

FRP Advisory Panel meeting

14-15 June 2018

Meeting report

The Fundamental Rights Platform (FRP) Advisory Panel (AP) met for its only meeting in 2018. (All AP members are invited to attend the Fundamental Rights Forum, 25-27/09/2018.)

Objectives

- Update on past, ongoing and upcoming FRA and AP activities;
- Update and discussion on civil society space, AP input to upcoming FRP consultation on civil society space, developing FRP as 'protective space';
- Further development of FRP and how to maximise role and impact of AP: thematic work, AP-FRP communication, (national) outreach and impact, thematic cooperation;
- Consulting the Advisory Panel (AP) on FRA work planning and on Fundamental Rights Report;
- Preparing for Forum, in particular AP sessions.

Main agenda points

- Moving to the next phase of FRA's work on civil society space;
- How to develop FRP as 'protective space'?
- FRP consultation on civil society space;
- Fundamental Rights Forum – update, co-creating impact & AP sessions;
- AP consultation on FRA work planning;
- Maximising the role and potential of AP and FRP;
- AP consultation on FRA's Fundamental Rights Report(FRR) & use of Charter;
- Exchange of views on FRA's work on Sustainable Development Goals (SDGs).

Summary-Day 1

Welcome and introduction by FRA Director Michael O'Flaherty:

FRA Director welcomed the Advisory Panel on a new round of productive meeting days, and insisted on the crucial role that Advisory Panel and FRP play in the work of the Agency. The Director reported about the new strategy of the agency and its 5 pillars. He encouraged AP members to engage in discussions but also push their concerns to help the work of the agency to be better, to be critical and share their views. AP is the bridge between FRA and civil society organisations. Notably, he asked AP to explore how the Platform could become a 'protective space' – within the mandate of FRA.

Presentation of selected FRA projects

This introductory session explained selected FRA projects, aiming to give a better overview of FRA's work and link it with the AP members' interests and expertise. The three Heads of operational departments, Friso Roscam Abbing, Head of Fundamental Rights Promotion Department, Joanna Goodey, Head of Freedoms and Justice Department, and Ioannis Dimitrakopoulos, Head of Equality and Citizens' Rights department, presented the work of their respective departments, also explaining FRA's modes of working – in research, stakeholder cooperation, and communication. Then, eight of FRA's ongoing key projects were presented by project managers, followed by informal discussions on themes and projects.

- ➔ FRP team to always inform AP (and relevant FRP organisations) ahead of report publications.

Moving to the next phase of FRA's work on civil society space

This session explained the latest developments after the publication of the report '[Challenges facing civil society organisations working on human rights in the EU](#)' in January. The report was presented already at the national level in PL, BG, and RO. Future presentation are envisaged in HU, IRL and SK. The report was also presented in a number of EU and international fora, including at a side event to the Human Rights Council in Geneva.

FRA plans to launch a consultation to the FRP that will feed into the [European Commission Colloquium on democracy](#) 26-27 November. Additionally, at the Fundamental Rights Forum, six open sessions will look further into civil society space issues.

- ➔ AP to support reaching out to new organisations to register before launch of consultation beginning September.
- ➔ AP to co-host a session on FRP with FRA team.

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

FRA Director raised the question how the potential of the Platform to generate a 'protective space' could be used – considering FRA's limited mandate on the issue. Notably, how can organisations within the Platform mutually support and protect each other?

- Civil society is a legitimate voice in the room, how can the **FRP lend legitimacy to CSO?** FRA should in this case try to find alliances with other partners with moral authority, like the EU Commission, and the MS as well as academics, business, and others, to do statements.
- **The platform can function as a platform of platforms.** AP considers that very often, different national platforms are not connected.
- It is important to strengthen the **resilience** of human rights activists, psycho-social care, support and assistance. Proposed: Buddy systems, mentor systems, invite people to work in a different office for a week ("Erasmus for CSOs").
- **Skills:** FRP organisations can have difficulties understanding their capacities, or if they feel prepared enough to contribute within the platform. The platform could share among themselves: news, trainings, or statements, **share information** on how they ensure their protection issues. Use of webinars.

