



**Upholding Sustainability of
Voices for Human Rights –
A Study on the Sustainability of
Human Rights and Accountability
Watchdog NGOs in ten new member
states of the European Union**

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This document is a joint project of European Center for Not-For-Profit Law (ECNL - Hungary), Civil Society Development Foundation (CSDF – Hungary), Center for Philanthropy (CfP – Slovakia) and Political Capital Policy Research & Consulting Institute (PC – Hungary).

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Executive Summary

To be included

I. Introduction and Summary of Key Findings

I.1 Introduction

I.1.1 Background to the Study

Human rights and accountability watchdog (HRAW) NGOs are facing an uncertain future in formerly communist countries of the European Union. These NGOs played a crucial role in promoting democracy and human rights in the new member states (NMS) over the past 20 years. Today, funds from foreign grant-making institutions, their primary source of financing, are drying up. Contributions from local donors are negligible and NGOs are generally hesitant to use government money. What's more, they lack the capacity to manage EU grants and do not have the wherewithal to conduct fundraising activities locally.

The project "***Upholding Sustainability of Voices of Human Rights***" was conceived in response to this situation. The **overall goal** of the project is to improve the longer-term sustainability and strengthen the potential of HRAW NGOs to access EU funds and alternative resources. In order to achieve this, the project uses a combination of comprehensive research and policy advocacy.

The project aims to achieve the following **specific objectives**:

1. Gain an in-depth understanding of the current funding environment of the HRAW NGOs, especially in regard to the potential of EU-level funding programs.
2. Explore existing philanthropic practices and opportunities to raise funds and generate income at the country level.
3. Prepare a long-term advocacy strategy including policy objectives and recommendations for various stakeholders to enhance sustainability of HRAW NGOs.
4. Develop an advocacy strategy and action plan for the project.
5. Undertake key advocacy and lobbying activities to achieve policy goals, with an emphasis on those aimed at the European Union.
6. Engage HRAW NGOs in the advocacy process and build their capacity to more effectively advocate at the EU level.

The current Study Report is the result of addressing objectives 1-3. Objectives 4-6 will be addressed in the second phase of the project, which will concentrate on advocacy.

The aim of this report is two-fold:

- a) to present a comprehensive picture of the situation of HRAW NGOs in the 10 new member states including their social, political and funding environment at the national and EU levels, and
- b) to provide recommendations for a long-term advocacy strategy and serve as a tool for advocacy in the second part of the project.

The Study is a work in progress, currently awaiting feedback from its key stakeholders. Therefore, its findings and especially its recommendations are preliminary and subject to change.

I.1.2 Project Team and Project Methodology

The Project Team consists of the representatives of a consortium led by the **European Center for Not-For-Profit Law** (ECNL - Hungary), in partnership with the **Center for Philanthropy** (CfP Slovakia), the **Civil Society Development Foundation** (CSDF - Hungary), and the **Political Capital Policy Research & Consulting Institute** (PC - Hungary). The consortium boasts extensive research experience in conducting comparative surveys across countries in the CEE region and the EU; high level expertise in the multiple disciplines needed for the successful completion of the project, including enabling legal and fiscal environment for NGOs, NGO development and sustainability, philanthropy development, advocacy and lobbying; experience in developing policy studies and recommendations at EU level; completion of successful lobbying and advocacy initiatives related to civil society domestically and at the EU-level; and advising donors and donor networks. Although three consortium members are seated in Hungary, all work internationally and have extensive networks in the region.

The Project Team devised a methodology in which three different main strands of research were conducted parallel: socio-political research to demonstrate the relevance of HRAW NGOs and to help understand the context in which they operate in the NMS; a country-based research to explore the funding and sustainability situation of HRAW NGOs in each of the ten countries; and a research at the EU level to identify and better understand the funding sources available for HRAW NGOs specifically within the European Commission. Additionally, some good practices in financing HRAW NGOs in both NMS and “old Europe” were explored. Originally, a more in-depth review of three countries was envisioned but based on the detailed ten-country review this proved to be unnecessary. Based on the initial outcomes, the Team also devised a preliminary advocacy strategy to serve as a basis for discussion for all stakeholders in the project.

Although originally the project envisioned research in the first part and advocacy in the second part of the project, in fact advocacy activities were conducted already from the beginning. During the initial phase of the research, ECNL has learnt that the European Commission has launched a public consultation regarding the Financial Regulations, i.e. the key document that regulates procedures of distributing, managing and reporting on EU funding. In order to take advantage of the opportunity, ECNL conducted a “flash survey” among HRAW NGOs in the NMS, via an internet survey and skype interviews. Altogether close to 50 organizations provided feedback and ECNL developed its response to the public consultation based on their opinions as well as its own experience with EC funding.¹ This was the first advocacy action that the project undertook and the document served as a good starting point for further advocacy to ease EU funding rules on NGOs. Since then ECNL has succeeded in developing relationships with some of the key stakeholders at the EU level; it also managed to put some of the issues related to EU funding on the agenda of European NGO networks who can help advance this with the Commission, contributing to a better funding environment for HRAW NGOs. Thus, a good amount of base work for the advocacy phase of the project has already been accomplished.

The Project Team also invited five human rights experts from the region to be part of the Project Advisory Group. (PAG)² The PAG already contributed to the Study by helping with the country based research. It will provide its opinion on the findings and recommendations of the current Study and it will help design and implement the advocacy actions in the second part of the project. Importantly, the criteria set for the PAG members by the Project Team included not only their involvement and expertise

¹ See more in Chapter IV. The document is available at <http://www.ecnl.org/index.php?part=14news&nwid=273>

² PAG members: Kapka Panayotova, Bulgaria; Ionut Sibian, Romania; Jiří Kopal, Czech Republic; Katarzyna Batko-Tóth, Poland and Sergejus Muravjoas, Lithuania. The PAG remains open and may need to include members from old Europe as well, e.g., with experience in lobbying with Brussels.

in the HRAW field in their countries but their experience and willingness to promote the cause of HRAW sustainability at the regional and at the EU level. The Project Team is thankful to the PAG members for committing to assist the advocacy phase of the project in this way.

According to the planned methodology, the current Study will be the basis of an advocacy strategy for the second part of the project. On the one hand, as mentioned above, advocacy results have already been achieved during the research phase. On the other hand, while the basic research was completed by summer 2010, the constantly changing EU-level environment caused some delay in finalizing the advocacy recommendations, therefore the research phase was prolonged. As acknowledged above, this is a work in progress and the Study currently summarizes the best understanding of the Project Team of the potential advocacy strategies. ECNL and the Project Team looks forward to the comments, opinions and suggestions of OSI, PAG members and all stakeholders in order to devise a realistic and implementable advocacy plan.

I.1.3 Definitions

Human Rights, Accountability and Watchdog NGOs (HRAW NGOs). The Project Team discussed in detail the understanding of this term, originally put forward by OSI. The general agreement was that of a relatively broad understanding of two main types of organizations to be included in the research

- Protecting and promoting human rights; human rights understood not only as protecting “classical” freedoms and fighting against discrimination, but more broadly to include areas that may overlap with social services, health or education, e.g. child rights, disability rights, patients’ rights etc.
- Promoting and ensuring accountability in good governance and democratic development: mainly concerning the areas of corruption, media, constitutional and budget reforms etc., again understood broadly to include not only strictly watchdog type organizations (like Transparency International) but also e.g. independent public policy think tanks and smaller NGOs specialized in certain policy areas key to democratic development (e.g., education reform).

Concrete organizations from each country are included illustratively in Chapter III, where some of the key NGOs addressing the major human rights and governance issues identified in each country are listed.

It is important to note that in this Study, the term “human rights” is to be interpreted to include also “governance” and “democratization”, unless those are separately mentioned.

New member states (NMS). While there have been 12 new member states that acceded the EU since 2004, this Study focuses on the 10 countries of Central and Eastern Europe: Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia.

Sustainability. NGO sustainability is a complex concept.³ Nevertheless, consortium members agreed that while sustainability has more than one dimension, for the purposes of this study, research will focus on the aspects related to financial sustainability. Therefore, other elements that are key to organizational sustainability, including e.g. clarity of mission, effective leadership, ability to balance stakeholder interests and similar, have been only marginally assessed.

³ According to the definition of consortium member CSDF Hungary, sustainability is a capacity rather than a state of the NGO: “the capacity to learn and to make a difference”. Other current definitions also emphasize the importance of “soft” elements of organizational sustainability such as leadership and culture over the “hard” ones such as funding.

I.1.4 Overview of the Study

The study consists of four key parts beyond the introduction. Chapter II, The State of Human Rights in the New Member States analyses the relevance of HRAW NGOs and their current situation from a socio-political point of view with the intention also to provide a basis for later advocacy efforts. This is followed by ten country reports and their summary overview looking at the funding situation of HRAW NGOs in each of the ten NMS examined in this report in Chapter III. In Chapter IV, the study provides a description as well as analysis of the EU funding instruments currently available for HRAW NGOs. Finally, in Chapter V. we outline a potential advocacy strategy that the project and HRAW NGOs may undertake in order to promote and uphold the sustainability of the voices for human rights in the new member states.

While each chapter summarizes its key findings, the study also provides a summary overview of key findings and recommendations that were drawn from the analysis of all of the chapters. These are the core messages that the project team proposes to communicate towards the various stakeholders and that should form the backbone of an advocacy plan. Finally, the study includes Annexes that provide additional illustrations and information related to the Chapters.

I.2 Summary of Key Findings

I.2.1 Relevance of HRAW NGOs

The EU has human rights problems within its borders.

Although we like to think that „developed” countries have no systemic human rights violations, there are in fact major setbacks concerning fundamental rights across the EU. The country reports from the ten new member states (NMS) in this study reveal major difficulties with respect to ethnic tensions and discrimination, corruption, gender equality and domestic violence, among others. Although Western Europe was not included in the study, these issues are clearly not unique to the NMS. Most Western European countries have a serious problem with integration of immigrants; high levels of corruption and endemic tax evasion were key contributors to the Greek debt crisis. Women in Western Europe are struggling against domestic violence and discrimination, just like in their counterparts in the NMS. Human trafficking is a serious human rights violation that affects the entire continent – Eastern Europe as transit countries and Western Europe as target countries. In short, there is no shortage of human rights issues that require long-term systemic interventions across Europe.

The situation in the NMS is direr in many respects.

The analysis in this study points out that both decision-makers and the public at large in the NMS are less ready to effectively address human rights problems than their Western counterparts. In the NMS, there are significantly lower levels of social capital (and thus trust, tolerance and solidarity among the public); there is less sensitivity and therefore, lesser political pressure from the public concerning human rights violations; civil society is weaker and more politicized; and NGOs tackling human rights issues are less sustainable.

The EU should do more to address the HR situation inside its borders.

The EU has a multi-faceted legal and institutional framework to safeguard and monitor human rights in the member states and acceding countries. Traditionally, this has been focused on rectifying individual cases of human rights violations, which fulfilled a crucial role in upholding the rule of law in European countries, but did little to assist governments in tackling systemic challenges over the longer term. More recently, as the EU began to realize the gravity of certain issues, such as xenophobia and integration, overarching policy frameworks (e.g. Stockholm Programme) as well as institutions helping to develop more effective policies (e.g. Fundamental Rights Agency) have also emerged. By-in-large, however, EU institutions are much stronger in demanding human-rights improvements beyond the borders of the EU and tend to overlook problems within their own borders. This is reflected also in its funding policies, through which it dedicates ten times as much funding to promote human rights in third countries than in the member states. This neglect may stem from a lack of political will or simply a desire to avoid getting dragged into domestic wrangling. Yet lingering human rights problems may undermine the success of the central goals of the EU laid out in the Lisbon agenda and Europe 2020, including economic competitiveness, job creation and fostering knowledge based economies.

Governments especially in the NMS have demonstrated little competence in tackling human rights issues

The study illustrates that despite the amounts already spent on government programs to address some of the key issues (corruption, Roma integration, gender equity) the problems not only did not go away but have in fact exacerbated in the recent years (e.g. the rise of grass-root support to far-right parties and increasing violence associated with these ideologies). This can in part be attributed to the financial crisis and ensuing economic downturn but it also signals that deep-rooted causes of such behavior have not been successfully addressed over the two decades of the “transition”. While governments of the NMS have successfully put in place laws and institutions of a pluralistic democracy, they have not been as successful in nurturing a culture of tolerance and the rule of law.

NGOs could contribute significantly to solving the problems.

As illustrated by this study, NGOs fulfill a critical role in dealing with human rights problems in the EU. This includes three different aspects: (a) raising awareness of human rights and good governance problems at the level of the EU as well as in the member states, (b) safeguarding human rights and the rule of law at the member state level and (c) helping to devise effective policies, mechanisms and tools to address those problems, e.g. by piloting innovative projects, providing ongoing services such as legal aid, providing independent policy analysis and so on. HRAW NGOs in the NMS have demonstrated successes in all of these areas and represent an important untapped potential in addressing pressing human rights concerns in all the countries concerned.

1.2.2 Current Funding Situation

HRAW NGOs need funding that enables them to address ongoing problems and does not render them dependent on their national governments.

The study demonstrates that HRAW NGOs have special funding needs compared to other sectors of NGOs. These include the need to receive regular and long-term support to meet ongoing needs – fighting prejudices, whether through litigation or education is a long-term project; to receive “core funding” or funding for their activities rather than “classical” projects – it is hard to demonstrate concrete results within one or even 2-3 years in case of lobbying or litigation work; to have flexibility to address emerging situations – they often have to react on issues that are not planned or foreseeable; and to be able to conduct independent research and freely advocate towards the government or any public or private stakeholder that violates human rights. These criteria make it difficult for them to sustain their organizations through the typical sources available for NGOs in the NMS.

Currently available funding sources in the NMS do not sufficiently meet the needs of HRAW NGOs.

Based on the ten country study of currently available funding sources we can conclude that while there seems to be enough money around for NGOs, the special funding requirements are not sufficiently met by the sources available to HRAW organizations. Government funding as well as company gifts are often compromising; self-generated income is usually not a main source of sustainability for such organizations. The two main types of funding that HRAW NGOs typically rely on for sustainable and independent financing in the developed countries: private foundations and individual donations are not

sufficiently available in the NMS due to the underdeveloped level of philanthropic culture. Meanwhile, the main source of funding that has been available for such NGOs over the past two decades, i.e. foreign private and public funds have drastically diminished after the EU accession. This leaves most HRAW NGOs in a vacuum and in a dilemma of to what extent they can or should thwart their missions to meet funding expectations of the sources that are still available.

I.2.3 The Role of the EU

The EU has a unique role in funding HRAW NGOs within its borders.

The European Union has committed to protect and promote human rights in all its member states through a number of instruments described in the study. It is well-positioned to fund efforts and initiatives not only by the governments of the member states but also those of civil society in order to fulfill that commitment. In fact, the EU is uniquely posed to provide funding that would meet the needs of HRAW NGOs in the member states for regular and independent financial sources. EU funding would enable HRAW NGOs to challenge their own governments without needing to rely on them for funding; and at the same time it would underscore the importance of human rights as an integral part of the European value system.

Current funding mechanisms and procedures of the EU hinder HRAW NGOs in accessing or effectively utilizing EU funds.

The EU currently funds NGO activities in a number of areas that promote pan-European objectives, which include to some extent human rights objectives as well. However, there are several factors that hinder the access of HRAW NGOs from the NMS to take advantage of such funding. Firstly, there is a bias toward funding NGOs from the EU 15 over the EU 12. It is notable that six years after the EU accession, NGOs from the NMS still receive a considerably lower amount of the funding than their peers from the “old” EU, as demonstrated by recent research. Second, there is relatively little funding available for human rights NGOs working within the EU. Thirdly, even in the calls for proposals where human rights NGOs would be eligible, the funding procedures and rules for managing the projects are so burdensome that many NGOs do not undertake to apply for such funding. These rules affect all NGOs but it seems that NGOs from the NMS, and especially HRAW NGOs from the NMS, are the most sensitive to the administrative and management burdens, due to the lower level of organizational capacity they generally possess.

HRAW NGOs are not well organized to be able to advocate at the EU level.

The research revealed that most HRAW NGOs in the NMS are hardly aware of the policy processes that affect them. While some NGOs are well connected with European networks in their respective fields (e.g. racism or disability rights), they usually take part in implementing rather than influencing policies. Furthermore, practically none of the HRAW NGOs currently know of or take part in the key discussions relating to the future allocation of the EU budget, including any allocations towards HRAW NGOs, nor in the revision of the rules of funding from the European Commission. This is related also to the fact that there is no strong representation of HRAW NGOs at the European level. While there are a few European networks in which human rights NGOs are represented, these are not as “loud” and well-connected as the networks in many other fields (e.g. social services, environment, or international development).

There is an opportunity to persuade the EU of the need to reconsider funding for human rights within its own borders.

