



FUNDAMENTAL RIGHTS
AND THE RULE OF LAW

**National developments
from a civil society perspective
2018-2024**



European Economic
and Social Committee

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Executive Summary

This report aims to synthesise civil society's views on national trends in fundamental rights and the rule of law, drawing on the EESC Fundamental Rights and Rule of Law (FRRL) Group's first cycle of country visits. Covering the 27 EU Member States visited by the FRRL Group between 2018 and 2024, the report focuses on long-term trends and commonalities with respect to fundamental rights, the rule of law, democracy, and discrimination across Europe. The FRRL Group acknowledges the challenges in capturing a comprehensive view of each country's unique situation, but emphasises the added value of its socio-economic approach to these issues as well as the importance of dialogue in these areas. This qualitative approach, based on interactions with over 600 representatives from various organisations, provides insight into the social and economic contexts of fundamental rights and rule of law developments.

The fundamental rights of the social partners

The FRRL Group's discussions with employers' associations and trade unions highlighted the variety of social dialogue models across Europe. While many participants felt that the legal framework for social dialogue was adequate, concerns were also raised in several countries about pressures on trade unions, as well as restrictions on union activities and the right to strike. The quality of social dialogue also varied from country to country, and some social partners called for improvements in the work processes of the bipartite or tripartite dialogue bodies in which they were included. The COVID-19 pandemic both challenged and underscored the importance of social dialogue. The social partners often expressed concerns about their insufficient involvement in legislative processes, for example the lack of consultation in the development of National Recovery and Resilience Plans. The social partners also emphasised the crucial importance of the rule of law and anti-corruption efforts in ensuring good business environments.

Freedom of association and freedom of assembly

Representatives of civil society organisations generally viewed the legal framework for freedom of association as adequate. However, there were widespread perceptions of a 'shrinking space' for civil society, influenced by factors such as pressure and threats on civil society organisations and rights defenders, difficulty accessing funding, and complicated regulatory environments. Indirect legal restrictions, relating for example to security or defamation laws, also impacted freedom of association. The pandemic placed some de facto restrictions on freedom of assembly, and the FRRL Group heard several examples of inconsistent policing and occasional excessive use of force during demonstrations over recent years. The FRRL Group also heard many calls for better inclusion of civil society organisations in decision-making processes.

Freedom of expression and media freedom

While many countries maintained a satisfactory legal framework for freedom of expression, journalists and other media professionals met by the FRRL Group highlighted challenges that led to self-censorship and restricted access to information. Media professionals faced serious social and economic constraints in a rapidly changing environment marked by digitalisation. They also faced increasing pressures from politicians and private actors, sometimes leading to threats, both online and offline. The FRRL Group heard numerous testimonies about pressures and threats against journalists, including physical attacks and abuse of defamation and surveillance laws. Media pluralism was seen as facing challenges in most of the countries visited, as a result of media concentration, often linked to political agendas, as well as funding difficulties for independent media. Public service media required more budgetary stability and independence.

The right to non-discrimination

Civil society organisation representatives and independent institutions met by the FRRL Group noted that, while anti-discrimination laws were generally adequate, their implementation lagged behind. Civil society organisations working on discrimination faced increasing pressure, stigmatisation, and funding challenges. Civil society organisation representatives working on the rights of ethnic and religious minorities and migrants reported increasing discrimination against these groups, as well as rising societal polarisation and hate speech, both of which necessitated stronger action by the state. In several countries, Roma communities faced significant barriers in accessing housing, healthcare, education, and employment. Accessibility and effective inclusion across all areas of life remained a major challenge for people with disabilities all over Europe. The situation for women and LGBTIQ+ individuals was seen as ambivalent, with, on the one hand, significant advances in social acceptance and legal rights seen over the past years, but also backlash from certain segments of the population on the other.

The rule of law

In many countries, participants highlighted issues around the proper functioning of checks and balances, transparency and corruption, and the independence of the judiciary. Concerns were raised about political interference in the judiciary, with particular worries about appointments and disciplinary action against judges. The erosion of checks and balances was seen in efforts to centralise power within executive branches at the expense of parliaments or independent institutions. This trend, often exacerbated by crises such as the COVID-19 pandemic, created a more 'vertical' decision-making process. Participants also expressed concern about the inadequate enforcement of anti-corruption measures, which was seen as particularly damaging to business environments and public trust in institutions.

Conclusions and recommendations

The report underscores the complexity and variability of fundamental rights and rule of law issues across Europe. None of the 27 EU Member States visited by the FRRL Group was free from significant challenges, but the actual scope and magnitude of these challenges varied considerably from country to country. The impression that emerged

from a few of the countries visited was even one of a profound fundamental rights and rule of law crisis. In some other countries visited, significant challenges often concerned the effective implementation of generally adequate legal frameworks. This underlined the central role of political will in conceiving and implementing ambitious public policies to transpose fundamental rights and rule of law standards into reality. The FRRL Group's qualitative approach, focusing on civil society's perceptions, provides valuable context for understanding these trends. It underlines the central role played by civil society (including the social partners) in providing vigilance and encouraging action to protect fundamental rights and the rule of law across the EU. The reports sets out a number of recommendations for strengthening fundamental rights and the rule of law.

FRRL Group country visits reports



[Romania: 19-20 November 2018](#)



[Greece: 5-6 May 2022](#)



[Poland: 3-5 December 2018](#)



[Finland: 2-3 June 2022](#)



[Hungary: 29-30 April 2019](#)



[Slovakia: 7-8 July 2022](#)



[France: 28-29 May 2019](#)



[Portugal: 6-7 October 2022](#)



[Austria: 3-4 June 2019](#)



[Sweden: 13-14 October 2022](#)



[Bulgaria: 10-11 October 2019](#)



[Slovenia: 17-18 November 2022](#)



[Italy: 5-6 December 2019](#)



[Luxembourg: 2-3 March 2023](#)



[Denmark: 21-22 December 2020](#)



[Croatia: 30-31 March 2023](#)



[Germany: 21-22 April 2021](#)



[Belgium: 20-21 April 2023](#)



[Ireland: 28-29 June 2021](#)



[Malta: 13-14 September 2023](#)



[Czechia: 30 Sept.-1 October 2021](#)



[Estonia: 12-13 October 2023](#)



[Spain: 14-15 October 2021](#)



[Latvia: 29-30 November 2023](#)



[Cyprus: 25-26 November 2021](#)



[Netherlands: 7-8 February 2024](#)



[Lithuania: 15&17 December 2021](#)



Foreword

by EESC president Oliver Röpke

Dear reader,

As expressed in my manifesto for the EESC presidency, ‘Stand up for Democracy – Speak up for Europe’, I have put the defence of freedom, democracy, human rights, and the rule of law at the centre of my mandate. Defending the founding values of our Union is what we owe to the European citizens and to the citizens in the countries aspiring to join us. I am convinced that such an endeavour cannot be won without the full involvement of civil society including the social partners and of citizens.

I am therefore particularly pleased to introduce you to the report which concludes the first cycle of country visits carried out by the EESC’s Fundamental Rights and Rule of Law (FRRL) Group.

This report aims to highlight the essence of what the FRRL Group has learned from its discussions with hundreds of representatives of civil society from all 27 EU Member States over the period 2018-2024, and sets out a number of recommendations for promoting fundamental rights and the rule of law.

These past years have been tough times for the world and our continent, as the list of crises that have shaken the economic, social, security and political foundations of our Union has grown longer. A fundamental rights and rule of law reading of these challenges, putting the voice of civil society at its centre, can help us better understand the causes of these crises and the opportunities they present. In that regard, the EESC’s original ‘socio-economic’ approach to fundamental rights and the rule of law, embodied by its FRRL Group, offers strong added value to the European debate.

I want to pay tribute here to the members committed to the work of the FRRL Group, starting with the Group presidencies that have steered it since 2018. José Antonio Moreno Díaz (ES-II) was the initiator and first president of the Group (2018-2020), setting the ground for the first country visits in a period where the legitimacy and credibility of the endeavour had to be fiercely defended. The second presidency (2020-2023), headed by Cristian Pîrvulescu (RO-III), played a decisive role in consolidating the work of the FRRL Group and in increasing its visibility in a difficult period marked by the COVID-19 pandemic. This report now comes during the third presidency of the FRRL Group, led by Paul Soete (BE-I). A second cycle of country visits has been launched, which will include visits to all EU candidate countries. As the house of civil society we want to help those on the path towards accession and to integrate them more closely in our work. As EESC President, I have made this important work my priority.

This report provides a vivid image of the developments on our continent and illustrates the multiple challenges we are facing, but also the strong resilience shown by civil society actors – indispensable defenders of fundamental rights and the rule of law –, without whom our European Union would not be the same. The report sets out a number of recommendations, which we can use to step up our efforts to promote fundamental rights and the rule of law.

I wish you an enjoyable read!

Oliver Röpke
President of the European Economic and Social Committee

Introduction

This report - the added value of the FRRL Group's approach

This report aims to synthesise civil society's views on fundamental rights and rule of law trends at national level, based on the EESC Fundamental Rights and Rule of Law (FRRL)¹ Group's experience of its first cycle of country visits. The report builds on the 27 national country visit reports² as well as on the periodical synthesis reports³.

Conducting such a synthesis exercise is not straightforward, notably because of the wide geographical and temporal scope of the cycle of visits. A cycle of visits spanning over half a decade (2018-2024)⁴ and 27 countries entails a focus on the long-term trends and commonalities in the developments seen in the areas of fundamental rights, the rule of law, democracy, and discrimination in Europe.

While the FRRL Group is conscious of the impossibility of offering a synoptic view that would grasp *everything happening everywhere at the same time*, it is also aware that each country has a unique reality and that some developments may be more or less perceptible in the testimonies of civil society representatives depending on the timing and place of each visit. The COVID-19 pandemic, for instance, heavily impacted people's enjoyment of their fundamental rights and respect for the rule of law. Restrictions on freedoms, sometimes excessive in hindsight, were also linked to the very exceptional nature of the pandemic.

Despite such challenges, the FRRL Group wishes to highlight the added value of its special approach, which considers fundamental rights and the rule of law from a socio-economic angle. This approach does not only reassert the indivisibility and interdependence of civil,

1 The EESC Fundamental Rights and Rule of Law (FRRL) Group was created in 2018 as a cross-cutting horizontal body within the European Economic and Social Committee. It was tasked with enhancing the contribution of organised civil society to strengthening fundamental rights, democracy and the rule of law and responding to the shrinking civic space for civil society organisations. Its work is structured around an approach that covers areas that are considered particularly important and relevant to the work of the EESC: fundamental rights of the social partners, freedom of association and assembly, freedom of expression and freedom of the media, the right to non-discrimination, and the rule of law.

FRRL Group page: <https://www.eesc.europa.eu/en/sections-other-bodies/other/ad-hoc-group-fundamental-rights-and-rule-law>.

2 Available on the dedicated page of the FRRL Group: <https://www.eesc.europa.eu/en/sections-other-bodies/other/ad-hoc-group-fundamental-rights-and-rule-law/frrl-group-country-visits-reports>.

3 The *Fundamental Rights and Rule of Law - National developments from a civil society perspective* reports for 2018-2019, 2020-2021, and 2022 are available in several languages on the main page of the EESC's FRRL Group: <https://www.eesc.europa.eu/en/sections-other-bodies/other/ad-hoc-group-fundamental-rights-and-rule-law>. Note that the synthesis covering the FRRL Group country visits carried out in 2023-2024 is annexed to the present report.

4 Such a period has been long enough for the EU to face many crises, such as COVID-19. The pandemic constituted both a phenomenon impacting fundamental rights (as observed by the FRRL Group), and a tangible challenge to the organisation of the Group's activities. The visits to Denmark, Germany, Ireland and Lithuania carried out in 2020-2021 were held virtually. The FRRL Group did its utmost to return to in-person meetings as its default mode of interaction whenever the national situation allowed for it.

political, economic, social, and cultural rights⁵; it also seeks to focus on the social and economic contexts and impact of developments in the area of fundamental rights and the rule of law, as perceived by civil society. By making the most of the network of its 350 members from across the 27 EU Member States, the EESC met with more than 600 representatives of employer organisations, trade unions, civil society organisations, the media, organisations of legal professionals, independent ombuds-type institutions, and national human rights institutions. Putting the views of civil society *at the centre* of the FRRL Group’s reporting offers an inherent advantage that differs from, but is complementary to, more developed legal analyses, such as that provided in the European Commission’s rule of law review cycle. Whereas the Commission’s Annual Rule of Law Report concerns four key areas for the rule of law, namely the justice system, the anti-corruption framework, media pluralism and freedom, and other institutional issues relating to checks and balances, the FRRL Group has always taken a broader approach. This is reflected in our country visits, which cover five key areas, namely the fundamental rights of the social partners; freedom of association and freedom of assembly; freedom of expression, including media freedom; the right to non-discrimination; and the rule of law. The FRRL Group’s approach is a qualitative one, seeking to relay the *perceptions* of these key actors with respect to the climate of, and the trends affecting, fundamental rights and the rule of law in their countries. This can help provide an overall context in which legal developments unfold and the quality of the implementation can be assessed.

