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Open Letter for the new European Commission and European Parliament

For a Resilient Civil Society Able to Build on EU Values:

Our Expectations from the New EU Leaders

*Launched as the conclusion of the **International Civil Society Forum** that took place in Bucharest on June 3-4, 2019, and gathered more than 200 participants from 28 European countries. The forum was organised by the Civil Society Development Foundation (Romania) together with the European Civic Forum and Liberties.EU – Civil Liberties Union for Europe, in the framework of the Active Citizens Fund Romania. The event was supported by CNVOS - Center for Information, Cooperation and NGO Development (Slovenia), Europuls – the Centre of European Expertise (Romania) and promoted by the Civil Society Days of the European Economic and Social Committee.*

Based on the paper drafted by Israel Butler, Civil Liberties Union for Europe.

Across Europe we are witnessing growing pushback against democracy, fundamental rights, the rule of law and EU values at large. These values include respect for equality, non-discrimination and social inclusion for all (including marginalised and vulnerable groups). They are the values on which the EU is founded, as guaranteed by Article 2 of the Treaty on European Union and are common to the Member States. According to Article 3 of the Treaty on European Union, the aim of the EU is to promote the wellbeing of its peoples, as well as the values contained in Article 2.

These values are threatened today both by current policies which do not ensure equal access to fundamental rights for all, and regressive populist and authoritarian responses.

Civil society in all its diversity (organisations, movements, informal civic groups, peaceful civic protesters) have become targets of populist authoritarian politicians precisely because they protect democratic standards and institutions, as well as a vision of democracy based on social justice and inclusion.

Following the 2019 European Parliament elections, we need the new European Parliament and European Commission to actively support civil society to maintain its prominent role in protecting and implementing the EU values, defending and acting for access to fundamental rights for all.

For this reason, alongside other civil society manifestos preceding the European elections, such as the [Berlin Agenda](#)[1] , the [Belgrade Call to Action](#)[2], the [Five Steps for EU Action](#)[3] and the [Philanthropy Manifesto](#) and having consulted our constituencies, **we urge the new European Commission and European Parliament to carry out the following measures:**

Empowering civil society across EU countries – Protection against legal/administrative measures. The EU should:

- Create a special position responsible for civic space in the Commission reporting to the First Vice-President, empowered to receive complaints from CSOs, make diplomatic interventions to protect CSOs under attack, coordinate relevant policies and funding as well as to encourage exchange of good practice among Member States in developing an enabling environment for civil society.
- Mandate the President of the European Commission to ensure that EU policies and legislation are designed and implemented in the interest of EU citizens by promoting an open, regular and transparent dialogue with civil society.
- Ensure that it uses the EU legal framework to decisively take legal action against Member States introducing measures to shrink the civic space.
- Support the European Union Agency for Fundamental Rights (FRA) to conduct regular surveys and issue reports on the state of civil society across the Union.
- Develop a European legal form for civil society organisations taking inspiration from best practices available across Member States in terms of recognition and support for the freedom of association.
- Develop guidelines for Member States to avoid regressive misinterpretations of EU law concerning money laundering and terrorist financing, keeping national practices in compliance with the EU Charter of Fundamental Rights.
- Provide support for training or guidance from legal specialists to civil society organisations on how they could use national and European law to challenge the restrictions they are facing.
- Enable and protect philanthropy by calling on Member States to establish an enabling environment for philanthropy and refrain from discouraging philanthropic action, including cross-border philanthropy.

Deterring governments from dismantling institutions and standards. The EU should:

- Establish a system of regular monitoring and dialogue between the Council, Commission, European Parliament and national governments, to review their implementation of standards for the protection of democracy, the rule of law and fundamental rights.
- Ensure that legislation under negotiation linking access to EU funding with respect for the rule of law is adopted and actively implemented by the Commission.

