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Resilience observatory on the rule
of law in EU accession candidates

RESILIO-ACCESS Snapshot Series

**Thriving Civil Society and Academic Freedom as
Subsidiary Resources for a Resilient Rule of Law
in EU Accession Candidates**

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1. Introduction

While Europe navigates a period of geopolitical transformation and rising illiberalism, the foundational principles of the EU's liberal democratic societies face challenges from within and from without.¹ In recent years, the rule of law has increasingly come under threat across Europe, both in current member states and aspiring ones, testing its resilience. According to the RESILIO-ACCESS model, resilience in this context refers to the capacity of the rule of law to prevent, cope with or recover from hazardous events or incremental threats without losing its core function, structure and purpose.² Thus, it is essential to better understand the mechanisms and resources of said resilience.

The RESILIO-ACCESS model distinguishes between primary and subsidiary resilience resources and identifies stressors to the rule of law. While primary resources refer to the systemic and procedural foundations of the rule of law itself, subsidiary resources reflect the social environment in which the rule of law is embedded. In this model, civil society and academic freedom act as subsidiary resilience resources, alongside unbiased media, public deliberation, citizens' democratic participation, and electoral democracy.

As key tools to uphold rule of law, civil society organisations and academic institutions are under mounting pressures in Europe. They increasingly face smear campaigns, funding cuts, growing administrative hurdles, and deteriorating relationships with governments.³ These

impediments not only hamper the institutional development of civil society organisations (CSOs) and narrow the space for civic engagement; they also limit their capacity to contribute to the democratic decision-making system. At the same time, academic institutions are facing similar challenges by nationalist-populist movements that reject pluralism, which are silencing critical or dissenting voices and redirect funding and support to organisations aligned with their causes.⁴

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However, the interconnectivity of these different resources of rule of law resilience makes CSOs and academia effective mechanisms for rule of law resilience. They foster civic participation, critical thinking, and healthy public debate by educating citizens. By collaborating in networks and projects, they amplify each other's potential as shields and catalysts of liberal democracy and rule of law resilience.

This Snapshot elaborates on how CSOs and academic freedoms act as subsidiary resources for rule of law resilience in accession candidate countries, guiding their paths to the EU. How do these mechanism work under growing pressure and governmental constraints in the accession region? Taking the current situation in Serbia, we will look

at the mechanisms of civil society and academic freedom for rule of law resilience in the context of the EU accession process.

2. Civil society and academic freedom as subsidiary resources for the resilience of the rule of law

An active citizenry and institutional trust are key indicators of a healthy democracy and rule of law.⁵ CSOs can increase accountability of the executive and provide legitimacy for the political system by contributing to the trust and civic engagement which democratic governance relies on.⁶ These organisations provide valuable input and can advise policymaking processes and public debate, monitor governmental activities, and act as watchdogs. They also form a bridge between decision-makers and citizens by improving public knowledge and awareness about the government's decision-making and activities.

In this sense, civil society acts as the catalyst between the different subsidiary resilience resources as well as a link between subsidiary and primary sources. CSOs conjoin the various rule of law resilience dimensions through their independent character, technical knowledge, familiarity with both the domestic and external socio-political reality, and the connections with both local and international stakeholders.

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Academic freedom is recognized as a positive right in Article 13 of the Charter of Fundamental Rights (CFR) in EU member states⁷ and has even been proposed as an autonomous human right by the Special Rapporteur on the right to education at the UN level.⁸ According to the Council of Europe, “academic freedom in research and in training should guarantee freedom of expression and of action, freedom to disseminate information and freedom to conduct research and distribute knowledge and truth without restriction”.⁹ This also includes institutional autonomy of universities. However, academic freedom extends beyond privileges of scholars. It has a broader societal impact in fostering critical thinking, shaping public debate, provid-

ing independent and evidence-based solutions for decision making, and promoting democratic education and pluralism of viewpoints.¹⁰ Thus, the Council of Europe has concluded that “[t]he right to academic freedom is essential to democratic society”.¹¹

In combination, civil society and academic freedom provide trustworthy information, promote civic education, and build resilience against discrimination and disinformation.¹² Together, they can be a shield for the rule of law when it is under threat by absorbing shocks, anticipating threats, and driving recovery. A thriving, effective, and enabling civic space empowers people to freely participate in matters of common good by stimulating their sense of agency.

