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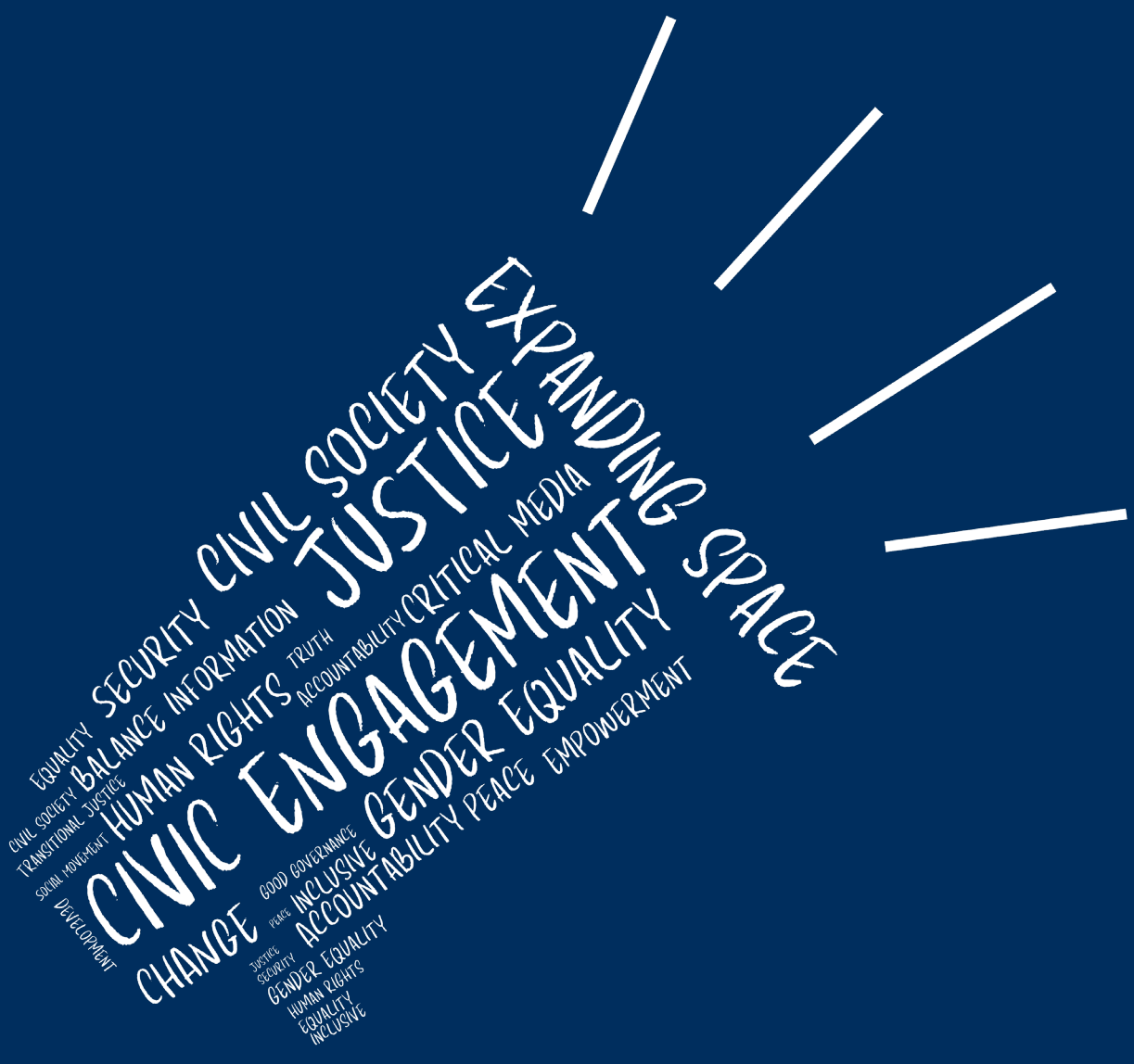
Ensuring Space for Civil Society

Shrinking Civic Space and Civil Society Response in the Philippines and Kosovo



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This report is dedicated to the memory of our late colleague and friend Bettina Adamczyk, a true and passionate peacebuilder who gave so much of her time and energy to supporting human rights defenders and civil society movements in the Philippines.

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Ensuring Space for Civil Society

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Executive Summary

The phenomenon of 'shrinking civic spaces' has been recognized as one of the pressing challenges for civil society organizations and social movements globally. Manifested in direct attacks against activists, defamation of individuals, organizations, and movements, and an overall tightening of the legal environment for civil society actors, civic space restrictions often have a chilling effect on broader segments of the population and disrupt civic engagement and participation more generally. For forumZFD, an international peacebuilding organization operating in thirteen countries in Southeast Asia, the Middle East, and Europe, civic space restrictions have constituted a threat to local partner organizations, staff members, and project implementation. To further understand the nuanced effects of civic space restrictions and identify tested counter-strategies, forumZFD conducted a two-year research project investigating the phenomenon of shrinking civic spaces in two of its program countries: the Philippines and Kosovo.

Despite the differences in geopolitical context, histories of civil society engagement, and current socio-political situation, civil society actors in the Philippines and Kosovo face similar types of civic spaces restrictions, albeit to different degrees of severity. An overall negative perception of civil society can be observed in both countries and is rooted in a decline in trust towards civil society organizations and an equation of government criticism with being unpatriotic. In line with global trends, civil society organizations further experience instrumentalization of financial and administrative frameworks to restrict their activities. Tighter registration and reporting requirements justified under the umbrella of preventing money laundering or the financing of terrorism and an unconducive funding environment skewed to large, international organizations constitute challenges to civil society actors that drain resources, limit their programmatic autonomy, and can lead to the shutting down of organizations. In addition, polarized narratives build the basis for the defamation and exclusion of more critical civil society actors from discursive spaces in both the Philippines and Kosovo. Civil society actors thus branded as 'traitor', 'rebel', or 'terrorist' are restricted from participating in civil society and, in the worst cases, experience direct attacks against them. In Kosovo, this can translate into verbal attacks or hate speech. In the Philippines, delegitimization often constitutes the first step to more serious forms of harassment against civil society actors, amounting to criminalization, warrantless detentions, enforced disappearances, and extrajudicial killings, in the worst cases. Taken together, these forms of violence, intimidation, and restrictions constitute a repressive environment for civil society actors in both countries, albeit to different extents, and hamper civil society engagement as a whole.

To mitigate the effects of shrinking civic spaces and reverse the trend in the long-run, civil society actors take a number of measures and develop long-term strategies. The suitability of these strategies depends on the individual civil society actor and the context they operate in, but they can generally be summarized in harm mitigation, re-legitimization strategies, advocacy and lobbying, and long-term strategies to increase civil society's resilience to shrinking civic spaces. Apart from setting up comprehensive security systems to protect from physical threats, putting policies in place to address verbal attacks and defamation

attempts moves civil society actors out of a purely reactive situation to one in which they can not only counter an individual defamation attempt, but also counter the delegitimization of civil society as a whole. Furthermore, building up their legitimacy across different fields and diversifying the sources of their legitimization means that organizations are more resilient to attacks and can stand in solidarity with others. As many restrictions on civic spaces are rooted in the legal framework and abusive policies, advocating to change these policies becomes another strategy to reverse the effects of shrinking civic spaces but requires careful consideration to navigate the generally hostile environment towards civil society engagement. Lastly, better rooting civic engagement in the broader population by adjusting communication strategies and investing in community organizing becomes a long-term strategy to strengthen not only the recognition of civil society but also democratic norms and culture more generally.

Introduction

'Shrinking civic spaces' refers to (what is perceived to be) a new wave of repression against civil society, consisting of both new and old forms of harassment against civil society actors and restrictions of civic engagement. Globally, the phenomenon has, among other things, led to anti-non-government organizations (NGO) legislation such as foreign agent laws, formal and de facto restrictions of the freedoms of assembly and speech or smear campaigns against civil society actors.[1] Especially when occurring in combination, these factors can severely restrict the space for action of civil society actors. What is particularly concerning about the shrinking spaces phenomenon is that it redraws the boundaries of what qualifies as legitimate civil society and redefines standards of appropriate behavior in the civic space.[2] This is often manifested in the exclusion of more critical or radical actors from the community of legitimate civil society thereby inhibiting solidarity between those considered moderate and those considered radical.[3] The shrinking spaces phenomenon further leads to a limited efficacy of civil society organizations more generally. Dealing with harassment and intimidation usually drains resources that would otherwise be used to work on social issues and can lead civil society actors to redirect or reframe their activities to less controversial topics.

While the term 'shrinking spaces' has gained traction among civil society circles, it has also been criticized as reductionist and overly pessimistic. Referring to restrictive measures as 'shrinking spaces' implies an overall deterioration of the recognition of civil society, while certain forms of repression have existed long before the term 'shrinking spaces' emerged, restrictive measures do not affect all sectors of civil society equally, and civil society actors continue to celebrate victories in some fields.[4]

Acknowledging these shortcomings of the concept, 'shrinking spaces' nevertheless remains the term used for this report as it is a useful image to understand the cumulative effects of increasingly restrictive measures in the countries at hand.

forumZFD has been concerned about shrinking spaces trends observed in the countries it operates in[5] as well as on a global level. A vibrant civil society is an essential element of a peaceful, just, and pluralistic society as it promotes inclusive and critical political discourses and decision-making processes necessary for a society in which the rights and interests of all of its members are heard.[6] Civil society fulfills an important role as a watchdog for elites and state power, as representation and support mechanisms for excluded groups, as

[1] Ben Hayes and Poonam Joshi, 'Rethinking Civic Space in an Age of Intersectional Crises: A Briefing for Funders' (Funders' Initiative for Civil Society 2020) <https://www.fundersinitiativeforcivilsociety.org/wp-content/uploads/2022/01/FICS-Rethinking-Civic-Space-Report-FINAL1.pdf>.

[2] Wolff, J. (2018). The Delegitimization of Civil Society Organizations: Thoughts on Strategic Responses to the "Foreign Agent" Charge. In C. Rodríguez-Garavito & K. Gomez, Rising to the Populist Challenge: A New Playbook for Human Rights Actors, pp. 129-137. Bogota: Dejusticia.

[3] Transnational Institute, 'On "Shrinking Space": A Framing Paper' (2017) Issue Brief Shrinking Space https://www.tni.org/files/publication-downloads/on_shrinking_space_2.pdf

[4] Sikkink K, 'A Cautionary Note About the Frame of Peril and Crisis in Human Rights Activism' in César Rodríguez-Garavito and Krizna Gomez (eds.), Rising to the Populist Challenge: A New Playbook for Human Rights Actors (Dejusticia 2018); Kinzelbach K and Spannagel J, 'New Ways to Address an Old Problem: Political Repression' in César Rodríguez-Garavito and Krizna Gomez (eds.), Rising to the Populist Challenge: A New Playbook for Human Rights Actors (Dejusticia 2018); Tiwana M, 'Response Strategies to Push Back against the Global Crackdown on Civil Society' in César Rodríguez-Garavito and Krizna Gomez (eds.), Rising to the Populist Challenge: A New Playbook for Human Rights Actors (Dejusticia 2018); Hayes & Joshi, 2020.

[5] forumZFD works with peace consultants in thirteen countries in Southeast Asia, the Middle East, and Europe.

[6] Fund for Global Human Rights [FGHR]. (2021). Creating an Enabling Environment for Human Rights Defenders: Learning and Future Directions. https://globalhumanrights.org/wp-content/uploads/2021/07/FGHR_EE-Learning-and-Future-Directions-Feb2021.pdf

well as an initiator of social change processes. Consequentially, an independent and critical civil society is an essential requirement for effective peacebuilding and conflict transformation work. It must therefore be a strategic concern for forumZFD and other international peacebuilding organizations to maintain civic space.

While international peacebuilding organizations in the Philippines and Kosovo experience some forms of harassment such as pressure to reveal information about staff and partners to state agencies, the brunt of repressive tactics including violent attacks is borne by grassroots movements and more overtly critical, local organizations. Apart from being at the receiving end of adverse effects on program implementation, international nongovernment organizations' (INGO) way of dealing with these effects can also reinforce the shrinking spaces phenomenon. Employing overly risk-averse approaches such as distancing the organization from delegitimized activists or avoiding stigmatized topics adds to their exclusion from what is considered legitimate civil society intervention and leaves INGOs such as forumZFD complicit in restricting spaces for civil society. In fact, INGOs may even benefit from shrinking space dynamics, for example when local organizations or different sectors such as human rights groups are more significantly affected than peacebuilding organizations, particularly those that enjoy the status of INGO.[7] As a consequence, there is potential for the peacebuilding sector to benefit from human rights and more critical organizations' exclusion from civil society spaces, such as consultation platforms or funding opportunities, thereby lessening competition for these opportunities and freeing up spaces that peacebuilding organizations can then occupy.[8]

This study serves to further understand the particular dynamics of shrinking civic spaces and INGOs' potential role as contributor or benefactor and to identify strategies to maintain, and ideally reclaim, civic spaces. The study was conducted in two forumZFD program countries: the Philippines and Kosovo. In the Philippines, usually hailed for its vibrant civil society, an increase in physical violence and other forms of harassment against civil society actors, the introduction of additional and particularly onerous registration and reporting requirements for NGOs, and the passing of legislation that can easily be misused against civil society have all contributed to the tightening of civic spaces. In Kosovo, an already fragile peace and conflict situation since the violent dissolution of the former Yugoslavia is aggravated by growing ethno-nationalist and authoritarian tendencies emphasizing one-sided narratives and contributing to an increasingly threatening environment for civil society actors. While the two countries are very different in terms of socio-political context, the study nevertheless revealed shared categories of shrinking spaces.

