Analysis and recommendations on the promotion of civic space and enabling environment in EU external action

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Summary

The purpose of this policy paper is to present the common understanding of CONCORD on an enabling environment for civil society and the threats to democratic space globally. It´s target groups are CONCORD members and representatives who want to formulate messages on these issues in relation to EU policy and practice. Since CONCORD´s focus and mandate is international development, the paper focuses primarily on civic space in relation to EU external action and the fundamental rights of people facing poverty, marginalisation and discrimination, but also highlights civic space internally in the EU in the interest of policy coherence for a sustainable global development.

Civil society is at the heart of democracy and sustainable development
Civil society is essentially **people coming together** and organising themselves in the pursuit of common interests, which is a basic right of any human being. There are **many different expressions** of civil society, with multiple types of actors, roles and mandates. **Forming organisations** is both a right and a means of making people's participation and commitment to change effective and sustainable. Civil society organisations can play facilitating roles by amplifying the voices of people facing marginalization and exclusion, by defending and asserting rights, and by demanding transparency and accountability.

Key components of civic space and an enabling environment for civil society
The restrictions of civic space in many countries are linked to an anti-democratic development globally that questions the universality of human rights. At the root of this are attempts by rulers to concentrate power and evade accountability to people. The democratic space is put at risk also in European countries due to similar non-democratic, populist and nationalist trends. The closing of civic space has severe negative impacts on an inclusive and sustainable development.

For an enabling environment for civil society, the rights to freedom of association and assembly, and other related fundamental freedoms and rights must be respected in:
*   Values, norms and attitudes in society
*   Legal framework
*   Regulatory environment
*   Access to funding
*   Meaningful participation in decision making

Summarized CONCORD Recommendations to EU institutions and member states:

1. To develop an overarching EU strategy for civic space
*   Develop an overarching EU strategy on civic space that includes guidelines on the rights to freedom of association and assembly
*   In external action, combine political dialogue, development cooperation and heightened diplomatic pressure to protect and expand civic space

- Develop and implement early warning – early response mechanism for in-country developments indicating closing civic space

2. To promote an enabling environment and civic space in the EU´s partner countries
- Promote civic space systematically in the EU's political dialogue with partner governments
- Strengthen a structured dialogue with a diverse range of CSOs and mechanisms for inclusion and genuine participation of civil society, supported by the EU Country Roadmaps process

3. To strengthen partnerships, capacity building and alliances
- Reinforce EU support and engagement with civil society, and specifically organisations facing repression
- Support partnerships, networking, capacity building and peer-learning, applying the Istanbul Principles[i] and similar codes in a spirit of shared responsibility, mutual trust and accountability

4. To provide adaptive, institutional and predictable funding
- Use core funding and other process-oriented funding, respecting CSOs as actors in their own right
- Adapt the funding modalities to the context and the diversity of civil society, including small CSOs and CSOs representing specific groups that are often overlooked by funders (women, LGBTI, minorities, etc)
- Navigate access to funding for civil society organisation subjected to temporary or permanent restrictions or funding gaps

5. To practice what we preach
- Ensure coherence in external and internal EU action to defend fundamental rights and freedoms
- Practice the principles of effective development cooperation

Civil society is at the heart of democracy and sustainable development

Civil society is essentially **people coming together** voluntarily outside the spheres of state, market or family and organising themselves in the pursuit of common interests, which is a basic right of any human being. All over the world, there are **many different expressions** of civil society, with multiple types of actors, roles and mandates. This diversity is essential in order for civil society to fill its many functions and be the reflection of diverse groups of people's rights, interests, needs or commitments. A vibrant and diverse civil society is a building block for democracy, peace, wellbeing and development. A strong civil society is an asset to any society, creating arenas for people to participate, settle differences peacefully, contribute to the common good, setting agendas, and challenge discrimination, inequality or abuses of power when needed.

All genuine expressions of people's will to associate for a common goal, whether informal or formal in their ways of organising, constitute part of civil society. The many different civil society actors can have different and opposing world views. In a democratic society, any free association

or assembly are legitimate as long as they do not attack fundamental democratic values of human equality and dignity.

Forming organisations is part of the human right of freedom of association, and also a means of making people's participation and commitment to change effective and sustainable. Civil society organisations, as part of the relationship between people and decision makers, can play an effective role for participatory democracy and for consolidating and voicing the views of involved groups. Active and diverse expressions of civil society are valuable at all levels, from the local to the global. Local actors´ voices and access to the global arena are particularly important.

