

LIBE INI report

on

The shrinking space of civil society in Europe

2021/2103(INI), LIBE/9/06449

Rapporteur: **Anna Júlia Donáth**

Final compromise amendments proposed by the Rapporteur

COMPROMISE A - B, Ba, Bb, C, D, E, F, G

Covered: AM 18, 24, 27, 28 (Anna Júlia Donáth, Olivier Chastel, Ramona Strugariu, Michal Šime ka, Hilde Vautmans, Drago Tudorache, Sophia in 't Veld, Fabienne Keller), AM 21 (Peter Pollák), AM 22 (Łukasz Kohut, Bettina Vollath, Petar Vitanov, Cyrus Engerer, Evin Incir), AM 23 (Andrzej Halicki, Maria Walsh), AM 26 (Beata Kempa), 38 (Andrzej Halicki, Maria Walsh), 39 (Evin Incir)

Fall: AM 19 (Balázs Hidvéghi, Nicolas Bay), AM 20 (Beata Kempa), AM 25 (Milan Uhrík)

B. whereas civil society organisations (CSOs) are non-profit making organisations independent of public institutions and commercial interests, whose activities contribute to the realisation of EU values *set out in Article 2 TEU* and fundamental rights; whereas *CSOs can take various forms such as associations and foundations*; **whereas (18 Renew)** human rights defenders, activists and informal groups are also key actors in civil society;

B a. whereas an intersectional approach is key both to understand and to successfully address the vulnerabilities citizens are facing when they engage in civil society; (39 S&D)

B b. whereas many CSOs struggle to survive and have problems with funding, which can seriously hinder their effectiveness and their ability to fulfil their mission. (21 EPP)

C. whereas civic space refers to the legal and political framework in which people and groups can meaningfully participate in the political, economic, social and cultural life of their societies, exercising the right to express views, ***the right to information, (23 EPP)*** assemble, associate and engage in dialogue with one another and with authorities;

D. whereas freedom of thought and freedom of expression, ***including in the online space (26 ECR)***, are the cornerstone of every free and democratic society; ***whereas civic activism is the fabric of a truly functioning democracy where the rights of minorities are safeguarded and respected; (22 S&D) whereas CSOs shall have the right to participate in matters of political***

and public debate, regardless of whether the position taken is in accord with government policy or advocates a change in the law; (24 Renew)

E. whereas freedom of association is one of the essential bases of a democratic and pluralist society, as it allows citizens to act collectively in fields of mutual interest and to contribute to the proper functioning of public life; *whereas freedom of association does not only include the ability to create or dissolve an association but also for that association to operate without unjustified interference by the State; whereas the ability to seek, secure and use resources is essential to the operation of any association; whereas prohibition or dissolution shall always be a measure of last resort and such decisions should be subjects to legal redress; (27 Renew)*

F. whereas the right to peaceful assembly is a cornerstone of democracy, *crucial to creating a tolerant and pluralist society in which groups with different beliefs, practices, or policies can coexist peacefully; (28 Renew)* whereas restrictions to and policing of peaceful assemblies must respect legality, necessity, proportionality and non-discrimination;

G. whereas the right to information is a precondition for an informed public debate and for holding authorities and public institutions accountable; (38 EPP)

COMPROMISE B - Ja

Covered: AM 48 (Malin Björk)

Fall:

J. a. whereas several Member States have been deliberately targeting solidarity towards migrants by fearmongering or criminalising civil society actors and individuals that have saved the lives of people in the Central Mediterranean and Aegean Seas, and who have provided basic services and assistance; (48 The Left)

COMPROMISE C - H, I, J, Jb, Jc, Jd, Je, Jf, K, L, ~~La~~, ~~Lb~~, M, Ma, Mb

Covered: partially AM 29, 46, 52, 60, 62, 66, 68 (Malin Björk), AM 30, 64 (Anna Júlia Donáth, Olivier Chastel, Ramona Strugariu, Michal Šime ka, Hilde Vautmans, Drago Tudorache, Sophia in 't Veld), AM 32, 45, 61, 63, 67, 69 (Erik Marquardt), AM 33 (Łukasz Kohut, Bettina Vollath, Petar Vitanov, Cyrus Engerer, Evin Incir), AM 36, 44, 54, 56, 58 (Anna Júlia Donáth, Olivier Chastel, Ramona Strugariu, Michal Šime ka, Hilde Vautmans, Drago Tudorache, Sophia in 't Veld, Fabienne Keller), AM 38, 50 (Andrzej Halicki, Maria Walsh), AM 47 (Łukasz Kohut, Bettina Vollath, Petar Vitanov, Cyrus Engerer, Evin Incir), 49 (Terry Reintke, Malin Björk, Maria Walsh, Marc Angel, Liesje Schreinemacher, Łukasz Kohut, Hilde Vautmans, Diana Riba i Giner, Cyrus Engerer, Juan Fernando López Aguilar, Sylvie Guillaume, Sylwia Spurek, Marina Kaljurand, Evin Incir, Erik Marquardt, Ramona Strugariu, Michal Šime ka, Gwendoline Delbos-Corfield), AM 244, 270 (Evin Incir)

Fall: AM 31, 34, 35, 53, 57, 59, 65 (Balázs Hidvéghi, Nicolas Bay), AM 37, 41, 51, 55 (Milan Uhrík), 40 (Balázs Hidvéghi, Nicolas Bay), AM 42 (Beata Kempa), AM 43 (Jean-Paul Garraud, Nicolas Bay, Philippe Olivier)

H. whereas freedom of expression *and access to information* (29 The Left, 30 Renew, 32 Greens, 38 EPP) has been restricted in some Member States *often on the pretext of fighting disinformation in relation to COVID-19; whereas measures preventing terrorism or hate speech should not result in undue restrictions on freedom of expression;* (30 Renew) whereas strategic lawsuits against public participation (SLAPPs) have been used to target CSOs, human rights defenders *and activists working also in the fields of environment, the rule of law, LGBTIQ+ rights and women's rights* (partially 29 The Left) *in several Member States;* whereas these exert a severe chilling effect on freedom of expression *and public activism* (33 S&D);

I. whereas freedom of association is being eroded in some Member States *by reforms that put CSOs at risk of deregistration or introduce unduly burdensome administrative processes, including but not limited to the improper application of anti-money-laundering measures or policies restricting the right to engage in advocacy;* (36 Renew)