- Virtual **solidarity**, through social media etc. The platform can take a role of speaking out. A system of **SOS alerts** could be developed via a list serve. When there is an incident happening, other organisations can release a statement and spread the word (note – no one joint statement, but many voices). Another important assistance would be with **lawyers and litigations**, provide protection and assistance among each other to those organisations who get into law suits and legal processes.
- How to close the **gap in monitoring** – role of FRP?
- Proposed **national platforms** doing the work on the ground, or even locally.
- How could FRP/AP cooperate with the CoE Expert Council on NGO law?
- Concerns were raised on resources and the **capacity of the FRP** – organisations at national level often do not have the capacity & resources to engage with FRP. How are we engaging with the grassroots level? Social media could be used more. Be clear with people what they *can* do: What are we asking people to do with the red flags we are putting up?
- The discussion about capacity also brought up a discussion on the **funding** of NGOs. Maybe FRP (FRA) could consider the idea of guidelines for Member States on how to deal with public funding - ethical principles how to act when a public body gives money to a CSO? AP saw it as problematic that EU funding is often distributed through Member States.
- FRP to be the space where CSOs can come together to share practices and strategise how to survive and resists.

- ➔ FRP team to summarise proposals in informal paper by autumn, for further discussion with AP via skype calls. Key points: space for sharing and mutual exchange (create list serve); place for peer-to-peer learning; Platform of Platforms; speaking out.
- ➔ FRP team to explore even closer cooperation with Conference of INGOs and Expert Council on NGO law regarding civil society space issues.

FRP consultation on civil society space

AP members gave an expert look at the draft consultation questionnaire. In addition, they proposed the following improvement:

- At the end of the survey, explain what happens with results and refer to places where respondents can go for assistance.
- Add an open questions to let respondents express their experiences (maybe upload documents)
- Follow up plan> post survey strategy
- Manage expectations
- Ease up the language or add definitions

- ➔ FRP team to integrate AP comments into consultation questionnaire, by end July.

Fundamental Rights Forum – update, co-creating impact & AP sessions

This session provided update on the Forum – background, concept, theme, ideas, programme structure see: <http://www.fundamentalrightsforum.eu/>. AP was then invited for feedback and discussion.

- ➔ A civil society leader should take part in each key plenary session
- ➔ Add a (closed) FRP session, to present FRP and AP, and to discuss the topic of 'FRP as protective space'.

Summary-Day 2

AP consultation on FRA work planning

FRA explained its planning cycle, and sought input from AP on

- a) **FRA Work Programme 2019**
- b) **Strategic Note 2020**

Comments by AP:

- All recent CRPD recommendations raised the lack of data on disability rights at the national and European level. It would be a valuable intervention for **FRA to add on data on disability rights**. On the comment on the lack of intersectionality, FRA answers that the data is disaggregated at different levels. How the data can be intersectional is still a challenge.
- It will be needed to have more **instruments to prevent discrimination**. The work done by the FRA is focused on what the right holders have to say about their issues. The EU Commission needs very concrete data, **discrimination testing** could provide more relevant data.
- On **cooperation and complementarity**, it is important that activities do not overlap. The AP suggests that FRA and CoE develop jointly tools to enforce States to comply with their obligations. Example, the protocol of the social pillar push to MS to ratify the protocol.
- AP members found striking to see **no mention of the follow up on the civil society space project**, despite continuity foreseen on many other FRA projects. FRA notes this point, and explains that the intention is to ensure continuity in the framework of the FRP project.
- Better monitoring of the directives is needed at European level, currently there is a **gap of monitoring compliance**. FRA explains that this is rather the role and task of European Commission and CoE. FRA brings evidence-based information based on the collection of the data on the ground.
- AP points out that Commission has been very narrow on the implementation re Charter Art 51. **When EU funding is given, EU law kicks in** and therefore the Charter comes in action, on that note CSOs have a very critical role to play in the upcoming opinion, insisting that these important provisions stay.
- AP suggests **three groups are missing** in the work programme: victims of the state, disabled people in institutions, and children under the guard of the State. Older people as a vulnerable category is also missing in the big data project. The strong connection between child sexual exploitation and disabled children needs to be noted.

- AP appreciated the conversation and possibility to give input, but suggested to **be involved at an earlier stage** in commenting on the Work Programme.

