

III.2 Country Overview

III.2.1 Bulgaria

1. Human Rights, Accountability and Watchdog Context

The human rights and government accountability situation in Bulgaria has not changed significantly over several years. The issues that need improvement include:

- the government corruption at all levels
- mistreatment of ethnic and religious minorities including Romani,
- discrimination against persons with disabilities and minority groups such as people with different sexual orientation.
- rising voice and presence of neo-fascist groups and anti-immigrant, xenophobic agenda, intolerance and occasional violence against minorities

There are reports of lack of confidence in democratic process and generally lack of citizen's engagement and participation⁴⁹.

The European Commission's progress report in July 2008 urged Bulgaria to increase efforts to combat corruption and criminality, following the country's accession to the EU. In the wake of a previous report by the anti-fraud EU agency OLAF, the Commission condemned the misuse of EU funds and adopted sanctions against Bulgaria.⁵⁰ Different reports (European Commission, US State Department) mention that the new government that came to power in July 2009 took steps to address corruption.

Other human rights related problems included violence against women and children, substandard education for Romani children; harsh conditions in state-run institutions for children; trafficking in persons.⁵¹ Asylum-seekers continued to be detained for months and even years, and were denied protection.

The general political framework has worsened, with allegations of political corruption and strong business lobbies behind major policy decisions. The legal framework does not include the law on lobbying which reduces the effectiveness of NGO campaigns that confronted business interests.⁵²

Bulgarian civil society's watchdog role towards the state has been only moderately developed, mostly in capital and large cities⁵³. HRAWs have been active in variety of issues ranging from the litigation in human rights, minority rights, anti-corruption to advocacy on behalf of disadvantaged groups and access to information. The watchdog role towards the private sector has not developed so much as towards the public sector, but in recent period it also increases. Many NGOs as well as citizens are afraid to hold companies accountable for violations of rights and failure to fulfil their obligations.⁵⁴

⁴⁹ Nations in Transit 2010, Bulgaria, Freedom House

⁵⁰ Amnesty International Report 2009: State of the World's Human Rights

⁵¹ 2009 Human Rights Report: Bulgaria (US Dpt. of State, Bureau of Democracy, Human Rights and Labor)

⁵² USAID 2008 NGO Sustainability Index

⁵³ Civicus, CSI Country Profile 2005: Bulgaria, Interview with HRAW respondent, March 12, 2010

⁵⁴ Civicus, CSI Country Profile 2005: Bulgaria

The activities of interest groups are largely unregulated. Bulgarian think tanks have advocated for increased transparency and decreased clientelism and have repeatedly urged the Parliament to legalize and regulate lobbying. As a result, the Committee on the Problems of Civil Society launched a bill in 2002 calling for the registration of lobbyists, but there were still no developments on this legislation at the end of 2008.⁵⁵ Most advocacy work, however, happens through informal channels, and there are few official mechanisms through which NGOs can interact with institutions. One such mechanism is the Parliamentary Commission on Civil Society and Media, which has had a limited effect on the civil society framework in the last three years.⁵⁶

2. Key Human Rights, Accountability and Watchdog NGOs

There is a number of human rights and watchdog NGOs and initiatives, including think-tanks and independent research centers that together make up a rich and colorful NGO environment, that is primarily concentrated in the country capital Sofia and in some major cities across the country.

- The Bulgarian Helsinki Committee is an independent non-governmental organization for the protection of human rights led by Mr. Krassimir Kanev. The objectives of the committee are to promote respect for the human rights of every individual, to stimulate legislative reform to bring Bulgarian legislation in line with international human rights standards, to trigger public debate on human rights issues, to carry out advocacy for the protection of human rights, and to popularise and make widely available human rights instruments.⁵⁷
- The Inter Ethnic Initiative for Human Rights Foundation is a non-profit, non-governmental organisation registered in Bulgaria in June 1996 to promote the values of ethnocultural diversity, non-discrimination, protection of the rights of persons belonging to minorities and inter-community cooperation in practice in all areas of public life.⁵⁸ It is lead by Kalina Bozeva.
- Bulgarian Lawyers for Human Rights Foundation is a non-profit organization aiming at the establishment and effective implementation of international standards in the sphere of legal protection of human rights in Bulgaria. Founded in 1993 by five lawyers from different legal-practice backgrounds, the Bulgarian Lawyers for Human Rights Foundation is the first organization of its sort in Bulgaria and in Central and Eastern Europe. At the present moment, the Foundation works with more than 25 prominent lawyers. The Foundation addresses issues regarding the protection of human rights in all fundamental spheres of the Bulgarian legislation.⁵⁹
- The Association for European Integration and Human Rights was founded in 1998 in Plovdiv. This is an association of practising jurists united by the idea to exercise law in the public interest and establish human rights as one of the fundamental values of civil society in Bulgaria. The experts of the Association for European Integration and Human Rights also conduct a large number of cases under the State Responsibility for Damages Inflicted on Citizens Act, which constitute precedents for the conditions and court practice in Bulgaria and lead to the establishment of an attitude of respect for the fundamental human rights and freedoms as well as to positive changes in the professional stereotypes and attitudes of justice-administering bodies towards the rights and dignity of citizens.⁶⁰

⁵⁵ Freedom House: „Nations in Transit, 2009“

⁵⁶ USAID 2008 NGO Sustainability Index

⁵⁷ <http://www.bghelsinki.org>

⁵⁸ <http://www.inter-ethnic.org>

⁵⁹ <http://www.blhr.org/aboutEN.html>

⁶⁰ <http://www.eurorights-bg.org/en>

- Bulgarian Center for Non-Profit Law (BCNL) was founded in July 2001 with the mission to provide support for the drafting and implementation of legislation and policies aiming to advance civil society, civil participation and good governance in Bulgaria. BCNL's main activities include: Legislative initiatives, advocacy campaigns and provision of technical assistance to NGOs and institutions for drafting and implementing legislation; Enhancing the capacity of NGOs on issues related to the legislation regulating their activities, advocacy and good governance; Provision of legal support to NGOs through consultations on the legal and tax framework of the activities of foundations and associations⁶¹;
- Bulgarian Foundation for Gender Research is founded in June 1998 in Sofia as an independent NGO of public utility. The organization works in the field of gender equality, prevention of domestic violence, assistance to victims of trafficking in women, reproductive rights and anti-discrimination by providing information, elaboration and production of researches, analyses and draft laws, conducting campaigns and lobbying for legislative changes, provision of training and consultations for professionals and working in wide networks in cooperation with other organizations, public institutions and experts. It has branches in Plovdiv, Haskovo, Gorna Oryahovitza.⁶²
- Bulgarian Activist Alliance is an informal group of activists that work in the field of human rights protection in Bulgaria. The work of the Alliance covers issues of LGBT rights, women rights, rights of people with disabilities, media ethics, and freedom of expression. The main activity of the group is to monitor cases of discrimination, hate speech and other violations of both - the Bulgarian and EU legislation and the democratic values and norms. The Alliance draws attention of the respective institutions to the violations in order to provoke action to address the problem. The Alliance facilitates communication between people and organizations involved in advocacy activities to achieve more effective public dialogue over problematic issues. is entirely voluntary organization. The Alliance is a volunteer organization. None of its members receive material reward for work done on the projects of the group.⁶³
- Transparency International-Bulgaria is an independent non-political organization of people with long-term interest in the field of research, analysis and suggestions for an effective anti-corruption control. It was founded in June 1998 in Sofia as the first national chapter in South-East Europe. TI-Bulgaria actively participates in the global anti-corruption movement and contributes to the process of establishment of the national anti-corruption Integrity system.⁶⁴
- ACCESS – Sofia Foundation. ACCESS Association is an independent, non-partisan, non-profit organization, established in May 1992. In 2002 it was registered under the Non-Government Organizations Law under the name ACCESS – Sofia Foundation. The Foundation's priority objective is to promote mutual tolerance and better understanding of the cultural diversity in Bulgaria and the Balkans. ACCESS consistently works for the development of a network facilitating free exchange of expertise and information, and establishment of contacts among Bulgarian and foreign NGOs, especially from the Balkan countries.⁶⁵
- The International Center for Minority Studies and Intercultural Relations (IMIR) was founded in April 1992 in cooperation with the Center for the Study of Islam and Christian – Muslim Relations (CSIC), Birmingham, UK and the Center for Research in Ethnic Relations (CRER), Warwick, UK. IMIR is a private, non-political, non-profit and non-governmental organization. IMIR is dedicated to the values of peaceful coexistence and tolerant interaction between

⁶¹ <http://www.bcnl.org>

⁶² <http://www.bgrf.org>

⁶³ <http://bulgarianactivistalliance.wordpress.com>

⁶⁴ <http://www.transparency-bg.org>

⁶⁵ <http://www.access-sofia.org/en>

different cultures, ethnoses and religions in Southeastern Europe and actively works for preservation and integration of all minority communities in Bulgaria. IMIR works with some of the best Bulgarian experts on issues like minority rights, minority integration, migrations, human trafficking, Islam, and inter-ethnic and inter-religious relations.⁶⁶

- The Institute for Public Environment Development is a non-governmental organization founded on 4 April 2003 and registered as a not-for-profit legal entity. The main activities of the organization are development of civil-society participation in government; elaboration and application of controlling and accounting instruments designed for public institutions, and implementation of new practices and models in connection with public administration. The Institute pools together the efforts of people who have ample practical and theoretical experience in public administration, local self-government, regional development and civil-society participation. The organization has amassed unique experience in the institutionalization of the so-called community ombudsman in Bulgaria.⁶⁷
- RiskMonitor is a non-profit, non-governmental public policy institute. It works for the reduction, control and prevention of organized crime and high-level political and institutional corruption. RiskMonitor develops independent civic expertise in the sphere of policies countering organized crime and institutional corruption. It identifies organized crime and institutional corruption as high-risk public processes and a threat to the liberal democratic polity, its public institutions as well as the overall development of open society in the post-transition context. RiskMonitor was founded at the end of 2006 by the Open Society Institute – New York and the Open Society Institute – Sofia, and is registered as a public benefit foundation.⁶⁸

3. Situation of the HRAW NGOs and their Sustainability

The expectations on the side of donors that the funding of the civil sector including HRAWs will be financed domestically after the EU membership have not materialized and today in Bulgaria NGOs have a quite unbalanced access to resources. This creates for HRAWs a stressful situation.

„International donors think the support of organizations dealing with human rights is something temporary and when the countries reach democracy, there is no need for it anymore⁶⁹.“

One of the factors influencing the situation of HRAWs that is similar to other countries in the CEE but is present also in Bulgaria today is the consequence of the donor driven civil society development. It has been discussed in many studies and articles which argue that it contributed to the separation of NGOs from the disadvantaged groups and their constituencies and led to a „project culture“ that left informal civil society out of the resources flow and preferred a particular groups of NGOs that met the donor criteria⁷⁰. This on one hand helped many NGOs including HRAWs to improve their management practices and organizational development through investments in their training and capacity building and networking. On the other hand it limited the ability of NGOs including the HRAWs to more embed in the communities they served (or claimed to serve). The domestic funding base has not developed as expected⁷¹.

⁶⁶ <http://www.imir-bg.org>

⁶⁷ <http://iped-bg.org/en>

⁶⁸ <http://riskmonitor.bg>

⁶⁹ Interview with HRAW respondent, March 15, 2010

⁷⁰ Civil Society in Romania and Bulgaria, European Council for Non-Profit Organizations, Bruxelles, 2007

⁷¹ Nations in Transit. Bulgaria, 2009, Freedom House

Another factor is the lack of civic participation culture (participatory ethos, interest in public affairs in general, participation in elections, petitions, demonstrations, community work, volunteering, etc.).

“This mentality - that state should be responsible for everything, why should I give, the state should do it - is a typical socialist mentality”⁷².

Additionally, an unevenly developed differentiation of roles and positions of public sector, private sector and civil sector actors, especially outside of large cities and capital contribute to the very heterogeneous landscape of Bulgarian civil society which has many excellent examples but also many disappointing cases.

The resource crisis aggravated by the global financial crises has caused also some HRAWs to decrease their activity or even freeze their activities.⁷³

“In the past, it was easy to get some money for the litigation (both from the EU and national government). Now it’s impossible..... If you have limited resources, you have problems maintaining your staff and also keeping qualified staff, so that they don’t go to the business sector for example.”⁷⁴

Many HRAWs face the dilemma what to do in this situation – either to continue following the mission with very limited resources or try to attract resources for something else and then support their mission. Civicus Civil Society Report in 2006 already reported that:

„The lack of sustainable financial resources is an obstacle to NGO autonomy, making organisations excessively dependent on the external donors. This brings in a sense of insecurity, and often acts as a de-motivator for staff, redirecting them to find work in other sectors and also leads to the adoption of market thinking in third sector management”⁷⁵.

The stress is reported also by the respondents of this survey:

„The watchdogs aren’t able to fulfill their function anymore. It is a serious problem....some legal aid organizations are finding part-time jobs, so that they can get some money from whatever they do other than the human rights work and they also work on human rights issues”⁷⁶.

There are also risks that the combination of resource development and mission fulfillment may not work and organizations slide into self-reproduction that is not an exception:

“There is many organizations that just follow the money.”

However, there are also more constructive responses to the situation. Some HRAWs try to continue in fundraising from the traditional sources of funding primarily foreign sources that are still available. Such strategy is in short-term useful, however, it does not address the problem of resources in mid-term.

⁷² Interview with HRAW Respondent, March 15, 2010

⁷³ Interview with HRAW respondent, March 12, 2010

⁷⁴ *ibid.*

⁷⁵ Civicus, CSI Country Profile 2006: Bulgaria

⁷⁶ Interview with HRAW Respondent, March 15, 2010

Others try to adapt to new funding situation and develop activities in a non-traditional manner using new means of work, media communication, local fundraising and volunteer networking. Local fundraising is perceived as difficult and unrewarding.

*"It is difficult to change the mechanism of funding from international donors to fundraising from local people because on the one hand, the traditional giving disappeared during the socialist era here and it was replaced by forced volunteering....Even if people give money to an NGO, they say "OK, we give you the money but we don't want you to spend it on salaries, we want the money to go for the kids or for the homeless people. We don't want any intermediary.""*⁷⁷

HRAWs sustainability faces also contextual challenges and obstacles. One of them being the less favorable tax legislation. Despite in last years there was a tendency in improvement of philanthropic giving in Bulgaria (thanks to a growth, which was recently curbed by the financial crisis), the tax legislation is not perceived by private donors or NGOs as favorable. The Government pursued a policy of streamlining and unifying tax legislation in 2007, resulting in the gradual reduction of the tax exemptions that NGOs have enjoyed. Specifically, the limit on the tax deduction for donations made by natural persons to NGOs has been decreased from 10 percent to five percent of taxable income. However, at the same time, NGOs benefit from the overall reduction of corporate taxes, which has given rise to more corporate donations than previous tax incentives. Income from economic activities is always taxed. According to the current legislation individuals may deduct up to 5% of their income for qualifying donations, i.e., those made to educational and health institutions, organizations with charitable, social, environmental, health, scientific, cultural and sports purposes, registered religious organizations, and the Bulgarian Red Cross.(Survey of Tax Laws Affecting Non-Governmental Organizations in Central and Eastern Europe, International Centre for Not-for-Profit Law)⁷⁸. There are also other administrative requirements put on board members of NGOs such as provision of proof of a lack of convictions in order for the NGO to participate in public procurement tenders or competitions under EU operational programs.

NGOs face also image problems - there have been some scandals with foundations, so the general public doesn't trust NGOs very much⁷⁹.

5. Sources of Funding for HRAWs

In the context of HRAWs, following are the main characteristics of the funding situation specifically for the HRAW NGOs as of 2009/2010⁸⁰:

- Many traditional foreign donors that funded HRAWs already left, others are about to leave soon. The perception of many of them is that the EU funds will be used to replace them is not correct⁸¹. HRAWs find EU funds as not appropriate and useful for their activities as these funds

⁷⁷ ibid.

⁷⁸ Country Report: Bulgaria. Intelligent Money: Private Resources for Development. Ilyana Nikolova and Stefan Stoyanov, Workshop for Civic Initiatives Foundation, 2008, www.effectiveveresources.info

⁷⁹ Interview with HRAW respondent, March 15, 2010

⁸⁰ Interviews with HRAW respondents, March 12, March 15, March 1, 2010

⁸¹ USAID NGO Sustainability Index wrote that in 2008, „several changes affected the NGO sector. The withdrawal of donors such as USAID and the end of the PHARE Civil Society Development Programme (CSDP) was softened by the start of the operational programs of the EU. The EU program on administrative capacity had a special component for NGO capacity building. In late 2007, and during 2008, it provided roughly thirty-seven million BGN (about \$24 million) for NGO projects – a massive inflow of funding compared to the six million BGN (about \$4 million) provided under CSDP. These large amounts of EU funding were distributed by the state, which lead to questions about the political impartiality of the process and its effect on grant recipients' ability to criticize the government. Despite the new funding opportunities, independent funding sources

support primarily services and not the advocacy or watchdog activities. Some of the new funds (Norwegian Funds) are to some extent helpful and provide some resources also to HRAWs. The traditional private foreign funding has decreased in size, but still exists and represents a source that is not replaced by any other existing funding.

- There is a trend toward two distinct types of organizations: NGOs using volunteers and receiving support through local philanthropy, and NGOs dependent on state funding. The HRAWs have difficulties finding space in the local philanthropy and lean more towards the public funding, which, on the other hand is considered as omitting the watchdog and advocacy actions and focuses on mostly on services or education.

The summary of available funding per source captures the 2010 situation of available funding for HRAW NGOs in Bulgaria:

Foreign private foundations that include the Open Society Institute (Budapest), Balkan Trust for Democracy (Belgrade)⁸², CEE Trust (Sofia, Warsaw)⁸³, Oak Foundation (Geneva)⁸⁴, Global Fund for Women⁸⁵, Mama Cash (Amsterdam)⁸⁶ Filia-Frauenstiftung (Bochum)⁸⁷ or Oxfam – Novib (Hague)⁸⁸ represent still an extremely important source for HRAWs in Bulgaria and represent the backbone of the HRAW funding in Bulgaria in 2010. Some of them will not make any grants by 2012 (CEE Trust) or 2013 (BTD) when their activities will phase out.

were decreasing, which has led to worsening financial viability. The global economic crisis also began to take its toll on the NGO sector“.

⁸² <http://www.gmfus.org/balkantrust> - The Balkan Trust for Democracy (BTD) is a 10-year, \$36-million grantmaking initiative that supports democracy, good governance, and Euroatlantic integration in Southeastern Europe. This award-winning public-private partnership was created in 2003 by the German Marshall Fund of the United States, the United States Agency for International Development (USAID), and the Charles Stewart Mott Foundation. BTD is structured to allow both European and U.S. partners to join the effort to strengthen transatlantic cooperation in the Balkans. Since its founding, additional contributions from Compagnia di San Paolo, the Ministry of Foreign Affairs of the Czech Republic, Ministry of Foreign Affairs of Denmark, Ministry of Foreign Affairs of Greece, Robert Bosch Foundation, Rockefeller Brothers Fund, Royal Netherlands Embassy in Belgrade, Swedish International Development Cooperation Agency, and Tipping Point Foundation have made BTD a true transatlantic partnership. Operating from the German Marshall Fund's Belgrade office, BTD awards grants in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Kosovo, Macedonia, Moldova, Montenegro, Romania, and Serbia. BTD also gives regional grants to organizations promoting the benefits of a pan-Balkan network.

⁸³ <http://www.ceetrust.org> - The CEE Trust for Civil Society is independent public charity incorporated under the laws of the United States of America. Its goal is to promote the development of civil societies in Bulgaria, the Czech Republic, Hungary, Poland, Romania, Slovakia and Slovenia by supporting civil society organizations to gain greater effectiveness and stability. It was established by a group of private American foundations, Atlantic Philanthropies, Charles Stewart Mott Foundation, Ford Foundation, German Marshall Fund of the United States, Open Society Institute, Rockefeller Brothers Fund and expected funding was up to \$75 million.

⁸⁴ <http://www.oakfnd.org> Oak Foundation commits its resources to address issues of global social and environmental concern, particularly those that have a major impact on the lives of the disadvantaged. The resources of the Oak Foundation originated from an interest in the Duty Free Shoppers business which Alan M. Parker helped to build up. Since 1998 when the Foundation was reorganized and began to hire new staff, it has made over 1500 grants to not-for-profit organisations throughout the world.

⁸⁵ <http://www.globalfundforwomen.org> - The Global Fund for Women is an international network of women and men committed to a world of equality and social justice. It advocates for and defends women's human rights by making grants to support women's groups around the world.

⁸⁶ <http://www.mamacash.org> - Mama Cash is the oldest international women's fund - established in the Netherlands in 1983. It supports pioneering and innovative women's initiatives around the world, because it believes that social change starts with women and girls. In the last ten years Mama Cash awarded nearly €19,000,000 to advance women and girls' human rights. It is active in Asia, Africa, the Middle East, Europe, Latin America and the Caribbean, and the Commonwealth of Independent States and funds women and girls' human rights groups that push beyond the status quo to transform unjust systems and relations and bring about fundamental change for themselves and their communities.

⁸⁷ <http://www.filia-frauenstiftung.de> - Filia – Frauenstiftung goal is to support and empower women and women movements around the world. Its assets reach €15 million and it provides grants to CEE women NGOs

⁸⁸ <http://www.oxfamnovib.nl> - Oxfam-Novib is a Dutch Foundation that fights global poverty.

Foreign public donors and programs in Bulgaria include primarily sources related to EU (Fundamental Rights Agency⁸⁹, DG Justice, European Commission Frameworks Programmes, Grant schemes within the Life Long Learning Program⁹⁰, etc), intergovernmental organizations such as UNESCO⁹¹, UNDP⁹², United Nations Development Fund for Women⁹³ or organizations funded from public sources from Germany (German „political“ foundations such as Friedrich Ebert Stiftung⁹⁴, Konrad Adenauer Stiftung⁹⁵, Heinrich Boll Stiftung⁹⁶), U.S. (National Democratic Institute for International Affairs⁹⁷, International Republican Institute, National Endowment for Democracy⁹⁸). Many of the traditional bilateral development agencies such as Swiss Agency for Development and Cooperation, the Netherlands' Matra Program, and USAID phased out their programmes by 2008 which were accessible by HRAWs before. The USAID established in 2008 the the Bulgaria Fund, a three-year mechanism managed by the Balkan Trust for Democracy which, by the 2010 has disbursed all its funds and does not receive proposals anymore.⁹⁹ A new grant-making foundation relevant for HRAWs established in 2008– the America for Bulgaria Foundation (ABF)¹⁰⁰ which assists in the development and growth of a vibrant private sector in Bulgaria, helping the country to realize its full potential as a successful, modern European nation. It focuses on four priority areas: a) strengthening the judiciary, b) promoting good governance, c) supporting independent journalism and d) encouraging civic participation.

Domestic public funds represent an important source of existing and potential income for HRAWs. The paradox is that most of the funding in this category originates abroad, but is managed by Bulgarian entities. Main sources in this category include: NGO Fund of the Norwegian Financial Mechanism, EU Structural Funds, subsidies by Bulgarian government. Among them the most relevant for HRAWs seem to be the the NGO Fund of the Financial Mechanism of the European Economic Area and Norway (funded by Norway, Iceland and Liechtenstein)¹⁰¹ which funds directly the development of civil society

⁸⁹ <http://www.fra.europa.eu>

⁹⁰ http://ec.europa.eu/education/lifelong-learning-programme/doc78_en.htm

⁹¹ <http://www.unesco.org>

⁹² <http://www.undp.org>

⁹³ <http://www.unifem.org> - UNIFEM is the women's fund at the United Nations. It provides financial and technical assistance to innovative programmes and strategies to foster women's empowerment and gender equality

⁹⁴ <http://www.fes.de>

⁹⁵ <http://www.kas.de>

⁹⁶ <http://www.boell.de>

⁹⁷ <http://www.ndi.org>

⁹⁸ <http://www.ned.org>

⁹⁹ http://www.gmfus.org/cs/grantmaking/the_bulgaria_fund - The Bulgaria Fund was a 3-year, \$3-million grantmaking initiative of the United States Agency for International Development (USAID) and German Marshall Fund-US. Created in 2007, the Fund continued the USAID reform agenda in Bulgaria and provided financial assistance to initiatives that aim to accomplish one of the following objectives:

- a. advance the rule of law and local/national judicial and government reform;
- b. ensure economic opportunities and social integration for vulnerable groups; and
- c. generate a more competitive labor force and labor market through practical, technical, and advanced training programs and career development services.

It was managed by GMF's Belgrade-based Balkan Trust for Democracy (BTD) and awarded small to medium sized grants to organizations implementing programs based in Bulgaria. Only indigenous and Bulgaria-based international organizations were eligible for funding. In addition, the Bulgaria Fund supported programs with regional or international focus, creating linkages between Bulgarian government officials, business professionals, as well as organizations and their foreign country counterparts to exchange best-practices, expand local economic opportunities, and help develop sustainable partnerships for future coordination efforts.

¹⁰⁰ <http://www.americaforbulgaria.org> - The ABF is an endowed foundation with \$400 million that were accumulated during the successful activities of the Bulgarian-American Enterprise Fund whose Board of Directors decided after ending of its activity to invest its assets into the foundation.

¹⁰¹ <http://ngofund.flgr.bg/en> - Romania and Bulgaria became the tenth and eleventh country to launch funds for non-governmental organisations (NGOs) with support from their European Economic Area (EEA) partners Norway, Iceland and Liechtenstein. The NGO funds were eagerly anticipated by civil society organisations in these countries, arriving at a time when other donors were pulling out and shifting focus to non-EU members. The NGO funds under the EEA and Norway

and protection of human rights. In this area it supported 19 ongoing projects with € 317 520 by April 2010. However, there are also limitations to its use by HRAWs as there are complaints about its procedures that are similar to the administrative procedures of EU funds and about its limitations – for example the funds cannot be used for litigation, which many human rights organizations use as important part of their activity. The advantage of the NGO Fund is that a Bulgarian NGOs manages it, which is better as if it was managed by a governmental entity¹⁰².

EU structural funds also represent an important source of funding for NGOs through Operational Program Administrative Capacity (OPAC)¹⁰³ that provided thirty-seven million BGN (about \$24 million) for NGOs in its first two calls for proposals out of Obviously, not significant portion of these funds was provided for HRAWs. By mid 2010 most of the funds related to civil society have already been allocated. The Operational Program is focused on effective functioning of the administration and judiciary, improving human resources management and qualification of employees in state administration, judiciary and civil society structures (CSS) and Modern service by the administration and judiciary. NGOs are one of the several beneficiaries. As noted, a serious issue is the fact that most NGO funding provided through EU mechanisms is distributed by the state (in this case the Ministry of State Administration and Administrative Reform). This leads to political dependence of NGOs and seriously affects advocacy organizations that might be less eager to criticize their donor.

“Now it goes through ministries which is a problem for NGOs and especially human rights NGOs, because there’s a traditional clash between the government and some human rights NGOs. Then, if the government or a specific ministry is an important funding source for you, you try not to be so critical when presenting information on them, because you might lose your funder in the long term.”¹⁰⁴

It also creates potential corruption opportunities, such as channeling funds to organizations in which state officials are involved.¹⁰⁵ Furthermore, the funding from EU structural funds is very bureaucratic and requires a lot of formal paperwork, which is criticized by the HRAWs.

„The program went through the Ministry of Finance and it was administered by one not very clear organization which changed its offices all the time – it was an organization for help to NGOs, to organize their administration and reporting system, but I would not say it was an organization for help because it was for not very big money, so much bureaucracy and so much paperwork.”

Some of the respondents believe that ideal option would be to establish a fund at the level of European Commission – managed in Brussels, but working in other way than some other funds. It should be supporting human rights activities rather than services.

Another important public source of funding for NGOs is the government subsidies which are provided to large constituency organizations. However, these funds are not fully relevant for human rights NGOs. For HRAWs there are currently limitations and barriers for their use. There is no mechanism for

Grants make available funding to civil society organisations within areas such as the environment, human rights and democracy, social services and capacity building. The overarching aim of the EEA and Norway Grants is reduction of social and economic disparities in the enlarged EU and European Economic Area (EEA) after 2004, and the strengthening and development of the civil sector is seen as a pivotal part of this. The NGO Fund in Bulgaria is coordinated by two local foundations - the Foundation for Local Government Reform and the Bulgarian Environmental Partnership Foundation. The total amount of funds reserved for NGO Fund represent €2.06 million.

¹⁰² Interviews with HRAW respondents.

¹⁰³ <http://www.opac.government.bg/>

¹⁰⁴ Interview with HRAW respondent, March 15, 2010

¹⁰⁵ USAID 2008 NGO Sustainability Index

distributing funds to NGOs at the local level. Nor do the EU operational programs reach the local level. NGOs traditionally receive in-kind support such as office space from local authorities.¹⁰⁶

“In 2005 we applied to a program for support of NGOs, it was a small grant and a lot of paperwork and it was bad administration from this special unit for administration. They hired some company to administrate things and this company was not sufficient. We finished, we had very good results because this project was to support other NGOs when they are using access to information law. For 24,000 euro it was three audits, by KPMG, after that by the Ministry of Finance, a lot of controls not on the results of the projects, but on some very small financial things. All these external audit companies say everything is good, they check 97% of documents and after that the Ministry of Finance starts to check again.”¹⁰⁷

Private donors (individual and corporate) operate in an environment that is not stable and for HRAWs, not relevant.

“Donors (corporate or individual) don’t support these types of NGOs.”

As the Bulgarian Center for Not-for-Profit Law explains, the Ministry of Finance tried in 2008 to eliminate the tax concessions for donations to nonprofit organizations (the proposal was to eliminate all existing concessions including of the exemption from local taxes on received donations). This time the explanation was in the European Commission. After a very active campaign of a group of organizations, the Ministry of Finance changed its proposals and re-established all existing exemptions for non-profit organizations. But the truth is that for a second year in a row instead of improving the environment in Bulgaria, the NGOs had to fight for its preservation.¹⁰⁸

In the last few years Bulgaria has seen some increase in private and corporate philanthropy, as well as in volunteers. Open Society Institute- Sofia used many volunteers in recent projects, which reduced its budget substantially. Organizations that depend on project funding do not target corporate and private donations, and organizations that depend on donations do not target grants. The general picture is not very promising, however. Membership fees are not a major source of funding except for business associations.

There is a lack of domestic grant-making foundations which some believe is related to poor tax incentives for giving to NGOs.

„In Bulgaria, there is a very little possibility to have some national private donations to NGOs. The donors do not get tax reduction. It’s connected with tax legislation and NGO legislation.”¹⁰⁹

In terms of own income generation, among HRAWs it plays a very small share. Typically it is related to services which the non-profits sell.

„It’s only 2% of our budget. It’s from legal help to some NGOs which have available funds for a kind of permanent legal help including representation in the court or from selling our books or providing paid training services (on the access to information and several EU programs....Last year we started to prepare this program for providing paid services but the market is not very clear.”

¹⁰⁶ USAID NGO Sustainability Index, 2008

¹⁰⁷ Interview with HRAW respondent, March 1, 2010

¹⁰⁸ Bulgarian Center for Not-for-Profit Law, Annual Report 2008

¹⁰⁹ Interview with HRAW respondent, March 1, 2010

“This is one of the sources that are available for human rights NGOs, for example BCNL gets some of its income from paid services, it provides legal services to groups of people that want to register NGOs, NGOs that need advice on issues of funding and operation. But it is very limited.”

7. Conclusions and Recommendations

The situation of the funding for HRAWs in Bulgaria is similar as in Romania or in Slovakia. There are no new major sources in the sight, rather the existing sources gradually decrease. HRAWs try to adapt to the situation and those that communicate with media and public seem to be more successful also to receive some domestic funding. However HRAWs are not able to secure domestic funding from philanthropy in short term. The key resources in this situation is the domestic public funding – EU funding, Norwegian Funding and some others. These funding sources need improvement and restructuring so they will be relevant not only to service providers but also to watchdogs.

One of the proposals that was discussed among the NGO community recently was to create an NGO fund with state money, but NGOs would take part in its management so it would be state funding but in a way detached from the government. Because of the financial crisis, the government does not consider such initiative as appropriate at this moment. For the future there are plans to pursue such option from the NGO community.

III.2.2 Czech Republic

1. Human Rights, Accountability and Watchdog Context

Reports of different international organizations¹¹⁰ identify as key issues in the human rights and governance area following issues:

- Different forms of corruption
 - Right wing extremism and anti-Roma and anti-minorities attitudes
 - Societal discrimination of Roma
 - Violence against women and children
 - Violations of rights of asylum seekers, patients, prisoners, and detained persons.
-
- Corruption. Although few people encounter corruption directly, the perception of illegal activity, especially concerning the political elite, is widespread¹¹¹. Many view existing anticorruption measures as insufficient to dismantle the intricate web of connections between political and business elites. In the 2009 Transparency International (TI) Corruption Perceptions Index, the Czech Republic ranked 52 out of 180 countries, with a rating of 4.9 (10 indicates a country without corruption). The figures had worsened from the previous year, when the country ranked 45 and had a rating of 5.2. The Czech chapter of TI pointed to the gradual “cartelization” of the political space, the politicization of the public administration and the increasingly close connection between politics and business as reasons for the decline¹¹². TIC also noted the nontransparent financing of election campaigns, the growing influence of financial groups, and instability in the judicial and prosecution sectors, leading to the long-time inability to adequately solve more serious cases of economic crime and corruption.
 - Right-wing neo-nazi extremism and attacks targeting Roma and other minorities. In few last years there were several attacks on Roma families including children by groups of extremists that caused serious injuries. One of the most known is the case of April 2009 in Vitkov near Prague where three extremists thrown three bottles with flammable fluid into a window of a house in which slept a Roma family. The attack caused three serious injuries including a two-year old girl that suffered burns on 80% of her body. The offenders have been put on trial. Similar attack has repeated year ago in a settlement near Ostrava. Another well-known case took place in November 2008 when a running battle between far-right protesters and police broke out in the northern Bohemian town of Litvínov after marchers attempted to advance on a housing estate populated mainly by Roma. The government subsequently appealed to the Supreme Administrative Court to outlaw the Workers’ Party, which had helped to organize the march. But the court rejected the case in March 2009, arguing that the ministry had not presented convincing evidence that the party represented a threat to the democratic order. The

¹¹⁰ It is difficult to prioritize these issues. The list is based on reports such as the Nations in Transit 2010 by Freedom House, 2009 Human Rights Report:Czech Republic by US State Department, Amnesty International Worlds’ Human Rights Report 2009.

¹¹¹ Nations in Transit 2010, Czech Republic

¹¹² http://www.transparency.cz/index.php?lan=cz&id=16&pom_id=87

Highest Administrative Court has dissolved the Workers's Party in February 2010. Its leaders in a response few days afterwards established the Workers Party of Social Justice and participated in national elections in May 2010, in which it received 1,6% of votes.

- Societal discrimination of Roma in accessing education, health and housing services. The Roma continued to experience discrimination, particularly in accessing education, housing and health, as well as threats of attacks by far-right groups. A 2006 government report estimated that 80,000 Roma—roughly a third of the country's Roma population—live in ghettos, with between 95 and 100 percent unemployment. The Czech government's own data reveal that in some parts of the country Roma children are still 26–27 times more likely than non-Roma to be enrolled in practical schools for children with mental disabilities¹¹³.
- The government fails to implement adequate anti-discrimination provisions. There were concerns over inhuman and degrading treatment of people with mental disabilities. Comprehensive anti-discrimination legislation providing legal aid for victims and effective monitoring mechanisms was not enacted. In May 2009 the President vetoed anti-discrimination legislation alleging, according to news reports, that it was “unnecessary, counter-productive and of a poor quality, and its impact ... very questionable”. This was despite a government pledge to introduce a law safeguarding the right to equal treatment and protection against discrimination, in line with EU directives.¹¹⁴
- Other issues include trafficking in persons for the purpose of sexual services, domestic violence against women and children, rights of children whose parents are detained, position of children position of immigrants and asylum seekers, rights of prisoners and detained persons, rights of patients¹¹⁵.

2. The Civil Society and HRAW NGO Context¹¹⁶

NGOs enter the public space and challenge the government in its anti-corruption efforts.

For example in October 2009, TI-Czech and Oživení (NGO dealing with corruption), released an open letter to the government outlining six anticorruption measures they claimed were not only important but realizable in the Czech Republic. These included: to implement “electronic auctions” for public tenders to increase transparency and competitiveness; to push for the passage of amendments to the laws on public supply contracts and concessions; to create a database of all funds granted by the state administration, including EU funds, to reduce clientelism; to depoliticize and professionalize the state administration; to amend laws concerned with local governments to improve their enforceability and increase the efficiency of the use of public funds on the local level; and to end the practice of anonymous shareholding, which has contributed to opaque ownership structures and the suspicion of corruption in awarding public tenders.¹¹⁷

The recent study on watchdog NGOs in the Czech Republic by P. Bouchal, which this chapter heavily builds upon, describes the complicated context of civil society in the Czech Republic as a result of a peculiar development of the Czech society – and in some sense of the whole CEE. Civil society is according Bouchal on one hand identified with the dissident movement that is typical of its anti-establishment attitude and not-involvement in the governance activities. On the other hand, there is a

¹¹³ 2010 Nations in Transit, Czech Republic, Freedom House

¹¹⁴ Amnesty International Report 2009: State of the World's Human Rights

¹¹⁵ Human Rights Report, 2009, Czech Helsinki Committee, <http://www.helcom.cz/search.php?rsvelikost=sab&rstext=all-phpRS-all&rstema=96>

¹¹⁶ The whole section 2 is taken from the Bouchal P.: Happy Watchdog (without the Muzzle), The Work and Funding of Watchdog and Advocacy NGOs in the Czech Republic OSF Prague, 2009

¹¹⁷ http://www.transparency.cz/pdf/protikorupcni_vyzva_vlade07102009.pdf.

also a strong tendency in the society to identify civil society with the social services delivery. Both are not fully correct and the space for active citizens who interact with the public and political institutions and cooperate with them for more effective governance is not conceptually and culturally understood.

The specific “dissident” nature of civil society, rather abstract when seen from the everyday perspective (Václav Havel’s life in truth), and its stress on individual integrity (the dissent-oriented civil society as a community of unique personalities) have led to civil society in the Czech Republic – and, to some extent, in the entire Central and Eastern Europe – being regarded as something special, too distant from ordinary people and their duties.¹¹⁸ In addition, the initial “anti-establishment” nature of civil society as well as clichés such as “anti-politics” and “non-political politics” seem to signal to people that if they care about smooth governance – especially at a time of transformation with its immanent imperfections and mistakes – they had better not engage in these things: in other words, civil involvement would be seen as chronic grumbling. As a result of this past legacy, huge sections of society still refuse to support or even be interested in non-profit organizations..... And the analysis even falls into a vicious circle as it is revealed that non-profit organizations are unable to become stable partners for public institutions in protecting the public interest partly because public institutions lack responsibility in that they are not sufficiently monitored with respect to the public interest.¹¹⁹

But the situation is not desperate. There are signs that signal change and improvement, that is gradual, but recognizable:

The rising number of those who appreciate the role of non-profit organizations as a counterbalance to state institutions and bureaucracy may signal a changing public attitude towards advocacy and watchdog organizations.^{120 121}

3. Key Human Rights, Accountability and Watchdog NGOs

The HRAW NGOs position in the Czech non-profit sector is a complicated one as the public in general perceives their activities with less understanding than traditional charities and service providing NGOs.

Organizations advocating the public interest occupy an ambiguous position in the Czech non-profit sector: in addition to monitoring governance bodies, watchdog and advocacy organizations play the role of public control bodies; they are, however, considered by the public sector as part of the non-profit sector, having to face all the potential disadvantages related to such characterization, no matter whether it is right or wrong. Their systemic work rarely matches with the way NPOs are generally perceived, their output not being measurable or presentable in numbers of persons supported or indicators fulfilled, which is the way social service providers work; therefore, the general public and the rest of the non-profit sector are unable to associate such organizations with a concrete role in society. The latter problem is further complicated by the fact that in order to increase the impact of their work inside public institutions, watchdog and

¹¹⁸ For more on the “share of fault” of nonpolitical politics for the problems of postcommunism in Central and Eastern Europe, see Renwick, Alan, “Anti-political or just Anti-communist? Varieties of Dissidence in East Central Europe and Their Implications for the Development of Political Society,” *East European Politics and Societies* vol. 20 (1996), pp. 286-318; Juan Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*. Baltimore: Johns Hopkins University Press, 1996, p. 272.

¹¹⁹ „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

¹²⁰ *ibid.*

¹²¹ For more data on the state of Czech civil society when the country was joining the European Union (2004), see websites of STEM, a private Czech polling agency, at <http://www.stem.cz/tisk.php?id=731>.

advocacy organizations have become more professional – in the practical way and in the media, too – than, for instance, NGOs providing social services¹²².

Below is a list of selected HRAW NGOs active in the Czech Republic to illustrate the typical organizations and types of activities. This is not an exhaustive list of all HRAWs, as there is more of them:

- The Environmental Law Service (ELS) is a non-governmental, non-profit organization of lawyers who use law to further the public interest. It is based in Brno. Its aim is to eliminate cases of unlawful and improper decision-making by state offices in matters of the environment and human rights, to help people gain access to the courts, to build the knowledge and skills of non-profit organization staffs, to expand the ranks of public-interest lawyers, and to help bring about a high-quality legal code. This way of using the tools of law to protect and support important societal values is "public interest law" and thus ELS is a public interest law organization.¹²³
- Iuridicum Remedium, based in Prague organizes information, training and cultural activities in the fields of law, ecology, agriculture, development and citizen participation in decision-making; it connects and facilitates among the individuals and organizations active in ecology, human rights, development and agriculture; environmental protection. It also acts for protection of rights of consumers; rights of competitors; human rights. It advocates for citizen participation in decision-making related to the protection of human rights and other public interests.¹²⁴
- Liga lidských práv is a non-governmental organisation based in Brno (second largest city of the Czech Republic), which works towards the protection of human rights by working within the scope of the rights guaranteed by the Charter of Fundamental Rights and Freedoms, and other binding international conventions. Liga promotes human rights with the aid of research and education in order to improve the quality of life for all, and by undertaking strategic cases in Court, producing innovative arguments and landmark solutions. It also focuses on improvements of human rights within the health service.¹²⁵
- The Czech Helsinki Committee is a non-governmental non-profit organisation for human rights established in November 1988 in Prague. It is a part of the International Helsinki Federation. It monitors the state of human rights in the Czech Republic with special emphasis on selected areas and prepares regular reports on the situation in human rights. It provides free legal counselling for citizens, whose human rights were violated and offers litigation. It also provides education on human rights, organisation of discussions and human rights seminars. Its areas of focus are the children rights, fight against racism and intolerance, penitential system, rights of prisoners and detained persons, social counselling, human rights education and developing of human rights library.¹²⁶
- Oživení is a non-governmental organization founded in 1997 in Prague. Since the beginning, it has been dealing with the propagation and development of cyclo-routes and the general support of a sustainable transport system. Since the year 1999, Oživení has been aiming its efforts to a systematic uncovering of the conflict of interests and corruption in the public administration and to increasing the transparency of the public sector. The NGO monitors the

¹²² Bouchal P.: Happy Watchdog (without the Muzzle), The Work and Funding of Watchdog and Advocacy NGOs in the Czech Republic OSF Prague, 2009

¹²³ <http://www.eps.cz>

¹²⁴ <http://www.iure.org>

¹²⁵ <http://www.llp.cz/en>

¹²⁶ <http://www.helcom.cz>

cases of conflict of interests and consequently inform the public, prepares the systemic measures including influencing the legislation and last but not least spreads its know-how.¹²⁷

- Counselling Centre for Citizenship, Civil and Human Rights is a non-governmental and non-profit organisation, registered as a citizens assembly. It is monitoring the compliance of the Czech domestic laws with ratified international treaties on human rights and freedoms; creation of conditions for the co-operation between a non-governmental sector and state institutions, with a special regard to human rights in the Czech republic; legislative activities of governmental institutions with regard to the obligations arising from international conventions on human rights.¹²⁸
- Transparency International - Czech Republic (TIC) is a non-governmental organization, whose objective is to monitor the state of corruption in the Czech Republic and contribute to its systemic reduction. TI's mission is to create change towards a world free of corruption. TI and its chapters fight corruption in a number of ways. They bring together relevant players from government, civil society, business and the media to promote transparency in elections, in public administration, in procurement and in business. TI's global network of chapters and contacts also use advocacy campaigns to lobby governments to implement anti-corruption reforms.¹²⁹
- The Open Society is a non-profit organization based in Prague supporting the consolidation of civil society in the Czech Republic by pursuing principles and promoting policies based on the culture of law and legal state, on a democratic form of administration as well as on human rights principles. Programs and projects implemented by the Open Society, p.b.c., are related the following fields: people's public participation; police service reform; equal opportunities for women and men; culture policy; social inclusion; social economy.¹³⁰ The organization is running a project called „Right of Information Project – Otevřete.cz“. It supports the accessibility of public administration.
- The Multicultural Center Prague is a non-profit organization interested in issues related to the coexistence of different cultures in the Czech Republic and abroad. Since our founding in 1999, they have been working on new educational, cultural and information initiatives. They organize workshops, courses, international seminars, debates, film screenings and book readings. They also run websites devoted to issues such as migration or multicultural librarianship. They have a well-stocked public library designed for those with an interest in multicultural issues.¹³¹
- Agora Central Europe (Agora CE) civic association was founded in 1998 in Prague with the aim of helping to enhance communication between local governments, central government bodies and citizens. Within this effort, the Association pursues consulting, advisory, educational, moderating and other activities. It publishes materials about its work, produces and spreads documentary film, etc. It organises public meetings, workshops, social and cultural events, and pursues various other activities including work with youth, aiming to meet its objectives.¹³²
- Zvíře práva is a non-governmental organization based in Prague focusing on legal protection of Roma citizens against discrimination, unlawful intrusion and harassment. Its objective is the accessibility of law and a standard amount of liberties for the Roma minority who have been discriminated, have been suffering of a lack of opportunities and often also of hidden or open persecution. The organization's vision is to create a society where law is not a mechanism of

¹²⁷ <http://www.oziveni.cz>

¹²⁸ <http://www.poradna-prava.cz/en>

¹²⁹ <http://www.transparency.cz>

¹³⁰ <http://www.osops.cz/en>

¹³¹ <http://www.mkc.cz/en>

¹³² <http://www.agora-ce.cz>

power, where the principle of equal opportunities is applied and where human rights are a living horizon of legal and social reality.¹³³

- Public Interest Lawyers Association (PILA) is a nonprofit organization of lawyers based in Tabor who believe that in the Czech Republic, many individuals, groups and interests continue to be neglected by the legal profession and the country's legal system. PILA's foremost goal is to achieve systematic changes which would help to make the Czech Republic's legal instruments more effective in protecting human rights, public interests and important common values.¹³⁴
- La Strada Czech Republic is a non profit organisation. It aims to prevent and minimise the results of trafficking in human beings the commercial exploitation while respecting individual rights of all involved. The La Strada mission is threefold: to make the issue of THB visible, to influence authorities, media and public opinion to address this violation of human rights; to inform about possible dangers of trafficking and commercial exploitation and to provide support and direct assistance to trafficked persons.¹³⁵

4. Situation of the HRAW NGOs and their Sustainability

The situation of HRAW NGOs in the Czech Republic is similar as in other countries of the region – their activities address important issues which are not always perceived as important by the general public. They operate as professional and effective organizations with high degree of influence in public affairs. At the same time they do not engage citizens in participation in their activities.

