



# ANNUAL REPORT 2020-2022

RIGHTS  
DEMOCRACY

# RECLAIM

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Stopped the import of Putin's anti-LGTB laws into Europe

Secured 27.8 billion EUR worth of sanctions

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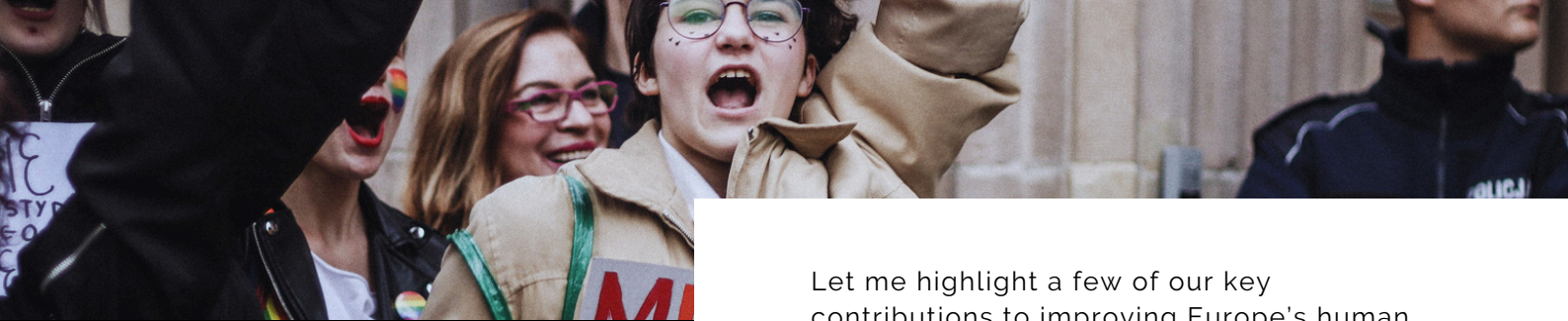
## **13** Advisory Board

### **Contact us**

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# FROM THE DIRECTOR

*Dear friends,*

When we agreed to set out RECLAIM as an activist project in 2020, never could we have imagined that in little more than two years, we would have overcome the many challenges in front of us and become one of the reference organizations in the field of human rights protection in the EU.

Let me take you back to the beginning.

When the COVID-19 crisis started, we were in our second week of operations.

Eliminating all physical meetings with decision-makers and journalists was hard. We knew that no amount of "engagement online" and "innovative storytelling" could replace the policy impact of building trust with decision-makers through personal interactions. Fundamentally, the Covid-19 pandemic put a lot of strain on the cohesion and connectedness of our newly established team and made fundraising on anything non-COVID-19 related incredibly difficult.

And yet, our talented team persisted - going the extra mile to comfort and learn from each other - whilst accomplishing great things.

Let me highlight a few of our key contributions to improving Europe's human rights track record since 2020.

- We have authored several legal opinions on unlawful restrictions in Poland and Hungary against human rights and LGBT+ activists - helping to bring about what it will likely become the largest human rights inter-state case in the history of the EU.
- We have monitored emerging tactics used to silence civic rights activism and ran workshops to protect NGOs from politically motivated audits, succeeding in reinstating funding to those affected.
- We have triggered a significant increase in EU and Denmark's engagement for the protection of European human rights defenders and rule of law, within the EU and in its own foreign policy.
- We showed that EU budget rules are the most effective EU mechanism to extract concessions from unwilling autocratic leaders and restore the rule of law, and secured 127.8 billions-worth of rule of sanctions against Orbán's Hungary

In the years ahead, we will continue to promote civil rights wherever we can most effectively do so. Whether this is in Member States parliaments, in Brussels through strategic litigation, or in the streets of Budapest.

No matter what lies ahead, thank you for supporting RECLAIM in this critical fight and throughout those turbulent times. Whether you are donating your time, money, connections or expertise, we could not have made it without you!