Maximising the role and potential of AP and FRP

- FRA to **encourage umbrella organisations to sign up their smaller organisations** or to help spread the word. Importance on the national level, as well as being more dynamic on thematic cooperation. In view of CSO's diversity in the EU, is important to get different views from the national level. AP suggests that asking to coordinate such efforts from a local focal point would require remuneration.
- There is a recurrent challenge of **FRA managing expectations** as an EU Agency.
- Most NGOs are worried about the same problems. FRA could bring up every year the biggest issues that arose in the CSO space, and then work on them, thematically. Grassroots organisations work very well at the local level on particular projects, this model can be transferred to the FRP.
- FRA to **support building capacity of civil society to engage with broader human rights architecture**, how national mechanisms consult CSOs, before, during or after they report in the EU, which stage this consultation happens and to which extent. Importance of CSOs & NHRIs, to contribute and participate in consultations, reporting as well as the implementation and evaluation. FRA could present an initial mapping, on how the mechanisms work, and look at how they can be improved.
- AP members also raised **criticism towards the EU institutions**: generally, they have deteriorated their participation & consultation with CSOs.
- FRA established **cooperation with founders & foundations**, who see themselves as part of civil society, and have also themselves been affected by civil society space challenges.
- **FRA + NHRI to investigate how the Charter can better be promoted** and to which actors. How to engage CSO in the promotion of the charter and implemented in MS? Capacity building on the legal practitioners including judges on the charter. Lawyers are often not aware of the added value of the charter compared to the ECHR (not only lawyers but also judges should be trained). Ideally mix the target audience on the trainings, do not separate them because they are going to be the ones working together on the issues. Could CSOs have access?
- **Cooperation of communication AP- FRP:** AP is not a representative of the FRP, and cannot speak on behalf of FRA nor on behalf of FRP. It is needed to improve the link between FRA and the platform, and then restart the debate on the role of FRP & AP. There are challenges in communicating with the whole platform and to build up a relationship. Nevertheless, the AP shall inform the platform a very short note on what has been discussed and what has been discussed.
- AP raised a concern about the scarce human resources of FRA staff working on FRP relations, and expressed hopes that this might change in future.

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| <ul style="list-style-type: none">➔ Add profiles of AP members on the FRA website➔ Separate email address to AP@fra.europa.eu to be considered➔ Sharing AP meeting agenda in advance with the FRP- asking if the FRP have points to raise➔ Forum meeting: AP to develop with FRA a closed FRP session.➔ FRA to check possibility of financial compensation for civil society experts giving input.➔ Consider "civil society days (FRP) – national pilots and Bxl.➔ Discussion to be continued and deepened via skype calls and at next AP meeting. |
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AP consultation on FRA's Fundamental Rights Report (FRR) & use of Charter

The FRA team working on the Annual Report (AR) presented how this report is developed, input via FRANET and other sources. Counterchecks with National Liaison Officers; AR is officially the report of the FRA Management Board. As per FRA Founding Regulation, FRP needs to be consulted on AR. As of now, consultation not afterwards, but beforehand on what are the key issues that need to be addressed and/or should not be overlooked.

The upcoming FRA opinion on the use of the Charter was also presented. It was proposed to develop a consultation with FRP on the use of the Charter over summer, to feed into the opinion which will be published in September.

- ➔ Develop consultation with FRP on use of the Charter, before mid-August.

Exchange of views on FRA's work on Sustainable Development Goals (SDGs)

FRA reports on work undertaken in order to make clearer the connections and build bridges between human rights and SDGs, which seems currently still underdeveloped. In the multi-stakeholders groups there is high representation of business organisations, but usually hardly any human rights civil society. FRA sees huge potential on business responsibility to the SDGs. AP comments that at European level, the work on the implementation of SDGs has been very hypocrite in their external action.

- ➔ Share with AP the FRA presentation on SDGs.
- ➔ AP/FRP organisations should consider becoming members of the 'SDG Multi-stakeholder Platform' – more human rights organisations needed
- ➔ FRA to consider consulting FRP on SDGs – mid autumn (in view of Annual Report 2019 Focus Chapter on SDGs)

Closure

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 and productive atmosphere, however noted that the agenda is very dense and some items would deserve more time for discussion.

- ➔ Next meeting earlier than June next year – possibly February/March.
- ➔ Topics for more discussion: WP 2019-2020 and relations of the AP and FRP → lack of time.