terror-related" without a court order under the Terrorist Content Online regulation. Media organisations argued that bypassing judicial oversight poses risks to press freedom and could contribute to overly cautious and excessive content moderation.<sup>40</sup>

At the same time, positive developments emerged in regard to this legislative process. The wide cross-party support for addressing what in Denmark has been termed antisemitism reflects politicians' commitment to countering hate speech and protecting vulnerable communities. Several political actors also engaged directly with CSOs to discuss potential risks and the need for safeguards. This dialogue, though not always consistent, demonstrates an openness to receiving feedback from civil society.

Other developments in the media sphere pointed to emerging risks. The European Centre for Press and Media Freedom (ECPMF) issued a warning in 2025 about the proposed creation of a Danish Media Ombudsperson. According to ECPMF, the proposal, with powers to intervene in defamation cases, report matters to police, and act as a third party in civil proceedings, could undermine media independence and concentrate enforcement authority in a state-appointed body, posing risks to editorial freedom and freedom of expression.<sup>41</sup>

Overall, developments in 2025 present a mixed picture. Denmark continues to uphold a strong legal and institutional framework for free expression, and many actors remain able to participate openly in democratic debate. However, the combined effect of harmful political rhetoric and funding-related pressures points to a civic environment wherein certain groups face growing vulnerabilities in expressing themselves freely.

## Right to Participation in Decision-Making

Throughout 2025, Denmark experienced both encouraging initiatives and concerning developments in the inclusion of CSOs and citizens in governance and decision-making processes. On the upside, multiple efforts were made to engage civil society stakeholders in policy development and implementation. The Green Tripartite Plan, negotiated in 2024 by the government, agricultural organisations, the Danish Nature Agency, and environmental organisations, initiated 23 town hall meetings throughout the affected regions.<sup>42</sup>

Elsewhere, authorities engaged in partnerships with CSOs to utilise their expertise. A notable example came from the Ministry of Defence, which used the Danish knowledge centre for gender and equality (KVINFO) to develop a report as part of a larger plan to combat harassment and improve the culture in the military, as more women are to be conscripted in 2026.<sup>43</sup>

Another encouraging example occurred in May, when the communal Health and Care Administration signed a transparency agreement with the Forbundet af Offentligt Ansatte (FOA trade union). This "agreement on openness" committed the city of Århus to include

care-sector employees (through FOA) in decision-making processes about workplace welfare and improvements in the protection of free speech.<sup>44</sup> Such steps reflect a positive development in democratic participation in public service governance by giving frontline stakeholders a formal voice in shaping policies that affect them.

Despite strong formal structures and several positive examples, civil society participation in decision-making has also been subjected to formal restrictions, untransparent systems, and discursive marginalisation. This is particularly evident in the constant shortcomings of the public hearing system in Denmark, which continues to rely on short and ill-timed deadlines, often during holiday periods, with no visible improvement despite political acknowledgement of the issue.<sup>45</sup> Several CSOs have reported that consultation periods are scheduled over weekends, making it impossible to submit responses within the deadline. Furthermore, participation in the hearing process appears to be contingent upon submitting a formal consultation response, effectively excluding those unable to do so in time.<sup>46</sup> Some CSOs also report having their formal

40. [https://edri.org/our-work/denmark-will-issue-removalSeksuelle minoriteter lægger bånd på sig selv i den offentlige debat | Institut for Menneskerettigheder-orders-without-court-approval-impacts-on-free-speech-and-pro-palestinian-voices/?utm\\_source=chatgpt.com](https://edri.org/our-work/denmark-will-issue-removalSeksuelle minoriteter lægger bånd på sig selv i den offentlige debat | Institut for Menneskerettigheder-orders-without-court-approval-impacts-on-free-speech-and-pro-palestinian-voices/?utm_source=chatgpt.com)

41. [https://www.rcmediafreedom.eu/News/Denmark-MFRR-partners-oppose-introduction-of-new-state-funded-media-Ombudsperson?utm\\_source=chatgpt.com](https://www.rcmediafreedom.eu/News/Denmark-MFRR-partners-oppose-introduction-of-new-state-funded-media-Ombudsperson?utm_source=chatgpt.com)

42. <https://www.dr.dk/nyheder/indland/moeder-om-groen-trepart-er-publikumsmagneter-men-flere-kommuner-toever-med>

43. <https://www.forsvaret.dk/da/nyheder/2025/ny-rapport-satter-fokus-pa-rekruttering-og-tilknytning-af-underrepraesenterede-grupper-i-haren/> Hæren har teamet op med Kvinfor at komme krænkende kultur til livs | Indland | DR.

44. <https://www.foa.dk/presse/pressemeddelelser/2025/maj/som-de-foerste-i-danmark-indgaar-sundhed-og-omsorg-en-aabenhedsaftale-med-foa> - :-.text=Som%20de%20f%C3%B8rste%20i%20Danmark%20indg%C3%A5r%20Sundhed%20og.at%20udtale%20sig%20om%20kritisable%20forhold%20p%C3%A5%20arbejdspladsen.

45. [https://www.nyteuropa.dk/\\_files/ugd/3d7754\\_87c9c78c80314c29b7ec7818601a6f9b.pdf](https://www.nyteuropa.dk/_files/ugd/3d7754_87c9c78c80314c29b7ec7818601a6f9b.pdf)

46. Reported by several CSOs at a dialogue meeting on December 16, 2025. The meeting was organised by Nyt Europa.

consultation response used against them, which further discourages participation.

At the same time, informal access to ministers and MPs remains largely untransparent, as they are not required to disclose with whom they meet.<sup>47</sup> This can disproportionality benefit larger and more well-resourced organisations and makes meaningful engagement more difficult for smaller CSOs. This could also result in civil dialogue becoming biased and less transparent.

These structural constraints are also seen in the political rhetoric of political figures who take a hardline stance towards civil society actors that contradict the trajectory and direction of the current government. For

example, when certain CSOs opposed the proposed emergency-surveillance bill, Prime Minister Mette Frederiksen publicly dismissed their concerns as exaggerated, downplaying the potential threats the bill would have on rights protection.<sup>48</sup> The law allows the Danish Security and Intelligence Service (PET) to collect and process large datasets from publicly available sources.<sup>49</sup>

In summary, Danish participation in decision-making remains formally robust, but 2025 revealed vulnerabilities. Financial pressures on NGO and CSOs, fused with formal and informal political obstructions towards dissenting civic actors, instil fear and uncertainty, and can diminish confidence in the system of governance.

## Safe Space

Overall, civil society in Denmark operates within a relatively safe and enabling environment, relative to other European countries. In general, cases of judicial harassment, SLAPPs, police infiltration, surveillance, or spying on civic actors, activists, journalists or opposition remains limited in scope. In other words, it is possible to mobilise as well as criticise the state to a high degree. However, this safe space is on the decline due to several worrying developments. These are mostly driven by changes in political rhetoric and practices, but there have also been legal initiatives that challenge this safe space. There are spaces in which specific groups are targeted, particularly with online smear campaigns, which is a continuing and worrying trend. Climate, Palestine solidarity, and gender and LGBTIQ+-related topics are issues that can draw online harassment. The tone online and in public is generally becoming harsher, even from leading politicians. For example, at the yearly Democracy Festival in June, Mette Frederiksen and former chairperson of the Conservative People's Party Søren Pape framed climate activists as anti-democratic.<sup>50</sup> Such rhetoric not only risks creating polarisation but also vilifies parts of civil society.

There are also ongoing concerns over barriers to the fulfilment of fundamental rights in Denmark, with certain groups facing more obstacles. Restrictions have included discrimination against ethnic and religious minorities,<sup>51</sup> indigenous peoples,<sup>52</sup> LGBTIQ+ people,<sup>53</sup> and people living with disabilities.<sup>54</sup> This also includes the political debate on re-immigration that singles out ethnic and religious minorities. Both Danish Jews and Danish Muslims report alarmingly high levels of discrimination and hate crimes.<sup>55</sup> This demonstrates how some groups cannot express themselves in a safe way.

Groups and activists working on issues of climate, refugee rights, and Palestine solidarity have likewise experienced serious problems in accessing their rights. One example includes the municipality of Copenhagen not allowing Palestine solidarity events to use public venues, referencing a regulation that prohibits the conduct of foreign policy by local authorities.<sup>56</sup> In another incident, Jøder for Retfærdig Fred (Jews for a Just Peace, red.) reported that expressions of Palestine solidarity were censored by the organisers of a public sports event.<sup>57</sup>

47. <https://www.altinget.dk/artikel/professor-lobbyisme-kraever-gennemsigthighed-desvaerre-er-transparensen-faldet-mens-diversiteten-er-steget>

48. <https://nyheder.tv2.dk/live/politik/2025-05-21-folketingets-afslutningsdebat/mette-frederiksen-tordner-mod-kritik-af-pet-lov?entry=7coba651-2fbf-4cf9-8166-61a959646ce7>

49. <https://www.dr.dk/nyheder/politik/hummelgaard-udskyder-pet-lovforslag> ;

<https://www.dr.dk/nyheder/politik/hummelgaard-udskyder-pet-lovforslag>

50. <https://www.altinget.dk/fonde/artikel/vil-mette-frederiksen-redde-demokratiet-skal-hun-stoppe-lobbyisterne-ikke-aktivisterne> ;

<https://www.information.dk/debat/2022/06/demokrati-kun-tilskuersport-overser-kritikerne-klimaaktionen-paa-folkemoedet>

51. <https://menneskeret.dk/files/media/document/Oplevet-etnisk-diskrimination-i-Danmark.pdf>

52. <https://www.dr.dk/nyheder/indland/fn-med-opsang-til-danmark-groenlaendere-har-ikke-de-rettigheder-de-har-krav-paa>

53. <https://www.vive.dk/media/pure/18049/8565518>

54. <https://menneskeret.dk/nyheder/handicapkomite-kritiserer-danmark-tilbagegang-rettighedsindsats>

55. <https://menneskeret.dk/files/media/document/Jewish-Life-in-Denmark-English-summary.pdf> ;

<https://www.mufr.dk/rapporter/islamofobirapport-2023/>

56. <https://www.tv2kosmopol.dk/koebenhavn/det-er-en-sejr-for-ytringsfriheden>

57. [https://www.berlingske.dk/kommentarer/joeder-for-retfaerdig-fred-i-opraab-pro-palaestiniske-ytringer-begraenses-mere-end-andre?gaa\\_at=eafs&gaa\\_n=AWETSqfKsWzbFUtd0go3RYE7w55-5j7Hrz1\\_ZKIh37KTzGvPbE1HE3FzA553gIKm9es%3D&gaa\\_ts=6901f075&gaa\\_sig=BhhjgczXeCAcwi\\_FZ4oLWNtbOaiowdFmmGj50PKjXsutoKSBdLHC3oBNYjKPyOq9zknmUR58BQ5AJLuyrD0A%3D%3D](https://www.berlingske.dk/kommentarer/joeder-for-retfaerdig-fred-i-opraab-pro-palaestiniske-ytringer-begraenses-mere-end-andre?gaa_at=eafs&gaa_n=AWETSqfKsWzbFUtd0go3RYE7w55-5j7Hrz1_ZKIh37KTzGvPbE1HE3FzA553gIKm9es%3D&gaa_ts=6901f075&gaa_sig=BhhjgczXeCAcwi_FZ4oLWNtbOaiowdFmmGj50PKjXsutoKSBdLHC3oBNYjKPyOq9zknmUR58BQ5AJLuyrD0A%3D%3D)

A newer development is “*sindeligskontrol*” (the political control of opinions), where the granting of Danish citizenship has become closely tied to the applicants’ views and opinions and whether they align with Danish values. The Citizen Committee<sup>58</sup> investigated three applications in 2024, which otherwise fulfilled all requirements, to determine their disposition regarding Danish values.<sup>59</sup> Some members of the committee have, for instance, stated that citizenship should be denied if the applicant has expressed positive views about Hamas or is against homosexuality.<sup>60</sup> This has and could continue to lead to self-censorship and withdrawal from civic activity.<sup>61</sup>

The state’s efforts to promote and protect safe space, including complying with international human rights, has in recent years worsened due to increasingly loud voices questioning the legitimacy and relevance of international conventions and institutions.<sup>62</sup> Most recently in December 2025, MP Mikkel Bjørn of the Danish People’s Party stated that Denmark should

“ignore” the European Court of Justice’s ruling on Denmark’s so-called “ghetto law”, which likely violates the EU’s Race Equality Directive.<sup>63</sup> Following the previous year’s political debate, the government appointed an Ambassador for Conventions and launched an investigation into obligations and opportunities in connection with the European Convention on Human Rights. Critics are concerned that these initiatives will be used as a lever to challenge or even undermine the conventions.<sup>64</sup> This could result in a serious risk of rights breaches.<sup>65</sup>

Instead of ensuring a safe space, various initiatives and rhetoric have in 2025 directly or indirectly limited the space, with certain groups more at risk. This highlights the need for stronger measures to create a safe space and a need to ensure that everybody can participate safely in the Danish democracy. Without such safeguards, the democratic space risks becoming increasingly unequal and intimidating.

<sup>58</sup>. The Citizenship Committee, consisting of appointed members of parliament, is responsible for reviewing the bill on who should be granted Danish citizenship. The bill is called the Citizenship Act and is presented to the Danish parliament by the Minister for Immigration and Integration twice a year.

<sup>59</sup>. <https://www.dr.dk/nyheder/politik/kort-foer-kontroversielle-sindeligssamtaler-traekker-naestformand-sig-i-protest>

<sup>60</sup>. <https://jyllands-posten.dk/debat/leder/ECE17686680/sindeligskontrol-er-et-afgoerende-anslag-mod-demokratiets-kernevaerdier/>

<sup>61</sup>. Reported by several CSOs at a dialogue meeting with Commissioner Michael McGrath on 4 December 2025. The meeting was organised by Nyt Europa.

<sup>62</sup>. [https://www.nyteuropa.dk/\\_files/ugd/3d7754\\_22fd8cbcc8dd4ffda465a80329476038.pdf](https://www.nyteuropa.dk/_files/ugd/3d7754_22fd8cbcc8dd4ffda465a80329476038.pdf)

<sup>63</sup>. The CJEU found that the LAW could potentially lead to direct discrimination based on ethnicity and it is therefore likely that the law violates the EU’s Race Equality Directive. <https://www.justiceinitiative.org/newsroom/european-court-reaffirms-principles-of-eu-law-making-it-likely-that-denmark-s-ghetto-package-is-racially-discriminatory>

<sup>64</sup>. <https://www.zetland.dk/historie/s8PlrhRq-ac0gnmiD-0c003>

<sup>65</sup>. <https://www.altinget.dk/artikel/stoklund-foreslaar-en-erodering-af-den-internationale-retsorden-og-sender-danmark-paa-slingrekurs>

# Recommendations

## **TARGETED RECOMMENDATION:**

- **Urgently adopt a national civil society strategy, in line with the EU Civil Society Strategy and developed in close collaboration with a broad and diverse range of CSOs, to clearly articulate how fundamental freedoms and the wider civic space will be protected and strengthened.**
- Establish more predictable and transparent funding models by expanding access to core funding, clarifying allocation criteria, and ensure that access to public funding is not influenced by political alignment, litigation, or critical advocacy.
- Reform the public consultation system to allow for longer deadlines, more reliable notification procedures, and clearer guidance, enabling under-resourced CSOs to participate meaningfully in policymaking.
- Take concrete measures to ensure a safe and inclusive civic space, including the protection of CSOs, activists, journalists, and minorities from harassment, discrimination, and unequal treatment, both online and offline, and guaranteeing equal access to public spaces and democratic participation.
- Refrain from political interference in civil society, especially in terms of defunding threats and disproportionate limitations on rights for groups mobilising on international solidarity issues.
- Expand civic and democratic spaces to ensure these are universally accessible, by strengthening inclusive participation and guaranteeing that minority groups can fully and safely engage in democratic processes.

## About the author

**Nyt Europa** is a Danish organisation founded in 1998 with the overall objective to promote civic engagement on a Danish and European level. We work for a more sustainable and inclusive Europe, across themes such as green transition, economic transformation, democracy & fundamental rights, and youth empowerment. Our works spans across the national and the European level seeking to build networks and alliances across borders on these issues.

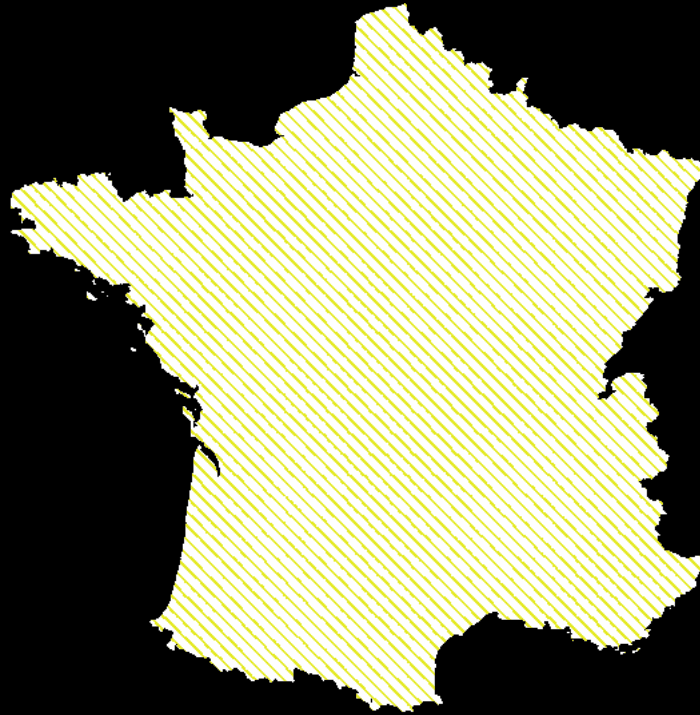
**nyt  
europa**  
bæredygtigt og inkluderende

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# France

by European Civic Forum and Ligue des droits de l'Homme (LDH), based on the  
MACS report by Le Mouvement Associatif



<b>Key Trends</b> .....	<b>80</b>
<b>Summary</b> .....	<b>80</b>
<b>Key developments</b> .....	<b>81</b>
Associations under pressure: financial and political constraints .....	81
Uneven protection: Selective restrictions on the right to peaceful assembly .....	81
A weakened democratic debate and participation .....	81
<b>Dimensions</b> .....	<b>81</b>
Freedom of Association .....	81
Access to Funding .....	84
Freedom of Peaceful Assembly .....	85
Freedom of Expression .....	88
Right to Participation in Decision-Making .....	89
Safe Space .....	90
<b>Recommendations</b> .....	<b>94</b>
<b>About the authors</b> .....	<b>95</b>

# Key Trends

-  Repeated partial or total bans on “sensitive” protests on public order grounds.
-  *Contract d'engagement Republicain* (CER) used to threaten funding of critical associations.
-  Increasing pressure against those working on solidarity, migration, and climate justice.

## Summary

Civil society has documented a continued and systemic deterioration of the rule of law and civic space in recent years in France, which led to its civic space rating being downgraded from “Narrowed” to “Obstructed” by the CIVICUS Monitor in 2025.<sup>1</sup> Nevertheless, civil society remains strong and resolute in defending fundamental rights and freedoms, including through successful litigation.

While the European Commission’s 2025 Rule of Law report noted some concerns raised by civil society, it failed to make recommendations on civic space. Specific actors, such as those working on anti-discrimination, migration, the environment, and international solidarity, are facing targeted and worrying attacks, affecting both individual and collective freedoms and the respect for the rule of law. Civil society documented alarming trends, such as the refusal or withdrawal

of funding, the dissolution of associations and the repression of peaceful protests. Once rare practices are increasingly common, such as elected or administrative authorities openly signalling their intention to disregard court rulings. These practices influence public perception of freedoms and can undermine citizens’ trust in institutions, constituting a major political challenge in France and across the EU.

These developments contribute to the weakening of democratic checks and balances and a gradual shift in the standards for protecting public freedoms. In the medium term, this is creating a political environment in which proposals that breach the rule of law and fundamental rights standards — particularly those promoted by illiberal or far-right political forces — are becoming more easily normalised in public debate.

<sup>1</sup>. An “Obstructed” rating places France in the third tier of civic space, where freedoms are heavily contested and governments impose legal and practical constraints that undermine the full enjoyment of fundamental rights. See: [https://monitor.civicus.org/press\\_release/2025/france/](https://monitor.civicus.org/press_release/2025/france/)

# Key developments

## Associations under pressure: financial and political constraints

Several surveys conducted by the associative sector show a significant erosion of its economic model. The structural decline in public subsidies at national and local levels, the rise of calls for projects and public contracts, combined with inflation and budgetary instability, are threatening the sustainability of many organisations. Data shows increased fragility in associations' cash flow, with thousands of jobs threatened and a "record" year for judicial liquidations of associations.

Beyond budgetary constraints, funding is increasingly used as a tool of political regulation. Subsidies are refused or withdrawn when associations adopt critical positions or take legal action against public authorities. In addition, there have been legislative attempts to restrict the tax benefits of specific so-called "activist" associations (gag amendments), as well as new forms of financial pressure (asset freezes and closures of bank accounts), or digital restrictions on fundraising (new rules on Meta platforms).

## Uneven protection: Selective restrictions on the right to peaceful assembly

Demonstrations considered sensitive (such as those in solidarity with Palestine, feminist marches, and Pride) have faced partial or total bans on public order grounds, some of which were later suspended by judges, reflecting the prevalence of security imperatives over democratic pluralism. This may also reflect a political desire to limit the exercise of minority rights by restricting their ability to mobilise collectively,

make their demands visible in the public sphere, and influence democratic debate. Added to this are controversial police practices, the disproportionate use of force, and restrictions on access to public spaces, which limit the visibility of these causes and contribute to a climate of deterrence or even self-censorship, thereby undermining the effectiveness of the right to protest.

## A weakened democratic debate and participation

Cases of self-censorship are increasing among associations, undermining the plurality of debate and the democratic role these structures play. Citizen participation remains formal and their influence on public policy remains very limited (citizen conventions have little or

no legislative impact, and petitions have no binding effect). The rise of hate speech, the persistence of gagging orders, and increased pressure on defenders of migrants' rights and environmental activists also point to a shrinking civic space.

# Dimensions

## Freedom of Association

With nearly 1.4 million active associations out of the 3.8 million registered in the European Union, France displays a unique dynamic in regards to the right to association.<sup>2</sup> Between July 2024 and 2025, 74,000 associations were created, facilitated by a legal framework that has historically been favourable to freedom of association.<sup>3</sup> This right is enshrined in Article 1 of the Law of 1 July 1901, liberal in its conception and based on contractual freedom and

the common will of at least two natural persons to associate for the purpose of a non-profit project of general interest.<sup>4</sup> The creation of an association is not subject to any prior authorisation.

As a fundamental principle recognised by the laws of the Republic of France, freedom of association is one of the rights and freedoms protected by the French Constitutional Council.<sup>5</sup> However, it is not absolute:

2. [https://lemouvementassociatif.org/wp-content/uploads/2025/01/LMA\\_dossier\\_pointpresse\\_30012025\\_web.pdf](https://lemouvementassociatif.org/wp-content/uploads/2025/01/LMA_dossier_pointpresse_30012025_web.pdf) ; [https://ec.europa.eu/commission/presscorner/detail/fr/ip\\_23\\_4242](https://ec.europa.eu/commission/presscorner/detail/fr/ip_23_4242)

3. <https://recherches-solidarites.org/wp-content/uploads/2025/10/La-France-associative-16-10-2025.pdf>

4. [https://www.legifrance.gouv.fr/loda/article\\_lc/LEGIARTI000006294210](https://www.legifrance.gouv.fr/loda/article_lc/LEGIARTI000006294210)

5. <https://www.conseil-constitutionnel.fr/decision/1971/7144DC.htm>

an association may be subject to dissolution by a decree by the Council of Ministers as outlined in the Internal Security Code.<sup>6</sup> In recent years, freedom of association has been subject to new regulations, following the adoption of the Law of 24 August 2021, which introduced the Contrat d'engagement républicain (Republican Commitment Contract) or CER.<sup>7</sup> The CER imposes seven commitments on associations seeking to benefit from public funds or material subsidies. The commitments relate to respect for the law, freedom of conscience, equality, the prevention of violence and respect for dignity.

The stated objective of these commitments is to ensure that the activities of associations comply with "republican principles". However, the vagueness of certain provisions and the risk of a unilateral decision to withdraw subsidies give the state more power to restrict the activities of associations.<sup>8</sup> Furthermore, the same law broadens the scope for dissolving associations based on the actions of some of their members.<sup>9</sup> This could also have detrimental consequences for freedom of association should public authorities misuse this provision to target certain associations.

Despite a strong legal framework, 2025 saw a deterioration in relations between public authorities and civil society organisations (CSOs).

### CER at the centre of controversies and concerns

Although there is little data on the misuse of the CER, an evaluation report by the National Assembly's law commission emphasised that the first disputes related to compliance with the CER did not concern associations linked to religious movements.<sup>10</sup> This observation illustrates a contradiction with the spirit of the law (which was to combat religious separatism) and confirms the fears expressed by civil society at the time of its adoption that it would create a means to coerce or sanction associations that might have political disagreements with their public funders. For example, theatre company Arlette Moreau had its grant application rejected by the regional prefecture on the

grounds that their activities did not comply with the CER.<sup>11</sup> On 14 October 2025 the Bordeaux administrative court did not rule on the legality of this refusal but accepted alternative grounds for rejecting the theatre company's application.<sup>12</sup> The prefecture reasoned that the rejection was due to the administration of public funds, transforming the refusal of the subsidy into a simple matter of budgetary constraints, given that the requested subsidy was large.<sup>13</sup> A second ruling on the misuse of the CER relates to the case of Alternatiba Rhône, where the association's subsidies were withdrawn by the Rhône prefecture on allegations of violating the CER through acts of civil disobedience.<sup>14</sup> Several associations filed a voluntary intervention brief on 3 November 2025. They hope to obtain protective case law which would rule out the possibility of disqualifying an association from eligibility for public funds on the grounds that it had engaged in or promoted civil disobedience in the past.<sup>15</sup>

### Increased use of administrative dissolutions

Apart from the CER, 2025 was marked by new administrative dissolutions made in connection with combating radical Islam and far-right movements, such as the dissolution of Lyon Populaire<sup>16</sup> — a far-right organisation promoting hate speech and discrimination against religious and sexual minorities. In a report by the International Federation for Human Rights (FIDH), World Organisation Against Torture (OMCT), and French Human Rights League (LDH), the watchdog groups noted a significant increase in the number of dissolutions targeting associations.<sup>17</sup> Specifically, 27 dissolution decrees have been published since 2017, a record number compared to its more limited use between 1936 and 2017, during which only around 100 such decrees were issued. The increased use of this power, described as "intrusive" by LDH and Amnesty International during a focus group interview conducted for the purposes of this report, illustrates a shift in the use of dissolution as a method of administrative repression against associations, particularly those that intervene in the public sphere and mobilise citizens through demonstrations.<sup>18</sup> Such was the case for the Palestine solidarity group Urgence Palestine,

6. [https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000043982161](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000043982161)

7. <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043964778>

8. <https://lemouvementassociatif.org/contrat-dengagement-republicain/>

9. <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043964778>

10. [https://www.assemblee-nationale.fr/dyn/17/documents/cion\\_lois/17n870210094\\_document.pdf](https://www.assemblee-nationale.fr/dyn/17/documents/cion_lois/17n870210094_document.pdf)

11. <https://libertesassociatives.org/entrave/a-poitiers-la-prefecture-de-region-mobilise-le-contrat-dengagement-republicain-contre-la-compagnie-de-theatre-arlette-moreau/>

12. [https://www.gisti.org/IMG/pdf/jur\\_ta-bordeaux\\_2025-10-14.pdf](https://www.gisti.org/IMG/pdf/jur_ta-bordeaux_2025-10-14.pdf)

13. [https://www.itineraires-avocats.fr/wp-content/uploads/2025/11/jur\\_ta-bordeaux\\_2025-10-14.pdf](https://www.itineraires-avocats.fr/wp-content/uploads/2025/11/jur_ta-bordeaux_2025-10-14.pdf)

14. <https://lemouvementassociatif-aura.org/2024/01/10/refus-subvention-alternatiba-rhone-controverses-recours-tribunal-administratif>

15. <https://www.gisti.org/spip.php?article7610>

16. <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000051724936>

17. [https://www.fidh.org/IMG/pdf/20250916\\_fidh\\_rapport-obs-france\\_fr\\_v7.pdf](https://www.fidh.org/IMG/pdf/20250916_fidh_rapport-obs-france_fr_v7.pdf) (p.24).

18. Joint videoconference interview with the Human Rights League and Amnesty International, 20 October 2025

whose dissolution procedure was reportedly because of its stance in relation to the movement of solidarity with Gaza, but whose dissolution decree has not yet been published.<sup>19</sup>

## The question of political neutrality applied to associations

In 2025, tensions arose over the desire to extend the principle of political neutrality in public services to associations. Family allowance funds — Caisses des Allocations familiales (CAF)— withdrew or considered withdrawing funding from associations that had taken a stand against far-right ideas during the early parliamentary elections of 2024.<sup>20</sup> The Calvados family planning association, for example, received no subsidies in 2025 on the grounds that it had failed to respect the principle of neutrality, which according to the law is only applicable to civil servants.<sup>21</sup> Similarly, Léo-Lagrange Club in Vienne had its municipal subsidy frozen on the basis of having breached the CER when calling for people not to vote in favour of far-right ideas.<sup>22</sup> The subsidy was finally awarded after the Club committed to ceasing such actions. This is at odds with established case law, as recalled in a ruling by Lyons administrative court of appeal on 13 February 2025, which stated that an association cannot be considered a user of a public service solely on the grounds that it receives a subsidy. As a result, an association cannot be subject to the general requirement of political neutrality.<sup>23</sup> The pressure of neutrality by associations may undermine the freedom of association, as it prevents associations from engaging in a political role, and it could favour associations that align their political action with the position of the current public authorities.

## Proposed legislative changes cause concern

In 2025 there were concerns that several legislative may have a potential impact on the right to association. This includes the proposed bill of 10 June 2025, aimed at prohibiting and punishing so-called anti-republican

content and discourse. It was drafted following the interior ministry's report on the Muslim Brotherhood and political Islam in France. The law could pave the way for the criminalisation of any criticism perceived as "anti-secular" or "communitarian", thereby targeting religious or civic associations in particular.<sup>24</sup> Specifically, Article 4 of the proposed bill could lead to dissolution procedures for such associations. Similarly, the Law of 13 June 2025 aimed at "freeing France from the trap of drug trafficking" authorises the temporary closure of premises suspected of being linked to illegal activities, which could include associations' premises, via a decision by the local police prefecture.<sup>25</sup> The Constitutional Council issued an interpretative reservation on this provision, recalling the obligation to ensure that measures are "strictly necessary, appropriate and proportionate".<sup>26</sup>

Another legislative proposal aims to transfer the responsibility for providing legal assistance to foreigners held in administrative detention centres, currently provided by associations, to the French Office for Immigration and Integration.<sup>27</sup> Under the pretext of political neutrality, budgetary constraints, and the effectiveness of removal policy (deportation), this proposal has potential negative consequences. It could sideline independent actors, such as associations, which safeguard legal protection for people deprived of their liberty.

While freedom of association remains protected under French law, 2025 has seen a gradual erosion of its effectiveness. The widespread use of administrative dissolutions, the controversial application of the CER, debates on political neutrality, and the evolution of specific laws point to an increasingly restrictive environment. These developments call into question the legal framework's ability to balance the protection of public order and democratic pluralism with the vitality of community life as expressed through civic associations.

19. <https://www.interieur.gouv.fr/actualites/communiqués-de-presse/dissolution-de-trois-groupements-de-faits/> ; <https://www.amnesty.fr/liberte-d-expression/actualites/dissolution-urgence-palestine-une-menace-contre-les-defenseurs-des-droits-palestiniens>

20. <https://france3-regions.franceinfo.fr/normandie/calvados/caen/la-caf-supprime-ses-subsidions-au-planning-familial-du-calvados-on-a-l-impression-qu-il-y-a-une-certaine-hostilite-3249349.html>

21. [https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000044427911](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000044427911)

22. <https://www.ledauphine.com/politique/2025/06/23/apres-la-polemique-le-club-leo-lagrange-retrouve-finalement-sa-subsidion-municipale>

23. <https://www.legifrance.gouv.fr/ceta/id/CETATEXT000051212348>.

24. [https://www.assemblee-nationale.fr/dyn/17/textes/l17b1535\\_proposition-loi#:~:text=Proposition%20de%20loi%20visant%20%C3%A0,le%20mardi%2010%20juin%202025](https://www.assemblee-nationale.fr/dyn/17/textes/l17b1535_proposition-loi#:~:text=Proposition%20de%20loi%20visant%20%C3%A0,le%20mardi%2010%20juin%202025)

25. <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000051734851>

26. <https://www.conseil-constitutionnel.fr/decision/2025/2025885DC.htm>

27. <https://www.senat.fr/leg/exposes-des-motifs/pp124-472-expose.html>

## Access to Funding

In France, the funding of CSOs is enshrined in legal and regulatory rules that aim to guarantee the transparency, accountability, and independence of associations. The Law of 1 July 1901 (on the formation of associations) does not require associations to have their own resources or specific funding but allows them to receive public subsidies, private donations, and legacies, as well as to develop secondary profit-making activities.<sup>28</sup>

The allocation of subsidies to associations by public authorities is discretionary,<sup>29</sup> and the refusal to award a subsidy does not require a justification.<sup>30</sup> However, the authorities must respect the principle of equal treatment, particularly when deciding to modify or withdraw a subsidy.<sup>31</sup>

Funding is a key issue and a major vulnerability for many French CSOs. According to the opinion of the French Economic, Social and Environmental Council, adopted unanimously on 28 May 2024, the percentage of public subsidies in the overall budgets of associations fell by 41% between 2005 and 2020. This decline reflects a gradual disengagement by the state in favour of competition through calls for projects or provision of services, which reinforces the commodification of services and introduces a more authoritative relationship between public authorities and associations.<sup>32</sup>

### The sector weakened by reduced funding and budgetary instability

In 2025, the financial situation for associations continued to deteriorate in the face of mounting budgetary constraints, with lower public funding and rising inflation. The draft finance bill for 2026 foresees another year of budgetary austerity for associations, marked by a general reduction of 26% in the funds allocated to community life and nearly €1 billion in proposed sectoral cuts for the civil society sector.<sup>33</sup> This trend is also reflected regionally. For example, for the 2025 budget allocated to associations, the president of the Pays de la Loire region announced a reduction of €100 million, representing a 64% cut

in subsidies dedicated to culture, sport, and associations.<sup>34</sup> These cuts weaken the region's civil society which is essential to local community life.

Furthermore, a recent survey conducted by the Hauts-de-France Regional Observatory for Associative Life (ORVA) on the financial health of associations highlights the overall fragility of the association economic model.<sup>35</sup> According to the ORVA study, 70% of associations that employ staff report that their capital funds remain fragile or non-existent; 30% report having less than three months' cash flow; and 5% do not even have one month's operating costs in reserve. In short, 90,000 association-related jobs are directly threatened due to insufficient cash flow. These difficulties are the result of absent or unreliable funding, a decline in direct public subsidies, and increased competition and administrative burdens, exacerbated by the proliferation of public procurement contracts.

### Funding as a lever for regulation and pressure: A growing political issue

Beyond budgetary constraints, funding has become a major political issue. The "guillotine" effect of the CER allows public authorities to withdraw or refuse subsidies based on criteria that are vague or subjective, which could lead to using funding as a tool to constrain or repress associations. The example of the association France Nature Environnement Jura illustrates the growing importance of the political positioning of associations.<sup>36</sup> The association had its grant application rejected by the regional president who reasoned that the association "takes legal action against projects supported by the department and therefore cannot receive public subsidies."<sup>37</sup>

Furthermore, as is the case every year, the examination of the draft finance bill led to the tabling of amendments aimed at limiting certain types of funding for associations. Several proposals directly target environmental protection associations and migrant aid associations.<sup>38</sup> These amendments aim to exclude these associations from tax exemptions for donations they receive,

28. <https://www.legifrance.gouv.fr/loda/id/LEGISCTA000006084157>

29. [https://www.legifrance.gouv.fr/loda/article\\_lc/LEGIARTI000029318586](https://www.legifrance.gouv.fr/loda/article_lc/LEGIARTI000029318586)

30. <https://www.legifrance.gouv.fr/ceta/id/CETATEXT000007900859>

31. <https://www.legifrance.gouv.fr/ceta/id/CETATEXT000008256955/>

32. [https://www.lecese.fr/sites/default/files/pdf/Avis/2024/2024\\_09\\_Financement\\_associations.pdf](https://www.lecese.fr/sites/default/files/pdf/Avis/2024/2024_09_Financement_associations.pdf)

33. <https://lemouvementassociatif.org/plf-2026-1-milliard-de-en-moins-pour-les-assos-65-millions-de-francais-es-impactes/>

34. <https://lemouvementassociatif.org/casse-associative-coup-porte-aux-territoires/>

35. <https://lemouvementassociatif.org/la-sante-financiere-des-associations-un-constat-alarmant/>

36. <https://libertesassociatives.org/entrave/france-nature-environnement-jura-se-voit-refuser-11-000-euros-de-subsidation-par-le-departement-qui-laccuse-dutiliser-cet-argent-contre-lui/>

37. <https://www.fne-jura.fr/vie-associative/2025/07/23/lettre-ouverte-departement-jura/>

38. <https://www.assemblee-nationale.fr/dyn/17/amendements/1906A/AN/581> <https://www.assemblee-nationale.fr/dyn/17/amendements/1906A/AN/280>

thereby hindering their ability to receive donations in a cost-effective manner.

### **New forms of pressure: freezing of assets, account closures, and digital restrictions**

According to LDH and Amnesty International, several forms of financial pressure affect CSOs.<sup>39</sup> The freezing of assets, decided arbitrarily by decree, temporarily deprives associations of their ability to make payments. Challenging this measure in court is complex, as the administration can unilaterally decide to partially release the funds, which excludes the possibility of initiating emergency proceedings, as the condition of urgency is no longer fulfilled. The other instrument raised by these organisations, amounting to “banking repression”, consists of banks simply closing the accounts of CSOs, thus complicating their day-to-day management.

## **Freedom of Peaceful Assembly**

Under Article 11 of the Declaration of the Rights of Man and of the Citizen, and the Constitutional Council's decisions of 18 January 1995 and 4 April 2019, “the right to collective expression of ideas and opinions” and freedom of peaceful assembly are guaranteed as constitutional rights and freedoms.<sup>42</sup> Also recognised by the Council of State as a fundamental freedom,<sup>43</sup> freedom of assembly may be subject to emergency legal proceedings on the basis of Article L.521-2 of the Code of Administrative Justice when there is a serious and manifestly illegal infringement on this freedom and to obtain protection from the judge.

For CSOs, these fundamental freedoms are particularly important because they are an essential extension of the right to freedom of association. However, this freedom is not absolute and is governed by Articles L211-1 to L211-4 of the Internal Security Code, which stipulates that all demonstrations and related details must be conveyed in advance to the prefecture from three to 15 days before the event. This procedure allows the authorities to assess the potential risks to public order and, in the event of a serious risk, to ban the demonstration. The power to do so is strictly regulated and must comply with the principle of proportionality.<sup>44</sup>

Finally, the European Union regulation of 13 March 2024 on transparency and targeting of political advertising has had detrimental effects on associations using social media to promote their fundraising campaigns.<sup>40</sup> As a result of the regulation, Meta has banned all social and political advertising on its channels. These restrictions limit the visibility of CSOs' publications, awareness-raising campaigns, and fundraising efforts.<sup>41</sup>

In 2025, access to funding remained a major concern for CSOs, whose economic model is becoming increasingly unsustainable due to the decline in public subsidies, inflation, and increased competition. Cash-flow difficulties, precarious funds, and jobs under threat are of serious concern to the sector. At the same time, the increasing use of funding as a means of control, whether in the form of the CER, pressure from banks or other restrictions, is undermining the ability of associations to operate unhindered.

Recent legislative developments in France have contributed to stricter control over the exercise of the right to peaceful assembly in order to maintain public order, ensure public safety, and curtail urban violence. The Law of 10 April 2019, known as the “anti-rioter” law, introduced additional restrictions, including administrative police measures that allow police officers, acting under the supervision of a magistrate, to check the personal belongings of passers-by and vehicles travelling or parked at the entrance to a defined zone in the six hours before the start of a demonstration and until it disperses.<sup>45</sup> This systematic control of access to a demonstration may have a deterring effect or even lead to a restriction on the right to demonstrate.

A recent bill aims to rectify the shortcomings associated with the excessive use of identity checks, which are more frequent during demonstrations, often ineffective, and harmful to civil liberties.<sup>46</sup> By imposing stricter legal safeguards and increasing transparency, it aims to restore a balance between law enforcement practices and the protection of fundamental rights. It also comes at a time when discriminatory identity checks have been highlighted by the group Défenseur des droits, an independent administrative authority.<sup>47</sup>

39. Joint interview with the French Human Rights League (LDH) and Amnesty International, 20 October 2025.

40. [https://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=OJ:L\\_202400900](https://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=OJ:L_202400900)

41. <https://www.coordinationsud.org/actualite/meta-impose-de-nouvelles-restrictions-les-impacts-pour-les-associations/>

42. <https://www.conseil-constitutionnel.fr/decision/1995/94352DC.htm>/<https://www.conseil-constitutionnel.fr/decision/2019/2019780DC.htm> : freedom of assembly is also covered by a specific law, unlike freedom of demonstration: Law of 30 June 1881 on freedom of assembly.

43. <https://www.legifrance.gouv.fr/ceta/id/CETATEXT000018259403>

44. [https://www.legifrance.gouv.fr/codes/section\\_lc/LEGITEXT000025503132/LEGISCTA000025505131/](https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000025503132/LEGISCTA000025505131/)

45. <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000038358582>

46. [https://www.assemblee-nationale.fr/dyn/17/textes/l17b1841\\_proposition-loi](https://www.assemblee-nationale.fr/dyn/17/textes/l17b1841_proposition-loi)

47. <https://www.defenseurdesdroits.fr/enquete-sur-lacces-aux-droits-sur-les-relations-entre-police-et-population-que-retenir-896>

## Unequal treatment of politically sensitive demonstrations

While freedom of peaceful assembly remains a fundamental and protected right, there have been gradual restrictions in favour of a preventive and security-based approach.

A report published in September 2025 by FIDH, LDH, and OMCT highlights a trend of restricting demonstrations perceived as politically sensitive or critical of the public authorities.<sup>48</sup> This raises questions about the equal treatment of demonstrations and the guarantees regarding the political expression of minority groups.

Firstly, the treatment of solidarity with Palestine demonstrations reflects, in some cases, a form of political targeting that illustrates the tension between public safety and protection of the right to peaceful assembly. Reconciling these two considerations can hinder freedom of demonstration, at least in part, as was the case in Strasbourg during August 2025, where a local gathering was restricted on the grounds of risks to public order.<sup>49</sup> This also occurred on 11 November 2025, when there was a partial ban on the Dijon Pride parade passing through the city centre in order to “preserve public order” and “prevent” possible “disturbances”.<sup>50</sup> This restriction was upheld by the administrative judge who rejected the emergency fundamental freedom protection petition which sought permission for the Pride march to pass through the city centre.

## Excessive use of preventive public order restrictions with judicial safeguards remains

This so-called balance between security and freedom led to prioritising public security over ensuring the full effectiveness of the right to demonstrate. For example, a feminist night march was banned in Paris by the prefecture in March 2025 due to the risk of public disorder, particularly because of calls to join the march from groups involved in Palestine solidarity demonstrations.<sup>51</sup> However, this ban was suspended by the administrative court, which deemed it disproportionate,

as the march had been organised regularly without violence or messages inciting hatred or discrimination since 2020.

While certain control or prevention measures may be justified in the context of a threat, several human rights organisations, including Amnesty International and LDH, have raised concerns about the excessive use of force during demonstrations.<sup>52</sup> The persistent use of so-called “less-lethal” weapons (grenades, multi-shot launchers) fosters a climate of fear and self-censorship, undermining the effectiveness of the right to demonstrate.<sup>53</sup> In addition, other organisations such as Reporters Without Borders have denounced an increase in police violence against demonstrators and journalists.<sup>54</sup> In its statement of 17 June 2025 the National Consultative Commission on Human Rights expressed serious concerns about cases of excessive use of force and arrests followed by preventive detention.<sup>55</sup>

## Restrictions on access to public spaces: A new obstacle for freedom of assembly and association

New forms of infringement on the right to peaceful assembly have emerged, particularly affecting associations. These include cases of prohibiting access to municipal premises and, above all, in 2025, their exclusion from public events and limiting of visibility in public spaces. In Chalon-sur-Saône, for example, the mayor excluded the local branch of LDH from the associations’ forum, citing the absence of a registered office in the municipality and the political nature of its activities.<sup>56</sup> This decision came after several legal actions by the LDH against municipal decrees. Despite a court decision to allow LDH to participate, the mayor publicly condemned LDH as “politicisation” of the forum.<sup>57</sup> Furthermore, the mayor excluded the local branch of the association France Palestine Solidarité (AFPS) from the forum on the grounds that it was “political or activist”.<sup>58</sup> In summary proceedings, the Dijon administrative court once again overrode the mayor and suspended this decision on 5 September

48. [https://www.fidh.org/IMG/pdf/20250916\\_fidh\\_rapport-obs-france\\_fr\\_v7.pdf](https://www.fidh.org/IMG/pdf/20250916_fidh_rapport-obs-france_fr_v7.pdf)

49. <https://france3-regions.franceinfo.fr/grand-est/bas-rhin/strasbourg-0/la-prefecture-interdit-un-perimetre-de-la-ville-a-la-manifestation-pour-la-palestine-prevue-samedi-2-aout-a-strasbourg-3196515.html>

50. [https://www.franceinfo.fr/societe/lgbt/la-prefecture-interdit-la-pride-2025-dans-le-centre-ville-de-dijon\\_7307532.html](https://www.franceinfo.fr/societe/lgbt/la-prefecture-interdit-la-pride-2025-dans-le-centre-ville-de-dijon_7307532.html)

51. [https://www.liberation.fr/societe/police-justice/a-paris-une-marche-nocturne-feministe-radical-interdite-par-la-prefecture-de-police-20250306\\_X635GMD55FH5H6665MZQ53XYQ/](https://www.liberation.fr/societe/police-justice/a-paris-une-marche-nocturne-feministe-radical-interdite-par-la-prefecture-de-police-20250306_X635GMD55FH5H6665MZQ53XYQ/)

52. Joint interview with the Human Rights League and Amnesty International, 20 October 2025.

53. Joint interview with the Human Rights League and Amnesty International, 20 October 2025.

54. <https://rsf.org/fr/france-la-libert%C3%A9-de-la-presse-entrav%C3%A9e-par-des-violences-polici%C3%A8res-au-cours-des-manifestations#:~:text=C>

55. [https://www.cndh.fr/sites/default/files/2025-06/A%20-%202025%20-%207%20-%20CNCNDH%20-%20Avis%20R%C3%A9duction%20de%20l%27espace%20civique\\_0.pdf](https://www.cndh.fr/sites/default/files/2025-06/A%20-%202025%20-%207%20-%20CNCNDH%20-%20Avis%20R%C3%A9duction%20de%20l%27espace%20civique_0.pdf)

56. <https://libertesassociatives.org/entrave/154-le-maire-de-chalon-sur-saone-exclut-la-section-locale-de-la-ligue-des-droits-de-lhomme-du-forum-des-associations/>

57. <https://justice.pappers.fr/decision/dcd85f67ebc53a0bc3924437d0ff010450d07128>

58. <https://libertesassociatives.org/entrave/156-la-section-chalonnaise-de-lassociation-france-palestine-solidarite-exclu-du-forum-des-associations-par-le-maire/>

2025.<sup>59</sup> The local branch of AFPS in Salon-de-Provence was also banned from the associations' forum, as the municipality considered it to be engaged in political activities contrary to the principle of neutrality.<sup>60</sup> The ban on AFPS was not suspended by the administrative court.

The emergence of these new infringements on the freedom of peaceful assembly of civil society organisations should be highlighted, as they further reduce their capacity for action and political advocacy. Similarly, the right to protest in France, although fundamental and protected by the constitution, has seen its guarantees considerably weakened. Trends in 2025 show that the growing tension between public security requirements and the exercise of collective freedoms is systematically invoked to restrict freedom of demonstration and peaceful assembly.

### Expansion of restrictive Olympic laws

The 2023 Olympic and Paralympic Games Act introduced several measures that infringed upon rights and freedoms including algorithmic video surveillance (VSA), body scanners, the screening of thousands of employees and volunteers, and the creation of new offences targeting protesters. The law which was meant to be applicable for a limited time period was in effect from May 2023 to the end of March 2025. The extensive security measures implemented for the Olympic and Paralympic Games, which fail to meet the principles of necessity, appropriateness, and proportionality, have been denounced by several United Nations Special Rapporteurs.<sup>61</sup>

The bill relating to the 2030 Olympic and Paralympic Games, currently being debated in parliament,<sup>62</sup> includes the extension of the VSA until 31 December 2027 under the same terms as the 2023 Olympic and Paralympic Games Act. The matter was referred to the Constitutional Council on 19 February 2026.

The use of VSA illustrates how, in the wake of a "one-off" event, the administration has considerably expanded the scope of behaviours qualified as potentially

"terrorist", thereby instrumentalising anti-terrorist administrative law.<sup>63</sup>

On 14 October 2025, the National Consultative Commission on Human Rights (CNCDH) published an opinion, raising concerns about the normalisation of administrative anti-terrorism measures. It gave particular attention to the "security" measures proposed in the draft law for the 2030 Olympic and Paralympic Games.<sup>64</sup>

### Deliberate refusal to protect independent observers

Independent observers who document law enforcement operations carried out by police forces have faced unlawful obstruction and violence. In 2023, the Council of State found that the minister of the interior and overseas territories had disregarded the principle of *res judicata*<sup>65</sup> by restricting the right to remain on site only to journalists during the dispersal of gatherings, excluding independent observers.<sup>66</sup> The court had already ruled on this matter in 2021, stating that, like journalists, independent observers cannot be prevented from carrying out their duties during dispersal of protests. However, the government has failed to take any corrective measures to protect independent observers.

Observers regularly face confiscation of their protective and observation equipment, abusive identity checks, intimidation, and direct physical violence. Events in 2025 during demonstrations in Poitiers, Toulouse, and Montpellier illustrate the lack of protection for independent observers and the obstacles to their mission.

For example, from 4-6 July 2025, members of the Toulouse Observatory of Police Practices and the Tarn Observatory of Police Practices were prevented from observing protests against the A69 motorway project near Toulouse, after their equipment was confiscated by law enforcement.<sup>67</sup> Later, in October 2025, observers in Toulouse sustained injuries after they were beaten by law enforcement officers even though they were

59. [https://justice.pappers.fr/decision/5d21c2d2b92960eec3240d1cec0cafc76a67b0f6?q=Palestine&date\\_decision\\_min=2025-09-05&date\\_decision\\_max=2025-09-05&jurisdiction%5B%5D=tribunaux+administratifs](https://justice.pappers.fr/decision/5d21c2d2b92960eec3240d1cec0cafc76a67b0f6?q=Palestine&date_decision_min=2025-09-05&date_decision_max=2025-09-05&jurisdiction%5B%5D=tribunaux+administratifs)

60. <https://libertesassociatives.org/entrevue/155-la-mairie-de-salon-de-provence-refuse-la-participation-au-forum-des-associations-de-la-section-locale-de-l'association-france-palestine-solidarite/>

61. <https://www.ohchr.org/fr/press-releases/2025/03/human-rights-violations-paris-2024-olympics-must-teach-us-lesson-un-experts>

62. <https://www.assemblee-nationale.fr/dyn/17/dossiers/DLR5L17N52100>

63. The LDH (Human Rights League) has published an analysis of violations of rights and freedoms during the Paris 2024 Olympic Games: <https://www.ldh-france.org/les-atteintes-aux-droits-et-libertes-pendant-la-periodes-des-jeux-olympiques-de-paris-2024/>

64. CNCDH Opinion "Freedoms put to the test by major events – the experience of the Olympic and Paralympic Games", dated October 14, 2025: [https://www.cncdh.fr/sites/default/files/2025-10/A%20-%202025%20-%209%20-%20CNCDH%20-%20Avis%20Libert%C3%A9s%20Grands%20C3%A9v%C3%A9nements%2C%20oct%202025\\_0.pdf](https://www.cncdh.fr/sites/default/files/2025-10/A%20-%202025%20-%209%20-%20CNCDH%20-%20Avis%20Libert%C3%A9s%20Grands%20C3%A9v%C3%A9nements%2C%20oct%202025_0.pdf)

65. A legal doctrine which prevents the same parties from re-litigating a claim or issue already decided by a final judgment on the merits.

66. Council of State, No. 461513, December 29, 2023.

67. <https://www.ldh-france.org/des-observatrices-et-observateurs-et-des-manifestantes-et-manifestants-victimes-de-violences-a-montpellier/>

clearly identifiable.<sup>68</sup> These examples are not isolated incidents but appear to be part of a coherent strategy

to discourage independent observation and restrict citizens' right to monitor and document state actions.

## Freedom of Expression

In France, the freedom of expression is enshrined in Article 11 of the 1789 Declaration of the Rights of Man and of the Citizen and has had constitutional status since 11 October 1984, per a decision by the Constitutional Council.<sup>69</sup> The legal framework is based mainly on the Law of 29 July 1881 regarding freedom of the press<sup>70</sup> and supplemented by several provisions of the Criminal Code that define limitations, namely by prohibiting the glorification of terrorism,<sup>71</sup> defamation and insults,<sup>72</sup> and discrimination.<sup>73</sup>

### Growing self-censorship within CSOs

With regard to the freedom of association, the 2025 survey conducted by the Observatoire des libertés associatives (Observatory of Associative Freedoms) on the state of relations between associations and public authorities revealed that 27% of the associations self-censor their activities or positions on certain policies for fear of reprisals, and 41% of citizen groups involved in political mobilisation, advocacy, or civil disobedience report the same.<sup>74</sup> This self-censorship is particularly marked in the humanitarian, environmental, and human rights sectors, as well as in certain regions such as Provence-Alpes-Côte-d'Azur, where tensions between public authorities and civil society are higher.

### Right to criticise political action restricted

Recent cases demonstrate the increasing difficulties associations face in exercising their right to criticise public policy. For example, in the summer of 2025, the association Vélo Cité developed a barometer rating the political will to promote cycling in each municipality of the Bordeaux metropolitan area. Subsequently, its operating subsidy was deferred, though it was later restored in a revote.<sup>75</sup> Similarly, the risk to freedom of expression is reflected in the withdrawal of administrative approvals or subsidies from student and activist associations, such as the collective Le Poing Levé Brest, due to its political stance, specifically on Palestine.<sup>76</sup>

### A tougher stance on acts of civil disobedience

Similarly, acts of civil disobedience, though an aspect of freedom of expression, have also faced repressions. For example, an environmental activist who threw paint at the Hôtel Matignon was sentenced to six months in prison by the Paris criminal court.<sup>77</sup> This decision goes against case law recognising freedom of expression as a justification for such acts of civil disobedience, and it contravenes the decision of the European Court of Human Rights (ECtHR) of 3 November 2025, which only allows for minimal punitive measures in cases of permanent damage to property.<sup>78</sup>

### SLAPPs remain insufficiently regulated

Strategic lawsuits against public participation (SLAPPs) have remained a major issue in terms of the right to free expression. Although the European Anti-SLAPP directive was adopted in 2024, it has not been fully integrated into French law. As a result, journalists, whistle-blowers, and NGOs continue to face lawsuits from companies or politicians with the aim of deflecting public criticism. In an opinion dated

68. <https://www.ldh-france.org/wp-content/uploads/2025/10/Communiquei-OPP-du-3-octobre-v1.pdf>

69. <https://www.conseil-constitutionnel.fr/decision/1984/84181DC.htm>

70. <https://www.legifrance.gouv.fr/loda/id/LEGITEXT000006070722>

71. [https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000029755573#:~:text=Modifi%C3%A9%20par%20D%C3%A9cision%20n%C2%B0,init.&text=Le%20fait%20de%20provoquer%20directement,75%20000%20%E2%82%AC%20d'amende](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000029755573#:~:text=Modifi%C3%A9%20par%20D%C3%A9cision%20n%C2%B0,init.&text=Le%20fait%20de%20provoquer%20directement,75%20000%20%E2%82%AC%20d'amende)

72. [https://www.legifrance.gouv.fr/codes/section\\_lc/LEGITEXT000006070719/LEGISCTA000006165410/](https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006070719/LEGISCTA000006165410/)

73. [https://www.legifrance.gouv.fr/codes/section\\_lc/LEGITEXT000006070719/LEGISCTA000006165298/](https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006070719/LEGISCTA000006165298/)

74. <https://libertesassociatives.org/ressource/presentation-des-resultats-de-la-premiere-enquete-nationale-sur-les-relations-entre-associations-et-pouvoirs-publics/>

75. <https://www.sudouest.fr/gironde/bordeaux/bordeaux-metropole-subvention-ajournee-pour-velo-cite-qui-va-devoir-s-expliquer-25201507.php>

76. <https://www.ouest-france.fr/education/etudiant/universites/le-poing-leve-sanctionne-par-lubo-entrevue-a-la-liberte-d-expression-selon-huit-organisations-3929e13a-a076-11f0-a698-dbf3ac8f3cb6>

77. <https://libertesassociatives.org/entrevue/157-apres-une-action-symbolique-de-jet-de-peinture-devant-matignon-une-militante-de-derniere-renovation-est-condamnee-a-6-mois-de-prison-ferme/>

78. <https://hudoc.echr.coe.int/eng/#%7B%22itemid%22:%5B%22001-243886%22%5D%7D> / [https://juridique.defenseurdesdroits.fr/index.php?lvl=notice\\_display&id=55550](https://juridique.defenseurdesdroits.fr/index.php?lvl=notice_display&id=55550)

13 February 2025 on the occasion of the transposition of directive, the National Consultative Commission on Human Rights made several recommendations for countering SLAPPs. It noted that they impose a significant financial, psychological, and reputational cost, which is further aggravated by the length of such legal proceedings.<sup>79</sup> The commission called for national legislation to mitigate these costs which undermine free speech.

In 2025, Utopia 56 remained the subject of three criminal investigations initiated in late December 2024, concerning the alleged dissemination of false information and defamation against law enforcement in connection with its humanitarian work with migrants in northern France. Two of the proceedings stemmed from reports filed by the maritime prefecture after the organisation relayed alerts from people in distress on boats in the English Channel to the rescue services. The Pas-de-Calais prefecture also accused the organisation of defamation following the publication of a video on social media of a burning boat, accompanied by testimonies implicating law enforcement who fired tear gas and grenades at those on board.<sup>80</sup>

## Right to Participation in Decision-Making

The legal framework for citizen participation in France is based on constitutional and legislative mechanisms that guarantee the involvement of citizens in the development of public policy. The 1958 constitution provides for several forms of direct consultation: nationwide through legislative referendums, constitutional referendums, and shared initiative referendums.<sup>83</sup> Referendums are guaranteed for all levels of local government and are enshrined in Article 72-1 of the constitution.<sup>84</sup> These legal instruments are complemented by consultative mechanisms that provide for the possibility of organising local consultations,<sup>85</sup> neighbourhood councils — which are mandatory for cities with more than 80,000 inhabitants<sup>86</sup> — and citizens' councils in priority neighbourhoods of the city.<sup>87</sup> These

## Stifling academic freedom

On 9 November 2025, a conference entitled “Palestine and Europe: The Weight of the Past and Contemporary Dynamics,” initially scheduled to take place on 3 and 14 November 2025 at the Collège de France was cancelled. The university explained that its decision was due to “the controversy surrounding the event,” following concerns by the International League Against Racism and Anti-Semitism (LICRA), adding that it abides by “strict neutrality (...) with regard to matters of a political or ideological nature”.<sup>81</sup> This incident highlights the growing tensions facing academic freedom in French higher education institutions and reveals structural weaknesses in institutions whose research focuses on topics considered sensitive in the contemporary context. The case is part of a broader erosion of academic freedom, which has been well-documented by several studies published in 2025.<sup>82</sup>

While France retains a solid legal framework for the protection of freedom of expression, 2025 was marked by an erosion of its guarantees in practice, due to administrative pressure, harmful litigation, and new forms of digital control under regulations on Meta platforms and bans.

mechanisms provide a pluralistic framework for French participatory democracy.

2025 saw a widening gap between the dense, multi-layered legal framework and the level of effectiveness of participatory mechanisms in practice.

## Significant development of citizens' participation

With regard to citizens' councils, the best-known form of citizens' participation in decision-making, the Economic, Social and Environmental Council (CESE) organised its third citizens' convention on children's time-use planning, with its report voted on and published on 23 November.<sup>88</sup> In addition, the

79. <https://www.cncdh.fr/sites/default/files/2025-02/A%20-%202025%20-%202%20-%20CNCNDH%20-%20Avis%20Proc%C3%A9dures-b%C3%A2illons%2C%20f%C3%A9vrier%202025.pdf>

80. <https://www.omct.org/en/resources/reports/observatory-report-france-dropping-out-of-democracy-obstructions-to-freedom-of-association-and-peaceful-assembly>

81. [https://www.lemonde.fr/societe/article/2025/11/2/un-mois-apres-l-annulation-du-colloque-sur-la-palestine-l-unite-reste-fragile-au-college-de-france\\_6658473\\_3224.html](https://www.lemonde.fr/societe/article/2025/11/2/un-mois-apres-l-annulation-du-colloque-sur-la-palestine-l-unite-reste-fragile-au-college-de-france_6658473_3224.html)

82. [https://franceuniversites.fr/wp-content/uploads/2025/10/20251015\\_Report\\_Defending-and-promoting-academic-freedom\\_EN.pdf](https://franceuniversites.fr/wp-content/uploads/2025/10/20251015_Report_Defending-and-promoting-academic-freedom_EN.pdf)

83. <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT00000428976>

84. <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT00000428976>

85. [https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000006389072](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006389072)

86. [https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000028640661](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000028640661)

87. [https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000028640661](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000028640661)

88. <https://conventioncitoyennetempsenfant.lecese.fr/>

deliberations of the CESE second citizens' convention on end-of-life care, which paved the way for active assistance in dying, were voted on by the National Assembly at first reading.<sup>89</sup> At the local level, the city of Paris also organised its first citizens' convention on the future of the river Seine,<sup>90</sup> where fifty citizens formulated nine proposals to preserve rights relating to the river. Other local initiatives and experiments exist throughout France.<sup>91</sup> For example, the citizens' and popular assembly in the city of Poitiers aims to develop proposals in cooperation with elected officials and local government authorities.<sup>92</sup>

### Limited influence on decision-making

While the number of citizen-led initiatives is growing, their influence on the development of public policy remains insufficient. Public consultations are not binding on the authorities. The deliberations of the citizens' convention on end-of-life care resulted in two bills adopted at first reading on 27 May 2025, two years after the CESE submitted its report on the issue. However, this is only the first stage in the parliamentary process: the next step being a review by the Senate. This lengthy legislative process can create mistrust and scepticism in the ability of citizens to influence public policy.

Following the controversial adoption of the Duplomb Law, which overturned a previous ban on the use of certain neonicotinoids in agriculture, a historic citizens' petition gathered more than two million signatures to express opposition to this law.<sup>93</sup> Under the National Assembly's rules of procedure, a petition obtaining more than 100,000 signatures can be examined by a committee.<sup>94</sup> On 17 September 2025, the economic affairs committee voted unanimously to review the petition and to publish a report. However, the procedure lacks a mandatory vote at the end of the

debate, thus diminishing the decision-making power of this tool.

### Attempts to reduce the role of organised civil society in consultative democracy

2025 brought numerous proposals aimed at reducing the role of consultative bodies representing organised civil society in public debate. Several legislative initiatives reflect this decline in consultative democracy. The bill to simplify economic life, tabled in the National Assembly, produced a list of consultative bodies deemed "unnecessary" or too costly<sup>95</sup> and included amendments targeting regional economic, social, and environmental councils (CESER)<sup>96</sup> which represent civil society active in the regions. Although two amendments leading to the abolition of the CESERs were passed in committee, cross-party mobilisation in the National Assembly led to their reinstatement.<sup>97</sup> Several other bills attempted to reduce the influence of these alternative political spaces. One aims to abolish certain committees, structures, councils, and commissions which have not proven useful, and was adopted in the first reading by the Senate without subsequently being scheduled for consideration by the National Assembly.<sup>98</sup> Two other bills, tabled on 18 November 2025, aim to combat the proliferation of state agencies and reduce the number of state advisory bodies.<sup>99</sup>

If passed and implemented, these laws could diminish consultative democracy processes. It would also weaken joint decision-making and control of public policies and reduce the role of intermediary bodies. Thus, although France has a comprehensive and pluralistic participatory framework, in 2025 there were consultative mechanisms that had no concrete effects and a lack of political will from the authorities to engage in citizen-led dialogue.

## Safe Space

Following a decision by the Constitutional Council on 27 December 1973, French law has upheld the concept of equality before the law as a constitutional principle.<sup>100</sup>

This implies two obligations: the prohibition of certain forms of discrimination and the uniform application of the rule of law, namely the prohibition of any distinction

<sup>89</sup>. [https://www.assemblee-nationale.fr/dyn/15/textes/115b3755\\_proposition-loi](https://www.assemblee-nationale.fr/dyn/15/textes/115b3755_proposition-loi)

<sup>90</sup>. <https://www.paris.fr/pages/convention-citoyenne-seine-30402>

<sup>91</sup>. Interview on 20 October 2025 with Sylvie Barnézet, General Delegate of the Institut de la Concertation et de la Participation Citoyenne.

<sup>92</sup>. <https://www.poitiers.fr/assemblee-citoyenne-et-populaire-quest-ce-que-cest>.

<sup>93</sup>. <https://petitions.assemblee-nationale.fr/initiatives/i-3014?locale=fr>

<sup>94</sup>. [https://www.assemblee-nationale.fr/dyn/17/divers/texte\\_reference/02\\_reglement\\_assemblee\\_nationale](https://www.assemblee-nationale.fr/dyn/17/divers/texte_reference/02_reglement_assemblee_nationale)

<sup>95</sup>. <https://www.assemblee-nationale.fr/dyn/17/dossiers/DLR5L16N49868>

<sup>96</sup>. <https://www.assemblee-nationale.fr/dyn/17/amendements/0481/CSVIEECO/1024>

<sup>97</sup>. <https://www.assemblee-nationale.fr/dyn/17/amendements/1191/AN/1>

<sup>98</sup>. [https://www.assemblee-nationale.fr/dyn/17/textes/117b0872\\_proposition-loi](https://www.assemblee-nationale.fr/dyn/17/textes/117b0872_proposition-loi)

<sup>99</sup>. [https://www.assemblee-nationale.fr/dyn/17/textes/117b2084\\_proposition-loi](https://www.assemblee-nationale.fr/dyn/17/textes/117b2084_proposition-loi) ;

[https://www.assemblee-nationale.fr/dyn/17/textes/117b2084\\_proposition-loi](https://www.assemblee-nationale.fr/dyn/17/textes/117b2084_proposition-loi)

<sup>100</sup>. <https://www.conseil-constitutionnel.fr/decision/1973/7351DC.htm>

based on origin, race, religion, beliefs, opinions, or gender. However, this principle is not absolute, and traditional case law allows for different situations to be dealt with differently.<sup>101</sup>

2025 was marked by a contrast between legal standards and discriminatory practices. The general climate in terms of combating discrimination and protecting civic space remained marred by tension between security policies, identity politics, and guarantees of fundamental rights. This tension particularly affects minority rights protection such as the rights of migrants, women, and LGBT

QI+ persons and can lead to an increase in hate speech against minorities, including religious minorities.

### Intensification of debate on religious minority groups and increased risks related to hatred

At the institutional level, France was condemned by the ECtHR in 2025 for identity checks deemed discriminatory.<sup>102</sup> The court found that the systematic practice of checks based on appearance or ethnic origin constituted a violation of Article 14 (prohibition of discrimination) and Article 8 (right to respect for private and family life) of the European Convention on Human Rights.<sup>103</sup> This decision is in line with the position of Défenseur des droits, which called for a change in practices based on the results of the investigation into access to rights in relations between the police and the population on 24 June 2025.<sup>104</sup> For example, it found that people perceived as non-white are 30% more likely to be subject to identity checks.

At the same time, public and political debates on the issue of Islam and secularism continue to intensify. The interior ministry's report on the Muslim Brotherhood and political Islamism in France, published in April 2025,<sup>105</sup> has contributed to fuelling forms of general suspicion towards Muslim populations (and those perceived as such) in France and towards Muslim and anti-racist associations. The report labels several Muslim CSOs, including organisations like the Collective for Countering Islamophobia in Europe (CCIE), the Forum of European Muslim Youth and Student

Organisations (FEMYSO), and Etudiants Musulmans de France (EMF), all members of the EU-wide network European Network Against Racism (ENAR), as part of the Islamist Muslim Brotherhood group. It outlines potential new measures targeting Muslim communities and organisations.

In early September, leaders of the CCIE, along with members of a French partner organisation, were arrested, questioned, and placed under judicial supervision with restrictions on their activities.<sup>106</sup> French authorities claimed they were attempting to reconstitute the Collective Against Islamophobia in France, which was dissolved in 2020. However, the CCIE is a legally independent Belgian organisation operating across Europe.

During a monitoring session of the National Assembly's law commission on anti-Muslim hatred and Islamophobia, statistics from the interior ministry's national intelligence department, Direction nationale du renseignement territorial (DNRT), reported 173 anti-Muslim incidents recorded in 2024, a 29% decrease compared with 2023 (242 incidents). However, the report points out that these figures do not fully reflect the prevailing Islamophobia in society, which manifests itself on a daily basis in political discourse and the media.<sup>107</sup>

This observation is shared by the 2024 report on the fight against racism, antisemitism, and xenophobia by the Commission nationale consultative des droits de l'homme (CNCDH), a national consultative committee on human rights, which reported an 11% rise in racist crimes and offences.<sup>108</sup> Furthermore, antisemitic acts continue to rise at an alarming rate following the Hamas terror attacks of 7 October 2023, with more than 1,570 incidents recorded. This increase led to the relaunch of the Assises de la lutte contre l'antisémitisme, a conference against antisemitism, by the interministerial delegation for the fight against racism, antisemitism, and anti-LGBTI+ hatred, which issued a report on 28 April 2025.<sup>109</sup> The report recommended 15 measures to combat antisemitism and structure public action in response to this threat.

101. <https://www.conseil-constitutionnel.fr/decision/1996/96380DC.htm>

102. <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-243820%22%5D%7D>

103. <https://www.defenseurdesdroits.fr/contrôles-d'identité-discriminatoires-la-france-condamnée-par-la-cedh-904>

104. <https://www.defenseurdesdroits.fr/enquete-sur-l'accès-aux-droits-sur-les-relations-entre-police-et-population-que-retenir-896>

105. <https://www.interieur.gouv.fr/actualites/dossiers-de-presse/publication-du-rapport-freres-musulmans-et-islamisme-politique-en-france/https://www.idh-france.org/halte-a-la-paranoia-contre-les-musulmans/#:~:text=Communiqu%C3%A9%20LDH&text=Un%20rapport%20officiel%20intitul%C3%A9%20%C2%AB%20Fr%C3%A8res,gouvernement%20le%2021%20mai%202025>

106. <https://civicspacewatch.eu/alert/france-political-instability-mass-protests-and-new-restrictive-measures-against-civil-society/>

107. [https://www.assembleenationale.fr/dyn/17/documents/cion\\_lois/117n792620793\\_document.pdf#:~:text=Les%20statistiques%20de%20la%20Direction,%C3%A0%202023%20\(242%20faits\)](https://www.assembleenationale.fr/dyn/17/documents/cion_lois/117n792620793_document.pdf#:~:text=Les%20statistiques%20de%20la%20Direction,%C3%A0%202023%20(242%20faits))

108. <https://www.cncdh.fr/publications/rapport-2024-sur-la-lutte-contre-le-racisme-lantisémitisme-et-la-xénophobie>

109. <https://www.dilcrah.gouv.fr/ressources/rapport-des-groupes-de-travail-issus-des-assises-de-lutte-contre-lantisémitisme>

## Increased pressure on LGBTQI+ rights and gender equality frameworks

2025 was also marked by a deterioration in the political climate regarding LGBTQI+ rights. In June, Valérie Pécresse, president of the Île-de-France region, cancelled two €25,000 subsidies awarded to the Inter-LGBT Association, the organiser of the Paris Pride march. This followed a controversy over the publication of a poster to highlight the fight “against international reactionism” for the Paris Pride march.<sup>110</sup> More precisely, the poster depicts seven figures, including a trans person, an Act Up activist, a woman wearing a headscarf, and another woman with a Palestinian flag pin. This episode illustrated the financial vulnerability of LGBTQI+ organisations that are dependent on public funding and the growing use of budgetary leverage in political conflicts.

A report published in 2025 by the European Parliamentary Forum on Sexual and Reproductive Rights (EPF) also warns of an explosion in “anti-gender” funding, which could threaten women’s, LGBTQI+ people’s, and children’s rights, as well as gender equality.<sup>111</sup> The introduction of education on emotional, relational, and sexual life is also facing difficulties in the face of attacks from identity movements. For example, an address by the association C3S Corse Stratégie Santé Sexuelle (Corsica sexual health strategy), during a day devoted to raising awareness of sexual risks, was cancelled due to the risk of disturbing public order following attacks by the party Mossa Palatina.<sup>112</sup>

There is, however, institutional support from Défenseur des droits and from the interministerial delegation for the fight against racism, antisemitism, and anti-LGBTQI+ hatred.<sup>113</sup> For example, Défenseur des droits advocated for the rights to gender identity of transgender people through a series of recommendations on 16 June 2025.<sup>114</sup> Nevertheless, there were several attacks against LGBTQI+ people, including the ban on the Dijon Pride parade in the city centre in order to “preserve public order” and “prevent” possible

“disturbances”.<sup>115</sup> Similarly, the statistics department of the interior ministry published a report on anti-LGBTQI+ offences recorded in 2024 which reveals a 14% increase in offences targeting LGBTQI+ people since 2016.<sup>116</sup>

With regard to the defence of women’s rights, although a bill has been passed to amend the criminal definition of rape and sexual assault to include the concept of consent,<sup>117</sup> the access to and enforcement of these rights are undermined by budgetary restrictions. A survey conducted by the Women’s Foundation in the summer of 2025 reveals that budget cuts have prevented 6,250 women victims of violence from receiving support.<sup>118</sup>

## Environmental rights defenders face pressure, threats, violence, and disproportionate sanctions

Associations committed to defending rights face criminalising rhetoric. This is particularly evident in the 2026 finance bill, where environmental and migrants’ rights associations are targeted by amendments aimed at removing their tax exemptions for donations if they are found guilty of “illegal intrusion”. This measure has been denounced by Greenpeace, Friends of the Earth, and France Nature Environnement as a financial deterrent.<sup>119</sup>

Environmental rights defenders are increasingly subjected to pressure, threats, violence, and disproportionate legal sanctions. In 2025, the Movement in Support of Environmental Defenders (MSDE) recorded 95 legal proceedings, compared to 55 in 2023. This related to actions including road blockades, paint attacks on institutions or businesses, and other symbolic acts of civil disobedience. In most cases, the courts have rejected arguments based on necessity or ecological emergency.

