FRA EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

CIVIC SPACE — EXPERIENCES OF ORGANISATIONS IN 2019

SECOND CONSULTATION

FUNDAMENTAL RIGHTS PLATFORM

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Key findings

Civil society organisations (CSOs) are an essential component of the democratic system. They are engaged in a wide range of social and human rights issues, advocating rights-compliant legal and policy responses and holding those in power accountable. The quantity, quality and intensity of obstacles affecting CSOs' ability to carry out their work provide an indication of a country's general state of fundamental rights, democracy and rule of law.

Many of the human rights organisations that FRA cooperates with continue to face challenges in their daily work, the agency's second consultation of its Fundamental Rights Platform shows. The findings underline the continued relevance of the opinions FRA formulated in its 2018 report on civil society (see **Annex 2**), which EU institutions and Member States should consider.

- Only one in 10 respondents – from civil society organisations working at national and local level, as well as at the EU or international level – say that the situation 'improved' or 'strongly improved' in 2019.
- Among respondents from civil society organisations working at national and local level, almost half say that the situation in their country 'deteriorated' or 'strongly deteriorated'. The rest of such respondents believe that the situation 'stayed the same'.
- The responses from organisations working at the EU or international level were slightly more positive. Under half say the situation 'remained the same'. However, over a third of such organisations believe that the situation 'deteriorated' or 'strongly deteriorated'.
- More than half of the respondents say they faced verbal and online threats and attacks, including hate speech, as well as negative media reports about them.
- One in five say they experienced a physical attack, targeting either one of their employees/volunteers or their office building.
- Many respondents participated in public consultations during 2019, but the majority had difficulties accessing such consultations and with the participation process. The main persisting challenges appear to be short deadlines, as well as a lack of accountability by, and feedback from, the authorities conducting the consultations.
- Challenges also arise from regulatory frameworks, in particular from provisions on freedom of expression and assembly, as well as data protection regulations, and legislation on consultation/participation. Often, the unintended (side-) effects of laws create practical challenges.
- Inadequate resources and limited access to funding remain challenges. Respondents indicate that insufficient funding is available for the type of activities they carry out, and point to the lack of core funding for their infrastructure. They also criticise the application and reporting procedures as burdensome.
- The prevalence of short-term, project-based funding makes it difficult for CSOs to plan and operate sustainably in the long term. Adequately resourced, the proposed **EU Justice, Rights and Values Fund** would be an important initiative in this regard.

FRA's annual civil society consultation

FRA started an annual consultation with organisations participating in its **Fundamental Rights Platform** (FRP) in 2018, focusing on the challenges they experience in their daily work. The consultation followed the publication of FRA's 2018 report on ***Challenges facing civil society working on human rights in the EU***, which highlighted different areas of concern, based on data collected by its **FRANET research network** and expert interviews.

The second FRP consultation, again conducted online, provides a snapshot of the situation in 2019. This paper summarises the key findings reflecting the views and experiences of 205 CSOs who participated in the second survey. (The agency invited all 742 organisations in the platform database to do so.) The paper reports aggregate figures, given that the response rate per country would not allow for a representative representation of country data.

Annex 1 provides more details on how FRA conducted its 2019 consultation.

1

A MIXED SITUATION OVERALL

KEY FINDINGS

- ★ The majority of respondents believe that conditions for civil society at national and local level did not improve in 2019. CSOs operating at EU and international levels are somewhat more optimistic.
- ★ Although their view of the general situation tended to be negative, most organisations felt that, for their own organisation specifically, the situation did not deteriorate.
- ★ Respondents' assessments varied greatly across Member States.

(= identifies the exact question asked in the consultation.)

The consultation asked respondents about their general view of the situation – in their country when they indicated working at national and/or local level, and at EU level for those who work at EU and/or international level.

One in 10 civil society organisations working at national and local level said that the situation had 'improved' or 'strongly improved'. Almost half said that the situation in their country 'deteriorated' or 'strongly deteriorated' in 2019. The rest felt the situation had 'stayed the same'.

"How has the general situation for CSOs working on human rights changed in the last 12 months in your country?"

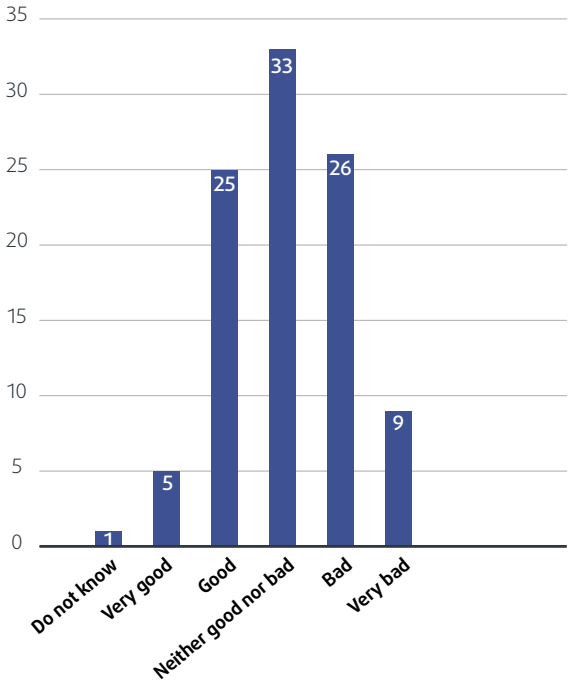
The responses from organisations working at the EU or international level were slightly more positive, with under half saying the situation had 'remained the same'. However, over a third of organisations working at EU or international level still felt that the situation had 'deteriorated' or 'strongly deteriorated'. Only one in 10 stated that the situation had 'improved' or 'strongly improved'.

