



Conference on:

**Fundamental rights and the rule of law –
Civil society perspectives on the European Rule of Law Mechanism**

Thursday 4 November 2021

Presentation

Europe and the world have been confronted with an unprecedented health crisis which has amplified existing challenges to fundamental rights and the rule of law and created new ones.

In some countries, a tendency to centralise state's responses to the crisis in the hands of the executive has affected the balance of powers. The recourse to states of emergency or similar legal frameworks using derogations have also led to the risk that they become the norm rather than the exception. Everywhere, fundamental rights have been challenged to various extents, often leading to an increase in inequality and discrimination, attacks against freedom of expression and media freedom, and a reduction in civic space and in possibilities for public participation.

The EESC Fundamental Rights and Rule of Law Group has closely monitored these trends, including through hearings that have given the floor to key stakeholders on the COVID-19 [impact](#) and [exit strategy](#). After a pause due to travel restrictions, the group has also resumed its country visits to meet civil society and national authorities in Italy, Denmark, Germany, Ireland, the Czech Republic, and Spain. It has also continued feeding into debates at European level through a number of opinions¹.

The FRRL Group is convinced that civil society participation is central to proposing lasting solutions to the current challenges. It recently opened a [web section](#) allowing stakeholders to share their contributions to the FRRL Group country visits and to the European Commission Rule of Law Reports.

¹ [ECO/511](#), [SOC/643](#), [SOC/671](#), [SOC/672](#), [SOC/635](#), [SOC/691](#), [SOC/692](#).

This conference of the FRRL Group will be organised with the same perspective of contributing to a shared culture of fundamental rights and the rule of law through civil society participation. The conference will bring together civil society (including social partners) representatives, EU institutions, and other stakeholders to discuss the main developments in the EU in 2020-2021.

It will offer a space for dialogue amongst stakeholders which contributed to the FRRL Group country visits carried out in 2020-2021 and to the first two Rule of Law Reports published by the European Commission in [September 2020](#) and [July 2021](#) (the European Rule of Law Mechanism).

The 2021 Rule of Law Report, including its 27 country chapters, presented positive and negative developments across the Member States in four key areas for the rule of law: the justice system, the anti-corruption framework, media pluralism and other institutional issues related to checks and balances.

These four key themes will provide a framework for the discussions of the day, in particular the parallel breakout sessions:

- Justice
- Corruption
- Media
- Checks and balances.

Background

The [FRRL Group](#) was created in 2018 as a horizontal body within the European Economic and Social Committee, and 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: freedom of association, freedom of assembly, freedom of expression and freedom of the media, discrimination, and the rule of law as the guarantor of fundamental rights as they relate to all civil society organisations, including social partners.

The conference is the second organised by the FRRL group and follows on from a similar event held in 2019 at which participants discussed [Trends in the EU from a civil society perspective](#). Participants particularly discussed the themes of "Media and narratives around fundamental rights and the rule of law", "Civic space", and "Discriminated groups". The results of the discussions fed into the first [synthesis report](#) issued by the FRRL Group in June 2020, which highlighted trends in the EU based on the first seven country visits led by the Group.