In November 2025, an environmental activist was sentenced to six months in prison for spraying water-based paint on the façade of the Hôtel Matignon,

<sup>110</sup>. <https://libertesassociatives.org/entrave/149-la-region-ile-de-france-retire-50-000-euros-de-subsidiation-a-linter-lgbt-apres-la-publication-dune-affiche-contre-linternationale-reactionnaire-pour-la-marche/>

<sup>111</sup>. [https://www.liberation.fr/societe/sexualite-et-genres/la-france-championne-des-financements-anti-gendre-derepense-la-hongrie-selon-un-rapport-20250626\\_XJAL5JCAHBALPH3JBHZ6ZBR2RQ/?redirected=1](https://www.liberation.fr/societe/sexualite-et-genres/la-france-championne-des-financements-anti-gendre-derepense-la-hongrie-selon-un-rapport-20250626_XJAL5JCAHBALPH3JBHZ6ZBR2RQ/?redirected=1)

<sup>112</sup>. <https://www.francebleu.fr/infos/societe/une-association-ecartee-d-une-action-de-prevention-apres-des-critiques-d-un-parti-identitaire-4020391>

<sup>113</sup>. Interview with SOS Homophobie on 11 November 2025.

<sup>114</sup>. [https://juridique.defenseurdesdroits.fr/index.php?lvl=notice\\_display&id=55224#:~:text=En%20mati%C3%A8re%20de%20d%C3%A9ontologie%20des,g%C3%A9n%C3%A9ralement%20sur%20la%20th%C3%A9matique%20LGBTI.](https://juridique.defenseurdesdroits.fr/index.php?lvl=notice_display&id=55224#:~:text=En%20mati%C3%A8re%20de%20d%C3%A9ontologie%20des,g%C3%A9n%C3%A9ralement%20sur%20la%20th%C3%A9matique%20LGBTI.)

<sup>115</sup>. [https://www.franceinfo.fr/societe/lgbt/la-prefecture-interdit-la-pride-2025-dans-le-centre-ville-de-dijon\\_7307532.html](https://www.franceinfo.fr/societe/lgbt/la-prefecture-interdit-la-pride-2025-dans-le-centre-ville-de-dijon_7307532.html).

<sup>116</sup>. <https://www.dilcrah.gouv.fr/ressources/une-hausse-preoccupante-des-infractions-anti-lgbt-enregistrees-en-2023/https://www.la-croix.com/societe/les-atteintes-envers-les-personnes-lgbt-en-hausse-de-5-en-2024-20250515>.

<sup>117</sup>. [https://www.assemblee-nationale.fr/dyn/17/dossiers/definition\\_penale\\_viol\\_agressions\\_sexuelles\\_17e#PROM](https://www.assemblee-nationale.fr/dyn/17/dossiers/definition_penale_viol_agressions_sexuelles_17e#PROM)

<sup>118</sup>. <https://fondationdesfemmes.org/dfd-content/uploads/2025/08/FDF-Rapport-Enquete-12pages-WEB3.pdf>.

<sup>119</sup>. <https://www.carenews.com/carenews-info/news/budget-2026-des-associations-denoncent-des-amendements-baillons-menacant-leur>

a non-violent protest against climate inaction.<sup>120</sup> This sentence, the harshest ever handed down for an act of environmental civil disobedience in France, illustrates a systematic intensification of the repression, reinforced by the seizure of equipment, police custody, and exorbitant demands for damages, in this case amounting to €163,000.

On 22 December, eight environmental activists were tried over two graffiti messages warning about the dumping of toxic waste in Alsace. The public prosecutor requested a three-month suspended sentence,<sup>121</sup> while they had already been held in police custody for 46 hours after tagging a bridge — offences that for a long time were punishable by a simple fine and community service.

In addition, environmental defenders face stigmatising rhetoric, which refers to them as “eco-terrorists” or “khmers verts”, as denounced in an Amnesty International report.<sup>122</sup> There have also been acts of intimidation reported, such as the vandalism at the home of Claire Nouvian, an environmental activist and founder of the NGO Bloom.<sup>123</sup> An investigation was ultimately opened by the Paris prosecutor’s office.

### Discursive attacks against civil society

In recent years, the discourse of the French authorities towards civil society has become increasingly hostile. Associations report an increase in serious attacks by institutions on associative freedoms, either in the form of strong attacks by political leaders aimed particularly at discrediting their actions, or through mechanisms aimed at strengthening the control of their activities.<sup>124</sup>

For example, in April 2025, Interior Minister Bruno Retailleau criticised LDH after it took legal action in Rennes against the use of drones in connection with the fight against drug trafficking, which it argued constituted a disproportionate infringement to civil

liberties. On social media, he accused LDH of “playing into the hands of drug traffickers and thugs who profit from this deadly trade” and of opposing, “under the guise of good intentions,” the “right to security.”<sup>125</sup>

Alongside delegitimisation at the governmental level, local elected officials are also increasing attacks against human rights organisations. For example, while running for president of the Les Républicains party, Laurent Wauquiez, president of the Auvergne-Rhône-Alpes region, announced in April 2025 his intention to cut subsidies to all “watermelon” associations. The watermelon, which shares its colours with those of the Palestinian flag, has been used by many as a symbol of support for Palestinian rights.

In another case the mayor of Chalon-sur-Saône, Gilles Platret, described the LDH and its partners who are pursuing a legal dispute over Palestinian flags as “small groups in the pay of Islamists”, prompting LDH to file a complaint against the mayor at the Paris Judicial Court.<sup>126</sup>

In November 2025, Rachida Dati, a candidate in the Paris municipal elections and culture minister, accused the Utopia56 association of providing tents to the homeless and thus creating insecurity in Parisian neighbourhoods,<sup>127</sup> a statement relayed on social networks. Meanwhile, in early December, the interior minister, Laurent Nunez, announced that his department was documenting and preparing cases for the dissolution of associations and groups who are “supporters of disorder.” Among those targeted were the Earth Uprisings, whose initial dissolution case was been overturned by the Constitutional Council in 2023.<sup>128</sup> This decision to launch the second dissolution attempt occurred after the Lyon branch of Earth Uprisings claimed responsibility for displaying video messages (via a projector) critical of police actions (“the police injure and kill”) and expressing support for those injured in Sainte Soline in March 2023.<sup>129</sup>

<sup>120</sup>. Six months in prison for throwing paint: a sentence that reveals the hardening of the crackdown against environmental activists: [https://www.lemonde.fr/planete/article/2025/11/01/six-mois-de-prison-ferme-pour-un-jet-de-peinture-une-peine-revelatrice-du-durcissement-de-la-repression-contre-les-militants-ecologistes\\_6650782\\_3244.html?random=1270577723](https://www.lemonde.fr/planete/article/2025/11/01/six-mois-de-prison-ferme-pour-un-jet-de-peinture-une-peine-revelatrice-du-durcissement-de-la-repression-contre-les-militants-ecologistes_6650782_3244.html?random=1270577723)

<sup>121</sup>. <https://www.mediapart.fr/journal/ecologie/231225/en-alsace-de-la-prison-avec-sursis-requis-contre-des-militants-ecologistes-pour-deux-tags>

<sup>122</sup>. <https://www.amnesty.fr/actualites/la-strategie-de-la-france-pour-empêcher-l'action-climatique>

<sup>123</sup>. [https://www.liberation.fr/environnement/domicile-vandalise-de-la-militante-ecologiste-claire-nouvian-le-parquet-de-paris-annonce-louverture-dune-enquete-20250605\\_5R2I37YJENEJ5VFFBHVJL34BM/?redirected=1](https://www.liberation.fr/environnement/domicile-vandalise-de-la-militante-ecologiste-claire-nouvian-le-parquet-de-paris-annonce-louverture-dune-enquete-20250605_5R2I37YJENEJ5VFFBHVJL34BM/?redirected=1)

<sup>124</sup>. The National Consultative Commission on Human Rights (CNCDH), in its opinion on the restriction of civic space: a major issue for democracy and human rights, dated June 17, 2025: “In its Opinion on Human Rights Defenders of November 23, 2023, the CNCDH (National Consultative Commission on Human Rights) has already denounced the ‘strengthening of campaigns to stigmatize and demonize defenders,’ which weakens civil society and its members. Denigrated for the relevance of their commitment, presented as ‘extremist,’ associated with the term ‘terrorist’ or labelled ‘eco-terrorists,’ and stigmatized as elements whose actions are potentially detrimental to ‘republican order’ and national security, members of civil society see their words, their actions, and the causes they defend discredited in the public sphere. The recurring and aggressive return of certain themes to the political agenda, such as immigration and security, as well as their media amplification, contribute to the delegitimization of the commitment of civil society actors, to the justification of prior control over their actions, and ultimately to various forms of repression.”

<sup>125</sup>. See post on X: <https://x.com/BrunoRetailleau/status/191324936899333673>.

<sup>126</sup>. <https://www.ldh-france.org/gilles-platret-apres-les-atteintes-aux-libertes-fondamentales-les-injures/>

<sup>127</sup>. <https://x.com/CitizenMediaFR/status/1993740278109188605>

<sup>128</sup>. EC, decision no. 476384 of 9 November 2023.

<sup>129</sup>. <https://www.publicsenat.fr/actualites/politique/slogans-anti-police-a-lyon-et-a-marseille-laurent-nunez-annonce-que-les-prefets-ont-depose-des-plaintes>

# Recommendations

## TARGETED RECOMMENDATIONS:

- **Strengthen legal and policy frameworks to protect civic space by ensuring that associations can operate freely without undue administrative restrictions, discriminatory exclusion from public forums or events, conditional funding mechanisms that undermine autonomy, or arbitrary dissolution.**
- **Revoke the *Contrat d'engagement républicain* (CER) to restore trust between associations and public authorities, lighten the administrative burden for CSOs, and put an end to a mechanism that does not meet the initial objectives of its establishment (combatting separatism).**
- Introduce the right of associations to use municipal premises, while maintaining the right of local authorities to refuse certain requests based on objective criteria clearly defined by law.
- Create an advisory committee for the allocation of public subsidies at municipal and inter-municipal level, including local elected representatives, association officials, and citizens.
- Secure the scope of activities in the public interest by clarifying which activities are eligible for sponsorship, explicitly including those that appear most at risk of exclusion from funding schemes in the event of an unfavourable political change or shift.
- Strengthen mechanisms for monitoring and sanctioning abuses related to the application of secularism and guarantee the effectiveness of freedom of conscience and the neutrality of public institutions, thereby ensuring equal and protective treatment of all citizens, regardless of their religious beliefs or lack thereof.
- Transpose the European anti-SLAPP directive to protect civil society organisations, journalists, and human rights defenders from such proceedings.
- Ensure effective accountability mechanisms for law enforcement by strengthening independent oversight bodies, guaranteeing the systematic identification of officers, ensuring prompt, impartial and effective investigations into allegations of police violence, and providing effective access to remedies for victims.
- Strengthen legal protections that guarantee the right to peaceful assembly and civic engagement to address disproportionate policing or administrative measures against peaceful protestors.
- Maintain the exceptional nature of emergency powers, ensure that they remain proportionate, time bound, and subject to full judicial oversight and prevent their permanent integration into ordinary law.
- Prevent the introduction of extraordinary investigative and enforcement power into ordinary law, which could lead to the normalisation of such powers in criminal law (including legislative measures targeting organised crime or narcotrafficking); and ensure that any provisions remain proportionate, time bound, and subject to full judicial oversight.

# About the authors

**The European Civic Forum** (ECF) is a pan-European network of more than 100 associations and NGOs across 30 European countries. Founded in 2005 by our member organisations, we have spent nearly two decades working to protect civic space, enable civic participation and build civil dialogue for more equality, solidarity, and democracy in Europe.



**Ligue des droits de l'Homme** is an association founded in 1898. It is a highly recognised civic actor, acting in total independence of political parties, and public authorities. It claims to be a political actor in the sense of dealing with all issues of public interest for the effective access to all rights for all. It is therefore an actor of the public debates. It acts against injustice, racism, sexism, anti-Semitism and discrimination of all kinds. It acts for the development of an active citizenship which relies on a strong and vibrant democracy and extended solidarity. It defends a secularism of the State that favours inclusion for all faith and belief. It fights against any xenophobic instrumentalisation, freedoms, equal rights and fraternity as the basis of a fraternal society and, therefore, of solidarity.



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Monitoring Action  
for Civic Space

CIVIC SPACE REPORT 2026




# Germany

by Sascha Nicke, Maecenata Foundation



Key Trends .....	97
Summary .....	97
Freedom of Association .....	98
Access to funding .....	98
Freedom of Peaceful Assembly .....	100
Freedom of Expression .....	101
Participation in Decision-making .....	101
Safe space .....	102
Recommendations .....	104
About the author .....	105

# Key Trends

-  Restrictions against climate protesters, the Palestine solidarity movement, and anti-far-right demonstrators continue.
-  Right-wing and far-right parties and groups coordinate smear campaigns against civil society, with conservative and liberal politicians adopting similar narratives to question CSOs legitimacy.
-  CSOs come together in solidarity amid increasing suspicion towards their work.

## Summary

In December 2025, CIVICUS Monitor downgraded Germany's civic space rating from "Narrowed" to "Obstructed", citing the ongoing, widespread crackdown on the Palestine solidarity movement as one of the main reasons. Police have repeatedly used excessive force against Palestine solidarity protestors, while civil society organisations (CSOs) have been subjected to raids and funding cuts. Climate justice group Letzte Generation has also faced significant restrictions. This rating means that civic space in Germany is now heavily contested, with authorities imposing legal and practical constraints that restrict the full enjoyment of fundamental rights. This puts Germany in the same category as 39 other countries worldwide, including Hungary, Brazil, and South Africa.<sup>1</sup>

The European Commission's 2025 Rule of Law report recommended that the German government "take steps to adapt the tax-exempt status for non-profit organisations with a view to address the challenges which the currently applicable rules present for the

organisations' operation in practice, taking into account European standards on funding for civil society organisations." This recommendation has been repeatedly made by the Commission since 2022. To date, the German government has failed to act on it. As a result, the legal framework for "occasional political activities" by non-profit organisations remains unclear. This uncertainty has been weaponised by far-right parties such as the Alternative for Germany (AfD) to report CSOs to the tax authorities for alleged non-compliance with their non-profit status.

In addition, the conservative CDU/CSU launched a parliamentary inquiry which criticised CSOs' right to political activity. The AfD seized this momentum to continue its efforts to restrict funding for CSOs by spreading false accusations and narratives against civil society. For example, in June, the group introduced a bill to ban the public financing of "political non-governmental organisations" in the Bundestag.<sup>2</sup>

1. [https://monitor.civicus.org/press\\_release/2025/germany/](https://monitor.civicus.org/press_release/2025/germany/)

2. <https://www.bundestag.de/dokumente/textarchiv/2025/kw26-de-nichtregierungsorganisationen-1084814>

# Freedom of Association

In February 2025, the day after the federal election, the conservative CDU/CSU parties launched a parliamentary inquiry comprising 551 questions, of which 17 named civil society organisations (CSOs). The inquiry scrutinised the CSOs' right to political activity and demanded a full list of state-funded organisations, as well as detailed queries about specific non-governmental organisations (NGOs).<sup>3</sup> The inquiry came in response to CSOs' participation in protests against the CDU/CSU following the parties' collaboration with the far-right Alternative for Germany (AfD) party to pass a motion in the Bundestag calling for stricter immigration laws. The decision was contrary to CDU/CSU's "firewall" policy,<sup>4</sup> which was adopted in 2018,<sup>5</sup> and to a statement made on 13 November 2024 by Friedrich Merz, when he was an opposition leader in the Bundestag, that nobody should form a majority with the AfD party.<sup>6</sup>

Right-wing extremist activists and parties, such as the AfD, have seized upon this retaliatory parliamentary inquiry by the CDU/CSU to launch a cohesive public campaign against CSOs and NGOs. False, unfounded, and distorted accusations and narratives directed against civil society are being spread through social media, right-wing populist platforms such as NIUS, and media outlets such as Welt and Bild Zeitung.<sup>7</sup> These narratives, which attempt to delegitimise CSOs, have entered mainstream debate via conservative media outlets and politicians. This has resulted in a shift towards more negative public discourse on civil

society. The long-term consequences of these delegitimisation campaigns remain unclear.

However, it is evident that these developments have a significant impact on CSOs and civic space in general. For example, the 2025 Edelman Trust Index reveals a further drop in overall trust, from 45 in 2024 to 41 in 2025, as well as a decline in the trust placed in NGOs in Germany to 40 — a drop of 2 points. Both scores are categorised as "distrust".<sup>8</sup>

Furthermore, climate protesters and Palestine solidarity groups were under particular pressure from federal and state authorities in Germany. In January 2025, for example, police raided the homes of nine members of the Frankfurt-based association Palästina e.V., confiscating electronic devices and documents. The raid was based on the suspicion that the association violates the constitutional order and the principle of international understanding.<sup>9</sup> This may result in the association being banned, even though none of its members have been charged.<sup>10</sup>

The 2025 summary report on the German Volunteer Survey shows that the engagement rate has fallen to 36.7% — a decrease of three percentage points since 2019. However, many of those engaged are now investing slightly more time in their voluntary work. Of those surveyed in 2024, 43% volunteer either three to five hours or more than six hours per week, compared to 38% in 2019.<sup>11</sup>

## Access to funding

The federal budget plan for 2025 from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth shows that the ministry allocated approximately €289.9 million to voluntary services. A further €16.5 million has been set aside to create and develop conditions that encourage civic engagement.<sup>12</sup>

Compared to 2024, this represents a decline for both budget items. In 2025, voluntary services received approximately €329.9 million, and a total of €18.2 million was made available to create and develop favourable conditions for civic engagement.

3. <https://dserver.bundestag.de/btd/20/150/2015035.pdf>

4. At its 31st party conference on 8 December 2018 in Hamburg, the CDU officially decided that it rejects coalitions and similar forms of cooperation with both the Left Party and the Alternative for Germany (AfD) party. Following the murder of CDU politician Dr Walter Lübcke, on 24 June 2019, the Presidium and Federal Executive Committee of the CDU in Germany reaffirmed this decision and clearly emphasised the incompatibility of the CDU and the AfD. [https://archiv.cdu.de/system/tdf/media/dokumente/cdu\\_deutschlands\\_unsere\\_haltung\\_zu\\_linkspartei\\_und\\_afd\\_0.pdf?file=1](https://archiv.cdu.de/system/tdf/media/dokumente/cdu_deutschlands_unsere_haltung_zu_linkspartei_und_afd_0.pdf?file=1)

5. <https://monitor.civicus.org/explore/snap-election-sees-support-double-for-the-far-right-continued-crackdown-on-palestine-solidarity-protesters-and-ngos-under-pressure/>

6. <https://chrismon.de/artikel/56532/brandmauer-cdu-und-csu-stimmen-im-bundestag-mit-der-afd>

7. [https://www.ssoar.info/ssoar/bitstream/handle/document/1105020/ssoar-2025-hummel\\_et\\_al-The\\_Anti-NGO\\_Narrative\\_The\\_attempt.pdf?sequence=4&isAllowed=y&lnkname=ssoar-2025-hummel\\_et\\_al-The\\_Anti-NGO\\_Narrative\\_The\\_attempt.pdf](https://www.ssoar.info/ssoar/bitstream/handle/document/1105020/ssoar-2025-hummel_et_al-The_Anti-NGO_Narrative_The_attempt.pdf?sequence=4&isAllowed=y&lnkname=ssoar-2025-hummel_et_al-The_Anti-NGO_Narrative_The_attempt.pdf)

8. [https://www.edelman.de/sites/g/files/aatuss401/files/2025-01/2025%20Edelman%20Trust%20Barometer\\_Germany%20Report.pdf](https://www.edelman.de/sites/g/files/aatuss401/files/2025-01/2025%20Edelman%20Trust%20Barometer_Germany%20Report.pdf)

9. <https://www.fr.de/hessen/verein-razzia-im-rhein-main-gebiet-bei-palaestina-zr-93528622.html>

10. <https://monitor.civicus.org/explore/snap-election-sees-support-double-for-the-far-right-continued-crackdown-on-palestine-solidarity-protesters-and-ngos-under-pressure/>

11. <https://www.bundesregierung.de/resource/blob/2348674/2393502/bd5847043a033e56a1923af79abac55/2025-11-14-freiwilligensurveys-data.pdf?download=1>

12. <https://www.bundeshaushalt.de/static/daten/2025/soll/draft/epl17.pdf>

In addition, in 2025 a further €200 million was made available for 2026 to fund initiatives that promote diversity, tolerance and democracy. The majority of this sum, €182 million, will be distributed through the federal *Demokratie leben!* (Democracy alive!) programme, with around €18 million being distributed through the *Menschen stärken Menschen* (People Empower People) programme.<sup>13</sup> In January 2025, shortly before the election, the previous government made the decision to fund a third period of the *Demokratie Leben!* programme, ensuring that the funded projects would have financial security until 2032.

However, in September 2025, Karin Prien (CDU), the minister responsible for the programme in the new coalition government, announced a review of funded projects and funding cuts on a case-by-case basis.<sup>14</sup> In addition, rumours are circulating that there will be a re-orientation of content, with a greater emphasis placed on projects combatting antisemitism, Islamism.<sup>15</sup> While it remains unproven that there is a direct link between the aforementioned campaign and the negative shift in public discourse on civil society, it is likely that the re-evaluation of the programme by politicians and ministers from the governing conservative party is a consequence of it. Furthermore, in contrast to the previous government, which had plans for a Democracy Promotion Act but which it failed to pass before the coalition's demise, the new government has made no promises.<sup>16</sup>

The government has announced further budget cuts, including in the area of development aid.<sup>17</sup> Funding for individual organisations has also been cut. For example, in January 2025, it was reported that the German government had cut funding to two Israeli human rights organisations, Zochrot and New Profile, which focus on anti-militarisation and Palestinian rights. Both organisations had been long-time recipients of German development aid.<sup>18</sup> This indicates that obtaining funding from government institutions will continue to be challenging for CSOs in the coming years.

In 2025, the AfD continued its efforts to restrict funding for CSOs by spreading false accusations and narratives against civil society through parliamentary inquiries. For example, in June the AfD parliamentary group in the Bundestag introduced a bill to ban the public financing of “political non-governmental organisations”.<sup>19</sup> This serves to intimidate the mentioned CSOs and provides right-wing media with material to further spread unfounded allegations. This campaign is unlikely to subside in the coming months and years, meaning it will continue to be challenging, particularly for CSOs working in human rights, refugee aid, and the prevention of right-wing extremism. In addition to their day-to-day work, CSOs must defend themselves against these accusations and unfounded allegations, particularly regarding donors.

Fortunately, representatives of civil society are aware of this and are actively working to address it. For example, since spring 2025, a group of managers, consultants, fundraisers, and experts from the foundation, philanthropy, and civil society sectors has been working intensively on the question of how civil society can be financed more independently and sustainably. In November 2025, they published a report on this topic, which intends to provide impetus and assistance to CSOs.<sup>20</sup>

According to the Donation Monitor, private donations have increased modestly, rising from €6 billion in 2024 to €6.3 billion in 2025. However, the donor rate fell slightly year-on-year from 50.2% to 49.2%. On average, donors gave €187 in 2025, which represents an increase of over 7% compared to the previous year.<sup>21</sup>

In December, the Tax Amendment Act was passed, which came into force on 1 January 2026. It introduces several changes affecting civil society. For example, e-sports will be recognised as a charitable cause; the exemption limit for prompt use of funds will increase to €100,000; and the flat rate for voluntary work will rise to €960.<sup>22</sup> However, the act does not include the legal adjustments demanded by many CSOs<sup>23</sup> and the European Commission for years.<sup>24</sup> This means there is still no clear legal provision regarding recognised

13. <https://www.bundeshaushalt.de/static/daten/2024/soll/ep17.pdf>

14. <https://www.stern.de/news/prien-will-mittel-fuer-demokratiefoerderung-kuerzen-36058986.html>

15. <https://www.belltower.news/demokratie-leben-unter-druck-der-bund-verschiebt-prioritaeten-laender-warnen-163289/>

16. [https://www.institut-fuer-menschenrechte.de/menschenrechtsschutz/berichterstattung/menschenrechtsbericht?mtm\\_campaign=mrsb25-g1-post-01&mtm\\_source=organic-social&mtm\\_medium=linkedin&mtm\\_group=mrsb25-g1](https://www.institut-fuer-menschenrechte.de/menschenrechtsschutz/berichterstattung/menschenrechtsbericht?mtm_campaign=mrsb25-g1-post-01&mtm_source=organic-social&mtm_medium=linkedin&mtm_group=mrsb25-g1)

17. <https://www.dw.com/de/appell-an-deutsche-regierung-entwicklungshilfe-nicht-k%C3%BCrzen-deutschland-bill-gates-afrika-usa-v2/a-73002247>

18. <https://www.dw.com/en/germany-defunds-2-israeli-human-rights-groups/a-71217628>

19. <https://www.bundestag.de/dokumente/textarchiv/2025/kw26-de-nichtregierungsorganisationen-1084814>

20. [https://www.maeenata.eu/wp-content/uploads/2025/10/Finanzierung\\_Broschuere.pdf](https://www.maeenata.eu/wp-content/uploads/2025/10/Finanzierung_Broschuere.pdf)

21. [https://www.dfrv.de/wp-content/uploads/2025/11/2025\\_11\\_Spendenmonitor\\_Presse\\_DFRV\\_DZI\\_FIN.pdf](https://www.dfrv.de/wp-content/uploads/2025/11/2025_11_Spendenmonitor_Presse_DFRV_DZI_FIN.pdf)

22. <https://www.bundesregierung.de/breg-de/aktuelles/steueraenderungsgesetz-bundesrat-2383684>

23. <https://www.zivilgesellschaft-ist-gemeinnuetzig.de/forderungen/>

24. [https://commission.europa.eu/document/download/3d1a2f80-5989-4364-a9e6-d925d4a1c900\\_en?filename=16\\_1\\_58059\\_coun\\_chap\\_germany\\_en.pdf&prefLang=hu](https://commission.europa.eu/document/download/3d1a2f80-5989-4364-a9e6-d925d4a1c900_en?filename=16_1_58059_coun_chap_germany_en.pdf&prefLang=hu)

charitable purposes, nor are there clear rules on their uniform interpretation by the tax authorities. This poses a significant threat to CSOs, leaving them vulnerable to losing their non-profit status as a result of an intimidation strategy employed by members of the Alternative

for Germany (AfD) party and other far-right organisations (see more below), who systematically report non-profit organisations to the tax authorities for alleged political activity.<sup>25</sup>

## Freedom of Peaceful Assembly

In 2025, restrictions and repressions against climate protesters, the Palestinian solidarity movement, and anti-far right demonstrators<sup>26</sup> continued. For example, in the city-state of Berlin alone, 5,681 court proceedings have been initiated since 2022 against participants in protests organised by the climate movement Letzte Generation (Last Generation), of which 2,695 have since been discontinued.<sup>27</sup> Investigations are ongoing into climate activists from the group accused of forming a criminal organisation (Section 129 of the German Criminal Code). These indictments have resulted in serious restrictions on the civil rights of those affected. However, to date no court proceedings have taken place. Lawyers from Green Legal Impact have criticised this as a form of unlawful prejudgement without a court ruling.<sup>28</sup>

The latest report by the German Institute of Human Rights also highlights an increase in police measures that substantially interfere with fundamental rights in connection with demonstrations, particularly in the context of protests by climate activists and Palestine solidarity assemblies.<sup>29</sup> Many climate activists also feel that their democratic rights are being significantly restricted.<sup>30</sup> Additionally, the framing of climate protests in public debate has demonstrably changed. The growing police presence at climate protests, their portrayal as a security risk, and politicians delegitimising them by calling them “climate terrorists” has created a hostile atmosphere towards the movement in the public debate.<sup>31</sup> This has resulted in waning support for climate protests in Germany.<sup>32</sup>

German authorities have also continued to crack down on Palestine solidarity protests, severely restricting the right to protest of the movement through frequent arrests, the excessive use of force and event bans.<sup>33</sup> Since 7 October 2023, the police in Berlin have reported around 9,000 criminal charges linked to such gatherings in the city, and imposed a ban on Arabic language chants during these protests.<sup>34</sup> Meanwhile, several court cases have ruled that the police’s use of force against climate protests<sup>35</sup> and the disruption of events such as the “Palestine Congress” was unlawful in some cases.<sup>36</sup>

In October 2025, Gina Romero, the UN special rapporteur on the rights to freedom of peaceful assembly and of association, together with several other experts, urged Germany to halt the criminalisation and police violence against Palestinian solidarity movement. The experts expressed that they were “alarmed by the persistent pattern of police violence and apparent suppression.” They noted that Germany often uses broad justifications relating to security, public safety, the prevention of antisemitism, and the banning of support for terrorist organisations in order to restrict the civic freedoms of protesters. Furthermore, they stressed concerns over the use of foreign policy-related justifications and misuse of immigration law to reject citizenship or deport activists.<sup>37</sup> There has been no public response or reaction to this from the federal government of Germany yet.

25. <https://freiheitsrechte.org/en/themen/starke-grundrechte-fuer-eine-lebendige-demokratie/gemeinnuetzigkeit>

26. <https://www.fr.de/hessen/der-ausnahmestandard-in-giessen-beginnt-um-uhr-afd-gruendungskongress-zr-94060946.html>

27. <https://taz.de/Klima-Proteste/!6129834/>

28. <https://www.mdr.de/nachrichten/sachsen/letzte-generation-klimaaktivisten-kriminelle-vereinigung-100.html>

29. [https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Menschenrechtsbericht/Executive\\_Summary\\_Annual\\_Report\\_Development\\_Human\\_Rights\\_Situation\\_Germany\\_2025.pdf](https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Menschenrechtsbericht/Executive_Summary_Annual_Report_Development_Human_Rights_Situation_Germany_2025.pdf)

30. [https://protestinstitut.eu/wp-content/uploads/2025/01/Green\\_Legal\\_Spaces\\_Studie\\_2025.pdf](https://protestinstitut.eu/wp-content/uploads/2025/01/Green_Legal_Spaces_Studie_2025.pdf)

31. [https://protestinstitut.eu/wp-content/uploads/2025/01/Green\\_Legal\\_Spaces\\_Studie\\_2025.pdf](https://protestinstitut.eu/wp-content/uploads/2025/01/Green_Legal_Spaces_Studie_2025.pdf)

32. <https://www.tagesspiegel.de/wirtschaft/klimaproteste-umfrage-unterstuetzung-fur-klimaschutz-aktionen-sinkt-leicht-14459450.html>

33. <https://monitor.civicus.org/explore/snap-election-sees-support-double-for-the-far-right-continued-crackdown-on-palestine-solidarity-protesters-and-ngos-under-pressure/>

34. <https://www.tagesspiegel.de/berlin/9000-straftanzeigen-bei-demos-zum-nahostkonflikt-innensenatorin-will-keine-pauschalen-sprachverbote-bei-kundgebungen-13174630.html>

35. <https://www.lto.de/recht/hintergruende/h/vg-berlin-1k28123-schmerzgriff-letzte-generation-klimakleber-polizei-rechtswidrig>

36. <https://www.tagesspiegel.de/berlin/berliner-gericht-entscheidet-polizeiverbot-von-palastina-kongress-war-rechtswidrig-14944277.html>

37. <https://www.ohchr.org/en/press-releases/2025/10/un-experts-urge-germany-halt-criminalisation-and-police-violence-against>

# Freedom of Expression

In 2025, there were many reports and complaints that German authorities restricted freedom of expression. For example, in February 2025, both the Free University of Berlin and the Ludwig Maximilian University of Munich cancelled events featuring Francesca Albanese, the UN special rapporteur on the Occupied Palestinian Territories, following pressure from state governments.<sup>38</sup> The venue of Albanese's third event was changed at short notice after the previous venue withdrew its support under pressure from German politicians and the police. During the event, the police stormed the room to monitor students who were livestreaming it.<sup>39</sup>

In June 2025, Michael O'Flaherty, the Council of Europe Commissioner for Human Rights, sent a letter to the German interior minister. In the letter, he criticised the extensive restrictions on freedom of expression and peaceful assembly in Germany, including language- and symbol-specific restrictions, excessive police violence, surveillance, blanket bans, and criminal prosecutions, particularly in relation to Palestine solidarity protests. Furthermore, he objected that criticism of Israel is sometimes wrongly classified as antisemitism, thereby suppressing legitimate political expression, which violates the principles of necessity, proportionality and non-discrimination.<sup>40</sup>

# Participation in Decision-making

Despite the former government adopting a federal engagement strategy in early December 2024,<sup>41</sup> the 2025 EU Rule of Law report highlights that consultation procedures in Germany continue to vary. Stakeholders have mentioned instances of particularly short consultation periods and of different procedures between ministries.<sup>42</sup> Consequently, it can be deduced that no substantial enhancements have been executed to date.

Conversely, the debate resulting from the parliamentary inquiry by the CDU/CSU demonstrates that there is a widespread view in conservative political circles that CSOs are becoming overly politically involved. These circles believe that politics should be the domain of political parties, while CSOs should remain neutral. This view not only contradicts how many CSOs see themselves — namely, as active shapers of society — but also conflicts with the existing legal and constitutional framework.<sup>43</sup> The applicable law does not require civil society to be depoliticised. The “principle of state neutrality” primarily applies to public officials, rather than to CSOs. If a CSO is non-profit and enjoys tax privileges, it may engage in political activities, but it must remain purpose-bound, objective, and party-politically neutral. If it receives state funding, it must act in a non-partisan manner, in accordance with the relevant funding guidelines and the funding

decision. Accordingly, there is no general prohibition on CSOs engaging in political activity or promoting the fundamental values of the Basic Law.<sup>44</sup>

However, this does not prevent the AfD from accusing CSOs of violating their supposed political neutrality. The party frequently accuses organisations such as the Amadeu Antonio Foundation of doing so. The foundation is dedicated to the principles of democracy, human dignity, and respectful coexistence. It has implemented a wide range of projects to combat right-wing extremism, racism, and antisemitism. Legal victories, including a case surrounding the critical statements made by Interior Minister Horst Seehofer, have encouraged the AfD to blur the boundaries of state neutrality and extend its scope, at least rhetorically, to society. In a press article which appeared on the ministry's website in 2018 Seehofer claimed that the AfD's appearances in the Bundestag were “shabby” and “subversive”. In its ruling, the Federal Constitutional Court conceded that a minister was entitled to make such a statement in the context of the battle of opinions between the parties. However, it found that this statement should not have appeared on the ministry's website because it violated the “requirement of state neutrality” and the “right to equal participation in political competition”.<sup>45</sup> The AfD

38. <https://www.dw.com/en/germany-anger-over-cancelled-talks-by-un-special-rapporteur-for-palestinian-territories/a-71662122>

39. [https://monitor.civicus.org/press\\_release/2025/germany/](https://monitor.civicus.org/press_release/2025/germany/) ; <https://taz.de/Vortrag-von-Francesca-Albanese-in-Berlin/!6067148/>

40. <https://rm.coe.int/letter-to-federal-minister-of-the-interior-germany-by-michael-o-flaherty/1680b64870>

41. <https://www.bmfsfj.de/resource/blob/251452/ac00fb8963654019ae158f9ae7d7efa6/engagementstrategie-des-bundes-data.pdf>

42. [https://commission.europa.eu/document/download/88f3fdf4-5c1e-4ac1-a45e-47af793f45f\\_en?filename=9\\_1\\_63941\\_coun\\_chap\\_germany\\_en.pdf](https://commission.europa.eu/document/download/88f3fdf4-5c1e-4ac1-a45e-47af793f45f_en?filename=9_1_63941_coun_chap_germany_en.pdf)

43. <https://www.maecenata.eu/wp-content/uploads/2025/06/Backsliding-democracy-Rupert-Graf-Strachwitz.pdf>

44. <https://www.ssoar.info/ssoar/handle/document/106422>

45. [https://www.ssoar.info/ssoar/bitstream/handle/document/106422/ssoar-2025-roth\\_et\\_al-Politische\\_Neutralitat\\_von\\_zivilgesellschaftlichen\\_Organisationen.pdf?sequence=4&isAllowed=y&lnkname=ssoar-2025-roth\\_et\\_al-Politische\\_Neutralitat\\_von\\_zivilgesellschaftlichen\\_Organisationen.pdf](https://www.ssoar.info/ssoar/bitstream/handle/document/106422/ssoar-2025-roth_et_al-Politische_Neutralitat_von_zivilgesellschaftlichen_Organisationen.pdf?sequence=4&isAllowed=y&lnkname=ssoar-2025-roth_et_al-Politische_Neutralitat_von_zivilgesellschaftlichen_Organisationen.pdf)

uses this argument against CSOs to discredit them, which in turn puts pressure on them and hinders their participation in political decision-making processes.

This is partly due to the fact that the German government has not yet taken action regarding the tax-exempt status of non-profit organisations, a situation which continues to present practical obstacles.<sup>46</sup> The European Commission's 2023 Rule of Law report recommended that the German government "take[s] forward the plan to adapt the tax-exempt status for non-profit organisations, with an opinion to addressing the challenges that the currently applicable rules present for their practical operation, while taking into account European standards on funding for civil society organisations."<sup>47</sup> However, these recommendations have not yet been implemented. Consequently, the legal framework for "occasional political activities" by non-profit organisations remains unclear. This creates uncertainty and restrictions for CSOs and provides an opportunity

for parties such as the AfD to report them to the tax authorities for alleged non-compliance with their non-profit status. Although the coalition agreement provides for the simplification of non-profit law, it is unclear whether this will solve existing problems, and no progress has yet been made. As a result, civil society organisations continue to face operational challenges.<sup>48</sup>

While the previous government formed a task force in the Bundestag to prepare for citizens' assemblies, the current Bundestag administration, led by Julia Klöckner (CDU), disbanded the task force in 2025.<sup>49</sup> It reasoned that citizens' assemblies would result in parliament losing power, despite research findings suggesting the opposite.<sup>50</sup> This suggests that no further citizens' assemblies will be held at a federal level during the current coalition government's term of office, meaning there will be no further direct citizen involvement.

## Safe space

Attacks on marginalised groups, including LGBTQI+ individuals, as well as right-wing, xenophobic, racist, and antisemitic violence, continued to increase in Germany. The official statistics published in May 2025 demonstrated that the area of politically-motivated crime, which increased by 40%, saw the highest increase since records began in 2001. Right-wing motivated crimes saw the most significant increase, rising by 47.8%, and accounting for more than half of all crimes recorded by the police.<sup>51</sup>

In the category of hate crime, which refers to offences motivated by prejudice against a group, the number of cases continued to rise significantly. Compared to the previous year, there has been an overall increase of 28% across all phenomena. In the subcategory of antisemitic attacks, for example, a new high of 6,236 cases was recorded, which represents an increase by over 20 per cent compared to the previous year. Of these offences, around 48% fall under the right-wing category, followed by the foreign ideology category with around 31%. In the subcategory of Islamophobic attacks, a total of 1,848 cases were recorded, which is a 26% increase. One of the main reasons for the

high number of hate crimes was the 29% increase in xenophobic offences, bringing the total to 19,481 cases. Of these, around 74% were classified as right-wing. Within the hate crime category, the police recorded the strongest percentage increase in crimes against women, around 73%. More than half of the offences were politically motivated.<sup>52</sup>

In 2025, Germany experienced a record-breaking number of 245 LGBTQI+ pride marches known as Christopher Street Day demonstrations (CSDs). These are annual celebrations and demonstrations held in various cities worldwide for the rights of LGBTQI+ people, against discrimination and exclusion, and in memory of the Stonewall riots, the first big uprising of LGBT people against police assaults that took place in New York City's Christopher Street on 28 June 1969. At the same time, the number of attacks was higher than ever before. Between April and September 2025, at least 110 of the 245 marches were disrupted or attacked, with right-wing extremist groups responsible for 53 of these attacks. These attacks are no coincidence, as right-wing actors are deliberately mobilising against queer visibility.<sup>53</sup>

46. [https://commission.europa.eu/document/download/88f3fdf4-5c1e-4ac1-a45e-47af7f93f45f\\_en?filename=9\\_1\\_63941\\_coun\\_chap\\_germany\\_en.pdf](https://commission.europa.eu/document/download/88f3fdf4-5c1e-4ac1-a45e-47af7f93f45f_en?filename=9_1_63941_coun_chap_germany_en.pdf)

47. [https://commission.europa.eu/document/download/6a02c9dc-e9c3-4aef-a12e-633f80b670d7\\_en?filename=16\\_1\\_52572\\_coun\\_chap\\_germany\\_en.pdf](https://commission.europa.eu/document/download/6a02c9dc-e9c3-4aef-a12e-633f80b670d7_en?filename=16_1_52572_coun_chap_germany_en.pdf)

48. [https://commission.europa.eu/document/download/88f3fdf4-5c1e-4ac1-a45e-47af7f93f45f\\_en?filename=9\\_1\\_63941\\_coun\\_chap\\_germany\\_en.pdf](https://commission.europa.eu/document/download/88f3fdf4-5c1e-4ac1-a45e-47af7f93f45f_en?filename=9_1_63941_coun_chap_germany_en.pdf)

49. <https://www.zeit.de/politik/deutschland/2025-11/bundestag-buergerrat-julia-kloeckner-aufloesung-stabstelle>

50. [https://www.rifs-potsdam.de/en/blog/2025/11/Citizens\\_Assemblies\\_Strengthen\\_Parliaments](https://www.rifs-potsdam.de/en/blog/2025/11/Citizens_Assemblies_Strengthen_Parliaments)

51. [https://www.bmi.bund.de/SharedDocs/downloads/DE/publikationen/themen/sicherheit/BMI25045\\_pmk2024-factsheet.pdf?\\_\\_blob=publicationFile&v=7](https://www.bmi.bund.de/SharedDocs/downloads/DE/publikationen/themen/sicherheit/BMI25045_pmk2024-factsheet.pdf?__blob=publicationFile&v=7)

52. <file:///D:/Users/Test/Downloads/2024PMKFallzahlen.pdf>

53. [https://www.amadeu-antonio-stiftung.de/wp-content/uploads/2025/10/Amadeu-Antonio-Stiftung\\_Sicherheitsreport-2025.pdf](https://www.amadeu-antonio-stiftung.de/wp-content/uploads/2025/10/Amadeu-Antonio-Stiftung_Sicherheitsreport-2025.pdf)

One year after the new self-determination law came into effect in November 2024, the Federal Statistical Office estimated that 22,000 people had taken advantage of the new regulation. The law enabled transgender and non-binary individuals to adjust their legal documents to align with their gender through an administrative process grounded in self-determination and without the previous requirement for “expert reports”.<sup>54</sup> However, the law is still under fire. On the one hand, right-wing extremists are exploiting it and launching attacks. For example, in September 2025, the AfD party submitted a motion to the Bundestag to repeal the law. On the other hand, the new government has agreed to review the regulations by the end of July 2026. Right-wing and conservative groups argue that amending the gender entry requirement could allow men access to women’s shelters. However, representatives from civil society have pointed out that this could be prevented by exercising domiciliary rights.<sup>55</sup> According to the CDU/CSU parliamentary group, serious discussions about new regulations will soon be held.<sup>56</sup> The continued existence of the law is therefore uncertain.

The AfD continued to use both state level parliamentary inquiries and those in the Bundestag to target and attack certain CSOs. For example, in November 2025, the parliamentary group of the AfD party in the Bundestag called for an end to state funding of the Amadeu Antonio Foundation from federal funds in a motion.<sup>57</sup> The foundation had become a target because it supports individuals and groups who are affected by antisemitic, racist, and right-wing violence. In the aforementioned Bundestag case, all the democratic parties rejected the motion.<sup>58</sup> However, there are countless other examples of how the AfD parliamentary group uses parliamentary inquiries to attack and intimidate CSOs.<sup>59</sup>

It is also worth mentioning that CSOs have not only defended themselves against attacks but have actively taken action against them. Since the parliamentary inquiry by the CDU/CSU group in February 2025, CSOs have joined forces and have been engaging actively together in public debates.<sup>60</sup> They have deconstructed the narratives, which are being used to delegitimise them,<sup>61</sup> they have called out the individuals and groups behind these attacks<sup>62</sup> and have highlighted their missions.<sup>63</sup> CSOs are also showing and acting in solidarity with each other.<sup>64</sup>

<sup>54</sup>. <https://www.hrw.org/world-report/2025/country-chapters/germany> ;

<https://www.hrw.org/news/2024/04/12/germany-landmark-vote-trans-rights-law>

<sup>55</sup>. <https://www.swr.de/kultur/gesellschaft/selbstbestimmungsgesetz-kritik-instrumentalisierung-rechtsextreme-judith-rahner-100.html>

<sup>56</sup>. <https://www.tagesschau.de/inland/innenpolitik/selbstbestimmung-gesetz-debatte-100.html>

<sup>57</sup>. <https://dserver.bundestag.de/btd/21/027/2102709.pdf>

<sup>58</sup>. <https://www.fr.de/politik/csu-politiker-durchkreuzt-afd-kulturkampf-mit-einer-einzigen-frage-94037762.html>

<sup>59</sup>. [https://www.idz-jena.de/fileadmin/user\\_upload/PDFS\\_WsD10/Beitrag\\_Marius\\_Miehlke.pdf](https://www.idz-jena.de/fileadmin/user_upload/PDFS_WsD10/Beitrag_Marius_Miehlke.pdf)

<sup>60</sup>. <https://www.bosch-stiftung.de/sites/default/files/documents/2025-02/Offener%20Brief%20vom%2028.02.2025%20zur%20Kleinen%20Anfrage%20Politische%20Neutralita%CC%88t%20staatlich%20gefo%CC%88rderter%20Organisationen.pdf>

<sup>61</sup>. <https://www.ssoar.info/ssoar/handle/document/105020>

<sup>62</sup>. <https://www.lobbycontrol.de/aus-der-lobbywelt/neue-studie-wer-steckt-hinter-den-kampagnen-gegen-die-zivilgesellschaft-122514/>

<sup>63</sup>. <https://www.youtube.com/watch?v=8hMxVgqSfpE>

<sup>64</sup>. <https://www.maecenata.eu/wp-content/uploads/2025/06/Backsliding-democracy-Rupert-Graf-Strachwitz.pdf>

# Recommendations

## **TARGETED RECOMMENDATION:**

- **Immediately stop the sweeping attacks on civil society, install structured civil dialogue with civil society actors and experts and actively work with CSOs to develop an open, democratic society and to preserve the rule of law and human and civil rights, in line with the EU Civil Society Strategy.**
- Urgently reform the tax-exempt status for non-profit organisations to address the challenges the law presents for the organisations' operation in practice, taking into account European standards on funding for civil society organisations, in line with the recommendations of the 2025 European Commission Rule of Law report.
- Promptly revise the concept of "defensive democracy," a fundamental principle outlined in the Basic Law, to actively support the ZGO in defending the fundamental values of the free democratic basic order.
- Immediately implement a substantial reduction in bureaucracy, for example, by amending tax laws for CSOs and eliminating superfluous registration and reporting requirements for them.
- Urgently uphold, respect, and facilitate the right to peaceful assembly and expression for everyone without discrimination, including the Palestine solidarity and climate movements and urgently investigate instances of police brutality during protests to ensure accountability.

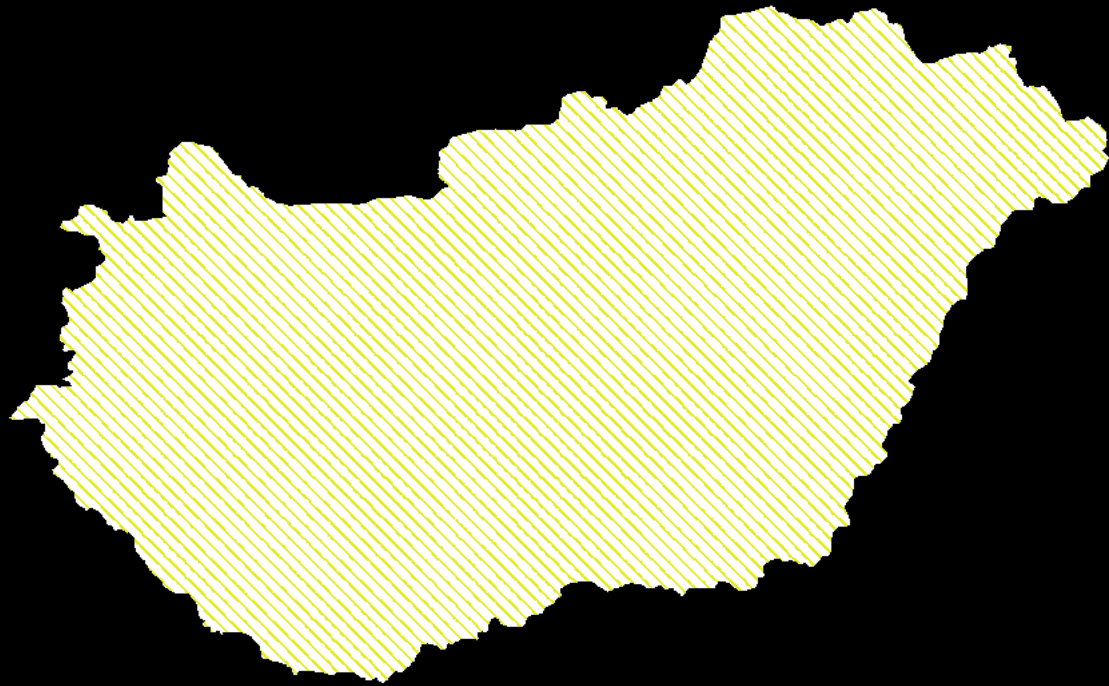
## About the author

**The Maecenata Foundation** is an independent not-for-profit think tank, focusing on the civic space, civil society, civic engagement, and philanthropy. The foundation acts as an impartial watchdog and provides research designed to enhance an open society in Europe and beyond. It carries out its mission by means of four programmes: the Maecenata Institute, a research centre, the Tocqueville Forum, a dissemination and dialogue programme, the MENA Study Centre, and the Transnational Giving programme for cross-border donations.

Maecenata  
Foundation




# Hungary

by Ökotárs



<b>Key Trends</b> .....	<b>107</b>
<b>Summary</b> .....	<b>107</b>
<b>Key Developments</b> .....	<b>108</b>
Election campaign heats up .....	108
The (so-called) Transparency Act .....	108
Banned Pride becomes a great success .....	108
<b>Dimensions</b> .....	<b>109</b>
Freedom of Association .....	109
Access to Funding .....	110
Freedom of Peaceful Assembly .....	112
Freedom of Expression .....	113
Right to Participation in Decision-Making .....	114
Safe Space .....	115
<b>Recommendations</b> .....	<b>116</b>
<b>About the author</b> .....	<b>117</b>

# Key Trends

-  Draft law on the transparency of public life attempts to target funding sources of critical CSOs
-  Pride marches banned, LGBTQI organiser criminally charged
-  Scrutiny of foreign funding to civil society, including EU funding to CSOs

## Summary

Civic space in Hungary is rated as “Obstructed” by the CIVICUS Monitor.<sup>1</sup> The European Commission’s 2025 Rule of Law report recommended that the government take steps to “ensure that there are no obstacles hindering the work of civil society organisations, including by repealing legislation that hampers their capacity of working, and foster a safe and enabling civic space.” The government took no steps to address this recommendation.

In 2025, it continued its attacks on civil society, and in particular escalated its attacks on LGBTQI+ rights. The pattern of proposing restrictive legislation continued with the draft law on the transparency of public life, which would have cut off the funding resources of CSOs, media, think tanks and other actors critical of the government. The law would give a broader mandate to the relatively new Sovereignty Protection Office, which

so far has served as a propaganda tool. In mid-March, the Assembly Act was hastily amended to create a legal basis for the ban of the LGBTQI+ Pride march. Following this, the police banned the march, but this decision was overturned by the court. Later, the police issued further bans on the march (which had been notified to the authorities under several different titles), some of which were overturned, but others not. Nevertheless, the Budapest march saw an unprecedented number of people attending — between 200,000 and 300,000. In Pecs, authorities banned the local march, which also went ahead regardless. Additionally, the Criminal Code has been used to threaten certain activists involved in highly political cases, usually with the purpose of intimidation rather than actual punishment, launching investigations that are not closed. CSOs’ participation in decision-making remains weak, while foreign funded CSOs continue to face smear campaigns.

1. <https://monitor.civicus.org/country/hungary/>

# Key Developments

## Election campaign heats up

The state of civic space in Hungary has continuously deteriorated over the past decade, and it further worsened in 2025 against the backdrop of parliamentary elections scheduled to take place in April 2026. Although the official campaign period only starts 60 days prior to an election, the campaign was already in full swing throughout 2025. With a new contender, the centre-right TISZA Party led by Péter Magyar, leading in the polls against the governing right-wing populist FIDESZ, a new political reality of one-on-one competition emerged. FIDESZ responded by further

raising the stakes, and in this tense political climate, scandals broke out on a weekly basis.

Prime Minister Viktor Orbán started the year with several high-profile speeches (such as the annual State of Hungary address) during which he repeatedly spoke about the need to “clean out” dissenters,<sup>2</sup> including academics, journalists, and civil society organisations (CSOs). This rhetoric translated into two major legislative initiatives that defined 2025.

## The (so-called) Transparency Act

The prime minister promised this “clean out” by Easter, without specifying any details, thereby creating a sense of uncertainty that worried many and lasted throughout the spring. The threat took form in mid-May when an unexpected draft law on the transparency of public life was published on the parliament’s website, causing immediate alarm. Human rights CSOs dubbed the law “Operation Starve and Strangle”, as it would have targeted CSOs, media, think tanks, and other actors critical of the government and cut them off from their financial resources (see more under Access to Funding). The law would give a broader mandate to the relatively new Sovereignty Protection Office, which so far had served as a propaganda tool, issuing accusatory reports to discredit independent media and CSOs without any authority, and which at the time of writing awaits a ruling by the Court of Justice of the European Union (CJEU).

Opposition to the draft act took many forms: approximately 300 CSOs and 60 media outlets signed a joint statement.<sup>3</sup> Judges, lawyers, and trade unions condemned it publicly, while banner-hanging actions took place in several cities and within the parliament itself. Two large demonstrations were organised in Budapest and international organisations issued solidarity statements. Despite the outcry, parliament continued to debate the law. On 4 June, the leader of the FIDESZ parliamentary group unexpectedly announced that debate over the law would be postponed till after the summer but it was not withdrawn. In the months that followed, governing party figures sent contradictory messages, and while there were no new developments at the time of publication, the uncertainty and threat remained.

## Banned Pride becomes a great success

During the first months of the year, the prime minister attacked the LGBTQI+ community, declaring that the annual Pride demonstration would not take place this year. In mid-March, the Assembly Act was hastily amended to create a legal basis for the ban, referring to the 2021 amendment of the Child Protection Act that banned homosexual propaganda to minors, and which at the time of writing was also pending judgement at the CJEU. Despite the bans, Pride organisers were determined to hold the event. In the following two

months, a chaotic and uncertain legal situation ensued: police were notified of several demonstrations and some of these were banned, with several bans then overturned by the Supreme Court of Hungary. In the meantime, Pride generated significant support and solidarity both in Hungary and abroad: the Budapest mayor endorsed it as an official event of the municipality, and embassies and at least 70 members of the European Parliament (MEPs) registered their participation.

2. <https://kormany.hu/hirek/orban-viktor-evertkelo-beszede-20240217?isSpecial=true> ;

<https://miniszterelnok.hu/orban-viktor-unnepi-beszede-az-1848-49-es-forradalom-es-szabadsaghaoutcriesrc-177-evfordulojan/>

3. <https://civilizacio.net/en/news-blog/no-country-was-built-on-blacklists>

The legal uncertainty remained, however, until the start of the march, which, despite the risk of being fined up to €500 for participating in a banned protest, drew an unprecedented number of people — between 200,000 and 300,000, according to estimates. The event took place peacefully, without disruption; police protected the marchers by separating them from a smaller, far-right counter-protest.

In September, this story was repeated, on a smaller scale, in Pécs (southern Hungary), the only other city where Pride is regularly organised. The police banned the event, and the Supreme Court upheld the decision. Nevertheless, the march on 4 October became the largest ever held in the city, with several thousand people participating. Counter-protesters attempted to disrupt the event but were stopped by the police.

## Dimensions

### Freedom of Association

In line with relevant international law, Article VIII, paragraph (2) of the Constitution of Hungary provides for the right to freedom of association for everyone. This right is further described in Article I of the Nonprofit Act (CLXV of 2011 on the freedom of association, public benefit status, and the operation and financing of civil society organisations). Detailed rules of the main forms of legally registered civil society organisations (CSOs) — associations and foundations — are included in Chapters VII and XXII of the Civil Code (Act V of 2013). Besides these, the Nonprofit Act also acknowledges a simple, non-registered form of association, known as a civil group.

In theory, the registration of a CSO is fairly straightforward, free of charge, and can be done entirely online using forms and templates provided on the court's website.<sup>4</sup> In 2025, there were no reports of denied registration or forced dissolution, and the number of registered civil society organisations remained stable, according to official statistics.<sup>5</sup> The registry of civil society organisations is publicly available on the general court's website.<sup>6</sup>

In practice, however, individuals not familiar with legal procedures, can easily make formal errors in the registration forms, which could lead to a lengthy process of

However, the police later charged the main Pride organiser (a gay Roma teacher) with holding an illegal assembly.

Despite some victories, restrictive legislation passed in the previous year remained in place (or pending in parliament), smear campaigns and the intimidation of CSOs critical of the government, especially those representing minorities such as LGBTQI+ people, migrants, drug users, homeless people, persisted. In rural areas, it was exacerbated by threats of losing employment in the public sector for speaking out or criticising the authorities. In general, an uncertain and threatening atmosphere prevailed and was expected to worsen, at least until the elections, which themselves risked negatively affecting civic action and open debate.

correction. According to the law, the court has 30 days to register an organisation, but in practice, it is rarely done within that timeframe, and the same applies to making any changes in the organisation's registered data or statutes. Minimal official support and guidance are available. Only some civil society resource centres, such as NIOK Foundation<sup>7</sup> or Pilnet<sup>8</sup> offer such support with the procedures. Given these circumstances, many groups decide to remain informal in order to avoid the administrative burdens of registering and operating an organisation. Anecdotal evidence also suggests that the intimidating political environment sometimes deters people from taking on official roles in CSOs.

In June, the parliament adopted a law reforming the registration of all legal bodies (Act LIX of 2025), including CSOs, by transferring both the process and the registry from the courts to an as yet undetermined administrative office to be established in the future (likely under the justice ministry) to decrease the courts' burden. While on the surface it seems to be a purely administrative change, some fear potential political influence, as an agency under direct governmental control would have less independence than the courts under the new system. The law will enter into force only at the beginning of 2027; thus, its impact remains to be seen.

4. <https://birosag.hu/ugyfeleknek/urlapok-nyomtatvanyok/eljarasok-nyomtatvanyai/civil-eljarasok-urlapjai>

5. [https://www.ksh.hu/stadat\\_files/gsz/hu/gsz0013.html](https://www.ksh.hu/stadat_files/gsz/hu/gsz0013.html)

6. <https://birosag.hu/ugyfeleknek/civil-szervezetek/civil-szervezetek-nevjegyzeke>

7. <https://www.nonprofit.hu/tudastar>

8. <https://www.pilnet.org/our-work/europe-eurasia/hungarian/>

The everyday operation of CSOs is largely free of undue state interference, as they can determine their activities and elect their statutory bodies independently. In 2025, there were no reports of excessive inspections by authorities, with one notable exception. Since 2015, the government targeted the Oltalom (Shelter) Charitable Association, which is linked to the Hungarian Evangelical Brotherhood, stripping the association of funding. In 2024, the Budapest regional government office shuttered the association's schools, where they taught homeless and otherwise disadvantaged children. The decision was revoked by the court in March 2025.<sup>9</sup> However, in September 2025, the same office initiated a procedure to withdraw the licence of the homeless shelters run by the association in the 8th district of Budapest.<sup>10</sup> The court decision claimed that there were inadequate conditions at the shelters,

despite many earlier inspections. Furthermore, in November, the public prosecutor charged Pastor Gábor Iványi,<sup>11</sup> the leader of the association (and several other persons), with violence against public officials in relation to a tax inspection that took place at the association's premises in 2022.

CSOs, especially those with public benefit status (approximately 20% of all organisations), have to meet extensive documentation and reporting obligations, and they may be subject to controls by various governmental agencies, including the State Audit Body. All organisations must submit their annual financial reports, using the relevant forms for publication in the registry, and must publish them on their own websites, thus guaranteeing a level of transparency.

## Access to Funding

Under current legislation, CSOs are free to seek and receive funding both domestically and from abroad, as well as from any sources and through any means, including online. The rules for collecting individual donations are in Government Decree 350/2011 (XII.30 on certain questions of the management of CSOs, fundraising, and public benefit status) and require CSOs to report separately on the money they collect. In practice, CSOs use a broad variety of fundraising tools, ranging from online crowdsourcing and merchandising through corporate support to philanthropic and public grants. However, foreign funding (of any type) has been treated by the government as suspect, and organisations receiving grants from abroad are among the primary targets of smear campaigns (see more in Safe Space). In spring 2024, a separate state agency, the Sovereignty Protection Office (SPO), was created (based on legislation passed in December of the previous year, Act LXXXVIII. of 2023) with the sole purpose of collecting information and producing reports and other papers on organisations and programmes that allegedly work in the interest of foreign entities. After publishing reports on several CSOs, including Transparency International-Hungary<sup>12</sup> and Ökotárs Foundation,<sup>13</sup> in 2025, the SPO's publications focused

on EU funding programmes such as Citizens, Equality, Rights and Values (CERV),<sup>14</sup> Horizon Europe,<sup>15</sup> and the Asylum and Migration Integration Fund (AMIF),<sup>16</sup> as well as listing some of their Hungarian beneficiaries in an arbitrary manner. The European Commission, which earlier initiated an infringement procedure on the Sovereignty Protection Act, referred the case to the European Court of Justice<sup>17</sup> in October 2024, with the result pending at the time of writing.<sup>18</sup>

In a related move, Csaba Dömötör, a Hungarian member of the Patriots for Europe group in the European Parliament, requested in (P-001007/2025<sup>19</sup>) that the European Commission disclose the data of all funded organisations. The Patriots group created its own directory on the website [ngotransparency.eu](http://ngotransparency.eu), which could be used for targeted smear campaigns against Hungarian CSOs.

This situation escalated when, on 13 May, a draft law, the Transparency of Public Life Act (T/11923<sup>20</sup>), was submitted to parliament by an individual MP (later joined by the majority of the FIDESZ governing party) without any prior consultation. The bill was to be adopted by mid-June, but in an unexpected

9. <https://oltalom.hu/2025/03/13/itelet-szuletett-jogszerutlen-volt-met-budapesti-iskolainak-bezarasa/>

10. <https://oltalom.hu/2025/09/23/a-kormanyhivatal-eljarast-inditott-a-danko-utcai-hajlektalanellato-intezmenyek-mukodesi-engedelyenek-visszavonasara/>

11. <https://ugyeszseg.hu/vademeles-ivanyi-gabor-es-tarsai-ellen/>

12. <https://szuverenitasvedelmihivatal.hu/dokumentumok/The-impact-of-Transparency-International-Hungarys-activities-on-Hungarian-sovereignty.pdf>

13. <https://szuverenitasvedelmihivatal.hu/dokumentumok/The-impact-of-the-activities-of-%C3%96kot%C3%A1rs-on-Hungarian-sovereignty.pdf>

14. <https://szuverenitasvedelmihivatal.hu/dokumentumok/Az-Europai-Bizottsag-CERV-programja-Igy-nyitotta-meg-Brusszel-a-penzcsapot-a-Soros-halozat-finanszirozasara.pdf>

15. <https://szuverenitasvedelmihivatal.hu/hirek/politikai-projekteteket-is-finansziroznak-az-europai-unio-kutatasi-es-innovacios-programjabol>

16. <https://szuverenitasvedelmihivatal.hu/hirek/migraciobarat-befolyasolas-kozvetlen-brusszeli-forrasokbol>

17. [https://ec.europa.eu/commission/presscorner/detail/da/ip\\_24\\_4865](https://ec.europa.eu/commission/presscorner/detail/da/ip_24_4865)

18. <https://curia.europa.eu/juris/document/document.jsf?text=&docid=296476&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=381843>

19. [https://www.europarl.europa.eu/doceo/document/P-10-2025-001007\\_EN.html](https://www.europarl.europa.eu/doceo/document/P-10-2025-001007_EN.html)

20. <https://www.parlament.hu/irom42/11923/11923.pdf>

development, halfway through the parliamentary debate, the government announced it would suspend adoption until autumn 2025. By the end of the year, however, the bill was still listed as pending on the parliament's website, with no action planned.

If adopted, this legislation could potentially target CSOs, media outlets and other entities by:

- ▶ allowing the government to draw up a list of entities (of any kind) based on a recommendation from the Sovereignty Protection Office and vaguely defined criteria (for example, “influencing public life”).
- ▶ requiring these listed entities to seek permission from the tax authority in order to receive any foreign support.
- ▶ obliging banks to report to the tax authority on any transfers from abroad to the accounts of the listed entities.
- ▶ penalising any unapproved receipt of foreign donations with a fine 25 times the value of the support.
- ▶ requiring domestic private donors to declare in writing, with full evidentiary power that their donation is not coming from foreign sources; and
- ▶ excluding the listed entities from among the beneficiaries of the 1% income tax assignment system (see below).

The law provides no legal remedies for entities to challenge their inclusion in the list or a ban on receiving specific grants or donations from abroad. A more detailed briefing of the law's impact was developed by the Hungarian Helsinki Committee, together with other human rights organisations.<sup>21</sup> Naturally, the draft generated protest both in Hungary and internationally, including in the banking sector, and even created divisions within the ruling party, but also much fear, especially among CSOs listed in the SPO's publications (see more in the Safe Space section). If adopted, the law could be in breach of EU law on several counts, for example, in terms of freedom of association and expression, and the right to an effective remedy and a fair trial.

Furthermore, a recently passed Government Decree (297/2025. (IX.26) on emergency rules for action against certain persons and organisations in the fight against terrorism may cause concern in the future. The regulation creates a national terrorism list of people

and organisations that can be sanctioned, primarily through financial means, such as freezing assets and limiting transactions. Thus far, the only listed organisation is “Antifa” without specifying which organisation precisely it refers to (in a similar vein to a decision by the US president). It is possible that the decree could be used against organisations under any pretext.

In terms of state funding, there are several instruments (the National Cooperation Fund and the City and Village Civil Funds) that support CSOs with significant amounts: the former dispersed 16 billion HUF (€40 million), and the latter 4.8 billion HUF (€12 million) this year. The working procedures of these state funding mechanisms are not transparent; for example, the lists of supported projects are hard to find on the website nor easily searchable. Investigative journalists have repeatedly shown<sup>22</sup> by analysing the results<sup>23</sup> of the grant calls that the majority of this funding goes to organisations established and/or led by local leaders and figures of the governing party. While human rights organisations and other critical CSOs are not excluded *per se*, they have simply not received grants from these sources. EU Structural Fund support (such as is available) is mainly distributed through pre-defined projects, and not via open, competitive calls, thereby strongly favouring state institutions and churches over CSOs. Meagre municipal grants cannot make up for the lack of funding, and local institutional philanthropy remains weak. Therefore, independent CSOs depend on foreign institutional and private donors as well as on micro-donations, which they collect with increasing efficiency. Though not specific to Hungary, the negative impact of the sudden termination of US government-funded programmes in January 2025 was also felt by several organisations in Hungary: some had to re-think their work plans and do additional fundraising to make up for the lost resources.

All CSOs can register to benefit from the 1% of personal income tax, as based on citizens' allocation (Act CXVII of 1996). In 2025, more than 30,000 CSOs were included in this scheme. While organisations caring for children and stray animals have traditionally been the main beneficiaries, human rights CSOs also receive significant amounts. Most recently, the foundations of independent media outlets have become popular, too, with Telex news portal and the Partizán YouTube channel topping this year's list.<sup>24</sup>

21. <https://helsinki.hu/en/wp-content/uploads/sites/2/2025/05/Operation-Starve-and-Strangle-2025.pdf>

22. <https://444.hu/2025/05/21/ujra-kinyilt-a-kormanyzati-penzcsap-ami-kozpenzt-ont-az-allamparhoz-kozel-allo-civil-szervezetekre>

23. [https://bgazrt.hu/wp-content/uploads/palyazati\\_kirasok/varosi\\_civil\\_alap/2025/VCA-KP-1-2025\\_dontesi\\_lista.pdf](https://bgazrt.hu/wp-content/uploads/palyazati_kirasok/varosi_civil_alap/2025/VCA-KP-1-2025_dontesi_lista.pdf)

24. [https://nav.gov.hu/ado/szja1\\_1/kimutatasok\\_elszamolasok/civil-szervezetek/egyszaz\\_kiut\\_2025/kozlemeny-a-2025.-evben-szja-1-os-felajnlásban-reszesult-civil-kedvezményezettekrol](https://nav.gov.hu/ado/szja1_1/kimutatasok_elszamolasok/civil-szervezetek/egyszaz_kiut_2025/kozlemeny-a-2025.-evben-szja-1-os-felajnlásban-reszesult-civil-kedvezményezettekrol)

Besides this, however, there are very few tax benefits for civil society: according to the Company Tax Act (Act LXXXI. of 1996), companies supporting CSOs with public benefit status can deduct 20% of the donation from their corporate tax (40% of the support exceeds three years), but individual taxpayers have no such

similar scheme. Corporate tax benefits are also strongly biased towards professional sports. Furthermore, the 25% punitive tax on all incomes of organisations that “support illegal immigration” as introduced in 2018 is, in theory, still remains, though it has never been applied.

## Freedom of Peaceful Assembly

Until March 2025, the 2018 Assembly Act (Act LV. of 2018) was generally considered as meeting relevant international standards, though it received some criticism for giving overly broad grounds to the police to ban planned assemblies. At the same time, the law allows spontaneous assemblies to take place without prior notification. The police are usually cooperative and safeguard assemblies appropriately. One notable exception, however, is the blanket ban on Palestine solidarity assemblies, issued by the interior minister following the outbreak of the war in Gaza in 2023, which was still in place at the time of writing.<sup>25</sup>

On 15 March 2025, in his celebratory speech on the National Day of Hungary, Viktor Orbán stated that Pride organisers “shouldn’t bother” this year, as the march would not be held. Following this, an amendment to the Assembly Act was adopted in an extraordinary process over just two days, which made reference to the Child Protection Act (more specifically to an amendment passed in 2021 banning “homosexual propaganda” to minors, dubbed as the ‘propaganda law’). It formed the grounds for banning an assembly, thus creating a legal basis to ban Pride. The amendment further:

- ▶ threatens the organisers of illegal assemblies with up to one year in prison.
- ▶ makes participation in unauthorised assemblies an offence punishable by fine; and
- ▶ empowers the police to use facial recognition tools to identify participants in assemblies.

Separately, amendments were also made to the Infraction Act and the Facial Recognition Technology Act, which authorise the use of facial recognition technology against protesters and constitute real-time remote biometric identification in public spaces. This is in direct breach of Article 5 of the newly adopted EU AI Act.<sup>26</sup>

The adoption of the amendment to the assembly act sparked protest from opposition MPs in the parliament, with independent MP Ákos Hadházy, with the support of others, holding demonstrations every Tuesday for several months. During the initial marches, protesters attempted to occupy several bridges on the Danube, but were partially stopped or dispersed by the police, and administrative procedures were carried out against several dozen people.<sup>27</sup> Later demonstrations took place without similar such incidents.

In parallel to this, police initially acknowledged a small demonstration held on the International Day Against Homophobia, Biphobia, and Transphobia, but later banned assemblies that were to be held on the planned date of Pride, 28 June. Human rights CSOs turned to the Curia (high court), which twice overturned the bans, but upheld them the third time. In the meantime, Mayor of Budapest Gergely Karácsony adopted the march as a municipal event, thus not requiring permission from the police. Additionally, the far-right party Mi Hazánk (Our Homeland) “booked” practically all potential routes for the Pride march. This led to a chaotic and unpredictable legal situation,<sup>28</sup> with the justice minister warning embassies a few days before to refrain from participating in Pride.

In spite of all this, Pride was held and became one of the largest demonstrations in Hungary ever, with participation between 200,000 and 300,000 people.<sup>29</sup> After some initial inaction, the police also worked professionally during the actual event, safeguarding the route and separating the march from the smaller counter-protests. No procedures were launched against participants, with one notable exception: Mayor Karácsony was interviewed by the police<sup>30</sup> on 1 August as the organiser and later the police proposed to the prosecutors to press charges.<sup>31</sup>

25. <https://kuria-birosag.hu/hu/gyulhat/kgykvii3912020238-szamu-hatarozat>

26. <https://ecnl.org/news/civil-society-urges-european-commission-uphold-ai-act-hungary>

27. <https://www.police.hu/hu/hirek-es-informaciok/legfrissebb-hireink/kozrendvedelem/osszesites-5>

28. <https://helsinki.hu/valaszok-negy-gyakran-felmerulo-kerdesre-a-pride-kapcsan/>

29. See e.g. [https://hvg.hu/itthon/20250628\\_Budapest-Pride-Buszkeseg-Menet-LMBTQ-Karacsony-Gergely-rendorseg-elo-kozvetites-ebx](https://hvg.hu/itthon/20250628_Budapest-Pride-Buszkeseg-Menet-LMBTQ-Karacsony-Gergely-rendorseg-elo-kozvetites-ebx)

30. <https://444.hu/2025/08/01/bevonult-kihallgatasara-karacsony-gergely-fopolgarmester>

31. <https://www.reuters.com/world/hungarian-police-propose-charges-against-budapest-mayor-over-banned-pride-march-2025-12-12/>

Police banned Pride in Pécs, the only one held outside the capital, and planned for 4 October. Curia (high court) also upheld the police decision. Despite this, organisers were intent on holding the event, which was eventually a success with several thousand participants, and it took place without any significant incidents.<sup>32</sup> Once again, the police provided adequate protection

by separating the march from counter-protesters. However, in early November, police interviewed the main organiser of the march, Géza Buzás-Hábel, on suspicion of organising an illegal assembly, and subsequently recommended that the public prosecutor press charges.<sup>33</sup>

## Freedom of Expression

Freedom of expression is protected under Article IX of the Fundamental Law, focusing on the dignity of the individual and that of national, ethnic, and religious communities. There are no general or undue legal restrictions, including in the online space. Extreme opinions can be sanctioned under the clauses on scaremongering, defamation, and incitement (against a member of a community) in the Criminal Code (Act CCXXIII of 2012). A recent amendment, entering into force at the beginning of 2025, added “online aggression” (paragraph 332/A), defined as the publication of online content wishing for or expressing an act causing the death or suffering of someone. This clause has reportedly already been used<sup>34</sup> as the basis for police action in several instances.

These criminal clauses have been used to threaten certain people involved in highly political cases, usually with the purpose of intimidation rather than actual punishment, launching investigations that are never closed. These usually do not concern CSOs but have involved activists. Most recently, in September, a defamation procedure was launched<sup>35</sup> against a former leader of a child protection institution who publicly spoke out about the poor state of the childcare system in relation to allegations of abuse. In a related case, police searched a house and confiscated electronics from an ex-politician and YouTube activist, Péter Juhász who had revealed similar suspected abuses in another childcare home in one of his videos.<sup>36</sup>

In another case, an activist in Pécs was warned by the court in the first instance for overwriting billboards carrying the government’s propaganda messages.<sup>37</sup> The appeal is still pending. Activists of the group The City is for All! were condemned by the court on the

second instance for damage to property for painting slogans on sidewalks in 2020.<sup>38</sup> In a case of infringement on free expression, authorities banned Northern Irish band Kneecap from Hungary before their scheduled concert at the Island Festival, claiming national security concerns.<sup>39</sup>

State and municipal employees are regularly threatened or face sanctions for speaking out on issues, often on social media posts or in comments. One such case in 2025 concerned the wife of an opposition MEP who was sacked from the ministry where she worked, after she reshared a post critical of the state of protection for monuments.<sup>40</sup> Péter Pázmány Catholic University launched disciplinary procedures against three researchers in 2025 for publishing papers supporting the LGBTQI+ community. Eventually, all three researchers resigned.<sup>41</sup>

The 2021 amendment to the Child Protection Act, banning “homosexual propaganda to minors”, constitutes one further restriction on freedom of expression. In 2025, it was mainly used as a basis to ban Pride marches (see above in Freedom of Assembly). Following the initiative of the European Commission in 2023, the law was pending at the EU Court of Justice (CJEU) at time of writing. In the Opinion issued in June 2025, the Advocate-General of the CJEU<sup>42</sup> concluded that the law infringes upon the Charter of Fundamental Rights on several counts.