The community of HRAW NGOs in the Czech Republic had a connection to and support from various independent and private US foundations which allowed them to address issues which were not favored by the mainstream public. After the departure of US funding, the EU funding came in and influenced their agenda as well, however, allowed for their autonomous development in a partial separation from the society. Buchal describes the situation in a very precise way:

In all the organizations [included in the present report], funding has always been dependent, to a great degree, on several American foundations that came to Central and Eastern Europe after 1989. The funding methods and know-how that these foundations brought to the Czech watchdog sector has had a major influence on the way local watchdog organizations work. In his recent publication, Political Activism in the Czech Republic¹³⁶, Ondřej Císař defines the work of Czech watchdog organizations in environmental and human-rights related areas as “transactional activism”, a combination of high transactional capacity (i.e. a capacity to exert influence on public issues) and low mobilization capacity (i.e. a capacity to mobilize huge masses of people in favor of such activities).¹³⁷ Organizations that work in this way are small-sized and professional, and have a privileged access to decision-making bodies. This, Císař suggests, is due to the influence of foreign foundations that (a) promoted in Central and Eastern Europe the type of advocacy activism that had its roots in the USA, (b) being independent, made it possible for the organizations supported to tackle controversial issues that did not resonate with the general public and often went against the grain of official institutions. Following up on the above theoretical background, the funding that first came from predominantly American foundations and later from the EU allowed Czech watchdog

¹³³ <http://www.zvuleprava.cz>

¹³⁴ <http://www.pilaw.cz>

¹³⁵ <http://www.strada.cz/en>

¹³⁶ Brno: Democracy and Culture Studies Centre (2008).

¹³⁷ See Císař (2008), p. 25-34; the classification used comes from Petrova, Tsveta and Sidney Tarrow, “Transactional and Participatory Activism in the Emerging European Polity: The Puzzle of East-Central Europe,” in *Comparative Political Studies* vol. 40 no. 1 (2007).

organizations to completely avoid what was the “Czech controversy around civil society” since they became professional and actively involved in decision-making processes. This meant, however, that they also avoided their own reflection on their position within civil society since – to put it crudely – they worked in society without having to engage citizens in the process¹³⁸.

After the entry into the EU often the HRAW NGOs' agenda and the European agenda overlap which influenced their watchdog function.

Then, before the country joined the European Union in 2004, EU funds were brought into the whole process, causing a slight shift in the issues addressed to satisfy priorities promoted by the EU and enhancing co-operation between watchdog organizations and public authorities, although this made their watchdog function slightly weaker.¹³⁹ On closer inspection, different organizations used these opportunities in different ways, depending on their own priorities.¹⁴⁰human rights are increasingly on the agenda of national and international institutions (European Court of Justice, European Court of Human Rights, newly established Ombudsman office). For another, recent changes – some due to the country's EU membership – have made organizations involved in civil society identify their own position in the changing environment, such as with the recently adopted Antidiscrimination Act or legislation on free legal aid which is yet to be adopted.¹⁴¹

The need for HRAWs to be more active towards their constituencies is echoed also in another qualitative research, which was recently concluded in Czech Republic. There, the authors say, “*watchdogs and advocacy organizations have to develop their constituencies. They argue that they can't do this without funding, and that they can't raise funds without constituencies. The truth is, constituencies include donors, so in a way there is no reason to separate these two tasks – it means more private funding and everything that comes with it.*”¹⁴²

5. Overall Funding Situation of HRAW NGOs

Since the beginning of the 1990s, watchdog activities of CSOs have been mainly

supported by foreign donors. With the Czech Republic's entry into the EU and foreign donors' shift of priorities to supporting civil society in the former Soviet Union ('moving East'), some would argue that the existence of these advocacy and watchdog organisations has reached a critical point. While EU membership is expected to make the resources of the EU Structural Funds accessible to Czech CSOs, monitoring activities

do not fall within the realm of these funds. Organisations that are critical of the state or the private sector can also not expect to receive much support from these sources. These organisations have up till now

¹³⁸

¹³⁹ Stulík, David. “Vliv členství České republiky v Evropské unii na postavení českých nevládních neziskových organizací a jejich zapojení do společnosti,” [The influence of the Czech Republic's EU membership on the position and social involvement of Czech non-governmental non-profit organizations] in *Dopady členství České republiky v Evropské unii na nestátní neziskové organizace v programovacím období 2004-2006* [The impact of the Czech Republic's EU membership on non-governmental non-profit organizations in the 2004-2006 programming period]. The Government Council for NGOs, 2006.

¹⁴⁰ This point is further developed in Ondřej Čísáň's *Transnacionální politické sítě* [Transnational Policy Networks]. Brno, International Institute of Political Science of Masaryk University, 2004, esp. Chapter 5.

¹⁴¹ For more about the draft legislation on free legal aid, see www.bezplatnapravnipomoc.cz/novy-zakon/

¹⁴² Jan Kroupa, Josef Štogr: Us and Them, in: We and They – NGOs influence on decision-making processes in the Visegrad group countries, ed. Tom Nicholson, Sasakawa Peace Foundation, 2008

relied on foreign support and have yet to learn to work with a circle of supporters and sympathisers who could provide financial support to such organisations.¹⁴³

The study of Peter Bouchal looked at 6 watchdog NGOs (Oživení, Environmental Law Service, Human Rights League, Transparency International, Counselling Center, Iuridicum) and their financing during 2005-2008.

*Funding watchdog organizations in 2007: breakdown of individual sources.*¹⁴⁴

Source	EU	Foundations	Local public budget	Foreign public budget	Own revenues	Private Donations	Others
Average	35.7%	25.9%	25.3%	2.71%	4.4%	3.0%	0.4%

Another important finding was that the organizations “*differ considerably in whether they depend on a single or more sources*”, assuming that those depending more on a single source are at a higher risk than those with more diversified portfolio of funding.

6. Funding Sources for HRAW NGOs¹⁴⁵

Foundations and foundation funds - Foundations handling foreign funds – the OSF Prague and the CEE Trust are the biggest where the volume of funds is concerned – play a crucial supporting role for watchdog and advocacy organizations although the amount they are now contributing is considerably smaller than a few years ago; the important thing, however, is that they understand the specific characteristics of work in the public interest, and this helps the organizations to (1) cover those costs that do not fall into usual projects presented to other donors, (2) fund projects where other funding is unavailable or those that need long-term support, (3) receive funds to co-fund some of their projects (especially European projects). Another – apparent – advantage is that there is political pressure and potential conflicts of interests, things that are relevant especially in funding from the public sector.¹⁴⁶Moreover, funds coming from foundations allow the organizations to tackle the most burning issues, which would be impossible with funding from public or corporate sources.¹⁴⁷

As has been noted above, the European Union funds had played a major role in funding local organizations even before the country joined the EU. The share of EU funding in an organization's budget will primarily depend on EU priorities: EU funds are crucial in the following areas:

- environmental issues (the Environmental Law Service)
- activities related to labor markets (labor law, discrimination in the labor market, i.e. funds from the DG Employment)
- equal opportunities (EQUAL, ESF – the European Social Fund)
- legislative lobbying (DG Justice, Law and Security)

¹⁴³ 2008 NGO Sustainability Index, USAID

¹⁴⁴ „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

¹⁴⁵ The whole section is taken from „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

¹⁴⁶ For more about how foreign funding affects the organizations' selection of issues, see Čísař (2008).

¹⁴⁷ For example, the Garde program run by the Environmental Law Service and a related project called “Foreign investment and CzechInvest as factors destabilizing the democratic rule of law”, or a joint research by the ELS and Oživení called “The Price of Motorways”, or most activities of Transparency International.

- corruption, to a smaller extent (OLAF – the European Anti-Fraud Office, Transition Facility)
- geographically specific projects can also draw funds from the Common Regional Operational Program

In some of the organizations, EU funds only have a minor share in the funding, in others more than 50%. The positive thing about EU funding is that it is politically independent although this is only true with money that does not have to go through the Czech system of EU structural funds; programs where implementation is dependent on ministries may face political pressure or conflicts of interests with the administrative bodies – in effect, the organizations say, it is impossible to draw funds for projects with some specific missions or those involving certain personae non gratae; also, in some cases, projects are allocated funds based not on quality but on personal contacts.

As far as disadvantages of EU funds are concerned, (a) the application process is rather complicated, (b) this imposes huge administrative burdens, (c) co-funding is necessary. And the key fact is that there are time limits for this type of funding. For instance, the Transition Facility programs for the Czech Republic are over; the 2007-2013 program period has seen less money flowing from the European Social Fund in some areas; even less money is expected to flow from the structural funds after 2013 as new countries will join the EU. Similar changes are under way for funds from Iceland, Norway, and Lichtenstein (European Economic Area Grants, Norway Grants) administered by the Foundation for the Civil Society Development (NROS). On the whole, EU and North-European funds are a huge support for local watchdog activities, and will remain so in the following three to four years; from the long-term perspective, however, activities covered from these sources are at threat.

Apart from EU funds, Czech watchdog activities are supported by national states from their public budgets, mostly through their embassies in the Czech Republic. Examples include the MATRA program administered by the Dutch embassy (environmental issues), and programs run by embassies of the United Kingdom, United States, Canada, and Switzerland (support of anti-corruption activities).

Whereas in the early 1990s these countries considered their support to civil society to be without any controversy or conflict, later, as the Czech Republic transformed to a democratic country and became an integral part of the international communities, watchdog activities became much more professional and their support became something of a political matter where interference into the national interests is often suspected. As a result, the support is weakening. Support channeled through embassies mostly falls into international development cooperation, and most of these funds are expected to flow into less developed regions of the world. Like in the European Union funds, these sources are expected to grow thinner in the future, although this is a less serious issue since this type of support has only had a minor share in the overall funding of the organizations.

Over the past two to three years, the share of sources from domestic public funding in the total financial sources of the organizations has risen considerably, most noticeably in organizations providing legal aid to people who normally cannot afford standard legal services. The sources primarily come from ministries (the Ministry of the Interior, the Ministry of the Environment, the Ministry of Labour and Social Affairs), and – to a lesser extent – from regional and community budgets. In addition to programs dealing with discrimination and promoting access to law (funded by the Ministry of the Interior, and the Ministry of Labour and Social Affairs), public-budget sources are used to fund anti-corruption campaigns (Oživení), an anti-corruption telephone line (Transparency International), with subsidies coming from the Ministry of the Interior.

There are two basic problems involved in public-budget funding: state subsidies are dependent on political pressures, and there is a risk of conflicts of interests.

Although it may seem that the organizations' own activities (earned income) can help them become more independent, numerous risks are involved. For one thing, where organizations can provide services to the commercial or state sector, there is usually a risk of conflict of interests. In conducting anti-corruption audits or training workshops, watchdog organizations might have to face a dilemma, for instance when they identify a company or institution involved in corruption which they previously audited or trained against corruption.

Apart from conflicts of interests, the organizations suffer from their potential clients' financial limits. In general law services, commercial counselling is normally out of the question simply because the potential clients cannot afford to pay. Environmental law allows more opportunities although the institutions that may use the service in the public interest and on a commercial basis (e.g. local governments in administrative proceedings) are not ready and willing to pay fees that would make the commercial service profitable.

Financial reports presented by the organizations often fail to distinguish between independent commercial activities and private (individual) or corporate donors; in general, though, the share of donations in the total income is normally a few percent. The Environmental Law Service is an exception with up to 10 percent. In effect, organizations that by definition deal with systemic issues or issues of neglected people find it very difficult to build a group of regular supporters (those who were lucky in the past include Greenpeace or the Hnutí Duha movement). Most organizations will agree that environmental issues have the highest potential appeal to private donors. The reasons are obvious: these issues are more "visible", and the affairs might affect anyone in any situation. Unlike the "neverending" work in legal aid to people suffering from poverty or discrimination, environmental affairs are easily identifiable, and have clear impacts and conclusions (for example, a case, involving the car manufacturer Hyundai, addressed by the Environmental Law Service).

Nevertheless, further development in this type of funding may well be an opportunity to expand watchdog organizations' revenues without conflicts of interests or other obstacles typical of other sources of funding.

There are three clear issues involved in the funding of watchdog and advocacy organizations:

- potential trouble and uncertainty related to the conflict of interests
- some sources of funding are at risk
- there is a weak link to the society at large which could support these organizations through private giving.

These two major threats – and one opportunity – refer to the possibilities and limits that have to be born in mind in any future initiatives towards developed funding that would allow watchdog organizations to go on. The overlapping of the first two issues – the need to seek new financial sources at a time of potential clashes of interests from several sides – suggests that there is a link between the funding and the mission of watchdog organizations. In other words, not all activities can be funded from any type of source, and organizations are limited by their missions in where they look for potential funds.

There are several reasons why Czech watchdog organizations like to pursue international cooperation and to join international networks. For one thing, some issues are international: for instance, anti-discrimination legislation relates to entire Europe, and global warming or corporate social responsibility are worldwide topics. Another reason is membership in international organizations such as the Federation Internationale des droits de l'Homme (FIDH), the Transparency International Headquarters, the Justice and Environment and the European Coalition for Corporate Justice. Thirdly, the Czech Republic is becoming a country that can pass its experience to countries where the transition to democracy is still under way. Fourthly, the funding conditions: grants from the European Commission Directorates-General are designed to support organizations with Europe-wide missions. Such trends

expand the scope and impact of activities, although at the same time they divert the organizations from specific cases and domestic issues: international projects tend to be focused on publishing and expertise-sharing rather than on long-term involvement and solutions of specific cases.

5. Conclusions and Recommendations¹⁴⁸

There are three main alternative funding sources for HRAW NGOs plus the „zero“ alternative which is the current situation and funding:

1. Development of corporate giving – i.e. formation of „watchdog fund“ which would be funded primarily from the corporate sources
2. Lobbying for establishment of public fund that would allow stable support of watchdog NGOs
3. Activities oriented towards the general public aimed for strengthening of individual contributions and through developing a broad base of supporters to strengthen the role and position of watchdogs within the civic sector.

None of them is the only „right“ one. The idea is to draw attention to strength and weaknesses of each of these three alternatives and to the risks that accompany them. These alternatives are not excluding each other, but are complementary. Implementation of any of them, however, would require significantly different strategies.

The basic criteria have to meet conditions of advocacy and watchdog activities – i.e. their relative independence and disconnection between the funding source and the activity which is supported by this source.

- Non-corrupt nature of the funding source (the funding has to be „clean“)
- Transparency: it must be clear where the funding comes from
- CSR – there shall be no „greenwashing“ or „human-rights washing“. The CSR definition and the boundaries of acceptable use of donor publicity by corporations is unclear. The uncertainty opens a possibility of tensions and disagreement between donors and recipients and among recipients themselves.

The specific criteria include:

- HRAWs need to agree on rules on receiving and distributing funding from these sources, in case they will be a result of a joint initiative
- HRAWs shall be in agreement about the general concept of such initiative (what, how, why)
- HRAWs shall be in agreement with principles and standards (definition of CSR, etc.)
- Inclusiveness: In case of joint activity it has to be ensured that disagreements will not lead towards exclusion from cooperation to from the access to funding.

Zero Alternative: Development of Current Funding Sources

The current funding – zero alternative – is based on the idea that the current sources of funding can help the situation. In comparison to other alternatives, the zero alternative is the least complicated and with most chances for success.

¹⁴⁸ 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

The problem of this alternative is that it will not address the most pressing issues such as monitoring of public policies or lobbying activities will not secure long-term funding which is critical to them. The main argument why the zero alternative is not a viable one is that the problems will not be solved by themselves. Another important factor is that most of the other alternatives have not been experimented with.

Alternative 1: Corporate Watchdog Fund

The basic concept of the „corporate watchdog fund“ has been recently developed by Pavel Franc from EPS¹⁴⁹. The concept is based on an initiative towards selected corporations to join a „club of enlightened philanthropists“ that would operate with high reputation and would also provide a forum for evaluating the level of social responsibility of corporate members. One of the challenges of this approach is that the requirements that are put on the nature of funds that are to be used for funding of HRAWs are too strict which may limit the available donors to participate in such funding scheme. The scheme would exclude several industries, and application of human rights, environmental and fair-job conditions criteria would narrow possible options to minimum.

Alternative 2: Public Support of HRAW NGOs

There are two levels: European and domestic. On the domestic level, there are two options: a) existing sources of funding and b) establishing a new source of funding. Another option is the establishing of the tax assignation. The main public funding for watchdog activity currently comes from the Ministry of Interior program „Corruption Prevention“ and „Fight Against Corruption – Operation of Anti-Corruption Hot-Line 199“. Funds from these programs are used by Oziveni NGO and Transparency International – Czech Republic. Is possible to assume that these programs will continue in future. However, it would be desirable if the government would commit itself to continue fund these programs in future budgetary cycles as well. Also, it is important the the issue of anti-corruption will become a public theme, a matter of public, or at least parliamentary discourse.

Another option is to use the typical „ritual“ in the parliament when it decides on the public budget proposal, when various lobby groups push deputies to propose new initiatives and item-lines. Similarly an idea of the „watchdog fund“ could be promoted and possibly pushed through the budgetary cycle in the parliament. However, the lobby pressures on deputies could be in contradiction to the overall idea of the watchdog activities. Also, by strengthening the role of the government in funding of the watchdog NGOs will increase the chances of conflict of interests between NGOs and the government (in case when the watchdog fund would be funded by the Ministry of Interior). NGOs may then self-censor their work in order not to loose the funding support. Similarly to anti-corruption programs, other programs can be designed (for protection of privacy, for protection of rights violated by state organs, etc.). Similar system operates on the level of European Commission which provides thematic and institutional grants that are earmarked for organizations operating on the EU level and are quite limited. But that is also one of the main arguments – it should be the interest of the Czech government to support NGOs in improving the functioning of the public administration and not the interest of the EU.

Another option in the public funding is the pressure towards the European institutions to create a fund for support of watchdog activities in order to improve the quality of performance of public administration. Such initiative would be real in areas in which the Commission has strong competencies that also match the preferences of individual states or in which the Commission or the Parliament have an interest and motivation to act and increase their influence. More successful might be initiatives targeted to particular

¹⁴⁹ GARDE Background material for Open Society Fund Prague

sectors that can influence concrete institutions and operate as coalitions towards for example protection of human rights, environment, etc.).

Final option from the public funding is the tax assignation. The mechanism brings into the system new funds and strengthens the contact between the citizens and NGOs. On other hand the mechanism does not change the distributive logic of giving which means that NGOs that deal with more attractive themes also attract more donors. These inequalities are strengthened by this mechanism.

Alternative 3: Cooperation with the Public.

This alternative is based in the developmnet of relationship with the public. The success of such approach requires the use of several strategies – including the cooperation with media and fundraising of small contributions from individuals – all in a longer-term horizon.

Practically, this would mean to expand the circle of supporters that would help the particular NGO to cover some of its costs for activities, that are not possible to be funded from elsewhere. The inspiration comes from NGOs that in recent years were active in different areas (development aid, environment) but became quite effective (Greenpeace, Movement Rainbow, People in Peril). Similarly, as these issues, also new issues could be coined into public campaigns – corruption, public administration, discrimination, lack of access to legal aid, etc.) – issues that put people into danger. The secondary goal would be to persuade the public that a) NGOs that defend public interest are not annoying elements that hinder the public interest and b) activities in these areas can bring results and has a broader meaning (fight against passive attitude, non-participation and apatia).

III.2.3 Estonia

1. Human Rights, Accountability and Watchdog Context

According to the various reports of international organizations (Amnesty International, U.S.State Department, Human Rights Watch, European Agency for Fundamental Rights, and some others.) monitoring human rights, there are no reports about significant or systematic abuse of human rights in Estonia, however in some areas problems were reported.

One issue on which there are different views of the international community is the issue of ethnic Russians that and their linguistic discrimination on labor market and education.

“There were also allegations that police used excessive force during the arrest of suspects; authorities investigated and brought charges against alleged offenders. Some reports state that conditions in detention centers generally remained poor. Lengthy pretrial detention continued to be a problem. Domestic violence, inequality of women's salaries, child abuse, and trafficking of women were also reported.... The government continued to support an NGO-operated hotline that provided information on trafficking risks to persons interested in working abroad. The hotline received more than 600 calls during the year”¹⁵⁰.

The corruption remains an important issue. The Eurobarometre survey published in November 2009 said that 82% of respondents in Estonia found that corruption was a major problem in Estonia¹⁵¹.

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were usually cooperative and responsive to their views.

2. Key Human Rights, Accountability and Watchdog NGOs

There are several NGOs in Estonia whose mission is the protection of human rights or promotion of government accountability that address issues stated above:

- Estonian Human Rights Center (EHRC) is an independent public interest foundation dedicated to the advancement of protection of human rights in Estonia and abroad. During 2007-2009 the centre operated within the structure of International University Audentes (after merger Tallinn University of Technology). It raises awareness about human rights, advocates for and monitors and researches the situation in this field. It also provides scholarships and stipends for human rights activities. EHRC is a member of the [EU Fundamental Rights Platform](#), which is a network of NGO cooperation under the auspices of the [EU Fundamental Rights Agency](#). EHRC is supported by the Estonian Ministry of Culture, the Open Estonia Foundation and Tallinn Law School at Tallinn University of Technology¹⁵². It is a member of the Fundamental Rights Platform of FRA.

¹⁵⁰ Estonia 2009 Human Rights Report: Estonia, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, 2009 Country Reports on Human Rights Practices, March 11, 2010, US Department of State <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136029.htm>

¹⁵¹ <http://www.transparency.ee/cm/en/node/140>

¹⁵² www.humanrights.ee

- Estonian Institute for Human Rights (EIHR) initiated by Estonian President Lennart Meri – was founded on the 10th of December, Human Rights Day, 1992. The main functions of EIHR is monitoring the situation in the field of individual and collective human rights in Estonia, collecting and disseminating domestic and international information on human rights, providing information and expertise on human rights, their protection and implementation and providing legal aid in the field of human rights. The EIHR addresses the framework of promoting and protecting human rights in Estonia through documentation and publishing reports, teaching materials, compilations of lectures, translations and publications of Human Rights documents and international instruments. The EIHR also promotes educational programmes for young lawyers and law students through grants received from the Ministry of Foreign Affairs of Denmark, the Ministry of Foreign Affairs of Netherlands, and Swedish International Development¹⁵³.
- The Legal Information Center for Human Rights (LICHHR) was established in 1994 with the support of three Danish non-governmental organizations within the Democratisation programme of the Ministry of Foreign Affairs of Denmark (DANIDA) and with the assistance of the Presidential Round Table on National Minorities, the Representative Assembly of Non-Citizens of Estonia and Tallinn City Chancellery. The Center provides access to justice and protection of human rights through legal aid, it analyzes human rights and national minorities' rights situation, monitors Estonian legislation and makes efforts to contribute to the integration process and inter-ethnic dialogue in society. It also provides legal training in the sphere of human rights¹⁵⁴.
- Jaan Tõnnison Institute. The mission on the Jaan Tõnnison Institute is to promote forming and strengthening civil society in Estonia. Its core activities are in civic, multicultural and global education. It organizes deliberations in democracy in schools, trainings and workshops for Estonian and Russian students, and many other activities. The Institute cooperates with number of domestic and international partners from NGO, academia and government¹⁵⁵.
- Transparency International-Estonia is a non-profit association registered as a separate organisation at the beginning of 2007. TI-E was set up to highlight appearance of corruption in the public and private sector. The organization is also aimed at building a coalition of anti-corruption forces in Estonia. TI-Estonia (Korruptsioonivaba Eesti in Estonian) is the Estonian national chapter of Transparency International. From 2000 to 2007, TI-Estonia functioned as a unit of the Jaan Tõnnison Institute. At the beginning of 2007, it was registered as a separate NGO. TI Estonia's main fields of activity are analyzing the risks of corruption, pointing out and leading the attention of authorities to the problematic fields, developing proposals of legislative amendments and strengthening cooperation between the institutions and private persons concerned with the fight against corruption Funding for TI Estonia takes place through project financing. Its key donor is the Open Estonia Foundation¹⁵⁶.
- The Estonian Patient Advocacy Association (EPAA) is a non-profit NGO established in 1994, that's primary aim is to advocate for the human and civil rights of health and social care service users. Between 1994 – 2008 EPAA advocated for the rights of 19 550 clients, carried out education work about patients' rights for 20 500 different stakeholders, litigating test-cases about human rights, raising up number of systemic issues in different levels and influencing decision making in Estonian health and social care system to respect service users' choices.¹⁵⁷

¹⁵³ www.eihr.ee

¹⁵⁴ <http://www.lichr.ee/main/discrimination>

¹⁵⁵ www.jti.ee

¹⁵⁶ www.transparency.ee

¹⁵⁷ www.epey.ee

In the view of local observers, many advocacy and watchdog activities are also performed by other NGOs along with their other activities.

3. Situation of the HRAW NGOs and their Sustainability

Overall, the situation in the NGO sustainability in general, in Estonia shows signs of consolidation.¹⁵⁸ The situation of HRAW NGOs is given their profile and focus more difficult, however, it still draws on the conditions that are generally favorable for civic and NGO activities.

Indirect indices suggest that there are support activities taking place that focus on organizational development and support actions for NGOs, from which benefit also HRAWs. (for example funding and development programs mentioned below organized by local foundations or national NGO development programs that target not just project work, but internal development of NGOs).

While this practice of focusing on internal development and capacity building can be praised as such, the list of funding sources that report the HRAW NGOs on their websites suggest that much of their work is project work and the composition of their funds is primarily international (public and to some extent private) and secondly, public domestic. There is very little or almost none funding domestic private (with few exceptions – where the funding comes from the corporate sources, typically internationally owned).

There are also examples of organizations that draw their activity and energy from membership constituency – however – such as the Patients Advocacy NGO that follow specific interest. In other cases, the more traditional human rights NGOs ally with academic sector and international and European human rights networks that allow them to pursue their mission¹⁵⁹. This seems to be a practical and realistic strategy (in fact similar to HRAWs in other countries from the CEE) for the future as far their sustainability is concerned while maintaining their mission. However it is relatively stochastic and ad hoc and does not allow for a more focused and longer-term development.

Supportive in this sense is also the “Estonian Civil Society Development Concept” (EKAK) that was adopted by the Estonian Parliament on 12 December 2002, based on which specific tools were established (National Foundation for Civil Society) and specific Development Plans for the Civil Society that have a mandate to support NGOs. However, as some observers noted, unlike other compacts in other countries, there is no mention of civil society being involved in the review¹⁶⁰. Overall, the NGO-government relationship seems to be well structured and supportive, thanks to the progressive attitude of the Estonian government.

4. Overall funding situation and specifically for HRAW NGOs.

The funding situation of NGOs in Estonia is considered by the 2009 USAID NGO Sustainability Index as consolidated. The Sustainability Index reports that:

“The NGOs hit hardest by the economic crisis were those who received funding primarily from

¹⁵⁸ USAID NGO Sustainability Index, 2008,

http://www.usaid.gov/locations/europe_eurasia/dem_gov/ngoindex/2008/estonia.pdf

¹⁵⁹ Networks of the Fundamental Rights Agency - ENAR, RAXEN, Fundamental Rights Platform, CIVITAS International, CCN (Consumer Citizenship Network), DARE (Democracy and Human Rights in Europe), European Civic Forum, NECE (Networking European Citizenship Education), Politeia (European Network for Citizenship and Democracy), Transparency International, etc.

¹⁶⁰ A EUROPEAN FRAMEWORK AGREEMENT WITH CIVIL SOCIETY FOR A LESS DISTANT EUROPEAN UNION? A comparison of national compacts. European Citizen Action Service and Open Estonia Foundation, January 2009

the public sector or from the businesses. The distribution from the gambling tax, one of the major sources of funding for Estonian NGOs decreased more than 30 percent. NGOs that received their income from sources like EU funds, membership fees and individual donations did not feel the decline as strongly.... Estonians's willingness to volunteer, engage in charitable activities and participate in public life has been growing during the economic crisis.

In 2008 Sustainability Index, the report mentioned that:

The amount of private donations went up in the last few years. In 2007, around 280 million EEK (\$22.5 million) in donations was reported to the Tax and Customs Board. A growing number of NGOs, mostly in the fields of health and child welfare, run regular campaigns for donations by encouraging people to call or text to charitable phone numbers. Swedbank opened its donation portal where people can easily make online donations to NGOs who have been previously approved by a selection committee of bank and NGO representatives.

...

The worsening economic situation has already hit organizations that depend on donations from businesses. Some NGOs who earn income from selling goods or services have indicated a decline in demand. On the other hand, the demand for some social services such as unemployment assistance has increased, although people's ability to pay for services, and outside funding, have decreased. Cuts have already been made in public budgets, both on national and local levels"

Within this, the HRAW NGOs do face difficulties to raise domestic private funding. They rely on funding from traditional sources such as Open Estonia Foundation or from international organizations, most notably of European origin (European Agency for Fundamental Rights, DG Justice), but also from a variety of international partners (both public and private) from Europe and USA. Some report local corporate funding. However, the information gained through direct interviews has not provided much insight into this aspect.

5. International Sources of Funding for HRAWs

Below are stated major existing international sources of funding of Estonian HRAWs. It should be noted, however, that most of these funding sources mentioned below are not operated as open grant calls or competitions, but a specific, targeted programs that cooperate with in-country NGOs and provided them financial support for specific projects that are aligned with their strategies or represent elements of larger programs or initiatives. The list is not exhaustive, but only indicative.

- European Network Against Racism (ENAR) is an EU-wide network of more than 600 organisations working to combat racism in all the EU member states and acts as the voice of the anti-racist movement in Europe. ENAR is determined to fight racism, racial discrimination, xenophobia and related intolerance, to promote equality of treatment between European Union citizens and third country nationals, and to link local/regional/national initiatives with European Union initiatives. ENAR lists all relevant calls for proposals issued by the European Commission relevant to anti-racism and anti-discrimination work which allow civil society to apply for EU funding for specific projects¹⁶¹.

¹⁶¹ <http://www.enar-eu.org/>

- The Fundamental Rights Agency (FRA) collects data on fundamental rights, conducts research and analysis, provides independent advice to policy-makers, networks with human rights stakeholders, and develops communication activities to disseminate the results of its work and to raise awareness of fundamental rights. Opened on 1 March 2007, the European Union Agency for Fundamental Rights (FRA) is a body of the European Union (EU) based in Vienna. It provides the relevant institutions and authorities of the Community and its Member States when implementing Community law with assistance and expertise relating to fundamental rights in order to support them when they take measures or formulate courses of action within their respective spheres of competence to fully respect fundamental rights. The Agency focuses on the situation of fundamental rights in the EU and its 27 Member States. Candidate Countries and countries which have concluded a stabilisation and association agreement with the EU can be invited to participate following a special procedure¹⁶².
- Directorate General for Justice, Home and Security¹⁶³ of the European Commission provides funding to support each of three key objectives by a Framework programme. The three framework programmes are: 1) Security and safeguarding Liberties 2) Fundamental rights and Justice 3) Solidarity and Management of Migration Flows. In each of these programmes calls for proposals are announced.
- European Program for Integration and Migration¹⁶⁴

EPIM is the European Programme for Integration and Migration, initiated in 2005 by a group of foundations from different European countries. EPIM is an initiative of [NEF](#), the Network of European Foundations, and a collaborative effort between 12 European foundations: [Atlantic Philanthropies](#) (Ireland), [Barrow-Cadbury Trust](#) (UK), [Compagnia di San Paolo](#) (Italy), [European Cultural Foundation](#) (Netherlands), [Freudenberg Stiftung](#) (Germany), [Fondation Bernheim](#) (Belgium), [Fundação Calouste Gulbenkian](#) (Portugal), [Joseph Rowntree Charitable Trust](#) (UK), [King Baudouin Foundation](#) (Chairing foundation - Belgium), [Oak Foundation](#) (UK), [Robert Bosch Stiftung](#) (Germany), [Diana Princess of Wales Memorial Fund](#) (UK). It aims to strengthen the role played by NGOs active on migration and integration issues in advocating for a European agenda that benefits migrants and host communities. Following the successful first phase of the programme, and building on the lessons learnt, the second phase of EPIM has been launched. This second phase takes a broader perspective and runs from 2008 until 2011. Grants have been made available for short and longer projects (up to 3 years).

- Other sources of funding that Estonian HRAWs have used include:

King Baudouin Foundation (Belgium)

The Hansard Society for Parliamentary Democracy (Great Britain)

Netherlands Helsinki Committee (Netherlands)

Dutch Foreign Ministry

Foundation on Inter-Ethnic Relations (Netherlands)

Constitutional and Legal Policy Institute (Hungary)

Center for Civic Education (USA)

International Foundation for Election Systems

National Endowment for Democracy

¹⁶² www.fra.europa.eu

¹⁶³ http://ec.europa.eu/justice_home/funding/intro/funding_intro_en.htm

¹⁶⁴ <http://www.epim.info/>

6. Domestic funding sources for NGOs

On the national base NGOs are eligible applicants for various resources. In the elaboration process of the Estonian Civil Society Concept the following funding instruments of Estonian NGOs were included:

The National Foundation for Civil Society (NFCS). It has been established according to the decision of Estonian government in December 20, 2007 as an independent legal entity governed by a private law – a foundation with a goal to help building the capacity of Estonian non-profit organizations to develop civil society and shape an environment that fosters civic action. NFCS was registered February 18, 2008¹⁶⁵. Its strategy¹⁶⁶ is based on three lines: 1) to strengthen NGOs to be able to cooperate and execute social change, 2) to support innovative ideas and knowledge of civil society and 3) to develop and advocate for the civil society through research, analysis and campaigns and support to national advocacy and umbrella NGOs. To meet these strategies it organizes grant-making programs around the first two areas and the third area is an operational activity of the foundation. Grants range between \$10,000 – \$20,000 and may last up to 2 years. The awarded grants so far address issues of NGO cooperation, volunteerism, community activism and many other issues. The human rights and accountability of government issues are supported as well, but only in a very small numbers, which may reflect a low number of applications in these areas as well.

Besides these three program areas the Foundation initiated in December 2009 the Endowment-Support Fund – NGOs Against Corruption. Through this Fund the Foundation wants to create an opportunity for other donors (various legal and physical entities) to support anti-corruption activities of NGOs facilitated by grants from the Foundation.

The government oversight over the Foundation is conducted by the Ministry of Interior. The Foundation is governed by a Supervisory Board which has a 50/50 parity between state and NGO representatives that are recommended by NGOs and the Joint Committee for Civil Society Development Concept. It is financed by the state budget. For 2008 – 2011 the state allocates 20 million EEK annually (\$1.6 million). While the Foundation is a certainly a progressive public funding instrument, it is a result of political consensus and there are risks related to its future as well.

Another source of NGO funding that is concerned with the organizational sustainability and capacity development of NGOs and the environment for civil society is the Norway/EEA Financial Mechanism's NGO Fund which distributed the first grants from its budget of 36.5 million EEK (\$2.9 million) for three years. Similarly, the NGO Fund of the Swiss Cooperation Programme (at the moment in the formation process with plans to support the activities of NGOs located in less favorable regions) with the financial capacity of 23,7 mil. Estonian kroons. (\$1,6 mil.).

Regional development programmes¹⁶⁷:

- Programme for Local Initiative, 24 million Estonian kroons in 2007
- Programme for Small Projects for Developing Regional Competitiveness
- Programme for Planning Regional Development
- Development Programme of Setomaa
- Cultural Space Programme of Kihnu

¹⁶⁵ <http://kysk.ee/?s=21>

¹⁶⁶ <http://kysk.ee/?s=23>

¹⁶⁷ Regional Development Programmes, <http://www.siseministeerium.ee/9670>

- Water Programme of Võrumaa for Scattered Infrastructure

Gambling Tax Board¹⁶⁸. Three Ministries allocate grants to support small projects. Programme for Local Investments is also financed by gambling tax.

An excellent example is Youth Work Act¹⁶⁹, enacting that the Ministry of Education and Research supports the activities of youth associations and allocates annual grants thereto. The Act defines a youth association, sets the framework of general rules for allocating grants (entry of a youth association in the Register of Youth Associations of the Ministry of Education and Research is the basis for awarding an annual grant) and authorizes the Ministry of Education and Research to elaborate specific regulations.¹⁷⁰

Cultural Endowment of Estonia and its structures in different counties.¹⁷¹

Environmental Investment Centre¹⁷²

Integration Foundation¹⁷³

Rural Development Foundation¹⁷⁴

Estonian National Culture Foundation¹⁷⁵

In order to consult the NGOs active in rural areas, organise trainings and distribute information, NGO consultants are employed by County Development Centres¹⁷⁶. NGOs also have some possibilities to use the county development funds.¹⁷⁷

The projects of developing and strengthening NGOs are also supported by foundations established by individuals and private legal entities, including the Foundation Dharma¹⁷⁸ “Stars to Shine” programme of Hansapank etc.

Funding possibilities of local governments increase year by year. Many local governments have included in their budget the support of NGOs and elaborated an according procedure.

Estonian NGOs have also access to the European Union Structural Funds. During the elaboration of the Civil Society Concept, the planning of grants for the period 2007-2013 took place. NGO representatives participated in the respective committees. In most of the measures NGOs are planned to be eligible grant applicants. A large part of the EU financial aid is allocated through various measures to foster regional and local development. The measure for renewing villages planned into the framework of Rural Life Development Programme and the LEADER Programme and covering most of the Estonian rural local governments are worth special mentioning.

In Estonia various HRAW NGOs use also funding from following public institutions:

Ministry of Education and Research

Tallin City Government

University of Tallinn

¹⁶⁸ Gambling Tax Board, <http://hmn.riik.ee/?id=1086>

¹⁶⁹ Youth Work Act, <https://www.riigiteataja.ee/ert/act.jsp?id=12851236>

¹⁷⁰ Conditions and Procedure for Applying and Allocating Annual Grant to Youth Associations. Regulation No. 14 of the Minister of Education and Research of 1 March 2004, <https://www.riigiteataja.ee/ert/act.jsp?id=714478>

¹⁷¹ Cultural Endowment of Estonia, <http://veeb.kulka.ee>

¹⁷² Environmental Investment Centre, <http://www.kik.ee/?op=body&id=3>

¹⁷³ Integration Foundation, <http://www.meis.ee/est/konkursid/index.php?show=konkursid>

¹⁷⁴ Rural Development Foundation, <http://www.mes.ee>

¹⁷⁵ Estonian National Culture Foundation, <http://www.erkf.ee/index.php?nid=8>

¹⁷⁶ County Development Centres, <http://www.eas.ee/?id=306>

¹⁷⁷ County Development Funds, <http://www.eas.ee/?id=710>

¹⁷⁸ Foundation Dharma, <http://www.dharma.ee/index.php?m1=81&lang=2>

Eurocollege, University of Tartu
Citizenship and Migration Board
Ministry of Economic Affairs and Communications
Consumer Protection Board
Non-estonians Integration Foundation
BDA Estonia
Tallinn Education Department
DELFI

III.2.4 Hungary

1. Human Rights, Accountability and Watchdog Context

Human rights situation in Hungary worsened in several last years, especially in the area of anti-Roma extremist violence and harsh rhetoric against ethnic and religious minority groups. Extremists increasingly targeted Roma, resulting in the deaths of nine Roma and multiple injuries to others in last two years¹⁷⁹. Discrimination against Roma in education, housing, employment, and access to social services continued.

Other human rights problems reported included:

- Police use of excessive force against suspects, particularly Roma;
- Government corruption;
- Societal violence against women and children;
- Sexual harassment of women and trafficking in persons¹⁸⁰.

Lesbian, gay, bisexual and transgender people continued to experience intolerance from violent groups. There was a rise in support for the Magyar Gárda (Hungarian Guard), a radical right-wing organization, which is primarily anti-Roma and has demonstrated against what they describe as “Roma criminality”. In December, the Municipal Court of Budapest ruled that this group should be disbanded as it “means to create a climate of fear, while its activities – the marching of its members in Roma-populated settlements and the speeches of its leaders – constitute a breach of the rights of other citizens”.¹⁸¹

There were some attempts by civil society to counter the worrying rise in right-wing radicalism and the Guard’s popularity. Some of these efforts, like Tarka Magyar (Colorful Hungary)—an ad hoc coalition of dozens of diverse NGOs and associations that organized a protest march against racism and discrimination in October 2009 and in March 2010 —were genuine grassroots initiatives, while others, like the Demokratikus Charta (Democratic Charter), were projects closely associated with the government and viewed by many as inauthentic and politically partisan.¹⁸²

One of the problems in Hungary, similarly as in other countries of the region is corruption. While the phenomenon of corruption in Hungary is frequently discussed in media and political debates, it is not as pervasive as in Romania or Bulgaria, that are the regional „leaders“ spread of corruption. This is indicated also by the ranking of Hungary in the TI CPI index in which Hungary is doing best of the Visegrad countries (but still lagging behind Estonia and Slovenia)¹⁸³. Nevertheless, corruption remains an important media topic, political issue, pre-election topic and everyday experience. Besides small-

¹⁷⁹ For example, on February 23, 2009 extremists shot dead a 27-year-old Roma and his 5 year old son as they ran from their burning home in Eastern Hungary. The family tried to escape from their house which was set on fire. Csorba’s wife and two children suffered from severe burns. In August of the same year a Romani women was shot dead in the village Kisléta in Eastern Hungary.

