

How Far Can Civic Space Deteriorate Before Safeguards Step In?

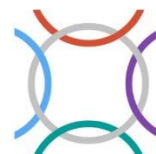
**BCSDN Analysis of the 2026
EC Rule of Law Report on
Accession countries**

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Skopje, August 2026

The [2026 European Commission Rule of Law Report](#) assesses developments in Albania, Montenegro, North Macedonia and Serbia as rule of law progress becomes increasingly consequential for their path towards EU membership. While Montenegro has provisionally closed 18 negotiating chapters and Albania has opened all 33, the accession processes of North Macedonia and Serbia remain considerably less dynamic. Against these different trajectories, the Report provides an important benchmark for assessing whether accession progress translates into stronger democratic institutions, respect for fundamental rights, meaningful civil society participation, and greater sustainability and resilience of civil society.

For the third consecutive year, the Balkan Civil Society Development Network (BCSDN) analyses the European Commission's Rule of Law Reports through a civic space lens. Bringing the Commission's findings together with evidence from the [Monitoring Matrix on Enabling Environment for Civil Society](#), the analysis identifies regional trends and implementation gaps, while providing additional evidence on how rule of law developments affect civil society in practice.



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Across the four Enlargement countries covered, persistent gaps between formal safeguards and their implementation continue to shape the environment for civil society, raising a broader question of whether existing safeguards can identify and respond to emerging risks before they become entrenched.

The Commission continues to identify significant pressures on civic space across all four countries. For the third consecutive year the Rule of Law (RoL) analysis draws on **CIVICUS Monitor ratings**, with Albania, Montenegro, and North Macedonia rated “narrowed” and Serbia downgraded to “repressed”. Our **Monitoring Matrix** broadly confirms this deterioration while providing further evidence on implementation gaps, restrictive practices and emerging risks.

Regional Trends Constraining Civic Freedoms

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Freedom of peaceful assembly is legally guaranteed across all four countries, but conditions vary considerably, from generally respected in Albania to practical and regulatory restrictions in Montenegro and North Macedonia, and serious violations in Serbia. While the EC focuses mainly on significant developments in Serbia, our monitoring provides a broader regional picture of the regulatory, administrative and practical challenges affecting peaceful assembly.

CIVICUS Monitor is a civil society led online platform that tracks and evaluates the state of civic freedoms globally, focusing on freedoms of expression, assembly, and association. It provides reports and ratings ranging from “Open” to “Closed,” to highlight the conditions and challenges faced by civil society in different countries. BCSDN is one of the global coalition research partners providing updates on the six Western Balkan countries, Turkey and Croatia.



monitoring matrix

Registration of CSOs is addressed by the EC only for Albania, noting delayed amendments to the Law on NPO Registration, concerns over administrative sanctions and the Electronic Register remaining non-operational. Our monitoring adds concerns over the proportionality of sanctions of up to ALL 60,000 and identifies further obstacles in Montenegro, where inconsistent interpretation of the Law on NGOs and additional administrative requirements prolong registration.

AML/CFT frameworks receive very limited attention in the EC RoL reports. The issue is referenced only for Serbia, where authorities requested confidential bank data on five CSO employees. Our Monitoring Matrix identifies concerns across all four countries: an undefined “high-risk” NPO category subject to administrative discretion in Albania; uneven implementation of AML/CFT rules by banks and tax authorities in Montenegro; disproportionate banking requirements and funding delays in North

Macedonia; and misuse of AML/CFT measures to scrutinise and pressure CSOs in Serbia.

Administrative scrutiny and state interference are most visible in the EC's assessment of Serbia, where it notes police searches of CSO offices and access to confidential bank data. Our monitoring points to a broader pattern, including coordinated and unannounced inspections in Serbia and concerns over excessive oversight and administrative requirements in Montenegro and North Macedonia. These findings show how regulatory powers can restrict civic space beyond formal legal measures.

Smear campaigns, attacks and intimidation against civic actors receive varying attention across the chapters. The EC highlights negative narratives and online smear campaigns in Albania, particularly against actors working on gender and LGBTIQ+ rights, and more extensive pressure, attacks and violence against civic actors in Serbia. Our monitoring reveals a broader pattern, including delegitimisation of foreign-funded CSOs and hostility against activists in Albania, harassment and intimidation in Montenegro, targeted smear campaigns in North Macedonia, and coordinated attacks and surveillance in Serbia.

The 2026 Rule of Law Report points to similar civic space pressures across EU Member States and accession countries, despite differences in their intensity and context, including foreign-agent narratives and the delegitimisation of independently funded civil society.

