

Vision for a Thriving Civic Space in the EU

Introduction

This document is prepared in the context of the Civil Society Forum organised in Warsaw on June 26th, 2024. It outlines the imperative actions EU institutions must undertake in the upcoming five-year legislative term to ensure a vibrant civic space.

It builds on the work done over the years by civil society at the national and European level.¹

We invite other civil society organisations to continue using and building on these proposals. We are committed to working with all institutions and political forces willing to make this agenda a reality.

A vibrant and independent civil society is crucial for maintaining an open civic space, fostering democracy, and upholding the rule of law and fundamental rights. It is essential for enabling people to organize, amplify their voices, and be heard. Civil society in all its diversity (including NGOs, social movements, and grassroots groups), in both its advocacy and service delivery roles, makes civil, political, economic, social, cultural, and environmental rights accessible and actionable. By embodying the collective aspirations and interests of society, especially those of excluded groups, CSOs and social movements empower people to participate actively in shaping laws and policies, fostering democratic and pluralistic societies. The COVID-19 pandemic and the ongoing humanitarian crises resulting from the Ukraine war and the escalation of violence in the Middle East - with its unacceptable consequences on civilians - have underscored the indispensable role of civil society and grassroots mobilisation in addressing people's needs during emergencies, filling gaps left by public policies, and keeping authorities accountable.

However, the overall respect for the rule of law and democracy has deteriorated globally, with the EU being no exception. According to the CIVICUS Monitor, which rates the conditions of civic space globally, there has been a deterioration of civic space. Since 2019, the number of EU member states rated "open" has decreased from 14 to 12 while the number of member states rated "obstructed" rose from 1 to 3.² Civil

¹ These include CSOs joint statement The Bucharest declaration for a Resilient Civil Society Able to Build on EU Values (2019); [Civil Society on the Frontline - 5 points for EU action 2019-2024](#) (2019); EPD's [A comprehensive plan to innovate democracy in Europe Civil society vision for the European Democracy Action Plan](#) (2020); Recommendations for a Comprehensive European Policy and Strategy on Civil Society (2020); final output of the [Civil society convention for the future of Europe](#) (2022); [Study on The implications of the COVID-19 pandemic on fundamental rights and civic space](#) (2022); Recharging Advocacy for Rights in Europe (RARE)'s document on "an European strategy for civil society: recognition, inclusion, protection" (2022), Civil Liberties Union for Europe's "Bringing human rights and Article 2 values to life: the roles, challenges and solutions for civil society" (2022); ECF's [How can we enable, protect and expand Europe's civic space, to strengthen democracy, social and environmental justice? \(civic-forum.eu\)](#) (2023).

² [Data - Civicus Monitor.](#)

society continues to face numerous obstacles, including restrictive laws, insufficient funding, legal harassment, physical attacks, and reduced spaces for civil dialogue. The right to protest has been restricted in several countries, while social movements are repressed with violent policing techniques.³⁴ This has gone hand in hand with the spread of "illiberal" governments, the inclusion of far-right parties in government coalitions, and, in some countries, a steady slide towards authoritarian government practices.

Over the past five years, the European Union has launched multiple initiatives to combat democratic backsliding and address the above-mentioned challenges. These include the Citizens, Equality, Rights and Values Programme (CERV), the European Rule of Law Report, the Rule of Law funding conditionality, the European Democracy Action Plan, the Defence of Democracy Package, and the Conference on the Future of Europe. Significant progress has been made in protecting media freedom, ensuring journalist safety, and fighting against Strategic Litigation against Public Participation (SLAPPs). Additionally, EU institutions have increasingly recognised civic space and support for civil society as essential for democracy and the rule of law, particularly through the European Commission's 2022 report on the application of the EU Charter of Fundamental Rights and follow-up consultations,⁵ and 2023 Council approved conclusions on civic space.⁶ At the same time, EU law and its transposition into national legislation have also sometimes had negative consequences, as seen with the Defence of Democracy Package's directive "introducing common transparency and accountability standards in the internal market for interest representation activities carried out on behalf of third countries", also known as the foreign interference directive, which risks legitimizing restrictive foreign agents' laws in several member states (see Annex 1: Assessment of European initiatives towards a thriving civic space in 2019-2024).

For these reasons, the EU needs to build on the legacy of the previous five years and step up its support for civil society inside the EU and globally in the next legislative term to build a more coherent and strategic cooperation and support framework, as requested by the European civil society manifesto endorsed by 240+ CSOs across Europe.⁷ This document outlines civil society's expectations towards the collective agenda of EU institutions to be taken up by the newly appointed leaders of the EU institutions and the Polish, Danish, and Cypriot Presidencies Council of the European Union.