J. whereas in some Member States, restrictions have been imposed with the deliberate aim of limiting civic space and are accompanied by legal, administrative and fiscal harassment, criminalisation and negative rhetoric aimed at stigmatising and delegitimising CSOs and draining their capacity to carry out their legitimate work; whereas hate speech *also in the online space* (44 Renew, 45 Greens), *verbal and physical* (44 Renew) harassment and attacks also emanate from non-state actors; whereas CSOs and *human rights defenders* (44 Renew, 45 Greens, 46 The Left) working on *rule of law, transparency and corruption*, women's rights, including sexual and reproductive health and rights, environmental issues and the protection of minorities and LGBTIQ+ rights, *and freedom of media and expression* (47 S&D) as well as those providing assistance to *migrants and* (44 Renew, 45 Greens, 46 The Left) asylum seekers and those involved in search and rescue operations, are particularly exposed;

J b. whereas civic space restrictions in neighbouring countries have also implications and impact on the state of civil society in the European Union; (60 The Left, 61 Greens)

J c. whereas some national CSOs acting as watchdogs, in particular by engaging in monitoring and reporting about violations of rights and liberties, advocacy and litigation are particularly targeted by restrictions, retaliatory measures and surveillance; (52 The Left)

J d. whereas the situation of LGBTIQ+ rights defenders in Europe was described as worrying by the Council of Europe Commissioner for Human Rights¹, who reported several instances of online and offline harassment, violent assaults, hate campaigns and death threats in Member States and neighbourhood countries; whereas this trend is

¹ <https://rm.coe.int/human-rights-of-lgbti-people-in-europe-current-threats-to-equal-rights/1680a4be0e,27-33>

interlinked with the scapegoating of other minority groups and it contravenes the principle that every person is born equal in dignity and rights; (49 Members)

J e. whereas a good relationship between the state and citizens implies that all citizens including children and young people should be able to participate in debating and influencing public policies; whereas democracies will only prosper if everyone believes in the democratic systems and institutions are credible towards citizens; (270 S&D)

K. whereas certain Member States have placed restrictions on CSOs' ability to engage in political activities; whereas in others, accusations that CSOs are political have become tools to stigmatise and delegitimise them; whereas *delegitimization in certain Member States can appear as state or media-run smear campaigns; whereas (54 Renew)* CSOs report discriminatory and restrictive funding practices in certain Member States;

L. whereas policies and practices instilling a chilling effect on civic space have been adopted in certain Member States with the aim of achieving self censorship and deterring civic actors from exercising their rights; *whereas such policies often combine vague provisions leaving large discretion to public authorities and disproportionately high sanctions; whereas the mere prospect of their application can be enough to instil self-censorship without an actual need to apply them; (56 Renew)*

M. whereas the right to peaceful assembly has been restricted due to necessary social distancing rules in a majority of Member States; *whereas some Member States have passed laws restricting the right to peaceful assembly in the past years, also concerning permission and notification requirements; (67 Greens, 68 The Left)* whereas in some Member States, the powers of law enforcement authorities are increasing, generating concerns over their necessity and proportionality;

M a. whereas in some Member States emergency legislation in response to the health crisis has been used as a pretext to arbitrarily restrict fundamental rights and freedoms and crackdown on civil society and other dissenting voices; whereas these measures have been found in some cases not to have met the necessity, proportionality, time limitations and non-discrimination requirements, absent which any restrictions to fundamental rights and freedoms stemming from them cannot be considered legitimate and lawful; (58 Renew, 62 The Left, 63 Greens); whereas despite their role on the ground, civil society organisations have not been consulted in the development of emergency measures; (64 Renew, 66 The Left, 69 Greens)

M b. whereas while the spread of the COVID-19 pandemic has seen an unprecedented engagement of civil society organisations in providing solutions to the crisis and providing support to people in vulnerable situations; whereas youth organisations had a positive impact during the pandemic in countering misinformation and strengthening trust in public institutions; (244 S&D) whereas long term adequate funding and institutional support for civil society have an added value in times of crisis; (partially 244 S&D)

COMPROMISE D - N, O, Oa, P, Q,

Covered: 72, 75, 79, 83 (Anna Júlia Donáth, Olivier Chastel, Ramona Strugariu, Michal Šime ka, Hilde Vautmans, Drago Tudorache, Sophia in 't Veld, Fabienne Keller), 73 (Łukasz Kohut, Bettina Vollath, Petar Vitanov, Cyrus Engerer, Evin Incir), 78 (Erik Marquardt), 77 (Malin Björk), 82 (Andrzej Halicki, Maria Walsh)

Fall: 70, 81 (Milan Uhrík), 71, 74, 76 (Balázs Hidvéghi, Nicolas Bay), 80 (Łukasz Kohut, Bettina Vollath, Petar Vitanov, Cyrus Engerer, Evin Incir)

N. whereas the emergence of government-organised non-governmental organisations (GONGOs) designed to *always (72 Renew)* support the political legitimacy of those in power *and support it in public debates and its political goals while presenting themselves as independent voices, (72 Renew)* constitutes one of the gravest forms of attack against CSOs, jeopardising their existence by undermining active citizenship *and depriving them of public funding (73 S&D)*;

O. whereas while CSOs increasingly perform economic activities and contribute to the social economy, no legislative steps have been taken to unlock their operations at EU level; *whereas despite concrete CJEU case law, the principle of non-discrimination and the free movement of capital applied to cross-border donations is still not universally applied in Member States; (75 Renew)*

O a. whereas CSOs participation in the development of law and policy should be facilitated by policy frameworks enabling them to engage in dialogue with public authorities; whereas while progress has been made both at national and EU level, civil dialogue still often remains an ad hoc process; (83 Renew)

P. whereas foreign funding has been the target of legal and political attacks in some Member States; *whereas restrictions imposed on civil society organisations receiving foreign funding is contrary to Union law, namely on free movement of capitals (Article 63 TFEU) and the Charter of Fundamental Rights of the European Union; whereas in case C-78/18, the CJEU ruled that the law referred to it violated free movement of capital and freedom of association; (77 The Left, 78 Greens, 79 Renew)*