The EU is currently preparing its next Financial Perspectives, the multiannual financial framework that determines priorities of EU spending over the next budget period (i.e. 2014-2020). As part of the preparatory process, the European Commission has recently published its communication on the budget review, in which it acknowledges that the current rules for the EU budget make it slow to react to unforeseen events while too many complexities hinder its efficiency and transparency. In addition, the Commission is currently assessing the needs under each proposed heading, including that of freedom, justice and security. It is therefore an opportune moment for HRAW NGOs to take action in persuading the Commission (and subsequently, the Parliament) of the need to dedicate targeted funding for the promotion and protection of human rights within its borders. Parallel, funding rules and procedures are being revised through the Financial Regulations and its Implementing Rules; another area where HRAW NGOs could play a stronger advocacy role.

I.2.4 Recommendations

HRAW NGOs in the NMS need to establish a form of cooperation targeted at advocacy and lobbying at the EU level.

Experience from the “old” Europe clearly suggests that the only effective way to influence EU policy-making and decision-making processes for civil society actors is through a pan-European representation of their interests that is seen legitimate by the EU institutions and ensures an ongoing presence in the policy development processes. HRAW NGOs from the NMS do not currently have such representation. If they decide that EU level advocacy related to funding policies would be beneficial for them, they will have little choice as to whether establish such cooperation. This could initially be informal and need not even have an physical presence in Brussels. In the longer term a formal and Brussels-based network may be worth the investment. HRAW NGOs from the NMS may decide to join an existing network or set up a new one.

Advocacy could be oriented towards increasing the amount of funding available to NMS NGOs and towards improving the rules of financing NGOs.

In terms of the advocacy work such Network may undertake, there are two key strategic directions:

- **Increasing the amount of funding available to HRAW NGOs from the NMS.** This does not (only) mean increasing the amount of funding available for human rights and good governance although that would also be a legitimate and needed demand. It can also mean lobbying to improve the ratio of NMS NGOs receiving existing funding, which can be achieved through various strategies (e.g. awareness raising, special topics, targeted funding, increased marketing and assistance to NGOs etc.). However, it would be most important to establish a realistic level of need of EU funding for HRAW NGOs in the region and establish the goal of meeting that need through the advocacy and lobbying efforts.
- **Improving the rules which govern distribution, management and reporting of EU funding.** This is related to the ongoing review of the documents regulating EU financial procedures, i.e. the Financial Regulation and its Implementing Rules. Improvements in this regard are not impossible but will be gradual and take a painstakingly long time to push

through. In addition, there is currently openness within the Commission to an increased flexibility in implementing the rules, which can be another strand in the advocacy strategy.

In the second phase of the project, ECNL and the Project Team envision their roles in (a) assisting the formation of a cooperation Network among HRAW NGOs, and (b) continuing the advocacy work directly with European stakeholders especially in relation to the second strand of improving the rules on financial procedures. In addition, national level advocacy initiatives could be conducted to the extent they relate to and support the EU level advocacy, specifically under the Hungarian and Polish Presidencies of the EU.

The EU is not a panacea. There is a critical need to – still – invest in boosting private philanthropy in support of human rights.

We are leaving the most important conclusion to the very end: EU funding is not going to be a panacea. It would be an illusion to believe that the EU will ever provide funding that is enough, and accessible and flexible enough to serve the ongoing needs of HRAW NGOs in all the new member states. And even if it were, there can be principle reasons not to fully rely on it as a funding source. These reasons include first of all, that ultimately, **human rights in Europe need to be upheld by the society as such rather than a few organizations.** If this “ideal” state cannot eventually be reached in the new member states that will be a failure of the societies of these countries, and thus, democratic development of the countries themselves. Therefore if we maintain the premise that the NMS are still developing into full-fledged European democracies, it will be of critical importance to promote and encourage to the extent possible the development of domestic private philanthropy that will cater for the needs of HRAW NGOs in the long term.

This effort will need to be led by the HRAW NGOs themselves. The initiatives can take two directions:

- Lobbying with national governments to institute policy and legislative changes that lead to increased philanthropy;
- Boosting the capacity of NGOs to mobilize private philanthropic resources (companies, foundations, individuals) and sources of income generation.

Based on the experience of Western Europe, private funding from those within society who value human rights and independent thought (whether through foundations or individual gifts or other means) is the funding source that not only fully meets the needs of HRAW NGOs but also provides them with the legitimacy and credibility to stand up against their governments or even the general public in defense of the most valuable component of European identity.

II. The State of Human Rights in the New Member States

II.1 Key Findings

- The development of democracy and human rights in the New Member States is generally considered a success story, but numerous problems persist. The NMS are facing major difficulties with respect to ethnic tensions and discrimination, corruption, gender equality and domestic violence. These are among the key human rights problems mentioned in the country reports on regional sustainability.⁴
 - Some social problems in the NMS are more serious than in the EU15.
 - The public is less sensitive to these problems than in the EU15.
 - The practice of volunteers donating money or time to NGOs is not common in the NMS.
- The global financial crisis has exacerbated these difficulties:
 - Deepening social problems (corruption, ethnic conflicts, domestic violence).
 - Less motivation to volunteer: The crisis has fostered a “material approach” to life across Europe. People have less motivation and/or time to participate in civil groups’ activities.
 - Decreasing “generosity”. The crisis has significantly eroded household incomes and reduced people’s motivation to donate. Corporate Social Responsibility donations are also down, in the NMS especially.
- Human rights and accountability watchdog (HRAW) organisations have launched a number of successful initiatives in Central and Eastern Europe, but socio-political phenomena in the region make their work much more difficult:
 - “Politicisation” of civil society.
 - There is a lower prevalence of “post-material” values and the public is less receptive to civic initiatives.
 - Significantly lower levels of social capital.
 - Stronger influence of business lobbies.
 - Many politicians are reluctant to support initiatives that are politically unpopular, even if they are important from a human rights perspective.
- While social problems are greater in the NMS than in the EU15, they are hardly unique to the region. The EU15 has a serious problem with integration of immigrants. High levels of corruption and endemic tax evasion were key contributors to the Greek debt crisis. Women in Western Europe are struggling against domestic violence and discrimination, just like in the NMS. Human trafficking is a serious human rights violation that affects the entire continent – Eastern Europe as transit countries and Western Europe as target countries. The battle against human traffickers requires a pan-European approach, and national governments desperately require the assistance of HRAW NGOs (and INGOs).

⁴ See Chapter III.

- Although Eastern European NGOs do not enjoy as much support as their western counterparts and face greater social and political obstacles, they have a crucial role in solving societal problems and raising awareness on human rights issues. This is especially true in subject areas where state authorities are lagging behind (e.g. corruption, domestic violence, discrimination). **Most of the HRAW NGOs in the surveyed countries lack strong, direct ties to citizens; however, they still have the ability to influence decision-making on issues of public interest and to influence the public discourse.**⁵
- HRAW NGOs in NMS must use their resources to build up their domestic capacity and improve their legitimacy. This would be a first step toward sustainability.
- Civil society in the NMS may collapse unless it gets adequate political and financial support. This will cause the region's social problems to grow even deeper.

⁵ See Chapter III.

II.2 Introduction to Chapter II.

The European Union's 10 formerly communist New Member States (NMS) have worked hard to protect and defend human rights over the past two decades. The NMS are members of numerous international human rights organizations and have ratified many of the key conventions and protocols on human rights.

Nongovernmental organizations had little chance to function under communism. However, civic groups played an important role in the transition to democracy, especially in Poland. After communism collapsed, the rise of civil society (slow and difficult though it was) helped strengthen democratic values, formulate policies and raise awareness of human-rights issues.

Although civil society developed differently in each of the 10 countries, numerous commonalities exist among NGOs in the NMS. Central and Eastern Europe's civil societies share common goals and strengths – and often share the same challenges and weaknesses.

This study will examine the political, economic and social factors that determine civil society's capacity for successful advocacy in the NMS, as well as the financial challenges confronting NGOs. "NGOs play a vital role in defending human rights... it is important to support them and to understand the realities of the situation at the grass roots by dialoguing with them," participants at the EU's 8th Annual NGO Forum on Human Rights concluded in December 2006.

The study will use this approach to map out the general "operating conditions" of civil society in the NMS, while drawing parallels between the problems NGOs experience in the NMS and the old member states. While the human-rights situation is clearly different in the two halves of Europe, we find they are sometimes exaggerated. Socio-political problems and human-rights abuses are hardly unknown in the EU15 – ethnic/religious discrimination, corruption and domestic violence, to name a few. This dilutes the significance of "old member-new member" dichotomy.

The study focuses on three areas: corruption, equal rights for women and discrimination against ethnic minorities. The authors examined and evaluated policy frameworks surrounding human rights issues, their implementation and their political context. They also analysed international statistical data and comparative-attitude polls (e.g. Eurobarometer, European Social Survey, World Values Survey) and examined their political contexts. The main methods are consultations with experts, desktop research and our own calculations of statistical and opinion-poll data.

The study comprises three main parts: In the first part, we examine European human rights policy and its institutional framework in the CEE countries. In the next part, we examine the main political, economic and social problems that make it difficult for NGOs to pursue effective advocacy and policymaking activities. And in the last chapter we highlight some successful examples of policymaking, interest articulation and awareness-raising in the regional NGO sector.

II.3 The EU Human Rights Framework

Deeper political and economic integration has meant that EU15 countries went through very similar social-political development processes over the past few decades, despite their diverse social, political and cultural bearings. Part of this process was improvements in human rights.

EU enlargement is an appropriate framework for transmitting the value for human rights to Eastern Europe – and strengthening it. This is an extremely important aspect of EU accession, since human-rights violations were a hallmark of state socialism.

The EU can successfully promote fundamental rights among member states and beyond. Nevertheless, the EU's scope of action in this area is very limited; it is therefore crucially important that the member states themselves take the initiative.

“The European Union sees human rights as universal and indivisible. It therefore actively promotes and defends them both within its borders and in its relations with outside countries. At the same time, the EU does not seek to usurp the wide powers in this area held by the national governments of its member states. The focus of the Union’s human rights policy is on civil, political, economic, social and cultural rights. It also seeks to promote the rights of women and of children as well as of minorities and displaced persons.”¹

Nonetheless, **EU decision-makers do not always pay adequate attention to strengthening human rights and monitoring violations within the member states. They often regard these issues as a problem of the past.** A number of human-rights issues remained unresolved in the NMS. The severity of these problems has been exacerbated by the financial crisis, which has been accompanied by a rise in discrimination and xenophobia, domestic violence and corruption.

While EU leaders are aware of discrimination against different “target groups” in member states (immigrants, women, disabled people, homosexuals),⁶ the way they handle these challenges and implement their human-rights agenda is problematic. A reason for the wide “gap” between EU member states is that each government approaches these issues on completely different levels.

Fundamental human rights compose a significant part of EU programs, but their implementation frequently lags behind. The European Union has established institutional guidelines and policies on human rights for its members and for other countries. These policies are constantly evolving.

The Charter of Fundamental Rights of the European Union is part of the Lisbon Treaty, which came into effect on December 1, 2009.⁷ The Charter’s position in the structure of basic EU law demonstrates the importance of human rights for the member states. Its legal effect elevates it to the level of other treaties and it uniquely brings together all personal, civic, political, economic and social rights enjoyed by EU citizens and residents.

⁶ Human Rights in the EU: the Charter of Fundamental Rights. Research Paper.

<http://www.parliament.uk/commons/lib/research/rp2000/rp00-032.pdf>

⁷ The Lisbon Treaty. http://europa.eu/lisbon_treaty/index_en.htm

The Charter contains 54 articles divided into seven titles. The first six titles deal with substantive rights: dignity, freedoms, equality, solidarity, citizens' rights and justice. The last title deals with the Charter's interpretation and application.

The European Court of Justice is responsible for implementing the Charter, but the consequences for violations are usually political, not legal. While Treaty's goals have begun to be realized, opinions on the Treaty itself are divided. Some observers say the Charter is politically weak – a consequence of too much compromise.⁸

The Charter's potential for long-term success remains unpredictable, partly because of the economic crisis. The Lisbon framework focuses on labour and employment rights (the goal of creating dynamic, knowledge-based economies with better working conditions is linked to the improvement of basic rights in the workplace); just a small part of Lisbon focuses on basic rights.⁹

The Stockholm Programme¹⁰ is the framework for justice and home affairs from 2010-2014. The programme defines arrangements for cooperation between EU police and customs officials, as well as cooperation in criminal and civil law, asylum, migration and visa policy for the next five years. Its goals are closely connected to the protection of human rights. One of its main focal points is the issue of free movement of workers in the EU, as well as equality for women and minorities. One innovation is the Stockholm Programme's emphasis on helping Europe's largest ethnic minority, the Roma. Their inclusion is the result of an initiative launched by CEE countries.

The European Court of Justice also plays a fundamental role in monitoring and defending human rights norms. It is responsible for ensuring "the law is observed... in the interpretation and application of the treaties."¹¹ It is enough to look at the body of case law and the settlement of legal debates to appreciate the importance of the ECJ. It has helped states deepen integration on many occasions.

Other EU institutions also enhance the development of human rights. A number of commissioners' portfolios deal with aspects of human rights. These include the commissioners for Justice, Freedom and Law; Information Society and Media; Internal Market and Services; Employment, Social Affairs and Equal Opportunities; and Education, Culture and Youth. These areas concern basic rights, but the main focus is on job-related issues, family, and the rights of children.¹² Changes in the European Commission's structure will influence its approach to human rights by 2014: A major achievement in the Barroso II Commission is the separate portfolio dedicated to Justice, Fundamental Rights and Citizenship.

The latest institutional addition is the **Agency for Fundamental Rights (FRA)**, founded in 2007 as an advisory body to the EU (see Figure II.1).¹³ The agency monitors basic rights and the quality of life in all member states. The FRA was established in reaction to the negative human-rights tendencies and discrimination that have recently emerged; it serves as proof that human-rights issues are taking an increasingly prominent spot on the EU's agenda. The organization's first reports focused on racism and xenophobia and proposed initiatives to prevent discrimination in employment, education and healthcare.

It is too soon to evaluate the FRA's effectiveness, but it is clearly useful for monitoring fundamental rights and issuing recommendations. However, the institute has very limited political influence.

⁸ Human Rights in the EU: the Charter of Fundamental Rights. Research Paper.

<http://www.parliament.uk/commons/lib/research/rp2000/rp00-032.pdf>

⁹ http://ec.europa.eu/growthandjobs/index_en.htm

¹⁰ Swedish Presidency of the EU – Stockholm Programme.

http://www.se2009.eu/en/the_presidency/about_the_eu/justice_and_home_affairs/1.1965

¹¹ http://curia.europa.eu/jcms/jcms/Jo2_6999/

¹² European Commission website. http://ec.europa.eu/index_en.htm

¹³ European Union Agency for Fundamental Rights. http://fra.europa.eu/fraWebsite/about_us/about_us_en.htm

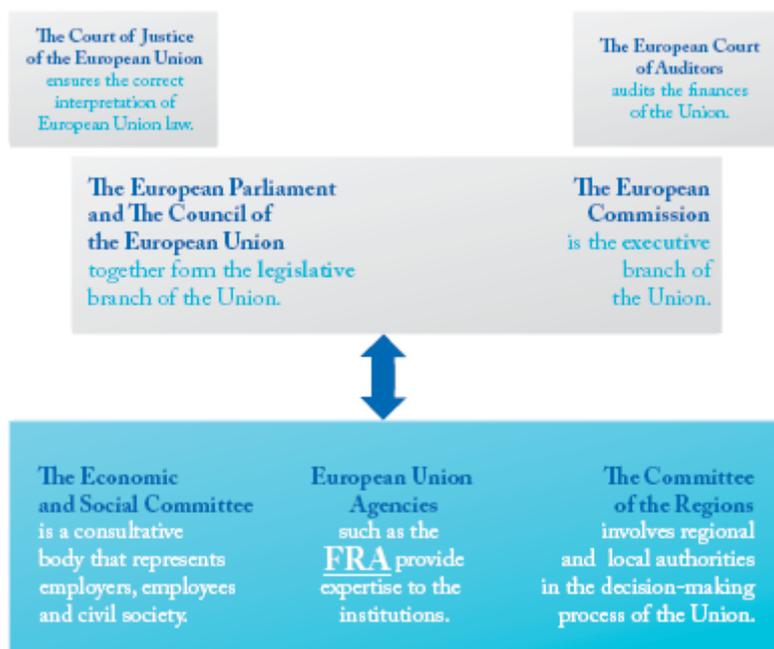


Figure II.1: The Role of the Agency for Fundamental Rights in the EU Decision-making Process

Source: *The European Union Agency for Fundamental Rights - An introductory guide*

The FRA's focus areas are laid out in its multi-annual framework, which is defined by the Council of the European Union, the EU's main decision-making body, every five years. The nine areas for 2007-2012 are: 1. Racism, xenophobia and related intolerance; 2. Discrimination on all grounds, multiple discrimination; 3. Rights of the child; 4. Asylum, immigration and integration of migrants; 5. Visa and border control; 6. Access to efficient and independent justice; 7. Information society and protection of personal data; 8. Compensation of victims; 9. Citizens' participation in the Union's democratic functioning¹⁴.

The FRA has a special working relationship with the **Council of Europe**, a human rights-promotion group composed of 47 nations. This relationship is defined in a 2008 agreement.¹⁵ (The Council of Europe must not be confused with the Council of the European Union.)

