



A thriving civic space for upholding fundamental rights in the EU: looking forward

Follow up seminars to the 2022 Report
on the Application of the EU Charter of Fundamental Rights

SUMMARY REPORT

September 2023





Introduction

As recognised in the European Commission's [2022 report on the application of the EU Charter of Fundamental Rights](#), as well as in the [Council Conclusions on the role of the civic space in protecting and promoting fundamental rights in the EU of March 2023](#), civil society organisations (CSOs) and other human rights defenders (HRDs) play a key role in protecting and promoting the EU values of fundamental rights, rule of law and democracy. They are crucial in the system of checks and balances of healthy democracies as they act as watchdogs, drawing attention to threats to the rule of law, to democracy including to the conduct of free and fair elections, thereby contributing to hold decision makers accountable. They contribute to overcoming challenges our democracies are facing, including by combating discrimination, hate speech and disinformation. The active engagement and participation of CSOs and HRDs enhance the effectiveness and representativeness of policy and decision-making, considering the multiple and diverse interests they represent and can voice.

In May and June 2023, as a concrete follow up to the 2022 report, the Commission organised, with key partners such as the Swedish Presidency of the Council of the EU, the European Economic and Social Committee (EESC), and the European Union Agency for Fundamental Rights (FRA), three thematic seminars on safeguarding an open and enabling civic space in the EU. Each seminar gathered around 80 participants representing public authorities in the Member States, CSOs from the European, national and grassroots levels, HRDs, as well as EU institutions and agencies, international organisations, national human rights institutions, and donors. By presenting initiatives and sharing data and good practices, the aim of the seminars was to discuss in depth how to empower and support CSOs and HRDs at both national and EU levels and how to ensure their safety and protection. The seminars addressed the following themes:

- How to enhance protection of CSOs and HRDs exposed to threats and attacks, both in the online and offline environments;
- How to secure adequate funding and capacity for CSOs and HRDs to exercise their role and support their communities;
- How to empower CSOs and HRDs to contribute actively to policy and decision-making process, by fostering their effective participation.

This paper presents the main outcomes and concrete recommendations emerged from the input and discussion in these seminars. It aims to inspire future action and will be the basis for discussion at the concluding conference on a thriving civic space, co-organised by the Commission and the Spanish Presidency of the Council of the EU, taking place on 16 November 2023.



Main outcomes and key recommendations

Protection

CSOs and HRDs are often facing deliberate threats and attacks aiming at discrediting their work in the public opinion, at reducing the political and financial support as well as hampering their capacity to carry out their daily work. This affects both their capacity to promote and protect human rights on the ground and the mental health and wellbeing of their staff. Such threats are happening also online, as the digital space is often the most effective channel for smear campaigns and widespread attacks.

There is therefore a need **to enhance the protection** of CSOs and HRDs in both the online and offline environments with a view to, on the one hand, prevent, monitor and reduce the threats and attacks and, on the other, to support the development of CSOs and HRDs' capacity to tackle different type of threats by enhancing their resilience.

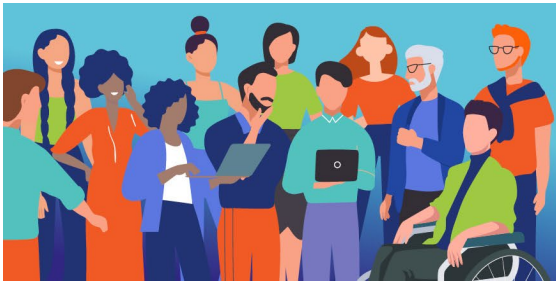
Council of Europe and EU protection mechanisms and initiatives

Among the initiatives oriented at protecting the civic space in the European context, the Council of Europe Platform for the Safety of Journalists and the EU external action mechanisms to protect civil society actors, such as the EU emergency fund for human rights defenders at risk, the EU fund for human rights crisis facility, and the EU mechanism to support enabling environment and create early warning systems for human rights defenders were mentioned. Also, the initiative aimed at protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings ("Strategic lawsuits against public participation" - SLAPP), as well as that [to facilitate cross-border activities of non-profit associations in the EU](#) are promising examples of EU actions aimed at protecting the freedom of expression and of association of CSOs and HRDs.