¹⁸⁰ 2009 Human Rights Report: Hungary (US Dpt. of State, Bureau of Democracy, Human Rights and Labor)

¹⁸¹ Amnesty International Report 2009: State of the World’s Human Rights

¹⁸² Nations in Transit 2009 (Freedom House)

¹⁸³ http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table

scale corruption, there are cases of large-scale white-collar corruption that are known, but have not been prosecuted. The courts have recently taken some smaller cases and rulings were made¹⁸⁴.

The global financial crisis has severely affected Hungary, which, in combination with its fiscal policies of last decade, ended at the risk of collapse of public finance and assistance from the IMF was needed in 2009. The new government of Viktor Orbán that takes office in June 2010 will face a major challenge of stabilizing the public funding and taking down the public debt that is at 80% of the country's GDP.

2. Key Human Rights, Accountability and Watchdog NGOs

Hungary, especially Budapest has been a seat of several international human rights organizations related to Soros Network or some other foreign networks or actors that were active in the CEE region, not only in Hungary (USAID, Freedom House). Some of them are listed also here among other NGOs that focus specifically on Hungary. There are several HRAW NGOs that are institutionally developed and structured, but their number has been decreasing in last ten years, as the foreign funding, which they used, has decreased as well. Some of the most active today are listed below.

- The Hungarian Civil Liberties Union (HCLU / TASZ) is a non-profit human rights watchdog NGO established in Budapest, Hungary in 1994. HCLU is a law reform and legal defence public interest NGO in Hungary, working independently of political parties, the state or any of its institutions. HCLU's aim is to promote the case of fundamental rights and principles laid down by the Constitution of the Republic of Hungary and by international conventions. Generally it has the goal of building and strengthening the civil society and rule of law in Hungary and the CEE region. HCLU gets financial resources mostly from foundations, but the share of its income that is generated from members and sympathizers as well as individual donors increases.¹⁸⁵
- The European Roma Rights Centre (ERRC) is an international public interest law organisation engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma. The approach of the ERRC involves, in particular, strategic litigation, international advocacy, research and policy development, and human rights training of Romani activists. Since its establishment in 1996, the ERRC has endeavoured to give Roma the tools necessary to combat discrimination and win equal access to government, education, employment, health care, housing and public services. The ERRC works to combat prejudice and discrimination against Roma, and to promote genuine equality of treatment and equality of respect.¹⁸⁶
- Transparency International (TI), Hungary. In order to remedy the situation regarding the corruption in Hungary a volunteer work group was set up, becoming Transparency International's official contact partner in Hungary in August 2006. Their goal is to contribute to mitigating corruption, promoting transparency and accountability in the public sphere of decision-making processes as well as allocation of public funds, moreover to improving accessibility of public interest information.¹⁸⁷
- Hungarian Helsinki Committee (HHC) is an association founded in 1989. The Hungarian Helsinki Committee monitors the enforcement in Hungary of human rights enshrined in international human rights instruments, provides legal defence to victims of human rights

¹⁸⁴ Mr. Zuschlag, a former parliamentarian of socialist party MSZP, and more than a dozen associates were accused of creating fictitious non-governmental organizations in the mid-90s to embezzle subsidies totaling 75 million forints (\$356,800). The amount was used to finance political campaigns and party events, and part of it was spent privately. He was sentenced for 8,5 years by a court, in a quite harsh ruling in March 2010. Source: The Wall Street Journal, April 6, 2010.

¹⁸⁵ <http://tasz.hu/en>

¹⁸⁶ <http://www.errc.org>

¹⁸⁷ <http://www.transparency.hu/en>

abuses by state authorities and informs the public about rights violations. The HHC strives to ensure that domestic legislation guarantee the consistent implementation of human rights norms. The HHC promotes legal education and training in fields relevant to its activities, both in Hungary and abroad. The HHC's main areas of activities are centred on protecting the rights of asylum seekers and foreigners in need of international protection, as well as monitoring the human rights performance of law enforcement agencies and the judicial system. It particularly focuses on the conditions of detention and the effective enforcement of the right to defence and equality before the law.¹⁸⁸

- The Public Interest Law Institute (PILI) is an international NGO that advances human rights around the world by stimulating public interest advocacy and developing the institutions necessary to sustain it. Public interest law encompasses activities such as campaigning, strategic litigation, legal aid, clinical legal education, legal literacy and other public education programs. PILI's approach is to develop and support the diverse array of organizations, programs and individuals involved in these activities and united by a common sense of mission: strengthening the use of law as an instrument for achieving social justice. In doing so, public interest law activities apply principles of human rights, democracy, open society and the rule of law.¹⁸⁹
- Legal Defense Bureau for National and Ethnic Minorities (NEKI). The Másság (Otherness) Foundation was established in 1993 with the purpose to operate the Legal Defense Bureau for National and Ethnic Minorities (NEKI). NEKI's legal activities include strategic litigation and free of charge legal aid service. A case is considered a strategic one if it could be capable of developing anti-discrimination law or legal practice. Besides legal representation in concrete cases, NEKI deems it extremely important to contribute to the social dialogue on discrimination issues. It is in day-to-day correspondence with representatives of the press thus promoting such dialogue, informing the public and forming the attitude of the society towards a more positive direction.¹⁹⁰
- The Hungarian Center for Human Rights Defenders. (Magyar Emberi Jogvédő Központ Alapítvány)¹⁹¹ is a legal defense organization that provides legal help and social work, harm reduction and other kinds of assistance for people who need representation or assistance such as asylum seekers, migrants or otherwise disadvantaged groups.
- There is also a number of civic initiatives and NGOs that organize public protests to oppose the far right extremism and neo-nazi movements, such as Magyar Antirasszista Alapítvány¹⁹², Hungarians Against the Nazis, Solidarity Against Violence, Democratic Network, Green Left, the Civilians Against the Extreme Right, Left-Wing Feminist Network and others.

There are also several think-tanks that engage in public policy debates and shadow the government and challenge its policies.

- Demos Hungary Foundation is an independent foundation established by private individuals. As a think-tank it undertakes research projects based on proposals submitted by outside parties, and also on its own initiative. The results of DEMOS research projects are generally available to the public. In addition to conducting research and analyses, the Foundation also organises conferences in order to promote such subject areas to the public. The goal of the DEMOS

¹⁸⁸ <http://helsinki.hu>

¹⁸⁹ <http://www.pili.org>

¹⁹⁰ <http://www.neki.hu>

¹⁹¹ <http://www.mejok.hu>

¹⁹² <http://www.maraalapitvany.hu/>

Hungary Foundation is to act as a bridge between academia and political decision-makers, developing new policy solutions that meet the social, economic and political requirements of our age. DEMOS is committed to revitalising public thinking and policy decision-making through its exploration of new issues, fresh ideas and policy recommendations which also lend themselves to practical implementation. Thereby it helps to create structures and institutions that are capable of responding to the challenges posed by a continuously changing world.¹⁹³

- The Századvég Foundation is an independent think-tank organization, whose primary aim is to articulate and forward the issues and processes concerning Hungarian society and public interests, and to publish a clearly written and objective analysis of these processes. The history of the Foundation goes back to the time of the regime change in Hungary. Over the last 15 years it has become an intellectual workshop where research, education, and publication are done simultaneously. It has also become an institute that has been the first to undertake the conscious role of a think-tank. Due to its unique character and activities, it has become a respected participant in Hungarian public life. The organization's mission is to help Hungarian public life to become professional, which involves conducting social science research and surveys, providing quality political science and civil society education, and preparing and releasing long-needed professional publications.¹⁹⁴

3. Situation of the HRAW NGOs and their Sustainability

USAID in its 2008 analysis describes the Hungarian NGOs as facing the crisis in a weakened condition, after several years of financial difficulties. Income from all sources is decreasing and many key NGOs are near bankruptcy (this is specifically related to their EU funding which is complicated by demanding financial management rules).

*„Accountability and transparency are decreasing, and innovation is stifled. Due to the financial crisis, the government has been increasing bureaucratic requirements in order to create ways to reject funding for NGO projects and reduce the budget. While this is not a new issue, the financial crisis has worsened the situation. Government requirements placed on NGOs are sometimes harsher than the average EU requirements. On the positive side, NGOs have started to stand up to rising political extremist movements, although so far with little success“.*¹⁹⁵

The impression from the Hungarian NGO sector is that the it is quite rich and structured with many different processes going on. There is a strong knowledge base developed on the position of the non-profit sector in the society and economy, which is backed up by comprehensive statistical surveys and data tracking. However, the levels of cooperation within the sector are very uneven – there are examples of large scale organizing (anti-racists meetings) but there is also very few signs of internal organization of the NGO sector.

*„Although individual NGOs have some success in advocacy efforts, the sector as a whole continues to be weak in representing its interests. NGOs lack the funds to conduct a serious campaign and are more focused on the survival of their individual organizations than the survival of the whole sector“.*¹⁹⁶

¹⁹³ <http://www.demos.hu>

¹⁹⁴ <http://www.szazadveg.hu/en>

¹⁹⁵ USAID 2008 NGO Sustainability Index

¹⁹⁶ 2008 NGO Sustainability Index (USAID)

Another specific feature of Hungarian NGO sector is its relative large dependency on public funding, which originated since late nineties, when the Hungarian government had taken an active role and strategy towards the support of NGO sector. (Some observers consider it as too active role). This was also reflected in the rise of public funding allocated for NGOs since 2000 that includes the non-normative support and funds provided through various calls for proposals¹⁹⁷. The human rights, accountability and watchdog NGOs were also eligible for the access to public funding. Research conducted in 2005 in Hungary by Scsaurszki – Sebestenyi brought evidence that watchdog, advocacy and policy NGOs received significant amount of public funds in 2003, similarly as was the average for the whole NGO sector¹⁹⁸. This situation since then might have changed, however, the significant public funding in Hungary for NGOs has been present until now and the perceptions from the field are that most of the existing HRAW NGOs are still primarily funded by public funding and international funding.¹⁹⁹

There are exceptions, such as for example TASZ – Hungarian Civil Liberties Union that from their beginning declared not to accept any public funding in order to maintain their independence. As the NGOs were more and more experienced with how public funding was provided to them and had experience with using these funds, also their discontent grew. Significant role in this played the EU funds, but critique has been also oriented towards the National Civic Fund. USAID reports mentions that „the Act on the National Civic Fund (NCF) has been revised, although the revisions do not address the fund’s basic conceptual flaws“²⁰⁰. Some observers say, that the governments’ (too) active approach to involve the civil society in the decision-making (for which it deserves to be praised) has to some extent paralyzed the authentic NGO responses and their dependency on public funding did not allow them to act effectively to improve the current system of public funding as NGOs did not want to bite the hand which feeds them.

The dependency of NGOs on public funding, according to one interpretation, meant also that there was a stagnation among NGOs who were interested in securing their limited but available resources and were not motivated in raising funding from the private sector or through other means. So NGOs maintained their status quo, for which the public funding was sufficient, however did not move any further in their resource generation and sustainability. This trend, together with the decrease of foreign funding, meant especially for watchdog, human rights or accountability NGOs a gradual decline of their profile and their shrinking as a specific sub-group of NGOs. On the organizational level, the HRAWs only slowly develop their relations with traditional media and rarely use new social media (facebook, internet fundraising, telemarketing, etc.) to strengthen their communication with public and save costs at the same time (for traditional advertising and marketing)²⁰¹.

At the same time, there is visible growth of grass-root groups and initiatives that can raise an issue and stay visible for a while, but cannot sustain their presence over certain period and develop stronger structures. For example the recent elections (and the relative success of the new party that drew its support also from the civic sector) as well as the anti-racist gatherings in 2009 and 2010 showed the ability of Hungarian NGOs and civic initiatives to organize themselves for a joint action.

Another specific feature of the Hungarian HRAW NGOs segment is that the political divide in the country between the nationalists-populists-conservatives and pro-western liberals and social democrats also influences the NGOs. The conflicts between these two groupings in last few years have emphasized the issue of rights defense in Hungary.

¹⁹⁷ This also includes the National Civic Fund as well as mechanism of 1% tax

¹⁹⁸ Sebestény I. – Scsaurszki T., Public Funding and Watchdog, Advocacy and Public Policy Think Tank Activities in Hungary, November 2005, [http://www.cpf.sk/files/File/full%20text%20ub%20en-partnerstva%20\(3\).pdf](http://www.cpf.sk/files/File/full%20text%20ub%20en-partnerstva%20(3).pdf)

¹⁹⁹ Interview with respondent from the HRAW NGO, March 17, 2010

²⁰⁰ 2008 NGO Sustainability Index (USAID)

²⁰¹ The exceptionally well in this regard is doing the TASZ, which embraced the social media and uses them to generate a lot of support.

„Most often one hears of NGOs not as shaping public policy but as representing victims of rights violations before courts or taking the government to court.“²⁰²

The strategic litigation and rights advocacy needs follow-up which needs capacities and resources and that is sometimes missing. This is a common problem of many HRAWs in the CEE, not just in Hungary.

Many HRAW NGOs were actively advocating for the defense of political and to some extent human rights – such as freedom of speech, freedom of gathering, rights to access to justice, etc. and others. There were active NGOs on both sides of the political divide that advocated for their freedoms and rights, but from very different perspectives – one from democratic one and the other from anti-democratic one. As one respondents characterized the situation:

„Some newly formed HR organizations related to the right-wing party often use the original legal defense, HR and watchdog toolkits for anti-democratic purposes“²⁰³

Because of that and of the rise of radical and conservative right in Hungary, the role of liberally oriented human rights NGOs will be rising in future, respondents said, and may even bring more support to them.

„The challenges will be how such support will be converted to resources“²⁰⁴.

4. The Funding Situation for HRAW NGOs

Respondents we talked to during the project, believe that HRAW NGOs in Hungary majority of funding still consists of sources that are of foreign origin – be it international foundations such as OSI or CEE Trust or European sources.

Domestic sources represent only a small part of their income, and even that is raised with a great effort and energy. Some HRAW NGOs have already started to develop their constituencies through on-line fundraising using their social networks and Internet based communication and developing relationships with individuals that possess larger assets. But many more still remain in their traditional fundraising from institutions or foundations.

Domestic funding for HRAW NGOs is limited, similarly as in other countries of the region. The situation has not improved over several last years, it rather deteriorated. New local sources for HRAWs were not mobilized, unlike as it was hoped for. Therefore many HRAW NGOs cannot imagine their future without government funding. This may even get worse in several years given the grim outlook of public finances in Hungary after the fiscal crisis in 2010 which may result in decreased domestic public funding for NGOs as such (as a part of expected public budget cuts).

The private giving culture develops very slowly. Most of private corporate or individual giving is oriented for the social and health causes or for causes that are popular in media. The human rights or watchdog activities are not among them. This applies also to the mechanism of 1% of income tax, which is allocated to recipients by individual taxpayers. The share of the human rights NGOs on the total funding available from the mechanism is perceived to be very small.

„ These issues (HRAW) unfortunately seem more sophisticated for ordinary Hungarian citizens, probably this is the reason why we are not on the top of the list. There are certain topics which

²⁰² Populist Politics and Liberal Democracy in Central and Eastern Europe (Grigorij Mesečnikov, IVO, Slovakia, 2008)

²⁰³ Interview with observer of HRAW situation on March 17, 2010

²⁰⁴ Interview with HRAW NGO Director on February 22, 2010

*are much more attractive for people. It is very hard to collect money from 1% for NGOs working with Roma or homeless people*²⁰⁵.

The potential for individual giving exists., but for HRAW NGOs develops slowly. An HRAW NGO that have experience with it report:

*„Increasingly we have Hungarian individuals who are donating to us: a few hundred people are donating something between 25 and 50 dollars a year and then we have a few people who are donating much more and then we have no more than five people who are donating between 20,000 and 30,000 USD a year. At the end of 2010 we would be happy if around 25% of our full budget would come from Hungarian individuals. It's increasing.*²⁰⁶”

The membership development is also one of the strategies that is efficiently used by some NGOs:

*„We have a system which is called supporting members system and we do get some funding from them. You know, you can become a supporting member even without paying but we encourage people to become paying supporting members. We don't have a specific amount so we accept a supporting member can pay 5,000 as well as 50,000 forints but what we encourage most are monthly donations so that every single month we would get some money from them.”*²⁰⁷

Corporate giving exists and grows. It is the view of NGOs we talked to, that it follows corporate purposes mostly. Restrictions for private giving have been introduced recently - the tax benefits were cut for donors and for the organizations, which received the donations. The donor had to pay VAT also after donations.

The National Civic Fund is considered as ineffective mechanism for support of HRAW NGOs. Due to its internal design problems that are criticized from within the NGO sector (lack of strategic directions, conflicts of interests as NGOs sit on its boards and at the same time act as recipients, lack of vision and leadership and egalitarian mentality – small amounts are divided to almost everybody)²⁰⁸.

On the level of domestic funding, a major source is EU Structural Funds. These funds have been primarily oriented to support NGOs in their service provision function and as such these funds were not directly relevant for HRAW NGOs, although NGOs could take advantage of them (for example the Societal Renewal Operational Program which is especially oriented for developing human resources, local communities). Within its framework there were several sub-programs and calls for proposals that were available for NGOs. The major disadvantage of EU SF for NGOs is their administrative complexity that makes a great burden on NGO recipients. Many NGOs have taken loans to advance funding for Structural Funds contracts and later on got into payback problems due to delays in payments. Often they took second mortgages on their property, and sometimes board and staff members even took out personal loans²⁰⁹.

Another important domestic source of funding, although originating outside of Hungary, is the Norwegian/EEA Financing Mechanism (as of 2010 also the Financial Mechanism of Swiss Confederation).

²⁰⁵ Interview with observer of HRAW situation on March 17, 2010

²⁰⁶ Interview with HRAW NGO Director, February 22, 2010

²⁰⁷ *ibid.*

²⁰⁸ Interview with HRAW NGO Director, February 22, 2010

²⁰⁹ USAID NGO Sustainability Report, Hungary, 2008

“Norwegian fund was a success story in Hungary in the meaning that the topics were relevant, the implementing organization received many proposals. The advocacy, legal defense and human rights issues were among the priorities and these kinds of organizations could apply for certain projects. The only problem is that it is only temporary support and only for projects so it obviously would not solve the long-term sustainability problems. The fund was a model type of program in the meaning that implementation, approach, the whole operation of the distribution was on-line and it was just very quick compared with EU structural funds distribution which is another scandal in each country I think.”²¹⁰

“The Swiss fund is in Hungary in the stage that they currently announced calls for proposals to select the implementing organization or organizations so after that we will see the priorities but I think it will also be relevant for these organizations.”²¹¹

A structural factor related to the funding situation of HRAWs in Hungary is the lack of domestic independent grantmaking foundations, which could provide seed money for new NGOs, bridge funding for NGOs grappling with cash-flow problems due to late payment by the state, and institutional support to advocacy and watchdog organizations. Although the Hungarian NGO sector is considered to be well-funded, the structure and nature of funding does not support the development of independent, issue-based NGOs.²¹²

From among the international sources of funding relevant for HRAWs the most used are the International grantmaking foundations (OSI, CEE Trust) that still fund important share of HRAWs activities in Hungary today. For example the Emergency fund from OSI provided recently support to NGOs that were influenced by the global financial crisis. The funds from European Commission are also available and are used by HRAWs to some extent. The administrative requirements and co-funding requirement (40%) still do mean that these funds remain for some HRAWs inaccessible.

²¹⁰ Interview with observer of HRAW situation on March 17, 2010

²¹¹ *ibid.*

²¹² USAID 2008 NGO Sustainability Index

III.2.5 Latvia

1. Human Rights, Accountability and Watchdog Issues

According to the US State Department human rights problems in Latvia in 2009 included:

- serious police abuse of detainees and arrestees;
- poor conditions at police detention facilities, and overcrowding in prisons;
- judicial corruption;
- violence against women and child abuse;
- trafficking in persons;
- abusive behavior targeting ethnic and racial minorities that involves hate speech on the Internet²¹³.

Additional Latvia-specific issues of a concern relate to the status of non-citizens including state-less persons., majority of whom were born in Latvia or had lived there for their lives. According to the Amnesty International report in 2009 about 400,000 people remained stateless, leaving them exposed to various forms of discrimination in participation in political processes, or in their rights to employment in civil service and private sector, or in their restricted abilities on property ownership. Also, Migrants and Roma were victims of discrimination and racially motivated attacks. Lesbian, gay, bisexual and transgender (LGBT) people faced discrimination²¹⁴.

Despite recent improvements in corruption perception according to Transparency International Corruption Perception Index 2009, Latvia still ranks low among other new EU member countries, equal to Slovakia and followed by Romania and Bulgaria²¹⁵.

2. Key Human Rights, Accountability and Watchdog NGOs

Some of the HRAW NGOs include:

- Latvian Center for Human Rights²¹⁶ (LCHR) was established in 1993 to promote human rights and tolerance in Latvia through monitoring, research, advocacy, legal assistance and training activities. LCHR main focus has been on human rights in closed institutions, and social integration, which includes all minority-related and tolerance issues, as they represent the most important problem areas of human rights in Latvia. LCHR staff lawyer provides free-of-charge legal assistance to individuals with human rights cases. LCHR publishes a Human Rights Report about the main developments and problems of the previous year in Latvia, which attracts significant media and public attention at the presentation event. The LCHR has been actively involved in advocacy for change, ranging from raising public awareness to specific policy or legislative change. The NGO funds its activities mostly from foreign sources from the

²¹³ <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136040.htm>

²¹⁴ <http://thereport.amnesty.org/en/regions/europe-central-asia/latvia>

²¹⁵ http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table

²¹⁶ <http://www.humanrights.org.lv>

EU environment and OSI network and foreign government sources (embassies, bilateral programs).

- Latvian Human Rights Committee²¹⁷ was founded in 1992 by a group of people co-operating since 1990. LHRC deals with social, economical and minority rights. It provides assistance to people that faced or face problems such as social security, dwelling issues, residence permits, receiving personal identification documents, acknowledging citizenship of Latvia. LHCR publishes reports on human rights in Latvia and its members have led legal cases before international human rights institutions. LHRC is a member of international human rights organizations FIDH²¹⁸, UNITED²¹⁹, ENAR²²⁰ and AEDH²²¹.
- Transparency International – Latvia (DELNA)²²²

TI Latvia - Delna was established in 1998 as a Latvian chapter of the global anti-corruption movement Transparency International. Its mission is to promote formation of a democratic society that is free of corruption in politics, business and mutual relations. TI Latvia maintains leading positions in the publicity index and is considered a trustworthy source of information TI Latvia demands accountability from public institutions and officials. It started a public debate about regulating political party financing, it got involved in preventing illegal construction in the dunes area of the Baltic Sea. TI Latvia covers issues of freedom of information, political party financing, business ethics, misuse of state administrative resources, prevention of illegal construction, territorial planning, conflicts of interest of public officials, state and municipal procurement and other public watchdog functions.
- Center for Public Policy – Providus²²³ was established at the end of 2002 by the Soros Foundation-Latvia and several individuals and has since developed as the leading think-tank in Latvia. PROVIDUS mission is to facilitate comprehensive policy change in areas important for Latvia's development. It also provides expertise to other countries undergoing democratic transformation. PROVIDUS is both a source of expertise and an "agent of change" in good governance, including anti-corruption, criminal justice policy, tolerance and inclusive public policy, European policy. It also provides institutional home for the largest on-line policy resource in Latvia – politika.lv. PROVIDUS has 18 full and part-time employees. Its main sources of funding come mostly from foreign resources (OSI network, foundations and EU and foreign public sources).
- There are also other NGOs that deal with specific issues. For example, Apeirons²²⁴ is concerned with persons with physical disabilities; Marta²²⁵ focused on protecting women's rights, Zelda²²⁶ focused on persons with mental disability.
- The US State Department report on Human Rights mentions that none of these organizations closely aligned with the government or political parties²²⁷.

²¹⁷ <http://www.rakurs.lv/fidh1/?lang=en>

²¹⁸ International Federation of Human Rights, <http://www.fidh.org/-english->

²¹⁹ United for Intercultural Action, <http://www.unitedagainstracism.org/>

²²⁰ European Network Against Racism, <http://www.enar-eu.org/>

²²¹ European Association for the Defense of Human Rights, <http://www.aedh.eu/?lang=en>

²²² <http://www.delna.lv>

²²³ <http://www.providus.lv>

²²⁴ <http://www.apeirons.lv>

²²⁵ <http://www.marta.lv>

²²⁶ <http://www.zelda.org.lv>

²²⁷ <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136040.htm>

3. Situation of the HRAW NGOs and their Sustainability

USAID rates the Latvia in 2008 as a country where NGOs' sustainability is consolidated and the country gets similar ranking in number of indicators than Lithuania and follows Estonia which, based on these index rankings, is the Baltic leader.²²⁸

Freedom House in its 2009 report mentions that the NGO activity is *"in a state of flux because of the loss of financing by foreign donors and reorientation to self-sustainability. Government funding and especially seed money to access European Union (EU) funds have provided some relief Latvian NGOs face many problems besides financing. Organizational capacity is low. Most NGOs are small groups composed of about two dozen individuals who often lack basic training in financial, legal, administrative, and public relations skills. They greatly depend on part-time volunteers who do not have the time or energy to plan and focus on long-term strategies. Even those organizations with paid staff often find themselves tied to specific projects rather than having a continuous source of personnel financing. As one activist claimed, this "Russian roulette" financing militated against long-term planning.*²²⁹

The two key factors that seem to shape the sustainability situation of Latvian HRAW NGOs are the financial resources and human resources.

In terms of the public interest NGOs, in which HRAW NGOs shall be included, their financial situation has been worsening since the accession to the EU. The initial impetus and excitement after the entry has been confronted with the challenges in securing funding from EU sources and in competing with more developed NGOs from abroad. The capacity of the HRAW NGOs has not been sustained over time, retaining and developing permanent staff became very difficult.

"...the human resources, the ability to retain staff is very tied to the finance, it's something that cripples many NGOs" (Latvian NGO representative).

Similarly as in other countries, this has been partly saturated by orientation on project funding, which allowed these organizations to maintain some capacity, although, not allowing them for increasing their specialization, quality and expertise.²³⁰ . The funding problems were aggravated by the fiscal crisis in Latvia in 2008/2009.

Many of these NGOs are too much personality driven, which weakens their sustainability. The committed individuals (staff, volunteers, experts) are an important asset of HRAW NGOs in Latvia that keeps these organizations alive, and at the same time they contribute to risk that organizations will be fledgling once they leave their affiliation with the organization. This example is symptomatic to a situation in the broader region of CEE, where HRAW NGOs are able to shape and step into the policy discourses with significant impact, but that happens often with very inadequate organizational setting and support.

4. Overall funding situation in particular for HRAW NGOs²³¹.

The funding situation of NGOs in Lithuania is considered by the 2008 USAID NGO Sustainability Index

²²⁸ USAID NGO Sustainability Index, 2008,

http://www.usaid.gov/locations/europe_eurasia/dem_gov/ngoindex/2008/latvia.pdf

²²⁹ The rating for civil society remains at 1.75. (Freedom House, Nations in Transit, Country Report, 2008, Latvia)

²³⁰ Interview with HRAW NGO

²³¹ Information in the section is based on interviews with Latvian HRAW NGO representatives, and reports of HRAW NGOs.

as still in transition and as slightly deteriorating, due to financial crisis impacts on the Latvian economy (high inflation, fiscal crisis). The crisis has caused the drying out of national government funding for NGOs as well, which seems to be a much harder, than in neighboring Lithuania or Estonia. This has been confirmed also through interviews with HRAW NGOs.

For the HRAW NGOs the funding situation has been deteriorating and different sources report almost full reliance on international funding.²³² The fact, that the absolute majority of the funding of HRAW NGOs is of foreign origin is has also some advantages – one of them is that it allows the HRAW NGOs to maintain their independent stance vis-à-vis governmental institutions in Latvia.

HRAW NGOs in Latvia draw their foreign resources primarily from traditional donors, such as Open Society Institute and its network members or from the EU originated funding – mostly from Brussels based (DGs) or with co-funding from national sources.

The EU funding from the Commission includes different calls for proposals from various DGs and their agencies represent an important source of income of the HRAW NGOs in Latvia. This type of funding seems to have two secondary effects.

- 1) Often, these funds stimulate their recipients to intensify their involvement with cooperating partners from other European countries, which is considered as a good practice in general as it opens the perspective to a broader European level dialogue. The negative aspect of this is that the HRAW NGOs have less capacity to address domestic issues in such scope and quality as it would be needed.
- 2) Second, these partnerships are often only project based and do not develop into longer-term or sustainable relationships.

Nevertheless, this funding is considered as useful as it allows to human rights NGOs to fully exert their independence in their judgements towards the issues in Latvia. Similar to the EU funding, there are also some smaller funding opportunities within other intergovernmental cooperation entities such as the Nordic Council or the Council of the Baltic Sea States²³³.

The decreased national funding for national issues (i.e. in-country activities) is also reflected by the decreased ability of these NGOs to develop their national programs more intensively – which are – as it is shown in the beginning of this chapter – still very relevant and important for the Latvian society.

The role of private donations (individuals and corporate) in HRAW NGOs funding portfolio is insignificant. There is a legally anchored public benefit status for NGOs, that allows those, that receive it, to become recipients of contributions from taxpayers that are tax-deductible for them. The orientation of the corporate contributions is primarily on “easy” issues such as children, health, handicapped, etc.

Some NGOs, are able to generate a more than just insignificant share of income from their services (10%), but that relates more to education, training and consulting work in the policy area, rather than in the area of watchdog, human rights and accountability.

There is a public funding from government sources available, however, HRAW NGOs feel that this funding limits them in their independence stance on various domestic issues. In this category one may include also the Social Integration Fund, Norwegian Financial Mechanism and Swiss Financial Mechanism, that are operated by national agencies. There are reports that these funding schemes are demanding in terms of reporting and quite bureaucratic.

Funding from the EU structural funds (for example from the European Social Fund) has not been

²³² Interviews with Latvian HRAW NGO representatives , February, March 2010

²³³ <http://www.cbss.org>

relevant for human right or watchdog activities.²³⁴ Brussels is bad, but Latvian administration is much worse.

There are no signs of using revenues from privatization or from lottery funds.

5. Potential funding for HRAW NGOs

The potential of private sector for supporting NGOs is not disputed, however, it is not perceived as realistic in any near future, that it may replace the public funding for HRAW NGOs, mainly due to the fact that the issues that HRAW NGOs deal with are controversial and uneasy for local philanthropic culture.

There is a shared view, that the long term answer to the financial problems of public interest NGOs is perceived to be the domestic funding. Unfortunately, there are no specific potential sources that would be opening up in Latvia, based on the reports from the HRAW NGOs and from the research from other sources, beyond the existing ones. One of the key strategies in this regard is to influence the general public opinion so that it will create a greater support and backing for these NGOs. One of the respondents estimated that these efforts, if taken in effective manner, may bring fruits after 10 years or more.

Due to the recent fiscal crisis in Latvia, the fiscal regulations have been changing in a fast pace, which theoretically may represent an opportunity to work towards more stimulating tax environment for private giving, as one respondent noted. This remains as a speculative option, as there were no signs of such initiative reported.

6. Conclusions and Recommendations

The situation of HRAW NGOs in Latvia is similar to other countries in the nearer region of Baltic countries – Lithuania and Estonia. Their activities are important, however, without backing from the broader population. There is a limited understanding of the role of such organizations in the government as well. The funding base of HRAW NGOs is almost fully foreign based, which allows for reasonable independence regarding domestic issues, but at the same time exposes these organizations' vulnerability to changing priorities of these donors.

Good practice is seen in active involvement in international human rights and good governance networks that increase options as well as in use of domestic networks of experts and volunteers. Sometimes this also dilutes the capacity of these organizations to issues that are not in their primary focus.

It is very likely, that HRAW NGOs in Latvia, similarly as in other countries of the region will continue to use variety of opportunities to use funding for their purposes, however, their internal challenges such as the dependency on several personalities will change very slowly and will be struggling how to ensure the long-term quality of their staff and their development.

Given this situation, it is not surprising that there is a general view that foreign funding will be for the time being the only realistic funding available for the human rights and watchdog activities in Latvia. In line with this thought, one of the respondents suggested that for HRAW NGOs in the region would be useful some sort of regional grant competition from EU resources for particularly human rights organizations and watchdog NGOs on a regional (Baltic) level. This proposal has been mentioned only as an idea without any further assessment of its feasibility.

²³⁴ Interview with latvian NGO representative, March 2010

III.2.6 Lithuania

1. Human Rights, Accountability and Watchdog Issues

Several independent reports made recently by domestic and international organizations (Human Rights Monitoring Institute, US State Department, Amnesty International) mention number of issues that are of a concern in Lithuania from the human rights and governance perspective.

They are related to inadequate police behavior, prison conditions (that are poor and overcrowded), freedom of speech that is limited by the restrictive measures and criminalizing of journalists or ban of political advertisement. There is observable spread of discrimination, racism, anti-Semitism and other forms of intolerance.

“On March 4, the Human Rights Monitoring Institute and the Center for Equality Advancement asked the Vilnius Municipality for a permit to hold a rally and march supporting democracy, human rights, and tolerance, on the country's Independence Day, March 11. However, city officials refused to issue the permit. At the same time, municipal officials issued a certificate for a march, scheduled the same day, organized by the Lithuanian National Center, a group that espoused and demonstrated intolerance toward other racial, ethnic, and religious groups, claimed that human rights and antifascism were examples of extremism, and openly sympathized with neo-Nazi groups. Local human rights organizations appealed to the Vilnius First District Court, claiming that the denial was discriminatory. On September 21, the court dismissed the complaint on the grounds that the police would not have been able to preserve public order if the two events had taken place on the same day.”²³⁵

Reports of continued corruption in the police and government are frequent. Domestic violence and child abuse, trafficking in women and children and intolerance of sexual and ethnic minorities were problems²³⁶. Rights of different social groups including patients, people with disabilities, women, children, prisoners are not properly protected. The judiciary system shows cases of corruption and ineffectiveness, thus limiting the right to fair trial.

“A 2007 study by the EU Agency for Fundamental Rights concluded that governmental responses to cases of ethnic discrimination were ineffective and that insufficient attention was given to the problem. According to the agency's research, the law provides possibilities to complain about ethnic discrimination, but the penalties usually applied in such cases were insufficient, and victims received insufficient or no compensation. On April 15, 2009 the government approved a new National Antidiscrimination Program for 2009-11. The government allocated no funds for the program during the year, but allocated 30,000 litas (\$12,510) for 2010. The EU allocated 500,000 litas (\$208,500) for the year, 1.9 million litas (\$ 792,300) for 2010, and 2.1 million litas (\$875,700) for 2011”²³⁷.

²³⁵ Human Rights in Lithuania 2007-2008 - Overview. Human Rights Monitoring Institute, Vilnius, 2009

²³⁶ Lithuania 2009 Human Rights Report., BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, 2009 Country Reports on Human Rights Practices, March 11, 2010, US Department of State <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136042.htm>

²³⁷ Lithuania 2009 Human Rights Report., BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, 2009 Country Reports on Human Rights Practices, March 11, 2010, US Department of State <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136042.htm>

Corruption is an important issue of public concern. Lithuania ranks on 52 place in the corruption perception index (CPI) out of 180 countries surveyed.

The above examples show the need to address these issues by various societal actors, including the human rights and watchdog NGOs. At the same time some of these issues – for example the gay rights or migrant rights – are quite unpopular among the public which then perceives all efforts towards human rights protection as controversial and makes the work and efforts of HRAW NGOs more difficult.

The recognition of NGOs in general public remains limited – as the USAID NGO Sustainability Index for 2009 mentions, the August 2009 survey commissioned by the Lithuanian Lawyers Association found that 53% of population does not know what an NGO is and 43 % can not name a single NGO.

2. Key Human Rights, Accountability and Watchdog NGOs

The role of HRAW NGOs in protection of human rights is considered by the half of the population that reflects on the role of NGOs (as half of Lithuanians does not recognize any NGO) as relevant actors as relatively high, second after the role of the media²³⁸.

NGOs are active in the areas of monitoring human rights, litigation, drawing attention to public corruption, trafficking of women, advocating on behalf of victims of domestic violence, raising these issues to a policy levels, provision of support and assistance services to victims. However, interviews with the several HRAW NGOs also suggest that the public, despite its understanding of the HRAW role, in real life decides to support less controversial issues than those of human rights and watchdog activities.

Some of the HRAW NGOs include:

- Human Rights Monitoring Institute²³⁹ (HRMI) has been founded in 2003 with the mission to promote an open democratic society through the consolidation of human rights and freedoms. The strategic goals of the Institute are: to develop the capacity of the civil society to follow and influence the governmental human rights policy and practice; encouraging Lithuanians to exercise their rights and assist in defending those rights; to develop a culture respectful of human rights in Lithuania by raising awareness of human rights violations, their causes and consequences and stimulating public discussions and dialogue between civil society and state institutions. HRMI conducts daily monitoring of public institutions' activities, publicly reacts to human rights abuses or potential violations, carries out research, prepares conclusions and recommendations, and initiates strategic litigation²⁴⁰. It has a staff of four people.
- Transparency International – Lithuania Chapter is a non-profit organization, established in 2000 by the Open Society Fund Lithuania. Its purpose is to analyse the phenomenon of corruption, to promote civic anticorruption initiatives and to inform the public of the anticorruption activities in Lithuania. It organizes trainings, publishes anticorruption publications, communicates and co-operates with media and public organizations in the implementation of various anticorruption programs. It influences public opinion and by means of various joint actions with informal groups, individuals, non-governmental organizations, state institutions, media and religious organizations to form open intolerance for corruption.²⁴¹ It has a staff of four.
- Center for Equality Advancement²⁴² - one of the most active NGOs that focuses on issues of

²³⁸ Human Rights in Lithuania, Seimas of the Republic of Lithuania, UNDP and the Law Institute, 2005

²³⁹ <http://www.hrmi.lt>

²⁴⁰ HRMI Activity Report 2008, Vilnius 2009,

http://www.hrmi.lt/uploaded/ZTSI%20Veiklos%20atask/HRMI_Annual_Activity_Report_2008_web.pdf

²⁴¹ <http://www.transparency.lt>

²⁴² <http://www.gap.lt>

women rights. Educational and watchdog activities.

- The Civil Society Institute was founded by the Open Society Fund-Lithuania and Valdas Adamkus Foundation in July 2004. It promotes civic initiatives and reinforces civic attitudes in society, influences legislative issues and political decision-making, formulating policy proposals based on the monitoring of legislation as well as on the analysis of public policy; Analyzes public policy and political culture in Lithuania and publicly expresses opinion concerning pressing issues in the development of civil society in Lithuania; Assists various interest-groups in their defence of the idea of civil society and initiates public discussions and debates.²⁴³ It has a staff of three.
- Lithuanian Centre for Human Rights (LCHR) focuses on the education and dissemination of knowledge about international and European Union human rights standards, promotion of tolerance and respect to diversity; capacity building and awareness raising on issues of vulnerable groups and minorities; observance of human rights standards at national level, providing suggestions and consultations to the government and the legislator²⁴⁴. It has a less of a watchdog activities.
- Lithuanian Human Rights Association – one of the older human rights NGOs with links to former dissidents, somewhat traditional in their approach to human rights, freelance lawyers working on a voluntary basis on issues such as protecting women's and children's rights, monitoring police and security services, and watching over human rights developments in Lithuania. Write reports on these issues.²⁴⁵
- There are also other NGOs active in the field of human rights and civic advocacy - Lithuanian Citizens Advice Union, Lithuanian Human Rights League²⁴⁶, Center for Civic Initiatives²⁴⁷, Women's Issues Information Center²⁴⁸

3. Situation of the HRAW NGOs and their Sustainability

USAID rates the Lithuania in 2008 as a country where NGOs' sustainability is somewhat consolidated, but where „NGOs have not been able to maintain steady and purposeful presence in public life and their ability to come to terms with the situation without external donors is limited“.²⁴⁹ It is the country that lags behind Estonia in number of indicators of the index, and its situation over last several years has been stable.

The reports from the HRAW NGOs directly suggest that the position of HRAW NGOs in Lithuania is difficult and in comparison to the rest of the NGO sector the HRAW NGOs are less sustainable. This finding is not surprising –as it is similar as in other new EU member states. As such, HRAW NGOs get less support – moral and material from the public and business sector than other, more charitable and service oriented NGOs.

This is attributable to the very nature of their work that has a less resonance in a general public compared to a charitable type of NGOs and limits their ability to secure funding from the private sector. Also, as one respondent mentions „...businesses tend to avoid supporting HRAW NGOs because their

²⁴³ <http://www.civitas.lt>

²⁴⁴ <http://www.lchr.lt>

²⁴⁵ <http://www.lzta.lt/>

²⁴⁶ <http://www.lhrl.lt>

²⁴⁷ <http://www.pic.lt>

²⁴⁸ <http://www.lygus.lt>

²⁴⁹ USAID NGO Sustainability Index, 2008,

http://www.usaid.gov/locations/europe_eurasia/dem_gov/ngoindex/2008/lithuania.pdf

*are afraid of suffering damage from the state institutions (tax inspection, etc.).*²⁵⁰ The consequences of this are that many HRAW NGOs live day by day and do not see future in long term. Often these NGOs are project based. The lack of resources is not related just to domestic funding, but to funding from both, domestic and international sources, although the latter dominate in the structure of income of HRAW NGOs.

In terms of socio political context there is also a tendency in Lithuania to put economic development as the top priority, particularly emphasized after the emergence of the financial crisis. Human rights and governance issues are either unimportant at all or perceived that they will settle by themselves, public at large thinks. This mixture of marxism and free market fundamentalism emerges in many countries of the region and represents an important socio-cultural and political attitude that is a factor in the policy-setting towards the HRAW NGOs and allocation of private and public support to civil society.

There are some tax incentives for corporations to stimulate their giving, however, these are considered by the HRAW NGOs as insignificant.

On the level of organizational effectiveness, leadership and management, there are also signs of deficiencies that contribute to the situation among HRAW NGOs in Lithuania. There is a generational issue – the older human rights protection generation is strong in leadership qualities, but lacks the capacity of modern and effective management. There are also conceptual differences regarding the human rights protection.

The newer human rights organizations struggle with the departure of the traditional foreign donors and with adjusting to the new reality. There are signs that younger people show interest in the participating in activities of HRAW NGOs, but that itself is not sufficient.

4. Overall funding situation in particular for HRAW NGOs.

The funding situation for NGOs in general in Lithuania is considered by the 2009 USAID NGO Sustainability Index as consolidated and remains over several last years on the same level with a slight decrease in 2009. For HRAW NGOs the situation has been quite stressful.

There is a public funding from government sources available, however, with bureaucratic impediments and obstacles. There is a tension between the government and watchdogs as they criticize the government. This has also a financial backlash, as they do not get the financial support because of that. Small grants from Ministries are available, for education, but not for watchdog activities in human rights.

The EU structural funds are also available, however, they are very difficult to access due to 20% co-funding requirement for NGOs, that is a great obstacle as well. The Lithuanian government has not been able to reduce this requirement, unlike some other countries were able to negotiate for NGOs.

The percentage mechanism is in place and used. It is technically available also for HRAW NGOs and it is tapped by traditional fundraising techniques. However, these do not work as the taxpayers provide their percentage to schools and hospitals mostly and avoid less attractive topics that human rights groups thematize. (Furthermore, the mechanism in Lithuania is available not just for NGOs but also to schools and hospitals and other public institutions that compete with the NGOs). The investment into fundraising for the percentage mechanism also reported for HRAW NGOs as not economic, as the gains are too small for costs.

After the phase-out of Baltic American Partnership Fund, besides traditional donors such as Open Society is also available the Norwegian and Swiss Financial Mechanism. These mechanisms are reported to be highly administratively demanding and delayed and not funding watchdog activities.

²⁵⁰ Interviews with HRAW NGO representatives from Lithuania, February/March 2010

The Mechanism were administered by the Lithuanian government, which some NGO found as a mistake call for intermediaries to handle them saying that smaller NGOs cannot comply with their requirements.

"It was meant to strengthen the NGOs and we won this funding and that we refused it because after seeing the whole administration of the project we realized that this project will make us weaker, not stronger because we would have to submit so many documents that at the end all the small activities that were meant to strengthen our organization will not really pay back in terms of administration of the project".

As already mentioned, in terms of income structure of typical HRAW NGO, there is a dominance of foreign funding with a little domestic funding. The existing domestic funding sources (sale of services, products, percentage philanthropy) are available in total up to 1% -5% of total income in HRAW NGOs.