The CoE has significant expertise in coordinating cooperation between national governments and monitoring the protection of human rights. The CoE created the office of the Commissioner for Human Rights and



¹⁴ European Union Agency for Fundamental Rights. http://fra.europa.eu/fraWebsite/about_us/about_us_en.htm

¹⁵ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:186:0007:0011:HU:PDF>

the Directorate General of Human Rights and Legal Affairs, which is responsible for overseeing agreements between the EU and CoE (these affect the FRA as well).

The FRA and the CoE avoid bureaucratic overlap by harmonizing their functions, which also boosts the efficiency of EU decision-making processes. An important part of the FRA-CoE's job is to provide NGOs with material assistance and expert advice. However, NGO issues take a back seat to the CoE's number-one priority: Coordinating interstate cooperation so that all EU members will have uniform legal norms with respect to basic rights (human rights, democracy and rule of law).

The **Council of the European Union** prepares regular reports on human rights that frequently analyse conditions in aspiring member countries.¹⁶ The **European Parliament**, the EU's legislative branch, assesses the state of fundamental and human rights in the 27 member states and the rest of the world. It uses instruments such as annual reports, resolutions, debates, questions and the Sakharov Prize for Freedom of Thought (this prize, awarded by the European Parliament, honours individuals or organisations that have made outstanding contributions to the fight for human rights).

Since meeting human-rights norms is part of the EU's accession criteria, the institutions pay close attention to problems in prospective member states. Yet once a country joins, Brussels frequently starts ignoring its problems. EU institutions have a habit of demanding human-rights improvements abroad but overlooking basic issues within their own borders. This may stem from a lack of political will (related to a clash of interests among member nations) or simply a desire to avoid getting dragged into domestic wrangling.¹⁷

HRAW groups therefore have a major role to play in raising political awareness of these problems on both the EU and domestic levels. In addition, they can also disseminate best practices in pre-accession countries. However, financing is problematic for country-specific NGOs that are able to focus on localized human-rights problems. EU grant-making institutions have tended to favour large-scale "umbrella" NGOs with wide-ranging networks; local civil-society groups are often viewed as lesser entities and have not made out as well. (See Chapter IV)

The European Union can make up for this by adopting a new NGO-funding policy that focuses on the local level. The need for a policy change is even more urgent since core funders, including most of all the Open Society Institute, which has provided a great deal of funding to HRAW NGOs, are pulling out of the NMS. This poses a serious threat to civil society's financial viability in Eastern Europe. (See Chapter III.)

¹⁶ EU Annual Reports on Human Rights. <http://www.consilium.europa.eu/showPage.aspx?id=970&lang=EN>

¹⁷ See for example: European Instrument for Democracy & Human Rights
http://ec.europa.eu/europeaid/how/finance/eidhr_en.htm

II.4 The Human Rights Context in the NMS

The biggest problems NGOs face in the CEE region are related to fundraising and the sustainability of the civil sector:

- **The political context.** There is much less political support for civil society in the NMS. Politicians frequently try to discredit civil society groups and make them dependent on government.
- **Societal attitudes.** Troublesome attitudes, habits and traditions generally run deeper in the NMS than in Western Europe – and pose a bigger threat. At present, the region's biggest problems are related to gender and racial discrimination, implementation of human rights and a general democratic deficit. All of these have long historical roots.
- **Low volunteerism and donations.** The operational environment for HRAW groups in the NMS is far from optimal thanks to a lack of societal trust ("social capital"), reluctance to donate and lower levels of volunteerism. There are also political obstacles: NGOs that receive state support have no choice but to toe the mainstream political lines.

Under optimal financial and political conditions, HRAW NGOs can help solve chronic social problems. Chapter III deals with the difficulties of sustainability of HRAW groups in detail. Among others, it highlights the challenge of working in societies that are not very sensitive to issues of human rights or good governance. HRAW organizations get less individual and corporate donations than charities and service-oriented NGOs, partly because HRAW NGOs deal with minority issues that people consider uncomfortable, contentious and controversial. Many donors are reluctant to support HRAW groups, even if they support their goals.

- **The financial crisis.** The recession has had a general negative impact on political and social circumstances in the NMS. Ethnic tensions, poverty, human rights abuses and corruption have risen, while governments have less capacity to address social issues. Civic initiatives have become more necessary than ever. This means regional HRAW groups' workload is increasing while financing opportunities are disappearing.

II.4.1 The political context

In addition to adequate funding, civil groups need an adequate political framework. Governments' and politicians' ability to exercise influence over the civil sector depends on two factors: Civil society's institutionalization and its independence.

Institutionalization and independence form a two-dimensional framework for evaluating the nongovernmental sector vis-a-vis the government.¹⁸ In the old member states, civil organizations are more developed in at least one aspect. Consequently, civil society's advocacy efforts are much more successful.

Independence is connected to the level of "politicisation" of civil society. Political parties often use tactics to influence or control the civil sector. State intervention is incompatible with the "bottom-up" principle and often undermines the sector's true aims.

¹⁸ See Models of Government-NGO relations in Europe, in: Public Financing of NGOs in Europe, ECNL 2010 (draft under publication)

Tools that politicians use to control civil society include the “civil disguise,” a populist tactic whereby politicians try to create the illusion that their policy agenda originated in “civil society.” They do this to try to distinguish themselves from career politicians, who have an extremely poor reputation in post-socialist societies. This strategy is especially common among far-right groups in Central and Eastern Europe: The rise of the Hungarian far right in autumn 2006 was driven by so-called “civic” organisations with “grassroots” credentials. The Hungarian Guard, an ultra-right paramilitary movement established in 2007, calls itself a civic group that operates independently from political parties – yet the group’s president is Gábor Vona, head of the nationalist, anti-Roma Jobbik party. The Hungarian Guard clearly serves as a tool for Jobbik to recruit members and mobilise supporters.

Another tool is state donations to NGOs. These frequently “kill” HRAW groups by making them dependent on government. In recent years, the state’s control over these organizations has brought constant criticism. The president of the Hungarian National Civil Fund (NCA)’s council recently wrote an article in which he acknowledged, “in a democratic state, the rationale for the NCA receiving taxpayer funds is debatable – in fact, it needs to be debated.”

Political dependence is a problem that seriously affects the financial sustainability of NGOs. As the respondents of the Flash Survey point out:

“The EU commission should remove or withdraw the powers of the state authorities in deciding which of the NGOs receive what, how and when. It should be noted that watchdog NGOs are sometimes not good friends of the state, the government in power or the ruling political party, hence these situations contribute in restricting the access of Human Rights NGOs to EU funding.

Some state authorities do politicize the access of Watchdog NGOs to EU funding since it is within the powers of the state institutions to distribute, allocate or grant the funding to appropriate NGOs. Moreover, some states are so powerful that they influence the decision making process even within the EU, by so doing, some recalcitrant or stubborn NGOs are identified even at the EU level are punished by deliberate denial of the grant application.”

“States know very well what to do about problematic watchdog and advocacy organisations - get them into the trap of dependence on resources from the state budget (even if it is on a slight percentage of a whole) and then bully them, push them around, intimidate them and victimize them. And getting the short end (even of their own) resources by not paying them in time in advance or rejecting the payment after the work is done....”

Institutionalization. The NMS have a relatively low number of NGOs and they have far less institutional significance than their counterparts in the EU15. Under communism, the state guaranteed basic social welfare and tried to prevent “competition” from civic and charity organization. Furthermore, the state used civic organisations outside the party (e.g. trade unions) as a tool for social control. This left people with a deep-seated suspicion of civic groups that will take a long time to go away. Civil groups in post-communist states are therefore having a very difficult time gaining acceptance as institutions. The low number of volunteers in these countries causes further headaches for NGOs (see Figure II.3). This is directly linked to the hardships NGOs face in the “social context” sphere.

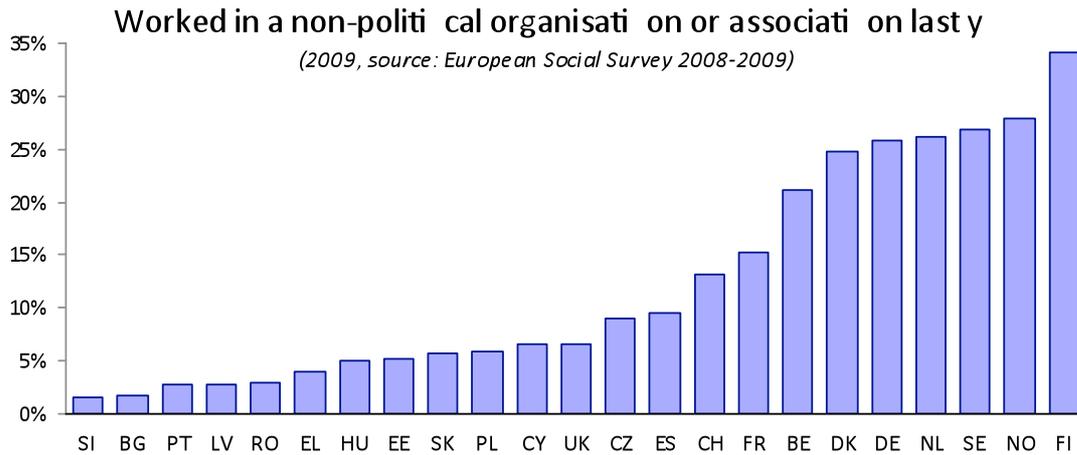


Figure II.3: Participation in non-political organisations

II.4.2 The social context

I. INCLINATION TOWARD SOCIETAL SELF-ORGANISATION

One damaging legacy of state socialism is that “volunteer” became a pejorative term. “Voluntary work” was a euphemism for “mandatory unpaid labour.” As a result, people who grew up in this era rarely take part in community projects as unpaid volunteers, even 20 years onwards (see Figure II.4). Nor do their children.

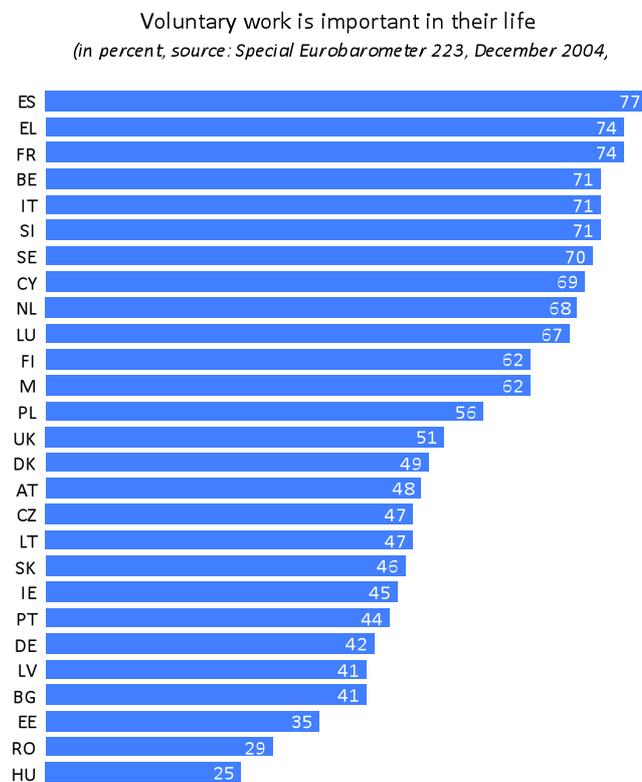


Figure II.4: Importance of volunteer work

“Social Capital” – the positive relationships between people that facilitate cooperation and collective action – is crucial for civil society. Social capital shapes the environment and conditions in which civic organizations work: It determines their support levels, their ability to work efficiently, and people’s disposition toward volunteerism and social activism. Post-communist societies are deficient in almost every aspect of social capital compared with old member states (see Figure II.6). This includes trust in fellow citizens (“horizontal trust”), trust in the political elite (“vertical trust”), social networks, social norms and civic social activity.¹⁹ Social alienation levels are also significantly higher in Eastern Europe. This has long-term consequences – and not just for civil society. The low level of social capital influences everyday interactions between people on every level of society (see Figure II.5). The lack of social trust hinders cooperation, resulting in inefficient institutions and ineffective economic transactions.

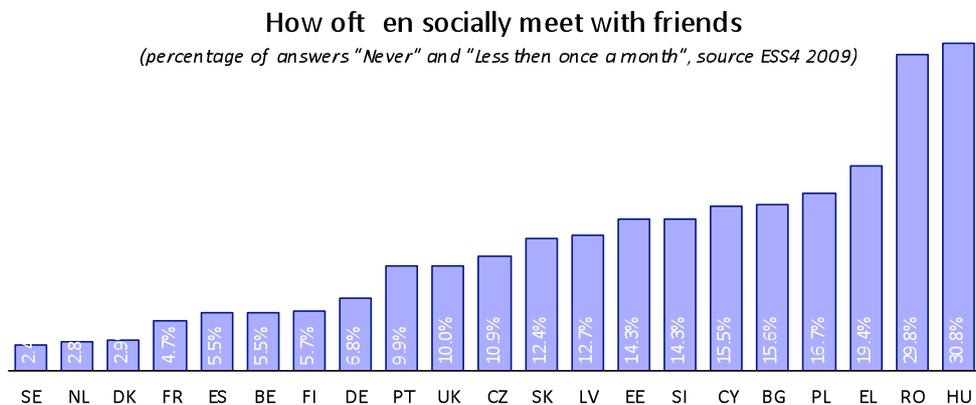


Figure II.5: Frequency of social activity

The most deeply rooted problem is probably people’s lack of trust in each other. This profoundly influences the way people relate to each other on all levels of society. Mutual mistrust and the infrequent meetings with friends make self-organization difficult. As Figure II.5 shows, around 30% of Romanians and Hungarians hardly ever meet their friends socially (never or less than once a month). This is likely also a primary reason for the hardship NGOs face in attracting members and organizing a united front on issues. The weakness of civil society in the NMS is thus partly explained by general social phenomena that are unlikely to change anytime soon.

¹⁹Sík Endre-Giczi Johanna: Bizalom, Társadalmi Tőke, Intézményi Köttűdés (Trust, Social Capital and Institutional) http://www.tarki.hu/hu/research/gazdkult/gazdkult_gici_sik.pdf

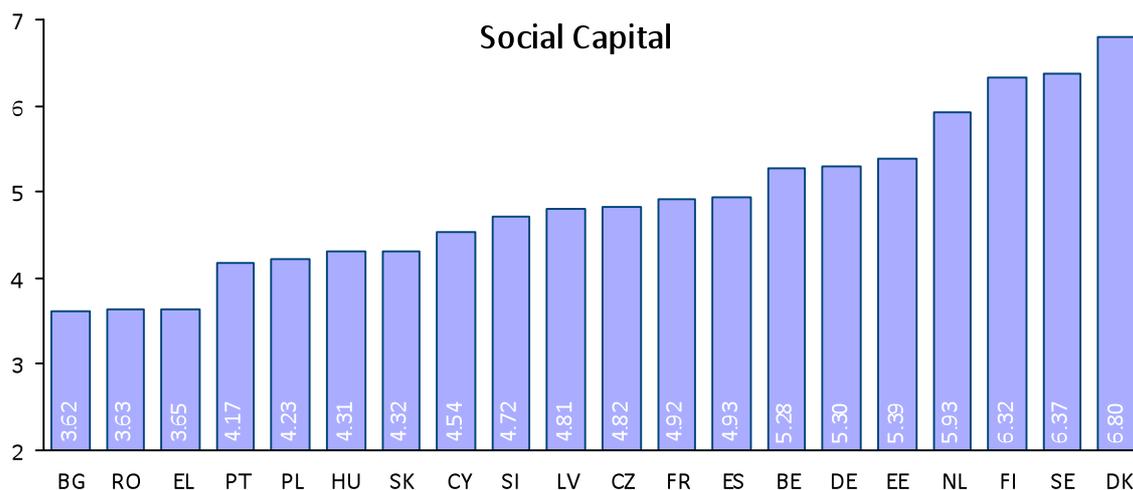


Figure II.6: Social Capital Scores

Social Capital = The average value of responses to the following three questions in European Social Survey 4th Wave: 1. Most people can be trusted or you can't be too careful, 2. Most people try to take advantage of you or try to be fair, 3. Most of the time people are helpful or mostly looking out for themselves. Social Capital is measured on a scale of 0-10 where 0 indicates a total lack of trust and 10 indicates total trust.

At the same time, civil organizations can play a major role in raising social capital. A detailed examination of the variables in the above index shows that people who have worked with civic organizations report a significantly higher level of “horizontal trust” than those who have not. This was true for 27 of the 28 nations that participated in the Fourth Wave of the European Social Survey (ESS4) in 2009. (The exception was Romania, where people who had participated in civic groups reported social capital of 3.60, while people who had not were at 3.63.) (See Table II.1).

To be sure, it is difficult to tell which one is the cause and which one is the effect: Does participating in civic work make people more trusting, or are trusting people more likely to participate in civic work? In any event, it is clear that NGOs have a trust-strengthening role. People’s faith in one another will improve as more people come into contact with civic groups.