"How has the general situation for CSOs working on human rights at EU level changed in the past 12 months?"

At the same time, a good third of the responding CSOs working at national and local level described the general conditions for CSOs in their country as 'bad or 'very bad'. Another third said it was 'neither good nor bad'. Just under a third said that is was 'good or very good'. (Figure 1). Again organisations working at the EU or international level have somewhat less negative views on their situation, with one fifth saying it was 'bad or very bad'.

"How would you describe the general conditions for CSOs working towards the respect and promotion of human rights at EU level (including advocacy and human rights work with EU institutions?"

FIGURE 1: PERCEPTION OF GENERAL CONDITIONS FOR CIVIL SOCIETY ORGANISATIONS WORKING ON HUMAN RIGHTS AT NATIONAL AND LOCAL LEVEL IN 2019 (% OF RESPONDENTS)



Source: FRA, 2020

"How would you describe the general conditions for CSOs working towards the respect and promotion of human rights (including advocacy, research etc.) in your country?"

(number of responding organisations = **147**)

When looking at the results for the question on how organisations themselves were doing, only one in five respondents said their situation had 'deteriorated' or 'strongly deteriorated'. Most organisations felt their situation had 'stayed the same'.

Question: "And thinking about your own organisation, how has its situation changed in the past 12 months?"

This is more positive than respondents' perception of the general situation, both at the national and the EU level.

The results for 2019 are quite similar to those from 2018. This is echoed by respondents' perception of their own situation versus that of the overall situation for civil society organisations. However, CSOs' assessments were influenced by the variety of challenges they encountered based not only on their geographical scope or location, but also specific issues such as participation in decision-making, experiences of threats and attacks, and access to funding. It also has to be taken into account that the number of CSOs taking part in the consultation varied greatly among countries.

2

PARTICIPATING IN DECISION-MAKING PROCESSES OFTEN REMAINS CHALLENGING

KEY FINDINGS

- ★ Consultations allow governments to receive valuable feedback, and they also give civil society the opportunity to influence law- and policymaking. Many respondents had participated in consultations in the previous 12 months, but the majority experienced difficulties doing so.
- ★ Civil society organisations experienced challenges both in accessing consultations, and in the participation process itself. The main issues continued to be short deadlines and a lack of accountability by, as well as feedback from, organisers.
- ★ EU institutions and Member States should consider ways of improving the participation of civil society in consultations, as well as the transparency and accountability of these procedures.

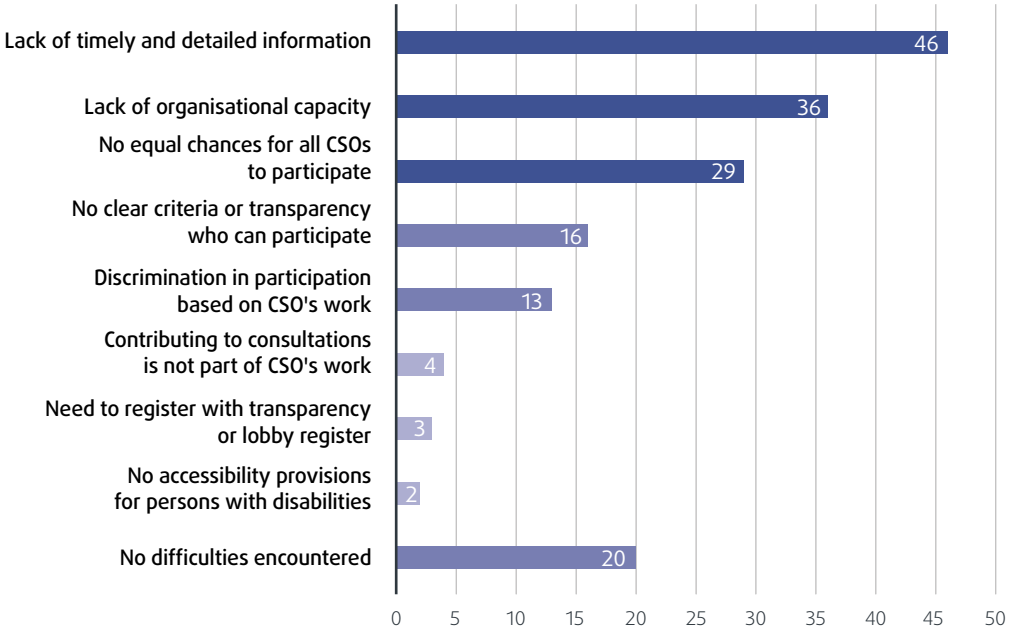
"In general, policymakers do not consult CSOs about issues relevant for the CSOs' constituencies."

Representative of civil society, Hungary

One of the main ways in which civil society organisations influence policy- and law-making is through consultations – offline and online – that provide feedback. Article 11 of the Treaty on European Union requires EU institutions to "give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action" and to "maintain an open, transparent and regular dialogue with representative associations and civil society".

As in 2018, engagement levels of responding FRP organisations were quite high: in 2019, close to three quarters of respondents reported having participated in public consultations at least once in the last 12 months. Of these, three quarters participated in consultations at the national level, a quarter at the local level, over half at the EU level, and over a third at the international level (e.g. UN, Council of Europe). Yet only one fifth considered that they had been able to participate in consultations without difficulties. The majority encountered various difficulties, both in accessing the participation process or consultation, and in the process itself.

FIGURE 2: MAIN CHALLENGES IN ACCESS TO PARTICIPATION/CONSULTATION (% OF RESPONDENTS)



"What were the main difficulties you encountered in the access to consultations/ participation? Please select 1 to 3 answers."