Civil society's expectations towards the EU institutions:

A European civil society strategy in a coherent European Democracy Agenda

Resilient democracies require participatory mechanisms, which allow all voices in the democratic debate. But people judge democracy by its results—how well-implemented policies meet their needs, concerns, and hopes for the future. When people lose trust in institutions to meet their needs and aspirations, democracy is at risk. The European Democracy Agenda should aim at rebuilding people's trust in institutions, through socially and environmentally just policies and by reinforcing the democratic ecosystem.

³ Liberties Rule of Law Report 2024, [Liberties Rule Of Law Report 2024 FULL.pdf \(dq4n3btxmr8c9.cloudfront.net\)](#).

⁴ European Civic Forum, Civic Space Watch report 2024, [Civic Space Report 2024 - European Civic Forum \(civic-forum.eu\)](#).

⁵ European Commission, 2022, A thriving civic space for upholding fundamental rights in the EU 2022 Annual Report on the Application of the EU Charter of Fundamental Rights, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022DC0716>.

⁶ Fundamental rights: Council approves conclusions on the role of the civic space - Consilium (europa.eu).

⁷ Joint civil society [Manifesto - Civil Society for EU](#).

We call on the European institutions to invest in a coherent European democracy agenda.

A truly transformative, empowering and coherent EU Democracy agenda cannot be developed in silos. It must inform and drive socioeconomic, financial and security policies, placing at the centre people's needs and aspirations. The role of organised civil society should be acknowledged and recognised.

In order to do so and respond to the challenges and gaps described above, European institutions should commit to:

- Taking a strong **zero-tolerance stance against far-right and illiberal forces**. Their agendas should not be legitimized and the leadership of EU institutions should refuse to cooperate with them. European parties should refuse to form coalitions with far-right parties and reject their ideologies.
- Recognizing that there is **no democracy and rule of law without equality and equity**. The EU needs to continue to invest and strengthen its tools to ensure anti-discrimination intersectionality in EU policies.⁸
- **Taking concrete steps to support the entire democratic ecosystem** to fulfil their democratic mission: journalists,⁹ ¹⁰ media, trade unions,¹¹ universities and academia, NHRIs alongside the civil society. The role of these actors is crucial and complementary. Public authorities also need to be equipped with resources to support them.
- Building on and expanding the European rule of law cycle, the EU should establish a **European democracy semester**, expanding the coverage to democracy and fundamental rights, as the counterpart to the European semester,¹² open to countries candidate to accession. European governance should recognize that there is no economic and social progress without strong democracy and, vice versa, there cannot be true democracy without social justice for all. The annual review should document and analyse challenges faced by civil society in a fully-fledged, stand-alone pillar on the enabling environment for civil society and human rights defenders.¹³ The process should be strengthened considering the recommendations of civil society.¹⁴¹⁵ In particular, it should be clearly linked not just to sanctioning mechanisms but also to positive conditionality initiatives and support for reforms.
- **People and environmental protection should be at the heart of policy-making to guarantee social and environmental justice**. This requires reorienting the economy to deliver on social and environmental

⁸ Joint civil society statement, [Building an inclusive European Union of Equality](#), 2024.

⁹ European Federation of Journalists, [Manifesto for 2024 EU elections: Stand up for journalism as a public good](#), 2024.

¹⁰ Reporters without Borders, [12-point New Deal for Right to Information](#), 2024.

¹¹ ETUC, [Manifesto for the European Elections](#), 2024.

¹² Christian MOOS, EESC opinion: Resilient Democracy through a strong and diverse civil society (own-initiative opinion), <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/resilient-democracy-through-strong-and-diverse-civil-society-own-initiative-opinion>, 2019.

¹³ see the European Parliament [draft report on the Commission's 2021 Rule of Law Report \(2021/2180\(INI\)\)](#).

¹⁴ European Partnership for Democracy, "Joint Statement on the European Commission's 2024 Rule of Law Report", March 2024. <https://epd.eu/news-publications/ahead-of-the-eu-elections-2024-3-joint-statement-on-the-european-commissions-2024-rule-of-law-report/>

¹⁵ Civil Society Europe, Joint Civil Society Contribution on Civic Space to the 2024 Annual Rule of Law Report, April 2024.

justice by ambitiously delivering on the European Pillar of Social Rights, championing adequate social protection systems¹⁶, and taking concrete steps towards a climate-neutral Union.¹⁷¹⁸

The EU needs a proactive European strategy towards open civic space and resilient civil society.

