



ANNUAL REPORT

- 2023

AUTOCRATS
ARE SCARY
WERE

RIGHTS
DEMOCRACY

RECLAIM

TABLE OF CONTENT

Note from the Director	1
-------------------------------	----------

RECLAIM at Glance	2
--------------------------	----------

Programme Achievements	4
-------------------------------	----------

Civic Space Programme

Rule of Law Programme

Upcoming Priorities

Transparency and Financials	9
------------------------------------	----------

Governance & Accountability

Next Steps

Revenue

Advisory Board	12
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FROM THE DIRECTOR

Dear friends,

2023 was a landmark year for RECLAIM, filled with achievements that have shaped the trajectory of our work and cemented our role in the fight for human rights and the rule of law across Europe.

First and foremost, we proudly coordinated the creation of the largest human rights lawsuit in the history of the European Union. Alongside our partners from Forbidden Colours, we helped bring 16 Member States and the European Parliament into the infringement proceedings against Hungary's discriminatory anti-LGBTIQ+ laws. This case marks a watershed moment in EU law and demonstrates that collective action can hold even the most defiant governments accountable.

But this was not all. The success of the lawsuit campaign inspired and energized NGOs across Europe and the US, leading to the launch of the United4Diversity coalition—a network that now brings together over 100 stakeholders to confront the growing anti-gender movement. Starting in 2024, RECLAIM will further strengthen this coalition by providing its EU Law Helpdesk, offering critical legal support to NGOs on the frontlines.

Of course, the year was not without its challenges. We were deeply disappointed by the European Commission's premature decision to unfreeze €10 billion in funding to Hungary, despite ongoing concerns about judicial independence and rule of law. This setback reminds us that the fight is far from over. RECLAIM will continue to monitor Hungary's compliance, and we will intensify our advocacy to ensure that the EU institutions uphold the standards they set.

On a brighter note, 2023 marked the end of RECLAIM's chronic underfunding. Our outstanding impact was finally recognized by two major donors who acknowledged what a feat it has been to achieve so much with the meager resources we had. About time!

This new financial stability will allow us not only to sustain our core advocacy but also to grow strategically in 2024. With this support, we will launch our EU Law Helpdesk, providing vital legal assistance to civil society organizations across Europe. Our increased capacity will enable us to take on more donors, expand our impact, and support even more organizations in their fight to defend human rights.

Looking ahead, I am more confident than ever in RECLAIM's ability to lead in the struggle for the rule of law, democracy, and equality in Europe. The challenges we face are immense, but so is our resolve.

I want to extend my deepest gratitude to our partners, especially our Hungarian colleagues and Forbidden Colours, our donors, and our incredible volunteers. Your unwavering support, dedication, and trust made all the difference in 2023. During some of the most challenging times, your encouragement and solidarity provided the strength needed to persevere. Together, we achieved so much, and I am profoundly grateful for each of you.

Esther Martinez (she/her/them)
Director, RECLAIM



RECLAIM AT A GLANCE

RECLAIM is a Brussels/Copenhagen-based initiative supporting civil society and independent media to perform their essential role as guardians of democracy and rule of law. We intervene where freedom of speech and association are under pressure within Europe, working with activists, legal scholars, and policymakers to build alliances and develop effective, joint strategies.

OUR PRIORITIES



No. 01 – Supporting rights defenders.

RECLAIM intervenes to make sure European governments legislate and act in support of the freedom and safety of rights activists and NGOs.



No. 02 – Protecting independent courts and the rule of law.

RECLAIM works to make sure European courts remain capable of protecting civil rights and trigger diplomatic action when judges are under pressure.



No. 03 – Safeguarding free media.

RECLAIM works to safeguard European citizens' access to independent, fact-based journalism and a pluralistic media landscape.



OUR METHODOLOGY

No. 01 – Policy and Legal Research

RECLAIM monitors, prepares background documentation, and develops policy documents for the EU and its Member States.

No. 02 – Advocacy and Advocacy Support

RECLAIM empowers activists and organizations to protect and expand civic freedoms through joint lobbying at EU and Member State levels

No. 03 – Networking and Capacity Building

RECLAIM provides opportunities for knowledge sharing, networking, and alliance building with like-minded organizations and legal scholars.