Methodology

This particular approach is reflected in the methodology that the FRRL Group developed for this first cycle of visits, a summary of which is set out below.

Each FRRL Group country visit report is the result of a visit lasting two days. During the visit, a delegation of six EESC members from the three groups⁶ interacted with national stakeholders in five sessions⁷ held under the Chatham House Rule. As a rule, EESC members from the country visited did not participate in a visit to their own country.

5 See, for example, paragraph 3 of the High-Level Conference on the European Social Charter’s Political Declaration ‘a step by member States to take further commitments under the Charter’, 3-4 July 2024, Vilnius, <https://rm.coe.int/en-vilnius-political-declaration/1680b0d315>.

6 Group I (Employers), Group II (Workers), Group III (Civil Society Organisations), <https://www.eesc.europa.eu/en/members-groups>.

7 These five themes form the structure of the current report: fundamental rights of the social partners, freedom of association and freedom of assembly, freedom of expression and freedom of the media, the right to non-discrimination, and the rule of law.

The FRRL Group also met with the public authorities of the Member State visited⁸ to address any fundamental rights and rule of law issues raised. The authorities visited were offered a right of reply ('observations'), which is annexed to the country visit report.⁹

The views expressed in the FRRL Group reports reflect those of civil society, not the EESC's opinion or assessment. The reports aim to convey trends, not to provide legal or scientific evaluations. Trends observed in one country may not be exclusive to that country, and the absence of reporting of a trend in another country does not imply its actual absence there.

Fostering constructive debate at national and European level

In short, the FRRL Group reports offer insights into the major challenges perceived by European civil society. By visiting the 27 EU Member States, the FRRL Group sought to take the temperature of civil society as it pursues the common good for people on the European continent. These actors – be they civil society organisations, employers or workers – have a multiplier effect that allows them to act on behalf of millions of people – the European population in general, but also, more particularly, women, migrants, members of discriminated groups, etc. – in many areas ranging from civic engagement to the media to the legal world.

Summarising the key trends highlighted over five years based on input from hundreds of stakeholders from a variety of fields across 27 countries does not mean that the challenges on the European continent are limited to them alone. However, producing a synthesis of this kind is a way of illustrating a common European civil society experience of developing phenomena, which itself represents a relevant basis for providing a joint European response.

In the same way as the FRRL Group country visit reports aim to encourage constructive dialogue at national level,¹⁰ the present report hopes to contribute to dialogue at European level between all stakeholders concerned. At the crux of the FRRL Group's approach is a belief in the intrinsic value of exchanges of views and dialogue between all stakeholders – civil society, public authorities, and the EU institutions – a dialogue to which the Group has contributed.

⁸ Representatives of the ministries in charge of justice, home affairs, employment, social affairs and equality, migration, and the media generally take part in such meetings.

⁹ EESC FRRL Group, FRRL Group country visit reports, <https://www.eesc.europa.eu/en/sections-other-bodies/other/ad-hoc-group-fundamental-rights-and-rule-law/frrl-group-country-visits-reports>.

¹⁰ This is the motivation for publishing the 'observations' of authorities as an annex to each country visit report.

In addition to the conclusions which it has gathered from the first cycle of country visits, this report puts forward recommendations. The recommendations that the FRRL Group puts forward in this report are based on the main concerns highlighted by civil society, key European standards, international standards, and the recommendations made by the EESC itself in its opinions. Through this, the FRRL Group also intends to make this document a useful reference tool for the civil society actors it met with during the country visits. It furthermore hopes that the recommendations in this report can be used by the EESC and its Groups as a tool to strengthen civil society, and that they result in follow-up, including in the form of tangible action plans.

The FRRL Group Presidency

Paul Soete, President

Ozlem Yildirim, Vice-President

Christian Moos, Vice-President

The fundamental rights of social partners

Conclusions

During the sessions on the fundamental rights of the social partners, the FRRL Group met with employers' associations and the representative trade union confederations in all of the countries visited. The focus of the discussions was on **fundamental rights affecting the social partners** (including fundamental social rights), the inclusion of the social partners in legislative processes, trade union rights, the freedom to conduct a business, and social dialogue.

A significant number of participants in these sessions expressed the feeling that the **legal framework** for the existence and operation of the social partners was generally good or adequate in their country (e.g. BE, CY, CZ, DE, DK, EE, EL, ES, FI, IT, NL, LT, LU, LV, PT, SE, SI).

However, in some countries, representatives of trade unions regretted the **mounting pressure** placed on them, for example in the form of obstacles to forming or joining a trade union, and restrictions on union activities in the workplace (e.g. BE, BG, EE, HR, LV, NL, RO, PT). Such pressure also took the form of various forms of limitations on the right to strike in law or in practice (e.g. BE, HR, FI, LT, PL, RO, PT). Trade unions' increasing difficulties in attracting members was cited in some countries (e.g. EE, DE, BG, MT, LT, LV, SI). Participants mentioned various factors that resulted in declining union density, including some of the issues mentioned above, which had implications for collective bargaining power and workers' rights.

The participants discussed the **quality of social dialogue**, which varied across the various countries visited. Participants described a wide variety of approaches to social dialogue, some more bipartite, others more tripartite. Some specific issues with tripartite or bipartite social dialogue bodies were cited in some countries (e.g. PL, RO, SI, SK). In general, participants pointed to the need to ensure the independence of such bodies, boost their resources and power, and maximise their potential to influence decision-making.

The **importance of social dialogue** in general was emphasised by the social partners, but particularly in the context of crises. The FRRL Group heard a significant number of testimonies describing how social dialogue had been challenged during the COVID-19 pandemic (for example, through the suspension of physical meetings, and issues associated with switching to digital discussions), but how it had also proved to be indispensable in finding joint solutions to the challenges encountered at the time¹¹.

¹¹ The importance of social dialogue is also detailed in a number of EESC opinions: see, for example, EESC opinion SOC/764 on *Strengthening social dialogue*, 27 April 2023, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/strengthening-social-dialogue>.

The social partners were cautious about the long-term impact of such crises on the quality of social dialogue, not least due to the development of more ‘vertical’ decision-making practices by executive powers during such crises. Participants in several countries also expressed concern at not having been adequately involved in developing their country’s National Recovery and Resilience Plan (e.g. CZ, DK, LT, SK, SI, PT). More generally, the social partners’ perception that their **consultation** by their government on draft legislation came too late or was insufficient was widespread (e.g. AT, BE, CY, EE, EL, IE, LV, HR, HU, LT, MT, PL, PT, RO, SI, SK).

Beyond issues relating to social dialogue and participation in decision-making, the social partners on several occasions expressed their attachment to the **defence of fundamental rights and the rule of law**. The FRRL Group frequently heard representatives of employers and workers share the same concerns as participants in other thematic sessions (civil society organisations, the media, and legal professionals, etc.) with regard to the rise in the polarisation of society and in political practices that caused legal certainty to be called into question. For example, employers’ representatives on several occasions emphasised the importance of the rule of law and the fight against corruption for business (e.g. EL, MT, RO).¹² Participants also mentioned the importance of labour inspections in ensuring the application of labour legislation.

In several countries, representatives of trade unions and employers regretted the challenges encountered in relation to **collective bargaining**, such as difficulties negotiating, resulting in low coverage (e.g. CY, CZ, EL, ES, HR, IE, LU, LV, MT, RO, PT).¹³ This phenomenon was also linked to the increasing difficulties trade unions had in consolidating their own density, exacerbated by the crisis and new forms of work, which in turn led to less bargaining power. Participants also asserted that legislation could act as an impediment to the interests of the social partners in negotiations when it interfered with issues dealt with under collective bargaining agreements (e.g. LU).

12 Thus echoing questions highlighted by the EESC in such opinions as:

EESC opinion ECO/511, *The rule of law and its impact on economic growth*, 18 September 2020, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/rule-law-and-its-impact-economic-growth>.

EESC opinion INT/1023, *Corruption in public procurement and its impact on the internal market*, 17 January 2024, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/corruption-public-procurement-and-its-impact-internal-market>.

13 The EESC highlighted the challenges to collective bargaining in its opinion SOC/767 on *Strengthening collective bargaining power across the European Union*, 12 July 2023, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/strengthening-collective-bargaining-power-across-european-union>.

Recommendations

Based on these key conclusions gathered from the social partners, the FRRL Group encourages all actors – employers, workers, national authorities, European institutions – to work together to **foster an environment that is conducive to social dialogue and protective of the social partners’ fundamental rights**.

The FRRL Group makes the following recommendations, in particular:

Social dialogue and participation in decision-making

To the EU institutions, the EU Member States, and the social partners:

- Mobilise all necessary financial and policy resources to strengthen social dialogue and facilitate the participation of the social partners in decision-making¹⁴, paying particular attention to the need to:
 - strengthen **social dialogue at all levels**, as social dialogue at national and European levels plays a key role in shaping economic, labour and social policies¹⁵;
 - implement the **European Pillar of Social Rights** (especially principle 8 on ‘Social dialogue and involvement of workers’).
- Support additional **capacity building for the social partners**, notably through the European Social Fund (ESF)+¹⁶.

To the EU Member States:

- Fully implement the **2023 Council Recommendation on strengthening social dialogue in the EU**,¹⁷ in particular by:
 - upholding the fundamental rights of freedom of association and collective bargaining;
 - promoting robust, independent workers’ and employers’ organisations;¹⁸

¹⁴ The importance of social dialogue is detailed in EESC opinion SOC/764, *Strengthening social dialogue*, 27 April 2023, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/strengthening-social-dialogue>.

¹⁵ EESC opinion SOC/764, *Strengthening social dialogue*, 27 April 2023, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/strengthening-social-dialogue>.

¹⁶ The importance of social dialogue is also detailed in EESC opinions including opinion SOC/764, *Strengthening social dialogue*, 27 April 2023, point 3.2.6, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/strengthening-social-dialogue>.

¹⁷ Council of the European Union, Council Recommendation of 12 June 2023 on strengthening social dialogue in the European Union, C/2023/1389, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C_202301389.

¹⁸ EESC opinion SOC/764, *Strengthening social dialogue*, 27 April 2023, point 2.12, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/strengthening-social-dialogue>.

- bolstering the capacity of the social partners (including those representing SMEs and microenterprises) to engage in social dialogue and also facilitating their role in addressing social-economic developments, including the digital and climate transitions;¹⁹
 - ensuring that they have the knowledge, technical capacity and timely access to relevant information to be able to participate.²⁰
- **Remove institutional or legal barriers to social dialogue** and collective bargaining covering new forms of work or atypical employment.²¹
 - Respect the **autonomy of the social partners** and ensure that the negotiating parties have the freedom to decide on the issues to be negotiated.²²
 - Ensure that **any possibility of derogating from collective bargaining agreements is agreed** between the social partners and limited in terms of the conditions under which it can apply.²³
 - Improve and systematise the timely and meaningful **consultation of the social partners** concerning the design and implementation of economic, employment and social policies.
 - Use **public procurement** in appropriate cases as a complementary means of promoting and recognising collective bargaining.²⁴
 - Strengthen the role of national **economic and social councils**.²⁵

19 EESC opinion SOC/764, *Strengthening social dialogue*, 27 April 2023, point 3.2.6, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/strengthening-social-dialogue>.

20 EESC opinion SOC/764, *Strengthening social dialogue*, 27 April 2023, point 2.9, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/strengthening-social-dialogue>.

21 EESC opinion SOC/764, *Strengthening social dialogue*, 27 April 2023, point 2.11, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/strengthening-social-dialogue>.

22 EESC opinion SOC/764, *Strengthening social dialogue*, 27 April 2023, point 2.17, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/strengthening-social-dialogue>; EESC opinion SOC/767, *Strengthening collective bargaining power across the European Union*, 12 July 2023, point 1.6, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/strengthening-collective-bargaining-power-across-european-union>.

