

Fundamental Rights Platform Advisory Panel meeting 5-6 February 2019 Meeting report

Objectives

This meeting served to receive input and advice from the Advisory Panel (AP) of the Fundamental Rights Platform (FRP) on how FRA's cooperation with the FRP could be further improved. Concretely, the meeting also discussed FRA's new programme on supporting human rights systems and strengthening of the FRP in this context. This included the following themes:

- FRP as 'protective space'
- Better involving FRP organisations in FRA's work
- Further development of FRP functioning and structure

Main agenda points

The main agenda points of the meeting were the following:

- 1) Strengthening fundamental rights and the FRP contribution**
- 2) Developing FRA's new programme on 'human rights systems' and maximising the role and potential of AP and FRP contribution in this respect**
- 3) How to develop the FRP as a 'protective space'**
- 4) Better involvement of FRP organisations and AP in FRA's work**
- 5) Further development of FRP functioning and structure**
- 6) Exchange of views on the 2018 Fundamental Rights Forum, and thoughts on future such events**

Welcome and introduction by FRA Director Michael O'Flaherty

The FRA Director thanked the AP-members for their contributions over the past months, notably their strong involvement in the Fundamental Rights Forum. It is crucial for FRA to involve civil society meaningfully in all its work, including its (research) projects from inception to dissemination. In light of FRA's ambition to enhance impact on fundamental rights, Michael O'Flaherty raised the question to AP on how to better use the potential of the Platform to achieve greater impact. Finally, in times of challenges to space for civil society and other human rights actors, the FRA Director underlined that FRA will continue to work on civic space issues in the framework of its mandate, and will seek to use the Platform more in this regard.

1) Strengthening fundamental rights and the FRP contribution

A dedicated discussion on the role of FRP in strengthening fundamental rights took place with FRA's Management Team:

- Andreas Accardo, Head of Institutional Cooperation and Networks Unit
- Joanna Goodey, Head of Research and Data Unit
- Lotta Nygard, Head of Technical Assistance and Capacity Building Unit
- Nicole Romain, Head of Communication and Events Unit
- (excused: Constantinos Manolopoulos, Head of Corporate Services Unit)

Main points raised by the Advisory Panel:

- Gathering input and feedback 'from the ground', using the Platform for 'horizon scanning'
- Mainstreaming issues, bringing 'niche' issues to the attention of FRA
- Need to break more strategically the silos between different stakeholders
- Policy cooperation between FRA and FRP organisations
- Human stories to illustrate data on how people live the fulfilment or not of their fundamental rights
- AP members as possible contact points for key FRA topics
- FRA should take advantage of working with national CSOs to bring national perspectives to its work
- FRA could engage with expert FRP organisations on legal opinions
- Is FRA reacting to fake news on social media? No, this may reinforce the fake news – but FRA seeks to promote evidence when available
- FRP expertise and experience can advance FRA outputs and impact, suggesting co-creation possibilities between FRA and civil society
- Concern if FRA has enough capacity to sustain the engagement and feedback the outcomes from participation/consultations

Suggested follow up points:

- Better inform FRP of upcoming launches and presentations (targeted approach).
- FRA should highlight older findings/data as well, 'unpacking survey data'.
- FRA to join up the dots by tagging its reports ('other people who liked this also liked xyz').
- Dissemination of legal opinions to legal professionals' networks (such as weekly newsletters of national bar associations).
- FRA to improve layout and functionality ('ability to respond') of its Newsletter.

2) Developing FRA's new programme on 'human rights systems' (including civil society cooperation) and maximising the role and potential of AP and FRP contribution

This session introduced FRA's new 'human rights systems' programme, highlighting three aspects:

- reinforcing standards
- providing tools
- connecting actors

The introduction noted how the different FRA Units intersect to contribute to the programme. The aim of the discussion that ensued was to gather views of the AP on activities, which could add value also in the civil society work of FRA. The consciousness for the need to involve/cooperate with civil society is increasing throughout the Agency. The help of the AP would be an asset to 'mix' stakeholders and break silos, and foster working across different groups. The discussion focused on how this new programme could create more impact with and through the FRP. FRA should use even more the SDGs to promote its human rights message.