(number of responding organisations = **158**)

Source: FRA, 2020

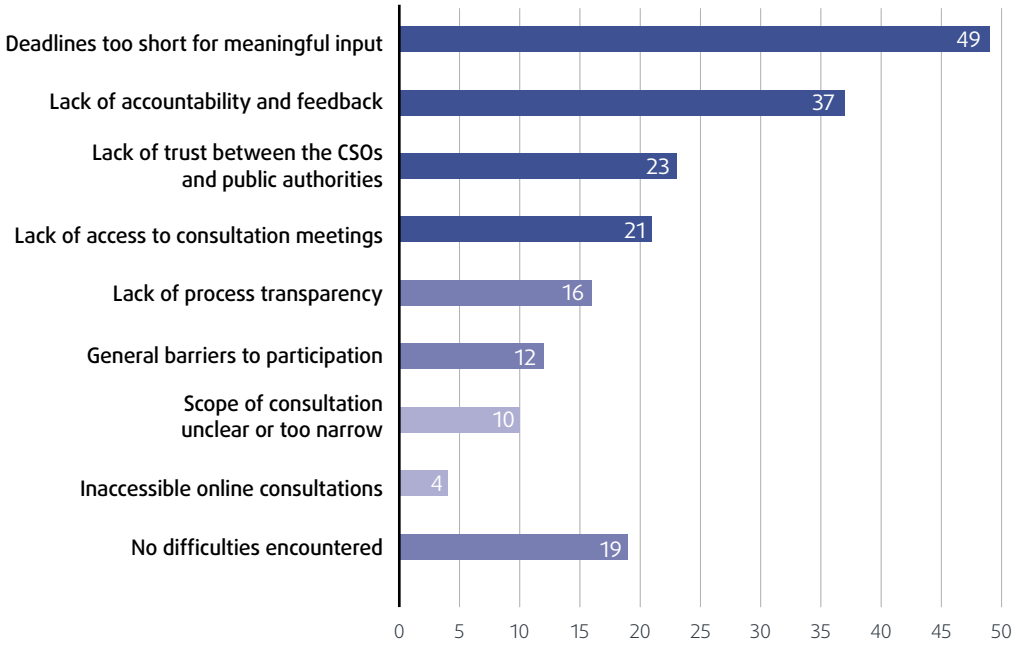
Regarding access to participation processes, almost half of respondents pointed to a lack of timely and detailed information on upcoming consultations or opportunities for participation. Another third also indicated that lack of capacity within their organisation was an obstacle to participation. During ongoing participation/consultation processes, almost half of respondents pointed to short deadlines that prevented them from providing meaningful input as a main challenge. Over a third also felt consultations lacked accountability and feedback mechanisms by the authority consulting them. Just under a quarter pointed to distrust between CSOs and public authorities as an issue affecting participation processes.

It is worth noting that, while CSOs identified both internal and external factors preventing their access to consultations, most of the challenges they faced in the processes themselves were external.

"What were the main difficulties you encountered during the consultation/ participation process? Please select 1 to 3 answers."

(number of responding organisations = **158**)

FIGURE 3: MAIN CHALLENGES DURING PARTICIPATION/CONSULTATION PROCESS (% OF RESPONDENTS)



Source: FRA, 2020

"[There is a] growing sense of them and us between NGOs and civil servants, instead of partnership to deliver services to citizens – less trust, less respect, growing far-right narrative online and offline."

Representative of civil society, Ireland

Overall, respondents' engagement levels in consultation/participation processes remained high, despite the challenges organisations faced both in accessing consultations and during participation/consultation processes. In both the 2018 and 2019 consultations, the main challenges identified by respondents related to short deadlines and lack of feedback. Public consultations that fail to provide participants with feedback on outcomes as to how their input is used can be discouraging.

In its 2018 report, FRA recommended that EU institutions and Member States maintain an open, transparent and regular dialogue with CSOs active in the area of human rights, and provide sufficient time, human and financial resources, as well as training of public servants, to allow for meaningful and effective participation processes.

3

THREATS AND ATTACKS PERSIST

KEY FINDINGS

- ★ Civil society organisations say they face hostility from both state and non-state actors.
- ★ CSO staff and volunteers are targets of verbal and physical threats and attacks, but often do not report such incidents to the authorities.
- ★ Authorities should take steps to protect civil society organisations from threats and attacks.

FRA's publications on civic space have highlighted the hostility faced by civil society organisations and those who work for them. This can take many forms, from legal or administrative harassment to slander, smear campaigns or verbal threats (online and offline) – and sometimes even escalating to physical attacks on people or buildings. This consultation again asked participants whether they had experienced a range of different threats or attacks 'once', 'rarely', 'sometimes' or 'often'.

The results (Figure 4) show that, in 2019, three of the four most often indicated experiences of threats and attacks involved the online/digital space. These include personal online threats/attacks targeting individual employees/volunteers, coordinated online threats/attacks targeting an organisation as a whole, and digital security threats.

Three quarters of the respondents who had experienced such threats and attacks (Figure 4) said they knew or suspected that the motivation behind the attacks against their organisation were related to the activities of their organisation.

Question: "Do you think or know that the reasons for these attacks were related to the activities of your organisation?"

Notably, respondents who experienced the most attacks indicated they were working on issues relating to LGBTI people (23 responding organisations), migrants and refugees (18), and gender (14). The 2018 FRP consultation yielded similar results.

"Social media harassment was coordinated against the organisation directly and shared on different online groups with the intention of agitating people to take part in the discussion. Another case was spreading false information about an incident which allegedly took place at a festival we organised."