Civil society must be at the centre of the European democracy agenda. The **European Civil Society Strategy** should give genuine political recognition to the crucial role played by civil society. Additionally, the strategy should provide a coherent policy framework to enable, support and protect European civil society and expand civic space. The European Civil Society Strategy should include the pillars outlined below:

- Appointing a **Commission Vice President responsible for democracy, civic space and dialogue with civil society**. The Vice President should be strengthened and have appropriate means to initiate, spearhead and oversee the implementation of the strategy at the European and national levels, ensuring coherence between EU actions, aiming to expand civic space and develop a civil dialogue framework for meaningful civil society participation in all policy areas. It should also include proactive support to civic actors under pressure and timely follow-up on civil society complaints on attacks, using the public and diplomatic means at their disposal, in dialogue with civil society organisations. The Vice President should also coordinate its work with the High Representative of the European Union for Foreign Affairs and Security Policy as regards actions for democracy and civil society outside the EU.
- The EU institutions, and especially the Commission Vice President responsible for democracy and civic space should support the establishment of an **early warning mechanism** building on the projects piloted under the CERV grants. Based on such alerts, EU institutions should engage with member states requesting a public reaction and measures adopted to address the complaints. To systematise its approach to protecting civil society and human rights defenders against harassment, intimidation, and attacks, the EU must adopt rules guiding its action like the EU External Action Service's **Guidelines on Human Rights Defenders**. This could require incorporating the protection of human rights defenders into political dialogues with Member States and participating in trial observations.
- The EU should build on the existing fragmented policies, including the recommendation against SLAPPs and recommendation on the protection, safety and empowerment of journalists, to issue comprehensive **recommendations to Member States on the protection of civil society**, including extending procedural safeguards to grant an early dismissal of manifestly unfounded court proceedings against public participation to cases of criminalisation of human rights actions. The use of spyware to monitor the communications of rights defenders, activists, civil society actors, lawyers, journalists and their sources should be prohibited in the EU.
- The EU must support the creation of **national civil society protection hubs or an EU mechanism to protect civil society and human rights defenders**, which should be built on the example of the existing external EU human rights defenders' mechanism protectdefenders.eu and the Media Rapid Response Mechanism, enabling rapid response to support human rights defenders (HRDs) that face immediate risk. The mechanism(s) should ensure an intersectional approach and address the specific needs of excluded groups.¹⁹ As part of this mechanism or in complementarity, a **fund** should be established to

¹⁶ Joint Statement on the European Commission's 2024 Rule of Law Report, <https://www.socialplatform.org/wp-content/uploads/2024/03/A-vision-for-social-europe.pdf>, 2024.

¹⁷ CAN Europe, Manifesto for a fossil-free, socially just, and climate-neutral Union, <https://caneurope.org/content/uploads/2023/10/CAN-Europe-Manifesto-for-a-Fossil-Free-Socially-Just-and-Climate-Neutral-Union.pdf>, 2024.

¹⁸ Joint civil society Manifesto for Nature-inclusive, People-centred Renewable Energy in Europe, <https://eeb.org/wp-content/uploads/2023/10/CSO-manifesto-RED.pdf>, 2023.

¹⁹ Upcoming report.

provide support, both monetary and procedural, to aid journalists and human rights defenders affected by manifestly unfounded civil²⁰ and criminal court proceedings against public participation.

- The EU must facilitate the mobility and protection of **human rights defenders in exile** into and within the EU. This could involve simplifying visa processes, introducing or expanding relocation programs, and enhancing awareness among relevant authorities.²¹ Furthermore, the EU should review existing legal tools for supporting defenders and address extraterritorial reprisals by authoritarian regimes targeting diaspora communities in Europe.²²²³
- All European laws and policies should create an enabling environment for civil society organizations (CSOs) to perform their democratic functions without facing negative side effects. The Fundamental Rights Agency should be systematically mandated to be involved in **structured ex-ante fundamental rights impact assessments of all EU policies**, collecting intersectional evidence from a wide range of stakeholders, particularly excluded communities like migrants and racialized groups. The European Commission should initiate a structured dialogue with civil society to include in the impact assessment a **civic space checklist** to ensure EU policies conform with their duty to facilitate the exercise of fundamental rights.
- EU legislation and policies that have negative impacts on fundamental rights and civic space, especially on immigration, organized crime, anti-money laundering, and counter-terrorism, should be revised to mitigate these impacts. The EU should **withdraw the directive “introducing common transparency and accountability standards in the internal market for interest representation activities carried out on behalf of third countries” and the new Migration Pact.**
- We call on the adoption of the **European Cross-Border Association Directive** to promote cross-border cooperation among civil society organisations and the recognition of the public good in the internal market. The European Commission will also need to closely monitor its implementation, as well as the implementation of other measures adopted during the previous mandate such as the AI Act, EU Corporate Sustainability Due Diligence Directive, anti-SLAPPs directive and recommendations on the participation of civil society. It should take rapid measures to redress any issues in case of problematic implementation.
- To build resilience within the civic sector, it's imperative to implement **truly empowering funding policies** that centre on the needs of organisations and the communities they serve. These policies should embed human rights grant-making principles²⁴ and learn from other funders' best practices such as trust-based philanthropy²⁵, “funding for real change”²⁶ and participative grant-making²⁷. Funding programmes should be developed through inclusive and participatory processes, involving civil society in shaping both what is funded and how funding happens. This requires reducing administrative burden, moving towards unrestricted core funding and support for fair salaries. These approaches could be piloted in the **CERV** programme. It is fundamental to ensure this programme continues and the budget is at least sustained,

