

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

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Across Europe we witness a growing pushback against democracy, fundamental rights, the rule of law and the EU values at large. These values include respect for equality, non-discrimination and social inclusion for all (including marginalised and vulnerable groups, migrants, women, disabled, LGBTI). They are the values on which the EU is founded, they are common to the Member States and they are guaranteed by Article 2 of the Treaty on European Union. 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 organisations and movements have become targets of populist authoritarian politicians precisely because they protect the 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, as the [Berlin Agenda](#)¹, the [Belgrade Call to Action](#)² and the [Five Steps for EU Action](#)³ and having consulted our constituencies, **we urge the new European Commission and European Parliament to carry out the following measures:**

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.

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

- Create a special representative on 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 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 the EU policies and legislations 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.
- Develop a European Statute for European Associations 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 the 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.

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.

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

- Intensify the efforts of combatting hate speech online and in all media.
- Prioritise the outreach towards vulnerable groups such as people at high risk of poverty, ethnic and sexual minorities, abused women and spouses, victims of state harassment in all civil society funding programmes.
- 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 Rights and Values fund, as well as the 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 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.

Improving formal and informal civic education. The EU should:

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

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 European Union Agency for Fundamental Rights (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: Support delivery of training from civil society organisations in the tech sector to make sure that CSO staff adequately protect the privacy of their communications, through the FRA.

Ensuring media independence. The EU should:

- Reform of the Audio-Visual Media Services Directive to include guarantees for the independence of public service broadcasters and ensuring 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 new aggregators like Google and Facebook and through exemptions on taxation similar to those in place for charitable associations.
- Support independent, high quality media through training for journalists on media ethics and give 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 the policy makers and a perception of fear for their future by voting for authoritarian political offers 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
- 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 threats to 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 moveable middle. The reason that populist authoritarian politicians are now gaining such strength is first and foremost a result of the mainstream policies that led to a growing number of people being left aside the benefit of the wealth produced. More conjecturally, they could materialize this support a) because 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.