The research project thus aims to identify the manifold types of shrinking civic spaces experienced by forumZFD staff and partner organizations, determine trends and patterns with regards to shrinking civic spaces in the contexts of the Philippines and Kosovo, analyze the ways in which shrinking civic spaces affect forumZFD and its partner organizations, and map out tested as well as proposed strategies to maintain and reclaim civic spaces. Based on these findings, the research team has formulated recommendations to both local and international civil society actors.

[7] While INGOs usually experience a much lower level of physical violence, they are nevertheless vulnerable to delegitimization given their status as foreign organization and the dominance of the 'foreign agent' motif in delegitimization challenges. Wolff (2018) recommends that organizations should take these allegations seriously and consider how to counter them.

[8] This has been observed in the context of the Philippines where forumZFD operates and enjoys a comparatively more protected status compared to domestic human rights organizations and has unwillingly benefited from the dynamics described above.

Methodology

The term 'shrinking spaces' serves as a conceptual framework in its general understanding as encompassing different forms of intimidation ranging from physical violence over restrictions on freedom of assembly and expression to excessive administrative requirements placed on NGOs.[9] In line with the criticism of the shrinking spaces concept mentioned, the report aims to avoid a reductionist understanding of shrinking spaces trends by focusing on contextual nuances and differentiating effects according to sectors and topics worked on. Rather than remaining within a mode of crisis, the research explores hands-on counter-measures to common and differing threats. Acknowledging the long history of civil society movements navigating restrictive environments, the identification of suitable counter-strategies intentionally builds on the knowledge gathered by those who have faced threats for a long time and who have valuable resilience strategies to offer.[10] This peer-to-peer learning is at the center of the research project and is intended to equally benefit forumZFD, its partners, as well as other civil society organizations working in similar fields.

The research project followed a participatory and community-based research methodology that values community-specific sources of knowledge such as lived experiences of community members and informal forms of knowledge production. This approach recognizes the breadth of experiences and knowledge present in partner organizations and the immense (often untapped) potential of INGOs learning from their local counterparts. To reflect experiences in both the Philippines and Kosovo, the research team of internationally- and locally-hired forumZFD staff members co-designed the overall research design including topics to be covered and civil society representatives to be interviewed. This approach ensured that forms of restriction overlooked or normalized in one context would nevertheless still be considered in the questionnaire as they would be problematized in the other context.

Over the span of three months, the research team conducted four focus group discussions (FGD) with forumZFD partner organizations and twelve key informant interviews (KII) with other civil society actors, whose focus of work is shrinking civic spaces or who have been targeted by civic space restrictions in the past. The selection of FGD and KII participants reflects the diversity of civil society actors paying particular attention to commonly marginalized sectors such as women, youth, indigenous peoples, and participants from the peripheries. FGDs and KIIs were held in a language comfortable to the respective research participants and, where necessary, were conducted online using a secure platform suitable to the interviewee. Throughout the research process adjustments were made to ensure that the data gathering process itself does not add to experiences of violence.[11] The initial result of the analysis was presented to research participants for validation, clarification, and complementation.

[9] Transnational Institute, 2017.

[10] Tiwana, 2018.

[11] For example, a question regarding their ideal vision of civic space without the restrictions and forms of intimidations they use was removed from the guide questions after it became clear that discussing their vision in the setting of the FGD and within a very violent, repressed context caused harm to the participants.

Shrinking Civic Spaces in Comparison

Overall perception of civil society

Interviewees in both the Philippines and Kosovo described an overall negative perception among the general public towards civil society actors, specifically government-critical actors or watchdog organizations. This shift in perception can be understood as a redrawing of the boundaries of what constitutes legitimate civil society in the public eye.[12] In fact, interviews and focus group discussions often revealed implicit assumptions held by the participants or commonly shared in society about what civil society should and should not do. For example, when interviewees shared that civil society is negatively perceived as opposition to the government, the implied standard of behavior to qualify as 'legitimate' civil society actor is to support the government and not criticize it. While participants shared similar popular sentiments regarding the need for civil society to be generally aligned with the government agenda, the specific manifestation of this expectation and the reactions when it is not fulfilled differed between Kosovo and the Philippines.

In Kosovo, the perception of all of civil society as opposition was described to be primarily rooted in the expectation of government actors for civil society to be supportive of their projects: "civil society should serve the government and help them push their agenda."[13] Whenever civil society organizations would utter criticism of government projects, this would be perceived as being unsupportive of the Kosovar nation-state as a shared endeavor. Despite civil society actors fulfilling a number of government roles during the early years of the transition, research participants shared that their work is not appreciated by government actors for its contributions. Instead, they are either looked at as numbers to check for compliance only, as a potential opponent to overcome, or as attackers: "[government] institutions assume that organizations are there only to attack the institutions."[14] The result of this is a generally hostile stance of government actors towards civil society as manifested in a lack of support for the sector, defensive reactions to criticism uttered, and, in some instances, disdainful public remarks. One respondent shared that he observes a general misunderstanding of the role of civil society among government actors.

In the Philippines, civil society actors that are critical of the state are commonly delegitimized as being 'unpatriotic,' 'anti-unity,' or 'anti-government.' Even nuanced criticism such as raising questions about individual policies or irregularities in relief distribution is often being considered rejecting the government as a whole or working against it. Several research participants were concerned about the widespread misconception that equates activism, even peace activism, with being anti-government, leading to common allegations of activists to be members or

> *"Civil society engagement has generally negative connotations and hesitation to engage in NGO activities is often based in fear of the consequences."*

[12] Wolff, 2018.
[13] FGD-KOS
[14] KII-KOS-2

supporters of the insurgent New People's Army[15] which has been tagged as a terrorist group by government authorities: "they view activism as synonymous with terrorism."[16] As a result, civil society engagement has generally negative connotations and hesitation to engage in NGO activities is often based in fear of the consequences: "they fear that if they become active in engaging or campaigning on certain advocacies for the youth, someday they will be misconstrued as activists, and suspected as communists or terrorists."[17] Apart from the affiliation with NGOs, negative reactions can be triggered by the use of a specific type of language including human rights concepts. The Asia Foundation has termed this increasingly negative perception of civil society, specifically of human rights organizations, as "unprecedented crisis of legitimacy."[18]

In both the Philippines and Kosovo, research participants shared examples of the public distrusting civil society's sincerity and effectivity in working towards social change. In Kosovo, the dominance of foreign donors and the imposition of reporting requirements has left the impression that civil society organizations are donor-motivated, rather than genuinely interested in the work they do.[19] In the Philippines, similar allegations of being motivated by foreign funds and interest exist. In addition, previous scandals surrounding the misuse of funding contributed to this perception of insincerity while also the trust in CSOs being able to contribute to public policy development seems to have watered down.[20] Such beliefs not only make it easier to discredit civil society actors in the ways mentioned above, it can also lead to an unwillingness of the general public to engage with and participate in civil society.

[15] Participants from the Bangsamoro Autonomous Region of Muslim Mindanao also shared that previously activists had been tagged as members of the Moro Islamic Liberation Front. With the peace agreement and the decommissioning of MILF combatants, however, this is no longer an effective way of discrediting activists as being anti-government since the MILF is now part of the government itself (FGD-CBO). The NPA on the other hand has also been tagged as a Foreign Terrorist Organization by foreign governments including the US and the EU.

[16] FGD-CBO

[17] FGD-CBO

[18] Ong, J. C., Tintiangko, J., & Fallorina, R. (2021). Human Rights in Survival Mode: Rebuilding Trust and Supporting Digital Workers in the Philippines. Cambridge, MA: Shorenstein Center, Harvard Kennedy School. https://chr.gov.ph/wp-content/uploads/2021/06/Human-Rights-in-Survival-Mode-Report.pdf, p.8

[19] FGD-KOS; KII-KOS-5

[20] KII-PHL-5

Financial and administrative framework

The creation of an overly restrictive administrative and financial regulatory framework for civil society is one of the main elements of the phenomenon of shrinking spaces. In fact, the advent of so-called 'regulatory attacks' that abuse the regulatory framework to restrict civic spaces is what gave rise to the emergence of the term 'shrinking spaces' in the early 2010s.[21] These regulatory attacks commonly include restrictions placed on foreign funding and foreign agent laws that revoke or hamper the registration of foreign-funded NGOs.

Respondents in both the Philippines and Kosovo reported aspects of the financial and administrative framework adding to their experience of a shrinking civic space. This includes generally slow and cumbersome government processes, a finance sector that is unfriendly to NGOs, and onerous registration requirements. In an administrative environment that is characterized by inertia and the diffusion of responsibilities, as can be observed in both the Philippines and Kosovo, overly bureaucratic processes imposed on civil society actors can add up and consume a significant amount of the organization's resources and time: "of course sometimes maybe they [government actors] are not so friendly to our work and they can complicate things like not giving us space or making us [write] 200 request."[22] Imposing excessive bureaucratic processes on civil society actors can thus intentionally or unintentionally limit the space for action of civil society actors.

In the Philippines, this is particularly apparent in the context of indigenous peoples' organizations. Recognizing their important role in rights protection and development projects, indigenous peoples' organization are granted special benefits under Philippine law. However, in order to avail of these benefits and to engage the government agencies that are intended to protect indigenous peoples' rights, they are required to undergo lengthy accreditation processes with the National Commission on Indigenous Peoples or the Ministry of Indigenous Peoples Affairs. Rather than strengthening the organizations, these processes can cause harm to the self-governance practices of indigenous peoples by co-opting and replacing traditional structures and create avenues for other actors to abuse the regulatory framework by discriminately preventing specific organizations' registration and thereby their participation in civil society.

Restrictive and invasive regulatory environment

In Kosovo, respondents described that particularly the processes to avail of public funding used to be very untransparent, highly dependent on the specific ministry, and marred with irregularities. Following civil society engagement on this issue, a common regulation for all ministries was introduced in 2017 as well as a platform informing about all opportunities for public funding. Despite these improvements, some interviewees continue to lament delays in the disbursement of public funds and the resulting insecurity it creates for civil society actors dependent on these grants. Research participants reported that individual instances of irregularities in the allocation of public grants remain such as the imposition of additional requirements after the application process has ended. Research participants also observed that receiving public funding in the form of grants, which is the common mode of disbursement for civil society organizations, comes with additional reporting requirements compared to

[21] Hayes & Joshi, 2020.
[22] KII-KOS-1

subventions, where the beneficiaries are usually corporations. As a consequence, civil society representatives perceive to be disadvantaged compared to corporations. For private donations, on the other hand, the state bureaucracy acts as chokepoint in the distribution process. The Kosovo law for sponsorships[23] not only prescribes that the government decides on whether or not a donation may be made to a specific organization, it also provides for an overly bureaucratic process to allocate and receive donations. In addition to limitations placed on accessing funds, NGOs have reported difficulties in accessing public venues for their events due to lengthy and complicated procedures.

Anti-money laundering and preventing the financing of terrorism restrictions

Overly intrusive registration and reporting requirements are commonly introduced under the umbrella of the prevention of money laundering or the financing of terrorism. Indeed, several UN resolutions on preventing and combating terrorism and transnational crime require states to adopt legislation to this end. However, such legislation can be easily abused by government and financial institutions to restrict civic spaces.

In Kosovo, civil society organizations were able to mitigate the worst effects of counter-terrorism legislation on civic spaces. Research participants described that the strong presence of the international community within the country meant that the Kosovar government was comparatively more open to civil society participation in the UN-mandated sectoral risk assessment of money laundering and financing terrorism through CSOs and the subsequent development of relevant laws and policies. Thus, government proposals to prescribe police monitoring of CSO activities, designate special compliance officers within each NGO, thereby placing additional strain on already limited human resources, and the requirement to get special permission from the Financial Intelligence Unit to receive grants over 1,000 Euros, were all removed from the proposed law. What remains is the requirement for CSOs to conduct a self-assessment and report their thus determined risk of being used for financing terrorism to the Financial Intelligence Unit.