Within development practice, civil society organisations can refer both to the formal and informal associations of people living in poverty, and to organisations who play a facilitating role in enabling participation and amplifying the voices of people facing marginalization and exclusion, by defending and asserting rights, and by demanding transparency and accountability in development processes. The work of civil society has a powerful impact on the inclusion of marginalized groups, social cohesion, and the equity and sustainability of policies and programmes. This in turn means that civil society is a main player in ensuring basic principles of effective development, such as: a rights-based approach, the 'leave no one behind' principle of the 2030 Agenda for Sustainable Development (Agenda 2030), and addressing the multiple dimensions of poverty and inequality. Civic participation in public policies from their elaboration to their implementation, delivery and monitoring is essential to the effectiveness, ownership and sustainability of societal changes and development pathways.

In development efforts at country level involving civil society, the initiative and **ownership lie with people** in their local and national reality and with local civil society. International civil society organisations can play important **supporting roles in local processes** based on their thematic and development experience, as well as facilitating links from the local to the global level in order to influence international development policies and programmes.

Civil society organisations can **play many roles in a society**, based on the vision and mission of their members and the constituencies they serve. They can create meeting spaces for people, and organise and mobilise people to work together. Organisations enable dialogue and communication in society, design and deliver services to groups or areas not covered by public services, and inform and educate people. They represent group interests in consultations and public debate and inform political decision, defend human rights, scrutinize and monitor the effects of public policy and market practice, hold public authorities to account for their performance and to their human rights obligations, and advocate policy agendas and programmes. Organisations often act as change agents and bring new ideas and strategies to address challenges. This catalysing role for civil society as **promoter of change** in their society is crucial in all stages of social and economic development in both donor and partner countries, including middle income countries. Civil society actors are not only stakeholders in consultations or political dialogue, but very much actors of change in their own society and need adequate support to play this role, even within the EU itself. Agenda 2030, policy coherence for sustainable development, and effective development strategies begin at home and require the actions of civil society at home as well.

Promotion of civic space and an enabling environment for civil society is a key issue for sustainable development, as reflected in the Agenda 2030and in the Sustainable Development Goals (SDGs). SDG 16 targets include development of inclusive, participatory and representative decision-

making at all levels and the protection of fundamental freedoms in accordance with international human rights standards and national human rights laws. Article 20 of the Universal Declaration of Human Rights, prescribes the **right to freedom of peaceful assembly and association,** which is essential to sustain a democratic society, and is closely related to article 19 of the Declaration on the right to freedom of expression, as well as other fundamental rights contained in the Declaration. These rights are further included in the International Covenant on Civil and Political Rights, the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights, and other international and regional human rights treaties. States have obligations to respect, protect and fulfil these rights and therefore their obligations go beyond refraining from interfering in citizens' enjoyment of these rights. They must also actively take steps to protect and promote the rights if other actors violate them, e.g. if organizations are exposed to pressure by local governments, extremist groups, and authoritarian religious or political leaders.

According to the UN Guiding Principles on Business and Human Rights, States also have the duty to protect against human rights abuses by third parties such as business enterprises by fostering an environment conducive for human rights, e.g. providing appropriate legislation, policies and ensuring stakeholder participation in state-business engagements. The UN Working Group on Business and Human Rights is also currently developing specific guidance to businesses on their responsibilities to respect human rights defenders, as part of their due diligence.

Key components of civic space and examples of enabling and disabling factors in the environment for civil society

Important aspects of civic space and enabling environment are the **values** in society, the **legal framework**, the **regulatory environment**, **access to funding** and **meaningful participation in decision making**.

A. Values that respect fundamental freedoms of expression, association and peaceful assembly

A crucial aspect of an enabling environment is the issue of who has the right to be a member of civil society. The **attitudes of the government**, as well as other formal and informal authorities and groups, towards organisations and activists shapes the perceptions of civic rights and of who has the right to take part in democratic life. These values are intimately connected to the **overall values and norms in society**, regarding tolerance, gender equality and equity, non-discrimination and respect for all persons in society, including all minorities, age groups, religions, disabilities, genders, class, sexual orientations, etc. Promoting these values through education and awareness raising is part of what makes a society inclusive of everyone.

Enabling factors include: promotion of democratic values and non-discrimination in ways that give access and facilitate for people to get involved and participate, esteem and support for the contributions of organisations and activists in society, encouraging space for civil society participation, recognition of civil society organisations as independent actors in their own right, understanding of the organisational and accountability processes within and between civil society organisations and networks, and tolerance and respect for dissenting opinions and their peaceful manifestations.

Disabling practices include: consistent negative rhetoric in the public discourse, attempts to create conflicts and fragmentation in civil society, insisting that civil society is accountable to the government when the opposite is true in a democracy, verbal sanctions aimed at creating insecurity and self-censorship of organisations, rhetoric that criminalises activism, smear campaigns or rumour-spreading on organisations or activists in media or social media, often including gender-based or sexualised defamation against female or LGBTI[ii] activists.

