

2022 REPORT BY THE EUROPEAN COMMISSION ON THE APPLICATION OF THE EU CHARTER OF FUNDAMENTAL RIGHTS: A THRIVING CIVIC SPACE FOR UPHOLDING FUNDAMENTAL RIGHTS IN THE EU

CONSULTATION OF EU MEMBER STATES¹

Civil society organisations (CSOs) and other rights defenders (National human rights institutions, equality bodies and ombuds institutions) are key actors for the enforcement of the EU Charter of Fundamental Rights. They play an important role in protecting rights under the Charter and promoting a culture of values, based on the rule of law, democracy and fundamental rights.

It is for these reasons that the European Commission decided to dedicate its 2022 annual report on the application of the EU Charter of fundamental rights to *A thriving civic space for upholding fundamental rights in the EU*.

To inform its work preparing the report, targeted consultations on this topic were undertaken during April 2022 by the European Commission and analysed by the EU Agency for Fundamental Rights (FRA) with the following key actors in the Charter's enforcement chain and in promoting an enabling environment for CSOs and rights defenders:

- Member States (contacted through the Council Working Party on Fundamental Rights, Citizens' Rights and Free Movement of Persons, FREMP);
- international organisations;
- the European networks of NHRIs (ENNHRI) and Equality bodies (EQUINET);
- umbrella organisations of European CSOs working in the area of fundamental rights;
- civil society organisations (consulted via the FRA Fundamental Rights Platform).

This report summarises the responses received by 22 EU Member States.² The contributions are available here: https://ec.europa.eu/info/publications/2022-charter-report-input-member-states_en

¹ This report was commissioned under contract by the European Union Agency for Fundamental Rights (FRA) to serve as background material for the European Commission's report on the application of the EU Charter. It is based on the information provided by stakeholders in the consultation. It does not reflect the views or official position of the Agency and cannot constitute legal advice or legal opinion.

² Belgium, Croatia, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

A) Introduction and context

The present report summarises the responses provided by 22 EU Member States, reflecting their views regarding the role of CSOs and rights defenders (HRDs) in ensuring the effective implementation of the Charter at national level. The responses also throw light on Member States' own contribution to protecting, supporting and empowering CSOs and HRDs in that regard. The reported activities do not necessarily explicitly refer to and promote the Charter, but all are of key relevance to the rights and principles enshrined in the Charter.

B) The role of CSOs and rights defenders in ensuring the effective implementation of the Charter at national level

B.1.) The role of civil society

The Member States overall referred in their responses to the crucial role that CSOs play in a democratic society and in ensuring the effective implementation on the ground of fundamental rights enshrined in the Charter. Based on the responses received, five clusters of Charter relevant activities carried out by NGOs can be identified:

- information, awareness-raising, educational and training campaigns;
- protection and promotion of fundamental rights of certain groups of individuals, including of persons in vulnerable situations;
- legal action to challenge the lawfulness of legislation, state policies and practices;
- co-shaping of policy and legislative proposals;
- contribution to fundamental rights monitoring procedures before national and international human rights monitoring bodies.

The following section provides for each of these five clusters examples of how CSOs contribute in the EU Member States (CSOs do not necessarily perform the entirety of the functions and tasks mentioned, but rather specialise in one area or in certain types of tasks).

1. CSOs undertake information, awareness-raising, educational and training campaigns in order to disseminate the content of the Charter and raise public awareness regarding current fundamental rights issues.

The Dutch section of the International Commission of Jurists organised a seminar on the added value of the Charter in legal practice in the Netherlands in 2019, after the Charter's ten-year anniversary.³ Sweden referred to CSOs raising awareness on trafficking in human beings.⁴ In this regard, it mentioned that the CSO RealStars received state funds to carry out a project named 'Business free from trafficking' in 2019. The project fights men's violence against women linked to prostitution and trafficking in human beings through various activities. These include the creation of a label for massage parlours, the production of an educational film aimed at the parlours, updating material aimed at the tourism industry and efforts to inform and educate actors in the sector, as well as a study

³ Consultation Report by the Netherlands, page 1,

⁴ Consultation Report by Sweden, page 1

regarding large companies. Also, the project produces informational material to prepare for risk analyses and development of policy within large companies.⁵

2. CSOs work on the protection and promotion of fundamental rights of certain groups of individuals, including of persons in vulnerable situations.

The examples provided in Member State responses concern primarily counselling, legal advice and advocacy, as well as **support to individuals whose rights have been violated**. For instance, CSOs in Denmark support persons with a disability and in a marginalised situation.⁶ In Sweden, non-profit women's shelters offer accommodation and rehabilitation for women victims of trafficking in human beings, for instance, while other CSOs support asylum seekers and individuals with discrimination claims or advocate for the rights of the child and workers' rights.⁷ Spain highlighted the work of CSOs in protecting victims of various types of violence, such as women victims of gender-based violence or minor victims.⁸ The response by Hungary referred to the capacity of CSOs under domestic law to represent individuals in legal proceedings whose right to equal treatment has been violated.⁹ Spain highlighted that women's organisations participate in the Women's Participation Council in defence of the principle of equality and non-discrimination¹⁰, CSOs in the field of protection of persons with disabilities participate in the National Council on Disability¹¹ and those in the field of equal treatment and fight against racism and xenophobia take part in the Council for the Promotion of Equal Treatment and Non-Discrimination of Persons on the Basis of Racial or Ethnic Origin.¹²

Germany highlighted the work of selected CSOs, some of which state funded, on a variety of areas, including the protection of women who have experienced violence, women with disabilities, survivors of trafficking in human beings, children, women and other persons in vulnerable situations living in refugee accommodation centres, the support of migrant workers from other EU Member States, particularly from Central and Eastern European countries, as well as the promotion of women's health and employment, including by increasing sensitivity among women living in rural areas to career opportunities.¹³ Romania referred to a project in the field of gender equality, called 'Women during and after coronavirus: Information, Research and Advocacy for Gender Equality', which includes research on relevant issues such as access to information, impact on labour and livelihoods, domestic care and work, access to health services, domestic violence and provides examples of good practice.¹⁴ Moreover, in the field of child protection, Romania mentioned a CSO providing rehabilitation services for

⁵ Ibid, pages 1, 2

⁶ Consultation Report by Denmark, page 1

⁷ Consultation Report by Sweden, page 2

⁸ Consultation Report by Spain, page 1

⁹ Consultation Report by Hungary, page 2

¹⁰ [Women's Participation Council](#)

¹¹ [National Council on Disability](#)

¹² Consultation Report by Spain, pages 1, 2, [Council for the Promotion of Equal Treatment and Non-Discrimination of Persons on the Basis of Racial or Ethnic Origin](#)

¹³ Consultation Report by Germany, pages 1 - 4

¹⁴ Consultation Report by Romania, page 1

children with disabilities as well as 'ORA de Net', an online safety program promoting internet safety for children and adolescents.¹⁵

A few Member States emphasised the positive contribution provided by CSOs during the Covid-19 pandemic. Poland highlighted how 15.8% of CSOs undertook additional activities to better assist their beneficiaries during the pandemic. The main activities performed by these CSOs were social and humanitarian aid (32.4%), law and human rights protection (21.8%) and support to NGOs, institutions and civic initiatives.¹⁶ Similarly, Portugal stressed how CSOs and rights defenders disseminated information on vaccinations to difficult-to-reach communities. This eventually resulted in 600,000 foreign citizens being vaccinated, regardless of their migration status.¹⁷ On the other hand, the adverse impact of the pandemic on the activities of CSOs is reflected as well in the answers to the consultation. In its response, Poland underlined how Covid-19 had a negative effect on the work of 71000 thousand non-profit organizations (74.9% of the total).¹⁸

3. CSOs engage in legal action to challenge the lawfulness of legislation, state policies and practices.

For instance, the response by the Netherlands mentioned the initiation of court proceedings by a coalition of CSOs and private individuals to challenge the lawfulness of a legal instrument used by the Dutch government to detect various forms of fraud, including social benefits, allowances, and taxes fraud (SyRI), a claim based on an alleged violation of Articles 7 and 8 of the Charter.¹⁹ Legal action was also taken by Urgenda, a CSO which claimed, based on Articles 2 and 8 of the ECHR, that the Dutch State needed to take further measures to reduce greenhouse gas emissions.²⁰

4. Some CSOs contribute to the shaping of policy and legislative proposals through, among others, the submission of comments and recommendations, advocacy and the use of social media.

For instance, the Belgian Secretary of State for Equal Opportunities and the administration in charge of the equal opportunities policy may carry out consultations with CSOs in the framework of the elaboration of the equal opportunities policy, notably the thematic action plans or for awareness and information campaigns.²¹ Lithuania mentioned that the Lithuanian Disability Forum, the largest Lithuanian organisation representing the interests of various disability groups, aims at making a combined effort to influence disability policies and ensure that such policies and their implementation are in line with international human rights standards.²² Moreover, the response by Spain referred

¹⁵ Ibid pages 1-2

¹⁶ Consultation Report by Poland, page 1-2

¹⁷ Consultation Report by Portugal, page 5

¹⁸ Consultation Report by Poland, page 1-2

¹⁹ Consultation Report by the Netherlands, page 1: District Court of the Hague, 5 February 2020, ECLI:NL:RBDHA:2020:865, para. 5.1.

²⁰ Consultation Report by the Netherlands, page 1: Dutch Supreme Court, 20 December 2019, ECLI:NL:HR:2019:2007.