Despite the comparatively relaxed anti-money laundering and counter-terrorism legislation in Kosovo, private banks nevertheless consider CSOs as 'risky' clients and impose regulations meant to discourage NGOs and persons working for NGOs from opening bank accounts: "if you go as an NGO and say I want to open a bank account, they say no or they make [it so] complicated that you give up."[24] Banks for example require higher fees for NGO accounts compared to private or corporate accounts and request additional information from NGO clients such as work plans. Previously, banks required the founders of an NGO to report to the bank even if they were no longer members of that organization. While this requirement was removed following civil society intervention, some banks continue to impose it in practice. Research participants also reported a looming threat of potential inspection by the Financial Intelligence Unity and the sudden closure of bank accounts. In fact, one of the major international banks operating in Kosovo previously closed all of its NGO accounts after they discovered that one of their NGO clients in another country was in fact used to finance terrorism abroad. For NGOs that had their funds suddenly frozen this way, the consequence was not only that they could no longer access their funds, but also that they were unable to pay their taxes on time thereby causing additional administrative problems down the line.

[23] Law No. 05/L-090 on Sponsorship in the Field of Culture, Youth and Sports
[24] KII-KOS-3

In the Philippines, and in line with global trends, anti-money laundering and counter-terrorism policies have been used to introduce and justify an overall tightening of the regulatory framework for NGOs. This not only translates into increased workload for civil society actors to comply with additional requirements but also into increased monitoring of NGO activities by government agencies. Following policy changes in 2019, registered non-governmental organizations are now required to report extensively on their activities and partner organizations to the Philippine Securities and Exchange Commission[25] to maintain their registration. Some organizations' government partners, such as the Department of Education, have also been reported to request detailed information about NGOs including their funding sources. Additionally, civil society organizations have been targeted by politically motivated audits. Supposedly random tax mappings by the Bureau of Internal Revenue have been used to suspend organizations' registration if any irregularities are found: "this 'random' tax mapping targeting precisely just civil society organizations is quite alarming."[26] Research participants also reported cases of fabricated tax charges filed against their organizations. Other organizations have been subject to external audits, for example by foreign donors who are increasingly targeted by government propaganda. In response, some international donors have started requiring anti-terrorism-related background checks of beneficiary organizations' board members or even rejected funding proposals from organizations that are discredited by the government. The thus restrictive environment for receiving foreign funding was further tightened by a 2019 note verbale that instructed foreign embassies[27] to obtain clearance from the Philippine Department of Foreign Affairs before they can transfer funds to domestic NGOs. Similar to the situation in Kosovo, banks in the Philippines also develop additional requirements and generally create an environment that is unconducive for civil society activities. Banks have been reported to impose stricter requirements for NGO accounts and personal accounts of NGO staff members, surveil accounts of so-called persons of interest, and request additional information for transactions on foreign currency accounts. Muslim-led organizations and organizations with Islamic names have been reported to encounter additional difficulties in opening a bank account. This type of suspicion shown towards civil society actors by private entities also includes other types of resources, such as difficulties to rent offices or venues.

In the Philippines, the complicated and overly invasive registration and reporting requirements coupled with the threat of serious consequences for not complying has a chilling effect on civil society actors. In order to avoid potential revocation of registration or freezing of assets, organizations invest and, in some cases, divert significant resources away from project work to preventively comply with all administrative and financial requirements. In fact, there have been

> *"This 'random' tax mapping targeting precisely just civil society organizations is quite alarming."*

[25] The Securities and Exchange Commission is the Philippine agency where NGOs should be registered. While there are initiatives or other forms of civil society engagement that are not SEC registered, SEC registration legitimizes the organization as a judicial entity and is therefore a precondition for tax benefits and for accessing certain types of funding opportunities. Research participants generally found SEC registration to be a safeguarding mechanism that guarantees them some form of protection and legitimacy.

[26] KII-PHL-3

[27] According to one research participant, some embassies were able to negotiate an agreement with the Philippine government that exempts them from this requirement.

cases of public shaming if an organization has even small irregularities and even in cases where these have already been corrected. The mere allegation of non-compliance with registration and reporting requirements thus becomes a way of publicly delegitimizing civil society actors.

Funding environment

A less direct form of shrinking spaces, but nevertheless part of the generally unconducive administrative and financial framework, is the way the funding environment is set up. In both countries, funding structures are largely driven by donors which means funds are usually project-based, rather than institutional and are in line with global funding trends, rather than contextualized to the needs of the target communities. Respondents in both countries have also described an overall decrease in available funding from international partners – a gap which as of now cannot be filled with local resources.

In Kosovo, the end of the war and Kosovo's declaration of independence was followed by an influx of international donor money. In the years since then, international funds have gradually decreased. Nevertheless, many organizations continue to be reliant on them: "There is a lack of [] financing tools or loans or other types or forms of financing that you can use for non-profits to develop."[28] As public funds are (perceived to be) tied to public alignment with the government agenda,[29] particularly watchdog organization often avoid public funding and are consequentially fully dependent on non-government donors. The competition for funds offered by international donors is thus significant. At the same time, the funding offered does not necessarily respond to the needs of civil society actors. Research participants lament the unavailability of institutional, long-term, and flexible funding opportunities that would grant financial security while leaving programmatic autonomy. Instead, a large segment of the available funding is project-based, output- rather than outcome-oriented, and driven by geopolitical interests. As a result of this donor-driven and competitive funding environment, organizations use a considerable amount of their internal resources to develop programs that respond to donor priorities: "if half of the job was not trying to pitch the same thing to 20 different people and give them bits and pieces, probably we could have been more effective."[30] Project-based, rather than institutional funding also means that organizations rarely have sufficient resources to invest in the development of long-term strategies and to build and maintain a sufficiently qualified staff base. The ensuing competition for funds favors larger organizations based in the center closer to donors. These larger organizations are also better equipped to negotiate with donors and assert principles: "you have to put your red lines if you can afford to."[31] As this is only rarely possible, research participants find that a large part of the donor money does not address deep-rooted issues but rather focuses on quantitative reports and symbolism, and in the

> *"If half of the job was not trying to pitch the same thing to twenty different people and give them bits and pieces, probably we could have been more effective."*

[28] KII-KOS-5

[29] One research participant shared that opening a youth center with public funds will come with the expectation that pubic officials will also be hired to run the center making it effectively government-run (FGD-KOS).

[30] KII-KOS-5

[31] KII-KOS-5

worst case can further deepen conflict lines.[32] In the Philippines, the first euphoria after the 1986 revolution saw a surge in civil society support from abroad, including the influx of foreign funding for civil society actors. Since then, both international attention and funding have decreased with the notable exception of the conflict in the Bangsamoro and the establishment of the Bangsamoro Autonomous Region in Muslim Mindanao which caused another surge in international support. Similar to Kosovo, research participants from the Philippines also observed a mismatch between foreign funding goals and community needs. While Philippine civil society organizations are often recruited as sub-implementers, projects are not always adjusted to the context but rather part of the donors 'own menu.'[33] As a consequence of imposing global programmatic trends such as the Preventing and Countering Violent Extremism (PCVE) agenda, project designs cannot always live up to the complex changes intended and project strategies are not always conflict-sensitive in the specific context of the project area, thereby further limiting the civil society actors' operational freedom and effectivity in working towards social change.

[32] Particularly, research participants from the divided city of Mitrovica have reported that foreign funding has exacerbated to divisions (FGD-KOS).
[33] FGD-BXU

Suppression of dissent

A common element in the dynamics of shrinking civic spaces in both the Philippines and Kosovo is the dominance of one-sided narratives propagated by government actors and often maintained by the spread of disinformation. In both countries, civil society voices that call these narratives into question or promote alternatives are experiencing different forms of repression.

Research participants from both countries have generally expressed concern about a rise in disinformation distorting public discourses and spreading particularly in social media as a less regulated media platform. However, disinformation has also found its way into more traditional media outlets as well as textbooks and government policies. In the Philippines, disinformation has played a significant role in the election campaigns of 2016 and 2022 and has been described as a 'legacy' of the Duterte administration characterized by a deepening polarization of society and increasing disregard of facts that hampers constructive and nuanced public discourses. Particularly disinformation about historical events, such as the human rights violations committed under Martial Law have been on the rise since the election of Ferdinand 'Bongbong' Marcos, son of former dictator Ferdinand Marcos Sr. who imposed Martial Law in 1972. Those trying to correct misinformation, namely historians and independent media, have been discredited and increasingly come under attack: "I think it is the most challenging time for people who are in the profession of history writing."[34] While large, established media outlets have been at the forefront of highly publicized attacks such as the 2020 closure of the largest Philippine broadcasting company ABS-CBN, small media outlets in remote areas are also struggling with intimidation and the economic pressures of reporting on unpopular topics. As a result, there is often little independent media coverage of conflicts and human rights violations in remote areas that could correct the one-sided narratives or disinformation propagated by government and other actors in the area. A research participant from such an independent media outlet shared that the insufficiency of livelihood opportunities in this field also leads local journalists to accept jobs as mouthpieces for politicians and other powerful actors, thereby reinforcing an information environment that is skewed to the powerful. While respondents shared an improvement of discursive spaces for specific topics as a result of local ripple effects of global discourses on LGBTQIA+ rights or environmental justice, overall research participants showed concern for the disregard of free press and free speech evident in government actors' behavior and a fear of this trend continuing throughout the new administration.

In Kosovo, research participants raised concern over the propagation by the majority Albanian population of an ethno-nationalist narrative of the war that focuses on Albanians as only victims or heroes of the war and on Serbians only as perpetrators. This narrative is reflected in government institutions, policies, and campaigns but has also been spread by media and, in some cases, by civil society actors. It is particularly a concern in transitional justice efforts which are misused to propagate this one-sided narrative as a way to maintain and increase voters' support. Research participants shared their concern with government actors reframing the Truth and Reconciliation Commission as Truth Commission omitting its reconciliatory aspect which would require recognition of other parties to the conflict:

[34] FGD-DVO

Ethno-nationalist discourses and Kosovar independence

Since the end of the Kosovo war and the declaration of Kosovar independence in 2008, the country, with the support of the international community, has been undergoing a state-building process that continues until today. Post-independence governments have been largely dominated by previous members of the Kosovo Liberation Army, who have blocked processes for genuine dealing with the past including a truth and reconciliation commission, trials for war crimes, and the recognition of non-Albanian victims of the war. The way that the war and the struggle for independence is commemorated is thus characterized by a focus on ethnic Albanians as either heroes of the struggle for liberation or innocent victims of violence perpetrated by ethnic Serbs. Ethnic Serbs on the other hand are depicted as aggressors with war crimes commonly attributed to Serbs generally, rather than the Serbian military or state. At the same time, violence that was committed against ethnic Serbs during the war is often omitted from narratives about the war. This not only makes that section of victims of violence invisible, it also perpetuates ethnic tensions, prejudices, and stereotypes, and creates an environment, in which critical accounts of the war that include atrocities committed by ethnic Albanians against ethnic Serbs are labelled as unpatriotic or even treasonous. The Serbian government on the other hand continues to reject Kosovar independence and propagates its own account of the war that similarly denies war crimes committed by the Serbian army.

"they want to remove the reconciliation part. They want just truth. [] And which kind of truth is that?"[35]

Similarly, a proposed war institute is mandated with researching the 'genocide against Albanians' thereby predetermining its results and the national strategy on transitional justice has been limited to a period of the conflict where most victims were ethnic Albanian thus excluding periods in which crimes against Serbs, Roma, and other ethnic groups were committed.[36] Such distorted narratives of the war including the non-recognition of victims from other ethnic groups are also reflected in textbooks and the dominant media outlets in both Albanian- and Serbian-speaking communities in Kosovo.

