

2025 civic space developments

FRA submission to the 2026 European Commission
annual report on the rule of law

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Introduction

Based on a request by Commissioner Michael McGrath, the European Union Agency for Fundamental Rights (FRA) hereby submits a contribution to the European Commission's 2026 Rule of Law Report focusing, as requested, on civic space information covering all EU Member States and Albania, North Macedonia and Serbia – three candidate states that hold observer status with FRA.

It is widely recognised that civil society plays a crucial role in the functioning of a constitutional democracy based on the rule of law and respect for fundamental rights (FRA (2022) [Europe's civil society: still under pressure – update 2022](#), Focus: Civil society contributions to rule of law culture). The civic space is the 'playing field' in which all societal actors can interact with each other and raise issues of concern, including in relation to potential threats to the rule of law. This playing field needs to be levelled, accessible to all, and for this purpose, the full respect of fundamental rights such as the freedom of association, peaceful assembly and expression are crucial. As the Venice Commission put it in its recently updated Rule of Law Checklist, "the system of checks and balances should include not only institutional arrangements and relationships but also non-institutional mechanisms, in the form of a robust and adequately protected civic space (including but not limited to a free media, independent academic institutions and non-governmental organisations) capable of monitoring institutions and contributing to deliberative decision-making" (Venice Commission (2025) [The Updated Rule of Law Checklist](#), paragraph 78). FRA has systematically collected and published information on civic space developments since 2018, most recently in its Civic Space Update on "Enabling civil society to uphold EU values and strengthen democracy" (FRA (2026) [Civic Space Update: Enabling civil society to uphold EU values and strengthen democracy](#)).

The Agency's submission to the 2026 Rule of Law Report draws on relevant information received through its FRANET network regarding civic space developments for the year 2025 covering all EU Member States and candidate states with observer status with FRA. To collect this information in a systematic manner, FRA requested its national FRANET experts to identify up to five main challenges affecting civil society organisations (CSOs) in specific areas, as well as any positive developments in those areas. FRA defined these areas on the basis of patterns of challenges evidenced through past reports as well as through its annual consultations of CSOs being part of the agency's Fundamental Rights Platform ([FRA Civic Space](#)).

This brief FRA summary points to relevant developments in all EU Member States and the three FRA observer countries. More information can be found in the annexed 30 FRANET reports.

Main developments

In some Member States and observer countries, there were reports of **negative narratives or smear campaigns against CSOs** (AL, CZ, RS, HU, MK, SK, FR). Such narratives particularly targeted CSOs active in certain areas such as migration (EL, BG), anti-corruption (AL, MT), LGBTIQ+ (BG, DK, MK) or gender equality (BG, LV, MK).

Various forms of **criminal investigation** and subsequent **prosecution** were also seen as politically motivated by CSOs and activists. There were reports of the prosecution of activists for slander and organising an illegal assembly (HU), the prosecution of activists for various forms of assistance to migrants (LV, PL) and of the head of an anti-corruption NGO being brought in to investigate and reveal his sources (MT). There were also reports of unauthorised entry into CSO premises without a warrant (RS). The annual data collection by FRA on search and rescue operations shows that most administrative and criminal proceedings against NGO rescue vessels, aircraft and/or their crew members end with an acquittal, the release of the confiscated or detained vessel or are discontinued due to a lack of evidence - since June 2024, five new legal cases have been opened – all in Italy (FRA (2025) [Search and rescue operations in the Mediterranean and fundamental rights – June 2025 update](#)).

Funding cuts and challenges in relation to funding continued in a significant number of Member States and FRA observer countries. There were reports of an overall lack of financial resources for CSOs (AL, MK), particularly after the withdrawal of international funding (BG, PL) sometimes resulting in major job losses in the CSO sector (AL). There were also (plans for) government funding cuts to the CSO sector or to the related development budget (CZ, EE, SK, SE, FI, FR, PL). Additionally, there were government cuts to the budgets of particular organisations working on fundamental rights issues (BE). In some cases, measures were proposed to cap eligibility for subsidies in particular sectors such as migration (EL) or there were cuts to the budget of specific actors such as the equality body (BE). Some reports highlighted the continued unstable funding in some sectors, such as for CSOs offering support to victims of domestic violence (PT). Other funding-related measures had a more indirect impact, such as an impracticable system for VAT exemptions for foreign donations (AL), cuts in tax deductions for donations (BE) or restrictions on the use of funds for litigation against the government (BE). There were also allegations that funding was being diverted to NGOs supportive of the government (RS) and reports of fears amongst CSOs that advocacy activities might jeopardise funding (IE).