Suggested follow up points:

- Extending new FRP invitations covering as many topics as possible.
- Keep the FRP database registration form detailed - as a basis for targeted engagement.
- Send out newsletters that are policy and content related (not only events related as is the case currently).
- Send information about upcoming reports more in advance, and better targeted, so that the FRP can act. Inform the FRP about newly upcoming projects at an early stage. Inform on a quarterly or bi-annual basis on the calendar of projects and publications with links and contacts for more information.
- Re-inform the FRP of the possibility to subscribe via FRA's website to topical news alerts.
- FRA submissions to UN Treaty Bodies and CoE monitoring mechanisms should be publicised (e.g. bottom of newsletter).
- FRA to use its convening power to bring together different types of stakeholders (including mixing stakeholder groups in FRA trainings/capacity building).

3) How to develop the FRP as a 'protective space'?

3.1) FRA reported on its activities in the area of civic space in the past months

- **FRA report on [Challenges facing civil society organisations working on human rights in the EU](#)** was launched in Brussels in January 2018. Six national presentations were held in 2018 (Germany, Poland, Bulgaria, Romania, Slovakia, Ireland). Eight presentations were held in international fora (European Parliament, Side event to the UN Human Rights Council Geneva, Council of Europe's CDDH Steering Committee on Human Rights, Council of Europe's Conference of INGOs, OSCE Human Dimension meeting, OSCE Conference on Trafficking in Human Beings, Open Government Partnership Global Summit, Brussels civil society round table).
- **FRA consultation with FRP on experiences regarding civic space**, in September, led to a FRA paper "[Civil society space: views of organisations](#)" presented at the European Commission's [Annual Colloquium on Fundamental Rights](#), Brussels, 26–27 November 2018.
- **FRA work on criminalisation of humanitarian assistance to people on the move:**
 - [Europe's southern sea borders report](#) (2013), Ch.2
 - [Criminalisation of migrants in an irregular situation and of persons engaging with them](#) (March 2014)
 - [Fundamental Rights Report 2018](#), Section 6.3.3 ("Fundamental rights impact of actions against migrant smuggling")
 - [Fundamental rights considerations: NGO ships involved in search and rescue in the Mediterranean and criminal investigations](#) (web note, October 2018)
- **National Human Rights Institutions and civic space**

FRA plans to update its report on National Human Rights Institutions (NHRIs), which will address the situation of NHRIs when it comes to changes in 'space' in particular, and the role of NHRIs as human rights defender. FRA intends to draw on the experience of FRP organisations in terms of cooperation with NHRIs in order to understand the different ways in which NHRIs and CSOs cooperate.

3.2) Fundamental Rights Platform and civic space

The following areas of focus, proposed by FRA, were discussed:

- 1) Raising awareness on civic space challenges
- 2) Data and information gathering
- 3) Sharing knowledge and practices
- 4) Strengthening capacity (webinars, Charter trainings) with basic information for the FRP organisations
- 5) Lending legitimacy and support

3.2.1) Raising awareness

FRA considers that its initial main objective of raising awareness of policy makers regarding broad challenges of civic space is achieved. The focus should as of now be more on implementation of advice. All actors are invited to continue raising awareness on civic space challenges.

The Advisory Panel suggested that one should stop using the phrase 'closing civic space' and instead call the violations for what they are – criminalisation of human rights advocacy, denial of access to funds, suppression of dissent, shutting down public debate, police brutality and excessive use of force against protesters, arbitrary detention, etc.

It was also recommended to develop (shared) narratives on how to communicate these issues, with key messages for the general population, and using the language of the target audience, and finding champions.

3.2.2) Data and information gathering

FRA plans to repeat its FRP consultation on civic space challenges annually in September. The AP supported this proposal. The consultation should be shorter than last year and framed beyond national focus, but with an option to add each year one focus theme. It could be considered to invite organisations beyond FRP to participate. The purpose of the outcome/the information gathered needs to be clarified in advance. Outcomes should be summarised and communicated to respondents and to all FRA stakeholders.

Council of Europe may start a project on civic space. Once this is decided, FRA can decide whether to do more FRANET research on civic space, and what the focus should be, in order to be complementary.

3.2.3) Sharing knowledge and practices

FRP should be used to share knowledge and practices among FRP organisations on how to deal with civic space challenges. Sharing knowledge should fill the gap between the national and international level, and should help identify intersections. If there is training, the Advisory Panel suggested that it should be peer-to-peer – not by IGOs.

Based on the discussions, FRA suggested a litigation expert meeting as first step, to be held before summer. The idea of a meeting of frontline human rights defenders for peer exchange was also discussed. An idea of a meeting on how EU law can protect civic space will be further explored by FRA.