Representative of civil society, Finland

Additionally, four in ten respondents estimated that the personal characteristics of the victim (their employee/volunteer) had played a role.

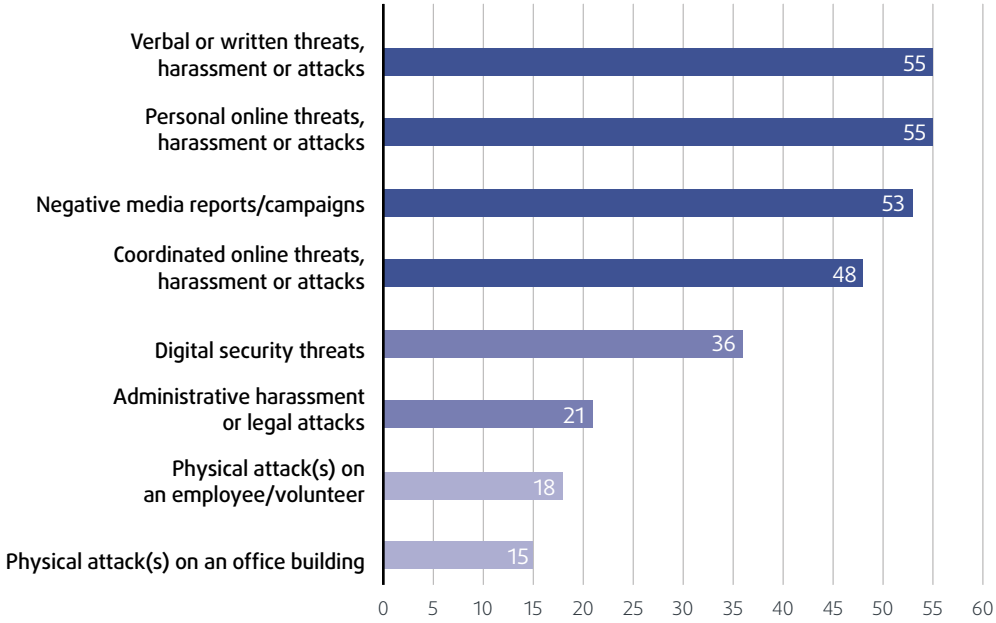
Question: "Do you think or know that the reasons for these threats or attacks were related to the personal characteristics of the attacked staff member? (gender, ethnicity, age, disability, religion or belief, political opinion, minority, sexual orientation or gender identity)?".

'Sexual orientation or gender identity' again stuck out as the main reason for someone being attacked (18 respondents), followed by 'religion or belief' (9), and 'ethnicity' (7).

FIGURE 4: EXPERIENCES OF THREATS AND ATTACKS IN 2019 (MULTIPLE CHOICE, % OF RESPONDENTS)

"In the last 12 months, has your organisation or any of your employees/ volunteers experienced any of the following?"

(number of responding organisations = **159**)



Source: FRA, 2020

As regards physical attacks on people or office buildings, 29 organisations said that an employee/volunteer from their organisation had been a victim of a physical attack in 2019 ('often, sometimes, rarely or once'). This corresponds roughly to one in five of the organisations who answered the questionnaire. Almost as many (24 organisations) reported a physical attack on their office building ('often, sometimes, rarely or once'). Responses to these two questions came from 16 different EU Member States, as well as from organisations working at the EU level.

Over half of the CSOs who participated considered that such threats and attacks affected the well-being of their employees or volunteers.

Question: "In the last 12 months, has any of the employees/volunteers of your organisation suffered in their (psycho-social) wellbeing due to these experiences? Such as: burnout, depression, anxiety, trauma or secondary trauma."

Overall, a significant number of CSOs and their staff found themselves in hostile situations on more than one occasion within a relatively short timeframe. Nonetheless, only about half of responding CSOs who had experienced such incidents reported them to the police or another competent body.

Question: "Has your organisations reported any of these incidents to the police or another competent body?"

When asked why they had chosen not to report, just under a fifth said they did not believe the police would take any action based on their report. Some (one in twenty) stated they did not trust the police.

Question: "Why did your organisation not report the incident to the police or another competent body?"

More than half of those who did report the incident felt that the police did not investigate the incident or act in protection of the victim.

Question: "Did the police or relevant bodies investigate the incident, and acted in protection of the victim (including public support statement)?"

In addition to such attacks, one in five CSOs noted attempts to criminalise their work, and one in three suspected that they were under surveillance by authorities in 2019.

Questions: "In the last 12 months, have there been attempts to criminalise your organisation's work?", "In the last 12 months, did you ever suspect that your organisation was under surveillance by public authorities?"

A 2018 FRA opinion calls on Member States to refrain from stigmatising human rights CSOs and their members, and to condemn actively any crimes, including hate crimes, committed against them. Data on hate crimes against human rights CSOs should be collected and published. The 2019 consultation shows that attacks, including physical attacks on people and office buildings, persist in many EU Member States; that organisations still often do not report these; and that, when they do, these complaints are not always followed up on. Accordingly, FRA's 2018 opinion remains relevant.

"We provide social and legal assistance to hate crime victims. We also monitor level of human rights protection in our country and we publish on that. We are often called traitors, there have been several campaigns against us. We brought our case to the court and we lost it on constitutional level."