B. Legal framework

Laws and their enforcement effect an enabling environment depending on how legislation in regard to different types of civil society organisations is implemented and other laws are framed and used towards civil society organisations, and whether the legal system is independent or used for politically motivated criminalisation of activists.

Enabling factors include: NGO legislation and other laws that are in keeping with international human rights law, with limited room for arbitrary interpretation and discriminatory implementation, data protection and access to information laws, strong legal protection for the rights to assembly, association and expression and to protect human rights defenders, independent judiciary accessible to all, right to redress, bringing to justice individuals, groups or corporations who use threats or violence against activists or organisations, having strong legislation to prevent businesses from using strategic lawsuits against public participation (SLAPP), and the existence of strong international support mechanisms for human rights defenders.

Disabling practices include: excessive or ambiguous NGO legislation, use of other types of legislation to unduly restrict civil society (e.g. anti-terror, home security, or tax laws), use of a range of laws to bring trumped up charges against activists and organisations, surveillance violating the right to privacy, violent suppression of peaceful assemblies and protests, involvement of military police in managing public assemblies, politically motivated legal accusations and convictions, illegal arrests and detentions and violations of due legal process, and impunity in regard to slander, threats, violence or murder against activists, including sexual violence and threats against female or LGBTI activists.

C. Regulatory environment

The responsibilities of an organisation, whether local or international, include some **administrative requirements** and procedures in relation to public authorities. These can be reasonable regulations to create transparency, but are sometimes excessive (or even malicious) rules that over-burden the organisation and hinder its core work, functioning as effective restrictions to freedoms of association and expression[iii]. Important bases for the regulatory environment should be a sense of partnership, shared responsibility for results, and mutual trust and accountability between the government and civil society..

Enabling factors include: striving for minimal and efficient public administrative procedures and high capacity of government and local officials in relation to the freedoms of association and peaceful assembly, swift processing times and impartial procedures for registration and re-registration of organisations and for facilitating public assemblies, clear and publicly available information about all administrative procedures required in relation to authorities, transparent

mechanisms for appealing decisions by authorities, light and fit-for-purpose reporting requirements, supporting self-managed civil society initiatives of transparency and accountability to constituencies, supportive attitudes of ministries, embassies and institutions in expediting administrative procedures to facilitate the work of civil society.

Disabling practices include: adding over-burdensome administrative requirements if not strictly necessary (including disproportionate restrictions stemming from counter-terrorism, anti-money laundering or transparency measures), requiring excessive reporting on the work of organisations, requirements of re-registration of CSOs to be able to continue to exist and be operational, insisting on administrative formalities to draw out a process, using real or invented violations of administrative rules to sanction or close down organisations, corrupt requests of undue administrative fees or similar, and rules regarding travel and mobility, including hardening policies in the Schengen area of turning down visa requests which hinder the international participation of organisations from developing countries.

D. Access to funding

The **right to seek and secure resources**[iv] from sources both private and public, both local and international, is a vital part of the right to freedom of association[v]. Access to funding which is well adapted to the roles and characteristics of civil society is a basic prerequisite for organisations to operate and work for democratic and sustainable development. The limitations on external funding motivated by governments in order to reduce civil society space add to another visible trend with worldwide implications: increased difficulties to access development funding for many civil society organisations.

In practice, donors are also part in shaping the regulatory environment of organisations. Donors need to be reflective on this and show flexibility to adapt transparency- and reporting rules and standards if they lead to additional risks or overburden, and provide for secure channels of communication, etc.

Enabling factors include: administrative requirements which allow organisations to receive funding from domestic and international sources with ease, promote financial and tax rules and systems which work well to facilitate the work of the non-profit sector, providing public funding to civil society organisations based on impartial and transparent criteria and procedures, setting the priorities and rules for public funding for civil society based on dialogue with civil society actors. Donors´ good practices include seeking flexible and appropriate modalities of support to a diverse range of civil society actors, align support with the strategies and systems of the receiving organisations, and instead of short projects support long-term, integrated processes (including framework agreements and core funding) adapted to what is needed for the strategies of local organisations and people to be effective. In difficult contexts, donors should show flexibility to adapt transparency and reporting rules and standards if they lead to additional risks, and provide for secure channels of communication and money transfer.