In contrast, a restrictive civic space, where CSOs cannot freely and effectively provide accountability, monitoring, and influence, leads to the decline in active citizenry and in turn erodes trust in and legitimacy of public institutions. Currently civic space in and around Europe is shrinking while academic freedom is being restricted both within the EU as well as in accession countries.

3. The role of civil society in EU enlargement

The EU's strategic engagement with organised civil society stems from a long tradition developed in the late 1990s in preparation for the 2004 “Big Bang” enlargement.¹³ By 2007, the European Union formally identified civil society participation in the enlargement process as a policy priority.¹⁴ The establishment of the Civil Society Facility (CSF) followed in 2008, providing financial support to CSOs in EU aspirants.¹⁵

In 2014, the EU introduced its “Framework to Strengthen the Rule of Law”, opening stricter monitoring and regulation by the EU vis-à-vis the rule of law within the EU.¹⁶ However, the continued violations of the rule of law and democratic backsliding in Hungary and Poland have exposed gaps in this framework and accelerated dialogue on strengthening EU mechanisms. By 2020, the EU recognised civil society's role in monitoring, defending, and advocating democratic principles through the annual Rule of Law Report cycle,¹⁷ allowing for direct input from CSOs.¹⁸ Since 2024, the EU has also included specific accession candidates – Albania, Montenegro, North Macedonia, and Serbia – in the report. This not only opens

participation for CSOs in monitoring but also provides an opportunity to reflect on the enabling conditions for CSOs in these countries.

The EU expects and encourages cooperation between the government and the civic sector, but the involvement of civil society in the accession process is not formalised in the methodology. While this offers flexibility, it also leaves it up to governments to decide if and how to engage with CSOs in the process. This has led to repeated criticism by CSOs about the lack of transparency of the process. They have questioned whether there is a genuine governmental interest in participation or if they have been involved just to tick the box, so as to legitimise the process. On the EU side, from 2024 onwards, civil society from candidate countries is involved in the work of the European Economic and Social Committee (EESC) in an advisory capacity – the first exercise to integrate candidates in certain areas of the EU decision-making process ahead of full accession, in line with the “gradual integration” logic.¹⁹

4. Regional context: civil society in EU accession candidates

In the Western Balkans, the fight for democracy, rule of law, and good governance has been at the centre of civic mobilisation for decades. This has often gone hand in hand with other demands related to the environment and the use of public space, socio-economic issues and public services, or civil rights, among others. The 1990s saw the development of the civic sector in the Balkans with the emergence of anti-war and anti-regime movements. In the early 2000s and the 2010s, the number of non-governmental organisations (NGOs) in the region increased. As civic engagement grew, and the sector professionalised, they became more involved and influential in political life, blurring the boundaries between the civic and political sector.

Since the end of the Yugoslav dissolution wars, the prospect of EU membership has been a central element of the political environment of the Western Balkans. This offered more opportunities to domestic CSOs, whose agendas have become increasingly aligned with the EU norms and requirements.²⁰ Since promising European perspective to the Western Balkans in 2003,²¹ the EU has used the leverage of the membership prospect to bring about the democratic transformation and consolidation of the region. However, as enlargement lost momentum, especially after

Croatia’s accession in 2013, the insufficient and inconsistent application of EU conditionality alongside the support for regional leaders with questionable democratic credentials have contributed to the entrenchment of state capture in the region.²² This has led to the formation of “stabilitocracies”²³: governments promising to ensure peace and stability – even at the expense of rule of law.