²¹ Consultation Report by Belgium, page 1

²² Consultation Report by Lithuania, page 2

to the contribution of CSOs to the implementation of the 2030 Agenda – A European Union committed to sustainable development globally and in Open Government Plans to promote transparency and accountability, participation and public integrity and collaboration with society.²³

In this regard, several Member States stressed that **CSOs participate in various advisory bodies and consultative councils** established by the government where they are tasked with contributing to the development and implementation of policies and legislative proposals from a human rights perspective. A relevant example from Croatia concerns the contribution of CSOs to the Civil Society Development Council and to the Council for Human Rights, recently established by the Croatian Government, as well as to expert working groups charged with drafting national policy documents.²⁴ Another example cited by Spain concerns the contribution of CSOs to the shaping of educational policies through their participation in the State School Council.²⁵

In Belgium, civil society representatives participate in the Brussels Council for the Disabled and the Brussels Council for Equality between Men and Women, both of which can be requested to provide opinions on legislative proposals.²⁶ In Lithuania, representatives of CSOs are included in the National Development Cooperation Commission, led by the Ministry of Foreign Affairs and aiming at ensuring the coherence of the development cooperation policy of the Republic of Lithuania.²⁷ In France, CSOs are represented in the 'Commission nationale consultative des Droits de l' Homme' (CNCDH), which consults and submits annual reports to the Government on matters, among others, of combatting racism, xenophobia and anti-Semitism, THB and hatred against LGBT individuals.²⁸ Greece mentioned that CSOs engage in institutionalised collaborations with the government / inter-institutional bodies, such as through the participation of CSOs' representatives in the National Council against Racism and Intolerance, as well as through a stable cooperation of certified CSOs with the Office of the National Rapporteur for human trafficking related issues, where they contribute, among others, to data collection as well as the identification and assistance of potential victims.²⁹

²³ Consultation Report by Spain, page 2; [2030 Agenda – A European Union committed to sustainable development globally](#)

²⁴ Consultation Report by Croatia, pages 1, 3

²⁵ Consultation Report by Spain, page 1; [State School Council](#)

²⁶ Consultation Report by Belgium, page 1

²⁷ Consultation Report by Lithuania, page 2

²⁸ Consultation Report by France, pages 2, 3

²⁹ Consultation Report by Greece, page 1

5. CSOs may contribute to fundamental rights monitoring procedures before national and international human rights monitoring bodies.

Germany mentioned that in the preliminary stages of the consideration of the seventh report of Germany at the Human Rights Committee's 133rd session in October 2021, the relevant CSOs were invited to a dialogue.³⁰ Lithuania noted that its membership to the United Nations Human Rights Council (UN HRC) is based on a close dialogue with CSOs, whereby the Government is actively working with CSOs on various human rights issues and, thus, enables them to actively engage in the work of the Council.³¹ Ireland referred to CSOs having an official role in the oversight of the implementation of national equality strategies on migration, gender equality, traveller and Roma rights, LGBTIQ inclusion and rights of persons with disabilities.³² Hungary highlighted CSOs' involvement in international human rights procedures, primarily within the framework of the Thematic Working Groups of the Human Rights Roundtable.³³ Accordingly, in the context of Hungary's Universal Periodic Review (UPR) of the UN HRC, in April and May 2021, five Thematic Working Groups³⁴ met to discuss the recommendations of the UPR, and the members of the Thematic Working Groups also had the opportunity to submit written comments.³⁵ Additionally, in the context of the preparation of Hungary's report on the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), the Thematic Working Group Responsible for Rights of Persons Living with Disabilities, on initiative by CSOs, held a series of meetings in 2017 and 2018 and adopted a package of proposals based on the suggestions of CSOs.³⁶ Hungary also referred to CSOs' contribution at national level, namely through a Civil Consultative Body which assists to the tasks performed by the Commissioner for Fundamental Rights in particular in the context of the treatment of persons deprived of their liberty (National Preventive Mechanism, pursuant to Article 3 of the Optional Protocol of the Convention against Torture and other Inhuman or Degrading Treatment or Punishment) .³⁷

Furthermore, some Member States stressed that, in general, CSOs are active in almost all fundamental rights areas and issues, while Slovakia and Spain highlighted, as aforementioned, that CSO specialise in specific areas.³⁸ In this regard, some Member States stated that CSOs mostly contribute to the areas of social and labour rights, non-discrimination and equality, including gender equality, the prevention of xenophobia and racism, and environmental protection, as well as to the protection of the rights of certain groups such as women and workers and to the rights of persons in vulnerable situations, such as asylum seekers, LGBTIQ+ individuals, including matters of equality related to family law

³⁰ Consultation Report by Germany, page 1, where the following participating CSOs are mentioned: Amnesty International, German Institute for Human Rights (DIMR), German Network against trafficking in human beings (KOK e.V.), German Association of migrant women organizations (DaMigra), German Association of trans-people (Bundesverband Trans).

³¹ Consultation Report by Lithuania, page 1

³² Consultation Report by Ireland, page 1

³³ Consultation Report by Hungary, page 1. For more details on the Human Rights Roundtable, see further below in this report, under section 'E'.

³⁴ Thematic Working Group Responsible for Roma Affairs; Thematic Working Group Responsible for LGBT Rights; Thematic Working Group Responsible for Other Civil and Political Rights; Thematic Working Group Responsible for National Minority Affairs; Thematic Working Group Responsible for the Rights of Persons Living With Disabilities

³⁵ Consultation Report by Hungary, page 1

³⁶ Ibid

³⁷ Ibid, pages 1, 2

³⁸ Consultation Report by Slovakia, page 1 ; Consultation Report by Spain, page 1

such as marriage and adoption, survivors of trafficking in human beings, children and young persons, elderly persons, persons belonging to religious and ethnic minorities and persons with disabilities.³⁹

It is worth noting that, according to the response by Finland, **CSOs do not focus on the Charter per se due to the limited resources** at their disposal as well as due to the complexity arising from the limited scope of application of the Charter.⁴⁰ Against this background, CSOs appear to find it simpler to focus on international human rights treaties or the Constitution – especially as the resources are scarce, albeit some of the rights enshrined in these legal instruments overlap with the Charter rights.⁴¹ The Netherlands mentioned that CSOs and HRDs do not tend to focus on a specific source of a fundamental right, but refer rather generally to the Charter, the ECHR or the Dutch Constitution.⁴² Furthermore, the response by Slovakia highlighted that, according to its constitution, the Charter and international human rights treaties are an integral part of its legal order, hierarchically positioned above national statutes. Given the significant overlap between these different legal sources, the Slovak Republic does not collect data specifically on the use of the Charter as such.⁴³

B.2.) NHRIs, Equality bodies, Ombuds-institutions and other rights defenders

Regarding the contribution of rights defenders, including NHRIs, Equality bodies and Ombuds-institutions, several of the Member States referred primarily to the work of the Ombuds-institutions, which, in certain Member States, assume also the functions of NHRIs⁴⁴ and Equality Bodies.⁴⁵ It should also be mentioned that the mandates of these three bodies can overlap, and some of them have been explicitly mandated under EU law. Accordingly, most of the responses mentioned that the **Ombuds-institutions** consist of several specialised offices, including for gender equality, non-discrimination, rights of the child and persons with disabilities, freedom of the press and freedom of expression, while also functioning in certain cases as the National Preventive Mechanism as per the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

Furthermore, the Member States referred to the Ombuds-institutions' mandate in analysing and monitoring the work of public authorities and ensuring compliance of administrations' actions with the rights of the Charter. Amongst others, Ombuds-institutions

- engage in consultative processes in the context of legislative and policy making procedures,
- examine complaints,

³⁹ Consultation Report by Spain, page 2; Consultation Report by Sweden, page 2 ; Consultation Report by the Netherlands, page 1 ; Consultation Report by Lithuania, page 2 ; Consultation Report by Romania, page 1 ; Consultation Report by France, page 2

⁴⁰ Consultation Report by Finland, page 1

⁴¹ Ibid

⁴² Consultation Report by the Netherlands, page 1

⁴³ Consultation Report by Slovakia, page 1

⁴⁴ Consultation Reports by Lithuania (page 4); Consultation Report by Spain, page 2

⁴⁵ Consultation Report by Belgium, page 1, referring to the Unia and the Gender Chamber of the Flemish Ombudsman Service, designated as independent equality bodies for Flemish competences ; Consultation Report by the Czech Republic, page 3

- provide opinions and recommendations to the authorities,
- provide advice to victims,
- conduct analyses and research on various fundamental rights issues,
- support capacity building for public authorities and
- raise awareness of the public on their rights.

1. NHRIs, Equality bodies, Ombuds-institutions and other rights defenders engage in consultative processes in the context of legislative and policy making procedures.

