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# The Selective Closure of Civic Space

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## Abstract

Scholars and NGOs have been raising alarms about the increasing political restraints that civil society organizations face globally. In this paper, we argue that closure is in fact a selective mechanism: governments attempt to reorganize civic space through a dual process of selective in- and exclusion of civil society organizations. Civil society organizations identified as critical of or even anti-government face obstruction and restraints, whereas simultaneously the space and state support for organizations identified as pro-government is expanded. Governments instrumentalize certain civil society organizations to their own benefit: they are sponsored and used to influence the realm of civil society in ways that directly legitimize state power and maintain an appearance of democracy. We illustrate our claims by discussing the reorganization of civic space in some countries of Central and Eastern Europe through the case of women's rights activism.

## Policy Implications

- International monitoring of democracy performance should pay attention not only to the availability of consultation platforms but also to what specific groups are included in those platforms.
- Foreign donors for civil society (including EU funding) should avoid channeling funding through governmental agencies.
- In the absence of state funding for civil society foreign funders should strive to move beyond project funding and allocate institutional funding for critical civil society actors.
- Gender aspects should be mainstreamed in monitoring civil society inclusion and participation.
- Women's rights groups inclusion in relevant policy processes should be seen as an element of democracy and monitored as such.

## 1. Setting the Scene

In the past five years, scholars and NGOs have been raising alarms about the increasing political constraints that civil society organizations are facing all over the world (Carothers and Brechenmacher, 2014; Christensen and Weinstein, 2013; Poppe and Wolff, 2017; Rutzen, 2015). State hostility not only entails threats to the rights of civil society, but also repressive or even violent actions ranging from disproportionate auditing as a means of control to policing and physical attacks of activists (Baker et al., 2017; Human Rights First, 2017). This takes place in the context of democratic backsliding (IDEA, 2019), attacks on liberal democracy and takeover by rightwing populist governments in several countries that were previously seen as more or less stable democracies. This is discussed by the literature on shrinking civic space. It refers to threats and restrictions for civil society actors that limit access, resources and space of maneuver (Carothers and Brechenmacher, 2014).

Without denying the seriousness of these threats, we think the focus on the shrinking space of civil society actors obscures the more complex mechanisms often used by governments to reconfigure civic space rather than closing it

altogether. We argue here that closure is in fact a mechanism that affects a specific part of civil society organizations, in particular organizations linked to or promoting and sustaining liberal democracy, whereas the space of other civil society organizations more closely linked ideologically to governments in power is not implicated or may be even extended. Governments attempt to reorganize civic space through a dual process of selective in- and exclusion of civil society organizations. Civil society organizations identified as not in line with government ideology and critical of it face obstruction and restraints, whereas simultaneously the space and state support for organizations identified as pro-government is expanded.

In this paper we analyze the reorganization of civil society focusing on organizations that advocate women's rights. Attacks on women's rights and gender equality play an important role in many democratic backsliding processes but are largely unaddressed in the research on these processes. Gender equality was a relatively marginal aspect in mainstream democracy and transition to democracy literature. More recently, however, the idea that women's political empowerment contributes directly to and can even be seen as a prerequisite for democracy development is increasingly

recognized (Carothers, 2016). Moreover, recent attacks on democracy have elements specific to the field of gender equality and women's rights and particularly affect women's rights organizations. First, the decreased space for civic organizing is a major threat for women as they have often been excluded from state institutions and male-dominated formal politics, and therefore, particularly dependent on civil society organizing (Howell, 2005; Townsend-Bell and Strolovitch, 2013). Political representation and empowerment through civil society participation and voice is a fundamental component of gender-inclusive democracy. Second, women's rights organizations may be particularly susceptible to restrictions as they offer important services to vulnerable groups. For instance, organizations working on the issue of violence against women operate support and counselling services and provide training for judicial, police, healthcare and social service actors. Organizations with such profiles are highly dependent on state support and as such extremely vulnerable to cutting or redirecting funds or to co-optation (Matthews, 1994). Finally, women's rights advocates may face particular forms of repression and harassment like gender-based violence. Such violence may be instigated or even committed by governmental actors, but can come from general publics, and be manifest in the digital or physical world alike (Bishop, 2017). These make the case of gender equality an especially interesting field for analyzing changes in civic space, relevant for the broader reorganization of civic space.

Empirically, following a most similar systems design, we analyze three country cases from the Central and Eastern European region, having in common a post-communist and new European Union member state trajectory and a record of democratic and gender equality backsliding (IDEA, 2019). Yet they differ in the extent to which they witness democratic erosion, with Hungary and Poland being critical European cases of de-democratization while Croatia showing more moderate patterns. Currently, all three countries are noted as facing strong opposition to gender equality from both civil society and government actors, though in Hungary and Poland this is endorsed by governments, while in Croatia this remains predominantly a civil society project (Krizsán and Sebestyén, 2019; Sutlovic, 2019; Szczygielska, 2019). The Law and Justice (*Prawo i Sprawiedliwość*, PiS) government in Poland, elected in 2015, launched a series of targeted attacks against gender equality, particularly on reproductive and sexual rights. In close alliance with the Roman Catholic Church and other conservative actors, the state opposes gender and sexual equality groups with the pretext of protecting traditional family and Polish national values. In Hungary, government-related voices discredit women's rights and LGBT organizations as 'foreign agents' threatening national identity and interpret the Council of Europe Convention on Violence against Women and Domestic Violence (the 'Istanbul Convention') as an attack on national sovereignty and the traditional heterosexual family. In Croatia, referring to democratic inclusion, neo-conservative, family protection and anti-gender ideology groups are now included in gender equality policy processes along women's rights advocates.