Social-Capital Scores*	BE	BG	CZ	EL	HU	SK
Among those who have worked in a non-political organization or association during the last 12 months	5.81	4.06	5.18	4.29	4.84	4.77
Among those who have not worked in a non-political organization or association during the last 12 months	5.13	3.61	4.77	3.62	4.29	4.29

Table II.1: Civil Organizations and Social Capital

**Scores on a 0-10 scale, where higher numbers represent a higher level of trust.*

II. SENSITIVITY TO HUMAN-RIGHTS ISSUES

In addition to people's capacity for self-organization, it is also important to examine how sensitive people are to the issues that NGOs deal with.

A general "post-materialist" (or "self-expressive") approach is necessary for a well-functioning civil sector. However, Eastern Europeans are generally oriented toward material ("survival") values (see Figure II.7). (Young people tend to be more open to "post-materialist" topics such as human rights and the environment).

The Inglehart-Welzel World Values Survey is a social value scale that measures people's orientation toward issues that lie beyond their own personal spheres of interest. It shows that societies can be differentiated based on their level of progress through industrial or post-industrial phases.

"A central component of this emerging dimension involves the polarization between Materialist and Post-materialist values, reflecting a cultural shift that is emerging among generations who have grown up taking survival for granted. Self-expression values give high priority to environmental protection, tolerance of diversity and rising demands for participation in decision making in economic and political life. These values also reflect mass polarization over tolerance of out-groups, including foreigners, gays and lesbians and gender equality. The **shift from survival values to self-expression values** also includes a shift in child-rearing values, from emphasis on hard work toward emphasis on imagination and tolerance as important values to teach a child. And it goes with a rising sense of subjective well-being that is conducive to an atmosphere of tolerance, trust and political moderation. Finally, societies that rank high on self-expression values also tend to rank high on interpersonal trust. This produces a culture of trust and tolerance, in which people place a relatively high value on individual freedom and self-expression, and have activist political orientations. These are precisely the attributes that the political culture literature defines as crucial to democracy." Inglehart and Welzel¹

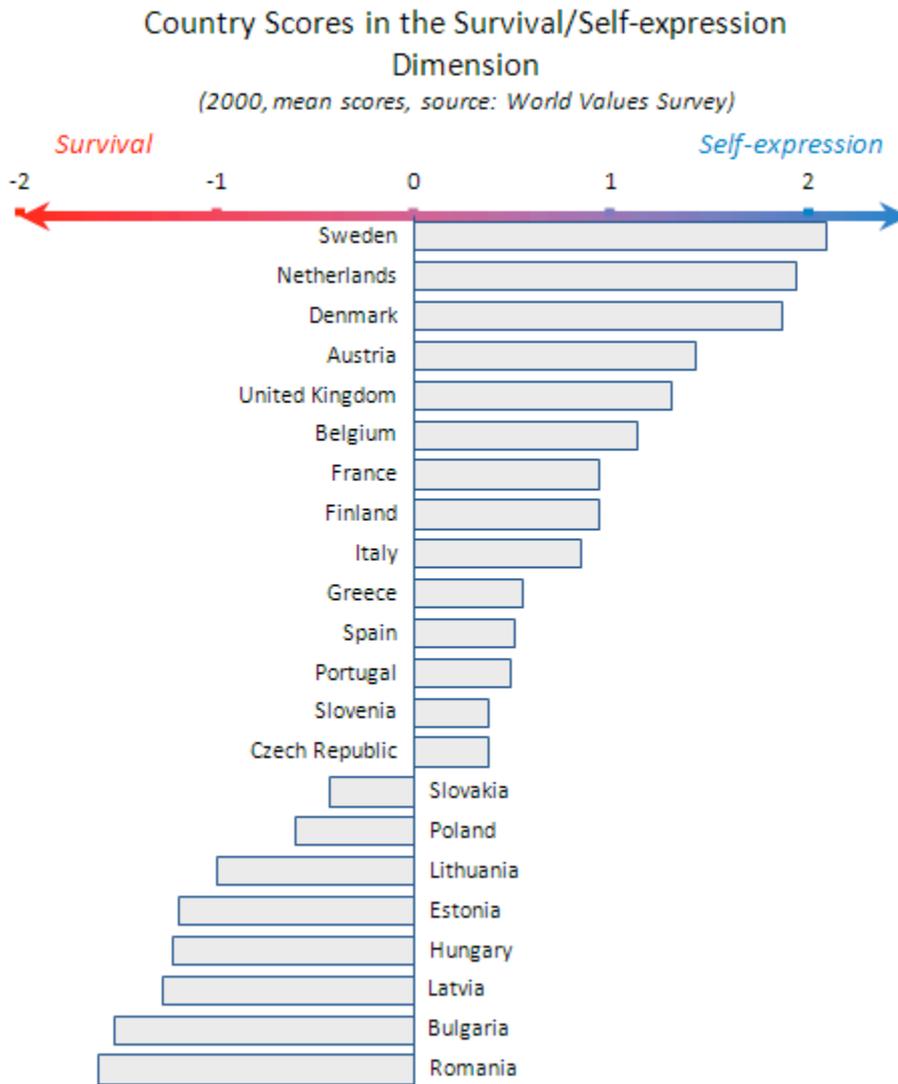


Figure II.7: Materialist and post-Materialist Values

While the World Values Survey shows a strong shift toward “self-expressive” values in Europe over time, the growth of such values has stalled or even declined in certain CEE countries. Hungary’s position on the scale moved from -1.07 in 1981 to -0.77 in 1995. But by 2000, the country had fallen back down to -1.22. This demonstrates that societal attitudes can change significantly in the space of a few years in either a positive (self-expression) or negative (survival) direction.

The economic crisis has generally strengthened materialist value orientations. A strong, stable system of civil organisations that promote civic-minded values can help to reduce the chaos and strengthen the trend toward post-materialism.

A special Eurobarometer survey in the autumn of 2009 asked respondents across Europe whom they would turn to should they experience some kind of negative discrimination. Surprisingly, the answers did not show any significant East-West trend in the public’s regard for NGOs (see Figure II.8).

**In case you are the victim of discrimination or harassment,
to whom would you prefer to report your case?**

*% of answers "NGO's - associations", source Special Eurobarometer 317
Spring 2009*

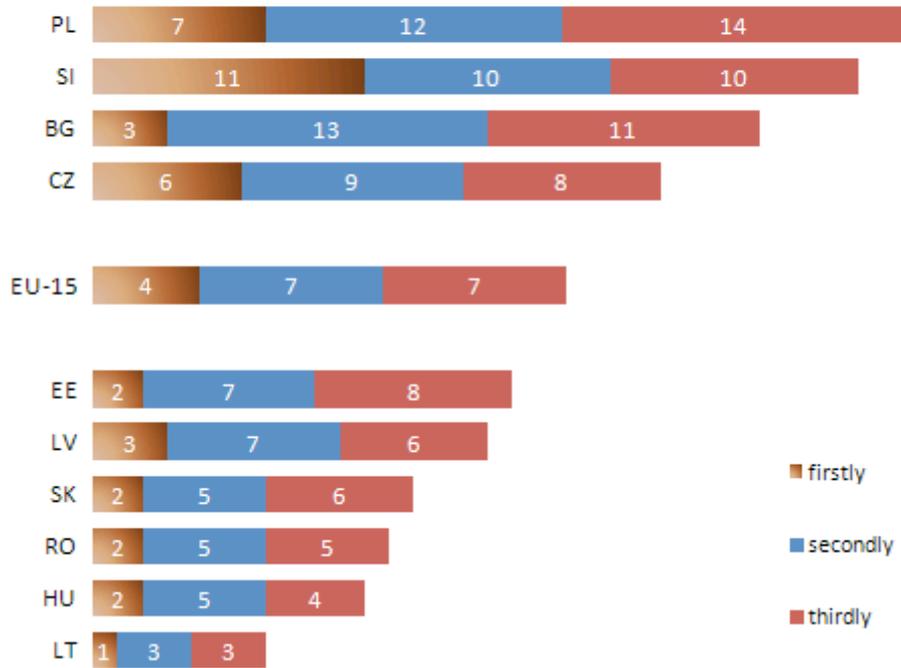


Figure II.8: The role of NGOs in the fight against discrimination

II.5 Key Human Rights Issues in the NMS

Human rights are generally stronger in Western Europe than in the NMS, as demonstrated e.g., by Freedom House surveys²⁰, and state socialism has left some scars in Eastern Europe's social fabric. Nonetheless, there are no social problems that are unique to post-communist nations. The following section will dissect several social problems in which HRAW NGOs can play a key role in finding solutions. While most research indicates these problems are more serious in Eastern Europe, but they are widespread in the EU15 as well.

II.5.1 The Roma vs. non-Roma Conflict

Along with the question of national minorities, anti-Roma discrimination is one of the most serious problems for Eastern Europe – especially Bulgaria, Romania, Hungary, Slovakia and the Czech Republic. Politicians have had little success in finding an antidote. Ethnic tensions have strengthened during the financial crisis, accompanied by a surge in support for extreme-right parties in certain countries (not just in Eastern Europe). The radical right's Social-Darwinist worldview can easily appear attractive to people struggling with dwindling resources; welfare chauvinism has become more prevalent, as has the rhetoric that labels people who live off welfare as "parasites." Moreover, the global recession has deepened the pre-existing cultural rifts between certain groups, bringing immigration issues to the forefront (see *the extreme right's anti-Roma and anti-immigration billboards in the Annex*). If anti-immigration and anti-minority campaigns prove successful, they may spread across Europe – and not just between EU countries: Switzerland's anti-Muslim 2009 referendum, in which people voted to ban the construction of new mosques, strongly impacted the policies of several right-wing parties in Western Europe.

While the Roma conflict in some Western European states (e.g. Italy) is an immigration-related problem, it is more of an integration-related problem in Central and Eastern Europe. The percentage of Roma inhabitants is highest in the post-communist NMS (see Table II.2), where discrimination has deep historical roots. Anti-Roma prejudice is trending upwards (see Figure II.9) and violent conflicts are becoming more frequent. Political forces that campaign on anti-Roma sentiments can be extremely successful (e.g. Jobbik in Hungary or ATAKA in Bulgaria).

²⁰ Freedom House Website.- <http://www.freedomhouse.org/template.cfm?page=1>

The percentage of Roma population in East- Central-European countries

	2003 estimate based on 2001 census (%)	Estimates on actual percentages (%)	Estimates on the actual number of total Roma population (in thousands)
Bulgaria	4.6	≈10	700-800
Czech Republic	0.3	≈3	250-300
Hungary	4.0	≈6	550-600
Romania	2.5	≈10	1800-2800
Slovakia	1.6	≈9	480-520

Source: Mizsei, 2006¹

¹ Mizsei, K. (2006). Development opportunities for the Roma in Central and Eastern Europe – Impediments and Challenges. Comparative Economic Studies, 2006/48, 1-5.

Table II.2: Roma population in the CEE countries

The Roma's living standards generally declined after communism collapsed in Central and Eastern Europe. The situation was hardly optimal before the regime change, but at least state socialism provided jobs for most Roma, especially in sectors that did not require advanced skills. When communism collapsed, the Roma had a hard time adjusting to a competitive environment, mostly due to segregation and the Roma population's traditional deficit in education and culture. The result was been extremely high unemployment that keeps large numbers of Roma in grinding poverty. Moreover, strong social stigmatisation has relegated the Roma to a kind of "pariah-status," which, in turn, significantly reduces their chances for advancement, increases deviancy and reinforces their alienation from the majority society.

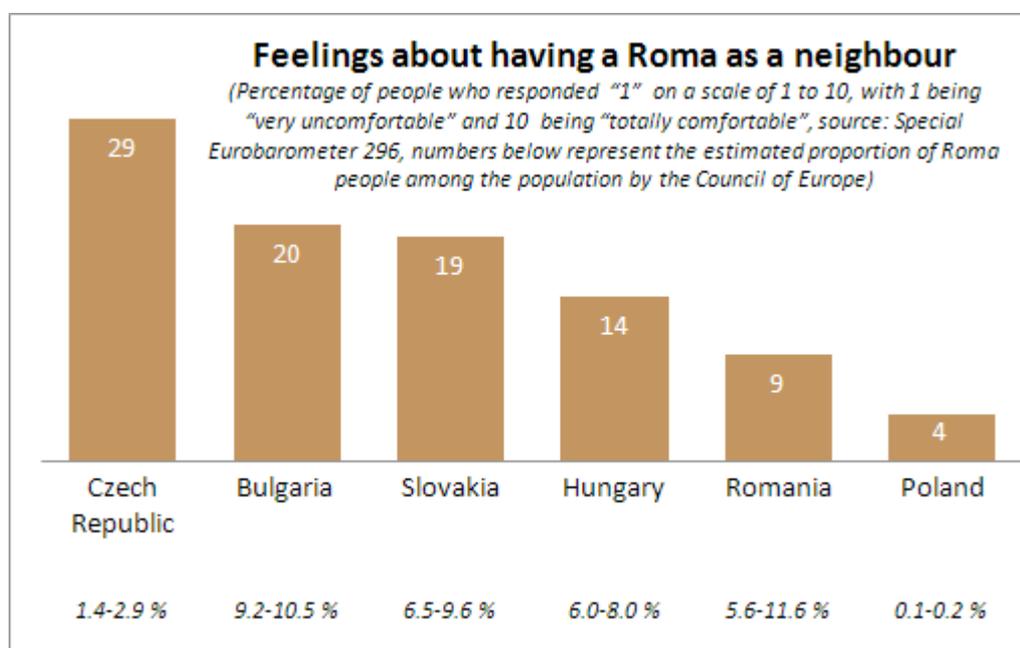


Figure II.9: Attitudes toward Roma people

Resurgent extremist organisations have brought anti-Roma racism back to the fore in the CEE region. These ultra-right wingers did not invent anti-Roma stereotypes, but they take advantage of the long, existing, deeply rooted and widespread prejudices) and the strong demand for discriminative policies in

these societies. The extremists have contributed to the rise of ethnic violence through their symbolically aggressive actions against the Roma (e.g., marching through Roma-populated areas dressed in paramilitary uniforms). In response, Roma have established their own self-defence organisations in a number of countries. Clashes between the two sides further deteriorate race relations.

Governments have proven spectacularly impotent in diluting these conflicts and rolling back segregation. For example, CEE governments' Roma-integration programmes have mostly failed. HRAW members will therefore have a crucial role in handling social tensions on local level, forcing politicians to adopt policies to improve Roma integration in education, labour and housing.

II.5.2 Immigration

Immigration in the NMS is insignificant compared with Western and Northern Europe: In 2008, the EU-15 countries received 13 times as many immigrants as the 12 newest EU members, according to Eurostat data (see Table II.3). CEE countries are transit states for refugees and economic migrants, not target destinations. **Yet paradoxically, anti-immigrant attitudes are sometimes stronger in the NMS than in the West.** Figure 9 shows the percentages of people who would allow absolutely no foreigners (people of different nationalities from the majority) to settle in their country. Latvia and Hungary topped the list, with around a third of respondents totally against immigration.

Immigration in Europe (2008, source: Eurostat)	
EU-15 total	3,471,536
1. Spain	726,009
2. Germany	682,146
3. United Kingdom	537,964
4. Italy	534,712
NMS-12 total	262,101
1. Czech Republic	77,817
2. Poland	47,880
3. Hungary	37,521
4. Slovenia	30,693

Table II.3: Immigration

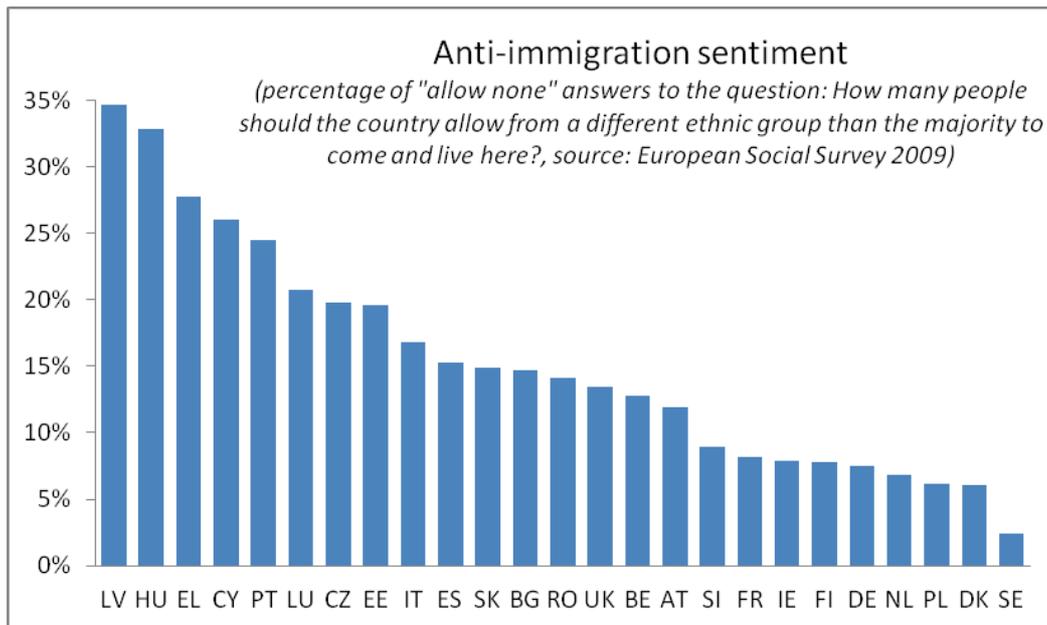


Figure II.10: Anti-immigration Attitudes

I. DISCRIMINATION AND SEGREGATION

Some CEE countries are struggling with declining populations; increasing immigrant numbers would be a logical solution to the problem. (Figure II.11 illustrates the relationship between natural population-growth rates and immigration.) High immigration rates can be just as risky as declining populations: On the one hand, immigration is the only way to reduce worker shortages and lessen the burden of financing pensions in countries with a preponderance of elderly citizens. On the other hand, immigration can fire up ethnic and cultural conflicts in societies that are not prepared to accept newcomers, as happened in Western and Southern European nations that went from being sources of immigrants to destination countries in the second half of the 20th century.