The Netherlands mentioned that the Netherlands Institute for Human Rights, amongst others, gives advice to the government on legislative proposals, and may refer to the Charter in its opinions. For example, with regard to an amendment of the Dutch pension system, it advised the Dutch government to pay specific attention to the applicable fundamental rights norms, including those of Articles 21 and 23 of the Charter. In its opinion, it concluded that the amendment has adverse effects in particular for young employees who are temporarily unemployed or work on a part-time basis, a situation that further leads to the indirect discrimination of women.⁴⁶ Slovenia referred to the capacity of the Ombudsman to initiate legal procedures for the review of the constitutionality or legality of regulations and to file constitutional complaints concerning violations of fundamental rights in individual cases.⁴⁷ Additionally, it stressed that, when communicating with the complainants and authorities, the Ombudsman also highlights as much as possible the rights enshrined in the Charter and refers to the relevant jurisprudence of the Court of Justice of the European Union.⁴⁸ Romania highlighted the work of the Ombudsman during the pandemic, who, besides raising objections of unconstitutionality on a regular basis, issued a recommendation entitled 'The observance of human rights and the exceptional measures ordered during the period of the state of emergency and the state of alert'.⁴⁹ Poland mentioned that, although the Commissioner for Human Rights (Ombudsman) receives few complaints in which citizens refer to the Charter, the Charter constitutes an important element of the statements, conclusions and reports submitted by the Commissioner and is often invoked by the Commissioner in judicial proceedings.⁵⁰

The response by Croatia highlighted specific examples of the Ombudsman's activities aimed directly at ensuring the effective implementation of the Charter at the national level, such as training sessions for public servants, focusing on awareness-raising on the Charter and the obligations arising from it. The areas of implementation among public servants included: in legislative procedures, training sessions for civil society members, focusing on the potential for the use of the Charter in public campaigns, advocacy activities, and in supporting the human rights violations' victims (with a special focus on strategic litigation), and training sessions for Croatian judges on Charter implementation. Furthermore, the Ombudsman's Office cites relevant articles of the Charter in annual reports submitted to the Croatian Parliament, thus contributing to raising awareness on a large scale and among a wide variety of stakeholders, including not only the

⁴⁶ Consultation Report by the Netherlands, page 2

⁴⁷ Consultation Report by Slovenia, page 2

⁴⁸ Ibid

⁴⁹ Consultation Report by Romania, page 2

⁵⁰ Consultation Report by Poland, pages 2, 3

national parliament and the national authorities but also the public administration, the judiciary, the civil society, the media as well as the public.⁵¹

Moreover, a few Member States referred to the specific Charter rights which are relevant to the Ombuds-institutions' work. For instance, the response by Belgium mentioned that the federal Ombudsman made explicit reference to various Charter articles in specific files. For instance, in a report following an investigation on closed detention centres for asylum seekers and other categories of foreigners (2009) where particular reference was made to Articles 7 (respect of private and family life) and 24 (the rights of the child) concerning the material reception conditions in the centres.⁵² Additionally, in 2022, the Federal Ombudsman referred to the Charter in his recommendation concerning the status of parents of children recognized as refugees, under Article 24 (3) of the Charter.⁵³

2. NHRIs, among others, monitor and report on how fundamental rights are respected and realised within the respective Member State, investigate fundamental rights violations, undertake and promote educational, training and awareness raising activities and conduct research on fundamental rights related issues. For instance, the Swedish Institute for Human Rights hands in an annual report to the government on its observations regarding the development in the field of human rights during the previous year.⁵⁴ Additionally, the response by Finland mentioned that the Finnish Human Rights Centre provided an online training on the content of the Charter.⁵⁵ Germany stated that the German Institute for Human Rights carries out research and information work on human rights issues, including the fundamental rights enshrined in the Charter and submits an annual report to the German Bundestag on the development of the human rights situation in Germany.⁵⁶ Additionally, the Institute is part of the FRANET research network and as such a contractor of the European Union Agency for Fundamental Rights (FRA) and produces reports on the human rights situation in Germany on its behalf, advises political actors and institutions in the field of human rights education and works to anchor human rights education more firmly in school laws, curricula and education plans.⁵⁷ The response by Romania referred to programs on human rights education in schools by the Romanian Institute for Human Rights, in cooperation with the Ministry of Education.⁵⁸

Lithuania noted that the Seimas Ombudsman's Office (NHRI) has carried out, since 2017, when the NHRI mandate was received, various investigations related to the rights of persons with disabilities, assistance to victims of domestic violence, provision of psychological services to persons in social care institutions and physical abuse by law enforcement officials, while, since 2014, the Seimas Ombudsman has been carrying out the national prevention of torture by regularly visiting places of detention.⁵⁹

⁵¹ Consultation Report by Croatia, page 2

⁵² Consultation Report by Belgium, pages 2, 3

⁵³ Ibid, page 3

⁵⁴ Consultation Report by Sweden, pages 4, 5

⁵⁵ Consultation Report by Finland, page 1

⁵⁶ Consultation Report by Germany, page 4

⁵⁷ Ibid, page 5

⁵⁸ Consultation Report by Romania, page 2

⁵⁹ Consultation Report by Lithuania, page 4

3. Equality Bodies have explicit mandates under EU equality legislation. They provide assistance to victims of discrimination, monitor how equal treatment and non-discrimination provisions are implemented, make recommendations to the public authorities and undertake awareness raising activities.

For instance, the response by Slovenia mentioned that the Advocate of the Principle of Equality, functioning as the national Equality Body, cited the Charter as the basis for its recommendation to abolish the deprivation of the right to vote at the local elections. The same body raised doubts about the compliance of the draft of the Intervention Measures Act aimed at mitigating the consequences of the second wave of the COVID-19 epidemic (ZIUPOPDVE) with Articles 15 and 21 of the Charter.⁶⁰ Germany referred to the work of the Federal Anti-Discrimination Agency (FADA), the national equality body in Germany, mentioning that, in 2019, FADA published a legal experts' opinion on the need to specify and broaden the statutory characteristics set out in the Allgemeines Gleichbehandlungsgesetz (AGG). The legal opinion explores whether and to what extent it would be appropriate to further specify the characteristics referred to in the AGG in greater detail (e.g. ethnic origin or gender) or expand them. Most of these grounds of discrimination are also mentioned in Art. 21 of the Charter and the legal opinion also examined if there is a need for further implementation that derives from the Charter.⁶¹

Additionally, the response by Belgium referred to the various contributions of the Institute for the Equality of Women and Men (IEFH) in promoting the equality of women and men and to combat any form of discrimination or inequality based on sex or gender. These contributions included, among others, litigating against employers who discriminated on the basis of this prohibited ground. Moreover, the Institute launched a major campaign in 2017 to raise awareness among pregnant women, during or after maternity leave, about their protection against being discriminated against, rejected or harassed, because of their pregnancy or maternity.⁶² Poland mentioned that the Government Plenipotentiary for Equal Treatment has developed a National Action Program for Equal Treatment 2022-2030, which is expected to be accepted by the Council of Ministers in May. The Action Program names priorities and concrete actions, aimed, among others, at raising awareness, ensuring reliable equality data collection, combatting the pay gap between women and men and preventing hate speech. It also includes an analysis of anti-discrimination legislation and jurisprudence in order to identify possible gaps and develop adequate solutions. The Action Plan is held in the response to serve as an opportunity for a broad discussion on the problems affecting various groups and communities and for collaboration with other rights defenders to identify needed actions.⁶³

⁶⁰ Consultation Report by Slovenia, page 1

⁶¹ Consultation Report by Germany, page 5

⁶² Consultation Report by Belgium, pages 3, 4

⁶³ Consultation Report by Poland, page 3

4. Other focus areas: whereas responses varied, some recurrent priority themes emerged, such as the focus of certain rights defenders on gender equality and the principle of equal treatment, the rights of the child, persons with disabilities, persons in detention and other vulnerable groups, personal data rights including in the digital sphere, and the impact of the pandemic on various fundamental rights.

The Netherlands mentioned that the Netherlands Institute for Human Rights focuses currently on digitalization, gender equality and the monitoring of the UN CRPD (2020-2023),⁶⁴ whereas the Dutch Ombudsman currently focuses on the use of data and algorithms by the Dutch government, the housing market, the rights of children, the handling of complaints on ethnic profiling, and on detention and the position of refugees in the Caribbean part of the Netherlands (2021 and following years).⁶⁵ The response by the Czech Republic mentioned that the areas in which the Ombudsperson contributes the most include the civil and social rights and the procedural rights linked to public administration.⁶⁶

Italy mentioned that the experience of rights defenders in some areas has assumed a particularly significant importance, such as the protection of personal data, freedom of religion, gender equality and children's rights.⁶⁷ Additionally, the response by Greece highlighted that the Greek Ombudsman places a special emphasis on monitoring and promoting the implementation of the principle of equal treatment, the rights of the child and the rights of vulnerable groups.⁶⁸ France highlighted that the work of the 'Défenseur des Droits' in 2020 was particularly focused on the impact of the pandemic on the rights of persons in detention in penitentiary facilities and the conditions of their detention, as well as of persons in administrative detention centres, the right of children to be heard and the rights of asylum-seekers, handicapped persons and elderly persons in elderly care institutions.⁶⁹ The response by Hungary further mentioned that the Commissioner for Fundamental Rights (NHRI) pays special attention to the protection of the rights of the child, the interests of the future generations, the rights of the nationalities living in Hungary, the rights of the most vulnerable groups and to the implementation of the UN CRPD, while also significantly contributing to the protection of the right to equal treatment by functioning as an equal treatment authority.⁷⁰

Moreover, there are rights defenders who are active in specific fundamental rights areas and for that reason have a natural focus interest. For instance Germany referred to the Federal Government Commissioner for Jewish Life in Germany and the Fight against Antisemitism, underlining that especially Article 10 of the Charter (freedom of thought, conscience and religion) may serve as a reference point in its work.⁷¹ Hungary referred to the National Authority for Data Protection and Freedom of Information, which contributes to realising the rights to data protection and access to public information.⁷² The response by Romania referred

⁶⁴ Consultation Report by the Netherlands, page 2: [College voor de Rechten van de Mens, Strategisch Plan 2020-2023](#).

