

The Democratic Society contribution to EU Rule of Law Discussion

We have chosen to address Points 1.2 and 2.1 together.

Point 1.2 - How can the EU best encourage key networks and civil society, as well as the private sector, to develop grassroots discussions on rule of law issues, including its economic dimension, and promote the standards underpinning the rule of law?

Point 2.1 How can the EU enhance its capacity to build a deeper and comparative knowledge base on the rule of law situation in Member States, to make dialogue more productive, and to allow potential problems be acknowledged at an early stage?

Europeans care about the future of democracy and are keen to strengthen its institutions. The rule of law is integral to a well-functioning democracy.^[1] It addresses the issue of how power is being exercised in a society, the underlying premise being that all individuals are accountable under the law. Especially now, the European Union (EU) needs to take measured and informed actions to strengthen the rule of law.

It is necessary to have a clear understanding of how to ensure a robust civil society in member states that can promote the rule of law, prevent violations, and ensure tailored responses in case of a violation.

Past experiences and experiments, such as the European Citizens' Consultations (ECCs), can inform the development of necessary steps to strengthen the rule of law in the Union. The ECCs were an experiment in improving the quality of democracy at the EU level by giving European citizens the possibility to express and exchange their opinions about the Union and its future. This project ran from April 2018 to May 2019.

To independently monitor and evaluate how the ECCs were organised in practice, the European Citizens' Consultations Civil Society Network was established. It has been working to build a sustainable network of civil society organisations that are involved or interested in the process across the EU. A key lesson of the ECCs is that the member states have stuck to the flexibility principle, e.g. on the agenda, timeline, and format which they all demanded in exchange for their participation. This freedom helped to ensure that all the member states felt comfortable enough to play an active and tailored role although it also gave rise to certain challenges. Ultimately, one important conclusion was that the unstructured and under-funded process which unfolded never stood a chance of generating a critical mass of activities to fix the EU's democratic dilemmas.

We believe that the ECC Civil Society Network can be an outline for the development of Civil Society Information Centres to strengthen the rule of law within the Union, touching upon the three pillars of better promotion, early prevention, and tailored responses. A key element of these Information Centres would be their local/regional component in member states funnelling into the work of the European Commission (EC).

Different funding options could be used as financial levers in this regard. A network of funders and founders with important actors, such as the Council of Europe, could be key in bringing emerging networks of civil society organisations to the table.

This could create a central/one-stop Information Centre of different civil society members for cases pertaining to the rule of law in respective member states. The Centre would provide an opportunity for stakeholders to align efforts for strengthening the rule of law. The funding of these Centres could in turn enable local organisations to provide a flagging mechanism against rule of law violations, informing the EC early on and enabling the EC's support in handling instances of violations.

In addition, it would be a means of supporting organisations in challenging settings to uphold the rule of law and ensuring local actors take measured and informed steps to make the enforcement of the rule of law more effective.

^[1]Pew Research Center, April 2019, “Many Across the Globe Are Dissatisfied With How Democracy Is Working”