23 EESC opinion SOC/764, *Strengthening social dialogue*, 27 April 2023, point 2.1, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/strengthening-social-dialogue>.

24 [EESC opinion SOC/767, *Strengthening collective bargaining power across the European Union*, 12 July 2023, point 3.12, https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/strengthening-collective-bargaining-power-across-european-union](https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/strengthening-collective-bargaining-power-across-european-union).

25 <https://www.eesc.europa.eu/ceslink/en>.

Fundamental rights of employers and trade unions

To the EU institutions and the EU Member States:

- Take all necessary measures to protect and respect the **fundamental rights of the social partners**, based on the EU Charter of Fundamental Rights, notably²⁶:
 - freedom to conduct a business (Article 16 of the Charter);
 - the right to property (Article 17);
 - workers' right to information and consultation within the undertaking (Article 27);
 - the right of collective bargaining and action (Article 28);
 - protection in the event of unjustified dismissal (Article 30);
 - fair and just working conditions (Article 31).

- Fully **implement the ILO Conventions** on the freedom of association and protection of the right to organise of 1948 (No. 87), and on the right to organise and collective bargaining of 1949 (No. 98), notably:
 - promoting collective bargaining, where necessary (Article 4 of Convention No. 98);
 - respecting the observations of the Committee of Experts on the Application of Conventions and Recommendations.

- Put in place effective measures to give effect to **freedom of assembly and association**, workers' and their representatives' right to information and consultation within their workplace, the right to collective bargaining and action, and adequate protection against any acts of interference by the other party.

- **Respect the rule of law**, as breaches of the rule of law have an impact on the fundamental rights of the social partners. In particular, ensure that the core elements of the rule of law²⁷ (legality, legal certainty, prohibition of arbitrariness, access to justice before independent and impartial courts, respect for human rights, non-discrimination, and equality before the law) are respected in all domains of the activities of employers and workers. This also includes the need to ensure the full implementation of labour legislation, including through appropriate labour inspections.

²⁶ EESC opinion SOC/671, *Implementation of the Charter of Fundamental Rights*, 9 June 2021, point 1.9, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/implementation-charter-fundamental-rights>.

²⁷ As laid down in the Venice Commission rule of law checklist: European Commission for Democracy Through Law (Venice Commission), *Rule of law checklist*, 18 March 2016, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)007-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)007-e).

Freedom of association and freedom of assembly

Conclusions

The sessions on **freedom of association and freedom of assembly** organised in all countries visited enabled the FRRL Group to hear civil society representatives' views on the state of play concerning the effective protection of these rights, but also, more broadly, on the health of the civic space and the relationship between civil society, public authorities, and non-state actors.

In a majority of the countries visited, civil society representatives considered that the legal framework concerning **freedom of association** was generally adequate or good (e.g. BE, BG, CZ, DE, DK, FI, FR, HR, IE, IT, LU, MT, PT, SE, SI, SK). However, it was striking to observe that participants' perceptions of a 'shrinking space' were also evident in a significant number of countries, including in some of those countries where participants considered the legal framework to be satisfactory (e.g. AT, BG, CY, EL, ES, HU, PT, RO, SE, SI). This illustrates the fact that general legal protections of freedom of association are only one of various elements needed to effectively guarantee freedom of association for civil society organisations. During the sessions, participants indeed provided multiple examples of factors affecting the effective protection of freedom of association, such as access to funding, freedom of expression, the adequacy of the regulatory environment and the protection of representatives of civil society organisations from harassment.

Even though the FRRL Group only heard direct testimonies about attempts to disband a civil society organisation in one Member State (e.g. MT), this cannot be taken as a conclusion that other such attempts had not occurred in more Member States during the period when the FRRL Group carried out its country visits. Moreover, representatives of civil society organisations gave numerous examples of more subtle and indirect **legal restrictions** having a collateral impact on freedom of association. Some of the more specific examples related to the ill-conception and/or the ill-intended use of legislation in areas such as security (counter-terrorism), money laundering, and defamation (e.g. CY, EL, ES, FR, HR, HU, IT, MT, RO). As in the sessions on freedom of expression and media freedom, the FRRL Group also heard several testimonies from civil society organisations that had been targeted by strategic lawsuits against public participation (SLAPPs).

Across the countries visited, the FRRL Group heard numerous references to cases or substantiated risks of legal or de facto restrictions on **freedom of assembly**. This was particularly evident during or in the aftermath of the COVID-19 pandemic, although was not limited to it (e.g. BE, FR, CY, DE, EL, ES, HR, IE, LT, NL, PL, SI, SK). In a few countries, participants also cited cases of arrests, fines and/or litigation against alleged peaceful protestors (e.g. FR, CY, DE, EL, ES, PL), and inconsistencies in the authorisation or policing of assemblies, notably according to the type of protestors (e.g. DE, FI, IE, LT, NL, PL, SK). In some countries, participants called for policing practices to be updated to match new forms of mobilisation and avoid the excessive use of force (e.g. BE, CZ, EL, ES, FR, NL).

A key question that emerged in most of the countries visited was the **operational environment for civil society organisations**, and notably the disproportionate administrative burden which many of their representatives were confronted with (e.g. BE, CY, CZ, DE, HR, FI, IT, LT, LU, LV, PL, RO). Participants generally acknowledged the principle

of transparency and reporting on the funding and activities of civil society organisations, particularly when public funding was at stake. They were not always able to identify with certitude whether their perception of ever-increasing administrative pressure stemmed from a political intention to limit the capacity of civil society organisations to operate freely. What was certain, however, was that the accumulation of administrative tasks and constraints had a particular impact on small bodies, which had the effect of both diverting human resources from their core vocation and wearing out their dedicated staff. In a socio-economic environment in which civil society organisations' staff generally faced difficult working conditions, low salaries, and a heavy workload, such a situation could severely affect the attractiveness of the civil society organisation sector.²⁸

The FRRL Group also heard how the increasing drive for transparency was a symptom of a general **rise in suspicion against civil society organisations and rights defenders** (e.g. FR, CZ, BG, EL, HR, HU, IT, MT, NL, PL, PT, RO, SE, SI, SK). This phenomenon also existed at European level, where civil society organisations are considered to have been a disproportionate target of the efforts to increase transparency following scandals at EU level.²⁹ In that regard, the civil society organisation representatives met with at national level often called for better protection of the civic space and more structured dialogue at both national and European level. This echoed some demands made by pan-European civil society organisations,³⁰ which intensified in the context of the debates on the proposed EU Directive on the transparency of interest representation of third countries as part of the Defence of Democracy package.³¹

The many testimonies which the FRRL Group heard concerning growing distrust towards civil society organisations were not limited to the sessions on freedom of association and freedom of assembly; they also featured prominently in the sessions on the right to non-discrimination, illustrating how **civil society organisations working for discriminated groups**, particular migrants, women, and LGBTIQ+ people have felt increasingly exposed. Although the FRRL Group heard only a few examples of explicit physical threats or attacks against civil society organisation workers (e.g. HU), references to verbal threats, both online and offline, were much more numerous. According to participants, such attacks were clearly facilitated by a climate of polarisation of public debates, a rise in populist agendas, and the spread of hate speech.

Taking the above-mentioned considerations into account, **calls for more action by the state to ensure a protective and enabling environment for civil society** were unanimously made in nearly all countries visited. Not only did participants expect that the

²⁸ As underlined in EESC opinion SOC/762, *Civil society support and funding in the area of fundamental rights, the rule of law and democracy*, 21 September 2023, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/civil-society-support-and-funding-area-fundamental-rights-rule-law-and-democracy>.

²⁹ See, in particular, the European Parliament resolution of 17 January 2024 on the transparency and accountability of non-governmental organisations funded from the EU budget (2023/2122(INI)), https://www.europarl.europa.eu/doceo/document/TA-9-2024-0036_EN.html.

³⁰ EESC opinion SOC/672 on the *European Democracy Action Plan* reflects some of the key demands of civil society organisations, notably the need for an interinstitutional dialogue on civil participation based on Article 11 TEU: EESC opinion SOC/672 on a *European democracy action plan*, 9 June 2021, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/european-democracy-action-plan>.

³¹ EESC opinion SOC/773, *Defence of Democracy package*, 24 April 2024, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/defence-democracy-package>.

authorities respect freedom of association and refrain from adopting legislation that would restrict it (the ‘do no harm’ approach); they also called for stronger protection mechanisms for civil society organisations and rights defenders at national and EU level. Finally, they also expected the state to take proactive steps to give full effect to the various rights associated with an enabling environment for civil society.

This latter consideration was generally related to questions linked to **the right to participate in public life**. The FRRL Group heard many calls for civil society organisations to be included more effectively in decision-making processes (e.g. AT, BE, BG, CY, DE, EL, HR, HU, LT, PL, PT, RO). In general, the testimonies heard did not point to an absence of consultation mechanisms, but rather to the fact that consultations generally came too late, were too rapid, and mostly amounted to an information exercise rather than a genuine opportunity to influence draft legislation.

The right to take part in public life was, in the eyes of the participants, not only linked to the need to obtain better recognition of civil society organisations’ role in society, but also to the specific issue of their financial survival and development. In that regard, participants pointed to the essential role played by civil society organisations in defending fundamental rights and the rule of law. They regretted that, all too often, politicians accused civil society organisations engaged in **watchdog and advocacy activities** of having a political agenda, thus ignoring the fact that, through such activities, civil society organisations were actually acting in line with the responsibility that individuals, groups and societal bodies have to promote and protect human rights, as called for by the UN.³²

The quasi-universal reference made by civil society organisation representatives to the difficulties they faced in **accessing funding** was particularly significant, given the tendency for the functioning of the civic space to vary from one Member State to another (e.g. AT, BE, BG, CY, CZ, EL, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, MT, PL, PT, RO, SE, SI, SK). The FRRL Group heard accounts of a general trend towards the rarefaction of available public funding (particularly concerning certain groups’ right to non-discrimination, and watchdog and advocacy activities), risks of reorientation of funding towards areas where civil society organisations would perform social functions that could also be led by the state, and other specific difficulties in accessing funding (e.g. excessive administrative requirements, competition between civil society organisations). They also voiced concerns about the prevalence of a short-term, project-based approach among funders, as opposed to efforts to boot the capacities of civil society organisations in structural terms.

Closely linked to these questions were those questions about the **‘distortion’ of the civic space** stemming from state intervention. The FRRL Group heard several accounts of a perception of bias in favour of pro-government civil society organisations, and of attempts by authorities to orientate civic action in a specific direction through funding (e.g. AT, EE, EL, HR, HU, MT, PL, RO). In some countries, participants also had the feeling that the state was increasingly counting on civil society organisations as relays in the provision of social

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United Nations, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, General Assembly resolution 53/144, 9 December 1998.

services, sometimes to compensate for reduced activity in the social sphere (e.g. BE, BG, DE, FI, HU, LU, RO, SK).

Recommendations

Based on these key conclusions gathered from civil society organisation representatives, the FRRL Group encourages all actors – civil society organisations, national authorities, European institutions – to work together to: ensure the full respect of freedom of association, freedom of assembly, and related rights; to ensure the protection of civil society organisations and rights defenders, including against attacks by non-state actors; and, generally, to provide **a free and enabling environment for civil society organisations**.

The FRRL Group recommends, in particular:

Freedom of association and freedom of assembly

To the EU Member States:

- Ensure the **effective protection of freedom of association and freedom of assembly**, both in law and in practice – based on the commitments made by states under international law, and taking into consideration the highest standards in the matter (UN, OSCE, ILO, Council of Europe, etc).³³
- Review legislation concerning **freedom of assembly** to ensure its conformity with the highest international standards.³⁴ Ensure that such standards are evenly implemented to protect all forms of peaceful assembly.

To the European Commission:

- Increase the attention paid to freedom of association and freedom of assembly in the **Rule of Law Review Mechanism**, notably by creating a specific chapter focusing on the civic space.³⁵

³³ See, for example, European Union Agency for Fundamental Rights (FRA), *Protecting civil society – Update 2023*, <https://fra.europa.eu/en/publication/2023/civic-space-2023-update>;

OECD, *The Protection and Promotion of Civic Space: Strengthening Alignment with International Standards and Guidance*, 2022, <https://doi.org/10.1787/d234e975-en>, point 5.6: ‘Civic space in the European Union: Contribution from the EU Agency for Fundamental Rights (FRA) on key challenges and restrictions for civil society organisations’, <https://www.oecd-ilibrary.org/sites/971428e2-en/index.html?itemId=/content/component/971428e2-en#section-d1e34758-1591900b91>.