⁶⁵ Ibid, pages 2, 3

⁶⁶ Consultation Report by the Czech Republic, page 2

⁶⁷ Consultation Report by Italy, page 7

⁶⁸ Consultation Report by Greece, page 2

⁶⁹ Consultation Report by France, page 3

⁷⁰ Consultation Report by Hungary, page 4

⁷¹ Consultation Report by Germany, page 5

⁷² Consultation Report by Hungary, page 3

to the National Council for Combating Discrimination, an autonomous institution under parliamentary control, which guarantees the observance and application of the principle of non-discrimination and investigates and issues sanctions on acts of discrimination.⁷³

C) The work of the Member States to protect CSOs and rights defenders

The Member States referred primarily to the national legal frameworks, as well as to the constitutional guarantees in place within their respective legal orders, including the right to **freedom of assembly and association**, which aim at ensuring a safe and enabling environment for the work of CSOs and HRDs. Croatia mentioned that a National Plan for Creating an Enabling Environment for the Civil Society Development 2022-2027 is being prepared by the Government Office for Cooperation with NGOs, aiming at improving the legal, financial and institutional support system for the activities of CSOs, which are considered important for the socio-economic development of Croatia.⁷⁴ Similarly, Germany informed about the preparation of a Democracy Promotion Act, planned by the Federal Government for 2023, which aims at improving the working conditions of civil society activists in the field of democracy promotion, extremism prevention and diversity shaping, through a more long-term and needs-oriented support.⁷⁵ The response by Lithuania mentioned that the Ministry of Social Security and Labour has established a new division, which is responsible for the development of NGOs and its main purpose is to ensure an enabling environment for NGOs.⁷⁶

With regard to the **legal framework governing the establishment and functioning of CSOs**, the majority of the Member States mentioned that no specific legislation exists on the organisation of (human rights) CSOs. They are subject to the same legislation that applies to associations, foundations or public benefit organisations in general. In this regard, CSOs are predominantly defined or organised as non-profit associations within the respective Member States. Moreover, most respondents mentioned that, in order to acquire legal personality or, in some cases, to carry out economic activities, CSOs need to register with the competent public authorities, which normally perform a legality check prior to registering the CSO in question.

However, some Member States mentioned the existence of specific legislation regulating issues related to the functioning of CSOs. For instance, the response by Spain referred to a specific legislative instrument constituting the regulatory framework for CSOs and aiming to strengthen their capacity as interlocutors before the general state administration for the design, implementation and monitoring of public policies in the social sphere.⁷⁷ Lithuania stated that a law adopted in 2019 establishes the possibility for non-profit organisations to register as NGOs at the Register of Legal Entities, a procedure which is notification-based and does not require any authorisation or payment of fees.⁷⁸ Accordingly, the new law is expected to bring more clarity as to whether a particular legal entity complies with the criteria of being considered an NGO and could serve as the basis

⁷³ Consultation Report by Romania, page 3

⁷⁴ Consultation Report by Croatia, page 3

⁷⁵ Consultation Report by Germany, page 6

⁷⁶ Consultation Report by Lithuania, page 5

⁷⁷ Consultation Report by Spain, page 3

⁷⁸ Consultation Report by Lithuania, page 5

for improved collection of data, thus contributing to informed policy-making and to an elevated trust of the public in NGOs.⁷⁹

Greece mentioned that a recent law of 2021 provides for the creation of a public database and a special register of civil society organisations (CSOs) at the Ministry of Interior. The registration of an organisation in the public database requires the submission of an electronic application in a simplified form and the payment of a fee. Additionally, specifically for NGOs active in the field of international protection, migration and social integration within the Greek territory, the Special Secretary for Coordination of Stakeholders issues a registration decision and certification of the applicant institution, lasting three years, which can be renewed for an equal period each time, provided that the prescribed conditions are met.⁸⁰

Furthermore, most Member States stated that there is **no special procedure for the reporting and monitoring of threats or attacks specifically on CSO activists and HRDs**, but such acts are addressed by the general provisions of the national criminal legal framework in place, both in its procedural and substantive aspects, dealing with threats or attacks against any citizen. In this regard, several of the respondents mentioned that any threats or attacks can be reported to the competent national police or investigative authorities. An exception to this was mentioned by Sweden, according to which crimes which are democracy-threatening are investigated by a special resource within the police authority with in-depth knowledge of the area.⁸¹

Likewise, the majority of the Member States mentioned that there is **no alert mechanism or support service specifically addressing physical and on-line attacks against CSO activists and HRDs**, but the latter are subject to the same measures applying to victims of such attacks in general. For instance, the response by Croatia mentioned that the victims of a criminal offense have, inter alia, the right to access services providing support to victims and the right to efficient psychological and other professional assistance and support of the body, authority or institution providing assistance to victims of criminal offenses.⁸²

However, three Member States referred to concrete measures or support services **specifically addressing physical and on-line attacks to CSOs activists and HRDs**. In particular, the response by Finland referred to concrete steps towards tackling hate speech and online shaming against HRDs, including planning a research project to determine the extent of online shaming, as well as towards tackling racism, including through the implementation of the measures agreed in the EU Anti-racism Action Plan 2020-2025 and the launching of an action program.⁸³ Additionally, the response by Sweden referred to the adoption of a National Action Plan entitled "Defending free speech", which aims at addressing threats and hatred against, among others, CSOs activists, by adopting measures deepening the knowledge on threats and hatred and providing support to those exposed, as well as by launching a website that provides information and advice to people exposed to threats and hatred in the public debate, for example on the internet and in social media, while also helping CSOs activists to support those exposed.⁸⁴ Furthermore, the response by the Netherlands mentioned that a

⁷⁹ Ibid

⁸⁰ Consultation Report by Greece, pages 2, 3

⁸¹ Consultation Report by Sweden, page 6

⁸² Consultation Report by Croatia, pages 4, 5

⁸³ Consultation Report by Finland, page 4

⁸⁴ Consultation Report by Sweden, page 7

project called Shelter City is organised by the Netherlands on an annual basis, which entails that HRDs who are under threat or pressure in their country can stay in the Netherlands for up to 3 months.⁸⁵ The response provided by France highlights the commitment by the Ministry of the Interior to pay attention to reports of unlawful acts against CSOs and rights defenders. Appropriate measures can be put in place, with the aim of addressing physical and online attacks against CSOs and rights defenders, in particular through the Protection Service of the French Ministry of the Interior intended to support individuals or journalists under threat.⁸⁶

Moreover, several Member States mentioned the existence of processes or mechanisms assessing **how CSOs are impacted by legislative proposals**. For instance, the response by Spain mentioned that the process of drafting and adopting draft legislation and regulations includes a regulatory impact analysis in the form of a Regulatory Impact Analysis Report (MAIN), which systematises and organises the important information needed to assess the impact of a regulatory initiative on its recipients and agents, including on CSOs.⁸⁷ The response by Finland further mentioned that the Ministry of Justice has drafted guidelines and checklists regarding impact assessment, the aim of which is to produce information for those involved in the preparations, decision-makers and stakeholders on the impacts of the planned legislation, its significance and possible ways to mitigate its harmful effects, while also noting that currently there is a new draft of impact assessment guidelines on the comment round.⁸⁸

Additionally, the response by the Netherlands mentioned the existence of an integrated impact assessment framework for policy and legislation (IAK), one of the elements of which is a check for practicability and enforceability of legislative proposals. Accordingly, if substantial effects for one of the parties involved in its execution are shown, these parties should be consulted.⁸⁹ The response by Germany noted that all regulatory impacts of legislative drafts prepared by the Federal Government have to be assessed and that a description of the impact assessment, including impacts on civil society and civic space, is included in the draft document. The ministry preparing a piece of law has to assess all intended effects and unintended side-effects, albeit it lies within its discretion to choose the methods to assess the impacts.⁹⁰

The response by Denmark stated that a number of obligatory questions concerning impact assessment in certain areas must be considered and answered in the remarks of a legislative proposal, although it may be reasonable to assess and outline consequences of the legislative proposal in other areas than those which are obligatory, such as the impact on volunteer associations, including CSOs.⁹¹ Accordingly, the respondent clarified that the general procedure regarding impact assessments consists of three steps. Firstly, a preliminary assessment must be undertaken in order to establish which consequences the proposal has. Secondly, it must be ascertained which consequence requires a more in-depth assessment,

⁸⁵ Consultation Report by the Netherlands, page 3

⁸⁶ Consultation Report by France, page 7

⁸⁷ Consultation Report by Spain, page 4

⁸⁸ Consultation Report by Finland, page 6; see [guidelines and checklists](#)

⁸⁹ Consultation Report by the Netherlands, page 5

⁹⁰ Consultation Report by Germany, page 14. For further details regarding the consultation of CSOs in the context of this impact assessment process, see below page 17, para. 2 of this report or page 8 of the Consultation Report by Germany, response to question 10.

