



How can we enable, protect and expand Europe's civic space, to strengthen democracy, social and environmental justice?

Recommendations for the European Commission

In the context of growing fragmentation, polarisation, fear, anger, and precarity, appropriate, timely and coherent policy solutions are needed to rebuild people's trust in democracy as a political system that works for all.

A vibrant civil society that can act independently and at its full capacity is an integral part and cornerstone of a resilient democracy. Civil society can be an ally in developing and implementing people-centred and human rights-based policies. They also keep policymakers accountable when public policies have a negative impact on people and the planet. Civil society acts as antibodies when democracy and rule of law are under attack, and they are part of what makes democracy alive every day.

Policy-makers and institutions at all levels have a duty to enhance the resilience of civil society activism and, when needed, to protect human rights defenders. EU institutions also have a duty to implement civil dialogue as foreseen by art. 11.2 TEU.

This document aims at developing proposals for EU action as emerged during the European Convening gathering in Brussels on 5-6 December 2022 over 100 representatives from civil society, institutions and donors for an open civic space in Europe.

Among the following recommendations, ahead of the end of the current mandate we call on the European Commission to:

1. Put in place an EU mechanism to protect civil society and human rights defenders also inside the EU;
2. Develop a Commission staff working document on the functioning and potential of European civil dialogue as per Art. 11 TEU, to bring coherence in the engagement practices and standards across all DGs;
3. Review the Citizens, Equality, Rights and Values (CERV programme), as well as relevant grants from other EU programmes in dialogue with civil society, in order to further improve their positive support to civil society and its work;
4. Involve CSOs in the early stages of the review of the Multiannual Financial Framework and Financial regulations.

1. Protect civil society and human rights defenders against attacks

We call for an EU mechanism to protect civil society and human rights defenders that should be built on the example of the existing external EU human rights defenders' mechanism protectdefenders.eu, the upcoming mechanism developed by DG IntPA to support civil society in the External Action, as well as the Council of Europe Platform for safety of journalist and the UN Special Procedures. Such a protection mechanism should be set up in cooperation with civil society organisations¹ and NHRIs. The mechanism should consist of a platform allowing civil society to report on an ongoing basis attacks and negative developments. Once the complaints are verified, they shall be made public. The mechanism shall ensure:

Prevention:

- Monitor early warning signs. The monitoring should feed into the European Commission's Rule of law reports and lead to country-specific recommendations.
- The coverage of civic space issues in the European Commission's rule of law reports should be strengthened, in particular by reporting on attacks, criminalisation and strategic lawsuits against public participation (SLAPPs) against CSOs and HRDs, based on evidence captured through the mechanism.

¹ See opinion 5, PROTECTING CIVIC SPACE IN THE EU, FRA 2021.

Direct assistance:

- The mechanism should enable rapid response to support human rights defenders (HRDs) that face immediate risk. A 24/7 hotline, run by independent civil society organisations on behalf of and financed by the EU institutions, could finance and provide a wide range of measures, including legal representation, medical costs, protection measures, communication support, and psychological support, and relocation.

Accountability:

- The mechanism should require and provide space for Member States to react publicly to complaints registered on such a platform, explaining measures adopted to address the complaints.
- The mandate of the Commission Vice President responsible for civic space and dialogue with civil society should include proactive diplomatic support of civic actors under pressure and timely follow-up to civil society complaints registered on the platform, via public and diplomatic means at their disposal (communications, country missions, public statements, infringement procedures..), in dialogue with civil society organisations.

Building resilience:

- Civil society organisations and HRDs should be supported through activities such as 1) capacity and knowledge building on existing protection mechanisms, 2) training on risks, protection, strategic litigation and legal defence, 3) public awareness campaigns, framing and neuroscience, 4) facilitating cooperation with national human rights institutions, 5) training on organisational and individual resilience, organisational development and digital and physical security, 6) investing in the creation and consolidation of regional networks of for peer exchange and peer learning.
- The European Commission shall ensure that narrative and policies adopted, in particular in relations to migration and counter-terrorism, are in line with human rights standards and do not unduly contribute to creating suspicion on and restricting the action of civil society organisations and human rights defenders.