The paper proceeds by first elaborating on our theoretical premises, combining civil society literature with gender and politics and social movement scholarship. Next, we discuss the reorganization of civic space available for women's rights and gender equality organizations in the three countries we study. The final section discusses the empirics comparatively and draws from them conclusions, with relevance for theory beyond the field of women's rights.

## 2. Why and how is civic space restricted?

Shrinking civic space refers to threats and restrictions imposed on civil society actors that limit their space of maneuver (Carothers and Brechenmacher, 2014). Observers locate the start of this global trend around 2005 (Carothers and Brechenmacher, 2014; Rutzen, 2015; Wolff and Poppe, 2015). While it has been principally CSOs that reported on the decrease of civic space, a number of scholars provide further evidence of this restrictive trend (e.g. Christensen and Weinstein, 2013; Glasius et al., 2020; Poppe and Wolff, 2017). Glasius et al.'s data (2020) indicates that restrictions on CSOs have steadily increased since the turn of the millennium.

The authors identify a plethora of different reasons for why governments restrict the space of civil society organizations. They talk about a 'counter-associational revolution' (Rutzen and Shea, 2006) as a way of containing and minimizing the influence of CSOs. Others link it to increased nationalism and emphasis on national sovereignty, projects often led by populist right-wing governments who stigmatize NGOs of foreign origin or funded by foreign donors (Christensen and Weinstein, 2013). Efforts to minimize the space of CSOs are also associated with a broader trend of democratic backsliding (Glasius et al., 2020; Levitsky and Ziblatt, 2018; Lührmann, et al., 2019). Yet, as Rutzen (2015) points out, governments may give a number of quite different justifications for imposing restrictions like protecting state sovereignty; promoting transparency and accountability in the civil society sector; enhancing aid effectiveness; or pursuing national security. Specific objectives mentioned when restricting the space for women's rights organizations include the preservation of the traditional family model and traditional gender roles and maintaining national demographic sustainability (Krizsán and Roggeband, 2021). Diffusion and cross-national learning effects (Glasius et al. 2020) contribute to the massive spread of restrictive legislation.

Overall, the closure of civic space is a broad, but also multifaceted phenomenon. Depending on the goal governments may have to impose restrictive measures, they might target different kinds of CSOs. As Hossain et al. (2018, p. 7) point out in the development context, 'not all civil society actors are equally affected: the objects of new restrictions are typically groups and organizations from a liberal and human rights tradition, often aid-funded and with strong transnational links, as well as their allies in social movements, the media and academia'. Yet in most discussions, there is very little attention to this diversification. Consequently, the debate on the 'closure of civic space' suggests that the space for civil society organizations is shut

altogether, affecting all CSOs, providing a rather homogeneous representation of 'civic space'. This feeds back to a larger discussion on normative and functional meanings attached to the concept of civil society (Viterna et al., 2015), where the normative meaning refers to civil society as a civilizing force, and the functional dimension focuses on its democratizing effects. In reality, civil society is more diverse. While the actors that less well fit the normative assumptions of what civil society ought to be are sometimes labeled 'uncivil society' (Bob, 2011; Roggeband and Glasius, 2020; Pousadela and Perera, this issue), this confuses rather than clarifies current patterns of selective in- and exclusion of civil society organizations.

We argue that presenting civil society as a homogenous 'space' that is curtailed as a whole, is problematic. Instead, we want to draw attention to the complexity of current dynamics between states and civil society organizations in which the space of some organizations is curbed, whereas other organizations are not affected or may even experience more space and/or support compared to previous conditions. The way civil society organizations are perceived and classified by governments as either friends or foes – fitting a populist logic – is crucial for the space and role granted to these organization in society. The convergence or divergence between the ideology of civil society organizations and governments or political elites is the core mechanism that steers the selective dynamics of in- and exclusion. Closure affects most prominently those organizations identified as critical of or even an enemy of the state. Civil society organizations in a Gramscian fashion often produce critical counter-discourses that governments may try to contain as these are seen as threatening to government agendas (Lewis, 2013). Yet governments also need civil society organizations to help build robust social foundations for backsliding regimes to rally or recruit new supporters. For right-wing populist governments, such organizations can be instrumental in expanding the Right's public sphere and forging alliances between domestic and transnational NGOs, churches and existing conservative, nationalistic or religious organizations with similar ideologies or goals (Greskovits, 2017). By reconfiguring civic and institutional spaces, rather than closing them altogether, backsliding governments uphold the façade of democracy, because they can claim that civil society is sustained or even promoted and consulted on important political decisions. This contributes to both domestic and international legitimacy. Seeking popular support from below is then used as an expression of 'the will of the people'. Lewis (2013) points out that many contemporary authoritarian states are able to coexist with a wide range of non-governmental associations when there are mutual benefits and common or complementary goals or activities.