³⁴ See in particular: Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR), and the Council of Europe’s Commission for Democracy through Law (Venice Commission), Guidelines on Freedom of Peaceful Assembly, <https://www.osce.org/odihr/73405>.

See also the part on the fundamental rights of social partners.

³⁵ EESC opinion SOC/797, *Evaluation of the European Commission’s annual reports on the rule of law in the European Union*, to be adopted, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/evaluation-european-commissions-annual-reports-rule-law-european-union>.

Protection of civil society organisations and human rights defenders

To the EU Member States:

- In the spirit of the **UN Declaration on human rights defenders**,³⁶ adopt all legislative, administrative and other steps as may be necessary to ensure protection of the rights and freedoms of human rights defenders under their jurisdiction.
- Fully implement the **Council of Europe Recommendation on countering the use of strategic lawsuits against public participation (SLAPPs)** of April 2024³⁷ (see the section on ‘Freedom of expression, including media freedom’ below).

To the EU institutions and the EU Member States:

- Set up a **rapid response mechanism to support threatened human rights defenders and civil society organisations**, drawing on the model of the EU-funded ‘Protect Defenders’³⁸ mechanism, which currently has a non-EU focus.³⁹

Access to funding

To the EU institutions and the EU Member States:

- Increase the **allocation of funds available for civil society organisations under the Citizens, Equality, Rights and Values (CERV) programme**, simplifying some existing restrictive requirements (such as co-funding), and increasing the

³⁶ See also EESC opinions on civil society, such as opinion SOC/762, *Civil society support and funding in the area of fundamental rights, the rule of law and democracy*, 21 September 2023, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/civil-society-support-and-funding-area-fundamental-rights-rule-law-and-democracy>.

United Nations General Assembly, Resolution 53/144: *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, 9 December 1998, <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-right-and-responsibility-individuals-groups-and->

³⁷ In the spirit of EESC opinion SOC/734, *Initiative against abusive litigation targeting journalists and rights defenders*, 26 October 2022, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/initiative-against-abusive-litigation-targeting-journalists-and-rights-defenders>.

Council of Europe, Recommendation CM/Rec(2024)2 of the Committee of Ministers to member States on countering the use of strategic lawsuits against public participation (SLAPPs), 5 April 2024, https://search.coe.int/cm/pages/result_details.aspx?ObjectId=0900001680af2805.

³⁸ <https://protectdefenders.eu/>.

³⁹ As suggested in EESC opinion SOC/762, *Civil society support and funding in the area of fundamental rights, the rule of law and democracy*, 21 September 2023, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/civil-society-support-and-funding-area-fundamental-rights-rule-law-and-democracy>.

possibilities for operating grants, in particular for civil society organisations working in difficult environments.⁴⁰

To the EU Member States:

- Ensure the full **ability of civil society to seek, receive and use resources** without discrimination, taking into consideration the highest standards in the matter.⁴¹ In particular, refrain from adopting any ungrounded or disproportionate administrative requirements which might cause a de facto restriction on access to funding, for example in the context of security/counter-terrorism, money laundering, transparency legislation or the future implementation of the proposed EU Directive on transparency of interest representation on behalf of third countries.⁴²

Civil dialogue

To the EU institutions and the EU Member States:

Consider seeking an interinstitutional agreement and adopt an **EU strategy for civil dialogue** to give life to Article 11⁴³ of the Treaty on European Union (TEU).⁴⁴

⁴⁰ As suggested in EESC opinion SOC/762, *Civil society support and funding in the area of fundamental rights, the rule of law and democracy*, 21 September 2023, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/civil-society-support-and-funding-area-fundamental-rights-rule-law-and-democracy>.

⁴¹ See for example: United Nations, *General principles and guidelines on ensuring the right of civil society organizations to have access to resources - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association*, A/HRC/53/38/Add.4, 23 June 2023, <https://www.ohchr.org/en/documents/thematic-reports/ahrc5338add4-general-principles-and-guidelines-ensuring-right-civil>.

⁴² As suggested in EESC opinion SOC/773, *Defence of Democracy Package*, 24 April 2024, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/defence-democracy-package>.

⁴³ Article 11 of the Treaty on European Union (TEU), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12016M011>.

⁴⁴ As suggested in EESC opinion SOC/782, *Strengthening civil dialogue and participatory democracy in the EU: a path forward*, 14 February 2024, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/strengthening-civil-dialogue-and-participatory-democracy-eu-path-forward>.

Freedom of expression and media freedom

Conclusions

During the sessions on freedom of expression and media freedom,⁴⁵ the FRRL Group met with civil society organisation representatives active in these areas, as well as with representatives of associations and unions of **journalists and media outlets**. The discussions held enabled the FRRL Group to understand the complex transformation that the media sector was undergoing and the increasing pressure faced by media professionals.

In a significant number of the EU Member States visited, participants considered that the overall **framework protecting freedom of expression** was good or adequate (e.g. CZ, DK, EE, FI, FR, IE, LT, LU, PL, PT, SE, SK). The issue of explicit censorship did not come up as a topic in itself. However, explicit censorship is only one of the many indicators that freedom of expression and information are in danger. In that regard, the FRRL Group heard several accounts of situations potentially leading to different degrees of self-censorship⁴⁶ (e.g. CY, CZ, DE, DK, EE, EL, HR, LV, SI, SK), as well as of various levels of challenges concerning the right to access information, ranging from mild difficulties in some countries to much more serious situations in others (e.g. AT, BE, DK, HR, EL, ES, LT, LU, LV, MT, NL, PT, SE).

According to the testimonies heard, **challenges to freedom of expression are multifactorial**, ranging from pressure imposed by politicians or non-state actors to the rise of threats, both online and offline, economic constraints on the media, and a trend towards restricted access to some public documents in some countries. The impact of fake news and disinformation, including as a result of foreign influence, was frequently cited as being a key concern in the majority of the countries visited (e.g. BE, BG, CY, DK, EL, ES, FR, HU, LV, PL, PT, SE, SI, SK).

Although specific landscapes varied considerably when it came to **media pluralism**, it is possible to summarise some common concerns raised by journalists' associations and unions. The in-depth transformation of the media sector, accelerated by digitalisation, was viewed as having consequences at several levels of the media market, both for the outlets themselves and for the individuals working for them.

At market level, participants in several countries believed that media **concentration** was becoming excessive (e.g. AT, BG, CZ, EL, HR, HU, IE, IT, NL, SI, SK). Participants considered it particularly worrisome when media fell into the hands of tycoons linked to politicians or those having a political agenda. While it was remarked that media concentration could also offer a way of saving media facing economic difficulties, it was generally viewed as resulting in the impoverishment of editorial plurality, coming at the expense of the regional press, in particular. The situation of public service media required attention in

⁴⁵ There was no session on freedom of expression and media freedom during the mission to Romania (19-20 November 2018).

⁴⁶ A phenomenon which was already highlighted by the Council of Europe: Council of Europe, *Journalists under pressure - Unwarranted interference, fear and self-censorship in Europe*, 2017, <https://rm.coe.int/168070ad5d>.

several countries, with participants calling for more budgetary sustainability and full independence of nomination processes (e.g. AT, CZ, EE, HR, MT, SI, SK).

At outlet level, the FRRL Group heard a lot about the **increasing funding difficulties** encountered by independent media (e.g. BE, BG, CZ, EL, HR, HU, LT, NL, PT, PL, SI) faced with unfair competition from large technological platforms, or the risk of unfair access to some advertising markets (e.g. BG, EL, HU, PL). Several testimonies presented the situation as a constraint that necessitated a push for innovation and a search for new business models, for example based on subscription. Participants also felt that such a transformation process would also be necessary in order to preserve quality journalism, and examples of foundations or consortia supporting investigative journalism were mentioned in that regard.

The impact of the changing media landscape on individual media professionals was perhaps the most striking takeaway from these sessions. With its particular socio-economic approach to fundamental rights and the rule of law, the FRRL Group is particularly sensitive to the need to ensure **better working conditions for journalists** and other media professionals playing an essential role as mediators of information (e.g. CZ, EL, IT, LV, NL, PT, SI, SK). Multiple examples of low salaries, short-term contracts, and heavy workload were cited. Participants drew a clear link between such a deterioration in working conditions and the long-term attractiveness of the media sector, which was itself linked to the fate of trusted quality journalism.

Too weak a media sector, with fragile media outlets and insufficiently protected journalists, represents a major risk factor for freedom of expression and information in Europe. In that regard, the FRRL Group was struck by the high number of testimonies it received about **pressure and stigmatisation** of the media and its professionals (e.g. AT, BG, DE, FR, EL, HR, IE, IT, MT, NL, PL, PT, SE, SK). In a significantly high number of countries, participants even cited physical threats and attacks (e.g. FR, DE, EL, ES, HU, IT, MT, PL, SK). However, the most common tools for asserting pressure on journalists certainly appear to be abuse of legislation concerning defamation and surveillance, as well as strategic litigation against public participation (SLAPPs) (e.g. BE, CY, DK, EE, EL, FI, HR, IE, IT, LT, MT, NL, PL, PT, SK).

Recommendations

Based on these key conclusions gathered from civil society organisation representatives active in the area of freedom of expression, as well as media professionals' associations and unions, the FRRL Group calls on all relevant actors to work together towards the consolidation of **pluralist and free media markets** that are free from pressure on media professionals and restrictions on freedom of information. It also calls on them to consider media freedom as a public good and, accordingly, to devote to it the necessary long-term investment.

The FRRL Group recommends, in particular:

Media pluralism and media freedom

To the EU Member States:

- Fully implement the **European Media Freedom Act**⁴⁷ to the highest standards in the area of media pluralism,⁴⁸ in order to put in place all the necessary measures to safeguard editorial independence, enhance ownership transparency,⁴⁹ promote media diversity, prevent misuse of state funds through advertising, and strengthen regulatory autonomy.
- Provide adequate and stable long-term financial resources to **public service media** to protect them against possible political influence,⁵⁰ while preventing excessive market distortion affecting media pluralism.
- Set up efficient public support mechanisms guaranteeing innovative **sustainable new business models** for public interest journalism.⁵¹

To the EU institutions and the EU Member States:

- Ensure the full independence of the future European board for media services provided for in the **European Media Freedom Act**, and put in place safeguards to address the lack of independence of some national regulatory bodies.⁵²
- Use the existing provisions of EU anti-concentration law when national regulators fail to sufficiently assess and address **media market concentration** in their country.⁵³

47 Regulation (EU) 2024/1083 of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act), https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L_202401083.

48 See in particular the Council of Europe Recommendation and Guidelines on media pluralism and transparency of media ownership: Recommendation CM/Rec(2018)1 of the Committee of Ministers to member States on media pluralism and transparency of media ownership, 7 March 2018, https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680790e13.

49 Commission Recommendation (EU) 2022/1634 of 16 September 2022 on internal safeguards for editorial independence and ownership transparency in the media sector, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32022H1634>.

50 EESC opinion SOC/742, *European Media Freedom Act*, 14 December 2022, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/european-media-freedom-act>.

51 EESC opinion SOC/635, *Securing media freedom and diversity in Europe* (own-initiative opinion), 22 September 2021, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/securing-media-freedom-and-diversity-europe-own-initiative-opinion>.

52 EESC opinion SOC/742, *European Media Freedom Act*, 14 December 2022, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/european-media-freedom-act>.

53 EESC opinion SOC/742, *European Media Freedom Act*, 14 December 2022, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/european-media-freedom-act>.

- Use the general regime of **conditionality for the protection of the EU budget**⁵⁴ to address the acute political interferences into media freedom and pluralism taking place in some Member States.⁵⁵
- Support **quality journalism** by creating or reinforcing programmes to support media's transition to digitalisation, as well as independent investigative and quality journalism.⁵⁶
- Further develop **media literacy**, notably through the establishment of a European agency to bolster the media skills of EU citizens through educational programmes.⁵⁷

Distortions of freedom of information

To the EU institutions and the EU Member States:

- Better coordinate the EU and Member States' **responses to disinformation** – in particular, deliberate campaigns orchestrated from within and outside the EU, taking into account the best practices in the matter.⁵⁸
- Reinforce **support available to civil society actors** in the central role they play in counteracting disinformation campaigns, as highlighted by the EESC's 'citizens can beat disinformation' campaign,⁵⁹ encourage the development of spaces for meaningful dialogues on these questions.