Representative of civil society, Czechia

4

LEGAL CHALLENGES CONTINUE

KEY FINDINGS

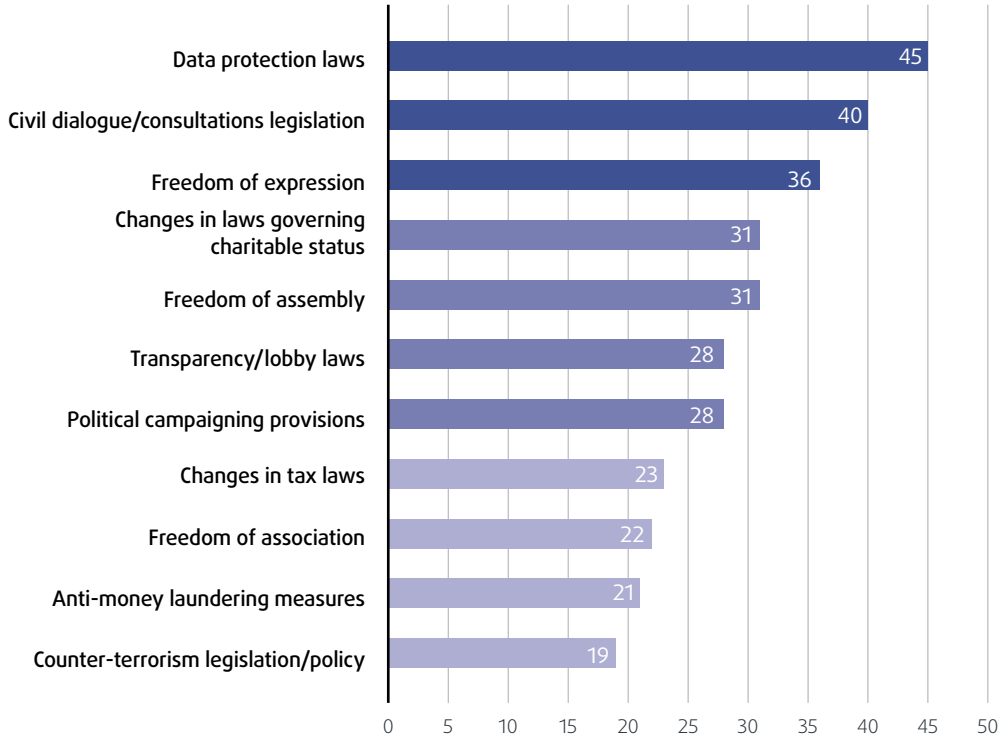
- ★ Laws can negatively affect the work of civil society organisations – sometimes unintentionally so.
- ★ EU institutions and Member States should consider how legislation may – directly or indirectly – affect civic space to avoid unintentionally hampering civil society's activities.

Civil society organisations need a regulatory framework that permits them to work without arbitrary or unjustified restrictions. Legislation adopted by Member States can have intended or unintended effects on civil society's space and activities. It can even have a 'chilling effect' on civil society activists when they feel deterred from engaging in certain legal or political activities out of fear of retaliation, even if the law does not prohibit the activities. In its 2018 report, FRA showed that such unintended effects can result from the phrasing or framing of legal provisions or from their implementation, with the operation of CSOs negatively affected even though the lawmakers did not intend this.

The legal challenges that CSOs faced in 2019 continued to mainly involve areas that are fundamental for their work, such as freedom of assembly, association and expression. However, various other laws also directly or indirectly affected civil society's ability to operate in 2019. Figure 5 shows that legislation concerning data protection, civil dialogue, transparency/lobbying, charitable status, political campaigning, taxation, as well as on money laundering and counter-terrorism, posed challenges to a significant number of CSOs.

Overall, data protection laws were identified as the most challenging area for 2019, with close to half of respondents pointing to them. By contrast, in 2018, changes in tax laws were the biggest challenges mentioned.

FIGURE 5: LEGAL CHALLENGES FACED BY CSOS IN 2019 (MULTIPLE CHOICE, % OF RESPONDENTS)



"In the past 12 months, has your organisation faced difficulties in any of the following areas?"
(number of responding organisations = **159**)

Source: FRA, 2020

Across EU Member States, respondents indicated that they faced challenges relating to various laws beyond those concerning freedom of assembly, association and expression. Since a number of these challenges stem from unintended side effects, FRA recommended in 2018 that Member States and the EU should pay increased attention when drafting and implementing legislation in areas that potentially (directly or indirectly) affect civic space. This would ensure that legislation does not place disproportionate requirements on civil society organisations and does not have a discriminatory impact on them. No significant improvements seem to have occurred over the past years.

5

LACK OF RESOURCES REMAINS A HURDLE

KEY FINDINGS

- ★ Civil society organisations point to difficulties in finding and obtaining funding for specific activities, in particular core funding for the infrastructure of their organisation.
- ★ They also face procedural difficulties when applying for funding. These include overly strict eligibility criteria, complex applications or reporting procedures, as well as unreliable funding sources.
- ★ EU institutions and Member States should consider multi-annual and core funding for civil society organisations, and take further measures to improve access to funding.

"A strong civil society sector needs this support to be able to stay a key partner in keeping our democracies healthy. There is also a lack of direct European level funding for organisations operating in countries where civil society is under threat."

Representative of civil society, Belgium

CSOs rely on funding and income from a variety of sources. These include (1) grants/project funding from the public sector (national, regional or local level in Member States, EU level, international organisations); (2) grants and donations from private donors, such as foundations and philanthropies and corporations; (3) fundraising, including from individual donors; and (4) (self) income-generating activity, including providing services, collecting membership fees, selling promotional materials, etc.

FRA's 2018 and 2019 consultations indicate that it can be difficult for CSOs to identify and access funding. The biggest challenges respondents identified in both years concerned the *availability* of funding for their types of activity, as well as the lack of core funding. (The latter refers to financial support for covering the basic "core" costs of an organisation, such as organisational and administrative costs. This would include salaries beyond project implementation, rent, equipment, utilities, and communications.) In respect to the *accessibility* of funding, the same challenges seemed to persist – limited capacity to find or apply for funding, as well as difficult application and reporting procedures and difficulties with eligibility criteria.