During the seminars, the following actions by both national authorities and EU institutions were indicated as the most important:

- For authorities to issue statements and take support action in case CSOs and HRDs face attacks, intimidation and smear campaigns and, when needed, acknowledge and enhance the awareness of their contribution to democracy, pluralism, rule of law and fundamental rights;
- To develop an EU-wide monitoring mechanism based on a clear methodology, which should be able to alert on signs of restrictions of the civic space; such monitoring mechanism should also include easily accessible reporting tools;
- To elaborate strong common EU standards regarding national human rights institutions, and further enhance their cooperation with CSOs;
- To provide for protection laws and mechanisms to prevent threats, which should be elaborated by involving CSOs and HRDs in consultations supporting (evidence based) decision-making process, especially in the impact assessment phase and in the revision of laws and policies;
- To provide multifaceted and targeted support to CSOs and HRDs at risk, including political, legal, financial and psychosocial support, sheltering, longer term support, and flexible responses to crisis situations;
- To enhance CSOs and HRDs' ability to follow new and rapidly evolving technological developments and building their capacity to react to threats in the online sphere, including related to commercial spyware tools, hate attacks, digital attacks and insufficient content moderation;
- To provide support to CSOs and HRDs through training and capacity-building on existing protection mechanisms, on digital threats, and on organisational and individual resilience.



Support

Protection mechanisms and practices are crucial; yet they still appear to be mainly reactive measures, supporting CSOs and HRDs once under attack. To enable CSOs and HRD to carry out their daily work effectively, they **need sufficient financial resources and adapted funding solutions** that contribute to supporting CSOs and HRDs under pressure.

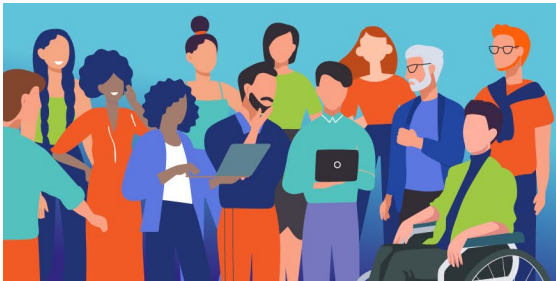
The Union Values strand of the CERV

The Citizens, Equality, Rights and Value (CERV) programme is endowed with €1.5 billion for the 2021-2027 period.

The **CERV Civil Dialogue supports** regular exchange with beneficiaries of the programme and other stakeholders; in 2023-2024, a series of public and targeted consultations will directly contribute to the **CERV mid-term evaluation**.

Several CERV calls for proposals provide for a **combination of project-based and capacity building activities**, a trend expected to continue in the future. The cascading calls to support civil society – a novelty introduced in 2021 under the Union Values strand – enable CERV to **simplify access to funding** for smaller, local organisations. Intermediaries selected through the cascading calls play a key role in building the capacities of and supporting those organisations as well as in distributing financial resources, including through **third party calls** published and promoted **in local languages**. Access to knowledge on calls for smaller, grassroots organisation is facilitated, inter alia, by information sharing **through the info sessions for each CERV call** as well as the CERV website and **the CERV National Contact Points**.

At the same time, **operating grants** to framework partners will continue providing **core funding to civil society organisations**, which play a crucial role in promoting and protecting EU rights and values.

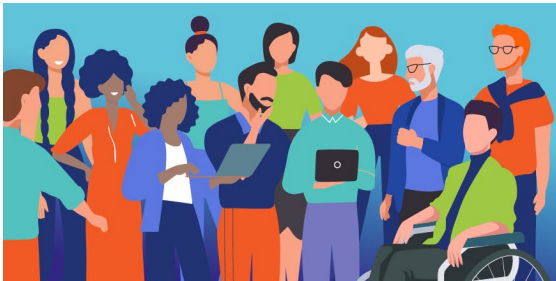


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During the seminars, the following actions by both national authorities and EU institutions were indicated as the most important:

- To ensure targeted and dedicated funding to cover specific needs, such as capacity building, cooperation and network building, peer exchange, organisational development, or security-related issues including mental health support for activists;
- To increase flexibility and accessibility of funding;
- To secure true core funding and continue the mixing of project based and capacity building grants;
- To simplify and speed up access to funding, including by reducing the administrative burdens, by simplifying reporting obligations, and by overcoming language barriers;
- To strengthen the role of the intermediaries that could provide continuous support (not just awarding the grant, but follow-up implementation and provide advice), crisis responses, as well as civil society development including targeted capacity building, coaching and mentorship programmes;
- To encourage networking and collaboration opportunities in applying for funding and support twinning between organisations with different legal status;
- To involve CSOs and HRDs in the planning and evaluation cycles of funding programmes;
- To enhance information-sharing and awareness about funding opportunities for CSOs and HRDs, in particular with a view to involve smaller grassroots organisations, for example through centralised funding portals and by using existing local networks and local media;
- Strategic coordination and peer exchange between public and private donors funding human rights civil society in the EU.