54 Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget, <https://eur-lex.europa.eu/eli/reg/2020/2092/oj>.

55 EESC opinion SOC/635, *Securing media freedom and diversity in Europe* (own-initiative opinion), 22 September 2021, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/securing-media-freedom-and-diversity-europe-own-initiative-opinion>.

56 In the spirit of what the EESC proposed in above-mentioned opinions SOC/635 and SOC/742.

57 EESC opinion SOC/635, *Securing media freedom and diversity in Europe* (own-initiative opinion), 22 September 2021, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/securing-media-freedom-and-diversity-europe-own-initiative-opinion>.

58 In the spirit of the EESC's 'citizens can beat disinformation' campaign. See in particular: OECD, *Good practice principles for public communication responses to mis- and disinformation*, 2023, <https://doi.org/10.1787/6d141b44-en>.

59 With events taking place for example in Bulgaria in 2023 (<https://www.eesc.europa.eu/en/agenda/our-events/events/citizens-can-defeat-disinformation>), and Moldova in 2024 (<https://www.eesc.europa.eu/en/agenda/our-events/events/citizens-can-defeat-disinformation-2024>).

- Prioritise measures to increase transparency in public life,⁶⁰ as well as to train the population on **media and digital literacy**,⁶¹ as two essential streams of responses to attacks on truth and other forms of distortion of information.

SLAPPs and other legal tools

To the EU Member States:

- Implement the **SLAPP Directive**⁶² without delay, taking full account of the principles included in the **Council of Europe Recommendation on countering the use of strategic lawsuits against public participation (SLAPPs)** of April 2024⁶³, in particular regarding structural and procedural safeguards, remedies, transparency, support for targets and victims, education, training, awareness raising, and capacity building.
- Implement appropriate **educational measures and training** concerning freedom of expression in general and SLAPPs in particular, both for legal professionals (in particular, judges and party attorneys) and participants in the public debate (journalists, social activists, human rights defenders, whistle-blowers and ordinary citizens).⁶⁴
- Introduce initiatives analogous to the SLAPP Directive that would not be limited to cross-border proceedings and would have a direct effect on **national proceedings**.⁶⁵

⁶⁰ See in particular: EESC opinion INT/355, *Guidance / Code of practice on disinformation*, 8 December 2021, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/guidance-code-practice-disinformation>.

⁶¹ EESC opinion SOC/635, *Securing media freedom and diversity in Europe* (own-initiative opinion), 22 September 2021, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/securing-media-freedom-and-diversity-europe-own-initiative-opinion>.

⁶² In the spirit of the proposals the EESC made in opinion SOC/734, *Initiative against abusive litigation targeting journalists and rights defenders*, 26 October 2022, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/initiative-against-abusive-litigation-targeting-journalists-and-rights-defenders>.
Directive (EU) 2024/1069 of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ('Strategic lawsuits against public participation'), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024L1069&qid=1713276659044>.

⁶³ Council of Europe, Recommendation CM/Rec(2024)2 of the Committee of Ministers to member States on countering the use of strategic lawsuits against public participation (SLAPPs), 5 April 2024, https://search.coe.int/cm/pages/result_details.aspx?ObjectId=0900001680af2805.

⁶⁴ EESC opinion SOC/734, *Initiative against abusive litigation targeting journalists and rights defenders*, 26 October 2022, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/initiative-against-abusive-litigation-targeting-journalists-and-rights-defenders>.

⁶⁵ EESC opinion SOC/734, *Initiative against abusive litigation targeting journalists and rights defenders*, 26 October 2022, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/initiative-against-abusive-litigation-targeting-journalists-and-rights-defenders>.

- Review national legislation with a view to decriminalising **defamation**.⁶⁶

Threats against journalists and media professionals

To the EU Member States:

- Fully implement the **Council conclusions** of June 2022⁶⁷ and the **Commission Recommendation**⁶⁸ of September 2021 concerning the **protection and safety of journalists and other media professionals**,⁶⁹ including:
 - ensuring effective investigation and prosecution of criminal acts against journalists;
 - improving protection of journalists at protests or demonstrations;
 - training journalists and law enforcement bodies;
 - strengthening the online security of journalists;
 - empowering female journalists, those belonging to a minority group, and those working on equality issues.
- Provide swifter and better (tangible) responses to cases of threats to the safety of journalists and media freedom submitted via the **Council of Europe’s Platform to promote the protection of journalism and safety of journalists**.⁷⁰
- Reform the police and justice systems in order to comply with the 2016 **Recommendation of the Committee of Ministers of the Council of Europe on the protection of journalism and safety of journalists and other media actors**,⁷¹ and ensure that the investigations in the cases of killings of journalists in EU Member States in recent years do not end in impunity.

66 EESC opinion SOC/734, *Initiative against abusive litigation targeting journalists and rights defenders*, 26 October 2022, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/initiative-against-abusive-litigation-targeting-journalists-and-rights-defenders>.

67 Council conclusions on the protection and safety of journalists and other media professionals, 2022/C 245/04, 21 June 2022, [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022XG0628\(02\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022XG0628(02)).

68 Commission Recommendation (EU) 2021/1534 of 16 September 2021 on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union, <https://eur-lex.europa.eu/eli/reco/2021/1534/oj>.

69 Also having in mind, the standards provided by the Council of Europe (<https://www.coe.int/en/web/freedom-expression/media> - <https://rm.coe.int/leaflet-safety-of-journalists-en-october-2020/16809ff23e>) and the Organisation for Security and Cooperation in Europe (OSCE) (<https://www.osce.org/representative-on-freedom-of-media>).

70 Council of Europe Platform to promote the protection of journalism and safety of journalists, <https://fom.coe.int/>.

See the low rate of reply here: <https://fom.coe.int/en/graphiques>.

71 Council of Europe, Recommendation CM/Rec(2016)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors, 13 April 2016, https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806415d9#_ftn1.

- Refrain from referring to **national security** to justify the abusive use of spyware against journalists,⁷² and undertake independent and impartial investigations into the proven abuse of spyware by authorities against journalists and other civil society actors in several Member States.⁷³

⁷² EESC opinion SOC/742, *European Media Freedom Act*, 14 December 2022, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/european-media-freedom-act>.

⁷³ See in particular the work of the European Parliament Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware (PEGA): European Parliament, *Spyware: MEPs to call for a European response*, 12 October 2023, <https://www.europarl.europa.eu/news/en/agenda/briefing/2023-10-16/10/spyware-meps-to-call-for-a-european-response>.

The right to non-discrimination

Conclusions

During the sessions on the right to non-discrimination,⁷⁴ the FRRL Group met with **civil society organisations active in the fight against discrimination, both in general and concerning particular groups**, such as women, ethnic and religious minorities, migrants, LGBTIQ+ people, and people with a disability. In some countries, the FRRL Group also met with independent ombuds-type institutions or national human rights institutions during these sessions. The discussions held enabled the FRRL Group to hear first-hand accounts of the lived experiences of those encountering discrimination, and to better understand the significant implementation gap that exists in many countries with respect to anti-discrimination legislation.

In a significant number of the countries visited, participants felt that the **legal framework on the right to non-discrimination was generally good or adequate** (e.g. BE, BG, DE, EE, FI, FR, HR, LV, MT, NL, PT, SI), as participants considered that the right to non-discrimination on various grounds was well enshrined in law, sometimes even at constitutional level. However, even in such situations, participants believed that most issues observed instead concerned the proper implementation of anti-discrimination law.

In the face of this implementation gap, **the role played by civil society organisations** working for the rights of discriminated groups was key. The FRRL Group was very satisfied to witness the great richness apparent in that sector, which allowed for very dense discussions with civil society organisations working with and for various discriminated groups. The FRRL Group was, however, concerned about the increasing pressure felt by these civil society organisations in a number of Member States visited (e.g. AT, HR, HU, IT, LU, PL, MT, PT, SE). It heard many accounts of the stigmatisation these groups encountered from some sectors of society (including, on occasion, from politicians in power themselves) because of the support they offered to specific groups. A significant number of testimonies also illustrated the increasing difficulties which civil society organisations working in the field of discrimination faced when it came to accessing funding (e.g. AT, BE, CZ, EE, HU, MT, PL, SE, SK).

Such pressure on civil society organisations was apparent in the context of a rise in tensions and polarisation in society, which led many participants across most countries visited to call for more action by the state to tackle rising hate speech and hate crime (e.g. AT, BG, CY, CZ, DK, ES, FI, HU, LT, LU, MT, NL, PT, SE, SI). Civil society organisations working on **ethnic and religious discrimination** were among those prone to be targeted by such hatred, as individuals from such minorities felt they were personally confronted with a rise in discrimination (e.g. AT, BE, DE, DK, FR, NL, SK). One of the many forms that such discrimination took directly involved the state: cases of ethnic profiling (notably by police forces) were cited in a few countries (e.g. AT, FI, FR, DK, ES, SE). In countries where their population was significant, Roma organisations felt that the community they represented faced difficulties in accessing housing, healthcare, education, and employment (e.g. BE,

⁷⁴ There was no session on the right to non-discrimination during the missions to Romania (19-20 November 2018) and Poland (3-4 December 2018).

BG, CZ, DE, EE, EL, ES, HR, HU, IE, IT, LV, SI, SK). The situation of members of linguistic minorities was also mentioned in a few countries (e.g. DE, LV).

The situation of **migrants (including asylum seekers and refugees)** was raised in the majority of countries visited. It was striking to observe that, in most of these countries, participants expressed the feeling that the national legal framework and public policies did not facilitate the integration of migrants either sufficiently or at all (e.g. AT, BE, CY, CZ, DK, EL, ES, FR, HR, IE, IT, LT, LU, MT, PT, SE, SI). In a few countries visited, representatives of civil society organisations working with migrants also noted that they felt increased pressure being placed on their work, be it in law, in practice, or in discourse (e.g. FR, DK, EL, IT, LT, MT).

Women's rights were a key issue of concern according to participants, and were raised not only by representatives of specialised civil society organisations working on women's rights, but also – given the various forms of discrimination faced by women (cf. intersectionality) – by other actors. Despite some appreciation for significant societal and legal progress in the area of women's rights over the long term, participants in several countries expressed a perception of backlash, deterioration, or stagnation in the overall situation of women (e.g. BG, CZ, ES, FI, HU), notably in reference to the rise of anti-women/gender narratives, including tensions around the Istanbul Convention⁷⁵ (e.g. BG, CZ, HU, LT). Participants shared concerns and called for the improvement of social policies in several spheres relevant to women's rights, from sexual and reproductive health and rights, to gender violence, the economic and social rights of women, and the place of women in the political and economic worlds. Notably, frequent reference was made to the need to address a persistent gender pay and/or pension gap (e.g. AT, CY, DE, HR, ES, IE, FI, LT, SE). Calls for stronger public policies to tackle gender-based violence were made in the majority of countries visited, highlighting the striking commonality of the issue and urgent need to act (e.g. BG, CY, CZ, EL, ES, HR, HU, IE, IT, LT, LU, LV, MT, NL, PT, SE).

The situation of **LGBTIQ+ people** was one of the rare areas in which participants acknowledged a feeling of societal and legal progress over recent years (e.g. DE, DK, IE, IT, PT, SI). Nevertheless, this feeling was only expressed in a handful of countries, with the perception that major societal and legal progress on LGBTIQ+ rights was still needed being more common (e.g. BG, CY, CZ, HR, HU, LT, LV, SE, SK). In several countries, the FRRL Group even heard about worrying cases of stigmatisation, threats, and even attacks against LGBTIQ+ people (e.g. CY, DE, EL, IE, IT, NL, SI). In the majority of countries visited, the picture could be characterised as imperfect, meaning that it combined some progress in recent years with the need for further action. This was generally accompanied by a seemingly contradictory combination of increased societal acceptance and more tangible risks of backlash from some sectors of society.

The situation of **people with disabilities** was mentioned in the vast majority of countries visited, highlighting a complex situation in which the gap between laws and implementation was particularly emphasised. Notably, the lack of reasonable accommodation and accessibility (including in housing, at work, and in public spaces) was raised in a significant number of countries visited (e.g. BG, CY, DK, EL, ES, IE, LV, MT, NL, PT, SK). Concerns around the economic, social, and political inclusion of people with

⁷⁵ Council of Europe Convention on preventing and combating violence against women and domestic violence, <https://www.coe.int/en/web/istanbul-convention/>.

disabilities was also a key concern, starting with the lack of inclusive education (e.g. AT, CY, IT, LV, NL, PT, SE).

