

## **Civil Society Europe Statement on the European Democracy Action Plan**

### **Recognition and Support to civil society organisations must be a key element of a future action plan on Democracy**

During the last years, EU core values such as democracy, rule of law and fundamental rights have been facing increasing challenges within the European Union itself. This has also meant a shrinking civic space that we have documented in several [reports](#). The impact of the recent pandemic and measures to address it have further contributed to deteriorating these trends and has had a further adverse impact on the ability of civil society to perform its role whether in promoting access to fundamental rights in the social, health, cultural, education, environmental sector or advocating for good governance and better democracy. We welcome therefore the development of an action plan on democracy and we would like to be an active part!

Civil society organisations play a key role in the democratic system, holding those in power to account and stimulating public debate and citizen engagement, responding on the ground to societal challenges, as well as in combating some of the identified threats. Civil society is also crucial in empowering individuals to express their opinions and voice their concerns, as also recognised by the Treaties. In addition to this, participatory and deliberative democracy can give citizens an increased chance to actively and directly participate in the shaping of planned or future public policies. A major element in the context will be the upcoming Conference on the Future of Europe.

A number of measures are necessary to sustain and reinforce democracy in Europe, but this can only happen through the active involvement and recognition of civil society as an important pillar of democracy.

### **Civil Society must be fully involved in shaping EU policies**

As an umbrella organisation uniting major EU level civil society networks, we can be satisfied with the opportunity as such to access and respond to consultations, but less on the quality and effectiveness of these consultations.

The better regulation process deemed to ensure that EU laws are “fit for purpose” should be reviewed. If mainly focused on reducing regulatory burden, this approach is rather fit to create a more favourable business environment than to design policies for the general interest. Obviously, the two are not incompatible, but they should be given equal weight and carefully balanced.

We would prefer the better regulation approach to focus on the quality and effectiveness of regulation, and its ability to respond to people’s needs on the ground. Citizens in the end will

appreciate the quality and impact of legislation if they see that the water is safe and clean, that air pollution is substantially decreased, that their food is of high quality, that workers' rights are respected, that their living conditions are improved, and not the other way around. Thus social and environmental impacts of EU legislation should be better balanced with economic impacts, which often take priority. Fundamental rights should be taken more adequately into account when designing legislation and policies, by improving the quality of impact assessments and ensuring meaningful opportunities for public consultation and debate on Commission's proposals. Balanced participation in policy making will allow the EU institutions to have a complete view of all issues at stake and avoid undue influence.

A fair balance between inputs from different stakeholders should be ensured. This can only be achieved by:

- reviewing the methodology of consultations to reach out more civic and social organisations at EU and national level;
- going beyond online consultations and putting in place a structured and continuous dialogue with civic and social organisations along all phases of policy making, including its implementation and evaluation phase.

Civil Society Organisations represent constituencies from a wide range of sectors. Through their daily action from employees and volunteers, they give practical substance to European shared values. Whether they provide philanthropic activities or social services, whether they advocate or campaign to promote effective access to civic, political, economic, social, cultural and environmental rights for millions of people across Europe, they are in the front line to witness precarious situations, respond to people's needs, address societal challenges such as climate change, digital transformation, health and socio-economic impact of the pandemic, and alert on the shortcomings of public policies.

Democratic civic organisations are bridge-building tools for citizens to organise and better "make known and publicly exchange their views in all areas of Union action" (Art. 11 TEU).

- The EU and Member States should **support them to mobilise and empower people on the ground** to speak up in their diversity, making their "right to participate in the democratic life of the Union" a reality, as enshrined in Article 10 of the TEU.
- The EU and Member States should give them **the channels to participate** in an "open, transparent and regular dialogue" with the EU institutions (Art. 11 TEU).

**More specifically, we call on the EU to:**

- **Fully implement the provision of Art. 11 TEU** regarding an "open, transparent and regular dialogue with civil society and its representative associations" in all areas of EU action. The Commission should initiate an **inter-institutional agreement on civil dialogue with European civil society**.

- Ensure meaningful and inclusive **participation of civil society including philanthropy** in the context of the **Future of Europe Conference, in the implementation of the EDAP** and any other mechanisms and processes for the promotion and protection of democracy, rule of law and fundamental rights.