While governments can actively create civil society organizations promoting their agenda, so-called GONGOs, they can also use existing organizations to oppose organizations deemed anti-government. Successful civil society organizations that threaten the interests of some segments of the population are likely to raise their own enemies (Meyer and Staggenborg, 1996). Governments may use such 'counter-movements' to limit the space of 'critical' organizations whose goals are

not in line with their agenda. Acting in tandem with civil society organizations to obstruct critical organizations not only makes state efforts much more effective and powerful, but also more legitimate as the support of civil society helps to avoid the impression of a repressive government.

Understanding these complex dynamics contributes to the current debate about the closure of civic space. Rather than obstructing civil society as a whole, governments instrumentalize certain civil society organizations to their own benefit. This means that the disempowerment, exclusion and persecution of specific civil society organizations are accompanied by the empowerment and inclusion of 'government-friendly' organizations. We witness a reconfiguration of the civic space, rather than a closure, in which antagonism between civil societies cannot be disregarded.

This antagonism within civil society is particularly visible in the field of women's rights and gender equality where, in response to relatively successful women's rights mobilizations and progress towards more gender equality, we now see the emergence of anti-gender campaigns and organizations (Korolczuk and Graff, 2018; Krizsán and Roggeband, 2021; Kuhar and Paternotte, 2017) that directly challenge what they call 'gender ideology' and its effect on traditional family and national norms. These campaigns bring together diverse nationally and transnationally networked groups including neo-conservative civil society organizations such as men's rights groups and family protection groups, churches and various affiliated religious organizations as well as conservative think tanks and GONGOs (Graff et al., 2019). They problematize both the transformative, ideological nature of the gender project as opposed to a traditionalist, essentializing perception of the role of women in society, and see these norms as externally imposed by conspiracies of left-wing, liberal, and internationally supported lobbies (Graff et al., 2019; Korolczuk and Graff, 2018). Within this framework attacks on women's rights and sexual equality advocates, their vilification as foreign agents of 'gender ideology' is a global phenomenon which is particularly prominent in countries where anti-gender campaigns are endorsed by governments (Bishop, 2017). As a consequence, this field witnesses increasing polarization at civil society level, often with active participation of governmental actors. The field of gender equality is thus an important test case for understanding what the reorganization of civic space means.

In the next part of the paper, we move to our three country cases to compare the different mechanisms used by governments to reorganize the space for civic activism, in our case by curtailing women's rights activism and promoting anti-gender campaigns. Our operationalization of curtailing civic space builds upon the distinction of Glasius et al. (2020) between three types of legal restrictions affecting CSOs: barriers to entry, to resources and to advocacy, complemented with other measures used to curtail civic space identified by the literature (Carothers and Brechenmacher 2014). We define the three aspects of the reorganization of civic space: (1) access to the political arena, particularly civil participation in decision-making processes (providing information to the government, consultation, political voice); (2)

access to resources, particularly access to state funding, foreign funding and ideologically motivated sanctions; and (3) access to advocacy space, where we consider measures that affect freedom of association, freedom of speech and space to share information and to protest.

### 3. Data and methods

Our methodology is qualitative. We use process tracing and textual analysis of movement documents, reports, newspaper articles and social media postings. Data come partly from previous comparative work on these countries (Krizsán and Roggeband, 2018a, 2018b; Roggeband and Krizsán, 2018) complemented by a new round of data-collection including desk research, interviews with women's rights activists and document analysis conducted by field researchers since September 2017 (Krizsán and Roggeband, 2021; Krizsán and Sebestyén, 2019; Sutlovic, 2019; Szczygielska, 2019). We compare the reconfiguration of civic space along the three dimensions. In order to move from the detailed country descriptions to comparison and to visualize patterns of reconfiguration comparatively, we operationalize the three dimensions (participation, access to resources and advocacy space) into ordinal scales of 4 or 5 values and place both women's rights organizations and conservative, anti-gender organizations on these scales based on our empirical data. To illustrate patterns over time, scores are given both prior to periods of contestation over gender equality, and since contestation started as recently as our data allow.

1. *Access to political arena*: civil society actors contribute to democracy through their role in political arenas and policy processes by articulating the voice of vulnerable groups often less represented through regular democratic channels. Participation in policy processes may range on a scale from no participation (no access) to co-governance or citizen control. The Arnstein ladder differentiates between no participation, tokenism and citizen control. Building on that, Zentai et al.'s (2020) scale includes information sharing, consultation, deliberation/advice, partnership, co-decision and delegation. For our purposes, we group these in four categories (below) and a scale ranging from '0' for no consultation to '3' for partnership/co-governance.