In addition to the above-mentioned forms of discrimination, participants drew the attention of the FRRL Group to **other forms**, such as age-based discrimination (e.g. BE, DE, ES, IE, SE) and social and geographical discrimination (e.g. EE, IE).

Recommendations

Based on these key conclusions gathered from civil society organisation representatives active in the fight against discriminations, as well as some ombuds-type institutions and national human rights institutions, the FRRL Group calls on all relevant actors to work together to achieve **a comprehensive legislative framework against discrimination on all grounds and across all areas**, as well as to close the implementation gap that remains too large. Working in partnership with civil society is particularly important as regards the socio-economic aspects of discrimination and the need to provide responses to the growing social tensions around the protection of discriminated groups.

The FRRL Group recommends, in particular:

General framework on the right to non-discrimination

To the EU Member States:

- Further develop protection against discrimination, aiming for general protection against discrimination for all persons, irrespective of religion or belief, disability, age, sexual orientation, or other ground for discrimination, in all areas; Adopt the **Equal Treatment Directive**⁷⁶ proposed in 2008 as a first step in that direction.⁷⁷
- Report on action taken in relation to Member States' interactions with equality bodies, and notably the obligation laid down in the **Directive on standards for equality bodies in the field of equal treatment**⁷⁸ to ensure that these bodies are free from external influence and endowed with sufficient human, technical and financial resources.⁷⁹
- Extend the list of EU crimes (Article 83(1) of the Treaty on the Functioning of the EU)⁸⁰ to all forms of **hate crime and hate speech**, as proposed by the European

⁷⁶ Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, COM(2008)0426 final, <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:52008PC0426>.

⁷⁷ EESC opinion SOC/724, *Improving equality in the EU*, 26 October 2022, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/improving-equality-eu>.

⁷⁸ EESC opinion SOC/750, *Strengthening the role and independence of equality bodies*, 22 March 2023, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/strengthening-role-and-independence-equality-bodies>.

⁷⁹ EESC opinion SOC/750, *Strengthening the role and independence of equality bodies*, 22 March 2023, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/strengthening-role-and-independence-equality-bodies>.

⁸⁰ Article 83(1) of the TFEU, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12008E083>.

Commission,⁸¹ to allow the subsequent setting of minimum rules concerning the definition of criminal offences and penalties in this area of crime.⁸²

To the EU institutions and the EU Member States:

- Ensure the coherent implementation of **European strategies in the area of discrimination**⁸³, offer cross-sectoral perspectives, and better tackle the intersectionality aspect of discrimination. Start preparing the renewal of these strategies for after 2025, based on lessons learned from progress reports, civil society consultations, and the highest standards to be attained in each area. Renew the ‘Equality’ mandate under the next Commission mandate (2024-2029). Implement the recommendations of the 2024 European Citizens’ Panel on Tackling Hatred in Society.⁸⁴

Women

To the EU institutions and the EU Member States:

- Swiftly and fully implement the **European Gender Equality Strategy**⁸⁵, paying special attention to the need for gender mainstreaming, gender budgeting⁸⁶, and an intersectional approach to gender equality⁸⁷, as well as to the objective of a life-long gender equality culture.⁸⁸ Encourage all EU Member States to accede to the **Council of Europe Convention on preventing and combating violence against**

81 European Commission, Communication: A more inclusive and protective Europe: extending the list of EU crimes to hate speech and hate crime, COM(2021) 777 final, 9 December 2021, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021DC0777>.

82 EESC opinion SOC/712, *Initiative to extend the list of EU crimes to all forms of hate crime and hate speech*, 18 May 2022, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/initiative-extend-list-eu-crimes-all-forms-hate-crime-and-hate-speech>.

83 See also EESC opinion SOC/792, *No place for hate: a Europe united against hatred*, 30 May 2024, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/no-place-hate-europe-united-against-hatred>.

84 In the spirit of EESC opinion SOC/792, *No place for hate: a Europe united against hatred*, 30 May 2024, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/no-place-hate-europe-united-against-hatred>
European Commission, Citizens’ Engagement Platform, European Citizens’ Panel on Tackling Hatred in Society: Recommendations Delivered, https://citizens.ec.europa.eu/european-citizens-panels/tackling-hatred-society-panel_en.

85 European Commission, Communication – A Union of Equality: Gender Equality Strategy 2020-2025, COM(2020)152 final, 5 March 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0152>.

86 EESC opinion SOC/723, *Gender lens investing as a way to improve gender equality in the European Union*, 14 December 2022, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/gender-lens-investing-way-improve-gender-equality-european-union>.

87 EESC opinion SOC/633, *Gender equality strategy*, 15 July 2020, <https://www.eesc.europa.eu/et/our-work/opinions-information-reports/opinions/gender-equality-strategy>.

88 EESC opinion SOC/731, *Gender equality*, 13 July 2022, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/gender-equality>.

women and domestic violence (Istanbul Convention)⁸⁹ and ensure the full implementation of the EU's commitments under the Convention based on its accession in October 2023, including as regards judicial cooperation and asylum.⁹⁰

To the EU Member States:

- Implement swiftly and fully the **Council Conclusions on the Economic empowerment and financial independence of women** of May 2024 as a pathway to ensuring substantive gender equality⁹¹, paying special attention to the need to mainstream a gender perspective across all policies and programmes,⁹² as well as the need to adopt a 'gender lens on poverty', as encouraged by the EESC.⁹³
- Implement swiftly and fully the **Directive on combating violence against women and domestic violence**⁹⁴ and review the national legal definitions of rape to ensure they are based on the lack of consent alone, without the prerequisite of force or threats in order for charges to be brought against an offender.⁹⁵
- Complement the abovementioned Directive to **cover all forms of violence against women**, including, among others, institutional violence, sexual and reproductive exploitation, harassment at work, gender-based violence occurring in the family, chemical submission, street harassment, gender and/or sex-based sexual harassment, and forced sterilisation of women with disabilities.^{96, 97}
- Better address **discrimination against women in the workplace** as well as in terms of access to employment, notably based on the Equal Treatment and Employment Directive.

⁸⁹ Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210), <https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treaty-num=210>

⁹⁰ EESC opinion SOC/798, *Violence against women as a human rights issue: state of play of measures across the EU*, to be adopted, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/violence-against-women-human-rights-issue-state-play-measures-across-eu>.

⁹¹ Council conclusions on the Economic empowerment and financial independence of women as a pathway to substantive gender equality, 8957/24, May 2024, <https://data.consilium.europa.eu/doc/document/ST-8957-2024-INIT/en/pdf>.

⁹² See also Council conclusions on Mainstreaming a gender equality perspective in policies, programmes, and budgets, 9684/23, May 2023, <https://data.consilium.europa.eu/doc/document/ST-9684-2023-INIT/en/pdf>.

⁹³ 'EESC to represent European civil society at the UN Commission on the Status of Women for the first time', 13 March 2024, <https://www.eesc.europa.eu/en/news-media/press-releases/pour-la-premiere-fois-le-cese-represente-la-societe-civile-europeenne-la-commission-de-la-condition-de-la-femme-des>.

⁹⁴ Directive on combating violence against women and domestic violence, PE-CONS 33/24, 25 April 2024, <https://data.consilium.europa.eu/doc/document/PE-33-2024-INIT/en/pdf>.

⁹⁵ EESC opinion SOC/726, *Combatting violence against women*, 13 July 2022, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/combating-violence-against-women>.

⁹⁶ EESC opinion SOC/726, *Combatting violence against women*, 13 July 2022, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/combating-violence-against-women>.

⁹⁷ See also EESC opinion SOC/798, *Violence against women as a human rights issue: state of play of measures across the EU*, to be adopted, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/violence-against-women-human-rights-issue-state-play-measures-across-eu>.

- Remove all **obstacles to the full participation of women**⁹⁸ in labour markets in order to close the gender and pensions gap. Ensure the full implementation of principle 2 of the European Pillar of Social Rights on gender equality, using all appropriate tools such as collective bargaining between the social partners, training and mentoring programmes targeted at female leaders, equal access by women to both private financing and public funding, and gender pay transparency, etc.

Ethnic and religious minorities

To the EU institutions and the EU Member States:

- Swiftly and fully implement the **Anti-Racism Action Plan**⁹⁹, the EU Roma Strategic Framework¹⁰⁰, the EU Strategy on Combating Antisemitism and Fostering Jewish Life^{101,102}, and give full support to the work of the European Commission’s Coordinator on combating anti-Muslim hatred. Undertake a comprehensive assessment of the implementation of the Framework Decision on combating racism and xenophobia by means of criminal law¹⁰³. Start preparing the renewal of the Anti-Racism Action Plan for after 2025 based on the lessons learned from progress reports, civil society consultations, and the highest standards to be attained in each area.

98 Including women with a migrant background – see EESC opinion SOC/641, *Integration of women, mothers and families with a migrant background in the EU Member States and target language levels for integration*, 29 October 2020, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/integration-women-mothers-and-families-migrant-background-eu-member-states-and-target-language-levels-integration>.

99 European Commission, Communication – A Union of equality: EU anti-racism action plan 2020-2025, 18 September 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:0565:FIN>.

100 The new EU Roma strategic framework for equality, inclusion and participation (full package), 7 October 2020, https://commission.europa.eu/publications/new-eu-roma-strategic-framework-equality-inclusion-and-participation-full-package_en.

101 European Commission, Communication – EU Strategy on Combating Antisemitism and Fostering Jewish Life (2021-2030), COM (2021) 615 final, 5 October 2021, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52021DC0615>.

102 EESC opinion SOC/704, *EU strategy on combating antisemitism and fostering Jewish life*, 23 March 2022, <https://www.eesc.europa.eu/cs/our-work/opinions-information-reports/opinions/eu-strategy-combating-antisemitism-and-fostering-jewish-life>.

103 Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32008F0913>.

To the EU Member States:

- Develop **national action plans against racism and racial discrimination**¹⁰⁴ as part of the EU's Anti-Racism Action Plan¹⁰⁵, taking into account the common guiding principles in the area¹⁰⁶ and the Joint Report on the Application of the Employment Equality Directive and the Race Equality Directive.¹⁰⁷
- Swiftly and fully implement the **EU Roma strategic framework**¹⁰⁸ and the 2021 Council Recommendation on Roma equality, inclusion and participation¹⁰⁹, paying particular attention to the need to ensure that the Roma are properly consulted and represented in political and public spheres.¹¹⁰
- Put in place zero tolerance policies concerning **hate speech and hate crime**, both on- and offline, and increase reporting, data collection, victim support, and awareness-raising in these areas.

Migrants, including asylum-seekers and refugees

To the EU institutions and the EU Member States:

- Implement the **EU Pact on Migration and Asylum**¹¹¹ in a way that combines effective and realistic migration management with the Member States'

104 EESC opinion SOC/666, *A Union of equality: EU anti-racism action plan 2020-2025*, 27 April 2021, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/union-equality-eu-anti-racism-action-plan-2020-2025>.

105 European Commission, Communication – A Union of equality: EU anti-racism action plan 2020-2025, 18 September 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:0565:FIN>.

106 European Commission, Common guiding principles for national action plans against racism and racial discrimination, 2022, https://commission.europa.eu/system/files/2022-05/common_guiding_principles_for_national_action_plans_against_racism_and_racial_discrimination.pdf.

107 European Commission, Report on the application of Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ('the Racial Equality Directive') and of Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation ('the Employment Equality Directive'), COM(2021) 139 final, 19 March 2021, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2021:139:FIN>.

108 European Commission, Communication – A Union of Equality: EU Roma strategic framework for equality, inclusion and participation, COM(2020)620 final, 7 October 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0620>.

109 Council Recommendation of 12 March 2021 on Roma equality, inclusion and participation 2021/C 93/01, [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021H0319\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021H0319(01)).

110 EESC, Contribution from the EESC study group on Roma inclusion for the post-2020 Roma strategy, <https://www.eesc.europa.eu/en/our-work/publications-other-work/publications/contribution-eesc-study-group-roma-inclusion-post-2020-roma-strategy>.