As the dominant ethno-nationalist narrative is used for garnering political support, any alternative perspectives that call this distorted interpretation of historical events into question or offer an alternative narrative are rejected and actively suppressed. Showcasing crimes committed against Serbians or other groups regularly leads to accusations of relativizing the crimes committed against Albanians, of working with the 'other side', being a 'collaborator' or a 'traitor.' Such verbal attacks against initiatives that promote a genuine transitional justice process by addressing the issue of missing persons from all identity groups or working to revise textbooks to portray a more balanced account create a frightening atmosphere not only for civil society actors but also for journalists producing more

> *"None of the media dared to publish the reaction. So, you see the direct result is frightening."*

[35] FGD-KOS

[36] Similarly, a government-led process of recognizing survivors of war-time sexual violence has been limited to the period of the way until 1999 when most victims were ethnic Albanian.

inclusive or conflict-sensitive news reports. Also within the media field, negative reactions create an atmosphere of intimidation in which journalists who challenge the dominant narrative "are afraid of being targeted or being called a traitor."[37] As a consequence, many journalists and editors are hesitant to report on genuine transitional justice efforts as exemplified by the unwillingness of media outlets to take up press releases on accountability efforts for war crimes committed by Albanians: "none of the media dared to publish the reaction. So, you see the direct result is frightening."[38] In fact, forumZFD has directly experienced this exclusion of non-Albanian war accounts when, out of a series of war-time stories, only the story of a Serbian victim was shunned by the public broadcaster. In addition, subtle forms of pressure exerted by editors and through budget allocations can add up to de facto censorship of news stories that are not in line with government-propagated narratives. As a result, news about accountability for war crimes committed by ethnic Albanians or about non-war related crimes committed against ethnic Serbs are rarely broadcasted: "So, this is kind of, silent hate, if you ignore them, you don't deal with the other side." [39]

\This alignment with the dominant narrative can also be observed among civil society actors, albeit to a lesser extent. On the one hand, the government predominantly supports mono-ethnic, nationalistic projects thereby setting incentives for civil society actors to work on projects that are under the umbrella of transitional justice or human rights but also in line with the government's nationalist agenda. Others reported that their muti-ethnic initiatives were co-opted by the government such as government actors participating in a CSO-led 'March for the Missing' and spinning it as an event only focused on ethnic Albanian victims. As a result, those working on multi-ethnic projects need to compete for and create their own spaces to conduct their work: "of course our space shrinks because it's not [in] the interest of the state."[40]

Exclusion from consultation bodies

In Kosovo, several formats for civil society participation have been established. Most notably, the Council for Cooperation of the Government with Civil Society is composed of CSO members that can be nominated from all organizations. Public consultations are a part of the regular legislative process and draft laws have to be posted on a public platform for 15 days to allow for comments and recommendations. However, some research participants shared that communicating their concerns via this platform does not ensure them being taken up by parliament or having an actual influence on the deliberations raising some doubts whether the platform facilitates genuine participation of civil society actors. Rather, research participants appreciated being directly engaged by lawmakers in consultation processes on a specific topic such as developing the legal framework for transitional justice. With a recent chance in government, however, established organizations in the field of transitional justice have been excluded from the newly set-up government processes. Research participants from these organizations ascribe this to them being perceived as critical and not in line with the government's ethno-nationalist narrative on transitional justice. Consequently, the consultation process becomes a mere token consultation of organizations already in line with the government's approach.

[37] FGD-KOS
[38] FGD-KOS
[39] FGD-KOS
[40] KII-KOS-1

In the Philippines, the 1986 revolution brought with it a euphoria for civil society participation and the sense that civil society has an important role to play in policy- and decision-making. Consequentially, many consultation and participation bodies were created in the following years and continue to exist on all administrative levels in the archipelago. In the years since 1986, however, civil society participation has "gradually diluted, and the key political players have figured out how to take out any real space for civil society voices."[41] Research participants gave examples of civil society representatives sitting on bids and awards committees but, due to the sensitive political nature, are hesitant to speak up when they observe corrupt practices. Similarly, previous cabinets had many members who themselves had worked in civil society organizations and brought civil society representatives into decision-making bodies also on the highest level. Under the past and current administration, this is no longer the case and civil society actors have increasingly been pushed to the outsides of decision-making processes. Similarly to Kosovo, research participants in the Philippines also shared that critical CSO voices had been removed from consultation bodies such as the Municipal Peace and Order Councils. Others lamented the lack of genuine consultation processes for the development of new laws despite promises by lawmakers or the decreasing engagement of established consultative bodies such as the Tripartite Industrial Peace Council.[42]

Outside of consultation bodies and mechanisms, research participants also described being increasingly shut out by government actors when they attempt to directly communicate to them. One research participant from the Philippines described this as a "militant way of ignoring stakeholders"[43] as expressed in government actors not responding to meeting invites or official NGO communications. Even organizations that had long-standing relationships with government actors experienced this under the Duterte administration[44] and shared that, even when a meeting was taken, the interaction was not genuine or constructive but often mere denial of the issues raised. As a result of the anti-human rights rhetoric propagated by Duterte, this was particularly true for human rights organizations and those defamed as supporters of the insurgent New People's Army. Research participants lamented that this anti-civil society behavior by government actors responsible for their respective issues has severely limited the efficacy of their advocacy work: "the ease of working, the ease of being able to do whatever it is that you're doing, has suddenly reduced not by a little [but] by a huge say jump."[45]An organization that regularly conducted human rights trainings with local government officials, shared that they were not being received anymore by government workers due to the negative image of human rights work created during the Duterte administration. Journalists shared similar difficulties of getting responses from government officials even when the information they request is declared public under the Freedom of Information Act. Particularly when journalists in rural areas report on conflicts or potential human rights violations committed by government actors, they experience being prohibited from accessing the area or being pushed around: "They'll point us around. Okay, you go to this person then you go to this person and in the end [] we get nothing out of that."[46]

[41] KII-PHL-5
[42] The Tripartite Industrial Peace Council is a consultative and advisory body composed of workers, employers, and government actors that was established in 1990 and discusses issues of labor and employment.
[43] KII-PHL-7
[44] Several research participants shared that the Duterte government became more open to civil society representatives during the second half of Duterte's presidency when several cabinet members were replaced.
[45] KII-PHL-3
[46] KII-PHL-8

Similar concerns were reported in Kosovo. Journalists also experienced difficulties in accessing supposedly public information such as updates on court cases dealing with attacks against journalists. While supportive on some issues, government actors similarly shut out civil society organizations that are considered more critical. Even organizations that have long been established in their field and were regularly tapped by government processes experienced that the new Kurti administration did not respond to their communications or meeting invites: "they act like you don't exist."[47] The non-responsiveness of government actors can also negatively affect organization's resources when it leaves organizations unable to apply for funding opportunities that require government cooperation.

In the Philippines, civil society actors operating in remote communities characterized by political nepotism and patronage structures also experience exclusion along party-political lines. This was particularly apparent during the 2022 elections but has been observed outside of the election period as well. As a result, organizations that are perceived to be aligned with a rival candidate are prevented from accessing resources such as venues or relief goods distributed by government actors. On an administrative level, they reported not getting their projects approved, event permits granted, or accredited as an organization. In Cotabato City, a conflict between the city and regional government meant that organizations funded by the city were not allowed to attend events of the regional government and that even letters with the letterhead of the regional government were returned. When political tensions ran high during the election, civil society actors associated with one party experienced being verbally or physically attacked if speaking at events organized by those affiliated with another party. Political divisions frequently overlap with conflicts between political clans operating within a quasi-feudal system and often affiliated with armed groups, which makes potential escalation more likely and consequences worse. For civil society organizations, this is an environment that is difficult to navigate in practice forcing organizations to make compromises between maintaining impartiality and ensuring they can continue to operate within the area.

Political dynasties and election-related violence in the Philippines

Elections in the Philippines are often accompanied by a significant level of violence, including attacks on polling stations, killings of political candidates or supporters, and harassment of election personnel. Levels of violence are particularly high in areas that are dominated by political dynasties, many of which originate back to the political elites established during the colonial period. Competition between these political clans is often accompanied by a proliferation of arms and private armies controlled by political families. The most gruesome example of election-related violence is the 2009 Maguindanao massacre, during which 58 members of a local politician's convoy were killed. The victims included at least 34 journalists who were covering the politician's filing of candidacy for the local elections. The attack was orchestrated by the competing political clan but several of the perpetrators and masterminds continue to be at large and the two political dynasties are still in place and competing for positions in the area. In such municipalities that have been dominated by political dynasties over long periods of time, political polarization not only leads to election-related violence but it also divides local government structures and entire communities with each political family having their structures of nepotism affecting service delivery, local economies, and even civil society.

[47] FGD-KOS

Direct attacks against individuals and organizations

The most immediate form of shrinking civic spaces is direct violence committed against civil society actors. While direct, physical attacks against activists are rare in Kosovo, the Philippines has become known for widespread attacks against human rights defenders including killings, illegal arrests, and enforced disappearances.[48] One of the interviewed human rights organizations recorded almost 70 killings of staff members since 2001,[49] a union representative reported at least 50 killings of trade union leaders since 2016.[50] Killings of human rights defenders usually follow a similar pattern or as one interviewee put it: "there is method to the madness of killings of human rights defenders."[51] Activists are commonly first tagged as supporters of the insurgent New People's Army, asked to report to the local authorities to clear their name, and then start receiving threats followed by more direct forms of harassment such as being observed or receiving trumped-up charges leading up to the killing. Among those targeted are outspoken human rights activists, particularly those working in the field of land rights and environmental justice, labor leaders, critical journalists, and human rights lawyers.

> *"There is method to the madness of killings of human rights defenders."*

Apart from actual killings, there have also been cases of enforced disappearances, warrantless detention, and torture.

Killings of human rights defenders are rarely met with accountability for the perpetrators. The ensuing climate of impunity adds to an enabling environment for such killings. Part of this environment is the overall climate of insecurity, particularly in Mindanao, due to the continuing presence of armed conflict, culture of violence, and proliferation of firearms. Armed non-state actors including extremist groups and private armies become a source of violence that can also be directed against civil society. Since the election of Duterte in 2016, the unprecedented number of killings committed as part of the so-called War on Drugs[52] has significantly added to the enabling environment for violence against civil society actors. Particularly the extreme proliferation of drug cases filed, the absence of functional accountability mechanisms, and the blank check granted to law enforcement officials by the president at the time meant that the War on Drugs created a "climate of impunity where rogue elements know that they can get away even with killing."[53] While drug cases were filed only in individual cases against civil society actors such as environmental defenders, "even just the threat of it was enough to terrify people", as described by one research participant.[54] Despite some sectors of civil society more commonly targeted by killings

[48] Human Rights Watch. (2023). World Report 2023. https://www.hrw.org/sites/default/files/media_2023/01/World_Report_2023_WEBSPREADS_0.pdf
[49] KII-PHL-2
[50] KII-PHL-7
[51] KII-PHL-2
[52] Human Rights Watch. (2020). *"Our Happy Family is Gone": Impact of the "War on Drugs" on Children in the Philippines*, https://www.hrw.org/sites/default/files/media_2020/05/philippines0520_web_0.pdf
[53] KII-PHL-7
[54] KII-PHL-5

than others,[55] the chilling effect of such direct violence is nevertheless felt across Philippine civil society as the infrastructure and enabling environment is already in place for anyone to be affected anytime. While many human rights defenders have continued their activism despite this threatening environment, others saw themselves forced to tone down or interrupt their activities to ensure their security. This also affects those just starting out or considering to become active in civil society as there is an overall, vague sense of danger associated with civil society work in general.

In contract to this, direct violence against civil society actors happens on a much lower level in Kosovo. There have been no killings of human rights defenders or other civil society actors. However, physical attacks against journalists have been on the rise for the past years with threats mostly coming from disgruntled citizens and in some cases incited by politicians. Additionally, there have been cases of nationalist hardliners physically attacking civil society offices, events, and memorials. Research participants reported cases of vandalism against a mural on LGBTQIA+ rights and a memorial of missing persons from all ethnic groups. Apart from such isolated cases of physical violence, civil society actors in Kosovo are rather exposed to verbal attacks and threatening messages, particularly against those working on multi-ethnic projects. Research participants reported of receiving verbal attacks via comments on their social media posts, direct messages and emails, but also through traditional media or statements made by politicians. While none of the research participants considered the threats to be credible, they nevertheless shared that it can cause fear or disruptions, especially when they are made by powerful politicians or when it involves significant trolling on social media. The nature of attacks ranges from journalists being accused of being partisan, hate speech against LGBTQIA+ activists or ethnic Serbs to seemingly random accusations such as allegations of endorsing masonry lodged against an organization whose logo contains the symbol of an eye. While there have been incidents of politicians making homophobic comments or engaging in hate speech in public, comments from other members of society are often not as explicit, but rather expressed indirectly or made in more private settings. This was attributed to the continued presence of international organizations in the country, which exercise a degree of control over the openness in which inter-ethnic sentiments are expressed: "tolerance is still subsidized in this country somehow."[56] According to research participants this also applies to civil society actors, some of which would comply with the expected language of tolerance when international donors are present but would engage in hate speech when only locals are present. While the number of comments has been described as decreasing by some research participants, others expect an increase of hate speech if the degree of international control were to subside.

In the Philippines, verbal attacks happen both via direct messages and public platforms. Particularly on social media, those raising critical points or calling out disinformation regularly get trolled or receive threatening messages thus leading to an overall environment of insecurity and intimidation: "suddenly you feel unsafe, [] even if

> *"Suddenly you feel unsafe, [] even if it is online, your security is something that doesn't exist anymore, that makes you pull back."*

[55] In fact, the sector targeted by killings is contingent on both the individuals within the national government and local powerholders. Generally, those organizations that are perceived to be a threat to their power hold will be targeted. This can include influential opposition leaders or those speaking out on behalf of human rights violations.