In order to ensure meaningful participation of civil society, certain pre-conditions are also necessary:

- EU decision making processes within all institutions must be open and transparent and people in Europe must be able to know what is the position of their government and elected representatives at all stages;
- Participatory mechanisms must be accessible and inclusive to all;
- An enabling policy and legal framework must be sustained at all levels: local, national and European;
- Participation must be supported through financial and human resources;
- Civic education must be put in place including on the EU and its values.

This is also part of our [Roadmap on civil dialogue](https://civilsocietyeurope.eu/wp-content/uploads/2019/06/Roadmap-to-Civil-Dialogue-in-the-EU.pdf) in the EU: <https://civilsocietyeurope.eu/wp-content/uploads/2019/06/Roadmap-to-Civil-Dialogue-in-the-EU.pdf>.

## **Civil Society plays a crucial role in the promotion of a democratic debate**

The **Conference on the Future of Europe** is an opportunity to engage in a democratic debate with citizens (and residents) and civil society all across Europe, including accession and Eastern partnership countries, about the future EU developments and policies. Wide participation and a truly deliberate and inclusive process must be ensured both online and offline. Civic organisations are on the forefront in developing responses to societal challenges as well as in keeping governments and institutions accountable. A Conference discussing the future of Europe must acknowledge and value this **watchdog role of civic organisations**, alongside other checks and balances. The joint EU institutional declaration should ensure their meaningful participation across all stages of the process, including in the proposed plenary of the conference. The conference should also be the opportunity to discuss how to reinforce democratic processes and active civic engagement.

We welcome the perspective of including in the **Annual Rule of Law Report** a section related to the existence, development and support of an enabling framework for civil society as part of the 4<sup>th</sup> pillar on checks and balances supporting democratic systems based on the rule of law. However, we believe that civic space constitutes a standalone pillar of rule of law, and that it deserves greater attention within the different parts of the report. Also questions to address the enabling regulatory environment, the supportive funding landscape, and measures to protect civil society should be included and dedicated indicators should be developed, also on the basis of

the EU experience with support of civil society in enlargement countries. A shrinking and threatened civic space with legal or practical restrictions to the freedom of assembly, association and expression and the right to participation is an important indicator of a weak rule of law environment. In times of crisis, civil society organisations and activists are often among the first to inform public opinion, advocate and take action for the respect of the rule of law in national and international fora, and therefore are themselves often one of the first targets of those who aim to undermine the rule of law.

**More specifically, we call on the European Commission to:**

- **Include systematically within the annual rule of law review a comprehensive assessment of the civic space in each Member State** within its diverse and interrelated components and its impact on the political system and the rule of law. Such a framework should include, at least, a review of the legislative and policy framework and its implementation, including the use of digital technologies, relating to the exercise of civic space fundamental freedoms.
- **Plan in advance a systematic and regular involvement of civil society actors as part of the review cycle at the different stages of the process**, including by involving them in the design of rule of law reporting structures, reporting consultations, country visits and by requesting civil society feedback on the information received from Member States to make sure the input is complete or merits a request from the Commission for further clarification from national authorities.
- **Engage in dialogue with civil society on the outcomes and findings of the rule of law review cycle**, including assessment of this first year exercise and the preparation of the next reporting.

Our full contribution to the Response to Annual Rule of Law Report Stakeholders' consultation is available here and encompasses more concrete points for future action: <https://civilsocietyeurope.eu/wp-content/uploads/2020/05/CSE-Response-to-EC-Annual-Rule-of-Law-Stakeholders-Consultation.pdf>

See also [Civil Society on the Frontline - 5 points for EU action 2019-2024](#)

## **We need more participatory and deliberative democracy at the European level**

Participatory democracy gives citizens and civil society organisations a chance to actively and directly participate in the shaping of planned or future public policies. A major element in the context will be the upcoming Conference on the Future of Europe.

Embedding deliberative democracy tools, such as citizens' assemblies, into policy making processes should be considered. The Conference on the Future of Europe offers a perfect opportunity to apply innovative deliberative methods.

Participation of civil society plays a crucial role in the promotion of democracy and **civil dialogue** could be further strengthened at national and EU levels. When we speak about civil participation, we are talking about the various forms of engagement by citizens, residents, and civil society organisations.