Civic Space Pressures Cut Across the Enlargement Divide

Measures targeting **foreign funding and the legitimacy of independent civil society** are becoming more prominent across EU member states. In **Bulgaria**, successive initiatives have sought to restrict foreign funding, from a 2025 proposal to ban it for NGOs to a draft “foreign agents” law tabled in June 2026, raising concerns over chilling and stigmatising effects. Similar patterns emerge in **Hungary**, where foreign-funded CSOs face smear campaigns and scrutiny, while state funding favoured government-aligned organisations. In **Czechia**, CSOs have increasingly been labelled as “political agents”, alongside plans for a register of organisations receiving public funding and significant cuts in public funding. In **Slovakia**, new reporting and disclosure obligations increased administrative burdens, followed by calls for intensified controls of NGOs.

Restrictions on **freedom of peaceful assembly** provide another strong parallel. In **Germany**, concerns persist over excessive police use of force and suppression of protests, with courts in some cases finding police actions or disruption of gatherings unlawful. In **France**, excessive use of force by law enforcement during demonstrations remains a concern, while **Italy** has adopted new security legislation criminalising certain conduct during demonstrations, expanding police and surveillance powers and introducing stricter penalties related to public assemblies. These developments reflect a wider European concern over how democratic systems respond to public dissent.

In EU member states pressure is increasingly exercised through various **legal, administrative and digital means**. In **Romania**, political and reputational pressure on CSOs is compounded by excessive administrative controls, donor-disclosure proposals and new AML/CFT-related supervision, while in **Czechia**, plans for a register of CSOs receiving public funding have raised concerns over additional administrative burdens, information disclosure and disproportionate sanctions. Legal pressure through SLAPPs remains a concern across several Member States, including Croatia, Hungary and Greece, alongside continued threats, harassment and attacks against journalists. Digital surveillance adds another dimension, with **Greece** continuing to deal with the consequences of the Predator spyware case and concerns over unlawful surveillance also persisting in **Hungary**.

These trends echo concerns in the accession countries, where administrative scrutiny, legal intimidation and digital threats increasingly affect civil society and independent media.

protection and accountability. The situation is particularly severe in Serbia, where the EC documents increased physical attacks, police interference, spyware and coordinated online attacks against independent media. Our monitoring broadly confirms these patterns as part of wider pressure on independent voices and public scrutiny.

SLAPPs as a Growing Constraint on Civic Participation

Strategic Lawsuits Against Public Participation (SLAPPs) are covered across the EC reports, but predominantly through the lens of media freedom and the protection of journalists.

In Montenegro, the EC specifically notes the lack of dedicated anti-SLAPP legislation, although similar legislative gaps persist across the region. In Albania, the Commission notes continued SLAPPs and progress towards the EU anti-SLAPP acquis, while partial decriminalisation of defamation protects only registered or recognised journalists, leaving activists, NGOs and other public critics outside its scope. In North Macedonia the EC notes a negative trend in lawsuits involving journalists and the absence of dedicated safeguards. Serbia stands out, as the Commission explicitly recognises that SLAPPs increasingly affect both investigative media and CSOs, with reported cases doubling from seven in 2024 to 14 in 2025.

Our civic space monitoring provides a broader picture of how SLAPPs affect civil society. In Albania, environmental activists

From Attacks to Legal Pressure: The Costs of Speaking Out

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Attacks and pressure against journalists remain prominent across the EC reports, with threats, intimidation, online harassment and political pressure reported across the four countries, alongside persistent weaknesses in

have faced defamation proceedings linked to protests against hydropower development, while in Montenegro, seven cases recorded in 2025 involved activists, protesters and watchdog organisations alongside journalists.

In North Macedonia, CSOs faced legal threats that foster widespread self-censorship and create a chilling effect on activists, journalists, and CSOs reporting on corruption and other matters of public interest. In Serbia, SLAPPs form part of wider legal and public pressure on civic actors. These findings show that SLAPPs should be assessed not only as a media freedom concern, but also as a restriction on civic participation and civil society's watchdog role.

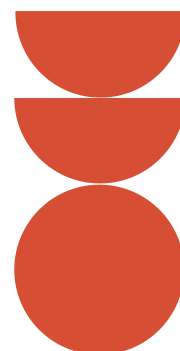
Access to Information and Emerging Digital Threats

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Access to public information remains problematic despite established legal safeguards. In Albania, Montenegro and North Macedonia, the EC identifies recurring delays, refusals, administrative silence and weaknesses in enforcement and oversight. Our monitoring confirms these barriers and additionally points to persistent failures by Serbian authorities to respond to requests and comply with disclosure decisions, an issue receiving little attention in the EC report. In North Macedonia, too, access to public information is deteriorating, with almost half of organizations reporting incomplete or evasive institutional responses to their requests.