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[1] Developed in the frame of the European Conference "[Not without Us!](#)" on 21-22 March 2019 in Berlin organised by BBE - Bundesnetzwerk Bürgerschaftliches Engagement with the support of the European Civic Forum in the frame of the European campaign "[Make Europe Great for All - #MEGA](#)".
[2] Developed within the 2019 Civicus International Civil Society Week.
[3] Developed 2018 by the Open Society Justice Initiative.

- Use all possible opportunities given by pre-accession negotiations to strengthen the role of civil society in candidate countries, as an essential agent of the rule of law, good governance and fundamental rights.

Ensuring respect for human rights amongst the groups facing the greatest threats in this respect. The EU should:

- Develop guidelines and minimum standards for Member States to fulfil in order to be fully in line with the provisions of the EU Charter of Fundamental Rights.
- Intensify efforts to combat hate speech online and in all media.
- Prioritise outreach towards vulnerable groups in all civil society funding programmes.
- Ensure that any EU funding scheme for civil society is available, both in theory and practice, also to smaller, community-based, younger organizations through the use of appropriate grant-making instruments and procedures, including re-granting mechanisms.
- Ensure greater allocation of funds for projects designed to facilitate greater mixing and integration measures involving the majority population and marginalised ethnic and social groups, for example, housing projects, school exchanges and joint community projects.
- Put safeguards in place to ensure that the Citizens, Equality, Rights and Values programme, as well as other European funding programmes dedicated to civil society, are only accessible to CSOs that promote and protect democracy, the rule of law and fundamental rights within the meaning of the EU Charter of Fundamental Rights and the European Convention on Human Rights.

Boosting local democracy. The EU should:

- Revise existing EU laws that can prevent municipal authorities from providing effective, good quality public services, such as certain rules on public procurement, services of general interest and free movement of services.
- Facilitate meaningful consultative forums for CSOs working at local and national level to communicate directly with the EU on matters affecting local social policy and public services.
- Facilitate the involvement of local and national CSOs in the work of the EESC and the Committee of Regions.
- Encourage the involvement of civil society in the preparations of each Member State for the rotating Presidency to the Council of the EU, as civil society is the most efficient actor in informing citizens about the exercise and also in gathering input for the priorities and positions of the relevant Member State during this period.

Improving formal and non-formal civic education. The EU should:

- Dedicate more funds to exchanges between Member States among school children as a means of encouraging the development of mutual respect, empathy and perspective taking.
- Fund the development of educational materials and training on democracy, the rule of law and fundamental rights for use by CSOs and schools.

- Support non-formal public education programmes aimed at increasing public understanding of democracy, the rule of law and fundamental rights. The EU should ensure that adequate funds are available for this under the Citizens, Equality, Rights and Values programme.
- Develop guidelines for Member States to implement civic education curricula at all levels of education based on the recommendations laid down in the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education.

Supporting the development of narratives and communications strategies and tools in support of democracy, the rule of law and fundamental rights. The EU should:

- Through the FRA, fund the development of thorough and effective communications toolkits adapted to the cultural and linguistic particularities of each Member State.
- Through the FRA, fund masterclasses, workshops and ongoing expert support to CSOs on communications and framing.

Delivering effective, human rights compliant counter-terrorism measures. The EU should:

- Ensure that EU legislation in general, and counter-terrorism in particular, is in line with the full respect of human rights, including the right to privacy. It should not authorise blanket mass surveillance, and bring infringement proceedings against governments whose laws are not in line with such EU standards.
- Help CSOs protect themselves against surveillance by supporting the delivery of training from civil society organisations in the digital technology sector to make sure that CSO staff adequately protect the privacy of their communications, through the FRA.

Ensuring media independence. The EU should:

- Reform the Audio-Visual Media Services Directive to include guarantees for the independence of public service broadcasters and ensure editorial independence from owners for public and private media outlets.
- Ensure that competition rules include an effective guarantee for the plurality of media ownership in a way that protects democratic pluralism.
- Support non-profit models for media outlets, for example through taxes on news aggregators like Google and Facebook and through exemptions on taxation for non-profit outlets similar to those in place for charitable associations.
- Support independent, high quality media through media literacy programmes, training for journalists on media ethics and grants to independent journalists or new non-profit media outlets.