"[A] huge problem is lack of core funding, institutional grants, and almost no support for advocacy and awareness raising activities, especially for fields relating to human rights."

Representative of civil society, Slovenia

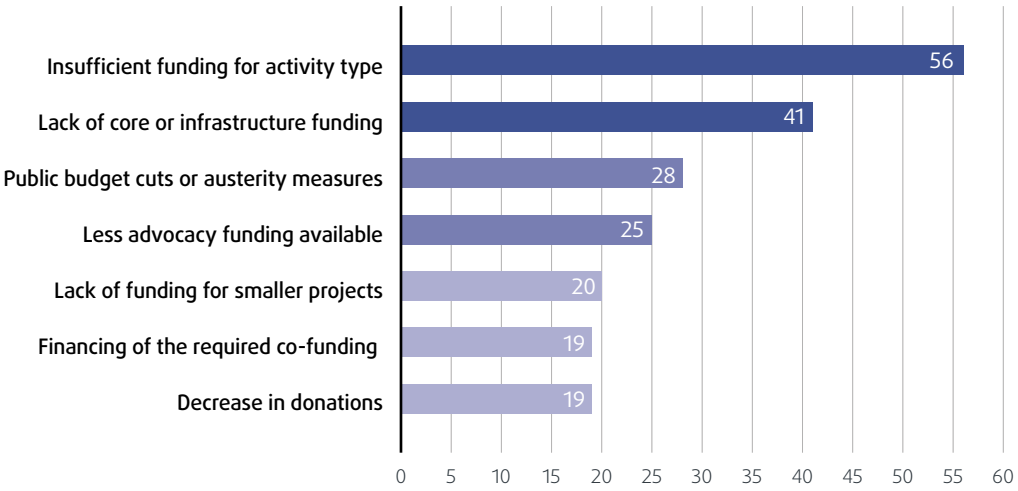
The *availability* of funding (Figure 6) is affected by cuts in public spending, lack of funding for specific types of activity, persistent lack of core funding for maintaining their infrastructure, reduced availability of funding for advocacy, and decreases in donations. Adequately resourced, the proposed **EU Justice, Rights and Values Fund** would fill an important gap in this regard by creating an additional avenue for the 'availability' of needed funding for a range of different areas.

In terms of the accessibility of funding (Figure 7), the biggest challenge appeared to be CSOs' limited ability to identify or apply for funding. One third perceived that eligibility criteria for funding were excessively strict or complicated. Over a quarter said that both application and reporting procedures made things difficult for them. Almost as many said that funding was 'unpredictable', meaning that it can be unclear if and when funding calls by public or private donors will open; that renewal of contracts can be postponed without deadlines; or that already secured funding may be questioned or revoked. This poses a challenge in terms of planning of work and staffing, and hence to the sustainability of organisations. CSOs commented that difficulties in accessing funding meant their staff consisted mostly or solely of volunteers.

"A key challenge is the limited capacity of CSOs to reach funding. This includes both drafting and submitting a project proposal, but also providing the required co-funding. That impedes seriously the development of strong and sustainable organizations locally."

Representative of civil society, Bulgaria

FIGURE 6: DIFFICULTIES REGARDING THE AVAILABILITY OF FUNDING (UP TO THREE CHOICES, % OF RESPONDENTS)



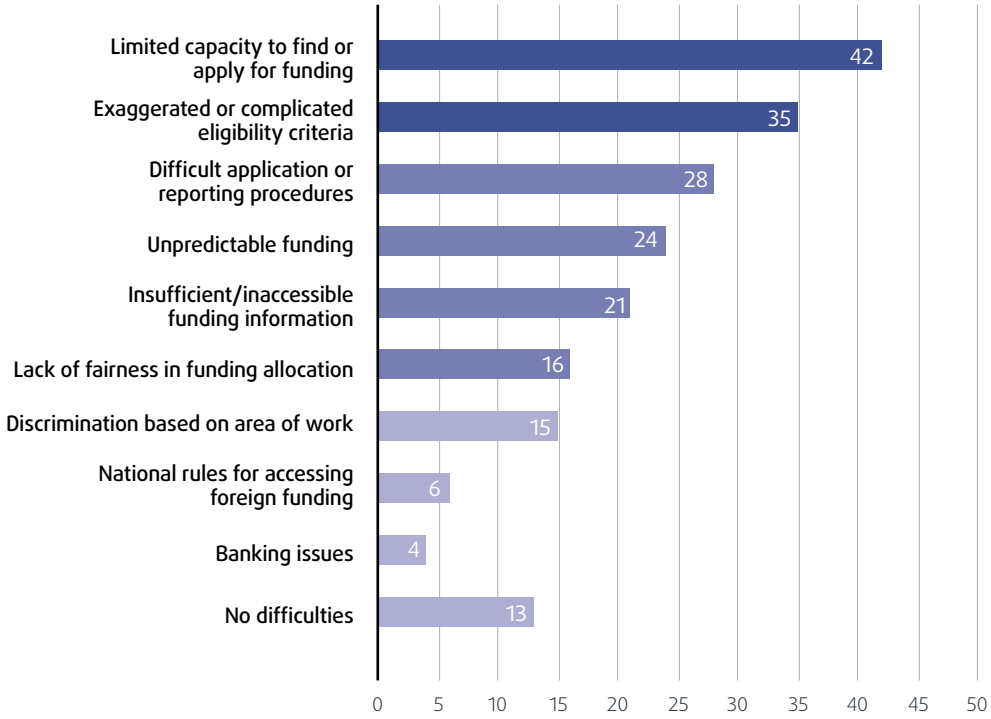
"In the last 12 months, did you experience any of the difficulties listed below regarding the availability of funding? Please select up to three."
(number of responding organisations = **159**)

Source: FRA, 2020

FIGURE 7: DIFFICULTIES REGARDING THE ACCESSIBILITY OF FUNDING (UP TO THREE CHOICES, % OF RESPONDENTS)

"In the last 12 months, did you experience any of the difficulties listed below regarding the accessibility of funding? Please select up to three."