Disabling practices include: freezing bank accounts or blocking money transfers to organisations, rules limiting funding from international sources, branding organisations "foreign agents" if they receive international funding, excluding certain thematic issues from the access to funding (e.g. SRHR - sexual and reproductive health and rights), giving or withholding public funding to organisations based on political reasons or economic interests. Donors should avoid applying excessive conditions on funding and reporting, making conditions so hard to comply with that the

diversity of organisations eligible for funding is threatened, avoid over-specified requirements in calls for grant proposals which makes civil society organisations "sub-contractors" rather than independent development partners in their own right, with their own initiatives, roles, mandates and values that they bring.

E. Meaningful participation in decision making

Meaningful civic participation in public decision-making is an essential part of a democracy. Civil society creates accessible and safe **arenas for participation in public policies** and activities for holding authorities to account, and when the environment is enabling, civil society contributes to the quality of public decisions by advocating well-founded suggestions, bringing stakeholders together, and keeping decision makers accountable. In development policy, civil society is crucial to ensure that development cooperation and external relations promote the eradication of poverty, implementation of Agenda 2030, and to ensure that no one is left behind. A free and independent civil society is an important guarantee for every person's right to participation. And this in turn is a pre-requisite for democratic local ownership of development processes, which is an internationally agreed principle for development to be effective[vi].

Enabling factors include: structured and systematic dialogue mechanisms between government and civil society, in-depth analysis and knowledge of civil society in all its plurality and engagement with relevant and diverse civil society actors for the issue at hand, ensuring outreach also to non-urban and marginalized groups, promoting civil society participation in development dialogues between other stakeholders (public, international, private sector) at all levels from local to global, transparency and timeliness in access to public information, well-prepared consultation processes (ideally designed in dialogue with civil society actors) with relevant and representative participation, neutral facilitation and time provided for the internal discussions of organisations and networks beforehand, and follow-up afterwards. Understanding of the concepts of plurality of civil society, mandate and representation is important.

Disabling practices include: non-transparent decision making, limiting dialogue to a small number of "usual suspects" in civil society independent of the issue at hand, providing insufficient information ahead of consultations, rushed consultations or adding consultation as an afterthought and not as a planned part of the decision process, and the use of GONGOs (government organised non-governmental organisations) to take over dialogue processes and avoid dialogue with independent civil society.

Current threats against democratic space in the world

In an effort to consolidate or increase the power of state, preserve political and economic interests, or to push back against a real or perceived expansion of the influence of civil society, a disturbing number of governments across the world today seem to be so fearful of being held accountable that they repress and criminalise civil society organisations and activists. The root causes of the closing space are multiple and interconnected, between political power imbalances and increasing economic and social inequalities. Corporate capture of resources by large companies and a lack of regulation and protection of human rights are strengthening the mechanisms of concentration of power and exclusion.

Fundamental freedoms that are important for people's involvement and for social and political accountability in a society, are conceived as threats by groups who want to preserve power. The violation of fundamental freedoms, which include freedoms of expression and opinion, association, peaceful assembly, and religion and beliefs have very serious implications on the independence of civil society organisations, including faith-based organisations, trade unions, cooperatives, community-based groups and informal organisations, and on the independence of the media, cultural institutions, and political parties.

It can be governments but also other state or non-state actors, like organized crime, armed groups, or private companies, who are responsible for restricting space. Also some civil society organisations, media, and political parties are responsible for spreading discriminatory discourses, and fake, biased or defaming news against civil society organisations and activists. The closing of civic space has severe negative impact on inclusive and sustainable development.

The threats to civic space have been documented and analysed within the UN human rights framework, including discussions on the need for a declaration on the rights to freedom of association and assembly in the UN Human Rights Council, as well as substantive contributions on the issue by the UN Special Rapporteurs[vii] on the freedom of association and assembly (former[viii] and current[ix]), human rights defenders[x], etc.

Some organisations are more affected than others, but all organizations' opportunities to act are affected when governments use political, legal, financial, or even illegal means to restrict the democratic space. Extreme use of violence has increased in the past years and the murders of 312 human rights defenders in 27 countries were documented in 2017, two thirds of them in connection to conflicts over large natural resource investment projects[xi]. The work against corruption, demanding transparency and accountability, or publishing information in traditional or social media, can also be very dangerous.

Organisations and activists who challenge power or the norms that uphold the status quo are at the front lines of attacks or repression in their defence of human rights, the environment, natural resources or indigenous territories. Especially exposed are organisations which defend rights against economic or political interests of the elites. For example environmental, farmers´ and indigenous groups are attacked, and in turn, the repression facing these groups results in negative consequences for the environment and climate.

In some countries, also organisations working on "uncontroversial" issues such as basic education or services are severely restricted, even if they are less affected in many countries. People who are structurally discriminated against, like women, youth, migrants, minorities, indigenous peoples, disabled persons etc., generally face the harshest problems to get access to formal decision making. Civil society can be the arena through which they can participate, but in contexts of shrinking space, opportunities to participate disappear.