3.2.4) Strengthening capacity

FRA has limited resources for capacity building of civil society. Possibilities for capacity building would be the use of webinars and toolkits.

FRA's existing trainings on the EU Charter of Fundamental Rights in some cases already included civil society organisations; this could be further explored.

The planned meeting on strategic litigation should have capacity building component. Bringing visitors to FRA is one more possibility to raise awareness.

3.2.5) Lending legitimacy and support

It was discussed if FRP could be used for CSOs to mutually support each other (i.e. with letters of support or public statements) when other FRP organisations are under threat. However, AP pointed out that since FRP has no accreditation process, a 'protective space' as such is not achievable, and is also not part of the FRP Terms of Reference. Rather FRA should look at legal restrictions and patterns of threats instead.

Suggested follow up points:

- FRA to look into focusing and advising on specific types of violations.
- FRA to repeat annually its FRP consultation on civic space challenges, AP to be involved and consulted in preparations.
- FRA to organise an FRP expert meeting on strategic litigation for peer exchange.
- FRA to consider organising a workshop on how EU law can protect civic space.
- FRA to consider (more) capacity building for civil society organisations.
- FRA to look into developing webinars for FRP.

4) Better involvement of FRP organisations in FRA work

In this session, the new FRA programmes were presented (the 'Supporting human rights systems' programme was presented already on the first day):

- Fair and equal societies
- Just, digital and secure societies
- Migration, asylum and borders
- Communicating rights

Each programme presented the main areas of work and the projects implemented under each of the programmes, and how they are engaging civil society organisations into the different areas of their work. The subsequent discussion looked into the possible contribution of the FRP to the programmes. As FRA's restructuring is very recent, the programmes are still in the process of being developed. AP expressed that they had hoped for written proposals on involvement, however the programme development had not yet progressed to that state. Involvement in projects is however already a reality along the project cycle in research (conceptualisation, implementation, review, dissemination, advocacy), the concrete variations depending on the nature and content of given projects.

The agenda items on FRP consultations on FRA's Annual Fundamental Rights report and Annual Work Programme were postponed to conference calls.

Main points raised by AP:

- Connecting different stakeholders in the frame of involvement
- Targeted approach needed
- Consultation could be done with AP on how to invite to stakeholders meetings
- Ask 'do you want to engage in this' (and finding unusual suspects)
- Bringing real stories
- The 10 communication keys should be applied further with an easy wording/terminology understood by everyone
- FRA to share long term planning – different CSOs might be needed at different stages
- Communicators network as good example of civil society involvement (community of practitioners)
- FRA could reciprocate and amplify FRP outputs

Suggested follow up points:

- FRA to communicate calendar of publications to FRP timely.
- FRA to develop for each project a short timeline and where and how FRP involvement is planned.
- FRA to share SELEX (severe labour exploitation project) communication strategy with selected FRP organisations for input – pilot.
- FRA to apply itself its '10 keys for communication'.
- Send FRA Programming Document to AP.

5) Further development of FRP/AP functioning and structure

The FRP is FRA's channel for cooperation and information exchange with civil society organisations active in the field of fundamental rights at the grassroots, national, European or international levels. FRA's cooperation with civil society is laid down in Art. 10 of its Founding Regulation: the FRP is a "*mechanism of exchange of information and pooling of knowledge*" created for facilitating a "*structured and fruitful dialogue*", but it is not a body of FRA.

FRA had chosen an 'open' approach whereby any civil society organisation self-identifying as fundamental rights organisation active in the EU can subscribe to its FRP database. There is currently no membership approach and hence no accreditation process, but the subscription requires confirming that the organisation adheres to the Charter of Fundamental Rights, and sharing key information about the types and areas of work with FRA. If an organisation in the database is reported to FRA as acting against the values and rights of the Charter, it can be removed from the database. The Platform has developed considerably in terms of numbers (currently over 750 organisations in the database).

Organisations in the database receive a weekly newsletter, are invited to contribute to FRA consultations (notably on its work programme and annual fundamental rights report), and can be invited as per their main thematic area of work and expertise to dedicated FRA events and/or to give input to FRA projects at different stages (see above).