111 In the spirit of position defended by the EESC in its corpus of Opinions on migration: <https://www.eesc.europa.eu/sites/default/files/files/qe-04-23-287-en-n.pdf>
European Commission, Pact on Migration and Asylum, https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum_en.

commitments under international human rights law, notably the 1951 Geneva Convention¹¹² relating to the Status of Refugees.¹¹³

- Implement swiftly and fully the **EU Action Plan on Integration and Inclusion 2021-2027**¹¹⁴ and better integrate recommendations from civil society (including the social partners), particularly those stemming from the European Migration Forum.¹¹⁵
- Better address **discrimination against migrants in the workplace** and in terms of access to the labour market, notably drawing on the Equal Treatment and Employment Directive and by developing a more specific approach to migrants' residential rights, developing an updated chart of skills needs in order to correspond to European labour markets, and enhancing synergies between actors from civil society, humanitarian organisations, and state social protection schemes.¹¹⁶
- Adopt a holistic approach in **diversity management policies**¹¹⁷ (e.g. through the generalisation of diversity charters in workplaces) in order to focus on all aspects of the work and daily lives of discriminated groups, including migrants. Diversity policies should not only address the underutilisation of migrants' skills but also provide them with free education, including language courses.

LGBTIQ+ people

To the EU institutions and the EU Member States:

- Ensure the full and equal implementation of the **LGBTIQ+ Equality Strategy 2020-2025**¹¹⁸ in conjunction with the other European equality strategies, and the

112 United Nations, Convention relating to the Status of Refugees, 28 July 1951, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees>.

113 EESC opinion SOC/649, *A New Pact on Migration and Asylum*, 27 January 2021, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/new-pact-migration-and-asylum>.

114 European Commission, Communication – Action plan on Integration and Inclusion 2021-2027, 24 November 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0758>
EESC opinion SOC/668, *Action plan on integration and inclusion 2021-2027*, 27 April 2021, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/action-plan-integration-and-inclusion-2021-2027>.

115 EESC, European Migration Forum, <https://www.eesc.europa.eu/en/sections-other-bodies/other/european-migration-forum/events>.

116 EESC opinion SOC/794, *Factual and legislative analysis of integration of migrants in the EU labour market*, October 2024, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/factual-and-legislative-analysis-migration-flows-integration-eu-labour-market>.

117 EESC opinion SOC/642, *Diversity management in the EU Member States*, 29 October 2020, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/diversity-management-eu-member-states-exploratory-opinion-request-german-presidency>.

118 European Commission, Communication – Union of Equality: LGBTIQ+ Equality Strategy 2020-2025, 12 November 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0698>.

Declaration on the continued advancement of the human rights of LGBTIQ+ persons in Europe¹¹⁹, taking into consideration intersectionality aspects. Start preparing the renewal of the strategy for after 2025, based on the lessons learned from progress reports, civil society consultations, and the highest standards to be attained in each area.¹²⁰

To the EU Member States:

- Provide medical and **social services, shelters, help programmes and safe places** for LGBTIQ+ people who are victims of domestic violence, hate crimes and hate speech, as well as for LGBTIQ+ young people who are left without family support.¹²¹
- Better address **discrimination against LGBTIQ+ people in the workplace** and in terms of access to employment, notably by effectively extending the application of the Equal Treatment and Employment Directive¹²² to transgender, non-binary, intersex and queer people, as well as to areas other than employment.¹²³
- Provide funding for the training of professionals who interact with LGBTIQ+ people, and encourage the exchange of **best practices** between Members States.¹²⁴
- Prohibit so-called **conversion practices** in all EU Members States, since they are practices that violate fundamental rights and have been classified as torture.¹²⁵

119 Declaration on the continued advancement of the human rights of LGBTIQ+ persons in Europe, signed on the occasion of the High Level Conference *Pride Alliances and Policy: Towards a Union of Equality*, 17 May 2024, <https://belgian-presidency.consilium.europa.eu/media/kvibjar1/declaration-final.pdf>.

120 In the spirit of EESC opinion SOC/667, *Union of Equality: LGBTIQ+ Equality Strategy 2020-2025*, 27 April 2021, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/union-equality-LGBTIQ+-equality-strategy-2020-2025>.

121 EESC opinion SOC/667, *Union of Equality: LGBTIQ+ Equality Strategy 2020-2025*, 27 April 2021, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/union-equality-LGBTIQ+-equality-strategy-2020-2025>.

122 Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32000L0078>.

123 EESC opinion SOC/667, *Union of Equality: LGBTIQ+ Equality Strategy 2020-2025*, 27 April 2021, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/union-equality-LGBTIQ+-equality-strategy-2020-2025>.

124 EESC opinion SOC/667, *Union of Equality: LGBTIQ+ Equality Strategy 2020-2025*, 27 April 2021, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/union-equality-LGBTIQ+-equality-strategy-2020-2025>.

125 EESC opinion SOC/667, *Union of Equality: LGBTIQ+ Equality Strategy 2020-2025*, 27 April 2021, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/union-equality-LGBTIQ+-equality-strategy-2020-2025>.

People with a disability

To the EU institutions and the EU Member States:

- Ensure the full participation of organisations of persons with a disability in the implementation of the **EU Strategy for the Rights of Persons with Disabilities**,¹²⁶ principle 17 of the European Pillar of Social Rights on the inclusion of people with disabilities, and the UN Convention on the Rights of Persons with Disabilities.¹²⁷
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- **Mainstream disability equality issues** across all relevant policies, taking into account intersectionality aspects (e.g. including a disability perspective in gender equality policies, and a gender perspective in disability policies).¹²⁹
- Adopt targets towards the elimination of the **employment gap** (with a focus on quality employment), based on the development of indicators on the disability employment gap.¹³⁰

To the EU Member States:

- Develop fully-fledged **national disability strategies**, taking into account the intersectionality of discrimination, and ensuring the full participation of organisations of persons with disabilities.
- Review the rules or organisational arrangements that deprive some voters with a disability of the possibility of **participating in elections** (including European elections), and take measures to ensure the accessibility of election information and polling stations.¹³¹

126 European Commission, Communication – Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030, COM(2021) 101 final, 3 March 2021, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM:2021:101:FIN>.

127 United Nations Convention on the Rights of Persons with Disabilities, <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html>.

128 EESC opinion SOC/616, *Shaping the EU agenda for disability rights 2020-2030: a contribution from the European Economic and Social Committee*, 11 December 2019, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/shaping-eu-agenda-disability-rights-2020-2030-contribution-european-economic-and-social-committee-own-initiative-opinion>.

129 EESC opinion SOC/579, *The situation of women with disabilities*, 11 July 2018, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/situation-women-disabilities-exploratory-opinion-requested-european-parliament>.

130 EESC opinion SOC/680, *Strategy on the rights of persons with disabilities*, 7 July 2021, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/strategy-rights-persons-disabilities>.

131 EESC opinion SOC/638, *The need to guarantee real rights for persons with disabilities to vote in European Parliament elections*, 2 December 2020, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/need-guarantee-real-rights-persons-disabilities-vote-european-parliament-elections-additional-opinion>.

- Complement the implementation of the European Disability Card with measures aimed at improving the **general accessibility of built environments, transport, services and goods**.¹³²
- **Enhance the access to justice of persons with a disability**, taking into account legal incapacitation and accessibility issues, and providing support in decision-making and communication.¹³³

132 EESC opinion SOC/765, *European Disability Card*, 27 April 2023, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/european-disability-card>.

133 EESC opinion SOC/680, *Strategy on the rights of persons with disabilities*, 7 July 2021, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/strategy-rights-persons-disabilities>.

The rule of law

Conclusions

During the sessions on the rule of law, the FRRL Group met with **legal professionals (including judges and lawyers' associations and unions)**, as well as with civil society organisations active in the area of the rule of law, open government, transparency, and the fight against corruption. The discussions held enabled the FRRL Group to better understand the multiple factors and conditions necessary to ensure the rule of law, including socio-economic aspects such as having the required means to provide independent and quality justice.

Independence of the judiciary was one of the key issues raised by legal professionals and civil society organisations in these sessions. It was noteworthy that examples or substantiated fears of political interference with the judiciary were cited in many countries (e.g. BG, CY, CZ, EL, ES, HU, IT, LT, PL, RO, SI), even though the constitutional order provided for a clear separation of powers. Such risks or cases of interference were often related to the decisive influence that the executive had on the nomination of judges. Judges, lawyers, and other legal professionals also gave an account of their perception of the mounting pressure they experienced stemming from various sources, which on occasion amounted to threats or even physical attacks (e.g. DE, IT, NL, PL, SE).

The **quality of justice** was another major issue raised by participants. In a significant number of countries visited, participants expressed their feeling that their national judicial system was solid and functioned well overall, despite a number of challenges (e.g. AT, CZ, DE, DK, EE, ES, FI, IE, LU, PT, SE). This feeling was not necessarily inconsistent with the perception of a slow or overburdened justice system (e.g. BE, CY, EL, ES, FI, HR, MT, NL, IT, LV, PT, SK). Two interrelated challenges were particularly emphasised in the majority of countries visited: firstly, the lack of financial and human resources available to the judiciary, with the participants calling for a stronger public response in this area (e.g. AT, BE, EE, FI, FR, HU, IT, LT, LV, NL, MT, SE, SI); and, secondly, serious or tangible challenges, to varying degrees, concerning access to justice, including victims' rights to a defence, legal aid, and cases of discrimination) (e.g. BE, BG, CY, CZ, EE, FR, DK, HR, IE, IT, NL, PT, SE, SI, SK).

Beyond the judiciary, participants in the sessions on the rule of law also raised issues linked to the **openness and transparency of decision-making** (e.g. FR, DK, EL, LT, MT, RO, SI, SK). Abuse of urgent law-making procedures was particularly highlighted in the context of the COVID-19 pandemic, but cases of decision-making taking place outside the framework of the law were also mentioned in relation to the area of security and migration. In several countries, participants acknowledged the resilience demonstrated by existing checks and balances throughout the COVID-19 period, particularly through the involvement of civil society and the constitutional or parliamentary review of emergency legislation. However, in certain countries, participants highlighted a pre-existing culture of top-down decision-making that had been exacerbated by the pandemic.

Corruption, conflicts of interests, and a more general lack of transparency in public life were key concerns in many countries visited, with participants calling for stronger public responses in a significant number of countries (e.g. BE, BG, CY, CZ, EL, HR, HU, LV, MT, NL,

SI). Challenges relating to corruption and transparency differed across the countries visited, but the participants as a whole advocated for national anti-corruption strategies, mechanisms, and public prosecution to be strengthened. In several countries, participants also called for better implementation of the Whistleblower Directive and for more transparency in the area of interest representation (e.g. BE, DK, EL, ES, IE, LV, SK, SI).

Recommendations

Based on these key conclusions gathered from legal professionals and civil society organisations active in the area of the rule of law, the FRRL Group reiterates the key importance of involving all relevant stakeholders in society in the development and consolidation of a **'joint culture of the rule of law'**.¹³⁴ This objective requires political will as well as financial and human resources in order to reinforce the independence and quality of justice, as well as the openness and transparency of public life. For the FRRL Group, it is essential to put legal professionals, civil society organisations active in the area of justice, and rights holders at the centre of these responses. More generally, the role of civil society as part of the necessary checks and balances should be further recognised and stepped up.

The FRRL Group recommends, in particular:

Access to independent and quality justice

To the EU institutions and the EU Member States:

- Allocate **adequate financial and human resources to the judicial system**, including ensuring judges have adequate pay to enhance the attractiveness of the profession, as well as providing resources to ensure an effective legal aid system. Ensure the proper implementation of the highest level of procedural safeguards in the areas of fair trial, such as the presumption of innocence, the right to information, the right to access a lawyer, the right to interpretation and translation, victims' rights, and specific child-friendly justice considerations.¹³⁵

¹³⁴ See the European Commission Communication Further strengthening the Rule of Law within the Union, COM(2019) 163 final, 3 April 2019, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52019DC0163>

EESC opinion SOC/627, *Further strengthening the Rule of Law within the Union*, 19 June 2019, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/further-strengthening-rule-law-within-union-state-play-and-possible-next-steps-communication>.

¹³⁵ See the relevant EESC opinions in the matter: [SOC/775](#) – *Transfer of proceedings in criminal matters*; [SOC/711](#) – *Digitalisation of cross-border judicial cooperation*; [INT/932](#) – *Digitalisation of justice*; [INT/931](#) – *E-Codex*; [SOC/394](#) – *The right to information in criminal proceedings*; [SOC/752](#) – *Anti-trafficking Directive*; [SOC/750](#) – *Strengthening the role and independence of Equality bodies*; [SOC/779](#) – *International protection of adults*; [SOC/780](#) – *Revision of victims' rights directive*.