Further context: the nature of the problems and their causes

I. How does the shrinking civic space fit into broader attacks on democracy, the rule of law and fundamental rights?

The shrinking civic space is one symptom of a broader attack on democracy, the rule of law and fundamental rights. Support for politicians with populist authoritarian agendas is growing among the public. Populist authoritarians pursue a number of goals: drawing power away from independent institutions like the judiciary and parliament towards the executive; taking control of the media and restricting freedom of expression and assembly; weakening protection for historically marginalised groups such as women, LGBTI persons, ethnic minorities and migrants; promoting harsh treatment of prisoners and weakening protection for criminal suspects; weakening environmental protection and anti-corruption mechanisms.

Civil society organisations become targets of populist authoritarian politicians because they protect the standards, institutions and marginalised groups that populist authoritarians attack. Civil society organisations are also targeted because of their ability to mobilise the public, provide an alternative source of information on current affairs and create progressive narratives that challenge the threat / competition / fear / hate-based narratives used by authoritarians to stir up public support.

II. What kinds of measures do populist authoritarians take against civil society organisations?

Broadly speaking, there are four kinds of measures. 1) Limiting access to funding by blocking or taxing sources of funding, publishing the names of donors, and removing public funds. 2) Imposing excessively burdensome administrative requirements, for example, on financial reporting, coupled with severe penalties for non-compliance. 3) Intimidation of activists through, for example, attacks on reputation, hate speech, tolerating attacks by third parties against reputation, property or staff and administrative harassment, such as unfounded audits. 4) Smear campaigns designed to destroy the public's trust in civil society organisations, which damages their ability to inform or mobilise the public, as well as reducing the flow of donations.

III. Why are voters increasingly supporting politicians with authoritarian agendas?

It is well established by researchers that a significant proportion of voters respond to a feeling of being left behind by policy makers and a perception of fear for their future by voting for parties with authoritarian political agendas or even embracing their authoritarian political attitudes. Sources of threat and competition of the kind that cause people to endorse authoritarian political attitudes can take different forms. These include:
- Economic shock caused by a recession;
- Rejection of growing inequalities;

- A feeling of physical insecurity due to terrorism and crime;
- Challenges to traditional cultural norms;
- Competition for resources;
- Challenges to traditional social and economic hierarchies
- Lack of trust in institutions.

EU countries have experienced some of these sources of threat and competition objectively, such as economic recession. But other sources of threat and fear have been exaggerated or entirely manufactured by populist authoritarians, often with the help of the media sometimes on purpose and sometimes unwittingly. For example, civil society organisations have been falsely portrayed as threatening traditional cultural norms and security. What matters, for the purposes of provoking support for authoritarian political agendas, is perception, rather than the objective reality of threats. For example, populist authoritarian politicians have been able to base successful election campaigns around migration in countries that experience very little migration.

In the past, people pre-disposed to authoritarian attitudes were rather more scattered across support for different political parties than is the case now. What populist authoritarians are now doing is uniting committed/highly predisposed authoritarians behind their causes, while also gradually capturing the voters in the 'moveable middle' of society. The reason that populist authoritarian politicians are now gaining such strength is also a result of the mainstream policies that led to a growing number of people being left behind while wealth continued to be accumulated by a shrinking section of society. Politicians with a populist authoritarian agenda have built support because a) of external factors that they have been able to exploit (economic recession, migration, terrorism and changes in cultural norms); and b) they have become extremely adept at developing and spreading threat / fear / competition / hate-based narratives, aided in part by the poor state of media pluralism and the rise of the internet. Given the commonalities in the rhetoric and political agendas of authoritarian politicians, it is highly likely that these political movements are also benefiting from common sources of training, expertise, guidance and other forms of support.

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