Three quarters of the world's population live in contexts where freedom of religion and belief is severely restricted either due to governmental or social action. Religious as well as other belief minorities (e.g. atheists) are most vulnerable towards such violations. Restrictions on freedom of religion and belief tend to go hand in hand with shrinking space tendencies[xii].

Women's rights organisations and LGBTI rights organisations are often severely targeted by political, religious and social authorities who want to preserve deeply entrenched discriminatory

norms in society. If these actors are silenced it is unlikely that other organisations will take up their political demands, so it is particularly important to support them. At a global level, the attacks on sexual and reproductive health and rights from the US government and others, have led to many negative effects for organisations defending SRHR in terms of attitudes, funding and threats.

The shrinking civic space is linked to the democratic development in the world in general. After a quarter of a century of democratic progress, democracy has now weakened globally for more than a decade[xiii]. The situation is worst in North Africa, the Middle East and Eurasia[xiv], but restrictions of civic space occur in all world regions. Authoritarian regimes and populist parties in democracies have found common interest in questioning the universality of human rights[xv]. Even in some countries that have traditionally defended the international system for democracy and human rights, the trend is going in the wrong direction.

Also in European countries, democratic space is put at risk by an upsurge of populist movements and parties, extremist, right wing, and xenophobic groups.. Human rights and democracy is a foundation of the legal basis of the EU itself, a main priority in EU external action, and a central aspect of the EU´s development policies, such as the commitment to Policy Coherence for Sustainable Development. Weakened respect for civic space inside the Union risks undermining the EU´s credibility and ability to promote human rights and democratic development in external action.

There are recent examples in Europe of disproportionate regulations on public order, special mandates to the police and other restrictions in violation of the freedom of assembly. Instances of restrictions of civic space are documented in a number of EU countries through the civic space monitor of Civicus[xvi] and a recent survey of Civil Society Europe and CONCORD. Funding conditionalities are part of the strategies pursued by some governments to silence critical voices of civil society or control the actions and roles of civil society organisations. Restrictions on advocacy activities, excessive administrative control, changes to laws, e.g. on donations, and withdrawing funding for civil society are some examples. There are some EU member states where legal restrictions as well as the public debate reflect outright hostile attitudes towards civil society.

CONCORD recommendations for the EU institutions and member states

Article 21 of the Treaty on the European Union establishes democracy, human rights and the rule of law firmly as the guiding principles of all EU external action[xvii]. The EU Human Rights Guidelines are important tools in implementing EU human rights policy on rights issues of strategic importance to the EU[xviii]. The EU also has a number of other good policies in place in its external action to contribute to civic space and enabling environment, in which the EU expresses willingness to protect and expand the space for civil society. These include the EC Communication: The roots of democracy and sustainable development (2012) and its follow-up EC report and Council Conclusions from 2017. The EU commitment to the Agenda 2030, the EU Consensus on Development (2017), and the Nairobi Outcome Document of the Global Partnership for Effective Development Cooperation (2016), all include commitments to an enabling environment. The European Parliament Development and Foreign Affairs Committees published a study and a

report in 2017 on EU external action and the shrinking space for civil society, which included numerous recommendations and calls to the European Commission.

For these commitments to move from theory to practice, it is of utmost importance how they are implemented, and that the most relevant analysis, methods, actors and funding modalities are involved for each specific context, issue and situation. For this to become reality, CONCORD´s main recommendations to the EU institutions and member states are:

1. **To develop an overarching EU strategy for civic space**

Counteracting shrinking space needs to be a long term commitment to address the power structures at the root of the backlash on democracy and human rights that is happening right now. For this reason it´s important that the **EU commits long-term to strengthening a pluralistic civil society** with strong connections to people living in poverty and exclusion, supporting the defenders of democracy and human rights, as well as ensuring that EU policies and actions (including those of the EU Member States) across the board, including trade, security and migration, are coherent with this support. Aid, political dialogue, and Policy Coherence for Sustainable Development need to go hand in hand.

The EU should develop **Human Rights guidelines on the rights to freedom of association and peaceful assembly**, because of the accelerating abuses of these rights and the severe negative effects the abuse of these rights has on other human rights, democracy and sustainable development. These guidelines would combine with the existing EU guidelines on the freedom of expression, Human Rights defenders, freedom of religion and belief, and other existing Human Rights guidelines, plus more specific action through the EU's own programmes, as well as active bilateral and multilateral dialogue and diplomatic action. **Overarching strategic guidance** on promoting civic space is important to ensure that EU external action as a whole gives strong priority to civic space and enabling environment.