(number of responding organisations = **159**)



Source: FRA, 2020

FRA's 2018 report recommended that EU institutions and Member States ensure that funding is made available for CSOs working on the protection and promotion of the EU's founding values, including for small grassroots organisations. The proposed **EU Justice, Rights and Values Fund** would create an additional avenue for the 'availability' of badly needed funding in a range of different areas.

However, as in the previous consultation, respondents still indicated that there was 'insufficient funding for their type of activity'. In its report, FRA identified an ongoing shift from funding for advocacy activities towards service provision. At the same time, challenges in 'accessibility' persist. In its 2018 report, FRA suggested that the European Commission and EU Member States should consider favouring multi-annual and core funding over short-term project-based funding. However, respondents' answers indicated that lack of funding for organisations' infrastructure remains a key problem.

Annex 1
How the online consultation was conducted

This second online consultation with FRA's Fundamental Rights Platform – on the experiences of civil society organisations working on human rights – was open from 5 December 2019 to 10 January 2020. The anonymous **questionnaire** contained over 30 detailed questions.

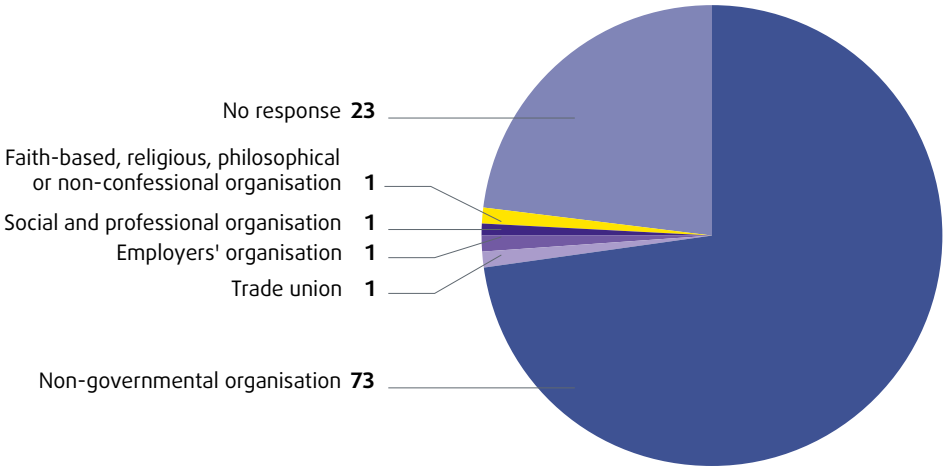
All 742 organisations registered in the FRP database by December 2019 were invited by email to reply. Out of 205 FRP organisations that answered at least some questions, 149 completed the questionnaire fully. Responses of organisations that did not complete the full questionnaire were included where a full section of the questionnaire was completed.

Due to dropouts and filter questions, the total number of respondents for each question is not the same for all questions. This paper reports aggregate figures, given that the response rate per country would not allow for a representative representation of country data.

FIGURE 8: RESPONDENTS' ORGANISATION TYPE (% OF RESPONDENTS)

"Which of the following terms describes best your organisation (categories as per FRA Founding Regulation, Art. 10)?"

(number of responding organisations = **205**)



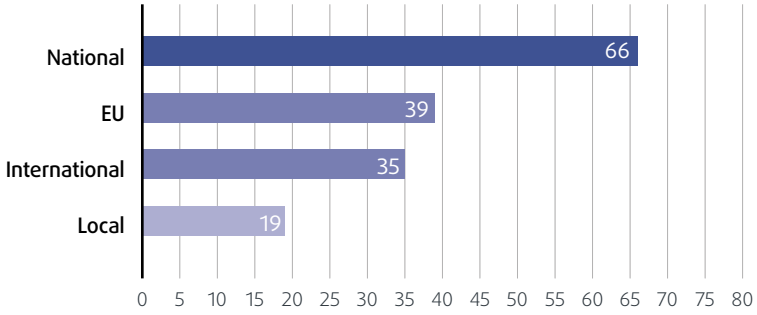
Source: FRA, 2020

NGOs were the primary respondents, with 1 to 14 organisations answering per country. Responses cover all (then) 28 EU Member States, as well as one additional state falling within FRA's mandate as observers (North Macedonia). Responding organisations ranged from national and local level organisations to EU level umbrella organisations. Organisations had the opportunity to add comments. This paper presents a few of these as quotes.

FIGURE 9: GEOGRAPHICAL SCOPE OF RESPONDENTS' ACTIVITIES (% OF RESPONDENTS)

"What is the geographical scope of your organisation's activities? Check all that apply."

(number of responding organisations = **205**)



Source: FRA, 2020

This online consultation complements FRA's report **on Challenges facing civil society organisations working on human rights in the EU** (January 2018), as well as FRA's 2018 consultation with the FRP about their experiences and the challenges they face in their work. The 2018 consultation is summarised in the **conference paper** "Civil society space: views of organisations".