OUR CONTRIBUTION TO THE SDGS

5 GENDER EQUALITY 	TARGET 16-3	TARGET 16-6	TARGET 16-10	TARGET 16-B	TARGET 5-6	TARGET 5-C
16 PEACE, JUSTICE AND STRONG INSTITUTIONS 	PROMOTE THE RULE OF LAW AND ENSURE EQUAL ACCESS TO JUSTICE	DEVELOP EFFECTIVE, ACCOUNTABLE AND TRANSPARENT INSTITUTIONS	ENSURE PUBLIC ACCESS TO INFORMATION AND PROTECT FUNDAMENTAL FREEDOMS	PROMOTE AND ENFORCE NON-DISCRIMINATORY LAWS AND POLICIES	UNIVERSAL ACCESS TO REPRODUCTIVE HEALTH AND RIGHTS	ADOPT AND STRENGTHEN POLICIES AND ENFORCEABLE LEGISLATION FOR GENDER EQUALITY

NGOs and human rights defenders across Europe face growing restrictions as governments tighten laws, harass activists, and spread smear campaigns, making it increasingly difficult for NGOs to operate, secure funding, and maintain public trust. The situation is worsening in almost all Member States. Yet, the most urgent civic space challenge the EU faces is the push by reactionary forces for the simultaneous adoption of Kremlin-inspired anti-LGBTIQ+ propaganda laws and foreign agent laws. These efforts have already succeeded in Hungary and are gaining momentum in Bulgaria, Slovakia, and EU candidate countries like Georgia.

This section highlights how RECLAIM addressed this challenge heads-on in 2023 as part of our civic space program.

**OUR
CONTRIBUTION
TO CHANGE**

**With Pride: RECLAIM and Forbidden Colours
Built EU's Largest Human Rights Case**

Hungary is the first EU country to have imported Putin's 2013 anti-LGBT propaganda law into Europe. Passed in June 2021, the "Act on Stricter Actions Against Paedophile Offenders" falsely links LGBTIQ+ people to paedophilia and prohibits sharing information perceived as promoting homosexuality and trans identities with minors in advertising, media, schools, bookshops, and even family settings.

In 2023, we built on our work since 2021 and fought back with unprecedented success. Our efforts aimed to transform the European Commission's lawsuit against Hungary, filed in 2022, into the largest human rights case in EU history.

"The fines that the CJEU is able to impose gives the court greater teeth than many other regional courts who rely on more limited sanctioning authority, goodwill, and diplomatic pressure to ensure the implementation of judgments"

MARTA PARDAVI
HUNGARIAN HELSINKI COMMITTEE

Alongside Forbidden Colours and Háttér Society, we organized a press conference, launched a European-wide petition that reached thousands, and coordinated NGO solidarity actions across the EU. Additionally, we held joint and one-on-one legal briefings for Member State legal advisors and their CJEU agents, addressing both substantive and procedural issues. We conducted advocacy trips to the Czech Republic, Estonia, Latvia, and Slovenia, engaging directly with government officials and MPs. As a result, 16 Member States and the European Parliament—representing almost 450 million European citizens—joined the infringement proceedings. Our dedicated efforts paid off, and we accomplished exactly what we set out to do.

In the second half of 2023, after the Member States and the European Parliament officially joined the case, RECLAIM produced a legal opinion and a factsheet on the justiciability of Article 2 TEU and held two legal coordination briefings for Member State Court Agents and the European Commission on the matter. These actions were crucial to ensure that EU law is effectively advanced in this landmark case.

Thanks to RECLAIM's legal guidance and joint lobbying efforts with its partners:

- The European Parliament and 16 EU Member States intervened as co-plaintiffs, making this the largest human rights case in EU history.
- The European Commission included the right of children to receive education about love and relationships free from discrimination in its pleadings, paving the way to reducing bullying of LGBTQI+ children in schools.