Experts on participatory democracy deem the following necessary for effective and meaningful civil participation before, during, and after political decision-making:

- *Openness and transparency of public decision-making processes;*
- *Concrete and thorough mechanisms on global, regional and national level that allow for public participation, both online and offline;*
- *Participatory mechanisms that are accessible and inclusive to all, including marginalized individuals and groups;*
- *An enabling policy and legal environment for free association, assembly and expression;*
- *Unobstructed and timely access to information, which are proactively disseminated, accessible, clear, and practical;*
- *Financial and human resources and support for participation;*
- *Civic Education, Media education and digital literacy programmes for general public, civil society and officials.*

Decision-making procedures should be transparent and citizens and civil society organisations should be able to monitor and follow the whole process. The dialogue with EU institutions and civil society should be strengthened alongside Article 11 of the TEU.

## **Civil Society can play an active role in the development of media and information literacy skills**

We believe that media and information literacy skills should be increased not only through formal education, but also life-long learning including online.

Active citizenship education is often provided in the field of non-formal education through civil society and equips people with the necessary skills and knowledge in order to play an active role in society. Civil society organisations' role in civic education needs to be adequately recognised and supported.

Moreover, civil society organisations could benefit from training to communicate effectively with the public with a view to increasing grassroots support for fundamental rights, rule of law and democracy.

## The EU should provide more financial support for civil society

While we welcome the proposal for a European Recovery Plan to support and boost our societies in the aftermath of the pandemic, we deeply regret that the Plan does not acknowledge and address the needs of the civil society sector as part of the Plan's identified priorities and response measures. We regret in this context that the initiative was not supported by a needs and impact assessment on fundamental rights and democracy, and that no consultation with the civil society sector has been carried out in preparation of this Plan. Yet, civil society actors, given their concrete engagement and knowledge of the situation on the ground, could have provided useful input to devise some creative solutions to pressing challenges despite time and public health restrictions.

### Against this background, we call on EU institutions to:

- **Ensure the recovery is rights-based:** Implement a rights-based approach to the recovery, focusing on ensuring full access to rights in the long-term, rather than addressing short-term needs. Strengthen the place human rights occupy in our societies, starting by giving a more central focus to the equal enjoyment of social, economic, and cultural rights, as well as civil and political.
- Ensure that the proposed recovery measures that will be implemented as part of the Recovery Plan also **duly take into account the urgency of supporting the civil society** sector in addition to the for profit economic sectors and addressing pressing challenges to democracy and fundamental rights. This should include making sure that support to governments is used to maintain and reinforce public funding to NGOs for both service delivery and advocacy work. Also eligibility criteria of the calls for the new instruments should explicitly include not-for-profit civil society organisations as eligible funding recipients.
- Ensure that relevant **funding programmes within the future MFF**, and in particular within sub heading 7 of **Cohesion and Values**, are allocated an adequate budget envelope.
- In particular, the "**Rights and Values fund**" should be targeted to benefit civil society organizations which work to promote and realise EU values at national and local level, supporting their work beyond short-term project grants. Civil Society organisations have been consistently calling for a substantial increase in funding for this programme, while in 2019, the European Parliament voted to triple programme's funding to 1,83 billion EUR, as the original volume of 641 million EUR proposed by the Commission was far too small to bring tangible result.
- Establish a dialogue with civil society organisations in the context of the implementation of the Recovery Plan and the negotiations of the future MFF.

See more points for future action here: <https://civilsocietyeurope.eu/wp-content/uploads/2020/06/Europes-recovery-after-the-pandemic-Civil-Society.pdf>

## The EU must put in place measures to reinforce cross border cooperation among Civil Society

The EU could consider legal instruments to strengthen cross-border work of civil society and philanthropy.

Compared with the business sector, European philanthropy (and wider civil society) does not yet have a level playing field inside the EU. There are EU policy options to **reduce barriers to cross-border philanthropy and wider civil society**, such as the creation of a **supranational legal form to facilitate European public benefit engagement**. Member States and the EU should consider mutual recognition of public benefit organisations or find other ways to **facilitate tax effective cross-border philanthropy and exchanges**, which currently are still very complex and burdensome.



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