#### Participation scale

3. partnership/co-governance (participation in agenda setting, enduring working relations between authorities and civil society and divided responsibilities).
2. consultation/deliberation (CSO provision of knowledge expertise, structured conversation with tangible influence).
1. tokenistic inclusion (inclusion in meetings, information sharing but no impact on agenda or outcomes),
0. no consultation (exclusion from platforms, services).

2. *Access to resources*: civil society organizations largely depend for their funding on state, foreign funders or other private funders. State funding for civil society organizations expresses, on the one hand, a state's desire to stimulate civil society initiatives, but, on the other hand, may also result in co-optation and/or GONGO-ization. State funding may be institutional and continuous or project-based, or come through tendering (which also means that the state leaves certain services to civil society). Civil society actors, in particular CSOs in post-communist democracies, often also receive project or structural funding from foreign sources. Our scale captures both sources of funding (whether state, private or international) and scope (whether ad-hoc project based, continuous or institutional).

#### Funding scale

4. Structural government funding.
3. Ad hoc government funding.
2. Only foreign funding.
1. Foreign funding obstructed.
0. No funding/non-existence.

3. *Access to advocacy space*. Basic civil rights like the freedom of association and the freedom of speech are crucial to able to contest tendencies of autocratization. Beyond curtailing these by legal measures, governments may also use extralegal measures such as vilification or stigmatization of civil society organizations as 'enemies of the state' or 'foreign agents', or even persecution, meaning material and physical treats. Here, our scale ranges from unobstructed advocacy space, to legal measures to curtail advocacy space, to vilification and persecution.

#### Advocacy scale

3. Full freedom/rights (association, speech, protest).
2. State neutrality in face of movement counter-movement conflict.
1. Vilification/stigmatization.
0. Persecution/harassment.

### 4. Access to political arena

Overall, the field of access to consultation shows reconfiguration in all three countries. In Poland, we see a shift from a pattern that provided rather favorable standing to women's rights groups to one in which conservative civil society groups now become the only groups consulted, and even integrated in the government. In Hungary, direct consultation mechanisms between women's rights groups and the

state are dismantled, and these groups are now replaced by pro-family groups. Croatia is different in that it tries to strike some formal democratic balance between pro-gender equality and conservative actors.

We discuss these different country patterns in more detail for each country. After the collapse of Tudjman's authoritarian regime in 2000, Croatia set up successful arrangements for inclusion and even co-governance on women's rights issues in cooperation with the nationwide densely networked women's rights movement (Krizsán and Roggeband, 2018a). Established gender equality institutional structures (Gender Equality Ombudsperson in 2003; Office for Gender Equality in 2004) operated with close ties to women's rights organizations and contributed to passing several pieces of progressive legislation in the field (Krizsán and Roggeband, 2018a). Opposition to gender equality gradually strengthened after 2008 as state actors became increasingly unfriendly to women's rights advocates (Kajinic, 2015); conservative actors (men's rights groups, In the Name of the Family, *Vigilare, Ordo Iuris*, Truth about the Istanbul Convention) were increasingly channeled into consultation processes alongside women's rights organizations. In this way, oppositional actors managed to introduce some of their demands and viewpoints on the traditional family, sexual and reproductive rights and against the concept of gender in policy making processes (Sutlovic, 2019). An example was the working group created for the ratification of the Istanbul Convention in 2017 in which organizations opposing gender equality were included because of the alleged inclusion of 'gender ideology' in Croatian legislation through the Convention (Sutlovic, 2019). In this conflict, the government took up the position of 'neutral arbiter' that does not choose sides (Interview with activists from CESI, November 2017).

In Hungary, after coming to power in 2010 the FIDESZ government targeted women's rights organizations with increasing intensity. Weakly consolidated consultation mechanisms that slightly improved just before FIDESZ took office rapidly deteriorated when the government dismantled most gender equality structures. The Council for Gender Equality was no longer convened, ending any formalized interaction with women's rights organizations. Instead, in February 2012, a Working Group and Roundtable on Human Rights (*Emberi Jogi Munkacsoport és Kerekasztal*) was established, including high-level officials from relevant ministries, for consultation on observing human rights and serving as the UN Universal Periodic Review consultation platform. The group on Women's Rights (one of 11 thematic groups) chaired by the State Secretary of Family and Youth Affairs included disability groups, minority rights groups, LGBT groups, conservative women's groups and family protection groups, but also churches and a governmental think tank<sup>1</sup>. While women's rights organizations can take part in the meetings, they do not have a role in setting the agenda or making decisions. Beyond this, consultations on issues related to women's rights became ad hoc and included conservative women and pro-family groups and men's rights groups, but rarely women's rights groups. More recently,

women's organizations involved in providing services or training on domestic violence to relevant public institutions (police, judges, social services) have been blacklisted and prohibited access to these authorities (Interview with violence against women activist, 2018). Services are now provided by various organizations without previous experience, mainly conservative and religious groups (Krizsán and Roggeband, 2021). In 2013, a coalition of conservative women's organizations (Association of Hungarian Women) was delegated to represent women's NGOs to the European Institute for Gender Equality. Close links between state actors and conservative groups are also demonstrated by government officials attending events organized by these groups or making statements supportive of them (Krizsán and Sebestyén, 2019). For example, during a 2017 event organized by the Association Women's Perspective on Ordinary Days and the Hungarian Women's Union, Minister of Human Resources Balog declared that the government says, 'NO to gender'. Government sponsorship of the World Congress of Families, held in Budapest in 2017, is another prominent example of the close links between conservative anti-gender equality groups and the government.