Esther Martinez (she/her)  
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 asks 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

<b>5</b> GENDER EQUALITY 	TARGET 16·3	TARGET 16·6	TARGET 16·10	TARGET 16·B	TARGET 5·6	TARGET 5·C
<b>16</b> 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

# OUR PROUDEST ACCOMPLISHMENTS

## STOPPED THE IMPORT OF PUTIN'S ANTI-LGBT LAWS INTO EUROPE

Hungary is the first country in Europe to have adopted an anti-propaganda law.

Passed in June 2021, the "Act on stricter actions against paedophile offenders", named to discredit LGBT as paedophiles, outlaws sharing information seen as promoting homosexuality with under-18s in advertising, media, schools, bookshops and in family interactions. The law was so vaguely worded that parents who would make such content available to their kids could lose their child custody.[1]

**<< RECLAIM has worked for two years to overturn the law with Hungarian and European activists. By facilitating their advocacy missions, we have helped them create alliances with the decision-makers in several EU capitals, and by providing training, tailor-made advice and legal research, we helped them exploit EU infringements and EU funding legislation to the fullest>>.**

The combination of high-impact lobbying, media work and legal research paid off.

Member States agreed to develop a strategic litigation strategy on LGBT rights – leaving the Commission no choice but to sue Hungary before the Court of Justice. We also worked with national parliaments to ensure that individual country governments join the proceedings as well.

**<< If the verbal and written reassurances we have received so far become true, we will have secured the largest human rights interstate case in the history of the EU >> .**

But we did not stop there. Building upon the court case and EU funding legislation, we secured the suspension of millions in cohesion funds to Hungary until it does not withdraw the law (this is different from the 12 billion suspended over graft and rule of law concerns, which we also secured this year).

**<< The EU's resolute reaction sets an important precedent. With similar rhetoric and draft bills emerging in other European countries, populist leaders will now be discouraged from pursuing similar legislation for fear of diplomatic isolation and multi-million financial sanctions >>**

Looking into 2023, we will continue to provide legal analysis and advocacy throughout the legal proceedings and advice for LGBT groups wanting to leverage EU funding legislation to push back against anti-LGBT draft bills.

Concretely, in 2023, we will build on this case to ensure that the draft laws in Romania, Croatia, and Poland never see the light of day.

[1] Advertisers breaching the law face up to EUR 1.21 million in fines, recidivist retailers the closure of their shops and media can lose their ability to broadcast. Teachers risked the termination of their contracts.

# OUR PROUDEST ACCOMPLISHMENTS

## SECURED 27.8 BILLION EUR IN RULE OF LAW SANCTIONS

The Hungarian government led by Orbán has subdued courts, media, NGOs, and academia, and violated refugees, LGBTIQ and women's rights during more than a decade in power, all the while using EU money to cement his power and sustain his cronies.

At the same time, the EU tried to pressure the government into course correction by relying on legal proceedings and the so-called Article 7 process – to no avail. Between 2010 and 2022, Hungary backslid from a full democracy to a "hybrid regime of electoral autocracy".

**<< RECLAIM has worked for three years to increase EU leverage to extract rule of law concessions from the government of Orbán. We did so by developing legal research to raise human rights advocates and EU decision-makers' awareness of the opportunities provided by the EU budget to foster Member States compliance with rule of law principles and by distributing our local partners' research exposing past, current, and potential misuse of EU funds in Hungary>>.**

By the end of 2022, the combination of strategic EU and national advocacy, legal research on EU budget rules and civic solidarity across borders paid-off and RECLAIM and its European and local allies convinced EU member states to condition 27.8 billion in EU subsidies to the successful restoration of judicial independence and the adoption of sweeping anti-corruption measures in Hungary.