Digital threats, cyber-attacks and malware are only partly addressed across the country chapters. In Albania and North Macedonia, the EC notes online threats and harassment, including against women human rights defenders and civic actors, but gives little attention to broader digital security risks for civil society. In Montenegro, coverage focuses mainly on online attacks against journalists. Serbia stands out, with the EC documenting spyware targeting journalists, environmental activists and others, alongside coordinated bot attacks and reported cyber-attacks against independent media and CSOs.

Our Monitoring Matrix captures a wider range of digital pressures, including malware, surveillance, interference with communication channels and gaps in legal safeguards. In Serbia, these include hacking of CSO communication tools and social-media accounts, mass digital attacks, surveillance and wiretapping of activists. In Montenegro, blocked communication channels and online harassment are reported, while findings from Albania and North Macedonia point to gaps in safeguards for civic actors facing digital threats.



The Challenges Behind Civil Society Funding: **Fairness and Sustainability at Stake**

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Public funding remains a challenge across the four countries, with implications for CSO financial sustainability that are only partly captured by the EC RoL reports. In Albania, the EC notes that funding provided through the Agency for the Support of Civil Society remains insufficient, while in Montenegro it highlights continued difficulties for CSOs in accessing funding despite new support programmes. In Serbia, the Commission notes the absence of concrete progress in the transparency and fairness of public funding. In North Macedonia, the EC acknowledges persistent challenges related to CSO funding and financial sustainability, but does not examine the functioning of the public funding system in greater detail.

Our monitoring reveals broader weaknesses in public funding, particularly its fragmentation, limited predictability and persistent concerns over transparency and fairness. Montenegro shows some progress through multi-year and institutional funding, while North Macedonia's planned co-financing guarantee fund is a positive step but does not address broader structural shortcomings. Comparable funding instruments are not in place in or Serbia. The situation is most concerning in Serbia, where non-transparent allocation of funds to GONGOs and so-called phantom organisations has led many established CSOs to withdraw from public funding calls altogether.

These weaknesses are becoming more consequential as declining international assistance exposes the limited capacity of domestic funding systems to provide transparent, predictable and sustainable support for independent civil society.

Tax treatment and VAT exemptions for foreign funded projects receive limited attention in the EC reports. Only in Albania, the EC recognises recent progress on this issue. Our monitoring provides important context, as similar arrangements have been in place in the other countries for some time, while broader limitations in the fiscal environment persist across the region, particularly administrative barriers and limited incentives for funding diversification.

In Albania, **tax incentives for giving** remain limited, particularly for individual donations, while narrow and unclear tax provisions and administrative requirements constrain NPOs engaging in economic activities. In Montenegro, available VAT exemptions and tax benefits remain narrow, while North Macedonia continues to face lengthy procedures and stalled reforms aimed at improving incentives for individual and corporate giving. In Serbia, inconsistent tax practices, costs related to foreign funding, and limited incentives for philanthropy further constrain the practical benefits of the existing framework.

CSO-Government Relations: When Dialogue Does Not Mean Influence

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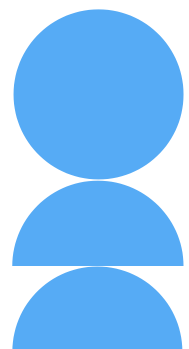
Government-CSO cooperation remains uneven across the four countries. While formal mechanisms for dialogue and consultation generally exist, their functioning and actual influence on policymaking vary considerably, with persistent gaps between formal participation and meaningful engagement.

Strategic frameworks for civil society show persistent gaps between formal commitments and implementation. The EC notes that Albania has yet to adopt a new strategic framework following the expiry of its 2019–2023 Road Map, Montenegro continues implementing its Strategy despite concerns over its impact, while North Macedonia has adopted a new strategic framework.

Our monitoring points to a broader implementation problem: Albania's previous Road Map had a low level of achievement, Montenegro's Strategy is nearing completion with limited implementation, and North Macedonia's new Strategy follows a previous framework marked by implementation gaps. In Serbia, which receives less EC attention in this area, the 2022–2030 Strategy and its Action Plan have also seen weak implementation, compounded by the withdrawal of CSOs from institutional cooperation.

