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Challenges facing civil society organisations working on human rights in the EU

Q&A

1. What role does civil society play in promoting fundamental rights?

Civil society organisations in the EU help contribute to the proper functioning of democracies. They 'give a voice' to people on issues that matter to them and help them through advice and support when their rights have been violated. They also monitor governments' and parliaments' activities, advise policy makers, and hold authorities accountable for their actions.

2. Why did FRA carry out this research?

The EU Agency for Fundamental Rights (FRA) cooperates and regularly consults with civil society organisations, as per its Founding Regulation. However, in recent years, organisations that FRA cooperates with alerted the agency to increasing difficulties they face in helping to protect, promote and fulfil human rights in the EU. To date, most research has largely focused on threats to civil society beyond the EU. That is why, FRA began this project focusing on civil society organisations in the EU.

3. How was the study carried out?

The information was collected from FRA's contractors, the data collection and research network FRANET, in 28 EU Member States, between January and February 2017. The 28 FRANET reports are available online. FRA also carried out desk research from July 2016 to October 2017. It also consulted over 40 experts from civil society, foundations and funders, National Human Rights Institutes and Equality Bodies, international organisations and public administrations either during a two-day expert meeting (in May 2017) or through interviews.

FRA also took into account relevant work by the Council of Europe's Commissioner for Human Rights, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, the UN Special Rapporteur on the situation of human rights defenders, the European Economic and Social Committee, the Open Government Partnership, and civil society organisations.

FRA has also actively engaged in the wider debate on enabling civil society space, and gathered information at a range of events across the EU.

4. What is 'civil society' and 'civil society space'?

FRA's Founding Regulation defines civil society organisations as non-governmental organisations and institutions active in the field of fundamental rights. This is in line with the Council of Europe Committee of Ministers' Recommendation 14 (2007) which describes them as "voluntary self-governing bodies or organisations established to pursue the essentially non-profit-making objectives of their founders or members". They do not include political parties.

The United Nations High Commissioner for Human Rights describes civil society space as the place civil society actors occupy within society; the environment and framework in

which civil society operates; and the relationships among civil society actors, the State, private sector and the general public.

5. What are the main problems that civil society organisations face in the EU?

The challenges can be clustered into four categories:

- **Regulatory environment:** (changes in) legislation that affect civil society. These include: limitations to the freedom of assembly often a side effect of counter-terrorism laws; the freezing of bank accounts as a result of anti-money laundering rules; challenges in registering NGOs, or challenges around transparency and lobbying laws.
- **Finance and funding:** hurdles to accessing, and ensuring sustainable financial resources; shrinking budgets in some though not all Member States; burdensome, complex and not always transparent procedures for accessing and for reporting on funding; unfavourable tax regimes in some Member States.
- **Right to participation:** difficulties in reaching decision makers and providing input into law- and policy-making. This includes limited access to information about policy or legal initiatives, the lack of minimum standards or clear rules on the implementation of access to information and of the right to participation. It also encompasses a lack of awareness by public services of, and skills in, the various methods to involve stakeholders in law- and policy making in a meaningful and effective way.
- **Ensuring a safe space:** attacks on, and harassment of, human rights defenders, including negative discourse aimed at delegitimising and stigmatising civil society organisations.

Often civil society organisations experience a number of these challenges, which adds to the pressure they are under.

6. Which country is most difficult for civil society organisations? Are there notable differences between countries?

There are challenges in all EU Member States. Their extent and nature varies.

In all EU Member States civil society organisations face challenges in sufficient accessible funding. In almost all Member States, funding has moved away from advocacy and human rights education towards financing service-provision of mainly social services.

Participation in law and policy making is patchy across the EU. Where positive examples exist, they are mainly at the local level. Public servants are often not aware of meaningful ways of consultation and participation, beyond online consultations – for which there are often tight timelines and no feedback.

Regarding threats and attacks, there are individual stories that FRA has been made aware of. However, no EU Member State collects official data on attacks against civil society activists. The activities of civil society have been questioned, ridiculed, or even criminalised (in particular in the area of support to migrants and refugees) in a number of Member States.

7. What works well?

Throughout the paper, examples of promising practices from across the EU have been indicated. Some of these include:

- Providing public money for the promotion of advocacy and litigation activities;
- Funding NGOs themselves rather than their projects;
- Offering more longer-term financing;

- Receiving funding from national lotteries;
- Adhering to the Council of Europe's new guidelines for civil participation in political decision making;
- Training civil servants on engaging with civil society;
- Involving civil society organisations properly in policy and decision making processes.

8. What can be done to improve the situation?

Various laws, policies, including international standards, already recommend involving civil society in creating or amending new laws and policies. Member States should therefore respect these provisions. This would also recognise the added value civil society brings to policy making and to the provision of services.

Given the important role civil society plays, there needs to be more channels of dialogue between civil society and the EU and its Member States need to ensure their concerns are addressed. There is also a need to regularly collect comparable and reliable data on the challenges civil society face, such as threats, intimidation and attacks to better understand the environment civil society operate in.

In addition, due care must be paid to ensuring new or redrafted laws and policies do not impede the work of civil society, whether it is intentional or not.

The economic crisis also affected public funding for civil society organisations. The EU institutions and Member States need to provide longer-term, more sustainable, funding opportunities. This could be through multi-annual programmes, direct infrastructure funding of the organisations, rather than their projects. Funding should cover, as appropriate, the variety of activities of CSOs such as service provision, watchdog activities, advocacy, litigation, campaigning, human rights and civic education and awareness raising.