²⁰ European Partnership for democracy, Reviewing progress on the European Democracy Action Plan, [EDAP-progress-paper-v2.pdf \(epd.eu\)](#), 2923.

²¹ European Union Agency for Fundamental Rights, [Protecting human rights defenders at risk: EU entry, stay and support](#), 2023.

²² Unrepresented Nations and Peoples Organization (UNPO), Compromised Space Europe: Voices of Victims of Espionage and Reprisals in Europe, [2787.pdf](#), 2022.

²³ Unrepresented Nations and Peoples Organization (UNPO), The Recognition and Criminalization of 'Refugee Espionage' in Europe, [2785.pdf](#), 2022.

²⁴ Human Rights Funders Network, Ariadne, Gender Funders Co-lab, Human rights grant-making principles, <https://www.hrfn.org/wp-content/uploads/2016/11/Principles-English-Sept-2020.pdf>, 2020.

²⁵ Trust-based philanthropy project, [Trust-Based Philanthropy](#).

²⁶ Funding For Real Change, [Reimagining Project-Based Giving](#).

²⁷ Environmental Partnership Association, The Good Grantmaking Guide: Approach, Principles and Processes of Participative Grantmaking for Civil Society Organizations, [epa_grantmaking_final_web.pdf](#), 2016.

or increased, as the challenges to rights and values in Europe are not going to subside in the near future. In addition, the future Multiannual Financial Framework should reflect the need to further support civil society within the different policy areas through both operating grants and project grants, through direct and shared management of the funds.

- In order to inform funding priorities and support the resilience of civil society in all its diversity (NGOs, movements, grassroots organisations...), the EU should support the development of a **Civil Society Sustainability and Resilience Index** identifying strengths, weaknesses, best practices and gaps in civil society resilience. This should not only look at how legal and funding frameworks affect civil society but also how solidarity, cooperation, collective care and well-being are developed in different countries. A focus on resilience, inclusivity, solidarity and coalition building should be embedded in funding policies. The EU should also conduct a **study on funding available to civil society** (what funding covers, how it works and who has access) and **engage in a regular dialogue with other donors** in order to ensure complementarity of funding and learn from each other's experiences, on how to better support CSOs under pressure.

The EU must reinforce intermediary bodies and adopt a Civil Dialogue Agreement.

True participation means that people's concerns are listened to and addressed through policymaking.²⁸ Intermediary bodies have a crucial role in organizing, channelling and sustaining people's needs and aspirations. We support and reiterate ETUC's demand for **strengthening trade unions, collective bargaining and social dialogue**.²⁹ Equally important, civil dialogue should be **recognised as an essential element of European participatory democracy**.

- Structured civil dialogue and partnership involve shared responsibilities in the negotiations, are results-oriented, and lead to shared outcomes in terms of policies and strategies. The participatory approach also brings about a **co-creation of policies** that generate more opportunities and solutions for communities. The civil dialogue agreement should be developed in cooperation with civil society, to ensure it fully reflects its needs. It should clearly define the scope, venue, and outcomes of the European civil dialogue to move away from technical, tokenistic, and top-down stakeholder consultations.
- Civil society should be involved in the initiation of legislation, including identifying which needs should be addressed and what are the appropriate policy solutions, and in the preparation of the European Commission work programme.
- **The President of the European Commission should be mandated to hold cross-sectoral dialogue** through 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 and the preparation of the annual work programme.
- Civil Society Europe should be recognised as a counterpart to ETUC and Business Europe in engaging in the transversal civil dialogue.