The “propaganda law”, among other consequences, has effectively banned CSOs from cooperating with public education, due to fear of repercussions. This was further exacerbated by Government Decree 39/2024 (XII. 13), which centralised the system of teacher

32. <https://444.hu/2025/10/04/elkezdodott-a-betiltott-pecs-pride>

33. <https://helsinki.hu/a-rendorseg-vademelest-javasol-a-pecs-pride-szervezoje-ellen/>

34. <https://telex.hu/techtud/2025/08/13/internet-kozossegi-media-kommentek-rendorseg-ugyeszseg-mi-a-helyzet>

35. <https://www.valaszonline.hu/2025/09/10/kuslits-gabor-tegyesz-gyermekvedelmi-szakember-interju-feljelentes-szocialis-es-gyermekvedelmi-foigazgatóság-rendorseg/>

36. <https://ugyeszseg.hu/ugyeszseg-nyomozati-cselekmények-a-szolo-utcai-javitointezet-ugyeben-a-kozponti-nyomozó-fogyeszseg-sajtóközleménye/>

37. <https://helsinki.hu/elitelték-a-mar-hulladék-gyuloletplakatot-kijavító-pecsi-aktivistáthave/>

38. <https://kreativ.hu/cikk/a-kozvecekert-kampanyoltak-most-eliteltok-oket>

39. <https://kormany.hu/hirek/kitiltottak-a-kneecap-egyutttest-magyarorszagrol>

40. <https://helsinki.hu/tarr-zoltan-felesege-jekely-berta-megtamadta-miniszteriumi-felmenteset/>

41. [https://nepszava.hu/3293706\\_pazmany-peter-katolikus-egyetem-pszichologus-feolomondas](https://nepszava.hu/3293706_pazmany-peter-katolikus-egyetem-pszichologus-feolomondas)

42. <https://curia.europa.eu/juris/document/document.jsf?text=&docid=300973&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=31053228>

training, making the National University of Public Service and the Education Office the sole accredited training institutions.

Under these circumstances self-censorship is rather widespread, including among CSOs, especially in the countryside, where the loss of public-sector employment comprises an existential threat. There is no tangible data on this phenomenon, but anecdotal evidence shows that local CSOs and activists do not dare to engage on specific issues or with specific organisations and keep a distance from anything “political” due to the risk of repercussions.

Although hate speech is criminally sanctioned, and civil law remedies are also available, government leaders have made distorted, misleading or false claims (see Safe Space), which are further repeated and amplified in the pro-government media conglomerate comprised of about two-thirds of all outlets, including the public

broadcaster, most commercial radio stations, and all regional newspapers. Although there were no reports of major campaigns against any specific CSOs in 2025, smearing, stigmatisation, and vilification of critical organisations has been a recurring, and by now, usual practice, exacerbated by the SPO’s reports and lists of organisations and persons viewed as a “threat to national sovereignty”. The extent of mis- and disinformation is well evidenced in the latest analysis by the investigative portal Átlátszó (Transparent). In 2024, pro-government outlets lost 67 court cases,<sup>43</sup> obligating them to publish corrections. In most such cases, independent outlets have won. Átlátszó, the subject of one of the first SPO reports,<sup>44</sup> sued the SPO for defamation and won on the first instance in December, though the SPO has not accepted the ruling.<sup>45</sup> CSOs, especially in the regions, face challenges in accessing community spaces. In this environment, it is extremely difficult for CSOs to have their voices heard and to combat disinformation.

## Right to Participation in Decision-Making

Public consultations of draft legislation are included in Act CXXXI. of 2010 (on public participation in the preparation of legislation), while access to public information is laid down in Act CXII. of 2011 (on the right to information, self-determination and freedom of information).

According to the 2010 act, draft legislation must be published on the government website, with at least eight days for anyone to submit comments or opinions that the legislator should take into account and provide summary feedback (with a list of contributors) on the same webpage. However, the act includes a broad range of exemptions on the grounds of national security, protection of the environment, and other reasons, and in a 2025 amendment, exemptions on issues related to the state budget and funding. In practice, the minimum deadline is rarely extended, feedback is rarely provided, and more importantly, the whole consultation process is circumvented with major pieces of legislation submitted to parliament by individual MPs (and not the government), as was the case this year with the transparency law (see Access to Funding).

Regarding other avenues for dialogue, various committees and working groups exist, including

the National Environmental Council, Human Rights Roundtable, and the Roma Coordination Council, but in practice they do not convene often or are no longer active. The government usually only consults with “friendly” organisations (or GONGOS<sup>46</sup>), but even this tends to be tokenistic and for appearances.

In contrast, the EU Monitoring Committees of the Cohesion Funds include civil society representatives from various areas and operate regularly.<sup>47</sup> Civil society committee members have coordinated among themselves to raise problematic issues and advocate for including CSOs as eligible applicants in certain calls for proposals. At the same time, the Committees serve primarily as a source of information, as civil society representatives can rarely influence decisions.

At the local level, since 2023, based on an amendment to the Environment Protection Act (paragraph 91/C (3), Act LIII. of 1995), public hearings on planned investments and environmental impact may be held online. The authorities have used this approach in especially contested cases such as the planned new car battery factory in Debrecen,<sup>48</sup> thereby avoiding direct, in-person public criticism. At the same time, municipalities with opposition or independent leadership

43. <https://atlatszoz.hu/kozadat/2025/03/13/a-magyar-nemzet-az-origo-es-a-ripost-bukta-a-legtobb-sajtoper-2024-ben/>

44. <https://szuverenitasvedelmihivatal.hu/dokumentumok/the-impact-of-atlatszozs-activities-on-hungarian-sovereignty.pdf>

45. <https://atlatszoz.hu/kozugy/2025/12/04/pert-nyertunk-a-szuverenitasvedelmi-hivatal-ellen-az-also-foku-itelet-szerint-valotlansagokat-terjesztettek-rolunk/>

46. Government-organised non-governmental organisations — organisations that are established or directed by governments to imitate independent groups.

47. <https://www.palyazat.gov.hu/informacio/monitoring-bizottsag>

48. <https://debreciner.hu/cikk/koz-nelkuli-kozmeghallgatast-tartanak-a-catl-kornyezethaszalati-engedelyenek-modositasarol>

have used several citizen participation tools, such as citizen assemblies and participatory budgeting.

Both proactive publication and reactive access to information are guaranteed by law (Act CXXi of 2011 - Freedom of Information Act), although with some constraints, especially in regard to data on public spending. CSOs use this right through tools such as the [kimitud.hu](http://kimitud.hu) portal developed by Átlátszó. However, state institutions and companies routinely

deny information or simply do not reply, thus CSOs and media outlets must file a lawsuit to obtain it. Following a 2022 amendment to the act, these court cases have been expedited, in theory, but in practice, the appeal process can be lengthy. CSOs such as K-Monitor Association<sup>49</sup> and Transparency International-Hungary<sup>50</sup> have eventually won these cases, but authorities have sometimes been reluctant to implement court rulings.

## Safe Space

Hungarian CSOs that criticise government policies and/or represent vulnerable groups, such as LGBTQI+ people, refugees, homeless people, or drug users (and to a lesser extent, Roma) have not enjoyed a safe, enabling space for more than a decade. They are the targets of regular smear campaigns, vilification, and disinformation orchestrated by the pro-government propaganda machine (see Freedom of Expression).

Physical attacks on activists are rare. However, in 2025, one such case was reported in Debrecen.<sup>51</sup> In March, two young men entered a community café operated by the local Association of Alternative Communities, where they verbally insulted staff and guests, which led to a physical altercation. The perpetrators fled the scene and were promptly apprehended by the police who launched the appropriate legal procedure against them.

Verbal attacks are widespread, partly in social media comments, but more importantly coming from official entities, including state officials and the Sovereignty Protection Office (SPO), which names many organisations (and in some cases even individuals) as being part of “networks of (malign) foreign influence”. This is not necessarily limited to the most vocal organisations, even the SPO’s report on the CERV programme (see Access to Funding) listed 33 CSOs, selected in an apparently haphazard manner, including some working on child protection or in social care. This threatening environment has had a detrimental, often psychological, impact on those affected. In addition, smaller CSOs in particular tend to withdraw from advocacy and activities which may be considered controversial. No protections exist beyond solidarity and self-help, as

the Ombudsman usually remains silent. In November, several reports concerning the segregation of Roma children in schools were deleted from the Ombudsman Office webpage.<sup>52</sup>

Strategic Lawsuit Against Public Participation (SLAPP) cases also occur, though not very often. One such example from 2025 concerned the Hungarian Civil Liberties Union (HCLU), which represented Forbes magazine in a case brought by the owners of Hell Energy company because of their inclusion in the magazine’s “richest 50” list.<sup>53</sup> After the original case was won by Forbes in September 2025, the Hell Energy owners sued HCLU for slander, losing in the first instance.<sup>54</sup>

Unlike in previous years, in 2025 there were no further reported cases of surveillance, nor the use of anti-terrorist or money-laundering regulations against CSOs. At the same time, deepfakes and AI are being used in political campaigning. Although not concerning civil society *per se*, in November, a serious data breach occurred, whereby sensitive personal data (including addresses and phone numbers) of almost 200,000 supporters of the main opposition party were leaked and used by pro-government actors. The National Authority for Data Protection and Freedom of Information condemned the leak as a crime.<sup>55</sup>

The extremely restrictive immigration and asylum legislation (a subject of several negative rulings by the European Court of Human Rights) has resulted in very few asylum applications from human rights defenders at risk, attempting to relocate to Hungary.

49. <https://k.blog.hu/tags/per>

50. <https://transparency.hu/kozszektor/informacioszabadsag/informacioszabadsag-perek/>

51. [https://debreciner.hu/cikk/magukat-fasisztanak-vallo-fiatalok-tamadtak-meg-a-debreceni-kozossegi-teret-ameynek-fenntartoja-ellen-evok-ota-hergel-a-fidesz?srsid=AfmBOorz7ZWb\\_bGw\\_J3eEzqJjanulO5c7aR9p2GcmpHhkyPt48yneh](https://debreciner.hu/cikk/magukat-fasisztanak-vallo-fiatalok-tamadtak-meg-a-debreceni-kozossegi-teret-ameynek-fenntartoja-ellen-evok-ota-hergel-a-fidesz?srsid=AfmBOorz7ZWb_bGw_J3eEzqJjanulO5c7aR9p2GcmpHhkyPt48yneh)

52. <https://qubit.hu/2025/11/18/valaszolt-az-ajbh-nem-toitik-fel-az-uj-oldalukra-az-eltuntetett-kenyes-ombudsmani-allasfoglalásokat>

53. <https://tasz.hu/en/cikkek/gdpr-weaponized-summary-of-cases-and-strategies-where-data-protection-is-used-to-undermine-freedom-of-press-in-hungary/>

54. <https://tasz.hu/cikkek/hell-vs-tasz-per/>

55. <https://naih.hu/hirek/779-kozlemereny-a-tisza-vilag-applikacio-adatvedelmi-megiteleserol>

# Recommendations

## **TARGETED RECOMMENDATIONS:**

- **The Hungarian parliament must immediately withdraw the draft Transparency Act and dissolve the Sovereignty Protection Office.**
- The 2025 amendments to the Assembly Act must be immediately revoked, along with the 2021 amendment to the Child Protection Act that introduced the notion of “homosexual propaganda”.
- Public funding mechanisms for CSOs should be reformed to guarantee unbiased, transparent, and participatory decision-making and monitoring.
- Government representatives and media should cease smearing, vilifying, and harassing CSOs for their criticism of public policies.
- The government should create and implement means and mechanisms of open, regular, and structured dialogue with all civil society actors.

# About the author

**Ökotárs-Hungarian Environmental Partnership Foundation** is an independent foundation committed to strengthening and supporting civil society and community initiatives in Hungary. It provides grants, training, and technical assistance with the aim of contributing to the development of a democratic, sustainable and equitable society and an institutional system based on citizen participation.



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Monitoring Action  
for Civic Space




# Italy

by ARCI



<b>Key Trends</b> .....	<b>119</b>
<b>Summary</b> .....	<b>119</b>
<b>Freedom of Association</b> .....	<b>120</b>
<b>Access to Funding</b> .....	<b>120</b>
<b>Freedom of Peaceful Assembly</b> .....	<b>121</b>
Security Decree: an authoritarian turn in the management of public order .....	122
Excessive use of force, police infiltration and intimidation .....	123
<b>Freedom of Expression</b> .....	<b>124</b>
Surveillance and violations of fundamental rights: the Paragon Case .....	126
<b>Participation in decision-making</b> .....	<b>127</b>
<b>Safe Space</b> .....	<b>127</b>
<b>Recommendations</b> .....	<b>129</b>
<b>About the author</b> .....	<b>130</b>

# Key Trends

-  New Security Decree used to crackdown on peaceful assembly and expression, including Palestine solidarity and environmental activists.
-  Existing restrictive legislation continues to restrict the work of humanitarian and climate groups.
-  Activists, journalists, and CSOs targeted by Italian authorities using Israeli spyware.

## Summary

Italy's civic space rating was downgraded from "Narrowed" to "Obstructed" by the CIVICUS Monitor in December 2025,<sup>1</sup> due to a crackdown on protest rights and the state's deployment of surveillance against civic actors.<sup>2</sup> The European Commission's 2025 Rule of Law Report noted concerns raised by civil society over the new security law, but made no recommendations to repeal or amend the law.<sup>3</sup>

The Italian landscape continues to be marked by an increased shrinking of civic space, in particular against activists, human rights defenders (HRDs), and civil society organisations (CSOs) committed to human rights, environmental and climate justice, LGBTQI+ rights, Palestine solidarity, and the right to housing. These actors have been subject to criminalisation, preventive measures, and legal proceedings within

an increasingly repressive political climate. A central driver of the deterioration was the adoption of the new security law. Originally introduced as an ordinary bill and later converted into an emergency decree, bypassing parliamentary scrutiny, the law introduced new criminal offences and expanded the tools available to authorities to restrict protests and suppress dissent.

Existing restrictive legislation, such as the NGO decree (2023) and the flows decree (2024) continue to hamper CSOs working on migrant rights and carrying out sea rescue missions. Additionally, the 2024 "eco-vandalism" law has had a chilling effect on non-violent climate justice movements. Meanwhile, there are serious concerns around the right to privacy sparked by the Paragon spyware scandal which revealed unlawful surveillance of activists and journalists.

1. <https://monitor.civicus.org/country/italy/>

2. [https://monitor.civicus.org/press\\_release/2025/italy/](https://monitor.civicus.org/press_release/2025/italy/)

3. [https://commission.europa.eu/document/download/a717b80d-1631-4fa1-8aeb-7e423c207948\\_en?filename=2025%20Rule%20of%20Law%20Report\\_country-abstract%20and%20recommendations.pdf](https://commission.europa.eu/document/download/a717b80d-1631-4fa1-8aeb-7e423c207948_en?filename=2025%20Rule%20of%20Law%20Report_country-abstract%20and%20recommendations.pdf)

# Freedom of Association

The overall situation for CSOs and HRDs in Italy has steadily worsened in recent years. While the government has made no direct or indirect attempts to formally dissolve CSOs, this is largely due to Italy's robust constitutional framework. Article 18 of the constitution guarantees the right to freedom of association and limits dissolution to organisations with terrorist or subversive aims, which can only be applied following judicial review. However, in 2025, legal and administrative measures have been systematically used to restrict the operations of CSOs. Although these measures remain formally within the limits of the law, they are intended to curtail organisations' operational space and to undermine their social and political legitimacy.

One of the most targeted areas are organisations working with migrant rights, particularly those engaged in sea rescue operations. NGOs such as *Mediterranea Saving Humans*, *Sea-Watch*, *Emergency*, and *Open Arms* have been targeted by restrictive legislation, delegitimisation campaigns and face unfounded accusations of collusion with traffickers,<sup>4</sup> aimed at curbing their activities.

In 2025, legislative measures adopted in previous years continued to restrict civic space. The 2023 NGO decree<sup>5</sup> remains in force, requiring the disembarkation of sea rescue mission boats in distant ports and enabling their administrative detentions.<sup>6</sup> The decree increases costs and limits to the operational capacity of CSOs working on migrant rights and carrying out sea rescue missions. The 2024 flows decree<sup>7</sup> introduced measures to limit operations at sea by extending sanctions to the shipowner and making it easier to confiscate equipment in the case of a repeat offence. The same decree also transfers the jurisdiction for

the validation of migrant detentions in centres in Albania from specialised immigration judges to the Court of Appeal. This decision appears to be an explicit attempt to circumvent unfavourable judicial decisions in line with international law and European Court of Justice rulings and strengthen political control over the judiciary.<sup>8</sup>

Similarly, environmental and climate justice groups are disproportionately targeted by legislative and administrative restrictions and state repression. The so-called "eco-vandalism" law from 2024, which imposes prison sentences of up to five years and fines of up to €60,000 for acts of civil disobedience, continues to have a chilling effect on nonviolent climate justice movements such as *Ultima Generazione* and *Extinction Rebellion*. The groups have been subject to legal proceedings, arbitrary searches, and preventive administrative measures, such as *fogli di via* (expulsion orders) and *DASPO urbani* (bans from specific urban public areas).<sup>9</sup> These measures have been accompanied by intense stigmatisation and smear campaigns by the media, aimed at undermining the legitimacy of environmental dissent.

Many proceedings and cases have ended in acquittals or dismissals as the laws were found to violate both the Italian constitution and international law, with the courts recognising them as inapplicable. However, these laws resulted in significant financial burdens, legal uncertainty, psychological pressure, and reputational damage. This has subsequently had a chilling effect and undermines the operational space, sustainability, and legitimacy of civil society. However, lawmakers nonetheless enacted them, using them as tools of deterrence.

# Access to Funding

In 2025, there were no regulatory measures explicitly aimed at the direct defunding of CSOs. However,

concerning fiscal and regulatory developments could negatively affect the sustainability of associative

4. [https://image.b.economist.com/lib/fe8d13727c6104777c/m/1/609fbc8d-4724-440d-b827-2c7b7300353d.pdf?utm\\_campaign=MA00001514&utm\\_medium=email-owned&utm\\_source=eiu-marketing-cloud&RefID=&utm\\_term=20250603&utm\\_id=2078580&sfmc\\_id=00QWT00000QBQEn2AP&utm\\_content=cta-button-1&id\\_mc=285566693](https://image.b.economist.com/lib/fe8d13727c6104777c/m/1/609fbc8d-4724-440d-b827-2c7b7300353d.pdf?utm_campaign=MA00001514&utm_medium=email-owned&utm_source=eiu-marketing-cloud&RefID=&utm_term=20250603&utm_id=2078580&sfmc_id=00QWT00000QBQEn2AP&utm_content=cta-button-1&id_mc=285566693)

5. <https://temi.camera.it/leg19/provvedimento/d-l-1-2023-disposizioni-urgenti-per-la-gestione-dei-flussi-migratori.html>

6. <https://www.asgi.it/allontamento-espulsione/tribunale-agrigento-sospende-fermo-nave-dakini/> ;

<https://x.com/RescueMed/status/1975869157666120040> ;

<https://sea-watch.org/en/sea-watch-rescue-ship-aurora-detained/> ;

<https://www.asgi.it/asilo-e-protezione-internazionale/tribunale-di-agrigento-non-si-possono-sanzionare-le-ong-perche-non-comunicano-con-i-libici/>

7. <https://www.gazzettaufficiale.it/eli/id/2024/10/11/24G00171/sq>

8. <https://www.ilsole24ore.com/art/migranti-si-camera-fiducia-decreto-flussi-lavoratori-extra-ue-paesi-sicuri-fino-blitz-competenze-giudici-AG5ZG8OB>

9. <https://www.lindipendente.online/2025/11/04/la-repressione-contro-extinction-rebellion-tutti-assolti-ma-roma-conferma-i-fogli-di-via/> ;

<https://www.rainews.it/tgr/piemonte/articoli/2025/01/attivisti-per-il-clima-archivate-decine-di-denunce-bcd93a11-5253-4f88-bd29-890e2bd9d6d8>.

html#:--:text=Ambiente%20per%20appendere%20uno%20striscione%20con%20critto,motivazioni%20che%20mettono%20in%20evidenza%20l'inconsistenza%20dellehttps://ilmanifesto.it/attivisti-climatici-assolti-con-questa-sono-57

activities. In particular, concerns remain around a legislative measure that provides for the revocation of the VAT exemption for non-profit associations, thereby subjecting them to the same tax regime as for-profit enterprises. The law, originally scheduled to take effect on 1 January 2025, has been postponed by one year following strong pressure from civil society.<sup>10</sup>

Although this postponement provides partial relief, the structural risks remain. If passed, the law would represent a significant bureaucratic burden for thousands of grassroots associations, whose operations rely predominantly on the voluntary work of their members. In addition to compromising the economic sustainability of non-profit activities, the measure risks an indirect restriction of the freedom

of association, hindering access to and participation in civic life for many local movements and organisations engaged in the protection of rights and social cohesion.<sup>11</sup>

To date, there is no systematic evidence that CSOs have altered their work activities on or how they communicate to secure public funding, nor have significant new bureaucratic restrictions been reported. However, in a context of increasing political pressure and stigmatisation of dissent, there remains a concern that mechanisms of self-censorship or depoliticisation could gradually emerge, especially among the most fragile CSOs or those heavily dependent on institutional funding.

## Freedom of Peaceful Assembly

In 2025, the right to peaceful assembly underwent a further worrying erosion, continuing the pattern of recent years. At the legislative and administrative level, increasingly restrictive measures were introduced, particularly through public security decrees, which expanded precautionary measures and heightened penalties for activists and protesters. These interventions took place within a highly stigmatising political and media context, fuelling narratives that systematically criminalises dissent.<sup>12</sup>

One of the most frequently applied measures is the *foglio di via* (expulsion order), a preventive administrative measure which requires individuals to stay away from a specific municipality for public order reasons. This measure has been increasingly used against climate activists, especially those belonging to Ultima Generazione and Extinction Rebellion, even though they did not engage in violent acts.<sup>13</sup>

The establishment of the so-called “Red Zones” by the interior ministry follows the same trajectory. These are designated areas in a city where movement is restricted for individuals considered “troublesome and aggressive, prone to criminal activity, and not in compliance with immigration laws.” This measure severely curtails constitutionally protected freedom

of movement and could, by extension, restrict the right to peaceful assembly if sites for public demonstrations are designated as red zones.<sup>14</sup>

The *Caivano Bis* Decree (Law 159/2023)<sup>15</sup> provides for the extension of preventive measures based on a broad presumption of “social dangerousness”, extending their application to minors as well (from the age of 14). It includes *Daspo Urbani* (expulsion orders), oral warnings, and precautionary measures. These provisions heighten the criminalisation of dissent and shrink civic space, undermining the freedoms of expression and assembly, and democratic participation.<sup>16</sup>

Moreover, several bills proposed by the governing majority seek to limit the application of the crime of torture for police forces,<sup>17</sup> effectively increasing the risk of impunity for potential human rights abuses. Despite calls from CSOs, Italian law still does not require police officers to wear identification codes or to use body cameras during public demonstrations, hindering the identification of the individual responsible in cases of violations. A concerning development in this context is the appointment of Filippo Ferri as the police chief of Monza, despite his conviction related to police brutality at Diaz school.<sup>18</sup> The issue is especially significant given

10. <https://www.cantiereterzosettore.it/nel-dl-milleproroghe-il-rinvio-del-nuovo-regime-iva-al-1-gennaio-2026/>

11. <https://www.vita.it/iva-al-terzo-settore-la-proposta-per-uscire-dallimpasse-ce-il-governo-che-fa/>

12. <https://www.amnesty.it/tre-anni-di-governo-meloni-diritti-in-caduta-libera/>

13. <https://rivistacriticadeldiritto.it/?p=1992>

14. <https://www.magistraturademocratica.it/articolo/zone-rosse-i-soggetti-segnalati-e-le-liberta-costituzionali-di-tutti/>

15. <https://www.sistemapenale.it/it/scheda/bernardi-converto-in-legge-il-dl-caivano-in-tema-di-contrasto-al-disagio-e-alla-criminalita-minorili-una-panoramica-dei-numerosi-profilii-dinteresse-per-il-penalista?out=print>

16. <https://www.sistemapenale.it/it/notizie/decreto-caivano-le-novita-introdotte-con-decreto-legge-dal-consiglio-dei-ministri-comunicato-stampa>

17. <https://www.editorialedomani.it/fatti/reato-tortura-italia-cosa-prevede-articoli-legge-modifiche-abolizione-cestaro-cedu-codici-identificativi-ra6vp2hm>

18. <https://www.ilssole24ore.com/art/un-poliziotto-condannato-la-diaz-diventa-questore-e-polemica-AHFCHjx>

that the crime of torture was introduced after the European Court of Human Rights (ECtHR) highlighted the inadequacy of Italian laws in relation to the violence that took place at the Diaz school during the 2001 G8 summit in Genoa.<sup>19</sup>

At the same time, Italy does not provide data on deaths resulting from interventions by law enforcement authorities, as recommended by the United Nations and the ECtHR.<sup>20</sup> Moreover, the Council of Europe's European Commission against Racism and Intolerance (ECRI) has raised the issue of Italian police forces engaging in forms of racial profiling.<sup>21</sup> This raises serious concerns around police impunity, given the

recent death of five civilians due to police intervention through the use of tasers.<sup>22</sup>

Italian law requires prior notification, rather than formal authorisation, for public demonstrations. However, authorities can prohibit events due to public safety. A notable example of the restrictive approach was at a Palestine solidarity demonstration in Rome in October 2025, where the police carried out controls, identity checks and banned protesters from entering the city for protesters taking part in the demonstration in solidarity with Palestine in Rome in October 2025, accompanied by preventive measures such as *foglio di via* orders from Rome and the prohibition of return for a certain period.<sup>23</sup>

## Security Decree: an authoritarian turn in the management of public order

Despite intense criticism, during 2024 and 2025, the Italian government advanced a highly repressive legislative framework, culminating in the enactment of the so-called "Security Decree" (DDL 166).<sup>24</sup> In June 2025, an ordinary bill was converted into a decree law — an instrument constitutionally reserved for "extraordinary cases of necessity and urgency" — effectively bypassing parliamentary debate and limiting the possibility of amendments and democratic debate.<sup>25</sup> Resorting to a decree law without any contingent justification constituted a serious violation of the separation of powers, parliamentary procedure and fundamental rights.<sup>26</sup>

Among the most concerning provisions of the measure, which introduces 14 new crimes, are:

- ▶ The criminalisation of roadblocks, with penalties of up to two years in prison.
- ▶ The introduction of aggravating circumstances for those protesting against public works, targeting environmental movements.
- ▶ Harsher penalties for demonstrations in CPRs (temporary detention centres) and prisons, with sanctions reaching up to 20 years.
- ▶ The extension of personal preventive measures even in the absence of convictions,

paving the way for an authoritarian-style preventive management of dissent.

The measures aim to discourage and punish all forms of social protest, including peaceful and non-violent actions, through the expansion of criminal offences and the use of disproportionate sanctions.<sup>27</sup> Concerns have not been limited to civil society. The Organisation for Security and Cooperation in Europe (OSCE) human rights office publicly criticised the measure, stating that it "contains several gaps that could hinder the exercise of human rights and fundamental freedoms," including the freedoms of peaceful assembly, expression, and movement, and the rights to personal security, privacy, and a fair trial.<sup>28</sup>

The decree triggered a widespread protest movement between December 2024 and May 2025, with demonstrations, public campaigns, and local mobilisations organised by trade unions, associations, committees, student organisations, and legal professionals.<sup>29</sup> Italian and European-level civil society criticised not only the content of the decree but also the method by which it was imposed.<sup>30</sup> The security decree emerges as one of the most alarming legislative measures in recent years, reflecting an authoritarian model for managing

19. [https://www.repubblica.it/politica/2017/06/22/news/reato\\_tortura\\_strasburgo\\_diaz-168799815/](https://www.repubblica.it/politica/2017/06/22/news/reato_tortura_strasburgo_diaz-168799815/)

20. <https://www.lindipendente.online/2024/11/06/ue-in-due-anni-almeno-487-persone-sono-morte-in-custodia-o-durante-operazioni-di-polizia/>

21. <https://rm.coe.int/sixth-report-on-italy-translation-in-italian-/1680b205f7>

22. <https://www.editorialedomani.it/fatti/taser-cinque-morti-in-quattro-mesi-dibattito-bt7pn2af>

23. <https://www.ilfattoquotidiano.it/2025/10/04/manifestazione-palestina-blocchi-pullman-roma-oggi/8149197/>

24. <https://www.senato.it/leg/19/BGT/Schede/FascicoloSchedeDDL/ebook/59571.pdf>

25. [https://www.repubblica.it/politica/2025/06/04/news/decreto\\_sicurezza\\_voto\\_finale\\_fiducia\\_senato\\_proteste\\_opposizioni-424647209/](https://www.repubblica.it/politica/2025/06/04/news/decreto_sicurezza_voto_finale_fiducia_senato_proteste_opposizioni-424647209/) ;

<https://www.ilfattoquotidiano.it/in-edicola/articoli/2025/04/06/dl-sicurezza-il-penalista-gatta-inutile-e-lurgenza-umilia-le-camere/7941934/>

26. <https://www.amnesty.it/dl-sicurezza-ulteriori-preoccupazioni-per-il-patto-sui-diritti-umani/>

27. [https://www.ilsole24ore.com/art/sicurezza-decreto-e-legge-le-proteste-14-nuovi-reati-e-nove-aggravanti-ecco-tutte-novita-AHOJF44?refresh\\_ce=1](https://www.ilsole24ore.com/art/sicurezza-decreto-e-legge-le-proteste-14-nuovi-reati-e-nove-aggravanti-ecco-tutte-novita-AHOJF44?refresh_ce=1)

28. [https://legislationline.org/sites/default/files/2024-05/2024-05-27%20-%20Opinion\\_Italy\\_Draft%20Law%20on%20Public%20Security%20-%20final.pdf](https://legislationline.org/sites/default/files/2024-05/2024-05-27%20-%20Opinion_Italy_Draft%20Law%20on%20Public%20Security%20-%20final.pdf)

29. <https://www.romatoday.it/cronaca/corteo-no-dl-sicurezza-roma-14-dicembre-2024.html> ;

<https://www.romatoday.it/cronaca/corte-no-dl-sicurezza-roma-31-maggio-2025-sicurezza-informazioni.html>

30. <https://civic-forum.eu/wp-content/uploads/2025/06/Civil-Society-Letter-to-Commissioner-McGrath-concerning-the-Italian-Security-Decree.pdf>

dissent and social conflict.<sup>31</sup> Rather than addressing genuine security needs, it seeks to restrict the right to protest and reinforce a repressive framework that endangers democratic participation and the rule of

law. In 2025, it was applied, for example, against metal workers who organised a protest in June in Bologna to demand the renewal of their work contract that had expired.<sup>32</sup>

## Excessive use of force, police infiltration and intimidation

Several incidents document an escalation in the use of force and repressive measures in 2025:

- ▶ On 17 April, Sara Maffioletti, an Ultima Generazione activist, was indicted in Milan for violating a *foglio di via* order she had received in March 2025 following a demonstration for clean air.<sup>33</sup>
- ▶ On 28 April, Extinction Rebellion activists were identified by police following a peaceful protest in front of the Air Force ministry in Rome.<sup>34</sup>
- ▶ On 3 June, in Pescara, a young man died of cardiac arrest after being struck by a police taser during an arrest. Investigations into the cause of death are ongoing. The episode reignited debate over the use of potentially lethal equipment and the need to ensure greater transparency and accountability in police operations.<sup>35</sup>
- ▶ On 13 June, students of Potere al Popolo from the University of Federico II in Naples reported police infiltration in Palestine solidarity and housing rights assemblies.<sup>36</sup>
- ▶ On 14 October, the national “Show Israel the Red Card” demonstration took place in Udine during an Italy–Israel football match, protesting against the normalisation of the genocide in the Gaza Strip and against the participation of the Israeli national football team in the qualifiers for the next World Cup. Observers from Amnesty International Italy published a report denouncing the extensive use of tear gas and water cannon directed at body height, as well as the unjustified use of batons, including against people with their hands raised. After the demonstration ended, 13 people were stopped and held for around five hours without being

informed of the reasons for their detention and with no access to make a phone call. Ten of them were later served with expulsion orders banning them from the city of Udine.<sup>37</sup>

- ▶ On 31 October, 5,000 people gathered in an abandoned warehouse to take part in a free party in Campogalliano, in the province of Modena. Law enforcement authorities sealed off the exits to prevent participants from leaving and to identify them, following police charges and the use of tear gas. Those detained were not allowed to request legal assistance. Participants reported the incident as unlawful detention.<sup>38</sup>

These events demonstrate an increasing use of repressive measures to contain and suppress peaceful assembly, in violation of international standards. The selective and disproportionate use of force against protesters, combined with the broad powers to use deadly weapons and a lack of transparency and accountability within the police forces, poses a tangible threat to civic participation and democracy.

However, throughout 2025, civil society also demonstrated strong capacity for public mobilisation, particularly in response to the adoption of the new security decree. In May, dozens of demonstrations took place in various Italian cities to protest measures perceived as punitive and discriminatory toward migrants, NGOs, and activists.<sup>39</sup> Streets were filled with trade unions, student associations, human rights organisations, and solidarity networks, demonstrating that, even in a repressive climate, a civic fabric can resist authoritarian tendencies and defend constitutional principles of equality and social justice.

31. <https://www.amnesty.it/italia-la-nuova-legge-che-criminalizza-la-protesta-pacifica/>

32. [https://corrieredibologna.corriere.it/notizie/cronaca/26\\_gennaio\\_31/bologna-tre-richieste-di-condanna-per-il-corteo-delle-tute-blu-l-accusa-agli-organizzatori-e-di-blocco-stradale-1bada4dc-d09f-41b1-9a41-211184311xk.shtml?refresh\\_ce](https://corrieredibologna.corriere.it/notizie/cronaca/26_gennaio_31/bologna-tre-richieste-di-condanna-per-il-corteo-delle-tute-blu-l-accusa-agli-organizzatori-e-di-blocco-stradale-1bada4dc-d09f-41b1-9a41-211184311xk.shtml?refresh_ce)

33. <https://www.ilfattoquotidiano.it/2025/04/17/lattivista-per-il-clima-a-processo-a-milano-politica-repressiva-troveremo-nuovi-modi-per-protestare/7956504/>

34. <https://www.romatoday.it/cronaca/unicorno-giorgia-meloni-palazzo-aeronautica.html>

35. <https://www.amnesty.it/luso-del-taser-a-pescara-e-la-morte-di-un-uomo-disarmato/> ;

<https://www.ilfattoquotidiano.it/2025/06/10/pescara-il-ginocchio-dellagente-sulla-schiena-il-video-dellarresto-e-tutti-i-dubbi-sulla-morte-di-riccardo-zappone/8021988/>

36. <https://www.napolitoday.it/cronaca/proteste-federico-ii-agente-infiltrato.html>

37. <https://www.amnesty.it/a-udine-il-14-ottobre-commesse-violazioni-dei-diritti-umani/>

38. <https://www.amnesty.it/a-udine-il-14-ottobre-commesse-violazioni-dei-diritti-umani/>

39. <https://www.rainews.it/articoli/2025/05/a-roma-sfila-la-manifestazione-contro-il-decreto-sicurezza-3f4084ce-cfa5-420e-800c-30c6e70d9904.html>

# Freedom of Expression

Italy has experienced an increased erosion of the freedom of expression, particularly for journalists and civic actors. This deterioration is confirmed by the annual Reporters Without Borders (RSF) World Press Freedom Index, where Italy's rating declined from 41st in 2023 to 49th in 2025.<sup>40</sup>

The so-called “gag law” contributed to eroding the freedom of expression by limiting the right to journalistic reporting. The law prevents journalists from publishing preventive detention orders (public documents) until the preliminary investigation is completed.<sup>41</sup> A new provision is currently being discussed which could extend the restrictions by introducing economic sanctions to editors.<sup>42</sup>

Attacks against journalists and artists also demonstrate the deterioration of the freedom of expression. In April 2025, comedian Daniele Fabbri was indicted following a lawsuit filed by Prime Minister Giorgia Meloni over satirical remarks made during the *Contiene Parolacce* podcast in 2021. The legal action, initiated by then-lawyer Andrea Delmastro Delle Vedove (now undersecretary of justice), seeks €20,000 in compensation for moral damages. The case has raised concerns about the use of lawsuits as a repressive tool against political satire, representing a striking example of a Strategic Lawsuits Against Public Participation (SLAPP).<sup>43</sup>

In October 2025, the Italian Data Protection Authority (Garante della Privacy) fined RAI, the state-owned broadcaster, €150,000 for broadcasting an investigation by the TV programme Report.<sup>44</sup> Employees of the authority questioned the integrity of the institution and requested a meeting with the governing board. During the meeting, the director of information systems, Cosimo Comella, publicly disclosed the content of an email he had received on 4 November 2025, in which his secretary general, Angelo Fanizza, asked him to collect an extensive amount of internal data from the authority. This included all employees' emails, VPN access logs, shared folders, network storage

spaces, document management systems, and even security systems, without leaving any trace of the data acquisition activities. The operation aimed to identify employees who shared internal information with journalists, including Report, in order to dismiss them.<sup>45</sup> The board of the authority stated that Fanizza had acted alone, despite several sources revealing the involvement of the wider governing board in carrying out the operation. Fanizza subsequently resigned.<sup>46</sup> Employees unanimously called for the resignation of the board, but four members of the authority rejected the request.<sup>47</sup>

On 16 October, a bomb exploded in the car of Sigfrido Ranucci, a prominent Italian investigative journalist who hosts Report.<sup>48</sup> An investigation has been opened by the anti-Mafia prosecution section.<sup>49</sup> Since 2000, Ranucci has investigated political corruption, organised crime, mafia, and international conflicts and has been targeted several times, including receiving death threats.<sup>50</sup> In the summer of 2024, two bullets were found outside of Ranucci's home in Pomezia. In November 2024, following his investigation of the war in Gaza, Report's board were threatened with a terrorist attack similar to the one carried out against the Charlie Hebdo editorial office in Paris in 2015. The bomb attack in October 2025 is the latest escalation in this ongoing harassment and intimidation.

In November 2025, the journalists from the newspaper *Domani* were charged with aiding and abetting unlawful access to computer data after publishing an investigation into an alleged conflict of interest involving Italy's Defence Minister Guido Crosetto. The investigation was based on data obtained by Pasquale Striano, an officer of the Guardia di Finanza's anti-mafia unit, who allegedly carried out unauthorised accesses to thousands of confidential databases, including financial records and sensitive information concerning politicians, business figures, and public personalities.<sup>51</sup> While the unauthorised access to sensitive data may raise concerns regarding the right to privacy, the criminal prosecution of journalists for requesting and publishing

40. <https://rsf.org/en/index?year=2024>

41. [https://www.brocardi.it/codice-di-procedura-penale/libro-secondo/titolo-i/art114.html#google\\_vignette](https://www.brocardi.it/codice-di-procedura-penale/libro-secondo/titolo-i/art114.html#google_vignette)

42. <https://www.fnsl.it/legge-bavaglio-costante-manganellate-a-giornalisti-ed-editori-con-le-sanzioni-economiche>

43. <https://www.articolo21.org/2025/04/meloni-non-sopporta-la-satira-il-30-aprile-udienza-sul-caso-di-daniele-fabbri-querelato-dalla-premier/>

44. <https://www.ilfattoquotidiano.it/2025/11/20/spionaggio-garante-privacy-documento-dimissioni-news/8202607/>

45. [https://www.repubblica.it/politica/2025/11/30/news/inchiesta\\_report\\_anticipazioni\\_garante\\_privacy-425011698/](https://www.repubblica.it/politica/2025/11/30/news/inchiesta_report_anticipazioni_garante_privacy-425011698/)

46. <https://www.ilpost.it/2025/11/20/garante-privacy-dimesso-segretario-angelo-fanizza/>

47. <https://www.ilsole24ore.com/art/garante-privacy-segretario-generale-rassegna-dimissioni-AHALF4rD>

48. <https://www.ilfattoquotidiano.it/2025/12/01/attentato-ranucci-scorta-aumento-esercito-notizie/8212859/>

49. <https://cpj.org/2025/10/italian-investigative-journalist-sigfrido-ranucci-targeted-in-car-bombing/>

50. <https://www.fanpage.it/attualita/perche-sigfrido-ranucci-e-sotto-scorta-dal-2009-le-inchieste-e-le-minacce-rivolte-alla-sua-famiglia/>

51. <https://www.editorialedomani.it/fatti/caso-striano-chiusa-linchiesta-su-domani-nessun-mandante-ma-rischio-processo-crosetto-tizian-trocchia-vergine-rww4qh31>

information of public interest is equally concerning and in violation of the freedom of expression and the right to information. The journalists had reported, in particular, on payments received by Minister Crosetto from the defence company Leonardo S.p.A. The criminal proceedings against *Domani* journalists, who face up to nine years in prison, have been condemned by the European Centre for Press and Media Freedom (ECPMF) as an infringement of media freedom.<sup>52</sup>

In June 2025, the energy company Fox Petroli sued two activists for defamation, seeking €2 million in damages after they denounced the “degraded” conditions of an oil storage site linked to a planned methane liquefaction plant in the Torraccia district of Pesaro. The activists, supported by the ARCI-coordinated civil society protection hub and the Coalition Against SLAPPs in Europe (CASE), reported the case to the UN High Commissioner for Human Rights.<sup>53</sup> According to CASE’s report, Italy recorded the highest number of SLAPPs in Europe in 2025.<sup>54</sup> In response, The Good Lobby launched the *Libera voce in libero Stato* (free voice in a free state) campaign.<sup>55</sup>

In May 2025, the committee promoting the citizenship referendum on the citizenship law filed a complaint against the RAI Supervisory Commission over the lack of coverage and impartiality in reporting on the referendum questions, calling for a revision of the regulations on informational pluralism. The referendum aims to repeal the law requiring 10 years of legal residence to obtain citizenship in Italy, reducing it to five years.<sup>56</sup>

Regarding censorship against movements expressing solidarity with the Palestinian people, in May 2025, police officers demanded the removal of a Palestinian flag displayed on the balcony of a private residence in Putignano (BA), representing a clear infringement on individual freedom of expression.<sup>57</sup> During the Giro d’Italia cycle race in the province of Vicenza, authorities identified several individuals for painting a Palestinian flag on the wall of a home, while others were stopped

merely for displaying the flag along the race route.<sup>58</sup> In November 2025, Lombardy regional councillor Luca Paladini was identified by police and fined €200 for displaying a Palestinian flag before a basketball match between Olimpia Milano and Hapoel Tel Aviv.<sup>59</sup>

In May 2025, a *La Scala* theatre employee in Milan was dismissed after shouting “Free Palestine” during an event attended by Prime Minister Giorgia Meloni.<sup>60</sup> On 24 November 2025, Mohamed Shahin, imam of the Omar Mosque in Turin, was arrested and detained in a detention centre pending expulsion on national security grounds, after remarks made during a Gaza solidarity protest. The expulsion order, signed by Interior Minister Matteo Piantedosi, remains classified.<sup>61</sup> In November, a journalist working for *Agenzia Nova* was dismissed after asking the European Commission whether Israel should contribute to the reconstruction of Gaza, as the EU requires Russia to do for Ukraine.<sup>62</sup> Tensions over freedom of expression related to the genocide in Gaza were further reflected in the vandalism of the newspaper *La Stampa*’s headquarters by Palestine solidarity protesters on 28 November, in relation to its coverage of the imam’s arrest.<sup>63</sup>

In late 2025, the Italian parliament proposed a controversial law on combatting antisemitism. Civil society and scholars raised alarm over the draft legislation, which seeks to incorporate the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism into law. They warn that, despite the stated aim of strengthening the fight against antisemitism, the move risks restricting the freedom of expression and silencing civil society’s voices. Based on the examples of antisemitism provided in the IHRA definition, statements condemning Israel’s human rights and international law violations against the Palestinian people could be considered as manifestations of contemporary antisemitism. This could lead to the criminalisation of legitimate criticism of Israel and create legal uncertainty for people and groups engaging in boycott, divestment, and sanctions (BDS) initiatives against the state of Israel or Israeli companies.<sup>64</sup>

52. <https://www.ecpmf.eu/italy-mfrr-partners-strongly-condemn-investigation-into-domani-journalists/>

53. <https://www.articolo21.org/2025/10/due-attivisti-citati-in-giudizio-da-una-potente-compagnia-energetica-la-causa-riconosciuta-comeslapp/>

54. <https://www.thegoodlobby.it/wp-content/uploads/2026/02/2025-report-SLAPPs-in-Europe.pdf>

55. <https://www.thegoodlobby.it/campagne/liberta-espressione/>

56. <https://www.ilfattoquotidiano.it/2025/05/25/referendum-8-e-9-giugno-magi-diffida-la-commissione-di-vigilanza-rai-modifici-il-regolamento-che-disciplina-linformazione-sui-quesiti/8002209/>

57. <https://www.baritoday.it/cronaca/putignano-rimossa-bandiera-palestina-denuncia-social.html>

58. <https://www.ilfattoquotidiano.it/2025/05/28/basta-armi-e-bandiera-della-palestina-al-giro-ditalia-identificati-qualcuno-ha-chiesto-ai-volontari-del-servizio-gara-di-togliarli-loro-si-sono-rifutati/8006136/>

59. <https://www.ilfattoquotidiano.it/2025/12/01/bandiera-palestinese-multa-consigliere-regionale-notizie/8212891/>

60. <https://www.milanotoday.it/cronaca/licenziamento-maschera-scala-illegittimo-2025.html>

61. [https://torino.repubblica.it/cronaca/2025/12/06/news/espulsione\\_imam\\_shahin\\_viminale\\_secreta\\_gli\\_atti-425025567/](https://torino.repubblica.it/cronaca/2025/12/06/news/espulsione_imam_shahin_viminale_secreta_gli_atti-425025567/)

62. <https://www.ilpost.it/2025/11/05/gabriele-nunziati-agenzia-nova-licenziato-israele-domanda-unione-europea/>

63. <https://www.ilpost.it/2025/11/28/redazione-la-stampa-vandalizzata/>

64. <https://www.amnesty.it/no-alladozione-della-definizione-di-antisemitismo-dellihra/>

Finally, in the context of the 25 April Liberation Day celebration, in Ascoli Piceno, a baker was subjected to police identity checks for displaying an anti-fascist banner reading, “25 April, as good as bread, as beautiful as anti-fascism,” which was considered provocative by the authorities.<sup>65</sup> Similarly, the National Association of Italian Partisans (ANPI) was fined in Orbetello for organising a Liberation Day celebration, after

the municipality revoked the authorisation of the event. ANPI decided to hold the event anyway and the municipality fined the association’s president €500.<sup>66</sup> Taken together, these events paint a worrying picture for freedom of expression and privacy in Italy. Restrictive measures, combined with political pressure and violations of the right to privacy, pose a concrete threat to democracy and civic participation.

## Surveillance and violations of fundamental rights: the Paragon Case

On 31 January 2025, an official notice from Meta (the company that owns WhatsApp) revealed that numerous Italian activists and journalists had been targeted by a cyberattack using advanced spyware called Graphite, produced by the Israeli company Paragon Solutions. Among those affected were prominent figures in Italian civil society, including Luca Casarini (co-founder of the NGO *Mediterranea Saving Humans*), Don Mattia Ferrari (chaplain of the same NGO), Francesco Cancellato (director of the news outlet *Fanpage*), journalist *Ciro Pellegrino*, and *David Yambio* (activist and founder of *Refugees in Libya*).<sup>67</sup>

The alert issued by WhatsApp was later confirmed by independent analyses conducted by the Canadian laboratory *Citizen Lab*, which identified that Paragon was responsible for enabling highly invasive surveillance, designed to access private conversations, sensitive documents, and personal data without authorisation.<sup>68</sup>

The institutional response in Italy was initially opaque. Following the intervention of the Parliamentary Committee for the Security of the Republic (COPASIR), the government acknowledged the use of the spyware by Italian intelligence services, justifying it as part of operations against irregular migration. However, the committee denied that surveillance activities had targeted journalists — an assertion contradicted by the forensic analyses conducted by *Citizen Lab*.<sup>69</sup>

The case raised serious concern at both European and international levels. The European Commission<sup>70</sup> and the European Parliament<sup>71</sup> expressed deep concern over the use of surveillance tools against activists and journalists, warning that such technologies risk

undermining fundamental freedoms, including the freedom of expression, the right to privacy, and the right to participate in democratic life.

Paragon Solutions claimed that its products are sold exclusively to democratic states and under strict ethical guidelines that explicitly prohibit the use of spyware against journalists or activists. According to the Israeli company, Italy breached these agreements, prompting its unilateral decision to terminate the contract. However, the Italian authorities that the decision to end the collaboration was mutual.<sup>72</sup>

The Paragon case represents one of the most serious violations of the rights to privacy and information recorded in Italy in recent years. It forms part of a broader context marked by shrinking civic space, with a clear tendency toward increased surveillance and the criminalisation of dissent. The use of highly intrusive technological tools against members of civil society raises urgent questions about compliance with constitutional safeguards, the transparency of security services’ activities, and the adequacy of democratic oversight mechanisms.

The absence of a clear and decisive institutional response to fully clarify the incident is striking. Despite the alarm raised over unlawful surveillance and repeated public calls for transparency, thus far no authority has taken responsibility and launched an independent and transparent investigation to determine the circumstances, purposes, and ensure accountability for the use of the spyware.

Another significant case involves a complaint filed by the political party *Potere al Popolo (PaP)*, concerning

65. <https://www.ilfattoquotidiano.it/2025/04/25/striscione-antifascista-davanti-alla-panetteria-fornaia-identificata-dalla-polizia-ad-ascoli-piceno/7965383/>

66. <https://www.ilfattoquotidiano.it/2025/04/25/25-aprile-a-orbetello-multa-da-566-euro-allanpi-per-occupazione-di-suolo-pubblico/7965375/>

67. <https://it.euronews.com/2025/02/06/italiani-spiati-su-whatsapp-roma-tra-clienti-di-paragon-chiesta-informativa-al-governo> ;

<https://www.ilsole24ore.com/art/spyware-paragon-caso-politico-spionaggio-attivisti-e-giornalisti-AGJ5vkkC> ;

<https://www.ilpost.it/2025/02/01/whatsapp-dice-che-oltre-novanta-giornalisti-e-attivisti-sono-stati-spiati-sulla-sua-app/>

68. <https://www.theguardian.com/media/2025/jun/12/european-journalists-targeted-with-paragon-solutions-spyware-say-researchers>

69. <https://www.fanpage.it/politica/perche-il-secondo-rapporto-di-citizen-lab-sul-caso-paragon-cambia-tutto/> ;

<https://www.editorialedomani.it/inchieste/caso-paragon-citizen-lab-giornalista-attaccato-spyware-graphite-ciro-pellegrino-francesco-cancellato-clg0csbo>

70. <https://www.ilfattoquotidiano.it/2025/06/12/caso-paragon-la-commissione-ue-inaccettabile-accedere-illegalmente-a-dati-dei-cittadini/8024057/>

71. <https://www.fanpage.it/politica/caso-paragon-arriva-alla-plenaria-del-parlamento-ue-la-commissione-inaccettabile-spiare-giornalisti/>

72. <https://www.fanpage.it/politica/paragon-smentisce-il-copasir-l'opposizione-attacca-il-governo-renzi-meloni-vuole-insabbiare-scandalo/>

alleged espionage and infiltration activities that lasted ten months. The operation was reportedly carried out by a 21-year-old who had graduated from the police academy in 2023 and posed as a student living away from home to infiltrate PaP activists in Naples. The party

is now demanding an explanation from the interior minister. The Democratic Party (PD) has initiated a parliamentary inquiry into the matter. Meanwhile, the police have denied the allegations.<sup>73</sup>

## Participation in decision-making

During 2025, no substantial developments were recorded regarding institutionalised dialogue between public authorities and civil society. On the contrary, the overall context continues to be characterised by a climate of hostility and resistance from the government, particularly concerning mechanisms of stakeholder consultation.

In terms of labour relations, workers' organisations have repeatedly reported the absence of prior consultation on strategic measures affecting the labour market and fiscal policies. On several occasions, trade unions have been confronted when decisions have already been made, without any form of consultation or involvement, in violation of the principle of participation enshrined in the constitution.

None of the legislative measures highlighted in previous sections of this report — despite having a significant impact on fundamental freedoms and civic participation — were subjected to any form of structured consultation or dialogue with CSOs. This lack of democratic inclusion appears particularly serious in a political context marked by increasing restrictions on civic space.

As a sole sign of openness, the government has initiated a consultation with the Italian Third Sector Forum on the sensitive issue of the application of the new VAT regime to non-profit associations.<sup>74</sup> Although the dialogue is still in its preliminary phase, its activation represents an important precedent, which should be closely monitored in terms of effectiveness and transparency.

## Safe Space

In recent years, Italy has seen a significant increase in both symbolic and physical attacks against CSOs, associative spaces, and the people who work within them. These incidents reflect a climate of growing hostility and insecurity for those engaged in promoting human rights, social justice, and democratic participation.

The government has maintained an openly hostile narrative towards LGBTQI+ movements, despite the absence of explicit repressive laws. However, Italy still lacks a law against discrimination based on sexual orientation. There were numerous reported attacks against LGBTQI+ people and organisations in 2025.<sup>75</sup> In March 2025, the ArciGay headquarters in Catania was defaced with pro-fascist slogans and homophobic

graffiti.<sup>76</sup> A similar attack occurred in January 2025 at the Cassero in Bologna, a centre for LGBTQI+ people.<sup>77</sup> Threats against the LGBTQI+ community were also directed at the Rete degli Studenti and the Unione degli Universitari, whose offices in Venice were vandalised between March and April 2025.<sup>78</sup> On 15 May, the front door of the social centre La Strada in the Garbatella neighbourhood in Rome was destroyed.<sup>79</sup>

In the context of an increasingly polarised and violent societal climate, other serious incidents have also targeted party offices and democratic institutions. On 25 April, during Liberation Day celebrations, a group of protesters besieged the Fratelli d'Italia office in Milan, throwing objects and staging a violent protest.<sup>80</sup> On

<sup>73</sup>. <https://www.fanpage.it/politica/la-denuncia-di-potere-al-popolo-siamo-stati-infiltrati-e-spiati-dalla-polizia-per-10-mesi/>

<sup>74</sup>. <https://www.anpas.org/terzo-settore-tavolo-permanente/>

<sup>75</sup>. <https://www.rainews.it/articoli/2025/01/aggressione-omofoba-a-roma-calci-e-pugni-contro-una-coppia-gay-la-notte-di-capodanno-4395a352-ba55-46b0-903d-de08a41bacc0.html> ;

<https://ilmanifesto.it/roma-ragazze-trans-picchiate-e-rapinate>

<sup>76</sup>. <https://www.hashtagsicilia.it/2025/03/26/attacco-alla-sede-arcigay-di-catania-marano-m5s-inaccettabili-rigurgiti-fascisti/>

<sup>77</sup>. <https://www.ilfattoquotidiano.it/2025/01/17/bologna-attacco-cassero-omofobia-casapound-patrioti/7841483/>

<sup>78</sup>. <https://www.veneziatoday.it/cronaca/furto-scasso-sede-udu-quarta.html> ;

<https://www.veneziatoday.it/cronaca/maniglia-divelta-morte-gay-comunisti-sede-udu.html>

<sup>79</sup>. <https://www.romatoday.it/politica/attacco-centro-sociale-la-strada-distrutta-porta.html>

<sup>80</sup>. <https://www.ilgiornale.it/news/interni/25-aprile-sede-fdi-assediata-estremisti-sinistra-fuori-i-2470786.html>

26 May, the Lega party office in Modena was defaced with offensive graffiti and anarchist symbols.<sup>81</sup>

Hatred, polarisation, and rising tension are fuelling a spiral of violence, indiscriminately targeting civil society, trade unions, associative spaces, and political

parties. Taken together, these events highlight growing insecurity for organisations and individuals engaged in civic activities, within a national context where the freedom of association and expression is increasingly at risk from both institutional and non-institutional actors.

<sup>81</sup>. <https://www.modenatoday.it/cronaca/sede-della-lega-modena-imbrattata-nella-notte-scritte-offensive-e-simboli-anarchici.html>

# Recommendations

## **TARGETED RECOMMENDATION:**

- **Urgently repeal the security decree to ensure full compliance with the Italian Constitution and international human rights standards.**
- Foster a safe and enabling civic space, including by removing obstacles affecting CSOs, particularly the NGO decree, flows decree, “eco-vandalism” law and the use of *fogli di via* and *DASPO urbani*.
- Respect the freedoms of peaceful assembly and expression as per international human rights standards and refrain from targeting the climate justice and Palestine solidarity movement.
- Ensure the accountability and oversight of law enforcement by introducing mandatory identification codes for police officers in protests and establishing an independent complaints mechanism to investigate allegations of excessive use of force.
- Urgently launch an independent investigation into the use of Paragon spyware against activists, CSOs, and journalists, to hold perpetrators accountable, and prevent the use of unlawful surveillance and respect the right to privacy.
- End the misuse of SLAPPs through effective anti-SLAPP protections, in line with the EU Anti-SLAPP directive.

## About the author

**Arci** is a cultural and social promotion association with hundreds of thousands of members and working through a network of community clubs, houses, and mutual aid societies across Italy. Arci promotes culture, fundamental rights, solidarity, participation and democracy for all. The association operates in local, national and international contexts, contributing to strengthening the European democratic public space.







# The Netherlands

by Netherlands Helsinki Committee



<b>Key Trends</b> .....	<b>132</b>
<b>Summary</b> .....	<b>132</b>
<b>Key Developments</b> .....	<b>133</b>
Introduction.....	133
<b>Dimensions</b> .....	<b>134</b>
Freedom of Association .....	134
Access to Funding .....	137
Freedom of Peaceful Assembly .....	139
Freedom of Expression.....	141
Right to Participation in Decision-Making .....	144
Safe Space .....	146
<b>Recommendations</b> .....	<b>148</b>
<b>About the author</b> .....	<b>149</b>

# Key Trends

-  Several legislative proposals aim to restrict peaceful assembly, association, expression and privacy rights.
-  Surveillance of peaceful activists increases.
-  Political discourse portrays critical organisations as extremist or illegitimate, limiting their participation.
-  State funding for civil society reduced significantly, with domestic advocacy excluded from development funding frameworks.

## Summary

Civic space in the Netherlands is rated as “Narrowed” by the CIVICUS Monitor.<sup>1</sup> There were no recommendations on civic space in the European Commission’s 2025 Rule of Law report. The report noted civil society organisations’ (CSOs) concerns over funding cuts, the risk of new legal obstacles and restrictions on protests.

In 2025, new legislative proposals on transparency, terrorism, and surveillance threatened the freedoms of assembly, association, expression, and privacy, while political discourse has increasingly portrayed critical CSOs as extremist or illegitimate. Parliamentary motions targeting organisations, restricting funding,

and prioritising public order over peaceful activism have gained broader support, including from centrist parties.

The freedom of peaceful assembly has been significantly challenged with the introduction of several legal proposals, such as banning face coverings at protests. Police have deployed surveillance tools to collect personal data about organisers and participants. In addition, the climate justice and the Palestine solidarity movement have faced disproportionate restrictions on protests.

1. <https://monitor.civicus.org/country/netherlands/>

# Key Developments

## Introduction

2025 marked a further deterioration of civic space in the Netherlands, accelerating a trend of democratic backsliding already identified in earlier reports. According to the Netherlands National Human Rights Institute, 86% of civil society organisations (CSOs) surveyed indicated that conditions for their work had worsened over the past two years— a striking confirmation of a shrinking space for fundamental freedoms.<sup>2</sup> Against this backdrop, a range of new legislative proposals on transparency, terrorism, and surveillance threaten to erode core rights, including the freedoms of assembly, association, and expression, as well as the right to privacy. Together, these measures risk significantly narrowing the space for dissent and public participation.

Rather than recognising CSOs as essential democratic actors and watchdogs safeguarding the rule of law, political discourse has increasingly portrayed critical organisations as extremist or illegitimate. This shift is reflected in parliamentary debates, where motions targeting specific CSOs, restricting access to funding, or calling for repressive tools to counter so-called “public order disruptions” have proliferated and, notably, have begun to receive majority support, including from traditionally centrist parties. Such developments reinforce a broader pattern in which public order and security considerations consistently outweigh the state’s obligations to protect peaceful activism.

Throughout the year, further efforts emerged to curtail the right to protest. These include a draft law banning facial coverings during demonstrations and motions calling for expanded surveillance powers, the criminalisation of roadblocks, and the use of facial recognition technologies at protests. At the same time, lobbying and public interest litigation — integral components of democratic participation — are increasingly framed as undesirable or illegitimate and restricted in funding frameworks, undermining the legitimacy and sustainability of organisations engaged in these activities. This shift in tone has contributed to a more hostile public debate in which CSOs are more frequently stigmatised, fuelling increased online (and at times offline) intimidation.

Importantly, these pressures on civic space do not exist in isolation. They mirror and intersect with other visible signs of democratic erosion, including political attacks on the independence of the judiciary, challenges to the authority of oversight institutions, and an erosion of the checks and balances that underpin democratic accountability. Political and public debates show a concerning shift in norms, where proposals and actions that go against human rights and rule of law principles are more broadly accepted. This is reflected, for example, in centrist parties more often supporting proposals from the far-right or themselves initiating motions and laws that go against human rights standards. Analysis of party programmes by the national bar association also shows how a large number of parties have proposed plans that go against the rule of law.<sup>3</sup> The pressure on civic space is both a reflection of and a frontline in this broader contestation.

However, despite these worrying trends, resistance remains strong. Local leaders have spoken out against restrictive protest legislation; civil servants have mobilised to oppose political decisions seen as undermining democratic values; and civil society has successfully organised large-scale public engagement processes, such as the more than 10,000 responses submitted to a draft law affecting freedom of expression. Independent monitors — including IDEA, CIVICUS, and V-Dem — continue to highlight both the Netherlands’ traditionally high standards and the growing gap between legal protections and lived reality.

Taken together, these developments indicate that while Dutch democratic institutions remain comparatively robust, the pressures on civic space are intensifying.

At the time of writing, negotiations for the formation of the next government were ongoing. Ensuring meaningful civic participation and protecting fundamental freedoms must remain core priorities for any government committed to preserving a vibrant and inclusive democracy.

2. <https://publicaties.mensenrechten.nl/publicatie/24d329a2-cdb0-4f6e-9429-fb7ef9cf5e38>

3. <https://www.advocatenorde.nl/nieuws/nova-laait-verkiezingsprogramma-toetsen-op-rechtsstatelijkheid>

# Dimensions

## Freedom of Association

Freedom of association is enshrined in Article 8 of the Dutch constitution, guaranteeing everyone the right to associate with others and establish a civil society organisation. While this provision provides a strong legal foundation, in practice CSOs face obstacles, notably the large number and complexity of laws and regulations they need to comply with and difficulties in opening and maintaining bank accounts. In addition, several draft legislative proposals, legal evaluations, and motions threaten to further restrict freedom of association and signal a concerning shift in political norms regarding the protection of freedom of association.

### Legal framework and registration process

Everyone in the Netherlands has the right to associate. This right is enshrined in Article 8 of the Dutch constitution. Restrictions are only possible when dictated by law and in the interest of the public order.<sup>4</sup> This right extends to both legal entities as well as non-registered groups. Most non-profit organisations are registered as a *stichting* (similar to a foundation) or an association with members. The registration process is clear, simple, and quick. Organisations need to register with the Chamber of Commerce for a small fee, and there might be some costs for the notary.<sup>5</sup> They also need to register their legal representative(s) in the Ultimate Beneficial Owners register (UBO).

### Administrative burden

While the registration process is clear and simple, CSOs need to comply with a wide range of laws and regulations related to privacy (GDPR), anti-money laundering and terrorism legislation (*Wet ter voorkoming van witwassen en financieren van terrorisme – Wwft*), labour regulations, and specific local or regional regulations. Research in 2023 identified 136 different laws and regulations CSOs need to comply with in the Netherlands. Depending on the size and the scope of activities, this can range between 20 to 100 obligations for an organisation.<sup>6</sup> This puts a high administrative

burden on CSOs, particularly on small, volunteer-led organisations.

Organisations report that complying with all of the laws and regulations takes capacity away from their core mission. This can also make it harder to find motivated volunteers and puts more of a burden on organisations.<sup>7</sup> Pro bono legal services for CSOs reported a high number of requests from CSOs relating to the growing administrative burden. Due to the high number of requests, pro bono legal services for CSOs are not always available or requests can take a significant amount of time. This is a particular challenge for small or volunteer-led CSOs that do not have in-house legal expertise, legal aid insurance, or the resources to contract paid legal services.

This complex web of laws and regulations also becomes burdensome for organisations that already face political or social scrutiny such as protest movements and organisations that protect minority rights and fight racial discrimination. During the consultations in the first monitoring year (2024-2025), interviewees shared their concern that any mistakes or missteps in compliance could be used against them.

In 2025, the Dutch parliament adopted an amendment to include non-profits and volunteers in a law that requires an assessment of the administrative impact of new CSO legislation.<sup>8</sup> This can help with mitigating the administrative burden under new legislation. There have also been meetings between the civil society sector, ministries, and other stakeholders about decreasing the already existing administrative burden on CSOs.<sup>9</sup>

### Anti-money laundering and terrorism legislation

The law against money laundering and terrorism financing poses serious restrictions on the access to financial services for CSOs.<sup>10</sup> This legislation gave stricter due diligence responsibilities to banks to monitor and investigate unusual transactions. Since

4. <https://wetten.overheid.nl/BWBR0001840/2023-02-22>

5. <https://www.kvk.nl/starten/de-stichting/>

6. <https://open.overheid.nl/documenten/67db1b80-a20a-4a2c-93ee-2c5b4bad549b/file>

7. <https://open.overheid.nl/documenten/67db1b80-a20a-4a2c-93ee-2c5b4bad549b/file>

8. [https://www.eerstekamer.nl/behandeling/20250130/amendement\\_van\\_het\\_lid\\_inge\\_van/document3/f=-/vmklf9g22aue.pdf](https://www.eerstekamer.nl/behandeling/20250130/amendement_van_het_lid_inge_van/document3/f=-/vmklf9g22aue.pdf)

9. <https://goededoelennederland.nl/over-de-sector/nieuws/tweede-kamer-stemt-unaniem-in-met-toets-regeldruk-voor-goede-doelen-en-vrijwilligers>

10. *Wet ter voorkoming van witwassen en financieren van terrorisme (Wwft)*

the introduction of this law, organisations have been subject to greater scrutiny. They face disproportionate administrative demands when opening a bank account and when transferring funds abroad. The latter particularly affects organisations working in conflict-affected areas. Moreover, in some cases, this leads to the refusal to open an account or termination of one, also referred to as de-risking.

Certain minority rights groups, such as Muslim collectives and individuals, are disproportionately affected by additional investigations and de-risking.<sup>11</sup> Organisations working on the protection of the rights of other marginalised and underrepresented groups, such as diaspora organisations and groups working on sex workers' rights, also face challenges as a result of this legislation.

To address this issue, a round table was established between CSOs, banks, and policy makers. Following publications by the central bank<sup>12</sup> and the Dutch Banking Association<sup>13</sup> on de-risking and the need for a more risk-based approach, as well as advocacy by the sector, the Dutch Banking Association developed detailed guidance in 2023 for banks on risk assessments of non-profit clients.<sup>14</sup> This was prepared through a multi-stakeholder dialogue involving the legislator, supervisor, banks, and sector representatives. According to the standard, banks should initially view non-profit clients as neutral (and no longer as high-risk clients by default) and assess their risk profile based on a list of risk-enhancing and risk-reducing factors. Implementation of the standard has significantly enhanced organisations' access to financial services, though challenges remain. A recent study from 2025 showed that 52% of surveyed CSOs still experience difficulties, particularly with administrative requests and high banking fees.<sup>15</sup> The implementation of the EU Anti-Money-Laundering and Countering the Financing of Terrorism package could present new challenges for CSOs' access to financial services.

## Transparency law

A new draft law on transparency of funding threatens to restrict the freedom of association. The draft law

aims to counter malign influence from third countries. However, the necessity and effectiveness of the law, in addition to already existing tools, is not sufficiently justified, while it disproportionately puts restrictions on the freedom of association.

Despite widespread criticism from civil society,<sup>16</sup> the National Human Rights Institution,<sup>17</sup> and the Council of State,<sup>18</sup> the law was approved in the House of Representatives, and is now pending in the Senate.<sup>19</sup> On 25 November, the Senate organised an expert meeting on the draft law where CSO representatives and the National Human Rights Institute questioned the legitimacy, necessity, and proportionality of the law. Representatives of the Dutch Association of Mayors and the head of the Public Prosecution Services also expressed doubts about their ability to enforce the powers granted to them with due care.<sup>20</sup>

The draft law grants discretionary power to mayors to request information about donations. This includes information about the geographical origin of a donation, the purpose for which the donation was received, and the size of the donation. Where necessary, the request may also include personal data of donors. If an organisation fails to comply, the mayor may penalise the recipient of the donation.

The law allows the public prosecutor to request that the court impose a cease-and-desist order on the activities of an organisation for a maximum of two years, levy fines, and place a temporary ban on receiving certain donations or freezing certain assets. The grounds on which this order is based are vaguely defined. This can lead to legal uncertainty and has a disproportionate impact on the enjoyment of the right to association of the organisation, as it can include all activities, not just the activities that are being investigated. The law also allows for the possibility to implement these sanctions pre-emptively i.e. before a criminal offense has been established.<sup>21</sup> The vague definitions included in the draft law open the door for selective and arbitrary implementation. The discretionary power of mayors to request information is problematic for several reasons, including the fact that decisions may be politically influenced. Non-compliance with the information

11. Hoe banken moslims tot verdachten maken, Davidson & Strop, Follow the Money, 6 September 2025

12. <https://www.dnb.nl/media/2ambmvxt/van-herstel-naar-balans.pdf>

13. <https://www.nvb.nl/publicaties/rapporten-verslagen-brochures/undesirable-consequences-of-de-risking-for-customers-and-banks-2022/>

14. [https://www.nvb.nl/media/5836/nvb-sector-standard-not-for-profit-organisations-npo\\_eng.pdf](https://www.nvb.nl/media/5836/nvb-sector-standard-not-for-profit-organisations-npo_eng.pdf)

15. <https://argos.vpro.nl/artikelen/helpt-stichtingen-en-verenigingen-heeft-problemen-bank-dankzij-doorgeschoten-anti-terrorisemaatregelen>

16. <https://ecnl.org/news/dutch-transparency-act-more-clarity-proportionality-and-safeguards-needed> ;

<https://www.nhc.nl/statement-sta-nu-op-voor-onze-burgerrechten-en-bescherm-de-rechtsstaat-stop-de-wtmo-en-de-wbwoo/>

17. <https://publicaties.mensenrechten.nl/publicatie/78518667-2445-4fe1-9a6d-1370abc7a5a4>

18. Raad van State, advies w.16.19.0408/II (2020) & advies w.16.21.0261/II (2022)

19. [https://www.eerstekamer.nl/wetsvoorstel/35646\\_wet\\_transparantie\\_en](https://www.eerstekamer.nl/wetsvoorstel/35646_wet_transparantie_en)

20. [https://www.eerstekamer.nl/commissievergadering/20251125\\_j\\_v](https://www.eerstekamer.nl/commissievergadering/20251125_j_v)

21. [https://www.eerstekamer.nl/bijlage/20251121/position\\_paper\\_goede\\_doelen/document3/f=vmsoirwmhpk.pdf](https://www.eerstekamer.nl/bijlage/20251121/position_paper_goede_doelen/document3/f=vmsoirwmhpk.pdf)

request or the suspicion of “undermining activities” can lead to disproportionate sanctions that can threaten the existence of an organisation. The draft law risks widely stigmatising CSOs, highlighted by the fact that the law was renamed the “Transparency and Combating Undermining by Civil Society Organisations Act”.

Mayors are authorised to process information regarding religious and philosophical beliefs that may be derived directly or indirectly from the information requested and can share the information with several other authorities. The necessity and proportionality of the processing of sensitive data relating to religious and philosophical beliefs are unclear and insufficiently substantiated, which may give rise to a risk of discrimination.

The law could have a chilling effect, as not only might it lead to self-censorship among organisations, but it could also discourage donations, particularly donations to critical organisations and donations from countries that are considered high risk. Moreover, the law could lead to discrimination of certain religious groups and stigmatisation of organisations that receive foreign funding without having a proven effect in countering malign influence.

Lastly, the draft law also does not consider policy developments on the EU level that could impact rules on receiving foreign funding on the national level, such as the directive on transparency of interest representation carried out on behalf of third countries.<sup>22</sup> This could lead to increased pressure and an even higher administrative burden on CSOs.

### Access to the courts

In response to high-profile legal actions against the state by CSOs in relation to environmental protection and arms trade, there has been pushback in the political and public space against such organisations. Members of parliament have called for cutting their funding and for restricting the possibility of CSOs to litigate on behalf of the public interest.

In 2023, parliament adopted a motion (*motie Stoffer c.s.*) calling on the government to explore stricter conditions for organisations seeking to litigate against the state. Supporters of the motion questioned the legitimacy of CSOs in public-interest cases and argued for tighter representative requirements.

In response, the government commissioned a comparative study as part of the evaluation of the Mass Claims Act (WAMCA), examining how representative requirements are regulated in other countries. The first part of the study, published in June 2025, found that the existing representative criteria already create legal uncertainty due to their diffuse and context-dependent application. Dutch legal scholarship warns that further restrictions could undermine access to justice and legal protection, particularly for underrepresented and vulnerable groups. This risk is heightened if representativeness is linked to an organisation’s direct support base, which is often difficult to define or measure, potentially increasing legal uncertainty and raising concerns about compliance with the Aarhus Convention.

The evaluation committee published its final report in November 2025 and concluded that while there are some legal uncertainties and practical bottlenecks, this is inevitable for large legislative reforms such as the WAMCA. The committee notes that while in several respects greater legal clarity is required, this does not have to be provided through legal revisions and can be addressed through case law. The committee provides a list of recommendations to address the challenges that can strengthen the implementation of the current law.<sup>23</sup> The State Secretary of Justice and Security confirmed that given the conclusions of the study, there is no need for legal revision of the WAMCA.<sup>24</sup>

### Other restrictions

A draft law on the administrative prohibition of organisations undermining public order (*Wet bestuurlijk verbod ondermijnende organisaties*) was introduced to outlaw motorcycle gangs. The proposal would have empowered the justice minister to ban organisations deemed to undermine public order. CSOs raised serious concerns, noting that the concept of “undermining public order” was poorly defined and could enable politically motivated action against organisations engaging in peaceful protest, including civil disobedience. Although the Senate ultimately rejected the draft due to a lack of necessity,<sup>25</sup> it reflects a broader trend in which public order provisions are expanded or misused to justify repressive measures without meeting the requirements of necessity and proportionality. When it became likely that the Senate would reject this bill, the justice minister announced further

22. <https://eur-lex.europa.eu/eli/dir/2019/1937/oj/eng>

23. <https://open.overheid.nl/documenten/d49ac1dc-53fe-486d-8588-11bbf04184e5/file>

24. <https://www.tweedekamer.nl/kamerstukken/detail?id=2025D47139&did=2025D47139>

25. [https://www.eerstekamer.nl/nieuws/20250527/senaat\\_verwerpt\\_bestuurlijk\\_verbod](https://www.eerstekamer.nl/nieuws/20250527/senaat_verwerpt_bestuurlijk_verbod)

investigation into “banning organisations that may have links to terrorist organisations”.<sup>26</sup>

The House of Representatives adopted a law on asylum and migration that includes a provision to criminalise undocumented migrants, raising major human rights concerns. This provision also criminalises support to undocumented migrants.<sup>27</sup> After widespread criticism, and pressure from the Senate, the law was adopted by the House of Representatives in December with an amending act (*novelle*) that aimed prevent the criminalisation of aid and other services for undocumented migrants. However, as the amendment left the criminalisation of “unlawful stay” fully intact, the law could have far-reaching and harmful consequences for undocumented persons and their access to aid and support services. The law will have a chilling effect as undocumented migrants will be less likely to seek support due to fear of repercussions. Additionally, the preparation of the amendment lacked proper

deliberation and consideration, and the legal basis that prevents the criminalisation of aid is questionable and lacks due care.<sup>28</sup> This leaves room for arbitrary implementation and legal uncertainty for service providers. These concerns are widely shared by legal experts, CSOs, and implementing institutions.<sup>29</sup> At the time of writing, the law was pending in the Senate.