**<<The decision has far-reaching consequences beyond and outside Hungary – and it is momentous in the history of the EU.**

**First, we showed that EU budget rules are the most effective EU mechanism to extract concessions from unwilling autocratic leaders and to restore the rule of law. More importantly, we showed that there is a political majority behind rule of law and that the EU budget conditionality rules can be used again – in a warning to other Member States' governments>>.**

Moving forward, RECLAIM will continue to develop specific legal positions and suggestions for the Commission on the nexus between EU funds and democracy till we see rule of law and the credibility of the EU to enforce human rights restored.

# SUPPORTING HUMAN RIGHTS DEFENDERS

## IN EUROPE

### OUR CONTRIBUTION TO CHANGE

The intimidation of civil society actors is a growing phenomenon in the EU. Practices such as depicting human rights defenders as "foreign agents" and subjecting local NGOs to fundraising restrictions that limit their ability to pursue their activities are becoming overwhelmingly widespread and systematic - particularly against groups that are critical of their governments' political action (or inaction) in the fields of migration, sexual and reproductive rights, anti-corruption and racial discrimination. At RECLAIM, we act to promote governments' acceptance of ideological contestation and to uphold their commitment to political pluralism and democracy.

RECLAIM has monitored emerging tactics used to silence civic rights activism and worked to find EU-law-based solutions to each of the tactics employed by illiberal governments. We have produced training materials on how to use EU law and infringement proceedings before the CJEU to protect NGO' rights and freedoms, and published several legal opinions to counter unlawful legal restrictions in Poland and Hungary. These materials will now inform our advocacy before several EU governments - which themselves can use our materials in their court pleadings. More information about this work can be found in the [rule of law section](#) of this report.

RECLAIM has also monitored and produced policy recommendations to European decision-makers on EU funding to European human rights defenders (CERV instrument) and worked to bring awareness (in the EU and at the local level) about the unintended consequences the enforcement of the conditionality regulation could have on civil society actor and its need for reform.

"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



RECLAIM also built upon the European Parliament's commitment to strengthen the protection of the non-profit sector by starting working on the formal recognition of European NGOs' right to hold a business bank account and tackle the growing de-risking issues faced by NGOs.

Last but not least, RECLAIM has helped to monitor and address the use of EU funding investigations by Member States as a tool of harassment, notably targeting Muslim-led NGOs. While Islamophobia and other form of racism are going mainstream through the continent, we will continue prioritising space for racial justice activists in Europe.

## FEATURED PUBLICATIONS

**POLICY BRIEF SERIES**

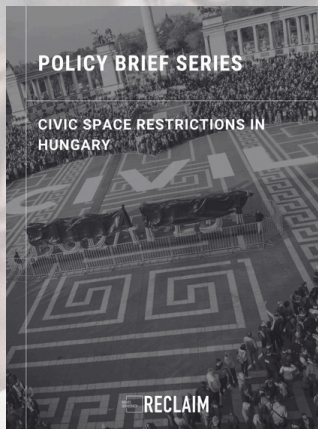
**CIVIC SPACE RESTRICTIONS IN EUROPE: TRENDS & SOLUTIONS**