[56] KII-PHL-5

it is online, your security is something that doesn't exist anymore, that makes you pull back."[57] The expectation of negative reactions to certain speech acts thus translates into de facto restrictions on freedom of speech, not only for organized civil society but also for other citizens expressing their opinions through online platforms. For known and influential civil society actors, verbal attacks are not only made by anonymous trolls but also by public officials in the context of official meetings, public speeches or TV appearances. Having their names mentioned and receiving threats in such a public way from powerful actors constitutes a significant security threat for these activists as it may incite or legitimize violence from the general public. In fact, such public attacks are often followed by additional threats of violence made via Facebook message, text or call. Several research participants shared that they have been subjected to such forms of threatening messages with some receiving them as often as once per day. Threats are often made anonymously and phone numbers are not active when those targeted attempt to call back. Nevertheless, the threats can be very specific to the person, sometime revealing extensive knowledge about the person's and their family members' movements. In contrast to Kosovo, these are thus credible threats of violence and create fear and paranoia among those receiving them: "even if I don't want to be intimidated but I got scared the moment I received that message."[58]

A third element of direct attacks against civil society actors is the weaponization of the judicial system against activists in the form of what is usually referred to as strategic lawsuits against public participation or trumped-up charges. In the Philippines, filing fabricated charges is a common and effective strategy to prevent activists from continuing their work, journalists from digging into a specific issue or even voters from voting a specific way. This is enabled by a slow justice system that predominantly relies on eye witness accounts, allows for the progressive filing of cases against unknown offenders, and provides loopholes to circumvent due process protections. It is therefore a common strategy to file a case, record a wrong name or address that will prevent the defendant from receiving the request for a counter-affidavit and allow the judge to issue a warrant of arrest in the absence of such counter-affidavit. Charges filed often rely on fake eye-witness accounts which can be used to file charges against several dozen alleged perpetrators. With an increasingly emboldened police force under the Duterte administration it has also become common practice to request for a search warrant and then plant evidence such as drugs or weapons during the search to justify a subsequent arrest warrant. Research participants have also shared instances of police officers in plain clothes attempting to serve a warrant of arrest even after the bail for the charges was already paid. Such irregularities and abuses of power have led to a widespread distrust in the justice system: "even those who are pro-Duterte do not trust the justice system. They've seen what happened. The people can kill just like that because they are tagged as drug users or drug peddlers. So how do you trust the system that does a lot of shortcuts. How do you trust a system that uses everyone as a possible perpetrator?"[59] Despite often being implausible, civil society actors that are targeted by trumped-up charges often end up in jail for the period of the trial, which can last several years. Charges that are filed include easy-to-fabricate charges such as libel and perjury, but also more serious, non-bailable charges such as arson, kidnapping or murder. While charges are often eventually dismissed, activists will still have spent several years in jail with serious consequences not only for their families, livelihoods, and reputation.

[57] KII-PHL-3
[58] KII-PHL-8
[59] KII-PHL-3

In fact, a research participant stressed that the public delegitimization that goes with trumped-up charges is a significant part of its disruptive effects on individual activists but also their organizations or movements. The ease with which these trumped-up charges can seemingly be filed against anyone adds to the overall climate of insecurity and fear. Charges filed against prominent and powerful individuals such as sitting Senator Leila de Lima or Nobel Peace Prize laureate Maria Ressa reinforce the sentiment that anyone can become a victim of trumped-up charges.

In Kosovo, it is much less common that the judicial system is used to target civil society actors. In fact, only one research participant identified this as a threat to civil society and was themselves subject to this form of intimidation. Nevertheless, this one case showed similar elements of implausibility of charges, irregularities in the process, a long and drawn-out court procedure, and the serious threat of prison time. It also has already had a chilling effect on the participation behavior of that community: "I know this has discouraged many people from joining any municipal committee."[60]

[60] KII-PHL-5

Effects of civic space restrictions and sensitive topics

Taken together, these factors - the overall negative perception of civil society, the overly restrictive financial and administrative framework, the different ways in which dissent is suppressed, and direct attacks against individuals and organizations – restrict the space for action of civil society actors in mutually reinforcing ways.

Particularly in the significantly more violent context of the Philippines, attacks against or restrictions placed on individual activists or organizations often have a chilling effect on the rest of civil society and contribute to an overall atmosphere of insecurity. In fact, the fear of violent repercussions has been described as one of the main reasons for individuals not to engage in specific activities or speak about sensitive topics such as human rights issues publicly. Research participants have shared that this effect is not only felt among those already active in civil society but also among their partner communities. The overall climate of fear has meant that even partner communities who they had long-standing relationships with became hesitant to welcome civil society actors in their localities, to attend CSO-led workshops or participate in mobilizations. Particularly the perceived ease with which activists are killed and the widespread and unpredictable verbal attacks against those voicing an opinion critical of the government are characteristic of this environment in which seemingly anyone can become the target of an attack at any time. This translates into self-censorship of wide parts of the society as manifested in avoidance of topics, language or even symbols considered sensitive or controversial and careful consideration of settings in which critical opinions can be shared. Several research participants shared that they struggle engaging in genuine dialogues or conversations with partners due to the highly sanitized language and themselves only feel safe to express their opinions in controlled, private environments: "it's better for my security not to expose my opinions."[61] The fear of being monitored and verbally attacked is especially apparent on social media: "we really have to be very careful with our posts on social media because it can be weaponized against us."[62] For media workers, this is particularly problematic as sources often do not want to be named and they feel a need to censor or rephrase their reporting in order not to risk serious backlash. As a result, critical civil society became less visible, critical opinions are voiced less often, and the group of individuals still willing to engage in civil society activities has shrunk increasing the burden for those remaining.

> *"We really have to be very careful with our posts on social media because it can be weaponized against us."*

As mentioned above, this effect is not equally felt by all civil society actors. One research participant shared that while "there are political sensitivities and difficulties [to work on the Bangsamoro peace process], there is no sense of fear and intimidation [as] in the human rights community or in the media community."[63] In fact, human rights defenders and media workers are among the most affected, for the reason that they are challenging the one-sided narratives propagated by the government. While independent and critical media is receiving the brunt of attacks under the current Marcos administration, human rights defenders were the primary target under the

[61] FGD-CBO
[62] FGD-CBO
[63] KII-PHL-5

previous government: "if you work with [] human rights then you are in the middle of the 'storm,' it's difficult."[64] The fervently anti-human rights discourse spread by the previous administration meant that it became increasingly difficult for activists to use human rights language, get the public interested in human rights topics, and to conduct advocacy specifically on hotly contested issues such as extrajudicial killings.

Apart from the work on civil and political rights, indigenous peoples' rights is another field that is particularly affected by the effects of shrinking spaces. In fact, indigenous peoples are already restricted in their participation in civil society on the basis of overall discrimination including online ridicule and them being disproportionately affected by conflicts and displacement. In addition, indigenous peoples' issues overlap to a significant extent with other violent conflicts such as the Communist insurgency and conflicts related to the environmental destruction caused by extractive industries or so-called development projects. Large-scale mining or construction projects such as dams usually presuppose the involvement of local politicians or power brokers who benefit from these projects and regularly have private armies or other violent actors at their disposal. As a consequence, numbers of extrajudicial killings show that indigenous peoples activists and land rights defenders are those most affected.

Differences in the effects of shrinking civic spaces can also be observed according to geographic location. While activists in urban areas such as Manila are generally more protected due to their connection to supporters and the relative ease of communicating violations, those residing in remote areas are generally more vulnerable: "the farther you go, the lesser the security blankets are."[65] However, the security and civic space situation is also dependent on the political stance of the local government. Despite being a highly urbanized area, Davao City for example continues to be a particularly restrictive environment for activists and civil society workers due to the authoritarian leadership style of its local government.

This kind of overarching chilling effect of attacks against activists on the general population has not been observed in Kosovo. In contrast to the Philippines, research participants did not report a general fear of participating in civil society. Rather, there is hesitation among some civil society actors and journalists to work on topics that are considered particularly sensitive. As mentioned above, working on multi-ethnic projects, particularly in the context of transitional justice and reconciliation work, is likely to trigger negative reactions from all sides to the conflict. In a context in which many experiences of violence continue to be unaddressed, ethnic groups still live mostly separately, and in which the one-sided, official narrative of the war is closely related to questions of national identity and political power, truly reconciliatory projects threaten the stability of the status quo, touch on emotional issues, and can trigger mutual suspicions. As a consequence, civil society workers find it difficult to recruit participants for multi-ethnic projects who are willing and feel safe enough to participate in multi-ethnic dialogue: "you don't feel safe to go there and people from the other side don't feel safe to come to your side."[66] Some forms of civil society engagement thus happen within a single ethnic group without the representation of others[67] and even donors are hesitant to fund activities that run

[64] KII-PHL-1
[65] KII-PHL-3
[66] FGD-KOS
[67] This is not only true for tensions between ethnic Albanians and ethnic Serbs but also for other ethnic minorities that are rarely represented such as Romani, Ashkali, Egyptians, Bosniaks, and Gorani.

the risk of being politicized. Research participants have described this as a 'toxic' atmosphere in which it is easier to mobilize for ultranationalist displays such as the burning of the Serbian flag than for reconciliatory projects.

A second sensitive topic is civil society engagement on LGBTQIA+ issues such as same sex marriage. Research participants shared that due to widespread sexism and homophobia, homosexuality is still considered a disease by many making it consequentially difficult to lobby for policy changes. As violent reactions and hate speech remain common for those working in this field, it is difficult to recruit people to work on LGBTQIA+ issues or to participate in activities. Despite this challenging environment, there are civil society actors who continue working on these topics. For them, their motivation lies both in the injustices they witness and in the feeling of community among those jointly working to overcome them.

Even for civil society actors who are not discouraged by the negative reactions they get, operational capacities are nevertheless burdened by factors of shrinking spaces. Delayed and overly bureaucratic state processes, unconducive financial policies by the banking sector, and the difficulty of accessing resources that are suitable for genuine, mission-based civil society engagement limit the efficacy of civil society organizations in both the Philippines and Kosovo albeit to different extents.

In the Philippines, the widespread threats against civil society actors and overall atmosphere of insecurity adds to limitations placed on the day-to-day operations of civil society actors. Several research participants reported severe restrictions to their mobility as a consequence of being surveilled, avoiding areas with significant security risks, and having to follow extensive security protocols when travelling. Resulting from this, research participants were unable to conduct fact-finding missions, cover news events on the ground or even visit their families regularly. In cases where security threats are immediate, civil society actors had to go into hiding or otherwise keep a low profile. For affected activists, this means severe disruptions not only to their civil society engagement but also to their private lives and livelihoods. As explained by one research participant, having to go into hiding contributes to feelings of isolation and apathy and disrupts civil society networks. Apart from the inability of meeting other activists, public defamation also often has the effect that other civil society actors distance themselves from that person in order not to risk their own security or reputation. In fact, the division within civil society that are thus created have been described as an additional element in which civic space in the Philippines is diminished. Research participants shared that the polarization that came along with populist, one-sided narratives has also affected civil society networks, created additional splits, and undermined the potential for collective civil society action. Particularly during the election period, tensions in politically divided areas added to mutual suspicion and attacks among civil society actors as well. The polarization thus reproduced by civil society actors reinforces the effects of delegitimization attempts as specific organization are not only ostracized by government actors but also by fellow civil society workers. At the same time, historical divisions between organizations at the national level appear to have decreased when attacks became more widespread and started affecting civil society organizations more generally independent of political or ideological affiliation: "the wave of killings in '16, '17, '18 forced those groups to come together in a way that they haven't before."[68]

[68] KII-PHL-5

In Kosovo, divisions within civil society were observed to be caused by a competition for resources rather than political splits or polarization. The highly competitive funding environment has led to centralization of resources among bigger organizations that also attract qualified staff from smaller organizations and to a lack of cooperation even in highly restricted fields such as LGBTQIA+ advocacy. For work on sensitive topics, however, there have been similar divisive effects as in the Philippines, for example when some organizations buy into the one-sided, nationalist discourse on transitional justice and other refuse to cooperate with them because of this.

A short history of Philippine civil society

The Philippines has long been considered a bastion of civil society in Southeast Asia. While critical civil society engagement originated in initiatives for social change during the Spanish colonial period, many contemporary civil society organizations trace their roots to the broad-based resistance against the Marcos dictatorship in the 1980s that culminated in the 1986 EDSA revolution. The time immediately after the revolution saw a steep increase in the number of NGOs due to new organizations taking up the hard-won democratic spaces, but also due to an increasing fragmentation of organizations that were previously unified in their anti-Marcos stance. Having reached their goal of ousting Marcos, disagreements regarding the continuous role of civil society arose centering on fundamental questions of democratization and collective action such as whether civil society should strive for representation in the newly elected government or continue its extra-parliamentary resistance. Such conflicts immediately following the revolution led to splits within Philippine civil society that continue until today. The post-Marcos civic space can thus be described as fragmented and multilayered characterized by a large number of organizations including single-issue initiatives, government- or business-run organizations, religious associations, and traditional relief organizations. These organizations have had varying relationships with government actors as well as marginalized groups and at times have been used to expand political power rather than to balance it. Such long-running divides and the failure to achieve changes in the fundamental power structures in the Philippine caught up with Philippine civil society and particularly the human rights movement, when Duterte was able to channel disillusionment with the promises of the 1986 revolution and mobilize broad support for his illiberal, populist leadership style. Succeeding to call into question principles and values, such as human rights, that were long thought to be commonly accepted among Philippine society, Duterte managed to distort the concept of human rights in the public perception. This has led to an "unprecedented crisis of legitimacy" for the human rights sector and civil society more generally that is expected to outlast the Duterte presidency.