There is a prevailing project and ad-hoc funding culture that contributes to the day-by-day management and decreased ability to follow through long term issues.

Existing funding from the European Commission in Brussels is for Lithuanian NGOs complicated to access due to administrative difficulties.

There is also the Civic Responsibility Foundation²⁵¹ – that grew out of the Baltic American Partnership Program (program co-funded by the OSI and USAID). It is focused on developing the culture of philanthropy in Lithuania. Its ambition is to grow into a stable grant-making foundation and promote indigenous philanthropy in Lithuania. The foundation started its activities in 2009 and is still in a start-up phase. Funding it facilitates to NGOs is not particularly relevant to HRAW NGOs.

Corporate funding – the financial crisis curbed the growth in this area. However, the experience of the HRAW NGOs is that it is mostly used for projects that benefit the corporate sector – if not, then the interest is not present.

5. Potential funding for HRAW NGOs

There is a discussion among NGOs and some government officials about possibilities of establishing an endowment as an instrument in the body of law – but according to the respondents, it may take two three years to adopt the new legislation and create the necessary infrastructure for it. Ministry of Justice' working group was recently established and suggested a package of amendments which shall go to the government and parliament. Giving endowment, receiving endowment and return on investment on endowment shall be made tax free or tax deductible. However, the impact of such legislation on the HRAW NGOs is very difficult to predict, especially in a highly uncertain financial environment of global markets.

In Lithuania, there are almost no domestic grant-making foundations although some believe that their existence could be very useful for the HRAW community – as these foundations could serve as intermediary between domestic (corporate and individuals) donors and recipients. The efforts towards establishing some are under way (Foundation for Civic Responsibility), however, their growth and ability to generate new resources is relatively low.

There are also new ways of generating support – through on-line giving platforms – Aukok.lt – Donations portal that is the first online donations website in Lithuania, enabling individuals and legal entities to donate to various activities. It has been launched in September 2009 by the Civic Responsibility Foundation and the Goodwill Projects NGO. By October 2010 it has raised 400 thousand Lt (\$160 thousand) for variety of issues ranging from building an oncology center to abandoned

²⁵¹ <http://www.paf.lt>

animals shelter or center for abused children. The HRAW NGOs are included among the calls, but their contribution rate is quite limited²⁵².

6. Conclusions and Recommendations

There are couple of recommendations towards the HRAW NGOs what they might do to try to deal with their difficult situation. These recommendations are based on their own assessment, rather than an outside experts' views.

- It seems a fair assessment that the main barrier for the intensified fundraising for HRAW NGOs in Lithuania is their limited capacity. There choices available about the raising of the capacity, but none of the choices does seem to show an effective result. The public funding (EU, Norwegian, government) that is available focuses more on education activities, rather than to institutional development and its tapping is hard to access by these NGOs due to administrative difficulties. The funding shall also allow for longer term support, not just a project support.
- Response of the public to the calls of HRAW NGOs is low and that has its reasons in the low attractiveness of messages of HRAW NGOs and low interest of the public to these messages as such.
- HRAW NGOs shall make constant efforts to bring closer their "products" to the understanding of the general public, however difficult this task might seem, given the majority popular opinions and attitudes that do not favor the human rights or watchdog issues. Similarly, HRAW NGOs shall, if they can, try to be more visible in the public through media events, story writing/telling, etc.
- Some HRAW NGOs that find the provision of services – especially research and analysis and consulting – as a good way of generating some income – may take the advantage of broad networks of their collaborators, who have an expertise and experience. It is a way how an HRAW NGO may save some costs and become more competitive in various tenders and calls. This is particular case relevant to the research in human rights.

EU in this situation tends to be perceived as an actor that shall understand these difficulties as unfinished and in need to be addressed with its assistance. Along with this expectation there is connected a belief, that the situation in Lithuania as in any other new EU member state is significantly different than any of the "old" EU member and therefore the EC shall take a different approach in deciding of supporting or not supporting civic involvement, human rights and watchdog typ activities. At the same time, EC should ease the requirement and increase possibilities for applying for human rights protection and watchdog projects, not just educational activities and provide for longer term projects, not just short term ones.

On a general level of the funding of HRAW NGOs discussion, it is not clear what shall be the strategic direction for addressing this issue in Lithuania – private, public or earned income options. There are also different views regarding the priority given to domestic funding and foreign funding. A realistic scenario for the future seems to be a combination of the all different sources, where the major share will be played by the public sources, mostly foreign ones, complemented with some domestic, mostly public/government funding. Private domestic funding, however desired will not play a major role in funding of HRAW NGOs activities in Lithuania. There is a consensual view, that domestic support for HRAW activities is ideal and optimal, but to achieve this in middle-short term does not seem realistic.

²⁵² <http://www.aukok.lt/Projects>

A specific initiative in Lithuania currently taking place worth mentioning is the endowment initiative that is promoted by some NGOs – with expectation that a national endowment may bring resources for supporting institutional stability of NGOs. The role of government in this initiative is in creating incentives for private sector to contribute for building endowments. These views, that emphasize the role of private sector, also emphasize view that HRAW NGOs shall improve communication to individuals, hoping to generate more support in long term.

There are views that advocate for a more stronger and direct government involvement in funding NGOs in general by creating or pooling funds, while recognizing the problems of independence. In this sense there are views among the HRAW NGOs that the Lithuanian government and EC should step up to create a pool of government funds where NGOs could apply and compete for funding similarly as in other countries (Hungary).

The earned income option emerges as well – however, it is recognized that it depends on the projects of the NGO. If possibility exists, it shall be used. But if these are unrelated activities, then it is a questionable.

III.2.7 Poland

1. Human Rights, Accountability and Watchdog Issues

According to the reports of foreign or international organizations that observe the situation in the human rights and governmental accountability major issues in Poland recently include:

- Corruption
- Police misconduct
- Discrimination against women
- Inefficient and extremely slow judicial system.

Among other issues that are also worth noticing belong also incidents of anti-Semitism, trafficking in persons and societal discrimination and violence against ethnic minorities, gays and lesbians.^{253 254}

In terms of the corruption and judicial system inefficiencies, there are efforts of the government to improve the situation. The US State Department Human Rights Report mentions:

“The law provides criminal penalties for official corruption; however, the government did not always implement these laws effectively, and officials sometimes engaged in corrupt practices”.

The Report also states that according to World Bank governance indicators for 2008, corruption was a problem in the country. There was a widespread public perception of corruption throughout the government. Citizens continued to believe that political parties and members of the legislative branch, the health care system, and the judiciary were the most corrupt.²⁵⁵

Similarly, the Nations in Transit Report for 2010 states that the 2009 scandals that revealed links of the top politicians with corruption (gambling industry, phone taps scandal – against investigative journalists) have shaken the confidence Polish population to their political class²⁵⁶.

In a more regional comparative perspective, the situation in Poland is not exceptional. For example the Transparency International Corruption Perception Index for 2010 ranks Poland as the third of the 10 New EU member countries, following Estonia and Slovenia, however, still being 21st out of 30 countries in the regional grouping.²⁵⁷

Another important human rights area is the discrimination against ethnic minorities and xenophobia. These issues have been analyzed in 2008 report on Xenophobia and Ethnic Discrimination in Poland of 2008 by the Helsinki Foundation for Human Rights²⁵⁸. The reports writes that despite Poland is an ethnically homogenous country, this issue becomes manifested especially against people who are distinctively different from the majority population or do not conform to the traditional societal

²⁵³ <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154444.htm>

²⁵⁴ <http://www.freedomhouse.eu/images/Reports/NIT-2010-Poland-final.pdf>

²⁵⁵ <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136051.htm>

²⁵⁶ <http://www.freedomhouse.eu/images/Reports/NIT-2010-Poland-final.pdf>

²⁵⁷ http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results

²⁵⁸ <http://humanrightshouse.org/Articles/5479.html> - Xenophobia and Ethnic Discrimination in Poland – Outline of the Situation. Agnieszka Mikulska, February 2008, Helsinska Fundacja Praw Czlowieka

expectations²⁵⁹. Following the Poland's accession to the EU the number of foreigners and migrants settling down in Poland has been on the rise. The most severely are affected Roma, but also foreigners coming from the Africa, Caucasus or Turkey.

Gender discrimination is also a subject of attention. The Amnesty International reports that in May 2010 Poland was referred to the European Court of Justice by the European Commission for failing to incorporate into national law EU legislation prohibiting gender discrimination in access to, and supply of, goods and services. The anti-discrimination legislation had not been adopted by the end of December of that year.²⁶⁰

The UN Committee on Economic, Social and Cultural Rights criticized Poland for not guaranteeing basic sexual and reproductive health services such as contraception and family planning services.

2. Key Human Rights, Accountability and Watchdog NGOs

Poland NGO sector is one of the most developed in the former post-communist countries with strong human rights protection traditions. Similarly, as in other countries of the region, the human rights and governance issues have been significantly supported financially from the donor community during the nineties and early 2000 which contributed also to the growth of number initiatives in the area of traditional human rights protection or "newer" issues such as LGBT or women rights protection. Also, there is a group of organizations that has been focusing on corruption and governance issues (access to justice, access to information, privacy issues, etc).

It should be noted that specific watchdog NGOs are not very common as many NGOs are involved watchdog or advocacy work only as one line of their activity and not their mission. Also for the public the "watchdog" function is not particularly clear.

Among the key human rights accountability and watchdog NGOs can be included following:

Helsinki Foundation for Human Rights based in Warsaw, was established in 1989. Its creation was preceded by the seven year of activity of the Helsinki Committee in Poland, which existed in the underground since 1982. The Foundation focuses on public education, human rights training and monitoring. Among other activities it conducts strategic litigation, public interest law activities, defense of rights of minorities, children rights. Currently, the Helsinki Foundation for Human Rights is one of the most experienced and professional non-government organisations active in the field of human rights in Europe.²⁶¹

Stephan Batory Foundation Anti-corruption Program. Stefan Batory Foundation is an independent private Polish foundation established in 1988 by philanthropist George Soros and a group of Polish democratic leaders of 80's. It's mission is to support the development of an open, democratic society in Poland and other Central and East European countries. The Anti-Corruption Program ambition is to reduce the scale of the corruption problem in Poland by fostering attitude shifts amongst citizens with respect to everyday corruption, advocating new legislation to ensure transparency of decision-making and organizing permanent community pressure on the government to enforce anti-corruption laws and regulations.²⁶²

²⁵⁹ According to the census results, in 2002 the population of Poland was 38,230,000 people, out of which 96.74% declared Polish nationality. The remaining 3.26% are the people belonging to ethnic and national minorities, foreigners or migrants

²⁶⁰ <http://www.amnesty.org/en/region/poland/report-2010>

²⁶¹ <http://www.hfhrpol.waw.pl/index.php?lang=en>

²⁶² The main components of the Program, which is in place since 2000, are the combination of policy research and surveys (Corruption Barometer), watchdog activities aimed at political parties and performance of

Anti-Corruption NGO Coalition²⁶³ was established in 2001 before the parliamentary elections by a group of four NGOs (Transparency International – Poland, Stefan Batory Foundation, Helsinki Foundation for Human Rights and the Foundation for Social Communication that decided to invite citizens to sign an appeal towards political parties to explain what they plan to do to combat corruption. These answers were then monitored and followed by the members of the Coalition, which turned into a semi-permanent structure that monitors the government performance in the anti-corruption efforts. Since the beginning it included also the Center for Citizens Education, Association School of Leaders and Association of Leaders of Local Civic Groups.

Campaign Against Homophobia²⁶⁴ is a nationwide LGBT organization with regional branches that focuses on social awareness raising campaigns and educational activities aimed at integration of LGBT people in the society. It also provides psychosocial and legal assistance to people that face discrimination, attacks or other intimidation. It monitors media and legal development in the area of LGBT discrimination.

Institute for Public Affairs²⁶⁵ is a leading public policy think tank established in 1995 to support modernization reforms and to provide a forum for informed debate on social and political issues. It conducts research and develops policy recommendations. Its programs cover social policy issues, civil society development, democratic institutions, migration policies and European issues.

Foundation for Childbirth with Dignity²⁶⁶ is a non-profit organization that advocates for a health care system that respects the needs of women and their families, that treats them in the obstetric and gynaecological care as partners with voice and provides a friendly environment for newborns. It monitors the performance of hospitals as well as their observation of patients' rights.

Association for Legal Interventions²⁶⁷ is an NGO that provides legal help to people who are subjected to discrimination or otherwise marginalized, such as asylum seekers, migrants, prisoners and detainees, abandoned or otherwise disadvantaged children and the like. Besides assistance services to clients and their representation in legal cases, the Association works towards improvement of legal system and social policies. The Association is actively involved in strategic litigation and precedence cases setting.

The Association of Leaders of Local Civic Groups²⁶⁸ is one of the most active national watchdog organizations in Poland with local membership. It aims at dissemination and implementation of a concept of good governance through involvement and activation of citizens into watchdog activities on local and regional level. It promotes and expands the freedom for information for citizens, propagates the concept of public budgets monitoring by citizens and organizes a network of civic watchdog initiatives. It also operates a web-portal that serves these initiatives (<http://www.watchdog.org.pl/>).

government institutions in their anti-corruption practices and legislative monitoring aimed at new legal initiatives curbing corruption. The Program's activities concentrate on monitoring the authorities at national and local level, diagnosing the mechanism of corruption in concrete areas and professions and building social movement for transparency in public life

²⁶³ <http://www.akop.pl/>

²⁶⁴ <http://www.world.kph.org.pl/>

²⁶⁵ <http://www.isp.org.pl/>

²⁶⁶ <http://www.rodzicpoludsku.pl/>

²⁶⁷ <http://www.interwencjaprawna.pl/>

²⁶⁸ <http://www.lgo.pl/english/>

Association Center for Social Activity PRISMA²⁶⁹, based in Suwalki is a regional NGOs with a mission is to support citizens' initiatives that fulfill ideas of a civil society. Main activities include citizens advisory service in wide range of issues in which citizens need support, voluntary service center, free legal and psychological aid for victims of violence, multicultural education and mediation services.

In the Human Rights House are gathered also organizations affiliated to Helsinki Foundation for Human Rights: The Association Initiative 33, Helsinki Committee in Poland, and Viridarum – Polish Student Group against anti-semitism and xenophobia²⁷⁰

Nevertheless, there is also other human rights and watchdog NGOs in Poland: The Association 61, Panoptikon Foundation, Polish Antidiscrimination Law Association, Association Bona Fides, Centrum Pomocy Prawnej im. Haliny Niec and others.

3. Situation of the HRAW NGOs and their Sustainability

USAID rates Poland in 2009 as a country where general NGOs' sustainability is consolidated. According to this index, the country gets similar ranking to Estonia and little bit better than other Visegrad countries.²⁷¹

The situation in the HRAW NGO subsector is also similar as in other countries of the region – despite a relatively better situation in last five years, there are concerns about the future of the existing funding from traditional sources (Soros), growing funding relationship with public funding and its consequences in their organizational development (building administration capacity rather than marketing and fundraising capacity) and stagnation or decrease of constituency building. The major concern is that the development as it continues decreases the „independent“ funding, which is for HRAW NGOs considered as most important.

It should be noted, however, that comparatively, Poland shows signs of most developed domestic public funding environment that responds to the needs in the HRAW NGOs area much more sensitively and sensibly, than in other countries in the region. For example, there were special programs managed since mid 2000 that have been funded by the Polish government public funding, Norwegian and EEA Funds or by the Structural Funds (European Social Fund) and target particularly support of watchdog, good governance and human rights activities (see more below). This is not so common in other countries of the region.

The sustainability of HRAW NGOs looks therefore relatively better at the first glance when compared with similar organizations in the region, but within the Polish context, their situation is not so stable. Partly because other segments of the Polish NGO sector are much more involved in development local funding from local and regional governments or through provision of services and is therefore more stable. And partly because given the size of the country and its needs that capacity of the NGOs to make a stronger footprint in this area is very needed and desired (especially in the regions). Observers of the situation express concerns about the future when the existing mosaic of funding will be fading away.

4. Overall funding situation in particular for HRAW NGOs

²⁶⁹ <http://pryzmat.org.pl/>

²⁷⁰ <http://humanrightshouse.org/Articles/5431.html>

²⁷¹ USAID NGO Sustainability Index, 2009,
http://www.usaid.gov/locations/europe_eurasia/dem_gov/ngoindex/2009/poland.pdf

For HRAW NGOs in Poland the international funding (Open Society Institute, CEE Trust, international thematic and professional networks in areas such as minority rights, women rights, etc.) is still most significant. This is a conclusion made by the survey respondents and by the observers of the situation in Poland. This statement reflects both, the fact that the international funding provides certain level of independence and, secondly, its share on the funding of these type of organizations. Some estimate that international funding still makes around 70% of all income of Polish HRAW NGOs.

So what makes up the remaining supposed 30%?

The most important, probably, of the domestic **foundations** funding for HRAW NGOs, can be considered the **Stefan Batory Foundation**, which is a traditional supporter of human rights and watchdog NGOs in Poland. It also designs specific programs such as the above- mentioned Anti-Corruption Program.

The Polish **government** funding represents also an important part of the domestic income of HRAW NGOs. There are several governmental instruments through which the HRAW NGOs draw support:

Fund for Civic Initiatives is a funding program established by the Polish government in 2005 and administered by the Ministry of Social Policy. The Fund is aimed at support of civic activism and provides financial support to activities initiated by NGOs in the area of public tasks defined in the public benefit and volunteer work Act, following the open competition procedure. The Fund's purpose is also to facilitate the access of NGOs to EU funding through provision of co-funding contributions. The annual financial allocation is correlated with the "1% mechanism", provided that the amount cannot be lower than the amount paid within the framework of "1%" mechanism to public benefit organizations by taxpayers in the preceding year.²⁷²

The most important and unique in the regional context is the existence of several funding measures and programs using the funds of the European Social Fund in the Operational Program Human Capital 2007-2013 within the priority **5.4. Development of Civic Dialogue**²⁷³ aimed at:

- a) Support of watchdog activities over the public administration (**Development and Support of Programs in the Area of Public Supervision over the Functioning of the Public Administration**)²⁷⁴
- b) Legal aid and citizens advisory services support and
- c) Strengthening of the branch and regional NGO networks
- d) Support of local and regional NGO information centers

These measures are unique in the regional context both, in their focus as well as in size. There are reports from within the HRAW NGOs scene, however, that question the focus of these programs and their relatively loose boundaries that allowed to use these funds for organizations that were purposefully designing activities to meet the funding requirements and not being fully committed to the watchdog activities. Also, many of the supported projects were not directly relevant to implementation of watchdog activity as the whole field has quite new to the implementing management teams to fully exploit the potential of the program. On the other hand, the fact that this funding was available shall not be overestimated – it concerned just two

²⁷² <http://www.civilin.org/welfareeng/practices.php>

²⁷³ <http://www.kapitalludzki.gov.pl/podpisane-umowy/priorytet-v/dzialanie-54/poddzialanie-542/>

²⁷⁴ „Tworzenie i wdrażanie programów z zakresu społecznego nadzoru nad funkcjonowaniem administracji publicznej”, Działania 5.4 Rozwój potencjału trzeciego sektora, Poddziałania 5.4.2 Rozwój dialogu obywatelskiego V Priorytetu Programu Operacyjnego Kapitał Ludzki 2007 – 2013.”

calls for proposals within the said priority. The criticism regarding the EU funds is present, especially due to their high administrative demand placed on recipients and a relationship that is based on a lack of trust between the donor and recipients. But even so, it is a significant precedence in the regional structural funds context from the perspective of NGO support.

Additional domestic funding can be also considered the **EEA and Norwegian Funding Mechanism** as it is managed by a domestic agency that has been separated from the Polish government. This practice – similarly as in Czech Republic, Slovakia or Romania has been also proving very successful and useful. Especially many start-up and new initiatives were supported due to these funds, which places their special importance in the recent years in this regard. In other words, the funding was used and usable not just by old and experienced organizations but also by younger and start-up initiatives. Also, the overall impression is that the Norwegian and EEA funds were less burdensome administration-wise than the ESF. The **Swiss Government Financial Mechanism** that is being prepared for launch in 2011 may also represent some opportunity for HRAW NGOs.

Growing importance gets the **tax assignment mechanism** – so called **1%**. There is a growing trend in several last years in the overall NGO sector. In relationship to HRAW NGOs is this mechanism less used as it requires some initial investments into advertisement that is problematic for HRAW NGOs. Nevertheless and despite its limits - for example it requires that recipients have to follow more strict regulations regarding their own expenditures as well as puts more requirements regarding the reporting – some HRAW NGOs use it and it represents a potential that has not been fully exploited.

In terms of **services provision** as a way of generation of resources for NGOs – some HRAWs do provide sometimes services, but it is sometimes a complication due to increased administration (due to generation of own income). There are also some implementation issues such as the tendency of “buying” services or loyalty of a particular NGO by making a gift to it by which the NGO becomes less ready to offer critical view. It is not an important source of funding for HRAWs compared to grants.

Individual contributions and philanthropy also do not represent an important source of funding HRAW NGOs in Poland today. As survey respondents mention, there are some examples such as Amnesty International that are able to generate a higher attention for their cause. However, smaller HRAW NGOs are very cautious to solicit gift support from individuals as they have also encountered a situation where the “would-be” donors were just buying legal advice or loyalty in complicated cases by providing a gift to the organization.

In terms of optimal structure of funding for HRAW NGOs in Poland one could propose that what is most perceived as important by different actors is – independent funding. There is a consensus that the best independent funding can be provided from abroad and not locally. Some watchdog NGOs are afraid of losing independence if they will get funding from the Polish government.

Also, NGO leaders reflect that the EU did not create sufficient tools for NGO financing – it is expected from the EU and within the scope of EU priorities it should continue to support NGOs that cope with democratic governance in the post-communist region.

5. Conclusions and Recommendations

NGO sector in Poland is cooperative and its ability to organize itself and be engaged in dialogue with the government is exceptionally developed. A Federation of NGOs has been created to take care about the situation of legal regulation concerning NGOs.

Within this, the HRAW NGOs represent a strong group of NGOs, that, thanks to recent positive development and domestic conditions has been able to develop, sometimes for extensively, than intensively, but nevertheless develop and continue the provision of their activities and services to citizens and broad public.

The legal and fiscal framework in Poland for NGOs is quite stable and predictable which is a plus. HRAW NGOs and NGOs in general shall be aware of their growing dependency on public funding and develop and continue to diversify their funding, both internationally (networks, grants) and domestically (through local business and individual contributors)

III.2.8 Romania

1. Human Rights, Accountability and Watchdog Context

There were reports that police and gendarmes mistreated and harassed detainees and Roma. Prison conditions remained poor. The judiciary lacked impartiality and was sometimes subject to political influence. A restrictive religion law continued to limit freedom of religion. Property restitution remained extremely slow, and the government failed to take effective action to return Greek Catholic churches confiscated by the former communist government in 1948. Government corruption remained a widespread problem. There were continued reports of violence and discrimination against women as well as child abuse. Persons were trafficked for labor, sexual exploitation, and forced begging. Neglect of and inadequate assistance for persons with disabilities was also reported. Extensive discrimination and occasional violence against Roma continued to be a problem. Gay, lesbian, bisexual and transgender persons continued to suffer societal discrimination. Discrimination against persons with HIV/AIDS, particularly children, remained a problem.²⁷⁵

There were further allegations that Romania was involved in the US-led secret detention and renditions programme, despite continued denials of any involvement by the government and the findings of a Senate commission of inquiry. There were reports of ill-treatment, excessive use of force and the unlawful use of firearms by law enforcement officials. Discrimination against Roma and lesbian, gay, bisexual and transgender (LGBT) people persisted. A progress report on Romania was published by the European Commission (EC) in July. This urged the Romanian authorities to improve the judicial system and to strengthen measures to tackle corruption, particularly at local government level.²⁷⁶

There have been several examples of CSOs that attempted to monitor state performance and to hold the state accountable and some of them have had a discernable impact. More than two thirds of the persons interviewed during the stakeholder consultations, considered that civil society has a limited role in holding state accountable. Romanian civil society activity in holding private corporations accountable is very limited. There are a few examples of CSOs which have monitored and opposed the activities and the irresponsible impacts of behaviour of private corporations. However, even though successful, their impact remains isolated.²⁷⁷

2. Key Human Rights, Accountability and Watchdog NGOs

- CERE (Resource Center for Public Participation). CeRe's mission is to support NGOs and public institutions in acquiring the principles and applying methods of public participation. In CeRe's vision, NGOs, citizens and public institutions assume responsibility for public participation and use their rights associated to this participation.²⁷⁸
- The Euroregional Center for Democracy (CED) is a non-governmental and non-profit organization, that promotes democracy and stability in Central and South - Eastern Europe. CED is located in Timisoara, a city in the Western part of Romania. Timisoara represents an ideal learning location for a laboratory seeking to devise programs of great importance for the

²⁷⁵ Human Rights Report 2009: Romania (US Dpt. of State, Bureau of Democracy, Human Rights and Labor), <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136053.htm>

²⁷⁶ Amnesty International Report 2009: State of the World's Human Rights

²⁷⁷ CSI Country Report: Romania, 2006

²⁷⁸ <http://www.CeRe.ro/eng>

future of democracy and regional stability. This multi-ethnic and multi-cultural space encourages the dialogue between individuals and institutions that promote democratic values.²⁷⁹

- Romanian Academic Society (SAR). Established as a think tank in 1996, the Romanian Academic Society (SAR) aims to further the ideas of freedom, democracy and good governance in Eastern Europe. It seeks to raise the public awareness level of policy issues, contribute through research and advocacy to informed policy formulation and assist administrative reform through performance assessment. They believe that countries can do more or less out of their European accession process and their goal is to help improve their performance in this process so that integration brings a maximum of benefits.²⁸⁰
- Accept Romania. A non-formal group named - Bucharest Acceptance Group was founded in 1994, with the aim to promote an open and reasonable dialogue on the complex topic of same-sex relationships. ACCEPT (Bucharest Acceptance Group) was officially registered as a human rights non-governmental organization in 1996 and, in 1997, ACCEPT launched a national and international campaign to repeal Article 200 from the Romanian Penal Code, which was incriminating same-sex relationships. Activities include: lobby, advocacy, activism; collecting and disseminating information on homosexuality, the gay community in Romania, health and AIDS/HIV prevention; media monitoring; strengthening the gay movement and the gay community; direct action and grass-root activism; social and cultural activities.²⁸¹
- Institute for Public Policy (IPP) is a Romanian non governmental organization whose aim is to support an increased quality of the processes related to the development of public policies in Romania. It is committed to advancing high quality policies in the following main areas: transparency of the legislative process, reform of the local government system, fight against corruption and promotion of integrity at all local government levels, organization and operation of election systems and processes, funding of political parties, promoting the rights of the disabled, which made of IPP one of the most respected and experienced think-tank in Romania. Together with its departments which coordinates the programs and activities of the Institute, the specialized divisions were created in the last two years to offer professional services to partners and clients, such as public authorities or private entities, that are interested in the Institute' fields of excellence.²⁸²
- Romani CRISS (Romani Center for Social Intervention and Studies) is a Romanian non-government organisation which seeks to protect the rights of the country's Romani minority and to prevent discrimination against the Roma. It also conducts a series of projects in order to improve the situation of the Roma in education and health care. Romani CRISS was founded on April 4, 1993. The current executive director of Romani CRISS is Margareta Matache.²⁸³
- Alternative Sociale Association (ASA) is a non-governmental, apolitical, and non-profit organization initiated in 1997 by a group of students at the Social Work Faculty of "Alexandru Ioan Cuza" University in Iasi. Alternative Sociale Association works to protect and promote human rights through prevention activities, assistance, training, research and advocacy.²⁸⁴
- The Association for the Defense of Human Rights in Romania – the Helsinki Committee (APADOR-CH) is a non-governmental not-for-profit organization, established in 1990. APADOR-CH wants to be an influential and principled factor of reference, in dialogue with the state authorities and in cooperation with the civil society, an active participant in changing the

²⁷⁹ <http://www.regionalnet.org/en/>

²⁸⁰ <http://www.sar.org.ro>

²⁸¹ <http://accept-romania.ro/en/>

²⁸² <http://www.ipp.ro/eng/>

²⁸³ <http://www.romanicriss.org>

²⁸⁴ <http://www.alternativesociale.ro>

society and its institutions towards a democratic culture, based on the respect of human rights. The mission of APADOR-CH is to raise the level of awareness on and respect of human rights and rule of law.²⁸⁵

- Transparency International Romania (TI-Ro) is a non-governmental organization whose primary objective is to prevent and fight corruption on a national and international level, mainly through researching, documenting, informing, educating and raising the awareness level of the public. TI Romania was founded in 1999 through the remarkable endeavours of a group of citizens with a high degree of civic responsibility, and a number of organizations concerned with reducing corruption in Romania. They laid the foundation to the structure and objectives of this organization. That same year, Transparency International Romania was accredited as a national branch of, and declared entitled to continual technical support from, the Transparency International network - a global coalition dedicated to fighting corruption.²⁸⁶
- Asociatia Pro Democratia (APD) is a non-governmental, non profit and non-party affiliated organization established in 1990. APD currently has 31 clubs in which more that 1000 citizens (members and volunteers) participate in implementing our projects. The mission of Asociatia Pro Democratia is to strengthen democracy at national and international level by encouraging civic participation. The main fields of interest of APD are: strengthening the relation between the electorate and its elected representatives, observing the correctness of the electoral process, civic education; citizens' participation in the process of public policies drafting, the transparency of public institutions and their control by the civil society; protecting human rights.²⁸⁷
- Center for Legal Resources is a non-governmental, non-profit organization, established in 1998 by the Open Society Foundation (nowadays Soros Foundation), which actively advocates for the establishment and operation of a legal and institutional framework that safeguards the observance of human rights and equal opportunities, free access to fair justice, and which contributes to the capitalization of its legal expertise for the general public interest. Their programmes are focused on two strategic areas: promotion of rule of law and respect of human rights.²⁸⁸
- Save the Children Romania is a national democratic movement, unaffiliated politically or religiously, based on the voluntary involvement of its members. It was established in 1990 and currently has branches in 14 countries, over 6000 members and benefits from the voluntary activity of over 800 people, mostly youngsters. Save the Children Romania is an active member of the International Save the Children Alliance – an international movement, which supports child rights, as well as of important national and international bodies and networks. Save the Children Romania fights for children's rights. They influence public opinion and support children at risk. They influence legislation and policies in the benefit of children. They are working together with children and young people to achieve change and lasting improvements for children.²⁸⁹

²⁸⁵ <http://www.apador.org/en>

²⁸⁶ <http://www.transparency.org.ro/>

²⁸⁷ <http://www.apd.ro/cinesuntem.php>

²⁸⁸ <http://crj.liveasp.ro/english/Home.aspx>

²⁸⁹ http://www.savethechildren.net/romania_en

3. Situation of the HRAW NGOs and their Sustainability

Similarly as in other countries studied, it is the view of the respondents as well as available reports, that the situation of HRAW NGOs in Romania today (2010) is difficult, especially as far their sustainability is concerned. The biggest challenge is the access to available funding which is often EU funding:

“Our life (HRAW) compared to those NGOs operating in social, environmental field, education to some extent, differs because they are in the position of having an easier access to the European structural funds, since they are very easily in the position of establishing partnerships with public authorities”²⁹⁰.

Significant factor in the HRAW development in last period was the accession to EU which has marked a significant change in position of these organizations as far their importance, voice and resources is but also as far their adaptation is concerned.

“After the EU enlargement the most suffering NGOs in Romania are the human rights NGOs – from two points of view, one is financial viability because they were funded mainly by American donors and they left once we became an EU member. So more or less the NGOs were attached to one type of funding or one funder, they didn’t have a vision and didn’t diversify the funding. They almost collapsed. And the second thing was the issue of legitimacy, because once we got in the EU, the foreign donors supposed we are a democratic country but it was not like that”²⁹¹.

After the EU accession the problems in the human rights or accountability area remained, but the interest in the work of HRAWs has declined – media were not anymore interested in these issues and for HRAW NGOs it was more difficult to get the profile of important and visible actors, which they enjoyed before the EU accession when their voice was heard by the EU.

As in many other CEE countries one can hear also a criticism on the way how the EU structural funds are administered, especially towards NGOs, which seems to be (along the conflict of interest) the main hurdle for accessing them:

„We are not eligible for almost any administrative costs in order to make our organization survive. With those limited options there are almost no costs for administrative tasks related to the organization. It becomes clear to me that we cannot actually survive if we rely only on structural funds, it is impossible, not to mention that also the transfer of installments is extremely slow, you sign a contract and then the installment comes in more than one year. You have to survive between signing the contract and actually delivering the activity, therefore you need to have diverse sources of funding”²⁹²

The channelling of EU funds through national governments to NGOs meant also a big challenge of HRAW NGOs as it conflicted with their mission. Those who were able to go through the administrative hurdles see also a more fundamental issue in using them:

²⁹⁰ Interview with HRAW NGO director, March 16, 2010

²⁹¹ Interview with respondent – NGO funding organization representative, February 24, 2010

²⁹² Interview with HRAW NGO director, March 16, 2010

„We find it difficult in many occasions to criticize the government one day and on the next to enter a partnership for the sake of receiving European structural funds. For us it is a matter of incompatibility with regard to the way we operate²⁹³.

There are views that HRAWs who use the EU funds experienced a shift in their activities towards training or awareness raising instead of the watchdog or advocacy.

„...many NGOs that used to act in the watchdog or human rights field, are now operating as training providers in these areas because here are the funds. I mean, you can use structural funds to offer trainings to provide different kinds of services to vulnerable groups in the area of human rights but you cannot fund watchdog or advocacy activities per se....so I can see a shifting in their strategie, many of the used to be very good wathcdogs, now they are very good training providers.“²⁹⁴

The relative decline of the role of HRAWs in the society is reflected also by the USAID NGO Sustainability Report in 2008 which states that:

„There is a widespread perception that advocacy campaigns are less effective than they used to be prior to Romania's EU accession. In the absence of EU pre-accession leverage, public authorities are less open to dialogue with NGOs. There are also fewer supporters at the political level for NGO advocacy initiatives. At the regional and local levels, advocacy initiatives have been less visible and successful“.²⁹⁵

So the sustainability of HRAWs in Romania is not related only to the changing conditions regarding their funding, but also to their legitimacy and perceived importance in the country's socio-political context. There were examples of strengthened pressure of government towards its most vocal critics. In 2008, Parliament adopted legislation with the potential to repress critical NGOs. The law forbids NGOs from using names that might be confused with official institutions (even if legally registered under this name), and a court complaint is enough to initiate a procedure to close them down. Two active watchdogs, Institute for Public Policy (IPP) and Romanian Academic Society (SAR), are potential targets.²⁹⁶

One of the strategies that is mentioned and sometimes used in the region as a good practice in adaptation of the HRAW NGOs to new situation is building of constituency – supporters, sympathizers, etc – which is in Romania perceived as challenging:

„...we have always dealt with politicians, public administration in general, and now when comes to the situation of planning our sustainability, we are wondering who can pay for our services. ...we are quite uncertain who can pay in terms of fees on which we could base our sustainability plan²⁹⁷“.

The idea that the government may purchase the activities of the HRAWs and fund them through public funds does have some attractiveness and merit, especially when comparing the situation with umbrella NGO associations based in Brussels where the European Comission funds their presence to be able to engage with them in policy dialogue. In Romania there is even an example of National Parliament

²⁹³ Interview with HRAW NGO director, March 16, 2010

²⁹⁴ Interview with HRAW NGO respondent – March 2, 2010

²⁹⁵ USAID: NGO Sustainability Index 2008

²⁹⁶ Nations in Transit 2009 (Freedom House)

²⁹⁷ Interview with HRAW NGO director, March 16, 2010

which has established a funding mechanism for NGOs to support their participation in the parliamentary process, which operates on yearly calls for proposals and is of „couple of hundred thousand EUR“. Allegedly similar mechanism is contemplated by the government as well.

It seems, based on this survey, that for some HRAW NGOs in the region the receiving of public funding is not a plausible strategy, for others, it seems, some government funding would be acceptable.

The service perspective means also a re-conceptualization of the social role of HRAWs. In the nineties the HRAWs were perceived as actors that not only responded to actions of governments, but which identified new issues (or abandoned issues by public sector) proactively and were taking unilateral action (posing questions in the media, organized protests, petitions, marches, or drafted policies) to which the government typically had to respond. In the nineties, NGOs were not looking at their mission through transactional lenses – today it seems this becomes more natural. Looking back to nineties, one in a very simplified way could identify the clients (the EU or American donor agencies or private foundations interested in promoting democratic changes in the CEE) as well as service providers (NGOs which were their grantees). However, it would be difficult to present those relationships as transactional relationships as the NGOs that received foreign funding were not in a service relationship, but in a donor-grantee relationship that provides a different dynamics as well as limitations than the service relationship. Nevertheless, there is also heard a criticism towards the donors that provided funding to HRAWs to implement various activities in the watchdog or human rights area but did not help them to think further in terms of developing services to become self-sustainable.

Respondents also mentioned the lack of capacity for strategic planning as an internal obstacle for HRAWs. There is a concern, that the organizations do not sufficiently work with their boards and are too much staff driven which keeps them report-bound and project-bound without a more spacious and strategic perspective. So the lack of strategic deliberation shall not be only attributed to their funding stress, but partly caused also by their closedness and inward orientation and tendency to maintain the current practice.

In terms of opportunities that HRAWs may explore, respondents suggest following:

- Active cooperation with watchdog and human rights NGOs from other countries: that could make their watchdog work more powerful and help them to see the future and make better plans.
- Preparation for the next programming period (EU Structural Funds). During the first programming period NGOs were not active and also not powerful enough to influence the shape of the operational programs, so that also HRAWs could find their place there. For example work towards a domestic intermediary organization that could re-grant the EU Structural funds for HRAWs. In these terms the government would have to be convinced that watchdog and advocacy is important for Romania.
- Organize a joint action to improve the situation in the financial management and administrative requirements of EU funds. HRAWs complain a lot, however, no joint action towards changing this situation has been initiated so far.
- Start to experiment with membership and constituency-based fundraising even though most of it cannot provide important funding resources. It brings NGOs closer to their constituency, it makes people more accountable and it raises their involvement in watchdog and advocacy.
- Maintain relationships with existing international donors to continue the advocacy and watchdog work.

4. Funding Sources for HRAW NGOs

At the moment the majority of the funds that HRAW NGOs use come from foreign sources such as the *CEE Trust for Civil Society*, *Open Society Institute*, *Balkan Trust For Democracy* or *Black Sea Trust* who still fund human rights, advocacy and watchdog activities and partnerships between Romanian NGOs and other NGOs from neighboring countries.

HRAW NGOs report also foreign (mostly public) funding coming from various agencies that focus on particular issue (racism, public health, transparency, anti-discrimination, etc.) and offer NGOs from various countries including Romania opportunities to apply for funding through various thematic programs or calls for proposals. For example *European Commission* programs such as *Youth in Action* or *Europe for Citizens*, or the *Fundamental Rights Agency*, *European Roma Rights Center*, *European Network Against Racism (ENAR)*, *Stability Pact – Anticorruption Initiative*²⁹⁸, *OSCE*, etc.

There is also some funding provided from bilateral assistance (MATRA KAP), or directly from Embassies such as of Switzerland, Netherlands, U.K. Canada.

There are also several domestic sources relevant for HRAWs:

- In the area of *domestic public funding* for HRAWs an important source (not by size, but by the fact of existence) seems to be the *Agency for Government Strategies*²⁹⁹ which besides other activities (studies and analysis of social issues and government policies, public information campaigns, etc.) issues calls for projects where also NGOs may apply and compete for grants to implement projects addressing public policies that the government finds important such as transparency or civic engagement.
- Another source also relevant for HRAWs is the Romanian Chamber of Deputies (Lower Chamber of the Romanian Parliament) that launched a “Partnership with Civil Society” program in 2006, which issues a yearly call for participation of the civil society in the legislation process. However, due to the reduction in public spending the funding of the program has been recently (March 2010) suspended³⁰⁰. The budget of the program for 2009 was 115,000 EUR (500,000 RON) and provided grants to NGOs to initiate consultations with citizens, communities and other groupings on issues relevant to parliamentary debate, parliamentary practice and mechanisms.
- Similar instruments in other countries of the region are rarely seen. Specific impact of these two instruments on the funding of HRAWs would require further research.
- The *NGO Fund of the Norwegian Financial Mechanism and EEA Financial Mechanism* provides funding through various calls for proposals to support democracy promotion, anti-corruption or support to vulnerable groups. The NGO Fund is administered by the *Civil Society Development Foundation* – an intermediary foundation. This source is considered by HRAWs as useful and prepares further calls for proposals.

EU Structural funds are perceived as an obvious and important source for HRAWs, however, their use is restricted due to their orientation (training, education, administrative capacity development, human resource management and no watchdog or advocacy work) and administrative hurdles (necessity to be in partnership with public institutions, very long – up to a year - delays in reimbursement of expenditures, etc.)³⁰¹. As the USAID reports, in April 2008, the first call for proposals for EU Structural Funds was launched, but for most NGOs it was still very difficult to access these funds because of

²⁹⁸ <http://www.stabilitypact.org>

²⁹⁹ Agenția pentru Strategii Guvernamentale) www.publicinfo.ro

³⁰⁰ http://www.cdep.ro/relatii_publice/site2.pagina?den=presa-psc

³⁰¹ Interviews with HRAW respondents (February, March, 2010)

technical and financial requirements. For most of the programs funded under Structural Funds, NGOs have to cover the project expenses out of their own budgets and then obtain reimbursement from the public authorities. The lack of advance payments is one of the main obstacles for NGOs in accessing these funds. NGOs' lack of financial resources discourages them from submitting project proposals.³⁰² Some HRAWs have been able to tap funding from the Operational Program for Administrative Capacity Development or Sectoral Operational Program for Human Resources Development.

In terms of *domestic private funding* the situation has been developing until 2008 quite promising due to economic growth, but the financial crisis has curbed the overall optimistic expectations. Nevertheless, both individual support and corporate support are in Romania available and HRAWs may need to concentrate more on tapping of resources that are here available, however, without overestimating their potential.

Based on our interviews, but also based on previous research reports from period before the financial crisis, *individuals'* support to HRAWs has been very limited. One obvious challenge is that the causes presented by HRAWs are not perceived as urgent or needed compared to some other charitable causes. Another challenge is the tendency of individual donors to provide one-time support. As Roxana Sofica and Alina Porumb mention in their report from 2008 that studied the private giving in Romania, obtaining one time support for causes with visible and non-controversial social benefits – e.g. Supporting children, health – has been proved possible and successful, the challenge still remains to ensure repeated donations and long-term continuity of this support. Top supported fields in Romania (2007) include: religion (46%), social services (34%), humanitarian (12%), health (10%). Education, arts and culture, environmental protection and human rights protection receive support from a minority of donors – somewhere between 1-3% of donors each.³⁰³

The individual giving culture in terms of payment form is still in the basic stages, when most of operations are performed in cash. The more advanced fundraising methods are less frequently used. Most of donations are still reported in the 2007 opinion poll to be made in cash (by 91% of donors), followed by bank orders (made by 15% of donors), buying charitable products (10%), SMS donation (8%), phone donation (7%), paying event admission fees (5%), on-line payment (3%), payroll donation (3%), post order (2%).³⁰⁴

The study, based on qualitative research methods, informs, that the behavior of individual donors might be closely linked with what the fundraising organizations do to attract and maintain relationship with them.

“While several international CSOs come with their experience abroad, for others reaching out to private donors and especially individuals is a steep learning curve. Working effectively with large number of donors requires effective donor recruitment and management systems, many times built and maintained with professional support. It also requires visionary CSO governance and management, which identifies this niche of raising resources and decides to invest its resources in this direction. Currently, only few Romanian CSOs have took what it may appear as yet as a ‘leap of faith’. When they do raise money from individuals, the fundraising methods used are rather basic (e.g. donation boxes) that don’t give space for the CSO to know who made a donation and further develop a long term relationship”³⁰⁵.