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**POLICY BRIEF SERIES**

**CIVIC SPACE RESTRICTIONS IN HUNGARY**



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**LEGAL OPINION**

**HUNGARY'S 2021 ANTI-NGO LAW**



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**FACTSHEET**

**HOW TO USE EUROPE'S COURT OF JUSTICE TO PROTECT CIVIC SPACE & HUMAN RIGHTS**



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**POLICY BRIEF SERIES**

**HOMOPHOBIC POLICIES IN EUROPE: TRENDS & SOLUTIONS**



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**LEGAL OPINION**

**POLAND'S 2019-2022 LGBTQ+ FREEZONES**



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**LEGAL OPINION**


**HUNGARY'S 2021 GAY "PROPAGANDA" LAW**



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**FACTSHEET**

**EU FUNDING: WHAT'S NEXT FOR THE RIGHTS AND VALUES INSTRUMENT?**

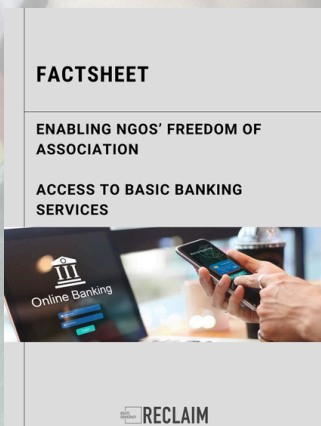


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**FACTSHEET**

**ENABLING NGOS' FREEDOM OF ASSOCIATION**

**ACCESS TO BASIC BANKING SERVICES**



RECLAIM

**FACTSHEET**

**THE IMPACT OF BANKS & NGOS' AML/CTF OBLIGATIONS ON CIVIC SPACE**



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**LGBTQ+ RIGHTS UNDER PRESSURE IN EUROPE**

**THE PROBLEM**

In the past few years, LGBTQI people and LGBT-led organisations have become the target of vicious attacks by populist governments and politicians across Europe. These are the strategies they are using to stigmatise LGBT+ people

**Adoption of homophobic and transphobic laws**

An increasing number of governments and far-right parties in Europe have passed or are trying to pass legislation that restricts LGBTQI+ people's rights and LGBTQI-led organisation's ability to operate

**In practice:**

- Bans on gender studies
- Criminalisation of inclusive sex education
- Restrictions on advertising and media content featuring LGBTQI people and families
- Restrictions on rainbow families' rights to marriage and adoption
- Restricting or banning legal gender recognition for trans, non-binary, and intersex people



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**CIVIC SPACE TRENDS IN THE EU**

**EU advocacy tools for human rights defenders**



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## SUPPORTING HUMAN RIGHTS DEFENDERS

### ABROAD

Since 9/11, most countries in the world have adopted counter-terrorism legislation that unintentionally has undermined NGOs ability to operate. More recently, however, the misuse of counter-terrorism measures to crack down on civil society has become intentional. As part of this discernible uptick, attempts to undermine the funding base of human rights groups and their ability to operate through the use of sophisticated transnational disinformation campaigns and complaints before international aid donors are also becoming more prominent.

### OUR CONTRIBUTION TO CHANGE

RECLAIM has supported Palestinian, Israeli and European civil society's ability to operate amid ever intensifying smear campaigns, lawfare and systematic attempts to weaponize donors' anti-fraud mechanisms. This includes among others:

RECLAIM developed an actionable handbook providing Palestinian and European NGOs targeted by defamation campaigns with a footprint for action to protect themselves and neutralize lawfare group attempts to weaponize donors' complaints handling and anti-fraud mechanisms. The legal analysis and related action tracks have been presented and discussed with Palestinian civil society, donors and the diplomatic community in the West Bank and Gaza and supported their ongoing pushback locally and with EU institutions. This contributed to the EU taking steps toward a more principled approach, including reversing an unjustified funding freeze.

"In some countries, counter-terrorism laws are routinely misused to label civil society actors, including human rights defenders, as terrorists and to prosecute them for terrorism-related offences, with a view to hindering their human rights work".

ANTÓNIO GUTERRES,  
UNITED NATIONS SECRETARY-GENERAL

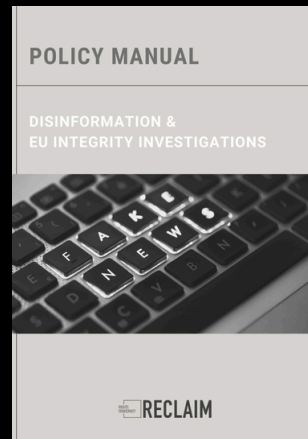
RECLAIM supported the work at Member States' level to avoid a chilling effect and unjustified defunding of six Palestinian civil society organizations in the wake of their terror-designation. This included engagements with targeted civil society, joint lobby and media work. Eventually all relevant donors continued support and collectively debunked unfounded Israeli accusations of terror affiliation.