Context factors

The effects of shrinking civic spaces are further reinforced or aggravated by a number of context factors. First, structural discrimination against certain sectors of the population is reflected in the dynamics of shrinking spaces. In both the Philippines and Kosovo, research participants shared that women and youth are generally not recognized as equal participants in civic spaces. Instead, they may be looked at as less skilled or knowledgeable and their opinion not valued to the same extent as male voices. In terms of shrinking spaces, this is reflected in youth groups not getting invited to consultation meetings or women journalists not being taken seriously when they report on conflict issues. While such forms of discrimination are not in themselves factors of shrinking civic spaces, they nevertheless result in different gendered effects of shrinking spaces, for example when women find it comparatively more difficult to counteract delegitimization attempts.

In a similar way, weak governance structures and funding shortages can reinforce shrinking spaces dynamics like exclusion of civil society actors from consultation bodies or a funding environment that is unconducive to genuine civil society engagement. As Kosovo is still a young political entity, changes in government are frequent leading to a lack of sustainability and accountability in governance that also affects the ability of civil society actors to influence decision-making processes. Additionally, international events such as the Russian invasion of Ukraine or the COVID-19 pandemic have meant that the focus of international organizations as well as donors on Kosovo has diminished. In the Philippines, the COVID-19 pandemic has additionaly been used as a pretext to further restrict activists' access to conflict areas and even for politically motivated arrests for alleged violations of lockdown measures.

In both the Philippines and Kosovo, research participants described that the overall political consciousness of the broader public is not conducive to civil society engagement. In Kosovo, participants explained that years of being dominated by outside actors have led to a lack of awareness as active citizens and an increasingly apathetic citizenry. While this external domination was at least formally overcome when Kosovo became an independent state in 2008, fatigue with the long and slow transition process has added to feelings of hopelessness further hampering motivation to engage in civil society. In addition, the overall sense of instability caused by the Russia-Ukraine war, pandemic, and inflation not only reinforces resignation but also fuels polarization and mutual suspicion. In this environment, civil society initiatives not only receive less attention, they also struggle to mobilize people and convince them of the meaningfulness of their work and the possibility for change.

In the Philippines, a similar sense of apathy and lack of political consciousness is considered to be among the root causes for increasing popular support for authoritarianism as evidenced in the outcomes of the 2016 and 2022 elections. Banking on widespread frustration with the lack of improvement in living standards following the end of the Marcos dictatorship in 1987 and disillusionment with the liberal democratic

> *"I'm pretty sure that the Marcos administration will continue to pursue what Duterte has done [] and that is to constrict public spaces for groups and people they deemed are critical to them and the things that they stand for."*

promises,[69] populist leaders such as Duterte or Marcos managed to achieve election victories on narratives of unruly Filipinos needing discipline. Such popular support for strongman politics naturally also goes hand in hand with, at least tacit, agreement with restrictions placed on civil society organizations. With the lack of a credible alternative and even some of the traditional opposition voices supporting these leaders, research participants expect the authoritarian trend to continue throughout the Marcos presidency: "I'm pretty sure that the Marcos administration will continue to pursue what Duterte has done [] and that is to constrict public spaces for groups and people they deemed are critical to them and the things that they stand for."[70] In the absence of a public outcry and critical public consciousness, the shrinking spaces trend described above will thus continue unless civil society actors can develop profound and sustainable strategies to reverse this trend.

Factors for Shrinking Spaces

Regulatory Attacks

- Overly time-intensive, restrictive, intrusive registration requirements
- Barriers to access (international) funding
- Surveillance, targeted audits, administrative cases filed

Attacks on Individual Activist

- Physical attacks, killings, enforced disappearances
- Verbal attacks, hate speech, intimidation
- Weaponization of the law, strategic law suits against public participation

Excluding Narratives & Suppression of Dissent

- Overall negative perception of civil society as unpatriotic
- Delegitimization & defamation of civil society actors
- Silencing/exclusion of critical actors from discursive spaces, consultation bodies

[69] Populist leaders like Duterte managed to shift the blame for the lack of progress on the liberal democratic party despite the fact that the majority of government since 1987 were, in fact, aligned with the Marcos family and the nationalist party.

[70] KII-PHL-7

Strategies to Respond to and Counter Shrinking Civic Spaces

Mitigation strategies

Attacks against civil society organizations, whether they consist of threats to their security, harassment, public defamation attempts or verbal attacks, can cause severe damage to civil society organizations. In the most serious cases, this amounts to threats to the life, physical integrity or liberty of individual members of the organization or activists. But also destruction of property or reputational damage constitute serious harm to a civil society actor and limit their operational capacities. Consequentially, civil society actors take preventive and mitigative measures to avert potential significant damages and ensure the safety and security of staff members and partners.

Invest in security risk assessment and planning

First, civil society organizations need to invest in risk assessments and establish protocols to swiftly react to threats, particularly for contexts in which security threats can amount to such serious consequences as in the Philippines. A comprehensive risk assessment should be specific to the organization and identify vulnerabilities including in the organization's standing and the composition of its members or employees. Depending on the context, this should include an analysis of gender-based risks as women and LGBTQIA+ activists are often exposed to additional threats. Understanding the profile of the organization and its perception by outside actors is an essential component of developing suitable protection strategies. For example, for organizations that are already in the spotlight of attention it is often an appropriate strategy to speak publicly about threats against them whereas for other organizations this public attention could be counterproductive. Other factors internal to the organization include the composition of its members and its partner organizations. In fact, one of the research participants shared that their organization subjects any potential new members to a security assessment. This is meant to establish whether the new members' affiliations and relationships add to the organization's security or poses a threat to it. In addition to analyzing the overall risk environment, individual threats made against an organization need to be assessed for their origin, credibility, and determination of the appropriate counter-strategy. In order to conduct these analyses, several research participants rely on community-based information and early warning systems through their partner organizations and networks. Particularly in remote locations where accurate news reporting is sparse, community partners are an essential source of information or as put by a research participant: "they serve as our CCTV."[71]

As highlighted by research participants, improving their security infrastructure does not only require investment in developing protocols and purchasing equipment, but also the necessary training to use the equipment and make behavioral changes. In fact, one research participant shared that the satellite phones provided by a funder turned out useless as no one in the organization knew how to use them. Depending on the risk environment, relevant security trainings include diverse topics such as digital security, psychosocial first aid or paralegal support.

Other security measures, albeit necessary, may in fact diminish the operational freedom of a civil society actor by for example limiting movement, prescribing strict requirements for field work, or

[71] FGD-BXU

Examples of security protocols

Office Security	Field Work Security	Digital Security	Emergency Assitance
• installation of CCTV • logbooks for guests • security cabinets • satellite phones • clear communication lines • vigilance of staff	• buddy system • coordination with host communities and local authorities • organization IDs • using private vehicles rather than public transport • protocols on information sharing	• encryption programs • minimize opportunities for tracing gadgets	• relocation programs • legal assistance • psychosocial support • diplomatic mechanisms • livelihood assistance

limiting what can be shared in public fora or via digital communication.

A thoroughly conducted, comprehensive security assessment must take all of these factors into consideration and is not only a means to anticipate and prevent serious damage to the organization or its members. Research participants shared that taking precautions and putting extensive processes for worst-case-scenarios in place also in itself increases operational spaces as it diminishes the intimidating effects of a generally threatening environment. Similarly, investing in relationships with local partner organizations, support organizations, and officials in host communities (including the security sector) not only increases an organization's security in a direct way. It also positively impacts the mental well-being of members when they know that allies and supporters are in place that can potentially back them up. As security assessments and the development of such protocols are resource-intensive, larger organizations ensure to share their security protocols and trainings with those who may not have the resources to conduct their own.

Develop toolbox to respond to attacks

Verbal attacks and public defamation can constitute threats of violence themselves or negatively impact civic spaces by delegitimizing the respective civil society actor. In response, civil society organizations in both the Philippines and Kosovo employ a number of approaches to mitigate the detrimental effects of verbal attacks and online hate speech.

Several research participants shared that verbal attacks and defamation attempts affect civil society organizations by putting them on the defensive and draining resources that are spent on purely reactive strategies such as responding to individual verbal attacks on social media. Rather than engaging with all attacks, these participants stressed the need for civil society actors to carefully assess the most suitable strategy for their organization's profile and the specific type of attack. Specifically, when negative comments are made against a civil society actor that do not provide an opportunity to engage in a constructive dialogue, it is often the most appropriate strategy to ignore it. This would both save resources that can then be spent on activity work as well as prevent detrimental effects on members' emotional and psychological well-being. Other ways to respond to offensive attacks or implausible allegations include deleting the comment, responding with friendly emojis or humor. In contrast, other types of verbal attacks may present an opportunity for a civil society actor to provide additional information, correct mis- or disinformation, and communicate their values and principles. This is applicable for negative comments that represent common misconceptions, comments regarding a new piece of research or allegations that could hurt the organization if they are not corrected. In these cases, polite engagement with the comment or message can shift the tone of the conversation, create new connections, and in itself contribute to the achievement of the organization's goal. However, for reactions to have this effect, they need to be well crafted which requires resources that not all organizations have.

Participants from the Philippines also shared that calling out the attacker can be an effective strategy to counter verbal threats, specifically those made by unknown callers and texters. In some cases, calling back the number or publishing screen shots of messages was effective at deterring additional harassment as the callers often do not expect a confrontational reaction. For these activists, it can be a way of diminishing the fear and paralysis such threatening calls usually cause and of generating support from other members of civil society. As with other strategies, whether or not publicizing the threat constitutes an effective deterrent depends on the profile of the civil society actor. For organizations that are already in the spotlight, publicizing harassment against them usually does not add any risk but rather brings potential benefits of gaining new allies or strengthening their standing. In cases where verbal attacks contain a credible threat of violence or constitute a crime themselves, research participants, mainly in Kosovo, have reported them to the local police for appropriate follow-up and investigation. In the Philippines, participants preferred reporting verbal attacks to other civil society organizations that can speak out on their behalf, to the Commission on Human Rights, or to international human rights mechanisms such as UN reporting bodies.

Re-legitimization strategies

As described above, one significant way in which civic spaces are restricted is through defamation and delegitimization of civil society actors. In response, civil society actors find strategies to re-legitimize their organizations and members and, in the long-term, build organizational resilience to delegitimization attempts. Shrinking spaces research distinguishes in this regard between several forms of legitimation thus allowing organizations to strategically shift discourses to legitimacy in other fields when they come under attack.[72]

First, external legitimacy describes an organization's standing and perception by outside actors. Organizations with a strong external legitimacy are better equipped to deal with defamatory statements made about them as these would be less credible to the public and thus not succeed in calling their overall reputation into question. Research participants from both the Philippines and Kosovo confirmed this as organizations in their field that had an established profile and track record were comparatively more resilient to defamation attempts and thus less affected by shrinking civic spaces through delegitimization. Several research participants highlighted consistency in the application of values and principles as a way of earning recognition and signaling steadfastness in the face of attacks: "projecting the track record and credibility […] is key."[73] Working across different fields and building credibility in these fields enabled organizations to stay visible even when their work on specific topics, such as human rights, came under attack. Interviewed organizations that were able to maintain communication with government actors despite government-initiated attacks against civil society identified their long-established relationship with individual government agencies, at times even through formal agreements, and the shift to technical cooperation with civil servants as effective strategies. For other organizations, depending on their approach to achieving social change, legitimacy towards state actors may be less of a priority compared to legitimacy towards grassroots communities.

Second, transparency and accountability of a civil society organization's internal processes including its finances is referred to as procedural legitimacy. This type of legitimacy is under attack when civil society actors are accused of non-compliance with reporting requirements, tax evasion or channeling money for terrorist organizations. To prevent such regulatory attacks, research participants from the Philippines continue creating legal identities for their organizations despite the workload associated with registration and reporting requirements. Doing so is considered a way to strengthen the organization's standing towards the government, maintain procedural legitimacy, and thereby counteract delegitimization attempts. This was even true for indigenous peoples advocates who otherwise consider registration with the state bureaucracy as inconsistent with their indigenous traditions and governance system. Some of the participating organizations pursued additional forms of accreditation or entered into formal agreements with the local government as a way to ensure their recognition and participation in local initiatives.

In addition to ensuring the legal identity of the organization, research participants also highlighted the need for transparency and accountability in their financial and administrative processes. In the Philippines, this includes compliance with monitoring and reporting requirements by government actors and donors, including

[72] Wolff, 2018.
[73] KII-PHL-4

external audits. Some research participants from Muslim organizations who experience excessive levels of suspicion from state actors also shared that transparency about their organizational activities towards local government actors helps to counteract biases against Muslims and contributes to their recognition as legitimate civil society actors.