³⁰² USAID 2008 NGO Sustainability Index

³⁰³ Porumb A. – Sofica R.: Intelligent Money – Private Resources for Development, Country Report Romania, 2008, http://www.effective-resources.info/cms3/e107_files/downloads/country_report_romania.pdf

³⁰⁴ *ibid.*

³⁰⁵ *ibid.*

The *2% tax assignment* is another relevant source for HRAWs, which lies between individual public and private funding. It seems that given a relatively low profile and practice among the HRAWs to address individual donors, also their 2% fundraising profile is rather low. The fact that it generates for recipients relatively low amounts makes this source to be considered as relatively slow and ineffective given the amount of resources and efforts that needs to be invested in developing fundraising communication and relationships. Respondents suggest that even if this source may not provide significant income for HRAWs, HRAWs shall be more active in using it as it may help them to communicate more intensively with individuals and the public as such. The data on 2% tax mentioned in the report (Porumb-Sofica, 2008) on for 2005-2007 show an increase in the use of this mechanism and the amounts generated³⁰⁶:

	2005	2006	2007
Number of contributors	145,084	568,735	1,030,968
Percentage of tax payers	2.15%	8.50%	15%
Amount designated (EUR)	1,215,612	5,017,442	7,650,861
Average amount per designation (EUR)	8.38	8.82	7.42

The corporate giving in Romania has also decreased as a result of the financial crisis. The HRAWs are not the typical recipients of corporate giving, which focuses mostly on issues of health, environment or children or post-disaster giving which perhaps also suggests stronger integration of the corporate giving programs and corporate social responsibility objectives.

There are two basic mechanisms that corporate donors may use – sponsorship and donations. As the Porumb-Sofica report informs, sponsorship mechanism is easier when compared to donation mechanism and is also preferable from the fiscal perspective, so most of the corporate giving practice is focused on sponsorship.

The fiscal incentives for sponsorship were introduced by the Fiscal Code that introduced 1% (and then 2%) from individual taxes. The incentives are favorable to profitable, large turnover companies. Thus, a company may deduct from owed profit taxes an amount up to 20% of the owed profit tax and 0.3% of the annual turnover for its sponsorships. There are no tax benefits for corporate donations however. NGOs may also sell advertising services to companies with the differentiation between advertising and sponsorship contracts laying in the fact that for sponsorship the supported organization may only make public the logo and name of the company, but cannot promote a specific company product (possible to do under advertising contracts through which advertising space is sold)³⁰⁷.

There is a variety of perceived motivation of corporate giving in Romania by our respondents view and by other research. The perspective of HRAWs towards corporate giving is that their motivation is rather dominated by political interests and indirectly by business interests, than by the charitable interests. While this may be also complemented by other motivation as Porumb –Sofica present - ranging from strengthening positioning with employees and clients in a context of increased competition for both and

³⁰⁶ Ibid. page 2. (Data from the Romanian Ministry of Finance published by ARC on the site www.doilasuta.ro; the campaign years 2005-2007 relate to fiscal years 2004-2006).

³⁰⁷ Ibid.

expected failure of traditional advertising towards more human (particularly emotional) motivations of owners and employees. Visibility of the cause, project or partner CSO are noted as important motivation for corporate involvement.

"We have a real problem with the business community in Romania because those who are visible and who would like to get close to the area of politics and public administration have a very strong political interest. If they support an organization such as IPP, which is very critical of the government, to them it's like they are somehow lobbying, playing cards with those in power in politics. They don't donate because their own conscience makes them donate and I am trying to avoid this situation. I am sure that in other countries the economic community got mature which is not the case in Romania."³⁰⁸

The *own income* as an option has not been mentioned as significant source, however, HRAWs do use also such income to complement their budget. The income is derived mostly from training or technical assistance. As it is mentioned above, services to political parties or public authorities represent a one possible strategy for HRAWs. Sometimes it is a forced adaptation by the nature of the available funding; sometimes it might be also a conscious strategic decision, especially by think-tanks and organizations involved in awareness raising or research. However, for the direct watchdog and advocacy work, the own income does not seem to be an option.

³⁰⁸ Interview with HRAW NGO Representative, February 16, 2010

III.2.9 Slovakia

1. Human Rights, Accountability and Watchdog Issues

According to the reports of foreign or international organizations watching over the human rights and governmental accountability Slovakia major issues include:³⁰⁹

- Discrimination of Roma in access to housing, health and education including police mistreatment
- Corruption on various levels of government and political parties
- Concerns about the integrity of the judiciary
- Violence against women and children, discrimination against women and elderly
- Skinhead and neo-nazi attacks (mostly racially motivated) on Roma and others, especially foreigners:
- Restrictive measures against minorities (hate provoking statements by politicians against ethnic-Hungarian minority, adoption of the restrictive state language law).

Slovakia is a multi-ethnic country in the Central Europe – 14% of population claimed other than Slovak nationality. The country is a member of the UN Human Rights Council. In May 2009 the UNHRC conducted the first Universal Periodic Review (UPR) for the country³¹⁰. Several nations expressed concern about the status of the Romani minority, and an NGO shadow report detailed concerns about school segregation. On the discrimination of Roma the US State Department Human Rights Report for 2009 states that:

“Government and societal discrimination against Roma and individuals of non-European ethnicity was a common problem. Roma are the second largest ethnic minority with a population of 90,000 according to the 2001 census. Experts estimated that the Romani population is actually between 350,000 and 500,000. The discrepancy was attributed to Roma identifying themselves as Hungarians or Slovaks. Racially motivated attacks on minorities (Roma and others) were widely reported throughout the year, but investigation of attacks and law enforcement varied by jurisdiction. Roma were particularly singled out for violence, and police detained numerous individuals for attacks against Roma motivated by racial hatred. There were also reports that police mistreated Roma....Skinhead and neo-Nazi violence against Roma and other minorities continued to be a serious problem. The People Against Racism activists (LPR) reported that, although police were increasingly responsive in their efforts to monitor and control the skinhead movement, the problem persisted. Several non-Romani minorities as well as foreigners were also victims of racially motivated attacks.”

Also, new rules for using minority languages in Slovakia are very strict. Ethnic-Hungarian minority as discriminatory heavily criticized the 2009 amendment of the State Language Act. The law makes

³⁰⁹ US State Department Human Rights Report Slovakia 2009, Amnesty International 2009 report, Council of Europe, Group of States Against Corruption, Compliance Report on Slovak Republic 2010, Nations in Transit Report on Slovakia, 2009 of Freedom House,

³¹⁰ http://lib.ohchr.org/HRBodies/UPR/Documents/Session5/SK/A_HRC_12_17_SVK_E.pdf

possible to fine up to 5,000 EUR those who use languages other than Slovak in public announcements and in the media. The controversy has been mediated by the OSCE High Commissioner on National Minorities, which resulted in recommendation to develop a set of implementation guidelines to clarify some of law's provisions, particularly in the sanctions area. The government passed the guidelines in December, and they were set to enter into effect on January 1, 2010.

Corruption continues to be one the most pressing social problems and a burden in the public governance. In various rankings (CPI, Nations in Transit score) of corruption it holds lowest ranks from among the new EU member states. According to Transparency International Corruption Perception Index 2009, Slovakia ranks 56, together with Latvia, leaving Bulgaria and Romania behind from the new EU member states³¹¹. The Nations in Transit report for 2009 explains:

*"While anticorruption measures adopted by the previous administration created generally favorable institutional conditions to combat corruption, the intensity of the government's anticorruption behavior declined perceptibly since 2008. Several corruption and clientelism scandals broke out, and the cabinet was selective in calling involved officials to account. NGOs monitoring corruption and transparency of public life reproached the incumbent administration for its nonsystemic approach and increasingly prevalent clientelism. The prime minister repeatedly attacked such groups, questioning the moral integrity of their representatives and accusing them of furthering the political interests of the opposition.....some government officials engaged in corrupt practices with impunity. Among many widely reported cases of large-scale corruption and lack of transparency in public procurements, three resulted in the replacement of high-level government officials".*³¹²

Recently issued report of Council of Europe on Slovakia's performance in combating corruption, criticized Slovakia that it implemented in satisfactory level only one of the sixteen recommendations made two years ago. The recommendations related to increasing the transparency of political party financing and to more complex measures in the Penal Code for prosecuting corruption.³¹³

In terms of the judiciary, the situation has been slowly worsening over several years. There were concerns, particularly in the business sector, about the privatization of justice. Some reported that court proceedings have become a contest of vested interests and connections to the judicial powers.

*"The law provides for an independent judiciary; however, in practice problems with corruption, official intimidation of judges, inefficiency, and a lack of accountability continued to undermine judicial independence. In some cases the judiciary was subject to high-level influence and pressure by the government. In some cases judges felt they faced attempts to influence decision making as well as intimidation via disciplinary actions from the minister of justice or the Judicial Council. In June former minister of justice Stefan Harabin was elected chairman of the Supreme Court. Several NGOs mounted a campaign against his election, citing his personal contacts with a person suspected of organized drug-related criminal activity. They also criticized his misuse of disciplinary actions as tools to intimidate and persecute judges. Over 12,000 persons signed the petition. Several judges also filed a Constitutional Court claim against his election, which remained pending at year's end."*³¹⁴

³¹¹ http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table

³¹² <http://www.freedomhouse.org/uploads/nit/2009/Slovakia-final.pdf>

³¹³ Compliance Report on the Slovak Republic DIRECTORATE GENERAL OF HUMAN RIGHTS AND LEGAL AFFAIRS
DIRECTORATE OF MONITORING Strasbourg, 26 March 2010
http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3%282010%293_Slovakia_EN.pdf

³¹⁴ US State Department, 2009 Human Rights Report, Slovakia

There were number of restrictive changes in the laws related to the rights of citizens to participate in decision-making procedures that concerned the nature protection, environmental impact assessment and others. Also, the government in February 2008 the withdrew a draft NGO law that sparked much public debate and generated significant press attention for its provisions that would effectively eliminate the legal basis for some watchdog organizations and curb the activities of international NGOs in the country³¹⁵.

2. Key Human Rights, Accountability and Watchdog NGOs

Slovakia's HRAW NGOs played a significant role during the nineties in helping the country in its struggle with neo-authoritarianism. The external foreign (public and private) funding helped them significantly, which resulted in their relative spread and dissemination in various fields. The relationship of the civil society with the state was quite rapsodic and with many tensions and less cooperative than in neighboring countries, which also contributed to the relative presence of HRAW NGOs in the Slovak civil society. Therefore, Slovakia is rich in variety of initiatives and NGOs that either continue from these times or mentally connect to this experience.

Below are listed some of the key HRAW NGOs that focus on the above mentioned issues through human rights advocacy, government accountability, public-interest lobbying and watchdog activities:

- Citizen, Democracy and Accountability³¹⁶, established in 1991, organizes activities for the protection of human dignity and human and civil rights. It calls the government for accountability and promotes anti-discrimination and human rights of women. It is involved in public campaigns, education activities, litigation and advocacy.
- Alliance Fair-Play³¹⁷ is the most visible watchdog NGO in Slovakia whose goal is to push for ethical, transparent, professional and effective public administration and political representation. It has developed a unique freely accessible database of flows of public money to private hands (state subsidies, privatisation, tax and custom remissions, grants, European funds, debtors to the public sector....) and lists of public representatives (managements of state institutions, governments, elected positions, judiciary, self-governments, parliament, advisors to political leaders...).
- Via Iuris Association³¹⁸ tries to promote systemic changes in the following areas:
 - public control of power and elimination of corruption including protecting those who reveal corruption behavior, pursuing consistency of ruling of the courts and elimination of arbitrariness in their ruling, especially when related to public participation in decision-making; supporting broad access to information and its preservation and protection from introduction of restrictive changes in the legislation and practice and other human and civil rights issues;
- Transparency International – Slovakia³¹⁹ was founded in 1998 and combats corruption by increasing transparency and reducing bureaucracy. It works with many different, but relevant partners and uses variety of approaches with a goal to adopt and implement anti-corruption programs and increased transparency of the public sector.

³¹⁵ *ibid.* See also Strelanský et al.: *Mimovládne neziskové organizácie a dobrovoľníctvo*, In: Slovensko 2008. Súhrnná správa o stave spoločnosti. Bútora M. – Kollár M. – Meseľníkov G. eds. Institute of Public Affairs, 2009

³¹⁶ <http://www.oad.sk>

³¹⁷ <http://www.fair-play.sk>

³¹⁸ <http://www.viaiuris.sk>

³¹⁹ <http://www.tis.sk>

- Advisory Center for Civil and Human Rights³²⁰ monitors harmonization of domestic legislation with ratified conventions on human rights and fundamental freedoms, watches state institutions' activities regarding legislation with respect to fulfillment of obligations resulting from ratified conventions; creates conditions for a dialogue and co-operation of the non-governmental sector with the state bodies with special respect to enforcement of human rights and fundamental freedoms of the Slovak Republic. It monitors and analyzes respecting of civil and human rights and the impact of the valid legislation on rights of people in all institutions limiting freedom to move (in particular institutions for children and youth, institutions assigned for imprisonment and detention, medical institutions for long-term patients, senior homes, closed psychiatric departments).
- Forum Institute – Minority Research Institute³²¹, founded in 1996, primary objective is to carry out complex studies on the situation and culture of the national minorities in Slovakia, as well as document their written and even more extensive heritage. As a non-profit organization, the Institute operates as public and service institute. In 2009 it has initiated a Roundtable of Hungarians in Slovakia as a representative coordinating forum for most important issues of life and position of Hungarian community in Slovakia, which was particularly relevant in connection to the new State Language Law issue.
- Slovak Governance Institute (SGI)³²²
SGI is a non-profit, non-partisan civic association. Its mission is to propose and promote solutions for good, accessible, transparent and effective public services for the citizens of Slovakia and other countries. As a part of its activities performs also watchdog role regarding the EU funding, employment policies and education reform.
- Milan Šimečka Foundation³²³ is one of the oldest human rights NGOs in Slovakia, established in 1990, works in the fields of human rights education at various levels, holocaust documentation, and defends rights of Roma in education, housing and other areas.
- Friends of the Earth – CEPA³²⁴ is a civic association that continues to follow the objectives of the Center for Environmental Public Advocacy (CEPA). Its objectives include protecting the environment, promoting environmental, social and economic justice, pursuing the development of democracy and open civic society; supporting sustainable development of the regions and strengthening effective participation of citizens in decision-making processes linked with public interest issues.
- Institute of Public Affairs³²⁵ (Slovak acronym IVO) is an independent non-governmental, nonprofit organization bringing together experts from many different areas of study. It was founded with the aim of promoting the values of an open society and a democratic political culture in public policy and decision-making. It analyzes societal, political, economic, foreign-political, legal, cultural and other issues of public interest and to make the findings available to the public and contributes to expert dialogue, initiate discussion on important issues, and to actively participate in shaping public discourse
- People Against Racism³²⁶ fights racism since 2003, by monitoring its expressions and campaigning for tolerant, open and multi-cultural society. It established a documentation-

³²⁰ <http://www.poradna-prava.sk>

³²¹ <http://www.foruminst.sk>

³²² <http://www.governance.sk>

³²³ <http://www.nadaciamilanasimecku.sk>

³²⁴ <http://www.priateliazeme.sk/cepa/>

³²⁵ <http://www.ivo.sk>

³²⁶ <http://www.rasizmus.sk>

communication center for the fight against racism. It provides a free legal advice and hotline for victims of racially motivated attacks.

- Charter 77 Foundation³²⁷ provides free-free legal advisory services and advocacy to citizens and NGO's. It is oldest human rights advocacy NGO in Slovakia. It reviews, comments and analyzes the law-making process. It provides oversight of judiciary – „judiciary watchdog“, monitors and analyzes international treaties and agreements into legislative framework of the Slovak Law system.
- People in Peril³²⁸, established in 1999, has a mission to provide effective support to those who suffer the consequences of natural catastrophes, conflicts and authoritarian regimes. It develops activities that support human rights and democracy in countries with authoritarian regimes. It also works as advocacy and assistance center for asylum seekers in Slovakia. It also tries to engage the Slovak public, media, and politicians on human rights issues, through education activities covering Cuba, Burma, North Korea, Iran, the Middle East and other regions
- Fenestra³²⁹ works in the area of prevention and elimination of domestic violence and provides practical assistance of the victims of domestic violence, while works as advocacy and watchdog NGO in this area (towards the Slovak government at various levels).
- Womens Lobby Slovakia³³⁰ coordinates Slovak women NGOs for the European Women Lobby. It tries to break the gender stereotypes in all areas of public and private life with the emphasis on education and work-life balance. It promotes equal opportunities principles and fights for the human rights of women in the area of reproduction rights.
- Aspekt³³¹ is a feminist educational and publishing organisation. It was founded in 1993 as an interest association of women to develop the discourse on equality and democracy and apply it to the lived realities of the people of feminine gender in Slovakia.

3. Situation of the HRAW NGOs and their Sustainability

USAID rates the Slovakia in 2008 as a country where NGOs' sustainability is consolidated. According to this index, the country gets similar ranking as Estonia and with other Visegrad countries.³³²

“NGOs continue in their efforts to defend their interests through campaigns, comments and petitions. The same groups of activists continue to lead the efforts, however, and the campaigns fail to generate new supporters.... Some types of NGOs, particularly watchdog and advocacy organizations, began to feel endangered in 2008. Only funds from domestic sources are available and these are insufficient to cover human resources needs in the sector.”

It is the opinion of the authors of this report that the sustainability situation of HRAW NGOs in particular is getting worse and more difficult and their actors consider it to be on the edge of an abyss. The breadth and scope of the current HRAW NGOs in Slovakia is uncertain for the future, while the issues that they address have no tendency to disappear anytime soon.

³²⁷ <http://www.charta77.sk>

³²⁸ <http://www.clovekvohrozeni.sk>

³²⁹ <http://www.fenestra.sk>

³³⁰ <http://zenskaloby.wordpress.com/>

³³¹ <http://www.aspekt.sk>

³³² USAID NGO Sustainability Index, 2008,

http://www.usaid.gov/locations/europe_eurasia/dem_gov/ngoindex/2008/slovakia.pdf

There are still some foreign funds reported, however, as the HRAW NGOs community reports, these are mostly EU funds in different forms and they are less and less relevant for their watchdog or human rights work.

The issue of sustainability of HRAW NGOs is reflected in variety of researches done in recent years in Slovakia³³³. Despite these concerns, The Nations in Transit Report for 2009 says that the Slovakia's civil society remains vibrant.

*"The non-governmental organization (NGO) sector has a well-developed infrastructure, training, and research base. The legal and regulatory environment is free of excessive state pressures, and taxation is favorable. Yet the Fico administration is less open toward NGOs than its predecessor, and the government is not receptive to policy advocacy groups and civic initiatives. The processes of re-etatization of various activities in the public sphere continued, while civic initiatives mobilized against certain governmental institutions and powerful financial groups. Owing to the Fico administration's evident distrust of civil society, frequent verbal attacks by ruling politicians, and the absence of legislation improving the long-term sustainability of civil society structures, Slovakia's rating for civil society worsens from 1.50 to 1.75."*³³⁴

The worsening of the conditions has a paradoxical effect of strengthening these organizations and identifying new opportunities, however, at the costs of organizational and personal exhaustion.

The major challenge for HRAW NGOs is the tendency to professionalization of their work. The volunteering in HRAW NGOs is considered as normal and good practice, but it is not enough after some time. These organizations believe that remaining in the volunteering model would prevent them from further improvement of their work³³⁵.

Interviews with HRAW NGO representatives from Slovakia earlier in 2010 confirm the continuing challenge of working in a society that is barely sensitive to issues of human rights or good governance.

"...people have a lack of knowledge and longer term memory that would equip them against political manipulation and demagogery".

Important external factor for HRAW NGO sustainability is the state of the political culture:

"...the government took a path of aggressive rhetorics against watchdog NGOs and questions their legitimacy, both constitutional and financial. These dangerous messages penetrated into the broad public and are used as arguments against us".

The most challenging internal factors for HRAW NGOs sustainability are the capacity for organizational development including fundraising and development of professional skills and competencies. Those NGOs who have a good communications experience in-house and willingness to communicate more proactively about its work (for example its key staff has a previous journalist experience) are able to get a strong media presence, which seems to be an important prerequisite for approaching new, mostly private domestic donors. However, most of the HRAW NGOs compete for a limited space in the media

³³³ Marošiová L. – Gyárfášová O.: Hlas vybraných advokačných/watchdog/think tank organizácií. (Kvalitatívna sonda do problémov špecifického typu MNO), October 2006, In: Kvadratura kruhu alebo otázka spôsobu? K niektorým otázkam roly verejných zdrojov v podpore občianskeho hlasu vo verejnej politike na Slovensku 1995-2007), Nadácia Ekopolis, 2008, Strelianský B.: Slovakia. In: We and They. NGOs Influence on Decision-Making Processes in the Visegrad Group Countries, ed. Nicholson T., Sasakawa Peace Foundation, 2008

³³⁴ Freedom House, Nations in Transit, Country Report, 2009, Slovakia

³³⁵ Marošiová L. – Gyárfášová O.

and struggle with relative unattractiveness of issues they address. Therefore media attractive issues get more public attention, than those that are less attractive.

Nevertheless, the communication of HRAW NGOs can be considered as one of the possibilities for strengthening the domestic public buy-in in these issues and organizations, however, having in mind that it is a long-term process and will not bring resources to these NGOs immediately.

Much of this owes also to the self-perception of these NGOs as an *“elite club that can not communicate more effectively due to the nature of their work”*. Much of these communication outputs are outdated in their form (various monitoring reports that no-one reads). There are natural allies such as media but they seem to be over-flooded with initiatives, campaigns and petitions and get tired from them.

4. Overall funding situation in particular for HRAW NGOs

HRAW NGOs use different and individual strategies for securing resources for their work, especially after the departure of major foreign funding that was present in Slovakia for these activities during nineties.

Funding of HRAW NGOs is project based, i.e. leaving very little capacity for internal development and strengthening of organizational capacity. This is not the choice of the HRAW NGOs, but a rational response to the funding market - there is no general support funding available for these organizations in recent years, which most consider as a barrier and obstacle.

Most of the funding of these organizations comes from foreign sources, either remainders of private foundations (CEE Trust, OSI) or from EU related sources (EC funded programs from Brussels, international networks). Also, some funding comes from the Norwegian funds and EU structural funds. Sometimes watchdog and advocacy NGOs end up in conflict of interests as they get funds from sources they advocate against. Very small funding comes from private donations from individuals and corporations.

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 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 – while the private sector is not at the moment the key donor for them – it is the public sector. With such strategy, it is possible that they will shrink their activities.

Some believe that this may lead to a situation when *“HRAW NGOs will modify their activities and some of the watchdog activities will be done by the social networks and people will get organized through these new media. However, it will not replace the traditional NGOs”*.

In this sense the 2% tax works as a mechanism that is technically anonymous provides a resource that also HRAW NGOs may use very well.

EU structural funds are not very relevant for HRAW NGOs. However, those that use these funds report many similar problems that are reported in other countries – delays in payments, excessive bureaucracy and irrational and erratic administrative and reporting requirements, formalism and cronyism (when administered in-country). The perception of the EU funding within the HRAW NGOs community is that these funds are inappropriate for NGO funding as such, not just for the HRAW NGOs.

“The main deficit of EU funds is as if the EU would think that NGOs are large organizations that work with large operating budgets and as such are able to wait for the delays in payments, without any pain. But that is something we cannot accept. Due to that many NGOs get to the very edge of bankruptcy”.

Paradoxically, the publicity related to these funds makes an impression as if there would be many different opportunities for various actors, including NGOs to use these funds. However, NGOs report that the details of their use, conditions attached to the contracts are designed asymmetrically and discriminatory against NGOs. Furthermore, these contracts are changed during the life of project implementation retroactively.

“....then you find a sentence in the contract that you make yourself obliged to implement the project activities on time regardless whether the EU funds will be paid to you or not. So in fact, you should have other the funds ready at your account before you implement the project and you should be prepared that you will not see these money for five years, because you do not know whether they will send you the money or not”

The regulations and conditions attached to these funds are extremely 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. Their reserves were spent to cover the delays in payments of previous EU funded projects, private funds share in funding of HRAW NGOs is limited and public funds are not accepted as eligible matching. Thus, they end up in a limbo.

The poor practice of handling the EU structural funds is reported also by the NGO Sustainability Index 2008 report of USAID:

“The combination of delayed reimbursement of funds and co-financing requirements restrains NGOs’ ability to receive EU funding. The requirements associated with EU funds are so inflexible that NGOs have difficulty managing them and find themselves being forced to increase their capacity. Additionally, EU funds have created a power imbalance in that the government can hold NGOs accountable, but NGOs are not able to hold the government accountable. For example, NGOs must satisfy a long list of requirements. The reporting processes for NGOs are very bureaucratic, and it is difficult to make changes to the budget or project activities. The approval procedure is long, and many activities and prices are out of date by the time of project approval. Some NGOs are actually suing the government because of these issues³³⁶.”

The EU funding from Brussels is considered as partly useful, however, only indirectly relevant (with the exception of the “Watchdog Fund” of the DG Justice, Freedom and Security established in 2005 as a temporary instrument to support the accountability and watchdog activities in the new EU members). There are also other existing programs that some of the HRAW NGOs in Slovakia use – for example the Life Long Learning Program, or Calls for proposals for combating discrimination and promoting equality of the DG Employment, Social Affairs and Equal Opportunities, etc. In these schemes HRAW NGOs are expected to partner with other organizations from Europe. This international dimension, theoretically right, gets malformed in practice as many of these partnerships are primarily grant-driven and not program-driven.

³³⁶ 2008 NGO Sustainability Index, Slovakia, USAID

Domestic public funding for the human rights and watchdog activities of Slovak NGOs takes place mostly as the co-funding to the European structural funds and other funds such as NGO Funds of the Norwegian Financial Mechanism and the EEA grants which were administered by three domestic grant-making foundations (Socia Foundation, Open Society Fund and Ekopolis Foundation). Part of these grants was focused also for supporting disadvantage groups and human rights. 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 percentage philanthropy is something that is reported for HRAW NGOs as useful, however not sufficient to cover their needs. The government has recently decreased the possibilities of corporations to provide their percentage tax, which is an additional challenge for HRAW NGO³³⁷.

Corporate sources are perceived as not considering the human rights or watchdog activities as attractive enough for their needs that are often combining the public relations and marketing interests with public benefit support. There are cases from time to time of corporate support, however, these are exceptional cases.

Individual support for HRAW NGOs exists, but is limited and relatively insignificant compared to the other sources. However, those HRAW NGOs that have a stronger public communication do enjoy also more support from individuals than those that communicate less. There are no tax incentives for giving in the current tax system neither for individuals nor for corporations, which makes the fundraising more difficult. However individual giving remains as a strategic area for the HRAW NGOs. 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 environmental protection such as Greenpeace or Forest protection Association Wolf that were able to build network of individual supporters that are regularly kept involved and informed.

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 does not seem that the self-financing is not perceived as the optimal strategy for HRAW NGOs.

There are also independent grantmaking foundations in Slovakia that operate in areas such as environment, child development, social affairs or even human rights (OSF). Such foundations are in Slovakia (together with Czech republic and Poland) relatively developed and widespread compared to some other countries of the new EU member states). Some or all of them have in past supported also human rights and watchdog activities – when they were able to use the funding of foreign donors. After their departure, most of the domestic grant-making foundations generate their resources from the domestic donors (public and private) that are not interested in funding HRAW NGOs. Several years ago Pontis Foundation established a “Watchdog Fund” within its structure with the ambition to pool funds from different corporations in support of the watchdog activities. This effort ended with only one significant contributor and lack of interest from the corporate community.

As reported from other countries of the region, the HRAW NGOs do consider domestic grant-making foundations as a good source and institutional framework for their funding. They believe that domestic foundations can serve as effective intermediaries between donors (public or private) and recipients, by filtering unnecessary administrative burden as well as donor pressures on recipients by providing

³³⁷ StreĽanský et al.: *Mimovládne neziskové organizácie a dobrovoľníctvo*. In: Bútora M. – Kollár M. – MeseĽnikov G.: *Slovensko 2009 – Súhrnná správa o stave spoločnosti*, IVO, 2010

sufficient freedom and flexibility for the recipients and stay focused on the main goal of their activity. Such strategy has been used with the EEA and Norwegian funds, however, the experience shows that even in such arrangements the administrative burdens remain very high.

The government has recently approved changes in the Law on Hazardous Gaming and created a legal space for the concept of “charitable lottery” and explicitly defined conditions for setting up such initiative. The conditions are quite strict and demanding.

5. Conclusions and Recommendations

The funding situation for Slovak HRAW NGOs is not particularly critical, due to the various adaptations of still relatively heterogeneous community of HRAW NGOs. However, the discourse about their future is rather pessimistic and sustainability of HRAW NGOs is contemplated with questionmarks.

There is not a unifying idea or vision regarding the funding of the non-profits in Slovakia. The role of public funds is implicitly considered as very relevant, at the same time the experience with public funds as reflected also in this report, does not show much optimism.

The future of the HRAW NGOs in Slovakia is open. As most-likely scenario, they will be slowly changing and accepting also other functions, while replacing part of their missing financial resources for watchdog and accountability work through social networks and volunteering. The state does not see at this point the need to be more engaged in supporting of the HRAW activities in Slovakia, nor is this perceived by the corporate sector. HRAW NGOs will continue their work for several years, partly due to gravity of their existing foreign funding, partly due to their adaptability and flexibility that will allow them to find opportunities in self-financing, international networks, EU programs.

III.2.10 Slovenia

1. Human Rights, Accountability and Watchdog Issues

Slovenia is one of the most developed countries of the 10 new EU member states from the CEE. This applies also to human rights situation, accountability of government, good governance and corruption. In February 2010 Slovenia went through the Universal Periodic Review process of the UN Human Rights Commission³³⁸ which brought number of recommendations and conclusions by different countries on variety of issues ranging from “erased” citizens issues to issues of same sex partnerships or hate speech.

Many of the issues are also raised in other human rights reports and require attention. In a combined view, according to the reports of foreign or international organizations watching over the human rights Slovenia in recent years faces following issues³³⁹:

- Discrimination against Roma, especially as far their access to education is concerned
- Discrimination against former Yugoslav residents without legal status that were categorized as “erased” citizens, that amounts over 25,000.
- Societal violence against women, trafficking in women and girls,
- Trial delays and cursory procedures for review of asylum applications
- Violence against gays and lesbians,

The US State Department Human Rights Report states that:

“the law provides special rights and protections to indigenous Italian and Hungarian minorities, including the right to use their own national symbols and access to bilingual education. Each minority has the right for each to be represented as a community in parliament. Other minorities do not have comparable special rights and protections. The government considered ethnic Serbs, Croats, Bosnians, Kosovo Albanians, and Roma from Kosovo and Albania to be “new” minorities, and the special constitutional provisions for autochthonous³⁴⁰ minorities did not apply to them. The new minorities faced varying degrees of governmental and societal discrimination with respect to employment, housing, and education.

According to Transparency International Corruption Perception Index 2009, Slovenia ranks 27th, together with Estonia being the leader of the group of new EU member states in this ranking ³⁴¹. However, the public perceives corruption to be a widespread problem³⁴². The Freedom House in its report mentions that in 2008,

“unproven claims surfaced that Slovenian officials had been bribed by the Finnish company Patria to help finalize the purchase of armored personnel carriers for the Slovenian army. In 2008, the Commission for the Prevention of Corruption fought serious financial problems, which

³³⁸ http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/SI/A_HRC_14_15_Slovenia.pdf

³³⁹ US State Department Human Rights Report 2009, Amnesty International 2009 report

³⁴⁰ Indigenous minorities

³⁴¹ http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table

³⁴² <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136058.htm>

*resulted in the National Assembly approving the lowest budget in the Commission's history".*³⁴³

2. Key Human Rights, Accountability and Watchdog NGOs

The NGOs in Slovenia are mostly service oriented and mutual-interest based. The human rights advocacy or watchdog activities are often performed as a secondary or parallel activity of these NGOs. Many NGOs run projects or programs that have components of watchdog or advocacy activities, but there are very few NGOs that would specialize only in watchdog or advocacy actions.

Below are listed several NGOs that perform multiple activities including human rights advocacy, government accountability, public-interest lobbying and watchdog activities:

- Peace Institute³⁴⁴ - Institute for Contemporary Social and Political Studies – is a non-profit research institution developing interdisciplinary research activities in various fields of the social and human sciences. Its aim is to actively intervene in public policy and to link academic research and reflection with practical educational and strategic advisory activities. The institute monitors intolerance, migration and asylum policies, gay and lesbian studies, racism and xenophobia. The institute is funded 35% from a private international sources (mainly OSI grant), 40% from different international and bilateral sources (mainly from different EU funding), and 25% from domestic governmental or local authorities.
- Umanoterra – Slovenian Foundation for Sustainable Development³⁴⁵ promotes sustainable development in Slovenia, particularly preservation of natural resources, balancing the human dimension with environmental one and promoting environmental ethics. It conducts also policy advocacy and watchdog of the government in the environmental and socially equitable development. Its main sources of funding are foreign (structural funds, embassies, bilateral donors) and domestic (Ministry of environment, Office for information, etc.) and some private foundations (CEE Trust).
- Legal Information Center for NGOs³⁴⁶ was initiated by the Open Society Institute and established by seven NGOs in 1997. It offers support to NGOs, marginalised and deprived groups (e.g. refugees, children, youth, elderly, the homeless and the handicapped) and other civil movements and groups, as well as other interested individuals and organisations. LIC projects include analyses of local legislation and comparative analyses with a view to initiating changes in legislation, thus offering socially-deprived individuals or groups direct legal assistance in the fields of company law, organisation of NGOs and NPOs, human rights, environmental law, social law, consumer protection law, and other legal fields where protection is called for.
- Integriteta – Association for Ethical Public Action³⁴⁷ - has been established in March 2009 as a local chapter of the Transparency International in Slovenia. It is a civic association and its purpose is to develop and implement prevention programmes in the area of raising awareness of general and professional public on the conditions, needs and implications of establishing the necessary degree of integrity (recently it conducted a research on corruption in the NGOs). Integriteta Association provides advice to individuals and legal persons, particularly victims of corruption, the promotion and organization of their cooperation with law enforcement agencies and assist in the protection of witnesses in this field.

³⁴³ <http://www.freedomhouse.hu/images/nit2009/slovenia.pdf>

³⁴⁴ <http://www.mirovni-institut.si/Main/Index/en/>

³⁴⁵ <http://www.umanoterra.org>

³⁴⁶ <http://www.pic.si/>

³⁴⁷ <http://www.integriteta.si/>

- Association for the Theory and Culture of Handicap (YHD), Ljubljana, Slovenia³⁴⁸ associates handicapped people who believe in and act by the principles of the independent living, free from patronizing practices of charity. It voices out views and opinions of its members, who understand handicap as their deprived social status, that needs to be surpassed. The Association is involved in national and international campaigns focused on human rights, fight the inequalities, and call for personal assistance for all.
- Environment Center³⁴⁹ provides better work conditions for environmental NGOs. The Environment Centre also providing basic infrastructure and help to not yet established NGOs and civil initiatives. Consequently it is trying to achieve bigger influence of environmental NGOs in decision making processes.

Specific goals of the Environment centre are to improve public awareness about nature protection and sustainable development, to strengthen environment consciousness of individuals and community/ collectivity, to strengthen cooperation of environmental NGOs and public in decision making processes, to strengthen access public for environmental information and publications,

to offer to visitors basic advises and accesses to independent opinion from different fields of environment protection and sustainable development.

- The Women's Lobby of Slovenia³⁵⁰ is a Coordination mechanism of 11 NGOs covering different fields of work on issues that are related to women's life. The Women Lobby of Slovenia was established in December 2006. Its mission is to ensure equality of women and men in Slovenia and in Europe and assist in EU policies exercising women human rights and equality of women and men. It tries to be the link for everyone who is interested in gender issues in Slovenia, specially for lobbying activities when changing legislation. The work of the association is deals with three areas: violence against women, women and health issues and women in politics.
- Association SOS Help Line for Women and Children - Victims of Violence³⁵¹
Provides to victims of domestic violence variety of support services including a free SOS phone hotline, safeguarded shelter in secret location for women with or without children as well as self-help group facilitation and assistance.

3. Situation of the HRAW NGOs and their Sustainability

USAID rates the Slovenia in 2008 as a country where NGOs' sustainability is in the mid-transition. The country gets lower ranking in this index than any of the Baltic and Visegrad countries.³⁵²

Freedom House in its 2009 Nations in Transit report mentions that the with almost 21,000 non-governmental organizations, civil society in Slovenia is vibrant, but most NGOs are not involved in public affairs.majority of civil society remains outside the realm of public affairs.³⁵³ This trend has been also confirmed by our respondents.

The relatively narrower profile of human rights and watchdog NGO scene in Slovenia has also historical reasons. Slovenia was bypassed by many of the foreign funders (both private and public) that were active in civil society support in the Visegrad or Baltic countries in the nineties.

³⁴⁸ <http://www.yhd-drustvo.si/>

³⁴⁹ <http://www.okoljski-center.si/>

³⁵⁰ <http://www.zls.si>

³⁵¹ <http://www.drustvo-sos.si>

³⁵² USAID NGO Sustainability Index, 2008,

http://www.usaid.gov/locations/europe_eurasia/dem_gov/ngoindex/2008/slovenia.pdf

³⁵³ The rating for civil society remains at 1.75. (Freedom House, Nations in Transit, Country Report, 2009, Slovenia)

4. Overall funding situation in particular for HRAW NGOs³⁵⁴.

The financial viability of NGOs in Slovenia is considered by the 2008 USAID NGO Sustainability Index in transition and compared to other countries of the region as one with lower ranking. Much of the NGOs is funded from public sources or EU sources which means also delays in funding and instability and unpredictability of cash flows. It should be noted, however, that this funding does not fund watchdog or human rights activities. These are funded mostly from membership fees or self-financing., which seems to be one of the working strategies, which works, only if it generates surplus. If not, as one of the respondents puts it, that you can be either lucky and be a part of a wider international network. Therefore, it is hard to find in Slovenia an NGO that would be permanently conducting human rights watchdog activities.

Domestic public funding for the human rights and watchdog activities of Slovenian NGOs has been limited. One of the the most relevant funding in this area recently was the NGO Fund ³⁵⁵ of the Norwegian Financial Mechanism. Its purpose was to provide institutional capacity building support to NGOs working in the priority sectors of the Financial Mechanisms, with the overall objective to increase solidarity, create opportunities and support cooperation at international level between the NGOs in Slovenia and the donor countries. The eligible topics were also non-discrimination, anti-racism, advocacy, awareness raising, human rights, gender equality, rights-based approaches, empowerment, monitoring, reporting, etc. The Fund supported “people-to-people” and “soft” project activities, such as education and training, organization of conferences, seminars and other practical activities; public participation and the promotion of good governance, exchange of good practices and bilateral cooperation. However, direct watchdog activities were not a priority. Also, the national government agencies and ministries provided funds in activities of human rights or watchdog, but it was associated with many problems, some of technical nature and some of more conceptual nature. Also, many national agencies do not have a relevant budget line items to support such activities³⁵⁶.

Similarly as in other countries, NGOs report that governmental funding is often full of red-tape:

“if you have independent funding coming for example from UNHCR, then it works – otherwise you would have hard time to get funds from the Ministry of Interior of Justice, it would be extremely hard to geth those finances. Even if you get them for example through the European Refugee Fund managed here by the Ministry of Interior, it causes headaches to those NGOs who implement watchdog activities, because there is a huge amount of administrative work and it shrinks time to actually implement watchdog activities^{357”}

But there are also deeper problems with the government funding of watchdog and human rights activities of NGOs that relate directly to the chronic problem of independence and conflict of interests: the same NGO acts as a partner to the ministry in policy making/commenting/drafting and at the same time as a grantee which critically reviews the actions of the government. For this reasons some HRAW NGOs find easier to interact with Brussels institutions than with national ones as they are in a way burdened with their opinions. For some of theme, they report, it is easier to implement human rights and watchdog projects with funding from Brussels than with funding from Slovenian ministry.

³⁵⁴ Information in the section is based on interviews with Slovenian HRAW NGO representatives, and reports of HRAW NGOs.

³⁵⁵ http://www.rec-lj.si/projekti/eea/eng/eea_eng.htm

³⁵⁶ One of the respondents suggested that most effective way of redistributing public funds for NGO activities in Slovenia would be through an independent public agency which would do the work for different ministries in different areas, as it would save on the staff and simplify the bureaucracy and variety of administrative procedures that each ministry has a bit different. Similar model exists in Croatia.

³⁵⁷ Interview with Slovenian NGO

“....So Brussels funds don’t necessarily mean Brussels office, they mean independent money (for human rights NGOs)”³⁵⁸

The weak side of the EU funding from Brussels for human rights NGOs is that many of them are administratively weak to be able to tap this funding.

“....they (human rights NGOs) do not have the capacity and the knowledge.”³⁵⁹

So ideally, for the human rights NGOs, the funding should be coming from Brussels and administration could be in-country i.e. in Slovenia, but not by the government agency, but by some other private-public entity.

“when it is managed here in Slovenia possibly without national government administration, that would probably be one of the mechanisms that could foster the development of this field”³⁶⁰

The existing funders have not focused on support of advocacy or watchdog activities in such scope and breadth as in other countries of the CEE. Therefore the overall profile of the human rights, watchdog, and accountability NGO community does not compare to those in the other new EU member states. Still, the impact of for example Soros Foundation remains noticable - its support enabled the establishment of national NGOs in the fields of human rights, protection of minorities, women, ecology etc.³⁶¹

“The problem in Slovenia is that it always seems to be a relatively nice country country with a high GDP with everything well-organized without huge violations, so therefore a lot of funders were not really interested to finance such activities because they did not see them as a priority.”

The role of private donations (individuals) in HRAW NGOs funding portfolio is limited to issues that can appeal to public – such as human rights protection of kids or for the victims of violence. However, for asylum seekers, the appeal diminishes and funding is not available.

Corporate funding for human rights and watchdog activities is almost non-existent.

There are no signs of using revenues from privatization or from lottery funds.

358 Interview with NGO respondent, March 2010

359 Interview with NGO respondent, March 2010

360 *ibid.*

361 Divjak, T.: Civil society and good governance in societies in transition: Slovenia. In: Civil society and good governance in societies in transition (Benedek, W., ed.), Belgrade: Belgrade Centre for Human Rights – Vienna: Neuer Wissenschaftlicher Verlag; 2006. http://www.rec-lj.si/projekti/eea/eng/documents/D2_Civil_Soc._and_Good_Governance.pdf

IV. EU Funding for HRAW NGOs

In the following section, the research aims to provide an analysis of funding resources and programs available for HRAW NGOs on the EU level.

IV.1 Key Findings

The majority of human rights funding of the European Union is directed at the external actions.

It is hard to clearly delineate what funding is directed at promoting and protecting human rights at the EU level. However, of those programs that have an explicit human rights focus, the largest is by far that of the EIDHR, totaling €1,104 million for the period 2007-2013. In comparison, the key human rights funding instrument directed at EU member states, the Fundamental Rights and Justice Framework Programme totals less than one tenth of that budget, € 93,8 million for the same period. With other funding programmes that also have relevance to this field, the total amount of funding available to promote and protect human rights within the EU would be around €200 million; this is small compared not only to EIDHR but also to the funding dedicated to further other European objectives.

The Commission does not fund NGOs in new member states at the same level as their old member states counterparts.

The research carried out by Syracuse University scholars concluded that the Commission is not funding civil society organizations at an equal level or rate across all member states. In fact, based on data of 2003-2007 of some 1, 164 NGOs only some 15 % of EC grants reached organizations in the CEE region, the rest was allocated to the old member states.³⁶² As recent data for 2007-2010 shows, this tendency is gradually changing, however, the funding for NGOs in the old member states still considerably exceeds the amounts disbursed for NGOs in NMS. For instance, the amount of action grants distributed by EACEA under Europe for Citizens Program in 2007- 2013 Action 2 Active Civil Society in Europe for selected Western European countries is triple of the amount distributed to the NMS NGOs. (See the Case Study of EACEA: Europe for Citizens Program in 2007-2013. Action 2 Active Civil Society in Europe).

Most institutional funding is distributed to the NGOs in Western Europe. Operating grants are provided by the Commission to the organizations that pursue the general European interest and contribute to implementation of the EC programs. Understandably, such EU level organizations, platforms oftentimes are based closer to the key decision maker, such as the European Commission, which results in majority operating grants being disbursed to the organizations in Belgium or France. However, on the other hand most of NMS receive insignificant or no funding for their institutional costs from the EC. Based on the cumulative data for 2007-2010 obtained from the EACEA only 5% of the total amount of operating grants under Action 2 of Europe for Citizens Program was distributed to the NMS. (See the Case Study of EACEA: Europe for Citizens Program in 2007- 2013. Action 2 Active Civil Society in Europe).