In the CEE, legal authorities and government bureaucrats alike are incredibly hostile to immigrants. This usually originates from fear of the unknown and prejudicial sloganeering, not any actual experience with the ethnic groups in question. However, CEE countries may soon become destination countries for immigrants rather if their economies continue to grow, and today's prejudicial attitudes can easily form the base of successful anti-immigrant policies once the immigrants are actually "at hand." CEE countries may follow the Italian example, where a tough stance against illegal immigration brought unprecedented popularity to Prime Minister Silvio Berlusconi in 2008.

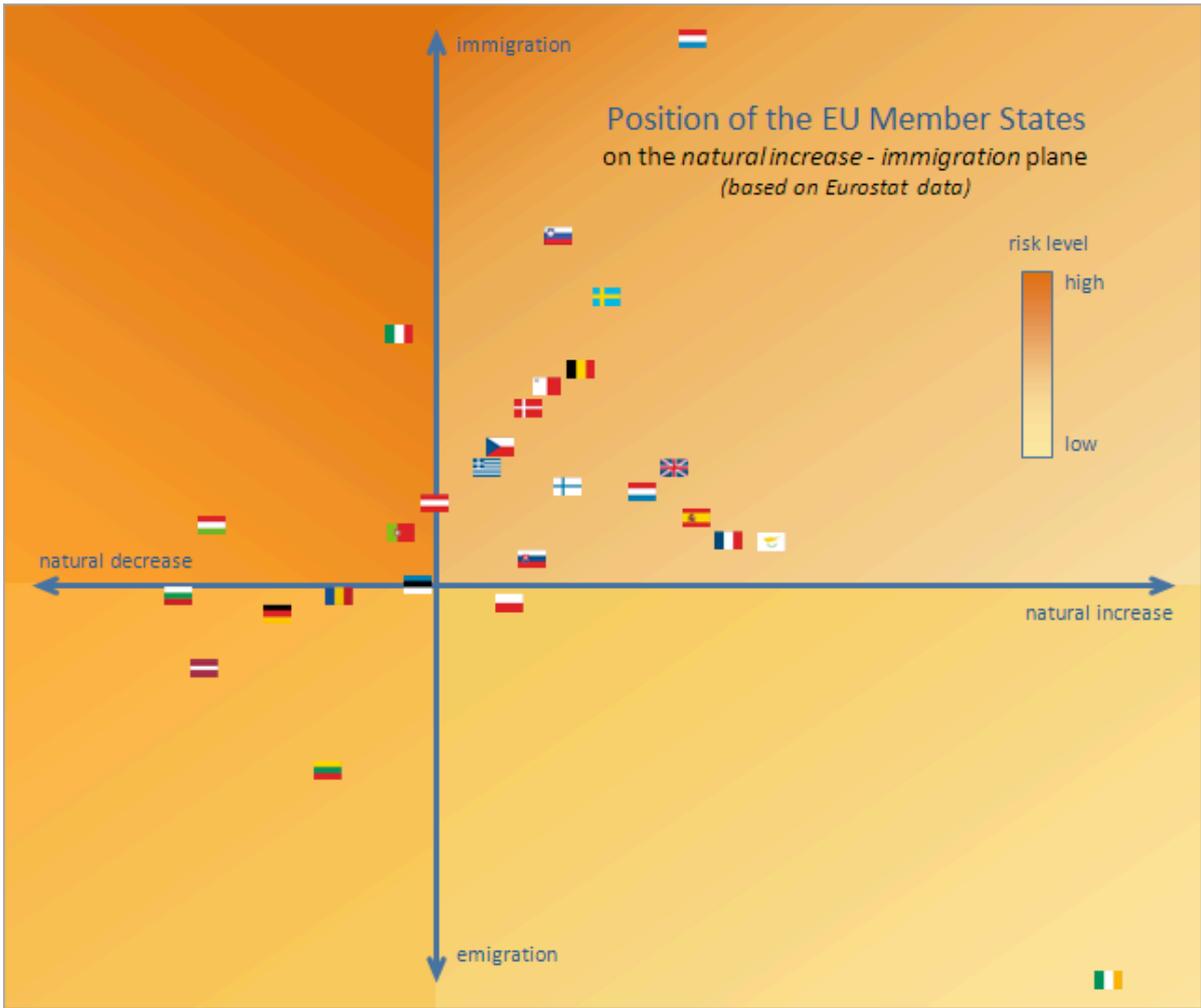


Figure II.11: Risk Map for the Immigration Problems

Political Capital's DEREK Index measures societal demand for right-wing extremism. The index shows that the Turks, Ukrainians, Bulgarians and Hungarians are the most susceptible to discriminatory, anti-establishment and authoritarian ideologies.

Political Capital designed the DEREK Index using its own theoretical model and data from the European Social Survey (ESS), a biannual study that tracks changes in societal attitudes and values in 33 countries in Europe and the Middle East. The index is calculated using data from people's responses to 29 questions in the ESS. A country's DEREK score indicates the percentage of people who are predisposed to extreme right-wing politics.

DEREK is built from four main categories (sub-indices): Prejudice and Welfare Chauvinism, Anti-Establishment Attitudes, Right-Wing Value Orientation, and Fear, Distrust and Pessimism. The first category, prejudice and welfare chauvinism also covers homophobic and anti-immigrant sentiments.

	Country	Prejudices and Welfare Chauvinism Score	DEREK Score
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1.	Latvia	58.0%	20.8%
2.	Turkey	55.4%	35.2%
3.	Hungary	52.4%	20.7%
4.	Greece	46.5%	17.0%
5.	Estonia	46.2%	5.8%
6.	Cyprus	42.7%	4.1%
7.	Bulgaria	35.5%	24.6%
8.	Romania	34.6%	13.5%
9.	Slovakia	33.0 %	6.6%
10.	Czech Republic	32.1%	7.4%

Table II.4: Prejudices and Welfare Chauvinism: Top 10 European Countries

(Numbers represent the percentage of adults (age 15+) who fulfil the criteria for being a right-wing radical, based upon their answers to the 29 questions.)

Western Europeans' rates of prejudice and xenophobia are higher than their anti-establishment attitudes, but their Eastern European brethren run rings around them in both categories (see Table II.4). Opposition to immigration is strongest in countries that have the fewest immigrants; "virtual" foreigners are apparently capable of generating just as much fear and aversion as the tangible ones.

Adequately financed HRAW NGOs have numerous ways to dilute the conflicts between majority and minority. These include attitude-shaping campaigns and various education programmes. A more intensive social-political discourse on immigration could make society more aware of the advantages of immigration, thus alleviating aversion to immigrants.

II. HUMAN TRAFFICKING

Human Trafficking is one of the most pressing human rights violations in Europe – a fact that the EU has acknowledged.

The United Nations Office on Drugs and Crime estimates the number of human trafficking victims in the EU at 270,000, which is roughly 30 times the number that appears in official statistics, according to a report the UNODC released on October 18, 2009, the third EU Anti-Trafficking Day (see Table II.5). The report, which drew on an earlier UNODC Global Report on Trafficking in Persons released in February 2009, stressed that fewer than one in 100,000 human traffickers are ever convicted in most European countries; countries such as Denmark have higher conviction rates for rarer crimes such as child abduction. Most human-trafficking victims are women who are forced into prostitution.

The European Council developed a plan for combating and preventing human trafficking in 2005.²¹ The European Commission has also launched programmes to combat trafficking of human beings²². This

²¹ EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings [2005/C 311/01])

fight has an important external dimension as well, since the victims' home countries are typically outside the EU (although Romania and Bulgaria are transit and source countries at the same time). The EU therefore tries to support actions aimed at helping victims and preventing trafficking around the world.²³ The European Commission has funded several activities in the fight against trafficking through a comprehensive approach that addresses prevention, protection of victims and prosecution. The regions covered are North, Sub-Saharan and South Africa, the Middle East and the Gulf, Eastern Europe, Central and Southeast Asia and Latin America. There are thematic programmes to fight human trafficking as well such as the Thematic EU Programme on Migration and Asylum, the European Instrument for Democracy and Human Rights (EIDHR) and Investing in People.²⁴

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:311:0001:0012:EN:PDF>

²²The list is available at:

http://ec.europa.eu/justice_home/doc_centre/crime/trafficking/wai/doc_crime_human_trafficking_en.htm

²³ http://ec.europa.eu/external_relations/human_rights/traffic/index_en.htm

²⁴ http://ec.europa.eu/external_relations/human_rights/traffic/2010_eu_external_policy_on_thb.pdf

	2005	2006	2007
Austria	37	38	33
Belgium	145	160	
Bulgaria	211	360	288
Croatia	6	13	15
Czech Republic	43	72	
Germany	642	775	689
Hungary	28	5	
Italy	208	178	70
Latvia	21	13	
Lithuania	13	27	
Netherlands	424	580	
Poland	99	126	102
Romania	2,251	2,285	2,072
Serbia	54	62	
Slovakia	18	31	10
Slovenia	8	44	
Ukraine	485	445	

Table II.5: Human-trafficking victims identified by state authorities

Source: United Nations Office on Drugs and Crime (UNODC): Global Report on Trafficking in Persons, February 2009

The UNODC report draws a distinction between Europe’s “source countries” of illegal migrants (i.e. Romania, Ukraine and Bulgaria) and “target countries” (Germany, the Netherlands). The countries in between – mostly CEE nations – are “transit countries” for the trafficked persons. Statistics indicate that EU authorities have so far been unable to get a handle on the situation; trafficking in humans has not declined significantly despite numerous efforts at the EU and national levels.

There is an urgent need to strengthen HRAW groups in the most-affected transit and target nations. They can play a significant role in preventing trafficking, caring for the victims, offering legal assistance, and raising awareness in the source countries. It is also necessary to increase public vigilance in transit nations – if not for moral reasons, then because transit countries may soon become target countries. Experience shows that illegal immigrants who set their sights on Western Europe can easily “get tied up” in an Eastern European nation.

II.5.3 Corruption

According to most surveys (i.e. Transparency International), **corruption represents a bigger threat to the post-communist NMS than the EU15**. While corruption was around long before Karl Marx was born, certain patterns of nepotism, corruption and cronyism are the clearly the legacy of state socialism.

High corruption institutionalizes political influence in the private sector. Legislative shortcomings, such as the extremely opaque party- and campaign-finance laws, exacerbate the problem because politicians raise much of their funding illegally. The perception of political corruption is one of the main reasons for public mistrust toward politics and the democratic system itself.

Romania and Bulgaria have the worst rankings in the EU on Transparency International's Corruption Perception Index (CPI). The World Bank's World Governance Indicators underscore the high level of corruption in these countries.

- **Romania's political system is fraught with corruption.** The European Commission notes that vote-buying – for example, illegal food-for-votes “programs” during elections – is widespread in Romania.²⁵ The Interior Ministry's role in organizing the elections raises additional concerns of fraud. The public therefore questions the validity of elections and often has little faith in the legitimacy of their elected officials. The World Bank's Control of Corruption indicator for Romania is significantly lower than other regional countries' (except Bulgaria). Romania also lags behind its neighbours in the World Bank's other corruption-related indices such as Rule of Law and Government Effectiveness. Curbing corruption is impossible if the legal system is weak and enforcement is sporadic: It robs the law of its powers of deterrence. Corruption has a negative impact on the utilization of EU funds as well, since it impedes the goal of structural and operational modernization for which the funds were intended. One of the European Commission's recurring criticisms toward Romania is its failure to take action against this problem. If Romanian lawmakers do not start to address it, future investments may suffer or the EU may freeze funds (as has happened already). The cases of socialist ex-Prime Minister Adrian Nastase, former Environment Minister Nicolae Nemirschi and former Youth and Sports Minister Monica Ridzi highlight the issue of political corruption perfectly: Nastase has been charged with bribery, while the two ex-ministers are accused of misappropriating state funds.
- **In Bulgaria**, corruption continues to be one of the biggest problems. After 20 years of democracy and almost three years of EU membership, crooked practices continue to hurt Bulgaria, impeding its political and economic development (see Figure II.13). Transparency International's 2009 Global Corruption Report indicates that business people and country analysts view Bulgaria as the most corrupt country in the EU. The perception of corruption in Bulgaria had been declining in the late 1990s, but then rebounded under the Bulgarian Socialist Party-led government from 2005 to 2009 (see Figure II.12).

²⁵ Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism {SEC(2009) 1073} /* COM/2009/0401 final * (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0401:FIN:EN:HTML>)

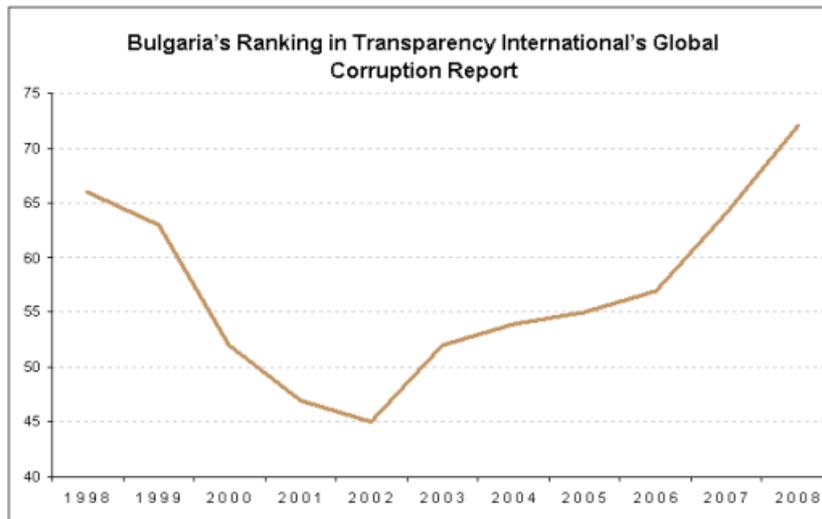


Figure II.12: Bulgaria's Ranking in TI's Global Corruption Report

Doubts about Bulgaria have prompted the European Union to withhold development funds. The economic effects of the delayed funding will probably become apparent only in the long term. Even so, Bulgaria missed an opportunity to bring in additional resources during the crisis and to improve its infrastructure. Corruption makes it more expensive to do business, harms free competition and strengthens the position of "unproductive entrepreneurs" over the ones who actually produce something.

Another very important aspect of corruption in Bulgaria is vote-buying and election fraud, especially in local elections. This perverts the will of the voters and allows the system to be manipulated by people who are pursuing business interests. Voters' confidence in the political system is damaged and the country's image among its international partners is impaired. The loss of trust at home and abroad could have harmful consequences for Bulgaria's further development.