FRA's cooperation with civil society

FRA cooperates closely with civil society, as mandated by Council **Regulation (No. 168/2007)**. To this end, it established the Fundamental Rights Platform (FRP), which brings together a wide range of civil society organisations, ranging from local grassroots organisations to EU-level umbrella networks. Although FRP organisations come from a broad range of civil society actors – such as non-governmental organisations, trade unions, employers' organisations or academia – all are active in the field of fundamental rights within the European Union and its Member States.

The platform serves to exchange information between FRA and civil society organisations, enhance cooperation and pool knowledge with and among civil society organisations, bring relevant civil society expertise, knowledge and experience to FRA's work, cooperate with civil society in raising awareness of fundamental rights, and empower and strengthen civil society actors active in the field of human rights. Consultations such as the annual online consultation on civic space are one of the FRP's tools to gather input from a wide range of civil society actors.

International human rights instruments, such as the International Covenant on Civil and Political Rights and on Economic, Social and Cultural Rights and the European Convention on Human Rights, recognise the importance of civil society work. Within the EU, Article 11 of the Treaty on European Union stresses the need for an open, transparent and regular dialogue with civil society organisations. Moreover, the EU Charter of Fundamental Rights includes several rights, such as the rights to freedom of opinion, expression, assembly and association, which are of direct relevance to the operation of civil society organisations. In the EU, civil society organisations play a pivotal role in promoting a range of rights guaranteed by the Charter and already translated into EU law, such as the right to non-discrimination, the right to asylum, the right to privacy and much more.

Annex 2
FRA 2018 opinions

In its 2018 report on *Challenges facing civil society organisations working on human rights in the EU*, FRA offered several suggestions ('opinions') on how the EU and Member States could improve conditions for civil society organisations' work. The 2019 consultation with civil society organisations confirms that these opinions remain relevant.

FRA OPINION 1

Member States and the EU should pay increased attention when drafting and implementing legislation in areas which potentially (directly or indirectly) affect civil society space, including freedom of expression, assembly and association, to ensure that their legislation does not place disproportionate requirements on civil society organisations and does not have a discriminatory impact on them, thereby diminishing civil society space. In so doing, they should fully respect applicable EU and relevant international treaty law.

FRA OPINION 2

The EU and Member States should ensure that lobbying regulations and transparency laws and their application comply with applicable EU and international law and do not disproportionately restrict or hinder human rights advocacy – including during election periods, such as for European Parliament elections.

FRA OPINION 3

EU institutions and Member States are encouraged to ensure that funding is made available for CSOs working on the protection and promotion of the EU's foundational values of fundamental rights, democracy and the rule of law; including for small grassroots organisations. Such 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.

As part of the free movement of capital, CSOs should be free to solicit, receive and utilise funding not only from public bodies in their own state but from institutional or individual donors, and public authorities and foundations in other states or from international organisations, bodies or agencies.

FRA OPINION 4

Member States and EU institutions should make sure that organisations that represent persons with disabilities are provided with funding, including for personal assistance, reasonable adjustments and support, to enable them to fulfil their role under the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

FRA OPINION 5

The European Commission should further improve the availability of information regarding existing funding schemes by ensuring easy one-stop-shop overviews of funding made available to CSOs that work in the field of fundamental rights; by promoting its **one-stop-shop portal on funding possibilities**; and by expanding its **database on projects funded in different areas** to highlight particularly successful and impactful projects.

The European Commission should consider adopting guidance for Member States clarifying the applicability of the four 'fundamental freedoms' under the EU common market regime to CSOs, including foundations and philanthropic organisations.

FRA OPINION 6

The European Commission and EU Member States should consider favouring multi-annual and core funding over short-term project-based funding, which would allow for a more sustainable basis for the work of CSOs as well as long-term planning. For the sake of more effective application procedures, two-step procedures could be used more frequently, where initial applications are short, and only preselected projects from the first round are required to deliver a full application file.

Audit and reporting requirements placed on CSOs and other associations should be proportionate to public funding made available and to the size and structure of the receiving organisation. In the context of co-funding, the requirements should be proportionate and take better account of the scope of projects and the type of organisations applying.

FRA OPINION 7

[...] EU institutions and Member States should maintain an open, transparent and regular dialogue with CSOs active in the area of human rights to guarantee that EU legislation and EU policies as well as national legislation and policies implementing the latter are in line with the EU Charter of Fundamental Rights.

Where relevant rules in support of CSOs' active participation in human rights are already in place, authorities should ensure that these are implemented in practice. This involves making available adequate human and financial resources to allow for proper participation processes, and providing public servants with training on, and sufficient time for, engaging such organisations. [...] Full use should be made of the newly adopted Council of Europe 'Guidelines for meaningful civil participation in political decision-making'.

FRA OPINION 8

EU Member States should refrain from the stigmatisation of human rights CSOs and their members. Moreover, they should actively condemn any crimes – including hate crimes – committed against CSOs and their members and fully implement their positive obligations under international law and applicable EU law to protect CSOs and their members. Data on hate crimes against human rights CSOs should be collected and published.

FRA OPINION 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 fundamental rights in the EU. This would also allow for an enhanced regular dialogue between civil society organisations and the EU institutions.

FRA EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

PROMOTING AND PROTECTING YOUR FUNDAMENTAL RIGHTS ACROSS THE EU —

This paper presents key findings from FRA's second consultation of its Fundamental Rights Platform, focusing on the experiences of civil society organisations (CSOs) working on human rights. FRA started an annual consultation with organisations participating in its platform in 2018.

The second consultation, again conducted online, provides a snapshot of the situation in 2019. It shows that many of the CSOs that FRA cooperates with continue to face challenges in their daily work.

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