In a few cases, there were also reports of the use of **spyware** against CSOs and journalists (IT, RS).

Concerns about the use of **strategic litigation against public participation (SLAPPs)** continued in several Member States and FRA observer countries (AL, AT, EE, RO) – in many cases due to a lack of anti-SLAPP legislation. At the same time, a number of Member States and FRA observer countries made progress on preventing SLAPPs, including by starting work on drafting a transposing law of the EU’s anti-SLAPP Directive (BE) or legislation against SLAPPs (MK). In some Member States, laws fully or partially covering both domestic and cross-border SLAPPs (SI, IE) have already been passed.

In several Member States and FRA observer countries, legislation which CSOs have argued could negatively affect the **freedom of association** was contemplated or passed. This included a bill proposing the banning of dangerous organisations criticised for its broad scope and vague wording (BE) and a newly proposed bill on foreign agents (RS). It is also noted that the Spanish ‘Gag Law’, which restricts unauthorized public protest through heavy fines and other measures, remains in place despite efforts to amend it. The Hungarian Sovereignty Protection Office, which has significant powers of investigation and regulation of CSOs, continued to operate in 2025 despite ongoing infringement proceedings before the Court of Justice. In one Member State, there are proposals for migration CSOs to face penalties if their members are charged with facilitating illegal entry, including deletion of their registration (EL). On a more positive note, in Bulgaria a Draft Act on the Registration of Foreign Agents criticised by the OSCE Office for Democratic Institutions and Human Rights for infringing on the rights to freedom of association and freedom of expression, but also other rights, was ultimately rejected.

Data collected over the recent years confirm that changing the rules governing the civic space comes with risk and the respective **legislative impacts need to be carefully assessed in advance**. Laws, such as for instance assembly laws, can often be improved, but to simply criminalise ‘traffic disruptions’ is to fail to recognise the inherent disruption that may legitimately be caused by a crucial means of expression such as public assemblies. In a society governed by the rule of law, the question of whether certain protest tactics go too far are best left to independent judges weighing the various relevant factors against one another, not by banning entire categories or forms of protest. The same applies to imposing excessive transparency obligations or the labelling of CSOs as ‘foreign agents’ in legislation. As the Slovak Constitutional Court made clear in 2025, there is in fact no equivalence between political actors and regular CSOs, and there is therefore a limit to what may be imposed on the latter in terms of transparency obligations. In most cases, legislation in areas such as freedom of association or peaceful assembly has developed over the years, including by taking into account European jurisprudence such as that of the European Court of Human Rights, to create a framework within which careful balances can be struck by the judiciary – it

is not for the legislature to encroach on such carefully crafted systems too much due to particular concerns about particular issues.

A range of **threats and attacks** against journalists and activists were reported. These included verbal and physical threats or attacks (AL, IT, RS) as well as smear campaigns and other pressures on them (BE, NL, EE, FI) and against vulnerable groups (IE). There were also reports of threats against female politicians (CZ), local politicians (DK) and against CSOs representing marginalised groups (DE) and on activists assisting the homeless (PT).

There are also several reports of **administrative challenges** to civic space. These include administrative burdens imposed by anti-money laundering or anti-terrorism legislation (AL, CY, RO) and audit requirements which CSOs argued put undue administrative pressure on them (SK and EL). CSOs also report delays in registration procedures, in particular for organisations active in the area of migration (CY).

In terms of meaningful **participation and consultation**, instances of hasty law-making and a lack of proper consultation in law or policymaking were noted as having negative effects in a range of Member States and FRA observer countries (AL, BG, LU, LV, EL, SK, SI, PL). Related to this there were also reports of continued difficulties in the efficiency of law-making (RO). Moreover, the overall situation in the civic space can have negative repercussions in this context. In one observer country, CSOs stopped cooperating with a government consultation mechanism due to smear campaigns and attacks against activists taking place there (RS).

Regarding **freedom of peaceful assembly** various types of challenges were raised in at least 17 Member States and FRA observer countries. These include allegedly excessive police interventions in assemblies in the form of bans, dispersals or reportedly excessive use of force (AT, CY, DE, RS) including through the alleged use of sonic weapons (RS), kettling (BE), drones (FR), flash-bang grenades (EL) or the use of chemical means such as teargas or pepper spray (CY, EL, IE). There were also reports of strip searches of assembly participants (DK), the use of facial recognition technology in the context of (banned) protests (HU), bans requiring removal of face coverings (IE), (threats of) fines against protesters (BE, HR, HU) as well as allegedly excessive identity checks of persons participating in pride marches (LT).