Selected Governance Indicators

(source: World Bank)

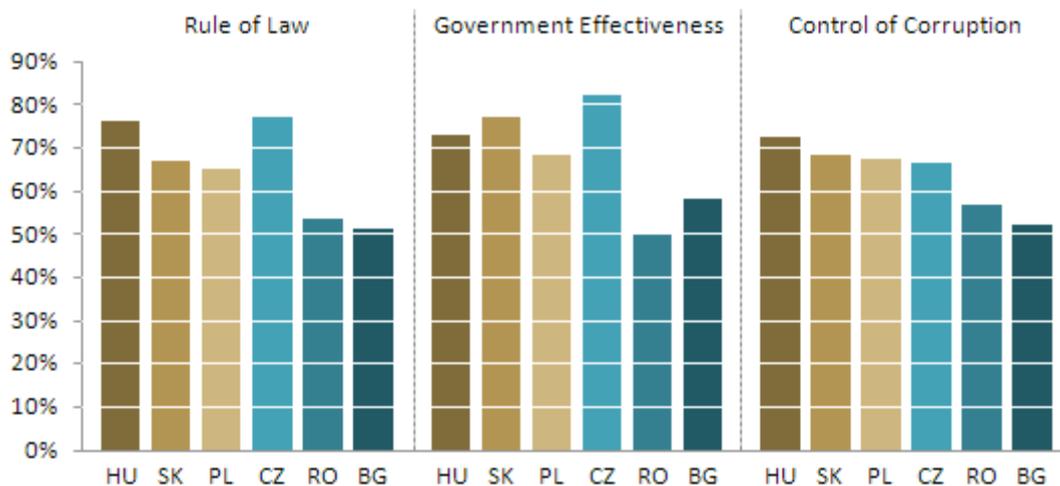


Figure II.13: Governance Indicators

- **In Hungary, an estimated HUF 1 trillion (€3.25 billion) disappears down illicit channels every year.** Corruption is not just a problem for the public sector, where HUF 400 billion (€1.4 billion) vanishes every year, but for the private sector, where approximately HUF 600 billion (€2.15 billion) “evaporates” (see Figure II.14). Corruption raises prices by an estimated 25% and some 65%-75% of business and government tenders are tainted.²⁶



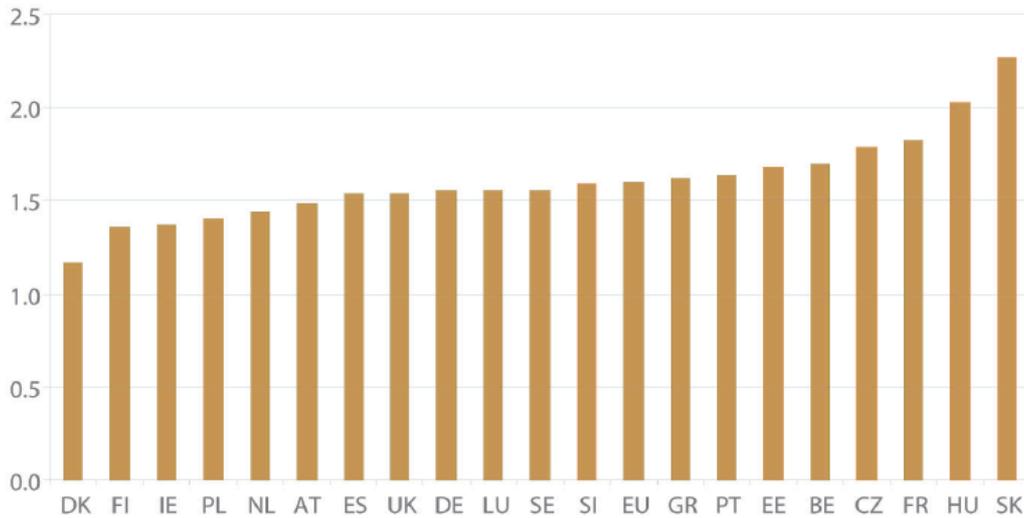
Figure II.14: Expecting Bribe

Societal tolerance of bribery helps sustain the high level of corruption. Everyday malfeasance (giving “gratitude money” to public doctors, bribing a police officer or paying off ticket checkers on public transport) preconditions people to tolerate more serious violations. Of course, the problem is not NMS-specific; studies such as the World Value Survey and the European Social Survey have found that Western European societies such as France are much more tolerant of corruption than most of NMS (see Figure II.15).

HRAW NGOs played a very important role in forcing political players to put legislative obstacles in the way of political corruption. They also raised public awareness to the importance of fighting everyday malfeasance.

²⁶ Source: GKI Economic Research Co.
<http://www.gki.hu/hu/individual/kozbeszerzesikorruptcio.html>

Tolerance of corruption in different countries⁴



⁴ Aggregated index, source: Tárki Institute, World Value Survey, European Social Survey, http://www.tarki.hu/hu/research/gazdkult/gazdkult_keller_sik.pdf

Figure II.15: Tolerance of Corruption

II.5.4 Domestic violence and gender discrimination

Social norms that preserve strict traditional gender roles are generally stronger in Eastern Europe than in the EU15, especially in societies where religion plays a big role (e.g. Poland), according to surveys. But gender inequality is not just an NMS problem: Italy, Portugal and even Spain maintain rigid gender roles that result in higher levels of domestic violence and workplace discrimination (see Figure II.16). Gender problems are rooted in history and tradition: Women are seriously underrepresented in politics and business in Italy and Greece. Domestic violence is the most dangerous problem of all. In most cases, women do not want to make the problem public, either out of shame and fear, or because they do not consider violence at home to be abnormal. It therefore remains hidden.

How would you feel about having a woman in the highest elected political position in your country?

(% of answers "totally comfortable", source: Special Eurobarometer 317, Spring 2009)

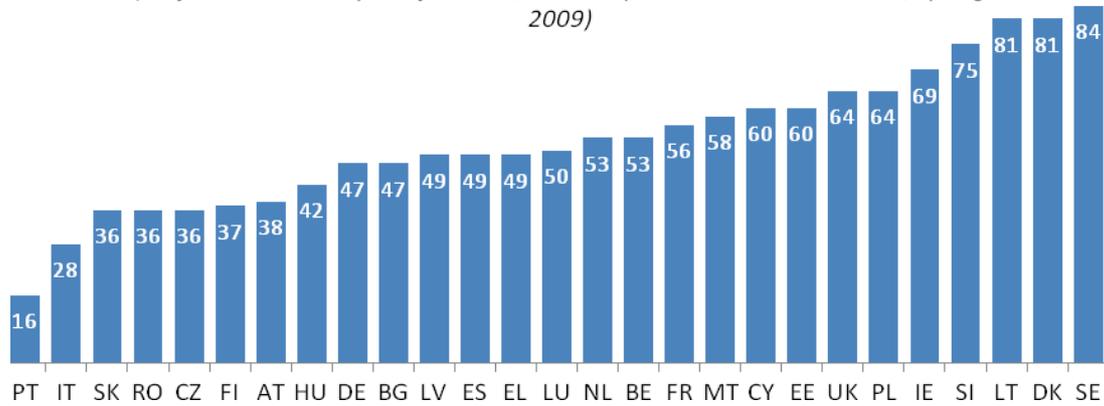


Figure II.16: Gender Discrimination

The conservative view of women's role in society has strengthened as a result of the high unemployment brought on by the economic crisis of autumn 2008 (see Figures II.17 and II.18). This reduces a country's competitiveness on both a macroeconomic and a household level.

Gender Roles: When jobs are scarce, should men have more right to a job than women?

(percentage of answers "Agree strongly" and "Agree", source: European Social Survey 2008-2009)

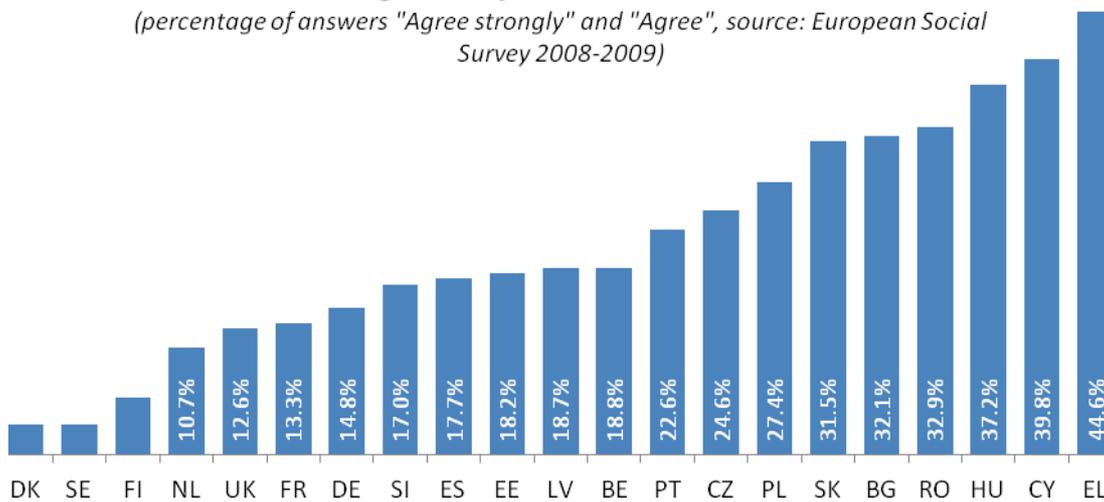


Figure II.17: Gender Roles I.

Gender Roles: Should women be prepared to cut down on paid work for the sake of her family?

(percentage of answers "Agree strongly" and "Agree", source: European Social Survey 2008-2009)

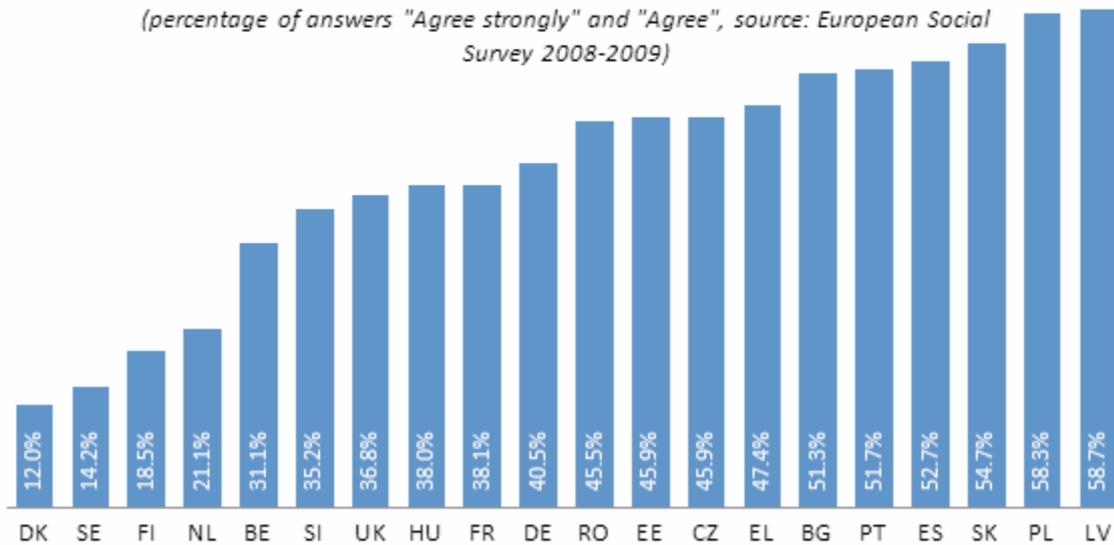


Figure II.18: Gender Roles II.

HRAW NGOs play an important role in transforming gender roles. They can also initiate legislation and political action to curb gender discrimination and domestic violence. Laws aimed at reducing domestic violence may prove futile without NGO action on the societal level: Lack of public awareness, information and political willpower (e.g. Hungary) may render them useless.

II.6 The Relevance of HRAW NGOs

The civil sector in formerly communist Europe is in a developing stage, as is the entire democratic system. NGOs are not as entrenched as in older democracies; they are weak and subject to political influence.

Nonetheless, civil groups have played a crucial role in fighting social-political “diseases” such as corruption, domestic violence, segregation and discrimination. There have been several instances where HRAW NGOs have managed to alter political processes through a wide range of methods from strategic litigation to enforcing access to information. The following pages demonstrate some specific success stories and case studies where the civil sector has successfully affected policy decisions and raised public awareness in the NMS.

II.6.1 Improving transparency

I. PARTY FINANCE REFORM IN SLOVAKIA

The Slovakian Fair-Play Alliance works to improve transparency in public affairs and to strengthen public-disclosure rules.²⁷ The organization tries to improve awareness of corruption and government processes, cooperating with businesses, the media and other NGOs. The Slovakian Fair-Play Alliance has become one of the most effective watchdog organizations in the entire CEE region.

The Alliance was the driving force behind the party-finance reform laws of 2003. It also started a “civic watch” over public and political affairs in 2004.²⁸ Most recently, the Alliance launched the “Politikaopen” project²⁹ for the 2010 election campaign: Candidates were invited to disclose detailed information about their property holdings, financial interests and other important data beyond what is required by law. No candidates from any of the three ruling parties took part; these parties were voted out of office. The four parties that are now in government all participated; during the campaign, they burnished their transparency credentials by referring to “Politikaopen.”

II. POLITICAL PRESSURE BRINGS EARLY CABINET RESHUFFLE IN HUNGARY

Prime Minister Gordon Bajnai’s caretaker government was forced to change its line-up before even taking office in April 2009. Transparency International informed Bajnai that his pick for economy minister, Tamás Vahl, had been caught up in a cartel case during his tenure as manager of computer-software firm SAP Hungary. Upon receiving the letter, Bajnai asked for a briefing from the Competition Office (GVH) and an explanation from Vahl, according to the government spokesman’s office. Vahl withdrew his candidacy a day after the letter was made public.

Transparency International immediately praised the government’s reaction: The NGO said Vahl’s decision to stand down indicated that the incoming premier wanted to staff his cabinet with people who could handle public money responsibly and ethically.

²⁷ http://www.fair-play.sk/index_en.php

²⁸ http://www.fair-play.sk/en_newspapers.php

²⁹ <http://www.politikaopen.sk/>

The cartel accusations came from 2004, when the Competition Office slapped a HUF 1.5 billion forint fine on SAP, IBM and Hungarian software firm ISH Kft. in connection with the companies' strategy for winning IT contracts at universities. SAP, run by Vahl at the time, had to pay HUF 690 million of the total. SAP also had several other cartel-related troubles during Vahl's tenure, according to press reports.

Bajnai tapped economist István Varga to replace Vahl as economy minister.

II.6.2 Fighting against segregation and human trafficking

I. INCREASING ROMA EMPLOYMENT AND IMPROVE HOUSING CONDITIONS IN SLOVAKIA³⁰

Slovakia's Roma population was hit hard when communism collapsed in 1989. Many of the Roma who lost their jobs during the transition to capitalism remain unemployed today. As a consequence, there is a new generation of adults who have never seen their parents working and don't have any experience in the workforce. Unemployment rates in many segregated Roma localities can be as high as 95%; and it is almost impossible to find a working Roma woman in such communities. Housing and educational opportunities for the Roma have also deteriorated since the end of state socialism. The lack of opportunity in Slovakia prompted many Slovak Roma to emigrate to Western countries (e.g. Great Britain and Ireland) once Slovakia joined the EU in 2004. They face serious integration problems in their new countries as well. Slovak government programs to integrate the Roma since 1990 have been mostly unsuccessful. (The Office of Plenipotentiary of Slovak Government for Roma Communities, released a complex concept of integration in 2008, but concrete results are lacking). On the other hand, there have been some conspicuously successful civic initiatives:

II. SOCIAL EMPLOYMENT IN RUDLOV

The "Svatobor pod Oblikom" NGO in the village of Rudlov in the Prešov region is working on an ecological "bio" farm that grows medicinal herbs and plants used in the cosmetics industry. The goal is to provide work for the long-term unemployed – often young and undereducated Roma from the surrounding villages. The NGO attempts to employ and support local people, teaching them new skills that they can use both at work and at home. Trainees who do well can win regular employment. More than 100 (mostly Roma) people are working on the farm, half of them women. Svatobor pod Oblikom has also conducted trainings to organic farming skills. The NGO has also started to employ its first workers on regular contracts, thus taking responsibility for their full income.

III. SOCIAL ENTERPRISE IN KROMPACHY

The non-governmental organization Ľudia a perspektiva (People and Perspective) concentrated on employing of long-term unemployed women from underprivileged groups. Krompachy is a medium-sized town with population 8,650. About 20% of the townspeople are Roma who live in five concentrated settlements. While total unemployment in the town is around 15%, it is around 85% for the Roma population. The idea was to give jobs to the long-term unemployed people, who have serious difficulties integrating – not just because they are unskilled, but because of the psychological barriers that were built up during the long years of unemployment. The NGO attempts to secure a safe work environment with services for mothers. One successful project was when Ľudia a perspektiva's people

³⁰http://www.nadaciamilanasimecku.sk/fileadmin/user_upload/dokumenty/Romske/ROMA_SK%20report_final.pdf

began assembling power-switchers and plugs for the nearby SEZ factory. In 2008, the Krompachy municipality and the NGO won a grant from the Labour Ministry to establish a new social enterprise.

IV. PROGRAMS TO INCREASE ROMA EMPLOYMENT AND IMPROVE HOUSING CONDITIONS IN LITHUANIA³¹

The estimated number of Roma in Lithuania is around 3,000. Roma live throughout the country, but the largest and most impoverished settlement is on the outskirts of Vilnius, near Kirtimai (population 670). There are some Roma who, for various reasons, do not have official papers and therefore experience difficulties obtaining full citizenship rights. The Vilnius Roma Community Centre initiated an education programme to assist the Roma minority. At the moment there are two preschool classes for children aged 5-10. The Centre implements a Day Centre programme, the Crime Prevention Programme for Children and Teenagers and arranges summer camps. The programme workers, teachers and specialists try to improve social status and employment opportunities for young Roma. The Centre also helps to solve variety of daily problems between the Roma and the mainstream society.

V. INTEGRATION OF ROMA CHILDREN IN BULGARIA

Bulgaria began a large-scale campaign for the integration of Roma children at the beginning of the 21st century. The main force behind the campaign was the “Romany Bah” foundation, which provided transportation, shoes, clothes, books and notebooks for Roman children and helped them attend schools in non-Roma neighbourhoods. The program was soon “adopted” by Bulgaria’s Education Ministry, which made it part of its official strategy for integrating Roma children in 2004. Every Bulgarian public school now has a classroom quota for Roma pupils that is determined by the percentage of Roma residents in the area. Some elements of Romany Bah’s strategy are now being used to integrate children with health problems.