²⁸ Civil Society Europe, Civil Society State of the Union, [Civil-Society-State-of-the-Union_2023.pdf](#), 2023.

²⁹ ETUC, [Manifesto for the 2024 European Parliament elections_EN_0.pdf](#), 2024

Stronger European democracy and accountable EU institutions

A coherent European democratic agenda requires strengthening European democracy and enhancing accountability and integrity within EU institutions.

- Citizens' engagement mechanisms like civil dialogue, European Citizens' Initiatives (ECI), and citizens' assemblies should be supported, and the renewed institutions should commit to the follow-up to the Conference on the Future of Europe (CoFoE).³⁰
- Beyond revising the Treaties, the EU should explore ways to strengthen European democracy by strengthening the integrity of institutions including the political commitment to collaborate with the EU ombudsman to address complaints and investigations; improve access to documents and transparency of the decision-making process including at the trilogue stage. Citizens and their representative associations should be able to know, including at the preparatory phase, what is the position of their government and be able to contribute to it.
- The role of the FRA should be strengthened to act as the European human rights institution. This requires enabling the FRA to issue its own opinions on EU policies and systematically involving the agency in the impact assessment.
- Efforts should be made to enhance diversity within European institutions, particularly in representing racialized groups.³¹

Beyond double standards: protect international human rights law and institutions globally

Civil society and democracy can only thrive if human rights principles and institutions are upheld globally without double standards. In its foreign, development, and trade policies, the EU must prioritize human rights³² over profit in international relations and hold violent authoritarian regimes accountable for shrinking civic space and violating human rights. This includes:

- To create a coherent system of human rights protection in Europe, it is essential for the EU to successfully accede to the European Convention on Human Rights (ECHR). The EU should also support the workings of International Human Rights Institutions, including the United Nations, the International Criminal Court, and the International Court of Justice.
- Robustly supporting civil society worldwide through long-term, core funding and structured dialogue.³³
- Foster, facilitate and support cooperation and dialogue between civil society in the EU and accession countries to advance democracy, fundamental rule of law agenda and integration. Civil society from the

³⁰ Civil Society Europe, Civil Society State of the Union, [Civil-Society-State-of-the-Union_2023.pdf](#), 2023.

³¹ ENAR; A Europea for all manifesto, [ENARmanifesto.pdf](#), 2024.

³² Amnesty International, Manifesto for the European elections, <https://www.amnesty.be/IMG/pdf/amnesty-international-eu-elections-manifesto-2024.pdf>, 2024.

³³ Concord Europe, EU for global justice, <https://presidency.concordeurope.org/europeanelections/>, 2024.

region should also be systematically engaged in initiatives and tools aimed at strengthening integration, social cohesion and democracy in accession countries.³⁴

- Acknowledging and addressing Europe's historical injustices, war crimes, and crimes against humanity is crucial for tackling present-day racism and discrimination. This entails promoting remembrance, advocating for redress for historical injustices, and endorsing political and economic processes of reparations and restitution. Moreover, the EU should commit to building equal partnerships by acknowledging historical imbalances, encouraging emancipation from colonial legacies, and recognizing the expertise of other democratic traditions.³⁵

³⁴ Ionuț SIBIAN, EESC opinion, New growth plan and Reform and Growth Facility for the Western Balkans, <https://www.eesc.europa.eu/en/news-media/press-summaries/new-growth-plan-and-reform-and-growth-facility-western-balkans>, 2024.

³⁵ Civil Society Europe, Civil Society State of the Union, [Civil-Society-State-of-the-Union_2023.pdf](#), 2023.

Annex 1: Assessment of European initiatives towards a thriving civic space in 2019-2024

The following table assesses EU policies and actions initiated in the past years, measured against specific civil society demands in 2019. The assessment considers the extent of implementation, progress, and – where possible - the impact of these measures.