⁹¹ Consultation Report by Denmark, page 4

including whom or what is affected directly or indirectly by the proposal. Thirdly, the actual assessment is made and the result is communicated in the remarks of the legislative proposal.⁹²

Latvia has also set up an assessment framework. The country's response to the consultation mentioned how, in the process of drafting of each legislative act, the impacts of proposals on human rights, democratic values and the development of civil society are assessed as horizontal impacts, and accurately described with indications on the target group(s) that could be potentially affected by the regulation.⁹³

Finally, some of the Member States highlighted the **need for improved cooperation between Member States and the EU to strengthen the level of protection of CSOs and HRDs**. In this regard, the response by Sweden stressed that the EU Action Plan on Human Rights and Democracy⁹⁴ as well as the Council Conclusions on Democracy from 2019⁹⁵ could serve as an inspiration to further sharpen a joint vision within the area of human rights, democracy and the principles of the rule of law, while the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI – Global Europe)⁹⁶ is a good example for increasing cooperation to strengthen civil society, including support to HRDs globally.⁹⁷ Additionally, the response by Spain suggested that the participation of CSOs in the design, implementation and evaluation of national and EU public policies should be promoted.⁹⁸ In its response, Romania underlined the importance of the exchange of best practices between the Member States, as well as the training of professionals on the human rights aspects in general and on discriminations aspects as a special focus.⁹⁹

D) The work of the Member States to support CSOs and rights defenders

The responding Member States referred to the various national legal frameworks in place regulating the **distribution of public funding and the procedures for the selection of the beneficiaries**. Regarding the public authorities which are competent to disburse public funding, the majority of the Member States mentioned that several governmental sectors, agencies and ministries are involved, as well as regional and local authorities in some cases. For instance, the Netherlands mentioned that the competence to disburse public funding is distributed over various departments and directorates of ministries or local authorities,¹⁰⁰ while Romania mentioned that any public authority, including the judiciary, as well as any public institution of general, regional or local interest may grant non-reimbursable funding.¹⁰¹

Additionally, the response by Spain stated that the competent authorities are the heads of the high and executive bodies of the ministries, while the Autonomous

⁹² Ibid

⁹³ Consultation Report by Latvia, page 2

⁹⁴ [EU Action Plan on Human Rights and Democracy](#)

⁹⁵ [Council Conclusions on Democracy from 2019](#)

⁹⁶ [Neighbourhood, Development and International Cooperation Instrument – Global Europe \(NDICI – Global Europe\)](#)

⁹⁷ Consultation Report by Sweden, page 9

⁹⁸ Consultation Report by Spain, page 5

⁹⁹ Consultation Report by Romania, page 12

¹⁰⁰ Consultation Report by the Netherlands, page 5

¹⁰¹ Consultation Report by Romania, page 12

Regions and local authorities also adopt their own strategic subsidy plans.¹⁰² Finland noted that each government sector is in charge of the public funding according to its field of expertise, albeit the Funding Centre for Social Welfare and Health Organisations (STEA) is one of the public bodies distributing the largest amount of public funding for CSOs promoting health and social welfare.¹⁰³ Italy mentioned that the Directorate General of the Third Sector and corporate social responsibility finances annually projects presented by the Third Sector Entities¹⁰⁴ supporting activities of general interest, including the promotion and protection of human, civil, social and political rights.¹⁰⁵

In this regard, a point of concern reported by Finland, and raised by CSOs as well, concerned the **lack of a centralised system for applying for public funding across the government and ministries**.¹⁰⁶ In response to this situation, the Ministry of Finance has started a development and digitalisation project with the aim to improve the system of administering discretionary government grants by creating uniform and digitalised government grant processes.¹⁰⁷ Hence, this project will mainstream the grant / funding processes, make the processes more transparent and improve the collection of data on the public funds granted and their use.¹⁰⁸

Furthermore, some stakeholders mentioned that public funding to CSOs is realised through public calls for projects, proposals or applications,¹⁰⁹ followed by an evaluation in accordance with certain a priori determined assessment criteria.¹¹⁰ In this regard, the response by Denmark mentioned that in order to obtain a discretionary grant, CSOs have to satisfy various requirements, which are politically determined, while the decision on which CSOs are eligible for grants is taken by the Parliament.¹¹¹

Moreover, a number of Member States underlined that the **fair distribution of funds** among CSOs is ensured through the principle of transparency and the requirement of publicity, namely by making available to all interested parties the information regarding the application of the funding procedure, including the assessment criteria,¹¹² as well as through the respect for the principles of equal treatment, non-discrimination and free competition.¹¹³ The Czech Republic mentioned that the external evaluators of the applications are obliged to sign a

¹⁰² Consultation Report by Spain, page 5

¹⁰³ Consultation Report by Finland, page 7

¹⁰⁴ The respondent clarified that not all CSOs can be qualified as Third Sector Entities (TSE), as the latter constitute a limited set of legal entities with specific characteristics (Article 4 of Legislative Decree No. 117/2017), aimed at "pursuing the common good" (art. 1), to carry out "activities of general interest" (art. 5), without pursuing subjective profit-making purposes (art. 8), and are subjected to a public registration system (art. 11) and rigorous controls (arts. 90 - 97) (Consultation Report by Italy, page 14).

¹⁰⁵ Consultation Report by Italy, page 14

¹⁰⁶ Consultation Report by Finland, page 7

¹⁰⁷ [Finland, development and digitalisation project](#)

¹⁰⁸ Ibid, pages 7, 8

¹⁰⁹ Consultation Report by Romania, page 13; Consultation Report by the Netherlands, page 7 ; Consultation Report by Slovakia, page 4; Consultation Report by Slovenia, page 4 ; Consultation Report by Hungary, page 9

¹¹⁰ Consultation Report by Spain, page 6 ; Consultation Report by Romania, page 13 ; Consultation Report by the Czech Republic, page 7 ; Consultation Report by Croatia, pages 5, 6

¹¹¹ Consultation Report by Denmark, page 5

¹¹² Consultation Report by Spain, page 6 ; Consultation Report by Romania, page 13 ; Consultation Report by the Czech Republic, page 7 ; Consultation Report by Slovenia, page 4

¹¹³ Consultation Report by Romania, page 13; Consultation Report by Poland, page 12

declaration of secrecy and conflict of interest. The applicants can access their file anytime during the administrative proceeding and the results of the subsidy proceeding are announced to the applicants and published online, while any deviation by the evaluation committee regarding the assessment of the external evaluators, as well as every condition has to be duly justified for the applicant in order to stand any possible judicial review.¹¹⁴

Additionally, most Member States mentioned that the funding covers also the CSOs' **administrative and infrastructure-related costs** to some extent. More specifically, the response by Croatia mentioned that there exists public funding available for CSOs' **core costs**. This funding is administered by the National Foundation for Civil Society Development, which publishes the call for institutional support that represents a targeted, 3-year investment into the organisational development and/or stabilisation of CSOs.¹¹⁵ by Sweden stated that most of the state grants for CSOs are organisational grants that go to the organisation without counterclaims and are used, among other things, for administrative costs.¹¹⁶ Denmark affirmed that there exists public funding available for CSOs' core costs for administrative expenditure and infrastructure, mentioning also that the grants provided to CSOs, which, as mentioned above, are deemed eligible by the parliament, cover also the organisation's core costs.¹¹⁷ Hungary referred to the National Cooperation Fund, a form of funding to which CSOs can apply not only to support their operating costs and professional programs, but also to receive state aid.¹¹⁸

Germany mentioned that a distinction must be made between project funding and institutional funding that can include such core costs. However, there are only a few possibilities to include CSOs in institutional funding, whereas, in the case of project funding, funding for core costs depends on the individual projects being funded. Additionally, as a rule, an administrative expense allowance is granted to finance general administrative expenses.¹¹⁹ Slovenia mentioned that the coverage of administrative expenditures is usually provided as flat rate sum within the project budget.¹²⁰ Poland stipulated that depending on the type of program and project, a specific pool of funds is guaranteed to cover CSOs' administrative and infrastructure costs.¹²¹ In its response, France mentioned that public grants can take different forms, including the form of financial aids for the operation of CSOs.¹²² Accordingly, a unique form exists for funding requests, related to subsidies either for specific projects or for the overall operation of CSOs (operational subsidies).¹²³

Belgium mentioned that within the Agency for Home Affairs, both project funding and structural financing are available for CSOs working on gender, sexual diversity, disability, accessibility and discrimination. Accordingly, CSOs receiving structural funding must submit an annual proposal of commitments, which is approved after consultation/negotiation. These structurally funded organizations

¹¹⁴ Consultation Report by the Czech Republic, page 7

¹¹⁵ Consultation Report by Croatia, page 7

¹¹⁶ Consultation Report by Sweden, page 10

¹¹⁷ Consultation Report by Denmark, page 5

¹¹⁸ Consultation Report by Hungary, page 9

¹¹⁹ Consultation Report by Germany, page 11

¹²⁰ Consultation Report by Slovenia, page 4

¹²¹ Consultation Report by Poland, page 13

¹²² Consultation Report by France, page 10

¹²³ Ibid, pages 10, 11

contribute to the implementation of the equality policy, as stipulated in the Flemish policy brief. The Equal Opportunities team structurally finances ten civil society organisations.¹²⁴ Spain mentioned that the granting of subsidies to finance administrative and infrastructure-related costs of CSOs is subject to the general regime of the law on General Subsidies, provided that the CSO's activities in question comply with the conditions and requirements stipulated by the law and the regulatory bases and call for applications for the subsidy for which the CSO is applying.¹²⁵

Exceptions in this regard were mentioned by Romania, stating that, pursuant to the applicable legal framework, "no grants are awarded for activities involving the development of the applicant's infrastructure, unless this is an indispensable component of the project".¹²⁶ Similarly, the Czech Republic mentioned that, in general, most subsidies are rather action grants than capacity building grants, albeit some ministries allow for the coverage for operating expenses related to the immediate implementation of supported actions and include them in the grants, while a proportion of operating costs can also be covered. A few grant schemes aim directly at capacity building, but they are a minority.¹²⁷ Additionally, Slovakia mentioned that capacity building and core costs grants are primarily provided by European funds.¹²⁸