HRAW NGOs face serious hurdles in accessing and managing EU funds due to the onerous financing regulations.

The flash survey and other research conducted by ECNL revealed a host of rules relating to applying for, managing and reporting on EU funds that constitute a serious obstacle in accessing and effectively managing their funds. These include an unrealistically low cap on administrative (overhead) expenses; a prescription of arbitrary exchange rates; difficult co-financing and pre-financing requirements; and delays in decision-making, contracting and payments, among others. Ultimately, many NGOs decide not to undertake EU funding as it would undermine rather than assist their sustainability.

³⁶² Following the Money: EU Funding of Civil Society Organizations;
http://www.unc.edu/euce/eusa2009/papers/mahoney_05F.pdf

HRAW NGOs in NMS have limited capacity and resources to effectively represent their interests and agenda at the EU level. Having recently joined the European Community the NGOs from the new member states oftentimes have basic or no knowledge on how to advocate for their agenda at the EU level. There are few channels for NGOs from NMS to involve in shaping EU policies in terms of program objectives and funding opportunities. There is no NMS specific NGO group that could better represent interests of the ten plus two new members in front of the EU. Moreover, most of the times the NGOs in NMS may not even be aware of possibilities available, e.g. the public consultation regarding EIDHR Strategy 2011-2013 or the review of the Financial Regulations.

IV.2 Types of Resources Available for HRAW NGOs

IV.2.1 General info on EC funding

According to the EU's estimates, over € 1, 000 million a year is allocated to NGO projects directly by the Commission. The most substantial allocations are in the field of external relations for development co-operation, human rights, democracy programs, and, in particular, humanitarian aid (€ 400 million).³⁶³

Financial allocations can be distributed either through **grants or contracts**. A grant is a financial contribution by the Contracting Authority to a specific recipient, generally selected through a call for proposals, to implement an action that furthers the interests of the EU or contributes to the implementation of an EU program or policy. A contract on the other hand is the outcome of a procurement procedure (call for tender), where the Contracting Authority purchases goods or services (studies, technical assistance and training; consultancy, etc.) in return of payment.³⁶⁴

NGOs may apply for two types of grants: either an **operating grant** that provides structural support for organizations that are active on the European level and pursue an aim of general European interest or an **action grant** that co-finance the specific project activity of an NGO.

Funding can also be categorized according to the level the funds are managed on: **structural funds** are administered by the national authorities, whereas in case of EC grants, applicants are in contact directly with the European Commission, the executive agency running the program in question or EC Delegation in case the project is administered outside of the EU. Due to the scope of this paper and abundance and complexity of distribution through national authorities, this analysis covers **direct EC funding** opportunities only.

IV.2.2 Human rights funding instruments

NGOs active in the defence and promotion of human rights through their advocacy or research work are **key actors in the in the democratic functioning of the European Union and its MSs**. They depend on a variety of financial sources, including EU funding opportunities. However, as it will be analyzed in detail further, available EU-level funding for HRAW organizations is scarce, its conditions are sometimes unsustainable and often not adequate for their work.

In the section below we look at human rights areas that are mostly supported on the EU level, explore the amount of funding available for these activities as well as analyze the target groups that are most likely to receive funding.

There are four DGs that are most actively involved in human rights policy and funding issues:

- DG for External Relations (DG Relex);
- DG for Development and Relations with African, Caribbean and Pacific States (DG Dev);
- EuropeAid Cooperation Office;
- DG Employment, Social Affairs and Equal Opportunities;

³⁶³ "New funds, better rules - Overview of new financial rules and funding opportunities 2007-2013, A Beginner's Guide, 2008 edition". http://ec.europa.eu/budget/library/publications/financial_pub/pack_rules_funds_en.pdf

³⁶⁴ European Commission: Contracts and grants, http://ec.europa.eu/contracts_grants/index_en.htm

- DG Justice.

DG Employment and DG Justice are administering their own programs directly, while the external aid and development assistance programs developed by the first two DGs (DG Relex and DG Dev) are implemented by EuropeAid Cooperation Office. Although the EU actively promotes human rights issues both within and outside its borders, the **focus is clearly on the promotion of human rights in its external policies**. For instance, the European Instrument for Democracy and Human Rights (EIDHR), managed by EuropeAid, is benefiting from a budget of **€1,104 million for the 2007-2013 period**. Other framework programs addressing general human rights issues on the EU level are managing considerably smaller budgets. Despite the fact that the Commission acknowledges the particular role of civil society in the field of human rights and democracy, and recognizes NGOs, as important implementers of EC programs,³⁶⁵ **Community assistance in these fields is currently focused on external relations** and no priority is given to tailor-made programs addressing these crucial issues within the MSs or the European-level. In fact, the European Commission's webpage under the heading Grants – Human Rights provides the only link to the EuropeAid Office³⁶⁶.

Currently, the priority human rights areas in the EU and its MSs are:

- (a) fight against **racism and xenophobia**;
- (b) fight against other types of **discrimination based on religion, gender, age, disability or sexual orientation**; and
- (c) human rights in the area of **asylum and migration**.³⁶⁷

There are two substantial framework programs addressing these priorities: the **Fundamental Rights and Justice Framework Programme**³⁶⁸ managed by DG Justice on the one hand and the **Programme for Employment and Social Solidarity (PROGRESS)**³⁶⁹ managed by DG Employment on the other.

The **Fundamental Rights and Justice Framework Programme** covers all MSs and consists of five all-encompassing instruments:

- A. Prevent and combat violence against children, young people and women and to protect victims and groups at risk (Daphne III);
- B. Drugs prevention and information;
- C. Fundamental rights and citizenship (FRC);
- D. Civil justice; and
- E. Criminal justice.

Out of the five instruments, the **FRC program**³⁷⁰ features the objectives that can be considered most relevant for HRAW NGOs throughout Europe. It promotes citizens' access to information about **fundamental rights** and supports NGOs in the promotion of the rule of law and democracy in order to foster a European society based on respect for fundamental rights.³⁷¹ The instrument also supports **fight against racism, anti-Semitism and homophobia and the protection of the rights of the child**. The FRC program uses action grants (for activities such as trainings, awareness raising campaigns,

³⁶⁵ Minutes of Consultation Meeting with civil society organisations on EIDHR 2010 Annual Action Program, 2 Oct 2009, http://ec.europa.eu/europeaid/what/human-rights/documents/minutes_cso_consultation_2_10_09_en.pdf

³⁶⁶ European Commission – Contracts and grants: http://ec.europa.eu/contracts_grants/grants_en.htm

³⁶⁷ Activities of the European Union – Human rights: http://europa.eu/pol/rights/index_en.htm

³⁶⁸ DG Justice: http://ec.europa.eu/justice_home/funding/intro/funding_rights_en.htm

³⁶⁹ DG Employment, Social Affairs and Equal Opportunities – PROGRESS: <http://ec.europa.eu/social/main.jsp?catId=327>

³⁷⁰ DG Justice- Fundamental Rights and Citizenship: http://ec.europa.eu/justice_home/funding/rights/funding_rights_en.htm

³⁷¹ 2010 Work Programme for FRC, http://ec.europa.eu/justice_home/funding/rights/doc/awp_rights_2010_en.pdf

preparation and dissemination of good practice surveys and analyses) as well as operating grants to support initiatives addressing its thematic priority areas.

The objectives pursued by the **European Union Agency for Fundamental Rights (FRA)**³⁷² are in many cases complementary to some of the objectives of the FRC program. However, even though the goals of the FRA may fit in well with the mission of HRAW NGOs, funding under FRA is available primarily for **comparative research** across a range of thematic areas in the context of the European Union Charter of Fundamental Rights, rather than watchdog activities.

Diversity, non-discrimination of the Roma and people with disabilities as well as gender equality are issues tackled on the policy level by the DG Employment. One of the most significant funding instruments this DG is responsible for is **PROGRESS**, an EU program to promote more and better jobs and a fairer, more inclusive society. **Non-discrimination** and **gender equality** are two of the five priority areas³⁷³ of PROGRESS. The program aims to provide evidence and data underpinning the Commission's internal decision-making process, promotes high-quality, participatory policy debates at the EU and national level and supports effective information sharing and learning opportunities.³⁷⁴ Hence, in terms of activities supported, PROGRESS first and foremost finances a range of thematic and comparative policy research and analysis studies in these thematic areas and does not prioritize classical watchdog activities.

IV.2.3 Amount of funding available for HR programs on the EU level

The financial package for the entire *Fundamental Rights and Justice Framework Programme* is €542,90 million for 2007-2013. Out of the five instruments, the **FRC program** has €93,8 million at its disposal for the 7-year financial period. The total amount available **for 2010 is €13,8 million**, out of which €10,19 million is allocated for action grants and €2 million for contracts to carry out the Commission's own initiatives, i.e. preparing various studies, surveys and organizing events.³⁷⁵

According to the Commission's estimates, the indicative budget amount of the action grants is going to be distributed among 25-30 projects. Supported actions run between 12 and 24 months, the required cost-share ratio is 20% and budget ranges between €100,000 and a maximum of €1 million. Contributions in kind are not considered as eligible nor can they be used as co-financing. Furthermore, there is a 7% cap on indirect expenses, which does not allow the majority of NGOs to fully recover their indirect costs from project income. The combined impact of these barriers poses significant burdens on beneficiaries that limit their ability to successfully carry out future actions.³⁷⁶ Despite these considerable financial challenges and the fact that the calls for proposals are not custom-made for HRAW NGOs, this funding stream might be a good choice for **human rights organizations seeking EU support for larger-scale transnational projects**. However, it does not offer funding for NGOs working on classical accountability matters.

As for DG Employment, PROGRESS has a €743 million budget for 2007-2013 with €108 million to be spent in 2010. In 2010 **nearly one quarter of the total budget is being devoted to combating discrimination (€ 24,65 million) and over 10% to gender equality issues (€ 13,81 million);**³⁷⁷

³⁷² The European Union Agency for Fundamental Rights: http://www.fra.europa.eu/fraWebsite/home/home_en.htm

³⁷³ The other three priorities are employment; social inclusion and protection; and working conditions.

³⁷⁴ PROGRESS Funding Priorities for 2010 Annual Plan of Work:

<http://ec.europa.eu/social/BlobServlet?docId=4410&langId=en>

³⁷⁵ 2010 Work Programme for FRC: http://ec.europa.eu/justice_home/funding/rights/doc/awp_rights_2010_en.pdf

³⁷⁶ See ECNL Response to the Public Consultation on the Review of the Financial Regulation, http://www.ecnl.org/dindocuments/312_ECNL%20Response%20to%20Public%20Consultation%20FR%20Review_web.pdf?PHPSESSID=c68b6dc5b2e62b954eefb8f0526d87b6

³⁷⁷ PROGRESS Funding Priorities for 2010 Annual Plan of Work, <http://ec.europa.eu/social/BlobServlet?docId=4410&langId=en>

however, the majority of the funding is allocated for the other three big priorities of the instrument: employment, social inclusion and protection and working conditions. It is also worth noting that in case of the two human rights policy areas, **only around 20% of the budget is distributed through calls for proposals** and a considerable percentage of the yearly budget is assigned for operating grants and calls for tenders.³⁷⁸ PROGRESS also awards grants without publishing any calls for proposals to bodies with a de jure or de facto monopoly: for example for conferences to be organized by the MSs holding the Presidency. All in all, while PROGRESS tackles issues that are relevant for HRAW NGOs, **actual project funding available for watchdog organizations under this framework program is very limited.**

Another small EU funding source that HRAW NGOs might consider applying for is the **Europe for Citizens** program³⁷⁹ administered by the **Education, Audiovisual and Culture Executive Agency (EACEA)**. One of its strategic actions ("Action 2 – Active civil society in Europe") offers operating grants for EU-level NGOs as well as action grants for cross-border activities. Action grants require co-financing and support activities up to a budget of €55,000 with a duration of maximum of 12 months and call for an obligatory partnership between at least 2 participating countries.³⁸⁰ While HRAW issues are not a priority area of this funding stream, it might be a good opportunity to apply for **co-financing of an event or action the HRAW NGO is planning to carry out within the framework of another non-EU supported program.**

IV.2.4 Access of NMS human rights and advocacy NGOs to EU funding

Case study of EACEA: Europe for Citizens Program in 2007- 2013. Action 2 Active Civil Society in Europe

The Education, Audiovisual and Culture Executive Agency (EACEA)

The Education, Audiovisual and Culture Executive Agency (EACEA) operates with supervision of the three DGs for Education and Culture, for Communication and EuropeAid Cooperation Office and is in charge of running Europe for Citizens Program.

The priority issues of the Europe for Citizens Program in 2007- 2013 are:

- Active European Citizenship: participation and democracy in Europe;
- Inter-cultural dialogue;
- People's wellbeing in Europe: employment, social cohesion and sustainable development;
- Impact of EU policies in societies

Action 2 Active Civil Society in Europe supports civil society organizations, as unique links between European citizens and the European Union. The purpose is to contribute to the emergence of a structured, coherent and active civil society at European level.

Based on the information provided by the DG for Communication regarding funding disbursed to NGOs in 2007-2010 under Europe for Citizens Program Action 2 Active Civil Society in Europe, a group of 12 MSs where beneficiary NGOs originated from was selected. The group includes 6 old MSs and 6 NMSs: Austria, Belgium, Czech Republic, Germany, France, Hungary, Italy, Lithuania, Latvia, Poland, Romania and the United Kingdom.

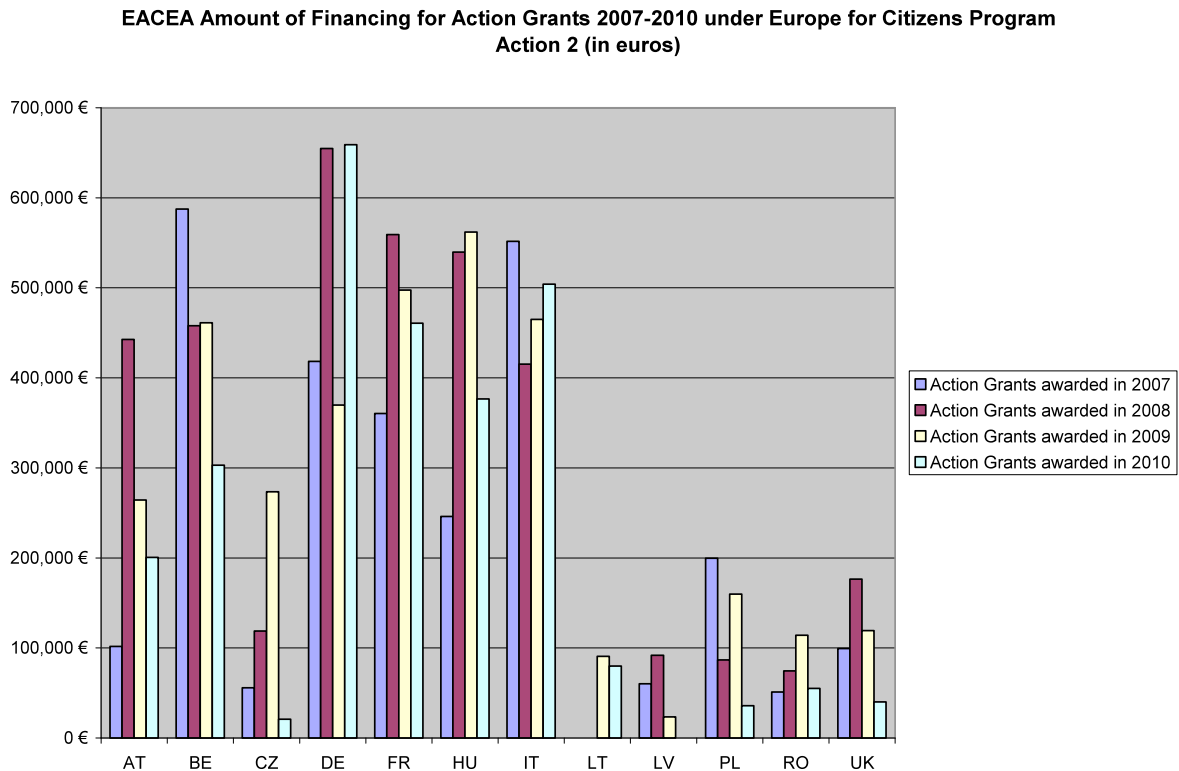
The data for 2007-2010 shows that **the amount distributed for action grants is significantly lower in the NMSs** (except for Hungary where it is comparable to the amounts distributed in France and

³⁷⁸ Annual Work Programme of Grants and Contracts for 2010 – Programme PROGRESS, <http://ec.europa.eu/social/BlobServlet?docId=4462&langId=en>

³⁷⁹ http://ec.europa.eu/citizenship/programme-actions/doc18_en.htm

³⁸⁰ For more details please see: Europe for Citizens Programme Guide 2007-2013, http://eacea.ec.europa.eu/citizenship/programme/documents/EACEA_2008_0185_EN.pdf

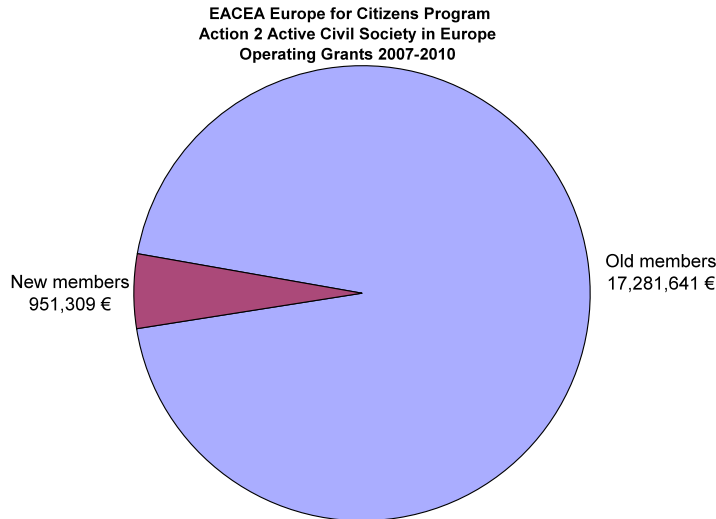
Italy). Germany leads the group, while Lithuania, Latvia and Romania received the lowest amount of allocations during the four years. Accumulative funding for German NGOs equals to above 2 million euros, while for Poland, for instance, the accumulated funding for 4 years was less than 500,000 euros.



**Figure IV.1: EACEA Amount of Financing for Action Grant 2007-2010 under Europe for Citizens Program
Action 2
(in Euros)**

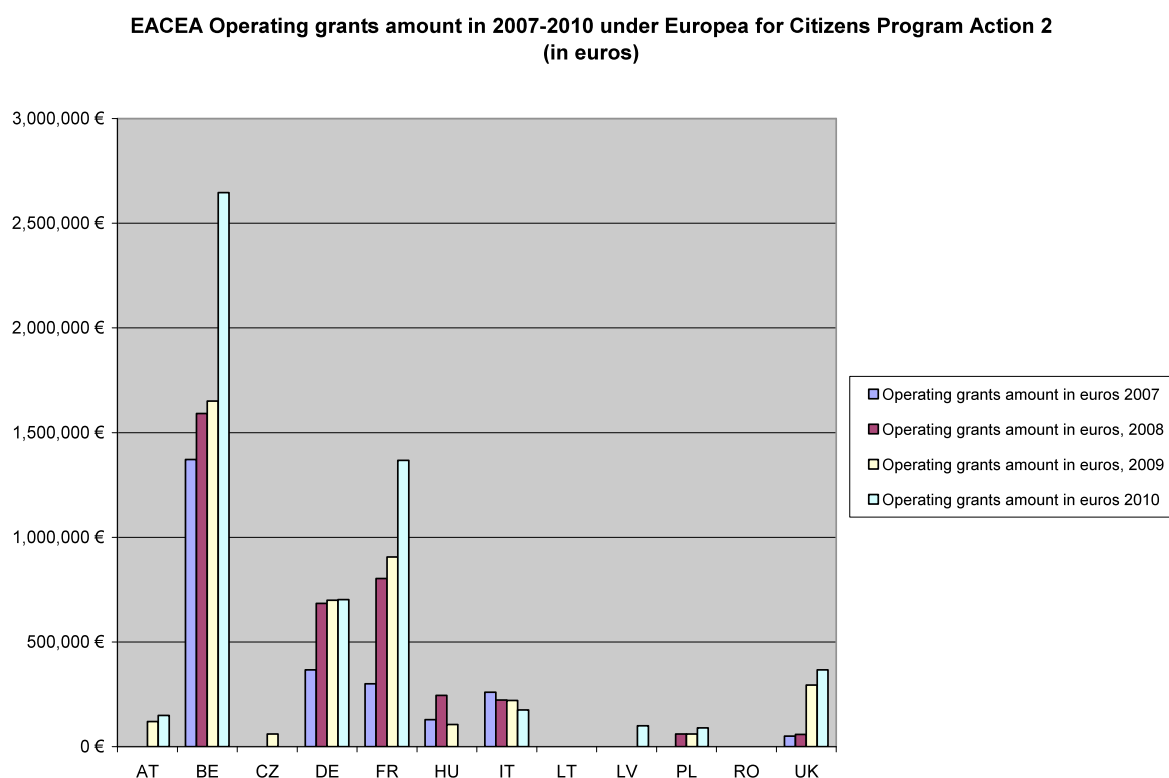
In this group, the total share of allocated funding for action grants in old member states is triple of what has been allocated to NMS in 2007-2010, c.9 million euros and c. 3 million euros correspondingly.

The amounts distributed as operating grants are considerably greater in the old member states or 95% of all operating grants funding in 2007-2010.



**Figure IV.2: EACEA Europe for Citizens Program
Action 2 Active Civil Society in Europe**

Looking at the per country breakdown, the clear leading country both in the amount of funding and the number of recipient organizations is Belgium that can be explained by the number of European level organizations concentrated there. Belgium is followed by France, where several larger organizations also have headquarters. As for NMS there is hardly any operating funding distributed, some countries did not receive operating funds at all in the period of 4 years, such as Latvia, Lithuania and Romania.



**Figure IV.3: EACEA Operating grants amount in 2007-2010 under Europe for Citizens Program Action 2
(in Euros)**

Factors of Accessibility of EU Funding

Apart from NGOs, **eligible applicants for the framework programs include local and regional authorities, public employment services, national statistics offices, universities and research institutes**. Thus, there is a big competition among various actors for available grants and for HRAW NGOs to be able to successfully apply for funding under this mechanism, they would have to tailor their mission to the given call.

Moreover, it is worth noting that a substantial part of the funding is distributed through operating grants to **European umbrella NGOs**, rather than action grants. In the framework of partnership agreements within PROGRESS, DG Employment supports EU-level networks that are active in combating discrimination (€4,9 million in 2010) and promoting gender equality (€900,000).³⁸¹ The FRC program also distributes operating grants in the value of € 1 million in 2010 for EU-level NGOs.

³⁸¹ Annual Work Programme of Grants and Contracts for 2010 – Programme PROGRESS, <http://ec.europa.eu/social/BlobServlet?docId=4462&langId=en>

An important feature of EU funding mechanisms is that presently there **is no positive discrimination (preferential treatment) for either organizations from the NMSs or HRAW NGOs**. The findings of a recent research on EU funding for Civil Society Organizations showed that the older MSs tend to receive the largest numbers of grants and the bulk of the EU-funding. Only 15% beneficiary organizations originated from the CEE region and their aggregated amount of funding was around 2 million euros, while the Western European organizations received close to 18 million euros in 2003-2007.³⁸²

Although in previous years there were some financial sources specifically designed for the needs of NGOs from the NMSs, this is not the funding practice any more. Among the funding mechanisms available specifically for the new member states the following can be singled out:

- The **EU Watchdog Fund**, an example of a targeted and flexible funding stream, was a response of the Commission to a call for action from June 2003 supported by a number of NGOs from accession states, which asked the EU to create a 'Good Governance and Civil Society Fund for New Member States'.³⁸³ The title of call for proposals launched by the Fund was "Support of civil society in the Member States which acceded to the EU on 1st May 2004"³⁸⁴ and it was a three-year long program managed by DG Justice between 2005-2007 to support local NGO activities in the NMSs. Financial allocation distributed for proposals submitted in 2006 was €2 million and €1 million in 2007. The amount of grant awards of individual projects varied between €50,000 up to €150,000. Only NGOs were allowed to apply to lead the proposed projects; however, local authorities and universities could be involved as partners. The Fund supported advocacy actions in the field of transparency, anti-corruption, election monitoring and other issues. However after 2007 the Fund ceased to exist and was not extended.
- Another temporary financial assistance that used to be available for various actors, including HRAW NGOs, between 2004 and 2006 was known as the **Transition Facility**.³⁸⁵ It was designed for specifically for NMSs to develop and strengthen their administrative and institutional capacity to implement and enforce Community legislation in the areas of justice and home affairs, such as strengthening of the judicial system and anti-corruption strategy, environmental protection or the fight against fraud. Financial allocations under the Transition Facility, at 1999 prices, were €200 million in 2004, €120 million in 2005 and €60 million in 2006. The objectives of the Facility were determined on a yearly basis for the ten NMSs and supported a variety of actions depending on the needs of the given country; thus, HRAW issues as a whole were not given priority. Nevertheless in the Czech Republic, in 2004 -2005 there was a funding opportunity on "Strengthening the Role of Advocacy and Monitoring Civil Society Organisations" with the objective of promoting implementation of the anti-corruption measures and anti-discrimination acquis. In total €2,380,110 was allocated to NGOs in two calls for proposals³⁸⁶. Also, in 2006 €746, 597 was allocated to support the implementation of the anti-discrimination legislation by monitoring and informing the general public and specific target groups through NGO activities.

³⁸² Mahoney C., Beckstrand M, *Following the Money: EU Funding of Civil Society Organizations*, 2009; http://www.unc.edu/euce/eusa2009/papers/mahoney_05F.pdf

³⁸³ The initiative was led the Open Society Foundation, Slovakia.

³⁸⁴ DG Justice – Support of Civil Society in the member states which acceded to the EU on 1st May 2004: http://ec.europa.eu/justice/funding/2004_2007/support_ngo/funding_support_en.htm

³⁸⁵ DG for Enlargement – National Programmes, Financing Proposals and Project Fiches: http://ec.europa.eu/enlargement/how-does-it-work/financial-assistance/transition_facility_en.htm

³⁸⁶ Watchdog funding from EU and EEA/Norway Financial Mechanisms, presentation by Petra Francová, NROS, 2007. November, http://www.watchdog.eps.cz/files/meeting-with-donors/WD-EU_EEA.pdf

With the EU Watchdog Fund and Transition Facility closing down, HRAW NGOs in the NMSs have lost an essential EU financial source. They certainly still have access to other European funding mechanisms, analyzed in the previous sections; however, on the whole there is **substantially less funding available for HRAW NGOs** from the 12 countries. This trend has also been verified by the findings of the online flash survey ECNL carried out in November 2009. The survey resulted in feedback from thirty HRAW organizations from the NMSs. In terms of challenges of access to EU funding opportunities, almost 60% of the respondents indicated that the main reason for not applying for EU funds was that the scope of the call was not relevant for HRAW NGOs. Calls for proposals for watchdogs activities concerning European areas of concerns at a national and European level are insufficient.

Every year there are some calls for proposals that are relevant to HRAW NGOs launched by various DGs at the European Commission. However, the calls give opportunities only under certain conditions and the chances for success are rather limited. For instance, see the current call for operating grants as issued by DG Justice (open until November 23, 2010):

Call for Proposals JUST/2010/FRaC/OG: Support to the activities of NGOs and other organizations through operating grants in 2011

The call was issued by the DG Justice within the framework of the Fundamental Rights and Citizenship Program (2007-2013) in October 2010. The call is supposed to support organizations that contribute to implementation of one or several objectives of the Fundamental Rights and Citizenship Program. The applicant organization must be involved in at least 14 EU countries. The organizations have to prove its earlier experience of working in the multiple EU countries. The Commission co-finances up to 80% of the total operating budget of the organization.

The Program objectives are rather general and include promotion of a European society based on fundamental rights, strengthening civil society, promoting better intercultural understanding, improving communication and networking between legal, judicial and administrative authorities. The more specific objectives are promote and examine the respect of fundamental rights in EU, to enhance NGO capacities in similar work and to create structures for interfaith and multicultural dialogue on the EU level. According to the conditions of the call, the indicative budget for operating grants in 2011 under the FRC program is €1,000,000. The maximum grant allocation per organization is € 300, 000 and the minimum is €75, 000. In other words, the program can sponsor a minimum of 4 and a maximum of 13 projects with a wide range of applicants.

Respondents to ECNL Survey pointed out that if some of the calls were targeted exclusively for HRAW NGOs, it would not only enable existing HRAW NGOs to access such funding, but would also **encourage other NGOs to start performing watchdog functions**. Moreover, **specifically targeted funding opportunities would allow HRAW activities to be more continuous and sustainable** in the long term. Several respondents of the online survey emphasized the fact that human rights projects typically include activities, such as strategic litigation or managing a pro bono clearinghouse, which require long-term financial planning, rather than the reinvention of activities on a project basis. Currently, some of these activities are not eligible activities under EU funding mechanism, which hinders the efficient work of such NGOs.

IV.2.5 Predictability of EU Funding

DGs identify specific grants and contracts to be awarded during the year in their **annual work programs (AWP)**. Generally published before the end of the first quarter of the given year the latest,

AWPs list all activities that will be put in place through publication of calls for tender and calls for proposals and they feature the most important parameters including the total amount foreseen for action and operating grants, financial provisions including the cost share ratio and indicative amount and duration of grants, the assessment and eligibility criteria and an indicative timeline.

For instance, the AWP of PROGRESS scheduled 8 calls for proposals and 30 calls for tenders for 2010. Most of the calls have been published between March and July. The deadline for submitting applications under calls for proposals is generally around 8 weeks, at the same time deadlines are shorter for calls for tenders (around 7 weeks on an average).³⁸⁷

The AWP provides indicative information on the provisional schedule and breakdown of amounts per type of activity of the given financial instrument for a certain year, but **no such detailed information is available on future actions.**

³⁸⁷ PROGRESS Frequently Asked Questions; <http://ec.europa.eu/social/main.jsp?catId=661&langId=en>

IV.3 Procedures for Obtaining EU Funding

IV.3.1 An Overview of EU Financial Framework Documents

The funding distributed by the European Commission is subject to a set of rules that are outlined in [the Financial Regulation](#) (FR) and [Implementing Rules](#) (IR). The fundamental principles of funding by the EU originate in the FR with further details provided by the IR. In order to assist their beneficiaries with application of the financial scheme some Directorate Generals developed practical guides on financial procedures. For example, [Practical Guide and General Annexes](#) (including a standard contract) for EC External Actions is available on EuropeAid's page for general public.

The European commission reviews and amends the Financial Regulation and Implementing Rules on a triennial basis. The review process is currently ongoing and was preceded by an open public consultation on two major topics identified by the Commission: *grants* and *the Commission's handling of financial files*. The contributors were invited to submit their opinions on [eleven questions](#) suggested by the Commission as well as to reflect on other issues they faced in implementation of EU projects. As the result, the total of 235 contributions were filed by individuals, NGOs (107 contributions) and local authorities.

The Commission prepared a summary of [main conclusions](#) based on the input provided. Among the key issues raised by the contributors and emphasized by the Commission in the summary of the Consultation feedbacks were the need for *more flexibility in co-financing requirement* depending on the nature of project, including *consideration of the in-kind contributions*, *more flexibility in the interpretation of the non-profit rule*, the need to improve the *application procedures* and dissatisfaction with *the pre-financing scheme*.

The Consultation served as a basis for preparing a draft [proposal on Regulation of the European Parliament and the Council on the Financial Regulation applicable to the general budget of the European Union](#) COM (2010)260. The draft proposal was discussed at a joint hearing by EP Committee on Budgetary control and the Committee on Budgets that took place in Brussels on June 1, 2010. The suggestions for changing the Regulation can be accessed at the Parliament's webpage³⁸⁸.

The Financial Regulation (FR) is a framework document for principles and procedures of establishing and implementing the EU budget. **The Implementing Rules (IR)** serve as a mechanism for interpreting and implementing the Financial Regulation.

In accordance with Article 279 of the EC Treaty and Article 183 of the Euratom Treaty the FR and IR are reviewed every three years. The current review process was launched in October 2009 by the European Commission and included the mechanism of public consultation. Following the entry into force of the Lisbon Treaty, the future FR will be adopted jointly by the European Parliament and Council, after the opinion of the Court of Auditors. The new FR and IR will be applied from January 2012.

³⁸⁸ Proposal for a Regulation of the European Parliament and of the Council on the Financial Regulation applicable to the general budget of the European Union COM (2010) 260:

http://www.europarl.europa.eu/meetdocs/2009_2014/documents/com/com_com%282010%290260_/com_com%282010%290260_en.pdf

And Accompanying document to the Proposal for a Regulation of the European Parliament and of the Council on the Financial Regulation applicable to the general budget of the European Union COM (2010) 260 :

http://www.europarl.europa.eu/meetdocs/2009_2014/documents/cont/dv/com_staffworkingdocument_/com_staffworkingdocument_en.pdf

Further discussions with participation of the Council, EP, EC DG Budget and NGO platforms are envisioned. The final version of the documents is supposed to be available by mid 2011, approved by the European Parliament and Council by the end of 2011 and become effective of January 2012.

IV.3.2 Main Challenges of the EU Financial Conditions

EU funding procedures are numerous and rather complex. The topic of sustainability of the EU funding was raised already in 2005 in the paper prepared by Open Society Institute-Brussels, Concord, the Platform of European Social NGOs, SOLIDAR, and the European Women's Lobby under the title [Striking a Balance: Efficiency, Effectiveness and Accountability](#). Some of the issues mentioned in the paper are still current and impede sustainability of NGOs until today.

The Public Consultation initiated by the Commission was a good opportunity for NGOs to bring up the issues in terms of the EU funding and better position their advocacy activities within the framework of EU policy-making. In preparing its submission to the public consultation on Financial Regulation, through in-person inquiries and an online flash survey, ECNL reached out to approximately **50 NGOs** from several member states and beyond the EU. An online flash survey was carried out in November 2009 and resulted in a feedback from thirty human rights and accountability watchdog organizations from the New Member States (NMS). Additionally, ECNL conducted personal interviews with close to twenty NGOs from among its Europe-wide network. While almost 67% of the respondents were not aware of the Consultation, 53% of the respondents said that they would like to participate in the Consultation on review of the Financial Regulation.

Based on the results of the survey, ECNL developed [a policy paper](#), where it included priority issues with the EU funding that were identified in the submitted questionnaires. In the submission paper ECNL in detail describes the problems, giving concrete examples and provides policy options and recommendations based on other donors' policies and good practices. Among the main issues included in the paper were *indirect rate allocation for grants; requirements for co-financing and ineligibility of in-kind contributions; exchange rate losses when applying official EU exchange rate; information about grant opportunities and paperwork for applicants*. All these provisions have a direct impact on the beneficiary's financial sustainability and need to be addressed in order to guarantee a sustainable financial environment for NGOs. The paper was submitted to the European Commission in December 2009. In addition, ECNL contributed to other organizations' submissions that voiced similar concerns on implementing EU funded projects, e.g. [EUCLID Network](#), [Civil society working group](#) on EU financial support at the European Active Citizenship Group under the auspices of DG Education and Culture and [CONCORD](#) platform.

Not only the EU financing conditions have impact on sustainability of the implementing organization, but they also determine whether the NGO may chose not to apply for a grant due to its unfavorable funding requirements. Below we review the financing conditions set by the FR and IR that have considerable impact on NGOs' sustainability, as identified by the survey respondents.

I. FINANCING CONDITIONS PREVENTING NGOs FROM APPLYING FOR EU FUNDING

Generally, the challenges NGOs face with the EU financial rules force some NGOs to question whether they can accept large-scale EU funding and may result in a conscious decision by the NGOs not to apply for the EU funded grants. Financial conditions of the grant award were mentioned as one of the reasons for the decision not to apply for EU funding by almost 31% NGO respondents (see Figure IV.4).

Case study: ECNL

The administrative expenses of ECNL in 2007-2008 equaled on average 20% of its operating budget. During this time, ECNL implemented an EU project financed through EIDHR, and since it could only allocate 7% of the related administrative costs to the project, it suffered a 13 cent loss for every one euro spent on (or 13% of the total cost of) the project. ECNL's board therefore decided that the organization should not apply for EU funding until such time as the full cost of projects can be recovered, despite the fact that ECNL believes it could greatly contribute to the objectives of the EIDHR and other programs in several regions.

Looking into the specific conditions that preempt organizations from applying for EU funding, the 7% limitation on indirect costs was the preventive factor for almost 39% of the respondents and co-funding requirement was a hindrance for 46% of the respondents. These provisions are reviewed in detail below. The administrative burden of implementing an EU funded project resulted in the decision not to apply by almost half of the respondents. The restrictive financial and administrative provisions of the calls pose significant burden for the potential applicants and may drive away capable organizations from engaging with the EC funding.

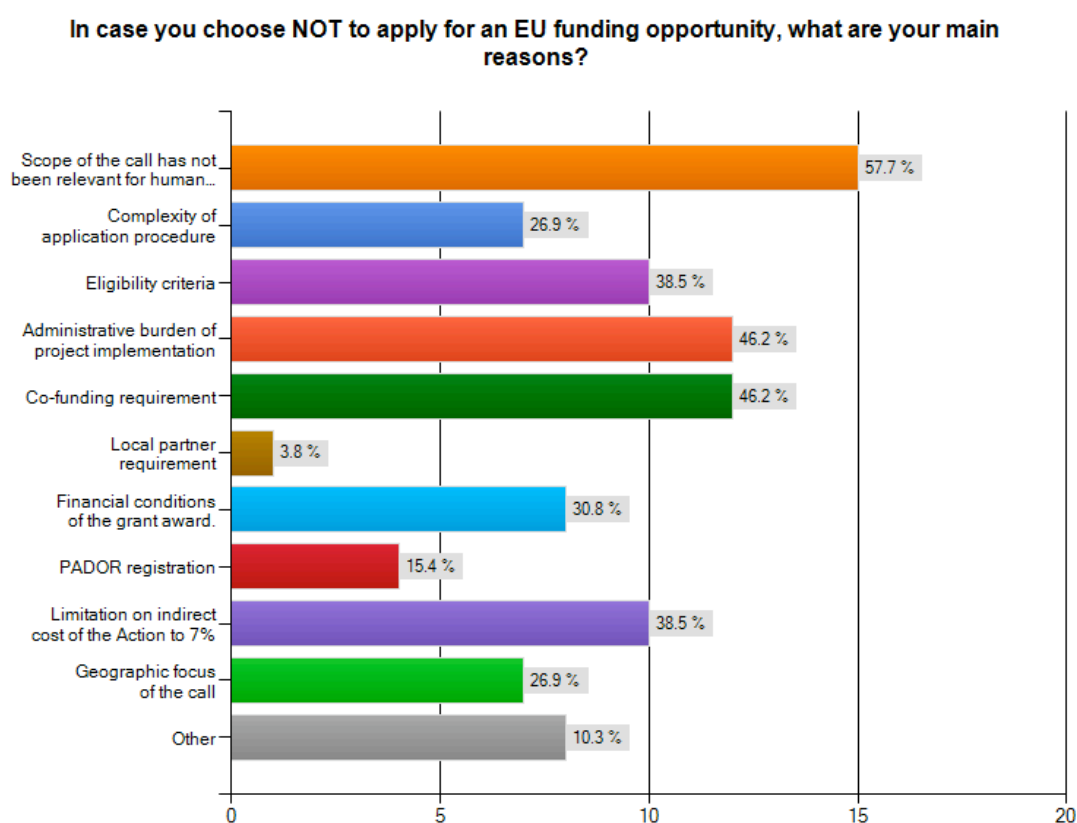


Figure IV.4: Financing Conditions preempting access to EU Funds

II. CHALLENGES OF MANAGING EU FUNDS

Those organizations that do gain access to the EU funding identified the following conditions as the major challenges and somewhat a challenge (see Figure IV.5 below): *7% limitation on indirect costs, post-financing payment scheme, level of required co-funding, ineligibility of in kind co-funding, difference between the official EU exchange rate and the actual exchange rate, pre-financing guarantee, i.e. bank guarantee, administrative burden and some others.*

The detailed account of the issues having most impact on financial sustainability can be found in the [ECNL's Response Paper to the Public Consultation on Review of the Financial Regulation](#), below is a review of major points.

Indirect costs

The current version of the EU financial rules allow grant beneficiaries to request up to 7% of the total direct costs of the project as **the indirect costs** (IR Art.181). The limit can be exceeded by “a reasoned decision of the Commission”. However, there is no further explanation provided on how to apply such derogation and the provision is barely applied in practice (with the exception of DG Research that has a more elaborated policy on indirect allocations that is, however, only applied to research institutions). In most cases the 7% overhead allocation is not sufficient for covering all indirect costs of running a project.

Sixteen out of the eighteen organizations that implemented the EU project mentioned the 7% indirect cap among main challenges of the project, which equals to almost 90% of all respondents who had experience with the EU funding. At the same time each respondent mentioned administrative burden of implementing an EU project among major challenges, which means that considerable administrative resources have to be involved to successfully implement and report on the project to the Commission.

Generally, the limitation of indirect expenses to 7% poses a serious challenge to transparency and accountability of reporting to the Commission and compromises organizational effectiveness of NGOs. It also deters capable organizations from applying for EU funds, e.g. 38.5% of the ECNL's survey respondents mentioned the cap of 7% on indirect costs as one of the main reasons their organization decided not to apply for an EU grant.

Payment procedures

Payment procedures, more specifically retention of the outstanding payments that are subject to the interim or final reports' approval, were identified as a challenge by all respondents. The outstanding payments, depending on the conditions of the contract, are usually subject to the approval by the Commission of the narrative and financial reports. Due to the complexity of the administrative procedures for reporting, it may take up to 6 months to complete the final reports and then Commission has additional time for review and disbursement of funding. As a result, smaller NGOs with less financial reserves may not be able to cover their organizational expenses, while waiting for the final transfer.

Co-financing requirement

According to FR and IR the application of the **co-financing rule** is mandatory in the distribution of EU grants. Article 109 of FR provides that all grants must involve additional funding from non-Community sources. Co-financing means that part of the action (in case of grants) or part of the running costs of an

entity (in case of operational grants) must be born by the beneficiary of the grant and come from non-Community contributions. The rationale behind applying the co-financing principle is not clearly communicated nor defined by the Commission, which may lead to different approaches in the application of the principle.

The level of co-funding varies depending on the conditions of the contract and whether the lead implementing organization is based in the EU member states or outside (standard calls for grant proposals usually provide for 60%-80% EC contribution of the total amount of the grant for EU based organizations and in case of external actions up to 95% EC contribution of the total amount of the grant for local organizations).

The co-funding requirement is especially problematic for NGOs in NMS, since there are fewer additional funding resources available to attract co-financing, so this particular provision was mentioned as a challenge by 90.5% of the ECNL survey respondents. In addition, certain actions may require full funding by one donor, e.g. relief efforts or innovative areas that do not bring in sufficient donor support.

While the FR and IR recognize that certain fields of action may require full funding (FR Art. 169, Point 41 and IR Art. 253), the list of exceptions does not include all areas in which derogation may be needed, e.g. some newly emerging issues such as counter-terrorism efforts. The final decision is left to the authorizing officer to determine the grounds for full-funding, without further criteria or guidance, which may mean that the rule for full funding could be applied subjectively and not in a consistent manner. Therefore, it is important to prepare a more specific guidance and criteria on application of this derogation.

In-kind contributions

In-kind contributions as part of co-financing are allowed by the FR and IR, but are rarely applied in practice. This fact was reported as problematic by all NGO respondents. It also means that the EC is not taking full advantage of the resources that could be supporting its actions from a range of stakeholders. The absence of specific guidelines on admitting in-kind contributions as co-financing forces some DGs to further limit the rule. For example, PRAG, Guidelines to Applicants 2.1.4, states that “Given the difficult evaluation of the contributions in kind if accepted as co-financing, the Contracting Authority should limit to accept the contributions in kind as co-financing to exceptional cases, subject to possible evaluation of such contributions.”