The EU should be a strong and vital **voice in multilateral and bilateral political dialogues** on these issues. The EU should promote stronger positions on human rights necessary for access to civic space, and protection of human rights defenders in the UN, and within UN frameworks and guidelines for private sector accountability. Also private and public EU investments in partner countries must be monitored and prevented from contributing to shrinking space, and investors must respect human rights standards in their own work and support an enabling environment for civil society organisations and human rights defenders, also as part of their due diligence. We would also welcome initiatives to give high priority and visibility to the 2030 Agenda and SDG goal 16: Peace, Justice and Strong Institutions and its targets relevant to democratic space and fundamental freedoms.

There is a need to develop a system for **early warning and early action**. Building on the EU Global Strategy and the 2015 Forum on promoting and protecting civic space, the EU should develop ways to take early action and build resilience when civic space is threatened. Jointly with CSOs and experts, the EU should develop and implement an early warning – early response mechanism for in-country developments indicating closing civic space. There is already a precedent for this, as the EU has developed detailed conflict prevention frameworks which identify emerging threats to civil society as an indicator of potential conflict. Early warning mechanisms would ensure timelier, more coherent responses to closing civic space.

While development cooperation and dialogue are important, there are cases where more pressure is **needed from a higher diplomatic level** to show clearly that the EU does not accept human rights abuses and the dismantling of democratic space. Resolutions by the European Parliament to denounce specific abuses and to raise awareness and maintain pressure are welcome, but the impact of the EU's diplomatic action on the decisions of third country governments needs to be stronger. More proactive, open and visible support of organisations and activists, and swift, agile and proactive diplomatic action based on on-going dialogue with civil society is necessary to counteract the closure of civic space and protect the organisations most at risk.

The EU should look at how to **communicate rights** both in public fora and through diplomatic and other engagement in order to tackle smear campaigns against civil society and effectively communicate a strong rights-oriented message. The EU should develop programmes to assist civil society in developing their own positive narratives about their work to counter smear campaigns and false narratives.

In all of the above efforts, a **systematic and structured dialogue** with both local and European civil society regarding EU development, trade, investment and bilateral relations in third countries is necessary to ensure that analyses, policies and diplomacy are firmly based on civic values, factual evidence, and an in-depth understanding of the local realities and roles of all relevant stakeholders.

To promote an enabling environment and civic space in the EU´s partner countries
EU delegations can have a positive role in establishing structured and systematic dialogue with civil society in partner countries for constructive exchanges on different political, human rights and development issues. However there is still room for improvement and the political strength of the EU and its member states could be better used to protect and promote civic space. This should become an **integral part of the EU's political dialogue with partner governments**. The EU can also use its leverage to promote the meaningful inclusion and participation of civil society in all relevant decision-making processes and stakeholder dialogues. It is important that the EU defends the independence of civil society and resists any attempts from governments to make civil society merely implementers of the government's agenda.

The **EU Country Roadmaps on engagement with civil society** and the **EU Country Human Rights Strategies** are important tools to strengthen and structure the dialogue with and support of civil society actors It is important to make sure that the EU has an in-depth analysis of civil society and the context in regard to the members of civil society and the variation in conditions to be present and active in society. The dialogue process regarding these strategies is as important as the documents themselves, in order to create **systematic interactions** with civil society and **coherent approaches** of EU member states in relation to civil society and human rights. EU staff at all levels need to have a thorough **understanding of civil society** and vice versa to be able to work strategically in partnerships. The coherence between the EU institutions and member states is also important. The EU should define standards and incentives for EU representatives and officials to involve civil society. To continue to further strategic engagement and structured dialogue at the country level, all of the components of civic space mentioned in this policy paper should be addressed, and initiatives by civil society to engage with the EU in partner countries should be encouraged. CONCORD´s EU delegations reports provide recommendations on how the EU and civil society organisations can strengthen their mutual engagement[xix].

The EU can also play a role to create a **safe environment** for civil society in difficult contexts. By offering safe spaces for civil society to meet within the EU delegation or hosted by the EU, and also through EU ambassadors and senior staff being seen with activists and organisations under pressure.

2. To strengthen partnerships, capacity building, and alliances

The **empowerment of excluded and marginalized people** to participate in decision making processes and become agents of change in their own society has to stand at the heart of the partnership between the EU and civil society organisations in development cooperation. People's empowerment, organising and participation are central elements in a democratic development.

In contexts of closing space is important for the EU to maintain and reinforce its support and **engagement with organisations who face repression**, for example: women's organisations, LGBTI organisations, sexual and reproductive health and rights organisations, religious minorities, peace activists, human rights defenders, trade unions, environmental and land rights activists, indigenous movements, etc., but also to explore support for new informal forms of activism and to secure support to social and humanitarian development efforts.