New proposals to limit the freedom of peaceful assembly included a plan to give courts the option of banning those previously convicted of rioting from participating in assemblies (BE), harsher penalties for violation of assembly legislation (IT) and attempts to lower the threshold for banning assemblies and allowing pre-emptive action to prevent assemblies (EE). There were also proposals to introduce legislation providing for punishment for creating traffic obstacles (RS), as well as laws allowing

mayors to remove disruptive online messages and allowing collection of online data on potential disruptions of public order, including in the context of public protests (NL).

Next to work on new anti-SLAPP laws, there were reports of other **positive developments** which enhanced civic space in various ways. On the legislative side, examples included the entry into force of a freedom of information act (AT), an act clarifying the freedom of expression of civil servants (DK) and the passage of a law expanding state-funded security measures for CSOs or religious communities facing threats (SE). A law was also passed which foresees the inclusion of human rights as a charitable cause in the charity act (IE).

On the judicial side, positive reports included acquittals of people involved in migration protests (CY), a constitutional court judgment making a clear distinction between transparency requirements imposed on those seeking political power (such as political parties) and 'regular' Non-Governmental Organisations (NGOs), clarifying that significantly lower transparency requirements were permissible in the case of the latter (SK). Another welcome court case was the confirmation on appeal that a journalist should have access to a prison to be able to report on alleged abuses there (MT). Finally, the Budapest Pride was able to go ahead without excessive police interference despite being banned, though it should be noted that threats of fines and criminal prosecution against the organisers were made (HU).

Conclusions

The data received by the Agency shows that patterns on curbing civic space from previous years largely continued in 2025 (annexed 30 FRANET reports; FRA [annual updates on the civic space in the EU](#); FRA (2026) [Civic Space Update: Enabling civil society to uphold EU values and strengthen democracy](#)).

In relation to funding, the funding cuts resulting from the reduction in US foreign assistance have had a significant impact on CSO budgets, particularly in FRA observer countries.

Smear campaigns and attempts to discredit or smear CSOs have continued. There were also new incidents of threats or attacks against CSO activists or journalists.

A particularly striking development in 2025 were continued attempts to stifle peaceful assembly either in law or through restrictive police practices. CSOs continued to face significant administrative pressures from a variety of sources, including government audits and legislation designed to counter terrorist financing and money-laundering.

There continued to be insufficient practical measures for involving civil society in legislative and policy decisions in times, including when expedited lawmaking procedures are used.

On a positive note, the 2025 data shows that there is a clear potential for a positive impetus from EU legislative action regarding civic space even in areas where EU law does not apply. This can be seen in relation to SLAPPs. The anti-SLAPP directive has created a debate on SLAPPs and led to legislation on SLAPPs also outside the sphere of EU law, or at least discussion of that possibility. While it is necessary to recognise the limits of EU competence, it is also important to continue monitoring where EU action may be warranted in other areas to encourage further positive changes that widen civic space.

Setting the 2025 findings against the background of the evidence collected by FRA over the last five years two additional but more generic observations arise.

First, not all the measures and actions by governments above constitute fundamental rights violations. For example, a political party may ask for clarification of where public funds are going, also in relation to funding for CSOs. The freedom of expression unquestionably also extends to include criticism of CSOs and their work. In addition, there is no suggestion that the government has to follow every CSO suggestion regarding a law or a policy or agree with each of their policy proposals more generally.

However, the risk is that if there are too many funding cuts, if there is constant questioning of the role of CSOs and a lack of attention to legitimate concerns raised by CSOs and the wider public, both fundamental rights and the rule of law may suffer. The vital work done by those in the CSO sector must not be allowed to be undermined by suggestions they are working for foreign powers, that they lack legitimacy or that they are serving other nefarious interests. Governments should speak out against such efforts to undermine CSOs whilst taking targeted and proportionate action where there are genuine breaches of the law.

Second, when it comes to regulation of, for example, the freedom of association or the freedom of peaceful assembly, there is sometimes a temptation to introduce rules that tilt the level playing field needed for an open civic space too much against such freedoms. If legislation is indeed perceived as necessary in such fields, it should come with a systematic human rights impact assessments analysing potential effects on the civic space and its key actors (FRA (2025) [Better legislation – Human rights impact assessments in lawmaking](#)).

Annex: Civic space in the EU in 2025. The situation in the 27 EU Member States and Albania, North Macedonia and Serbia (324 pages)