Lastly, parliament adopted several motions that conflict with the right to freedom of association, including proposals to ban the Antifa movement<sup>30</sup> and to revoke the public-benefit status of the Extinction Rebellion.<sup>31</sup> While these motions have not been implemented due to their incompatibility with domestic and international law, their adoption is nonetheless alarming. For the first time, such measures were supported by a parliamentary majority, including traditionally moderate and centrist parties, signalling a significant and concerning shift in political norms regarding the protection of freedom of association.

## Access to Funding

Over the past two years, the funding landscape for civil society organisations in the Netherlands has shifted dramatically, moving from a generally enabling environment to one marked by growing constraints and uncertainty. State funding for civil society was reduced significantly, excluding domestic advocacy from development funding frameworks and shifting more focus to promoting Dutch interests, service provision, and capacity support. This leads to a reduced capacity of CSOs to critically monitor and provide input on Dutch foreign policy. During a study conducted for the Netherlands Institute for Human Rights, 52% of the interviewed CSOs described the funding environment as bad.<sup>32</sup>

## Legal framework

Generally, CSOs are free to seek, receive, and utilise financial and material resources. There is no legislation restricting support for CSO activities. CSOs are allowed to use various methods for collecting resources such as online fundraising campaigns, crowdfunding, collection boxes, and face-to-face fundraising. Some forms of fundraising are regulated (rules around marketing,

privacy, etc),<sup>33</sup> but these rules are proportionate and justified. Private foundations and philanthropic organisations are free to establish and allocate funding without interference.

Most CSOs and foundations are ANBI institutions (*Algemeen Nut Beogende Instelling-Public Benefit Organisation*), this means that they serve the public good and have certain tax exemptions. To register as an ANBI, an organisation must demonstrate that all the activities serve the public good and comply with certain conditions. This includes the publication of an annual activity and financial report on the website and certain requirements related to governance.<sup>34</sup> Many CSOs also comply with additional norms and codes of conducts developed by the sector (self-regulation), and which are related to fundraising, transparency, oversight, integrity, and good governance (*CBF Keurmerk, Partos 9001*). Compliance with sector norms can be an eligibility criterion for receiving funding from donors or simplify an application process. Unregistered organisations can collect donations through crowdfunding platforms or other methods. However, they cannot register as ANBI.

26. <https://www.tweedekamer.nl/kamerstukken/detail?id=2025D21746&did=2025D21746>

27. <https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?cfg=wetsvoorsteldetails&qry=wetsvoorstel%3A36704>

28. <https://www.raadvanstate.nl/adviezen/@154193/w03-25-00303-ii/>

29. <https://stopdeasielwetten.nl/info>

30. <https://www.tweedekamer.nl/kamerstukken/detail?did=2025D40130&id=2025Z17> ; <https://www.tweedekamer.nl/kamerstukken/detail?did=2025D40130&id=2025Z17241&utm>

31. <https://zoek.officielebekendmakingen.nl/kst-34324-21.html>

32. [https://www.verwey-jonker.nl/wp-content/uploads/2025/09/124460\\_Ervaren-ruimte-maatschappelijk-middenveld-Nederland.pdf](https://www.verwey-jonker.nl/wp-content/uploads/2025/09/124460_Ervaren-ruimte-maatschappelijk-middenveld-Nederland.pdf)

33. <https://goededoelen.nl/spelregels/werving>

34. [https://www.belastingdienst.nl/wps/wcm/connect/bldcontentnl/belastingdienst/zakelijk/bijzondere\\_regelingen/goede\\_doelen/algemeen\\_nut\\_beogende\\_instellingen/wat\\_is\\_een\\_anbi](https://www.belastingdienst.nl/wps/wcm/connect/bldcontentnl/belastingdienst/zakelijk/bijzondere_regelingen/goede_doelen/algemeen_nut_beogende_instellingen/wat_is_een_anbi)

## Restrictions on foreign funding

There are no specific restrictions on receiving foreign funding. However, as outlined above, due to anti-money laundering and terrorism legislation, receiving foreign funding can sometimes lead to extra investigations by banks.

The new draft law on transparency of CSOs (WTMO) introduces new transparency requirements. Mayors can request organisations to provide information about donations above €15,000. By administrative order, this threshold could be lowered for donations originating from countries that are considered high-risk for malign influence.

## Government support for CSOs

The Dutch state has a long tradition of providing financial support for civil society. For many years, the Netherlands' development cooperation programmes for CSOs stood out for their strong focus on supporting advocacy of local watchdog movements and international organisations as part of their development cooperation strategy. This funding and other funding provided by the Ministry of Foreign Affairs allocated resources for CSOs to carry out human rights advocacy and monitor and provide input into Dutch foreign policy. This established long-standing trust and cooperation between CSOs and the ministry, where CSOs were acknowledged as critical voices that could help shape foreign policy but also hold the government to account when needed.

During the last government (2024-2025), this perspective shifted completely. The then Minister for Foreign Trade and Development Aid was outspoken against international development cooperation in general and subsidies for CSOs in particular.<sup>35</sup> Funding for CSOs was significantly cut. In particular, the budget for international development cooperation is reduced with a structural €2.4 billion cut per year from 2027. CSOs are disproportionately affected by these cuts as funding for CSOs to be reduced by 70% from €1.4 billion to €390-565 million for the period 2026-2030.<sup>36</sup> Funding for international human rights and democracy support will be cut in half by 2027. There are also budget cuts on a local level due to reduced funding for municipalities.<sup>37</sup> These budget cuts have already

had an irreversible impact on the CSO sector in the Netherlands, leading to layoffs.

The priorities have shifted to the promotion of Dutch interests and service provision. In the new framework, international advocacy or advocacy towards the Dutch government is no longer eligible for financial support under these funding frameworks. However, after pushback from the parliament, the restriction on international advocacy was removed from new funding frameworks. Advocacy in the Netherlands and towards the Dutch government, however, remains non-eligible.<sup>38</sup> This significantly affects the capacity of CSOs to monitor, engage with, and influence the foreign policy agenda of the Netherlands. Although a parliamentary majority adopted a motion that requests that the foreign trade minister remove the restriction on advocacy towards the Dutch government, at time of writing, the interim government was refusing to implement this.

The Ministry of Foreign Affairs (MFA) is also exploring a new threshold for receiving funding from the development cooperation budget. This included the announcement of a new threshold that determines that at least 50% of income of an organisation should come from other sources. This was later changed, as many CSOs, after years of cooperation, would be excluded from funding. To give CSOs the time to diversify their funding, the criteria was, for now, revised to the rule that an organisation can never receive more funding than it receives from non-MFA funding. This can be a bridging measure, but eventually still leads to the 50% rule.

## Tax regulations

The overall taxation environment encourages public giving, with tax reductions for donations and exemptions for CSOs with an ANBI status. The new taxation plan for 2025 included restrictions on tax reductions for donations (*giftenaftrek*). However, after pushback from civil society and parliament, most of these restrictions were reversed. Unfortunately, the tax exemption introduced in 2024 for donations from companies to public benefit organisations was revoked, meaning that such donations were no longer qualified as profit distribution.<sup>39</sup> This reversal discourages large corporate donations and hinders the growth

35. Some examples: <https://nos.nl/artikel/2544059-minister-klevert-voor-ontwikkelingshulp-bezuinigt-1-miljard-op-ngo-s>; <https://www.parool.nl/nederland/minister-klevert-weet-niet-of-ze-wel-extra-geld-wil-voor-ontwikkelingshulp-ngo-s-moeten-meer-hun-eigen-broek-ophouden-bc4876a4/>

36. <https://www.government.nl/latest/news/2024/11/11/first-development-budget-cuts-announced-overhaul-of-grants-for-ngos>

37. <https://vng.nl/artikelen/gemeenten-vallen-in-financieel-ravijn>

38. <https://www.government.nl/topics/grant-programmes/femofocus-2026-2030>

39. <https://goededoelennederland.nl/over-de-sector/belangenbehartiging/giftenaftrek-en-geefwet>

of steward-ownership models in which shares with economic rights (financial benefits) are donated to public benefit organisations. In 2024, the company AFAS software donated 30% of their shares to philanthropic foundations, stating that this transfer would not have been possible under the 2025 tax regime.<sup>40</sup> Experts expect this could lead to a significant decrease in donations for CSOs.<sup>41</sup>

The public benefit (ANBI) status of CSOs is used as a tool to intimidate and restrict their operations. During

a debate on the right to protest, a motion was passed to repeal the ANBI status of the Extinction Rebellion.<sup>42</sup> The Minister of Justice and Security responded that while there is no current legal justification to repeal its ANBI status, the government will explore possibilities of reviewing the law on ANBI status.<sup>43</sup> There is not only a risk that this can restrict which entities can have an ANBI status, but also undermines the legitimacy of the ANBI status itself, which serves as an important label of recognition that an organisation is serving the public interest.

## Freedom of Peaceful Assembly

This year once again marked an intensifying public and political debate over the right to protest, even as the Netherlands' legal framework strongly guarantees this freedom. Many politicians and opinion leaders have called for new restrictions, and an increasing number of draft laws and motions seek to limit or criminalise certain forms of peaceful assembly. As a result, protests — despite being mostly peaceful — are increasingly examined from a public order perspective, contributing to a growing trend of restrictive measures and heightened surveillance.

### Legal framework

The right to protest is enshrined in Article 9 of the Dutch constitution. The law protects the right to protest for everyone. Restrictions can only be applied to protect national health, traffic safety or to prevent disorder. The general rules and responsibilities around protests are described in the law on manifestations (*Wet Openbare Manifestaties* - WOM).<sup>44</sup> The WOM determines when and how a protest can be restricted. It applies to all peaceful assemblies and restrictions can only be applied to the form (location, time, etc.) and not the content of the demonstration.

Possible restrictions are described by law. The WOM permits a restriction, ban or order on the dispersal of a protest in the interest of traffic. This is not in line with international standards.<sup>45</sup> Article 7 of the WOM also requires prior notification of a planned protest, and

when a notification is not given in a timely manner, a mayor can ban a protest. Those who join a protest that has not been announced beforehand or that has been banned can be charged with up to two months in detention or fined.<sup>46</sup> This is also not in line with international standards.<sup>47</sup>

### Protests in practice

The number of protests across the Netherlands has increased in recent years, from 2,085 in 2015 to 6,502 in 2022 (the last year of known data).<sup>48</sup> In addition, 97% of these protests took place without “incidents”. In 2024, there were 3,000 registered protests in Amsterdam, which was almost double the number in 2023.<sup>49</sup> These figures also show that only a small percentage of demonstrations involve “incidents”, though information about the severity and perpetrator of these incidents is lacking. Isolated acts of violence by a few participants do not make the whole assembly non-peaceful.<sup>50</sup> While the vast majority of demonstrations proceed peacefully, the “presumption of peacefulness” is frequently absent: rather than facilitating protests, authorities often operate from a risk-based mindset, treating protests primarily from a control and threat-based perspective. Between 2020 and 2024, the number of peaceful protests that were dispersed by police increased by 80% from 50 to 90 demonstrations.<sup>51</sup> There is a concern that policing has moved from facilitation to control, especially given the broad

40. <https://mtsprout.nl/leiderschap/afas-schenking-bas-van-der-veldt>

41. <https://fd.nl/opinie/1542504/filantropie-zal-opdrogen-door-nieuwe-regelgeving>

42. <https://zoek.officielebekendmakingen.nl/kst-34324-21.html>

43. <https://zoek.officielebekendmakingen.nl/kst-34324-35.html>

44. <https://wetten.overheid.nl/BWBR0004318/2010-10-10>

45. [https://unece.org/sites/default/files/2024-02/UNSR\\_EnvDefenders\\_Aarhus\\_Position\\_Paper\\_Civil\\_Disobedience\\_EN.pdf](https://unece.org/sites/default/files/2024-02/UNSR_EnvDefenders_Aarhus_Position_Paper_Civil_Disobedience_EN.pdf)

46. <https://wetten.overheid.nl/BWBR0004318/2010-10-10>

47. [https://www.amnesty.nl/content/uploads/2022/11/AMN\\_22\\_33\\_demonstratierecht-onder-druk.pdf](https://www.amnesty.nl/content/uploads/2022/11/AMN_22_33_demonstratierecht-onder-druk.pdf)

48. <https://open.overheid.nl/documenten/dpc-a5d776d6b8cdc8fef258be39acdb5563935f5fc6/pdf>

49. <https://www.nrc.nl/nieuws/2025/09/03/het-aantal-demonstraties-in-amsterdam-groeit-explosief-nu-staat-het-bijkans-heilige-demonstratierecht-er-onder-druk-a49049237t=1762778941>

50. CCPR, GC 37, Peaceful Assembly, CCPR/C/GC/37, para 19; HRC, Joint SR Report on Assembly Management, A/HRC/31/66, para. 20.)

51. <https://www.democratiemonitor.nl/rapport-democratie-monitor-2025/>

discretion to monitor, check, disperse, or penalise demonstrators.

The notification procedure as described in the WOM is determined by the municipal councils and can therefore differ per municipality. The inconsistent application across municipalities can cause significant variations in how notification procedures, bans, and restrictions are handled. This can make this process unnecessarily complicated and burdensome for protestors — especially for nationwide movements or for smaller, less-resourced groups.<sup>52</sup> The number of protests that are not registered with the authorities is increasing.<sup>53</sup>

## Police conduct

In recent years, there have been several reported cases of police violence or misconduct, such as at a Palestine solidarity protest in Amsterdam on 13 November 2024.<sup>54</sup> More recently, in November 2025, protestors filed complaints after the police arrested them and marked their faces with numbers during a demonstration against a company for delivering fighter jets parts to Israel.<sup>55</sup>

When dispersing a protest, the police regularly use the practice of a painful wrist lock technique (*bokkenpoot*) or a painful nose pinch (*neusklem*). After complaints by Extinction Rebellion protestors, the complaint committee of the police ruled in 2024 that police officers need to be reserved in using these techniques.<sup>56</sup> However, in practice, protestors still frequently face the use of wrist locks. A complaint procedure in 2025 showed that these techniques are part of the curriculum during police training. The complaint committee has requested the police to align their approach with European human rights norms.<sup>57</sup>

Protestors that file complaints to the police about police violence or misconduct during a protest face long procedures with often unsatisfying outcomes. Research by Amnesty International Netherlands found that the complaint procedure is not an effective remedy. The research shows that the police do not thoroughly investigate all complaints, and that oversight is

inadequate. As a result, affected citizens do not receive a legal remedy.<sup>58</sup> Most of the complaints and incidents are investigated by the police itself unless it is a fatal incident. This is not in line with Article 3 of the European Convention on Human Rights (ECHR) that requires an independent investigation after complaints of inhumane treatment and police violence. Very few cases of police violence lead to criminal prosecution. While proportionality and subsidiarity are assessed, in line with Dutch police law, judges do not always assess if the violence was strictly necessary in accordance with the ECHR. The investigation of police violence, therefore, is not fully in line with ECHR norms.<sup>59</sup>

## Emergency laws

A study of the Dutch public broadcaster NOS (*Nederlandse Omroep Stichting*) illustrates how authorities are increasingly relying on state of emergency measures, which has a significant impact on the fundamental rights of citizens, including the freedom of assembly.<sup>60</sup>

Emergency orders are frequently used to disperse protests. Despite the powers already granted by the WOM, mayors sometimes restrict or even prohibit peaceful assemblies by using emergency powers granted to them under the municipalities act. It almost always results in an excessive restriction on the right to peacefully assemble.<sup>61</sup> This often includes the practice of administrative displacement (*bestuurlijke verplaatsingen*), in which protestors are removed from the protest location. The emergency order (*noodbevel*) as a basis for the displacement of peaceful protestors raises questions about the legal grounds and lack of alignment with international standards. According to Article 15 of the Dutch constitution, there should be a legal basis for the deprivation of liberty. The forced transportation of protestors is a form of (temporary) deprivation of liberty. An emergency order, therefore, does not provide sufficient legal basis.<sup>62</sup> This can also violate Article 5 of the ECHR.<sup>63</sup> The Council of State, in line with previous judgments from the Amsterdam court, confirmed this in its judgment in July 2025.<sup>64</sup>

52. [https://www.amnesty.nl/content/uploads/2022/11/AMN\\_22\\_33\\_demonstratierecht-onder-druk.pdf](https://www.amnesty.nl/content/uploads/2022/11/AMN_22_33_demonstratierecht-onder-druk.pdf)

53. <https://open.overheid.nl/documenten/dpc-a5d776d6b8cdc8fef258be39acdb5563935f5fc6/pdf>

54. <https://controlealtdetele.nl/articles/grootschalig-buitenproportioneel-geweld-in-amsterdam#gsc.tab=0>

55. <https://www.pzc.nl/dordrecht/klacht-tegen-politie-voor-behandeling-demonstranten-fokker-bezetting-in-de-maak-a031a1bf/>

56. <https://extinctionrebellion.nl/klachtencommissie-politie-geeft-extinction-rebellion-demonstranten-gelijk-bokkenpootje-en-ander-geweld-ging-te-ver/>

57. <https://extinctionrebellion.nl/demonstranten-van-extinction-rebellion-hangen-prijskaartje-aan-politiegeweld/>

58. <https://www.amnesty.nl/actueel/amnesty-international-wil-beter-toezicht-op-politiedatabanken-in-nederland>

59. [https://www.njb.nl/media/no4jocsg/njb09\\_de-beoordeling-van-politiegeweld-in-nederland.pdf](https://www.njb.nl/media/no4jocsg/njb09_de-beoordeling-van-politiegeweld-in-nederland.pdf)

60. <https://nos.nl/artikel/2591625-rechten-burgers-vaker-ingeperkt-met-noodmaatregelen-soms-langdurig>

61. [https://www.amnesty.nl/content/uploads/2022/11/AMN\\_22\\_33\\_demonstratierecht-onder-druk.pdf?x39202](https://www.amnesty.nl/content/uploads/2022/11/AMN_22_33_demonstratierecht-onder-druk.pdf?x39202)

62. <https://pure.rug.nl/ws/portalfiles/portal/226283579/AA20220452.pdf>

63. [https://www.amnesty.nl/content/uploads/2022/11/AMN\\_22\\_33\\_demonstratierecht-onder-druk.pdf](https://www.amnesty.nl/content/uploads/2022/11/AMN_22_33_demonstratierecht-onder-druk.pdf)

64. <https://www.raadvanstate.nl/uitspraken/@152600/202205886-1-a3/>

On 8 November 2024, the Amsterdam mayor issued two emergency ordinances to impose a pre-emptive blanket ban on assemblies in reaction to the multiple incidents and disturbances connected with the football match between Ajax and Maccabi Tel Aviv. A six-day citywide ban on protests in Amsterdam represented an excessive restriction of the right to protest. Amnesty International Netherlands and six individuals are taking the Municipality of Amsterdam to court for this unlawful general prohibition of all assemblies.<sup>65</sup>

## Surveillance

Amnesty International Netherlands has documented widespread unlawful ID checks by the police at protests.<sup>66</sup> This could lead to the registration of peaceful protesters in police databases.

The police also use other surveillance tools to collect personal data about organisers and participants, including social media monitoring, drones, video surveillance cars, and high-resolution cameras. This type of mass surveillance — without robust legal safeguards, transparency or accountability — can have a chilling effect, undermining both the right to privacy and the right to peaceful assembly.<sup>67</sup> Unannounced home visits by police to people who have participated in protests have been documented, where police questions protesters about their involvement in demonstrations. After legal actions by Extinction Rebellion (XR) and Amnesty International Netherlands, the police changed their guidelines on house visits connected to protests.<sup>68</sup>

## New legislation and motions

In 2025, a large number of motions were passed in parliament calling for stricter rules around protests, in particular civil disobedience actions. Several adopted motions called for the government to criminalise the blocking of vital infrastructure, including highways;<sup>69</sup>

## Freedom of Expression

The Netherlands ranks high in international press freedom and freedom of expression indices. However, multiple developments such as an increase in attacks

to make it easier and quicker to prosecute protesters;<sup>70</sup> as well as make it possible to use facial recognition techniques during protests to quickly identify protesters.<sup>71</sup>

Several legal proposals submitted in 2025 would potentially place restrictions on the right to protest:

A new draft law would allow mayors to order the removal of online content if they fear the action may lead to a disturbance of public order.<sup>72</sup> The law contains vague definitions and there is a risk the law could be used against peaceful protests.

A legislative proposal was submitted that would allow the police to gather personal data from public sources about threats to public order. This could open the door to monitoring groups of protesters and have a chilling effect on the right to protest.

A new law on criminalising the “glorification of terrorism and public support to terrorist organisations” could disproportionately put restrictions on freedom of speech and freedom of assembly, in particular on Palestine solidarity actions, due to the broad and vague language used to define these terms.<sup>73</sup>

In addition, the government submitted a draft law for public consultation to ban facial covering during protests.<sup>74</sup> This would limit the ability for protesters to protect their privacy during protests.

All of these laws fit a broader trend of protests being viewed from the perspective of potential disruptions of public order. The legislative proposals make it easier to enact restrictions on protests, even before the protests take place, and contain broad and unclear definitions, which could lead to arbitrary implementation. This is particular concerning given the polarised political climate and debate in which these laws were introduced.

against journalists and media workers, increasing hate and intimidation against CSOs online, the flawed implementation of freedom of information requests,

65. <https://www.amnesty.nl/content/uploads/2025/08/Amnesty-Nederland-c.s.-v.-Gemeente-Amsterdam.pdf?x39202>

66. <https://www.amnesty.org/en/documents/eur35/6650/2023/en/>

67. <https://www.amnesty.org/en/documents/eur35/8469/2024/en/>

68. <https://www.politie.nl/nieuws/2025/mei/30/00-politie-verduidelijkt-werkwijze-huisbezoek-rondom-demonstraties.html>

69. <https://zoek.officielebekendmakingen.nl/kst-34324-25.html>

70. <https://zoek.officielebekendmakingen.nl/kst-34324-25.html>

71. <https://zoek.officielebekendmakingen.nl/kst-34324-20.pdf>

72. <https://www.internetconsultatie.nl/oaovov/b1>

73. <https://www.internetconsultatie.nl/terrorismeverheerlijking/b1>

74. <https://www.internetconsultatie.nl/verbodgezichtsbedekkendekledingdemonstraties/b1>

and new legislative proposals put pressure on the freedom of expression.

## Legal framework

Freedom of expression is enshrined in Article 7 of the constitution.<sup>75</sup> The law on open government (*Wet Open Overheid*) dictates access to public information. The media law (*Mediawet*) dictates the rules and regulations for public and commercial media.<sup>76</sup>

The freedom of expression applies to a broad range of different forms of opinion, including ideas that may be regarded as critical or controversial, and ideas or views that may shock, offend, or disturb. The holding of an opinion is not criminalised, but there are some restrictions in criminal law related to the ban on discrimination and incitement of hatred or violence against groups<sup>77</sup> or incitement to violence or calling for criminal acts.<sup>78</sup> Defamation and libel are included in criminal law and can carry a serious fine or prison charges.<sup>79</sup>

## New legislative proposals

Some new legislative proposals could put additional restrictions on the freedom of expression. A new law proposed in 2025 would give mayors the competencies to remove online content if there is a perceived risk of disturbance to public order. The provisions in this draft law are broad and vaguely defined, leaving room for arbitrary interpretation and a lack of legal certainty. The proportionality of the law is questionable, as there are other competences the mayor already has to protect the public order. The law seems to be mainly targeting certain forms of protests.<sup>80</sup> The Netherlands Helsinki Committee and other CSOs submitted a response to the consultation, calling on the authorities to repeal the law.<sup>81</sup> A new legislative proposal on “glorifying terrorist content” criminalises any indication of support for terrorist organisations.<sup>82</sup> The definition of what defines a terrorist organisation, and what constitutes support thereof, are vague. The law was introduced amidst heated debates around criminalising Palestine solidarity actions. In addition, the necessity of the law is highly disputable as there is already legislation that

criminalises the support and promotion of terrorist groups and actions. The proposed law could open the door for arbitrary implementation, and there is a risk that it could lead to discrimination, particularly against Muslims and Palestine solidarity protestors in the Netherlands. After calls to action from civil society, Dutch citizens and organisations submitted critical input to the consultation on the draft law, which received 11,561 responses (the average consultation receives up to 28 responses). At time of writing, the law was still pending approval in parliament.

Another new legislative proposal was introduced that allows the police, when requested by the mayor, to collect data about groups and individuals when there are indications that a serious disturbance of public order will occur.<sup>83</sup> This contravenes the state’s obligation to facilitate a safe and enabling environment for freedom of expression. The law is not in line with the proportionality and necessity conditions for restrictions on freedom of expression as it provides a vague and low threshold for what is considered to be a risk to public order. In practice, this means that the police could monitor groups of protesters based only on the indication that there might be a disturbance of public order. Even people that are not undertaking any criminal activities or planning to do so can end up in a police database, without being notified or given the ability to appeal the decision.<sup>84</sup> This could have a chilling effect on freedom of expression, as it could lead to self-censorship.

## Intimidation and attacks against journalists and media workers

Persveilig, an independent Dutch institute that monitors attacks against journalists and provides support, has been reporting an increase in cases of attacks and intimidation against journalists and media workers over the past five years.<sup>85</sup> In 2024, 249 incidents of intimidation and harassment were filed with Persveilig, 56 of which concerned physical violence — an increase compared to previous years.<sup>86</sup> The institute’s latest research, published in October 2025, found that 91% of camera operators and photographers have to deal

75. <https://www.denederlandsegrondwet.nl/artikel/2018/7-vrijheid-van-meningsuiting-censuurverbod>

76. <https://wetten.overheid.nl/BWBR0025028/2025-11-13>

77. <https://wetten.overheid.nl/BWBR0001854/2017-09-01 Artikel 137d>

78. <https://wetten.overheid.nl/BWBR0001854/2017-09-01 Artikel 131 & 132>

79. <https://wetten.overheid.nl/BWBR0001854/2017-09-01 Artikel 261 & 262>

80. <https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?qry=wetsvoorstel%3A36789&cfg=wetsvoorstelgegevens>

81. <https://www.internetconsultatie.nl/oaooov/reactie/278643/bestand>

82. <https://www.internetconsultatie.nl/terrorismeverheerlijking/b1>

83. <https://www.internetconsultatie.nl/gegevensvergaringopenbareorde/b1>

84. <https://www.internetconsultatie.nl/gegevensvergaringopenbareorde/b1>

85. <https://persveilig.nl/artikelen/249-incidenten-gemeld-bij-persveilig-in-2024>

86. <https://persveilig.nl/artikelen/249-incidenten-gemeld-bij-persveilig-in-2024>

with aggression in their work,<sup>87</sup> with 85% reporting that they had to deal with acts of aggression in the past 12 months, and 35% on a monthly or weekly basis.

These attacks are fuelled by harmful claims and statements by politicians questioning the legitimacy of independent journalists and the public broadcaster.<sup>88</sup> This undermines their work and can contribute to a hostile environment for journalists and media workers.

Another measure affecting the media environment was the government's decision to increase VAT on print and online media from 9% to 21%. This tax increase received widespread criticism, including by the Council of State, which spoke to the risk it could have on the freedom of expression and access to information. Parliament ultimately rejected the measure, and the VAT remains at 9%, however, major budget cuts for the public broadcaster threaten media pluralism.<sup>89</sup>

## Misinformation campaigns and polarised debate

Increasing online hate speech and attacks against journalists, CSOs, politicians and other public figures, in addition to misinformation campaigns, sometimes initiated and promoted by far-right politicians, can contribute to an environment where people feel less safe to express their opinion.

For example, the annual *week van de Lentekriebels* — a week during which sexual and reproductive rights and health are discussed in schools, organised by CSO Rutgers — has been targeted by misinformation and smear campaigns for the past few years. This leads to hate speech and online threats against staff, teachers, and other contributors.<sup>90</sup> Rutgers filed a lawsuit against the ultraconservative group Civitas Christiana for spreading false information about this yearly event. It won the lawsuit and the judge ordered the organisation to stop spreading false information.<sup>91</sup>

During the 2025 election campaign, members of the far right PVV Party spread fake AI-generated images to smear Frans Timmermans, leader of the leftwing

GroenLinks-PvdA.<sup>92</sup> Timmermans reported the images to the police. At the time of writing, no sanctions had been applied to the implicated PVV members, and one of them was re-elected to parliament. The Data Protection Authority (*Autoriteit Persoonsgegevens*) issued a statement warning people about bias in AI chatbots during elections and noted that people were asking AI chatbots for voting advice. After comparing different chatbots, they found clear biases that favoured some parties over others.<sup>93</sup>

In academia, researchers report that they feel less freedom to determine their own topics and approaches for their research due to intimidation and a polarised public debate. The Netherlands has been dropping on the international academic freedom index V-Dem from 0.92 in 2019 to 0.76 in 2024.<sup>94</sup> Academics working on topics deemed controversial more often have to deal with intimidation and threats, with young and female researchers are particularly affected. This is fuelled by polarised political debate, where politicians often refer to academics as “woke” or “leftist”.<sup>95</sup>

This demonstrates how journalists, CSOs, academics and other public figures often have to deal with intimidation and hate speech when expressing their opinions or sharing their work, creating an environment in which people feel less safe.

## Access to information and protection of whistleblowers

The implementation of the Freedom of Information Act (*Wet Open Overheid - WOO*) in the Netherlands is weak. The maximum time limit for providing information after a request is submitted has often been exceeded (for example 188 days in 202, while the maximum is 28 days, with a possible extension to 42 days).<sup>96</sup> In a parliamentary debate, some motions were submitted that could weaken the implementation of the WOO, including abolishing the fines for government institutions when they do not respond to a request in time and revealing the name of the person submitting the requests.<sup>97</sup> Both motions were rejected. However, in a letter to the *formateur* (the person tasked with forming a new government coalition), the interior

87. <https://persveilig.nl/artikelen/bijeenkomst-9-oktober-2025>

88. <https://www.villamedia.nl/artikel/kritiek-mag-maar-verdachtmaken-van-journalistiek-raakt-de-democratie> & <https://wnl.tv/2025/12/22/martin-bosma-pvv-blijft-voor-afschaffing-van-publieke-omroep-berichtgeving-over-gaza-was-om-van-te-huilen>

89. <https://www.trouw.nl/opinie/opinie-de-publieke-omroep-is-een-politieke-speelbal-geworden-b51b253a/>

90. <https://pointer.kro-ncrv.nl/hoer-misinformatie-de-online-haatsmachine-tegen-de-week-van-de-lentekriebels-op-gang-trok>

91. <https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:RBMNE:2025:1778&>

92. <https://nos.nl/collectie/14002/artikel/2588167-directe-invloed-van-ai-plaatjes-niet-te-bewijzen-maar-wel-gevaarlijk-precedent>

93. <https://autoriteitpersoonsgegevens.nl/en/documents/report-ai-algorithms-netherlands-ran-july-2025>

94. <https://www.v-dem.net/our-work/research-programs/academic-freedom/>

95. <https://www.knaw.nl/publicaties/academische-vrijheid-nederland-reactie-op-actuele-dreigingen>

96. <https://openstate.eu/wp-content/uploads/sites/14/2025/03/Schildpaddensoep-Woo-rapport.pdf>

97. <https://openstate.eu/nl/2025/05/maatschappelijke-organisaties-sturen-brandbrief-aan-de-kamer/>

ministry proposed several measures to simplify and restrict the WOO.<sup>98</sup>

Whistleblowers are protected through the 2023 Whistleblowers Protection Act (*Wet bescherming klokkenluiders*). However, there is a loophole: the law includes a requirement that there must be “public interest” at stake before someone has the right to receive whistleblowers protection. This unnecessary provision creates uncertainty and undermines the law in several ways.<sup>99</sup> While the purpose of the act is

to give whistleblowers a level of assurance, the public interest requirement does exactly the opposite, by creating uncertainty for (potential) whistleblowers whose concerns may not be deemed as in the public interest.

The law will be evaluated in 2026, as issues persist regarding maintaining the anonymity of the whistleblower as well as the sanctioning power of the whistleblower authority.<sup>100</sup>

## Right to Participation in Decision-Making

While the Netherlands has traditionally maintained a strong cooperative relationship with civil society, recent years have shown a decline in structured, meaningful cooperation and a weakening of the enabling environment. The global trend of “participatory shrinking” has also been observed, where civic dialogue structures remain in principle, but informal trust and political openness decline.

### Legal framework

The right to participation is not enshrined in the constitution but regulated in administrative law.<sup>101</sup> The right to public information, however, is enshrined in Article 68 of the constitution.<sup>102</sup> This provision provides an important foundation for public participation as it enables citizens and CSOs to obtain information from the government that is relevant for policy debates and decision-making. A key mechanism for public participation is the system of online consultations (*internetconsultatie*), through which draft legislation and regulations can be made available for public comment. These consultations must remain open for a minimum of four weeks. However, it is up to the individual ministries to decide whether a proposed law or policy is posted for consultation. While in practice this process is applied broadly across the government, the obligation to open an online consultation is not legally enshrined.

At the local and regional levels, the Act on Strengthening Participation at the Local Level (*Wet versterking participatie op decentraal niveau*) grants citizens the right to participate more directly in policymaking. The law

requires municipalities to adopt a public participation ordinance by 2027. This includes participation in municipal or provincial policy development, spatial planning, and other local governance processes.<sup>103</sup>

### Practice

The Netherlands’ plan under the Open Government Partnership (OGP) includes explicit commitments to collaboration among government organisations, civil society, and citizens.<sup>104</sup> There are public funding and initiatives for citizen dialogue, participatory fora, and local participation. However, while national frameworks such as the Open Government Act (WOO) and the OGP action plan emphasise openness and participation, support for domestic CSOs remains uneven and often *ad hoc*, rather than institutionalised. As a result, participation practices vary across municipalities, and meaningful influence over policy design is still limited. These ongoing power asymmetries and implementation gaps mean that, despite strong commitments on paper, citizen and civil society input does not always translate into real decision-making.<sup>105</sup> OECD Open Government and Civic Space reviews show that the Netherlands has strong formal mechanisms for participation, but significant implementation gaps remain, particularly in quality of consultations, access to information, and the inclusion of under-represented groups. International standards (OECD, Council of Europe, UN Special Rapporteur on Freedom of Expression) underline that timely access to information is a prerequisite for meaningful participation. The current implementation gap, therefore, represents a significant barrier to civic participation.

98. <https://openstate.eu/nl/2025/12/position-paper-in-reactie-op-voorgestelde-inperking-van-de-woo/>

99. <https://www.liberties.eu/f/vdxw3e>

100. <https://www.rijksoverheid.nl/documenten/kamerstukken/2025/07/10/kamerbrief-over-stand-van-zaken-klokkenluidersdossier>

101. <https://www.njb.nl/wetgeving/wetsvoorstellen/burgerparticipatie/>

102. <https://www.denederlandsegrondwet.nl/artikel/2017/68-inlichtingenplicht-ministers-staatssecretarissen-interpellatie>

103. <https://wetgevingskalender.overheid.nl/Regeling/WGK010370>

104. [https://www.opengovpartnership.org/wp-content/uploads/2023/09/Netherlands\\_Action-Plan\\_2023-2027\\_June\\_EN.pdf](https://www.opengovpartnership.org/wp-content/uploads/2023/09/Netherlands_Action-Plan_2023-2027_June_EN.pdf)

105. [https://www.partos.nl/wp-content/uploads/2024/03/Partos\\_policy\\_recommendations-Dutch-MFA\\_civil-society.pdf](https://www.partos.nl/wp-content/uploads/2024/03/Partos_policy_recommendations-Dutch-MFA_civil-society.pdf)

There are ongoing experiments with citizen assemblies and fora. Public funding is available for citizen dialogue, but so far it has not been institutionalised, and it is rather *ad hoc* and focused on local issues. Currently, there is a national citizens' dialogue on climate.<sup>106</sup> A key challenge is the follow-through: how the recommendations are translated into actual policy, how implementation is monitored, and how citizen involvement continues beyond the deliberative phase. Because these processes are still relatively new, they often focus on specific issues (such as climate) and do not yet form a systemic, institutionalised part of governance practice across domains.<sup>107</sup> Youth participation is not legally embedded and only implemented to a certain extent. While youth are consulted, there is often no meaningful and structural participation throughout the policy cycle. The Netherlands only scores 58 out of a 100 in the V-DEM youth participation index.<sup>108</sup>

### Law on open government

Requesting public information is arranged in the law on open government (WOO), though the implementation of this law has been an issue for a long time. The maximum time limit for WOO requests is often exceeded. The number of days it takes to respond to a WOO request continues to increase — from 172 days in 2023, to 188 days in 2024 — while the legal time limit is 42 days.<sup>109</sup> CSOs report that information is often provided late, heavily redacted, or even initially denied, requiring costly and time-consuming appeals. These delays (and refusals) directly undermine the ability of citizens, journalists, and CSOs to access information and engage in timely advocacy, participate in consultations, or respond to fast-moving legislative processes.

### Lack of consultations and symbolic engagement

In the Public Monitor study of the Hague Center for Strategic Studies, 53% of respondents indicate people feel they have no influence about what the government does.<sup>110</sup> This perception of limited influence is mirrored within civil society. A growing number of CSOs have the feeling that consultation processes have become

less meaningful.<sup>111</sup> An important reason for this is a growing suspicion and changing perception of lobbying done by CSOs. Often CSOs are only consulted after the decisions have been made, instead of being asked for input at the drafting stage.

CSOs note a shift in the political climate and attitudes towards their advocacy, which is sometimes met with suspicion or distrust. This changing perception has led to more selective engagement with CSOs, often privileging actors seen as politically aligned or “non-controversial”, thus limiting space for critical voices.

Another commonly cited concern is the timing of consultations. Many organisations report being approached only after key political decisions have already been taken, leaving little room to influence the underlying policy design. As a result, CSOs increasingly experience participation as symbolic, contributing to frustration, disengagement, and a perception that civic participation is not taken seriously.<sup>112</sup> The last government included several ministers that refused to have proper consultations on legislation and policy and actively undermined official opinions of advisory bodies, such as the Council of State. This was the case with new asylum-related legislation, which included abolishing permanent residence permits, limiting asylum permits to three years, narrowing family reunification rights and strengthening deportation powers.<sup>113</sup> Important stakeholders, including the National Human Rights Institute, were not consulted, and the Council of State only had a week to offer an opinion.<sup>114</sup> Similarly, the Minister of Foreign Trade and Development Aid announced the reduction in the budget for civil society and development aid from €390 to €565 million for the period 2026-2030, a decrease of more than 70%. This decision was marked by a lack of consultation and a complete disregard of the concerns raised by civil society.<sup>115</sup> Such developments illustrate a weakening of meaningful stakeholder consultation in major policy areas in the Netherlands and a gap between formal advisory mechanisms (such as the Council of State) and the actual decision-making process.

<sup>106</sup>. <https://www.burgerberaadklimaat.nl/default.aspx>

<sup>107</sup>. <https://www.bosch-stiftung.de/sites/default/files/documents/2024-06/Country-report-netherlands.pdf>

<sup>108</sup>. <https://www.kinderrechten.nl/jongeren-willen-meedoen-maar-krijgen-de-ruimte-niet-binnen-politiek-en-beleid/>

<sup>109</sup>. <https://openstate.eu/wp-content/uploads/sites/14/2025/03/Schildpaddensoep-Woo-rapport-final.pdf>

<sup>110</sup>. <https://hcss.nl/wp-content/uploads/2025/09/Hoofdlijnen-Najaarspeiling-HCSS-2025.pdf>

<sup>111</sup>. [https://www.verwey-jonker.nl/wp-content/uploads/2025/09/124460\\_Ervaren-ruimte-maatschappelijk-middenveld-Nederland.pdf](https://www.verwey-jonker.nl/wp-content/uploads/2025/09/124460_Ervaren-ruimte-maatschappelijk-middenveld-Nederland.pdf)

<sup>112</sup>. <https://civic-forum.eu/wp-content/uploads/2025/06/Civic-Space-Report-2025-Netherlands.pdf>

<sup>113</sup>. [https://www.euaa.europa.eu/sites/default/files/2025-06/2025\\_asylum\\_overview\\_Netherlands\\_EN.pdf](https://www.euaa.europa.eu/sites/default/files/2025-06/2025_asylum_overview_Netherlands_EN.pdf)

<sup>114</sup>. <https://www.mensenrechten.nl/actueel/nieuws/2024/12/18/index>

<sup>115</sup>. <https://www.wemos.org/en/government-dramatically-cuts-funding-for-civil-society-organizations/>

## Safe Space

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The political and public discourse has shifted in recent years, with the labelling of critical CSOs as illegitimate or radical rather than essential democratic watchdogs. This trend intensified in 2025, with several political motions seeking to criminalise or stigmatise organisations. While the Netherlands has strong, established frameworks around privacy, data protection, transparency, and foreign interference, questions arise whether all measures are fully proportionate and respect fundamental rights.

### Legal and policy framework for protection

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The Netherlands has a strong formal legal framework intended to ensure a safe space for civic participation, grounded in constitutional protections for freedom of expression, association, assembly, and privacy, and reinforced by EU standards such as the GDPR. Institutional safeguards include the Netherlands Institute for Human Rights, which investigates discrimination cases, and the National Ombudsman, which handles complaints about public authorities.

Some programmes and policies for the protection and safety of human rights defenders (HRDs) and journalists exist, such as the Persveilig Institute, which monitors attacks on journalists and provides support after an attack.<sup>116</sup> The Shelter City programme supports HRDs from outside the Netherlands with temporary relocation.<sup>117</sup> However, for HRDs in the Netherlands in need of protection, there are limited programmes. Some CSOs provide legal and other types of support on their own initiative, but there are limited institutional protection programmes. This also includes fewer options for protection of HRDs in exile who are affected by transnational repression.

### Hostile rhetoric and intimidation

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In the past year, there has been a shift in public discourse around civil society. There is a perceived shift amongst politicians, government officials, and media actors from viewing CSOs as critical watchdogs that are a core pillar of the checks and balances system of the rule of law to portraying critical CSOs as a nuisance, illegitimate, radical, and extremist.

This trend continued in 2025. Politicians are criminalising acts of critical CSOs that they do not agree with, including through the Antifa motion, the motion on removing Extinction Rebellion's ANBI status, and the renaming of the transparency law. These claims are repeated in the media, leading to an outcry against certain organisations. This pattern mirrors the broader rule of law concerns. While civic actors face rising legal and political pressure, institutional watchdogs themselves are also being sidelined or ignored. Key oversight bodies such as the Council of State and the Netherlands Institute for Human Rights increasingly see their advice dismissed or undervalued, weakening the checks and balances meant to protect civic space.

In research conducted by the Verweij Jonker Institute, commissioned by the Netherlands National Human Rights Institute, 51% of the 119 interviewed CSOs indicated that they have had to deal with online verbal threats, intimidation, and/or aggression over the past two years.<sup>118</sup> During the focus group discussion, organisations mentioned the stigmatisation by politicians they had faced and the shifting narrative as having a negative impact on the space to operate freely and safely. Organisations also perceive an increase in online hate and violence in response to social media content they publish. This often includes sexist or Islamophobic comments.<sup>119</sup> A hostile environment in parliament is adding to the risk of violent outbreaks in society. Riots in The Hague erupted after an anti-immigration protest was organised by far-right groups. The National Coordinator Terrorism and Safety (NCTV) pointed to the normalisation of extreme right ideology as one of the main reasons for the violence and highlighted how politicians play a role in normalising this.<sup>120</sup> Harmful rhetoric against the media continues to undermine the independence and safety of journalists in the Netherlands. In 2024, PersVeilig recorded 249 cases of intimidation and harassment, including 56 incidents of physical violence.<sup>121</sup> Research shows 91% of camera and photographers experience aggression,<sup>122</sup> yet police reports rarely lead to prosecution, and journalists often state that nothing happens after filing complaints.

Interviewed organisations that received threats after publication of a report or public action also reported

<sup>116</sup>. <https://persveilig.nl/>

<sup>117</sup>. <https://sheltercity.org/>

<sup>118</sup>. [https://www.verweij-jonker.nl/wp-content/uploads/2025/09/124460\\_Ervaren-ruimte-maatschappelijk-middenveld-Nederland.pdf](https://www.verweij-jonker.nl/wp-content/uploads/2025/09/124460_Ervaren-ruimte-maatschappelijk-middenveld-Nederland.pdf)

<sup>119</sup>. [https://www.verweij-jonker.nl/wp-content/uploads/2025/09/124460\\_Ervaren-ruimte-maatschappelijk-middenveld-Nederland.pdf](https://www.verweij-jonker.nl/wp-content/uploads/2025/09/124460_Ervaren-ruimte-maatschappelijk-middenveld-Nederland.pdf)

<sup>120</sup>. <https://www.nu.nl/politiek/6370239/nctv-vindt-rellen-in-den-haag-een-teken-van-normalisering-van-extreemrechts.html?referrer=https%3A%2F%2Fwww.google.com%2F>

<sup>121</sup>. <https://persveilig.nl/artikelen/249-incidenten-gemeld-bij-persveilig-in-2024>

<sup>122</sup>. <https://persveilig.nl/artikelen/bijeenkomst-9-oktober-2025>

that there is limited to no follow-up on the threats by the authorities. The pattern is consistent with the experience of journalists whose reports of threats rarely lead to prosecution. Together, these trends show a growing gap between formal protections and actual enforcement.

### New legislative proposal (SLAPPs)

Despite strong legal foundations on paper, the safe and enabling environment for CSOs, journalists, and HRDs is increasingly under pressure. The transposition of the EU SLAPP Directive lacks a clear definition of SLAPPs, does not provide strong early-dismissal safeguards or full compensation of damages and only applies to cross-border cases. While the explanatory memorandum states that transposed law will also apply to national cases, it is still not clear how this exactly will be arranged. Thus far there is no legal definition of what a SLAPP case is enshrined in the Dutch law, which was also not foreseen in the first draft law that was presented. The new proposal also does not include sufficient safeguards and refers to already existing possibilities, however, in practice these do not provide adequate safeguards against SLAPPs, are costly and not accessible enough. The Dutch anti-SLAPP working group, part of the Coalition Against SLAPPs in Europe (CASE), is monitoring the transposition of the SLAPP directive and pushing for this to be included.<sup>123</sup> Additionally, 25 press freedom and human rights organisations warned that the current proposal does not do justice to addressing the severity of SLAPPs and in ensuring the obligation to implement effective and accessible safeguards.<sup>124</sup>

### Privacy

The Netherlands has a generally robust privacy and data protection framework, grounded in the EU GDPR and its implementation on the national level through the General Data Protection Regulation Implementation Act,<sup>125</sup> which specifies how EU data-protection rules apply in the Dutch context, outlines national exemptions, and empowers the Dutch Data Protection Authority (*Autoriteit Persoonsgegevens*) to supervise and enforce compliance.

While the right to privacy is well protected in theory, privacy rights are often violated in practice through unlawful data processing by authorities, such as surveillance of activists and protesters. People are often unaware of their data being processed in the first place because there is a lack of transparency and oversight and enforcement is weak due to the under resourced Data Protection Authority, resulting in slow investigations and limited deterrence.<sup>126</sup> The use of facial recognition technology raises serious concerns as there is insufficient control, oversight, and legal basis for its deployment. The police widely use facial recognition technology without sufficient regard for human rights protection such as privacy and non-discrimination.<sup>127</sup> Moreover, they are experimenting with expanded facial recognition tools without conducting the required impact assessments related to privacy rights and data protection or involving the Data Protection Officer, as mandated by data protection law.<sup>128</sup> The police often employ facial recognition cameras at peaceful protests.<sup>129</sup> At the same time, political discussions and draft proposals to ban face coverings at protests raise growing concerns.

Surveillance is also a growing issue; different legislative proposals can further worsen this if protesters are not allowed to cover their faces and protect their privacy. This is also the case if facial recognition software would be more widely used and if police would gain more competencies to monitor certain online (closed) chat groups. Such could affect the right to privacy.

<sup>123</sup>. <https://www.internetconsultatie.nl/antislapp/reactie/e95f79af-f15c-4499-98fa-f5975a2769b3>

<sup>124</sup>. <https://ipi.media/concerns-transposition-european-anti-slapp-directive-netherlands/>

<sup>125</sup>. <https://wetten.overheid.nl/BWBR0040940/2021-07-01>

<sup>126</sup>. <https://www.amnesty.nl/actueel/netherlands-unchecked-power-id-checks-and-collection-of-data-from-peaceful-protesters-in-the-netherlands> & <https://www.amnesty.org/en/documents/eur35/8469/2024/en/>

<sup>127</sup>. <https://www.bitsoffreedom.nl/dossiers/gezichtsherkenning/>

<sup>128</sup>. <https://www.bitsoffreedom.nl/2024/03/27/de-politie-trekt-zich-van-niemand-wat-aan-bij-de-inzet-van-gezichtsherkenning/>

<sup>129</sup>. <https://www.amnesty.nl/actueel/camera-surveillance-door-politie-moet-aan-banden-woorden-gelegd>

# Recommendations

## **TARGETED RECOMMENDATION:**

- **Urgently develop a National Action Plan on Civil Society Space. This should build on existing national recommendations, the EU Civil Society Strategy, and Council Recommendation 2023/2836 on civil society participation, and be developed in close consultation with civil society. It should include concrete measures to strengthen rights protection, civic participation, access to funding and financial services, and legal safeguards for CSOs.**
- Members of parliament and cabinet members should cease harmful rhetoric and practices that stigmatise, delegitimise, or criminalise critical civil society actors and acknowledge their essential role as watchdogs and human rights defenders, and their contribution to free, pluralistic, and open democratic debate.
- Safeguard fundamental rights, in particular the rights to peaceful assembly, expression, and association and refrain from criminalising peaceful protests.
- Repeal draft legislation that further restricts CSOs or fundamental rights without proper justification of effectiveness, necessity, and proportionality ; and prevent the introduction of new laws that further undermine civic space.
- Protect the right to privacy and cease the disproportionate surveillance of peaceful protestors, ensure proper oversight and accountability over the collection and analysis of data, and carry out a human rights and data protection impact assessment prior to the introduction of all biometric surveillance tools.
- Protect peaceful protestors by supporting municipalities to better facilitate protests without disproportionate restrictions. Stop the frequent use of wrist locks and nose pinches by the police and establish an effective and independent mechanism to investigate allegations of police violence and misconduct at protests, in line with Articles 3 and 5 of the ECHR.
- Effectively implement the Anti-SLAPP Directive, including embedding a legal definition of SLAPPs in national law and including accessible early-dismissal procedures, and ensure that these safeguards also apply to domestic SLAPP cases. Monitor and systematically follow-up in cases of intimidation, threats, or attacks against CSOs, journalists, and activists.
- Secure sustainable and independent funding for CSOs by creating a National Democracy Fund, safeguarding favourable tax status (including ANBI), allowing advocacy activities within grants, and ensuring CSOs have resources to participate meaningfully in public consultations.

# About the author

**The Netherlands Helsinki Committee** is a growing non-governmental organization that promotes human rights, the rule of law and justice in all countries of wider Europe, including Eastern Europe, Western Balkans, Caucasus and Central Asia as well as the European Union. Building on our track record of 35 years, we consider it to be our mission to inspire, engage and support catalysts of change in building just and rights-respecting societies.



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# Poland

by OFOP



<b>Key Trends</b> .....	<b>151</b>
<b>Summary</b> .....	<b>151</b>
<b>Dimensions</b> .....	<b>152</b>
Freedom of Association .....	152
Access to Funding .....	153
Freedom of Peaceful Assembly .....	155
Freedom of Expression .....	158
Participation in Decision-making .....	161
Safe space .....	162
<b>Recommendations</b> .....	<b>166</b>
<b>About the author</b> .....	<b>167</b>

# Key Trends

-  CSOs continue to face structural barriers, funding instability, and burdensome registration procedures and reporting requirements.
-  Despite some reforms, systemic risks persist, including hate speech, SLAPPs, surveillance concerns, and ongoing pressure on organisations working on migration, LGBTQI+ and reproductive rights, and environmental justice.
-  Attempts to criminalise humanitarian aid remain a serious challenge for CSOs.

## Summary

Civicspace is rated as narrowed by the CIVICUS Monitor.<sup>1</sup> The European Commission noted in its 2025 Rule of Law Report that the government of Poland has made some further progress on improving the framework in which civil society operates and recommended continuing the ongoing efforts to improve the framework, taking into account European standards.<sup>2</sup> In 2025, the government has not taken tangible steps to improve the enabling environment for civil society and challenges related to restoring the rule of law remain. For instance, although symbolic- the post of the Minister for Civil Society was eliminated, marking the end of the state's previous policy. In 2025, structural and administrative barriers persisted, such as inconsistent registration and dissolution procedures, complex reporting requirements and fragmented financing rules. While an amendment to the Act on the National Court Register introduced a digital registration process, this excludes organisations lacking digital capacity.

The funding landscape for CSOs remained inadequate due to excessive bureaucracy, inconsistent criteria, lack of funding, particularly for advocacy activities, and heavy co-funding requirements, while reductions in U.S. funding further constrain CSOs' operations. Although no restrictions on foreign funding were introduced, past and ongoing attempts to impose additional reporting obligations reflect a hostile environment for CSOs. The work of specific groups, particularly those supporting migrants at the Polish-Belarusian border, environmental justice, LGBTQI+, and reproductive rights organisations, remains restricted. Many systemic problems of recent years related to media freedom remain unresolved and some attempts at reform are pending. Hate speech remains widespread, and SLAPPs continue to be a significant threat to civic actors and journalists. Attempts to criminalise humanitarian assistance, continue to undermine safe space for civil society.

1. <https://monitor.civicus.org/country/poland/>

2. [https://commission.europa.eu/document/download/a717b80d-1631-4fa1-8aeb-7e423c207948\\_en?filename=2025%20Rule%20of%20Law%20Report\\_country-abstract%20and%20recommendations.pdf](https://commission.europa.eu/document/download/a717b80d-1631-4fa1-8aeb-7e423c207948_en?filename=2025%20Rule%20of%20Law%20Report_country-abstract%20and%20recommendations.pdf)

# Dimensions

## Freedom of Association

During the reporting period, no restrictions were introduced on the establishment of or membership in non-governmental organisations (NGOs). However, the right to form associations is limited to Polish citizens and foreigners residing in Poland.<sup>3</sup> Since 2021, civil society organisations (CSOs) have been advocating for improvements to the registration process for associations. Problems with the registration of associations mainly concern inconsistent interpretation of regulations and protracted formalities and are one of the challenges that CSOs have been facing for many years. The National Court Register should consider an application for registration within seven days, but the experience of organisations shows that this period is much longer and depends on factors such as requests for supplementary documentation as well as the workload at the courts. On 4 November, the president signed an amendment to the Act on the National Court Register and certain other acts which may lead to new challenges, including potential exclusion of those that cannot conform to the new registration procedure that is online and requires internet access and a level of digital literacy.<sup>4</sup>

Freedom of association in Poland is guaranteed, yet the legal environment in which CSOs operate should be simplified. The legal system regulating non-governmental organisations is based on the constitution and specific acts such as the Law on Associations, Law on Foundations, Law on Public Benefit Activity and Volunteer Work. However, it should be noted that the regulations in force create administrative burdens for CSOs. Reporting raises questions as to the need to provide all information currently required. Though insufficient, in late 2025 there were important developments. On 30 December, the finance minister signed a regulation repealing the audit obligation for small public benefit organisations.<sup>5</sup> However, this is only a

minor change, and a more robust reform is needed. For example, organisations that do not carry out economic activity are not able to access the same mechanisms as enterprises can to make their operations more efficient (e.g. reducing the number of concurrent inspections, and requiring fewer formalities for micro-enterprises).<sup>6</sup> Unfortunately, despite advocacy efforts of CSOs, including within the Working Group on Legal Simplification for Non-Governmental Organisations, only limited efforts were made in 2025 to remedy unclear and burdensome regulations.<sup>7</sup> However, as of 1 January 2026, NGOs with under 1 million PLN (€233,600) in revenue (and no commercial activity) are able to make use of a revenue and cost system, instead of full accountancy, when implementing public-funded projects.<sup>8</sup> This rule does not apply to public benefit organisations.

Between January and November 2025, the majority of CSOs experienced no instances of illegal interference with their work. Although this problem does not affect the entire sector, there are substantial threats to the functioning of certain types of organisations or informal civic initiatives. This is particularly true for organisations providing legal assistance to migrants in applying for international protection and providing humanitarian aid on the Polish-Belarusian border. Organisations involved in this type of activity face significant restrictions on their work in this area, and the risk of criminal sanctions against activists significantly affects their operating conditions.<sup>9</sup> This issue is discussed in detail in the section on Safe Space.

The responsible administrative bodies (Ministry of Justice under the Justice Fund or the National Institute of Freedom [NIW-CRSO] under government programmes) have attempted to recover funds allocated unlawfully under the previous government, but this is being

3. According to the Act of 7 April 1989, Law on Associations: "Art. 4 sec. 1. Foreigners residing in the territory of the Republic of Poland may associate in associations in accordance with the provisions applicable to Polish citizens. Paragraph 2. Foreigners not residing in the territory of the Republic of Poland may join associations whose statutes provide for such a possibility."

4. More: <https://www.sejm.gov.pl/Sejm10.nsf/PrzebiegProc.xsp?nr=1311> (as of November 2025). In addition, it can also be pointed out that a particular challenge is the issue of transgender rights and the long path to gender recognition – the lack of a dedicated law in this area; transgender people without agreed documents when setting up an organisation are forced to provide assigned data – which may result in doxing or discrimination (including online).

5. [https://www.gov.pl/web/pozytek/badanie-sprawozdan-finansowy--nowe-zasady-dla-opp?fbclid=IwY2xjawP\\_-1lIeHRuA2FlbQIxMABicmlkETFGTk5zaEVvdjlpMHVhRm5ic3J0YwZhcHBfaWQQMjlyMDM5MTc4ODIwMDg5MgABHmUrm07aA\\_Qlurtq\\_2A6ibqsmTjLbtT15dzxP8Sn0yuiu7PKvps57eiwhPg5\\_aem\\_NyxCaGWADMGsSuS8k8086Cw](https://www.gov.pl/web/pozytek/badanie-sprawozdan-finansowy--nowe-zasady-dla-opp?fbclid=IwY2xjawP_-1lIeHRuA2FlbQIxMABicmlkETFGTk5zaEVvdjlpMHVhRm5ic3J0YwZhcHBfaWQQMjlyMDM5MTc4ODIwMDg5MgABHmUrm07aA_Qlurtq_2A6ibqsmTjLbtT15dzxP8Sn0yuiu7PKvps57eiwhPg5_aem_NyxCaGWADMGsSuS8k8086Cw)

6. More: <https://publicystyka.ngo.pl/niedoceniany-partner-organizacje-pozarządowe-komentarz>

7. More: <https://publicystyka.ngo.pl/grupa-robocza-ds-uproszczen-prawnych-dla-organizacji-pozarządowych-krotkie-podsumowanie-pierwszego-polroczna-dzialalnosci-tau>

8. Przepisy dopasowane do potrzeb trzeciego sektora - ogłoszenie rozporządzenia Przewodniczącego Komitetu do Spraw Pożytku Publicznego - Komitet do Spraw Pożytku Publicznego - Portal Gov.pl, Ogłoszenie rozporządzenia Ministra Finansów i Gospodarki dotyczącego uproszczonej ewidencji przychodów i kosztów (UEPIK) - Komitet do Spraw Pożytku Publicznego - Portal Gov.pl

9. The phenomenon of criminalisation of humanitarian aid and the associated restrictions on the activities of organisations is described below.

conducted, as far as it is known, in accordance with the Public Finance Act and the relevant procedures.<sup>10</sup> According to information published in March 2025, the Minister of Justice “called on eight entities to return 90 million from the Justice Fund.”<sup>11</sup> Since 2024, the Justice Fund, a special-purpose fund supporting victims of crime, has been operating on the basis of amended regulations aimed at curbing the awarding of grants outside the competition procedure or without any connection to the Fund’s objectives.<sup>12</sup> Between 2017 and 2023, the Justice Fund transferred over 25 million PLN (approximately five million EUR) to nearly 130

organisations. Unfortunately, as audits have shown, these funds were sometimes used contrary to the Fund’s mission (which is to help victims of crime). One such case was the purchase of Pegasus spyware which was used for surveillance of the opposition.<sup>13</sup>

In 2025, there were no restrictions on the objectives of CSOs under Polish law. However, it seems that the system of financing organisations and the structure of their revenue, predominantly public funds, significantly affects their ability to sustain their operations.

## Access to Funding

Access to funding is one of the main challenges for CSOs. The system tends to drain the resources of organisations by requiring an “own contribution” and demanding excessive bureaucracy rather than actually supporting their long-term development. The increased contribution at the government level (under the Power of Small Communities programme) is far from sufficient for CSOs’ needs and expectations.<sup>14</sup> As of November 2025, no systemic legal changes had been adopted that could significantly affect access to funding. However, a new provision has been introduced, allowing individual ministers to transfer their grant competitions to a government agency called the National Institute of Freedom – Centre for the Development of Civil Society (NIW-CRSO). Nevertheless, both the structure of the public subsidy system and the practice of its application have been criticised. There are differences in the regulations governing the financing of organisations from central and local government funds, and the so-called minor amendment to the Act on Public Benefit Work and Volunteering further exacerbates these differences.<sup>15</sup> However, there is an ongoing discussion that

may lead to more decisive reform, which considers several proposals from CSOs that were worked out in partnership with local authorities.<sup>16</sup> Such discussions are planned for the first quarter of 2026.

In 2025, the practice of allocating grants from existing funds (Justice Fund, EU National Recovery and Reconstruction Plan (NRRP) or the Active+ programme) caused considerable concern among organisations.<sup>17</sup> For example, there was a controversy around the call for proposals criteria for organisations operating in the cultural sector that applied for grants under the EU NRRP, which is supervised by the Ministry of Culture and National Heritage.<sup>18</sup> The call criteria and rules resulted in 77% of applicants receiving zero points on their applications, which was perceived as an issue in the way the call was designed. In case of other funding programmes, there have been significant delays in the call announcements, which impacted the implementation of projects and the overall conditions in which organisations work. The reduction in US funding for organisations has also significantly limited their ability to operate, and the government, despite discussions on

10. Numerous irregularities were revealed by audits carried out in previous years by the Supreme Audit Office and the Ministry of Justice with regard to funds for organisations at their disposal: the National Institute of Freedom – Centre for the Development of Civil Society (NIW-CRSO) (the NIK audit covered the period from 1 January 2021 to 24 November 2023) and the Ministry of Justice (the Supreme Audit Office’s audit covered the period from 2 June 2020 to 14 May 2021). Post-audit conclusions concerning corrective measures are available on the websites of these institutions: <https://www.nik.gov.pl/aktualnosci/realizacja-zadan-funduszu-sprawiedliwosci.html>, <https://www.nik.gov.pl/najnowsze-informacje-o-wynikach-kontroli/beneficjenci-funduszu-sprawiedliwosci.html>, the result of the audit of the Ministry of Justice: <https://www.tvp.info/77785080/tak-wydawano-kase-z-funduszu-sprawiedliwosci-ministerstwo-opublikowalo-raport>, ; <https://www.msn.com/pl-pl/wiadomosci/polska/ministerstwo-sprawiedliwosci-w-czesci-chce-zwrotu-pieni%C4%99dzy-z-funduszu-sprawiedliwosci-w-niw-crso>

11. <https://www.msn.com/pl-pl/wiadomosci/polska/ministerstwo-sprawiedliwosci-w-czesci-chce-zwrotu-pieni%C4%99dzy-z-funduszu-sprawiedliwosci-w-niw-crso>

12. <https://www.gov.pl/web/sprawiedliwosc/fundusz-sprawiedliwosci---koniec-finansowania-zadan-pozza-procedura-konkursowa>

13. More on the prosecutor’s allegations regarding the use of funds: <https://www.bankier.pl/wiadomosc/Pierwszy-akt-oskarzenia-w-sprawie-zakupu-Pegasusa-Prokuratura-uderza-w-zastepce-Ziobry-9027893.html>, Other information: <https://www.gov.pl/web/sprawiedliwosc/ministerstwo-upublicznia-dokumenty-dotyczace-zakupu-systemu-pegasus> <https://polskieradio24.pl/artykul/3602630,o-co-chodzi-w-afereze-funduszu-sprawiedliwosci-wyjasniamy>, <https://wyborcza.pl/7,75398,31134814,afera-funduszu-sprawiedliwosci-w-30-punktach-adam-bodnar-odpowiada.html>

14. <https://niw.gov.pl/nasze-programy/moc-malych-spolecznosci/>

15. Debate on the amendment to the Act on Public Benefit and Volunteer Work: <https://publicystyka.ngo.pl/propozycje-zmian-w-ustawie-o-dzialalnosci-pozytku-publicznego-modyfikacje-ogolnych-zasad-zlecenia-realizacji-zadan-tau>

16. See full proposal: [Zalacznik1-Zlecenie-zadan-propozycja-zmian-w-ustawie.pdf](#)

17. <https://polityka-senioralna.pl/porazka-na-calej-linii/>, <https://publicystyka.ngo.pl/kpo-dla-kultury-organizacje-beda-zmeczzone-i-wypalone-a-nie-wzmocnione-tau>, <https://publicystyka.ngo.pl/ms-oswiadczenie-w-sprawie-funduszu-sprawiedliwosci>

18. <https://wyborcza.pl/7,75410,32206654,nie-dostales-pieniedzy-z-kpo-widac-twoj-projekt-byl-za-slaby.html>

the issue, has not decided on any significant initiative in this regard.<sup>19</sup>

Discussions are ongoing on the amendment to the Act on Public Benefit and Volunteer Work which would introduce new procedures for commissioning public duties.<sup>20</sup> The law specifies the rules for commissioning tasks in the field of public benefit.<sup>21</sup> Unfortunately, as pointed out by NGOs,<sup>22</sup> the possibility of supporting the development of organisations and civic activity is limited at the local government level, as funds can only be allocated for the implementation of public duties.<sup>23</sup> There are no such restrictions at the central level, where such support is permitted under the Act on the National Institute of Freedom.<sup>24</sup> In addition, a separate financing system applies to Rural Housewives' Clubs. Funds are also available to organisations for the implementation of duties under the public procurement law, with the possibility, though rarely used in practice, of applying special provisions to improve the social impact of public fund expenditures.<sup>25</sup> Organisations also apply for funding from the European Union, but formal barriers such as bureaucracy, the need for co-financing, a lack of small grants, and the need for experience in managing large budgets significantly limit such opportunities. This relates to all EU funds both in direct and shared management, such as EFS+, regional programmes implementing Cohesion policies, and the CERV programme).

In 2025, the possibilities for obtaining funds from private sources remained stable. However, the weakness of independent philanthropy is, at least in part, a result of the weakness of Polish legal regulations. Reporting methods are highly bureaucratic and constitute an unnecessary source of additional bureaucracy for some organisations. Proposals to change the system by increasing tax deductions and implementing a

1.5% corporate income tax rate for CSOs have not been successful thus far, as there is a general lack of understanding when it comes to the importance of such regulations.<sup>26</sup>

Data from the annual Klon/Jawor report on the condition of Polish civil society in 2024 shows that when it comes to organisational resources, "65% of foundations and associations surveyed indicate that most of the people involved in their day-to-day activities use private devices for work. Only one in five organisations (21%) provides their employees and associates with work equipment", and only 19% of organisations employ people on a full-time employment contract.<sup>27</sup> The survey also shows that "the larger the town in which an organisation is based, the higher its average revenue, with the average revenue of organisations in rural areas at approximately PLN 30,000 (€7,100), in towns with over 200,000 inhabitants – PLN 73,000 (€17,277) and among organisations in Warsaw – PLN 85,000 (€20,117)."<sup>28</sup> As for the diversification of funding sources, this is gradually improving, but "as in previous years, most organisations use funds from membership fees (57%), local government sources (55%), and donations from private individuals (54%). Almost 40% of organisations receive funds from companies or institutions. Revenues from the 1.5% tax and from paid public benefit activities contribute to the budgets of approximately 30% of entities. One in four associations and foundations receives grants from government or central administration funding."<sup>29</sup>

Currently, there are no special restrictions or procedures for CSOs regarding the receipt and use of foreign and international financial or material support, nor for donors regarding the financing of organisations. However, there have been attempts to introduce such restrictions in the form of a petition in

19. The content of the organisation's appeal of 19 February 2025: <https://publicystyka.ngo.pl/apel-organizacji-pozarządowych-w-sprawie-decyzji-prezydenta-stanow-united-in-suspending-funding-for-foreign-aid> and the minutes containing a detailed account of the discussion on this topic at the third extraordinary meeting of the Public Benefit Work Council (RDPP) of the 8th term on 17 February 2025: [Communiqué from the 3rd plenary meeting of the Public Benefit Work Council - Public Benefit Committee - Gov.pl portal, Minutes from the 3rd meeting of the RDPP \(1\).pdf](https://publicystyka.ngo.pl/minutes-from-the-3rd-meeting-of-the-rdpp). Although the government administration announced that it would allocate additional funds to the organisations' activities, this was not a direct response to the specific needs of the organisations that arose as a result of the sudden cut-off of funding in areas such as humanitarian aid, the rule of law, education, and media independence. Report by the organisation *Mapuj Pomoc* on the effects of the suspension of USAID funding in Poland: <https://mapujpomoc.pl/jak-wstrzymanie-amerykanskiej-pomocy-zagranicznej-zmienilo-finansowanie-dzialan-spoecznych-w-polsce-podsumowanie/>

The report estimates the funding gap in the area of humanitarian aid at approximately 100 million PLN. However, the report of 17 February is based only on approximate and estimated data, due to the lack of complete data (some of the funds went to Poland, for example, through UN agencies).

20. <https://publicystyka.ngo.pl/zmieniamy-ustawe-o-dzialalnosci-pozytku-publicznego-rdpp-o-mozliwych-i-niemozliwych-nowelizacjach-tau>

21. Act of 24 April 2003 on Public Benefit Work and Volunteering, *Journal of Laws* 2003 No. 96, item 873.

22. <https://publicystyka.ngo.pl/ustawa-o-pozytku-proponowane-zmiany-rozwoj-aktywnosci-obywatelskiej> see also: <https://ofop.eu/o-pozytku-publicznym-po-dwoch-dekadach/>

23. In discussions on how to finance organisations, it has been pointed out many times that commissioning public tasks does not support organisations, and sometimes certain forms of such financing can even drain the resources of organisations. Performing tasks for public administration is a type of subcontracting and is not always done on terms favourable to the organisation. However, organisations undertake these tasks guided by a sense of mission rather than the conditions of their implementation, which often leads to a depletion of resources (human, material, time, etc.). This is the case, for example, in crisis situations, when organisations are the only ones capable of responding quickly and comprehensively to local needs.

24. Act of 15 September 2017 on the National Institute of Freedom - Centre for the Development of Civil Society, <https://api.sejm.gov.pl/eli/acts/DU/2023/1618/text.pdf>

25. See: #prosteNGO. Public procurement available to non-governmental organisations - [ngo.pl](https://publicystyka.ngo.pl/prosteNGO)

26. See also: Letter from the Donors Forum to Minister Adriana Porowska dated 26 March 2025.

27. B. Charycka, J. Bednarek, A. Belina, M. Gumkowska, *The Condition of Non-Governmental Organisations 2024*, Klon/Jawor, 2025. More: <https://kondycja.ngo.pl/>

28. *Ibid.* p. 74.

29. *Ibid.* p. 78.

parliament.<sup>30</sup> Attempts to introduce special procedures for foreign funding in previous years (the so-called *Lex Woś*) faced significant opposition from organisations.<sup>31</sup> The proposed regulations were aimed at imposing new reporting obligations and specific rules for disclosing foreign funding, which would ultimately undermine trust in organisations that benefit from such funding.<sup>32</sup> Organisations, including the Donors Forum and the National Federation of Polish Non-Governmental Organisations (OFOP), argued that these were excessive regulations aimed at placing an additional bureaucratic burden on organisations, paving the way for the imposition of penalties, increasing control over the activities of organisations, and consequently interfering with their activities.<sup>33</sup> If adopted, these provisions could have a potential negative effect on the freedom of association and the quality of democracy. The effects of such a bill can already be seen in Hungary.<sup>34</sup> In this context, it is worth noting that the introduction of comparable provisions is currently being considered at the EU level.

As part of the government restructuring, the post of the Minister for Civil Society was eliminated. Symbolically, this weakens support for CSOs and marks the end of the state's previous policy.<sup>35</sup> However, due to the short period of this role (from 2023 to 2025) and its minor impact on the sector, this does not fundamentally change the operating conditions for civil society.

## Freedom of Peaceful Assembly

As Amnesty International found in its 2024 report, “state authorities across Europe (...) deliberately stigmatise, block, discourage and punish those who protest.”<sup>37</sup> In Poland, a significant problem with regulations governing the freedom of assembly arose with the amendment to the Law on Assemblies of 13 December 2016, which came into force in April 2017, introducing

Similarly, the “minor” amendment to the Act on Public Benefit Work and Volunteering does not introduce the expected fundamental changes in the financing of non-governmental organisations.<sup>36</sup>

However, the government announced that a broader reform package is planned for the beginning of 2026, though organisations expressed concern that such a reform requires time and so the process may not be completed in this parliamentary term.