Poland showed considerable improvement regarding the inclusion of women's rights advocates in policy processes between 2009 and 2015, both by creating different issue-specific consultative forums and by developing good cooperation with the Congress of Women and its shadow government (Krizsán and Roggeband, 2018a). This was a major concern to conservative civil society and political actors such as the Forum of Polish Women or the Polish Episcopal Conference, which noted that 'only women with left-wing views were heard' (Episcopat, 2012). In 2015, with PiS coming to power there were abrupt changes. The Government Plenipotentiary for Civil Society and Equal Treatment responsible for promoting and enhancing equal treatment was drastically reformed and no separate budget for activities to promote gender equality remained. The Government Plenipotentiary informed the experts that gender equality was only a narrow aspect of its work and that its mandate did not cover issues related to abortion and homosexuality. Also, officials stated that the Plenipotentiary seeks to develop a cadre of 'conservative' NGOs that can focus on topics such as women and family issues, discrimination and refugees/migration from a traditional perspective (Szczygielska, 2019). Prominent conservative activists were appointed to important political positions. For example, the previous president of Ordo Iuris Legal Institute, a conservative think tank, first became the under-secretary of state in the Ministry of Foreign Affairs and more recently a judge at the Constitutional Court (Szczygielska, 2019). Ordo Iuris emerged as particularly active in providing legal expertise, education and guidance for young professional lawyers, or organizing platforms or conferences on anti-equality projects. One of the most prominent inputs of Ordo Iuris was the law project on the total ban of abortion, which led to the waves of 'Black Protests' in Poland.

Figure 1 visualizes changes over time for both women's rights organizations and the organizations opposing them.

Women's rights organizations are almost completely replaced by various anti-gender actors in policy processes in Hungary and Poland. Changes are less radical in Croatia, which nevertheless indicates a leveling between women's rights groups and anti-gender groups by 2017.

## 5. Access to resources

A look at access to funding demonstrates unequivocally the government-driven reconfiguration of the civic space, both in Hungary and Poland. Drastic changes in state funding and regulation to restrict foreign funding have taken place here with the result of weakening women's rights organizations, while at the same time strengthening existing and stimulating new civil society initiatives in line with the conservative governments' anti-gender equality agenda, thus helping to create an alternative civil society that can replace existing women's rights (and other human rights) organizations. In Croatia, similar changes are not systematic and likely have not taken place to the same extent. There, the women's rights organizations and public services they offer are threatened by skewed tendering procedures.

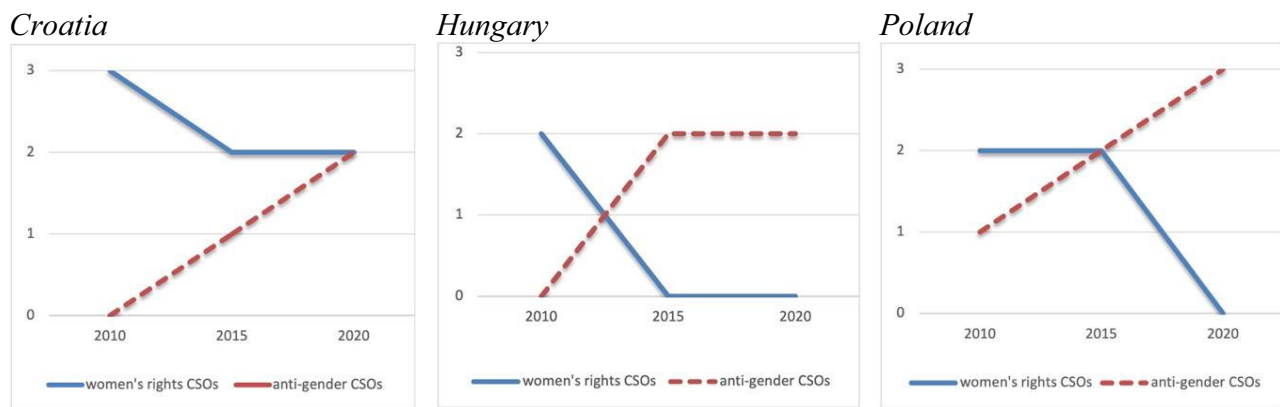
In Hungary, the FIDESZ government over time made important changes in its funding mechanisms for civil society by subsequent amendments of *Law CLXXV of 2011 on freedom of association, public interest status and operation and support for civil society organizations*. In 2011, an amendment limited the number of NGOs which had 'public utility' status and reorganized the funding mechanism. The law established the National Cooperation Fund (NCF – *Nemzeti Együttműködési Alap*) to allocate funding through tenders. The NCF's management board is strongly controlled by the government with only three members delegated by NGOs. NGOs that are partners to the government and working on objectives aligned to government priorities are now favored for state funding. Particularly organizations supporting women's roles in sustaining the nation and its traditions, including traditional family norms received state funding (Krizsán and Sebestyén, 2019). In March 2017, the State Secretary for Family and Population Policy announced that a new organization called Family Friendly Country non-profit Ltd.' (*Családbarát Ország Nonprofit Közhasznú Kft.*), having no prior expertise in the field, would distribute European Social Fund money designated to combat domestic violence. Women's rights NGOs with long-term experience in providing services for victims of violence were now excluded not just from the process of allocation but also from the new funding and operation scheme (Krizsán and Sebestyén, 2019). A recent survey on funding models for family policy related civil society (which includes women's issues in the current context) between 2010 and 2019 reports an almost fivefold increase (from 11 per cent to 49 per cent) in funding for GONGOs (Kapitány, 2019). The availability of foreign funding, which is the main source of funding for women's rights groups who never received any funding from national or local governments, was complicated by a 2017 NGO Law requiring a special registration for NGOs that receive foreign funding and a public display of the foreign funding