Q. whereas the Union has embarked on a process through the European Green Deal and digital transformation; whereas this process will require a healthy civic space to allow citizens and affected communities to articulate their interests, debate policy solutions, and reach new social contracts; (82 EPP)

COMPROMISE 1 - Paragraphs 1, 2, 3, 3a

Covered: AM 84, 85, 86, 96 (Eric Marquardt), 88, 95 (Malin Björk), 89, 98, 104 (Anna Júlia Donáth, Olivier Chastel, Ramona Strugariu, Michal Šime ka, Hilde Vautmans, Drago Tudorache, Sophia in 't Veld, Fabienne Keller), 90, 99, 116 (Andrzej Halicki, Maria Walsh), 94 (Peter Pollák), 108 (Anna Júlia Donáth, Olivier Chastel, Ramona Strugariu, Michal

Šime ka, Hilde Vautmans, Sophia in 't Veld, Fabienne Keller), JURI 1, JURI 2, JURI 3, JURI 4, JURI 32, JURI 33, JURI 35

Fall: AMs 87, 106 (Milan Uhrík), 91, 107 (Jean-Paul Garraud, Nicolas Bay, Philippe Olivier), 92, 100, 105, 110, 111 (Balázs Hidvéghi, Nicolas Bay), 93 (Beata Kempa), 101 (Łukasz Kohut, Bettina Vollath, Petar Vitanov, Cyrus Engerer, Evin Incir), JURI 34

1. Asserts the crucial role played by CSOs in the realisation *and protection* (84 Greens) *of Union values set out in Article 2 TEU*, and the *formulation and* (84 Greens) implementation of *EU law*, (89 Renew) policies and strategies, *including combating climate change, digital transformation and recovery from the COVID-19 pandemic* (85 Greens, 116 EPP, JURI 32); stresses their key contribution to informed public debate, articulating aspirations present in society, giving a voice to vulnerable and marginalised people, *giving access to crucial services*, (86 Greens, 88 The Left, 89 Renew) providing expertise in policy-making, promoting active citizenship, acting as schools of democracy *and being indispensable watchdogs exercising democratic control over state institutions and ensuring accountability for public action and use of public funds* (86 Greens, 88 The Left, 89 Renew, 90 EPP); *acknowledges, therefore, that civic space is an integral element of democracy, the rule of law and fundamental rights, and thus the Union should commit to the preservation and cultivation of civic space at local, regional, national and European levels;* (84 Greens, JURI 3; JURI 4)

2. Emphasises that for civil society organisations to thrive, civic space must be an enabling and safe environment free from undue interference, intimidation, harassment and chilling effects *by both State and non-State actors* (95 The Left, 96 Greens); *reminds Member States of their positive obligation to ensure an enabling environment for civil society organisations* (95 The Left, 96 Greens, 99 EPP, JURI 35 partially), *in line with international human rights standards on freedom of association, expression and assembly, as also reaffirmed by the Charter of Fundamental Rights of the EU* (The Left), *including access to transparent funding mechanisms as well as civil dialogue mechanisms* (94 EPP); *stresses the importance of media pluralism which is crucial for CSOs to be able to reach public opinion and therefore contribute to public debate* (98 Renew);

3. Warns about the degradation of civic space throughout the EU with policies hampering CSOs' operations, their access to sustainable funding and their ability to participate in decision-making; condemns any form of harassment, smearing, stigmatisation, criminalisation and scapegoating of CSOs; *stresses how these jeopardize active citizenship, the expression of critical voices, thereby undermining public debate and hence the very foundations of democracy* (104 Renew; JURI 1 partially);

3 a. Notes that the COVID-19 pandemic has further accentuated many of the existing challenges faced by CSOs, as illustrated by the 2020 report by the European Union Agency for Fundamental Rights that found that 57% of national and local organisations said the situation had "deteriorated" or "greatly deteriorated" compared to previous years; notes with concern that certain governments took advantage of the pandemic to roll back civic space and pass controversial laws not always related to the pandemic while society's ability to mobilize was limited

including participation in public debate and the freedoms of speech, assembly and association, and introduce laws and discriminatory measures unrelated to the pandemic; (108 Renew, JURI 1 partly, JURI 2, JURI 33)

COMPROMISE 2 - Paragraphs 4, 5, 6, 6a, 6b

Covered: AMs 114, 124, 129, 133 (Erik Marquardt), 115, 126 partially (Anna Júlia Donáth, Olivier Chastel, Ramona Strugariu, Michal Šime ka, Hilde Vautmans, Drago Tudorache, Sophia in 't Veld, Fabienne Keller), 125, 127 (Maria Walsh, Andrzej Halicki), 128, 131 (Malin Björk), JURI 37, JURI 40, JURI 41, JURI 42, JURI 43, JURI 44, JURI 45, JURI 52

Fall: AMs 112 (Beata Kempa), 113, 117, 123 (Balázs Hidvéghi, Nicolas Bay), 119, 122 (Milan Uhrík), 120 (Malin Björk), 121 (Beata Kempa), 132 (Evin Incir), JURI 38, JURI 57

4. Agrees with the Commission that when civil society's space to operate shrinks, it is a sign that the rule of law is at risk; *welcomes the fact that the Commission has put environment for civil society under scrutiny as part of the annual rule of law report, which rightly indicates that the rule of law cannot function without a vibrant civil society operating in a secure and enabling environment; (114 Greens)* urges the Commission, to step up and structure its monitoring of the situation of civic space in the Member States by creating a 'European civic space index' based on existing frameworks for measuring civic space, and by dedicating to civic space a fully-fledged chapter including country recommendations in its annual rule of law report, *which should also cover fully fundamental rights (114 Greens); urges the Commission to make systematic use of the reports of the EU Agency for Fundamental Rights and to call on its support for methodological advice; (115 Renew, JURI 40, JURI 41, JURI 45)*

5. Welcomes the Commission's acknowledgement of the importance of civil society in a number of EU policies strategies *and funding programmes*; stresses, however, that the fragmented nature of this approach results in little effective improvement of the situation of CSOs on the ground;

6. Urges the Commission, therefore, to adopt a comprehensive civil society strategy *for the protection and development of civic space within the Union (124 Greens)* that integrates all existing tools, fills monitoring, support and protection gaps, and gives genuine political recognition to the crucial role played by CSOs in the realisation of *democratic* values and policies, *while clearly linking monitoring and reporting tools to EU enforcement mechanisms to ensure timely and effective follow-up action (124 Greens, 126 Renew, 128 The Left); calls, for the Commission to explore initiatives to strengthen the support networks available to CSOs; (127 EPP, JURI 37, JURI 42)*

