

Civil Society protects
us and now it needs
our help.

30th June 2017 EU
Observer.

CHALLENGES

- ▶ Disadvantageous changes in legislation or inadequate implementation of laws;
- ▶ Hurdles to access financial resources and ensuring their sustainability;
- ▶ Difficulties in accessing decision-makers and feeding into policy law and policymaking;

CHALLENGES

- ▶ Attacks on and harassment of human rights defenders – including negative discourse aimed at stigmatising CSOs and making them look as if they are not legitimate.
- ▶ External Relations – EU and Member States supported civil society.

ENABLING REGULATORY ENVIRONMENT

- ▶ Now it is giving Civil Society importance internally.
- ▶ States have to implement their positive obligations to promote human rights and to create the right environment for CSOs.

- ▶ Article 51 of the Charter. Member States to respect all Charter rights and to promote the application thereof. Freedom of association, freedom of peaceful assembly (Article 12), freedom of expression and information (Article 11)
- ▶ A series of measures – when taken together – may increase the burden of regulations on civil society. This is extremely important when states are transposing directives where counter terrorism, money laundering and border controls are involved.

CHALLENGES REGARDING REGULATIONS

- a) Registration or recognition of CSOs.
- b) Transparency laws which require entities involved in political campaigns to register as third party campaigners and lobbying laws are important but may prove a hurdle for CSOs to inform the public or to carry out advocacy.
- c) Restrictions on entry on non-EU nationals who are ready to engage in human rights' work in a MS without sufficient explanation.

CHALLENGES REGARDING REGULATIONS

d) Rules which go beyond the minimum to restrict peaceful assembly. [especially where terrorism is involved.

e) General bans on assemblies or inadequate police protection.

f) Criminal laws banning defamation or insult of state officials.

- ▶ Member states and the EU – to pay special attention when drafting laws which may have an effect on cs – including freedom of assembly and association – to avoid creating unnecessary requirements on civil society. They should keep in mind applicable EU and international treaty law.
- ▶ This applies also to lobbying regulations – including election periods (national or for the European Parliament).

FINANCE AND FUNDING

- ▶ Article 22 of the International Covenant on Civil and Political Rights. (See article 12 of the Charter).
- ▶ Article 13 of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to promote fundamental rights (UN Declaration on Human Rights Defenders)) includes the right to solicit receive and use resources to promote and protect human rights. 'Resources' covers material resources, access to international funds, solidarity, the ability to travel and to communicate and the right to be protected by the state.

FINANCE AND FUNDING

- ▶ Data about the funds –unavailable.
- ▶ Now that the economic crisis seems to be on the wane perhaps countries can review the amounts that they should make available to CSOs.
- ▶ CSOs call for a European Endowment Fund for Democracy.
- ▶ FRA welcomes the Commission's suggestion to consider as eligible expenses the hours spent by volunteers.

CHALLENGES

- ▶ Shrinking budgets;
- ▶ Funding cuts (for awareness raising activities – one example).
- ▶ Difficult procedures to obtain funding and then to report on the amount taken.
- ▶ Long term funding is unavailable
- ▶ Grants which cannot be utilised to attend UN meeting

FRA

- ▶ EU institutions and member state to make available funds to CSOs involved in work connected with fundamental rights and the rule of law. The funds should cover the various activities – advocacy, watchdog.
- ▶ It should also be possible for CSOs to obtain funding from persons or public authorities in other states (free movement of capital).

FRA

- ▶ Funding for csos representing persons with disabilities.
- ▶ The EC should provide more information about the funds available. The four freedoms to apply to CSOs.
- ▶ Multi-annual funding over short term projects. Audit arrangements to be proportionate to the funding made available.

RIGHT TO PARTICIPATION

- ▶ Article 11 of TEU. ‘EU institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action. And shall maintain an open, transparent and regular dialogue with representative associations and civil society.’

RIGHT TO PARTICIPATION

- ▶ See also article 25 of the IC on Civil and Political Rights. Council of Europe Guidelines for Civil Participation in political decision making. CRPD also obliges States to consult and involve persons with disabilities or their organisations in all decisions that are relevant to them. Full information is necessary because otherwise these organisations will not be aware of what is available.

RIGHT TO PARTICIPATION

- ▶ The same applies to the Aarhus Convention on Access to Information, Public Participation and access to justice in Environmental Matters.
- ▶ Grants to the public rights and created obligations on parties and public authorities regarding access to information.
- ▶ The EU is a party.
- ▶ One cannot reduce the vital role played by CSOs without infringing the Charter.
- ▶ Sometimes CSOs are ignored or left out and there is a lack of clear criteria to be recognised as a legitimate actor.
- ▶ Access to decision making not always consistent.

CHALLENGES

- ▶ Tight timelines
- ▶ Who is to be consulted before a decision is made.
- ▶ Lack of trust between public services and civil societies.
- ▶ Barriers where persons suffering from disabilities are involved : web-accessibility standards and non-use of accessible formats.

FRA

- ▶ 4(3) CRPD – to consult closely
- ▶ 29(b) CRPD – encourage them to participate on public life.
- ▶ An open dialogue (EU institutions and the States) with all those involved in human rights to ensure that policies and legislation are in line with the Charter.
- ▶ Training of public servants to deal with csos effectively.

ENSURING A SAFE SPACE FOR CIVIL SOCIETY.

- ▶ Physical and verbal attacks, harassment and intimidation. Online and offline. State officials stigmatise CSOs. Data of attacks not being kept.

FRA

- ▶ Should refrain from stigmatising. Condemn any crime – including hate crime committed against CSOs. Implement positive obligations. Data on hate crimes against CSOs involved in human rights should be collected and published.

SPACE FOR EXCHANGE AND DIALOGUE.

- ▶ No reliable data on attacks against CSOs across the EU. Lack of information about funding schemes and expenditure for CSOs focused on human rights. There is also a need for exchanging promising practices across the EU.
- ▶ The CSOs suggested;
- ▶ Collecting data;
- ▶ Advising on the administration of EU funds;

SPACE FOR EXCHANGE AND DIALOGUE

- ▶ observing developments of relevance to civil society;
- ▶ supporting resource building for CSOs;
- ▶ regular dialogue.
- ▶ FRA opinion number 9.

- ▶ The EU should consider supporting the establishment of an appropriate space for exchange and dialogue to promote the support of civil society actors engaged in the protection and promotion of fr in the EU. Regular dialogue between civil society organisations and EU institutions.

**THANKS FOR YOUR
ATTENTION**

Hon. Judge Lawrence Quintano