In reality beneficiaries of EU grants, especially NGOs, rely on different types of resources to implement their projects, some of which include volunteers' work or contributions in-kind from other donors (e.g., computers to conduct research, free access to venues to organize events). Recognizing such contributions would be in line with the budgetary principle of efficiency which is concerned with the best relationship between resources employed and results achieved.

Further, many NGOs (especially human rights NGOs) rely on members and volunteers in planning and implementation of their activities. The value of their contribution is currently not recognized by the EC. While it is a challenging task of giving monetary value to volunteers' work, several efforts are being made to create such methods of valuation that can be explored by the EC, see [the Exposure Draft ILO Manual on the Measurement of Volunteer Work](#).

Exchange rate

Finally, in case of implementing the project outside of the euro zone, some 68.5% of the respondents admitted the challenge of accounting **for the difference between the official EU exchange rate and the actual exchange rate** incurred by the organization. Exchange rate losses are not eligible costs for the action and therefore cannot be recovered from project funding provided by the EC. The required use of [InforEuro](#) rate creates an additional layer of reporting that is not consistent with national accounting obligations and may result in the violation of the 'nonprofit rule'. This issue is, of course, of special concern in case of external actions and when the projects are implemented in countries with weak national currencies and unstable economies where exchange rates are volatile; but they are relevant in every case when another currency other than the Euro is involved, within and outside the EU.

The requirement to use official InforEuro rate for reporting creates a

disproportionate burden, especially on small and medium sized NGOs for which the losses represent a larger share of revenue. In addition, it could be argued that it is unfair, as a general principle, for the grant recipient beneficiary to bear all the financial risks of program implementation in regard to exchange rates when successful program implementation is equally in the interest of the EC.

The exchange rate losses should be recognized as eligible costs of the action and the authorizing officer should be able to allow the use of the contingency reserve to recover these losses, which in such case will be indicated in the estimated overall budget of the action and fulfill the criterion.

The combined impact of these barriers poses significant burdens on beneficiaries that limit their ability to successfully carry out future actions. Challenges associated with each issue mentioned in this report may result in a financial loss and weaken the capacity and viability of NPOs; taken together, they may strongly deter NGOs from engaging with the EC to carry out highly needed actions. This in turn may compromise the realization of the objectives of funding programs of the EC. Even more significantly, the issues raised compromise the purposes of the Financial Regulation (FR) and Implementing Rules (IR), which are to ensure that Community funds are spent transparently, efficiently and effectively for the purpose intended by the budgetary and legislative authority.

Case Study: ECNL

ECNL implemented a two-year regional project in which financial reports to the Commission were drawn in five currencies and the euro. ECNL is based in Hungary, thus ECNL used exchange rates prescribed by Hungarian accounting rules. In its report to the Commission, however, ECNL had to draw another report that used the InforEuro rate. ECNL, as the lead organization, had to cover variations between the Hungarian National Bank forint exchange rate and the official InforEuro rate, but also to make adjustments between the quarterly and the annual average exchange rate for each project country. As a result ECNL, incurred a loss of 0.7% of the total value of the action that was not considered as an eligible cost, which is a substantial amount for a small or medium size organization, especially considering that in addition ECNL had to raise funds to generate income for covering the losses in relation to the low indirect cost rate and in order to meet the co-financing requirement. The local partners also bore their share of losses in connection to the differences between actual and InforEuro exchange rates.

If you have implemented an EU project, please rate the following EU requirements in terms of how much challenge they presented for your organization.

If you have never implemented an EU project, please indicate it in the text box below.

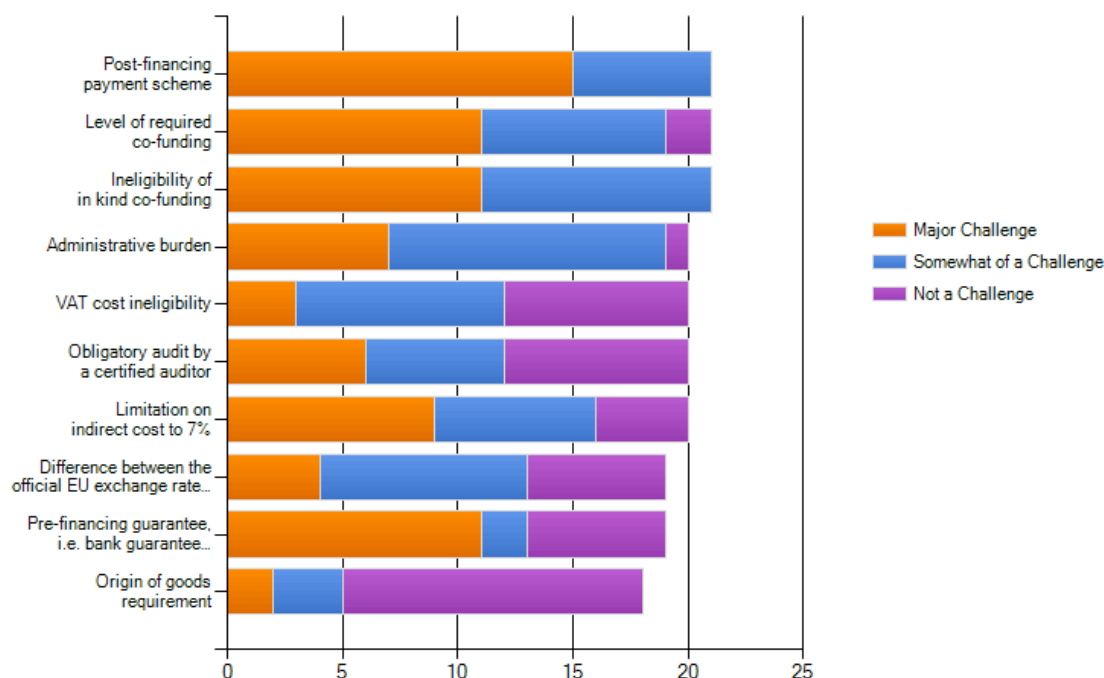


Figure IV.5: Challenges of applying EU financing rules

IV.3.3. Policy Recommendations and Next Steps

Based on the data obtained through the survey, ECNL prepared its policy recommendations regarding the changes in the financial rules that were submitted to the EU within the framework of the public consultation. The following policy recommendations were suggested:

- To increase the flat rate of indirect allocation to a level that is closer to an estimated average indirect rate of an NGO; and to consider the development and introduction of EC's own method for calculating and allocating indirect costs for NGOs in order to allow for actual indirect cost reimbursement;
- To consider introducing a more specific guide and criteria for implementation of the co-financing principle and its derogations;
- To take the necessary measures to allow greater inclusion of in-kind contributions as a part of co-financing. Appropriate guidance and criteria on recording and reporting in-kind contributions should be developed by the EU, with the help of a multi-stakeholder working group, to help ensure that rules respond to the good practice and consider the concerns related to proper accounting and reporting;
- To recognize exchange rate losses as eligible expenses for the action; where appropriate, beneficiaries should be enabled to use their own accounting systems rather than the InforEuro rate; and that projects are encouraged to incorporate a contingency reserve to cover for eventual exchange rate losses. Any profit gained through currency exchange should be

regarded as part of the project income (thus, possibly leading to a decrease in community funding) or duly paid back to the Commission. Further explanation should be provided on what is considered as an exceptional exchange rate fluctuation and how the losses can be recovered.

According to the proposed amendments to the Financial Regulation and Implementing Rules out of the issues raised above only additional provisions on in-kind contribution were included. Some clarification regarding in-kind contributions is provided in Article 165a of the IR: "In-kind contributions shall be presented separately in the estimated budget to reflect the total resources allocated to the action. Their unit value is evaluated in the provisional budget and shall not be subject to subsequent changes."³⁸⁹ No further guidance or criteria is provided on how to prove and calculate such envisioned in kind contributions.

The working documents on the revision of the Financial Regulation and Implementing Rules are available at the webpage of the European Parliament's Committee on Budgetary Control. The final version of the draft Regulation and Implementing Rules is supposed to be available by mid 2011³⁹⁰. The final version of the FR and IR will come into force as of January 2012.

A larger budget review of the Financial Perspectives is currently being launched by the Commission for the period of 2014-2020. **The Financial Perspectives** or financial framework is a multiannual financial framework negotiated at the seven-year interval that establishes principles for the EU budget, budget priorities and financial instruments.³⁹¹ The Commission will present its proposal for the next framework review for 2014-2020 by July 1 2011. On the eve of preparing the next framework budget the Commission developed a lessons learned paper³⁹², which main findings conclude that the current budget rules preempt EU from timely reaction to unforeseen events, while complex procedures hinder efficiency and transparency of funding.

Several NGO groups are following the process of the FR and IR revision and preparations for launching the new Financial Perspectives and offer their constant input and expertise to the Commission through in-person meetings, consultations and briefings. The groups include CONCORD platform and its Financing for Development and Relief (FDR) Task Force as well as the Financial Regulation Sub-Group; EUCLID Network; Structured Dialogue Group³⁹³ and others. ECNL has been engaged with these groups over the past year and managed to draw their attention to some of the issues above. As a result, for example, the FDR Task Force agreed to conduct a detailed review of the issues and develop policy recommendations to advocate towards the Commission next year.

³⁸⁹ Article 165 a of the Proposed Amendments to the Implementing Rules in the Accompanying document to the Proposal for a Regulation of the European Parliament and of the Council on the Financial Regulation applicable to the general budget of the European Union COM (2010) 260:

http://www.europarl.europa.eu/meetdocs/2009_2014/documents/cont/dv/com_staffworkingdocument/com_staffworkingdocument_en.pdf

³⁹⁰ According to Ms. Agnès Capony, EuropeAid G7 at the CONCORD Financial Regulation Sub-Group meeting.

³⁹¹ EC Glossary: http://ec.europa.eu/budget/other_main/glossary_en.htm#F

³⁹² The EU Budget Review, SEC(2010) 7000 final:

http://ec.europa.eu/budget/reform/library/communication/com_2010_700_en.pdf

³⁹³ In 2008 the European Commission launched a Structured Dialogue with over 70 civil society organizations and think tanks participating in the Europe for Citizens program. The group's main goal is to encourage the participation of European citizens in EU project and activities.

IV.4 Influencing EU funding policies

The importance of the EU-level NGO networks lies in the fact that in the EU only pan-European NGO networks are seen as legitimate representatives of other NGOs with the right to have a say in EU policy development (as well as eligibility for operating grants from the EU). While think-tanks and other professional organizations dealing with EU issues are also often granted such privileges due to their expertise, it is the networks and federations that are considered “seriously” by the various decision-makers. Organizing into networks is also a practical necessity, as lobbying and advocating with Brussels is a full-time job (or rather three such jobs) and most NGOs working at the national level do not have the capacity to dedicate to that. It is therefore also useful for the NGO members of the network to have someone “work for them” in Brussels. Unfortunately, CEE NGOs are hugely underrepresented in the pan-European networks and have very little chances to directly influence the policy process.

During the research phase it became apparent that HRAW NGOs know little of the opportunities to influence funding policies of the EU that affect them negatively; and even if they do they find it difficult to engage in active advocacy in this regard.

On April 21st 2010, the Strategy Paper of the European Instrument for Democracy and Human Rights (EIDHR) for the period 2011-2013 was adopted.³⁹⁴ While the EIDHR mechanism is geared towards the promotion of democracy and human rights in third countries, many HRAW NGOs active on the national / EU level may consider applying for this funding as a complementary source of financing to their main mission activities. Certainly, the key objectives of the thematic EIDHR instrument fit in well with the mission of HRAW NGOs. However, as the feedback of ECNL’s online flash survey indicated, NMS HRAW NGOs did not typically take an active role in the review process of the Strategy and their **potential capacity for EU-level advocacy is quite limited**: 95% of the respondents were not involved in the consultation on the EIDHR Strategy 2011-2013 and over 70% were not even aware of the process.

Similar dynamics was observed with the review of the Financial Regulation³⁹⁵, the key document for principles and procedures of the EU funding, when almost 67% of the respondents were not aware of the Consultation on Financial Regulation as launched by the DG Budget, however, 53% of the respondents said that they would like to participate.

The following groups attempt representing NMS NGOs interests regardless of their field of work on the EU level and aim to provide them with tools and knowledge necessary for better understanding of the EU structure, policies and practices and possibilities for advocacy:

- **The European Citizen Action Services (ECAS)** was created in 1990 to better represent NGOs and individuals to make their voices considered within the EU institutions by providing advice on how to lobby, fundraise and defend European citizenship rights. Among ECAS priorities are training NGO representatives from the new member states and neighboring countries to become EU specialists and to promote better access to the structural funds for NGOs. The full membership, however, comes at the annual cost of € 1,500 and associate membership is € 250 per year. Full membership allows for organization to participate in ECAS activities and receive consultation on the needs basis. Associate membership entitles to occasional individual advice and support from ECAS. The membership fees are quite

³⁹⁴ EIDHR Strategy Paper 2011-2013: http://ec.europa.eu/europeaid/what/human-rights/documents/eidhr_strategy_paper_2011_2013_com_decision_21_april_2011_text_published_on_internet_en.pdf

³⁹⁵ For more information on Financial Regulation see the previous section on EU Funding Procedures.

considerable for NGOs from NMS. Currently ECAS is working on establishing the European Civil Society House that will be grounded on three Cs: Civil Society; Citizens' Right; Citizen Participation.

- **EU Civil Society Contact Group** represents an association of several European platforms active in the following fields: culture, environment, education, development, human rights, public health, social and women rights. While not NMS specific, jointly the group represents the views and interests of rights and value based civil society organizations across the European Union on major issues, which affect them across various sectors of activity. The main objective is to encourage and promote a transparent and structured civil dialogue that is accessible, properly facilitated, inclusive, fair and respectful of the autonomy of NGOs. Under the aegis of the Group there formed an informal grouping of NGOs, the Human Rights and Democracy Network (HRDN)³⁹⁶. The group's main objective is to influence EU and member states human rights policies and programming of their financial instruments in order to promote democracy and human rights. The EU Civil Society Contact Group prepared a number of publications back in 2006 that are still useful for acquiring a better understanding of EU policies and practices for involving NGOs, such as study on civil dialogue – *Civil Dialogue, making it work better*³⁹⁷ and *Making your voice heard in the EU: A guide for NGOs*³⁹⁸. The latter available in a number of languages, including Estonian, Latvian, Hungarian, Polish, Romanian and Bulgarian. The Guide provides an overview of the EU institutional framework, its policies and builds upon concrete NGOs' experiences in advocating with the EU for certain policy changes.

³⁹⁶ The Human Rights and Democracy Network: <http://www.act4europe.org/code/en/about.asp?Page=41>

³⁹⁷ Civil Society Contact Group, Civil Dialogue, making it work better, 2006:
<http://act4europe.horus.be/module/FileLib/Civil%20dialogue,%20making%20it%20work%20better.pdf>

³⁹⁸ Civil Society Contact Group, Making your voice heard in the EU: A guide for NGOs, 2006:
http://act4europe.horus.be/module/FileLib/NGOGuide_EN.pdf

V. Initial Advocacy Plan

V.1 Summary of Advocacy Recommendations

This Advocacy Plan's main objective is to help determine effective advocacy strategies for HRAW NGOs from the NMS with the aim of making them sustainable and independent. The plan is based on the local experiences of HRAW NGOs, ECNL's EU level advocacy work thus far, and the findings in the EU, regional and country reports featured in the previous chapters of the Study.

This Advocacy Plan reviews the goals, the main findings, the messages, the stakeholders and the tools available to ECNL and the Project Team (hereinafter referred to as ECNL) and HRAW NGOs in the NMS, primarily in the first instance, the Project Advisory Group (PAG). The plan also envisions the forming of a new cooperation platform by HRAW NGOs (hereinafter referred to as the Network), which will function as a "good steward" of the project goals and ensure advocacy results even beyond the project. The SWOT analysis identifies numerous strengths, most of which are related to the stakeholder base. It also highlights the risk of restrictive state spending policies undermining the civil sector.

Key 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 a 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.

The Project Team did not identify a currently existing strong European NGO network focusing on HRAW NGOs as such. There exist a number of Human Rights focused European Network, most prominently the European Association for the Defense of Human Rights (AEDH), which seems to be the key umbrella of HR organizations; and also (a) topical networks, e.g. the European Network Against Racism (ENAR); and (b) informal networks, such as the Human Rights & Democracy Network (HRDN). One caveat is that none of these include issues focusing on good governance and accountability (i.e. corruption, budget reforms). In addition, while active in the policy development of the various HR fields, they do not seem to be involved in the reforms related to funding of HR NGOs in the EU. Upon further research concerning these organizations, NGOs from the NMS may decide to collectively join one of the existing networks and form a strong platform within, or establish a new – formal or informal – cooperation network.

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.

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 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.

The Project Team and PAG will need to decide to what extent the Project – given its financial and time limitations – can undertake concrete national level advocacy in the second phase. The assessment by the Project Team at this stage is that if EU level advocacy takes priority then there will be no resources left for national initiatives, except as related to the EU level efforts, e.g. under the Hungarian and Polish presidencies.

Introduction to the Initial Advocacy Plan

Based on the above key recommendations, the plan presented here focuses on the EU-level advocacy and comprises of three operative directions and two content directions that will guide the Project's advocacy efforts to success. The operative directions are:

1. Parallel activity: Public affairs activity will be conducted both at the EU level and at the NMS level. Officials on both levels need to be targeted with issues and messages.
2. Attitude shaping: Raising awareness of major issues in NMS and demonstrating the effectiveness, professionalism, importance and accountability of HRAW NGOs. These will be essential elements of the project's ultimate success.
3. NGO cooperation: HRAW NGOs must cooperate with each other both within the consortium and beyond. This is essential for being effective advocates at the EU level.

The two content directions are corruption and xenophobia. Both topics are media-friendly. They are also urgent, as they can damage people's faith in the democratic system in the NMS. It is easy to demonstrate the important role HRAW NGOs play in rolling back both these negative trends.

ECNL will focus on general messages about the relevance of HRAW NGOs and their financing difficulties. The Network's messages can be divided into three groups: general messages regarding the importance of HRAW NGOs in the NMS, messages related to corruption and messages related to xenophobia.

Special care needs to be focused on the number of stakeholders identified in the project, since too many stakeholders may limit success. Stakeholders are split into EU and national groups, with the national group focusing on stakeholders in Hungary and Slovakia. The stakeholder framework can easily be transferred to other NMS as well.

Both ECNL's and the Network's tools include classic public affairs tools, PR tools, and some "tools of attraction" that drive attention to the issues. Our main criteria for selecting the tools were their feasibility and their effectiveness.

V.2 Objectives

The main objective of the Project strategy for the second phase is

to help HRAW NGOs in the European Union's NMS remain sustainable and independent by establishing a strong foundation for their own long-term advocacy work.

1. to help build a cooperative network of HRAW NGOs in the NMS that is capable of managing its own affairs and implementing its goals.
2. to help raise the profile of the HRAW NGOs on both national and EU levels; to get the HRAW NGOs' financial problems on the EU's agenda and make sure they remain there.
3. to help increase HRAW NGOs lobbying potential and create an appropriate financial regulatory framework.

The main objective of the Network, proposed to be established, could be:

to change the system of financing HRAW NGOs in the NMS.

1. to increase the resources available for NMS NGOs and improve the financial regulatory framework at the EU level.
2. to implement a strategy and an action plan which can be used in lobbying for ongoing needs.
3. to lobby for sustainable financing for HRAW NGOs on both the national and EU levels.

V.3 Assessment of the Current Situation

Summary of main findings related to the EU level advocacy:



- Prominent MEPs can call attention to NGOs' problems on the floor of the European Parliament and in committee meetings.
 - Politicians from Poland and Slovakia hold leadership positions in committees and Directorates-General.
 - NMS Commissioners such as Argirdas Semeta (Lithuania) and Siim Kallas (Estonia) focus(ed) on financial matters.
 - The Network can communicate the importance of HRAW NGOs by highlighting their role in combating corruption and xenophobia.
 - Human rights is a key issue for the EU.
-



- Financing for HRAW NGOs is not a popular, clear-cut issue; it is hard to attract the media's attention.
 - The Network may find it hard to reach EU decision-makers (although decision makers on the national level are more accessible).
 - 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 problems of the past.
-



- To create a coalition of MEPs from New Member States that can lobby in committees and at the Directorates-General.

- National decision makers take part in EU institutions (e.g. ministers in the Councils of Ministers).
 - EU Financing for HRAW NGOs is a win-win situation. The goal is not to win funds for a single NGO, but to solve important social problems.
 - The financial crisis is forcing states to cut back in all areas. This may exacerbate funding difficulties for HRAW NGOs at the national level.
 - NMS countries will control the EU Presidency throughout 2011 – Hungary takes over in January followed by Poland in July.
-



- It is not possible to build a major press or lobby campaign around the issue of NGO financing.
- It is hard for people to understand the financial problems confronting HRAW NGOs.
- The Network might run into conflict with other other NGOs who fear their influence will decrease. We must make clear that the Network is not advocating for any particular NGO's priorities; every single NGO will still be able to fulfill its mission.

V.4 Directions

To achieve its public-affairs objectives, the following directions are recommended:

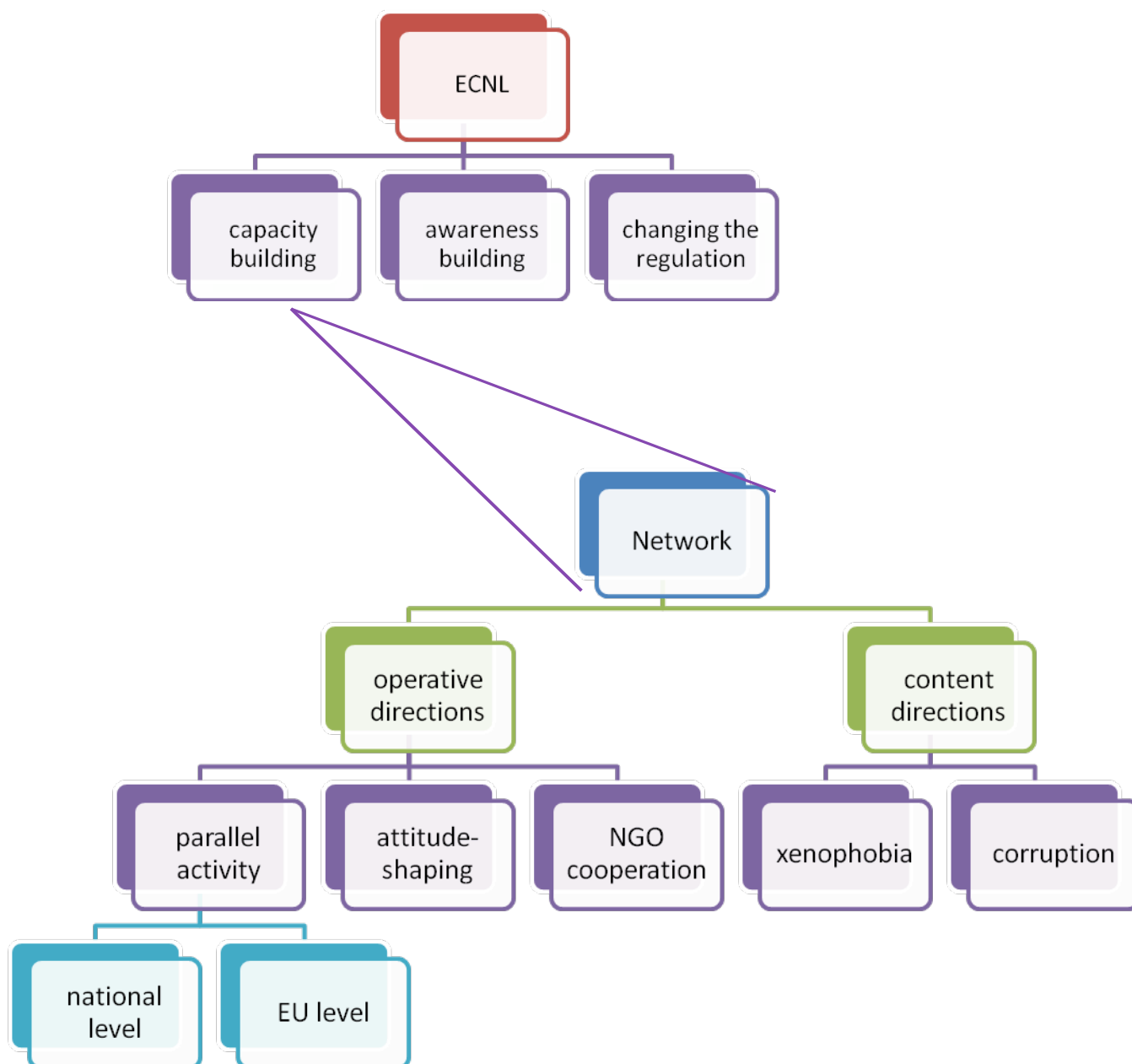


Figure V.1: Directions of the advocacy

V.4.1 Operative directions

1. Parallel activity

Advocacy activities must target administrative and political bodies on both the EU and national levels. Although the EU and the NMS are closely connected, they are essentially separate entities. Every important step must therefore be communicated to the relevant stakeholders on both levels.

We could use corruption and xenophobia as attention-grabbing issues on the EU level, but it would be better to concentrate solely on xenophobia when talking to stakeholders within the NMS.

2. Attitude-shaping

The second operative direction involves shaping popular attitudes. Since the ECNL's advocacy work lasts only one year, it will be difficult to achieve tangible results in this area. But once the EU begins funding HRAW NGOs, attitude-shaping will become the most important direction because Brussels will want to see progress year after year: Successful attitude-shaping will improve the sustainability of financing.

3. Maintain NGO cooperation

The Network will not be able to achieve its goals without deep cooperation between its NGOs. The advocacy board or the leaders of the Network should bring together HRAW NGOs in the NMS and coordinate cooperation in both financial and strategic matters.

V.4.2 Content directions

The campaign will highlight NGO activities in two areas: fighting xenophobia and rolling back corruption. Both are hot-button topics across the EU; however, NGOs that work in these fields are considered more “dangerous” in the NMS, where democratic institutions are still developing and politicians are mostly ambivalent about confronting such issues.

HRAW NGOs are ideal institutions to help the EU reverse negative trends in these areas. The solutions lie in a well-articulated common purpose, well-coordinated work, and expertise.

NGOs can present the content directions through their experience, their connections and their activity.

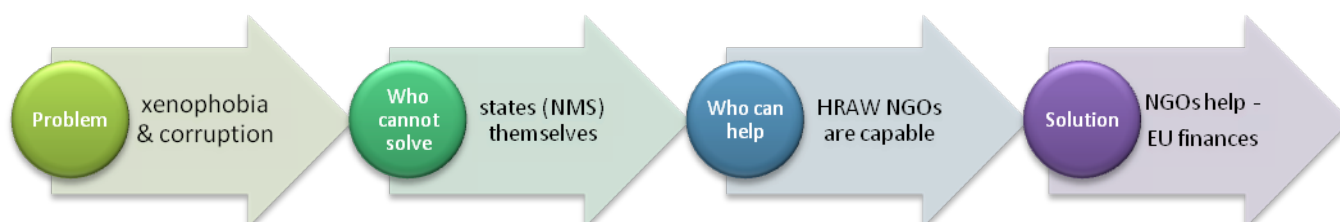


Figure V.2: Content directions

1. Xenophobia and discrimination against the Roma population

Since HRAW NGOs want funds and grants from the EU, they must demonstrate that they are capable of solving problems, or at least raising awareness about them. The PA project's goals can be fulfilled by highlighting NGOs' role in fighting xenophobia and anti-Roma discrimination. Many NMS governments struggle with these problems on a daily basis, but have little to show in the way of solutions.

This opens a window of opportunity for HRAW NGOs to press for EU financing. Since the states have been unable to achieve progress, the nongovernmental sector must assume a greater share of the burden. However, HRAW NGOs cannot get the financing they need. State funding is undesirable, while EU support is insufficient and frequently does not reach the proper organizations.

2. Corruption

Corruption is a part of everyday life in the NMS. The problem is severe: It undermines trust in democratic institutions, deepens inequality, and hinders economic growth. Since corruption is present at the highest levels of politics, independent HRAW NGOs play an indispensable role in combating the phenomenon.

V.5 Messages

V.5.1 Messages of the Project

During the advocacy phase the Project may wish to use the following messages, simplified from the findings of this Study:

The NGOs have relevant roles in Central and Eastern Europe.

HRAW NGOs have launched initiatives in the NMS (such as the fight against racism, corruption etc.) even though the socio-cultural and political environment makes their work much more difficult. They have a role in the public sphere and their work improves public life.

The EU is committed to protecting human rights.

The EU is the “trustee” of the development of the democracy and human rights. Accordingly, the EU can better support the HRAW NGOs than national governments.

Local fundraising does not work well in NMS (yet).

Private funding for NGOs is not significant in the NMS. Therefore the EU is in effect the only (main) viable source of financing for HRAW NGOs, especially those whose work may irritate national governments.

A new structure for EU funding is needed.

According to the Country Survey, Central and Eastern European NGOs are skeptical about private funds and optimistic about public financing (even though these NGOs function as government watchdogs). The structure of the EU funding system makes it difficult for NGOs to access the money. Reform is necessary as the lack of funding for HRAW NGOs may undermine the central goals of the EU related to economic and social development.

V.5.2 Messages of the Network

During its public-affairs activity, the Network may wish to use the following messages.

I. GENERAL

NGOs play a critical role in modern democracies.

Democracies function better with a strong NGO sector. Nongovernmental groups monitor whether governments and societies measure up to ethical norms and professional standards. They help improve social and human-rights conditions efficiently and effectively.

NGOs in the NMS are forced to rely upon government and foreign financing because people cannot afford to sustain them.

Two decades after communism collapsed, NGOs still cannot get by on donations from the public. This is understandable, since it takes time for people to adapt to democratic change. Many people still do not understand their role as the keepers of society and do not feel a strong obligation to help those in need.

HRAW NGOs need to break ties with NMS governments.

HRAW NGOs need to be politically and functionally independent. This can happen only if they stop accepting funds from NMS governments.

II. CORRUPTION

Greece is a prime example of why independent NGOs are necessary for democracy in the NMS.

In most democracies, people respect independent government entities such as central banks and auditing agencies. It seems that in Greece, these institutions failed: Their work was not objective and did not reflect the truth, leading to financial disaster. The situation in the NMS is similar.

HRAW NGOs play a crucial watchdog role. They monitor independent institutions' professional standards, pointing out their flaws and showing their inconsistencies to the world.

Corruption may hinder economic growth in the NMS after the financial crisis ends, creating a legitimacy problem for the EU.

The NMS's problems are Europe's problems, too. If corruption in the NMS remains at its current levels, economic development may founder after the crisis ends. This will raise questions about the EU's legitimacy.

III. XENOPHOBIA

Xenophobia is a problem across the EU, compounded by growing intolerance toward minorities in the NMS.

Europe cannot thrive in an atmosphere of intolerance. A wide body of research indicates that anti-foreigner and anti-immigrant attitudes are mounting.

The NMS have distinct social and financial problems that widen the gap between the majority and the minorities. For example, many people favor cutting off financial support for impoverished Roma. These attitudes are part of what is fueling the success of far-right political parties at the ballot box.

Xenophobia needs a robust response.

It is possible to fight xenophobia, but it will require time and care in selecting the right tools. Change cannot be enforced; it can only come about through popular conviction. HRAW NGOs have the experience to lead and support such a transformation.

Xenophobia faces contradictory attitudes in the EU.

EU decision makers often identify human-rights issues as priority, but they tend to focus on problems beyond the bloc's borders. Xenophobia is an ever-present problem in Europe that needs urgent attention.

V.6 Stakeholders

The ECNL and the Network must address the following groups in its public-affairs activity.

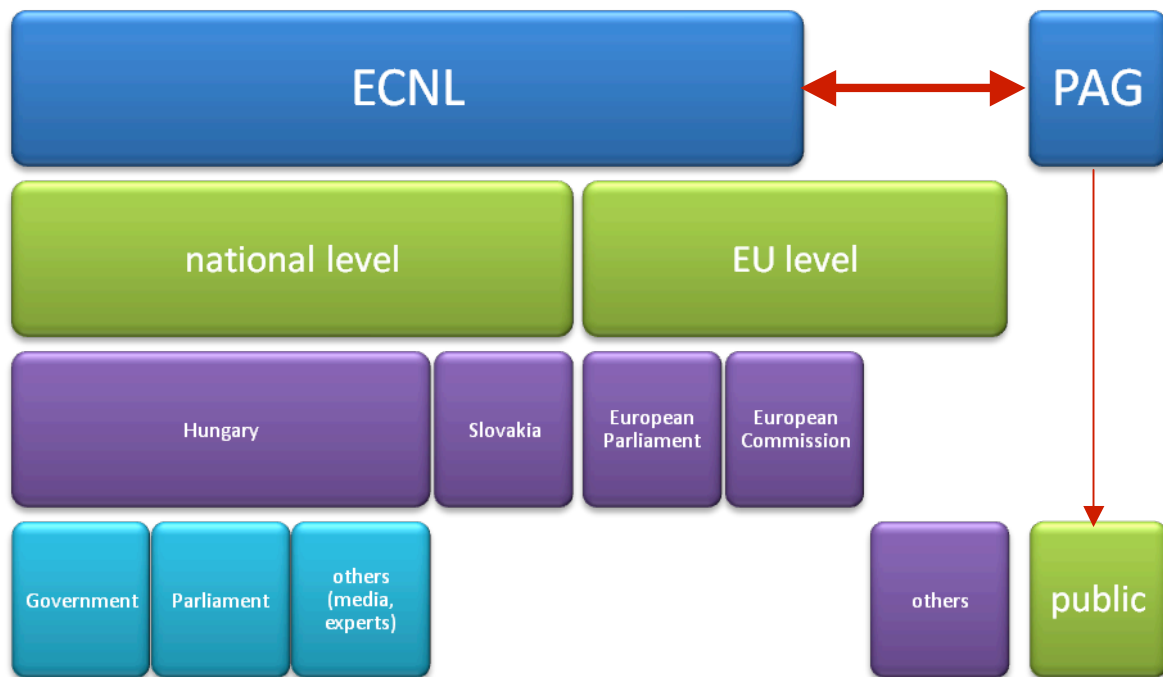


Figure V.3: Bild of stakeholders

- I. Project Advisory Group
Project Advisory Group (PAG) members and their organizations.
- II. National levels – See Annex II.
- III. EU levels – See Annex III.

A special stakeholder list needs to be developed for the Hungarian and Polish presidencies.

V.7 Tools

PA&PR tools support the goals and the strategic directions.

Once the decision is made on the Advocacy Plan, it will be necessary to prepare an additional document on how to realize the strategy. The new paper will determine the timeline of the strategy and precisely which strategic tools are needed.

V.7.1 Tools for the Project

Considering the Project goals, the best tools would be the following.

I. CAPACITY-BUILDING TOOLS

1. If decision is made to try to establish a Network, ECNL and the PAG will form a preliminary supervisory board for the Network. The advocacy initiative will include numerous NGOs from the 10 (or 12) new member states. It will not be able to operate effectively unless a small group of people are authorized to make decisions in a fast, efficient and effective way.

The project will thus require two boards: One will be responsible for the day-to-day operations and the other will oversee strategic decisions.

The boards can be used in connection with both formal and informal advocacy tools.

2. Building the HRAW NGO Network would be the Project's main objective for the advocacy phase.

The Project will need

- to identify HRAW NGOs in the NMS that can become active members of the new Network
- to conduct further research relating to European networks such as European Association for the Defense of Human Rights (AEDH) or CONCORD/the Euclid Network to see the potential of joining forces with them.
- assess the funding needs for such network and help identify funding sources. A commitment from OSI in supporting the Network at its initial stage will be indispensable.
- to assist building a NMS human-rights network, initially informally by clarifying its goals, objectives, values, funding possibilities etc.
- to assist the Network with technical background (homepage, image development, etc.) pending on financial resource availbale
- to set a strategy (based on this Advocacy Plan) for the Network and help it reach its goals by keeping the question of financing on the EU's agenda
- to transfer its knowledge relating to EU institutions and contacts and introduce the Network to the decision makers as a first step

3. The advocacy project needs a "public face" who will represent the project and the ideas behind it. This can be a well-known and respected person from one of the NMS whose work and personality will

attract the attention of journalists and decision makers. It does not have to be someone whose background is in NGOs or human rights. He/she may be a former politician or an artist e.g., Czech film director Jiří Menzel.

Naturally, this “face” will not be involved in all activities, but would rather be used as an ambassador on the issue.

II. AWARENESS-BUILDING TOOLS

ECNL and the Project Team can help the Network by getting the issue of HRAW NGOs financial problems on the EU’s agenda – and keeping it there. It will use the following “classic” PA tools:

- working with EU networks to raise their awareness and help them understand the issues faced by NMS NGOs;
- developing position papers in response to the ongoing consultation process by the EU ,
- building and nurturing relations with decision-makers (attending and arranging meetings),
- playing a leading role in pushing this agenda during the Hungarian Presidency;
- possibly, to convene a conference during the Hungarian or Polish Presidency devoted to the topic of EU support of human rights in the NMS.

Classic PA tools will be easier to employ during the Hungarian and Polish EU presidencies.

III. FURTHER POSSIBLE ADVOCACY TOOLS FOR CHANGING FINANCIAL REGULATIONS

Further PA tools to help the Project achieve a new financial regulatory system:

1. Annual Report

The ECNL can support the Network by composing and presenting an annual report in Brussels that details the work and challenges the HRAW NGOs in the NMS have confronted during the past year. This is a classic profile-raising tool; it also serves as proof that NGOs can cooperate with each other. This would have to be timed with the introduction of the Network in Brussels.

2. Speech in the Parliament

The Project could write a speech and send it to all caucus leaders of the European Parliament at an opportune time. The caucus leaders will be asked to deliver the speech in Parliament to drive the attention to the importance of HRAW NGOs. This would require intensive consultations and work with the MEPs involved.

3. Big Four study

The Project may order a study or a survey from one of the Big Four accounting companies (PriceWaterhouseCoopers, KPMG, Deloitte and Ernst & Young) on how much money a national government would need to address xenophobia and corruption, compared with how much money could be saved if HRAW NGOs were involved.

This tool would need to be financed separately. The content of the report should support the opinions of the HRAW NGOs and the advocacy project.

4. Technical advice

Using its studies and analyses, ECNL will help the Network determine which recommendations on financing regulations should be submitted to the MEPs.

V.7.2 Tools for the Network

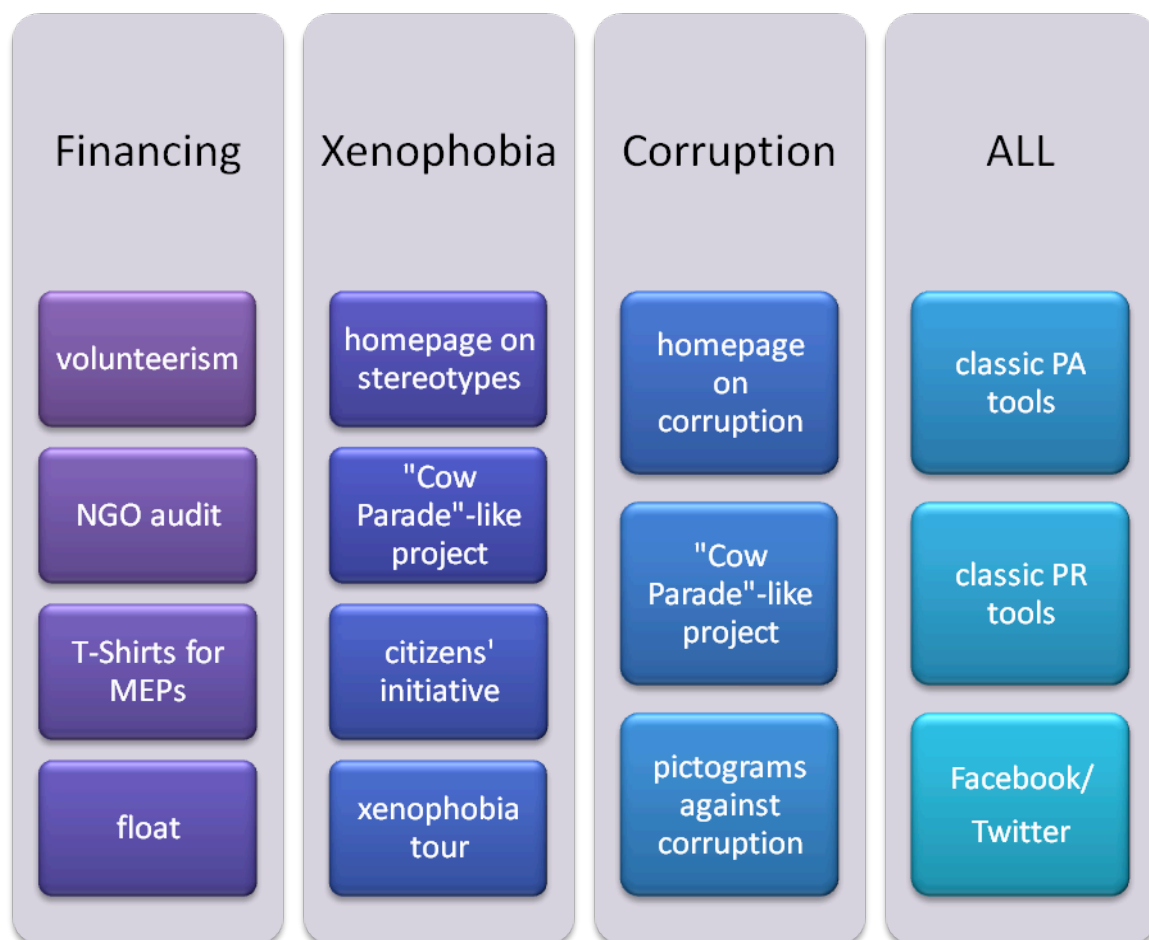


Figure V.4: Bild of tools

I. "CLASSIC" PA TOOLS

As the ECNL the Network also can use "classic" PA tools. These are:

- letters
- issue papers containing (a) the results of the ECNL's research and (b) recommendations to be sent to decision makers according to topic
- gathering information and

- arranging meetings.

II. PR TOOLS

1. Generating news

The Network will develop effective, creative news releases that will grab the attention of media outlets that cater to the target groups. This ensures focused media coverage. Items mentioned in the “Tools of Attraction” section (“Cow parade”-like activity, European Citizen’s Initiative) can generate news by themselves.

2. Media relations

The Network will prepare a tailor-made press list containing contact information for all important journalists and editors in the national and regional press, as well as magazines and electronic media. This includes contacting reporters to ensure their presence at press conferences, organizing interviews, and preparing press releases.

3. Media monitoring

The Network will collect and evaluate all print, online and broadcast media articles that result from our news-placement activities. Evaluating the media’s response to each individual step helps us generate news more effectively in the future.

Published articles and reports can be used as a tool to support our arguments on both the NMS and EU levels. They will make it impossible to deny that these issues are vital to people in the EU.

4. Organizing media events

The Network will organize media and other events, from press conferences to company dinners to one-on-one meetings. Such events are important to support our PA tools because they are good venues for discussion and persuasion.

III. TOOLS OF ATTRACTION

“Tools of Attraction” are designed to let both decision makers and the public know that a problem exists and can be solved through cooperation with HRAW NGOs.

1. Facebook/Twitter

The concept behind the advocacy project must have a presence in “new media”. News items, issues, press releases, and developments should be followed up on Facebook or Twitter, where documents, plans, photos, schedules or results can be published as well.

The overall project doesn’t need its own homepage because it is more effective to create homepages related to the individual directions themselves. Facebook and the Twitter offer the advocacy project’s board and its backers the opportunity to communicate individually and in a well-organized way.

The project's Facebook page can be linked to the Facebook activity of MEPs who deal with human-rights matters. For example, Heidi Hautala, the head of Parliament's human rights sub-committee, answered questions on the EU's annual human rights report on her Facebook page: (http://www.europarl.europa.eu/eplive/expert/photo/20100602PHT75482/pict_20100602PHT75482.jpg).

2. Volunteerism

The European Union should view the advocacy project – and the HRAW NGOs themselves – as a profitable investment. The HRAW NGOs can help the EU fulfill one of its top goals: encouraging volunteerism. 2011 is the European Year of Voluntary Activities, so the EU should encourage as many HRAW NGOs as possible to create opportunities for volunteer work. This is a win-win situation.

3. Homepages on corruption/stereotypes

Two internet homepages should be created, one about stereotypes and one about corruption.