6 a. Considers that the strategy should outline a set of concrete measures that will protect and strengthen the civic space including by:

a) introduction of minimum standards for legal and administrative environment for civil society;

b) introduction of a statute of European cross-border associations and non-profit organisations;

c) setting up focal points between European institutions and the civil society;

d) ensuring consistent access to policy debates and agenda setting on Union level in

line with EU Treaties and rules of procedures of EU institutions;

e) strengthening access to monitoring of Union policies and implementation of the Union budget;

f) expanding flexible access to Union funding;
(125 EPP, 129 Greens)

6 b. Calls on the Council and the Commission to ensure consistency of the Union's internal and external policies as regards protecting and enabling civic space, including by adopting internal guidelines on human rights defenders that would correspond to the ones applying to EU external action; (131 The Left, 133 Greens, JURI 43, JURI 44)

COMPROMISE 3 - Subtitle + paragraphs 7, 7a, 7b, 8, 9, 9a, 9b, 9c

Covered: AMs 135, 143, 150 (Anna Júlia Donáth, Olivier Chastel, Ramona Strugariu, Michal Šime ka, Hilde Vautmans, Drago Tudorache, Sophia in 't Veld, Fabienne Keller), 137 (Łukasz Kohut, Bettina Vollath, Petar Vitanov, Birgit Sippel, Cyrus Engerer, Evin Incir), 138, 154 partially, 156 (Malin Björk), 139, 151, 155 (Erik Marquardt), 145, 152 (Łukasz Kohut, Bettina Vollath, Petar Vitanov, Cyrus Engerer, Evin Incir), 146 partially, 153 (Maria Walsh, Andrzej Halicki), 169 (Fabienne Keller), JURI 5, JURI 6, JURI 7, JURI 8, JURI 9, JURI 10, JURI 52, JURI 65, JURI 66 partly

Fall: AMs 134, 136, 142, 149 (Balázs Hidvéghi, Nicolas Bay), 140, 148 (Beata Kempa), 141, 147 (Milan Uhrík), 144 (Malin Björk), JURI 11, JURI 51, JURI 67, JURI 68

An enabling regulatory and political environment free from chilling effects, threats and attacks

7. Stresses that the ability of CSOs to act depends on the existence of an enabling legal and political environment, in particular on the exercise of freedom of association, peaceful assembly and expression *and the right to public participation (135 Renew, 138 The Left, 139 Greens)*; urges Member States to guarantee the exercise of these rights in conformity with *European (137 S&D) and international law and standards including the European Convention on Human Rights, the Council of Europe's Recommendation CM/Rec (2018)11 of the Committee of Ministers to member states on the need to strengthen the protection and promotion of civil society space in Europe, the International Covenant on Civil and Political Rights, the United Nations Declaration on Human Rights Defenders and the United Nations guidance note on the protection and promotion of civic space, and to avail themselves of the possibility to request opinions on planned legislation from the Venice Commission (135 Renew)*; (JURI 5, JURI 6, JURI 7, JURI 8)

7 a. Recalls the importance of independent, impartial, professional and responsible journalism for informing on the activities of CSOs both in the private and public media as well the importance of access to public information as key pillars of democratic States, which are based on the rule of law; (168 Greens, JURI 65)

7 b. Deplores the growing concentration of media ownership at the expense of plurality, independence and fair public representation of the ideas and actions of

CSOs; recalls that independent and responsible journalism and access to pluralistic information are key pillars of democracy and that the actions and input of civil society are vital for any democracy to thrive; calls on the Member States to ensure and maintain the independence of the media from political and economic pressure, guarantee media pluralism and ensure transparency (JURI 66); in order to strengthen media pluralism calls on the Commission to propose EU-wide media ownership rules besides the rules of transparency of media ownership as a minimum requirements within the Media Freedom Act; (Renew)

8. Considers that the contribution of CSOs to the single market and the social economy, as well as their role in the realisation of EU policies *and the values set out in Article 2 TEU*, is a strong argument for removing the barriers to their operations at EU level; calls on the Commission, therefore, to *adequately respond with measures, including legislative proposals, in order to reach this objective (145 Renew, 145 S&D, 146 EPP, 156 The Left); stresses that such legislation would not only provide minimum protection to CSOs but also could create a level-playing field allowing them to harness their full potential; (143 Renew)*

9. Calls on the Commission to include a systematic civic space check *in its impact assessments, providing clear criteria for what constitutes an enabling space for civil society (153 EPP), based on international human rights standards on freedom of association, expression and assembly, as also reaffirmed by the Charter of Fundamental Rights of the EU, (JURI 10)* in order to prevent planned legislation from having negative effects on civic space *and when risks are identified, to introduce the necessary safeguards and draft guidelines for Member States' implementation in cooperation with civil society (150 Renew, JURI 63);*

9a. Calls on the Commission to equally review and monitor the implementation of EU law to ensure that it does not negatively affect civic space and provide the necessary remedies; calls on Member States to adopt similar remedies at national level; (150 Renew, 151 Greens, 152 S&D, 153 EPP, 154 partially The Left)

9 b. Calls on the Commission to use its powers under the Treaties to propose EU legislation to fill gaps and address challenges facing civil society actors across the Union, including minimum standards on the registration, operations and financing of CSOs and procedural safeguards against SLAPPs, and to provide guidance on how to use EU law to better protect civil society; (155 Greens, 156 The Left, 169 Renew)

9 c. Believes that a statute for EU cross-border associations and not-for-profit organisations could provide an extra layer of protection to CSOs faced with undue hurdles to their establishment and operations; (JURI 52)

COMPROMISE 4 - Paragraphs 10, 10a, 11, 11a, 12, 13, 13a 13b, 13c, 13d, 14, 14a, 14b
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Covered: AMs 97 (Terry Reintke, Malin Björk, Maria Walsh, Marc Angel, Liesje Schreinemacher, Łukasz Kohut, Hilde Vautmans, Diana Riba i Giner, Cyrus Engerer, Birgit Sippel, Juan Fernando López Aguilar, Sylvie Guillaume, Sylwia Spurek, Marina Kaljurand, Evin Incir, Erik Marquardt, Ramona Strugariu, Gwendoline Delbos-Corfield), 103 (Evin Incir), 109, 160, 170, 177, 187 (Malin Björk), 130 (Terry Reintke, Malin Björk, Maria Walsh, Marc