Romany Bah’s period of greatest activity was between 2000 and 2005, when it collaborated with the Bulgarian Helsinki Committee and won a prize from the Open Society Institute for outstanding service in Roma integration. Nowadays Romany Bah’s public activity is more sporadic; it essentially helps resolve ethnic conflicts when they break out.

II.6.3 Fighting against gender segregation, domestic violence and trafficking in women

I. TRAFFICKING IN WOMEN AND VIOLENCE AGAINST WOMEN IN BULGARIA

In 1998, Bulgaria joined La Strada, an international program for the prevention of trafficking in women in Central and Eastern Europe. La Strada is financed by the EU and the government of the Netherlands; its executor in Bulgaria is the Animus Foundation. Member countries include Poland, Czech Republic, Ukraine and the Netherlands, all of which have serious problems with trafficking in women. Each country develops its program in three directions: lobbying and media work, anti-trafficking actions and advocacy on behalf of the victims.

³¹http://www.nadaciamilanasimecku.sk/fileadmin/user_upload/dokumenty/Romske/ROMA_LT%20report_final.pdf

The Animus Foundation also works for the prevention of violence against women and children, offering free anonymous telephone lines and consultation centres to help victims. The foundation works on projects with Bulgarian and international institutions including the child protection agency and the Interior Ministry.

II. PROGRAMS TO PREVENT VIOLENCE AGAINST WOMEN IN THE CZECH REPUBLIC

Women's NGOs launched a public-awareness campaign in 2001 that highlighted the issue of domestic violence. In April 2001, an inter-ministerial working group was set up to create interdisciplinary teams that facilitated medical, social, legal and police cooperation in detecting and prosecuting cases of violence against women. The Government prepared a new Penal Code in which domestic violence would be specifically addressed.

III. FIGHT AGAINST DOMESTIC VIOLENCE IN HUNGARY

NANE³² is a civil organisation in Hungary established in 1994. It fights violence against women through public awareness-raising campaigns and legal initiatives.³³ NANE is the only NGO that runs a hotline for battered women and children in Hungary. The organisation has initiated amendments to laws and public-administration reforms in areas where the current regulations do not guarantee equal protection for victims of domestic violence. In 1997, Hungary's Parliament passed a law criminalizing marital rape as a result of a NANE petitioning the Constitutional Court. The organisation kept the issue on the political agenda, putting continuous pressure on decision makers to create a legislative framework that is truly able to defend the women from domestic abuse.

II.6.4 Further examples of successful civic initiatives

I. ONLINE MAP OF PUBLIC SECURITY CAMERAS IN HUNGARY

The Hungarian Civil Liberties Union (TASZ) in 2007 requested police release data related to public security cameras in Budapest. When police refused, TASZ launched a court case that lasted 2.5 years – and eventually won.

Hungary's Supreme Court in spring 2010 ruled that the cameras were a matter of public interest and ordered the Budapest Police Department (BRFK) to publish data related to all cameras that it operates in the city. This includes the cameras' location, their operational, technical and legal details, and financial information.

The result was an interactive internet map at www.geospace.hu where users can see the locations of Budapest's security cameras. The map is not complete, because only cameras operated by law-enforcement agencies appear on the map; cameras operated by private companies are not on the list, even if they record activities in public areas. The map's administrators have asked Budapest residents to help complete the map by sending in photographs of security cameras along with details of their locations.

³² <http://www.nane.hu/>

Following the NGO's victory, Hungary's National Police Department (ORFK) made public its list of police-operated security cameras nationwide. TASZ is now waging another legal campaign against the municipal governments in Budapest's Districts 10 and 13, arguing that the district councils illegally hired non-police organizations to operate their cameras. TASZ won the first ruling.

TASZ argues that there is no overriding public interest to justify keeping the cameras' locations secret. No one has ever published any studies in Hungary to determine how effective the cameras are at preventing crime or whether police could use another method that does not violate people's privacy.

II. PRESSURE OVER THE MODIFICATION OF THE MEDIA LAW IN HUNGARY

In the summer of 2010 two senior members of Hungary's ruling Fidesz party, András Cser-Palkovics and Antal Rogán, submitted a series of highly controversial bills that free-press advocates said would step up state control over the media and damage Hungary's international reputation. The most contentious was the so-called "media constitution," which would give anyone who appears in the press the right to respond to the report, even if the report is entirely accurate. (Former Slovak Prime Minister Robert Fico passed a similar law in 2008 that backfired: Instead of protecting the premier from criticism, the law generated attacks against him.) Domestic and international NGOs including the Hungarian Helsinki Committee, TASZ and the European Federation of Journalists denounced the proposal. Consequently, the Fidesz decided to extend the period for amendments on the media constitution until August 31, 2010; Rogán, the bill's co-sponsor, now says only provably inaccurate reports will be subject to the right of reply.

TASZ has submitted a 12-point critique of the bill for parliament to consider.³⁴ It remains to be seen whether any of TASZ's recommendations will find their way into the final version of the bill; even so, it is clear that the civil sphere was able to exert enough pressure to make Fidesz MPs delay the bill's passage and promise to change parts of it.

III. CONSUMER RIGHTS PROTECTION IN BULGARIA

There was a strong campaign for consumer rights with respect to Bulgaria's central heating system, between 2005 and 2007. The campaign was especially active in the capital, Sofia, and the coastal city of Varna. The main initiator was the Federation of Consumers in Bulgaria, which offered free consultations and lawyers to help in collective civil claims against the central heating system. Heating services didn't improve, but Bulgarian consumers became more informed about their rights.

The Federation of Consumers in Bulgaria, founded in 1990, is the country's oldest authoritative working consumers' organization. The federation initiates campaigns for better consumer information and a higher quality of goods and public services.

IV. PATIENTS' RIGHTS IN BULGARIA

Bulgaria's public healthcare system suffers from periodic drug shortages that leave patients without access to medicine – especially patients with cancer. In 2005, cancer victim Teodora Zaharieva started a hunger strike in front of Bulgaria's Health Ministry over the state's inability to provide her with the medicine she needed. She later sued the ministry for failing to provide treatment – and won. Zaharieva, a cancer survivor, now works with the Association of Patients with Oncologic Diseases, the main defender of patients' rights. The association acts as a mediator between patients and the state health authorities, helping to solve problems.

³⁴ <http://tasz.hu/szolasszabadsag/12-pont-mediaszabalyozasrol>

The APOD started out as an organization for women with breast cancer, but later merged with organizations for patients with different oncological diseases. APOD is a member of Bulgarian National Patients Organization, an umbrella group for patients' rights advocates.

V. COMBATING VIOLENCE AGAINST ANIMALS IN BULGARIA

An unidentified person cut all four legs off a dog in March 2010. The dog was saved and sent for medical treatment in Germany, but pictures of the animal's suffering shocked Bulgarians into action. "Mima's Case," as it came to be called, prompted ecological and animal-protection NGOs to launch internet campaigns against animal violence. Consequently, Bulgaria's government sent a bill to Parliament that would raise the punishment for animal cruelty to a fine of BGN 5,000 (€2,500) or up to three years jail. Lawmakers have yet to act on the proposal, and stakeholders predict MPs will reduce the severity of the punishment before passing it. But Mima's Case and the NGOs' actions have had a clear impact on legislation and have made Bulgarians much more sensitive toward animal cruelty.

II.6.5 Conclusion- impact of NGOs on policy-making

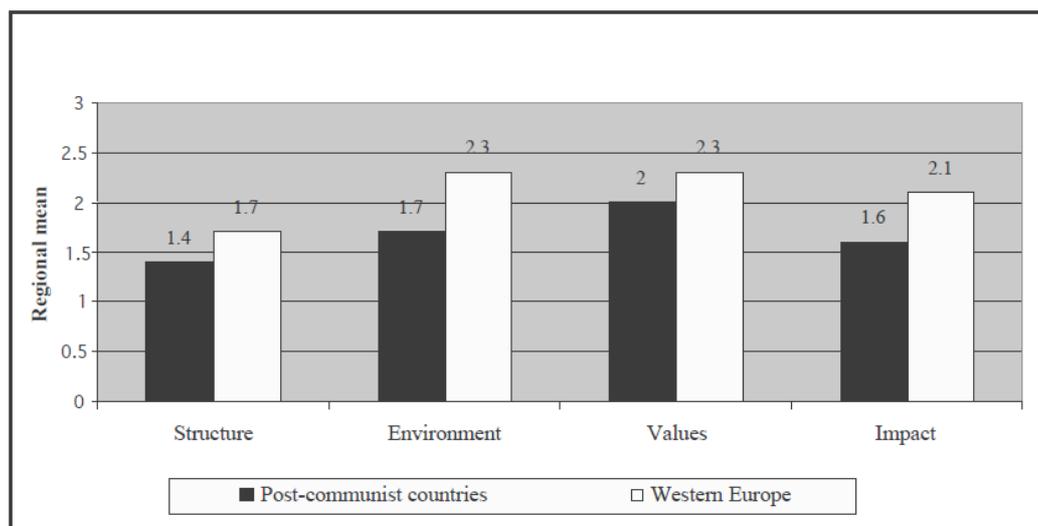


Figure II.19: Civicus Civil Society Index dimensions in Western Europe and the post-communist countries

The most important aspect of the civil society organisations (CSOs) is the impact they exert on political processes and on society as a whole. The most important functions of HRAW NGOs in society and politics could be summarized as follows:

- monitoring the government's policies and holding the state accountable for its actions;
- cooperating with public authorities on implementing policy plans and pressuring them to pass laws;
- raising public awareness and boosting public empowerment.

According to the CIVICUS – World Alliance for Citizen Participation’s report,³⁵ the overall watchdog and advocacy capacity of CSOs in the CEE countries is lower than in the EU15 (see Figure II.19), especially in the field of monitoring the government and keeping authorities accountable. They also have limited capacity to respond to societal interests and to inform and educate citizens on public issues. The only groups that have a significant impact on national decisions are trade unions, business associations and, to a lesser extent, environmental organisations. The reason is mainly financial: “Most CSOs lack the resources and, especially, the research capacity to monitor budgeting processes or conduct advocacy campaigns... CSOs often have inadequate financial resources, which is aggravated by the fact that many foreign donors have been decreasing their commitment to countries that have gained access to the EU.” The economic crisis has reduced funding, Corporate Social Responsibility contributions, donations and volunteering, while significantly raising societal tensions and human rights abuses (discrimination, corruption, domestic violence). Human rights problems are far from being solved, especially in Eastern Europe. **As political players on the national level are frequently reluctant to handle these problems, NGOs, under appropriate funding circumstances, can be key players in improving human rights conditions in the NMS and the old member states as well.**

³⁵ http://handicap-international.fr/bibliographie-handicap/6SocieteCivile/Connaitre_influencer/civicus.pdf

III. Current State of HRAW Funding and Sustainability in the NMS

III.1 Summary Analysis

1. Introduction

The Country Reports include snapshots of the sustainability of human rights, accountability and watchdog NGOs (HRAWs) in the ten new EU members states from the post-communist Central and Eastern Europe – Baltic states (Estonia, Latvia, Lithuania), Visegrad group countries (Poland, Czech Republic, Slovakia, Hungary), Slovenia, Romania and Bulgaria.

Each of the reports is based on a combination of data derived from following sources:

- Interviews with 2 respondents – HRAW leaders or informed observers of NGO landscape from a particular country. In total 21 interviews were held during February, March, April 2010 with respondents from 10 countries. Each interview was recorded and transcribed without attribution.
- Research of literature, publications and reports on the NGO sustainability, situation in the area of human rights, accountability and watchdog as well as about funding of NGOs
- Web-search of sites of HRAWs and donor organizations relevant to the subject of the study.

At the beginning of each report we provide a summary of key human rights, accountability and watchdog issues that are relevant for a given country. These are based on various reports of international and domestic organizations that monitor the situation.

The list of issues provides a context for the need of activities performed by the HRAWs. The list of selected HRAWs with their short description comes next and provides the reader a sense of who are the major HRAW NGO actors in a given country. Lists are not exhaustive, but to some degree representative.

Next chapter in a country report looks at the sustainability situation of HRAWs and presents the key challenges and issues that these organizations face. The information in this chapter is based mostly on the analysis of conducted interviews³⁶.

The final chapter deals with the funding sources, both existing and potential ones and analyzes them from the perspective of HRAWs.

Given a very heterogeneous and to some extent incomplete information, it was not possible to formulate conclusions for each country, however for some countries we offer summary of findings and conclusions, especially when the available data allowed us to do so.

Each report includes annexes that consist of the list of resources and publications used, list of HRAW web addresses and list of respondents without identification.

³⁶ Except for the Czech republic, where significant share of the report is based on the study by P.Bouchal commissioned by the Open Society Fund.

2. Key Human Rights, Accountability and Watchdog Issues

The various international organizations monitoring human rights (such as the Amnesty International, US State Department Human Rights Report, Progress Reports of Council of Europe, etc.) report problems in human rights, rather than a systematic or significant abuse of human rights, in connection with the new EU member states. At the same time some of the problems are grave and have shown deterioration or lack of improvement in recent years.

Issues that are of a concern in the region covered by this report include:

- Discrimination of Roma, especially in their access to education, housing and social services
- Various forms of discrimination against women, elderly and people with disabilities or special groups of people (for example stateless people, immigrants or asylum seekers)
- Domestic violence against women and children
- Skinhead and neo-nazi attacks on Roma, foreigners and LGBT people,
- Corruption at various levels of government including political corruption
- Integrity of (corruption in) judiciary
- Trafficking in women and children
- Restrictive measures and intolerance against minorities (primarily ethnic, but also others – for example LGBT people)
- Inadequate police behavior towards detained persons and improper prison conditions

There are slight variations among these issues in different countries. Nevertheless, they represent real challenges for them and their institutions in how to authentically embrace the European values and traditions of the democracy, human development and good governance.

3. Human Rights, Accountability and Watchdog NGOs (HRAWs)

In each of the studied countries, there is a number of HRAW NGOs that respond to the above listed issues. Some of them focus on a human rights issues in a traditional perspective (such as Hungarian Helsinki Committee).

Another group of NGOs focus on human rights as a result of problems they face in their subject area – sustainable development, women or children issues, patients groups, etc).

Then there is a group of NGOs established and run by lawyers that focus on the legal aid to victims of governmental (institutional, systemic) injustice and are involved in strategic litigation.

Another special group of HRAWs are NGOs focusing on the transparency of politicians and public officials, governance, public budgets (most typical is the national chapter of the Transparency International, that is present in each of the studied countries).

Most of the HRAWs listed in the report are professional organizations, with paid staff and governed by boards. Most of them can be described as effective and successful organizations. There are also some NGOs that are run by professionals, but on voluntary basis (for example Bulgarian Activist Alliance). The interest in maintaining the professionalism and paid staff in these NGOs comes from the beliefs that only in this way a good or high quality, constant improving and effective work can be done.

Only few of them are members' led organizations with larger membership and constituency building efforts (for example Hungarian Civil Liberties Union – TASZ or the Estonian Patients Advocacy Association).

Most of the HRAWs in the studied countries lack the strong and direct ties to citizens in their societies, while having ability to influence decision-making on issues of public interest and to influence the public discourse on these issues.

One of the factors influencing the situation of HRAWs in the region is the consequence of the donor driven civil society development. This on one hand helped many HRAWs to improve their management practices and organizational development that led to effective project work. On the other hand it limited the ability of HRAWs to more embed in the communities they served (or claimed to serve). The domestic funding base has not developed as expected.

Peter Bouchal made an attempt for typology of watchdog NGOs based on the example of the Czech Republic in a study looking at six watchdogs which seem to be relevant for the whole region. The approach used was the level of governance addressed by the watchdogs. Bouchal writes that

In principle, the activities can be described using two criteria. The one is whether the activity is oriented to the public interest in general, i.e. across institutions and public policies (corruption, conflict of interests), or to one specific area (transportation, health care). The other criterion is whether the activity is system-oriented (lobbying, legislation monitoring, education) or is focused on one specific cause (corruption affairs, discrimination cases). The latter criterion implies that there are close links between the specific cases and system changes, especially in strategic litigation. Where the funding of watchdog organizations is concerned, it is important to realize that the type of issue the organization is currently dealing with signals which source of funding might lead to a potential conflict of interest for the organization³⁷.

Bouchal identifies elements of activities that are common for watchdog NGOs and that might be taken as relevant for the whole region:

Time dimension: litigation and lobbying are time consuming activities as courts work slowly and legislation processes take a long time. This affects the results of projects. Since donors are often unable or unwilling to support one project for several subsidy periods, some projects are left unfinished.

Consistency: work for the public interest goes across projects, strategic litigation needs to address cases which do not happen to fit into projects currently under way but which deserve long-term attention. This imposes restrictions on things like employment of volunteers.

Need for Continuity: issues related to the public interest require long-term attention – if funding is withdrawn at the same time, all efforts so far made might go in vain. But donors like to think that once they provided the funding for a particular project in a specific area, they are no longer needed. Thus, should organizations ask for more money for the same area, this will make donors think this is because the work so far has not been successful.