Paradoxically, despite carrying part of the responsibility, member states have referred to democratic backsliding and rule of law shortcomings to justify delay of the enlargement process. The veto by France, Denmark and the Netherlands on starting accession negotiations with Albania and North Macedonia in 2019 led to a review of the enlargement methodology. The new document,²⁴ launched in 2020, foregrounded the rule of law even more in the accession process, conditioning the overall progress in the negotiations on the successful implementation of reforms in this area. Despite legal frameworks providing an enabling environment for civil society, the European Commission’s 2025 Enlargement Communication raised serious concerns about shrinking civic space. Moreover, the communication acknowledges that the adoption of restrictive laws in Georgia or coercive measures against protesters in Serbia have had a chilling effect on civil society.²⁵

Today, the civic sector faces common challenges across the accession countries. Relationships between the civic sector and governments have deteriorated in recent years, limiting civil society’s involvement in public dialogue and policymaking processes.²⁶ In fact, governments and government-affiliated media have blatantly been targeting activists, journalists, and students with smear campaigns, funding constraints and uncertainty, and increasing administrative hurdles.

For the accession path of the so-called “Association Trio” – Georgia, Moldova, and Ukraine – Russia’s invasion in Ukraine brought new geopolitical urgency. All three states applied for candidate status shortly after the full-scale invasion of Ukraine. However, it has proven challenging to navigate the geopolitical urgency with a merit-based process already facing immense pressure,²⁷ especially without formalised structures for CSO participation.²⁸

Challenges much like those in the Balkans can be observed for the Association Trio. Ukrainian CSOs face additional constraints due to war, funding gaps, and limited

public data. Even under these circumstances, Ukrainian citizens mobilised to overturn the contested anti-corruption reform reversal in July 2025. Civil society participation in these countries continues to depend largely on EU enlargement and neighbourhood frameworks. It remains largely top-down, unstructured, and underfunded, notably since cuts in US financial support. The situation is particularly worrying in Georgia, like in Serbia. In 2025, both countries were downgraded from “obstructed” to “repressed” (the second-worst category), due to the escalating governmental repression.²⁹ In Ukraine, like Bosnia and Herzegovina, the civic space continues to be “obstructed”, a category they share with EU members Hungary, Greece, Italy, France, and Germany.³⁰ In Albania, Kosovo, and North Macedonia, the civic space is “narrowed”.³¹

5. Civil society and academic freedom on the streets in Serbia

A particularly noteworthy example for the role of civil society and academic freedom for rule of law resilience is the case of Serbia. Since November 2024, a wave of student-led mass anti-governmental protests has swept Serbia, triggered by the deadly collapse of part of the roof of the Novi Sad train station. The mobilisations have illustrated the prominent role of civil society and academic freedom as a retaining wall against democratic backsliding and weakening of the rule of law. The protests are a testament to how the interaction between the different subsidiary resources is imperative for rule of law resilience.

Academia and students have been at the forefront of the movement. The protests started with faculty blockades, which have become the epicentre of the movement’s self-organisation. The protests have been led by autonomous groups of students without a formal structure or leadership. They have remained independent from political parties. This has allowed citizens of different political sensitivities to come together under the common demand for transparency and accountability.

The protests have been met with intensifying repression by the government, including intimidation, physical attacks, or smear campaigns. Those in power see CSOs and academic institutions as a threat and are making a “systematic attempt to silence critical voices and dismantle the independence of academic institutions”.³² Additionally, the government has introduced retaliatory regulations

that infringe upon university autonomy, including restricting the amount of time academic staff can spend on research activities and cutting funding.³³

Serbian CSOs are playing a key role as watchdogs, monitoring the developments on the streets, as well as the political and judicial responses. They have documented the authorities’ repressive reaction to the protests and other violations of the rule of law. The joint work by independent media, academics, and CSOs has been crucial. These established and reputable organisations are using their good connections in member states to bring the domestic demands into the international sphere and to put pressure on EU institutions to react to the rule of law breaches in Serbia. Initially, the EU was timid in its reaction to the socio-political situation and continued to engage with the Serbian government, but the escalation of the police violence and increasing democratic erosion has led to a shift of attitude in recent weeks.³⁴

6. Conclusion

Civil society organisations and academic freedom are critical subsidiary resources for rule of law resilience, operating as both shields and catalysts within the democratic system. Their capacity to absorb shocks, anticipate threats, and drive recovery, make them essential components of a resilient rule of law. CSOs and academic institutions act as watchdogs, bridges between citizens and decision-makers, awareness raisers, and providers of evidence-based research, which creates the conditions necessary for active citizenry, institutional trust, and democratic accountability. The interconnected nature of these resources amplifies their impact. Particularly in the enlargement countries, civil society acts as a junction between resilience dimensions, leveraging technical knowledge, domestic familiarity, and international connections which strengthen the entire rule of law system.