Angel, Liesje Schreinemacher, Hilde Vautmans, Diana Riba i Giner, Cyrus Engerer, Birgit Sippel, Juan Fernando López Aguilar, Sylvie Guillaume, Sylwia Spurek, Marina Kaljurand, Evin Incir, Erik Marquardt, Ramona Strugariu, Michal Šime ka, Gwendoline Delbos-Corfield), 157 (Anna Júlia Donáth, Olivier Chastel, Ramona Strugariu, Michal Šime ka, Hilde Vautmans, Drago Tudorache, Sophia in 't Veld), 159, 168, 176, 186 (Erik Marquardt), 162, 174 (Maria Walsh, Andrzej Halicki), 163 (Łukasz Kohut, Bettina Vollath, Petar Vitanov, Cyrus Engerer, Evin Incir), 171, 175, 180, 184, 189, 190 (Anna Júlia Donáth, Olivier Chastel, Ramona Strugariu, Michal Šime ka, Hilde Vautmans, Drago Tudorache, Sophia in 't Veld, Fabienne Keller), 172, 178 (Łukasz Kohut, Bettina Vollath, Petar Vitanov, Birgit Sippel, Cyrus Engerer, Evin Incir), 183 partially (Maria Walsh, Andrzej Halicki), 185 (Terry Reintke, Malin Björk, Maria Walsh, Marc Angel, Liesje Schreinemacher, Łukasz Kohut, Hilde Vautmans, Diana Riba i Giner, Cyrus Engerer, Birgit Sippel, Juan Fernando López Aguilar, Sylvie Guillaume, Sylwia Spurek, Marina Kaljurand, Evin Incir, Erik Marquardt, Ramona Strugariu, Michal Šime ka, Gwendoline Delbos-Corfield). partially 102 and 173, 260 (Evin Incir), JURI 47, JURI 50, JURI 21, JURI 22, JURI 23, JURI 27, JURI 28, JURI 29, JURI 30, JURI 31

Fall: 158, 167 (Milan Uhrík), 161, 164, 166, 181 (Beata Kempa), 165, 182 (Balázs Hidvéghi, Nicolas Bay), JURI 13, JURI 14, JURI 24, JURI 25, JURI 48

10. Calls on the Member States to *respect and facilitate the exercise of the right to peaceful assembly, which can only be limited by respecting the principles of necessity and proportionality*, (159 Greens, 160 The Left) *in accordance with applicable law* (162 EPP); *warns against the broadening in some Member States of law enforcement authorities' powers in policing assemblies*; (157 Renew) condemns any *disproportionate* (163 S&D) use of force against protesters, as well as their criminalisation, *prosecution* (157 Renew, 159 Greens, 160 The Left, JURI 21) and surveillance (JURI 28, JURI 29); *calls on the Member States for the immediate abrogation of laws and regulations that heighten the use of violence against demonstrators and restrict the freedom to demonstrate*; (JURI 31) calls on the Commission to issue guidelines for the protection of freedom of peaceful assembly *both in times of health emergency and in normal times* (157 Renew);

10a. Points out that during the pandemic, a significant proportion of civil society activities have moved online; calls on the Commission and the Member States to ensure freedom of expression, fight against any form of hate speech and raise awareness about hate speech and the risks it poses for democracy and individuals, including on online social networks in particular (partly 164 ECR);

11. Warns against the detrimental impact of policies and rhetoric instilling a chilling effect on civic space; urges the Commission to make the analysis of chilling effects a key aspect of its annual rule of law report, to build on case C-78/18² to challenge measures having a chilling effect on the exercise of Charter rights when similar approaches are possible and to apply for interim measures to avoid irreparable damage while judicial review is ongoing;

11 a. Condemns that CSO representatives in some Member States face physical and verbal attacks, harassment and intimidation both in online and offline forms as a direct

² Judgment of the Court (Grand Chamber) of 18 June 2020, *European Commission v Hungary*, C-78/18, EU:C:2020:476.

result of their work; further regrets that the mental health effects faced by these representatives can include burnout, depression, 'helping induced trauma' and 'compassion fatigue' and that the psychological impacts that their work can have on CSO representatives are under-researched; (174 EPP, JURI 22); underlines that children and young people are particularly vulnerable as they may not report acts of hate and harassment due to lack knowledge of the definition of harassment and how and to whom to address the issue; (partially 102 and 173 S&D)

12. Condemns any threats, and attacks perpetrated on CSOs *and human rights defenders* (97 EPP, S&D, Renew, Greens, The Left) by *state owned and state linked* (172 S&D) actors, *including negative and stigmatizing rhetoric, scapegoating as well as legal, judicial, administrative and fiscal harassment*, (168 Greens/EFA, 97 EPP, S&D, Renew, Greens, The Left, 171 Renew, JURI 12 partially, JURI 26 partially, JURI 30) *and condemns the failure of state actors to protect CSOs and human rights defenders against such attacks and threats* (170 The Left, partially 109 The Left); equally condemns all instances of attacks and threats perpetrated by non-state actors, including, but not limited to SLAPPs;

13. *Is concerned by the low levels of reporting on attacks and threats on CSOs at national level; (175 Renew)* urges Member States to unequivocally condemn such acts, adopt preventive *and effective* (178 S&D) measures and systematically, *promptly, thoroughly, independently and impartially* (175 Renew, 176 Greens, 177 The Left, JURI 27) investigate any related allegations, *and invest in training programmes for authorities to better handle such cases; calls on the Commission to accompany such processes by providing recommendations and facilitating the exchange of best practices; (175 Renew)*

13 a. *Emphasises that a good cooperation between civil society, police and relevant institutions is key to address the vulnerabilities and find best practices in the protection of activists, civil society and democracy itself; (partially 260 S&D)*

13 b. *Expresses deep concern about the increased violence and hatred targeting organisations and activists working on anti-racism, religious minorities, feminism and LGBTIQ+ rights; (103 S&D, JURI 23, JURI 30)*