- Improve the individual assessment of victims and their support throughout the judicial process. Fully implement the revised **Victims' Rights Directive**,¹³⁶ notably by allocating sufficient funding at EU and national level, in order to improve access to compensation for victims and training for professionals working with victims on their rights.
- Prioritise **effective legal protection and access to justice for all**,¹³⁷ taking particular account of the needs of members of marginalised groups and ensuring that developments in the justice sector (such as digitalisation) leave no one behind.
- Ensure that the **digitalisation of justice** provides solutions for security and confidentiality, open justice (the principles of participation, observation and accessibility), and bridging the digital divide, in order to ensure accessibility for all.¹³⁸

Checks and balances

To the EU institutions and the EU Member States:

- Further emphasise the monitoring of the **civic space** in Member States under the EU Rule of Law Review Mechanism,¹³⁹ drawing particularly on contributions from civil society¹⁴⁰ – including those from candidate countries¹⁴¹ – and from the country visit reports by the EESC FRRL Group itself.

¹³⁶ EESC opinion SOC/780, *Revision of victims' rights directive*, 13 December 2023, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/revision-victims-rights-directive>.

¹³⁷ European Commission-EESC seminar on *Effective legal protection and access to justice for all – a fundamental rights perspective*, 14 March 2024, <https://www.eesc.europa.eu/en/agenda/our-events/events/effective-legal-protection-and-access-justice>. The seminar was based on the 2023 Annual report on the application of the EU Charter of Fundamental Rights, https://commission.europa.eu/document/download/435ae4e8-f5f4-432b-a391-b05468474a1e_en?filename=COM_2023_786_1_EN_ACT_part1_v3.pdf.

¹³⁸ EESC opinion SOC/711, *Digitalisation of cross-border judicial cooperation*, 6 May 2022, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=PI_EESC%3AEESC-2022-00174-AS.

EESC opinion INT/932, *Digitalisation of justice*, 27 April 2021, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/digitalisation-justice>.

EESC opinion SOC/775, *Transfer of proceedings in criminal matters*, 20 September 2023, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/transfer-proceedings-criminal-matters>.

¹³⁹ EESC opinion SOC/672, *European democracy action plan*, 9 June 2021, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/european-democracy-action-plan>.

¹⁴⁰ See for example Civil Society Europe, *Joint civil society contributions to the Rule of Law Report*, <https://civilsocietyeurope.eu/rule-of-law/>.

Liberties, *Rule of Law Reports*, <https://www.liberties.eu/en/reports-and-papers?theme=democracy-and-justice>.

¹⁴¹ EESC opinion SOC/797, *Evaluation of the European Commission's annual reports on the rule of law in the European Union*, to be adopted, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/evaluation-european-commissions-annual-reports-rule-law-european-union>.

- Adopt an interinstitutional agreement on **civil dialogue** based on Article 11 TEU¹⁴², and set up an annual Civil Society Forum on Fundamental Rights and the Rule of Law.¹⁴³
- Put in place an ambitious **public communication, education and awareness-raising strategy** on fundamental rights, the rule of law and democracy, with a strong focus on active citizenship.¹⁴⁴
- Amend the proposed **Directive on transparency of interest representation on behalf of third countries**¹⁴⁵ to adopt a wider approach that does not stigmatise interest representation service providers, does not shrink civic spaces in the EU, and does not undermine the credibility of the EU as an international actor.
- Strengthen the role of **public services** as regards the rule of law, by ensuring that they consistently adhere to the principles of objectivity, integrity, neutrality, the application of law and order, transparency, respect for others, and commitment to the European Union and its citizens.¹⁴⁶

Transparency and corruption

To the EU institutions and the EU Member States:

- Adopt an **EU global anti-corruption strategy** and reinstate the EU Anti-Corruption Report, paying particular attention to the need to better evaluate national legislative frameworks on the integrity of public procurement, notably by reinforcing the ‘integrity pacts’.¹⁴⁷

¹⁴² EESC opinion SOC/672, *European democracy action plan*, 9 June 2021, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/european-democracy-action-plan>.

¹⁴³ EESC opinion SOC/627, *Further strengthening the Rule of Law within the Union. State of play and possible next steps*, 19 June 2019, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/further-strengthening-rule-law-within-union-state-play-and-possible-next-steps-communication>.

¹⁴⁴ EESC opinion SOC/627, *Further strengthening the Rule of Law within the Union. State of play and possible next steps*, 19 June 2019, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/further-strengthening-rule-law-within-union-state-play-and-possible-next-steps-communication>.
See also EESC opinion SOC/725, *Communicating fundamental rights and the rule of law*, 14 December 2022, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/communicating-fundamental-rights-and-rule-law>.

¹⁴⁵ EESC opinion SOC/773, *Defence of Democracy Package*, 24 April 2024, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/defence-democracy-package>.

¹⁴⁶ EESC opinion SOC/643, *Principles for public services for democracy*, 2 December 2020, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/principles-public-services-ie-public-services-citizens-public-administration-contribute-directly-stability-free>.

¹⁴⁷ EESC opinion INT/1023, *Corruption in public procurement and its impact on the internal market*, 17 January 2024, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/corruption-public-procurement-and-its-impact-internal-market>.

- Implement the future **Directive on combating corruption** in the most extensive way, by adopting and implementing rules in such key areas as: keeping records of all access to elected and government officials, strengthening post-mandate bans to curb the revolving door, adopting codes of conduct and a legal framework on lobbying, establishing a system of incompatibility as well as financial disclosures and registration of assets for members of the legislative, executive and judiciary systems. Similar rules could apply to the EU institutions, bodies and agencies regarding conflicts of interest.¹⁴⁸
- Boost the scope and use of the general regime of conditionality for the protection of the EU budget¹⁴⁹, notably by subjecting all programmes supported by the EU budget to stricter legal requirements regarding **freedom of information and transparency**.¹⁵⁰

148 EESC opinion SOC/776, *Update of the anti-corruption legislative framework*, 25 October 2023, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/update-anti-corruption-legislative-framework>.

149 Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget, <https://eur-lex.europa.eu/eli/reg/2020/2092/oj>.

150 EESC opinion SOC/692, *Rule of law and the recovery fund*, 19 January 2022, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/rule-law-and-recovery-fund-own-initiative-opinion-fr1>.

Conclusions

This report has put in perspective **civil society's views on key trends in the area of fundamental rights and the rule of law** stemming from five years of country visits. In addition to having gathered first-hand testimonies about trends in the area of fundamental rights and the rule of law, the first cycle of country visits also provided a means for the FRRL Group to learn about other key concerns regarding democracy in the EU Member States: the various levels of solidity and maturity of civil society; the various levels of openness of public authorities towards civil society and towards protecting a free civic space; and, as a result, the various levels of development and constructiveness of the dialogue between civil society and public authorities. These factors are sometimes – though not always – correlated with the overall level of protection of fundamental rights and the rule of law in practice.

One of the key conclusions which emerged from these five years of exchanges with representatives of national civil societies is the concerning rise in a **climate of polarisation and threats** against various actors, including journalists, civil society workers, and legal professionals. Such threats appear to thrive in the context of digitalisation, and to stem from various sources, including political actors (sometimes even those in power), and have been boosted by online social networks. These social tensions point to a more general erosion of trust within society and between the state and society, raising questions about the stability of democratic governance. They also partially explain why significant advancements both in terms of rights and of social acceptance in some areas over recent decades (for example, in the area of LGBTIQ+ rights and women's rights) have also met with backlash from some increasingly active parts of society.

In such a context, it seems that civil society's demands for strong responses at state and EU level have never been as high. Many of the views reproduced in this report refer to important **European initiatives** launched in recent years, which participants in the various sessions often regarded as offering the prospect of improvements in their national situation. The FRRL Group notably heard many references to the European Pillar of Social Rights, budget conditionality linked to fundamental rights and the rule of law, the European Media Freedom Act, the anti-SLAPP Directive, the Whistleblower Directive, and the various Directives relating to the 'Union of Equality'. Such discussions have shown the high expectations among civil society stakeholders with respect to EU legislation, which is viewed as providing the basis for a common approach to joint challenges and an upward harmonisation of legal frameworks.

At the same time, one of the most obvious and striking conclusions of this first cycle of country visits is the significant **implementation gap** between generally adequate legal frameworks and many unsatisfactory situations in practice. This is where civil society mobilisation at national and European level plays an essential role. Civil society is there to monitor public authorities and draw attention to the fact that EU Member States are bound by both their international human rights law commitments and the EU's own fundamental rights law, such as the EU Charter of Fundamental Rights, when exercising their remit of EU competences. The implementation gap highlighted by civil society also illustrates how EU initiatives are not in themselves sufficient to bring about change; national political will and the allocation of sufficient resources are two essential factors in that regard.

Based on the experience of the FRRL Group’s first cycle of country visits, it appears that a **lack of political will** can take various forms, from Member States lagging behind in setting up effective protection frameworks, to exerting open hostility with regard to fundamental rights, civil society, and the rule of law. It can also lead to more or less obvious situations of interference by the executive or political forces in judicial independence, the civic space, or the editorial independence of the media.

One of the other most obvious common threads across all of the countries visited was the need for increased **public investment**, in terms of both financial and human resources, in order to address pressing challenges effectively. This was particularly true in the area of justice, but increased public investment was also deemed essential in order to consolidate the civic space and media freedom, and provide a remedy to victims of discrimination.

Based on the testimonies heard by the FRRL Group, the above-mentioned phenomena manifest in different combinations in each country. None of the countries visited was free from major challenges, but **the actual scope and magnitude of these challenges varied considerably from country to country**. The impression that emerged from a few countries visited – and not only the ones under the Article 7 TEU¹⁵¹ procedure – was even one of a profound fundamental rights and rule of law crisis that put democracy at stake in their country. Participants also often shared their fears about the idea of regional or European contagion of such a crisis, and the possibility that ‘illiberal democracies’ could become a new alternative model in countries in the hands of forces with an anti-human rights agenda.

Of course, the situation was not entirely bleak everywhere. The FRRL Group also heard about many situations where authorities and civil society shared the overall objective of defending fundamental rights and the rule of law more effectively. It emerged clearly from some exchanges with both public authorities and civil society that, in many countries, **public policies** were in place that sought to transpose legal frameworks into reality, concerning public support for independent civil society, free media, the fight against discrimination, a strong judiciary, and impactful social dialogue. However, it also appeared that the scope and detail of such policies, and the resources provided for them, varied considerably. In addition, the FRRL Group observed how public policies could sometimes be incoherent or contradictory. On occasions, it seemed that, for example, the state’s arm in charge of security or migration control policies was acting in opposition to the state’s arm in charge of social policies, fundamental rights, or the rule of law.

Taking these aspects into account, the overall conclusion from the first cycle of country visits remains forward-looking and hopeful. During its 27 country visits, the FRRL Group heard how comparable rules, for example those framing the work of the judiciary, can be applied differently depending on whether or not those enforcing them do it with democratic objectives in mind. In other words, **the interpretation and implementation of laws are profoundly influenced by underlying values**, with democratic cultures fostering fairness and impartiality, while undemocratic or illiberal contexts have the potential to lead to biased or arbitrary applications. This lesson should be taken as encouragement to further invest in the development of democratic culture in general, starting with civil society as its staunchest defender, even in countries where some political forces have captured the state apparatus. Furthermore, the EU has a role to play in fostering

¹⁵¹ Article 7 TEU, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012M007>.

exchanges between Member States in order to prepare them all – including long-established democracies – to further develop democratic safeguards, such as mechanisms to quickly restore all checks and balances after episodes of fundamental rights and rule of law regression. Given the growing instability of the political landscape in many Member States, the FRRL Group supports a vision of public policies where *today's* law-makers ensure that the laws they are producing entail sufficient guarantees to prevent their possible abuse *tomorrow*. It has already called for an awareness-raising campaign and civic education to strengthen democratic values and the rule of law¹⁵². Based on close collaboration with civil society, such mainstreaming of fundamental rights and rule of law guarantees across general policy-making could prove essential for the long-term resilience of European democracies.

¹⁵² EESC opinion SOC/725, *Communicating fundamental rights and the rule of law*, 14 December 2022, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/communicating-fundamental-rights-and-rule-law>.



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