Organisations interviewed by OFOP highlight problems related to the lack of funding for advocacy activities. Meanwhile, from the perspective of CSOs, advocacy is the most effective tool for introducing lasting, systemic changes. However, institutions and private grantors more often choose activities that are more visible and easier to promote, such as events or training courses, which do not provoke wider public debate. Advocacy, due to its long-term and time-consuming nature, as well as the high costs associated with it — such as the need to use legal expertise — remains underfunded. As a result, CSOs have limited human resources and are unable to participate in consultation and participation processes on a scale to match the real challenges and needs. This applies, among other things, to participation in dialogue bodies, *ad hoc* consultations, and EU fund monitoring committees.

the institution of so-called cyclical assemblies.<sup>38</sup> This solution limited the possibility of organising counter-demonstrations, giving priority to cyclical assemblies, which raises doubts both from the point of view of constitutionality<sup>39</sup> and compliance with international standards. In addition, an obligation to maintain a distance of 100 metres between two assemblies was

30. <https://www.senat.gov.pl/prace/petycje/wykaz-tematow-petycji/petycja,1055.html> and <https://proste.ngo/biuletyn-104/>

31. <https://publicystyka.ngo.pl/projekt-ustawy-o-transparentnosci-finansowania-organizacji-pozarządowych-apel-forum-darczyńców-i-ofop>

32. In addition, in the past and present, for example, when funding for organisations under USAID was suspended, attempts were made to attack non-governmental organisations. Articles published at that time described the organisations in a stigmatising manner. For example: <https://dorzeczy.pl/kraj/721611/ngo-warzecha-pozarządowy-rak.html>

33. <https://publicystyka.ngo.pl/lex-wos-istota-ustawy-jest-oddanie-pelnej-kontroli-nad-organizacjami-zbigniewowi-ziobrze-felieton-sadlo>, <https://oko.press/lex-wos-solidarna-polska-deputinizowac-organizacje-pozarządowe-przy-pomocy-ustawy-od-putina>

34. Protest letter from organisations operating across Europe: <https://hfhr.pl/aktualnosci/apel-wegry>, see also: <https://pl.euronews.com/europa/2025/05/24/komisja-europejska-zada-od-wegier-wycofania-projektu-ustawy-o-przejrzystosci> ;

<https://www.france24.com/en/live-news/20250518-hungarians-protest-authoritarian-bill-against-ngos-media> ;

<https://telex.hu/english/2025/05/14/russian-style-law-targeting-independent-press-and-ngos-tabled-in-hungarian-parliament> ;

<https://www.euronews.com/my-europe/2025/05/14/foreign-funded-ngos-in-hungary-that-threaten-sovereignty-targeted-in-draft-law> ;

[https://ec.europa.eu/commission/presscorner/detail/ga/ip\\_24\\_4865](https://ec.europa.eu/commission/presscorner/detail/ga/ip_24_4865)

35. [https://publicystyka.ngo.pl/ministra-ds-spolnoczenia-obywatelskiego-stracona-szansa-czy-z-gory-przebrana-sprawa-komentarz-ewy-kulik-bielinskiej-tau?fbclid=IwY2ZjxjawnNlnjRleHRuA2FlbQlxMQABHntXKuPuSu\\_qwxqmczHVeFxFN\\_c4KSSHsif\\_UKwv5N1a8ulX69o2bsfIFUJTU\\_aem\\_NDF4cckmK2j9xEoguOvNSnS](https://publicystyka.ngo.pl/ministra-ds-spolnoczenia-obywatelskiego-stracona-szansa-czy-z-gory-przebrana-sprawa-komentarz-ewy-kulik-bielinskiej-tau?fbclid=IwY2ZjxjawnNlnjRleHRuA2FlbQlxMQABHntXKuPuSu_qwxqmczHVeFxFN_c4KSSHsif_UKwv5N1a8ulX69o2bsfIFUJTU_aem_NDF4cckmK2j9xEoguOvNSnS)

36. <https://publicystyka.ngo.pl/zapowiadana-nowelizacja-ustawy-o-dzialalnosci-pozytku-w-planach-rady-ministrow-tau> ;

<https://ofop.eu/nowelizacja-ustawy-o-dzialalnosci-pozytku-publicznego-stanowisko-ofop-i-forum-darczyńców/> ;

<https://publicystyka.ngo.pl/mala-nowelizacja-pozytku-ruszyla-konsultacje-tau>

37. <https://www.amnesty.org.pl/raport-systematyczne-represje-prowadza-do-ograniczania-pokoju-protestow/>

38. <https://poradnik.ngo.pl/nowelizacja-zgromadzen-2016-kontrowersje-wokol-zgromadzen-cyklicznych>

39. As the Helsinki Foundation for Human Rights points out: “This kind of privileging of cyclical assemblies causes a lot of controversy. In its ruling of 16 March 2017 (ref. no. Kp 1/17), the Constitutional Tribunal ruled that the construction in question does not violate the Constitution. However, due to the fact that this ruling was issued with the participation of three persons who were improperly appointed to the position of Constitutional Tribunal judge, the legal force of this ruling is debatable.” See: [https://hfhr.pl/upload/2022/01/prawo-o-zgromadzeniach\\_-\\_praktyczny-przewodnik.pdf](https://hfhr.pl/upload/2022/01/prawo-o-zgromadzeniach_-_praktyczny-przewodnik.pdf)

introduced. At the time, the ombudsman pointed out that: “the current provisions of the Law on Assemblies significantly restrict the freedom of public assemblies. Article 57 of the constitution guarantees everyone the freedom to organise and participate in peaceful assemblies.”<sup>40</sup> In March 2024, Amnesty International submitted a petition to the Ministry of the Interior and Administration calling for changes to the assembly act.<sup>41</sup> In November 2024, seven organisations appealed to Prime Minister Donald Tusk to remove provisions violating freedom of peaceful assembly from the act.<sup>42</sup> However, the government has no plans to initiate changes.

The events of 2016–2023, when Poland saw numerous protests related to, for example, the so-called “reform” of the justice system and women’s reproductive rights, provide important context for the discussions taking place in 2025. Poland is currently awaiting the publication of the second partial report of the Commission for the Investigation of Mechanisms of Repression against Civil Society Organisations and Social Activists in 2015-2023. It concerns the measures used by the police and other services during demonstrations and protests.<sup>43</sup> At the time, the ombudsman described cases of violations of the freedom of assembly that occurred between 2016 and 2018. For example, “in the light of Article 57 of the constitution and Article 11 of the ECHR, there are no grounds for punishing protesters who do not violate the law. The police accused the protesters of, among other things, disturbing public peace and order (Article 51 § 1 of the Code of Misdemeanours), disrupting a lawful assembly (Article 52 § 2(1) of the Code of Misdemeanours), obstructing traffic (Article 90 of the Code of Misdemeanours), crossing forest land where there is a ban in force and failing to leave, contrary to a request (Article 151 §1 and 157 § 1 of the Code of Misdemeanours)”.<sup>44</sup> As a result, the use of various forms of punishment or harassment for participating in peaceful demonstrations was intended to have a

chilling effect. The abuse of the Code of Misdemeanours is confirmed by Amnesty International,<sup>45</sup> as well as data collected in a report prepared by the Citizens of the Republic of Poland Foundation, which shows that out of 645 proceedings conducted on the basis of the Code, 96% resulted in the dismissal of charges against protesters.<sup>46</sup> As Amnesty International pointed out in its 2017 report, the police also routinely detained people participating in protests behind a police cordon (the so-called “cauldron” where protesters are not able to leave).<sup>47</sup> This measure effectively prevented participation in the assembly.<sup>48</sup> In July 2025, the European Court of Human Rights ruled in the case of *Siedlecka v. Poland* (application no. 13375/18), which is of key importance in this context.<sup>49</sup> As summarised by the Helsinki Foundation for Human Rights, “the Court confirmed that practices such as surrounding participants in assemblies with a cordon and preventing them from leaving a specific area for a long period of time may constitute deprivation of liberty. Applying them without an adequate legal basis, merely under the pretext of checking participants’ identity, may therefore lead to a violation of Article 5 of the ECHR.”<sup>50</sup>

Between 2016 and 2023, there were also numerous cases in which the proportionality of the direct, coercive measures used by the police raised concerns. After the change of government in 2023, organisations demanded that officers who exceeded their powers and used disproportionate measures against demonstrators be held accountable. In October 2024, the public was informed that the prosecutor’s office was re-examining prematurely dismissed cases in which there was suspicion of exceeding powers and exposing protesters to danger. These cases concerned the Polish Women’s Strike pro-abortion demonstrations in 2020. One of the cases involved the breaking of a protester’s arm, and another involved an Internal Security Agency (ABW) employee driving a speeding car into a crowd.<sup>51</sup> The first case was dismissed again on

40. Report of the Ombudsman, entitled “Freedom of assembly in Poland in 2016-2018”, see: <https://bip.brpo.gov.pl/pl/content/wolnosc-zgromadzen-w-polsce-jest-naruszana-zrenica-wolnosc-raport-rpo>

41. Petition : <https://www.gov.pl/web/mswia/petycja-w-sprawie-zmiany-prawa-w-zakresie-zgromadzen-cyklicznych-i-podjecie-dzialan-zmierzajacych-do-znowelizowania-przepisow-ustawy-z-dnia-24-lipca-2015-r-prawo-o-zgromadzeniach>

42. Letter prepared by organisations: <https://www.amnesty.org.pl/apel-do-premiera-donald-tuska-w-sprawie-zgromadzen-cyklicznych/>

43. <https://publicystyka.ngo.pl/komisja-zbada-naduzycia-poprzedniej-wladzy-wobec-aktywistow>

44. More: <https://bip.brpo.gov.pl/pl/content/wolnosc-zgromadzen-w-polsce-jest-naruszana-zrenica-wolnosc-raport-rpo#:~:text=216-stronicowy%20raport%20pt.%20%E2%80%9EWolno%C5%9B%C4%87%20zgromadze%C5%84%20w%20Polsce%20w,i%20Europejskiego%20Trybuna%C5%82u%20Praw%20Cz%C5%82owieka%20oraz%20rekomendacje%20rzecznika>

45. Report: <https://www.amnesty.org.pl/dajcie-mi-czlowieka-a-znajdzie-sie-paragraf-nowa-analiza-amnesty-international/>, p. 12. Amnesty International also points to other provisions that have been abused.

46. See: <https://obywatelerp.org/wp-content/uploads/2023/04/Raport-ObyPomoc-Zbiorczy-do-20230331.pdf>

47. “Poland: demonstrations in defence of human rights. Intimidation, surveillance and prosecution of political opponents”. Amnesty International, see: [https://www.amnesty.org.pl/wp-content/uploads/2017/10/Polska\\_Demonstracje-w-obronie-praw-czlowieka.pdf](https://www.amnesty.org.pl/wp-content/uploads/2017/10/Polska_Demonstracje-w-obronie-praw-czlowieka.pdf)

48. *Ibid.*, p. 31.

49. This concerned the detention of journalist Ewa Siedlecka during a counter-demonstration by “Obywateler RP” (Citizens of the Republic of Poland). For about three hours, the police prevented participants from leaving the cordon and courtyard on Miodowa Street, even though no formal arrest had been made. More: <https://www.gov.pl/web/sprawiedliwosc/wyrok-w-sprawie-siedlecka-przeciwko-polsce-skarga-nr-1337518>, Full text: <https://hudoc.echr.coe.int/eng/#%22itemid%22:%22001-244360%22%22%22>

50. See: <https://hfhr.pl/aktualnosci/siedlecka-p-polsce-wyrok-etpc:1948771893>

51. <https://wiadomosci.gazeta.pl/wiadomosci/7,114883,31383734,strajk-kobiet-ponownie-pod-lupa-warszawskiej-prokuratury-chodzi.html>

24 February 2025,<sup>52</sup> and in the second case the District Prosecutor's Office in Warsaw filed an indictment against an ABW officer who, in February 2025, was charged with exposing others to direct danger of serious bodily harm.<sup>53</sup>

Actions taken against assemblies and protests organised by the LGBTQI+ community have also been a significant problem. According to Amnesty International's 2022 report, 2019–2020 was particularly concerning in terms of harassment by law enforcement agencies and other forms of attacks.<sup>54</sup> During this time, there were attacks on equality marches in Białystok and Lublin, as well as the so-called "Rainbow Night" in Warsaw on 7 August 2020, during which a large number of arrests were made and police violence occurred.<sup>55</sup> Other problems highlighted in the report include the "preventive" bans on assemblies by local authorities, especially in 2018-2019, and insufficient protection against aggressive counter-demonstrators.<sup>56</sup> In the case of activists working for LGBTQI+ rights who participated in assemblies, the following provisions were most often used against them: Article 137 (insulting a state sign or symbol), Article 196 (insulting religious feelings), and Article 261 of the Criminal Code (insulting a monument) and Article 108 of the Law on the Protection of Monuments.<sup>57</sup> According to Amnesty International, all these actions constituted "systemic violence" directed against people advocating for the rights of the LGBTQI+ community.<sup>58</sup> In the ILGA Rainbow Map Index for 2025, Poland ranks 39th.<sup>59</sup> The situation of people advocating for LGBTQI+ rights has improved only minimally, and there are still many areas where legal changes are needed that go beyond the issue of freedom of assembly, particularly with regard to hate speech, which also has an impact on the freedom of assembly challenges analysed here. Although this does not concern the current year, it is worth adding that in 2024, a citizens' bill amending the Act of 24 July 2015 on the Law on Assemblies and

certain other acts was submitted for its first reading. The bill would restrict freedom of peaceful assembly and expression for LGBTQI+ persons. The ombudsman took an unequivocal position, stating that "the bill should be considered unconstitutional and in violation of the Republic of Poland's international obligations. It is inconsistent with the principle of protecting human dignity. It also unacceptably restricts freedom of expression and freedom of assembly. And the ban on gatherings such as equality marches violates the prohibition of discrimination on the grounds of sexual orientation and gender identity." The bill was rejected at its first reading.<sup>60</sup> The number of incidents occurring during equality-related events appears to be lower than in previous years (based on interviews), but in 2025, for example, the organisers of Tychy Equality Day at the City Museum faced a wave of opposition, and during the 7th Equality March in Szczecin in July 2025, an activist was attacked. The attacker was charged with making criminal threats and violating physical integrity in November 2025.<sup>61</sup>

Another challenge is the level of proportionality of interventions by the authorities. Of particular relevance here are protests related to climate change, which often take the form of civil disobedience, such as road blockades. In May 2025, the District Court in Warsaw upheld a court ruling sentencing two climate activists who interrupted a concert at the Philharmonic in 2024 to 20 hours of community service.<sup>62</sup> Politicians' comments on the police response to the 2024 protests (such as the interior minister calling the protest a "pathology") were cited widely, which may raise concerns about the level of proportionality of the authorities' response in such situations.<sup>63</sup> This is particularly true given that unwarranted actions have been taken in the past.<sup>64</sup> It is therefore necessary to monitor such interventions, such as the police intervention at the gates of the Gdańsk Shipyard, and the measures used against

52. <https://www.gov.pl/web/po-warszawa/umorzenie-sledztwa-w-sprawie-zlamania-reki-aktywistce-podczas-protestu-na-ul-wilczej-w-grudniu-2020-r>

53. <https://polskieradio24.pl/artykul/3512470,funkcjonariusz-abw-stanie-przed-sadem-chodzi-o-strajk-kobiet>, <https://tvn24.pl/tvnrwarszawa/mokotow/warszawa-wjechal-w-protestujacych-przeciwko-orzeczeniu-tk-w-sprawie-aborcji-funkcjonariusz-abw-uslyszal-zarzut-st8304543>

54. The 2021 Amnesty International report points to the systemic nature of violence. "As a result of the government's campaign of hatred against LGBTQ+ people, which intensified particularly before the 2019 presidential campaign, attacks on LGBTQI+ people during peaceful gatherings have also intensified. At the same time, the inability to report violence against LGBTQI+ people as hate crimes prevents law enforcement agencies from effectively holding perpetrators accountable."

55. During the protest on 7 August 2020, 48 people were detained and there were abuses by police officers. <https://kph.org.pl/wtedy-pierwszy-raz-poczulam-ze-jestesmy-ruchem-teczowa-noc-5-lat-pozniej>, [https://www.amnesty.org.pl/bylismy-traktowani-jak-przestepcy-historie-represji-polskich-aktywistow\\_ek-lgbti-raport-amnesty-international/](https://www.amnesty.org.pl/bylismy-traktowani-jak-przestepcy-historie-represji-polskich-aktywistow_ek-lgbti-raport-amnesty-international/)

56. *Ibid.*, p. 8.

57. *Ibid.*, p. 10.

58. *Ibid.*, p. 8.

59. See: ILGA Europe: <https://rainbowmap.ilga-europe.org/countries/poland/>

60. Voting result: <https://infopolityka.pl/posiedzenia/6-posiedzenie-sejmu-x-kadencji/glosowania/16/>

This point concerns freedom of assembly, so other issues related to attacks on the LGBTQI+ community are discussed later in the report.

61. <https://katowice.wyborcza.pl/katowice/7,35063,32206046,w-tychach-wylal-sie-heit-o-dzien-rownosci-w-muzeum-miejskim.html> Details of the incident: <https://tvn24.pl/szczecin/szczecin-aktywistka-dagmara-adamiak-zaatakowana-po-marszu-rownosci-sa-zarzuty-st8750527>

62. More: <https://notesfrompoland.com/2025/05/29/climate-activists-convicted-in-poland-for-disrupting-national-philharmonic-concert/>

63. More: <https://www.pap.pl/aktualnosci/siemoniak-o-blokadach-aktywistow-bedziemy-walczyli-z-tego-rodzaju-patologia-0>

64. More: <https://hfhr.pl/aktualnosci/nielegalne-zatrzymanie-aktywistow-na-wieczu-ko:948771893>

protesters and the media before, during, and after protest actions or gatherings.<sup>65</sup>

## Freedom of Expression

Between 2024–2025, there was a slow recovery from a deep crisis of freedom of expression, the outcome of which, however, remains uncertain. Between 2015 and 2023, regulatory and organisational changes were systematically introduced in the public media and the National Broadcasting Council which significantly undermined media freedom and pluralism.<sup>66</sup> Since 2015, Poland's position in media freedom rankings has declined. For example, in 2015, Poland ranked 18<sup>th</sup> in the Reporters Without Borders (RSF) World Press Freedom Index; in 2022, it ranked 66<sup>th</sup>,<sup>67</sup> and in 2023, 57<sup>th</sup>.<sup>68</sup> The key problems were the biased nature of the public media and intensified attacks on people with different views and their family members which often took extreme forms.<sup>69</sup> It also included increased control over the local media market through the purchase of Polska Press by Orlen. Other issues included exerting influence through the advertising policy of state-owned enterprises, the establishment of the National Media Council, and the use of procedures inconsistent with the Polish constitution.<sup>70</sup> Another significant restriction on media freedom in recent years has been the ban on staying in and, consequently, reporting from the border area with Belarus, where a deepening humanitarian crisis has been ongoing since 2021.<sup>71</sup> One of many letters on this matter was sent by the Helsinki Foundation for Human Rights to the Minister of the Interior and Administration in February 2025, pointing out (once again) that this ban, which restricts fundamental freedoms, is not based on law and is therefore unconstitutional.<sup>72</sup>

In 2024, the media situation began to slowly improve, and since the new coalition took power, Poland has risen to 31<sup>st</sup> place in the RSF World Press Freedom Index.<sup>73</sup> However, such an increase in Poland's rating raises questions, as many systemic problems of recent years remain unresolved. The issue of Polska Press remains unaddressed, although the president of Orlen has announced a sale for 2025.<sup>74</sup> A new media law that could aid in repairing the public media has still not been adopted.<sup>75</sup> As media experts point out, the problems related to the independence of public television and, more broadly, public media have not been systematically resolved.<sup>76</sup> During public consultations on the new media law at the end of 2024, CSOs submitted comments on systemic solutions that would help to remedy the situation. These included changing the structure of the National Broadcasting Council to ensure a transparent procedure in selecting members by ensuring the participation of civil society, i.e. journalistic associations, organisations of creators, or organisations active in the field of human rights, science, and education, or other experts not affiliated with political parties.<sup>77</sup>

On 30 October 2025, a press conference was held by Minister of Culture and National Heritage Marta Cienkowska, where the main provisions of the new media bill were presented after consultations. They include improving the independence of the media, depoliticising the management boards of media companies and their supervisory and programme

65. More: <https://oko.press/brutalna-akcja-policji-wobec-ostatniego-pokolenia>, Wyrok ws. dziennikarek relacjonujących protest pod bramą Stoczni Gdańskiej | Helsińska Fundacja Praw Człowieka

66. E.g. Amendment to the Rules of Procedure of the National Broadcasting Council (Resolution No. 180/2019 <https://www.gov.pl/web/krrit/regulamin-prac-krajowej-rady-radiofonii-i-telewizji>) The composition of the council, which could not guarantee impartiality, also raised doubts.

67. Full text: RSF's 2022 World Press Freedom <https://rsf.org/en/rsf-s-2022-world-press-freedom-index-new-era-polarisation-0>

68. <https://www.press.pl/tresc/87224,polska-odrabia-straty-w-rankingu-wolnosci-prasy>

69. One such case was the disclosure of data identifying the children of an opposition MP who were victims of a crime by a public radio station and TVP info, which resulted in the suicide of the child, as well as attacks on specific non-governmental organisations. Examples: The KPH case <https://kph.org.pl/tvp-inwazja-25-01/>, the case of the disclosure of identifying data, <https://wiadomosci.onet.pl/kraj/nastoletni-syn-poslanki-filiks-nie-zyje-telewizja-polska-obarcza-wina-po/dnbdkdt>

70. Judgment of the Constitutional Tribunal of 13 December 2016 (ref. no.: K 13/16). The judgment concerned the appointment of the authorities of TVP and Polish Radio. The competences are specified in Article 213(1) of the Constitution of the Republic of Poland and belong to the National Broadcasting Council.

71. Data: <https://wearemonitoring.org.pl/>

72. The legal basis indicated (Article 12a of the Act of 12 October 1990 on the protection of the state border. Journal of Laws of 2025, item 184) in the opinion of the Foundation "constitutes a circumvention of statutory regulations which define the procedure and rules for introducing states of emergency resulting in the restriction of civil rights and freedoms. It violates Article 52 of the Constitution of the Republic of Poland, according to which everyone has the right to freedom of movement within the territory of the Republic of Poland (Article 52 § 1), and any restrictions on this freedom may only be imposed by means of a bill (Article 52 § 3). It also constitutes a violation of Article 31(3) of the Constitution of the Republic of Poland, which requires that any restrictions on the exercise of constitutional freedoms and rights be established only by a bill and only when necessary in a democratic state for its security or public order, or for the protection of the environment, public health and morals, or the freedoms and rights of others. More: <https://hfhhr.pl/upload/2025/03/opinia-hfcp-nt-przedluzenia-obowiazywania-zakazu-przebywania-w-strefie-nadgranicznej-luty-2025-.pdf>

73. More: <https://forsal.pl/swiat/artykuly/9791220,stan-wolnosci-prasy-na-swiecie-polska-z-duzym-awanssem.html>, <https://rsf.org/en/country/poland>

74. According to media reports: <https://www.money.pl/gospodarka/orlen-mial-sprzecz-polska-press-wyjasnia-czemu-jeszcze-tego-nie-zrobil-7194497478319008a.html>

75. <https://bip.brpo.gov.pl/pl/content/rpo-europejski-akt-wolnosci-mediow-mkidn>

76. <https://wiadomosci.wp.pl/wielkie-oszustwo-i-pusta-obietnica-medioznawcy-gorzko-o-uspolecznieniu-i-odpolitycznieniu-mediow-publicznych-7184602638871136a>

77. More: Comments from civil society organisations on the draft law implementing the EMFA, 2024, prepared by: Blue Dragon Institute Foundation, Helsinki Foundation for Human Rights, Stocznia Foundation, Batory Foundation, Watchdog Poland Civic Network Association, Association of Journalists and Public Radio Creators, PANOPTYKON Foundation, Local Newspapers Association, Media Forum Foundation, Prague Civil Society Centre and Journalists' Association link: [https://siecobywatelska.pl/wp-content/uploads/2024/09/EMFA\\_uwagi\\_organizacji.pdf](https://siecobywatelska.pl/wp-content/uploads/2024/09/EMFA_uwagi_organizacji.pdf)

boards, and the liquidation of newspapers published by local government units, while strengthening the local press. There are also proposals to regulate state advertising, including the creation of a public database maintained by the National Broadcasting Council (KRRiT).<sup>78</sup> The KRRiT is to periodically monitor issues related to editorial independence. There are also plans to liquidate the National Media Council and transfer its tasks to the KRRiT. Finally, the draft provides for the abolition of the television licence fee.<sup>79</sup> The consultations were planned for December 2025-January 2026, a period which is not covered in this report. However, many of the solutions proposed by the government require improvements.

Hate speech is a very significant problem in Poland that requires legal changes. In March 2025, Prosecutor General Adam Bodnar issued "Guidelines for conducting proceedings for prejudice-motivated crimes".<sup>80</sup> To some extent, this document responds to the problems identified by the Association of Prosecutors, *Lex Super Omnia*, in the 2023 report "Prosecution of hate crimes in the practice of the Polish prosecutor's office in 2016-2022 – a sign of erosion of the law enforcement system".<sup>81</sup> The amendment to the Criminal Code, which was intended to extend protection against hate speech and prejudice-motivated crimes, was passed by the Sejm on 6 March 2025 and referred by President Andrzej Duda to the Constitutional Tribunal on 17 April 2025.<sup>82</sup> On 30 September 2025, the tribunal (which is considered neither independent nor impartial) ruled that the law was unconstitutional.<sup>83</sup> In this context, it is worth noting the 2025 ruling of the European Court of Human Rights (ECtHR) according to which "in the Polish legal framework, the offence of committing a hate crime or discrimination (see Article 119 § 1 of the Criminal Code) does not include the grounds of sexual orientation or gender identity. Moreover, domestic criminal legislation does not provide that discrimination

on such grounds should be treated as a bias motive and an aggravating circumstance in the commission of an offence. (...) In this context, the Court notes that the UN Human Rights Committee, the UN Committee Against Torture, the EU Parliament, the ECRI and the UN Human Rights Council recommended that Poland should amend its criminal law so as to penalise crimes motivated by discrimination on the grounds of sexual identity and gender identity as such."<sup>84</sup> The problem of hate speech in Poland is serious and affects minority groups, people with migration experience, as well as other social groups who are targeted by hateful content, including people who are actively involved in community work, activists and/or employees and volunteers of organisations. Between 2022 and 2025, the Basta Foundation filed 71 complaints with KRRiT over hateful content directed at the LGBTQI+ community in media broadcasts, citing Article 18(1) of the Broadcasting Act.<sup>85</sup> However, these complaints were not considered. The foundation appealed to the Provincial Administrative Court. To date, the court has issued 34 judgments which found that the chairman of the KRRiT had failed to act to prevent hateful content. The Provincial Administrative Court awarded the foundation compensation because "as a result of the actions of the authority, [the Foundation] was irrevocably (...) deprived of its right to a court hearing".<sup>86</sup> Subsequently, the foundation also filed a report of suspected criminal activity, namely abuse of power or dereliction of duty, by the chairman of the National Broadcasting Council, Maciej Świrski, but the District Prosecutor's Office for Warsaw-Wola refused to initiate an investigation.<sup>87</sup>

The prime minister appointed a Commission for the Investigation of Mechanisms of Repression against Civil Society Organisations and Social Activists in the period 2015-2023<sup>88</sup> to describe the mechanisms of repression against civil society at the hands of the

<sup>78</sup>. Recording of the press conference of the Minister of Culture and National Heritage: <https://www.youtube.com/watch?v=8msPoL9av2g>

<sup>79</sup>. The final draft of the bill will be introduced for consultation in December 2025 (after the report period was closed and hence is not covered). <https://www.gov.pl/web/premier/projekt-ustawy-o-zmianie-ustawy-o-radiofonii-i-telewizji-oraz-niektorych-innych-ustaw>

<sup>80</sup>. More: <https://www.gov.pl/web/prokuratura-krajowa/wytyczne-prokuratora-generalnego-w-zakresie-prowadzenia-postepowan-o-przestepstwa-motywowane-uprzedzeniami>

<sup>81</sup>. <https://www.gov.pl/web/prokuratura-krajowa/wytyczne-prokuratora-generalnego-w-zakresie-prowadzenia-postepowan-o-przestepstwa-motywowane-uprzedzeniami>, Full report: <https://monitorkonstytucyjny.eu/archiwa/24272>

<sup>82</sup>. <https://www.gov.pl/web/premier/projekt-ustawy-o-zmianie-ustawy--kodeks-karny2>, <https://wyborcza.pl/7,75398,32289244,sa-tylko-dwie-plcie-tk-wyrzucil-do-koszarnowa-ustawa-o-przestepstwach.html>

<sup>83</sup>. More: <https://kph.org.pl/trybunal-konstytucyjny-niestety-nie-zaskoczyl-w-kwestii-ochrony-przed-nienawiscia-znamy-dzisiejsze-orzeczenie-tk-w-sprawie-nowelizacji-kodeksu-karnego/>, <https://wyborcza.pl/7,75398,32098695,trybunal-w-strasburgu-polska-niewystarczajaco-chroni-przed.html>, Case Bednarek and others vs. Poland, see: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-208500%22%7D>

<sup>84</sup>. See: <https://wyborcza.pl/7,75398,32098695,trybunal-w-strasburgu-polska-niewystarczajaco-chroni-przed.html>, Case Bednarek and others vs. Poland, see: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-208500%22%7D>

<sup>85</sup>. Article 18(1) provides: "1. Broadcasts or other communications may not promote activities contrary to the law, the Polish *raison d'état*, or attitudes and views contrary to morality and the public good; in particular, they may not contain content inciting hatred or violence or discriminating on the basis of gender, race, skin colour, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or any other views, nationality, membership of a national minority, property, birth, disability, age or sexual orientation, or inciting terrorist offences."

<sup>86</sup>. <https://fundacijabasta.pl/bezprecedensowa-seria-wyrokow-wsa-wobec-krrit-135-tys-zl-grzywnien-i-525-tys-zl-rekompensat-dla-fundacji-basta/>

<sup>87</sup>. It is worth mentioning that the Sejm voted on bringing Chairman of the National Broadcasting Council, Maciej Świrski before the State Tribunal <https://tvn24.pl/polska/sejm-zaglosowal-w-sprawie-postawienia-szefa-krrit-macieja-swirskiego-przed-trybunalem-stanu-st8571405>, information from the Basta Foundation: <https://fundacijabasta.pl/blyskawiczna-decyzja-prokuratury-ws-swirskiego/>

<sup>88</sup>. More on the Commission's activities later in the report.

state in 2015-2023. It published the first results of its work on 22 September 2025. The first part of the report concerns the activities of the public media,<sup>89</sup> which had launched a “whole range” of repressive instruments against organisations and activists, including those typical of propaganda activities. The report notes that these were “unacceptable and unethical practices such as: disinformation, false analogies, ridicule, mockery, exaggerated language, witch hunts, silence, stigmatisation, exclusion from debate, relativising physical violence, causing moral panic, vilifying a social group, animalisation, disregard, slander, secondary victimisation, deprivation of agency, *pars pro toto*, negative framing, creation of an enemy figure, and others.”<sup>90</sup> These actions were intended, among other things, to undermine attempts to defend democratic institutions through civic engagement, undermine the credibility of CSOs and citizens acting in defence of democracy, strike at protesters and deepen social divisions.<sup>91</sup> However, it is not yet clear whether those responsible will be held accountable, as the commission is only an “auxiliary body of the Prime Minister” and not an investigative commission.<sup>92</sup> At a press conference presenting the report, the chair of the commission, Sylwia Gregorczyk-Abram, emphasised that she hoped the relevant institutions would look into the issues described in the report and draw the appropriate conclusions, and that those responsible would be held accountable.<sup>93</sup> The commission’s recommendations included a proposal to amend the Criminal Code with regard to hate crimes, the criminalisation of deliberate disinformation, the establishment of an independent civic institution to monitor the media for hate speech, the creation of information security mechanisms, the deepening of cooperation with organisations in this area, and the development of appropriate training and educational materials in cooperation with organisations and the Ministry of National Education.

Another problem in recent years has been the issue of strategic lawsuits against public participation (SLAPPs). Although the cases brought against activists have received the most publicity, it is clear that the scale

of the phenomenon is much broader and also affects the media. However, precise data is not available, as this information is not easily accessible due to its procedural significance. For example, it is known that between 2015 and 2022, *Gazeta Wyborcza* had been subjected to over 100 SLAPPs.<sup>94</sup> For example, data obtained from the Ministry of Justice in 2023 showed that several hundred SLAPP-type proceedings are brought each year (most often by local authorities or public institutions).<sup>95</sup> What is specific to Poland is that many such cases are initiated by public authorities.<sup>96</sup> In recent years, the problem of SLAPPs in Poland has been particularly significant, with the Coalition Against SLAPPs in Europe (CASE) ranking Poland as the country most affected by this phenomenon. For example, in 2022, Poland was named “SLAPP country of the year”.<sup>97</sup> In the latest report published by CASE, the total number of identified cases was estimated at 135.<sup>98</sup> However, it is possible that the number is much higher. The Commission for the Investigation of Mechanisms of Repression against Civil Society Organisations and Social Activists in 2015-2023 announced the publication of a report on SLAPPs against socially engaged individuals, which may allow for a more in-depth understanding of the situation.

At the same time, in January 2025, the Civil Law Codification Commission presented a draft law implementing Directive 2024/1069 on counteracting SLAPPs. However, organisations point to its fundamental flaws which weaken its actual protection. Article 212 of the Criminal Code, which provides for criminal liability – including imprisonment – for defamation, remains a significant problem. It is sometimes used to exert pressure on journalists, non-governmental organisations, and socially engaged individuals (particularly at the local level).<sup>99</sup> In 2025, CSOs once again called for the repeal of Article 212 of the Criminal Code and for systemic legal support for individuals facing SLAPP lawsuits.<sup>100</sup>

In interviews collected by OFOP, organisations pointed to widespread hate speech on the internet and the lack

<sup>89</sup> Subsequent parts of the report will be devoted, among other things, to the use of SLAPPs, the behaviour of the services towards protesters, etc. The Commission’s work is therefore scheduled to take many months. Public media are defined in the Report as “public radio and television entities specified in the Radio and Television Act, as well as the Polish Press Agency.” See: Report of the Commission for the Investigation of Mechanisms of Repression against Civil Society Organisations and Social Activists in 2015-2023, *Partial Report No. 1. Activities of public media*, p. 21.

<sup>90</sup> Report of the Commission for the Investigation of Mechanisms of Repression against Civil Society Organisations and Social Activists in 2015-2023, *Partial Report No. 1. Activities of public media*, p. 55.

<sup>91</sup> <https://wyborcza.pl/7,75398,32266781,osiem-sposobow-na-politycznych-przeciwnikow-jak-pis-wykorzystal.html>

<sup>92</sup> Order No. 15 of the Prime Minister of 10 April 2025. <https://eli.gov.pl/api/acts/MP/2025/306/text.pdf>

<sup>93</sup> Op.cit. Also: <https://wyborcza.pl/7,75398,32266781,osiem-sposobow-na-politycznych-przeciwnikow-jak-pis-wykorzystal.html>

<sup>94</sup> [https://www.press.pl/tresc/71089\\_gazeta-wyborcza-przez-ostatnie-siedem-lat-otrzymala-ponad-100-pozwow-\\_ktore-mozna-uznac-za-slapp](https://www.press.pl/tresc/71089_gazeta-wyborcza-przez-ostatnie-siedem-lat-otrzymala-ponad-100-pozwow-_ktore-mozna-uznac-za-slapp)

<sup>95</sup> <https://publicystyka.ngo.pl/skala-zjawiska-slapp-w-polsce>

<sup>96</sup> One example is one of the recent interventions by the ombudsman: <https://bip.brpo.gov.pl/pl/content/rpo-gmina-ochrona-dobr-osobistych-wojewoda-odpowiedz>

<sup>97</sup> See also: <https://publicystyka.ngo.pl/polska-ponownie-wsrod-nominowanych-w-konkursie-na-slapp-roku>

<sup>98</sup> CASE report: <https://www.the-case.eu/resources/a-2024-report-on-slapps-in-europe-mapping-trends-and-cases>

<sup>99</sup> As indicated by the Watchdog Poland Civic Network, “In 2021, 217 cases were pending before district courts in Poland under Article 212 § 2 of the Criminal Code. In 2022, 236 such cases were recorded.” More: <https://siecobywatelska.pl/slapp-y-w-polsce/>

<sup>100</sup> <https://oko.press/zniesmy-kare-za-znieslawienie-apel-organizacji-i-mediow>

of adequate mechanisms to mitigate it or prosecute perpetrators, as well as the significant problem of self-censorship. The accounts showed that this happens in situations where the costs of speaking out outweigh the potential benefits. It is reasonable to conclude that

all the activities described above, which aim to stifle public debate, as well as phenomena such as hate speech, are largely achieving their effect by worsening the already poor quality of public debate in Poland.

## Participation in Decision-making

In 2024, amendments were made to the Rules of Procedure of the Sejm which would enable all citizens to consult draft legislation at the parliamentary level.<sup>101</sup> Prior to the amendment, these bills had not been subject to any consultation.<sup>102</sup> The consultation and dialogue system is extensive. The amendments to the Rules of Procedure of the Council of Ministers<sup>103</sup> and to the Rules of Procedure of the Sejm<sup>104</sup> have, at least in theory, significantly strengthened the role of consultations. However, these are largely just declarations.<sup>105</sup> The government still resorts to limiting consultations, such as creating separate procedures and shortening consultation periods. Recently, it has been using a special track for deregulatory bills, which has raised objections from CSOs.<sup>106</sup> In the Sejm, while consultations have been introduced, there is no response to the comments submitted prior to and during the further legislative process, and thus there is no possibility to assess if voices of citizens had any impact.

In theory, involvement in decision-making processes has been transferred to dialogue bodies. However, the role of organisations here is much weaker than that of local government or social partners. Draft legislation and individual decisions are not subject to mandatory consultation with representatives of civil society, and these bodies (except for monitoring committees) are usually composed of individuals nominated by the administration rather than representatives selected by organisations. When the composition of the Public Benefit Work Council (RDPP) was changed in 2024, discussions were reopened on the role and functioning

of this body. OFOP and other organisations pointed out numerous problems related to the activities of the RDPP, such as the low activity of its members,<sup>107</sup> doubts about the democratic nature of the election of members, and the problem of blurred representation due to the duplication of the RDPP's competences by other bodies and entities.<sup>108</sup>

The main criticism levelled against the authorities at various levels of local and central government, which was echoed in most of the statements collected by OFOP, is that consultations are merely a facade and are used to promote the image of the authorities or their political parties.<sup>109</sup> In their opinion, the comments made by organisations have little impact on the decision-making processes of the administration or individual ministries, elicit perfunctory comments, or are completely ignored — as was the case, for example, with the hearing on Poland's migration policy in 2024.<sup>110</sup> In addition, consultation documents are sent to selected organisations, but it is not always clear how they are chosen.

Despite the general weakness of the consultation processes, in 2025 it was possible to hold public hearings for candidates for three positions: president of the National Electoral Office (11 February),<sup>111</sup> president of the Supreme Audit Office (8 September),<sup>112</sup> and president of the Office of Electronic Communications (25 September).<sup>113</sup> There was also a hearing on the implementation of the Digital Services Act in Poland.<sup>114</sup>

<sup>101</sup>. <https://www.prawo.pl/kadry/jakie-sa-efekty-zmiany-regulaminu-sejmu-dla-stanowienia-prawa-konferencja-w-sejmie,532668.html>, more: <https://eli.gov.pl/api/acts/MP/2024/751/text/O/M20240751.pdf>

<sup>102</sup>. <https://www.prawo.pl/kadry/jakie-sa-efekty-zmiany-regulaminu-sejmu-dla-stanowienia-prawa-konferencja-w-sejmie,532668.html>

<sup>103</sup>. Rules of Procedure of the Council of Ministers, see: <https://eli.gov.pl/eli/MP/2025/408/ogl>

<sup>104</sup>. More: <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WMP20250000608>

<sup>105</sup>. The weakness lies also in the fact that these are internal procedures (by-laws) and not binding laws.

<sup>106</sup>. Protest related to the UDER32 project – see: <https://frankbold.pl/stanowisko-organizacji-spolecznychw-sprawie-prac-nad-projektem-uder32/>

<sup>107</sup>. <https://publicystyka.ngo.pl/kto-i-dlaczego-nie-pracuje-w-radzie-piate-posiedzenie-rdpp-vii-kadencji>

<sup>108</sup>. See: <https://ofop.eu/viii-kadencja-rdpp-czego-oczekujemy-od-rady/>

<sup>109</sup>. Quote from interviews collected by OFOP.

<sup>110</sup>. For more, see: <https://publicystyka.ngo.pl/na-przygotowanej-przez-rzadz-strategii-migracyjnej-nie-pozostawiono-suchej-nitki-relacja-tau>

<sup>111</sup>. See more: <https://www.senat.gov.pl/aktualnoscilista/art,16693,wysluchanie-publiczne-trzech-kandydatow-na-szefa-krajowego-biura-wyborczego.html>

<sup>112</sup>. The hearing was broadcast live by the Sejm: [https://www.youtube.com/watch?v=IPRkX3Zyc\\_U](https://www.youtube.com/watch?v=IPRkX3Zyc_U) The organisations gathered in the chamber had the opportunity to ask questions about all aspects of the work of the NIK.

<sup>113</sup>. <https://siecobywatelska.pl/prezes-uke/>, <https://panoptykon.org/wybor-prezesa-uke-wysluchanie>

<sup>114</sup>. <https://www.gov.pl/web/premier/wysluchanie-obywatelskie-w-sprawie-wdrozenia-unijnego-aktu-o-uslugach-cyfrowych-dsa>

In 2025, a commission was established to investigate the mechanisms of repression against civil society organisations and activists in the years 2015-2023, which operates on the basis of an order as an auxiliary body of the prime minister.<sup>115</sup> Its aim is to investigate and describe all mechanisms of repression, including abuses by the police, the prosecution, the courts, the secret services and the public media against “organisations and individuals who actively defended the rule of law and human rights in the period 2015-2023.”<sup>116</sup> The first meeting of the Commission for the Investigation of Mechanisms of Repression against Civil Society Organisations and Activists in 2015-2023 took place in May 2025.<sup>117</sup> Reports from non-governmental organisations and media reports show that in recent years, attacks on human rights defenders in Poland, as well as on climate activists, have taken on various forms. These included SLAPPs, but also other forms of harassment aimed at intimidating or having a chilling effect. The commission itself points out in the introduction to the report that “the years 2015-2023 have seen an unprecedented assault on civil liberties, affecting almost all areas of public life and democratic institutions in Poland.”<sup>118</sup>

Interviews conducted by OFOP to examine the situation in 2025 show that in some areas there has been no improvement (e.g. humanitarian activities on the Polish-Belarusian border), while other organisations are still waiting for systemic solutions to issues of hate speech against organisations, surveillance, among others, that will allow them to protect people involved in social, human rights, or environmental activities in the future. Due to the suspension of the right to asylum, the difficulties experienced by organisations providing humanitarian aid on the Polish-Belarusian border are even greater.<sup>119</sup>

As pointed out by the Panoptykon Foundation in July 2025, reform is necessary with regard to telecommunications data retention, and more broadly, regulations governing the surveillance activities of the agencies using the data, which, given the practices of recent years, is also important from the point of view of civil liberties. As Panoptykon points out: “The regulations in force in Poland, requiring telecommunications operators to store the data of all users for 12 months and make it available to the services, are incompatible with the EU Directive on privacy and electronic communications (e-Privacy) and the Charter of Fundamental Rights of the European Union (as confirmed by rulings of the Court of Justice of the European Union). They also violate the Convention for the Protection of Human Rights and Fundamental Freedoms as confirmed by a ruling of the European Court of Human Rights in a complaint against surveillance.”<sup>120</sup>

According to data presented in the Senate in July 2025 by the Ministry of Justice, law enforcement accessed telecommunications data more than two million times in the previous year.<sup>121</sup> Although a draft regulation governing data retention rules was submitted for consultation in August 2025, no changes were proposed to the underlying higher-level regulations, which, as Panoptykon points out, “only exacerbates the problem.”<sup>122</sup> Furthermore, despite many months of work by the Sejm’s investigative committee,<sup>123</sup> the public is still in the dark when it comes to the findings that would allow a full assessment of the scale of surveillance with the Pegasus spyware system. The complete data should be revealed as it is vital information for public opinion. In particular, it must be known if the system was used against the opposition, people involved in protests and social activism, and the journalism community. Such knowledge is fundamental from the point of

<sup>115</sup>. Order No. 15 of the Prime Minister of 10 April 2025, pursuant to Article 12(1) and (2) of the Act of 8 August 1996 on the Council of Ministers (Journal of Laws of 2024, items 1050 and 1473). It should be noted, however, that the commission does not have investigative powers.

<sup>116</sup>. Report of the Commission for the Investigation of Mechanisms of Repression against Civil Society Organisations and Social Activists in 2015-2023, *Partial Report No. 1. Activities of public media*. Link: <https://www.gov.pl/web/sprawiedliwosc/prezentacja-pierwszego-raportu-komisji-ds-represji-wobec-spoleczenstwa-obywatelskiego-w-mediach-publicznych-2015-2023>

<sup>117</sup>. <https://www.gov.pl/web/sprawiedliwosc/pierwsze-posiedzenie-komisji-badajacej-naduzycia-poprzedniej-wladzy-wobec-aktywistow>, <https://www.tvp.info/89057273/komisja-ds-wyjasnienia-mechanizmow-represji-wobec-spoleczenstwa-obywatelskiego-sa-wyniki-raportu>

<sup>118</sup>. *Ibid.*, p. 6.

<sup>119</sup>. Content of the Act amending the Act on granting protection to foreigners within the territory of the Republic of Poland: 924.pdf. Analysis by the Association for Legal Intervention <https://interwencjaprawna.pl/prawa-do-azylu-nie-da-sie-zawiesic-analiza-prawna/>, <https://pl.euronews.com/europa/2025/03/28/organizacja-pozarządowe-krytykują-zawieszenie-prawa-do-azylu-i-twierdzą-ze-prawa-człowieka>. Other: <https://oko.press/zawieszenie-azylu-w-sejmie-rpo-instrumentalizacja-migracji-to-nie-powod>, position of the Ombudsman and the Ombudsman for Children: <https://bip.brpo.gov.pl/pl/content/rpo-rpd-granica-ochrona-miedzynarodowa-ograniczenie-premier-mswia-odpowiedz>

<sup>120</sup>. This is an excerpt from the article: [https://panoptykon.org/teczka-na-kazdego-wniosek-retencja,see also for context: Pietrzak and Bychawska-Siniarska and Others v. Poland - 72038/17 and 25237/18](https://panoptykon.org/teczka-na-kazdego-wniosek-retencja,see%20also%20for%20context%20Pietrzak%20and%20Bychawska-Siniarska%20and%20Others%20v.%20Poland%20-%2072038/17%20and%2025237/18), Judgment 28.5.2024

<sup>121</sup>. See: <https://panoptykon.org/2024-nowe-statystyki-dotyczace-inwigilacji-w-polsce>

<sup>122</sup>. Draft regulation of the Minister of Digital Affairs on a detailed list of data subject to retention and storage obligations and the types of telecommunications operators not subject to these obligations, full text: <https://legislacja.rcl.gov.pl/projekt/12399801>, Panoptykon opinion: file:///C:/Users/OFOF/Downloads/download%20(11).pdf

<sup>123</sup>. Information on the website of the National Prosecutor’s Office: <https://www.gov.pl/web/prokuratura-krajowa/pegasus>

view of civil liberties in Poland.<sup>124</sup> Therefore, in June 2025, the organisation Sieć Obywatelska Watchdog Polska (Citizens' Network Watchdog Poland) submitted additional inquiries regarding the disclosure of the remaining information, including, among other things, who was targeted by the Pegasus surveillance system and the number of times the system was used against individual persons. These requests were addressed to the National Prosecutor's Office, the Ministry of Justice, and the Central Anti-Corruption Bureau (CBA).<sup>125</sup> According to the National Prosecutor's Office, data concerning the investigation into the Pegasus system is not public information and is covered by the secrecy of criminal proceedings. The CBA invoked the protection of classified information and other secrets protected by law. The Ministry of Justice referred the organisation to previously disclosed (yet incomplete) information. As a result, the organisation appealed these decisions to the Provincial Administrative Court.<sup>126</sup>

It seems that establishing and disclosing the full list of people targeted by the previous government and explaining the circumstances should be a priority for the current government, and at the very least, the victims of these practices should be given this information. Last year, however, it was revealed that not all individuals who had been subject to Pegasus surveillance had been informed of this fact. This was the case for the leader of the Polish Women's Strike who learned about it from TVN24 journalists.<sup>127</sup> Most of the important information still comes from journalistic investigations, and there is a general belief that the full list of people under surveillance may never be revealed. In November 2025 a draft bill introducing a possibility for the court to verify if surveillance is not in breach of law was submitted for inter-governmental consultation by the minister overseeing special services. It was immediately pointed out that the mechanism

proposed may be difficult to implement and remain theoretical.<sup>128</sup> Still, it demonstrates a change in the governments approach, which is generally needed.

Attempts to criminalise humanitarian aid remain a serious challenge for CSOs. Since the beginning of the humanitarian crisis on the Polish-Belarusian border in 2021, Polish non-governmental organisations and informal civic groups have been providing humanitarian aid to people on the move who have become victims of Alexander Lukashenko's regime and whose lives and health are at risk as a result of practices at the border employed since 2021, including so-called push-backs.<sup>129</sup> The organisations also monitor and document the situation of people "trapped" at the border, in forests, and in life-threatening conditions. Data collected so far shows that since the beginning of the crisis, 103 people have died on the Polish-Belarusian border.<sup>130</sup> The threat to the life and health of people seeking refuge in Poland is therefore well documented by organisations such as Médecins Sans Frontières,<sup>131</sup> We Are Monitoring Association, Ocalenie Foundation, and organisations such as Egala and Oxfam.<sup>132</sup> At the same time, a report by the Helsinki Foundation for Human Rights on the criminalisation of humanitarian aid indicates that: "Analysis of geolocation data, pushback testimonies, and video footage documenting violations makes it possible to trace the trajectory of people's movements and points of contact with officials, creating material evidence of systemic violence at the border."<sup>133</sup> Violence in various forms affects also people (volunteers and employees of humanitarian organisations) helping at the border, who are often harassed, intimidated, and subjected to aggressive behaviour by hostile citizens or the authorities.<sup>134</sup> An example of this is the case of brutal detention of photojournalists documenting the situation during the humanitarian crisis on 16 November 2021 which

<sup>124</sup>. In 2024, it came to light that the Internal Security Agency (ABW) had requested operational surveillance of the leader of the Women's Strike. This information was disclosed by the TVN24 television station, not by the relevant institutions. The Regional Court in Warsaw granted the request to surveil Klementyna Suchanow. See: <https://wiadomosci.onet.pl/kraj/liderka-strajku-kobiet-inwigilowana-za-pomoca-pegasusa-to-mnie-zupelnie-nie-dziwi/80r1te5>. It is not known how many such cases there are.

<sup>125</sup>. See: <https://siecobywatelska.pl/pegasus/>

<sup>126</sup>. See: <https://siecobywatelska.pl/pegasus/>; Information on the website of the National Prosecutor's Office: <https://www.gov.pl/web/prokuratura-krajowa/pegasus>

<sup>127</sup>. Situation in 2024, see: <https://wyborcza.pl/7,75398,31373321,pegasusem-w-strajk-kobiet-abw-inwigilowala-jedna-z-liderek.html>, <https://wiadomosci.onet.pl/kraj/suchanow-i-lempart-wezwane-na-przesluchanie-beda-zeznawac-w-sprawie-pegasusa/y49j3qc>

Comment by the Minister of Justice: <https://tvn24.pl/polska/waldemar-zurek-o-zadziwajacych-nazwiskach-na-liscie-pegasusa-st8722656>, <https://wyborcza.pl/7,75398,32336996,coraz-krotsza-lista-pegasusa-sluzby-blokuj-a-poslowie-sie.html>

<sup>128</sup>. Act on the Internal Security Agency and the Intelligence Agency and certain other acts, see: <https://panoptikon.org/sluzby-zmiany-przepisow-komentarz>

<sup>129</sup>. Full analysis of cases from 2024 prepared by We Are Monitoring: WAM-12-months-of-the-new-government.pdf

<sup>130</sup>. Updated data is published on the We Are Monitoring association's homepage (as of 18 September 2025). <https://wearmonitoring.org/pl/en/home/><https://wearmonitoring.org/pl/en/home/>. Full list of deceased persons: <https://wearmonitoring.org/pl/en/list-of-the-deceased/>

<sup>131</sup>. A detailed description of the threats to health and life at the border is provided in the Médecins Sans Frontières report: [raport\\_lekarze-bez-granic\\_uwiezieni-pomiedzy-granicami.pdf](https://www.msf.org/pl/publicacje/kryminalizacja-solidarnosci-raport-z-dzialan-antyrepresyjnych)

<sup>132</sup>. Reports: <https://oko.press/przemoc-i-militaryzacja-raport-lekarzy-bez-granic-o-granicy-polsko-bialoruskiej>, number of deaths monitored and updated since 2021 at <https://wearmonitoring.org/pl/en/home/>. Report by the Ocalenie Foundation entitled "There is no safe passage. Migrant deaths at the European Union-Belarus border": [https://ocalenie.org/pl/wp-content/uploads/2024/07/pl\\_no-safe-passage-migrants-deaths-at-the-european-union-belarusian-border.pdf](https://ocalenie.org/pl/wp-content/uploads/2024/07/pl_no-safe-passage-migrants-deaths-at-the-european-union-belarusian-border.pdf), EGALA and Oxfam report: <https://www.oxfam.org/en/research/brutal-barriers-pushbacks-violence-and-violation-human-rights-poland-belarus-border>.

<sup>133</sup>. <https://hfhr.pl/publikacje/kryminalizacja-solidarnosci-raport-z-dzialan-antyrepresyjnych>

<sup>134</sup>. Threats directed at people acting at the border by other private individuals (trolling) or by organised groups operating in the border area (such as "patrols"). This is described by a number of organisations; cases of this type have intensified since 2024, see: <https://interwencjaprawna.pl/sprzeciw-konsorcjum-migracyjnego-wobec-akatkow-na-obroncow-i-obronczynie-praw-czlowieka/>

ended with a final judgement in April 2025.<sup>135</sup> The Court of Appeal in Białystok ruled that the detention of the photojournalists (and methods used) by Polish soldiers was unjustified and both received compensation. Thus, not only aid organisations are harassed, but also media representatives.

Attempts to criminalise humanitarian aid specifically are notable, as they can systematically affect the ability of organisations to provide assistance to those in need. In September 2025, an acquittal was handed down in the case of the so-called Hajnówka Five. These individuals were accused of helping a family from Iraq and an Egyptian citizen in March 2022.<sup>136</sup> The prosecution accused them of facilitating the stay of foreigners in exchange for alleged benefits, citing Article 264a of the Criminal Code. The court ruled that there was no evidence that the activists had gained any financial benefits, as the support they provided to those in need could not be considered as “gain”. However, the state plans to appeal the verdict. Attempts to criminalise humanitarian aid have been made in the past, for example, in the case of an activist from the Catholic Intelligentsia Club which was dismissed.<sup>137</sup> A report by the Helsinki Foundation for Human Rights indicates that “the criminalisation of humanitarian aid not only violates the rights of migrants, but also undermines the foundations of civil society and the rule of law. This phenomenon is systemic in nature and should be treated as a threat to human rights in Poland and throughout the European Union. The border crisis is a phenomenon that requires a balance between the principles of humanitarianism and securitisation.”<sup>138</sup> In addition, an important context for the conditions in which those providing assistance at the border work is the significantly more relaxed regulations on the use of weapons.<sup>139</sup> This means that the humanitarian activities of organisations at the Polish-Belarusian border take place in extremely dangerous conditions, which create numerous and significant risks for those involved. Providing assistance at the border, therefore, requires those involved to be adequately prepared (physically, mentally, and through training in providing assistance). Organisations have to use significant resources to provide effective assistance to people

whose lives and health are at risk. There are also other types of pressure exerted on organisations, such as issuing high fines, which are later overturned by the courts.<sup>140</sup> It is obvious that such actions are intended to have a chilling effect and discourage organisations and civic groups from providing aid.

Other issues affecting the sense of security across the sector, as identified by organisations in interviews conducted by OFOP in September 2025, include persistent attempts to contact staff, including on private accounts (which may be attempts of intimidation), harassment at the office (migration organisation), and acts of vandalism of varying degrees, e.g. writing hostile slogans and symbols on office walls. Media reports have also described acid being thrown repeatedly at the premises of an organisation working for women’s reproductive rights, the Abortion Dream Team.<sup>141</sup> The perpetrators were apprehended in November 2025 and criminal charges were pressed.<sup>142</sup> Speaking to *Gazeta Wyborcza* the activists said: “We do not want to ban their protests. They have the right to pray and express their opinions. We do not mind that (...) As long as they do not threaten our safety and that of the residents of the building (...). And that is exactly what is happening”<sup>143</sup> There is also a general problem of online violence toward women, in particular, activists. A study by European Fem Institute shows that 3 out of 10 socially active women decide to withdraw from public engagement after experiencing online hate or other forms of cyberviolence.<sup>144</sup>

There were also cases of attempts to impersonate organisations (e.g. using forged signatures). In some cases, such actions resulted in misinformation about the organisation’s activities.<sup>145</sup> Regardless of the motives, such actions can have a negative impact on the image and trust in the organisations, and they pose a significant risk.

At the systemic level, the issue of burnout and caring for the psychological well-being of those involved in the work of organisations (as volunteers or as staff) remains problematic for the sector. Such interventions are funded by relatively few donors, which is

<sup>135</sup>. <https://kobieta.onet.pl/wiadomosci/brutalnie-zatrzymano-ich-przy-granicy-z-bialorusia-jest-prawomocny-wyrok-sadu/dnj7gf2>

<sup>136</sup>. Press release: <https://oko.press/wyrok-w-sprawie-piatki-z-hajnowki-niewinni>

<sup>137</sup>. Press release: <https://oko.press/aktywisci-kik-oczyszczeni-z-zarzutow-a-sluzby-wciaz-nie-rozumieja-ze-pomaganie-na-granicy-jest-legalne>. At the same time, it was made public in January 2026, that in December 2025 another person was charged with assisting to cross the border. See: <https://hfnr.pl/aktualnosci/oswiadczenie-w-sprawie-zarzutow-dla-osoby-zaangazowanej-w-pomoc-humanitarna.l:146346447>

<sup>138</sup>. For the full report, see: <https://hfnr.pl/publikacje/kryminalizacja-solidarnosci-raport-z-dzialan-antyrepresyjnych>

<sup>139</sup>. <https://oko.press/ustawa-o-uzyciu-broni-co-wprowadzono> <https://bialystok.wyborcza.pl/bialystok/7,35241,30386559,eskalacja-agresji-na-polsko-bialoruskiej-granicy-padly-strzaly.html>, <https://bialystok.wyborcza.pl/bialystok/7,35241,30373032,kryzys-na-granicy-polsko-bialoruskiej-zolnierz-strzeli-w.html>

<sup>140</sup>. Information obtained in an OFOP interview.

<sup>141</sup>. <https://wyborcza.pl/7,75398,31824012,kwasem-i-halaszem-w-przychodnie-abotak-obroncy-zycia-nie-daja.html>

<sup>142</sup>. <https://www.rmf24.pl/fakty/polska/news-atak-kwasem-maslowym-na-klinike-aborcynja-zatrzymano-ojca-i-nld,8043381>

<sup>143</sup>. <https://wyborcza.pl/7,75398,31824012,kwasem-i-halaszem-w-przychodnie-abotak-obroncy-zycia-nie-daja.html>

<sup>144</sup>. See: <https://sylwiaspurek.pl/wp-content/uploads/2024/06/raport-cyberprzemoc-10-online.pdf>, p. 82.

<sup>145</sup>. Based on in-depth interviews.

challenging.<sup>146</sup> Finally, the problem of verbal attacks and hate speech (mainly on the internet), which has already been discussed, remains significant and topical.

In accordance with Directive 2019/1937, Poland enacted the Whistleblower Protection Act of 14 June 2024.<sup>147</sup> In August 2025, the *Wirtualna Polska* portal published an article on the disclosure of information concerning a report of irregularities submitted by an employee of the German branch of the Polish Pilecki Institute. The report, addressed to Minister of Culture and National Heritage Marta Cienkowska, was forwarded to the

person allegedly involved, and the whistleblower lost her job.<sup>148</sup> The ministry responded to the situation by stating that the person in question was not entitled to whistleblower protection. The president of the Personal Data Protection Office, Mirosław Wróblewski, announced the initiation of *ex officio* proceedings (the possible violation of the protection of the whistleblower's data).<sup>149</sup> The case was widely discussed in the press and may have a chilling effect, discouraging citizens from reporting irregularities for fear of retaliation, especially in smaller municipalities, where there is a risk of losing employment.

<sup>146</sup>. <https://publicystyka.ngo.pl/zmeczzone-serca-trzeciego-sektora-czas-na-wellbeing-w-budzenie-komentarz>

<sup>147</sup>. Key procedures related to the protection of whistleblowers: <https://www.gov.pl/web/rodzina/ochrona-sygnalistow>

<sup>148</sup>. <https://wiadomosci.wp.pl/ujawniamy-rzadowy-wyciek-i-odwet-na-sygnalistce-afere-w-instytucje-pileckiego-7189460703455840a>

<sup>149</sup>. <https://wiadomosci.wp.pl/jest-reakcja-prezesa-uodo-na-skandal-opisany-przez-wp-7193133287955040a>

# Recommendations

## **TARGETED RECOMMENDATION:**

- **Take urgent steps to improve the framework in which civil society operates, including by addressing funding gaps in a depoliticised and sustainable manner for CSOs, especially those working on democracy, human rights, anti-discrimination, and the rule of law. This should be achieved by introducing a systematic reform of funding mechanisms at the local and national levels and include incentives to support individual and corporate philanthropy.**
- Refrain from weaponising the law against CSOs and activists, particularly those working in the field of humanitarian assistance and migration.
- Reform the public funding system for CSOs by introducing sustainable financing schemes that prioritise the long-term institutional development of CSOs.
- Ensure funding mechanisms for watchdog organisations, human rights defenders, and advocacy-related activities at national and local level.
- Introduce effective legal mechanisms to protect against hate speech, taking into account ECtHR judgements.
- Ensure full transparency on the use of Pegasus spyware.
- Refrain from criminalising humanitarian assistance at the Polish–Belarusian border.

# About the author

**The National Federation of Polish NGOs** (Ogólnopolska Federacja Organizacji Pozarządowych, OFOP) was established in 2003 by the initiative group of Polish organizations, as a result of a participatory process aimed at establishing a representation body for the third sector in Poland. We are a politically independent and non-governmental organisation guided by the principles of European Charter of the Fundamental Rights and the Charter for Principles of NGO Operation, adopted by a resolution of the OFOPs General Assembly in 2010. Currently, OFOP has 161 member organizations. As many of the members are also federations of organisations, indirectly OFOP may claim over 400 member organisations.



Ogólnopolska  
Federacja  
Organizacji  
Pozarządowych

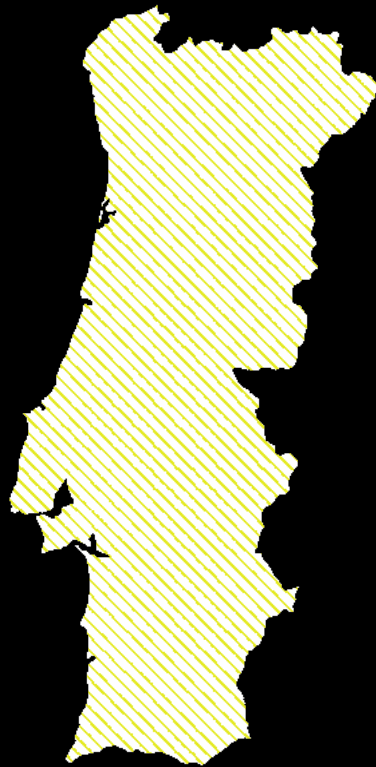
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Monitoring Action  
for Civic Space




# Portugal

by Jonni Lopes, Academia Cidadã



<b>Key Trends</b> .....	<b>169</b>
<b>Summary</b> .....	<b>169</b>
<b>Freedom of Association</b> .....	<b>170</b>
<b>Access to funding</b> .....	<b>171</b>
<b>Freedom of Peaceful Assembly</b> .....	<b>172</b>
<b>Freedom of Expression</b> .....	<b>174</b>
<b>Participation in Decision-Making</b> .....	<b>175</b>
Formal Mechanisms and Practical Barriers .....	175
Right to Information and Institutional Censorship .....	175
New Lobbying law .....	176
<b>Safe Space</b> .....	<b>176</b>
Escalation of Hate Crimes and Neo-Nazi Actions .....	176
<b>Normalisation of Political Extremism</b> .....	<b>177</b>
Anti-Immigration Xenophobia: Misinformation and Escalating Violence .....	178
<b>Recommendations</b> .....	<b>180</b>
<b>About the author</b> .....	<b>181</b>

# Key Trends

-  Data privacy breaches and escalating repression of peaceful protest through selective enforcement and police violence, with climate activists, Palestine solidarity movements, and trade union strikes targeted.
-  Volatile public funding landscape and urban gentrification force community and cultural spaces to close, weakening grassroots CSOs' ability to operate.
-  The rise of the far-right and normalisation of xenophobic and anti-rights narratives contribute to increased hate crimes and a hostile environment for human rights advocacy.

## Summary

Civic space is rated as “Open” by the CIVICUS Monitor.<sup>1</sup> Despite this rating, there has been a substantial deterioration in civic freedoms in the country, warranting the need for early intervention. The European Commission's 2025 Rule of Law report recommended that the Portuguese government improve the transparency of law-making, particularly on the implementation of impact assessment tools, and to adopt rules on the regulation of lobbying. In 2026, Portugal adopted a legal framework for the representation of interests (Law No. 5-A/2026),<sup>2</sup> thereby responding largely to European recommendations on transparency of private influence over public decision-making. However, its effectiveness will depend on its implementation. Despite a legally robust framework protecting civic freedoms, in practice, civic space in Portugal continued to shrink throughout 2025. Freedom of association is increasingly constrained by restrictive migration

and nationality reforms, administrative dysfunction, systemic funding insecurity and pressures from gentrification and real-estate speculation that are forcing cultural and community organisations to close. These structural barriers disproportionately affect migrants, racialised communities, grassroots groups, and organisations working closely with vulnerable people.

Selective enforcement of laws on peaceful assembly, disproportionate fines, excessive police force, and repeated data-protection violations against protesters have restricted protest rights and created a chilling effect on civic mobilisation, especially for climate, anti-racist and Palestine solidarity movements. This occurs within a context of rising far-right influence, disinformation campaigns, and increased hate crimes, weakening civic action, collective organisation, state accountability, and public participation.

1. <https://monitor.civicus.org/country/portugal/>

2. <https://diariodarepublica.pt/dr/detalhe/lei/5-a-2026-1028061007>

# Freedom of Association

Article 46 of the Constitution of the Portuguese Republic guarantees the right to freely form associations without prior authorisation, provided that their aims are not contrary to criminal law.<sup>3</sup> Decree-Law No. 594/74 frames this right as a “basic guarantee of personal fulfilment” that the state can only restrict in the name of the general interest,<sup>4</sup> and the national legal framework remains aligned with international and European human rights standards. However, in practice, restrictive reforms on migration policy, combined with serious flaws in migration administration, constitute significant barriers to the effective exercise of freedom of association and other democratic rights like the right to vote, especially for vulnerable communities and their organisations.

Law No. 61/2025, significantly tightened access to nationality and residence, and has knock-on effects for freedom of association.<sup>5</sup> It extends naturalisation periods to seven years for nationals of the Community of Portuguese-speaking Countries (CPLP) and ten years for other nationalities. This effectively doubles previous requirements, while introducing mandatory Portuguese language and culture tests and eliminating the pathway for regularisation through “expression of interest”, making it almost impossible to request a visa after coming to the country as a tourist, for example. The only way to apply is through Portuguese consulates and embassies in the countries of origin. This represents the most restrictive change to Portugal’s immigration framework in the post-1976 period. In practice, this means that migrants who are already living in the country that would otherwise qualify for residence have to remain under precarious legal conditions, which restricts their ability to plan, participate in and lead collective initiatives, including protests, joining associations, trade unions, and community organisations.

At the same time, the new Agency for Integration, Migration and Asylum (AIMA) became a symbol of administrative dysfunction due to long waiting times for visa applications, appointment requests, document renewals, and naturalisation applications. During the first four months of 2025, statistics on the Complaints

Portal (*Portal da Queixa*), a popular online platform for filling complaints against public services), showed a 37% increase in complaints directed to AIMA compared to the same period in 2024. The response rate to these complaints was only 13.3%, the resolution rate was 14.9%, and the level of satisfaction was extremely low, at 17.8/100.<sup>6</sup>

In addition to administrative constraints, incidents of intimidation, discrimination, and police violence illustrate direct interference with freedom of association. For example, between October 2024 and April 2025 there were four police raids at Planeta Manas, a LGBTQI+ cultural centre in Loures. The raids were conducted without judicial warrants and resulted in physical assaults, homophobic verbal abuse, and ultimately the closure and expulsion of the community.<sup>7</sup> Following public outcry, the Inspectorate-General of Internal Administration (IGAI) initiated a preliminary inquiry into police conduct in June 2025, though no disciplinary measures had been announced as of January 2026.

Due to the gentrification of Portugal’s urban centres, several associations are under constant threat of closure as a result of increases in rental prices or evictions, driven by the exploitation of local accommodation for tourism and property speculation.<sup>8</sup> The impact of real estate pressure on associative freedoms is increasingly evident, as was seen in the case of the Academia de Amadores de Música de Lisboa (Lisbon Amateur Music Academy), which has been in existence for over 141 years. The academy saw a 588% increase in rent from €542 to €3,728 per month, threatening the continuation of its activities after the landlord requested a revaluation of the rent.<sup>9</sup> Similarly, Casa Independente, a cultural space, announced that it will close by the end of 2026, due to similar pressures from real estate speculation.<sup>10</sup> Similarly, in Lisbon, the Zona Franca dos Anjos association was evicted in 2025, as its lease agreement was not renewed by the landlord.<sup>11</sup> Cooperatives such as Largo Residências in Lisbon have already been forced to relocate three times,<sup>12</sup> while the Sirigaita and self-managed activist

3. <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-aprovacao-constituicao/1976-34520775-49436275>

4. <https://diariodarepublica.pt/dr/detalhe/decreto-lei/594-1974-471532>

5. <https://diariodarepublica.pt/dr/detalhe/lei/61-2025-941547426>

6. <https://www.publico.pt/2025/05/14/publico-brasil/noticia/reclamacoes-aima-aumentam-37-quatro-meses-ano-2133049>

7. <https://acabine.pt/2025/02/novamente-sem-mandado-psp-faz-rusga-ao-planeta-manas/>

8. <https://www.publico.pt/2025/10/09/local/noticia/colectividades-lisboa-pedem-moratoria-despejos-uso-edificios-municipais-2150226>

9. <https://www.sabado.pt/portugal/detalhe/80-anos-depois-academia-de-amadores-de-musica-tera-que-deixar-instalacoes>

10. <https://expresso.pt/cultura/2025-09-29-casa-independente-em-lisboa-encerra-no-final-de-2026-e-nao-ha-possibilidade-de-continuidade-do-projeto-1fa1a9fa>

11. <https://www.instagram.com/p/DP546LiEW7/>

12. <https://largoresidencias.com/sobre/>

space, has been under threat of eviction since 2023, fighting a tough court battle alongside intense public protest from the community, which has yet to reach a conclusion.<sup>13</sup>

There have been no consistent measures or proposals from the government to prevent associations and community-run spaces from being priced out or evicted. In one positive example, Porto city council classified the STOP Cultural Centre, as a “municipal monument” putting to an end the threats of eviction it had faced since 2013.

## Access to funding

Civil society organisations (CSOs) in Portugal face a structural crisis of financial sustainability that directly compromises their ability to fulfil their social missions and defend fundamental rights. The most recent assessment of Portuguese NGOs, carried out by the Catholic University of Portugal for the Calouste Gulbenkian Foundation and published in 2024, reveals a sector in a state of profound vulnerability. The report notes that more than 50% of NGOs’ income comes from public funding, while only 7% comes from voluntary contributions, including donations, inheritances, legacies, in-kind contributions from individuals, and private philanthropy.<sup>16</sup> This almost exclusive dependence on volatile funding sources worsened dramatically in the post-pandemic period. For example, while in 2020 and 2021, extraordinary support from Next Generation EU allowed organisations to continue their activities, from 2022 onwards, the end of this support, combined with escalating inflation, had a devastating effect.

In the Private Social Solidarity Institutions (IPSS) sector, the percentage of entities recording negative net results (annual budget deficits) jumped from 33.8% in 2022 to 40.9% in 2023, a deterioration that the National Confederation of Solidarity Institutions (CNIS) classified as “very serious”.<sup>17</sup> The state secretary acknowledged that the “lack of predictability is very serious”, but the situation remains unchanged.

Associations have also faced Strategic Lawsuits Against Public Participation (SLAPPs). In one case, the association Unidos Em Defesa das Covas do Barroso, which campaigns against the creation of lithium mines in a rural area Barroso-northeast of the country, has faced at least two criminal complaints from the mining company Savannah Resources, widely denounced by civil society organisations as Strategic Lawsuits Against Public Participation (SLAPPs).<sup>14</sup> The lawsuits form part of a broader pattern of smear campaigns and pressure on the local community, which has been contesting the expansion of the mining concession and the lack of meaningful consultation with affected residents.<sup>15</sup>

This financial fragility intersects with urban gentrification and real estate pressure, producing a bottleneck effect that disproportionately affects community organisation spaces. Access to European funds is hampered by bureaucratic barriers. Portugal’s Recovery and Resilience Plan (PRR) makes €22.2 billion available to civil society, while the EU Citizens, Equality, Rights and Values Programme (CERV) adds a further €641.7 million.<sup>18</sup> However, processing times of 1-2 years, co-financing rates of 75-85% and complex eligibility rules act as a discriminatory barrier that favours large organisations, while excluding community-based entities that are closer to people and grassroots communities. The discontinuation of funding has a direct effect on workers whose jobs depend on project funding. These trends suggest that, even as civil society organisations are called upon to support a growing number of people, the structure of available funding increasingly works in the opposite direction, weakening precisely those communitybased actors that are closest to the people.

At the same time, the number of direct beneficiaries of NGOs increased by 275% between 2014 and 2024, but the average number of members of associations decreased by 63.4% in the same period.<sup>19</sup> The combination of administrative barriers in the right to civic participation of migrants, real estate pressure on community spaces, police intimidation of vulnerable communities, and a structural funding crisis is creating an environment of shrinking civic space. Although it

13. <https://sirigaita.org/index.php/nao-se-despeja-um-desejo/>

14. <https://www.facebook.com/photo/?fbid=961253502813041&set=a.595636326041429>

15. <https://www.jornalmapa.pt/2024/09/26/novos-contos-das-montanhas-barrosas-usurpacoes-intimidacoes-e-resistencias/>

16. [https://ciencia.ucp.pt/ws/portalfiles/portal/111266925/109197469\\_2.pdf](https://ciencia.ucp.pt/ws/portalfiles/portal/111266925/109197469_2.pdf)

17. <https://agencia.ecclesia.pt/portal/portugal-presidente-da-cnis-preocupado-com-sustentabilidade-das-ipss-apos-estudo-revelar-aumento-de-resultados-liquidos-negativos/>

18. <https://econews.pt/2025/08/08/portugal-has-already-received-e1-34-billion-from-the-sixth-rrp-payment/>

19. [https://ciencia.ucp.pt/ws/portalfiles/portal/111266925/109197469\\_2.pdf](https://ciencia.ucp.pt/ws/portalfiles/portal/111266925/109197469_2.pdf)

does not take the form of severe overt repression, it produces similar effects of silencing, fragmentation, and weakening of the capacity for collective organisation. This makes freedom of association a privilege afforded to those who have resources and stability and excludes many of those who most need collective organisation to claim their rights.

The operating model of European funds in some government programmes can also hinder access to funding. *Portugal Inovação Social*, the public initiative that aims to promote social innovation and mobilise EU funds, requires a letter of commitment from social investors for 20% of the total project cost for applications to be eligible.<sup>20</sup> This means that organisations applying for this funding need to find organisations and local authorities that agree to commit to investing in the projects even before the application is submitted. Investors may subsequently benefit from tax relief of up to 130% of the amount invested.<sup>21</sup> However, tax waiver data is not disclosed in a disaggregated manner,

making it impossible to analyse how much tax revenue the state waives as part of these programmes.<sup>22</sup> This opacity prevents the assessment of the real costs and benefits of these mechanisms and limits parliamentary and public scrutiny of those who benefits from them.

At the same time, the dominance of short-term project funding (typically one to two years) keeps organisations and professionals in a permanent cycle of uncertainty including dependence on project funding, successive fixed-term employment contracts, unstable teams, and the impossibility of planning medium- to long-term structures. In a sector already weakened by scarce resources and strong pressure to demonstrate rapid impact, this funding model acts as an indirect mechanism for restricting freedom of association, because it conditions organisational survival on adherence to the agenda of public and private funders, rather than ensuring a stable basis for the autonomous exercise of civil rights.

## Freedom of Peaceful Assembly

The right to peaceful assembly is enshrined in Article 45 of the Portuguese Republic's Constitution, which guarantees all people the right to assemble peacefully in public places without prior authorisation.<sup>23</sup> However, ordinary legislation creates a contradiction: Law No. 406/74 requires prior notification to authorities at least two working days in advance, with non-compliance classified as "aggravated disobedience" — a criminal charge.<sup>24</sup> This gap between constitutional guarantees and ordinary law creates scope for police and prosecutors to question the legitimacy of peaceful demonstrations on procedural grounds rather than on substance.