13 c. *Recalls that the scapegoating of CSOs working on women's rights and with minorities and vulnerable groups such as LGBTIQ+ persons is not an isolated event, but functions as a premeditated and gradual dismantling of fundamental rights, which are protected in Article 2 TEU, constituting part of a larger political agenda which has been called 'anti-gender' campaigns; calls on Member States to be particularly cautious of initiatives that attempt to roll-back on acquired rights which were designed to prevent and protect persons from discrimination and to promote equality; (130 EPP, S&D, Renew, Greens, The Left, JURI 26 partially)*

13 d. *Calls on the Commission to include references to attacks against human rights defenders in its reporting under the Framework Decision on combating certain forms and expressions of racism and xenophobia, when monitoring and assessing EU rules and tools to protect the rights of victims of crime, and when revising EU provisions on combating hate speech and hate crime; (180 Renew)*

14. *Notes that the Union currently lacks efficient procedures to provide an adequate*

*response when CSOs report that democratic standards and civic space in Member States are under threat (183 EPP); calls for the setting up of an EU alert mechanism allowing CSOs and human rights defenders to **report attacks**, register **alerts**, **map trends**, and **provide timely and targeted support to victims**; considers that such a mechanism will also help reporting at Union level, provide input for the Commission's annual rule of law assessment and contribute to better information of the European public in general; (183 EPP, 184 Renew, JURI 50)*

14 a. Strongly regrets the refusal both from the Commission and the Council's side of the Parliament's initiative on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights to be governed by an interinstitutional agreement between Parliament, the Commission and the Council; recalls that the monitoring of civic space is deeply linked with democracy and fundamental rights, and that a mechanism to monitor Article 2 TEU values is the best tool for a holistic approach in such respect; (185 EPP, S&D, Renew, Greens, The Left)

14 b. Urges the Commission to use its enforcement powers against Member States which unduly restrict civic space in violation of EU laws, including through infringement proceedings, the Rule of Law Framework, the new Conditionality Regulation and the procedure laid down in Article 7 TEU; calls on the Commission to ensure civil society's active participation and meaningful contribution to these processes (186 Greens, 187 The Left, 190 Rapporteur), as well as that the legitimate interests of final recipients and beneficiaries are properly safeguarded (JURI 47);

COMPROMISE 5 - Paragraph 14c

Covered: AMs 179 (Erik Marquardt), 109 (Malin Björk), JURI 26 partially

Fall: AMs

14 c. Maintains that Member States should not criminalise or otherwise adversely affecting the registration, operations, financing and cross-border movements of CSOs; is concerned in that respect by the interpretation in some Member States of EU provisions, which can lead to criminalisation of CSOs activities and human rights defenders especially in the field of migration, often in contradiction with the Commission's guidance; asks Member States to put an end to the wrongful criminalisation and prosecution of search and rescue activities, and urges the Commission to actively monitor and take action against respective Member States in this regard; (179 Greens/EFA, partially 109 The Left JURI 26 partially) equally, reminds that all actors involved with migrants for humanitarian reasons and with search and rescue activities have to comply with general principles of international and human rights law and the applicable European and national laws respecting those principles;

COMPROMISE 6 - Paragraphs 15, 16, 16a, 16b, 16c, 16d, 16e, 17, 17a

Covered: 194, 200, 209, 229 (Anna Júlia Donáth, Olivier Chastel, Ramona Strugariu, Michal Šime ka, Hilde Vautmans, Drago Tudorache, Sophia in 't Veld, Fabienne Keller), 195 (Maria Walsh, Andrzej Halicki) 197, 207, 230 partially (Malin Björk), 198 (Łukasz Kohut, Bettina Vollath, Petar Vitanov, Cyrus Engerer, Evin Incir), 193, 208, 231 (Erik Marquardt), 210 (Łukasz Kohut, Bettina Vollath, Petar Vitanov, Evin Incir), JURI 12 partially, JURI 15, JURI 17, JURI 18, JURI 19, JURI 53, JURI 54, JURI 55

Fall: 191 (Beata Kempa), 188, 192, 199, 203, 204, 205, 206, 227 (Balázs Hidvéghi, Nicolas Bay), 196, 226 (Milan Uhrík), 225 (Beata Kempa), 234 (Jean-Paul Garraud, Nicolas Bay, Philippe Olivier), JURI 16

15. Notes that challenges faced by CSOs in relation to funding include a lack of sufficient sources of funding, burdensome administrative procedures to access funding, lack of transparency and fairness in funding allocation and restrictive eligibility criteria; (JURI 18)

16. Urges the Commission to *identify existing obstacles and (194 RE) propose a comprehensive set of measures and recommendations to ensure long-term predictable (197 The Left), adequate and enabling (195 EPP) financing for CSOs (JURI 17), including the funding of their operational activities related to advocacy and monitoring (194 RE; 193 Greens; 197 The Left); stresses that EU funding for CSOs should avoid red-tape measures; (198 S&D)*

16 a. Considers that openness and transparency are key to establish CSOs' accountability and public trust as long as they serve the purpose to ensure legitimate public scrutiny and that reporting requirements remain necessary and proportionate; condemns any abuse of transparency measures to stigmatize particular civil society organisations; (222 EPP)

16 b. Stresses the importance of securing complementary sources of funding including public institutions at all levels, private, philanthropic and individual donors, membership fees and income generated through economic activities (194 RE) as well as from local, regional and national sources, as this could help CSOs to be resilient against any potential government restrictions on external funding (195 EPP); calls for the Member States and the European Union to improve the legal environment for CSOs and ease the conditions for them to access diverse sources of funding, including private and foreign funding (JURI 53); emphasises that public funding should cover all types of civil society activities, including advocacy, litigation and watchdog activities, education and awareness raising, service provision as well as capacity and coalition building (194 RE), which promote and protect the Union values set out in Article 2 TEU; (195 EPP) calls for the Member States and the European Union to go beyond project funding and provide core infrastructure funding and multiannual funding cycles to ensure the sustainability of civil society; (JURI 54)

16 c. Condemns any form of politically or otherwise motivated discrimination in the allocation of public funds and ensuing chilling effects; calls on Member States to ensure clear, transparent and non-discriminatory procedures in this respect; (200 RE, JURI 12 partially) condemns any form of restrictions to access funding especially which target

CSOs and activists working to protect the rights of women, LGBTIQ+ persons, minorities, migrants and refugees; (JURI 15)