Civil society demands in 2019 ³⁶	EU policies and initiatives: impact, gaps and limitations
Mandate on civic space	
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 and coordinate civil dialogue.	For the first time, one of the European Commission Vice Presidents has been mandated to “Safeguarding the right of peaceful assembly and the freedom of association” and “maintain an open, transparent and regular dialogue with representative associations and civil society.” While the mandate has been in place, it was provided with limited power and resources to develop concrete tools and policies. Nevertheless, it contributed to the push for civic space and civil society to come on top of the EU agenda.
Civil dialogue	
EU level: Develop guidelines on structured dialogue with civil society and initiate and promote the Inter-Institutional Agreement on civil dialogue based on Article 11 TEU. All EU institutions must review their terms of engagement with CSOs in line with Article 11 to ensure that an open, transparent, and regular dialogue can take place.	While the first two stages of participation – access to information and consultation – are regulated at the European level, European policy-making is characterised by the absence of a legal framework and agreement for structured civil dialogue. Deeper levels of participation, namely civil dialogue and partnership, despite being codified in TEU, lack a harmonised structure for implementation across European governance and decision processes. As a result, participation remains largely at the level of information sharing or consultation, often lacking proper impact. ³⁷³⁸
National level: Develop guidelines for Member States to improve participation in policy-making.	The European Commission’s 2023 recommendations on civic participation call on member states to “establish structured dialogues with civil society organisations on specific topics related to public policy-making processes,” and to “ensure that such dialogues go beyond consultations for specific policy or legislative proposals, and are regular, long-lasting and result-oriented.” ³⁹ The recommendations recognise that civil participation rests on thriving civic space. Their impact will need to be monitored.
Rule of law toolbox and accountability	
The mandate of the European Agency for Fundamental Rights (FRA) should be expanded and strengthened in order to develop more values-based policies and ensure that European legislation does not downplay rights.	The FRA mandate was expanded to encompass all EU policy areas. Since 2018, the FRA conducts annual updates on civic space based on surveys and assessment of national contact points. It does not hold powers to investigate complaints related to Member States or EU institutions. It also does not hold powers to assess the

³⁶ The Bucharest declaration for a Resilient Civil Society Able to Build on EU Values (2019); [Civil Society on the Frontline - 5 points for EU action 2019-2024](#) (2019); EPD’s [A comprehensive plan to innovate democracy in Europe Civil society vision for the European Democracy Action Plan](#) (2020).

³⁷ European Civic Forum, [Towards an open, transparent, and structured EU civil dialogue](#), 2021.

³⁸ European Civic Forum, [Civic Space Watch report 2024, Civic Space Report 2024 - European Civic Forum \(civic-forum.eu\)](#).

³⁹ European Commission, [Recommendation on promoting the engagement and effective participation of citizens and civil society organisations in public policy-making processes](#), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32023H2836>, 2023.

<p>Crucially, the mandate should allow the agency to carry out in-depth country-by-country assessments about the respect and implementation of fundamental rights both by EU institutions and Member States and to receive and investigate complaints.</p>	<p>fundamental rights impact of EU policies unless requested by one of the EU institutions. Nevertheless, the role of the FRA has been expanded in practice to support organisation of national rule of law dialogues and to inform the development of some of the initiatives on civic space.</p>
<p>Establish an institutional early-warning alert system, with full consultation with civil society. When an attack is detected, it should trigger an appropriate response from EU institutions to be able to rapidly condemn and respond to acts of intimidation and harassment against civil society.</p>	<p>While the European Commission repeatedly turned down the possibility to establish a similar institutional mechanism, it opened a CERV 2-year project call to support projects establishing small scale, decentralised civil society alert system towards the EU institutions. The success and impact of the projects rests on the EU institutions' willingness to endorse them and sustain their development over time.</p>
<p>Establish a system of regular monitoring to review the state of democracy, the rule of law and fundamental rights in Member States based on clear indicators. Ensure any monitoring mechanism includes civic space and freedoms as a key pillar and indicator, and leads to appropriate EU reactions in case restrictions are identified.</p>	<p>The scope of the annual Rule of Law Report is limited and covers civic space only marginally and superficially, especially with regard to the right to protest and attacks on human rights defenders and their organisations. Additionally, the methodology shows a serious lack of transparency and accountability.⁴⁰ While the mechanism includes recommendations, they are too vague to track the implementation. There are serious concerns over the reliability of the data provided by the European Commission with regard to the implementation of the recommendations by Member States.⁴¹ As such, to date it cannot be considered an effective accountability mechanism for countries that fail to protect civic space or intentionally restrict it.⁴²</p>
<p>Ensure that it uses the EU legal framework to decisively take legal action against Member States introducing measures to shrink the civic space.</p>	<p>The European Commission has continued to bring Member States to Court over restrictions of civic space. A significant development is marked by the infringement procedure against Hungary's "anti-LGBTIA+ law", which is the first one in which the Commission brings Article 2 of the TEU as a free-standing plea.⁴³ Nevertheless, the impact of infringements is limited by the lengthy process and the willingness of Member States to meaningfully implement CJEU rulings.⁴⁴</p>
<p>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. The enforcement should be linked to the rule of law mechanism and backed up by direct funding for end beneficiaries to be granted by the Commission in the</p>	<p>The EU has adopted the Rule of law conditionality mechanism, which is a crucial enforcement tool but marked by important limitations regarding the scope and the use of suspended funds.⁴⁵ While the tool was triggered against Poland and Hungary, leading to few technical improvements in the countries, the implementation has been rigged by broader political considerations that have</p>

⁴⁰ Max Grieria, Euractiv, EU Commission's rule of law reporting lacks transparency, auditors say, [EU Commission's rule of law reporting lacks transparency, auditors say – Euractiv](#), 2024.

