

The Defence of Democracy Package

Building a Resilient Democracy and a strong and vibrant civic space

Preliminary Proposals from Civil Society

October 2022

We welcome the inclusion within the EC 2023 Work Programme to “put forward a defence of democracy package to deepen the action under the European Democracy Action Plan to promote free and fair elections, to step up the fight against disinformation and to support media freedom and pluralism, **including by developing civic space and citizen participation to bolster democratic resilience from within**”.

The European Package on the Defence of Democracy should include a pillar on building a resilient democracy and a strong and vibrant space for civil society.

Civil society organisations, such as citizens’ associations, NGOs and public benefits foundations, and human rights defenders are instrumental to effective democratic participation and resilience, both at European and national level. Their role is key to building public spaces, upscale participatory democracy and channel citizens’ participation. CSOs also play a fundamental watchdog role when rights, democracy and the rule of law are under attack, including to protect from undue foreign influences and keep governments accountable. Civil society is recognised within the rule of law cycle and reports among the key checks and balances of the rule of law, next to the media. Media also needs civil society to ensure its independence and freedom.

Unfortunately, evidence from the field shows growing obstacles and attacks affecting civil society’s ability to act in full capacities and independence, as research and the findings of the European Commission rule of law report confirm. As a result of these attacks, European democracy is jeopardised.

As such, the core of any response to defend democracy in the EU must rely on and aim at strengthening the ability of civil society actors to act as democratic antibodies,

including by promoting civic education against disinformation and acting as watchdogs to enhance fundamental rights and the integrity of democratic processes in the EU from internal and external interference in democratic processes.

In tackling undue foreign interferences in our democracies as well as disinformation, we must ensure that civic space for associations and activists, their freedom of association, assembly and expression is preserved and also enhanced. Moreover all measures to prevent, detect and counter foreign interference as well as policy to counter money laundering and terrorism financing must be designed in a way that respects and promotes fundamental rights, is risk-based and proportionate. Particular attention must be paid for organisations that represent the interests of the most marginalised or underrepresented groups of society, including young people, older people, women, LGBTIQ+ people, people of ethnic minorities, people of color, people with disabilities, with special attention to the intersectional dimension.

We would suggest a few concrete measures that could part of this pillar:

1. Protection of civil society, democracy and rule of law

- **The mandate of Commission Vice Presidents responsible for Values, transparency and dialogue with civil society, Democracy and of the Commissioner for Justice should be further developed** to ensure a more structured dialogue with and a stronger political acknowledgement of the sector as well as regular and timely follow up to civil society warnings, including through the early warning mechanisms, public and diplomatic means at their disposal (communications, country missions, public statements, infringement procedures..), relevant new data and reports, in dialogue with civil society organisations.
- **The methodology of the annual rule of law report should be revised to include a standalone pillar on the enabling environment for civil society and human rights defenders.** The methodology for assessing civic space should be clear, transparent, co-created with civil society and building on benchmarking mechanisms already used by the Commission (e.g. in the accession countries or in the Eastern Partnership) and the work of the European Union Agency for Fundamental Rights. Such assessment should monitor the complaints received through the early warning mechanism and the responses by Member States. The European Commission should also monitor

instances of surveillance, harassment, prosecution and criminalisation against civil society and human rights defenders as part of the rule of law report.

- The deficiencies and obstacles to a free and vibrant civic space identified in the annual European rule of law and FRA's civic space reports should be addressed by **accompanying concrete country recommendations with specific targets**, also taking into account the potential over-implementation of European legislation by Member States (e.g. as regards anti-terrorism and money-laundering regulations) as well as European policies in relevant areas.
- **An early warning mechanism should be set up.** Such a mechanism could be based on the model of the [Council of Europe Platform for safety of journalists](#), the upcoming mechanism developed to support civil society in the External Action and the [UN Special Procedures](#). It would enable civil society organisations to submit complaints in a simple and non-bureaucratic manner on an ongoing basis on the developments on the ground linked with democracy, rule of law and civic space. The mechanism could require Member States to react publicly to complaints explaining measures adopted to address the complaints. A coordinator should be responsible for improving liaison and coherence among relevant mechanisms, tools and mandates within the European Commission, as well as with other EU institutions, EU agencies, Member States and international actors.

2. Empowering civil society to act as watchdog

- **Within the cabinet of Vice Presidents of the European Commission responsible for dialogue with civil society a contact person should be identified in charge of coordination with other DGs on files with potential impact on civil society**, such as the Social Economy Action Plan, policies on digitalisation and AI, taxation, counter-terrorism and anti-money laundering. Such a contact person should ensure the coherence of EU policies with the aim to support a thriving civic space, including through issuing assessments and reviews of the impact of EU policies on civil society.
- Following the European Commission work on the guidelines for the protection and safety of journalists and externally the EU Guidelines on Human Rights Defenders, comprehensive **Recommendations on the empowerment, engagement, support and protection of civil society actors and human**

rights defenders should be developed, in dialogue with civil society. Such recommendations should complement the European Commission work on SLAPPs to ensure that CSOs and HRDs are protected from all forms of judicial harassment, including criminalisation of human rights activities. The implementation of the guidelines should be monitored as above.