16 d. Underlines that issue campaigns of CSOs should not be subject to funding limitations under the pretext of overlapping with elections or with other political campaigns; notes that often funds available for CSOs require co-financing, which in turn can mean that the beneficiary needs to raise a share of the required funds from other sources which can be detrimental to the project or the operation of the organisation; therefore believes that the share of required co-financing should be reasonably limited and that different means of monetization could be taken into account; (193 Greens, JURI 55)

16 e. Deplores the outsourcing by public authorities of public service missions to CSOs in domains such as housing, health, education and asylum, which goes beyond a balanced cooperation of public authorities with non-profit organisations that have a good experience working with and for the persons concerned and is not supported by sufficient additional resources; stresses that such outsourcing practices use civil society resources for the fulfilment of states' responsibilities and do not leave the much-needed space for public participation of CSOs through advocacy, strategic litigation and public education; (JURI 19)

17. Is gravely concerned by the emergence of GONGOs and related discriminatory and often opaque public funding practices; warns against their detrimental effect on *democracy and on pluralism and diversity within civil society*, (208 Greens; 207 The Left; JURI 12 partially) *and* the perceived legitimacy of CSOs and hence on citizens' willingness to engage in active citizenship; *calls on Member States to investigate and take action against groups instigating hate in violation with applicable legal rules*; (209 RE; 208 Greens; 207 The Left) *emphasizes that they can distort public debate which can undermine the very fabric of democracy* (209 RE);

17 a. Urges the Commission to set out conditions and procedures to ensure that EU funds designated to civil society (233 EPP; 231 Greens; partially 230 The Left), *whether in direct or shared management*, (229 RE) are only awarded to organisations that are strictly independent from any government and fully adhere to EU values *set out in Article 2 TEU*; *urges the Commission to address allegations concerning discriminatory distribution of EU funding to civil society organisations* (208 Greens; 207 The Left) *and to take appropriate measures in order to ensure that EU funding is not supporting GONGOs*; (210 S&D)

COMPROMISE 7 - Paragraphs 18, 18a, 18b

Covered: 213, 224. 228 (Anna Júlia Donáth, Olivier Chastel, Ramona Strugariu, Michal Šime ka, Hilde Vautmans, Drago Tudorache, Sophia in 't Veld, Fabienne Keller), 118, 214 and 222 (Andrzej Halicki, Maria Walsh), 215, 220 (Erik Marquardt), 216, 219 (Malin Björk), JURI 36, JURI 49

Fall: 211 (Milan Uhrík), 212 (Balázs Hidvéghi, Nicolas Bay), 217 (Jean-Paul Garraud, Nicolas Bay, Philippe Olivier), 218 (Beata Kempa), 223 (Evin Incir)

18. Welcomes the adoption of the Citizens, Equality, Rights and Values Programme with an increased budget *of 1,55 billion EUR for the 2021 - 2027 period, and recognises that it is a*

*meaningful response to the challenges faced by the civil society in the EU and a first step towards creating a more systemic framework of assistance for Union's CSOs (118 EPP, 214 EPP, JURI 36); calls on the Commission to actively consult CSOs in the definition of work programmes and funding mechanisms so as to ensure transparency, flexibility and user-friendliness; welcomes re-granting mechanisms in the Union Values strand; **emphasizes the importance of securing sufficient funding for watchdog, advocacy and litigation activities, as well as capacity building, as these boost CSOs' contribution to safeguarding EU values and fundamental rights; calls on the Commission to ensure that funding is earmarked to support CSOs in implementing the tasks and roles assigned to them in its various sectoral policies (213 RE); calls for specific emergency funding and practical support for civic actors and human rights defenders at risk of having their fundamental rights violated; (213 RE; 215 Greens; 216 The Left)***

*18 a. **Calls on the Commission to redouble its efforts to boost CSO participation in the CERV programme and other centrally managed funds, including via further simplification, more flexible eligibility criteria, and targeted information and training; calls on the Commission to step up its monitoring of practices in Member States and provide recommendations to boost CSO participation in programmes under shared management; calls on the Commission to better involve and train CSOs in monitoring the spending of EU funds at Member State level; (221 RE)***

*18 b. **Considers that budgetary support for civil society organisations should not only be foreseen, but also promoted and supported in all EU programmes; regrets that the European Recovery Package did not target specifically civil society organisations in addition to business and small and medium companies; calls upon the Commission and Member States to ensure that CSOs are involved throughout the implementation and the monitoring of the National Recovery and Resilience Plans and of other funds under shared management and check whether national recovery plans support the funding needs of CSOs (228 Renew); calls on the Commission to ensure that CSOs are not negatively impacted by the withdrawal of funding under the Rule of Law Conditionality Regulation or under the conditions built into funds and programmes under the Multiannual Financial Framework or the Recovery and Resilience Facility that couple funding to respect for the rule of law and the principle of non-discrimination, by providing for specific modalities to channel funding to CSOs adapted to the environment in which they operate; (224 RE; 220 Greens; 219 The Left, JURI 49)***

COMPROMISE 8 - Paragraphs 19, 19a, 19b, 20

Covered: 239, 245, 246, 251 (Anna Júlia Donáth, Olivier Chastel, Ramona Strugariu, Michal Šime ka, Hilde Vautmans, Drago Tudorache, Sophia in 't Veld, Fabienne Keller); 242 (Łukasz Kohut, Bettina Vollath, Petar Vitanov, Cyrus Engerer, Evin Incir), 244 (Evin Incir), partially 237 (Malin Björk), 238 (Erik Marquardt), JURI 12 partially, JURI 20, JURI 46

Fall: 235 (Milan Uhrík), 236, 248 (Balázs Hidvéghi, Nicolas Bay), 240, 247 (Beata Kempa), 241 (Jean-Paul Garraud, Nicolas Bay, Philippe Olivier) 243 (Łukasz Kohut, Bettina Vollath, Petar Vitanov, Cyrus Engerer, Evin Incir), 249 (Milan Uhrík), 250 (Peter Pollák)