"The rights of the LGBTQI+ community are under increasing pressure in many places, including within Europe. [...] It is a worrying trend that needs to be reversed. That is why Belgium – after putting the case on the international agenda – will now also intervene before the European Court of Justice to defend the rights of LGBTQI+ people"

HADJA LAHBIB
BLEIGUM'S FOREIGN MINISTER

- One-third of intervening Member States and the European Parliament will argue that Hungary is in breach of Article 2 TEU, potentially setting a groundbreaking precedent in human rights litigation and with a potential impact on Hungary's voting rights in the EU.
- Estonia and Slovenia joined the case, dismantling Hungary's "Brussels vs. Budapest" narrative and demonstrating that Europe stands united for LGBTQI+ rights.
- Croatia, Poland, and Romania shelved their anti-LGBTIQ+ propaganda laws.
- Ties with LGBTQI+ groups were strengthened across Europe, inspiring feminist and LGBTQI+ organizations, and RECLAIM received public recognition from Belgium's Foreign Minister.

What's next? RECLAIM will continue to provide legal assistance to the plaintiffs and our Hungarian NGO partners in preparation for the mid-2025 ruling. This verdict is expected to confirm Hungary's breach of Article 2 of the EU Treaties, potentially affecting Hungary's voting rights through Article 7 proceedings. The timing of the ruling will coincide with the Danish EU Presidency, and RECLAIM will leverage its long-standing engagement with the Danish government to amplify the ruling's impact.

In 2024, RECLAIM will establish an EU Law Helpdesk, building on the lessons learned from this campaign to support LGBTQI+ NGOs across Europe. The helpdesk will serve the EU members of United4Diversity, a network launched in 2023 with over 100 partners across Europe and the US; all united in the fight against the rising anti-gender movement and its impact on LGBTQI+ NGOs' operating space. The network is coordinated by our partners at Forbidden Colours, with RECLAIM providing legal support and JfP focusing on offline and online security.

FEATURED PUBLICATIONS

ESTIMATED TIMELINE

- 2020**: Court Registry publishes a list of applications regarding propaganda.
- 2021**: Member States and Parliament.
- 2022**: Court President.
- 2023**: Hungary's 2021 law.
- 2024**: Member State Report.

APPLICABLE TO HUNGARY

- The law is in breach of Article 2 of the Treaty on European Union (TEU).
- The law is in breach of Article 17 of the Charter of Fundamental Rights of the European Union (CFR).
- The law is in breach of Article 1 of the European Convention on Human Rights (ECHR).

LEGAL OBSERVATIONS

- The Court may decide to hold Hungary in breach of Article 2 of the Treaty on European Union (TEU).
- The Court may decide to hold Hungary in breach of Article 17 of the Charter of Fundamental Rights of the European Union (CFR).
- The Court may decide to hold Hungary in breach of Article 1 of the European Convention on Human Rights (ECHR).

EU vs VIKTOR ORBÁN's ANTI-LGBTIQ+ LAW

In June 2021, Hungary was the first country to import Romania's 2013 anti-LGBTIQ+ propaganda law into the European Union. The 2021 law is a direct response to the 2013 law, aimed at protecting LGBTQI+ people as parents, mothers, showing information seen as promoting homosexuality, and from receiving information in advertising, media, schools, workplaces and in family proceedings. In 2023, 18 Member States, the European Parliament and the European Commission joined forces to bring this law to the EU Court of Justice. A ruling is expected in 2024.

CONTENT OF THE LAW

Hungary's propaganda law is a structural law that bans access to content that is "manifestly and objectively discriminatory on the basis of sexual orientation or gender identity".

In practice:

- Ban on the broadcast of advertising, including television and radio.
- Ban on the display of advertising in public places.
- Ban on the publication of advertising in print media.
- Ban on the publication of advertising in electronic media.
- Ban on the publication of advertising in electronic media.
- Ban on the publication of advertising in electronic media.

Penalties:

- Media: Fines up to 10 million HUF.
- Advertisers: Fines up to 10 million HUF.
- Retailers (bookshops): Fines up to 10 million HUF.
- School staff & parents: Fines up to 10 million HUF.

LEGAL BRIEFING

HOW TO USE ARTICLE 2 TEU IN INFRINGEMENT PROCEDURES

RECLAIM

HEINRICH BÖLL STIFTUNG PRAGUE

The most supported human rights case in the history of the European Union: new hope for LGBTQI+ in Hungary?

Analysis

Since 2010, the Hungarian Government has been advocating for a conservative, restrictive notion of the family. In 2020, their anti-LGBTQI+ agenda rapidly started to repeat rights and benefits that had been available for decades.

This policy prevents the background developments and the administrative advocacy efforts of one Hungarian and two British-based NGOs that have grown into the single most supported human rights case in the history of the European Union so far.