Moreover, three Member States referred to the provision of **support to CSOs by non-financial means**. In particular, Italy mentioned that the National Office against Racial Discrimination (UNAR) of the Department for Equal Opportunities of the Presidency of the Council of Ministers manages a register of associations and entities that carry out activities in the field of combating discrimination. The Office also has the task of carrying out periodic hearings with associations and entities enrolled in the register, as well as initiating with them the promotion of studies, research, training courses and exchanges of experiences.¹²⁹ Additionally, the response by France referred to the launching of a platform with the use of subsidies managed by the 'Agence française de développement'. This platform unites CSOs working on the protection of fundamental rights through a network offering a permanent space of collaboration among French CSOs and foresees several activities, such as the establishment of working groups among the members of the platform, dialogue with public authorities and private actors, organisation of events and trainings and creation of petitions.¹³⁰ The response by Belgium further stated that the Flemish equality policy has recognized the crucial role of CSOs working on equal opportunities and that this recognition is expressed not only in financial support, but also in the way in which the policy lines are drawn up in consultation with the CSOs and – vice versa – in the way in which they help to implement the policy.¹³¹

Furthermore, some of the Member States referred to **concrete funding schemes in place for CSOs protecting and promoting fundamental rights**. For instance, the Netherlands mentioned the establishment of a national contact point in 2021 to inform and support civil society organisations to obtain funding under

¹²⁴ Consultation Report by Belgium, page 9

¹²⁵ Consultation Report by Spain, page 6

¹²⁶ Consultation Report by Romania, page 13

¹²⁷ Consultation Report by the Czech Republic, page 7

¹²⁸ Consultation Report by Slovakia, page 5

¹²⁹ Consultation Report by Italy, page 5

¹³⁰ Consultation Report by France, page 10

¹³¹ Consultation Report by Belgium, page 9

the EU Citizens, Equality, Rights and Values-programme (CERV) and referred to the possibility for CSOs to obtain grants for multiple years through partnerships, in which the government sets the topic on which grants can be given, such as the 4-year partnership between the ministry of Education, Culture and Science with gender equality bodies that work on achieving gender equality.¹³² Spain mentioned that the Ministry of Foreign Affairs, European Union and Cooperation publishes annually a call for grants and subsidies for activities aimed at disseminating, promoting and defending human rights.¹³³ Denmark mentioned that various government grants are given to Danish disability organizations who work with advocacy and empowerment of people with disabilities.¹³⁴ Additionally, the Slovakia referred to a grant program by the Ministry of Justice focusing on the promotion, support and protection of human rights and freedoms and for the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other acts of intolerance.¹³⁵ France informed about an overall increase in funding allocated to the Defender of Rights between 2021 and 2022, aimed at supporting the recruitment of 20 additional territorial delegates and the financing of its anti-discrimination platform, and about funding to the CNCDH.¹³⁶ Similarly, Germany refers to an increase in funding – almost tripled since 2015- addressed to CSOs through the federal programme “Live Democracy”, with the purpose of promoting democracy, shaping diversity and preventing extremism legally and financially.¹³⁷

The Netherlands mentioned its efforts to **support CSOs abroad financially**. In this context, it referred to two grant funds, namely the Power of Voices, which includes the grants policy framework focusing on strengthening the most marginalised and discriminated groups, and the SDG5 fund focusing on the realisation of women’s rights and gender equality. In addition, the Human Rights Fund provides funding for CSOs, among others, to protect and support HRDs, by increasing the holistic safety (online and offline) of HRDs and journalists, focusing both on prevention and protection, with eligible organisations including CSOs worldwide.¹³⁸

Furthermore, some of the Member States referred to the availability of **public funding for CSOs undertaking human rights advocacy**. For instance, Spain referred to a line of aid for the financing of projects aimed at the care and assistance of women victims of trafficking for sexual exploitation and their minor or disabled children.¹³⁹ Netherlands mentioned that there is public funding available for human rights advocacy within different funding streams of the Netherlands, such as the Strengthening Civil Society programs supporting lobby, advocacy and capacity activities, which can be used for human rights advocacy.¹⁴⁰ Additionally, Sweden mentioned that the Swedish Agency for Youth and Civil Society distributes many government grants, such as state funds distributed to CSOs working on fundamental rights, amongst other things, of LGBTIQ-persons, as well as to civil society projects aiming to combat racism and similar forms of

¹³² Consultation Report by the Netherlands, page 6

¹³³ Consultation Report by Spain, page 6

¹³⁴ Consultation Report by Denmark, page 5

¹³⁵ Consultation Report by Slovakia, page 4

¹³⁶ Consultation Report by France, page 5

¹³⁷ Consultation Report by Germany, page 6

¹³⁸ Consultation Report by the Netherlands, pages 6, 7

¹³⁹ Consultation Report by Spain, page 6

¹⁴⁰ Consultation Report by the Netherlands, page 7

hostility.¹⁴¹ Moreover, Denmark highlighted how a variety of government grants are, for instance, allocated to Danish disability organisations who work with advocacy and empowerment of people with disabilities.¹⁴² Conversely, Slovenia mentioned that funds dedicated to human rights advocacy are provided predominantly from foreign donors, such as EEA and Norway Grants.¹⁴³

Moreover, a few Member States mentioned that the **overview or coordination of funding opportunities** exists¹⁴⁴ or is being planned¹⁴⁵ through centralised digital instruments. In this regard, Slovakia stated that central state authorities publish all the information about subsidies on their websites and coordinate the process of providing subsidies.¹⁴⁶ Croatia mentioned that the coordination of public funding is performed by the Government Office for Cooperation with NGOs, which also plans to develop a central online platform which will enable monitoring and valorisation of the distribution of funds for programmes and/or projects of interest to the public good implemented by associations.¹⁴⁷

Additionally, some Member States mentioned that their legal framework applicable to public funding for CSOs foresees **processes that simplify or speed up** access to funding. For instance, Spain mentioned that the applicable law provides for the urgent processing of an application, such as that for the award of grants, which entails the reduction of all deadlines by half, except those relating to the submission of applications and appeals.¹⁴⁸ Slovakia referred to an online system for subsidies management that enables state authorities and self-governing regions/municipalities to electronically manage the process of providing subsidies effectively and allows the random submission of projects to evaluators.¹⁴⁹ Similarly, Croatia referred to the development of a central online platform for funding projects and programmes of associations, planned by the Government Office for Cooperation with NGOs, aimed at monitoring and valorising the distribution of funds for programmes and/or projects of interest to the public good.¹⁵⁰ Additionally, Hungary mentioned that a consolidated tender has been introduced since 2019, which allows NGOs to receive the support of operational and professional program elements by submitting a tender, while simplified aid is a new form of aid which may be used to cover the costs of the activities of an NGO with local or territorial scope relating to its core objective and is granted on an entitlement basis, in order of receipt, until the aid framework is exhausted.¹⁵¹ Slovenia, for its part, reported practices such as flat rates and lump sums.¹⁵²

Furthermore, most Member States stated that their taxation system provides for tax exemptions, reliefs, deductions or incentives in case of donations to CSOs. For instance, the response by Greece stated that the law provides for tax reductions for donations to charities and CSOs by 40% on the amount of the donation.¹⁵³ The response by the Netherlands mentioned in this regard that the Dutch tax system

¹⁴¹ Consultation Report by Sweden, page 10

¹⁴² Consultation Report from Denmark, page 5

¹⁴³ Consultation Report by Slovenia, page 15

¹⁴⁴ Consultation Report by Denmark, page 5 ; Consultation Report by Slovenia, page 5

¹⁴⁵ Consultation Report by Romania, page 14 ; Consultation Report by Finland, pages 7, 8

¹⁴⁶ Consultation Report by Slovakia, page 5

¹⁴⁷ Consultation Report by Croatia, page 7

¹⁴⁸ Consultation Report by Spain, page 7

¹⁴⁹ Consultation Report by Slovakia, pages 5, 6

¹⁵⁰ Consultation Report by Croatia, page 6

¹⁵¹ Consultation Report by Hungary, page 10

¹⁵² Consultation Report by Slovenia, page 4

¹⁵³ Consultation Report by Greece, page 4

provides for certain tax incentives in case of donations to CSOs, on the condition that the CSO qualifies as a Public Benefit Organization (ANBI), whereas the ANBI itself is exempted from inheritance tax and gift tax, except on those made under a condition such that it is not for public benefit.¹⁵⁴ The response by Slovakia referred to a tax designation system that allows individuals and corporations to assign for selected CSOs a percentage of the paid income tax.¹⁵⁵ In its response, Slovenia mentioned that each personal income taxpayer may allocate a part of his or her personal income tax to publicly beneficial purposes. Potential recipients of “personal income tax donations” are, among others, CSOs acting in public interest. However, in case a taxpayer does not assign his or her personal income tax to a specific CSO, the funds go to the Fund for NGOs, which is administered by the Ministry of Public Administration.¹⁵⁶ Italy informed about the possibility to deduct donations to CSOs from taxes. According to the Italian legislation, in cash or in-kind donations made in favour of non-commercial third sector entities are deductible from the total net income.¹⁵⁷ Similarly Czechia mentioned that CSOs receive subsidies, grants and donations tax-free, and that both individuals and companies can deduct the value of their donations from their taxable incomes, with deduction limits for donations at 15 % for individuals and 10 % for companies.¹⁵⁸