Concerning the **Councils for Cooperation**, the EC RoL report points to different trajectories: Albania's National Council for Civil Society remains in need of reform; Montenegro's Council was re-established after years of inactivity; North Macedonia saw renewed and more regular engagement; while in Serbia, CSO participation has remained suspended since 2025.

Our Monitoring Matrix goes further in assessing how these mechanisms function in practice. In Albania, non-compliance with the mandated meeting frequency, weak follow-up and limited policy influence keep the Council largely formal. In Montenegro, despite its re-establishment, substantive work remains at an early stage, while in North Macedonia, renewed dialogue and regular meetings have yet to translate into meaningful policy influence. The most significant additional finding concerns Serbia, where our monitoring shows that CSOs deliberately withdrew not only from the Council but from broader cooperation with the legislative and executive authorities, citing deteriorating democratic conditions and the authorities' failure to respond to pressure and attacks against civil society.



The **quality of civil society participation in policymaking** remains a common concern. The EC highlights limitations ranging from insufficiently inclusive representation in Montenegro and largely nominal consultations in North Macedonia to the suspension of formal cooperation in Serbia. Our monitoring shows a broader gap between formal participation and actual influence: consultations are often late or procedural, with limited uptake of CSO input, including in Albania, Montenegro and North Macedonia, where draft legislation also frequently bypasses the ENER consultation platform.

Weaknesses in meaningful participation and consultation are not unique to accession countries. In Romania, late consultations and frequent use of rapid legislative procedures limit opportunities for participation, while in Slovakia, fast-track procedures and limited stakeholder input continue to weaken public consultation. Similar patterns are found in Albania, Montenegro and North Macedonia, where formal consultation mechanisms do not necessarily translate into meaningful influence over policymaking.

The EC reports do not systematically assess **civil society participation in EU accession processes**, including the EU Growth Plan and national Reform Agendas. Our monitoring shows that existing opportunities for engagement often provide limited influence over reforms: in Albania, the Partnership Platform faces weaknesses in its functioning, and follow-up of recommendations; in Montenegro and North Macedonia, participation remains largely consultative or procedural; while in Serbia, CSOs have withdrawn from accession-related government working groups amid a broader breakdown of institutional cooperation.

As the Growth Plan and Reform Agendas increasingly shape accession reforms, their implementation should also be assessed against whether civil society can meaningfully participate in and scrutinize these processes.

Conclusions & Recommendations

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Civic space across the four accession countries remains under pressure, with persistent gaps between formal safeguards and their effectiveness in practice. While legal and institutional frameworks largely remain in place, restrictions increasingly emerge through administrative and financial practices, legal and digital pressures, weak accountability and limited opportunities for meaningful civil society influence.

The EC Rule of Law Reports capture many individual concerns, but our monitoring points to a broader challenge: different legal, administrative, financial and digital pressures can accumulate and progressively restrict civic space even where formal safeguards remain in place. Similarly, formal participation mechanisms do not necessarily translate into meaningful influence over policymaking and accession reforms.

This raises a broader question about the effectiveness of existing safeguards. Rule of Law monitoring should identify emerging patterns and cumulative pressures early enough to prevent further deterioration, rather than primarily documenting restrictions once they have become established. Similar pressures across several EU Member States further reinforce the need for consistent monitoring and safeguards across the EU and enlargement countries.

Against this background, BCSDN recommends the **European Commission** to:

- **Strengthen and broaden civic space monitoring**, with greater attention to implementation, emerging risks and the cumulative effect of legal, administrative, financial and digital pressures on civil society.
- **Assess meaningful civil society participation more systematically**, including its actual influence on policymaking and involvement in the Growth Plan, Reform Agendas and other accession-related reforms.
- **Introduce clear recommendations and stronger follow-up** for accession countries, ensuring that Rule of Law findings on civic space inform enlargement monitoring, political dialogue and reform priorities.
- **Develop a stronger early warning and preventive approach to civic space**, enabling emerging risks and patterns of deterioration to trigger timely attention and response before restrictions become entrenched.

To improve the state of civic space in enlargement countries, BCSDN recommends **governments** to:

- **Strengthen Legal Frameworks:** Ensure genuine protection of freedoms of association, assembly, and expression, and remove administrative hurdles for CSOs.
- **Ensure Financial Sustainability:** Foster transparent public funding, safeguard access to foreign grants, and promote diversified income for civil society.
- **Protecting Civic Space:** Respecting human rights during protests and addressing misuse of surveillance technologies.

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