The context and immediate impact of the so-called 'child protection' law in Hungary

The legal challenge of LGBTQI+ rights by the Hungarian Government in Hungary began with banning legal gender recognition in May 2020 (see below). It followed in the fall with the LGBTQI+ discriminatory provisions of the 2020 (2020) law, which only a revision – not a full-scale prohibition – was great as a step.

The North Amendment to the 2020 (2020) Law passed in November 2020 contained two provisions of particular concern to the LGBTQI+ community. First, it stated that children should be declared as "the mother or a woman, the father or a man". Second, Article 1(1)(c) was amended to include the following provision: "Hungary protects children's right to their identity in line with their birth sex, and their right to education according to their country's constitutional identity and system of values based on Christian culture".

These amendments, in particular, paved the way for a newly tailored, long-term attack on sexual and gender minorities. They led to the adoption of the so-called 'child protection' law in June 2021.

PROTECTING JUDGES AND THE RULE OF LAW

IN EUROPE

OUR
CONTRIBUTION
TO CHANGE

Today, several EU governments are undermining judicial independence, leaving citizens—particularly minorities—unable to effectively challenge corruption and violations of their fundamental rights.

RECLAIM is committed to ensuring that governments respect the independence of the judiciary and the impartiality of European judges, using the EU's most effective tool: its funding conditionality rules.

Throughout 2023, RECLAIM kept pressure on European institutions and Member States regarding Hungary's ongoing issues with judicial independence. We emphasized that Orbán's judicial reforms—implemented solely because the EU froze nearly €30 billion in funding the previous year due to serious rule of law concerns—were still insufficient to meet the conditions set by the European Commission to release the funds.

To this end, RECLAIM disseminated analyses and reports from its local partners to Member States' Ministries of Foreign Affairs and parliaments, highlighting the inadequacy of the reforms and calling for continued scrutiny. These concerns were also raised during advocacy visits to key EU capitals.

Despite these efforts, in December 2023, the European Commission unfroze €10 billion of the €30 billion withheld from Hungary, citing alleged improvements in judicial independence. This decision faced immediate criticism, with claims that it was driven largely by the need to prevent Prime Minister Orbán from vetoing key European Council decisions, particularly regarding Ukraine's EU accession talks and financial aid.

"The timing of this decision, one day before the European Council, was somehow suspicious in light of Prime Minister Orbán's threat to veto the support for Ukraine on the MFF revision unless European funds for Hungary were unblocked."

MONIKA HOHLMEIER
CHAIR OF THE COMMITTEE ON
BUDGETARY CONTROL, EPP

The Commission's decision appeared even more misguided the very next day when Orbán passed a turbocharged foreign agents law, creating the Sovereignty Protection Office—a body aimed at silencing those advocating on rule of law issues within the EU, particularly civil society and independent journalists.

While RECLAIM was deeply frustrated by this decision, it is undeniable that Hungary has made some concessions it would not have made without financial pressure from the EU. If this pressure continues, Hungary could be pushed to adopt more meaningful reforms—especially if the premature unfreezing of funds in 2023 is reversed or at least not repeated.

What's next? RECLAIM will focus on four key areas in 2024:

Fighting the Sovereign Protection Office:

We will work to shut down the Hungarian Sovereignty Protection Office, whose objective is to target civil society groups advocating for EU fund conditionality and rule of law reforms.

- **Holding the European Commission Accountable:** We will investigate whether the Commission respected the legal basis for unfreezing funds through freedom of information requests. We will also support the European Parliament in using its scrutiny powers—including the option to take the Commission to court.
- **Monitoring and Lobbying on the Rule of Law:** As Hungary approaches the two-year deadline to resolve the rule of law issues that led to the freezing of €6.3 billion, we will closely monitor for meaningful reforms. If these reforms do not materialize, we will intensively lobby Member States to maintain the freeze.
- **Expanding the use of conditionality rules to other countries:** Finally, we will apply the lessons learned from leveraging EU funding rules to other countries facing similar challenges, such as Slovakia, where the rule of law is expected to deteriorate following the recent parliamentary election.