Further, Germany stated that the vast majority of relevant CSOs are recognised under German tax law as having non-profit status and, thus, enjoying tax privileges, while donations to CSOs are almost always reducing the income tax of the donor. In this regard, the non-profit status is necessary for the issuance of donation receipts and often a prerequisite for receiving government grants.¹⁵⁹ Additionally, Belgium mentioned that, although CSOs as such do not constitute a specific category defining the eligibility for tax relief, they are nevertheless recognised as cultural organisations by the tax administration, which entails a tax relief for donations made to CSOs.¹⁶⁰ Similarly, Czechia informed about possible exemptions and discounts from income tax, road tax, and real estate tax for CSOs when purchases are related to their organisational purpose.¹⁶¹ Finland stated that, although there are some tax exemptions /relief in case of a donation to CSOs, the donation deduction can nevertheless only be granted for donations made for a purpose that promotes science, art or the preservation of Finnish cultural heritage. Therefore, this leaves out most of the CSOs, including those working for the promotion of fundamental rights.¹⁶²

Finally, regarding the **legal framework applicable to donations from other EU or third countries** to CSOs, some Member States mentioned that sponsorships and donations to CSOs are recognised by law even when they originate from abroad.¹⁶³ Some Member States mentioned that donations to domestic CSOs from abroad¹⁶⁴ or to CSOs in other EU or third countries¹⁶⁵ are

¹⁵⁴ Consultation Report by the Netherlands, page 8

¹⁵⁵ Consultation Report by Slovakia, page 6

¹⁵⁶ Consultation Report by Slovenia, page 5

¹⁵⁷ Consultation Report by Italy, page 15

¹⁵⁸ Consultation Report by Czechia, page 8

¹⁵⁹ Consultation Report by Germany, page 12

¹⁶⁰ Consultation Report by Belgium, page 10

¹⁶¹ Consultation Report by Czechia, page 8

¹⁶² Consultation Report by Finland, page 8

¹⁶³ Consultation Report by Romania, page 15 ; Consultation Report by Lithuania, page 10

¹⁶⁴ Consultation Report by Croatia, page 8

¹⁶⁵ Consultation Report by Italy, page 17 ; Consultation Report by the Czech Republic, page 8

regulated in the same way as domestic donations. Furthermore, regarding donations to CSOs based in other EU/ European Economic Area (EEA) or third countries, some Member States stated that these donations are also eligible for deductions and reliefs, often provided that certain conditions are met. For instance, Denmark mentioned that donations to CSOs in EU/EEA countries are deductible under the same rules as for domestic CSOs, provided the CSO is approved under the same conditions in a EU/EEA country.¹⁶⁶ Poland mentioned that a taxpayer has the right to deduct a donation made for an organization that carries on public benefit activity in an EU Member State other than Poland or in another EEA state, provided that this organisation is equivalent to the ones referred to in the Act on the Public Benefit and Volunteer Work and there are legal grounds for the Polish tax authority to obtain a tax information from the tax authority of the state of the seat of such an organization.¹⁶⁷

Spain stated that non-profit entities, and therefore beneficiaries of the tax incentives for patronage are considered also those entities not resident in Spanish territory that operate in Spain with a permanent establishment and entities resident in a EU Member State or other EEA Member States.¹⁶⁸ However, tax incentives are not granted for patronage directed at CSOs based in third countries.¹⁶⁹ Additionally, the response by the Netherlands mentioned that a legislative proposal is currently pending before the Parliament, aiming to provide more transparency for associations, foundations and churches by introducing the disclosure of substantive donations they receive from outside the EU/EEA and, for foundations, the disclosure of their annual accounts.¹⁷⁰ The response by Slovakia further mentioned that subsidies from third countries are partly regulated by a law on protection against money laundering and on terrorist financing entailing obligations for CSOs, such as the registration of the end-user of benefits, donations they have received or have given and donors and recipients.¹⁷¹

E) The work of the Member States to empower CSOs and rights defenders

Several responding Member States referred to **advisory, consultative and counselling bodies, working groups and fora, which foster the dialogue** between the public authorities and CSOs and through which CSOs' interests are represented. For instance, the response by Croatia referred to the Council for Civil Society Development, an advisory body to the Government with 37 members, of which 14 are representatives of CSOs, which works towards developing cooperation between the Government and the civil society organisations in Croatia on the development and implementation of the National Strategy for Creating an Enabling Environment for Civil Society Development.¹⁷² At the local and regional level, the Council for Civil Society Development of Krapina-Zagorje County was mentioned as a good practice on structured dialogue between CSOs and public authorities.¹⁷³ The response by Slovakia also referred to various joint working groups at regional level, with the most active ones being the regional partnership

¹⁶⁶ Consultation Report by Denmark, page 6

¹⁶⁷ Consultation Report by Poland, page 16

¹⁶⁸ Consultation Report by Spain, page 8

¹⁶⁹ Ibid

¹⁷⁰ Consultation Report by the Netherlands, page 8

¹⁷¹ Consultation Report by Slovakia, page 6

¹⁷² Consultation Report by Croatia, page 7

¹⁷³ Ibid

councils, which prepare integrated territorial strategies for the upcoming EU Funds allocation and in which CSOs are represented and have the opportunity to submit, discuss and co-decide about project proposals for the allocated funding.¹⁷⁴ The response by Lithuania referred to the annually organised National Human Rights Forum as an example of long-standing cooperation between public and private institutions, CSOs, academia and international partners. The aim of the Forum is to invite experts with different views for discussion and, at the same time, to identify possible ways and means to address fundamental rights issues.¹⁷⁵

Another example cited in the response by Hungary concerned the National Economic and Social Council, a consultative and counselling body, working independently from the Parliament and the Government and comprising six sides, including representatives from CSOs, as well as the Human Rights Working Group, with its Human Rights Roundtable, which currently operates with 77 civil organisation members and holds its meetings in 11 thematic working groups, each of which intended to deal separately with legal and practical problems of and sectoral political proposals for vulnerable groups of society.¹⁷⁶ The National Forum of the Third Sector, a NGO representing the Italian Third Sector, was mentioned in the response by Italy, the main tasks of which include the social and political representation towards the government and institutions, and the coordination and support for inter-association networks.¹⁷⁷

Further, the response by the Netherlands mentioned that the Human Rights and Municipalities Platform has recently been set up. This platform is a cooperation between the Ministry of the Interior and Kingdom Relations, the Association for Dutch Municipalities (VNG) and the Institute for Human Rights, while the National Ombudsman is also involved.¹⁷⁸ In addition, within the context of the Dutch action plan on an open government, a multi stakeholder forum (MSF) has also been set up, where several CSOs take part.¹⁷⁹ The response by Spain mentioned that dialogue with civil society has been carried out through the Commission for Civil Dialogue with the Third Sector Platform,¹⁸⁰ an institutional participation body which has been an effective meeting forum between representatives of the General State Administration and the Third Sector Platform.¹⁸¹ The response by Germany mentioned the National Integration Summit, which is an annual meeting of representatives from politics, the media, migrant associations as well as employers' associations, trade unions and sports associations who deal with the challenges of integration and in dialogue find ways to improve integration processes for both sides. Additionally, the Gender Diversity Dialogue Forum was constituted in June 2020 at the suggestion of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. The members meet about two to three times a year and seek to exchange views with other actors who are active or interested in the topic. The Gender Diversity Dialogue Forum deals with questions

¹⁷⁴ Consultation Report by Slovakia, page 7

¹⁷⁵ Consultation Report by Lithuania, page 3

¹⁷⁶ Consultation Report by Hungary, page 11

¹⁷⁷ Consultation Report by Italy, pages 17, 18

¹⁷⁸ Consultation Report by the Netherlands, page 8

¹⁷⁹ Ibid, see also the link to the [multi stakeholder forum \(MSF\)](#)

¹⁸⁰ The respondent clarified that the Third Sector Platform was established in January 2012 to defend the rights and social interests of citizens, mainly those living in poverty or at risk of exclusion. At present, the Platform is made up of twenty organisations and represents around 28,000 third sector entities, of which 577,000 workers and 1.5 million volunteers form part (Consultation Report by Spain, page 9).

¹⁸¹ Consultation Report by Spain, page 9

of the quality of counselling for trans*, intersex and/or non-binary people and their relatives as well as the qualification of counsellors. Currently, it is being discussed how counselling services for the designated gender groups can be expanded and reliably anchored nationwide. To this end, the dialogue forum is developing recommendations that are expected to be published soon.¹⁸² A further case of empowering initiatives in support of CSOs and rights defenders and to foster cooperation between CSOs and public authorities was mentioned in the response by Czechia. The answer outlined the role of their Council for NGOs in discussing key issues concerning the work of CSOs and in participating in the creation of the Strategy for Cooperation between Public Administration and NGOs.¹⁸³ The response by Finland mentions its Advisory Board for Civil Society Policy (KANE), with the main tasks of promoting the interaction between administration and civil society and enhancing the operating conditions for CSOs through a cooperative approach among representatives of civil society, research, business sector, ministries and other public agencies.¹⁸⁴ Additionally, in its response, Ireland informed about the Public Participation Network, which allows for connection between local authorities and community groups, for the purpose of increased citizen engagement in local level decision-making.¹⁸⁵

Furthermore, the Member States referred to diverse processes in place foreseen by their national legal systems, through which **CSOs are consulted regarding legislative proposals impacting civil society and civic space**. For instance, the response by Germany mentioned that before draft bills of the Federal Government have been formally accepted as a government proposal by the Federal Cabinet, they are communicated to CSOs affected by the proposal and to the respective expert community, in order to comment on the draft from their perspective and to make recommendations for amendments. The comments and recommendations received in the course of the consultations are then considered within the further preparatory work.¹⁸⁶ The response by Sweden stated that the preparation of a government bill with legislative proposals is preceded by a referral process involving relevant stakeholders, whose activities may be affected by the proposals, including CSOs. Accordingly, if several referral bodies respond unfavourably to the recommendations, the government may try to find an alternative solution.¹⁸⁷ The response by Lithuania mentioned that CSOs can review proposed legislation and make comments, which are evaluated by the legislative institution and might lead to amendments and adjustments of the legislative initiatives.¹⁸⁸ Additionally, the response by Spain described the legislative drafting process, which includes an open public consultation prior to the drafting of the proposal and a public hearing, during which CSOs can share knowledge and views.¹⁸⁹