(LibertiesEU, 2017). Major international civil society organizations, which also provided funding for gender equality work and were long time active in the region, like the Open Society Foundation, left the country (Open Society Foundation, 2018b). Women's rights and LGBT organizations supported by the Norwegian Civil Fund were subjected to illegitimate government inspection and blacklisting because the Fund refused to channel money through government actors.

In Poland we also find governmental strategies to reorganize funding mechanisms for civil society and redirect state funding to government-friendly civil society. In October 2017, the PIS government established the National Freedom Institute – Centre for the Development of Civil Society – that distributes state funding among NGOs. The act establishing it not only refers to Catholic values, but also lacks safeguards to ensure that this body is independent from the government. Critical observers argue that the launch of this new institute means a systemic threat to the independent operation and development of NGOs in Poland (Helsinki Foundation for Human Rights, 2017). Following the creation of the National Freedom Institute NGOs working on various women's rights issues no longer obtained centrally distributed state funds. The Ministry of Justice also discontinued funding for women's organizations providing specialized support for women victims of domestic violence after protests in 2016. This affected the Women's Rights Center Warsaw, the BABA Lubuskie Center for Women's Rights, the Women's Right Center in Łódź and the Autonomia Foundation in Krakow. They were replaced by organizations with profiles closer to government values (Human Right First, 2017; Human Rights Watch, 2019). In 2019, 'among the grant recipients [of the National Freedom Institute], not even one organization was engaged in issues such as migration, women's or LGBTQ rights' (Pekacka, 2019). Instead, loyal or newly created CSOs affiliated with the government, and in some cases to violent organizations – such as the Podlasie Institute of the Sovereign Republic responsible for attacks on the LGBTQI Pride march in July 2019 in Białystok – received funding (Novakova, 2020). International and local funding plugs the gaps to some extent. There is enormous diversity at the local level, where tasks related to implementation are relegated in Poland (Mijatović, 2019). Though EU funding channeled through government platforms is also restricted: no women's rights organization received money from EU funds between 2015 and late 2019 (Novakova, 2020).

In Croatia, the most important change in access to funding for civil society organizations has been the introduction of problematic tendering procedures starting from 2011. As a result, women's rights organizations that previously received state funding either on a structural or project basis now have to compete for money in tendering procedures, which requires an extremely high investment of resources by women's groups as well as conforming to complex protocols that are often contrary to feminist principles (Minnesota Advocates et. al., 2012). A prominent example is the call for funding counseling centers for victims of violence in the family issued by the Ministry for Demography, Family,

Figure 1. Changes in access to participation.



Youth and Social Policy in 2019, which incited controversy because it excluded organizations that run shelters (mainly women's groups) although all of these also have counseling centers. The request to revise the call by the Autonomous Women's House Zagreb was rejected by the Ministry (Autonomous Women's House Zagreb, 2019). Another controversial decision from the Ministry was to give funding to establish a national 24-hour phone line for victims of violence to a rather new and inexperienced organization. The funding is nearly twice as much as the total funding available for the seven shelters and 15 counselling centers in Croatia. In April 2016, the Government issued a statute which halved the budget of the National Foundation for Civil Society Development that funds projects and programs of NGOs working on promotion and protection of human rights. The scarce resources now have to be shared by women's rights organizations and right-wing NGOs, such as In the Name of the Family (*U ime Obitelji*) and other organizations campaigning against LGBT rights, the Istanbul Convention and abortion.

Figure 2 visualizes the remarkable decrease in funding for women's right groups both in Poland and in Hungary along with considerable increase in funding for anti-gender groups, although as we discuss above the funding types are somewhat different in the two cases. In Hungary, women's rights groups start with almost no state funding, and it is international funding that is mostly curtailed, while in Poland women's groups lose government funding, but maintain some local funding in towns ruled by opposition parties. Changes in funding for opposition groups also diverge: in Poland these groups already benefited from Church support of various kinds, while in Hungary these groups are largely brought into existence with state funding (Kapitány, 2019). In Croatia rather than replacement, we see leveling between women's groups and strengthening anti-gender groups with a terrain that is tilted to the disadvantage of women's groups, particularly in service provision. Distribution of EU funding, which is channeled through state agencies in all three countries and as such follows the same logic, does not disrupt the pattern.