RECLAIM, together with allies in Europe, secured EU's endorsement of an ambitious legal interpretation of the scope of EU counter-terrorism restrictive measures, in relation to the EU standard grant contracts (PRAG) – significantly safeguarding operational space for DG NEAR and DG DEVCO grantees. RECLAIM did so by providing legal guidance to the ELSC on relevant EU case-law and providing oversight for the development of a memo aimed building legal understanding that could be shared by the EU without negatively impacting operational reach of Palestinian NGOs.

RECLAIM further supported a number of European INGOs and local civil society with strategic advice on their engagement with institutional donors on principled approaches to counter-terror clauses and policies. This is backed by our Know Your Rights series and advocacy toolkits.

RECLAIM finalized and published policy research on the impact of compliance software with automated profiling solutions on human rights defenders and legal analysis of these companies' lack of regulatory compliance with EU law. Through this policy research, we also uncovered instances where FinTech compliance companies wrongly listed human rights defenders, journalists and grassroots activists as linked to terrorist groups based on smear and disinformation – resulting in their de-risking from the financial sector and a significant drop in the grants received from private philanthropy. We have also reviewed the standard contract terms of the leading FinTech market players that collectively mine and own most of the data used for counter-terror compliance and uncovered numerous loopholes that could be easily exploited to close space for civil society.

## FEATURED PUBLICATIONS





## PROTECTING JUDGES AND THE RULE OF LAW

## OUR CONTRIBUTION TO CHANGE

"A prerequisite for the EU to credibly fight for democracy and fundamental rights when they are put under pressure outside the world – for example in Belarus, Hong Kong and Venezuela – is that we also practice what we preach".

JEPPE KOFOD  
DK MINISTER OF FOREIGN AFFAIRS

Today several governments across Europe are undermining judicial independence - leaving citizens, and especially minorities, and NGOs and companies unable to challenge violations of their fundamental rights.

RECLAIM works to ensure governments refrain from interfering with the judiciary and the impartiality of European judges and for the EU to develop and enforce tools towards that end.

Since early 2020, RECLAIM has been engaging closely with Danish MPs across the political spectrum on threats to rule of law and related attacks on rights defenders in Hungary and Poland. In so doing, we have established connections between parliamentarians and civil society/judicial actors facing government-led smear campaigns, legal harassment, and other threats. Through these efforts, RECLAIM has succeeded in triggering a significant increase in parliamentary and governmental engagement on the matter. This includes:

In September 2020, at the initiative of the Conservative and Green parties, the European Affairs Committee in the Danish Parliament organised a first-of-its-kind Parliamentary Hearing on pressure on democracy and rule of law in Poland and Hungary. This was supported by RECLAIM – bringing in voices from the Hungarian Helsinki Committee, the Polish Campaign Against Homophobia, and the Polish Free Courts, while securing national media coverage of the event.