In Kosovo, research participants additionally struggle to maintain programmatic autonomy in a funding environment dominated by international donors. For some, limiting the contribution of a single donor to not more than 20 percent of the total funds ensures that the organization can focus on their relevance and accountability to their constituencies. Accountability to partner communities and relevance to societal needs is referred to as instrumental legitimacy and was also identified by Philippine research participants as an important element of their organization's standing. Particularly when working on sensitive topics, reference to their relevance to partner communities as established for example through a needs assessment can be a way to counteract suspicion.

In the context of information disorder, validity of information shared becomes another source of instrumental legitimacy and is particularly relevant for civil society actors with a mandate of research or reporting as well as for journalists: "Our data is our bottom line. It's actually something that we can stand on."[74] Producing reports that are evidence-based, nuanced, and allow for verification of the information provided can then become a way to legitimize the civil society actor and counteract common allegations of bias or underlying political agendas.

Lastly, research participants recommend closer engagement with government actors as a long-term strategy to overcome suspicion, correct misconceptions of civil society held by some government actors, and promote the legitimate role of civil society both as a partner and watchdog. This can be achieved either by addressing negative perceptions of civil society head-on through conversations on this very topic or by demonstrating the importance of civil society actors through direct engagement on shared concerns. It should be noted that the importance of legitimacy towards state actors differs by organization depending on their specific field of work, mode of operations, and way of advancing social change. For some Philippine organizations operating in areas affected by conflict, formalizing their legitimacy through established working relationships or agreements with state actors, and specifically the security sector, is essential to moving around freely in these areas. Others need to be perceived as legitimate to be able to access information from government, cooperate with human rights or peacebuilding offices within government institutions, or lobby lawmakers. One way of maintaining such legitimacy and access is to identify champions i.e. supportive and influential members of government institutions – whether at the local or national level – who can then contribute to maintaining spaces for civil society engagement. On the other hand, one research participant shared that their organization, which is caught in between the armed conflict of two parties, has to maintain a certain degree of communication with both parties while avoiding formal relationships that would risk them being suspected of being partial to one of the conflict actors. While not directly suggested by research participants from Kosovo, establishing formalized relationships with government actors can similarly be useful in their context as the negative perception of civil society by government actors was also identified as a factor limiting civic spaces.

> *"Our data is our bottom line. It's actually something that we can stand on."*

[74] KII-PHL-4

Advocacy and lobbying strategies

As some civic spaces limitations are formalized in laws and policies, one strategy to counteract civic space restrictions is to advocate for policy changes. In Kosovo, this specifically relates to changes in funding regulations, advocating for more inclusive approaches to transitional justice, and introducing laws to effectively regulate hate speech such as in textbooks. In the Philippines, relevant changes include the passing of a human rights defenders' protection bill, revoking abusive counterterrorism legislation, reforms to the justice system to prevent its weaponization against activists, and the overall improvement of accountability mechanisms, particularly for law enforcement officials that have been committing human rights violations. In response to the exclusion of diverse, critical voices from decision making processes, several research participants argued for the creation of specialized political parties to represent the needs of interest or identity groups such as internally displaced people, women, and youth. They consider doing so a means of ensuring that these sectors have sufficient power and resources to assert their rights.

Research participants from both Kosovo and the Philippines identified a number of best practices to effectively advocate for policy changes in an environment that is – to different degrees – restrictive of civil society engagement and political participation. Given the overall hostility of elected officials towards civil society actors, some NGOs in Kosovo cooperate directly with technical government staff on the development of specific pieces of legislation such as improving the public funding and contracting system and missing persons programs. This gave them the opportunity to not only influence decision-making, but also to clarify their mandates and working approaches, promote the importance of civil society as drivers of positive social change, and counteract misconceptions that NGOs are only opposing the government. Following a similar reasoning, a research participant from the Philippines shared that their organization strategically chooses which actors to engage with publicly and for which a more direct engagement behind closed doors is more effective as political figures are conscious of their public image, but might be supportive of policy changes when discussed outside the limelight: "in some events public mobilization is good but in some events it's just not going to work out and sometimes you just have to face the fact that some things done in a subtle way work more."[75] Considering the frequent allegations of NGO communications as being politically motivated or false, the same research participant shared that they would not only discuss specific issues or recommendations with lawmakers but also their data gathering process and the evidence underlying their communication. One research participant from Kosovo shared that their organization regularly sends their advocacy material to other NGOs, embassies, and donors, organizes annual events for these actors to come together and jointly formulate demands, and directly requests international support to communicate their demands to the respective government agencies. Given the generally hostile environment for civil society, engagement with state actors requires assessment regarding which of the mentioned strategies (e.g. closed door or public engagement, sharing resources, mobilizing support from international actors) is most effective as a means to not only advocate for the policy changes in a way that does not unnecessarily add to resource drain but also to contribute to re-legitimizing the individual organization and civil society as a whole. Advocacy strategies should further

[75] KII-PHL-3

serve to keep public attention on topics that tend to be excluded from public discourses, such as comprehensive transitional justice approaches in Kosovo.

Other civil society actors have chosen to tackle the topic of shrinking civic spaces more directly by raising the issue directly to government representatives, pointing out the overall impact of shrinking spaces, and promoting the role of civil society through such direct engagements.

As mentioned above, changes in the regulatory framework are not only necessary on the level of state laws but also regarding private actors such as donor regulations or corporate policies. Civil society actors from both the Philippines and Kosovo attempt to influence donors to adjust their global programs to the local context so as not to cause harm by reinforcing conflicts or redirecting civil society resources away from pressing issues. This is done by educating donors about the context, the relevance of specific approaches, and the impact of the current funding system in formal and informal meetings. This approach is particularly successful for large NGOs that are not as dependent on individual donors as smaller NGOs and can therefore have conversations on eye level and ensure the donor's openness to discuss approaches beyond their orthodoxies.

Success story: Preventing the worst impact of anti-money laundering legislation in Kosovo

Globally, a common trend in shrinking spaces is the misuse of counterterrorism and anti-money laundering legislation against civil society actors. While the international counterterrorism framework requires states to pass laws to this effect, there is a risk that such legislation, if too broadly formulated, places undue burden on civil society organizations and can be weaponized against unwanted critics. In Kosovo, a CSO coalition was formed in 2013 that successfully advocated for revisions in a proposed anti-money laundering law. If it had been passed, the law would have placed additional reporting obligations on CSOs, expanded the authority of the Financial Investigation Unit to inspect NGOs at their discretion, and enabled private banks to request sensitive information such as organizations' workplans.

Research participants attributed the success of the advocacy campaign to their direct engagement with lawmakers and well-chosen arguments that relied on pragmatism, rather than questioning the fundamental nature of the proposed law. By doing so, they could ensure that their arguments were being heard and were able to maintain relationships with government officials. While the campaign was successful in removing the most restrictive provisions of the law, research participants shared concerns that a more encroaching law could still be put in place following global trends.

Long-term strategies

Increase resilience of civil society organizations to shrinking spaces

One way of resisting shrinking spaces trends in the long-term is to build resilience of civil society organizations. Research participants identified capacity development in a number of fields as a strategy to prepare organizations to protect themselves and to resist limitations placed on their spaces for action. As the funding environment in Kosovo constitutes a significant challenge for civic space in that context, trainings in proposal and report writing can be a means of enabling civil society organizations to better navigate otherwise limiting donor regulations, engage on eye-level, and communicate needs from the ground. Trainings in advocacy, public participation, and local government processes can further increase organization's efficiency and credibility in engaging lawmakers. In the Philippines, where threats of physical violence are a regular concern for NGOs, trainings in (digital) security as well as psychosocial support and mental wellness for activists help civil society actors protect themselves and mitigate the impact of threat situations. Similarly, trainings for grassroots organizations to deepen their understanding of potentially limiting laws and their corresponding rights as well as paralegal trainings enable these organizations to identify human rights violations and provide initial forms of redress where legal support mechanisms are not readily available.

Another way to strengthen civil society organizations' resilience is to build coalitions and broaden networks of allies and supporters. Research participants in the Philippines shared that existing and newly created coalitions served not only as shrinking spaces-related information, analyses, tools, and resource exchange mechanism during the difficult Duterte administration, but also as support system in cases of direct threats. As part of these peer learning communities, less experienced or smaller organizations benefitted from strategic advice, mentoring and training, and from more established allies that could speak out on their behalf when they came under attack. Similar support systems have been in place for journalists who rely on each other for the collection and verification of data in situations where they are often denied access and who offer support for junior journalists struggling with trauma as a result of their reporting.

Globally, coalition building has been encouraged as a way to connect organizations working on the domestic and international sphere to form joint strategies to effectively push back against civic spaces restrictions happening at the intersection of the domestic and the international e.g. weaponization of counterterrorism legislation.[76] NGO coalitions can further serve as flexible spaces for collaboration, pooling resources, and co-developing campaigns to speak with one voice, thus amplifying their messages. This is particularly useful for organizations working on sensitive issues such as LGBTQIA+ organizations in Kosovo who intentionally share already limited resources such as research or policy papers. Building alliances with other NGOs working on the same issues and especially with international organizations, donors, and media practitioners is also an effective way to mobilize the public for a specific topic and build media pressure on the relevant actors.

All of these approaches not only strengthen the specific work these NGOs do, but also create social capital and relationships that are at the backbone

[76] FGHR, 2021.

of their resilience to attacks. By focusing on the issues and injustices that motivate them as well as their shared visions, these organizations can overcome divisions created by shrinking spaces dynamics and build broad social movements that can reverse some of the authoritarian trends that are at the root of civic space limitations.

Increase resilience of the general public to shrinking spaces

As can be seen above, several shrinking spaces factors are rooted in a negative perception of civil society held by increasing sectors of the population as well as low political consciousness or civic engagement. In response, civil society organizations have developed strategies to strengthen the general public's resilience to delegitimization attempts and promote a critical consciousness and an engaged citizenry.

In the Philippines, where authoritarianism has been particularly on the rise in the past years, research participants identified an overall deepening of democracy as a necessary means to counter the root causes of shrinking civic spaces. On the policy level, this includes electoral reforms and laws aimed at minimizing the influence of political dynasties as well as strengthening the party system. On the community level, research participants shared a strong sense to continue and improve human rights education and grassroots organizing work with a view to developing a critical consciousness and preparing community members to assert their rights. Recognizing the resonance of populist anti-human rights rhetoric in grassroots communities as a failure of their human rights education work, particularly large organizations have committed to rethinking their organizing approaches. Rather than relying on always the same methodologies and conducting projects for the sake of reporting to their donors, research participants shared the need of adopting a renewed sense of urgency as was present during the Marcos dictatorship and becoming more diligent in their organizing work ensuring that their messages stick with every single individual they engage with. Other research participants recommended widening the focus of organizing efforts to also include the middle class or professional organizations thus organizing a broader civil society along shared issues such as

Success story: Developing political consciousness as resilience to delegitimization attempts

A labor union in the Philippines was successful at building internal resilience against the polarizing and intimidating effects of defamation of union members as supporters of the insurgency. The union invested in internal educational activities early on, conducting group discussions with union members to build an understanding of their rights as unionists and of defamation as a tool that is intentionally used by powerholders to maintain the status quo.

As a result, incidences of defamation did not have the intended paralyzing effect. Compared to other unions that did not conduct these educational activities, intimidation attempts against members of this union did not succeed in prompting union members to question their activism or disaffiliate from the union. Rather than getting intimidated by allegations against them, these labor leaders were able to defend their rights, refocus their attention on those benefitting from the delegitimization attempts, and build on the strength of their coalition, thus building resilience against shrinking spaces from the grassroots level up.

climate change or environmental destruction. Awareness of these issues can then be connected to structural root causes such as unequal power relations and limited spaces to address such topics. Considering that many civic space restrictions occur in the context of armed conflict, research participations further recommended peace education and other awareness raising trainings for the security sector that would highlight the important role of a vibrant and diverse civil society for any peace efforts.

In Kosovo, addressing ethnic divisions, that underly and perpetuate ethno-nationalist narratives and the delegitimization of civil society through them, is considered a means to promote civil society initiatives towards the entire population, thus building up resilience against additional civic space restrictions. Giving platforms to excluded voices and providing multi-ethnic spaces are therefore identified as long-term strategies to counter the shrinking spaces trend. Approaches to do so include designing bilingual activities by hiring facilitators from different ethnic backgrounds, establishing networks with ethnic minority groups to facilitate access for ethnically diverse workshop participants, and holding activities in neutral locations such as areas where crimes against both main ethnic groups were committed. Working on the issue of missing persons across ethnic divides is a particularly useful avenue to overcome mutual misconceptions and polarization as it allows families of missing persons to empathize with each other and find a common ground: "there is this bond being created between people because they understand each other's pain."[77] Other research participants have successfully created multi-ethnic teams, conducted more activities in regions with different identity groups, and provided spaces for events organized by all identity groups. Taken together, these approaches can help to build multi-ethnic social capital that increases the broader society's resilience to exclusive and polarizing narratives.