## 6. Access to advocacy space

Advocacy space is severely curtailed for pro-gender equality organizations in Hungary and Poland. Changes are not so evident in the Croatian context.

In Croatia we find no clear evidence of either legal constraints, smear campaigns or harassment of women's rights CSOs. Here, analysis indicates limiting the civic space by financial and administrative exhaustion and arbitrariness of funding processes (GONG, 2019), rather than a directly hostile and limiting context.

Hungary witnessed incremental changes in the access of gender equality groups to advocacy space, which started with dismantling their previous consultative status through blocking access to public administration and ultimately persecution of these groups. Instruments of persecution included administrative and financial control mechanisms such as tax controls or audits and, since 2017, labeling and stigmatizing organizations receiving foreign funding as foreign agents. This sidelining and persecution of women's rights groups took place in the context of a general erosion of democratic processes, including the marginalization of parliamentary politics and downscaling of previous consultation processes with all rights advocacy groups. Legislative measures like the 'Stop Soros' law (2017) (Open Society Foundation 2018a) stigmatized and criminalized foreign-funded NGOs, which meant practically all major women's rights groups. According to a Council of Europe report, this had a 'continuous chilling effect on NGOs even if some of the legal provisions are exceptionally vague, arbitrary and not implemented in practice' (Mijatovic 2019, p.4). Stigmatization is also instigated by high-level governmental officials and government media. In the run up to the 2018 elections the governmental weekly, *Figyelő* published an article, 'The Speculator's People', listing about 200 persons who allegedly worked for so-called 'Soros organizations', many working on gender equality and LGBT related issues (OSCE/ODIHR, 2018).

In Poland, the PiS government made several legal changes limiting the space of NGOs. In December 2016, the



Figure 2. Changes in access to resources.



Parliament adopted amendments to the Act on assemblies. The amendment introduced the concept of 'cyclical assemblies', defined as assemblies organized by the same organizer at the same place or on the same route at least four times a year or those that were organized at least once a year in the period of last three years. Province governors were given authority to prohibit 'non-cyclical' assemblies when conflicting with 'cyclical' assemblies organized by public authorities or religious organizations. NGOs protested against this amendment arguing that it may be used as a tool for abusing powers by public authorities (Helsinki Foundation for Human Rights, 2019). In practice, it means that certain activities that are in line with the ideology of the ruling government are favored and no counter-protests can be organized. In March 2017, the Constitutional Tribunal upheld this law. In February 2018, the parliament adopted amendments to the Act on the National Institute of Remembrance, introducing civil law remedies for infringements 'of the good name of the Republic and that of the Polish Nation' (Helsinki Foundation for Human Rights, 2019, p. 5). This not only affects freedom of expression but may also be used against NGOs voicing critical opinions about the government's actions. Polish NGOs also reported a rise of hatred, smear campaigns in the media and cyber and physical attacks, and sent an appeal letter in March 2016 signed by 300 NGOs to the Prime Minister, which remained unanswered. The government itself engaged in excessive audits and monitoring of CSOs, often with an intimidating character. In 2017, the government ordered several 'liberal' organizations, including women's rights organizations, to return grant money while withholding funding from others (Human Rights First, 2017). After major anti-government protests, women's organizations (Korolczuk, 2016) and LGBT groups were subjected to police searches, raiding of offices, seizure of computers or even arrests. On 4 October 2017, one day after the second round of the 'Black Protests', police entered the offices of Center for Women's Rights in Warsaw, Gdańsk and Łódź and Association Baba in Lublin asking for documentation regarding projects financed by Ministry of Justice for years 2012–2015.

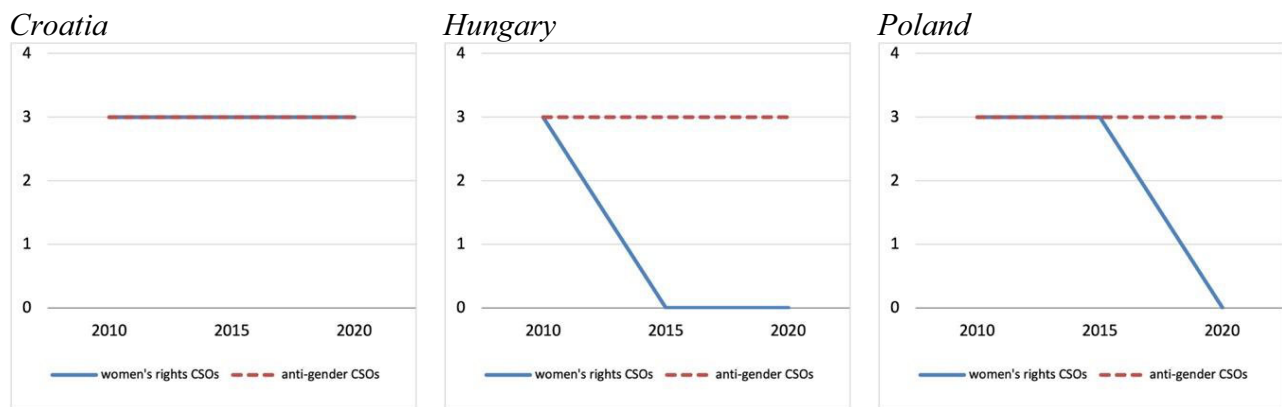
Figure 3 visually captures the radical changes in both Hungary and Poland where the access to advocacy space of women's rights organizations is drastically altered by aggressive methods including persecution, raids, blacklisting and harassment. At the same time, regulations aimed at curtailing civil liberties and the civic space more generally impact all civil society organizations. Our data, however, remain inconclusive on this aspect. No changes in this realm are visible in Croatia.