In 2025, this legal framework became a tool for selective enforcement, particularly targeting climate movements, Palestine solidarity groups, and anti-racist organisations. Between July 2025 and January 2026, members of climate movements reported 87 ongoing administrative and judicial proceedings initiated against them. A total of €28,140 in fines were issued, with the remaining 72 pending cases facing up to €250,000 in total penalties.<sup>25</sup> These fines were disproportionately

high — about ten times higher than the average annual income of a Portuguese worker, which was about €24,800 in 2024.<sup>26</sup> This effectively makes engaging in climate activism unaffordable and beyond the reach of ordinary citizens.

Palestine solidarity groups also experienced attempts at repression in 2025. During the Tour of Portugal cycling race in August 2025, protesters displaying Palestinian flags in Nazaré and Caldas da Rainha were subjected to systematic abuses of authority by uniformed and plainclothes Public Security Police (PSP) officers. Police carried out identity checks (without the required legal justification), used physical force (including pushing and restraint), threatened protestors with arrest, and carried out arrests based on the grounds of participating in an "illegal demonstration" — a classification that does not exist in Portuguese law for peaceful gatherings. Of the six protesters that were arrested, four had their charges dropped when prosecutors found no legal basis for detention.<sup>27</sup> The IGAI initiated an inquiry into the police's actions in September 2025. This operation highlighted the selective and

20. <https://pis.portugal2030.pt/parcerias-para-a-inovacao-social/>

21. <https://inovacaosocial.portugal2020.pt/en/financing/social-impact-bonds/>

22. [https://info.portaldasfinancas.gov.pt/pt/apoio\\_contribuinte/Folhetos\\_informativos/Documents/Folheto\\_Investimento\\_em\\_Portugal.pdf](https://info.portaldasfinancas.gov.pt/pt/apoio_contribuinte/Folhetos_informativos/Documents/Folheto_Investimento_em_Portugal.pdf)

23. <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-aprovacao-constituicao/1976-34520775-45552675>

24. <https://diariodarepublica.pt/dr/detalhe/decreto-lei/406-1974-424767>

25. <https://www.climaximo.pt/com-mais-de-40-casos-a-frente-e-ate-250-mil-euros-em-multas-no-futuro-a-resistencia-climatica-continua-a-ser-a-unica-saida-do-colapso-climatico/>

26. [https://www.rtp.pt/noticias/economia/salario-medio-anual-em-portugal-foi-de-24800-euros-em-2024-abaixo-da-media-da-ue\\_n1697653](https://www.rtp.pt/noticias/economia/salario-medio-anual-em-portugal-foi-de-24800-euros-em-2024-abaixo-da-media-da-ue_n1697653)

27. <https://guilhotina.info/2025/08/21/repressao-palestina-volta-portugal/>

disproportionate use of police power, in violation of Articles 45 (assembly and demonstration) 15 and 37 (freedom of expression) of the constitution.<sup>28</sup>

In one unusual case, a homeless man was fined over €11,000 after being convicted of causing damage to Lisbon City Hall in a Palestine solidarity action. The court reached the verdict based on the testimony of a single police officer, despite the defendant's absence and the lack of his testimony during the proceedings. The decision has faced scrutiny due to discrepancies between the timing of the arrest and the emergence of video evidence from the demonstration.<sup>29</sup>

In another case, a Lisbon court convicted a young climate activist of causing damages to Prime Minister Luís Montenegro's suit by throwing green paint at him, a verdict upheld by the Court of Appeal in January 2026. Although the prime minister initially claimed approximately €1,750 for his damaged suit, the judge issued a substantially lower fine of €958, finding the claimed costs were inaccurate. Alongside this compensation, the activist was ordered to pay a fine of €1,600 and an additional €527 to a photographer whose clothes were also damaged.<sup>30</sup>

Beyond direct police intervention, the mishandling of protesters' personal data has created additional barriers to the exercise of freedom of peaceful assembly. In July 2025, Faro City Council shared the complete personal data of three organisers of a protest in solidarity for Palestine, including their names, tax identification numbers, phone numbers, and addresses, with over 30 public and private entities without consent or redaction.<sup>31</sup> The organisers filed a GDPR complaint with the National Data Protection Commission (CNPD). As of January 2026, no disciplinary action had been announced. This incident replicates a pattern documented in Lisbon (2018-2021), where the municipality shared protesters' data with foreign embassies in 52 cases, resulting in a €1 million CNPD fine.<sup>32</sup> The repeated data breaches can lead to a chilling effect on civic participation and self-censorship on politically sensitive topics.

Similar dynamics are visible in the police response to labour struggles. The general strike on 11 December 2025, called jointly by the two main trade union federations CGTP-IN (Confederação Geral dos Trabalhadores Portugueses – Intersindical) and UGT (União Geral dos Trabalhadores) in opposition to the government's labour market package, represented the largest coordinated action by Portugal's two major union confederations since 2011. The officially called strike and march to parliament proceeded peacefully with an estimated 50,000 participants. After the official end, approximately 200 protesters remained near a police barrier in front of the parliament. Isolated incidents of vandalism occurred, with some individuals burning bins and throwing objects, involving less than 50 people. However, police responded disproportionately, using kinetic energy ammunition (rubber bullets) to indiscriminately disperse people in the area, including protesters that had not participated in any violent acts. The ammunition struck an estimated 10 to 15 people, mostly in the upper body and head, causing facial and cranial contusions, deep haematomas, and head wounds requiring sutures. The use of force was not preceded by any effective audible warning.<sup>33</sup>

Decree-Law No. 457/99 classifies kinetic energy ammunition (rubber bullets) as "firearms" under law and explicitly establishes that: (1) their use is a measure of last resort; (2) use is only admissible in situations of imminent threat to life; and crucially, (3) their use is explicitly prohibited for "dispersing crowds" or "crowd control." The law also mandates audible warnings before deployment.<sup>34</sup> The police response appeared to violate each of these requirements. Ammunition was used to disperse a crowd that posed no imminent threat to life; less harmful means were not exhausted; no effective audible warnings were issued; and shots were fired indiscriminately.<sup>35</sup> In addition, this practice conflicts with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which require proportionality, necessity, and enhanced caution when potentially lethal weapons are involved.<sup>36</sup> To date, accountability has been limited to internal inquiries, with no guarantee of an independent and transparent investigation by the Inspectorate-General of Internal Administration.

<sup>28</sup>. <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-aprovacao-constituicao/1976-34520775-49411175>

<sup>29</sup>. <https://pt.euronews.com/my-europe/2025/04/12/sem-abrigo-condenado-a-pagar-11-mil-euros-a-camara-de-lisboa>

<sup>30</sup>. <https://www.dn.pt/sociedade/relao-confirma-condenao-de-ativista-que-atirou-tinta-verde-a-lus-montenegro>

<sup>31</sup>. <https://civicspacewatch.eu/privacy-breach-organisers-of-palestinian-solidarity-in-portugal-targeted/>

<sup>32</sup>. <https://www.reuters.com/world/europe/lisbon-fined-sharing-protesters-data-with-targetted-embassies-2022-01-14/>

<sup>33</sup>. [https://www.rtp.pt/noticias/pais/greve-geral-manifestantes-denunciam-violencia-policial\\_v1706573](https://www.rtp.pt/noticias/pais/greve-geral-manifestantes-denunciam-violencia-policial_v1706573)

<sup>34</sup>. <https://diariodarepublica.pt/dr/detalhe/decreto-lei/457-1999-693806>

<sup>35</sup>. This assessment is based on multiple converging sources, including media reports, video footage and firsthand testimonies documented by Academia Cidadã. See: [https://www.youtube.com/shorts/Q\\_5gbqzRXjc](https://www.youtube.com/shorts/Q_5gbqzRXjc);

<https://tviplayer.iol.pt/programa/tvi-jornal/63ef5eb50cf2665294d5f87a/video/695fae3e0cf24e58d783c34f>

<sup>36</sup>. <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/useofforceandfirearms.pdf>

The use of rubber bullets by Portuguese authorities has been documented on other occasions in the past.<sup>37</sup> These incidents have been mostly documented in racialised communities which are heavily policed or around football matches, generally framed by the authorities as “public order” interventions. It is concerning that similar tactics have now been used to curtail the right to protest, as seen in the case of the general strike.

The disproportionate use of force serves as a means of discouraging peaceful assembly and expression

and demonstrating and can lead to fear and collective withdrawal from civic participation.

Taken together, these episodes represent a substantial erosion of the right to peaceful assembly in Portugal. In practice, the exercise of this right has become conditioned by a growing risk of police violence, judicial persecution, and political stigmatisation, especially for rights groups that challenge state policies or denounce institutional racism.

## Freedom of Expression

Freedom of expression and information is guaranteed in Article 37 of the constitution, which explicitly prohibits any form of censorship and ensures freedom of the press and editorial autonomy of the media. Despite this formally robust framework, journalism in Portugal faces a combination of news deserts, media concentration, job insecurity, and growing threats that, in practice, constrain the media’s ability to inform the public and scrutinise the authorities.

In 2025, the media landscape became even more fragile, with cascading effects on democratic accountability. Nationwide studies conducted by Labcom (University of Beira Interior) identified 14.6% of Portugal’s municipalities (45 municipalities) as complete “news deserts” with no regular local coverage; 12.3% (38 municipalities) as “semi-deserts”, with only occasional local information; and 28.3% (87 municipalities), under acute threat of desertification with only one active media outlet. Cumulatively, this means 55% of Portugal’s municipalities lack either adequate or sustainable local news coverage, creating information vacuums exploited by disinformation networks.<sup>38</sup>

Precarious working conditions are a central driver of this crisis. The national survey on the living and working conditions of journalists in Portugal, conducted by the Portuguese Journalists’ Union (SJ), in partnership with Portuguese Press Association (API) and Casa da Imprensa, reveals that almost half of Portuguese journalists report high levels of professional exhaustion, overtime, difficulties in balancing work and family life, and pervasive job insecurity. In parallel, around half

of respondents report having experienced censorship or self-censorship, and more than a half say they have been blocked from accessing sources — including official information, documents, and key interlocutors. These conditions create structural vulnerability to political and economic pressure.<sup>39</sup>

The absence of national anti-SLAPP legislation exacerbates the situation, leaving journalists and activists exposed to abusive litigation designed to exhaust resources and silence criticism.<sup>40</sup>

This lack of effective protection stands in stark contrast with the authorities’ low tolerance for political satire. In January 2026, the government filed a criminal complaint against a social media user for a post on X (formerly Twitter) that simulated a fictional private message allegedly from Prime Minister Luís Montenegro, supposedly leaked by Donald Trump that was clearly satirical — even bearing a “satire” watermark for the avoidance of doubt. The prosecution’s characterisation of this post as “intentional disinformation with high public dissemination” drew immediate criticism from legal experts and freedom of expression organisations, who warned of dangerous conflation between protected political satire and criminal disinformation, particularly in an electoral context.<sup>41</sup>

Between July and December 2025, Portugal witnessed a coordinated immigration disinformation campaign, according to European Digital Media Observatory analysis. The scale was unprecedented: false anti-immigration narratives accumulated 3.8 million views;

37. <https://www.theportugalnews.com/news/police-fire-rubber-bullets-into-air-at-protestors-on-lisbon-avenue/48123> ;

<https://www.defendtherighttoprotest.org/portugal-police-batons-for-protesters-and-rubber-bullets-for-the-kids-of-bela-vista/>

38. <https://apimprensa.pt/estudo-revela-condicoes-precarias-e-esgotamento-profissional-entre-jornalistas-portugueses/>

39. <https://jornalistas.eu/wp-content/uploads/2023/11/Inquerito-Nacional-as-Condicoes-de-Vida-e-de-Trabalho-dos-Jornalistas-em-Portugal-03-11-2023-c.pdf>

40. <https://ipi.media/portugals-media-struggles/> ;

<https://observador.pt/2024/04/23/personalidades-pedem-rapida-transposicao-de-diretiva-que-protege-liberdade-de-expressao/>

41. <https://pt.euronews.com/my-europe/2026/01/22/luis-montenegro-apresenta-queixa-por-desinformacao-apos-publicacao-que-simula-mensagem-par>

the hashtag #PortugalInvadido (Portugal Invaded) accumulated 21 million impressions — five times more than hashtags discussing government corruption — and these false narratives dominated social media discourse during Portugal's 2025 Parliament election campaigns. Network analysis identified that 58% of accounts amplifying these narratives on the public pages of far-right politicians are automated or fabricated (inauthentic). Geolocation of IP addresses and account metadata indicates coordination originating in third countries, suggesting transnational influence on operations designed to destabilise Portuguese democracy.<sup>42</sup>

In summary, freedom of expression in Portugal remains formally protected, but its exercise is being eroded by three interrelated dynamics: an economically fragile and concentrated media ecosystem;<sup>43</sup> working conditions that produce self-censorship and vulnerability; and an environment of threats, misinformation, and impunity that penalises those who report abuses and challenge extremist narratives.

## Participation in Decision-Making

### Formal Mechanisms and Practical Barriers

Portugal has a constitutional framework (Articles 48 and 52 of the constitution) protecting citizen participation in public life and decision-making,<sup>44</sup> either directly or through elected representatives. In 2025, there were no structural legislative changes, apart from the Action Plan of the National Digital Strategy, which provides for strengthening digital participation, including through the expansion and use of the [participa.gov.pt](https://participa.gov.pt) platform.<sup>45</sup> Designed to host participatory processes such as participatory budgets and other citizen-driven initiatives, through this online portal, citizens can submit proposals, and vote on projects.

Despite these formal mechanisms, several barriers remain. International assessments of Portugal's open government framework note that co-creation and consultation processes are often compressed into short

time frames, which makes it difficult for organisations with limited resources to prepare substantive contributions. For example, for the 2023-2027 Open Government Action Plan, wider public input was gathered through three workshops and a 10-day online survey that elicited 112 responses, followed by a one-week public consultation on the draft commitments, which received no comments.<sup>46</sup> Information for consultations can be fragmented or presented in ways that are hard to navigate, and smaller CSOs face structural capacity constraints in terms of staff time, expertise, and funding to analyse complex consultation dossiers. In addition, independent reviews and European bodies have recommended that Portugal improve the documentation and publication of how public inputs are used, indicating that substantive feedback on how contributions are considered is often limited or opaque.

### Right to Information and Institutional Censorship

The right to access to information is regulated by Law No. 26/2016, with the possibility of appeal to the Commission for Access to Administrative Documents (CADA).<sup>47</sup> Of particular concern was the removal of the chapter “Extremism and Hybrid Threats” from the Annual Internal Security Report (RASI) published in April 2025.<sup>48</sup> The preliminary version contained

specific information on “the existence of representation of an international extremist organisation in Portugal, classified in several countries as a terrorist organisation,” promoting “meetings through musical events” as a method of recruitment and financing propaganda.<sup>49</sup> However, the final version sent to parliament completely removed this chapter, claiming

42. <https://edmo.eu/publications/portuguese-general-elections-2025-information-and-disinformation-on-social-media/>

43. [https://research.unl.pt/ws/portalfiles/portugal/99090007/Portugal\\_EN\\_mpm\\_2024\\_cmpf.pdf](https://research.unl.pt/ws/portalfiles/portugal/99090007/Portugal_EN_mpm_2024_cmpf.pdf)

44. <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-aprovacao-constituicao/1976-34520775-45923275> ; <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-aprovacao-constituicao/1976-34520775-50458475>

45. <https://www.google.com/url?q=https://www.portugal.gov.pt/pt/gc22/comunicacao/noticia?%3Dnova-plataforma-participagov-vai-dar-suporte-a-processos-participativos-e-de-cidadania&sa=D&source=docs&ust=1776699977362784&usq=AOVaw0Vmj7iM3xu3u0Zzgc2h17o>

46. [https://ogp.digital.gov.pt/documents/48760/0/Portugal\\_Action-Plan-Review\\_2023-2027\\_EN.pdf/9ab6aad4-ce67-7820-b27a-9e6bfa886ac1](https://ogp.digital.gov.pt/documents/48760/0/Portugal_Action-Plan-Review_2023-2027_EN.pdf/9ab6aad4-ce67-7820-b27a-9e6bfa886ac1)

47. <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2016-106603618-106597570>

48. <https://cnnportugal.iol.pt/rasi/rasi-2024/capitulo-sobre-movimentos-extremistas-e-ameacas-hibridas-a-portugal-eliminado-da-versao-final-do-rasi-20250402/67ed41edd34ef72ee4443a63>

49. <https://observador.pt/2025/04/02/seguranca-capitulo-sobre-extremismos-e-ameacas-hibridas-desapareceu-entre-versao-preliminar-e-oficial-do-relatorio-be-questiona-governo/>

it was a “working version” subject to discussion. This institutional censorship constitutes a violation of the right to information and compromises democratic

oversight that allows civil society to monitor threats to civic space.

## New Lobbying law

In January 2026, Portugal adopted a legal framework for the representation of interests (Law No. 5-A/2026),<sup>50</sup> thereby responding to European recommendations on transparency of private influence over public decision-making. The new regime establishes a Transparency Register, a code of conduct and a system of sanctions, including “cooling-off” periods for former political office-holders. However, its effectiveness will depend on the actual establishment of the register, the capacity for oversight, and the extent to which it covers, in practice, different forms of influence, including informal contacts and civil society actors. Legal analysts have stressed that the main challenge of the new framework will not be its adoption but its practical implementation and the ability of public authorities and private actors to adapt to the new system. They warn that the regime must be aligned with pre-existing and well-established practices to be effective.<sup>51</sup>

At the same time, international experience shows that poorly designed or poorly implemented lobbying frameworks can contribute to shrinking civic space by creating disproportionate administrative burdens,

broad discretionary powers and instruments that may be applied selectively against critical organisations and activists.<sup>52</sup> Commentators also note that the Portuguese law fills a long-standing legal vacuum by clarifying the boundary between legitimate interest representation and criminal conduct (namely corruption and influence peddling), which, if applied in an expansive or selective manner, could further increase the risk of undue pressure on dissenting civil society actors.

The law does not make provision for an independent authority dedicated exclusively to safeguarding the integrity of lobbying activities. Rather, it distributes responsibilities between the future body managing the register and existing parliamentary structures, which raises additional questions about protection against the political weaponisation of sanctions and safeguarding civic participation. In this context, the review, foreseen to take place one or two years after implementation could prove decisive as it will assess the robustness of the institutional framework, and determine whether the regulation strengthens democratic transparency or, on the contrary, introduces new risks for civic space.

## Safe Space

### Escalation of Hate Crimes and Neo-Nazi Actions

Between 2021-2024, Portugal’s two main police forces (PSP and GNR) combined received 987 formal complaints alleging discrimination, racism, xenophobia, and incitement to hatred, with annual complaint numbers for both forces rising steadily over this period. The judicial police opened 228 formal investigations in 2024 alone (a 38% increase from 2023), but only five of these investigations led to indictments: just 2.19%. The sentencing rates are even lower with only 13 convictions for racial discrimination in the whole country between 2017 and 2024.<sup>53</sup> This represents a conviction rate of less than 1% of complaints made — a rate suggesting either systematic evidentiary

weakness or institutional unwillingness to prosecute hate crimes.

At the same time, the Commission for Equality and Against Racial Discrimination (CICDR) has been virtually paralysed for over a year due to the lack of regulatory framework<sup>54</sup> or consolidated access to complaint data, which prevents the systematic identification of patterns. Thus, while official statistics document an increase in crimes of discrimination and incitement to hatred, effective accountability remains residual,<sup>55</sup> functioning, in effect, as a mechanism of impunity that encourages the repetition of attacks.

50. <https://diariodarepublica.pt/dr/detalhe/lei/5-a-2026-1028061007>

51. [https://www.vda.pt/xms/files/06\\_Media/2026/JEA\\_060226\\_202.pdf](https://www.vda.pt/xms/files/06_Media/2026/JEA_060226_202.pdf)

52. <https://www.dsc.org.uk/content/keep-calm-and-carry-on-campaigning-but-government-must-reform-the-lobbying-act/> ; <https://monitor.civicus.org/explore/csos-lithuania-concerned-new-amendments-law-lobbying-may-unnecessary-overburden-ngos/>

53. <https://observador.pt/2025/03/21/psp-e-gnr-receberam-quase-1000-queixas-por-discriminacao-e-racismo-em-4-anos/>

54. <https://observador.pt/2025/03/21/queixas-por-racismo-a-pj-aumentaram-38-em-2024-comissao-contra-a-discriminacao-racial-parada-ha-ano-e-meio/>

55. <https://sicnoticias.pt/pais/2024-05-07-video-crimes-de-odio-aumentam-mas-so-uma-minoria-resulta-em-acusacao-01edd391>

In 2025, there was a worrying increase in verbal, physical, and online attacks targeting civic actors, activists, and human rights groups in Portugal.<sup>56</sup> Climate movements were included in the RASI under headings linked to “extremism,”<sup>57</sup> while none of the violent far-right events and groups identified by the investigative police was mentioned. Although the self-contained chapter on “extremism and hybrid threats” was later removed from the final, official version of the same report, it was widely spread in media and social media. This contributed to the growing criminalisation of climate movements and portrays non-violent climate-justice activism as a security threat. Overall, this contributes to a hostile environment and reinforces stigmatisation, while minimising the violent activities of the far-right.

In May, an LGBTQI+ book club meeting organised by ILGA and taking place in a public library,<sup>58</sup> was interrupted by the neo-Nazi group Habeas Corpus, who shouted homophobic slurs.<sup>59</sup> In June, an actor was violently beaten and an actress was harassed by members of Reconquista, another neo-Nazi group, in front of the theatre where they were working due to their LGBTQI+ identity.<sup>60</sup>

On 25 April, the day marking the end of the fascist regime in Portugal, the Ergue-te party and the Habeas Corpus movement, with the support of the far-right group 1143, announced a demonstration featuring a “pig roast” at Martim Moniz (an area in Lisbon with a large Muslim community).<sup>61</sup> The police issued a negative

opinion regarding the event, and Lisbon City Council followed its recommendation and assessment, refusing to authorise the far-right movements’ scheduled initiatives. Nevertheless, members of the movement decided to show up at the demonstration, and far-right supporters clashed with anti-fascist protesters and PSP officers.<sup>62</sup>

In a 2025 study, more than 75% of respondents reported experiences of online hate speech, particularly against foreigners and migrant groups.<sup>63</sup> These patterns unfold in a context of weak institutional accountability, as mechanisms to respond to and sanction discriminatory behaviour remain under-sourced and fragmented.

The presence of neo-Nazi elements within the security forces, revealed by judicial police (PJ) investigations in June 2025, identified 12 individuals in leadership positions within the PSP, GNR, and Navy as members of the paramilitary group Amilar Lusitano.<sup>64</sup> The investigation documented activities included purchasing weapons and explosives from Germany and Italy, and allegedly supplying other extremist organisations. This constitutes a serious threat to the rule of law because it shows that individuals committed to racist violence and the “violent overthrow of the democratic constitutional order” were able to penetrate the ranks of the security forces themselves, raising concerns about abuse of police powers, biased enforcement, and the state’s capacity to protect people targeted by far-right violence.<sup>65</sup>

## Normalisation of Political Extremism

The far-right Chega party grew from just one MP in 2019 to 60 MPs in 2024, becoming the third largest political force in the Portuguese parliament.<sup>66</sup> The electoral rise was accompanied by rhetoric about uncontrolled migration, and xenophobic, racist and homophobic speeches disseminated online and subsequently in the plenary session of the Assembly of the Republic (AR), with parliamentary impunity resulting from the invocation of “freedom of expression” by the president of the AR. In February 2025, an open letter signed by more than 700 people and dozens of organisations

demanded sanctions against hate speech in parliament, denouncing “insults and discrimination, hate attacks” without disciplinary consequences. Examples include ableist, racist, fascist, homophobic, and sexist speeches by Chega MPs with identified links to international supremacist groups.

A particularly serious case is the discovery that a Chega candidate was among the largest financial contributors to the neo-Nazi group 1143. Mário Machado, the historic leader of a far-right criminal group in Portugal,

56. <https://rm.coe.int/sixth-report-on-portugal-translation-in-portuguese-/1680b6668f>

57. <https://ssi.gov.pt/publicacoes/relatorio-anual-de-seguranca-interna/RASI%202024.pdf>

58. <https://www.ilga-portugal.pt/comunicado-conjunto-ilga-portugal-e-amplios-sobre-invasao-em-clube-de-leitura/>

59. <https://www.noticiasaoiminuto.com/pais/2795249/habeas-corpus-interrumpe-mais-um-evento-lgbt-desta-vez-clube-de-leitura>

60. <https://pt.euronews.com/my-europe/2025/06/11/ator-portugues-violentamente-agredido-por-grupo-de-extrema-direita>

61. [https://www.rtp.pt/noticias/pais/mais-de-100-pessoas-juntam-se-no-martim-moniz-contr-a-acao-da-extrema-direita\\_n1650306](https://www.rtp.pt/noticias/pais/mais-de-100-pessoas-juntam-se-no-martim-moniz-contr-a-acao-da-extrema-direita_n1650306)

62. <https://sapo.pt/artigo/o-filme-dos-violentos-confrontos-da-extrema-direita-com-a-policia-e-antifascistas-no-25-de-abril-68681768aca971ab63305b71>

63. [https://casadobrasilidelisboa.pt/wp-content/uploads/2024/MM\\_relatorio2024\\_digital\\_v7.pdf](https://casadobrasilidelisboa.pt/wp-content/uploads/2024/MM_relatorio2024_digital_v7.pdf)

64. <https://observador.pt/2025/06/18/prisao-preventiva-para-quatro-membros-do-movimento-armilar-lusitano-outros-dois-com-apresentacoes-periodicas/>

65. <https://portugaldecoded.substack.com/p/six-neo-nazis-arrested-including>

66. <https://data.ipu.org/parliament/PT/PT-LC01/election/PT-LC01-E20250518/>

received donations intended for the same group, demonstrating systemic porosity between normalised political extremism and organised violence, with the circulation of funds constituting a mechanism for sustaining paramilitary capacity.

Due to its growth, Chega now has the power to shape the media agenda, frame debates, and condition parliamentary negotiations. This means that extremist discourse is no longer marginal but has become an institutional voice with airtime, public resources, and protection, such as immunity. The repeated invocation of “freedom of expression” by the president of the AR to avoid functions, in practice, as an institutional shield for the radicalisation of public discourse.

In February 2025, the governing parties, PSD and CDS-PP, along with the Liberal Initiative and the Chega, approved the withdrawal of a guide for the prevention of violence and non-discrimination based on sexual orientation, gender identity, and expression from circulation in schools. According to the newspaper Público, this document was also removed from the website of the Directorate-General for Education.<sup>67</sup>

These political developments has had direct consequences on the civic, and educational space, with groups and individuals feeling emboldened to violently interrupt civic and cultural initiatives, through widespread violent and discriminatory discourse in schools<sup>68</sup> and on social media.<sup>69</sup>

## Anti-Immigration Xenophobia: Misinformation and Escalating Violence

In the 2024 legislative elections, a monitoring project identified irregular paid advertisements containing disinformation targeting the Socialist Party (PS) and Social Democratic Party (PSD). The ad spent approximately €12,000 over three days and has an estimated reach of around two million accounts.<sup>70</sup> Reports from the CNE (“Comissão Nacional de Eleições” - National Electoral Commission) and research centres on the 2024 European elections also show the intensive use of the Meta ecosystem (Facebook and Instagram) for political content and campaigns with false information, including sponsored advertisements linked to Chega and fraudulent investment schemes using deepfakes. Studies on the 2024–2025 campaigns highlight that most online political content circulates precisely on these platforms, making them central to the spread of disinformation through paid advertising.<sup>71</sup>

The normalisation of xenophobic rhetoric has led to organised violence through explicit calls for paid violence. Social media monitoring identified multiple cases in late 2025 of Portuguese extremists offering financial incentives for violence against Brazilians,<sup>72</sup> which accumulated thousands of engagements before the content was removed.

Violence has also occurred in public institutions. For example, a 9-year-old Brazilian student at a Cinfães

school suffered systematic violence between October 2024 and April 2025, due to repeated physical assaults, and verbal xenophobic abuse,<sup>73</sup> with no effective institutional response. Incidents like this directly affect civic space, because they erode the trust of migrant children in public institutions role in safeguarding their rights, weakens the conditions under which they can later exercise freedom of expression, participation, and collective organisation on an equal footing with their peers. According to the Council of Europe’s Reference Framework of Competences for Democratic Culture, education systems have a central mission to prepare learners for democratic citizenship.<sup>74</sup>

During its election campaign, the centre-right party PSD, also announced the creation of two new detention centres for undocumented migrants, aligning itself with an incriminating discourse against immigrants propagated by the far right.<sup>75</sup>

At the same time, a media report documented a widespread pattern of linguistic xenophobia, with expressions such as “go back to your country,” «I don’t want to hear your language” expressed in public spaces. This was accompanied by physical aggression, with Brazilian accents systematically used as a marker for humiliation and violence.<sup>76</sup>

67. [https://cnnportugal.iol.pt/o-direito-a-ser-nas-escolas/identidade-de-genero/direita-aprova-retirada-do-guia-que-promove-identidade-e-expressao-de-genero-nas-escolas/20250228/67c1d34bd34ef72ee442e36b#goog\\_rewarded](https://cnnportugal.iol.pt/o-direito-a-ser-nas-escolas/identidade-de-genero/direita-aprova-retirada-do-guia-que-promove-identidade-e-expressao-de-genero-nas-escolas/20250228/67c1d34bd34ef72ee442e36b#goog_rewarded)

68. [https://www.rtp.pt/noticias/pais/crianca-fica-sem-pontas-dos-dedos-na-escola-be-associacao-de-pais-e-advogados-querem-explicacoes\\_n1698347](https://www.rtp.pt/noticias/pais/crianca-fica-sem-pontas-dos-dedos-na-escola-be-associacao-de-pais-e-advogados-querem-explicacoes_n1698347)

69. <https://www.tsf.pt/portugal/artigo/racismo-e-xenofobia-nas-escolas-institucionalizacao-do-odio-e-redes-sociais-exponenciam-a-violencia/18044783>

70. <https://iberifier.eu/2024/11/13/desinformacao-nas-eleicoes-legislativas-anuncios-pagos-com-desinformacao-atingem-ps-e-psd/>

71. [https://labcom.ubi.pt/wp-content/uploads/2025/07/2025\\_RelatorioERC\\_V5.pdf](https://labcom.ubi.pt/wp-content/uploads/2025/07/2025_RelatorioERC_V5.pdf)

72. <https://dia1brasil.com.br/portugues-oferece-500-euros-por-cabeca-de-brasileiro-e-gera-onda-de-revolta-em-portugal/> ;

<https://latamjournalismreview.org/news/far-right-activist-in-portugal-arrested-after-death-threats-against-brazilian-journalist/>

73. <https://agenciabrasil.ebc.com.br/geral/noticia/2025-11/mae-denuncia-agressao-menino-brasileiro-em-escola-de-portugal>

74. <https://rm.coe.int/rfcdc-por-volume-1/1680a34ab8>

75. <https://www.publico.pt/2025/04/16/publico-brasil/noticia/precampaña-montenegro-anuncia-dois-presidios-estrangeiros-irregulares-2130001#>

76. <https://revistaplaneta.com.br/volta-para-sua-terra-o-cotidiano-de-intolerancia-contra-brasileiros-em-portugal>

The combination of punitive migration policies, persistent racist and xenophobic attitudes documented by UN mechanisms and national research, and everyday language based hostility contributes to a shrinking civic space. It signals that migrant communities cannot expect equal state protection and that their presence and participation are contested, which discourages their

engagement in public life and collective organisation. In this environment, both online platforms and offline institutions become key battlegrounds for whether civic space in Portugal will remain open, safe, and inclusive for migrants and racialised communities, or continue to narrow in ways that undermine democratic equality.

# Recommendations

## **TARGETED RECOMMENDATION:**

- **Establish an independent mechanism to prevent and address institutional racism and unlawful use of force within and by law-enforcement agencies, with strong investigative powers, effective sanctions, and permanent structured participation of civil society and affected communities.**
- Ensure an enabling environment for civil society by creating a stable core-funding scheme, (with dedicated resources for migrant- and racialised people-led organisations), re-designing Portugal Social Innovation, and protecting community and cultural spaces from gentrification.
- Tackle discrimination, hate crime, and institutional racism by strengthening hate-crime responses, giving CICDR the resources and autonomy it needs, and implementing a national strategy against violent extremism and racism in the security forces, in line with the EU Anti-Racism Strategy.
- Safeguard an open and plural public sphere by supporting local and community journalism, enforcing compliance with Law No. 26/2016, and requiring digital platforms to act against incitement to violence.
- Protect the right to protest and digital participation by revising Decree-Law No. 406/74, adopt strong data-protection protocols for protest notifications, in line with international human rights standards.
- Empowering AIMA by ensuring that administrative barriers do not exclude migrants from civic life, and co-create inclusive digital participation tools with civil society.

# About the author

**Academia Cidadã** is a non-profit dynamic organisation in Portugal dedicated to fostering active citizenship and strengthening democracy. Through a variety of educational programs, workshops, and community initiatives, Academia Cidadã empowers individuals to engage in civic life, advocate for their rights, and participate in democratic processes.






# Romania

by Simona Constantinescu – Civil Society Development Foundation



<b>Key trends</b> .....	<b>183</b>
<b>Summary</b> .....	<b>183</b>
<b>Key developments</b> .....	<b>184</b>
Romania's Civil Society in Post-Election Crossfire .....	184
Freedom of Expression: Structural imbalances and enforcement challenges in a stress-test context .....	184
Institutional fragility and enforcement gaps as a systemic risk to civic space .....	185
<b>Dimensions</b> .....	<b>185</b>
Freedom of Association .....	185
Freedom of Peaceful Assembly .....	187
Freedom of Expression .....	190
Safe Space .....	194
<b>Recommendations</b> .....	<b>200</b>
<b>About the author</b> .....	<b>201</b>

# Key trends

-  Increase in hostile narratives labelling CSOs as foreign-controlled actors during and after elections.
-  Persistent implementation gaps in media regulation, access to information, and hate speech protections.
-  Legal, administrative, and financial pressures on human rights defenders, independent journalism, and watchdog organisations.

## Summary

Civic space in Romania is rated as “Narrowed” by the CIVICUS Monitor.<sup>1</sup> There were no recommendations on civic space in the European Commission’s 2025 Rule of Law report. In 2024, the presidential election intensified hostile narratives portraying civil society organisations (CSOs) as “foreign agents”. The election of the new president gave more visibility for civil society, simultaneously raising expectations for structured dialogue but also reinforcing conspiratorial rhetoric against civil society. The most significant risks to civic space stemmed from institutional fragility and the gap between law and practice, with oversight bodies responding only reactively and often without sufficient transparency, accountability, or capacity.

Civil society faced significant administrative burdens in 2025, due to the instrumentalisation of transparency measures. Peaceful assembly was constrained by outdated legislation, administrative obstacles, and uneven and disproportionate practices by law enforcement, particularly for minorities and vulnerable groups and during contentious forms of protest. Freedom of expression was hampered by heavy content removal during the electoral period, opaque public funding of media, and fragmented digital regulation. Growing intimidation of journalists, CSOs and activists, especially against those working in areas such as minority rights, environmental protection, and anti-corruption, contributed to a climate of hostility. Overall, this has resulted in self-censorship and declining public trust in Romania.

1. <https://monitor.civicus.org/country/romania/>

# Key developments

## Romania's Civil Society in Post-Election Crossfire

Intense societal polarisation in Romania has been accompanied by explicit narratives portraying CSOs as instruments of foreign forces allegedly acting against national interests. In 2025, these narratives became increasingly visible in political and media discourse, framing NGOs as vehicles of occult or external agendas.

Such conspiratorial narratives were used ahead of the May 2025 presidential election. In this context, the presidential candidate and leader of the sovereignist and nationalist opposition *Alianța Pentru Unirea Românilor* - Alliance for the Union of Romanians (AUR) publicly accused CSOs critical of the campaign of operating as “Soros-type NGOs” and warned that they would be “held to account”. The CSOs Funky Citizens and Declic were named explicitly as being part of an alleged foreign-controlled network.<sup>2</sup> Several CSOs publicly denounced the escalation of attacks

against civil society and journalists in the pre-election environment.<sup>3</sup>

These narratives persisted after the election and continued to shape post-electoral discourse, particularly within nationalist and populist circles. In an official post-election document, AUR portrayed civil society organisations as illegitimate political actors allegedly acting on behalf of the president.<sup>4</sup>

The election in 2025 of President Nicușor Dan, with his strong background in civic activism, brought attention to civil society, creating a double-edged effect for civic space. Heightened visibility reinforced conspiratorial portrayals of NGOs as “foreign agents”, but it also raised expectations for more structured recognition of civil society's role through institutionalised dialogue, meaningful participation in reform processes, and sustained efforts to rebuild trust in public institutions.

## Freedom of Expression: Structural imbalances and enforcement challenges in a stress-test context

In 2025, the freedom of expression in Romania was not curtailed through direct censorship, but was increasingly constrained by structural, regulatory, and financial dynamics that produced uneven protection depending on the type of speech. Public interest journalism, civic monitoring, and institutional criticism faced legal, administrative, and economic pressure, while speech aligned with political power benefited from greater reach in the public space.

The prolonged electoral cycle amplified these dynamics. Large-scale public funding of political parties, combined with opaque media financing and weak safeguards for editorial independence, further deepened risks for media capture.

The freedom of expression was affected by ongoing challenges in accessing public interest information, which was reflected in recurring practices of refusing or

conditioning responses under Law 544/2001 (Freedom of Information Act - FOIA).<sup>5</sup> Emergency legislation, coupled with fragmented institutional oversight of online content, led to thousands of individual decisions affecting political speech, many of which lacked transparency or sufficient justification. Oversight bodies frequently acted reactively and in isolation, prioritising individual complaints over systemic risks such as coordinated disinformation campaigns.

These developments occurred alongside legislative initiatives intended to introduce additional transparency obligations for civil society<sup>6</sup> and uneven enforcement against hate speech and intimidation. Taken together, these developments affected the ability of journalists and civil society to hold the authorities and institutions accountable and contributed to broader concerns regarding civic space and public trust in public information.

2. <https://hotnews.ro/george-simion-acuza-ong-urile-care-il-critica-ca-sunt-o-agentura-a-lui-soros-raspunsul-funky-citizen-miau-1968161>

3. <https://www.stareademocratiei.ro/2025/05/09/we-stand-in-solidarity-with-funky-citizens-and-declic/>

4. “RAPORT – LOVITURA DE STAT DIN ROMÂNIA, 24 NOIEMBRIE 2024 – 18 MAI 2025”: AUR claimed that “the entire network of Soros NGOs, hundreds of influencers and so-called intellectuals financed from EU funds acted as disguised electoral agents for Nicușor Dan, violating electoral law”, <https://partidulaur.ro/raport-lovitura-de-stat-din-romania-24-noiembrie-2024-18-mai-2025/>

5. <https://apador.org/politia-romana-respecta-legea-numai-obligata-de-instanta/> ;

<https://activewatch.ro/articole/abuz-primarul-de-slatina-condi%C8%9Bioneaz%C4%83-accesul-jurnali%C8%99tilor-la-informa%C8%9Bii-de-interes-public/>

6. <https://www.fdsc.ro/romania-proiect-de-lege-care-risca-sa-transforme-ong-urile-in-institutii-publice/> ;

<https://context.ro/legea-544-2001-este-principalul-instrument-in-baza-caruia-cetatenii-pot-solicita-informatii-de-interes-public-de-la-institutii-si-autoritati-legea-este-folosita-in-special-de-jurnalisti-in-documenta/>

## **Institutional fragility and enforcement gaps as a systemic risk to civic space**

In 2025, the most significant risks to civic space in Romania stemmed not necessarily from gaps in the formal legal framework, but from institutional fragility, inconsistent enforcement, and declining public trust in oversight bodies. Across multiple domains — media regulation, electoral oversight, public assembly management, access to information and protection of civic actors — institutions operated with limited transparency, capacity, and weak government accountability.

Regulatory and oversight bodies frequently relied on discretionary, reactive, or *ad hoc* practices rather than predictable, rights-based procedures. This pattern was visible in the fragmented application of digital regulation, inconsistent policing of assemblies, selective

enforcement of hate-speech rules, and the application of disciplinary or administrative mechanisms in ways perceived as deterrent. Even where institutions acted within their formal mandates, the absence of clear reasoning, public scrutiny, and effective remedies undermined legitimacy.

The cumulative effect has been a widening gap between law and practice. While Romania's legislative framework remains broadly aligned with human rights standards, weak institutional performance and governance risk hollow out these guarantees. Without sustained efforts to strengthen institutional integrity, independence, and trustworthiness, further regulatory or legislative initiatives may deepen uncertainty rather than improve rights protection.

## **Dimensions**

### **Freedom of Association**

The freedom of association can be exercised in Romania, as the regulatory framework governing civil society organisations is broadly compliant with international standards. However, an increasing accumulation of compliance obligations has led to a growing administrative burden that constrains CSOs' operations.

This freedom is guaranteed by the Romanian Constitution (Article 40),<sup>7</sup> and the legal framework governing the exercise of this right is found in Government Ordinance No. 26/2000 on associations and foundations.

An association or foundation in Romania can be established by a domestic and/or foreign individual or entity as the founder. Legal personality is acquired only after passing a judicial procedure. Informal groups (associations of individuals without legal personality) are not prohibited, and typically operate under the liability of individual members, though their legal and financial capacities will be limited. For example, they cannot contract or open a bank account in the name of a legal entity, and they are not eligible for public funding or grants, as they cannot meet the criteria.

The registration procedure for Romanian CSOs is judicial, and the requirements for founders are fairly clear, as the law sets out the necessary steps and required documents. However, it is not always simple

for a layperson, since drafting the statute may require the assistance of a legal expert. The procedure is significantly longer compared to registering a company, mainly due to the preliminary step of reserving the CSO's name with the Ministry of Justice Register, which can take up to 30 days, and the court procedure itself, which may last several months, given the heavy workload of Romanian courts. Additional requests from the judge may further delay the process, as each response can result in a new hearing scheduled several months later.

The procedure is nonetheless fairly accessible, as it is conducted before first-instance courts, which are the most numerous courts in Romania. Although this possibility is not explicitly mentioned in any law, some courts accept the necessary documents by email and issue a decision without requiring physical presence. However, one cannot safely assume that the procedure can be completed solely by electronic means in all courts in Romania; therefore, it is necessary to check in advance whether the competent court allows it.

In Romania, CSOs have broad autonomy to determine their internal governance and operations, provided they comply with the basic legal framework established by Government Ordinance 26/2000, the Civil Code, and the Romanian constitution. They are free to choose their internal structures, define the roles and powers

7. <https://legislatie.just.ro/Public/DetaliiDocument/47355>

of their governing bodies, set membership rules, adopt internal procedures, decide on strategic directions, and manage their activities without requiring approval from public authorities. Courts intervene only when a CSO violates its own statute or infringes upon the law.

Correspondingly, the state has a negative obligation not to interfere in the internal affairs of CSOs. Public authorities cannot appoint or dismiss leadership, impose internal rules, control membership, modify statutes or influence organisational activities. State intervention is permitted only in limited and clearly regulated circumstances, such as tax compliance, financial investigations, criminal matters, or judicial dissolution and always under judicial oversight rather than administrative control.

The main regulatory framework is complemented by a range of additional legal acts that have a direct or indirect impact on the way CSOs operate, leading to an increasing administrative burden that, taken cumulatively, places significant strain on CSOs' capacity to operate.

These include direct obligations, such as the requirement for organisations to report through the Standard Audit File for Tax system,<sup>8</sup> similarly to any other private legal entity in Romania, without differentiation based on the size or capacity of the organisation. They also include indirect regulatory constraints, for example, the obligation to register any amendment to a CSO's statutes in a special register maintained by the courts. The lengthy duration of judicial procedures, combined with the lack of consistent case law across courts, creates significant difficulties for CSOs seeking to amend their governance structures.

These delays often generate further complications in relations with financial institutions due to their know-your-customer obligations under anti-money laundering (AML) legislation, as well as with donors, since outdated governance information may prevent the valid signing of contracts or discourage the admission of new members. Collectively, these requirements

contribute to a steady increase in compliance costs for CSOs.

The European Commission's 2025 Rule of Law Report indicates that a significant administrative burden exists in Romania,<sup>9</sup> with an increased bureaucratic burden on CSOs due to the instrumentalisation of transparency measures. While international standards on NGO reporting (Council of Europe Recommendation CM/Rec (2007)14 on the Legal Status of NGOs in Europe) mention that states must not impose obligations on NGOs comparable to public institutions, such a trend may be found in Romania. The most recent example is the draft Administrative Procedure Code,<sup>10</sup> which is in the process of government review and approval, which would increase the administrative burden on NGOs because it includes obligations normally imposed on public authorities, especially in regard to transparency and access to information. It imposes requirements that many NGOs are not structurally prepared for and creates ambiguity around who it applies to and may disproportionately affect smaller organisations with limited resources. The Early Warning and Alert Mechanism<sup>11</sup> drew attention to potential consequences of the draft law in July 2025.<sup>12</sup> Although the draft had not been adopted by the end of 2025, the proposal moved to interinstitutional consultation, which is the final stage before adoption by the government and subsequent submission to parliament. The language of the bill has remained unchanged, and the criticisms and concerns, therefore, remain.

A public debate on the upcoming mechanism for supervising the activity of associations and foundations to further the implementation of the anti-money laundering and counter-terrorism financing law was organised in August 2025. Several CSOs highlighted the areas of improvement, and most of their comments were taken into consideration.<sup>13</sup> However, the text adopted in September 2025<sup>14</sup> includes additional administrative burdens for CSOs: an organisation's board of directors has to adopt an internal procedure to prevent terrorist financing and to verify annually, when approving the financial statements, that this procedure has been implemented. This creates a

8. SAF-T (Standard Audit File for Tax) is an international standard developed by the OECD for the electronic exchange of reliable accounting and tax data between organisations and national tax authorities or external auditors.

9. [https://commission.europa.eu/document/download/fcab6924-01cf-4514-9f68-3989759718e9\\_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Romania.pdf](https://commission.europa.eu/document/download/fcab6924-01cf-4514-9f68-3989759718e9_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Romania.pdf)

10. <https://sgglegis.gov.ro/legislativ/docs/2025/11/m12ftv630xqp97j8bgnd.pdf> ;  
[https://sgglegis.gov.ro/legislativ/docs/2025/11/v0\\_48gpsqk1xw76c2bty.pdf](https://sgglegis.gov.ro/legislativ/docs/2025/11/v0_48gpsqk1xw76c2bty.pdf) ;  
<http://sgglegis.gov.ro/legislativ/domeniu.php?id=202>

11. A new system for monitoring developments in civic space, developed as part of the EU-funded Monitoring Action for Civic Space (MACS) project, and operated through the European Civic Forum's Civic Space Watch platform. See: <https://civicspacewatch.eu/about-the-watch/#EWAS>

12. <https://www.fdsc.ro/en/romania-draft-law-risks-turning-csos-into-public-bodies/>

13. <https://www.fdsc.ro/opinie-fdsc-mecanismul-de-supraveghere-a-activitatii-asociațiilor-si-fundatiilor/> ;  
<https://acdd.ro/2025/09/02/finantarea-terorismului-si-sectorul-non-profit/> ;

<https://apador.org/observatiile-apador-ch-cu-privire-la-proiectul-de-ordin-privind-supravegherea-ong-urilor/> ;

14. <https://legislatie.just.ro/Public/DetaliuDocument/302390>

recurring verification obligation (linked to the annual approval of financial statements) and may require documentation, internal audit or review processes that many NGOs may not currently have the capacity to implement.

The law enables CSOs to determine their objectives and carry out any legitimate activities, without the need to comply with any government recommendations, priorities, or policies. Despite several legislative attempts during the last years to introduce harsh requirements on reporting and publicly disclosing information related to sources of funding, no foreign funding or foreign agent-type law has been adopted. According to Romanian law, organisations whose purposes violate the constitution, endanger national security, or undermine public order and public morals are prohibited.

The current framework law for CSOs has been subject to a comprehensive revision initiated by the government, through the Ministry of Justice, in 2023. The draft law was developed in consultation with civil society organisations and, despite completing the necessary stages, is currently stalled in parliament, awaiting

plenary debate following the issuance of all required opinions by the parliamentary committees.

If adopted, the draft<sup>15</sup> would introduce several important amendments to the existing legislation, including reducing bureaucratic requirements, simplifying judicial procedures related to the establishment and governance of NGOs, and further digitising existing processes. These reforms include the modernisation of the National Register of Non-Profit Legal Entities maintained by the Ministry of Justice, as well as the unification of NGO registers.

Despite additional efforts by several NGOs to explain the necessity of adopting the draft law, it has not yet been placed on the agenda of the Chamber of Deputies and has therefore not been debated. There is growing concern that the current wave of extremism represented by the parties in parliament may either leave the draft dormant or introduce new amendments that, at this stage, could negatively affect the proposed reforms. Moreover, the adoption of the law is necessary as several of its provisions are linked to the digital reform of court registries under the EU's National Programme for Recovery and Resilience (NRRP).

## Freedom of Peaceful Assembly

Although freedom of peaceful assembly is a constitutional guarantee in Romania, its exercise in practice remains inconsistent. Outdated legislation, informal approval practices, and uneven law enforcement continue to limit the effective enjoyment of this right, particularly for vulnerable groups and during contentious forms of protest.

Public meetings, demonstrations, processions, or any other gatherings may be organised and held peacefully under Article 38 of the constitution. However, the implementation of the law falls short due to outdated legislation from 1991, misuse of notification mechanisms, informal and unlawful approval structures, discriminatory practices, and inconsistent law enforcement.

The framework law regulating the organisation and conduct of public assemblies in Romania, Law no. 60/1991, is more than 30 years old and no longer corresponds to contemporary social and civic realities.<sup>16</sup> The normative act was drafted in a

post-communist, predigital context and does not reflect modern forms of civic expression, such as spontaneous assemblies, flash mob actions or online/hybrid protests, which are not regulated in any way in the current legislation. According to a report from the OSCE Office for Democratic Institutions and Human Rights released in February 2025, "in Romania, regrettably, spontaneous assemblies are not protected in legislation and authorities have reported that any assembly not approved in advance would be banned and dispersed."<sup>17</sup>

The domestic legal framework restricts the protection of the right to freedom of assembly to Romanian citizens. Assembly notifications submitted by minors between 16 and 18 years of age have to be supported by their parents or legal representatives.<sup>18</sup>

According to the law, protest organisers are required to notify local authorities at least three days before the event; however, in practice, this notification procedure functions as a *de facto* authorisation system. Although

<sup>15</sup>. [https://www.cdep.ro/pls/proiecte/upl\\_pck2015.proiect?cam=2&idp=21379](https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=21379)

<sup>16</sup>. <https://legislatie.just.ro/Public/DetaliuDocument/55480>

<sup>17</sup>. Report Monitoring of Freedom of Peaceful Assembly in Selected OSCE Participating States (May 2022 – June 2024), released in February 2025: [https://odhr.osce.org/sites/default/files/f/documents/e/6/585436\\_0.pdf](https://odhr.osce.org/sites/default/files/f/documents/e/6/585436_0.pdf)

<sup>18</sup>. *Ibid.*

the United Nations, in its interpretation of Article 21 of the International Covenant on Civil and Political Rights,<sup>19</sup> states that notification regimes must not become authorisation mechanisms, local authorities in Romania consistently treat notification as a request for approval, exercising discretionary control over the organisation of public assemblies.

Additionally, the legal deadline of 48 hours for issuing a prohibition decision is not consistently respected. In practice, authorities' responses are often delayed, sometimes even by several months, making it impossible to plan or effectively carry out an assembly.

Commissions overseeing notifications do not apply the law uniformly and, in some cases, display discretionary or discriminatory attitudes, particularly toward vulnerable groups. A clear example of an unjustified restriction on the freedom of assembly is the systematic refusal by Oradea City Hall to approve the local pride march for the third consecutive year, invoking vague reasons such as "public works" and "overlap with other public assemblies", without proposing an alternative route, despite numerous requests from the organisers.<sup>20</sup>

ARK Oradea Association, the event organiser, notified the authorities that it would hold the march on an alternative route, as a peaceful gathering. Although the demonstration took place without incidents, the disproportionate presence of law enforcement, the lack of effective protection for participants, and the fining of the organisers for non-compliance with procedures and some participants for refusing to disperse when requested to do so created a climate of tension and intimidation.<sup>21</sup>

It has been reported that there is an abusive practice whereby a specific location, traditionally used for public assemblies, is reserved for an extended period of time, effectively blocking any other assembly in that space. It is necessary for the authorities to respond to and discourage such practices, and to include preventive safeguards against them in their own regulations. Timely and updated publication of the schedule of notified public assemblies on official channels is encouraged.

Similar situations were also reported during Bucharest Pride March 2025,<sup>22</sup> where several gendarmes were caught making misogynistic and discriminatory remarks toward participants. Following the incident, the officers involved received only disciplinary warnings — a symbolic sanction that reflects the absence of a real accountability mechanism and of clear conduct standards for managing public assemblies.

Such practices indicate a systemic problem in applying the principles of legality, proportionality, and non-discrimination, as well as an urgent need to modernise the regulatory framework. It is necessary to revise Law no. 60/1991, clarify the status and competencies of the approval commissions, and establish a simplified, transparent, and non-discriminatory notification procedure. In parallel, professional training for law enforcement on human rights and international standards regarding freedom of assembly and equal treatment is essential.

Although Law no. 60/1991 on the organisation and conduct of public assemblies explicitly prohibits gatherings aimed at promoting totalitarian ideas and criminalises fascist, racist, and xenophobic symbols in public spaces, the authorities consistently tolerate the holding of such public demonstrations.

Every year, far-right, extremist groups organise commemorative events dedicated to leaders of the Legionary Movement, a fascist and antisemitic interwar movement. Among the most well-known are the annual commemoration in Tâncăbești dedicated to Corneliu Zelea Codreanu, founder of the Legionary Movement; the January 2025 ceremony at a cemetery in Bucharest in memory of Ion Moța and Vasile Marin, fascist fighters who took part in the Spanish Civil War on Franco's side;<sup>23</sup> and visits to the grave of Ilie Lăcătușu, a member of the Iron Guard in the Legionary Movement who was canonised last year by the Romanian Orthodox Church.<sup>24</sup>

These public assemblies take place repeatedly under the supervision of the gendarmerie and police who do not intervene to stop them, even though they violate both the legislation on public assemblies and Government Emergency Ordinance no. 31/2002 on the prohibition of organisations, symbols, and the cult of persons guilty of war crimes. In most cases,

19. [https://irido.ro/pdf/009\\_CG37\\_2020\\_Art21.pdf](https://irido.ro/pdf/009_CG37_2020_Art21.pdf)

20. <https://hotnews.ro/primaria-oradea-interzice-organizarea-marsului-pride-pentru-al-treilea-an-la-rand-acuza-organizatorii-au-fost-propuse-11-possibile-trasee-niciunul-nu-a-fost-acceptat-2030785>

21. <https://hotnews.ro/tensiuni-la-marsul-oradea-pride-2025-participantii-blocati-de-jandarmi-pe-traseul-anuntat-2032040>

22. <https://stirileprotv.ro/stiri/actualitate/sase-jandarmi-au-fost-sanctionati-disciplinar-in-urma-plangerii-unor-femei-care-au-participat-la-bucharest-pride-2025.html>

23. <https://www.rfi.fr/ro/rom%C3%A2nia/20250113-ritualuri-legionare-re%C3%AEnviat>

24. <https://www.reuters.com/world/europe/romanians-court-far-right-symbolism-run-up-election-2025-04-29/>

authorities limit themselves to issuing minor administrative fines, which are insufficient to prevent the recurrence of such manifestations.

The only recent action to prohibit a far-right assembly occurred on 2 September 2025, when the organisation Noua Dreaptă (The New Right) requested approval for a public demonstration against migrant labour in Bucharest. Although Bucharest City Hall initially approved the event, the authorisation was revoked due to concerns over potential discriminatory or hate speech, as well as following strong opposition from several non-governmental organisations and the Elie Wiesel Institute.<sup>25</sup>

The above case represents a notable exception, not a change in practice. Allowing assemblies with fascist or xenophobic elements demonstrates the absence of a coherent law-enforcement mechanism and double standards for different civic gatherings. While some vulnerable groups, such as the LGBTQI+ community, face administrative restrictions and excessive surveillance, far-right groups benefit from de facto impunity under the pretext of guaranteeing freedom of expression and assembly.

This practice contradicts Article 11 of the European Convention on Human Rights, allowing for freedom of assembly to be restricted when a gathering promotes hatred or violence, which aligns with Romania's international commitments on combating extremism and protecting minorities.

The law does not provide comprehensive procedures to regulate the rights and obligations of authorities during public assemblies; it does not regulate spontaneous assemblies, flash-mobs, online/hybrid protests or counter-protests and does not regulate the informal "approval commissions" used by many city halls. In some localities, the procedure is managed by so-called Public Assembly Approval Commissions, structures not expressly regulated by law but informally established within city halls that can issue their own protocols regarding the conduct of public assemblies.

The obsolescence of the law and its lack of relevance to present realities is also highlighted in a petition

by 30 civic groups in Bucharest, which argued that the protocols initiated by city halls are discretionary and have raised concerns about the right to a clean environment and quality green space.<sup>26</sup>

Although the law places full responsibility for ensuring security on the state rather than on organisers, implementation remains inconsistent. For instance, during Bucharest Pride 2025, the police identified several individuals preparing to throw eggs at participants and removed them from the crowd.<sup>27</sup> While this intervention was appropriate, similar measures are not applied uniformly across assemblies. In the case of 2025 Oradea Pride, organisers reported that participants were forcefully redirected away from the intended central route by law enforcement, who cited construction work as the reason.<sup>28</sup> The participants were repeatedly stopped, rerouted, and fined by the gendarmerie itself, which was mandated to protect them.<sup>29</sup>

There are cases of fines levied against protest organisers for spontaneous incidents outside their control or technicalities related to route, number, or time schedule notification or even when incidents were caused by others. In 2025, the most recent incident happened during the Colectiv 10-year commemoration march<sup>30</sup> in October. Multiple media outlets reported that activist Marian Răduță, one of the organisers of the Colectiv commemoration, was fined 3,000 Romanian lei (€600) for exceeding the stipulated length of the commemoration. The fine was issued around 23:30, when about 25 people were quietly keeping vigil with candles, while the main march had long ended.<sup>31</sup> The gendarmerie later admitted that the fine may have been issued without understanding law rationale and it subsequently opened an internal inquiry.<sup>32</sup>

Between 2023 and 2025, Romania saw several Gaza-related protests ranging from mass demonstrations of several thousand participants to small student encampments. They were generally tolerated by authorities in public spaces but actively discouraged when taking the form of prolonged occupations. There were no reported arrests and violent clashes between protesters and authorities (based on information from available open sources).

25. <https://www.gandul.ro/actualitate/marsul-noua-dreapta-care-a-pus-pe-jar-institutul-elie-wiesel-nu-mai-are-loc-primaria-bucuresti-a-anulat-avizul-20621005>

26. <https://www.facebook.com/share/17Vv2gyfFN/>

27. <https://adevarul.ro/stiri-locale/bucuresti/incidente-minore-la-bucharest-pride-2025-cinci-2449095.html>

28. <https://gdm.md/ro/2025/07/29/tensiuni-la-marsul-oradea-pride-2025-participantii-blocati-de-un-cordon-de-forte-de-ordine-sa-intre-pe-traseul-anuntat/>

29. <https://www.scena9.ro/article/oradea-pride-lgbt-ark-mars-interzis-primarie>

30. Colectiv refers to the 2015 nightclub fire in Bucharest that killed 64 people and triggered massive national protests against corruption, leading to the fall of the Romanian government.

31. <https://hotnews.ro/organizatorul-marsului-de-comemorare-a-victimelor-de-la-colectiv-amendat-de-jandarmi-pentru-depasirea-orei-de-comemorare-n-am-cuvinte-sa-descriu-2098940>

32. <https://tvrinfo.ro/jandarmeria-a-dispus-verificari-dupa-ce-marian-raduna-a-fost-amendat-pentru-depasirea-orei-stabilita-pentru-comemorare-la-fostul-club-colectiv/>

The authorities have not publicly reported on the scale of any measures aimed at discouraging protests. Human rights organisation ActiveWatch reported that it was contacted by several individuals who received police visits to their homes or were summoned to police stations after expressing their intention to participate in protests. According to these accounts, they were “informally advised” not to post protest-related messages on social media and not to discuss the protests with others.<sup>33</sup>

The same organisation requested clarifications from the authorities regarding banning posters without vulgar, discriminatory, violent, or hate-inciting content, as well as conducting body searches at the entrance

to cordoned-off protest areas, when no incidents had been reported that would justify heightened security concerns. The authorities’ response was vague, formal, and lacked concrete information.<sup>34</sup>

In 2025, street mobilisations continued, including the launch of the “Elbit Out”<sup>35</sup> campaign by dozens of organisations and a related Bucharest protest on 5 October 2025, addressing Romania’s ties with Israeli defence industry actors in the context of Gaza.<sup>36</sup> There were also further public solidarity actions in autumn 2025, including participation in larger marches in Bucharest where messages of solidarity with Palestine were visible and promoted by organisers/activist networks.<sup>37</sup>

## Freedom of Expression

The freedom of expression in Romania is shaped by a strong formal legal framework but increasingly tested by structural, financial, and regulatory pressures that affect the media environment, digital public discourse, and access to information. While constitutional and legislative guarantees remain in place, recent years marked by prolonged electoral cycles, significant public funding of political communication, and the rapid expansion of digital regulation have exposed persistent vulnerabilities in the protection of editorial independence, media pluralism, and civic participation.

Under Article 30 of the constitution, freedom of expression is guaranteed, and this is primarily supported through the Civil Code and other sector-specific legislation. It has been increasingly challenged in Romania over the past years, particularly as a result of the progressive political capture of parts of the media sector.<sup>38</sup> Civil society organisations and international stakeholders, including the European Commission in its annual Rule of Law Reports, have consistently warned about opaque media financing, notably through public funds channelled by political parties, as well as about persistent risks to the independence of the national

media regulator and the public service media.<sup>39</sup> These factors, along with market pressure, continue to undermine the reliability of information and public trust in the media.<sup>40</sup> The concentration of financial resources in politically aligned media outlets, combined with the lack of transparent and predictable public support mechanisms for independent journalism, further weakens media pluralism and limits the reach of public-interest reporting.

In 2024, Romanian political parties received 386 million lei (€77.2 million) in state subsidies. 57.8% of party spending in 2024 (approximately 214 million lei) was allocated to press and propaganda activities, indicating a direct link between public funds and media engagement in the electoral context.<sup>41</sup>

In 2025, parties received 232 million lei (€46.4 million) in public subsidies, of which just under half (112 million lei) was spent on press and propaganda in the first eleven months.<sup>42</sup> This sustained flow of public money into media and related activities continues to raise concerns about editorial independence and media pluralism.

33. [https://activewatch.ro/documents/263/Corespondenta\\_Politie\\_si\\_Jandarmerie.pdf](https://activewatch.ro/documents/263/Corespondenta_Politie_si_Jandarmerie.pdf)

34. <https://www.stareademocratiei.ro/2024/05/22/comunicat-activewatch-fantomele-militiei-si-securitatii-bantuie-politia-si-jandarmeria/>

35. <https://elbit-out.info/de-ce-elbit>

36. <https://hotnews.ro/stop-complicitatii-la-genocid-mai-multe-organizatii-cer-romaniei-sa-incheie-colaborarea-cu-elbit-systems-cel-mai-mare-producator-israelian-de-armament-2077889>

37. <https://www.facebook.com/RomaniaPalestineSolidarity/posts/pfbid0LuAvE6mdo57qrEPjMUrWJ54GUYrpfknbjP9R4MD4CorGkD38mTYWrxDfjs41Ewq4l>

38. <https://romania.europalibera.org/a/cum-a-crescut-in-zece-ani-subventia-pentru-partide-de-la-bugetul-statului-de-la-8-la-386-de-milioane-de-lei/33302932.html>

39. <https://www.stareademocratiei.ro/2025/06/11/raport/> ;

<https://cji.ro/wp-content/uploads/2024/04/Starea-mass-media-din-Romania-in-pragul-anului-super-electoral-2024-1.pdf> ;

<https://activewatch.ro/search/#p=publication> ;

<https://ipi.media/wp-content/uploads/2025/11/ROMANIA-Media-Capture-Monitoring-Report-Overview-5.pdf> ;

[https://commission.europa.eu/publications/2025-rule-law-report-communication-and-country-chapters\\_en](https://commission.europa.eu/publications/2025-rule-law-report-communication-and-country-chapters_en) ;

<https://www.stareademocratiei.ro/2025/07/10/reactiile-organizatiilor-negovernmentale-in-urma-publicarii-raportului-comisiei-europene-privind-statul-de-drept-in-romania/> ;

<https://www.liberties.eu/f/vdxw3e>

40. <https://rsf.org/en/country/romania>

41. <https://expertforum.ro/subventiile-2024-planuri-2025/> ;

42. <https://expertforum.ro/subventii-partide-precampanie-noiembrie-2025/>

In addition to annual state subsidies, Romanian political parties also receive substantial public funds through the reimbursement of electoral campaign expenses, which significantly increase in electoral years. In 2024, a super-electoral year, cumulative reimbursed campaign spending and regular subsidies exceeded one billion lei (€200 million),<sup>43</sup> while several million more lei were spent and reimbursed during the 2025 presidential elections.

A dominant share of both subsidies and reimbursed campaign funds was allocated to media, advertising, online promotion, and propaganda, reinforcing the economic dependence of many media outlets on political actors. This dual public-funding mechanism contributes to structural media capture, undermines editorial independence, and places independent public-interest journalism at a severe competitive disadvantage.

In this extraordinary context, marked by two consecutive years of electoral contests, the European Media Freedom Act (EMFA) became fully applicable across the European Union in August 2025. Romania is required to put the necessary policies in place and align regulatory adjustments and administrative practices with the EMFA. It also aims to strengthen those areas where Romania has long-standing vulnerabilities: the independence of media regulators, transparency of media ownership and funding, the protection of journalists and whistleblowers, and platform transparency and access to digital news content.

The EMFA introduces transparency obligations regarding media ownership and public funding of the press, as well as rules aimed at protecting journalists from abusive surveillance and intimidation.<sup>44</sup> However, national implementing legislation has not yet been adopted, and the working group announced by the Ministry of Culture<sup>45</sup> has, to date, operated without transparency. According to the 2025 Media Capture Monitoring Report,<sup>46</sup> which reviews developments related to media capture in Romania in 2025 and assesses the country's compliance with the EMFA, Romania is not fully compliant with any of the standards

analysed. The report records a “No” assessment in particular with regard to the use of state funds to influence media content and to the transparency of media ownership. The report sets out a detailed list of findings and recommendations in this regard.

Romania started to apply the Digital Services Act (DSA) in March 2024 through Law No. 50/2024<sup>47</sup> accompanied by secondary legislation that was adopted by the National Authority for Management and Regulation in Communications (ANCOM),<sup>48</sup> in its role as Digital Services Coordinator. However, the regulatory framework is not yet complete, as at least one ANCOM decision on the requirements related to the notification of all national online platforms due in 2025 had not yet been adopted, which civil society has criticised.<sup>49</sup>

Additional challenges in understanding DSA and the role of public authorities have been noted, particularly during the pre-campaign and electoral campaign periods in 2025. There is a shortage of competencies and knowledge in the digital communication environment among the public authorities, which lead to actions that lack efficiency or even legitimacy. Priority is often given to individual complaints, which overwhelm underfunded public institutions and lead to *ad hoc* decisions (see the examples of the BEC and the CNA below). By contrast, cases of “inauthentic coordinated behaviour”— those that most significantly affect public discourse and often appear to be supported by hostile state actors — are neither systematically documented nor addressed. At the same time, existing mechanisms for reporting such content or other illegal content directly to platforms do not function effectively, according to information from civil society organisations, including trusted flaggers.<sup>50</sup>

Enforcement of the DSA became more problematic following the adoption of a specific legal framework for the new presidential elections through Emergency Ordinance No. 1/2025, which was adopted in less than one day and without any public consultation.<sup>51</sup> The ordinance introduced provisions that may

43. <https://expertforum.ro/subventia-partidelor-politice-in-2024/>

44. <https://activewatch.ro/articole/salut%C4%83m-intrarea-%C3%AEn-vigoare-a-emfa-regulamentul-european-privind-libertatea-mass-mediilor/>

45. <https://www.cultura.ro/ministerul-culturii-adapteaza-legislatia-nationala-pentru-aplicarea-regulamentului-european-privind/>

46. <https://ipi.media/wp-content/uploads/2025/11/ROMANIA-Media-Capture-Monitoring-Report-Overview-5.pdf>

47. <https://legislatie.just.ro/public/DetaliuDocument/280106>

48. [https://www.ancom.ro/legislatie\\_7090](https://www.ancom.ro/legislatie_7090)

49. <https://www.apti.ro/positia-noastra-legata-de-procedura-de-informare-pentru-furnizorii-de-servicii-intermediare-a-ancom>

50. <https://expertforum.ro/industria-retelelor-inautentice-pe-tiktok/> ; <https://expertforum.ro/alegerile-din-bucuresti-2025-pe-tiktok/> ; <https://funky.org/raport-analiza-alegeri-locale-partiale-decembrie-2025/> ; <https://www.instagram.com/p/DRO6GhJl7V/?hl=ro> ; <https://context.ro/comportamentul-inautentic-de-pe-retele-nu-a-fost-combatut-suficient-este-nevoie-de-mai-multa-transparenta-din-partea-autoritatilor-concluziile-misiunii-osce-dupa-primul-tur-la-prezidentiale/?tztc=1> ; <https://www.inshr-ew.ro/raport-de-monitorizare-antisemitism-si-negarea-holocaustului-in-anul-electoral-2024-2025/>

51. <https://apti.ro/modificarea-legii-electorale-trebuie-facuta-transparent-si-fara-a-afecta-drepturile-fundamentale-ale-cetatenilor/> ; <https://expertforum.ro/en/political-advertising-in-the-2025-elections/>

affect fundamental rights, such as the freedom of expression, or that directly conflict with other legal instruments, such as the DSA, as civil society actors warned. Moreover, the manner in which the Central Electoral Bureau (CEB) operated during the April 2025 electoral campaign confirmed the concerns expressed by civil society regarding the content of Emergency Ordinance No. 1/2025. These concerns materialised through multiple overly broad interpretations, which resulted in limitations on the freedom of expression for ordinary citizens and media outlets alike.<sup>52</sup> For example, on 13 May 2025, the Ilfov Electoral Bureau in Romania ordered the removal of an editorial published by the online outlet *Aktual24*, citing breaches of electoral regulations.<sup>53</sup> The CEB issued more than 4,000 individual decisions regarding online campaign content in the first round of the election,<sup>54</sup> and over 1,850 decisions in the second round.<sup>55</sup>

The post-election OSCE report,<sup>56</sup> which corroborates the findings of the *Vot Corect* Coalition, notes that the authorities took a fragmented approach to monitoring the online space and there was a lack of information on how to respond to reported violations. The lack of uniformity and information could lead to reduced civic engagement and increased self-censorship. It also noted that most complaints concerned online political advertising and were brought before the CEB, with appeals filed with the Bucharest Court of Appeal (BCoA). Electoral disputes were resolved in an efficient manner overall and by established deadlines. Electoral bureaus, however, conducted proceedings in closed sessions, with some decisions reportedly lacking sufficient justification and contravening international good practice.<sup>57</sup>

The overstepping of competences in the application of the Digital Services Act (DSA), accompanied by

similarly problematic decisions affecting the freedom of expression, can also be observed in relation to the national media regulator Consiliul Național al Audiovizualului (CNA), particularly in 2025. In March 2025, CSOs expressed concern that the CNA had de facto extended its jurisdiction to all online video content in a manner exceeding its legal mandate.<sup>58</sup> Moreover, the CNA adopted decisions that raised serious concerns from a freedom of expression perspective, including orders for the removal of online content protected by the right to freedom of expression or by press freedom.<sup>59</sup>

This practice has continued to date, including through public information materials published by the CNA on its own website, which indicate that the authority may take decisions regarding online video content regardless of who publishes it.<sup>60</sup> By the end of 2025, the CNA adopted 468 decisions<sup>61</sup> concerning online content in 2024 and 2025 (8 in 2024 - rising sharply to 460 in 2025), justifying their enforcement primarily on the basis of the DSA and Law No. 50/2024 rather than on its own sector-specific legislation.

At the same time, in 2025, the CNA proposed several internal regulatory acts — such as the already adopted Audiovisual Content Regulatory Code<sup>62</sup> and the still pending draft decision on the licensing, authorisation, and notification procedure for audiovisual media services<sup>63</sup> which effectively adds new rules to the primary legislation (Law No. 504/2002).<sup>64</sup> These initiatives were presented as a means to address some of the criticism raised in relation to the CNA's decisions. In this context and despite concerns raised by civil society during public consultations,<sup>65</sup> the newly adopted code includes vague definitions of “illegal content” and “disinformation”, leaving interpretation to the subjective discretion of the CNA.

52. <https://www.stareademocratiei.ro/2025/04/07/opiniile-politice-ale-utilizatorilor-de-retele-sociale-sunt-parte-a-libertatii-de-exprimare-mai-ales-in-campania-electoralala/> ;

<https://apti.ro/opiniile-politice-ale-utilizatorilor-de-retele-sociale-sunt-parte-a-libertatii-de-exprimare-mai-ales-in-campania-electoralala/> ;

<https://activewatch.ro/articole/birourile-electorale-cenzureaz%C4%83-abuziv-presa-online/> ;

<https://apti.ro/opiniile-politice-ale-utilizatorilor-de-retele-sociale-sunt-parte-a-libertatii-de-exprimare-mai-ales-in-campania-electoralala/> ;

<https://activewatch.ro/articole/birourile-electorale-cenzureaz%C4%83-abuziv-presa-online/>

53. <https://www.mapmf.org/alert/33576>

54. <https://prezidentiale2025.bec.ro/decizii-privind-campania-online/>

55. <https://prezidentiale2025.bec.ro/decizii-privind-campania-online-din-16-05-2025/>

56. <https://www.osce.org/files/f/3/600295.pdf>

57. ODJHR Report: “The BCoA ruled on 89 complaints against CEB decisions, mostly related to online content, and rejected them all. In 15 cases, plaintiffs requested the BCoA to seek an opinion from the Court of Justice of the European Union (CJEU) regarding the interpretation of the term ‘political actor’ under the Regulation (EU) 2024/900, citing legal uncertainty ; all such requests were dismissed. Thirty-three BCoA rulings were appealed at the High Court of Cassation and Justice, which fully upheld two, partially upheld one, and rejected all other appeals. In some cases, the BCoA allowed very limited time for the submission of defences and responses and issued rulings almost immediately after the hearings. This raised concerns about the quality of due process, which is at odds with OSCE commitments.”

58. <https://apti.ro/content/cna-nu-poate-reglementa-tot-con%C8%9Bnintul-video-online/> ;

<https://apti.ro/cna-nu-trebuie-sa-cenzureze-abuziv-dreptul-constitu%C8%9Bional-al-20cetenilor-la-libertatea-de-opinie>

59. <https://monitor.civicus.org/explore/romania-in-crisis-ahead-of-presidential-election-rerun-protests-become-violent/>

60. <https://cna.ro/a-instructiuni-privind-completarea-formularelor-q7om731apaybvzpz5mzsoo7sw/>

61. <https://cna.ro/c-decizii-continut-ilegal-online-lhc3wh2kvf5obt8747lzu2pu/>

62. <https://cna.ro/a-decizie-nr-573-din-25-iunie-2025-privind-codul-de-reglementare-a-continutului-audiovizual-uctok362bj5a8f5c4sq9sdb9/>

63. <https://cna.ro/c-proiecte-de-decizii-pjwkzfs0gw3bigysrj5edvls/>

64. <https://legislatie.just.ro/Public/DetaliiDocument/37503>

65. <https://activewatch.ro/articole/proiectul-cna-de-cod-al-audiovizualului-observa%C8%9Bii-activewatch-%C8%99i-apti/> ;

[https://activewatch.ro/documents/284/Aw\\_si\\_ApTL\\_-\\_Formular\\_colectare\\_propunerii\\_si\\_observatii\\_cf\\_HG\\_831-2022\\_Anexa\\_nr\\_6.pdf](https://activewatch.ro/documents/284/Aw_si_ApTL_-_Formular_colectare_propunerii_si_observatii_cf_HG_831-2022_Anexa_nr_6.pdf)

A worrying proposal to merge the CNA with ANCOM due to budgetary constraints was announced as a possibility envisaged by the ruling coalition. This prospect triggered criticism from civil society organisations.<sup>66</sup> No concrete progress has been made thus far, and no draft law was officially launched.