TRANSPARENCY

OUR GOVERNANCE STRUCTURES

RECLAIM is committed to accountability in all aspects of our work. Our decision-making structures and procedures are detailed in our governance booklet, which you can download [here](#). If you are still curious about our inner works, you can also download our institutional policies



[RECLAIM's Accounting & Procurement Manual](#)



[RECLAIM's Staff Handbook and Code of Conduct](#)



[RECLAIM's Anti-Corruption policy](#)



[RECLAIM's Policy to Prevent Sexual Abuse and Harassment.](#)

ACCOUNTABILITY

We are accountable to all stakeholders, especially the populations we serve and our donors. Anyone who feels wronged can report a violation of Belgian laws or RECLAIM institutional policies through RECLAIM's online complaint handling mechanism - available [here](#).

submit a COMPLAINT

By submitting a complaint, you accept [RECLAIM's Privacy Note](#).

First Name *

What is your first name?

Last Name *

What is your last name?

Email *

What is your email address?

Phone *

What is your phone number?

Address *

What is your full address?

Continue

NEXT STEPS

ADVOCACY

In RECLAIM we believe that annual reports are not just about looking back, but also looking forward. This section outlines our strategy for continuing the good work done so far

In 2024, we will:

01 | Strengthen RECLAIM's Institutional Capacity

Despite chronic underfunding from 2020 to 2023, RECLAIM's outstanding impact with limited resources was finally recognized by two major donors. Thanks to their support, in 2024-2025, we will develop RECLAIM's administrative set-up to align with the needs of a growing and more complex organization, ensuring quality grant management for a diverse and expanding donor base. We will also enhance our media and communication capacity to ensure consistent internal and external communication, while consolidating our ability to monitor and report on trends in democracy and human rights backsliding across Europe and the EU responses. Finally, we will secure RECLAIM's financial sustainability by establishing long-term partnerships with two additional like-minded donors for 2026-2028.

02 | Set up a EU law helpdesk

In 2024, RECLAIM will set up an EU Law Helpdesk, a groundbreaking initiative designed to help European NGOs and civil society organizations confront authoritarian practices. The helpdesk will enable organizations to harness the full power of EU law, not only by helping them secure landmark rulings from the Court of Justice of the European Union but also by teaching them how to activate EU conditionality rules, making rights violations financially untenable for oppressive governments. Our Helpdesk will focus on high-impact cases addressing Europe's most urgent challenges, including restrictions on civic space, the rule of law, and LGBTIQ+ rights. Our legal support and expert advocacy guidance will be free of charge, ensuring that no EU government can violate rights without facing serious consequences.

OUR REVENUE

	2020	2021	2022	2023	Purpose
Open Society Foundations, NY	127,120 EUR				Civic space
Open Society Foundations, EU	0 EUR			57,672 EUR	RoL
DanChurchAid	32,601 EUR	0 EUR	5,128 EUR		Civic space
Henrich Boll Foundation	0 EUR		10,300 EUR		LGBT+
Porticus	0 EUR		35,000 EUR		Civic space
Individual Donors	1,150 EUR		19,000 EUR		Unrestricted
ACT Alliance EU	0 EUR		500EUR		Civic space
CCFD			4,000 EUR		Civic space
Pax Christi		250 EUR			Civic space
Brot fur Die Welt			7500 EUR		Civic space
UAF				6,000 USD	LGBT+

Grants are our main source of income. We are most grateful to all our donors for their financial support which is both generous and sustained.

ADVISORY COMMITTEE

PEOPLE BEHIND RECLAIM



SYLWIA
GREGORCZYK-
ABRAM



MORTEN
KJAERUM



SIMONE
SUSSKIND



SARIT MICHAELI



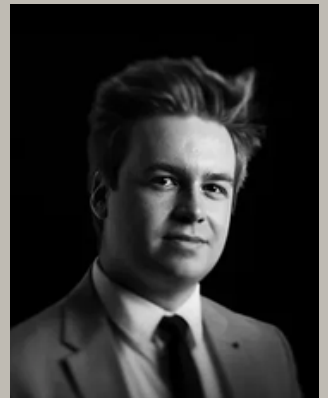
ESZTER
POLGÁRI



ALFIAZ
VAIYA



LAURENT
PECH



RÉMY
BONNY



Stand up to the bullies

DONATE.

If you believe human rights defenders intimidation has no place in Europe, show your support by donating to RECLAIM. With your support we can create better legal standards to protect everybody's rights.

reclaiming.eu/get-involved