There is an Advisory Panel, partly elected by the Platform, partly appointed by the FRA Director. The AP is not foreseen in the Founding Regulation, it was established later through Terms of Reference. Every organisation in the database can currently vote, and nominate a candidate for the Advisory Panel elections which take place at least every 3 years (in practice 2.5 years). The number of organisations in the database is expected to triple between the last and the next foreseen election, and seen that at the last election there were over 40 candidates for 6 positions, the number of candidates might become very high.

FRA discussed with the AP the further development of the FRP as well as the set up and functioning of the AP itself. Notably, FRA raised the question with AP if the 'open' approach should be changed to an 'accreditation/membership' approach in order to ensure a 'protective space' within FRP where all 'members' seek to live up to the spirit of the Charter of Fundamental Rights, and what this would mean in practice.

Main points raised by AP:

- The FRP should remain diverse (thematic, expertise, level/scope of action), further reach out to underrepresented themes and geographical areas should be undertaken as necessary.
- Keep the 'open' approach and do not go for accreditation and membership, even if this may entail certain risks of GONGOS etc. being in the database, as otherwise there is the risk of a bubble of 'usual suspects' and talking to the converted. It is fine for a wide range of actors and organisations to receive FRA newsletters and other information, and

to be invited to contribute to (online) consultations. An approach of 'concentric circles' could be considered.

- Since there is no accreditation and no membership approach with FRP, there should be no list of organisations on FRA's website.
- Organisations need to adhere to the values of the Charter, approach to subscribe to these at the point of subscribing to the FRP database should be kept.
- Practice of collecting information about thematic areas of expertise and interest, and type of work, at the point of subscribing to the FRP database should be kept.
- The Founding Regulation gives FRA a lot of freedom in deciding with whom from civil society to cooperate and how. It is fine for FRA to address only some of the organisations for certain topics. The FRP is not foreseen in the Regulation to be a 'representative' structure.
- The AP does not necessarily need to be democratically elected (it could be appointments only) - but the process needs to be transparent and follow clear criteria. Is the AP in this form still needed? It should be what serves FRA best.
- Dissemination and consultation works well
- The AP/FRP Involvement in projects could be further strengthened
- The function and aim of FRP to share expertise & pooling of knowledge is still a mostly untapped potential and should be better explored (good example communicating rights; now FRP pilot on strategic litigation)
- Job shadowing (FRA-CSOs and CSOs-FRA) could be considered
- Consider organising smaller CSO meetings with a special theme for FRP peer-exchange
- FRA proposal of an annual meeting with umbrellas in Brussels is welcome
- Meet local organisations during country visits (cultivate national groups, longer in-depth meetings)
- Webinars or 30 seconds videos to attract national groups
- What happens with UK-based FRP organisations after Brexit? → requirement for organisations to subscribe to the database is 'to be active in the EU' – no need to be registered inside Member States, UK organisations could therefore potentially remain registered in the FRP database

Suggested follow up points:

- FRA to develop proposal for further development of the FRP/AP functioning and structure, to be discussed at next AP meeting in autumn.
- Beginning of each year – request for re-confirmation by organisations in the FRP database, if they want to remain in the database.
- Further outreach to CSOs to fill gaps. Invite CSOs active in Hotspots to register.
- Invite AP to communicators practitioners group. AP offers help in message testing.

6) Feedback on the Fundamental Rights Forum and ways forward

AP gave overall very positive feedback on FRA's Fundamental Rights Forum (September 2018), as an excellent space to network and (re)connect allies, recharge batteries, and discuss a great variety of themes. AP highlighted that it would be important to put more focus at an early stage to consider the desired outcomes, as this Forum tried to cover 'a bit of everything'. AP also gave feedback on the 6 Forum sessions that were organised with AP involvement.

FRA is currently evaluating the 2018 Forum and developing the concept how (and how often) the Forum will be continued.

Main points raised by AP:

- Ways should be found to ensure that one does not preach only to the converted, while it was at the same time acknowledged that it is difficult to include organisations which do not fully adhere to the values of the Charter
- How can the representation from national governments be increased at the event?

→ FRA to inform AP of decision about future Forum, once taken.

In closing, FRA thanked all meeting participants for their very rich and constructive input over the 2-day meeting. AP appreciated all information given and the good atmosphere, however noted that the agenda is very dense and some items would merit preparatory documents. FRA will follow up, with input of the AP on:

- FRP structure and further development
- Involvement of FRP in FRA's work
- Exchange of information and pooling of knowledge in the FRP
- Civic space