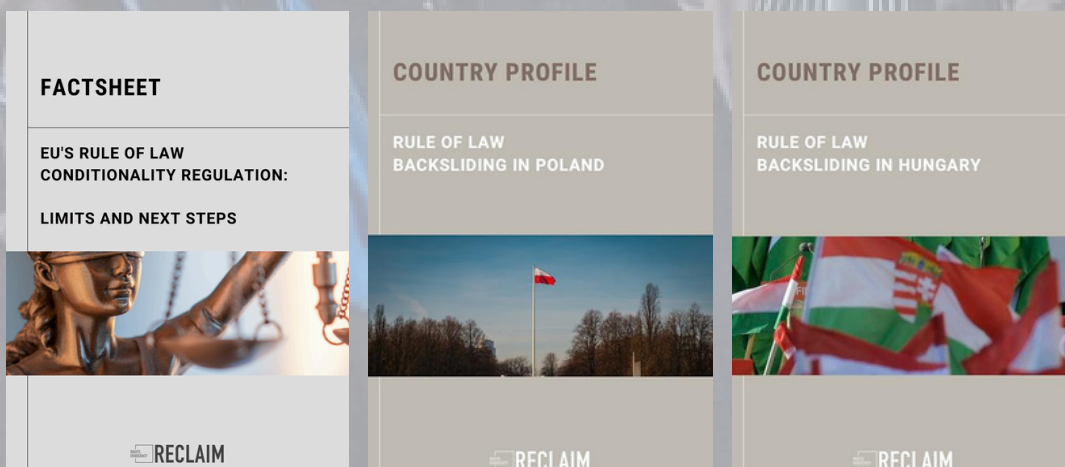
We followed up by facilitating bilateral engagement between parliamentarians and Judge Igor Tuleya to discuss specific parliamentary and governmental strategies for protecting him and other Polish judges seeing their immunity revoked in unconstitutional proceedings

Several parliamentary initiatives have since followed, including: a number of questions to the Minister of Foreign Affairs seeking increased diplomatic efforts in response to harassment of judges in Poland and illegitimate NGO-legislation in Hungary; intense closed-door dialogue between engaged parliamentarians and the Minister; and a cross-party parliamentary resolution requiring the Government to bring Poland before the Court of Justice of the EU for the creation of LGBTQ-Free Zones.

In response, the Government of Denmark has been engaging in an unprecedented manner in hearings before the Court of Justice of the EU, including on the disciplinary regime for Poland's judiciary.

The Danish Embassy in Poland has meanwhile assumed a coordinating role for LGBTQ rights issues amongst like-minded representatives in Warsaw, and the Minister of Foreign Affairs has been engaging with the Commission in discussions on the legal basis for opening up an infringement case regarding LGBTQ-Free zones.

## FEATURED PUBLICATIONS



# 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.

### 01 | Improving EU's legal environment for NGOs

The EU is considering adopting legislation on minimum standards for the non-profit sector and a European Statute for Associations. The initiative is not new: EU institutions already attempted to pass a similar proposal a few years back. In 2023, RECLAIM will work to strengthen the current proposal and gather the required political support to see it adopted.

### 02 | Protecting HRDs access to funds

The Rule of Law Conditionality Regulation is an important and much-needed tool to address Europe's rule of law crisis. Unfortunately, civil society organisations in Poland and Hungary are likely to be punished for their governments' rule of law transgressions. RECLAIM will help them react to, and find redress, for unexpected funding cuts and delays and will continue to monitor the implementation of the CERV with a view to making it more effective.

### 03 | Strategically litigating human rights

The European Court of Human Rights, based in Strasbourg, has traditionally been NGOs' preferred venue for litigating human rights violations. This means that Luxemburg CJEU's greater diplomatic cloud, sanctioning authority and potential to effectively redress human rights violations, remains untapped. In 2023, we will continue to provide training, legal support and advocacy assistance in EU law to NGOs and activists in cases that have the potential for breaking new ground and strengthen the exercise of the rights and freedoms in Europe

## OUR REVENUE

	2020	2021	2022	Purpose
Open Society Foundations, NY	127,120 EUR			Civic space
Open Society Foundations, EU	0 EUR		60,000 EUR	Civic space
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

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.

## FINANCIALS

Click here to download our financial reports



2020



2021

Visit us at [www.reclaiming.eu](http://www.reclaiming.eu)



# ADVISORY COMMITTEE

## PEOPLE BEHIND RECLAIM



SYLWIA  
GREGORCZYK-  
ABRAM



MORTEN  
KJAERUM



SIMONE  
SUSSKIND



SARIT MICHAELI



ALFIAZ  
VAIYA



LAURENT  
PECH



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# Stand up to the bullies

**DONATE.**

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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](https://reclaiming.eu/get-involved)