2. Foster real dialogue and meaningful participation

European civil dialogue is an essential element of European participatory democracy, which is distinguished and complementary to forms of citizens' engagement (discussed below in point n.4). CSOs' participation in shaping public policies at the EU level is provided by the treaties (*Art. 11 § 2 TEU "The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society."*). At national and local levels, good practices of co-creating and co-managing public policies and services exist (co-programming, participatory budgeting, crowdsourcing legislation etc). Most EU Member States are also part of the Open Government Partnership as well as of the Aarhus Convention, which spearheads public participatory processes. Implementing Article 11 § 2 of the TEU requires a structured policy framework and guidelines across EU institutions, as well as training for policy-makers and public servants and the development of a participatory culture².

Beyond consultations, we call for civil dialogue to be recognised and organised on an equal footing to social dialogue in the EU policy-making, in all areas of EU action and along all

² See opinion 4, PROTECTING CIVIC SPACE IN THE EU, FRA 2021.

policy cycles. The European Commission should develop a Commission staff working document on the functioning and potential of European civil dialogue to bring coherence in the engagement practices across different DGs³:

- Co-programming⁴ and participatory designing of public policies: Civil society should be involved in the assessment of the needs of general interest to be addressed by sectoral EU policies and programmes, the identification of appropriate policy solutions and in the preparation of the European Commission work programme. Such involvement is already happening at the national level through supervisory committees involving among other partners civil society organisations⁵. Civil society should also be involved throughout the policy cycle, including policies' design, implementation and assessment. For this purpose, permanent civil dialogue structures should be established in each European Commission DG on the example of positive practices such as in DG EMPL, DG Trade and DG AGRI. One member of the cabinet of the President of the European Commission should be responsible for cross-sectoral dialogue, and there should be a dedicated unit within the Secretariat general coordinating the civil society (or civil dialogue) units within each DG and reporting to the Commission President and Vice President in charge of civic space and civil dialogue.
- Sectoral dialogue: The Commission should engage in dialogue with civil society before submitting policy proposals on the possible direction of Union action and on the content of the envisaged proposal, similarly to the social partners, as well as the feasibility and impact assessment.
- Cross-sectoral dialogue: The EU should establish an annual summit enabling civil society to contribute to the political dialogue on the direction of EU action and policies, in the context, for example, of the state of the union.
- Interinstitutional coordination on the implementation of article 11.2 TEU: The EU institutions should coordinate to ensure the structured involvement of civil society across all phases of the policy cycle. For this purpose, permanent civil dialogue structures should be established in the European Parliament and European Council.
- Ensure the proactive involvement of grassroots organisations and associations led by marginalised groups:
 - Associations representing people who are affected by the policies, especially grassroots organisations and marginalised communities, including people with a precarious or insecure residence status, should actively be involved in the process of designing policies. Civil servants in the EU institutions should be trained to proactively engage with these communities to gain knowledge on how to empower their active participation.
 - The EU Commission should provide technical assistance, funding and adequate time so that grassroots and under-represented communities can truly participate in EU policy-making, directly when the legislation reaches the national level or through their representative networks at the EU level.
- Strengthen multi-stakeholder partnership approach to policy-making involving the public and private sectors and civil society organisations to tackle societal issues.

³ On the example of the COMMISSION STAFF WORKING DOCUMENT on the functioning and potential of European sectoral social dialogue.

⁴ See, for example, coprogrammazione and coprogettazione in Italy: <https://www.cantiereterzosettore.it/la-co-programmazione/>

⁵ Following Commission Delegated Regulation (EU) No 240/2014 of 7 January 2014

3. Build the resilience of the civic sector through truly empowering funding policies

Truly empowering funding policies aim to shift the power to communities and those representing them, to ensure they respond to and meet real needs. EU funding policies for civil society should embed Human rights grant-making principles⁶ and learn from other funders' best practices such as trust-based philanthropy⁷, "funding for real change"⁸ and participative grantmaking⁹ to ensure real empowerment and strengthening of civil society.