³⁷ In addition to the specific focus, activities can be categorized based on how much they might lead to conflicts with the source of funding, i.e. with governance bodies (anti-corruption campaigns, conflicts of interests) or businesses (antidiscrimination, environment-related legislation and legal counseling). In general, sector-specific and case-related activities run a risk of conflicts of interests in corporate funding, whereas system-oriented, anticorruption-oriented activities and those related to no specific area are more prone to conflicts of interests with state authorities if these are the sources of funding. In: „Happy Watchdog (without the Muzzle): The Work and Funding of Watchdog and Advocacy NGOs in the Czech Republic by Petr Bouchal, Open Society Fund, Prague, 2009

Low measurability (visibility) of results: although some types of results in watchdog organizations are measurable (concrete changes to the wording of legislation, court ruling in favor of the party supported, number of press citations), the total impact of work related to the public interest on the state of public affairs is not measurable and will only show in a long-term perspective. Neither are results of watchdog activities something that the donors can attach their names to in everyday communication, at least not as easily as with children's playgrounds, cycling paths or culture events.

Lack of ability to appeal to the general public: there is a paradox: although the vast majority of people recognize the problems involved in governance and the unsatisfactory state of the Czech Republic's rule of law, very few people are actually ready to make a personal contribution or to support those who strive for improvement³⁸³⁹. (Part of the problem is that there are no opinion polls on the attitude the public has towards this very part of the non-profit sector; what is known is mostly restricted to jokes; last but not least, watchdog and advocacy organizations are rarely mentioned in academic writing on the non-profit sector.)⁴⁰

4. Sustainability of HRAWs

The sustainability of NGOs is a broad concept that is most often understood in relationship with the ability and capacity of an NGO to secure resources of implementing its mission. This popular and to some extent simplified understanding emphasizes the financial sustainability aspect, which, however important, is not the only element of sustainability of an organization or group of organizations.

For the purposes of this study it is useful to distinguish the concept of sustainability on two levels:

- 1) Sustainability of human rights, accountability and watchdog NGOs (HRAWs) non-governmental organization (i.e. micro-level, organizational level). There are various approaches on this level. For example, one of them looks at good performance in program/mission delivery, resources availability and use, organizational sustainability and effectiveness⁴¹. Another recent approach based on empirical research among nonprofits emphasizes the leadership, adaptability and program capacity.⁴²
- 2) Another possible level is the sustainability of HRAWs as a part of the sustainability of the NGO sector as such (macro-level). One of the broadly used models is provided by the USAID NGO Sustainability Index⁴³ (there are other indexes, such as CIVICUS index, that measure civil

³⁸ The point – and the use of the notion of *rule of law* in the Czech society – is further discussed in an essay by Jaroslav Spurný called “Právní stát jsem já” [I am the rule of law], the Czech magazine *Respekt* 2/2009, Jan 3, 2009

³⁹ See Cadová, Naděžda, “Hodnocení vývoje některých oblastí veřejného života za rok 2005” [Some areas of public life in 2005: development evaluation] in *Naše společnost* 2006, vol. 1. Between 3-10 percent of respondents said they were satisfied with the court system, state of corruption and economic crime, the same number of respondents expecting improvement. Almost half of those who did not expect improvement said they expected things would get worse whereas more than half said they expected things would remain the same. The satisfaction rates were almost identical a year later.

⁴⁰ See Rakušanová, Petra, “Organizovaná občanská společnost v české republice po vstupu do Evropské unie” [Organized civil society in the Czech Republic after the EU entry] in Zdenka Mansfeldová and Aleš Kroupa, eds., *Proměny reprezentace zájmů po vstupu do Evropské unie* [Changing interest representation after the EU entry]; Vajdová Tereza, *Česká občanská společnost po 15 letech vývoje. Zpráva z projektu CIVICUS Civil Society Index pro Českou republiku* [Czech civil society: 15 years of existence. The Civil Society Index CIVICUS project: report on the Czech Republic], Prague 2005.

⁴¹ Program of Institutional Strengthening, Ekopolis Foundation and Center for Philanthropy, funded by the CEE Trust, Slovakia, 2002-2004

⁴² TCC Group, The Sustainability Formula, 2009, <http://www.tccgrp.com/pubs/evaluation.php>

⁴³ Legal environment, Organizational capacity, Financial viability, Advocacy, Service Provision, Infrastructure, Public Image

society activity – which is a broader than NGOs – that looks at structure, values, environment and impact)

At both levels and at the different approaches at these levels, the resource dimension (financial viability, adaptability in to generate revenue for its mission, resource mobilization capacity, etc.) plays a key role and is not replaceable by any other element. However it is not the only sufficient condition that ensures that particular NGO or the NGO sector is considered more or less „sustainable“. Important roles play also elements of context (environment, socio-political, regulatory, legal, etc.) and the management/leadership aspect.

In terms of NGO financial sustainability in particular, there are also various models of what is being considered as most important or what is being measured as important elements in describing it⁴⁴. These models suggest a way of thinking that shall help NGOs to change their practice to identify new resources and diversify them.

In terms of mechanisms that promote financial sustainability, CSDF Hungary and ICNL have identified the following⁴⁵:

- Government Funding
 - National Funds and Public Foundations
 - Government Contracts
 - Percentage Tax Philanthropy
- Private Philanthropy
 - Private Foundations
 - Corporate giving
 - Individual donations
- Self-Generated Income
 - Selling services and goods
 - Social Enterprises
 - Investment Income
 - Membership Fees
- Volunteerism

Most of these mechanisms are available in the 10 new EU member states, besides the available international funding. However, their profile in different countries varies significantly and their relevance for the HRAW is also very different and sometimes problematic.

⁴⁴ Counterpart International features a financial sustainability model based on combination of elements of partnership and network development, legal and regulatory framework, financial sustainability planning, social enterprise, membership development, traditional fundraising, and strategic donor fundraising.

<http://siteresources.worldbank.org/INTGLDEVLEARN/Resources/Financial0Sust2entation02Apr0522ENG.pdf> Another model is the http://www.pathfind.org/site/DocServer/Fundamentals_of_NGO_Financial_Sustainability.pdf?docID=12001

⁴⁵ CSDF Hungary Training Manual, 2002 and Moore, D.: Laws and Other Mechanisms for Profmoting NGO Financial Sustainability, ICNL, 2005

Another study that looked specifically at the funding of watchdog NGOs in the Czech Republic identified as key resources for them following⁴⁶:

- EU funds (structural funds, EC initiatives funds, including Norwegian and Swiss financial mechanisms)
- Foundations (OSI, CEE Trust, Open Society Fund, etc.)
- Public funding (domestic and foreign)
- Own earned income (mainly training, consulting, education, services)
- Gifts and Donations from private philanthropy (individuals and corporate)
- Other

In its analysis it identified three possible alternatives for Czech watchdog NGOs:

- Corporate Watchdog Fund
- Government funding for watchdogs from national public budget or EU funding
- Gifts, contributions and donations from public at large

The country reports below show that while on the one hand, the situation among the NGOs after the entry into the EU in general is considered as somewhat consolidated - and slightly improving or slightly deteriorating - on the other hand the situation of HRAW NGOs gets worse across the board. Situation of HRAW NGOs is considered difficult, highly critical and stressful in all countries examined. HRAWs get less support – moral and material from the public and business sector than other, more charitable and service oriented NGOs. HRAW NGOs deal with minority issues that are perceived by the majority public as uncomfortable, conflicting and controversial. Yet even many of the possible donors that support less unpleasant, conflicting or controversial issues do not support HRAWs. As one of the reports puts it - it is challenge to work in a society that is barely sensitive to issues of human rights or good governance.

The country reports show that HRAWs face a dilemma – what to do in the situation of missing resources – whether to continue with their mission with very limited resources or to attract resources but for slightly different activities and then to support their original mission. This dilemma includes a great risk of following the funding rather than the need and has not been clearly addressed.

The worsening of conditions for HRAWs sometimes brings also a paradoxical effect of strengthening these organizations, however, at the costs of organizational and personal exhaustion. There is also a generational issue in some countries – the older human rights protection generation is strong in leadership qualities and has high reputation capital. However, it sometimes lacks the capacity of modern and effective management.

In terms of communication and relationship development with media, HRAWs show different approaches and levels of development – ranging from a very good practice to a rather poor practices. Those that pay attention to communication, either through their web or traditional or new media report slightly better condition, however, the financial expression of this effort is not particularly significant. In this area also rests the largest potential in strengthening the buy-in of domestic public into the HRAW issues.

⁴⁶ Petr Bouchal: Spokojený watchdog (bez náhubku). Práce a financování watchdogových a advokačních organizací v české republice, OSF Praha, 2009. / Happy Watchdog Without the Muzzle – Work and Funding of Watchdog and Advocacy NGOs in the Czech Republic.

5. Funding Sources for HRAWs

The structure of funding sources of HRAWs in the region have partly changed after the departure of major foreign private donors. For the purposes of this study we identified three main categories of funding⁴⁷:

- A) Public
- B) Private
- C) Self-Financing

Public or private funding includes also several sub-categories, depending on the origin of the funding (domestic, foreign) or on the type of the source (EU, percentage tax, subsidies, etc.).

The start-up funding for HRAWs „historically“ in the region has been the foreign private funding, mostly coming from U.S. private foundations (but also US and European governments aid programmes). The departure of the foreign funding at the time of the regions' entry into the EU has been thus a major factor in the life of HRAWs. However, the foreign funding have not left the region completely, but it has changed its structure. The private foundations have decreased their presence only partly. Some of them remained present (OSI, CEE Trust, Balkan Trust for Democracy, Black Sea Trust), but some with phase-out dates. This group of funding is considered by the HRAWs most useful and relevant in most countries. The foreign governments bi-lateral aid development programs (such as USAID, Matra, etc.) have also phased out by the time of the regions' entry into the EU.

New foreign funding has been represented by the EU structural funds and the EU stimulated funds – Norwegian and EEA Financial mechanisms, more recently Swiss Financial Mechanism or through funds which came to the region through the various channells of European Commission and its programmes and networks (for example the Fundamental Rights Agency, Calls for proposals from various DGs – Justice and Home Affaires, Employment, Social Affairs and Equal Opportunities, etc.).

In terms of its relevance, EU structural funds in the region are not perceived as very useful to HRAWs. Those that use these funds report delays in payments, excessive bureaucracy and irrational and erratic administrative and reporting requirements, formalism and cronyism (when administered in-country). The perception of this funding within the HRAWs is that these funds are inappropriate for NGO funding as such, not just for the HRAW NGOs. The regulations and conditions attached to these funds are rather complicated already at the EU level and they get more complicated once they reach the national level. The matching requirements for the EU structural funds are also hard to meet by HRAW NGOs as their reserves were spent to cover the delays in payments of previous EU funded projects, private sources' share in funding of HRAW NGOs is limited and public funds are not accepted as eligible matching. Thus, they end up in a vacuum.

The EU funding from the European Commission has a different rules, than the EU Structural funding. Those EU funds administered directly by the different directorates-general of the European Commission are mainly provided to organizations that pursue Europe-wide issues and have branches or affiliates in more than one European country, or whose results – although made in a single country – have Europe-wide applicability. On the one hand, this might look like an impediment; on the other, this

⁴⁷ For detailed summary see Table 1. The interest of our analysis was primarily in identifying the existing and potential *domestic* sources of funding. However, during the data collection we found that the HRAWs need to use *any* available funding to pursue their mission and therefore we looked at all kinds of available funding.

may propel organizations to join panEuropean networks and pursue more Europe-wide issues⁴⁸. See also Chapter IV EU Funding for HRAW NGOs.

Domestic public funding for the HRAWs in the region is reported in less cases (Hungary, Romania, Slovenia, Slovakia). Sometimes it has a form of specific programs attached to government agencies or parliament or it takes place as the co-funding to the European structural funds and other funds (Norwegian Financial Mechanism).

The NGO Funds of the Norwegian Financial Mechanism and the EEA grants are considered as partly relevant for HRAWs in the region, in some countries more, in some less. In some countries these funds have been administered by domestic grant-making foundations (Slovakia, Czech Republic, Romania, Bulgaria) which is considered by the HRAWs community as a generally good practice. Part of these grants was focused also for supporting disadvantaged groups and human rights issues. Some of the HRAW NGOs have taken the opportunity and used these funds. The funding suffered also with very demanding administrative and reporting requirements that also the intermediaries translated to their recipients. Furthermore, as co-funding were not accepted public funds, which complicated the situation for recipients. The use of these funds for some aspects of watchdog work such as litigation has been also questioned in some cases.

The percentage philanthropy is available only in Hungary, Slovakia, Romania, Lithuania and Poland. In these countries it is considered as partly relevant for HRAWs. Its main benefit is that it creates a link between the organizations and their constituences; however, only a few HRAW NGOs are able to take advantage of this benefit.

Corporate sources are reported as not particularly relevant for HRAWs funding. There are some cases, but rather exceptional ones.

Individual support for HRAWs is available in the region, but is limited and relatively insignificant compared to other sources. However, those HRAW NGOs that have a stronger public communication do enjoy also more support from individuals than those that communicate less. Individual giving remains as a strategic area for the HRAWs over long-term. To tap this effectively may require more time and investments into the fundraising capacities of HRAW NGOs. Very effective in tapping of this potential are organizations working in the constituency such as the Hungarian Civil Liberties Union (TASZ) or Estonian Patients Advocacy Organization or NGOs active in environmental protection such as Greenpeace or Forest protection Association Wolf in Slovakia that were able to build network of individual supporters that are regularly kept involved and informed.

The domestic grant-making independent foundations are perceived as a potentially useful source of funding of HRAWs, however, they are present only in some of the countries and even there their funding is limited (Poland, Czech Republic, Poland).

Self-financing becomes one of the strategies of those HRAW NGOs that have products or services (research, analysis) that can be offered to various clients and to generate some income by which they can cover holes in their budgets. The negative aspect of self-financing in Slovakia is that it exploits the capacity of HRAW NGOs on activities that are not advancing their mission. The self-financing on the other hand, enhances the professionalism and effectiveness in organizations. Overall, it seems that the self-financing is not perceived as the optimal strategy for HRAW NGOs.

One of the common features of funding of HRAWs in the region is that it is project based. There is very little or almost non-existing general operating support funding. The effects of the project based funding is that it leaves little capacity for internal development and strengthening of organizational capacity. On the other hand it makes a pressure on its recipients to act in a very effective manner and cut on the costs. It is the opinion of the authors of this report that this pressure has already exhausted its

⁴⁸ Bouchal P. "Watchdog without a Muzzle", OSF, Prague, 2009

marginal utility and is counterproductive – i.e. it is quite possible that it slows down the development of these organizations.

There are also some specific limitations of HRAW NGOs in securing resources that are self-imposed in order to avoid a conflict of interest, when the watchdog or advocacy role is concerned. For example corporate funding is hard to accept in cases when public interest is defended against private corporations that find holes in the regulatory framework to achieve their commercial goals.

Another factor in the ability of securing funding for HRAW NGOs relates to their specific focus on watchdog or human rights activities. NGOs, which have a broader portfolio of activities including education, research or analysis, have more and better opportunities for securing resources for their work – including possibilities of their self-financing. However, NGOs that want to focus only on watchdog activities, have their funding resources more limited and depend only on their donors – which are either foreign sources or, increasingly, the public sector - while the private sector is not at the moment the key donor for them. With such strategy, it is possible that they will shrink their activities.

6. Conclusions

There is no single best strategy for HRAWs in the region as far their domestic funding is concerned. Domestic funding will remain for these organizations in the foreseeable future a limited and challenging source.

Domestic private funding, especially from individuals seems to come out as the most promising and effective as far its impact on the HRAWs is concerned – both in terms of their active work towards citizens' engagement in their activities as well as far their transparency and communication of their benefit to general public is concerned. However, signs from the region show that this is going to take a long time. The corporate funding options does not seem to be any persuasive compared to the individual support.

In the meanwhile the domestic public funds seem to be the most feasible source of income that is available. However, there are issues related to conflict of interest of HRAWs when accepting public funding. There are voices encouraging the public funding role, that believe the conflict of interest is a manageable „risk“ of such approach and can be successfully avoided. On the other hand there are voices calling for attention when public funds be used for watchdog or human rights advocacy due to low political cultures in their region and the political and bureaucratic class or elite capture of the public funds.

Earned income appears to be a plausible option for some of the HRAWs, however, with drawbacks related to the capacity drain of the human resources that could otherwise be deployed for pursuing the human rights, or watchdog or accountability mission.

A relevant source in order to sustain the HRAW activities and complementing the above „strategic options“ is external (foreign/EU) funding. The externality of the funding allows for more independent course of action from national and in-country influences – which seems to be an important benefit. It seems quite clear, that external funding also brings its agenda – however, once the agenda is coherent with the broader European values, such funding can successfully avoid the conflict of interest concern and allow the HRAWs to perform their role in-country. The negative side of the funding is that it will not stimulate HRAWs for a greater buy-in and engagement with the public. Even so, it seems as one of the possible options to ensure that the voice of the HRAWs in the region will still be heard.