



## Fundamental rights and the rule of law - Trends in the EU from a civil society perspective

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Luca Jahier, EESC President

Speaker

Dear Madam Secretary of State Malin Brännkär,

Dear Mr Chairman Juan Fernando López Aguilar,

Dear Madam Director-General Tiina Astola,

Dear Mr Ambassador Zoltan Taubner,

Dear participants,

I am very proud to welcome you to the first major EESC conference on fundamental rights and the rule of law

This is a key moment for us. In 2018, we created the Fundamental Rights and Rule of Law Group, as a response to increasing attacks on civil society and concerns about shrinking space for their activities.

Here I want to acknowledge the impressive work and commitment done by this Group and its team leaders, Jose Antonio Moreno Diaz, Karolina Dreszer-Malec and Jukka Ahtela.

It was in an opinion adopted in 2016 that EESC asked the EU Institutions for a comprehensive mechanism to assess Members States on a regular basis, to verify compliance with EU's fundamental values, avoid a breakdown of mutual trust and include a strong civil society component.

As one of the first steps, we started by visiting EU Member States to relay the views of civil society.

Our objective is to foster better understanding amongst all stakeholders – including civil society and national authorities – and to encourage dialogue.

A strong and vibrant civil society is vital for our democracies and for our European Values and therefore we need a strong "civil society component".

Next year, we hope that this conference will have evolved into a wider "Stakeholders Forum" that we are proposing to the European Commission.

This Forum could gather dozens of representatives from civil society from all over Europe, as it is already done in EU external relations.

It could lead to a permanent process of exchange, a "structured dialogue", which would open a space for civil society from all 27-28 MS to contribute to EU policy in these areas.

I am convinced that the EESC has a genuine added value to offer to facilitate the inclusion of civil society. The EESC could give a formal contribution to inter-institutional dialogue proposed by the European Commission as part of the 'Rule of Law Review Cycle'.

### **Why do we insist on civil society involvement?**

#### **Well, we are living in challenging times.**

At a moment when we hear a lot about division, it is worth recalling what binds us together in our European project, what creates our European identity.

First and foremost, we are united by common European values – the values proclaimed in Article 2 of the EU Treaty: respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.

For long, we assumed that these values were self-evident. But we just have to open the newspapers to understand that this is no longer the case: we see journalists threatened, attacked, and sometimes killed – here in Europe! We see Civil Society Organisations and human rights defenders increasingly stigmatised. We see serious breaches on the independence of the judiciary in some countries. We see hate speech rising in a way that has not been seen for decades.

## **It is urgent that we look for solutions together!**

To paraphrase one of our founding fathers, Robert Schuman, I would say that what Europe needs now are "creative efforts proportionate to the dangers which threaten it".

We cannot assume any more that the European project as a guarantor of peace is enough to convey popular support.

What we need now is a dream for a positive future. And for this, we must combine the defence of the EU founding values with the renewal of the EU project and our common yet diverse culture.

This is the European way of life, we should protect, promote and develop.

Our values and our culture are what defines us.

Our project is what makes us walk together, looking in the same direction.

When I say that we must revive the European project, I mean that we must ensure that the EU and Member States deliver on the expectations of our citizens: well-being, a fair economy, social progress, the preservation of the environment, and sustainable development for the benefit of all.

Otherwise, values just become abstractions.

## **What we need is an ambitious and comprehensive response to challenges to fundamental rights and the rule of law.**

This means that every Member State all EU institutions should be concerned by the defence of EU values.

So we are very happy about recent developments, since the important European Commission Blueprint for action of last July 2019, on strengthening the rule of law within the Union.

Both the European Commission's "Rule of Law Review Cycle" and the Member States' "peer review mechanism" will concern every Member State. And that is what we asked since 2016.

- This also means that civil society should be included in the defence of these values. We need discussions amongst all stakeholders to find solutions.

Therefore the Commission's idea of an inter-institutional dialogue on the rule of law, must include the EESC.

Indeed, when democracy is in danger, it is not only our institutions that are at stake: it is everybody, including civil society. Some falsely consider that civil society is a problem. But a vibrant civil society is actually part of the solution. In pointing out critical aspects of government action or policy, they help improve these very policies.

Governments and EU institutions have to welcome critical voices, because without those, dialogue disappears and lead us on the road towards autocracy.

Yes, let's talk about the risk of such a regression.

Here and there in Europe we register growing signs of fatigue with liberal democracy and we see rising a public call for authoritarian sovranism, with all its collateral aspects of racism, antisemitism and hate speech.

Linked to this is the shrinking space for action of fundamental actors and institutions of our democratic systems

The subjects we are discussing today are everyone's business. They are not only legalistic battles between "Brussels" and some European capitals. We need to convey this understanding to the citizens.

Therefore, the Fundamental Rights and Rule of Law Group of the EESC works both to include all Member States and civil society.

The Group is indeed visiting ALL the EU Member States. It does so to hear and relay the voice of civil society in the most faithful way.

The EESC is quite conscious of its remit and its added-value. Its role is not to undertake a legal analysis of the situations. Many such excellent bodies already exist, as I am sure that Ambassador Taubner from the Council of Europe will testify so.

The EESC sees its role as a relay to highlight trends across the European continent, based on the perceptions and perspectives of civil society, developed in specific national contexts.

It is the EESC's role and its added-value to highlight the concerns of civil society- before inviting everyone to

sit at the table and engage in discussions. Because only a mature dialogue can help address misunderstandings and propose inclusive and constructive solutions. We should not forget that civil society organisations are active in many different fields and have close contact with the grassroots. This strengthens our democracy.

Today and in future, the EESC will continue being pro-active in this direction.

We have a number of proposals for a strong civil society component that we hope to discuss with all the institutions present at this panel – a Stakeholders Forum, structured dialogue, a formal contribution to the inter-institutional dialogue on the rule of law.

All this work we are doing to support the emergence of a "civil society component" in the rule of law discussions – is the contribution that our Committee wants to have towards the development of a "Rule of Law Culture" in Europe.

Before concluding let me refer to my recent exchange with the EU Court of Justice President, Koen Lenaerts, to whom I briefly presented our work and who expressed his support to such an action, as the concern and active vigilance on rule-of-law is - in his view - the crucial fight to preserve peace and stability.

In a speech in Madrid, at the Carlos III University last 25 October he said "... as a rule-based legal order, the EU has not only served to secure the 'negative peace' but also promoted and consolidated 'positive peace'... European integration means not only 'integration through law' but most importantly 'integration through the rule of law' "

We look forward to discussing these ideas and others with you.

As for today, I look forward to the discussions that will not only cover the institutional developments concerning the EU's response, but that will also cover such essential concrete topics such as media freedom, civic space and the challenges faced by discriminated groups.

I wish you a good conference Thank you.