- Inclusive and participatory funding and budgeting:
 - o The negotiations on the multiannual financial framework and the definition of key funding programmes both at the EU level but also at the national level and towards third countries should include civil society through structured dialogue.
 - o Funding policies, including thematic priorities, accessibility, reporting and evaluation should be designed together with civil society, also involving grassroots organisations.
 - o A bi-annual structured dialogue should be put in place between relevant European Commission DGs and beneficiaries of EU funding, who should have a say on the agenda of the meetings, in order to provide space for feedback and adjustments of the funding programmes (i.e. in face of crises, inflation...). Best practices of such dialogues are already taking place through the Humanitarian Partnership Watch Group between the DG ECHO of the European Commission and humanitarian CSOs¹⁰, as well as through the Programming Committee on Youth at the Council of Europe level¹¹.
 - o CSOs at the national level, should be supported to participate in the programming and monitoring of EU funding by providing technical support (access to information, knowledge, skills...), funding and protection. To this end, the European Commission should monitor the application of the partnership principle and Member States' inclusion of CSOs in the preparation, implementation and evaluation of the programmes, including the National Recovery and Resilience Plans, to enable their watchdog role to guarantee that EU funds are properly spent to meet the goals and the ambitions of the plans, as foreseen in the Common Provisions Regulation. It should also extend it to all EU funding to Member States.
- Review the CERV to unlock its full potential: While CERV has been a huge positive step forward, it is urgent to review its functioning and accessibility in partnership with civil society organisations, to overcome existing challenges (bureaucracy, unrealistic unit costs and lump sums, too high co-funding rates for intermediaries, language barriers, effects of inflation, project-grant management applied to core funding, core funding vs project funding...) . This also requires ensuring the participation of civil society in the review of the Multiannual Financial Framework and Financial regulations.
- Ensure the accessibility of funding by grassroots organisations by 1) ensuring the funding, especially the shared management funds, is not used to fund anti-rights and anti-

⁶ <https://www.hrfn.org/wp-content/uploads/2016/11/Principles-English-Sept-2020.pdf>

⁷ [Trust-Based Philanthropy \(trustbasedphilanthropy.org\)](https://trustbasedphilanthropy.org/)

⁸ [Funding For Real Change | Reimagining Project-Based Giving](#)

⁹ [epa grantmaking final web.pdf \(okotars.hu\)](#)

¹⁰ <https://voiceeu.org/humanitarian-partnership-watch-group>

¹¹ <https://www.coe.int/en/web/youth/programming-committee>

choice NGOs, 2) simplifying the application and reporting procedures, for instance by introducing 2-step application procedures and introducing differentiated co-funding levels and administrative procedures based on the type of applicants and the size of grants, 3) enabling the dissemination, application and review process to happen in the national language.

- Expand the funding disbursement through CSO intermediary beyond the CERV to other funding programmes that can support the development and strengthening of CSOs capacities and infrastructures, such as the structural funds, in order to overcome government interference.
- Support organisational development, fair salaries (including by rising personnel costs in project funding) and good working conditions (including eligibility of sick and maternal payments, severance and other payments if necessary) so that self-care and community care are at the heart of internal working cultures¹².
- Cover the full and fair costs of administration and financial management, including in project grants (at least 20% overheads).
- Move towards truly multi-annual, flexible core funding practices¹³ by overcoming the yearly application and reporting cycle for multiannual funding which is counterproductive for multiyear commitments, costly and resources-consuming.
- Reduce the administrative burden and cost of reporting for NGOs: Simplify the written reporting and invest in evaluation approaches focused on dialogue and learning. The level of administrative procedures required should be proportionate to the amount funded and the annual budget of the organisation.
- Ensure flexibility to support NGOs in crisis situations, as is the case in the EU's external action (emergency grants etc.).
- Ensure thematic priorities and funded activities cover civil society's needs including:
 - o Services for the protection and care of activists (i.e. access to psychologists, and lawyers costs, training on digital, physical and psychological safety...)
 - o Networking and coalition building
 - o Strategic litigation
 - o Capacity building for 1) organisational development and impact evaluation, 2) wellness, burnout prevention and resilience, 3) Tackling disinformation, 4) skills for alliance building with grassroots and social movements, 5) gender mainstreaming, diversity and inclusion policies, 6) Narrative building, 7) inclusive leadership, 8) Civic engagement and constituency building.
- Set recommendations towards harmonising tax incentives for CSOs across Member States.