A basic commitment for civil society organisations working for development is adhering to the values and perspectives of the **Istanbul principles for CSO development effectiveness**. Civil society organisations need high standards of accountability to their constituencies and institutional good practice, while at the same time resisting any illegitimate demands of being accountable to or controlled by public or private actors. Working in contexts of restricted civic space, it is also the task of all civil society organisations to consider how they can promote solidarity within civil society and reach out with support to organisations and activists facing repression. The EU can support CSOs in their efforts to apply these principles.

To fully apply their roles and commitments in development, CSOs also need an enabling environment for long-term **capacity building and peer-learning** as well as for monitoring and evaluation of their procedures and impact. Within its partnership schemes, the EU should promote these efforts.

Global, regional and national platforms and networking can play important roles in connecting civil society actors, creating spaces for learning, organising and advocacy. The EU should continue supporting self-organised, long-term efforts of civil society partnerships that promote civic space.

3. To provide adaptive, institutional and flexible funding

In order to be effective, the funding to CSOs within EU development cooperation needs to be based on the particularities and added values of civil society organisations as development actors. The international commitments to effective development cooperation states clearly that CSOs are independent development actors in their own right. This means that in order for EU development cooperation to gain the full potential in development results, CSOs must have the **right of initiative** in setting the agenda and defining strategies and methods. If the EU is overly prescriptive in defining the focus of grants to CSOs, the EU ends up getting a mere "sub-contractor" instead of benefitting from the full added value of the experiences and perspectives of civil society actors. In contexts of closing democratic space, preserving the right of initiative

and the respect for the particularities and the democratic processes of civil society is even more important.

A development partnership between the EU and CSOs, based on mutual trust and strengths, shared responsibility and respect for the role of civil society, requires funding with long-term **predictability** and methodologies that supports institutional development and learning, networking and coalition-building among CSOs, and the roles of civil society in political dialogue and monitoring of government and donor policies and practices. This is best done through core grants, not projects that serve one particular purpose. In the EU-CSO framework partnerships, **core funding** should be the norm. Even when not possible to provide core grants, the aim of the EU should be to adapt funding conditions to provide room for the right of initiative and own strategies of organisations. Funding needs to be **process-oriented** rather than in project form, in order to strengthen the democratic ownership as well as the long-term impacts.

Funding modalities need to be **flexible and appropriate** to the context and to the diversity of civil society. The EU must find ways to address the need to work with development actions of all sizes to enable partnerships with others than only very large institutions and international organisations, and do this in ways which are not "one size fits all" or governed by fairly restrictive rules on sub-granting. Civil society organisations are diverse actors with diverse roles, and effective funding modalities, especially in contexts of shrinking civic space, must be flexible. The EU should change its funding rules aiming towards core funding, especially to allow for the survival and work of people´s movements, grassroots and informal organisations who are put under pressure in difficult contexts. This is especially valid for CSOs representing specific groups that are often overlooked by funders (women, LGBTI, minorities, etc).

In line with the development effectiveness principles, **simple and results-oriented administration** and reporting tools should contribute to enhancing mutual trust and shared responsibility for results.

In difficult contexts where access to funding is restricted by legislation or public regulation, the EU can play a role of **negotiating with the government** to change restrictions on the access to funds, and in that way support affected CSOs.

4. To practice what we preach

It is important that EU internal and external action is coherent, so if civic space is endangered in a Member State, the EU must react with commitment and **adequate instruments in its internal action to defend and uphold the rights to freedom of expression, peaceful assembly and association** as well as the rule of law within the union.

In external action, it is also the responsibilities of all member states and EU institutions to promote democratic space, rule of law and fundamental freedoms by making sure that other external policy fields such like trade, migration or security policy do not harm human rights or civil society engagement in third countries. By introducing binding, appropriate and effective risk assessments, the European institutions should ensure that political decisions and activities by European countries have no negative impact on human rights or civic space.

There is an urgent need for EU member states to **uphold the principles of effective development cooperation** and to strive for maximum local democratic ownership of development processes,

and not allow their domestic public opinion or their own national political interests in other areas such as security, migration or trade to influence development policies or programmes.

Rather, European leaders must take on the responsibility of shaping a public opinion of global citizenship, human rights and democratic values, and ensure that **all national policies are coherent with the Agenda 2030 for sustainable development**. EU external and internal policies in other policy areas than development must contribute to the enabling environment of civil society and the protection of human rights.