Improve strategic communications and change narratives

Apart from popular support for authoritarianism and ethnic divisions providing a fertile ground for the defamation of civil society organizations in the Philippines and Kosovo respectively, both countries also exhibit an overall diminished trust in organized civil society. Research participants from the Philippines and, to a lesser extent, Kosovo, have attributed this to shortcomings in the way civil society organizations have communicated their work and mandates. As a result, there is a strong impulse across civil society to address previous shortcomings and improve overall communications strategies.

Particularly in the Philippines, civil society representatives found that the default messaging of human rights organizations, characterized by pointing out grievances and utilizing alarm-sounding messaging, contributed to an environment that enabled the delegitimization of the human rights movement and the concepts they use. Reflecting on their past practice, they shared that many activists had become too comfortable in their NGO echo chambers where it is common and often expected (by donors and colleagues) to frame issues in a technical language that is suitable for report writing but that rarely resonates with the communities they intend to benefit.

In Kosovo, these echo chambers are additionally characterized by conducting activities in exclusive hotel venues with similar participants. The trend of 'NGOization'[78] can thus be observed in both operational and discursive spaces thereby further reinforcing prejudices against CSOs as being

[77] KII-KOS-2

[78] The term 'NGOization' refers to the professionalization or bureaucratization of civic engagement and includes the formalization of social movements into non-government organization.

motivated by foreign funding only. Based on this, research participants in Kosovo identified the need to rethink their communication strategies to promote sensitive topics such as Dealing with the Past, and thus increase their reach beyond the bubble of 'professional' NGOs. One research participant framed this as "renegotiat[ing] this civic space"[79] highlighting that civic engagement is more than a salaried job in a large organization backed by international donors.

To counter the 'NGOization' of civic spaces, civil society actors in Kosovo specifically identified the need to raise awareness about civic engagement and to open up currently exclusive NGO spaces by holding meetings in more publicly accessible venues and by intentionally targeting differently-minded audiences. In the Philippines, several organizations have now started to assess their communications work, refer to communications experts and existing surveys, build their own evidence base by conducting research on audience profiles and targeting, and allocate increasing resources to communications as an integral part of long-term planning. The initial result of these efforts at rethinking communications work has been the widely shared insight that NGO communications strategies need to better respond to people's needs and anchor their messaging in grassroots communities' everyday issues. Participants in Kosovo further recognize that communicating sensitives topics to those who are not yet open to them can be equated to working towards cultural change which takes time and cannot be imposed. As a result, these topics should be promoted using alternative, creative tools such as hopeful forms of memorialization through virtual museums thereby also setting an example to other CSOs and journalists how to communicate these topics in a way that resonates with broad audiences.

In the Philippines, on the other hand, research conducted by one of the research participants shows that, while target audiences often feel alienated by issue-based communication using villainizing language, there is actually widespread agreement on the values and principles that underly concern for these issues. Building on this assessment, civil society organizations are starting to use these shared values and the vision of change they are working towards to frame their messaging: "it's in recognizing the shared values that CSOs can sort of help repair some of the negative perceptions about them."[80] While some organizations in the Philippines continue to make public statements in response to serious human rights violations, they do so in a strategic way that points out shortcomings on all sides of the conflict, recommends what can be done to remedy the situation, and includes a call to action for the general public as well as a commitment of what the organization will do in response. In order for public statements to be successful in raising public consciousness thereby counteracting normalization and deterring further violence, they need to not only point out wrong-doing but also communicate what should be done instead.

By thus adapting their communication styles and becoming more effective in delivering the intended messages, civil society organizations can build the broad popular support that eventually translates into 'legitimate, genuine outrage'[81] when civil society actors experience violence. To achieve this, civil society actors not only need to change the style of their messaging but also need

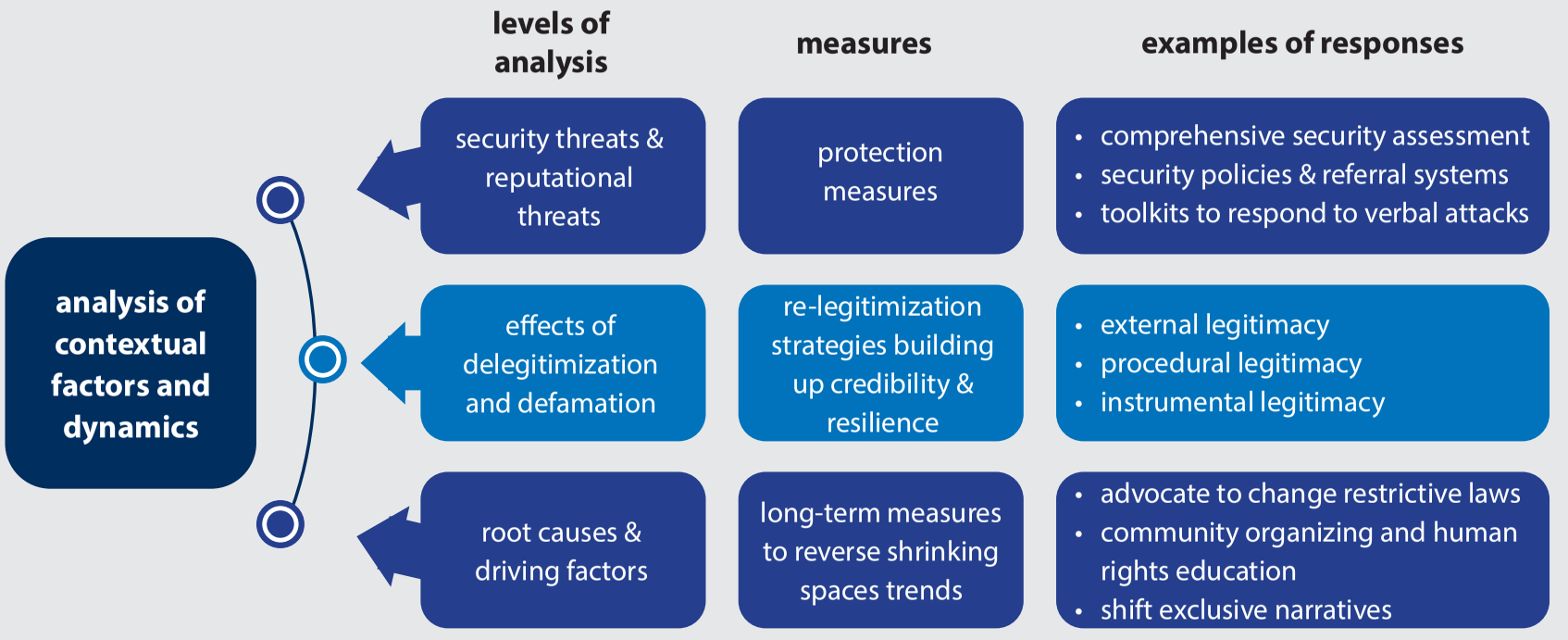
> *"It's in recognizing the shared values that CSOs can sort of help repair some of the negative perceptions about them."*

[79] KII-KOS-5
[80] KII-PHL-6
[81] KII-PHL-3

to become more creative in the channels they use. While research participants in Kosovo shared that traditional media like TV continues to have the widest reach, participants in the Philippines argued for increased and more skilled use of social media as a way of meeting audiences where they are. Using popular social media platforms such as YouTube, TikTok, and Facebook not only has the advantage that information becomes easily accessible for those already interested, it also allows organizations to counter disinformation and polarizing narratives where they spread most virulently.

At the same time, the media landscape needs to be shaped towards a more inclusive environment that does not promote the perpetuation of prejudices and exclusive narratives. To this end, civil society actors in Kosovo offer trainings for journalists on conflict-sensitive reporting and their rights as media practitioners. In parallel, media literacy trainings teach students and young people about fake news, misinformation, and the role of the media thereby developing them as critical media consumers who are less likely to reproduce exclusionary and polarizing narratives. In fact, research participants identified educational campaigns to battle mis- and disinformation as another long-term strategy to counter the shrinking spaces trend. Identified topics for these campaigns include correcting common misconceptions against civil society actors, informing about Islam to counter prejudices against Muslims and Muslim organizations, and raising awareness of the positive role of civil society and other critical actors such as media. While several organizations identified social and traditional media as a means of raising awareness among broad audiences, others continue to highlight the need for community-based information drives especially those focusing on laws that could potentially affect these communities. The aim of such information and education campaigns is to correct mis- and disinformation, provide audiences with the tools to discern information, and mobilize audiences to critically engage with information and participate in public discourses.

Responding to Shrinking Civic Spaces



Conclusion

Civic space restrictions are observable globally and are characterized not only by a tightening of the legal and administrative environment for civil society organizations and direct attacks against individual activists, but also a crisis of legitimacy of civil society more generally. Contextual nuances of this global trend include the specific sectors affected, the intensity of violence, the formal restrictions placed on civil society, and more subtle, de facto limitations such as delegitimization through exclusive discourses. Such mutually reinforcing factors result in reduced operational spaces for civil society actors, normalization of violent attacks against activists, and widespread self-censorship as a result of a frightening or intimidating atmosphere.

When civic spaces are thus restricted, the implications go beyond the individual civil society organization. Shrinking civic spaces interrupt community relationships, social cohesion, and constitute a threat to democratic culture. In the Philippines, these effects are apparent in the chilling effects of physical violence against individual activists, the misuse of the judicial system against civil society actors, and aggressive defamation campaigns against civil society actors critical of the government. In Kosovo, shrinking civic spaces are not usually manifested through legal restrictions or direct, physical threats originating from the government. Rather, the space of action for civil society organizations is indirectly limited through a lack of access for funding and a generally restricted atmosphere.

The study also shows that civil society organizations have been and continue to push back against restrictions – whether that is by successfully reversing overly intrusive counter-terrorism legislation in Kosovo or by building solidarity and support networks when organizations come under attack like in the Philippines. Navigating the complex, reinforcing web of civic space restrictions requires comprehensive strategies and support from allies. Apart from immediate mitigation strategies and medium-term approaches to challenge the delegitimization of individual civil society actors, long-term strategies to reverse the shrinking spaces trend are also necessary and need to be contextualized to the root causes of shrinking spaces.

Recommendations

Recommendations to local civil society actors in the Philippines and Kosovo:

1. **Invest in organizational capacities for strategic communication and advocacy**
   a. Develop standard operational procedures for responding to verbal attacks and defamation attempts that outline when to
      - Ignore attacks or comments as reacting would only drain resources
      - Engage with attacks constructively to correct misconceptions and communicate values
      - Report verbal attacks when they constitute a credible threat of violence and doing so would increase the organization's or individual's security

   b. Build and maintain a public profile by communication values and principles across fields of work to increase resilience to delegitimization attempts

   c. Develop communication strategies to effectively counter one-sided narratives and misconceptions of civil society by:
      - basing communications on shared values
      - avoiding overly technical language
      - connecting to everyday issues

   d. Articulate the issues of 'shrinking spaces' publicly and regularly to build awareness

   e. Utilize digital media and creative tools to reach a broader and more diverse audiences

2. **Further develop security policies and share these with other civil society organizations, including policies for office security, security measures while traveling, and digital security policies**

3. **Create and maintain inclusive spaces for exchange between civil society actors to**
   a. Continue learning about civic space restrictions, including understanding restrictive laws and developing counter-strategies

   b. Build support and solidarity networks

   c. Protect and expand safe spaces to discuss sensitive topics

   d. Jointly strategize engagement with government actors

Recommendations to INGOs, donors, and embassies:

1. **Use international position and partnerships with local organizations to**
   a. speak out in solidarity with marginalized voices
   b. support local organizations' shrinking spaces-related advocacy such as legal reforms, reforms of funding structures
   c. amplify and give platform to excluded voices and alternative narratives
2. **Be present in the peripheries to introduce local NGOs as partners and support their legitimacy as civil society actors**
3. **Support partner organizations in diversifying their fundraising and accessing flexible, institutional funding**
4. **Provide platforms for local organizations to access government actors, including for exchanges on the role of civil society**
5. **Set up standard operational procedures and networks to refer partner organizations to security-related service providers, urgent action mechanisms, and allies to, among other things, access legal aid, livelihood support and medical aid**

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About forumZFD Philippines

forumZFD (Forum Ziviler Friedensdienst/ Forum Civil Peace Service) is a German non-governmental organization that supports people involved in violent conflicts on the path to peace. The organization was established in 1996 by peace and human rights groups – in reaction to the Balkan crisis – and has, since then, striven to help overcome war and violence.

forumZFD is implementing conflict transformation work in Germany as well as in twelve other countries in Europe, the Middle East and South East Asia. Its Academy for Conflict Transformation offers specialized trainings for professional, international peace work. Through campaigns, lobby work and public relations, forumZFD actively advocates civil peace policy.

forumZFD started working in the Philippines in 2008, with the goal of promoting nonviolent approaches of dealing with conflict. forumZFD Philippines holds its program office in Davao and has three project offices in Davao, Butuan, and Cotabato, and engages actors dedicated to peace and nonviolent conflict transformation from different spheres of society including local civil society, indigenous peoples, media educators and practitioners, academic institutions, and selected government institutions.

Committed to Peace

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