

CIVIL SOCIETY ON THE FRONTLINE – 5 POINTS FOR EU ACTION

ANNUAL COLLOQUIUM ON FUNDAMENTAL RIGHTS, 26-27 November 2018

This colloquium comes at a key moment ahead of European Parliament elections and the start of a new Commission. We welcome that it addresses the role played by civil society in upholding democratic values. We urge the European Union (EU) institutions to further commit to key initiatives to secure the role of civil society organisations, human rights defenders and social movements in protecting and promoting human rights.¹

RECOGNISE AND SPEAK UP FOR CIVIL SOCIETY

The EU should uphold the role that civil society plays to defend and promote the values enshrined in Article 2 of the EU Treaty, which include, respect for human dignity, human rights, equality, democracy and the rule of law.

- The mandate of the new first vice-president in charge of rule of law and fundamental rights should include a specific objective to respect, protect and promote the role of civil society. The mandate should include a requirement to coordinate work across the Commission and ensure all EU leaders systematically engage with civil society.²
- All EU leaders should speak up to support the role of civil society and stand alongside targeted individuals and organisations.

SECURE AN ENABLING SPACE FOR CIVIL SOCIETY

Civil society organisations need a secure space to operate, free from attacks and without unnecessary or arbitrary restrictions, both in member states and at EU level.

- **Legal and Regulatory Environment:** Respect for freedom of expression, association and assembly should be part of all fundamental rights impact assessments for EU legislative proposals, and part of the continued monitoring by the European Commission of existing EU and national legislation.
- **Funding:** In the next Multi-Annual Financial Framework, the EU must ensure that resources are available for CSOs to: develop medium to long-term plans to promote fundamental rights and the rule of law, beyond specific time-bound EU related projects; sustain watchdog roles and respond to threats. This should include a dedicated budget line for national organisations working on Article 2 TEU, modalities adapted to the environment and specific emergency funding for human rights defenders at risk.³
- **Participation:** All EU institutions must review their terms of engagement with CSOs to avoid box-ticking, one-way and one-off consultations, and ensure that organisations can contribute in a timely and informed manner to EU policy making.⁴

MONITOR, DOCUMENT AND ANALYSE

Regular and comprehensive monitoring and analysis are crucial to understand the challenges faced by civil society across Europe.

- Documentation by civil society and the EU Agency for Fundamental Rights (FRA) on civic space should feed into a continuous assessment of how EU values are upheld. The mandate of the FRA should be reviewed to enable it to receive and investigate complaints, and carry out country specific assessments of member states when negative trends are identified.

¹ This includes professionals including, but not limited to, journalists, academics, social workers etc. working to promote and protect human rights.

² The current [mandate](#) does not include a reference to the role of civil society.

³ See [European Parliament Resolution for a European Values Instrument](#). Draft LIBE Report on the [Rights and Values Programme](#). For specific recommendations on funding including specific modalities see [HRDN](#) statement.

⁴ Article 11 of the TEU states that EU institutions 'shall by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action' and 'shall maintain an open, transparent and regular dialogue with representative associations and civil society'.

- The new Rule of Law Initiative of the Commission, announced for 2019, should extend the scope of the current Rule of Law Framework to address the abuse of fundamental rights and ensure coordinated action between the Council, Parliament and Commission to prevent and remedy violations of Article 2. This would be in-line with the proposal of the European Parliament, to promote an inter-institutional agreement to monitor member state compliance with Article 2 values.⁵

PROTECT CIVIL SOCIETY FROM ATTACKS

CSOs are experiencing a variety of attacks that take the form of intimidation, harassment, spurious allegations of wrongdoing, criminal prosecution and physical violence.

- The Commission should map the protection mechanisms available in EU member states, and at EU level, to protect human rights defenders and civil society organisations at risk.
- The Commission should work with CSOs to design a ‘Rapid Response System’ that can detect and act on the first signs of attacks against civil society, including a helpline, legal assistance and temporary relocation.⁶

TAKE LEGAL ACTION TO UPHOLD THE ROLE OF CSOs

Where laws in member states limit civic space, in violation of the Charter of Fundamental Rights, then the EU should take legal action and support CSOs to litigate at the national level.

- The Commission should develop guidance on freedom of association and assembly and how EU law can be used to protect civic space.
- Following potentially precedent-setting infringement proceedings against Hungary, the European Commission should continue to launch infringement proceedings, where there is a breach of EU law violating civic space and associated Charter rights. Consideration should be given to the use of expedited procedures and interim measures when there is a risk of irreparable harm.
- The EU institutions should ensure a more active and predictable role for civil society in ongoing infringement proceedings and ensure funding to CSOs to conduct strategic litigation at national and regional level, including action before the Court of Justice of the EU.

SIGNATORIES

AEDH - Association Européenne des Droits de L'Homme, ALDA European Association for Local Democracy, APADOR-CH - Romania, Center for Public Innovation - Romania, CIVICUS, Civil Liberties Union for Europe, Civil Society Development Foundation - Romania, Civil Society Europe, DAFNE - Donors and Foundations Networks in Europe, Estonian Human Rights Centre, European Alternatives, European Citizens Action Service, European Foundation Centre, End FGM European Network, European Center for Not-for-Profit Law, European Civic Forum, European Humanist Federation, European Partnership for Democracy, Fair Trials, FIDH - International Federation for Human Rights, Friends of the Earth Europe, Frontline Defenders, Greenpeace EU Unit, ILGA-Europe, Helsinki Foundation for Human Rights – Poland, Human Rights Without Frontiers, HRDN working group on EU internal human rights policy, Hungarian Helsinki Committee, International Commission of Jurists, International Planned Parenthood Federation European Network, IPPF European Network, Irish Council for Civil Liberties, JEF Europe - Young European Federalists, NENO - Estonian Network of Nonprofit Organisations, Netherlands Helsinki Committee, Open Estonia Foundation, Open Society European Policy Institute, Plan International, People in Need - Czech Republic, Reporters without Borders, SOLIDAR, SOLIDAR Foundation, Stefan Batory Foundation – Poland, Transparency International EU, Volonteuropé, WWF European Policy Office.

⁵ [Resolution of the European Parliament](#) of 14 November 2018 on the need for a comprehensive EU mechanism for the protection of democracy, the rule of law and fundamental rights.

⁶ This mirrors a proposal made in a [European Parliament resolution](#) on civic space in developing countries.