¹² <https://www.hrfn.org/wp-content/uploads/2016/11/Principles-English-Sept-2020.pdf>

¹³ [6+Grantmaking+Practices+of+TBP_June+2022.pdf \(squarespace.com\)](#)

4. Invest in developing democratic resilience

Regressive forces inside and outside Europe build political capital from people's erosion of trust in democratic processes to address their social expectations, from the fear of losing access to basic rights and living standards. Manipulation of information and foreign interference thrive on dissatisfaction, not the other way around, and take advantage of weak civic and democratic education and media literacy.

- Invest in civic and democratic education: Democratic resilience starts from quality education, especially education to democracy and fundamental rights. The European Commission should:
 - o promote the full implementation and use of the Council of Europe Reference Framework of Competences for Democratic Culture as standards for the development and evaluation of educational curricula by national authorities¹⁴. The triennial European citizenship report should evaluate the quality and extent of European citizenship education and the rule of law report should monitor academic freedom.
 - o support the promotion of citizenship education, including via adequate funding to CSOs and schools, beyond the Erasmus programme, for activities and advocacy on the matter.
- Strengthen citizens engagement mechanisms within the EU: Next to civil dialogue, the Commission should enhance its efforts to introduce citizens' engagement processes in the EU policy making cycle as part of strengthening democratic participation at the European level. Building on the experience of the Conference on the Future of Europe, the Commission should strengthen participatory and deliberative practices such as the European Citizens' Panels¹⁵, and make sure that they are held on a regular basis and become part of the EU decision making process, as they strengthen citizens' sense of belonging to the European political and cultural space and stimulate a wider and active participation in EU affairs. The European Citizens Initiative should be reformed to ensure its effective functioning and the possibility of holding European referenda could be explored.
- Support transnational civic alliances and networks: the Commission should support the creation of transnational relations among CSOs from different member states and as well as existing European networks to foster the development of a common European public space and enable sharing of learning and practices.
- Support CSOs in fighting disinformation and safeguarding elections:
 - o Strengthen the European Commission's push for media and political literacy.
 - o Support fact-checking civil society organisations with sustained funding opportunities
 - o Require social media platforms to open data for NGOs, as well as researchers and journalists to ensure that content moderation addresses disinformation and hate speech towards civil society and activists.

¹⁴ https://www.nece.eu/wp-content/uploads/2020/12/NECE_declaration.pdf

¹⁵ https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7734

- Encourage balanced reporting about and giving more space to civil society in media during the implementation of the European Democracy Action Plan and the Media Plan
- Address equality, inclusiveness, representativity and transparency of European elections. This includes the right to vote for all citizens and individuals residing in the EU for at least 5 years, including persons with disabilities, and prisoners, amongst others as well as the accessibility of elections and political campaigns and debates, transparency of political party and campaign finance, independence of public broadcasters, as well as issuing guidelines for elections in emergency contexts such as pandemics.
- Develop election observation missions in the EU and support civil society organisations to carry out their work within the observation missions, as well as further review of elections and online campaigns towards elections.
- Put in place (directly or at Member States' level) coherent policies which respond to the various vulnerabilities and insecurities in our societies by combating social, cultural or regional inequalities as well as economic precariousness; redistributive policies covering the whole spectrum of what brings cohesion in our societies – solidarity, inclusiveness, social security and equality (first and foremost in articulating the economic, social and environmental fields). Only in this way, can we rebuild popular support for democracy and gain back the voice of citizens, who express their discontent in such large numbers and in so many ways.