## 7. Conclusions

The developments in Croatia, Hungary and Poland illustrate that rather than closure we see a reconfiguration of civic space. We find that the space of women's rights organizations is curbed, while simultaneously anti-gender equality organizations have increased access to the political arena and funding channels.

We used three dimensions for conceptualizing the reorganization of civic space: access to the political arena, access to resources and access to advocacy space. Looking at the three dimensions together helps us to diagnose the overall shifts in the realm of women's rights in the three countries. This makes clear that in Croatia the position of women's rights activism and conservative movements has now been leveled compared to previous years, whereas in Hungary and Poland civil society is now drastically reconfigured in favor of anti-gender equality civil society organizations, and at the expense of women's rights organizations.

In Hungary and Poland, illiberal, anti-gender government efforts to restrict women's rights activism are manifested in sponsoring oppositional movements and organizations, thus facilitating the creation of a civic space that supports state objectives. The close links between the emergence and strengthening of the anti-gender civil society and state agendas are particularly prominent in Hungary. In these two countries, we see that the positions that women's rights activists previously held in policy processes are now given to conservative, pro-family, or men's rights organizations, and funding of women's organizations is curtailed either by

**Figure 3.** Changes in access to advocacy space.

redirecting funds towards anti-gender organizations or by making access to foreign funding difficult. In addition to this, we find that access to advocacy is severely limited for women's rights organizations in Hungary and Poland. Ample evidence shows how women's rights actors are seriously hit by persecution and stigmatization. Overall, the impact is most devastating in Hungary where the illiberal government has ruled for over 10 years already.

While Croatia is also hit by processes of democratic erosion (IDEA, 2019), state capacity to stand up against the pressure of its lively neo-conservative civil society contrasts with the other two countries. Croatia witnesses a more cautious process: while we see no clear siding of the state with the conservative actors, recent governments moved from explicitly standing up for gender equality and women's rights to a balancing posture. The last decade shows a step-by-step empowerment of organizations antagonistic to women's rights and gender equality groups, with increasing institutionalized access to political and policy-making platforms as well as to resources. Curtailing civic space for women's rights advocates here is not manifested in the repression of these groups but in loss of exclusive standing on gender equality matters and in creating a competitive situation with alternative civil society actors who now become legitimate voices, despite their adversarial stance towards women's rights.

The closure (in Hungary and Poland) or reconfiguration (in Croatia) of the civic space for women's rights defenders not only obstructs them in exercising their rights, but also limits their role in giving voice to women's rights claims and safeguarding existing gender equality policies from erosion (Krizsán and Roggeband, 2018a; McBride and Mazur, 2010).

This leads to our second point, which draws attention to the specific gendered nature of these dynamics. Women's rights organizations are particularly targeted by state and civil society hostility and aggression because their work is often viewed as endangering 'traditional values'. The nationalist and populist regimes and political actors one way or another in all three countries use nationalist, conservative, religious, and anti-LGBT organizations to reinforce traditional

gender norms. Civil society becomes an ideological device to promote and justify promotion of patriarchal family models and nativist demographic agendas rather than gender equality rights. The new civil society model is also a way to maintain and justify democratic appearances. Meanwhile, the closure of civic space for women's rights organization is inherently limiting democracy. Political representation of women in formal politics is unsatisfactory in these countries. Participation of civil society actors representing women's rights is critical for giving voice to women's rights in the absence of more equitable formal politics. Curtailing their access impacts directly gender democracy.

While we focused on women's rights organizations, human rights reports on the region indicate that the phenomenon affects human rights CSOs broadly. Our analysis shows how the populist polarizing logic used by governments leads to the reconfiguration of the civic space in the field of women's rights. This curtails democratic access and representation and indicates a strongly interventionist and manipulative role states play in shaping civil society in these countries, which has serious consequences for a democratic public space. As such our findings can contribute to understanding similar dynamics playing out in the arena of human rights advocacy more generally, and advocacy for the protection of various vulnerable groups more specifically.

## Note

1. Membership, minutes of meetings included on the website of the working group available at: <http://emberijogok.kormany.hu/nok-jogaiert-felelos-tematikus-munkacsoport>. Accessed 1 October 2020.

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