- The European Commission should promote **a preventive action programme for civil society and rights defenders** in the EU by providing capacity building actions, a helpline, core and emergency funding, legal assistance, protection of defenders, and, if needed, temporary relocation, both for individuals and organisations as a whole.
- **The European Commission should continue and conclude the ongoing legislative initiative** to develop a European Statute for civil society organisations as well as minimum standards for national legislation, taking comments and contributions by civil society into account.
- The capacities of civil society organisations to monitor the use of EU funds from abuse should be supported by **reserving a part of the Technical support instrument for NGOs**. The European Commission should also monitor actual participation of civil society both during programming and use of EU funds, and step up in case of deficiencies, or where consultation was just a “tick-box exercise”.
- The European Commission should ensure that **EU funds provided through shared management are accessible to civil society organisations** and that **open procedures are in place**.

3. Democratic engagement, participation and dialogue

- Public consultations and dialogue with civil society organisations, and forms of direct participation such as citizens assemblies and town hall meetings with citizens, should be considered complementary in view of strengthening European democracy. It is also important that these direct forms of participation are accessible for all citizens, and at the national and local level, notably through the establishment of ‘service points’ for persons without access to the internet, the development of transport arrangements to reach public and essential private services, as well as mobile units that bring these services in sparsely populated

areas and the establishment of councils that allow for participation in the immediate environment.

- Democracy cannot be taken for granted, it needs to be learnt and developed further by any generation. The cohort of young people and youth organisations all over Europe is facing the biggest difficulties in experiencing democratic self-efficacy, particularly being one of the social groups most vulnerable to periods of crises, where any decisions affecting their future are taken from an adult generation. At the same time youth face unprecedented economic, ecological and social challenges which are heavily conflicting with their future and democratic rights. The EU is asked to support and promote any measures that support young people in realising their democratic rights, participate meaningfully in society and safeguard youth civic spaces, including via the implementation of an **EU Youth Test**.
- Basic coordination structures (focal points) for civil dialogue should be developed within each DG of the European Commission, **formalising and structuring the involvement of CSOs on sectoral policy issues beyond online consultation along all phases of policy making**, including its implementation and evaluation phase.
- The European Union Agency for Fundamental Rights should advise **EU institutions to develop guidelines and mainstream consolidated practices of dialogue with civil society organisations** representing citizens which would complete the guidelines on consultation as part of the better regulation framework.
- **Civil society organisations representing citizens should systematically be invited to dialogue with all the major EU institutions on key horizontal issues** such as the preparation of the annual work programme of the EU, recovery packages, the preparation of a EU convention on the future of Europe, the EU budget and the design of EU programmes.
- More than twenty years after the White Paper on Governance, the European Commission should issue **a communication on Democratic governance and participation of civil society**, including criteria for participation in civil dialogue at EU level as well as proposals for direct democracy. This should be accompanied during the next trio Presidency (Sweden, Spain and Belgium) by

Council Recommendation on civil dialogue to specifically strengthen civil society space at Council level.

- **The access to documents both at EU and national level should be improved** so as to allow civil society organisations to contribute to decision making as well as perform their watchdog role. This includes also an EU consolidated open data register on the provision of EU funds through shared management.
- Systematically make approaches for co-design a requirement for funding research projects on matters that concern the most marginalised or underrepresented groups of the society; involvement must be genuine and more than a tick-box exercise
- The role of transnational civil society platforms towards EU programmes comprehends far from being just a beneficiary, but also a representative body of citizens and civil society organisations directly impacted by those programmes. As such, the European Commission and relevant DGs should involve regularly and in a structured manner representative civil society platforms in the co-design, implementation and review of relevant EU programmes, to ensure that their vision and needs are integrated from inception to evaluation.

4. Promotion of democratic education

- **The European Commission should invest in and mainstream quality citizenship education** both in formal and non-formal educational settings, including service-learning components, to complement the regulatory measures by equipping all citizens with particular attention to the most marginalised or underrepresented groups of society, with thorough awareness of the role of volunteers & civil society as well as their rights as citizens and critical thinking and media and digital literacy competencies. The design and implementation of the programmes should be done in close collaboration with civil society organisations. Access to independent and nonpartisan Education for Democratic Citizenship and Human Rights (EDC/HRE) needs to be ensured. Specifically in countries where civic and democratic spaces are shrinking, the organisations providing EDC/HRE need to be supported.

- The European Commission should issue **guidelines for Member States on the minimum standards and best practices of citizen education** on the national level based e.g. on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education, and monitor this as part of the above-mentioned reports.
- Within the review of the European Democracy Action Plan and the implementation of the Media and Audiovisual Action Plan, the Commission should pay attention to the role of civil society, in particular as regards EU cooperation among media regulators and self-regulatory bodies, support to greater media diversity as well as enhancing media literacy.

5. Safeguarding Elections & tackling disinformation

- **Address equality, inclusiveness, representativity and transparency of elections.** This includes the right to vote for all citizens, including persons with disabilities, prisoners, etc as well as the accessibility of elections and political campaigns and debates, transparency of political party and campaign finance, as well as issuing guidelines for elections in emergency contexts such as pandemics.
- **Develop election observation missions in the EU and support civil society organisations to carry their work within the observation missions,** as well as further review of elections and online campaigns towards elections.
- Require social media platforms to **open data for researchers, journalists and NGOs and to ensure content moderation to address disinformation and hate speech** towards civil society and activists.
- **Ensure that social media platforms do not create obstacles to legitimate, civil-society led campaigning online across the EU** on political topics, including before and during elections.
- **Support fact-checking civil society organisations with funding opportunities and official partnerships** for elections and beyond.



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