Shrinking civic space across both EU member states and EU accession candidates reveals the fragility of the rule of law, particularly when these subsidiary resources come under sustained attacks. Serbia’s ongoing protests illustrate these processes particularly well, highlighting both the resilience of Serbian civil society as well as the chilling effect of state oppression on civic space. When civic space becomes restricted through smear campaigns and administrative obstacles, the capacity for diagonal accountability

ity, monitoring, and public engagement declines, leading to weakened rule of law resilience. The Serbian case also illustrates the resilience potential of robust civil society networks: student-led movements, supported by established NGOs, independent media, and academic institutions have succeeded in mobilising citizens, documenting violations, and maintaining pressure for accountability despite severe restrictions. This underscores that the resilience capacity of the rule of law ultimately depends not only on formal institutions but on the vitality and autonomy of the subsidiary resources that support, monitor, and legitimise them.

“When civic space becomes restricted through smear campaigns and administrative obstacles, the capacity for diagonal accountability, monitoring, and public engagement declines, leading to weakened rule of law resilience.”

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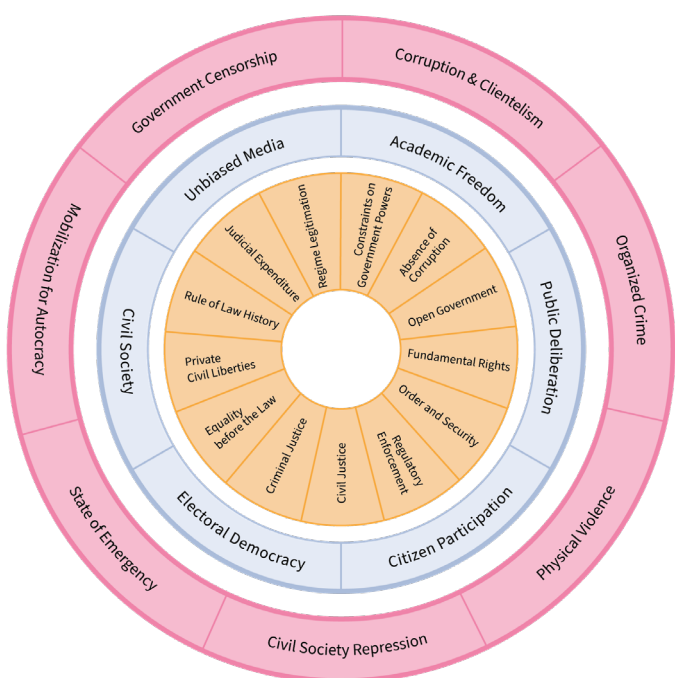
About the project

RESILIO-ACCESS investigates the resilience of the rule of law in the current (potential) candidate states for EU accession. The project explores how to measure the resilience of the rule of law and assesses the potential of the EU's enlargement policy toolbox to foster resilience in the region. Resilience here means the capacity of the rule of law to prevent, cope with or recover from hazardous events or incremental threats without losing its core function, structure and purpose.

About the paper

This paper is part of the **#RESILIO-ACCESS Snapshot Series**, a collection of compact analyses that explain ties between resilience resources of the rule of law identified by the RESILIO-ACCESS model.

RESILIENCE RESOURCES AND STRESSORS



The RESILIO-ACCESS model is based on three dimensions: The system of the rule of law itself provides primary resilience resources such as an effective judicial system, the protection of fundamental rights, and regulatory enforcement.

These resources are embedded into a social environment with subsidiary resilience resources such as civil society, academia, and the media.

However, these resources are constantly being challenged by threats such as autocracy, corruption, violence, or censorship. The characteristics of each dimension, their interactions and their conditions of resilience resources determine the overall resilience capacity of the rule of law.

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