19. Condemns attempts by certain Member States to impose limitations on foreign funding and the related political narratives they have promulgated and measures they have taken with the aim of stigmatising *or harassing* (242 S&D, JURI 12 partially; JURI 20) CSOs; *recalls*

that the CJEU found that these violate free movement of capital and freedom of association; calls on the Commission to keep initiating infringement procedures in this regard and systematically apply for interim measures (239 RE; JURI 46); calls on the Commission to conduct a mapping of foreign funding restrictions across the Union with a view to ensuring that the principles reaffirmed by the CJEU are effectively respected in all Member States; (partially 237 The Left)

19 a. Emphasizes the importance of tax incentives to boost private donations; encourages Member States to further develop such schemes; calls on the Commission to map best practices and produce recommendations (245 Renew); recognises the importance of CSOs compliance with national rules in the field of taxation and fight against money laundering but reminds that such rules and transparency of funding in general cannot be abused to obstruct activities of CSOs and create a chilling effect affecting their members and donors; (238 Greens)

19 b. Recalls that international standards on freedom of association require authorities to apply a presumption in favour of CSOs' liberty to seek and receive funding from any source and of the legality of their activities, with restrictions being possible if prescribed by law, pursue one or more legitimate aims and if necessary in a democratic society for the achievement of the aims in question; (partially 237 The Left)

20. Calls on the Commission to produce guidance on the principle of non-discrimination and free movement of capital applied to cross-border donations; emphasizes that an approximation of the definition of the concept of public benefit would enable mutual recognition and equal treatment in terms of cross-border donations and benefits related to such public benefit status; (246 RE); calls for an EU-level definition of the concept of public benefit, as that would boost cross-border donations insofar as it would enable mutual recognition of public benefit status and equal treatment in terms of the related advantages; invites the Commission to set up measures to remove obstacles to cross-border philanthropy and ensure equal treatment of donations across borders in line with CJEU rulings; (251 RE; 252 Greens)

COMPROMISE 9 - Paragraphs 21, 21a, 21b, 22, 22a, 22b, 22c, 22d, 23, 24, 24a, 25
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Covered: 256, 259, 261, 264, 271, 273, 274, 282 (Anna Júlia Donáth, Olivier Chastel, Ramona Strugariu, Michal Šime ka, Hilde Vautmans, Drago Tudorache, Sophia in 't Veld, Fabienne Keller), 255, 266, 276 (Malin Björk), 254, 265, 275, 283, 284 (Erik Marquardt), JURI 58, JURI 59, JURI 60, JURI 61, JURI 63, JURI 64

Fall: 257, 263, 272, 277, 280 (Balázs Hidvéghi, Nicolas Bay), 258, 262 (Milan Uhrík), 267, 278 (Beata Kempa), 281 (Jean-Paul Garraud, Nicolas Bay, Philippe Olivier), JURI 39, JURI 56, JURI 62

21. Stresses the importance of civil dialogue in informed policy-making and emphasises that CSOs play a key role as intermediaries between citizens and authorities at all levels, by ensuring a structured dialogue (254 Greens; 255 The Left); highlights the important role of CSOs being in consistent contact with citizens, including marginalized or vulnerable groups, (256 RE) and acknowledges their expertise; confers on them a key role in civil dialogue and

accentuate their role in empowering those furthest away to participate and voice their concerns, while exercising democratic control over and ensuring accountability for public action; (254 Greens; 255 The Left, JURI 58)

21 a. Welcomes positive steps taken in some Member States with new civil dialogue strategies and civil society advisory committees; condemns however, practices deliberately hampering CSO participation such as their exclusion from public processes, the recourse to opaque catch-all laws and accelerated parliamentary processes bypassing consultation and deliberation obligations; (259 RE)

21 b. Recalls that the urgency of COVID-19-related measures often further limited CSOs' access to decision-making; notes however efforts made to counter this in a number of Member States; (261 RE)

22. Regrets that civil dialogue often remains an ad hoc process; calls on the Member States to develop coherent policy frameworks that ensure structured, predictable and long-term processes, inclusive participation and systematic review, *and to allocate appropriate means including for training officials (264 RE)*; calls on the Commission to provide recommendations *prepared in close cooperation with civil society, (265 Greens; 266 The Left)* based on the analysis of existing practices;

22 a. Considers that all EU institutions should review their terms of engagement with CSOs in line with Article 11 TEU to ensure an open, transparent, meaningful and regular dialogue with CSOs, on an equal footing with other stakeholders; invites the Commission to consider the submission of an interinstitutional agreement on civil dialogue between all main institutions covering all areas of Union policy as well as transversal processes such as, for example, the State of the Union or the Conference on the Future of Europe; (273 RE; 268 Greens; 269 The Left, JURI 59; JURI 60, JURI 64)

22 b. Considers in this respect that the President of the Parliament could appoint one of its Vice-Presidents to carry out an open, transparent and regular dialogue with CSOs; encourages political groups to devise their own civil dialogue structures; (271 RE)

22 c. Calls, in particular, for the Commission, in its consultation processes, to restore the balance between representatives of corporate interests and representatives of other interests, such as workers' rights, social rights and environmental protection, and to ensure safeguards against unfair lobbying practices that are not compatible with fair and transparent dialogue; (JURI 61)

22 d. Calls for the Member States, the EU institutions in general and the Commission in particular to ensure close consultation with civil society during the preparation or review of legislation potentially affecting civic space and freedoms; (JURI 63)

23. *Takes note of* the attribution to a Commission Vice-President *with* the responsibility to maintain an open, transparent and regular dialogue with civil society; stresses that civil dialogue should be further operationalised; *invites in particular the European Commission to consider setting up within each Directorate General specific focal points for civil society to be in close contact with the Vice-President; considers it key that a wide variety of CSOs is given a prominent role via a transparent selection process in expert groups and advisory*

forums assisting the Commission and that emphasis is put on CSOs speaking for vulnerable and underrepresented groups (274 RE; 275 Greens; 276 The Left);

24. Calls on the Commission to leverage the definition of national programmes implementing EU funds and the implementation by Member States of EU strategies and action plans to *encourage* Member States to put in place effective *CSO participation and (282 RE)* civil dialogue mechanisms; *calls for reinforcing civil society participation within the European Semester process and in the monitoring of the European Recovery Package (279 Greens);*

24 a. Welcomes the European Year of Youth as an opportunity to further promote civic participation and dialogue in a democratic society (283 Greens);

25. *Commits itself to ensure a genuine follow-up of this report and calls on the Commission and the Council to make the same commitment (284 Greens);*