Moreover, several Member States referred to the existence of online platforms bringing together all consultations with CSOs and the public. For instance, the response by Slovenia referred to a portal, called "E-democracy", through which the interested public can participate in the drafting process of regulations and

¹⁸² Consultation Report by Germany, page 13

¹⁸³ Consultation by Czechia, page 9

¹⁸⁴ Consultation Report by Finland, page 8

¹⁸⁵ Consultation Report by Ireland, page 11

¹⁸⁶ Ibid, page 8

¹⁸⁷ Consultation Report by Sweden, page 9

¹⁸⁸ Consultation Report by Lithuania, page 6

¹⁸⁹ Consultation Report by Spain, pages 9-10

other acts by sending their comments, proposals and opinions.¹⁹⁰ Further examples include the responses by Croatia, which mentioned that the state administration bodies carry out public consultations by making the draft proposal, together with the explanation/reasons for its adoption, available on a centralised online platform, called "e-Consultations",¹⁹¹ Slovakia, which referred to a portal called "Slov-lex",¹⁹² Poland, mentioning an Online Public Information Bulletin of the Government Legislation Centre,¹⁹³ as well as Greece, which mentioned that the consultation process on all bills occurs through a government website and lasts two weeks in principle.¹⁹⁴

Further, the Member States indicated various guidelines and standards on public participation. For instance, the response by Poland mentioned that the Council of Ministers has adopted "Guidelines for conducting impact assessment and public consultations" as part of the government's legislative process.¹⁹⁵ The response by Italy mentioned that the decree of Prime Minister of 15 September 2017, No.169, establishes guidelines for the analysis of impact and standards on public consultations. Furthermore, the Ministerial Decree. no. 72 of 31 March 2021 provides for the adoption of the 'Guidelines on the relationship between Public Administrations and Third Sector Entities in Articles 55-57 of the legislative decree no. 117/2017 (Third Sector Code)', which indicates the forms of active involvement¹⁹⁶ of Third Sector entities¹⁹⁷ by public administrations in the exercise of their planning and organization functions at the territorial level of interventions and services in the sectors of activities of general interest.¹⁹⁸

Finally, the vast majority of the responding Member States affirmed that **CSOs or NHRIs are included in the committees set up to monitor the implementation of EU funded programmes under the Common Provisions Regulation (CPR)**. For instance, the response by Germany noted that CSOs or, where relevant, NHRIs working in areas related to the goals, the target groups, the types of implemented measures, and the horizontal principles of EU funded programmes under the CPR are involved at all stages along the funding cycle and their representatives are included in the various monitoring committees and are also involved in the arrangements set up to ensure compliance with the Charter.¹⁹⁹ The response by Croatia mentioned that the Ombudsman's Office as well as the Office of the Ombudsman for Gender Equality are included in the arrangements set up under the horizontal enabling condition to ensure compliance with the Charter.²⁰⁰ The response by Finland further stated that the Monitoring Committee appointed for the EU's regional and structural policy programme in 2021-2027, led by the Ministry of Economic Affairs and Employment, includes among its members two representatives of organisations responsible for promoting social

¹⁹⁰ Consultation Report by Slovenia, page 7

¹⁹¹ Consultation Report by Croatia, page 8

¹⁹² Consultation Report by Slovakia, page 8

¹⁹³ Consultation Report by the Republic of Poland, page 19

¹⁹⁴ Consultation Report by Greece, page 4

¹⁹⁵ Consultation Report by the Republic of Poland, page 20

¹⁹⁶ The respondent clarified that active involvement means, first, developing on a legal level form of confrontation, sharing and co-realization of interventions and services in which both parties - TSE and PP.AA. (Public administrations) - are effectively enabled to collaborate in all activities of general interest (Consultation Report by Italy, page 20).

¹⁹⁷ See *s.n.* 91

¹⁹⁸ Consultation Report by Italy, page 20

¹⁹⁹ Consultation Report by Germany, page 15

²⁰⁰ Consultation Report by Croatia, page 9

inclusion, fundamental rights, rights of persons with disabilities, gender equality and non-discrimination.²⁰¹ The response by Romania informed about the setting up, by the Management Authorities for each Operational Programme, of monitoring committees that include representatives of CSOs.²⁰² The response by Slovakia mentioned how CSOs actively participate in the monitoring of CPR programmes through membership in monitoring committees and working groups. Moreover, the response reports that a monitoring system for the horizontal enabling condition on the effective application and implementation of the Charter is being set up by the Ministry of Labour of the country.²⁰³ Similarly, the response by Czechia outlined how CSOs are included in the bodies for the preparation, implementation and monitoring of the CPR funds. This enables them to influence the content of programmes and calls for funding, and to participate in the evaluation and monitoring, including compliance of the operations with the Charter.²⁰⁴ In its response, Spain informed that CSOs are represented in the monitoring committees of each Operational Programme co-financed by the ERDF, ESF, EAGF and EAFRD funds. Their involvement focuses, among others, on the approval of the selection criteria, implementation reports and public summaries.²⁰⁵

In its response, Denmark mentioned that CSOs and NHRIs are included in the setup to monitor the implementation of EU funded programmes under the CPR. Specifically, the rules of procedure for the monitoring committee provide that, among others, the Disabled People's Organisations Denmark, The Danish Institute for Human Rights, DanChurch Social and Red Cross Denmark each are entitled to nominate a member of the Monitoring Committee. The rules of procedure also foresee that the Managing Authority (Danish Business Authority) can – either by own initiative or by nomination from the Monitoring Committee – appoint further members of the committee if it is estimated appropriate. Additionally, the same CSOs and NHRIs have been involved as stakeholders in the programming phase through bilateral consultations with the Managing Authority and through formal public consultation. The horizontal enabling condition arrangements to ensure compliance rely on the role played by the Monitoring Committee, and the CSOs and NHRIs exercise their involvement in this context.²⁰⁶

Moreover, the response by Italy mentioned that, in the context of European shared management funds, the compliance with the principles of the Charter is ensured both in the programming process of the Partnership Agreement and the Programs, where the application of the European Code of Conduct on Partnership contributes to ensure the broad involvement of civil society representatives in the process, as well as in the implementation phase, in which, alongside the establishment of the Supervisory Committee, the identification of a contact point is envisaged, based on the structure of the Managing Authority of each program holder administration. Through the Supervisory Committee, civil society carries out a specific surveillance and control function on the programs, starting from the phase of defining the selection criteria to be adopted, to ensure that any actions contrary to the Charter are not financed. The contact point has the task of supervising the compliance of the programs financed by the Funds with the provisions of the Charter, examining

²⁰¹ Consultation Report by Finland, page 9

²⁰² Consultation Report by Romania, page 20

²⁰³ Consultation Report by Slovakia, page 9

²⁰⁴ Consultation Report by Czechia, page 9-10

²⁰⁵ Consultation Report by Spain, page 11

²⁰⁶ Consultation Report by Denmark, pages 9, 10

any complaints and, in the event of non-compliance ascertainment, involving the competent bodies in the matter.²⁰⁷

F) Conclusion

The answers of the Member States that responded to the questionnaire highlighted that Member States acknowledge the crucial role that CSOs and other HRDs play in the realisation of the fundamental rights enshrined in the Charter. The replies acknowledge the vast spectrum of activities carried out by CSOs, including awareness-raising, educational and training campaigns, the protection and promotion of the rights of individuals in vulnerable situations, engagement in legal action to challenge the lawfulness of state action, including legislation, participation in national councils aimed at protecting the rights of particularly vulnerable groups, involvement in national human rights monitoring mechanisms as well as in the shaping of policy and legislative proposals.

When it comes to supporting CSOs and rights defenders, the Member States provided examples of public funding programs aimed at financing projects undertaken by CSOs working on the protection and promotion of fundamental rights. In addition, to a certain extent public funding is provided to cover CSOs' core costs for administrative expenditures and infrastructure, albeit, in several cases the financing is exclusively project related. Most Member States provide for tax exemptions, reliefs, deductions or incentives in case of donations to CSOs, thus further facilitating their operation.

Further, in terms of empowering CSOs and rights defenders, the Member States refer to advisory, consultative and counselling bodies, working groups and fora, which foster the dialogue between public authorities and CSOs and through which CSOs' interests are represented. Additionally, there are diverse consultation processes in the context of legislative proposals, including those which have an impact on civil society and civic space. In this regard, a promising practice is the existence of digital tools, which facilitate (online) consultation processes with CSOs and provide the latter with the opportunity to actively and efficiently comment on draft legislative proposals.

What appeared to be far less frequent in the responses were national protection mechanisms for CSO activists and HRDs who become the target of threats or attacks. Most Member States appeared to lack a system for reporting and monitoring threats or attacks against CSO activists and rights defenders, neither is there evidence for dedicated alert mechanisms and support services in case of such incidents. The protection of HRDs appears to be seen by the Member States as an issue that is more of an outside-EU concern. While support programmes for HRDs from outside the EU exist in a number of Member States, no respondent except Sweden mentioned a similar support system for HRDs from their own country.

²⁰⁷ Consultation Report by Italy, page 21