Democratic ownership of development goals and results require the participation by people who are most directly affected: those persons living in poverty and experiencing exclusion. It is important that EU political leaders and officials create relations and arenas where they can listen directly to people from marginalised groups. Striving for **many different voices** in civil society to be heard is key.

i http://csopartnership.org/the-istanbul-principles/

ii Lesbian, gay, bisexual, transgender, and intersex

iii http://freeassembly.net/reports/sectoral-equity/

iv http://freeassembly.net/wp-content/uploads/2015/05/Funding-report-factsheet-final.pdf

v http://www.ohchr.org/Documents/Issues/FAssociation/GeneralPrinciplesProtectingCivicSpace.pdf

vi http://effectivecooperation.org/

vii http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx

viii http://freeassembly.net/

ix http://www.ohchr.org/EN/Issues/AssemblyAssociation/Pages/SRFreedomAssemblyAssociationIndex.aspx

x http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx

xi https://www.frontlinedefenders.org/en/resource-publication/annual-report-human-rights-defenders-risk-2017

xii http://www.ohchr.org/Documents/Issues/Religion/RapporteursDigestFreedomReligionBelief.pdf

xiii https://freedomhouse.org/report/freedom-world/freedom-world-2017?gclid=Cj0KCQiA4bzSBRDOARIsAHJ1UO6ry1C9GfRIprW6QlYw99BF9bWn6hOaiKvZH_OOdfRU_TMogIpjPKUaAjz2EALw_wcB

xiv https://monitor.civicus.org/

xv https://freedomhouse.org/report/freedom-world/freedom-world-2017?gclid=Cj0KCQiA4bzSBRDOARIsAHJ1UO7xYu-s8n_fTfxm9rewsZv1p6CSqxzQRoV7QvUylvUtqFipzbDJxJ4aArOvEALw_wcB

xvi https://monitor.civicus.org/Ratingsupdatesept17/

xvii http://www.lisbon-treaty.org/wcm/the-lisbon-treaty/treaty-on-european-union-and-comments/title-5-general-provisions-on-the-unions-external-action-and-specific-provisions/chapter-1-general-provisions-on-the-unions-external-action/101-article-21.html

xviii https://eeas.europa.eu/headquarters/headquarters-homepage/8441/human-rights-guidelines_en

xix https://concordeurope.org/wp-content/uploads/2017/03/CONCORD_EUDelegations_Report2017_EN_Recommendations.pdf?1fdb40&1fdb40

Global Responsibility

BELGISCH PLATFORM PLATE-FORME BELGE CONCORD
CNCD-11.11.11 11.11.11
ACODEV ngo-federatie

BPID
Bulgarian Platform for International Development

Platforma za međunarodnu građansku solidarnost Hrvatske — Croatian Platform for International Citizen Solidarity
CROSOL

CYINDEP
Cyprus Island wide NGO Development Platform

FoRS
České fórum pro rozvojovou spolupráci
Czech Forum for Development Co-operation

GLOBAL FOCUS
Danish CSOs for Development Cooperation

KEHYS ry

Coordination SUD
Solidarité Urgence Développement

VENRO
ASSOCIATION OF GERMAN DEVELOPMENT AND HUMANITARIAN AID NGOS

Hellenic Platform for Development

HAND

Dóchas
The Irish Association of Non-Governmental Development Organisations

CONCORD ITALIA

LAPAS
WWW.LAPAS.LV

Lithuanian National Non-Governmental Development cooperation Organisations' Platform
LITDEA

Cercle de Coopération
des ONG de développement

SKOP
Solidarjetà u Koperazzjoni

PARTOS

GRUPA ZAGRANICA

ONGD
PLATAFORMA PORTUGUESA

FOND
Federația Organizațiilor Neguvernamentale pentru Dezvoltare din România

MVRO
Platforma mimovládnych rozvojových organizácií
Slovak NGDO Platform

SLOGA
SLOVENIAN GLOBAL ACTION

COORDINADORA
ONG PARA EL DESARROLLO
ESPAÑA

CONCORD
Swedish & European NGOs for development
Sweden

bond

actalliance eu
Formerly APRODEV

act!onaid

ADRA

care

caritas europa

cbm
together we can do more

ChildFund
Alliance

CIDSE
together for global justice

eu-cord
European Christian Organisations for Relief and Development

GNDR
Global Network of Civil Society Organisations for Disaster Reduction

Habitat for Humanity
Europe, Middle East and Africa

HANDICAP INTERNATIONAL

IPPF
International Planned Parenthood Federation
European Network

ISLAMIC RELIEF

OXFAM International

PLAN INTERNATIONAL

Save the Children

solidar

SOS CHILDREN'S VILLAGES INTERNATIONAL

Terre des Hommes
International Federation

World Vision

ALDA
European Association for Local Democracy

eaea
EUROPEAN ASSOCIATION FOR THE EDUCATION OF ADULTS

WWF