A part of the discussion focused specifically on possible improvement of CERV, based on lessons learnt. References were made to the possibility to reduce the co-funding requirements, with Member States providing match funding and mapping good practices. As to the programme design, suggestions were to extend project cycles, particularly for calls with regranting (e.g. at least 5 years); continue providing core funding, and explore the possibility of framework partnerships with national organisations; continue involving civil society in identifying priorities and following-up their implementation; exploring the potential for co-creation, as a complement to the Civil Dialogue.



Flexible, simple and stable funding schemes

In more general terms, promising practices from donors include **combination of funding with capacity building** to improve grantees' skills and expertise, **flexible and longer-term core funding** responding to changing needs of civil society, **easier grant application, differentiation of the funds' categories** such as pilot activities, international one-off activities, annual work plan, and structural grants.

Under the EEA Norway Grants' civil society support programme, community-based service providers are eligible grantees. Their applications could be further facilitated by decreasing the bureaucratic burden and by providing a wider menu of funding instruments such as rapid response grants and smaller grants.



Empowerment

Work in a safe and enabling environment where CSOs and HRDs are adequately supported and financed supports civic engagement including in the context of policy and decision-making processes. CSOs and HRDs working on the promotion and protection of fundamental rights are an important vehicle for channelling the voices of diverse individuals and groups in society, including of those in the most vulnerable situations and contribute to addressing societal challenges and economic development. They foster pluralism and accountability of decision-making. Such participation strengthens transparency and resilience against threats to freedom of expression, hate speech and disinformation.

Participation tools at EU level

With regard to empowering the civic space at the EU level, the panellists mentioned regular informal contacts with the civil society by acknowledging that CSOs are the ones knowing the situations in the field, but also initiatives such as the Children’s Participation Platform, the “Have your Say” web portal, the Conference on the Future of Europe, the follow-up European Citizens’ Panels, the European Citizens Initiative, and the European Youth Parliament. The Better Regulation frameworks enables stakeholder engagement in a structured manner. In addition, the EESC provides a platform for structured consultations with organised civil society and its horizontal body, the Fundamental Rights and Rule of Law (FRRL) Group, aims at strengthening fundamental rights, democracy and the rule of law.

During the seminars, it was highlighted that enabling an effective participation by CSOs and HRDs requires the following measures/actions:

- To enhance or set up an institutionalised framework that enable CSOs and HRDs to contribute effectively/provide effective contributions to public policy and decision-making processes. Such framework should include:
 - an inclusive mapping of CSOs and HRDs to be involved in the policy making processes and dialogues;
 - transparent and democratic selection of CSOs along clear criteria, ensuring adequate representation of marginalised groups;



- plain language, timely sharing of and access to information and guidance through dedicated publicly accessible websites, where all consultations are listed and categorised;
- adequate time spans to receive input from CSOs and the commitment to report on whether and how their contributions have been taken into account.
- To support the capacity building of both CSOs and public authorities through training on effective and meaningful participation and providing funding to support the implementation of the institutionalised framework for participation.
- To agree on common guidelines on engagement for EU institutions (European Commission, Council of the EU, European Parliament), ranging from co-creation and co-setting of the agenda, through a participatory process and proper feedback mechanisms;
- To identify, resource and train staff in the European institutions on how to meaningfully engage with stakeholders including CSOs.
- To provide for tailored consultations to better enable the participation of smaller, grassroots CSOs to EU policy and decision making, in addition to EU networks;
- To ensure the wide dissemination of public consultations, including via a more active Commission's representation in Member States with a view to promote EU public consultations and calls for evidence;
- To ensure adequate financial and technical support to CSOs and HRDs specifically to take part in participation, consultation and dialogue opportunities;
- To foster the establishment of networks of CSOs and other social partners, such as trade unions, academia and other stakeholders;
- To create a connection between CSOs and local, regional and national institutions along with a national cross-sectoral cooperation and coordination, in particular on key challenges such as climate change, environmental protection, digital threats, human rights violations.