Corruption: The site would demonstrate the practice of corruption through a game or some other tangible method. It can be set up in an interactive way: One example is the Chevron Oil game (<http://www.willyoujoinus.com/energyville/>) or the McDonald's game (<http://www.mcvideogame.com/game-eng.html>).

Stereotypes: The site would be about the discriminatory decisions people make in their daily routines. Users would take a test, and the result would show the degree to which they view the world in terms of stereotypes.

4. "Cow Parade"-like project

The advocacy needs to grab the attention of the public as well as politicians. The public can be best reached through a visual element that will stick in their minds. One such method would be based on the "cow parade" phenomenon, where artists paint plastic cows and place them in the streets of a European city for a few weeks. This allows people to "participate" in an issue in an eventless, day-to-day manner.

The Network can ask artists to come up with a visual concept that will draw attention to the advocacy project's themes of corruption and xenophobia.

5. European Citizens' Initiative

The European Citizens' Initiative is one of the main innovations of the Treaty of Lisbon aimed at increasing direct democracy in the European Union. The Initiative makes it possible for one million EU citizens from a significant number of member states to make the European Commission take action on an issue that is important to them (e. g. xenophobia).

"Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties." (Treaty of Lisbon Article 8 B 4.)

6. NGO Audit

A HRAW NGO outside the EU will be asked to audit the tasks, the conditions and the achievements of HRAW NGOs in the NMS, as well as the EU's human rights performance. This document would be an objective assessment of the situation that the ECNL could use in its professional arguments.

7. Xenophobia Tour

A film screening would be held in NMS to show the different faces of the xenophobia in Europe. The audience could take part in conversations with experts and celebrities after watching the films.

8. "Save the NGOs" - Provocative T-Shirt in the European Parliament

The Network makes T-Shirts and ask some MEPs (e.g. GUE/NGL; non-attached members) to help call attention to the HRAW NGOs financial troubles by wearing them in the European Parliament for a day. The action's primary aim is to raise awareness among MEPs, but the photos of the event would circulate on the Internet and in newspapers as well.

9. Pictogram composition on corruption in Brussels

Pictograms should appear on the streets and bus stops of Brussels showing the negative effects of corruption in member states. The message would be clear: The EU needs to finance HRAW NGOs to limit corruption and raise the level of democracy.

10. Float

Giant floats simultaneously appear in 10 different NMS capitals to get the public's attention. Meanwhile, activists hand out leaflets to the passers-by to draw attention to the issues confronting HRAW NGOs.

VII. Bibliography

To be included

VIII. Annexes

Annex I.: Examples of xenophobic campaigns

Anti-Roma and anti-immigrant campaign materials, Eastern Europe



National Party, Czech Republic



"The Future," campaign material from the Czech National Party



"Stop black racism" - campaign material from the Czech National Party



Anti-Muslim rally, Poland



Z úcty k našim otcom z lásky k našim mamám.

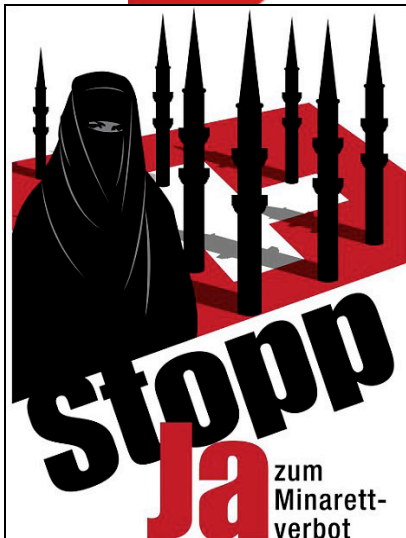
"Don't feed those who don't work" - campaign material from the Slovak National Party



Z úcty k našim otcom z lásky k našim mamám.

"Let our borders remain our borders" – campaign material from the Slovak National Party

Anti-Roma and anti-immigrant campaign materials, Western Europe



"Yes" to banning minarets (Switzerland)



"Yes" to the immigration law (Switzerland)



Don't want to be last? Priorities for housing, jobs and healthcare. Campaign material from the Italian Northern League



Jobs for the Germans first – Campaign material from the German National Democratic Party (NPD)

Annex II.: Stakeholder list Hungary

I. GOVERNMENT

(Ministers, state secretaries and ministry staff.)

Relevant ministries³⁹⁹:

- Prime Minister's Office
 - Mihály VARGA, State Secretary in charge of the Prime Minister's Office
- Ministry of Public Administration and Justice
 - Tibor NAVRACSICS, Minister (and Deputy Prime Minister)
 - Tamás LÁNCZI, Head of Cabinet
 - Zoltán BALOG, State Secretary for Minorities and Roma Integration
 - Csaba LATORCAI, Deputy State Secretary for Civil Affairs
- Foreign Ministry
 - János MARTONYI, Minister
 - Enikő GYŐRI, State Secretary for EU Affairs
- Ministry of National Development
 - Ágnes Molnár, State Secretary for Development Resources
- Ministry of National Resources
 - Miklós SOLTÉSZ, State Secretary for Youth and Social Affairs
- Ministry of National Economy
 - György MATOLCSY, Minister

Relevant people in the Hungarian EU Presidency of 2011:

- Ferenc ROBÁK, Government Commissioner responsible for Hungary's EU Presidency until September 30, 2011

II. PARLIAMENT

- All MPs
- Caucus leaders
 - János LÁZÁR, Fidesz
 - Péter HARRACH, KDNP
 - Attila MESTERHÁZY, MSZP

³⁹⁹ Some of the ministries (Ministry of National Resources, Ministry of National Economy) should be informed of the projects; however, they do not take relevant decisions.

- Gábor VONA, Jobbik
- András SCHIFFER, LMP
- Committees (chairmen and members)
 - EU Affairs Committee
 - Human Rights, Minority, Civil and Religious Affairs Committee
 - Budget and Finance Committee
 - Committee on Foreign Affairs and Hungarian Minorities Abroad

III. MEDIA

- External (EU) affairs, economic affairs
 - Yvett SZABÓ, *HVG*
 - Margit KOCSI, *Világgazdaság*
 - Eszter FÖLDVÁRY, *Klubrádió, Eurozóna*
 - Melinda KISS, *Napi Gazdaság*
 - Brigitta SZABÓ, *Népszabadság*
 - Zoltán NÉMETH, *InfoRádió*

IV. CIVIL AND PROFESSIONAL ORGANIZATIONS

(Possible partners in the issues of corruption and xenophobia.)

- Transparency International
- Hungarian Helsinki Committee

V. INDEPENDENT EXPERTS

- Legal experts
 - Endre BÍRÓ, legal expert of NGOs' law
 - Tamás KENDE, legal expert of community law
- Financial experts
 - György FÓRIS, BruxInfo sprl's Training Director and Head of the European Analysis Office
 - Krisztina VIDA Ph.D., Senior Research Fellow, Hungarian Academy of Sciences, Institute for World Economics, The European Union and the European Integration section
 - Sándor Gyula NAGY, Senior Lecturer, Corvinus University of Budapest, Faculty of Economics, Department of World Economy

VI. PUBLIC

Annex III.: Stakeholder list EU

I. EUROPEAN PARLIAMENT

1. Members of the Bureau

President and Vice Presidents from NMS:

- Jerzy BUZEK, President of the European Parliament (Poland, EPP), also a member of the Conference of Presidents
- Libor ROUČEK, Vice President (Czech Republic, S&D)
- László Tőkés, Vice President (Romania, EPP)
- Lidia GERINGER DE OEDENBERG, Vice President (Poland, S&D)
- Jiří MAŠTALKA, Vice President (Czech Republic, GUE/NGL)

2. Committee on Budgets (BUDG)

Twelve of the 44 members are from the NMS. Bulgaria delegated one of the vice chairmen.

- Hungarian MEPs:
 - Lajos BOKROS, Member (ECR)
 - László SURJÁN, Member (EPP)
- MEPs from other New Member States:
 - Ivaylo KALFIN, Vice Chairman (Bulgaria, S&D)
 - Ivars GODMANIS, Member (Latvia, ALDE)
 - Jiří HAVEL, Member (Czech Republic, S&D)
 - Sidonia Elżbieta JĘDRZEJEWSKA, Member (Poland, EPP)
 - Sergej KOZLÍK, Member (Slovakia, ALDE)
 - Jan KOZŁOWSKI, Member (Poland, EPP)
 - Vladimír MAŇKA, Member (Slovakia, S&D)
 - Nadezhda NEYNSKY, Member (Bulgaria, EPP)
 - Vladimír REMEK, Member (Czech Republic, GUE/NGL)
 - Jacek WŁOSOWICZ, Member (Poland, ECR)
- Ten substitutes from the NMS (two are Hungarians)

3. Committee on Regional Development (REGI)

Twenty of 49 members are from the NMS. The chairwoman is Polish and one vice chairwoman is from Bulgaria.

- Hungarian MEPs:

- Tamás DEUTSCH, Member (EPP)
- Csanád SZEGEDI, Member (Non-attached)
- MEPs from other NMS:
 - Danuta Maria HÜBNER, Chairwoman (Poland, EPP)
 - Filiz Hakaeva HYUSMENOVA, Vice Chairwoman (Bulgaria, ALDE)
 - Victor BOȘTINARU, Member (Romania, S&D)
 - Zuzana BRZOBOHATÁ, Member (Czech Republic, S&D)
 - Juozas IMBRASAS, Member (Lithuania, EFD)
 - Evgeni KIRILOV, Member (Bulgaria, S&D)
 - Jacek Olgierd KURSKI, Member (Poland, ECR)
 - Petru Constantin LUHAN, Member (Romania, EPP)
 - Elżbieta Katarzyna ŁUKACIJEWSKA, Member (Poland, EPP)
 - Ramona Nicole MĂNESCU, Member (Romania, ALDE)
 - Iosif MATULA, Member (Romania, EPP)
 - Miroslav MIKOLÁŠIK, Member (Slovakia, EPP)
 - Jan OLBRYCHT, Member (Poland, EPP)
 - Wojciech Michał OLEJNICZAK, Member (Poland, S&D)
 - Tomasz Piotr PORĘBA, Member (Poland, ECR)
 - Monika SMOLKOVÁ, Member (Slovakia, S&D)
 - Viktor USPASKICH, Member (Lithuania, ALDE)
 - Oldřich VLASÁK, Member (Czech Republic, ECR)
- Seventeen substitutes from the NMS (one is Hungarian).

4. Committee on Budgetary Control (CONT)

Nine of 29 members are from the NMS. Hungary and Poland delegated two of the vice chairmen.

- Hungarian MEPs:
 - Tamás DEUTSCH, Vice Chairman (EPP)
- MEPs from other NMS:
 - Bogusław LIBERADZKI, Vice Chairman (Poland, S&D)
 - Zigmantas BALČYTIS, Member (Lithuania, S&D)
 - Andrea ČEŠKOVÁ, Member (Czech Republic, ECR)
 - Ryszard CZARNECKI, Member (Poland, ECR)
 - Cătălin Sorin IVAN, Member (Romania, S&D)
 - Iliana IVANOVA, Member (Bulgaria, EPP)
 - Monica Luisa MACOVEI (Romania, EPP)

- Jan OLBRYCHT (Poland, EPP)
- Seven substitutes from the NMS (one is Hungarian).

5. Committee on Legal Affairs (JURI)

Seven of 25 members are from the NMS. Romania delegated one of the vice chairmen.

- MEPs from other NMS:
 - Sebastian Valentin BODU, Vice Chairman (Romania, EPP)
 - Lidia Joanna GERINGER de OEDENBERG, Member (Poland, S&D)
 - Jiří MAŠTÁLKA, Member (Czech Republic, GUE/NGL)
 - Alajos MÉSZÁROS, Member (Slovakia, EPP)
 - Dimitar STOYANOV, Member (Bulgaria, non-attached)
 - Zbigniew ZIOBRO, Member (Poland, ECR)
 - Tadeusz ZWIEFKA, Member (Poland, EPP)
- Four substitutes from the NMS (one is Hungarian).

6. Committee on Civil Liberties, Justice and Home Affairs (LIBE)

Thirteen of 54 members are from the NMS. Hungary delegated two of the vice chairwomen.

- Hungarian MEPs:
 - Kinga GÁL, Vice Chairwoman (EPP)
 - Kinga GÖNCZ, Vice Chairwoman (S&D)
 - Ágnes HANKISS, Member (EPP)
 - Livia JÁRÓKA, Member (EPP)
- MEPs of other NMS:
 - Vilija BLINKEVIČIŪTĖ, Member (Lithuania, S&D)
 - Tanja FAJON, Member (Slovenia, S&D)
 - Monika FLAŠÍKOVÁ BEŇOVÁ, Member (Slovakia, S&D)
 - Monica Luisa MACOVEI, Member (Romania, EPP)
 - Jacek PROTASIEWICZ, Member (Poland, EPP)
 - Csaba SÓGOR, Member (Romania, EPP)
 - Valdemar TOMAŠEVSKI, Member (Lithuania, ECR)
 - Renate WEBER, Member (Romania, ALDE)
 - Tatjana ŽDANOKA, Member (Latvia, Greens/EFA)
- Eighteen substitutes from the NMS (two are Hungarian).

7. Sub-committee on Human Rights (DROI)

Ten of 30 members are from the NMS. Poland delegated two vice chairmen, Bulgaria named one, and Lithuania has one vice chairwoman.

- Hungarian MEPs:
 - Kinga GÁL, Member (EPP)
- MEPs from other NMS:
 - Andrzej GRZYB, Vice Chairman (Poland, EPP)
 - Laima Liucija ANDRIKIENĖ, Vice Chairwoman (Lithuania, EPP)
 - Metin KAZAK, Vice Chairwoman (Bulgaria, ALDE)
 - Janusz Władysław ZEMKE, Vice Chairman (Poland, S&D)
 - Leonidas DONSKIS, Member (Lithuania, ALDE)
 - Eduard KUKAN, Member (Slovakia, EPP)
 - Jacek PROTASIEWICZ, Member (Poland, EPP)
 - László TÓKÉS, Member (Romania, EPP)
 - Inese VAIDERE, Member (Latvia, EPP)
- Eight substitutes from the NMS (one is Hungarian).

Political Groups in the European Parliament:

Group of the European People's Party (Christian Democrats); EPP
 Group of the Progressive Alliance of Socialists and Democrats in the European Parliament; S&D
 Group of the Alliance of Liberals and Democrats for Europe; ALDE
 Group of the Greens/European Free Alliance; Greens/EFA
 European Conservatives and Reformists; ECR
 Confederal Group of the European United Left - Nordic Green Left; GUE/NGL
 Europe of Freedom and Democracy Group; EFD
 Non-attached Members

II. EUROPEAN COMMISSION

1. The relevant members of the Barroso Commission (2010-2014)

- Viviane REDING, Vice President, Justice, Fundamental Rights and Citizenship (Luxembourg)
- Janusz LEWANDOWSKI, Financial Programming and Budget (Poland)
- Johannes HAHN, Regional Policy (Austria)

2. Directorate-General for Justice

Directorate-General for Justice

Françoise LE BAIL , Director-General



I. Director-General

Françoise LE BAIL

II.

1. Shared Resource Directorate

Acting Joe MURRAN

- Budget, Control and Ex Post Audits

Joe MURRAN, Head of Unit

2. Directorate A, Civil Justice

Acting Alain BRUN

- Judicial co-operation in civil matters
Salla SAASTAMOINEN, Head of Unit
- Civil justice support program
Lina PAPAMICHALOPOULOU, Head of Unit

3. Directorate B, Criminal Justice

Lotte KNUDSEN, Director

- Advisor
Peter J. CSONKA (!)
- Judicial Co-operation in Criminal Matters
Acting Claudia HAHN
- Criminal Law

Acting Margaret TUIE

- Criminal Justice Support Programme and DAPHNE
Renatas MAZEIKA, Head of Unit

4. Directorate C, Fundamental Rights and Union Citizenship

Aurel CIOBANU-DORDEA, Director

- Fundamental Rights and Rights of the Child
Ernesto BIANCHI Head of Unit
- Union Citizenship
Chiara ADAMO

3. Directorate-General for Budget



I. Director-General

Hervé JOUANJEAN

II. Deputy Director-General

Philippe TAVERNE

1. Directorate A, Expenditure

Silvano PRESA, Director

- Budgetary Procedures and Execution, Relations with the Budget Committee

Philippe JOURET, Head of Unit

- Internal Policies

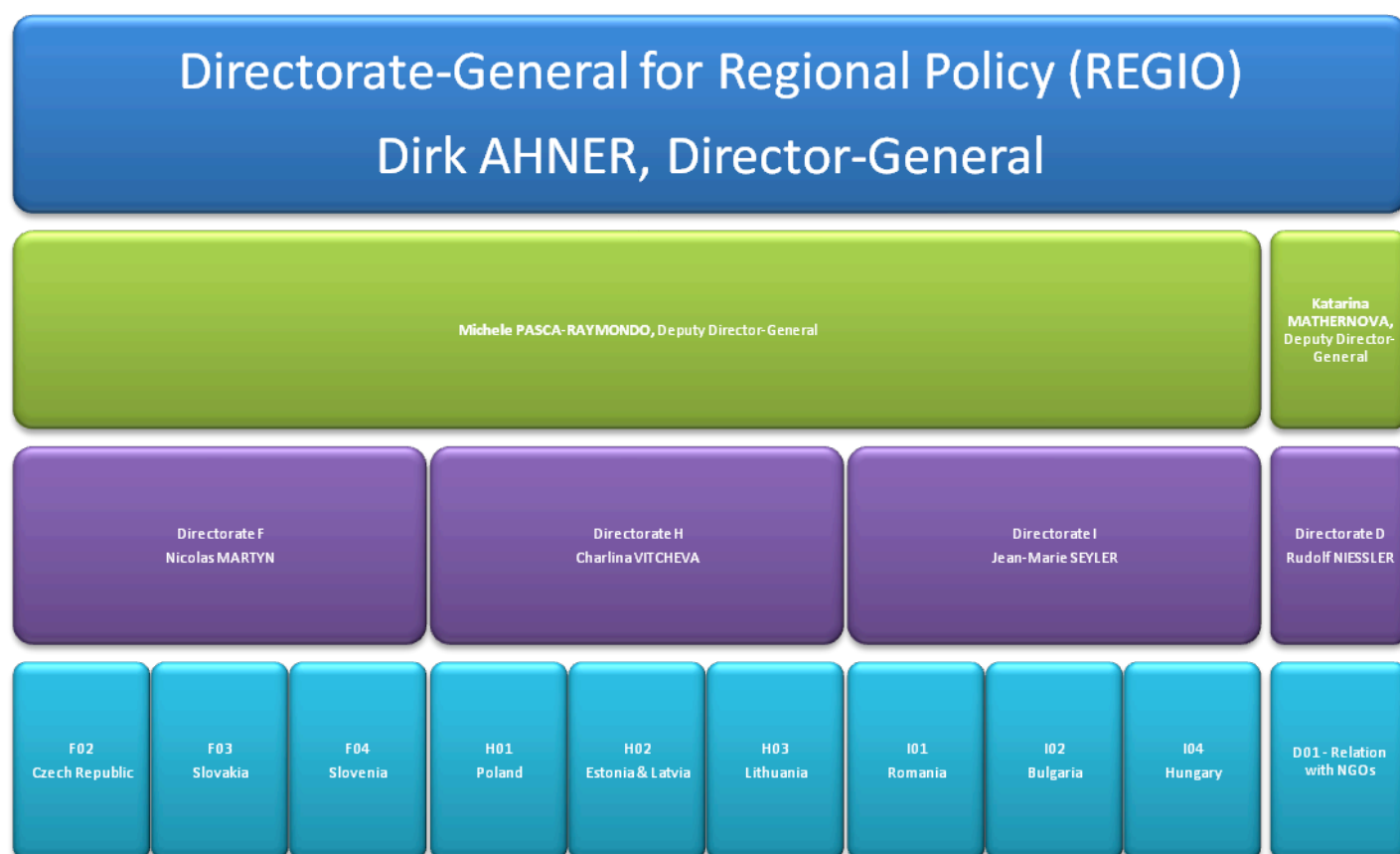
Charles GROUTAGE, Head of Unit

2. Directorate D, Central Financial Service

Eric PARADIS, Director

- Procurement, Contracts and Grants
- Brigitte FELLAHI-BROGNAUX, Head of Unit
- Fanny DUMONT, Legal Officer

4. Directorate-General for Regional Policy



I. Director-General

Dirk AHNER

II. Convergence, Competitiveness and Cross-border Programmes

Michele PASCA-RAYMONDO, Deputy Director-General

1. Directorate F, Austria, Czech Republic, Germany, the Netherlands, Slovakia, Slovenia

Nicolas MARTYN, Director

- Czech Republic
Jack ENGWEGEN, Head of Unit
 - Slovakia
Sabine BOURDY, Head of Unit
 - Slovenia
Marc BOTMAN, Head of Unit
2. Directorate H, Denmark, Estonia, Finland, Latvia, Lithuania, Poland, Sweden
Charlina VITCHEVA, Director
- Poland
Patrick AMBLARD, Head of Unit
 - Estonia & Latvia
Alain ROGGIERI, Head of Unit
 - Lithuania
Judit TÖRÖKNÉ RÓZSA, Head of Unit (!)
3. Directorate I, Bulgaria, Cyprus, Greece, Hungary, Romania, IPA/ISPA
Jean-Marie SEYLER, Director
- Romania
A. Martinez SARASOLA, Head of Unit
 - Bulgaria
Renaldo MANDMETS, Head of Unit
 - Hungary
Marco ORANI, Head of Unit

II. Development, Coordination and Communication of Cohesion Policy

Katarina MATHERNOVA, Deputy Director-General

4. Directorate D, Policy Coordination
Rudolf NIESSLER, Director
- Programme Coordination, Relations with Other Institutions and NGOs, Solidarity Fund
Erich UNTERWURZACHER, Head of Unit

III. EUROPEAN COUNCIL

The European Council is going to be essential during the Hungarian EU Presidency.

IV. OTHER STAKEHOLDERS AT THE EU LEVEL

- European Union Agency for Fundamental Rights (FRA)
- European NGO Confederation for Relief and Development (CONCORD)
- Euclid Network

Annex IV.: Country Information

Bulgaria

A. List of HRAWs

- The Institute for Regional and International Studies (IRIS), <http://www.iris-bg.org>
- The Bulgarian Helsinki Committee, <http://www.bghelsinki.org>
- Bulgarian Association for the Promotion of Citizens Initiatives (BAPCI), <http://www.bapci.org>
- The Institute for Public Environment Development, <http://iped-bg.org/en>
- RiskMonitor, <http://riskmonitor.bg>
- Transparency International-Bulgaria, <http://www.transparency-bg.org>
- Institute for Market Economics (IME), <http://www.ime.bg/en>
- Bulgarian Lawyers for Human Rights Foundation, <http://www.blhr.org/aboutEN.html>
- The Center for Economic Development (CED), <http://www.ced.bg>
- The Inter Ethnic Initiative for Human Rights Foundation, <http://www.inter-ethnic.org>
- The International Center for Minority Studies and Intercultural Relations (IMIR), <http://www.imir-bg.org>
- ACCESS – Sofia Foundation, <http://www.access-sofia.org/en>
- The Association for European Integration and Human Rights, <http://www.eurorights-bg.org/en>
- The Information Portal of Nongovernmental Organizations (NGOs) in Bulgaria: <http://www.ngobg.info/en/index.html>

B. List of Respondents

- Director of HRAW NGO, Sofia
- Director of HRAW NGO, Sofia
- Leader of Human Rights NGO, Sofia

C. Literature and Resources

- 1) 2009 Human Rights Report: Bulgaria (US Dpt. of State, Bureau of Democracy, Human Rights and Labor)
- 2) Amnesty International Report 2009: State of the World's Human Rights
- 3) USAID 2008 NGO Sustainability Index
- 4) Freedom House: „Nations in Transit, 2009“
- 5) Civicus, CSI Country Profile 2006: Bulgaria

- 6) Bulgarian Center for Not-for-Profit Law, Annual Report 2008
- 7) Country Report: Bulgaria. Intelligent Money: Private Resources for Development. Ilyana Nikolova and Stefan Stoyanov, Workshop for Civic Initiatives Foundation, 2008, www.effective-resources.info
- 8) <http://www.opac.government.bg/>

Czech Republic

A. List of HRAWs

- The Environmental Law Service (ELS), <http://www.eps.cz>
- Iuridicum Remedium, <http://www.iure.org>
- Liga lidských práv, <http://www.llp.cz/en>
- Oživení, <http://www.oziveni.cz>
- Counselling Centre for Citizenship, Civil and Human Rights, <http://www.poradna-prava.cz/en>
- Transparency International - Czech Republic (TIC), <http://www.transparency.cz>
- The Open Society, <http://www.osops.cz/en>
- The Multicultural Center Prague, <http://www.mkc.cz/en>
- Agora Central Europe (Agora CE), <http://www.agora-ce.cz>
- Zřetězení práva, <http://www.zvuleprava.cz>
- Public Interest Lawyers Association (PILA), <http://www.pilaw.cz>
- La Strada Czech Republic, <http://www.strada.cz/en>

B. Literature and Resources

- 1) „For a Happy Watchdog (Free of a Muzzle)“, Petr Bouchal, Open Society Fund Prague, 2009
- 2) Nations in Transit 2009, Freedom House
- 3) 2009 Human Rights Report: Czech Republic; US Department of State
- 4) Amnesty International Report 2009: State of the World's Human Rights
- 5) 2008 NGO Sustainability Index, USAID
- 6) 2009 NGO Sustainability Index, USAID
- 7) Jan Kroupa, Josef Štoger: Us and Them, in: We and They“ – NGOs influence on decision-making processes in the Visegrad group countries, ed. Tom Nicholson, Sasakawa Peace Foundation, 2008

Estonia

A. List of HRAWs (web contacts)

- Estonian Human Rights Center (<http://www.humanrights.ee/eng/>)
- Estonian Institute for Human Rights (<http://www.eihr.ee/Eng/IndexEng.html>)
- Legal Information Center for Human Rights (<http://www.lichr.ee/main/>)
- Transparency Estonia (www.transparency.ee)
- The Jaan Tonnison Institute <http://www.jti.ee/index.php>
- The Estonian Patient Advocacy Association

B. List of Respondents

- Infrastructure NGO Director, Tallin
- Foundation Director, Tallin

C. Resources

- 1) DG Justice, European Commission, http://ec.europa.eu/justice_home/funding/intro/funding_intro_en.htm
- 2) Estonian Patients Advocacy Association, www.epey.ee
- 3) European Network Against Racism, <http://www.enar-eu.org/>
- 4) European Program for Integration and Migration, <http://www.epim.info/>
- 5) Fundamental Rights Agency, www.fra.europa.eu
- 6) Transparency International – Estonia, www.transparency.ee
- 7) The Estonian Human Rights Center, www.humanrights.ee
- 8) The Estonian Institute for Human Rights, www.eihr.ee
- 9) The Legal and Information Center for Human Rights, <http://www.lichr.ee>
- 10) The Jaan Tonnison Institute, www.jti.ee
- 11) USAID NGO Sustainability Index, 2008, http://www.usaid.gov/locations/europe_eurasia/dem_gov/ngoindex/2008/estonia.pdf

Hungary

A. List of HRAWs (web contacts)

- The Hungarian Civil Liberties Union (HCLU / TASZ), <http://tasz.hu/en>
- The European Roma Rights Centre (ERRC), <http://www.errc.org>
- Transparency International (TI), Hungary, <http://www.transparency.hu/en>
- Demos Hungary Foundation, <http://www.demos.hu>
- The Századvég Foundation, <http://www.szazadveg.hu/en>
- Freedom House Europe, <http://www.freedomhouse.hu>
- The Public Interest Law Institute (PILI), <http://www.pili.org>

- Legal Defense Bureau for National and Ethnic Minorities (NEKI), <http://www.neki.hu>
- NANE WOMEN'S RIGHTS ASSOCIATION, <http://www.nane.hu/english>
- Nonprofit Information and Training Centre, <http://www.niok.hu>
- Political Capital, <http://www.politicalcapital.hu>
- Perspective Institute (Nézőpont Intézet), <http://www.nezopontintezet.hu/en/aboutus.php>
- Hungarian Helsinki Committee, <http://helsinki.hu/Rolunk/htmls/>
- The Energia Klub, <http://www.energiaklub.hu/en>
- K-Monitor Public Association, www.k-monitor.hu
- Hungarian Environmental Partnership Foundation, <http://www.okotars.hu/en>
- The Center for Independent Journalism (CIJ), <http://www.cij.hu/en>
- Environmental Management and Law Association (EMLA), <http://emla.hu>
- National Society of Conservationists (NSC), http://www.mtvosz.hu/index_en.php

B. List of Respondents

- HRAW NGO, Director
- HRAW NGO Observer

C. Literature and Resources

- 1) 2009 Human Rights Report: Hungary (US Dpt. of State, Bureau of Democracy, Human Rights and Labor)
- 2) Amnesty International Report 2009: State of the World's Human Rights
- 3) Nations in Transit 2009 (Freedom House)
- 4) 2008 NGO Sustainability Index (USAID)
- 5) Populist Politics and Liberal Democracy in Central and Eastern Europe (Grigorij Mesežnikov, IVO, Slovakia, 2008)
- 6) Sebestény I. – Scsaurszki T., Public Funding and Watchdog, Advocacy and Public Policy Think Tank Activities in Hungary, November 2005, [http://www.cpf.sk/files/File/full%20text%20ub%20en-partnerstva%20\(3\).pdf](http://www.cpf.sk/files/File/full%20text%20ub%20en-partnerstva%20(3).pdf)

Latvia

B. List of Selected HRAW NGOs

- Latvian Center for Human Rights, <http://www.humanrights.org.lv/html/>
- Center for Public Policy – Providus, www.providus.lv,
- Latvian Human Rights Committee, <http://www.rakurs.lv/fidh1/index.php?lang=en>
- Transparency International – Latvia (DELNA), www.delna.lv

- Apeirons – Organization of People with Disabilities and their Friends, www.apeirons.lv
- Marta – The Resource Center for Women, www.marta.lv
- Zelda – The Resource Center for People with Mental Disability, www.zelda.org.lv
- Civic Alliance – Latvia (CAL), www.nvo.lv

C. Literature and Resources

- 1) Interview with human rights NGO director, February 2010
- 2) Interview with observer of the NGO scene, March 2010
- 3) *Latvia 2009 Human Rights Report*, 2009 Country Reports on Human Rights Practices, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, US Department of State March 11, 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136042.htm>
- 4) *Corruption Perception Index 2009*, Transparency International, http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table
- 5) *USAID NGO Sustainability Index 2008*, Latvia, http://www.usaid.gov/locations/europe_eurasia/dem_gov/ngoindex/2008/latvia.pdf
- 6) <http://www.cbss.org> (Council of Baltic Sea States)
- 7) <http://www.zelda.org.lv>
- 8) <http://www.apeirons.lv>
- 9) <http://www.marta.lv>
- 10) <http://www.freedomhouse.org>, Nations in Transit, Latvia, Freedom House, 2009
- 11) <http://thereport.amnesty.org>, Amnesty International Report 2009, State of the World's Human Rights, Latvia

Lithuania

A. List of Selected HRAW NGOs

- Human Rights Monitoring Institute, Vilnius, www.hrmi.lt, Henrikas Mickevičius, Director, email: h.mickevicius@hrmi.lt;
- Transparency International Lithuanian Chapter, Vilnius. www.transparency.lt Sergej Muravjov, Director sergejus@transparency.lt
- NGO Information and Support Centre, Martinas Žaltauskas, Director, <http://www.nisc.lt>, martinas@nisc.lt – it does ad hoc monitoring of NGO legislation
- NGO Law Centre, Director Vaida Pilibavičiute (vaida@nvoteise.lt, www.nvoteise.lt)
- Civil Society Institute, www.civitas.lt, Darius Kuolys, Director, Project Coordinator Ruta Ziliukaite (r.ziliukaite@takas.lt).
- Lithuanian Human Rights Association
- Lithuanian Human Rights League, Nijole Staciokiene, Director (info@lhrl.lt; www.lhrl.lt)
- Human Rights Centre, Edita Ziobiene, Director (info@lchr.lt; <http://www.lchr.lt>)

- Lithuanian Citizens' Advice Union
- Centre for Civic Initiatives, Girvydas Duoblys, Director; www.pic.lt, girvydas@pic.lt;
- Women's Issues Information Centre, Jurate Seduikiene, Director (www.lygus.lt; jurate@lygus.lt)
–
- Center for Equality Advancement, Virginija Aleksejune, Director virginija@gap.lt; www.gap.lt

B. Literature and Resources

Human Rights in Lithuania, Seimas of the Republic of Lithuania, UNDP and the Law Institute, 2005

HRMI Activity Report 2008, Vilnius 2009,

Human Rights in Lithuania 2007-2008 - Overview. Human Rights Monitoring Institute, Vilnius, 2009

- 1) Interview with director of human rights NGO director, February 2010
- 2) Interview with director of watchdog NGO director, February 2010
- 3) Interview with observer of the NGO scene, March 2010
- 4) *Lithuania 2009 Human Rights Report*, 2009 Country Reports on Human Rights Practices, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, US Department of State March 11, 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136042.htm>
- 5) USAID NGO Sustainability Index 2008,
- 6) <http://www.civitas.lt>
- 7) <http://www.gap.lt>
- 8) <http://www.lchr.lt>
- 9) <http://www.lhrl.lt>
- 10) <http://www.lygus.lt>
- 11) <http://www.lzta.lt>
- 12) <http://www.pic.lt>
- 13) <http://www.transparency.lt>

Poland

A. List of HRAWs (web contacts)

- 1) <http://www.rodzicpoludzku.pl/>
- 2) <http://www.interwencjaprawna.pl/>
- 3) <http://www.lgo.pl/english/>
- 4) <http://pryzmat.org.pl/>
- 5) <http://humanrightshouse.org/Articles/5431.html>
- 6) <http://www.hfhrpol.waw.pl/index.php?lang=en>
- 7) <http://www.akop.pl/>

- 8) <http://www.world.kph.org.pl/>
- 9) <http://www.isp.org.pl/>

B. Literature and Resources

- 1) Amnesty International Report 2009, State of the World's Human Rights, Poland, <http://www.thereport.amnesty.org/en/regions/europe-central-asia/poland>
- 2) Corruption Perception Index 2009, Transparency International, http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table
- 3) Interview with human rights NGO director, November 2010
- 4) Interview with government and political system watchdog NGO director, March 2011
- 5) Nations in Transit, Poland, Freedom House, 2009,
- 6) Poland 2009 Human Rights Report, 2009 Country Reports on Human Rights Practices, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, US Department of State, March 11, 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136051.htm>
- 7) USAID NGO Sustainability Index 2009, Poland, http://www.usaid.gov/locations/europe_eurasia/dem_gov/ngoindex/2009/poland.pdf
- 8) <http://www.civilin.org>
- 9) <http://www.kapitalludzki.gov.pl>

Romania

A. List of HRAWs (web contacts)

- The Romanian Environmental Partnership Foundation (Fundatia pentru Parteneriat), <http://www.repf.ro/indexen.htm>
- CeRe (Resource Center for Public Participation), <http://www.CeRe.ro/ENG/aboutcere>
- The Euroregional Center for Democracy (CED), <http://www.regionalnet.org/en/>
- Romanian Academic Society (SAR), http://www.sar.org.ro/st/about_sar-2-en.html
- ACCEPT (Bucharest Acceptance Group), <http://accept-romania.ro/en/>
- Institute for Public Policy (IPP), <http://www.ipp.ro/eng/pagini/about-ipp.php>
- Romani CRISS, <http://www.romanicriss.org>
- The Advocacy Academy Association (AAA), www.advocacy.ro
- Alternative Sociale Association, http://www.alternativesociale.ro/servicii_sociale/despre_aas/prezentare_generala/?lang=en
- Public Policy Centre, <http://www.cenpo.ro> (web only in RO)
- Association for the Defense of Human Rights in Romania-the Helsinki Committee (APADOR-CH), <http://www.apador.org/en/index.htm>
- Transparency International Romania (TI-Ro), http://www.transparency.org.ro/despre_ART/index_en.html
- Asociatia Pro Democratia (APD), <http://www.apd.ro/cinesuntem.php>

- Center for Legal Resources, <http://crj.liveasp.ro/english/Home.aspx>
- Save the Children Romania, www.savethechildren.net/romania_en/index.html

B. Respondents

- Interview with respondent from the NGO donor organization, February 24, 2010
- Interview with respondent from the HRAW NGO, March 2, 2010
- Interview with respondent from the HRAW NGO, March 16, 2010

C. Literature and Resources

- 10) Human Rights Report 2009: Romania (US Dpt. of State, Bureau of Democracy, a. Human Rights and Labor), <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136053.htm>
- 11) Amnesty International Report 2009: State of the World's Human Rights
- 12) USAID: NGO Sustainability Index 2008
http://www.usaid.gov/locations/europe_eurasia/dem_gov/ngoindex/2008/
- 13) Nations in Transit, Romania, 2009, Freedom House, www.freedomhouse.hu
- 14) CIVICUS Civil Society Index, Country Report: Romania, 2006,
http://www.civicus.org/media/CSI_Romania_Country_Report.pdf
- 15) Civil Society in Romania and Bulgaria, 2007, (European Council for non-profit organisations), www.cedag-eu.org
- 16) Porumb A. – Sofica R.: Intelligent Money – Private Resources for Development, Country Report Romania, 2008,
http://www.effective-resources.info/cms3/e107_files/downloads/country_report_romania.pdf

Slovakia

A. List of HRAW NGOs

- Citizen, Democracy and Accountability
- Alliance Fair-Play
- Via Iuris Association
- Transparency International – Slovakia
- Advisory Center for Civil and Human Rights
- Forum Institute – Minority Research Institute
- Slovak Governance Institute (SGI)
- Milan Šimečka Foundation
- Friends of the Earth – CEPA
- Greenpeace Slovakia
- Institute of Public Affairs

- Pontis Foundation
- Center for Community Organizing
- Citizens in Action
- People Against Racism
- Charter 77 Foundation
- People in Peril
- Fenestra
- Womens Lobby Slovakia
- Možnosť voľby
- Aspekt
- Inakosť

B. Literature, Resources, Links

- 1) *Amnesty International Report 2009, State of the World's Human Rights, Slovakia*, <http://www.thereport.amnesty.org/en/regions/europe-central-asia/slovakia>
- 2) *Corruption Perception Index 2009*, Transparency International, http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table
- 3) Interview with human rights NGO director, March 2010
- 4) Interview with government and political system watchdog NGO director, March 2010
- 5) Marošiová L. – Gyárfášová O.: *Hlas vybraných advokačných/watchdog/think tank organizácií. (Kvalitatívna sonda do problémov špecifického typu MNO)*, October 2006, In: *Kvadrátúra kruhu alebo otázka spôsobu? K niektorým otázkam roly verejných zdrojov v podpore občianskeho hlasu vo verejnej politike na Slovensku 1995-2007*), Nadácia Ekopolis, 2008,
- 6) *Nations in Transit, Slovakia*, Freedom House, 2009, <http://www.freedomhouse.org/uploads/nit/2009/Slovakia-final.pdf>
- 7) *Slovakia 2009 Human Rights Report*, 2009 Country Reports on Human Rights Practices, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, US Department of State, March 11, 2010,
 - a. <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136057.htm>
- 8) Strečanský B.: Slovakia. In: "We and They – NGOs' influence on decision-making processes in the Visegrad group countries, ed. Nicholson T., Sasakawa Peace Foundation, 2008
- 9) Strečanský B. et al.: *Mimovládne neziskové organizácie a dobrovoľníctvo*, In: Slovensko 2008. Súhrnná správa o stave spoločnosti. Bútora M. – Kollár M. – Mesežnikov G. eds. Institute of Public Affairs, 2009
- 10) Strečanský B. et al.: *Mimovládne neziskové organizácie a dobrovoľníctvo*. In: Bútora M. – Kollár M. – Mesežnikov G. eds: Slovensko 2009 – Súhrnná správa o stave spoločnosti, Institute of Public Affairs, 2010
- 11) *Kvadrátúra kruhu alebo otázka spôsobu. K niektorým otázkam roly verejných zdrojov v podpore občianskeho hlasu vo verejnej politike na Slovensku 1995-2007*. Strečanský B. Ed. Nadácia Ekopolis, 2008

- 12) *USAID NGO Sustainability Index 2008*, Slovakia,
http://www.usaid.gov/locations/europe_eurasia/dem_gov/ngoindex/2008/slovakia.pdf
- 13) <http://www.rasizmus.sk>
- 14) <http://www.charta77.sk>
- 15) <http://www.clovekvohrozeni.sk>
- 16) <http://www.fenestra.sk>
- 17) <http://zenskaloby.wordpress.com/>
- 18) <http://www.aspekt.sk>
- 19) <http://www.oad.sk>
- 20) <http://www.fair-play.sk>
- 21) <http://www.viaiuris.sk>
- 22) <http://www.tis.sk>
- 23) <http://www.greenpeace.sk>
- 24) <http://www.moznostvolby.sk>
- 25) <http://www.poradna-prava.sk>
- 26) <http://www.foruminst.sk>
- 27) <http://www.governance.sk>
- 28) <http://www.nadaciamilanasimecku.sk>
- 29) <http://www.priateliazeme.sk/cepa/>
- 30) <http://www.ivo.sk>

Slovenia

A. List of Selected HRAW NGOs

- Peace Institute⁴⁰⁰
- Umanoterra – Slovenian Foundation for Sustainable Development⁴⁰¹
- Legal Information Center for NGOs⁴⁰²
- Integriteta Društvo⁴⁰³
- Association for the Theory and Culture of Handicap (YHD), Ljubljana, Slovenia⁴⁰⁴
- Environment Center⁴⁰⁵
- The Women's Lobby of Slovenia⁴⁰⁶

⁴⁰⁰ <http://www.mirovni-institut.si/Main/Index/en/>

⁴⁰¹ <http://www.umanoterra.org>

⁴⁰² <http://www.pic.si/>

⁴⁰³ <http://www.integriteta.si/>

⁴⁰⁴ <http://www.yhd-drustvo.si/>

⁴⁰⁵ <http://www.okoljski-center.si/>

- Association SOS Help Line for Women and Children - Victims of Violence⁴⁰⁷

B. Literature and Resources

- 1) *About NGO sector in Slovenia* (Summarised from Operational programme for development of human resources for the period 2007- 2013; Chapter 3.3.5.3. Promotion of the development of NGOs, social and civil dialogue) http://www.rec-lj.si/projekti/eea/eng/documents/D1_About_NGO_sector_in_Slovenia.pdf
- 2) *Amnesty International Report 2009*, State of the World's Human Rights, Slovenia, <http://thereport.amnesty.org>
- 3) *Corruption Perception Index 2009*, Transparency International, http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table
- 4) Divjak, T.: *Civil society and good governance in societies in transition: Slovenia*. In: Civil society and good governance in societies in transition (Benedek, W., ed.), Belgrade: Belgrade Centre for Human Rights – Vienna: Neuer Wissenschaftlicher Verlag; 2006. http://www.reclj.si/projekti/eea/eng/documents/D2_Civil_Soc_and_Good_Governance.pdf
- 5) Interview with infrastructure NGO, March 2010
- 6) Interview with human rights watchdog NGO, March 2010
- 7) *Nations in Transit*, Slovenia, Freedom House, 2009, <http://www.freedomhouse.org>,
- 8) *Report of the Working Group on the Universal Periodic Review**, Slovenia, Human Rights Council, 14th Session, General Assembly, United Nations March 15, 2010
- 9) *Slovenia 2009 Human Rights Report*, [2009 Country Reports on Human Rights Practices](http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136058.htm), BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, US Department of State, March 11, 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136058.htm>
- 10) *USAID NGO Sustainability Index 2008*, Slovenia, http://www.usaid.gov/locations/europe_eurasia/dem_gov/ngoindex/2008/slovenia.pdf
- 11) <http://www.mirovni-institut.si/Main/Index/en/>
- 12) <http://www.umanotera.org>
- 13) <http://www.pic.si/>
- 14) <http://www.integriteta.si/>
- 15) <http://www.yhd-drustvo.si/>
- 16) <http://www.okoljski-center.si/>
- 17) <http://www.zls.si>
- 18) <http://www.drustvo-sos.si>

⁴⁰⁶ <http://www.zls.si>

⁴⁰⁷ <http://www.drustvo-sos.si>