⁴¹ Liberties, European Commission's Rule of Law Report 2023: Gap Analysis, <https://www.liberties.eu/en/stories/rule-of-law-2023-gap-analysis/44928>, 2023.

⁴² European Civic Forum, CIVIC SPACE IN THE EUROPEAN RULE OF LAW FRAMEWORK, [Report-Civic-Space-in-the-European-Rule-of-Law-Framework.pdf \(civicspacewatch.eu\)](#), 2021.

⁴³ Luke Dimitrios Spieker, Op-Ed: "Berlaymont is back: The Commission invokes Article 2 TEU as self-standing plea in infringement proceedings over Hungarian LGBTIQ rights violations", <https://eulawlive.com/op-ed-berlaymont-is-back-the-commission-invokes-article-2-teu-as-self-standing-plea-in-infringement-proceedings-over-hungarian-lgbtq-rights-violations-by-luke-dimitrios-spieker/#>, 2023.

⁴⁴ Civilizacio, Retraction of the LexNGO: important step, but more is needed, <https://civilizacio.net/en/news-blog/retraction-of-the-lexngo-important-step-but-more-is-needed>, 2021.

⁴⁵ Reclaim, NEW RULE OF LAW CONDITIONALITY REGULATION: LIMITS AND NEXT STEPS, <https://acrobat.adobe.com/link/review?uri=urn%3Aaaid%3AAscds%3AUS%3A1b762aaa-dcc5-495b-a66c-cf29def62cca>, 2022.

event that measures are taken against Member States.	been prioritised. ⁴⁶
European law and European civic space	
Ensure that EU legislation in general, and counter-terrorism in particular, is in line with the full respect of human rights and introduce a mandatory civic space impact assessments of new EU policies.	The human rights and civic space impact of EU legislation is not systematically assessed. New legislation proposed by the European Commission, the Migration Pact⁴⁷ and the directive for “common transparency and accountability standards for interest representation services directed or paid for from outside the EU”⁴⁸ will contribute to shrinking civic space.
Develop guidelines for Member States to avoid regressive misinterpretations of EU law concerning money laundering and terrorist financing.	No implementation.
Ban blanket mass surveillance, and bring infringement proceedings against governments whose laws are not in line with such EU standards.	While the EU AI Act includes limitations and prohibitions on harmful systems, it provides legal basis for the police to deploy real-time face recognition based on broad exceptions that jeopardise the safeguards and could lead to violations of the right to peaceful assembly and expression. ⁴⁹ Worryingly, the act also includes fewer protections for specific groups, particularly migrants. The act also includes major exemptions for law enforcement and security authorities to use high-risk AI systems. ⁵⁰ The Pact on Migration and Asylum further expands digital surveillance of migrants ⁵¹ and criminalisation of migrants’ rights defenders. ⁵²
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.	Positively, the proposed European Cross-Border Associations (ECBAs) Directive supports transnational operations, recognizes non-profit associations, and it acknowledges the fundamental feature of non-profit purpose, potentially setting a benchmark for national legislation. However, limitations include inadequate guarantees against arbitrary restrictions based on ‘public interest’ ⁵³ , hindrances for smaller CSOs, and complex implementation.
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.	While foundations as legal entities can create an ECBA, the ECBA proposal does not effectively cover foundations and does not provide for the creation of a European Cross-border Foundation. ⁵⁴
Funding	

⁴⁶ Thomas Wahl, Hungary: Rule-of-Law Developments May 2023 - Mid-January 2024, <https://acrobat.adobe.com/link/review?uri=urn%3Aaaid%3AAscds%3AUS%3A1b762aaa-dcc5-495b-a66c-cf29def62cca>, 2024.

⁴⁷ PICUM, [More than 160 Civil Society Organisations call on MEPs to vote down harmful EU Migration Pact](#), 2024; PICUM, [The EU Migration Pact: a dangerous regime of migrant surveillance](#), 2024; Protect not surveil, [The EU Migration Pact: a dangerous regime of migrant surveillance](#), [The-Migration-Pact-ProtectNotSurveil.pdf](#), 2024.