CSOs have warned that if the is applied without strong safeguards for media freedom and rights protections, there is a risk that its implementation could function as a tool of administrative control rather than a rights-based framework. In a December 2025 open letter, ApTI and Expert Forum argue that defective implementation of the DSA could affect freedom of expression and lead national authorities to exceed the regulatory mandate.<sup>67</sup>

Several CSOs and experts have highlighted that inadequate transparency and data access under the DSA undermine democratic accountability, illustrating how a rights framework can fail in practice without procedural safeguards. The call for radical transparency in data access for researchers further underscores these concerns, arguing that weak implementation risks systemic harm to democratic discourse.<sup>68</sup>

Further case law of the European Court of Human Rights (ECtHR) highlights these trends. In 2025, the ECtHR once again found that Romania had violated the right to freedom of expression, including in *Pătrașcu v. Romania*,<sup>69</sup> a case where an individual responsible for a social media page was held liable for comments posted by third parties on the page.

In May 2025, the Romanian Constitutional Court ruled<sup>70</sup> that the legal provisions requiring public officials to provide unrestricted access to their asset declarations and to publish declarations of assets and interests is unconstitutional. However, this also limits freedom of expression by restricting access to public information.<sup>71</sup>

Several legislative proposals were introduced in parliament, some of which have passed the first chamber, and which promote various forms of “techno-solutionism”. Their implementation would lead to

restrictions on freedom of expression and civil society has criticised the proposals, including the following:

- ▶ To combat disinformation through AI systems<sup>72</sup> implemented by large online platforms: a legislative proposal requiring the rapid removal of illegal content within a maximum of 15 minutes of publication, relying exclusively on artificial intelligence algorithms. The proposal also suggest that algorithms will limit sharing of posts deemed to “contain incitement to hatred and violence or misleading information on matters of national interests” to no more than 150 users.
- ▶ To protect minors online through mandatory identification mechanisms: several legislative proposals (two of which have passed the Senate) would require user identification by any online service, including obligations to label or verify all online content,<sup>73</sup> with the aim of protecting minors from harmful content. If adopted, that would imply mandatory identification requirements for all internet users, not only for minors. A convergent opinion argues that an under-16s ban risks cutting children off from educational/social resources without guaranteeing real protection and Romania should test evidence-based alternatives first. A pilot to assess multiple models (parental controls, time limits, educational guidance) would be useful to calibrate the legislation.<sup>74</sup>

One can observe significant public pressure on authorities to take action, particularly with regard to disinformation and the protection of minors, especially in relation to content published on major social media platforms. This pressure often leads to hastily drafted and insufficiently substantiated legislative initiatives that are difficult — or even impossible — to enforce, as well as to public statements by authorities with terms such as “hybrid warfare” or “the fight against fake news”. These “symbolic” regulations may deepen social polarisation without producing effective or tangible outcomes. The fact that major social media platforms are not based in Romania and do not participate in these public debates is also an issue.

66. <https://activewatch.ro/articole/comasarea-cna-cu-ancom-pune-%C3%AEn-pericol-libertatea-media/>

67. <https://apti.ro/content/scrisoare-deschisa-analiza-procedurilor-de-moderare-a-continutului-pe-platformele-digitale>

68. <https://activewatch.ro/articole/dsa-avem-nevoie-de-transparen%C8%9B%C4%83-radical%C4%83-%C3%AEn-accesul-la-date-democra%C8%9Bia-din-rom%C3%A2nia-este-%C3%AEn-pericol/> ;

<https://expertforum.ro/en/dsa-we-need-radical-transparency-in-data-access-romaniyas-democracy-is-at-risk/>

69. <https://hudoc.echr.coe.int/eng?i=001-240296>

70. [https://www.ccr.ro/wp-content/uploads/2025/06/Decizie\\_297\\_2025.pdf](https://www.ccr.ro/wp-content/uploads/2025/06/Decizie_297_2025.pdf)

71. <https://www.mapmf.org/alert/33329> ;

<https://activewatch.ro/articole/ap%C4%83ra%C8%9Bi-integritatea-public%C4%83/>

72. <https://apti.ro/content/solutia-la-dezinformare-nu-este-un-ai-si-cu-atat-mai-putin-reglementarea-sa-legislativ> ; the proposal text as adopted by the first chamber is available at: [www.cdep.ro/proiecte/2025/200/00/0/se235.pdf](http://www.cdep.ro/proiecte/2025/200/00/0/se235.pdf)

73. <https://apti.ro/content/noul-vataf-al-accesului-digital-legea-majoratului-cu-big-brother-tatuat-pe-brat>

74. <https://adevarul.ro/stil-de-viata/tehnologie/youtube-va-fi-interzis-copii-romani-in-australia-cum-2461203.html>

Several legislative initiatives to modify FOIA law were registered in 2025:

- ▶ Drastic limitation to access to public interest information (FOIA law) may occur in case of the adoption of the draft Administrative Procedure Code (see the Freedom of Association section).<sup>75</sup> The draft law is on its way to be adopted by the government and sent to parliament for debate.
- ▶ A draft initiative to amend the FOIA law was reported as restricting access and/or adding burdensome requirements; however, the initiative was withdrawn following criticism from civil society.<sup>76</sup>
- ▶ A legislative initiative that reached the Senate in December 2025 mentions that individuals who request public information verbally must comply with the working hours of the authority/institution and display behaviour that does not disrupt the activity of its staff. Failure to comply would allow staff to remove the person concerned from the premises. The text is ambiguous and lacks clarity and predictability, particularly when referring to “behaviour”.<sup>77</sup>

By the end of 2025, Romania’s justice system had entered a phase of acute institutional strain, in which the freedom of expression of magistrates emerged as a key point of conflict between hierarchical authority and democratic accountability. The publication of the *Recorder* media outlet’s investigation “Justiție Capturată” (Captured Justice) triggered unprecedented public responses from judges and prosecutors, many

of whom denounced a climate of fear that discourages speaking openly about issues affecting the functioning and independence of the judiciary.<sup>78</sup>

In December 2025, the European Court of Human Rights (ECtHR) issued a historic decision for the magistrates: in the case *Danileț v. Romania*, the Grand Chamber upheld that there had been a violation of the right to freedom of expression.<sup>79</sup> It examined disciplinary sanctions imposed on the Romanian judge for public statements and online expression that allegedly breached the magistrates’ duty of reserve. The ECtHR considered that the domestic authorities applied the duty of reserve too broadly and abstractly; the interference with freedom of expression was not “necessary in a democratic society”, and the sanctions had a chilling effect on judicial speech. The ECtHR clarified that the obligation of silence of magistrates is not absolute and cannot be used to silence judges on matters of public interest, especially when those matters concern the functioning of the justice system, threats to judicial independence, and rule of law issues. The court’s judgment in *Danileț v. Romania* significantly limits the scope of the magistrates’ duty of reserve. It confirms that judges enjoy robust protection of freedom of expression when speaking on matters of public interest, including the functioning and integrity of the justice system. This jurisprudence strengthens the legal position of Romanian magistrates who speak out in good faith and prevents the use of disciplinary silence as a tool to suppress accountability.

## Safe Space

While Romania maintains a formally adequate legal framework aligned with European human rights standards, recent developments reveal a widening gap between law and practice, marked by ineffective implementation, insufficient institutional safeguards, and the increasing use of legal, administrative, and disciplinary tools with a chilling effect on public participation and growing institutional fragility, political polarisation, and intensified pressure on critical voices.

Romania entered 2025 with a formally adequate legal framework for the protection of fundamental rights, freedom of expression, and civic space but

with persistent and deepening implementation gaps. Multiple international and domestic monitoring sources confirm a deterioration in practice, marked by weak institutional responses, intimidation of critical voices, and the absence of effective protection mechanisms for journalists, human rights defenders (HRDs) and CSOs.

At the EU level, the 2025 EU Civil Society Strategy<sup>80</sup> recognises the need to support and protect civil society actors and HRDs, but it does not impose binding obligations on Member States to establish national protection mechanisms. In Romania, this gap is particularly visible given the absence of a National

<sup>75</sup>. <https://www.fdsc.ro/en/romania-draft-law-risks-turning-csos-into-public-bodies/>

<sup>76</sup>. <https://www.news.ro/cultura-media/proiectul-modificare-legii-nr-544-2001-privind-liberul-acces-informatiile-interes-public-initiat-deputati-pnl-retras-15-ong-uri-au-reclamat-tradeaza-dispret-profund-fata-cetateni-nesocoteste-1922402319312025111222242973>

<sup>77</sup>. <https://www.cdep.ro/proiecte/2025/500/30/1/se678.pdf> ;

<https://context.ro/legea-544-2001-este-principalul-instrument-in-baza-caruia-cetatenii-pot-solicita-informatii-de-interes-public-de-la-instituti-si-autoritati-legea-este-folosita-in-special-de-jurnalisti-in-documenta/>

<sup>78</sup>. <https://recorder.ro/documentar-recorder-justitie-capturata/>

<sup>79</sup>. <https://www.echr.coe.int/wgrand-chamber-judgment-concerning-romania>

<sup>80</sup>. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52025DC0790>

Human Rights Institution accredited under the UN Paris Principles and the fragility of existing bodies, such as the ombudsman (Avocatul Poporului) and the National Council for Combating Discrimination (CNCD) – that is one of the recurring recommendations in the European Commission Rule of Law Reports for Romania.<sup>81</sup>

The tendency towards weaker human rights protections is reflected by the proposal launched by the governing coalition to merge the CNCD with the ombudsman.<sup>82</sup> In response, civil society organisations called on the government and the presidency to abandon this proposal. More than 100 members of the Anti-Discrimination Coalition and the RESPECT Platform for Rights and Freedoms warned that such a merger would drastically weaken prevention of discrimination; it could contravene EU directives on equality bodies, and victims of discrimination could lose effective access to remedies.<sup>83</sup> No concrete action had been taken further by the government at the time of writing.

The lack of interest on the part of public institutions to strengthen the protection of those who defend human rights is illustrated by a recent example and comes from a professional category that is among the best placed both to understand and to act in this field, namely the magistrates. By the end of 2025, Romania's justice system entered a period of acute tension in which the freedom of expression of magistrates became a central fault line between institutional authority and democratic accountability. Publication of the independent media outlet *Recorder* investigation "Justiție Capturată" (Captured Justice) prompted unprecedented public reactions from judges and prosecutors.<sup>84</sup> While no final disciplinary sanctions for their reactions had yet materialised, the Judicial Inspection oversight body initiated preliminary disciplinary checks.

The Romanian Judges' Forum, the Movement for the Defence of Prosecutors' Status, and the Initiative for Justice issued public statements demanding an end to disciplinary pressure on magistrates exercising their right to free speech.<sup>85</sup> The letter states that it is essential to have clear rules in place that allow judges

and prosecutors to act as whistleblowers without fear of retaliation.

The initiation of these checks, despite collective and publicly articulated concerns, was widely perceived within the magistracy as disciplinary pressure rather than neutral oversight. This perception was reinforced by the rapid mobilisation of over 800 magistrates and by strong public statements from professional associations which explicitly framed disciplinary mechanisms as tools capable of silencing legitimate dissent.<sup>86</sup>

Civil society, investigative journalists, and international judicial organisations interpreted the situation as emblematic of broader shrinking civic space, in which legal and administrative instruments are used to discourage public criticism. The concern is not limited to whether sanctions are ultimately imposed, but to the deterring effect of investigations themselves, which can lead to self-censorship and erode public trust.

In this context, the Romanian case illustrates how disciplinary measures, even when formally lawful, can exert disproportionate pressure on freedom of expression if deployed reactively. The long-term risk is systemic: when magistrates are discouraged from speaking openly, society loses an essential early-warning mechanism for democratic backsliding and civic space becomes more restricted.

### Protection of HRD activists, CSOs and journalists

Hate speech and hate crime are distinct but interrelated legal concepts under Romanian law. Hate speech refers to expression that incites hatred, discrimination, or violence against protected groups. It is criminalised only when it reaches the threshold of public incitement under Article 369 of the Criminal Code. Other severe forms, such as the promotion of fascist, racist, or xenophobic ideologies and Holocaust denial, are criminalised under Government Emergency Ordinance No. 31/2002. Most other forms of hate speech remain unlawful but non-criminal, falling under Government Ordinance No. 137/2000, and are sanctioned administratively by CNCD. Hate crime, by contrast, always involves a criminal act committed with a bias motive; Romanian law does not define it as a separate offence,

<sup>81</sup>. 2025 EC Rule of Law report recommendation: "Take forward the process for obtaining accreditation for the National Human Rights Institutions, taking into account the UN Paris Principles." — [https://commission.europa.eu/document/download/fcab6924-01cf-4514-9f68-3989759718e9\\_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Romania.pdf](https://commission.europa.eu/document/download/fcab6924-01cf-4514-9f68-3989759718e9_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Romania.pdf)

<sup>82</sup>. <https://hotnews.ro/un-elefant-se-uneste-cu-o-furnica-iar-furnicii-i-se-taie-4-picioare-acuze-ca-cineva-incearca-sa-l-prosteasca-pe-premier-in-procesul-de-restructurare-2016368>

<sup>83</sup>. <https://www.digi24.ro/stiri/actualitate/societatea-civila-cere-protectia-cncd-comasarea-cu-avocatul-poporului-ar-slabi-lupta-impotriva-discriminarii-3337601>

<sup>84</sup>. <https://recorder.ro/documentar-recorder-justitie-capturata/>

<sup>85</sup>. <https://www.forumuljudecatorilor.ro/index.php/archives/6958> ;

<https://www.facebook.com/masp.amasp/posts/pfbid0r8mSnFWHyuifm7bAWDCu7QKnk3E5ka2ZB7RSTJugGfWajg7YUj3MUBV2jNnREuAl>

<sup>86</sup>. <https://tvrinfo.ro/adevarul-si-integritatea-nu-trebuie-sanctionate-pestele-800-de-magistrati-au-semnat-scrisoarea-de-solidaritate-cu-judecatorii-laurentiu-besu-si-raluca-morosanu-numarul-semnatarilor/>

but recognises bias motivation as an aggravating circumstance under Article 77(h) of the Criminal Code.

The main problem lies not in the absence of legislation, but in its ineffective and inconsistent application in practice. Prosecutors and law-enforcement authorities frequently fail to identify or investigate bias motives *ex officio*, even where clear indicators exist. Hate-motivated violence is often treated as ordinary crime, while serious hate speech is sometimes framed as protected opinion.

Despite the fact that Article 369 of the Criminal Code criminalises incitement to hatred, violence, and discrimination, and although Romania is monitored by the Committee of Ministers of the Council of Europe for failing to implement related ECtHR judgments,<sup>87</sup> national authorities have not taken concrete measures to combat hate speech. Key problems include the lack of a unified methodology for identifying and investigating bias motivation, the routine failure to examine hate indicators *ex officio*, and the systematic avoidance of applying aggravating circumstances related to hate speech. The situation is made worse by the absence of specialised victim support mechanisms.

A further concern is the lack of comprehensive and disaggregated data on hate speech and hate crime. The Council of Europe and OSCE/ODIHR<sup>88</sup> have repeatedly stressed that Romania lacks reliable statistics on reported incidents, investigations, prosecutions, convictions, and bias motivation. Without such data, it is impossible to assess trends, measure the effectiveness of legal responses or design evidence-based policies.

Romania has relatively narrowed civic space,<sup>89</sup> with a growing trend of intimidation targeting civic actors, especially organisations working in sensitive areas such as minority rights, environmental protection, and anti-corruption.

There is no permanent, dedicated national protection mechanism in Romania for HRDs or civic activists. HRDs and CSOs are treated as ordinary citizens or legal persons when facing threats, harassment, or violence, despite the specific risks associated with

their public interest work. The institutional response is lengthy and often without concrete results. The lack of firm reactions and condemnation from the authorities could lead to an increasingly hostile and unpredictable environment for CSOs and HRDs.

2025 was marked by heightened social polarisation, amplified by electoral campaigns and the populist rhetoric of certain political actors, which fuelled media and online campaigns against NGOs, journalists, and civic activists. In recent years, hostile rhetoric directed at CSOs has intensified, with organisations labelled as “foreign agents”, “ideological activists”, or “organisations funded from external sources” in the public sphere. In 2025, several public lists were circulated online targeting NGO members, who were labelled as “Soros-funded”,<sup>90</sup> which were produced and distributed by extremist groups.<sup>91</sup> These smear campaigns aimed to undermine public trust in civil society, and they intensified in the context of the 2025 electoral campaigns, when extremist political parties, as well as certain media actors and influencers promoting narratives meant to discredit civic activists and to cast doubt on Romania’s international commitment to democratic values.

Although the National Audiovisual Council (CNA) imposed sanctions for the broadcasting of hate-inciting messages and disinformation, the impact of these measures remains limited, both because the fines are relatively small and because such violations are repeated. Some media outlets have budgets specifically allocated for paying such penalties.<sup>92</sup>

Members of an NGO advocating for Roma rights received direct threats, including images of firearms and legionary symbols,<sup>93</sup> and several LGBTQI+ organisations were targeted with threats against their offices and members.<sup>94</sup> Although the Romanian police announced they were investigating, there has been no publicly available information about the status of the investigation into both cases.

Moreover, discriminatory discourse is not limited to the online environment or extremist groups: representatives of the state also spread it. In 2025, deputy Nicolae

<sup>87</sup>. European Court of Human Rights, M.C. and A.C. v. Romania (Application no. 12060/12) and ACCEPT and others v. Romania (Application no. 19237/16).

<sup>88</sup>. <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/romania> ; <https://hatecrime.osce.org/reporting/romania/2024>

<sup>89</sup>. <https://monitor.civus.org/country/romania/>

<sup>90</sup>. <https://www.gandul.ro/actualitate/marile-surpriza-ale-retelei-soros-in-romania-pe-lista-se-afla-si-nicisor-dan-calin-georgescu-gabriel-lliceanu-lucian-mindruta-sau-victor-rebengiu-20628119> ; <https://activewatch.ro/publicatii/soros-ad-portas-again-freeex-digest-no-10/>

<sup>91</sup>. Disinformation landscape in Romania, v2 Nov 2025: [https://www.disinfo.eu/wp-content/uploads/2025/11/20251103\\_Disinfo-landscape-in-Romania-V2.pdf](https://www.disinfo.eu/wp-content/uploads/2025/11/20251103_Disinfo-landscape-in-Romania-V2.pdf)

<sup>92</sup>. [https://www.stiripesurse.ro/cna-a-amendat-romania-tv-si-realtatea-tv-soros-aventuri-amoroase-ale-lui-george-simion-usaid-si-scorul-psd-printre-temele-scandaloase-abordate\\_3617687.html](https://www.stiripesurse.ro/cna-a-amendat-romania-tv-si-realtatea-tv-soros-aventuri-amoroase-ale-lui-george-simion-usaid-si-scorul-psd-printre-temele-scandaloase-abordate_3617687.html)

<sup>93</sup>. <https://www.digi24.ro/stiri/actualitate/ancheta-dupa-ce-membrii-unui-ong-pentru-drepturile-romilor-au-primit-amenintari-si-imagini-cu-arme-de-foc-si-simboluri-legionare-3036237>

<sup>94</sup>. <https://buletin.de/bucuresti/asociatia-mozaiq-reclama-indemnuri-la-distrugetea-sediului-din-bucuresti-difuzate-online-proiect-de-lege-anti-lgbtq-depus-de-un-parlamentar-din-ilfov/>

Păun, a member of the Parliamentary Group of National Minorities, made discriminatory statements targeting the LGBTQI+ community and the NGOs promoting such rights, claiming that “in Roma communities, campaigns promoting homosexuality have been launched by Romanian NGOs funded by billionaire George Soros.”<sup>95</sup> Such rhetoric coming from a public official fuels intolerance and legitimises hate speech, threatening the space for CSOs to operate.

While the state tends to impose new constraints and transparency obligations on NGOs, the application of Law 544/2001 (FOIA law) remains insufficient, even in the case of political parties and public institutions. A relevant example is the persistent refusal of the National Liberal Party (PNL) to provide information about contracts and amounts spent on media services, culminating in October 2025 with an incident in which the vice president abruptly ended a press conference in parliament after a journalist questioned the PNL on the matter. The vice president accused the reporter of being “obsessed”. This incident reflects the existing double standard in the authorities’ approach to transparency: NGOs face increasing legislative pressure, while public institutions and political parties continue to ignore their legal obligations to provide information.<sup>96</sup>

In the case of journalists’ protection, Romania does not have a dedicated national protection mechanism (e.g., specialised prosecutors, rapid response units, hotlines, or risk-assessment protocols). Threats, harassment, and attacks against journalists are addressed only through general criminal law.

In 2025, multiple serious press freedom violations were documented. In the first six months of the year, Mapping Media Freedom recorded 24 press freedom violations affecting 46 media professionals or media-related entities, amidst the political turmoil following the controversial presidential election.<sup>97</sup>

Particularly relevant developments include:

- ▶ death threats against journalists;<sup>98</sup>
- ▶ searches and seizures of journalists’ materials;<sup>99</sup>
- ▶ technical surveillance warrants targeting journalists, confirmed and maintained even after the authorities were aware of their professional status;<sup>100</sup>
- ▶ threats against NGOs in traditional media and on social media,<sup>101</sup> and
- ▶ repeated police visits targeting an individual who published an online satirical text directed at a government minister.<sup>102</sup>

In some cases, intimidation of journalists and activists is conducted directly by state institutions. A significant example was reported in March 2025, about the National Anticorruption Directorate (DNA) in Iași, who previously placed two investigative journalists under surveillance<sup>103</sup> after publishing an investigation into possible corruption. According to information released in the press, they were wiretapped for two months, physically followed, and extensively monitored, with no public information to date about the initiation of an internal investigation to verify whether the measures taken were legal and proportionate to their stated purpose. Although the surveillance took place in 2023, it was only made known in 2025.

A severe institutional backlash followed *Recorder’s* investigative reporting on the justice system.<sup>104</sup> Senior judicial figures publicly accused journalists of orchestrating campaigns against the judiciary.<sup>105</sup> The Superior Council of Magistracy reacted defensively, with actions perceived as intimidatory. In response, over 1,000 journalists, editors, and civil society representatives signed an open letter expressing solidarity with *Recorder* and warning that some of the gravest attacks on press freedom were coming from within the judicial authority itself.<sup>106</sup> In addition to the institutional attacks, part of the offensive against *Recorder* is also being carried out by the “same sources of falsehoods and

95. <https://ziare.com/nicolae-paun/deputat-reclamat-cncd-comentarii-ong-tineri-romi-1966966>

96. <https://hotnews.ro/video-ciprian-ciucu-a-plecat-dintr-o-conferinta-de-presa-dupa-ce-a-fost-intrebat-repetat-despre-banii-dati-de-pnl-presei-2067991>

97. <https://www.mappingmediafreedom.org/wp-content/uploads/2025/09/MFRR-Media-Freedom-Monitoring-Report-Jan-Jun-2025.pdf>

98. <https://activewatch.ro/articole/jurnal%C8%99tii-pressone-amenin%C8%9Ba%C8%9Bi-cu-moartea/>

99. <https://activewatch.ro/articole/perchezi%C8%9Bii-jurnal%C8%99tilor-care-documenteaz%C4%83-subiecte-de-interes-public-reprezint%C4%83-o-limitare-abuziv%C4%83-a-libert%C4%83%C8%9Bii-presei/>

100. <https://activewatch.ro/articole/scrisoare-deschis%C4%83-mandatele-de-supraveghere-care-vizeaz%C4%83-jurnal%C8%99ti-periculoase-pentru-democra%C8%9Bie/>

101. <https://activewatch.ro/articole/suntem-solidari-cu-asocia%C8%9Bii-funky-citizens-%C8%99i-declic/>; <https://activewatch.ro/articole/organiza%C8%9Bii-vizate-de-postarea-lui-elon-musk-ong-urile-%C3%AEncear%C4%83-s%C4%83-distrug%C4%83-democra%C8%9Bia-rea%C8%9Bioneaz%C4%83-public/>

102. <https://activewatch.ro/articole/exces-de-zel-al-poli%C8%9Biei-pentru-o-postare-pamflet-cu-ministrul-de-interne/>

103. <https://hotnews.ro/doi-jurnalisti-de-investigatie-filati-de-dna-iasi-dupa-ce-au-investigat-un-caz-de-coruptie-un-abuz-ingrozitor-iar-cineva-ar-trebui-sa-raspunda-19-26901>

104. <https://www.digi24.ro/stiri/actualitate/justitie/csm-va-face-verificari-dupa-ancheta-recorder-institutia-acuza-amplificarea-campaniei-de-subminare-a-increderii-in-justitie-3541469>

105. The President of the Bucharest Court of Appeal, during the press conference 11 December 2025, following the broadcast and publication of the *Recorder* documentary, mentioned the press investigation was part of a “campaign to destabilise the judicial power”, describing it as “public incitement against the constitutional order.” <https://agerpres.ro/2025/12/11/conducerea-cab-se-apara-in-fata-acuzatiilor-din-documentarul-recorder-asistam-la-o-campanie-de-linsa--1511074>

106. <https://pressone.ro/peste-1-000-de-jurnalisti-si-persoane-din-societatea-civila-solidari-cu-recorder-situatia-este-cu-atac-mai-ingrijoratoare-cu-cat-unele-dintre-cele-mai-grave-atacuri-vin-chiar-din-interiorul>

disinformation” that the National Audiovisual Council (CNA) has been sanctioning for years. Consequently, the signatories call on the CNA to fulfil its role as a guarantor of the public interest and to act *ex officio* in cases of programmes containing disinformation that targeted journalists. CNA replied in a press release that it would analyse this possibility.<sup>107</sup>

## SLAPPs

Under EU law, strategic lawsuits against public participation (SLAPPs) are narrowly defined as abusive civil court proceedings with cross-border implications, while broader European standards such as those of the Council of Europe<sup>108</sup> also recognise threats of litigation and abusive criminal or administrative actions as SLAPPs when they are used to intimidate or silence public participation. All EU countries are bound to transpose the Anti-SLAPP Directive (EU) 2024/1069.<sup>109</sup> However, the definition used by the EU Anti-SLAPP Recommendation 2022/758<sup>110</sup> is better aligned with the state of reality for CSOs and HRDs.

The SLAPP phenomenon, understood in its broader sense rather than the restrictive definition contained in the EU directive, appears to be on the rise in Romania.<sup>111</sup> However, at present there is no comprehensive inventory of cases that could meet the criteria for classification as SLAPPs, whether under the narrow or the broader definition. Such an inventory would ensure that Romania’s mandatory transposition of the Anti-SLAPP Directive is conducted not only to comply with EU requirements, but also in response to concrete needs on the ground in Romania.

Although the directive establishes only a minimum standard of protection, limited to civil and commercial proceedings with a cross-border element, nothing prevents member states from extending these protections to criminal and administrative proceedings, as well as to purely domestic cases without a cross-border element, including situations in which the NGO, activist, or journalist is also the party bringing the claim in response to a power imbalance.

A group of CSOs, including journalists, supports the need for this broader approach in the drafting of the national legislation transposing the directive. Despite calls from civil society<sup>112</sup> to extend the scope of the transposition law to domestic civil cases as well as to the administrative and criminal fields, the Ministry of Justice has refused to adopt the full extension requested by CSOs and agreed only to extend the scope of the directive to national civil cases. At the time of drafting this report, neither the final version of the draft law nor a clear adoption timeline had been published.

The Romanian Institute for Human Rights (IRDO) has been designated as the national SLAPP focal point since 2023 and is supposed to conduct research, awareness-raising, and coordination on SLAPP issues. However, its capacity is constrained by limited resources and institutional gaps, and it does not currently function as a dedicated protective mechanism with enforcement authority. IRDO is not accredited as an independent National Human Rights Institution (NHRI) under the UN Paris Principles. Without NHRI-level independence, IRDO is structurally ill-equipped to confront SLAPPs that involve state or politically connected plaintiffs. Moreover, According to ENNHRI, the Romanian Institute for Human Rights reported a staff deficit of approximately 60% in 2023, caused by low salaries and the loss of personnel, and warned that additional tasks would further strain its limited capacity.<sup>113</sup> According to the latest information available in 2025 on ENNHRI website, IRDO “does not have adequate resources to carry out the full breath of its mandate”<sup>114</sup> and the EC 2025 Rule of Law Report mentions that “there is a real risk that the RIRH<sup>115</sup> ceases its functioning in the coming months”.

Following discussions between a group of CSOs and the ombudsman, the ombudsman expressed its intention to be designated as a focal point under the directive, responsible for the centralisation of information, publication of final court decisions, dissemination of available resources, and the provision of guarantees for potential SLAPP targets. However, it must be noted that the ombudsman is facing legitimacy issues, as the mandate expired in June 2024 and parliament had not

<sup>107</sup>. <https://cna.ro/a-comunicat-de-presa-17122025-h1ez7yu8cjf7g9q2fomb1p98/>

<sup>108</sup>. Recommendation CM/Rec(2024)2 of the Committee of Ministers to member States on countering the use of strategic lawsuits against public participation (SLAPPs): <https://rm.coe.int/0900001680af2805>

<sup>109</sup>. [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L\\_202401069](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202401069)

<sup>110</sup>. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022H0758>

<sup>111</sup>. According to information collected thorough information received by the report author and during the interviews with experts.

<sup>112</sup>. <https://activewatch.ro/articole/proiectul-de-lege-anti-slapp-scrisoare-c%4%83tre-ministerul-justi%C8%9Biei/>; <https://apador.org/ministerul-justitiei-promite-o-protectie-mai-buna-a-vocilor-incomode-din-societate-prin-viitoarea-lege-anti-slapp/>; more legal analysis for the draft law [https://baciupartners.ro/wp-content/uploads/2025/05/Articol-SLAPP-02.05.2025\\_pdf.pdf](https://baciupartners.ro/wp-content/uploads/2025/05/Articol-SLAPP-02.05.2025_pdf.pdf)

<sup>113</sup>. [https://ennhri.org/wp-content/uploads/2023/08/Romania\\_Country-Report\\_Rule-of-Law-2023.pdf](https://ennhri.org/wp-content/uploads/2023/08/Romania_Country-Report_Rule-of-Law-2023.pdf)

<sup>114</sup>. <https://rule-of-law.ennhri.org/?country%5B0%5D=42&year%5B0%5D=2025&>

<sup>115</sup>. RIRH – Romanian Institute for Human Rights i.e. IRDO

begun the procedure to appoint a new ombudsman, despite concerns raised by civil society on this matter.<sup>116</sup>

Meanwhile, lawsuits with potential to intimidate activists and journalists continue. A relevant example is the case filed by the state-owned company Romgaz against Greenpeace Romania, an organisation publicly opposing the Black Sea gas extraction project (Neptun

Deep).<sup>117</sup> Romgaz requested the dissolution of Greenpeace Romania based on unfounded allegations of insolvency, an action perceived by civil society as a SLAPP-type attempt. Although the energy minister at the time supported the Romgaz request, the company later withdrew its complaint and was ordered to pay legal costs to Greenpeace.

<sup>116</sup>.[https://www.stareademocratiei.ro/2024/12/11/viitorul-avocat-al-poporului-trebuie-sa-fie-un-garant-real-al-protejarii-drepturilor-fundamentale/?fbclid=IwY2xjawPJ8s9leHRuA2FbQlxMABicmlkETBGS0c1ZzRJSUNaUHYzRjFmc3J0YwZhcHBfaWQQMjlyMDM5MTc4ODlwMDg5MgABHq8T8S0XXY2UljzOZLEjB\\_OCXWI1SYKNrWpKjm8DFaJBS8R75T3Qqnj1\\_7IA\\_aem\\_CDkUF9PZaESuMC1eQNctWw](https://www.stareademocratiei.ro/2024/12/11/viitorul-avocat-al-poporului-trebuie-sa-fie-un-garant-real-al-protejarii-drepturilor-fundamentale/?fbclid=IwY2xjawPJ8s9leHRuA2FbQlxMABicmlkETBGS0c1ZzRJSUNaUHYzRjFmc3J0YwZhcHBfaWQQMjlyMDM5MTc4ODlwMDg5MgABHq8T8S0XXY2UljzOZLEjB_OCXWI1SYKNrWpKjm8DFaJBS8R75T3Qqnj1_7IA_aem_CDkUF9PZaESuMC1eQNctWw;);

<https://www.facebook.com/stiri.org/posts/pfbid02SyUzZ9vcxmrmV9JDwyojTZ3GILUnQXJ56m94F6Kbenq2ep1ErHwC7ktGw31trjMVI>

<sup>117</sup>.<https://www.greenpeace.org/romania/articol/10798/romgaz-bahamas-renunta-la-dizolvarea-greenpeace-si-au-dat-seama-ca-pierd/>

# Recommendations

## **TARGETED RECOMMENDATION:**

- **Urgently and consistently reference and operationalise the EU Civil Society Strategy in future programmes and policies related to the rule of law and EU funding frameworks, including by integrating civic space indicators and ensuring structured dialogue with civil society.**
- Safeguard an enabling legal framework for CSOs by adopting the draft law amending the Government Ordinance 26/2000, while ensuring that parliamentary processes do not introduce new restrictions that undermine the intended facilitation measures. Advance reforms that simplify NGO operations.
- Reform Law No. 60/1991 to reflect contemporary assembly practices and international standards, including explicit protection for spontaneous assemblies and clear regulation of flash-mobs, counter-protests, and hybrid/online elements when relevant.
- Adopt national legislation implementing the European Media Freedom Act with explicit safeguards on editorial independence, transparency of public media funding, and protection against political influence.
- Reinforce access to public-interest information by abandoning the relevant provisions in pending legislative initiatives (including the draft law on the Administrative Procedures Code) that impose disproportionate transparency obligations on civil society or restrict FOIA rights.
- Improve enforcement against hate speech and hate-motivated threats, including consistent identification of bias motives and effective investigation into intimidation targeting civic actors.
- Adopt a comprehensive and transparent transposition law of the Anti-SLAPP Directive, extending the scope of protection beyond the minimum EU requirements to include domestic civil cases as well as criminal and administrative proceedings, and establish a credible and well-resourced national SLAPP focal point.

# About the author

**The Civil Society Development Foundation (FDSC)** is an independent, non-governmental organisation set up in 1994 at the initiative of the European Commission. The FDSC promotes a strong and sustainable civil society that contributes to defending democratic values by supporting civil society actors, mobilising resources, fostering an enabling environment, and strengthening cooperation with other sectors. At the 30-year anniversary in December 2024, we counted 5,000+ CSOs assisted with funding and capacity-building support in more than 3000 projects.



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# Spain

by NOVACT



Key Trends .....	203
Summary .....	203
Freedom of Association .....	204
Access to funding .....	205
Freedom of Peaceful Assembly .....	207
Freedom of Expression .....	209
Participation in Decision-making .....	211
Safe space .....	212
Recommendations .....	215
About the author .....	216

# Key Trends

-  Continued securitisation of civic activism through the “Gag Law”, police infiltrations, surveillance, and disproportionate policing, generating a chilling effect across grassroots movements.
-  Structural funding barriers and attempts to defund undermine the financial sustainability of rights-based and racialised CSOs.
-  Escalating repression of Palestine solidarity, housing rights, and climate justice movements, including misuse of sectoral sanctioning regimes and judicial harassment.

# Summary

Civic space in Spain in 2025 is rated as “Narrowed” by the CIVICUS Monitor.<sup>1</sup> The European Commission’s 2025 Rule of Law report did not include any recommendations on civic space. It noted that a draft law to reform the Citizen Security Law (“Gag Law”) was put forward to address civil society concerns. However, no reform took place in 2025.

Instead, civic space has continued to deteriorate, driven by the persistent securitisation of activism, disproportionate policing, and the ongoing application of the Gag Law. Grassroots, youth-led and rights-based movements, particularly those engaged in Palestinian solidarity, housing rights, climate justice, have been disproportionately affected by police raids, judicial harassment, surveillance, and public stigmatisation. The normalisation of repression on protests, through

police infiltrations and detentions, has generated a profound chilling effect on participation in social movements, and collective organising.

Structural barriers continue to undermine the financial sustainability of civil society. Public funding remains short-term, project-based, burdensome, and inaccessible to small, grassroots organisations, reinforcing inequalities within the sector. Political contestation around the legitimacy of human rights, international solidarity, and advocacy work by civil society has further contributed to funding insecurity, defunding risks and self-censorship. Although Spain has numerous participatory decision-making mechanisms on national and local levels, these remain formal rather than substantive, with marginal impact of civil society on decision-making processes.

1. <https://monitor.civicus.org/country/spain/>

# Freedom of Association

The freedom of association in Spain is primarily regulated by Article 22 of the Spanish constitution<sup>2</sup> and Organic Law 1/2002 on the Right of Association.<sup>3</sup> This framework recognises the right to associate without prior authorisation and limits the suspension or dissolution of associations to judicial decisions, in line with international and European human rights standards. However, despite the absence of new legislation directly restricting this right, the continued application of security legislation — particularly Organic Law 4/2015 on the Protection of Citizen Security, known commonly as the Gag law — has entrenched an environment in which freedom of association is indirectly but persistently constrained.<sup>4</sup>

In 2025, there was a clear pattern of indirect interference with the right to freedom of association, characterised by administrative hurdles, political stigmatisation, and security-based policing of civic action. These included the denial of permits for community events, festivals, and public activities, administrative challenges affecting access to public space, and public stigmatisation of organisations through narratives linking them to extremism, public disorder, or terrorism. Public authorities and political actors increasingly relied on such narratives, often invoking provisions of the Gag law, to justify administrative obstacles, intensified policing, and judicial action against civil society actors.

This securitisation approach extended to the judicial sphere. Activists linked to Futuro Vegetal, a non-violent climate justice movement, faced criminal investigations under terrorism-related charges,<sup>5</sup> despite the absence of evidence of violent intent. The charges related to their nonviolent direct actions, specifically spraying washable paint on the facades of public buildings such as the agriculture ministry and the Congress of Deputies. The use of such charges against environmental activists represents a severe escalation in the criminalisation of associative life and poses a serious threat to freedom of association.

Additionally, CSOs have raised concerns about the investigation of the housing rights movement under frameworks related to violent extremism.<sup>6</sup> Reports indicate that specialised police units focused on “violent extremism” have conducted monitoring and intelligence-gathering activities targeting housing collectives and solidarity networks. Such actions blur the line between legitimate social protest and security threats and risk criminalising collective action aimed at defending social rights. This further erodes trust between civil society and public institutions.

These dynamics have disproportionately affected organisations and movements engaged in Palestine solidarity, housing rights, and climate justice, as well as anti-racist, feminist, LGBTQI+, and anti-fascist activism. Restrictions are often preceded by pressure or public campaigns initiated by far-right political actors. For instance, political actors publicly accused representatives of Casa Palestina of links to terrorism and sought to declare them *persona non grata*, illustrating how delegitimation and political pressure are used to undermine associative activity without formal legal action.<sup>7</sup>

In parallel, numerous CSOs and informal collectives, particularly within youth and grassroots associations, were subjected to excessive and disproportionate administrative controls and policing practices, going far beyond legitimate oversight. Documented patterns include police infiltrations into social movements, intrusive “routine” inspections of social centres and youth spaces, repeated identity checks during assemblies and cultural activities, raids on premises, confiscation of materials, and the imposition of heavy fines for minor administrative infringements. A clear example of such sanctions is the €3,000 fine imposed on La Cosa Nostra social centre in Castelló in November 2025. The sanction was imposed after a fascist attack during a concert at the centre, on the basis of alleged non-compliance with public space regulations. Notably, there were no repercussions for the attack itself. Media reports framed this as a

2. <https://www.senado.es/web/conocersenado/normas/constitucion/detalleconstitucioncompleta/index.html#t1c2s1>

3. <https://www.boe.es/buscar/act.php?id=BOE-A-2002-5852>

4. The term “Gag law” (*Ley Mordaza*) is commonly used in English to refer to Spain’s Organic Law 4/2015 on the Protection of Citizen Security (*Ley Orgánica de Protección de la Seguridad Ciudadana*). In a broader sense, the term is often used to describe a legislative package adopted in 2015 that significantly expanded punitive and administrative powers affecting civic freedoms. This package also includes Organic Law 1/2015, reforming the Criminal Code and increasing penalties for certain offences, and Organic Law 2/2015, introducing terrorism-related offences and exceptional measures into the Criminal Code. Together, these reforms have been widely criticised for strengthening sanctioning regimes and restricting fundamental rights, including freedom of expression, assembly and association.

5. <https://www.elsaltodiario.com/madrid/activistas-futuro-vegetal-imputadas-organizacion-criminal-lanzan-pintura-al-juzgado-antes-declarar>

6. <https://www.vilaweb.cat/noticies/alerta-solidaria-mossos-moviment-habitatge/>

7. <https://www.aragondigital.es/articulo/politica/vox-pide-declarar-persona-non-grata-presidente-casa-palestina-eleva-pulso-pp/20251006124624945738.html>

part of a broader trend where municipal authorities are using regulatory frameworks to suppress dissent, rather than address actual violations.<sup>8</sup> In addition, law enforcement interventions in associative spaces have included detentions, the use of physical force, searches of premises and the deployment of surveillance technologies such as drones, even in non-violent, community-based contexts. For instance, during the April 2025 eviction of the *Etxarri Rekalde* occupation in Bilbao, police deployed riot units, helicopters, and drones to assist with the eviction.<sup>9</sup> These practices blur the line between public order policing and interference in lawful associative activity particularly when the intervention targets peaceful spaces without direct threats to public safety. The use of these tactics in non-violent settings disproportionately affects informal collectives and non-institutionalised organisations with limited legal and financial capacity to respond.

Taken together, these dynamics reveal a systemic pattern of administrative harassment, securitisation, and over-policing affecting civil society in Spain.

## Access to funding

In 2025, CSOs continued to face structural barriers to accessing sustainable and adequate funding, particularly organisations engaged in advocacy on human rights, anti-racism, migration, international solidarity. While public funding schemes exist at all levels of government, they remain largely short-term, project-based, and highly bureaucratic, limiting their capacity to support long-term organisational planning and core activities.

Across the sector, CSOs report increasing difficulties in accessing funding due to complex application procedures, restrictive eligibility criteria, and burdensome reporting and auditing requirements. These obstacles disproportionately affect small and medium-sized organisations, as well as informal collectives and grassroots initiatives with limited administrative capacity. This reinforces inequalities within civil society and undermines pluralism.

These barriers also contribute to the “NGO-isation” of social movements, forcing grassroots actors to adopt formalised and bureaucratic organisational models

While the impact is particularly acute on youth-led and grassroots organisations, it also disproportionately affects racialised communities, migrants, feminist and LGBTQI+ collectives, housing rights groups, and organisations engaged in international solidarity, reflecting intersecting forms of discrimination in the restriction of civic space.

The cumulative impact has been a strong chilling effect on the freedom of association. Activists and community organisers report reducing their level of engagement due to fear of sanctions, surveillance, or criminalisation.<sup>10</sup> Additionally, organisations face increased financial and organisational strain as resources are diverted to legal defence, compliance, and risk management. These pressures weaken organisational sustainability, lead to self-censorship, and ultimately undermine democratic participation, raising serious concerns regarding proportionality, legal certainty, and non-discrimination in the protection of freedom of association.

that often exceed their capacities, restrict mobilisation, and contribute to the depoliticising their position.<sup>11</sup>

The structural weaknesses of current funding schemes are particularly evident in the cultural and community sectors led by racialised groups. In December 2025, *Periferia Cimarronas*, the first Black theatre in Spain, announced its closure after five years of activity, citing the impossibility of achieving financial sustainability under existing funding frameworks. Despite its recognised cultural and social value, the project faced repeated denials and withdrawals of public subsidies that have a highly restrictive eligibility criteria — including language requirements and minimum performance thresholds. This resulted in a strong dependence on short-term public grants and philanthropic funding. The absence of stable, multiannual operational support, combined with intense competition for scarce resources among racialised and feminist projects, resulted in accumulated debt, staff burnout, and ultimately the closure of the space.<sup>12</sup> This case illustrates how current funding

8. [https://directa.cat/lajuntament-de-castello-imposa-una-multa-de-3-000-euros-al-centre-social-antifeixista-la-cosa-nostra/?fbclid=PadGRleAOeiYxleHRuA2FlbQixMQBzcnRjBmFwcF9pZA8xMjQwMjQ1NzQyODc0MTQAafC3b3WtwCrFoLk05uQDC\\_hXfL5di6i7Q1wIV7AyHC9Jweal6tLFRWu\\_TRJw\\_aem\\_bk2H6PbtWoDOI0CZifwT\\_g](https://directa.cat/lajuntament-de-castello-imposa-una-multa-de-3-000-euros-al-centre-social-antifeixista-la-cosa-nostra/?fbclid=PadGRleAOeiYxleHRuA2FlbQixMQBzcnRjBmFwcF9pZA8xMjQwMjQ1NzQyODc0MTQAafC3b3WtwCrFoLk05uQDC_hXfL5di6i7Q1wIV7AyHC9Jweal6tLFRWu_TRJw_aem_bk2H6PbtWoDOI0CZifwT_g)

9. <https://elpais.com/espana/2025-04-04/cinco-detenidos-y-15-ertzainas-heridos-en-las-protestas-por-el-desalojo-de-un-centro-social-okupado-en-bilbao.html>

10. This observation has been noted through NOVACT's work with grassroots groups and civil society organisations, who have shared their concerns about the increasing risks associated with organising public actions.

11. Information received by NOVACT.

12. <https://periferiacimarronas.es/cerramos>

models disproportionately disadvantage grassroots initiatives operating outside dominant institutional and linguistic norms.

Beyond structural shortcomings, access to funding is increasingly shaped by political contestation around the legitimacy of certain areas of civil society work, particularly international cooperation, solidarity-based action, and human rights advocacy. Public debate has increasingly framed cooperation and global justice policies as expendable or ideologically driven. Far-right actors have explicitly opposed public investment in these areas and questioned the legitimacy of organisations working on migration, anti-racism, and international solidarity.<sup>13</sup>

At the international level, Spain has repeatedly reaffirmed its long-term commitment to allocate 0.7% of its gross national income to official development assistance. However, actual funding levels remain significantly below this target. This persistent shortfall reflects broader budgetary choices that also impact domestic funding environments for CSOs. Despite formal commitments to international solidarity, the lack of proportional progress underscores structural constraints on public budgets for civic, advocacy and rights-based work. This limits resources available to civil society actors both domestically and internationally and reinforces competition over increasingly scarce public funds.

This political climate has translated into budgetary pressure and defunding risks for CSOs engaged in critical advocacy. Public discourse has increasingly portrayed cooperation and solidarity funding as misallocation of public resources. This contributes to growing hostility towards organisations perceived as politically critical or working on human rights. While this has not yet been formalised through legislative measures, these narratives create a hostile environment that undermines funding stability and discourages public authorities from prioritising long-term support for such organisations.

Concrete examples of funding cuts illustrate this trend. In July 2025, the Federation of Youth Centres of Catalonia (Casals de Joves de Catalunya) publicly denounced a reduction of nearly €100,000 in its public

funding,<sup>14</sup> significantly affecting its capacity to sustain youth-led associative activities. In parallel, several CSOs engaged in human rights monitoring and legal defence reported reductions or losses of public funding. Organisations working on police accountability and repression monitoring, such as Irídia - Centre for the Defence of Human Rights, have highlighted how increased repression has coincided with growing financial strain and funding instability.<sup>15</sup>

Although such funding decisions are not always explicitly justified on political grounds, they are widely perceived within the sector as linked to the critical nature of the organisations' work and public positioning. This has contributed to a climate of financial insecurity and self-censorship, weakening the watchdog role of civil society and limiting its ability to engage in sustained, independent rights-based advocacy.

No meaningful measures were introduced to improve access to funding for CSOs, particularly regarding long-term, predictable, and transparent funding schemes. Public funding continues to prioritise short-term projects over operational or core support, and limited progress has been made in creating an enabling environment for philanthropy or in complementing EU funding with flexible domestic support mechanisms.

On the contrary, several CSOs reported increased legal uncertainty and administrative burden, linked to complex funding rules, overlapping reporting requirements and delayed payments. In 2025 a broad coalition of social economy, solidarity, cultural, and rights-based organisations publicly denounced the current public funding and administrative system as excessively bureaucratic and incompatible with the effective guarantee of rights.<sup>16</sup> The coalition highlighted how disproportionate administrative requirements, rigid procedures, and lack of legal certainty systematically exclude smaller organisations, generate financial vulnerability through delayed payments or forced reimbursements, and divert resources away from substantive social work towards compliance and paperwork. This collective mobilisation underscores that bureaucratic overload is a structural barrier to equitable access to public funding and to the sustainability of civil society actors.

13. <https://www.elcritic.cat/opinio/roger-pala/per-que-cal-invertir-molt-mes-en-cooperacio-i-per-que-extrema-dreta-hi-esta-en-contra-254968>

14. [https://www.instagram.com/p/DMpklkRsG3m/?img\\_index=2&igsh=MWFxOGFlejNmb2J4Yg%3D%3D](https://www.instagram.com/p/DMpklkRsG3m/?img_index=2&igsh=MWFxOGFlejNmb2J4Yg%3D%3D)

15. <https://iridia.cat/mes-repressio-mes-iridia/>

16. <https://xes.cat/infos/2025/05/13/front-comu-de-diferents-organitzacions-socials-per-una-burocracia-mes-justa-i-amb-mes-garantia-de-drets>

# Freedom of Peaceful Assembly

The freedom of peaceful assembly in Spain is regulated by Article 21 of the Spanish constitution<sup>17</sup>, Organic Law 9/1983 on the Right of Assembly,<sup>18</sup> Organic Law 4/2015 on the Protection of Citizen Security (also known as the Gag law),<sup>19</sup> and the Penal Code (Organic Law 10/1995).<sup>20</sup> Although this framework formally recognises the right to peaceful assembly, key provisions of the Gag law have been widely criticised for not being in line with international human rights standards.

Several critical statements have been made against the Gag law by civil society organisations and international human rights bodies. According to Amnesty International, the law has “led to widespread violations of human rights” over the last decade, highlighting how it “has significantly restricted the rights to freedom of expression, peaceful assembly, and information”. Despite promises of reform, Amnesty notes that “these promises have largely been unfulfilled, and the law continues to be a tool of repression against activists and the broader public”. The organisation has consistently called for the “repeal or substantial amendment” of the law to align it with Spain’s international human rights obligations. This includes eliminating provisions that criminalise peaceful protest and restrict the documentation of police abuses.<sup>21</sup>

The United Nations Human Rights Committee, has urged Spain to review the law to ensure full conformity with the International Covenant on Civil and Political Rights (ICCPR).<sup>22</sup> In addition, organisations such as No Somos Delito have actively campaigned against the Gag law, claiming that it “disproportionately targets marginalised groups and inhibits their ability to protest or hold the government accountable”.<sup>23</sup> This ongoing criticism underscores the law’s persistent role in restricting civil liberties and weakening the functioning of civil society in Spain. Despite this longstanding criticism from civil society and international human rights bodies and attempts at reforms the law in previous years, no substantive reform of this law was adopted in 2025. As a result, the law continues to perpetuate legal uncertainty and facilitates disproportionate restrictions on assemblies.

In practice, the Gag law operates as a mechanism of economic repression with a particularly severe impact on social movements and small collectives. According to official data published by the interior ministry in October 2025, more than 327,000 administrative sanctions were imposed in 2024, generating fines exceeding €203.7 million, almost €29 million more than the previous year. While the number of sanctions directly linked to peaceful assemblies and demonstrations were fewer in number, their total economic impact increased compared to 2023.<sup>24</sup>

For small social movements and grassroots groups, these fines represent a disproportionate economic burden. Resources that could otherwise be devoted to organising, campaigning, or community work are instead redirected towards paying fines, pursuing appeals, and managing administrative debt. The accumulation of sanctions undermines organisational sustainability and translates the exercise of a fundamental right — peaceful protest — into an economic risk, producing a strong chilling effect on mobilisation.

Beyond the application of the Criminal Code and the Gag Law, sector-specific sanctions regimes originally designed to address violent extremism in sports contexts have increasingly been misapplied to penalise peaceful protest activity. In 2025, the State Commission Against Violence, Racism, Xenophobia and Intolerance in sport issued fines ranging from €3,000 to €4,000 against at least 17 individuals for their participation in protests during stages of the Vuelta a España cycling race.<sup>25</sup> The individuals were sanctioned under Law 19/2007 on the prevention of violence, racism, xenophobia and intolerance in sport. This legal framework establishes significantly harsher sanctions than public order legislation, including higher fines and additional measures such as bans from attending sporting events.

Although the law was created to prevent violent, racist, or extremist conduct linked to sporting events, it has been applied to social protests, particularly

17. <https://app.congreso.es/consti/constitucion/indice/titulos/articulos.jsp?ini=21&tipo=2>

18. <https://www.boe.es/eli/es/lo/1983/07/15/9/con>

19. <https://www.boe.es/eli/es/lo/2015/03/30/4/con>

20. <https://www.boe.es/eli/es/lo/1995/11/23/10/con>

21. <https://www.es.amnesty.org/en-que-estamos/noticias/noticia/articulo/ley-mordaza-diez-anos-de-vulneraciones-de-derechos-humanos-y-promesas-incumplidas/>

22. <https://www.fibgar.es/observaciones-finales-del-comite-de-derechos-humanos-sobre-espana/>

23. <https://www.civicus.org/index.php/media-recursos/media-releases/open-letters/5593-citizens-security-law-under-reform-the-right-to-freedom-of-peaceful-assembly-and-expression-rule-of-law-in-spain-at-stake>

24. <https://www.publico.es/politica/15-sanciones-29-millones-recaudacion-balance-ley-mordaza-2024.html>

25. <https://elpais.com/deportes/2025-09-17/antiviolencia-propone-sanciones-de-entre-3000-y-4000-euros-para-17-personas-implicadas-en-las-protestas-pro-palestina-en-la-vuelta-a-espana.html>

protests related to Palestinian solidarity and criticism of the participation of Israeli-linked teams. Such use of sports-related sanctions regimes illustrates how exceptional legal frameworks aimed at combating violent extremism are being repurposed to deter lawful protest in high-visible public settings, producing a chilling effect on the freedom of peaceful assembly.

The policing of assemblies has repeatedly involved the disproportionate use of force, including baton charges, the indiscriminate deployment of pepper spray, and other crowd-control measures. These interventions have been documented in contexts where protests were largely peaceful and did not pose an imminent or concrete threat to public order. Rather than isolated incidents, CSOs report that when force is deployed, it is frequently contributing to an atmosphere of intimidation and deterrence around the exercise of the right to peaceful assembly.<sup>26</sup>

Both the Spanish National Police and the Mossos d'Esquadra (Catalan police) have internal protocols governing the use of batons. This includes the National Police protocol adopted in 2020, which expressly prohibits strikes to the head, neck, and spinal column and requires that baton use be directed from the lower part of the body upwards in order to minimise the risk of serious injury.<sup>27</sup> Despite these formal safeguards, numerous documented interventions indicate a systematic failure to comply with these standards in practice, revealing a persistent gap between regulatory frameworks and operational conduct.

This gap is further aggravated by the frequent absence of proper police identification, including the lack of visible or traceable officer identification numbers (NOP), particularly during public order operations. The inability to identify individual officers undermines effective accountability, restricts access to remedies for victims of excessive force and reinforces perceptions of impunity. Taken together, the recurrent breach of use-of-force protocols and deficient identification practices raise serious concerns regarding necessity, proportionality, and democratic oversight in the policing of assemblies.

In 2025, the use of pepper spray by the Mossos d'Esquadra increased significantly: OC spray, which had only been used three times since 2019, was deployed seven times in a single year, six of which

took place in October at Palestine solidarity demonstrations. In several of these operations, including a sit-in at Barcelona's Sants station, the spray was used against seated protesters and in situations where the "aggressive attitude" required by internal instruction 16/2023 for its use was not present. This signals a worrying normalisation of this weapon and an expansion of the circumstances under which it is employed.<sup>28</sup> Multiple people were injured, some experiencing lasting health effects for several days or weeks, including respiratory distress and visual impairment. Journalists were also among those affected. The indiscriminate and harmful nature of this weapon raises serious concerns regarding necessity and proportionality, and CSOs launched a public campaign to denounce its use and effects.<sup>29</sup>

In addition to fines, preventive detentions and mass identity checks are frequently imposed for broadly defined public order offences, often without individual assessment. This punitive approach shifts the focus from facilitating assemblies to deterring participation, imposing significant financial and legal burdens on civil society actors.

There are credible indications that protests on certain themes or organised by specific groups are treated more restrictively by authorities. Mobilisations related to housing rights, labour struggles, Palestinian solidarity, anti-fascist activism, and youth movements are more likely to face heightened policing, sanctions, and restrictions. A double standard has been detected in police responses to demonstrations where far-right groups converge with anti-fascist mobilisation. In several cases, law enforcement has subjected anti-fascist protests to stricter controls, identity checks, and heavily policed cordons, while allowing far-right gatherings in the same area to proceed with comparatively lenient oversight. This differential treatment was documented, for example, during the protest on 22 October in Granada against far-right agitator Vito Quiles, where an authorised anti-fascist gathering faced intense police filtering, selective identifications — particularly of racialised people — and tighter containment. In contrast a large, unnotified far-right gathering was permitted to assemble in the originally requested square, with visible displays of extremist symbols and chants and with a more tolerant police approach. Such practices reinforce perceptions of selective enforcement of public order and raise serious

<sup>26</sup>. <https://elpais.com/espana/catalunya/2025-10-18/la-normalizacion-del-uso-de-gas-pimienta-por-parte-de-los-mossos-abre-una-brecha-entre-socios-del-govern.html>

<sup>27</sup>. <https://elpais.com/espana/2020-07-13/prohibido-golpear-en-cabeza-cuello-y-columna.html>

<sup>28</sup>. [https://en.ara.cat/politics/pepper-spray-in-numbers-the-mossos-d-esquadra-make-record-use-in-2025\\_1\\_5556772.html](https://en.ara.cat/politics/pepper-spray-in-numbers-the-mossos-d-esquadra-make-record-use-in-2025_1_5556772.html)

<sup>29</sup>. <https://stopgaspebre.cat/>

concerns regarding equality, non-discrimination, and the protection of the right to peaceful assembly.<sup>30</sup>

Racialised people and migrants have also been disproportionately subjected to identity checks and police interventions in protest contexts, pointing to patterns of discriminatory profiling.<sup>31</sup> For instance, during a Palestine solidarity demonstration in Barcelona on 15 October, 15 people were arrested during the protest, including 11 minors.<sup>32</sup> CSOs reported identity checks on minors based on racial profiling, as well as controls targeting cultural and political symbols such as the use of the Palestinian keffiyeh scarf.<sup>33</sup>

Another repeated phenomenon was the restriction of protest formats. Authorities frequently encouraged or required organisers to replace a march or demonstration with a static assembly, often citing insufficient police resources or vague security considerations. They modified routes or locations at short notice, invoking bureaucratic technicalities in ways that undermine the impact and objectives of certain protests. In October 2025, local associations in Vicálvaro, Madrid were ordered with less than 24 hours' notice to relocate an officially declared anti-fascist assembly from a central square to a peripheral area, citing generic "security reasons".<sup>34</sup> The late and unilateral change severely limited participation and visibility, illustrating how administrative decisions are used to restrict the form and impact of peaceful assemblies.

Judicial proceedings affecting collective action have also had a strong deterrent effect on peaceful assembly. A prominent example is the case of the "Six of La Suiza" — trade union activists who were sentenced to prison in July 2025 in relation to a labour dispute, despite the non-violent nature of their collective actions.<sup>35</sup> Although subsequent penitentiary measures partially mitigated the sentence, CSOs stress that imprisonment and prolonged judicial proceedings already produced a chilling effect on trade union activity, collective mobilisation, and the exercise of peaceful protest, regardless of the final outcome.

Taken together, these practices of economic sanctioning, disproportionate use of force, preventive detentions, discriminatory policing, and arbitrary restrictions on protest formats, have generated a substantial chilling effect on the exercise of freedom of peaceful assembly. Beyond responding to specific incidents, these mechanisms increasingly operate as tools to regulate who is able to protest, in what forms, and at what personal, legal, and economic cost. Civil society actors report modifying, scaling down, or altogether refraining from organising or participating in protests due to fear of sanctions, physical harm, surveillance, or legal consequences. This cumulative impact discourages collective mobilisation, erodes trust in public institutions, and weakens the organisational capacity of social movements, effectively narrowing civic space.

## Freedom of Expression

The freedom of expression in Spain is primarily regulated by Article 20 of the Spanish Constitution, the Gag law, and the Penal Code.<sup>36</sup> While the constitutional framework formally guarantees freedom of expression and information, its implementation in practice continues to raise serious concerns regarding proportionality, legal certainty, and selective enforcement, particularly in relation to protest-related speech, political criticism, journalistic work, and artistic expression.

Articles 36.23 and 37.4 of the Gag law have had a particularly restrictive impact on the freedom of expression. Article 36.23 penalises the unauthorised use of images or personal data of police officers when it may allegedly endanger their safety or an operation.<sup>37</sup> In practice, this provision has been repeatedly used to discourage or prevent the recording of police actions, despite such recording being protected under the right to information.<sup>38</sup> Article 37.4, which sanctions "lack of respect" towards members of the security forces, relies on vague and subjective wording that enables

30. Internal report by the Granada Protest Rights Observation Network on the 22 October 2025 protest against Vito Quiles (on file with the authors, not publicly available).

31. <https://www.cear.es/noticias/exigen-el-fin-de-las-actuaciones-policiales-racistas/>

32. [https://en.ara.cat/society/15-people-were-arrested-most-of-them-minors-at-the-pro-palestinian-march-in-barcelona-marked-by-riots-and-police-charges\\_1\\_5530365.html](https://en.ara.cat/society/15-people-were-arrested-most-of-them-minors-at-the-pro-palestinian-march-in-barcelona-marked-by-riots-and-police-charges_1_5530365.html)

33. [https://x.com/CGTCatalunya/status/1978438512329314814?t=\\_KPk5bHbt5I8NXjUVufH4A&s=35](https://x.com/CGTCatalunya/status/1978438512329314814?t=_KPk5bHbt5I8NXjUVufH4A&s=35)

34. <https://x.com/ResistiremosVKL/status/1979624953969565765?t=tHvGF40hPJ4LM8-2XY-GfA&s=35>

35. <https://www.rtve.es/noticias/20250710/juzgado-decreta-entrada-prision-seis-suiza-sindicalistas-cnt/16658394.shtml>

36. <https://www.boe.es/buscar/act.php?id=BOE-A-1995-25444> ; <https://www.boe.es/buscar/act.php?id=BOE-A-2015-3439>

37. [https://nosomosdelito.net/sites/default/files/public\\_files/documentos/conoce\\_tus\\_derechos\\_no\\_a\\_la\\_ley\\_mordaza.pdf](https://nosomosdelito.net/sites/default/files/public_files/documentos/conoce_tus_derechos_no_a_la_ley_mordaza.pdf)

38. <https://www.publico.es/sociedad/tenemos-derecho-grabar-policia-actuacion-violenta.html>

sanctions based on verbal expressions or slogans directed at police officers.<sup>39</sup>

The Penal Code continues to include offences that are frequently used against activists, artists, journalists, and political actors, including the glorification of terrorism (Art. 578), insults against the Crown or public authorities (Art. 490.3), and offences against religious feelings (Art. 525). Although the Penal Code has been partially reformed in recent years, these provisions remain unchanged and continue to be applied inconsistently.<sup>40</sup> This has resulted in criminal investigations and prosecutions for satire, artistic expression, and political criticism that fall within the scope of protected public debate.

A significant example related to this is the reopening of criminal proceedings against the satirical magazine *Mongolia* following a complaint by ultra-conservative actors over the content of a satirical cover.<sup>41</sup> Although the case concerns artistic and political satire, it was pursued through criminal channels, reinforcing concerns about the use of punitive legal frameworks to constrain expression that is critical of power structures. SLAPPs against satirical media outlets and comedians have been quite common in Spain in recent decades. Ultra-Catholic and far-right private associations such as *Abogados Cristianos* or *Hazte Oír* have led several campaigns of judicial harassment against activists. Similar dynamics have affected musicians, performers, and cultural actors subjected to judicial proceedings for lyrics, performances, or public statements critical of local authorities or institutions, even when such cases ultimately resulted in acquittals.<sup>42</sup>

Beyond judicial action, censorship and self-censorship were recurrent in 2025. Civic actors reported the removal of banners, murals, and political symbols from public spaces; the prohibition or cancellation of talks, exhibitions and cultural events; and restrictions on political expression in educational, cultural and sporting contexts. In several cases, these measures were adopted without transparent justification or effective avenues for appeal. Public authorities have also imposed restrictions on the display of Palestinian symbols in institutional and educational settings. In September 2025, several public schools in the Community of Madrid prohibited the display

of Palestinian flags and symbols, following instructions from regional educational authorities, on the grounds of maintaining political neutrality in schools.<sup>43</sup> According to public broadcasters, these measures were applied selectively and without equivalent restrictions on other political symbols, raising concerns about the arbitrariness and unequal treatment of political expression, particularly in relation to solidarity with Palestine.

The freedom of expression has also been affected in the digital sphere. Human rights organisations and activists have faced account suspensions, content removals, and restrictive content moderation on social media platforms, particularly in relation to politically sensitive issues such as Palestine, anti-racism, police accountability and LGBTQI+ rights. These measures are frequently applied without clear justification, prior notice, or effective appeal mechanisms. During the monitoring period, this included the closure or restriction of accounts belonging to well-known LGBTQI+ rights defenders,<sup>44</sup> alongside the circulation of fake news and coordinated online attacks. Taken together, these practices undermine digital civic space, amplify the chilling effect on online expression, and limit the ability of civil society actors to communicate, mobilise, and operate safely and effectively.

Press freedom remains particularly vulnerable in protest contexts. Journalists and media workers are frequently subjected to identity checks, sanctioned, or fined under the Gag law while covering demonstrations, sometimes receiving the same penalties as protesters. In addition to administrative repression, reporters have been exposed to direct police violence, including baton strikes, impacts from foam projectiles and the use of pepper spray, despite being clearly identified as press. In June 2025, a journalist investigating police infiltrations into social movements was detained and investigated for alleged document falsification, despite the clear public interest of the investigation, raising concerns about the use of criminal procedures as a deterrent against investigative journalism into security forces and state practices.<sup>45</sup>

Journalists have also been targeted by non-state actors. In August 2025, a journalist investigating far-right groups was physically assaulted at the entrance of his

39. For example: [https://elpais.com/politica/2017/06/01/actualidad/1496342552\\_279869.html](https://elpais.com/politica/2017/06/01/actualidad/1496342552_279869.html)

40. <https://novact.org/es/publicacio/guia-de-defensa-contra-la-criminalizacion-indebida-de-activistas-mediante-los-delitos-de-expresion/>

41. <https://cadenaser.com/nacional/2025/03/27/la-justicia-reabre-una-investigacion-contra-los-coeditores-de-la-revista-mongolia-por-su-portada-de-un-belen-satirico-cadena-ser/>

42. <https://www.diariodenavarra.es/noticias/navarra/tierra-estella/2025/09/30/absuelven-cinco-miembros-raimundo-el-canastero-cancion-alcaldesa-estella-662063-1006.html>

43. <https://elpais.com/espana/madrid/2025-09-17/el-gobierno-de-ayuso-pide-a-varios-colegios-madrilenos-que-retiren-los-simbolos-de-apoyo-a-gaza.html>

44. <https://orgull.barcelona/noticies/exclusiva-facebook-tanca-el-compte-de-jordi-petit-activista-historic-lgtbi/>

45. <https://www.elsaltodiario.com/madrid/detenido-madrid-investigar-casos-infiltracion-policia-movimientos-sociales>

home by ultra-right individuals, highlighting serious failures to guarantee the safety of media workers and to ensure effective investigation and accountability for such attacks.<sup>46</sup>

Political pressure and intimidation against public figures and media professionals have also increased. In September, a member of the far-right Vox party publicly threatened television presenter Marc Giró with dismissal from public broadcasting if the party were to gain institutional control, illustrating how political power is explicitly invoked to intimidate critical voices and undermine editorial independence.<sup>47</sup>

## Participation in Decision-making

Spain maintains a formal participation framework at national, regional, and local levels, combining constitutional guarantees, sectoral legislation, and a growing eco-system of digital participation tools. At the national level, citizen participation is channelled mainly through the Transparency and Open Government framework, including the *Plataforma de Participación Ciudadana* for public consultations on draft laws, regulations and strategies. In addition, Popular Legislative Initiatives (ILPs) constitute a key formal mechanism for direct citizen participation in the legislative process.

In 2025, a total of 20 ILPs were formally processed by congress. This marks the highest number recorded in the past decade and reflects sustained citizen engagement through this institutional mechanism despite persistent obstacles in advancing proposals to substantive legislative debate. While this figure indicates an active use of formal participatory channels, many ILPs face long procedural delays, limited parliamentary debate, or stagnation at committee level, limiting their effective impact on policymaking.

Regarding public consultations at state level, the government continued to launch prior public consultations and public hearings through the central participation portal managed by the Ministry for Digital Transformation and Public Function. However, no consolidated or disaggregated public data is available on the total number of state-level consultations carried out in 2025, the average number of contributions received, or participation rates across sectors.<sup>48</sup> The absence of such aggregated statistics constitutes a

Overall, while freedom of expression remains formally protected in Spain, its practical enjoyment is increasingly constrained by a combination of administrative sanctions, criminal provisions, censorship practices, digital restrictions, and both state and non-state intimidation. These dynamics disproportionately affect activists, artists, journalists and CSOs engaged in rights-based and politically sensitive work, undermining pluralism, democratic debate, and the vitality of civic space.

significant transparency gap and makes it difficult to assess the real scope, inclusiveness and effectiveness of participatory processes.

Moreover, there is no systematic, mandatory mechanism to provide public feedback explaining how citizens' or civil society contributions are assessed or incorporated into final decisions. This lack of traceability between participation and outcomes reinforces perceptions that consultations function primarily as formal or procedural requirements, rather than as meaningful deliberative tools. The government itself has implicitly acknowledged these shortcomings in the preparatory documents of the fifth Open Government Plan (2025–2029), which identifies the need to improve follow-up and accountability in participatory processes.<sup>49</sup>

At regional and municipal levels, participation frameworks remain more developed and accessible. Platforms such as *Decide Madrid*, *Ireki* (Basque Country), *Participa Gencat* (Catalonia) and the open-source platform *Decidim*<sup>50</sup> are widely used, and participatory budgeting processes continue to operate in several major cities. Nevertheless, participation rates remain uneven, and digital participation tools can exclude certain groups due to barriers related to digital literacy, accessibility, language, and time constraints.

Overall, while Spain displays a dense architecture of participatory mechanisms, the gap between participation in form and participation in substance persists. The lack of consolidated data, limited feedback, late-stage

<sup>46</sup>. <https://www.elsaltodiario.com/extrema-derecha/un-grupo-ultraderechistas-agrede-al-periodista-roman-cuesta-puerta-casa>

<sup>47</sup>. <https://elpais.com/television/2025-09-25/un-diputado-de-vox-amenaza-con-despedir-fulminantemente-a-marc-giro-cuando-su-partido-llegue-a-rtve.html>

<sup>48</sup>. [https://www.mpt.gob.es/portal/ministerio/participacion\\_proyectos.html](https://www.mpt.gob.es/portal/ministerio/participacion_proyectos.html)

<sup>49</sup>. <https://transparencia.gob.es>

<sup>50</sup>. <https://decidim.org/es/usedby/>

consultations, and weak integration of contributions into final policy outcomes undermine trust in participatory processes and reduce their democratic value. Strengthening participation would require greater

transparency, earlier and more inclusive engagement, institutionalised structured dialogue with civil society, and enforceable obligations to report on the impact of public input on decision-making.

## Safe space

In 2025, civil society actors in Spain operated in an increasingly unsafe environment, marked by physical attacks, intimidation, surveillance, harassment, and judicial pressure. These dynamics interact with and amplify the restrictions documented in the chapters on freedom of association, peaceful assembly, and expression and transform legal and administrative pressures into lived conditions of fear, insecurity, and self-censorship.

Physical attacks and vandalism against civic spaces and actors were recurrent. Far-right and neo-Nazi groups targeted community centres, social spaces, and cultural venues associated with grassroots organising and left-wing or anti-racist activism. Incidents included attacks on neighbourhood social centres, neo-Nazi graffiti, and racist threats against the Lakaxita social centre in the city of Irun;<sup>51</sup> assaults, vandalism, and fascist graffiti on the Ateneu Popular d'Esplugues<sup>52</sup> and the Casal Independentista L'1 d'Octubre,<sup>53</sup> as well as a violent neo-Nazi attack in a community space in Valencia.<sup>54</sup> Cultural spaces and independent bookshops linked to Palestinian solidarity and left-wing movements were also subjected to vandalism and intimidation.<sup>55</sup> These attacks directly undermine the perception of safety necessary for sustained civic engagement, disproportionately affecting small, community-based initiatives with limited resources to ensure security or pursue accountability.

Beyond targeted attacks, the excessive use of force in protest and eviction contexts further eroded safe space for civic engagement. As documented earlier, CSOs reported police charges, beatings, hospitalisations, and the use of crowd-control weapons, resulting in serious injuries, including permanent harm caused by foam projectiles. The indiscriminate use of pepper spray

and tear gas during protests and evictions increased risks not only for protesters, but also for journalists and bystanders, reinforcing the perception that public space itself has become unsafe for civic participation.

Of particular concern were three newly uncovered cases of police infiltration and covert surveillance in 2025,<sup>56</sup> adding to at least nine similar cases documented since 2022 in our report. In these cases, undercover officers embedded themselves for prolonged periods within social movements and associative spaces under false identities, systematically collecting information on internal dynamics, personal relationships, and political activities. Such practices constitute a grave interference with the autonomy of CSOs and raise serious concerns regarding their legal basis, proportionality, and the absence of effective democratic oversight.

In the recent cases, police infiltration using false identities were uncovered, affecting environmental movements in Madrid,<sup>57</sup> Palestinian solidarity and independence-related movements in Barcelona,<sup>58</sup> and pro-independence activism in Lleida.<sup>59</sup> These cases add to a broader pattern of documented infiltrations in neighbourhood movements and social centres.

These infiltration practices have had severe and lasting consequences for those affected, particularly in cases involving deception and intimate relationships. In 2025 Spanish courts again denied access to justice to a woman who was the victim of a police infiltration operation involving a prolonged deceptive sentimental relationship, despite acknowledging the existence of the undercover operation. The court refused to recognise her as a victim or to investigate potential violations of her fundamental rights, effectively closing the door to accountability and reparations.