⁴⁸ European Civic Forum, [Defence of Democracy Package](#).

⁴⁹ European Civic Forum, ECNL, Liberties, [PACKED WITH LOOPHOLES: WHY THE AI ACT FAILS TO PROTECT CIVIC SPACE AND THE RULE OF LAW](#), https://civic-forum.eu/wp-content/uploads/2024/04/AI_Act_RoL_Analysis-0424.pdf, 2024.

⁵⁰ European Civic Forum, ECNL, Liberties, [PACKED WITH LOOPHOLES: WHY THE AI ACT FAILS TO PROTECT CIVIC SPACE AND THE RULE OF LAW](#), https://civic-forum.eu/wp-content/uploads/2024/04/AI_Act_RoL_Analysis-0424.pdf, 2024.

⁵¹ Protect not surveil, [The EU Migration Pact: a dangerous regime of migrant surveillance](#), [The-Migration-Pact-ProtectNotSurveil.pdf](#), 2024.

⁵² PICUM, [More than 160 Civil Society Organisations call on MEPs to vote down harmful EU Migration Pact](#), 2024

⁵³ Civil society input on the proposed Directive on European cross-border associations (ECBA), [Policy-input-on-the-ECBA-Directive.pdf](#) (civilsocietyeurope.eu)

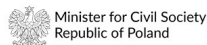
⁵⁴ Ibidem.

<p>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 to support the promotion and protection of fundamental values and democracy. In order to reach its aim, the fund should cover operational costs as well as litigation, capacity building and watchdog activities. Provide, both emergency and core (operational) funding, to allow both a rapid response to sudden deteriorations in civic space, and support the long-term development and operations of civil society.</p>	<p>The establishment of the Equality, Rights and Values Programme (CERV) constitutes an important progress as it provides funding for civil society organisations to advance human rights, democracy, the rule of law. The system of national intermediaries, which distributes funding at national level, is an important innovation. Nevertheless, the administrative, application and reporting procedures need to be simplified to unlock the full potential of this programme. The programme includes a high co-funding requirement and unrealistic unit costs. Additionally, it does not provide emergency funding, nor covers legal costs for strategic litigation and protection against SLAPPs.</p>
<p>Protection</p>	
<p>EU Guidelines on HRDs at risk: Develop Guidelines on the protection of human rights defenders at risk in the EU, similar to the EU Guidelines on human rights defenders for external action.</p>	<p>No implementation.</p>
<p>Adopt an EU anti-SLAPP directive that protects everybody: Importantly, the scope of the Directive must cover any citizen or organisation, including journalists and media workers, activists, trade unionists, academics, digital security researchers, human rights defenders, media and civil society organisations, among others.</p>	<p>The anti-SLAPP Directive sets minimum standards for protecting journalists and watchdog organisations against abusive litigation⁵⁵ and is complemented by a Recommendation adopted by the Committee of Ministers at the Council of Europe⁵⁶. Importantly it provides for an early dismissal mechanism and significant fines for claimants using SLAPPs to intimidate watchdog organisations.⁵⁷⁵⁸ Its shortcomings lie in excessively deferring to member states and relying on ambiguous language regarding certain key safeguards and remedies.⁵⁹</p>
<p>Develop tools for the EU’s internal toolbox for the protection of human rights defenders taking inspiration from the EU’s external instruments, including emergency support for human rights defenders, such as EIDHR and its Protectdefenders.eu programme.</p>	<p>While there was no concrete development specifically on the safety of civil society and human rights defenders, the Corporate Sustainable Due Diligence Directive (CSDDD)⁶⁰ and guidelines on the safety of journalists represent important steps forward.</p>

STRATEGIC ORGANIZER:



HONORARY ENDORSEMENT:



PARTNERS:



STRATEGIC PARTNERS:



MEDIA PARTNER:



⁵⁵ CASE coalition, [Anti-SLAPP Directive: CASE statement on the political agreement](#), 2024.

⁵⁶ CASE coalition, [CoE’s Recommendation represents a significant milestone in the fight against SLAPPs](#), 2024.

⁵⁷ Liberties, [Bumper Round Of Approvals For New EU Legislation](#), 2024.

⁵⁸ European Partnership for democracy, [Reviewing progress on the European Democracy Action Plan, EDAP-progress-paper-v2.pdf \(epd.eu\)](#), 2023.

⁵⁹ CASE coalition, [Anti-SLAPP Directive: CASE statement on the political agreement](#), 2024.

⁶⁰ Mayer Brown, [Human Rights and the Environment: what to expect from the Corporate Sustainability Due Diligence Directive?](#), 2024.