51. <https://www.elsaltodiario.com/racismo/navidades-agresiones-fascistas-euskal-herria>

52. <https://esplugues.digital/5e-atac-feixista-2025-ateneu-popular-esplugues/>

53. [https://x.com/Octubre\\_P9/status/1953410991644877056?t=czsMbaWJMqjaBixvMYLiA&s=35](https://x.com/Octubre_P9/status/1953410991644877056?t=czsMbaWJMqjaBixvMYLiA&s=35)

54. [https://www.instagram.com/p/DGsgB2vN6L-/?igsh=X3A1bXYzSEVO&img\\_index=4](https://www.instagram.com/p/DGsgB2vN6L-/?igsh=X3A1bXYzSEVO&img_index=4)

55. [https://www.elnacional.cat/es/sociedad/libreria-finestres-denuncia-ataque-vandalico-contra-trentena-libros-sobre-palestina\\_1432825\\_102.html](https://www.elnacional.cat/es/sociedad/libreria-finestres-denuncia-ataque-vandalico-contra-trentena-libros-sobre-palestina_1432825_102.html)

56. Uncovered cases of police infiltration in social movements in 2025: 05/03/2025 | Belén Hammad Gomez, a Spanish police officer infiltrated in the Palestinian Solidarity Movement & the Catalan independentist movement in Barcelona: <https://www.elsaltodiario.com/represion/directa-destapa-una-policia-infiltrada-movimiento-palestina-izquierda-independentista> | 01/04/2025 | Joan Llobet Garcia, a Spanish police officer infiltrated in the Catalan and leftist independentist movement in Lleida: <https://directa.cat/un-policia-espanyol-sinfiltra-dos-anys-en-lactivisme-de-lleida/>; 23/04/2025 | Nieves López Medina, a police officer infiltrated in the environmental & ecologist movement in Madrid: <https://www.elsaltodiario.com/madrid/nieves-otra-policia-infiltrada-movimiento-ecologista-madrid>

57. <https://www.elsaltodiario.com/madrid/nieves-otra-policia-infiltrada-movimiento-ecologista-madrid>

58. <https://directa.cat/una-policia-espanyola-sinfiltra-durant-dos-anys-al-moviment-per-palestina-i-a-lesquerria-independentista/>

59. <https://directa.cat/un-policia-espanyol-sinfiltra-dos-anys-en-lactivisme-de-lleida/>

On various occasions, the court believed that activists gave “consent” to the infiltrated police officers to access their spaces and documents, as well as in their sexual and romantic relationships. These cases illustrate how infiltration practices not only undermine the collective autonomy of social movements, but also cause profound personal harm, including psychological trauma, violation of privacy and erosion of trust, while leaving victims without effective legal remedies. CSOs warn that the absence of accountability mechanisms and victim recognition further deepens the climate of fear and insecurity surrounding civic engagement.<sup>60</sup>

International bodies have reiterated these concerns. In its latest concluding observations on Spain’s implementation of the International Covenant on Civil and Political Rights (ICCPR), the UN Human Rights Committee warned that surveillance practices targeting human rights defenders and civil society can restrict freedom of expression, peaceful assembly, and association. The committee expressed concern about the use of spyware such as Pegasus and the infiltration of agents into social movements, and urged Spain to ensure that all allegations of unlawful surveillance are investigated thoroughly and impartially, and that victims have access to effective remedies.<sup>61</sup>

These dynamics also affect journalists and media workers, particularly those investigating police practices, far-right violence, or state accountability. Detentions, criminal investigations, and other coercive measures have been used against journalists in ways that go beyond legitimate law enforcement needs. This includes police violence against journalists and cases where journalists investigating police infiltration into social movements were subjected to criminal procedures, reinforcing perceptions of retaliation and institutional hostility towards critical scrutiny.<sup>62</sup>

Safe space has also been undermined in the digital sphere. Activists involved in housing rights, anti-fascist mobilisation, and neighbourhood struggles reported coordinated online harassment, threats and smear campaigns aimed at delegitimising their work and exposing them to personal risk. In several cases, online harassment was combined with offline intimidation, including threats during public events.<sup>63</sup> In addition to

offline intimidation and legal harassment, civil society actors report growing insecurity in the digital sphere, where account suspensions, content removals and coordinated online attacks contribute to self-censorship and undermine their ability to operate safely.

A particularly concerning development is the consolidation of the so-called “desokupa” phenomenon. Private eviction companies, closely linked to far-right political and media environments, have increasingly intervened in housing conflicts through intimidation, pressure tactics, and public smear campaigns against housing rights activists, tenant unions and community spaces. This contributes to a climate of fear and discouraging collective mobilisation. In Granada, a court convicted AMA Desokupa for coercion after the company attempted to evict a social centre without a judicial order, confirming that the action was carried out through intimidation and without legal authorisation.<sup>64</sup> This case exemplifies how extra-judicial practices by non-state actors, when tolerated or insufficiently sanctioned, further erode safe space and legal guarantees for civic action.

Judicial harassment has taken the form of criminal investigations and prosecutions linked to protest, expression, and advocacy, including cases promoted or supported by ultra-conservative actors. CSOs identify SLAPP-like characteristics in several proceedings where litigation appears aimed at intimidating, exhausting or silencing critics rather than addressing genuine harm.<sup>65</sup> This is the case with the Observatorio de Bienestar Animal (OBA), which has been accused of “misinformation” by the Lidl supermarket chain after pointing out in several campaigns that the chain’s poultry products “showed evidence of animal abuse.”<sup>66</sup>

Crucially, many judicial proceedings against activists ultimately end in acquittal, dismissal, or amnesty. However, civil society actors stress that the criminal process itself functions as punishment. An illustrative case is that of housing rights activists who were prosecuted for alleged robbery in the context of protest-related actions but ultimately acquitted due to lack of evidence.<sup>67</sup> Despite the outcome, those involved faced years of legal uncertainty, reputational damage, and significant economic and emotional

60. [https://www.eldiario.es/catalunya/justicia-vuelve-cerrar-puerta-victima-policia-infiltrado-pese-engano-relacion-sentimental\\_1\\_12303982.html](https://www.eldiario.es/catalunya/justicia-vuelve-cerrar-puerta-victima-policia-infiltrado-pese-engano-relacion-sentimental_1_12303982.html)

61. <https://centrosira.org/el-comite-de-derechos-humanos-de-naciones-unidas-suspende-a-espana/>

62. <https://www.elperiodico.com/es/sociedad/20251217/consejo-europa-investigara-impacto-proyector-mossos-fotoperiodista-manifestacion-palestina-barcelona-124885979>

63. <https://www.vilaweb.cat/noticies/extrema-dreta-amenaces-vei-vallcarca-desnonament/>

64. [https://www.elsaltodiario.com/granada/ama-desokupa-intenta-desalojar-un-nuevo-centro-social-granada-orden-judicial?&utm\\_medium=social&utm\\_campaign=web&utm\\_source=directo](https://www.elsaltodiario.com/granada/ama-desokupa-intenta-desalojar-un-nuevo-centro-social-granada-orden-judicial?&utm_medium=social&utm_campaign=web&utm_source=directo)

65. <https://blogs.es.amnesty.org/castilla-la-mancha/2025/02/24/la-sentencia-a-los-8-de-caixabank-restringe-desproporcionadamente-el-derecho-a-la-protesta/#:~:text=Por%20sentencia%20de%20fecha%2013,el%20art%C3%ADculo%20556%20del%20C%C3%B3digo>

66. <https://www.elsaltodiario.com/maltrato-animal/lidl-denuncia-animalistas-pollo-maltrato>

67. <https://www.publico.es/sociedad/represion-movimiento-vivienda-catalunya-quieren-desmovilizar-pero-pararemos.html?>

costs. Similar dynamics are observed in emblematic cases analysed elsewhere in this report, such as the conviction of the “Six of La Suiza”, where prolonged judicial proceedings and custodial sentences linked to non-violent collective action produced a chilling effect extending well beyond the individuals concerned.

Lengthy investigations, pre-trial measures, repeated court appearances, and prolonged legal uncertainty impose severe psychological, financial and organisational burdens, regardless of the final outcome. Civil society actors warn that this dynamic normalises the use of criminal law as punishment through process rather than outcome, eroding trust in judicial institutions and discouraging collective action.

Additional surveillance practices include the use of drones during mobilisations and evictions, systematic recording of protests, the presence of unidentified police officers at assemblies, and repeated identity checks and detentions. These practices contribute to a climate of fear and undermine the perception of safety for activists, journalists, and participants in peaceful civic action.

Certain groups experienced disproportionate targeting due to the nature of their activism. Palestinian solidarity mobilisations faced fines,<sup>68</sup> detentions,<sup>69</sup> and the removal of symbols and restrictions on expression.<sup>70</sup> Housing rights movements were subjected to heavy policing during evictions.<sup>71</sup> Racialised communities and anti-racist collectives reported racial profiling and mass identity checks.<sup>72</sup> LGBTQI+ activists experienced vandalism, online harassment and police interventions,<sup>73</sup> while feminist collectives reported the vandalisation of murals<sup>74</sup> and detentions during protests.<sup>75</sup> These patterns reflect intersecting forms of discrimination that further narrow safe space for those defending the rights of marginalised groups.

Impunity for past and present human rights violations continues to undermine safe space for civil society in Spain. Despite the adoption of the Law on Democratic Memory (20/2022),<sup>76</sup> that recognises the victims of the Civil War and Franco’s dictatorship (1936-1978) and promotes the search for missing persons, truth, and memory, victims continue to face systemic obstacles to justice. Investigations into torture and other grave abuses remain largely stalled, and accountability mechanisms have proven slow and ineffective, reinforcing perceptions of institutional unwillingness to address past crimes. CSOs stress that this unresolved legacy of impunity has direct consequences for the present: it weakens trust in judicial institutions, normalises the absence of accountability for state violence, and undermines guarantees that these crimes will not be repeated.<sup>77</sup> These concerns are compounded by recent developments affecting civic actors, including revelations of police infiltration in social movements and allegations of unlawful surveillance. In this context, the failure to ensure effective investigations and remedies — both for historical abuses and contemporary violations — contributes to an unsafe environment for activists, journalists, and human rights defenders and reinforces a climate in which accountability deficits persist across generations. The cumulative effect of these dynamics has been a significant deterioration of safe space for civil society in Spain. Organisations and activists report reduced participation in protests, increased self-censorship, changes in visibility and formats of action, and the suspension of activities. Financial burdens linked to fines and legal defence, combined with psychological stress, fear, and exhaustion — particularly in cases involving violence or infiltration — have weakened organisational sustainability and individual wellbeing.

Taken together, these conditions severely restrict the ability of civil society actors to operate safely, freely, and effectively, undermining democratic participation and the protection of fundamental rights.

68. <https://www.elsaltodiario.com/cordoba/cuatro-activistas-multados-2400-euros-cordoba-manifestarse-genocidio-palestina>  
69. [https://www.ara.cat/societat/15-detinguts-majoria-menors-marxa-propalestina-barcelona-marcada-pels-aldarulls-carregues-policials\\_1\\_5530261.html](https://www.ara.cat/societat/15-detinguts-majoria-menors-marxa-propalestina-barcelona-marcada-pels-aldarulls-carregues-policials_1_5530261.html)  
70. <https://www.totbarcelona.cat/societat/la-guardia-urbana-retira-pancartes-de-suport-a-palestina-a-les-festes-de-gracia-646684/>  
71. [https://capgros.elnacional.cat/ca/successos/critiquen-violencia-policial-mataro-arran-onada-vandalisme-barri-cerdanyola\\_815322\\_102.html](https://capgros.elnacional.cat/ca/successos/critiquen-violencia-policial-mataro-arran-onada-vandalisme-barri-cerdanyola_815322_102.html)  
72. <https://www.cear.es/noticias/exigen-el-fin-de-las-actuaciones-policiales-racistas/>  
73. <https://www.publico.es/sociedad/exclusiva-redadas-humillaciones-riesgo-carcel-asi-actua-policia-colectivo-lgtbiq-excusa-drogas-chemsex.html>  
74. <https://elpais.com/espana/catalunya/2025-05-22/vandalizado-un-mural-feminista-de-barcelona-con-pintadas-de-velos-islamicos.html>  
75. <https://www.elsaltodiario.com/comunidad-madrid/femen-protestan-terapias-conversion-un-acto-familia-psiquiatras-rojas-escape>  
76. <https://www.boe.es/buscar/act.php?id=BOE-A-2022-17099>  
77. <https://centrosira.org/2026/01/30/dos-anos-de-ley-de-memoria-democratica-lentitud-e-ineficacia-en-su-puesta-en-marcha-y-ausencia-de-justicia-para-las-victimas/>

# Recommendations

## TARGETED RECOMMENDATION

- **Urgently reform the Law on Citizen Security (Gag law) by the end of 2026 to safeguard the freedoms of association, peaceful assembly, and expression, including by removing vague and discretionary offences, guaranteeing the right to spontaneous assemblies, and ending the use of administrative sanctions as a deterrent to protest.**
- **End the misuse of criminal law against civil society, trade unions, and social movements,** including the use of terrorism, organised crime, the instrumentalisation of sports-related legislation, hate crime, aggravated offences against non-violent and peaceful protests, labour action, and political expression, in line with international human rights standards.
- **Halt unlawful police infiltration and surveillance of social movements, investigate past cases, and provide reparations to victims,** prohibit racial and political profiling, and establish a clear legal framework recognising profiling as discrimination, including mandatory documentation of stop-and-search practices.
- **Prevent “punishment through process” and judicial harassment of activists,** ensuring the early dismissal of cases lacking evidence, recognising SLAPP-like dynamics, and adopting safeguards to prevent prolonged criminal proceedings that generate chilling effects, in line with EU Anti-SLAPP directive.
- **Ensure full compliance with international human rights standards in the policing of assemblies and evictions,** guaranteeing legality, necessity, proportionality, and accountability in all use-of-force operations.
- **Guarantee fair, stable, and accessible public funding frameworks for civil society, neighbourhood and grassroots organisations,** including by eliminating excessive bureaucratic barriers and discretionary requirements, and guaranteeing multiannual funding mechanisms.
- **Prohibit or strictly regulate private coercive entities operating outside judicial oversight, including companies engaged in forced evictions or intimidation practices, such as so-called “Desokupa” groups,** and unequivocally end any form of cooperation, coordination, or tolerance between law enforcement bodies and such entities, ensuring accountability for both private actors and public officials involved.

## About the author

**NOVACT** defends life and freedoms in the Euro-Mediterranean region to promote a fair and lasting peace. The organisation reinforces an ecosystem of social change that confronts authoritarianism by accompanying movements and human rights defenders through nonviolence. NOVACT aims to strengthen them from a holistic perspective, based on social environmentalism and gender justice, which fosters coordination and community power-building at the service of fundamental civil and political rights. Furthermore, it strengthens and accompanies the role of civil society as a central actor in conflict prevention, at the service of reducing violence and building peace. NOVACT is committed to a prevention strategy based on nonviolence and human security that focuses on preventing authoritarianism, extremist violence, and negative polarisation, building social cohesion, and contributing to nonviolent conflict transformation.



CIVIC SPACE REPORT 2026

# Western Balkans






Albania, Bosnia and Herzegovina, Kosovo,  
Montenegro, North Macedonia, Serbia

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Key Trends .....	218
Summary .....	218
Freedom of Association .....	219
Access to funding .....	220
Freedom of Peaceful Assembly .....	223
Freedom of Expression .....	224
Participation in Decision-making .....	226
Safe space .....	227
Recommendations .....	230
About the author .....	231

# Key Trends

-  Escalating threats against activists and journalists, including physical violence, surveillance, SLAPPs, and smear campaigns.
-  USAID funding freeze caused abrupt programme cancellations, ignited “foreign agent” disinformation and CSO raids.
-  Public funding scarce, opaque, and politically controlled; heavy donor dependency exposed.
-  Relations between governments and CSOs deteriorate, with limited and increasingly procedural participation in policymaking.
-  Civic safe space shrinks, marked by fear, self-censorship, gender-based violence and harassment, and the absence of protection for targeted actors.

## Summary

Civic space varies among Western Balkans countries. According to the CIVICUS Monitor, civic space is “Narrowed” in **Albania**,<sup>1</sup> **Kosovo**,<sup>2</sup> **Montenegro**,<sup>3</sup> and **North Macedonia**,<sup>4</sup> “Obstructed” in **Bosnia and Herzegovina**,<sup>5</sup> and “Repressed” in **Serbia**.<sup>6</sup> The European Commission’s 2025 Rule of Law Country reports included references to civic space concerns across most Western Balkan countries.

In 2025, civic space across the Western Balkans further deteriorated, marked by legal restrictions, a shrinking funding landscape, escalating intimidation, and an increasingly hostile operating environment for civic actors, in particular critical watchdog organisations and actors working on anti-corruption, minority rights, LGBTIQI+ rights or environmental justice.

Governments and ruling parties intensified pressure on civil society organisations (CSOs) and media through smear campaigns, Strategic Lawsuits Against Public Participation (SLAPPs), selective inspections, surveillance, police raids, and physical violence, often met with impunity. The abrupt suspension of USAID funding triggered widespread programme closures and exposed donor dependency and simultaneously fuelled “foreign agent” narratives that legitimised raids, stigmatisation and restrictive legislative initiatives. Public funding remained scarce, opaque, and politically controlled, favouring government organised non-governmental organisations (GONGOs) over independent watchdogs. Participation in decision-making became increasingly procedural, with weakened consultation mechanisms and civil dialogue.

1. <https://monitor.civicus.org/country/albania/>  
2. <https://monitor.civicus.org/country/kosovo/>  
3. <https://monitor.civicus.org/country/montenegro/>  
4. <https://monitor.civicus.org/country/macedonia/>  
5. <https://monitor.civicus.org/country/bosnia-herzegovina/>  
6. <https://monitor.civicus.org/country/serbia/>

# Freedom of Association

Freedom of association across the Western Balkans is constitutionally protected and broadly aligned with international human rights standards, enabling CSOs to operate within a formalised enabling legal framework. Yet in practice, implementation is shaped by incomplete legal reforms, expanding regulations, and ongoing administrative and political pressure on the sector. In **Montenegro**, a draft NGO law was opened for public consultation but has not yet been adopted.<sup>7</sup> In North Macedonia, a draft law published at the end of 2025 seeks to strengthen the civil society framework through clearer rules on public support, CSO participation in decision-making, non-profit principles, transparency, and institutional co-operation with public authorities.<sup>8</sup>

CSO registration frameworks saw ongoing reform efforts but were constrained by procedural and administrative barriers. In **Albania**, the electronic registration system is not yet operational. In December 2025, the draft law “On the Registration of Non-Profit Organisations” was approved. While the law largely reflects the Constitutional court’s ruling,<sup>9</sup> it includes administrative sanctions of up to approximately 60,000 Albanian Lek (ALL) for submitting false data or failing to report changes. Concerns raised by CSOs regarding the application of these sanctions were not addressed in the final adopted law.<sup>10</sup> Similar concerns emerged in **Montenegro**, where proposed legislative changes expanded oversight powers and sanctions, increasing administrative burdens for CSOs, and introduced vague formulations which could potentially be abused.<sup>11</sup> In **Kosovo**, the amendments to 2022 Administrative Instruction on the Registration, Operation, and Deregistration of NGOs aligned NGO registration rules with the legal framework. The changes clarify requirements for foundations, operationalising fines for delayed updates, and introduced a second-instance appeals body in the case of deregistration.<sup>12</sup> At the same time, the process of drafting of the amendments excluded civil society participation and extended administrative review deadlines to 45 days, raising concerns about efficiency. In **North Macedonia**, conditional

registration requirements, notably the obligation to obtain prior approval from the Commission for the Use of Names before an organisation can register, created procedural bottlenecks when the commission was not fully operational.<sup>13</sup> In **Serbia**, CSO registration and participation continued to be shaped by a broader hostile environment for civil society. The new law on the Central Register of Beneficial Owners entered into force on 1 October 2025, extending mandatory registration to CSOs without taking into account the specificities of the sector. The law did not clearly prescribe procedures and thus requires additional clarifications from the ministry. CSO representatives were not involved in the drafting process, creating uncertainty regarding required documentation and increasing the administrative burden on organisations.

Anti-Money Laundering and Counter Terrorism Financing (AML/CFT) frameworks expanded compliance obligations for CSOs that often exceeded risk- and proportionality-based assessments. In **Albania**, proposed AML/CFT amendments introduced the wording “non-profit organisations considered as high-risk,” -terminology that is inconsistent with Financial Action Task Force (FATF) Recommendation 8, which refers to applying risk-based, proportionate measures that do not unduly disrupt or discourage legitimate non-profit activities.<sup>14</sup> In **Kosovo**, the implementation of the Register of Beneficial Owners, advanced through draft administrative byelaws, largely transposed commercial-sector concepts onto NGOs. It introduced ownership-related requirements incompatible with non-profit governance structures, and terminology inconsistent with the Law on Freedom of Association, raising concerns about proportionality and legal certainty.<sup>15</sup> In **Serbia**, AML/CFT measures were used to access the financial records of critical activists and CSO representatives, raising concerns about selective enforcement and the chilling effect.<sup>16</sup> Meanwhile, in **Bosnia and Herzegovina**, the High Judicial and Prosecutorial Council adopted guidelines aligning judicial handling of AML/CTF cases with

7. <https://resursnicentar.me/konsultativni-sastanak-o-izmjenama-zakona-o-nvo-okupio-predstavnike-institucija-i-civilnog-sektora/>

8. [https://ener.gov.mk/Default.aspx?item=pub\\_regulation&subitem=view\\_reg\\_detail&itemid=73921](https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=73921)

9. The Constitutional Court abolished the requirement for a 30-day registration deadline at Tirana Judicial District Court, provisions expanding chancellor powers (now limited to the court), and administrative fines for false data or delays; the new amendments, however, reintroduce proportionate fines up to 60,000 ALL.

10. <https://konsultimipublik.gov.al/Konsultime/Detaje/832?utm>

11. <https://resursnicentar.me/konsultativni-sastanak-o-izmjenama-zakona-o-nvo-okupio-predstavnike-institucija-i-civilnog-sektora/>

12. <https://kryeministri.rks-gov.net/wp-content/uploads/2025/03/ADMINISTRATIVE-INSTRUCTION-GRK-NO.-02-2025.pdf>

13. This requirement stems from amendments to the Law on Associations and Foundations and the establishment of a government-linked body tasked with reviewing and approving the use of certain names. Observers have raised concerns that giving such a body a role in registration can affect the timeliness and predictability of the process: <https://rcgo.mk/wp-content/uploads/2025/08/report-macedonia.pdf>

14. <https://resourcecentre.al/legal-opinion-on-the-amendment-of-the-draft-law-on-some-additions-and-amendments-to-law-no-9917-dated-19-5-2008-on-the-prevention-of-money-laundering-and-financing-of-terrorism/>

15. <https://lds.rks-gov.net/ByLaws/ByLawsPreparation>

16. <https://radar.nova.rs/drustvo/uprava-za-sprecavanje-pranja-novca-kriticali/>

the Council of Europe Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) standards,<sup>17</sup> while in **Montenegro**, authorities maintained structured dialogue with civil society on risk assessment and safeguards for NPOs.<sup>18</sup>

As part of broader government efforts to silence dissent and target independent CSOs, media, and opposition voices in the Republika Srpska entity, the National Assembly reintroduced and adopted the controversial Law on the Special Registry and Transparency of the Work of Non-Profit Organisations, commonly referred to as the “foreign agents” law. The law introduced mandatory registration of CSOs receiving foreign funding, labelling them as “foreign agents” and imposing restrictions on their activities, including on public participation and policy debates.<sup>19</sup> Following national and international pressure, along with regional advocacy, the Constitutional Court of Bosnia and Herzegovina suspended the law, citing violations of the right to freedom of association.<sup>20</sup> In January 2026, the Constitutional Court of Republika Srpska<sup>21</sup> suspended constitutional review proceedings on the law.<sup>22</sup> This comes following a request submitted by the Helsinki Citizens’ Assembly Banja Luka, CAPITAL, and Dejan Lučka from Laktaši, noting that the law had already ceased to be in force after the earlier ruling of the Constitutional Court of Bosnia and Herzegovina. While this suspension is a positive development, the

law would significantly expand state control over civil society and contribute to a hostile environment for independent organisations if re-instated.

Similar patterns of pressure were also evident in **Serbia**, where independent CSOs and activists continued to face smear campaigns, institutional harassment, and intrusive action from law-enforcement. In February, members of the Criminal Police Directorate raided the premises of several prominent Serbian CSOs, including Civic Initiatives, the Center for Research, Transparency and Accountability (CRTA), the Centre for Practical Politics, and the Trag Foundation, citing alleged misuse of USAID funds. The raids followed weeks of co-ordinated smear campaigns in pro-government media and public accusations by senior state officials<sup>23</sup> linking civil society to a so-called “coloured revolution.”<sup>24</sup> In parallel, the Administration for the Prevention of Money Laundering requested banks to provide detailed financial data of several leading CSO representatives, without specifying concrete criminal acts. All targeted organisations and individuals were known for their critical stance toward the government.<sup>25</sup> In parallel, foreign and regional activists participating in civil society activities in Belgrade were detained and expelled without evidence or due process,<sup>26</sup> using security narratives to restrict cross-border civic engagement. This reinforces the broader chilling effect on civil society and fundamental freedoms.<sup>27</sup>

## Access to funding

Public and international funding availability for civil society in the Western Balkans deteriorated, as politicised domestic funding practices coincided with major disruptions in international assistance. Legal and policy frameworks governing state support to civil society across the region remained fragmented, with reforms largely stalled or absent. In **North Macedonia**, the lack of progress on amending the Law on Donations and Sponsorships left CSO funding dependent on individual institutions and

municipalities, resulting in inconsistent practices. This contrasts with the 2025 Government Work Programme and the prime minister’s commitments to dedicated civil society funding, including a guarantee fund to cover co-financing for EU programmes such as the Instrument for Pre-Accession Assistance (IPA), Horizon Europe, and Digital Europe. While these commitments were formalised through amendments to the Law on Associations and Foundations, they are yet to be implemented in practice. In **Montenegro**, proposed

17. <https://detektor.ba/2025/05/08/usvojene-smjernice-za-postupanje-u-predmetima-pranja-novca-i-finansiranja-terorizma/>

18. <https://rtnk.me/drustvo/mjere-protiv-finansiranja-terorizma-ne-smiju-ugroziti-rad-nvo/>

19. <https://balkancsd.net/bcsdn-concerns-over-the-adoption-of-the-foreign-agents-law-in-republika-srpska-deepening-repression-on-civil-society/>

20. <https://publications.civicus.org/publications/foreign-agents-laws-report/2024-2025-foreign-agents-laws-go-global/>

21. Republika Srpska is one of two entities that comprise Bosnia and Herzegovina.

22. <https://odgovorno.ba/i-ustavni-sud-rs-potvrdio-neustavnost-obracuna-vlasti-u-rs-sa-nezavisnim-medijima-i-nevladinim-organizacijama/>

23. <https://europeanwesternbalkans.com/2025/02/25/serbian-authorities-raid-critical-csos-cite-trump-administrations-statements-on-usaid/>

24. “Coloured revolutions” refer to a series of largely non-violent protest movements in post-Soviet states and Eastern Europe during the early 2000s (e.g., the Rose Revolution in Georgia 2003 and the Orange Revolution in Ukraine 2004), and often also the “Colourful Revolution” protests in North Macedonia in 2015–2016), typically sparked by disputed elections and driven by civil society, youth groups, and Western-backed NGOs demanding democratic reforms against authoritarian rule. In Serbia’s context, pro-government narratives frame them as foreign-orchestrated coups to delegitimise domestic opposition and CSOs, portraying USAID-funded groups as tools for destabilising regimes akin to these events.

25. <https://radar.nova.rs/drustvo/uprava-za-sprecavanje-pranja-novca-kriticari/>

26. <https://europeanwesternbalkans.com/2025/01/22/foreign-civic-activists-interrogated-and-banned-from-serbia-for-representing-a-security-risk/>

27. <https://balkancsd.net/serbian-crackdown-crossing-borders-join-the-civil-society-alert-against-vucics-oppression/>

amendments aimed to improve the NGO environment by increasing public funding from 0.5 to 0.6 per cent of the state budget and digitalising registration and funding procedures. At the same time, the government proposed to remove the legal guaranteed budget share of 0.5 per cent, which could risk greater dependence on ministerial decision-making.<sup>28</sup> Additional concerns include increased financial uncertainty, reduced transparency, and the risk that funds may not be allocated through open calls.<sup>29</sup> In a positive development, **Kosovo** adopted a new regulation on public financial support for the independent cultural scene to strengthen transparency, procedural clarity, and merit-based oversight.<sup>30</sup>

Access to public funds continues to be undermined by limited transparency and accountability, due to political influence and favouritism. In **Serbia** and **Bosnia and Herzegovina**, public resources continue to be channelled towards GONGOs, sidelining independent watchdogs.<sup>31</sup> In **North Macedonia**, fragmented and poor accountability in funding procedures negatively impact on independent and critical CSOs, particularly in the culture and social services sectors. Consequently, this has led to service disruptions, including the suspension of shelters for survivors of gender and sexual orientation-based violence.<sup>32</sup> Similarly, the National Youth Council of Macedonia raised concerns over a public funding call by the Social Policy, Demography, and Youth ministry, citing an extremely short application deadline and a lack of transparency and consultation, placing youth organisations at a disadvantage. In **Kosovo**, transparency and oversight of public funding for civil society deteriorated due to technical failures including the subsequent shutdown of the online reporting platform, incomplete reporting by public institutions and municipalities, and the absence of the legally required annual report. This left funding data incomplete and limited public scrutiny. In **Albania**, while accountability, monitoring, and reporting procedures for public funding for CSOs are clearly defined in law, the results are not made publicly available, which limits the transparency on the impact of state-funded projects. While the overall framework remained largely unchanged in **Montenegro**, the government took a modest, positive step by introducing

institutional grants for professional artists' associations through the culture and media ministry.<sup>33</sup>

Programmes across the Western Balkans supporting humanitarian aid, development, democracy, the rule of law, and vulnerable groups were disrupted following the US administration's executive order suspending most foreign assistance, including USAID funding. The abrupt freeze forced CSOs and independent media to halt activities, reduce staff, and scale back public engagement amid growing pressure on civic space. Right-wing and nationalist actors exploited the decision to intensify smear campaigns and disinformation to undermine CSOs credibility, particularly targeting organisations working on human rights, gender equality,<sup>34</sup> LGBTQI+ rights and with marginalised groups.<sup>35</sup> These developments exposed deeper structural vulnerabilities, including heavy reliance on a single donor and the absence of coordinated approaches to phasing out support, further weakening the long-term sustainability of civil society. Rather than being offset by alternative funding sources, the gap has widened, as other international and bilateral donors have not prioritised long-term civil society development and have redirected resources toward defence, support to Ukraine, and migration.<sup>36</sup> While the EU remains the main anchor for democracy support through the Instrument for Pre-Accession Assistance (IPA III), its funding is largely project-based and centrally managed, limiting flexibility. Sweden and Switzerland, continue to provide trust-based core and multi-year support, respectively, despite reducing overall funding, while Norway maintains<sup>37</sup> However, this does not apply to Albania, where the Swiss Agency for Development and Cooperation has phased out its bilateral aid until 2028.

Alongside growing global financial constraints, legislative initiatives across the region point to a broader pattern of efforts to stigmatise and control critical civil society actors. In one example in the Republika Srpska entity, authorities have again failed to bring into force the Russian-style "foreign agents" law,<sup>38</sup> which would institutionalise heightened state control over foreign-funded CSOs. However, its anticipated re-introduction continues to create legal uncertainty and a chilling effect. Similar dynamics are evident in Serbia, where

28. <https://resursnicentar.me/konsultativni-sastanak-o-izmjenama-zakona-o-nvo-okupio-predstavnike-institucija-i-civilnog-sektora/>

29. <https://institut-alternativa.org/ia-komentari-na-nacrt-zakona-o-nvo>

30. <https://telegrafi.com/en/New-regulation-for-financial-support-of-the-independent-cultural-scene-approved/>

31. <https://balkancsd.net/novo/wp-content/uploads/2025/10/110-3-BCSDN-Research-on-Shifting-Donors-Policies.pdf>

32. <https://www.facebook.com/safehousesk/posts/pfbid0TfiS67u64rVz4hs142RcpY2V7VzacRkZ36MpFbjucyJNS8d4TN74kQ78mq6mkebv/>

33. <https://www.gov.me/clanak/javni-konkurs-jacanje-strukovnih-udruzenja-u-kulturi?>

34. <https://prizma.mk/marginaliziranite-zaednitsi-na-udar-po-krateneto-na-pomoshta-od-usaid/>

35. <https://monitor.civicus.org/explore/csos-working-with-marginalised-groups-forced-to-suspend-operations-due-to-us-funding-cuts> ; <https://balkancsd.net/fallout-of-the-us-funding-freeze-puts-western-balkans-civil-society-under-attack/>

36. <https://balkancsd.net/novo/wp-content/uploads/2025/10/110-3-BCSDN-Research-on-Shifting-Donors-Policies.pdf>

37. *Ibid.*

38. <https://balkancsd.net/bcsdn-concerns-over-the-adoption-of-the-foreign-agents-law-in-republika-srpska-deepening-repression-on-civil-society/>

a draft “foreign agents” law proposed in late 2024 by the pro-Russian Movement of Socialists (PS) party, led by former deputy prime minister Aleksandar Vulin, remains stalled in parliamentary procedure. However, it is regularly referenced by individual members of parliament (MPs) during periods of intensified smear campaigns against CSOs.<sup>39</sup>

Government measures across the region to support the civic sector remained fragmented and insufficient, combining isolated regulatory or funding initiatives with continued delays and institutional blockages that constrained CSOs’ financial sustainability. To improve CSO sustainability, social entrepreneurship has been promoted across the Western Balkans in recent years through donor-funded programmes, capacity-building initiatives, and incubator schemes that encourage CSOs to develop income-generating activities alongside their social missions. In 2025, this was reflected in the Federation of Bosnia and Herzegovina,<sup>40</sup> where a draft Law on Social Entrepreneurship entered public consultation, prompting CSOs to raise concerns about gaps in the framework such as limited alignment with European standards, insufficient systemic support amid declining social enterprise activity.<sup>41</sup> While **Albania** has a legal framework on social enterprises to which only CSOs can apply to obtain, limited fiscal incentives, combined with restrictive and unclear provisions, remain a persistent challenge.

Human capital is also critical for CSO sustainability, yet most countries lack legislative frameworks that support or regulate volunteering and employment in the sector. In December 2025, the new Volunteering Law was approved in Albania, following long-standing civil society efforts to improve the legal framework. The previous 2016 law was largely unimplemented and hindered the work of CSOs and informal groups. While the law aims to promote an enabling environment for volunteering, CSOs raised concerns regarding problematic provisions, including the lack of a clear definition of volunteering as a public service distinct from employment, which risks repeating past implementation challenges that resulted in tax and insurance obligations for CSOs. There are additional concerns related to the introduction of a centralised volunteer registration system that may increase bureaucracy, and administrative sanctions which risk creating a

restrictive and punitive environment. Although CSOs submitted consolidated comments drafted by a legal expert, not all recommendations were reflected in the final adopted law.<sup>42</sup> In **Montenegro**, public consultations on the new strategy on volunteerism highlighted the need for clearer implementation, stronger coordination with CSOs, and better recognition of volunteering, particularly at the local level and among youth.<sup>43</sup> In **Kosovo**, progress on volunteerism stalled due to the caretaker government and post-election legislative delays.

Non-financial support to CSOs through access to public or state-owned property remained largely stalled, with no meaningful legislative progress and persistent institutional blockages. In **Kosovo**, long-pending legislation on the allocation of immovable municipal property did not advance, while in **North Macedonia** and **Bosnia and Herzegovina**, opaque governance of state assets, dysfunctional or politicised institutions, and the absence of transparent, participatory decision-making continued to limit CSOs’ equitable access despite existing legal frameworks.<sup>44</sup> In a positive development in **Albania**, social-re-use of confiscated assets from organised crime to CSOs,<sup>45</sup> particularly for the protection and rehabilitation of victims of organised crime, has been in practice since 2020.

Measures affecting access to funding disproportionately impacted rights-based CSOs, reflecting their watchdog role and critical engagement with public authorities. In **Serbia**, public smear campaigns against civil society targeting foreign funding continued. Leading civil society organisations, including CRTA, Civic Initiatives, Centre for Practical Politics and the Trag Foundation were subjected to inspections and police raids without warrants as part of an alleged investigation into USAID funding. During these actions, documents related to USAID-funded projects were copied from the affected organisations, including materials containing personal data.<sup>46</sup> In the Republika Srpska entity, the attempted introduction of the “foreign agents” law targeted foreign-funded organisations and risked restricting their access to resources before being suspended by the Constitutional Court. In **Kosovo**, the application of AML/CFT measures could potentially increase reporting burdens and reputational risks for

39. <https://publications.civicus.org/publications/foreign-agents-laws-report/2024-2025-foreign-agents-laws-go-global>

40. Not to be confused with the country, the Federation of Bosnia and Herzegovina is one of two confederal entities that comprise Bosnia and Herzegovina, the other being Republika Srpska.

41. <https://6yka.com/ekonomija/reagovanje-na-nedostatke-u-izradi-zakona-o-socijalnom-drustvenom-preduzetnistvu-u-bih/>

42. <https://www.cna.al/english/aktualitet/njohja-e-kontributit-vullnetar-te-rinjte-e-shqiperise-dhe-kosoves-lob-i447376>

43. <https://www.gov.me/clanak/nacrt-strategije-razvoja-volonterizma-2025-2029-s-akcionim-planom-2026-2027>

44. <https://objavi.ba/civilno-drustvo-i-strucnjaci-drzavna-imovina-nije-samo-politicko-pitanje/>

45. <https://en.ata.gov.al/2025/12/15/official-social-reuse-of-seized-assets-helps-tackle-inequality-discrimination/>

46. <https://balkaninsight.com/2025/02/25/serbian-police-raids-reputable-ngos-over-usaid-money/>

rights-based CSOs, indirectly affecting their access to funding.

## Freedom of Peaceful Assembly

State constitutions and laws in the Western Balkans broadly align with international standards on peaceful assembly,<sup>47</sup> generally requiring prior notification rather than authorisation across most jurisdictions and recognising spontaneous gatherings. While **Albania**, **Kosovo**, and **Serbia**'s regulatory frameworks closely adhere to human rights conventions, **North Macedonia** imposes excessive liability for organisers through high fines, and **Montenegro** enforces location restrictions on assemblies near government buildings. In **Bosnia and Herzegovina**, there is fragmentation: Brčko District upholds robust standards, while the Republika Srpska entity enables politically motivated prohibitions. Persistent implementation gaps undermine protections: **Albania** and **Serbia** lack explicit counter-assembly provisions which creates practical ambiguities, while the Federation of Bosnia and Herzegovina offers limited effective remedies for appealing politically motivated ban, and online assemblies remain unrecognised region-wide.<sup>48</sup> This legal patchwork enabled restrictive legislative trends to advance in 2025. **Montenegro's** parliamentary majority introduced amendments to the Law on Public Assemblies,<sup>49</sup> explicitly banning all road blockades, targeting a range of protest actions. This included student-led mobilisations and demonstrations by the families of the Cetinje massacre victims,<sup>50</sup> which authorities framed as harmful to tourism and the economy. The proposal, advanced through irregular parliamentary procedure without governmental endorsement,<sup>51</sup> triggered fierce backlash from domestic opposition and civil society. International organisations, such as the Council of Europe and United Nations, claimed that the proposal violates of Article 11 of the European Convention of Human Rights (ECHR) and Article 23 of the International Covenant on Civil and Political Rights (ICCPR), particularly the principles of necessity, proportionality, and protection of peaceful assembly. Although the proposal was withdrawn by

late July amid mounting pressure, it signals a troubling precedent using restrictive legislation to crackdown on protest. **Serbia** simultaneously proposed amendments to the Criminal Code to criminalise blockades with up to one-year imprisonment, framed by the justice ministry as responding to “needs of practice” following sustained protest disruptions.<sup>52</sup>

The protection of freedom of assembly varied sharply across jurisdictions, with **Serbia** and the Republika Srpska entity marked by systematic interference, while others remained comparatively generally respected. **Serbia's** repression apparatus peaked during protests against the 2024 Novi Sad train station collapse and the Rio Tinto lithium project, where authorities deployed sonic weapons against Belgrade demonstrators in March, prompting the ECHR to issue interim measures prohibiting their further use.<sup>53</sup> In **Kosovo**, several protests, including strikes, women's rights demonstrations against gender-based violence, and the country's ninth consecutive Pride Parade, all proceeded peacefully without restrictions. One example was a symbolic action by CSOs in front of the parliament, using empty chairs, alarms, and clocks to draw attention to parliamentary paralysis and the normalisation of the post-election institutional crisis.<sup>54</sup> In **North Macedonia**, protests over air pollution,<sup>55</sup> Kočani fire demonstrations<sup>56</sup>, Skopje nightclub trial rallies faced delegitimising rhetoric that portrayed the protests as politically orchestrated, but they were not formally banned or interfered with by the authorities.

Police responses revealed stark disparities in proportionality and accountability. Environmental activists and anti-corruption protesters were targeted through fines, detentions, and excessive policing, with limited follow-up for accountability. In **Serbia**, 47 environmental protest detentions and 48 anti-corruption arrests featuring plainclothes officers operating without

47. <https://balkancsd.net/novo/wp-content/uploads/2025/12/63-3-MM-Regional-Report-WBT-2024.pdf>

48. <https://balkancsd.net/novo/wp-content/uploads/2025/12/63-3-MM-Regional-Report-WBT-2024.pdf>

49. <https://institut-alternativa.org/en/proposed-amendments-to-the-law-on-public-assemblies-represent-a-serious-violation-of-human-rights/>

50. On 1 January 2025, gunman Aleksandar Martinović killed 12 people, including two children aged 8 and 13, in a shooting spree across five locations near Cetinje, Montenegro, before shooting himself. A 13th victim died of their injuries on 9 January, marking the deadliest mass shooting in the country's history and the second in Cetinje after 2022. By May 2025, four months later, public outrage grew over stalled investigations, weak gun laws, and government inaction amid widespread possession of illegal firearms in the Balkans. ;

<https://balkaninsight.com/2025/05/06/four-months-after-second-mass-shooting-in-montenegro-public-demands-answers/>

51. <https://radiobijelopolje.me/en/crna-gora/66038/poslanici-danas-o-zabrani-blokada-kljucnih-saobraćajnica>

52. <https://www.serbianmonitor.com/en/what-is-changing-in-the-criminal-code-and-does-it-have-anything-to-do-with-the-protests-in-serbia/>

53. <https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=003-8218363-11546489>

54. <https://kossev.info/en/120-praznih-stolica-i-alarm-organizacije-civilnog-drustva-kritikuju-poslanike-zbog-blokade-u-kosovskoj-skupstini/>

55. <https://telegرافي.com/en/In-Skopje--there-was-a-protest-against-the-relocation-of-the-water-factory--and-citizens-complained-about-air-pollution/>

56. <https://www.aljazeera.com/news/2025/11/16/thousands-rally-in-n-macedonia-ahead-of-trial-over-deadly-nightclub-fire>

identification, were documented by civil society. In addition, police deployed tear gas against protestors, while counter-protestors supporting the governing Serbian Progressive party (SNS) were afforded protection, despite the fact that some of them threw unknown liquids and bricks at peaceful protesters. Undue protester treatment escalated region-wide, with over 1,000 arrests<sup>57</sup> recorded in **Serbia** since November 2024, alongside verbal abuse, intimidation,<sup>58</sup> and physical violence from both police and pro-government groups. The Federation of Bosnia and Herzegovina

recorded excessive force during Orašje agricultural demonstrations, while the 2023 attacks on pride in the Republika Srpska entity yielded successful lawsuits but no broader accountability.

Surveillance concerns shadowed assembly rights, with **Serbia** flagged for potential facial recognition and drone deployment. Regionally, digitally-mediated assemblies remain unprotected by specific legislation, exposing participants to privacy and data protection risks due to the absence of clear legal safeguards.

## Freedom of Expression

In each Western Balkan country, the constitution guarantees freedom of expression through comprehensive media laws and civil liability frameworks designed to meet European human rights standards. **Kosovo, North Macedonia, and Montenegro** lead with the complete decriminalisation of defamation.<sup>59</sup> These frameworks explicitly shield reasonable public-interest journalism and reinforce the media's role as a societal watchdog. By contrast, **Serbia** retains criminal insult provisions that enable politically motivated prosecutions. **Albania** and the Republika Srpska entity maintain criminal defamation frameworks, although **Albania** does not ensure imprisonment. In December 2025, legislative efforts in Albania to advance the decriminalisation of defamation included draft amendments to the Criminal Code, accompanied by a public consultation process with active civil society engagement. The adoption is expected in 2026. Despite these formal legal guarantees, implementation remains uneven in Serbia, with the use of criminal insult provisions, continuing to systematically silence dissent.

Legislative developments affecting media freedom followed a restrictive trajectory, increasing risks of institutional capture across the region.<sup>60</sup> **North Macedonia** dismantled its 2018 prohibition on state advertising to private media outlets, reversing the years of enforced separation between public funds and private broadcasters, prompting concerns of corruption and undue political leverage. In March 2025, the North Macedonian government adopted draft amendments to the Law on Media, introducing a legal framework for online media for the first time, citing the growing reliance on

digital sources for public information. The amendments aim to regulate the registration of online portals, encourage self-regulation and competitiveness, and align media governance with EU standards.<sup>61</sup> CSOs in **Albania** raised concerns over the vague mandate of the established Special Disinformation Committee formally targeting foreign interference,<sup>62</sup> and called for robust safeguards. **Kosovo's** 2024 Law on the Independent Media Commission, which introduced online media registration and sweeping sanctions, was annulled by the Constitutional Court in 2025, citing fundamental flaws in appointment processes and dismissal criteria that jeopardised institutional independence.<sup>63</sup> The elections for the council of **Serbia's** Regulatory Authority for Electronic Media (REM), which took place in November 2025, exemplified democratic decay.<sup>64</sup> The parliamentary committee responsible for conducting the election failed to apply the relevant legal provisions correctly, thereby enabling undue political influence by the ruling party over the selection process. The procedure was marked by the systematic disregard of the substantive merits of candidates' applications, multiple breaches of the prescribed selection rules, and a troubling public campaign discrediting independent experts and civil society nominees. These practices were aimed at ensuring that candidates aligned with the ruling party would secure seats in the newly appointed council. The process ultimately concluded with the resignation of four independent council members after the parliamentary plenary deliberately voted down candidates in one of the categories, once it became apparent that the ruling party would not be able to exercise majority

57. [https://www.lemonde.fr/en/international/article/2025/08/15/in-serbia-hundreds-arrested-in-violent-anti-government-protests-amid-reports-of-police-brutality\\_6744412\\_4.html](https://www.lemonde.fr/en/international/article/2025/08/15/in-serbia-hundreds-arrested-in-violent-anti-government-protests-amid-reports-of-police-brutality_6744412_4.html)

58. <https://www.bgn.es.com/society/police-chief-accused-of-torture-abuse-and-rape-threats-against-protesters-in-belgrade>

59. <https://balkancsd.net/novo/wp-content/uploads/2025/12/63-3-MM-Regional-Report-WBT-2024.pdf>

60. <https://balkancsd.net/rsf-world-press-freedom-index-2025-economic-fragility-a-leading-threat-to-press-freedom/>

61. <https://plusinfo.mk/onla-n-portalite-vleguvaat-vo-regulativa-vladata-go-donese-predlog-zakonot-za-izmenuva-e-na-zakonot-za-mediumi/>

62. <https://albaniantimes.al/albania-special-commission-disinformation/>

63. <https://prishtinainsight.com/journalists-association-welcomes-kosovos-constitutional-court-ruling-on-media-commission-law-mag/>

64. <https://europeanjournalists.org/blog/2025/11/20/serbia-election-of-rem-council-undermines-democratic-principles/>

control over the new composition of the regulatory body. The Republika Srpska entity advanced media law drafts shrouded in secrecy, including provisions that would deny the legal recognition of civil society-operated news portals as media outlets.<sup>65</sup>

Civic actors encountered relentless sanctions and threats across the Western Balkans. Journalists bore the heaviest burden through strategic lawsuits against public participation (SLAPPs), brutal physical assaults, and well-coordinated online harassment campaigns. **Serbia's** investigative outlet KRIK<sup>66</sup> weathered over 16 SLAPPs from entrenched power figures. These lawsuits sought crippling financial damages, criminal penalties, and outright bans on journalistic practice for unmasking systemic corruption. Leaked recordings exposed state telecom officials plotting to limit independent media operations. Appellate courts compounded the assault by upholding penalties against KRIK for straightforward, factual reporting on its own legal entanglements.<sup>67</sup> The National Working Group Against SLAPPs in Serbia reported and published data on 72 SLAPPs since 2018, noting that this was only a part of identified SLAPPs so far.<sup>68</sup>

Journalists across the region also faced physical attacks, intimidation, online harassment, and institutional obstruction, with incidents often linked to politically connected actors and compounded by persistent impunity. In **Montenegro**, concerns over elite-linked violence against journalists persisted, exemplified by the November 2024 assault on journalist Ana Raičković and her son. The attack, involving individuals reportedly connected to political and business networks, included serious intimidation and physical violence.<sup>69</sup> In **North Macedonia**, police detained and allegedly physically assaulted reporter Furkan Saliu during routine football match coverage, while women journalists nationwide absorbed vicious gendered hate speech flooding social media platforms.<sup>70</sup> In **Albania**, the prime minister publicly targeted journalists for critical reporting, drawing condemnation from media freedom

organisations, including journalist associations and regional watchdogs.<sup>71</sup> The Independent Journalists' Association of Serbia reported 383 incidents towards journalists in 2025, out of which 80 were cases of pressure, 164 threats, 116 physical attacks, 15 threats to media, and eight attacks on media.<sup>72</sup>

Censorship, self-censorship, and digital threats increasingly intersected with economic and political pressures, narrowing the space for free expression across the Western Balkans. Economic fragility<sup>73</sup> and high dependence on a small pool of state and private advertisers strengthened political actors' leverage over independent media, especially those reporting on corruption and high-level abuses. In **Serbia**, pro-government tabloids and broadcasters led to smear campaigns against critical outlets and journalists,<sup>74</sup> while obstructions to reporting during protests contributed to pervasive self-censorship in newsrooms.

Across the region, civil society also reported opaque content moderation practices and account restrictions affecting critical or rights-based content, while pro-government narratives remained largely undisturbed. Independent outlets in **Bosnia and Herzegovina** endured unceasing cyberattacks coupled with explicit staff threats. In **Albania**, CSOs initiated legal challenges against what they described as disproportionate bans on TikTok content, warning of negative effects on freedom of expression. Women journalists in **Albania** and **North Macedonia** faced gendered hate speech and harassment on social media.<sup>75</sup> Furthermore, during the 2025 local elections in **North Macedonia**, public and online discourse was marked by a noticeable increase in hate speech and digital threats, reflecting heightened polarisation along ethnic and political lines.<sup>76</sup> Across the region, responses to incidents were marked by limited follow-up, with investigations into attacks and online restrictions rarely resulting in indictments or accountability. This demonstrates a persistent and mutually reinforcing set of

65. <https://www.coe.int/en/web/sarajevo/-/defamation-slapps-and-democracy-protecting-the-space-for-public-debate-in-bih>

66. <https://www.krik.rs/krik-pravosnazno-osudjen-zbog-teksta-o-tome-ko-je-tuzio-redakciju/>

67. <https://www.insajder.net/prenosimo/koalicija-za-slobodu-medija-presuda-krik-u-nepravedna-hitno-usvojiti-anti-slapp-preporuke>

68. <https://slapp.rs/en/slapp-db/>

69. <https://safejournalists.net/commission-monitoring-report-police-directorate-didnt-provided-documentation-on-attack-against-ana-raickovic/>

70. <https://balkancsd.net/new-bcsdn-research-the-missing-lens-on-gender-equality-in-the-western-balkans/>

71. <https://scidevcenter.org/2025/06/03/media-landscape-may-2025-brief/>

72. [https://nuns.rs/baza-nuns/?keyword=&gender=&type\\_of\\_incident=&life\\_threat\\_type=&physical\\_attack\\_type=&organisation\\_attack\\_type=&organisation\\_threat\\_type=&pressure\\_type=&type\\_of\\_media=&incident\\_year=&page=1](https://nuns.rs/baza-nuns/?keyword=&gender=&type_of_incident=&life_threat_type=&physical_attack_type=&organisation_attack_type=&organisation_threat_type=&pressure_type=&type_of_media=&incident_year=&page=1)

73. <https://balkancsd.net/rsf-world-press-freedom-index-2025-economic-fragility-a-leading-threat-to-press-freedom/>

74. <https://cpj.org/2025/09/serbia-police-target-journalists-as-anti-government-protests-escalate/>

75. <https://balkancsd.net/novo/wp-content/uploads/2025/12/73-6-BCSDN-Research-in-Focus-The-Missing-Lens-1.pdf>

76. [https://rcgo.mk/vesti/zgolemen-govor-na-omraza-i-digitalni-manipulaciji-za-vreme-na-lokalnite-izbori-2025/?fbclid=IwZxh0bgNhZWOCMTAAynjpZBEXtUZWaElsakk1b202MjQ1NnNydGMGYXBwX2lkEDlyMjAzOTE3ODgyMDA4OTIAAR7jS2S-sf2f7T3-4KdujSDNuMPxX72vujho86o5R\\_Gbgo99bynlgbVbLMQhwRw\\_aem\\_2ySahuaE8W4IZwUCAR7Z2g](https://rcgo.mk/vesti/zgolemen-govor-na-omraza-i-digitalni-manipulaciji-za-vreme-na-lokalnite-izbori-2025/?fbclid=IwZxh0bgNhZWOCMTAAynjpZBEXtUZWaElsakk1b202MjQ1NnNydGMGYXBwX2lkEDlyMjAzOTE3ODgyMDA4OTIAAR7jS2S-sf2f7T3-4KdujSDNuMPxX72vujho86o5R_Gbgo99bynlgbVbLMQhwRw_aem_2ySahuaE8W4IZwUCAR7Z2g)

threats to media freedom and freedom of expression in the Western Balkans.<sup>77</sup>

## Participation in Decision-making

Frameworks for civil society development and cooperation formally exist across the region, but their implementation remains limited, with strategies often developed through weak consultation processes and a lack of effective monitoring and integration into policy-making.<sup>78</sup> **Bosnia and Herzegovina** and **North Macedonia** adopted new civil society development strategies following consultative processes.<sup>79</sup> In **Bosnia and Herzegovina**, this marked the establishment of the first state-level framework aimed at improving the civil society enabling environment and cooperation with public authorities,<sup>80</sup> while in **North Macedonia**, the new strategy built on existing policies and set priorities for cooperation and support.<sup>81</sup> **Kosovo's** civil society strategy remained unapproved, prolonging a policy gap, while extended disruptions of the online public consultation platform constrained civic participation and risked consultations becoming merely procedural. Similar concerns were raised in **Albania**, where delays in assessing the previous roadmap and drafting a new government roadmap for an enabling civil society environment prompted CSOs to call for more open, inclusive, and transparent consultations, stronger political commitment, sustainable funding, and clearer institutional responsibility.<sup>82</sup>

Institutionalised councils for cooperation remained the primary channels for dialogue between governments and civil society across the region. **North Macedonia** reconstituted its co-operation council through an open process and resumed its work, strengthening structured government–CSO dialogue.<sup>83</sup> **Montenegro** re-established its cooperation council and held its first consultative session in December.<sup>84</sup> In practice, both councils resumed work, but this remained at an early stage. In Montenegro, the first session was largely

constitutive, focused on electing CSO leadership within the council and did not result in substantive decisions, though it was viewed as a positive signal. In North Macedonia, the council met regularly throughout 2025 and saw improved dialogue, the establishment of joint working groups, and commitments from government counterparts, although engagement has so far been largely consultative and promise-driven rather than outcome-oriented. In Serbia, civil society representatives suspended participation in the civil society council and other formal cooperation mechanisms with the legislative and executive authorities. They stated that ongoing deviations from democratic standards and the rule of law undermined the value of their engagement.<sup>85</sup>

Consultation and participation in decision-making processes across the Western Balkans remained inconsistent, with wide differences in how meaningfully civil society was engaged. In **Albania**, a draft Law on Lobbying was presented as a step toward greater transparency in policymaking. However, CSOs raised concerns that its broad definition of lobbying, in the absence of clear exemptions for public-interest advocacy, could impose disproportionate obligations and constrain their participation in policy processes.<sup>86</sup> **Kosovo** demonstrated meaningful CSO involvement through consultations on the establishment of a 24/7 emergency hotline for survivors of gender-based violence,<sup>87</sup> formally operated by a licensed NGO. **Bosnia and Herzegovina** saw civil society engagement in socio-economic reforms, including advocacy on minimum wage subsidies,<sup>88</sup> alongside limited but constructive participation through informal labour law consultations and institutional dialogue.<sup>89</sup> **North Macedonia** conducted consultations around the drafting of the new

77. [https://safejournalists.net/incidents/?lang=en&keyword&country&gender&type\\_of\\_incident&life\\_threat\\_type&other\\_threat\\_type&physical\\_attack\\_type&organisation\\_threat\\_type&organisation\\_attack\\_type&incident\\_means&incident\\_year&who\\_was\\_attacked&were\\_authorities\\_informed&by\\_whom&perpetrator&judiciary\\_status&type\\_of\\_violation&ja\\_reaction&ja\\_was\\_informed](https://safejournalists.net/incidents/?lang=en&keyword&country&gender&type_of_incident&life_threat_type&other_threat_type&physical_attack_type&organisation_threat_type&organisation_attack_type&incident_means&incident_year&who_was_attacked&were_authorities_informed&by_whom&perpetrator&judiciary_status&type_of_violation&ja_reaction&ja_was_informed)

78. <https://balkancsd.net/novo/wp-content/uploads/2025/12/63-3-MM-Regional-Report-WBT-2024.pdf>

79. <https://rcgo.mk/vesti/sprovedeni-konsultacii-za-predlog-strategijata-na-vladata-za-sorabotka-so-i-razvoj-na-graganskoto-opshtestvo-i-akciskiot-plan-2025-2028/>

80. <https://civilnodrustvo.ba/usvojena-strategija-vmbih-za-stvaranje-podsticajnog-okruzenja-za-razvoj-civilnog-drustva>

81. <https://www.nvosorabotka.gov.mk/?q=mk/node/1050>

82. <https://resourcecentre.ai/open-letter-on-the-assessment-of-the-roadmap-for-government-policy-towards-an-enabling-environment-for-civil-society-development-2019-2023-and-the-drafting-of-the-roadmap-for-the-per/>

83. <https://www.nvosorabotka.gov.mk/?q=mk%2Fnode%2F1040&utm>

84. <https://www.cdm.me/drustvo/zapocelo-sa-radom-savjet-za-saradnju-organa-drzavne-uprave-i-nevladinih-organizacija>

85. <https://n1info.rs/english/news/serbian-civil-society-breaks-ties-with-authorities>

86. [https://www.partnersalbania.org/News/comments-and-recommendations-on-the-draft-law-on-lobbying/?fbclid=IwZxh0bgNhZWOCMTEAc3j0WzhcHBfaWQKjyODU2ODM3OQABHgE2Fd9z4bHKQSoTr3kw9eQw4BWRtBISqCFFGEKQlk2Yx6Kc-yOzEUcTJDG\\_b\\_aem\\_XhYm9SbRaHg\\_gf7UBa93cA](https://www.partnersalbania.org/News/comments-and-recommendations-on-the-draft-law-on-lobbying/?fbclid=IwZxh0bgNhZWOCMTEAc3j0WzhcHBfaWQKjyODU2ODM3OQABHgE2Fd9z4bHKQSoTr3kw9eQw4BWRtBISqCFFGEKQlk2Yx6Kc-yOzEUcTJDG_b_aem_XhYm9SbRaHg_gf7UBa93cA)

87. <https://www.ocnal.com/2025/02/kosovo-government-approves-emergency.html>

88. [https://civilnodrustvo.ba/minimalac-od-1000-km-da-uz-subvencije-za-civilni-sektor/?fbclid=IwZxh0bgNhZWOCMTEAAR2hUcuMbERUg4FgxZojAWnxfN1\\_768clm5BE6D3bWIN9ruo4I9IKwRyDYl\\_aem\\_WjPcrB3llpZooX2c0AXw](https://civilnodrustvo.ba/minimalac-od-1000-km-da-uz-subvencije-za-civilni-sektor/?fbclid=IwZxh0bgNhZWOCMTEAAR2hUcuMbERUg4FgxZojAWnxfN1_768clm5BE6D3bWIN9ruo4I9IKwRyDYl_aem_WjPcrB3llpZooX2c0AXw)

89. <https://www.federalna.ba/pocetak-neformalnih-javnih-konsultacija-o-novom-zakonu-o-radu-draft-zakona-dostupan-od-ponedjeljka-k8oto>

civil society strategy.<sup>90</sup> In **Montenegro**, consultations on the new Law on NGOs were procedurally weak and poorly timed, and expanded oversight provisions raised concerns about increased administrative pressure on CSOs.<sup>91</sup> In **Serbia**, the process of selecting members of the Council of the Regulatory Authority for Electronic Media (REM Council) was marked by repeated legal and procedural violations, opaque criteria, and political interference, significantly limiting public access to information and meaningful participation in media governance.<sup>92</sup>

Across the region, CSOs are formally included in EU accession processes through various consultation mechanisms and advisory bodies. Within this broader framework, **Montenegro** and **Albania**, as candidate countries with accession negotiations underway, have different arrangements for CSO participation. This includes the EU–Montenegro Joint Consultative Committee and the establishment of the EU–Albania Joint Consultative Committee, allowing CSOs to monitor the path of Albania towards the EU, and to adopt recommendations to the government of Albania and the EU institutions.<sup>93</sup> In Montenegro, the JCC has functioned as an effective and constructive platform, with strong EU engagement and meaningful inclusion of civil society priorities, though implementation of recommendations has varied in practice, reflecting differences in institutional follow-up and coordination. In Albania, the JCC is still at an early stage, but it has provided a structured forum for dialogue and monitoring of accession-related reforms, with its impact on implementation yet to be seen. In its EU accession process, **Montenegro** provisionally closed five negotiating chapters,<sup>94</sup> with CSOs participating in the consultations,<sup>95</sup> while **Albania** reached a key milestone by opening all remaining EU negotiating

chapters in 2025.<sup>96</sup> However, concerns were raised that negotiation clusters opened rapidly and reform timelines tightened faster than domestic democratic consolidation.<sup>97</sup>

Legal and procedural barriers to accessing public information persisted across the region, with bureaucratic obstacles and limited transparency constraining informed civic participation. Access to public information in **North Macedonia** deteriorated despite formal improvement measures, including the Justice Ministry's adoption of an internal procedure. The state-funded Agency for Access to Public Information, responsible for ensuring public institutions follow transparency rules, reported receiving 500 complaints by late September 2025 about institutions failing to respond to requests. This is higher than the 354 complaints recorded in all of 2024. In practice, institutions increasingly failed to respond to requests, while proposed legal amendments, such as new restrictions on the re-use of open data, risked further limiting access, raising concerns about transparency and public trust.<sup>98</sup> In **Montenegro**, a proposed amendment to the Law on Free Access to Information — requiring each party to bear its own legal costs in cases of administrative silence — prompted strong opposition from civil society and calls for MPs to reject the change.<sup>99</sup>

In **Serbia**, GONGOs weakened independent civic engagement by posing as independent actors during consultations on the Law on Court Fees and promoting narratives against critical CSOs.<sup>100</sup> Their attempts to claim representation during protests without authorisation,<sup>101</sup> led student groups to distance themselves from GONGOs while continuing to support independent civil society.<sup>102</sup>

## Safe space

The abrupt termination of USAID funding under the Trump administration led to regional “foreign agent” disinformation campaigns that fundamentally altered

the landscape for civic actors across the Western Balkans. This provided domestic authorities, political parties, and the media with unprecedented ammunition

90. <https://rcgo.mk/vesti/sprovedeni-konsultacii-za-predlog-strategijata-na-vladata-za-sorabotka-so-i-razvoj-na-graganskoto-opshtestvo-i-akciskiot-plan-2025-2028/>

91. <https://institut-alternativa.org/ia-komentari-na-nacrt-zakona-o-nvo>

92. <https://www.gradjanske.org/grubo-kršenje-zakona-o-elektronskim-medijima-u-procesu-izbora-saveta-rem-a/>

93. <https://www.eesc.europa.eu/en/sections-other-bodies/other/eu-albania-joint-consultative-committee>

94. [https://enlargement.ec.europa.eu/news/eu-and-montenegro-provisionally-close-another-five-chapters-accession-negotiations-2025-12-16\\_en](https://enlargement.ec.europa.eu/news/eu-and-montenegro-provisionally-close-another-five-chapters-accession-negotiations-2025-12-16_en)

95. <https://www.gov.me/clanak/gorčević-u-briselu-uspešno-prosirenje-zahitjeva-otvorenost-saradnju-i-ucescje-cijelog-drustva>

96. <https://newunionpost.eu/2025/11/17/albania-open-eu-accession-negotiations/>

97. <https://balkaninsight.com/2026/01/02/albania-in-the-eu-fast-lane-accelerating-without-democratising/>

98. <https://balkaninsight.com/2025/10/08/open-data-bill-in-north-macedonia-triggers-new-transparency-concerns>

99. [https://docs.google.com/document/d/1iPQOt5xt9aFHNbnt44CX-JsemkKlS33MFyJLgS\\_fk/edit?tab=t.0](https://docs.google.com/document/d/1iPQOt5xt9aFHNbnt44CX-JsemkKlS33MFyJLgS_fk/edit?tab=t.0)

100. <https://pescanik.net/zatvor-i-takse/>

101. Serbia's 2024–2025 anti-corruption protests, led by students after the Novi Sad railway canopy collapse that killed 15 people in November 2024, involved more than 80 faculty occupations and over 400 nationwide blockades against state capture. Students rejected GONGOs who falsely claimed to be representative during these actions.

102. <https://balkaninsight.com/2025/12/30/how-student-protesters-spurned-serbias-demonised-civil-society/>

to portray independent CSOs and critical media as illegitimate extensions of Western interference. It culminated most notably in Serbia's police raids on five prominent organisations in February. Serbian authorities carried out warrantless inspections and administrative harassment, explicitly citing the Trump administration's statements condemning USAID. This establishes a dangerous precedent that reverberated regionally as governments from Skopje to Sarajevo amplified similar narratives to delegitimise domestic watchdogs.

In 2025, civic space was marked by pervasive physical violence, sophisticated digital campaigns, judicial persecution, and institutional intimidation operating with near-total impunity. Judicial processes became weapons of attrition across several jurisdictions. For example, in the *Sahrana demokratije* case in **Bosnia and Herzegovina**, artists in Banja Luka were prosecuted for symbolic protest, despite police witnesses confirming no disturbance, and secured only partial relief on appeal after prolonged legal battles. In **Montenegro**, a complaint to the Ombudsman revealed that the Clinical Centre of Montenegro leaked the personal data of Ana Raičković, a journalist from the *Pobjeda* newspaper. Additionally, Jelena Jovanović, a journalist with *Vijesti*, who has been under constant protection since 2021 because of her reporting on organised crime, faced death threats. These assaults on media workers were condemned by professional associations.

**Albania** experienced increasingly sophisticated AI-driven digital attacks<sup>103</sup> targeting gender equality advocates, while **North Macedonia** saw journalists subjected to unauthorised surveillance<sup>104</sup> prompting professional unions to demand urgent investigation. In March, the government of North Macedonia launched a tender for a 24/7 media monitoring service covering traditional and online media and social networks, including sentiment analysis and AI analytics. Although presented as a policy-support tool, journalists and civil society warned that its features resemble surveillance mechanisms, potentially increasing pressure on critical outlets and encouraging self-censorship in an already fragile media environment.

Journalists recorded over 30 incidents against media workers region-wide, predominantly verbal and online threats, yielding zero prosecutions across all jurisdictions. **Serbia** represented the region's most acute safe space collapse, manifesting through systematic state violence,<sup>105</sup> technological surveillance,<sup>106</sup> and gendered terror against dissenters.<sup>107</sup> Over 1,000 protest-related arrests since November 2024 incorporated sonic weapon deployment during Belgrade demonstrations in March, triggering the European Court of Human Rights (ECtHR) to issue interim measures prohibiting their use.<sup>108</sup> Police brutality escalated when detainees were forced to kneel against a wall, prompting human rights concerns and warnings that this may constitute degrading treatment under international standards.<sup>109</sup> Despite SNS supporters hurling scalding liquids at protesters, the violence was not investigated. State surveillance weaponised commercial spyware and Cellebrite forensic extraction tools against activists. Gendered violence peaked when Nikolina Sindjelic was doxed (her private photos weaponised online), compounded with direct rape threats by police colonel Marko Kričak, and through retaliatory lawsuits.

Identity politics were systematically weaponised against the most vulnerable civic actors to vilify them. Anti-LGBTQI+ campaigns in **North Macedonia** generated death threats against youth programs, false paedophilia accusations against artists exhibiting childhood photos, and rape threats against feminist activists. Disinformation campaigns in **Albania** eroded legislative support for gender equality reforms, feminists in **Bosnia and Herzegovina** faced coordinated backlash and harassment, and in **Montenegro**, transgender activists' residences were marked with homophobic graffiti while women journalists endured vicious physical assaults. On a positive note, the **Kosovo** government approved an administrative instruction that establishes a 24/7 emergency hotline for victims of domestic violence, violence against women, and gender-based violence, aimed at providing immediate, confidential support and rapid referral to relevant protection and support services.<sup>110</sup>

Across the Western Balkans, femicide remains a significant challenge, with institutions grappling with

103. <https://birm.eu.com/news-and-events/vulnerable-groups-bear-brunt-of-digital-rights-violations-in-balkans-conference-hears/>

104. <https://znm.org.mk/en/ajm-and-ssnm-suspicions-of-wiretapping-of-journalists-need-to-be-fully-clarified/>

105. <https://vreme.com/en/vesti/evropske-ngo-alarmantne-razmere-drzavnog-nasilja-u-srbiji/>

106. [https://www.europarl.europa.eu/doceo/document/P-10-2025-000686\\_EN.html](https://www.europarl.europa.eu/doceo/document/P-10-2025-000686_EN.html)

107. <https://en.vijesti.me/world-a/balkan/770899/Sindjelic-Kricak-slapped-me-and-hit-my-head-against-the-wall--he-said-he-was-going-to-rape-me-in-front-of-everyone->

<https://www.dw.com/bs/slu/C4%8Daj-nikoline-sin%C4%91eli%C4%87-privatne-fotografije-kao-oru%C5%BEje/a-73730240>

108. <https://crra.rs/en/the-european-court-of-human-rights-statement-regarding-the-alleged-use-of-sonic-weapons-during-the-protest/>

109. <https://n1info.rs/english/news/human-rights-lawyer-serbia-could-face-accountability-over-video-of-arrested-people-kneeling/>

110. <https://www.ocnal.com/2025/02/kosovo-government-approves-emergency.html>

legal and enforcement gaps. In **North Macedonia**, at least six women were killed January to November 2025,<sup>111</sup> sparking protests and criticism that institutions fail to adequately assess risk and protect women despite growing awareness and preparatory monitoring mechanisms. In **Bosnia and Herzegovina**, recent femicides, including the high-profile killing of Aldina Jahić in Mostar, a young woman active in civil society,<sup>112</sup> have highlighted ongoing legal and enforcement gaps, even as the Federation of Bosnia and Herzegovina's parliament moves to recognise femicide as a distinct aggravated offence. Both countries face challenges in strengthening laws and ensuring effective preventive and protective measures. In **Montenegro**, expert discussions in early 2025 stressed the need to define femicide as a distinct criminal offense to strengthen legal protection and prevention.<sup>113</sup>

Digital surveillance compounded physical threats region-wide, with the Balkan Investigative Reporting Network (BIRN) documenting 1,440 violations. In **Albania**, phishing scams, impersonation attempts, and false health alerts circulated widely online. **Bosnia and Herzegovina** saw inflammatory online rhetoric by political leaders and coordinated election-related disinformation. In **Kosovo**, AI-generated content and misleading posts targeting political figures and international agreements spread rapidly.

**Montenegro** experienced spikes in hate speech and online harassment, including attacks on journalists covering corruption. In **North Macedonia**, cultural events triggered ethnic slurs, while manipulated videos and memes promoted conspiracy narratives. In **Serbia**, online hostility, including death threats linked to protests and campaigns targeting minority groups, remained prevalent.<sup>114</sup> No governments issued condemnations, initiated credible investigations, secured prosecutions, or established protective mechanisms —neither emergency helplines for threatened CSO workers and families, nor dedicated resilience capacity funding.

These relentless pressures inflicted profound, measurable damage on civic infrastructure throughout the Western Balkans. Self-censorship muted investigative journalism and human rights advocacy, psychological trauma drove widespread activist burnout and relocations, protracted legal defences consumed organisational budgets, and institutional reprisals chilled solidarity networks. Pride events were cancelled under security threats, feminist organisations shifted from policy advocacy to survival mode, and journalists weighed publication against personal safety. The complete absence of positive initiatives entrenched a vicious cycle where unchecked aggression dismantled civic resilience region-wide.

<sup>111</sup>. <https://www.slobodnaevropa.mk/a/femicid-nasilstvo-zheni/33635209.html>

<sup>112</sup>. <https://n1info.ba/english/news/mostar-woman-murdered-after-receiving-prior-threats-from-suspect-authorities-confirm/>

<sup>113</sup>. [https://www.undp.org/montenegro/news/expert-discussion-femicide?utm\\_source=chatgpt.com](https://www.undp.org/montenegro/news/expert-discussion-femicide?utm_source=chatgpt.com)

<sup>114</sup>. <https://birn.eu.com/news-and-events/turning-data-into-stories-digitalrights-and-freedoms-at-the-crossroads/>

# Recommendations

## **TARGETED RECOMMENDATIONS:**

- **Urgently integrate civic space as a binding accession benchmark, incorporating indicators such as SLAPPs and AML/CFT misuse into the fundamental rights cluster and linking progress to clear minimum standards.**
- **Immediately institutionalise systematic and meaningful consultation processes, ensuring mandatory, structured CSO participation in EU integration and reform agendas through functional mechanisms across countries.**
- Ensure the effective legal protection of freedoms of association, peaceful assembly, and expression, with consistent implementation and safeguards against selective enforcement.
- Urgently repeal restrictive legislation, put an end to “foreign agent” narratives, and align national legal frameworks with international human rights standards to prevent the stigmatisation and control of civil society.
- Introduce legal protections against smear campaigns targeting CSOs and activists, particularly in countries where such practices are increasingly used to silence dissent.
- Prevent GONGO infiltration and safeguard the integrity of civil society representation in consultation, funding, and policymaking processes.
- Adopt and effectively implement anti-SLAPP legislation across the region, aligned with EU and Council of Europe standards, to stop the misuse of litigation against journalists and activists.
- Apply a proportionate, risk-based AML/CFT approach, ensuring CSOs’ access to banking and financial services without undue restrictions or blanket risk classifications.
- Strengthen civil society resilience through coordinated donor and CSO action: donors should expand core, flexible, and long-term funding and coordinate exits transparently with local partners, while CSOs should diversify funding sources, strengthen constituencies, and assert their role as independent democratic actors beyond service delivery.

## About the author

Initiated in 2001 and formalised in 2009, the **Balkan Civil Society Development Network** (BCSDN) is a regional network uniting 12 CSOs from 9 Balkan countries with a focus on promoting civil society development. We are particularly proud of the work we have achieved in the field of monitoring the enabling environment for civil society through our Monitoring Matrix methodology and our evidence-based advocacy. BCSDN supports regional civil society cooperation towards protecting and expanding the civic space in the Western Balkans, and advocates for financial support to civil society to be responsive to civic space challenges and support the development of a strong civil society.



Balkan Civil Society  
Development Network



### **About European Civic Forum**

The European Civic Forum (ECF) is a pan-European network of more than 100 associations and NGOs across 30 European countries. Founded in 2005 by our member organisations, we have spent nearly two decades working to protect civic space, enable civic participation and build civil dialogue for more equality, solidarity, and democracy in Europe.



### **About Civic Space Watch**

Civic Space Watch is an online platform that gathers data and reports on developments in civic space at the national and EU levels, and analyses trends. Powered by the European Civic Forum, it collects findings through regular contact and interviews with a strong network of members and partners on the ground and alerts European and international institutions when rights are at risk.



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