Programme

09 a.m.	– On line tests and coffee –
10 a.m.	Opening Session [Room: JDE 62 – interpretation: ES EN FR DE] <i>Moderation: Florence Ranson, REDComms</i> <u>Welcome</u> <ul style="list-style-type: none">• Giulia Barbucci, Vice-President of the EESC – <i>remotely</i> <u>Defending Rule of Law in the EU – Keynote speakers</u> <ul style="list-style-type: none">• Gašper Dovžan, State Secretary at the Slovenian Ministry of Foreign Affairs State Secretary – <i>remotely</i>• Florian Geyer, Head of Unit ‘Justice and Rule of Law’, Directorate-General for Justice and Consumers (DG JUST)
10:45 a.m.	Main trends in Europe: a discussion on national experiences and European perspectives [Room: JDE 62 – interpretation: ES EN FR DE] Presentation: Cristian Pîrvulescu, President of the EESC FRRL Group <i>Moderation: Florence Ranson, REDComms</i> <ul style="list-style-type: none">• <u>Justice</u><ul style="list-style-type: none">– Rebecca Schonenbach, Veto! Für den Rechtsstaat e.V., Germany– Zara Iqbal, International Bar Association Human Rights Institute (IBAHRI)• <u>Media</u><ul style="list-style-type: none">– Matthew Caruana Galizia, Daphne Caruana Galizia Foundation, Malta– Renate Schroeder, European Federation of Journalists (EFJ)• <u>Corruption</u><ul style="list-style-type: none">– Sándor Léderer, Kmonitor, Hungary– Nicholas Aiossa, Transparency International• <u>Checks and balances</u><ul style="list-style-type: none">– Maria Ventegodt, Danish Institute for Human Rights, Denmark – <i>remotely</i>– Linda Ravo, Civil Liberties Union for Europe (Liberties)
12:45 p.m.	– Lunch break –

2:30 p.m.	Main trends in Europe – Experience sharing			
	<u>Justice</u> [Room: JDE 60 – language: EN]	<u>Corruption</u> [Room: JDE 63 – interpretation: EN FR]	<u>Media</u> [Room: JDE 61 – language: EN]	<u>Checks and balances</u> [Room: JDE 62 – interpretation: ES EN FR DE]
	<i>Moderation:</i> José Antonio Moreno Diaz, Member of the EESC FRRL Group	<i>Moderation:</i> Isabel Caño Aguilar, EESC Member	<i>Moderation:</i> Christian Moos, Member of the EESC FRRL Group	<i>Moderation:</i> Helena de Felipe Lehtonen, Vice-President of the EESC FRRL Group
	<u>Framing:</u> <ul style="list-style-type: none"> Stefano Mallia, President of the EESC Employers Group (I) – <i>remotely</i> Róisín Pillay, International Commission of Jurists (ICJ) – <i>remotely</i> Simone Cuomo, Council of Bars and Law Societies of Europe (CCBE) – <i>remotely</i> Colin Smith, the Bar of Ireland – <i>remotely</i> <u>Discussion</u>	<u>Framing:</u> <ul style="list-style-type: none"> MEP Ramona Strugariu (Romania, Renew Europe), EP intergroup on corruption – <i>remotely</i> Cristian Pîrvulescu, President of the EESC FRRL Group Bilyana Wegertseder, Bulgarian Institute for Legal Initiatives (BILI) – <i>remotely</i> Lukáš Kraus, Frank Bold' NGO/Reconstruction of the State project (Czech Republic) – <i>remotely</i> <u>Discussion</u>	<u>Framing:</u> <ul style="list-style-type: none"> Oliver Röpke, President of the EESC Workers Group (II) Julie Majerczak, Reporters without Borders (RSF) Isabella Splendore, Federazione Italiana Editori Giornali (FIEG) – <i>remotely</i> Elda Brogi, Centre for Media Pluralism and Media Freedom (CMPF) – <i>remotely</i> <u>Discussion</u>	<u>Framing:</u> <ul style="list-style-type: none"> Séamus Boland, President of the EESC Diversity Europe Group (III) Alexandrina Najmowicz, European Civic Forum – <i>remotely</i> Stefan Clauwaert, European Trade Union Confederation (ETUC) – <i>remotely</i> Claudiu Crăciun, National University of Political Studies and Public Administration (Romania) – <i>remotely</i> <u>Discussion</u>

4 p.m.	– <i>Coffee break</i> –
4:30	<p>Concluding Session [Room: JDE 62 – interpretation: ES EN FR DE]</p> <p><i>Moderation: Florence Ranson, REDComms</i></p> <p><u>Reporting from each thread</u></p> <ul style="list-style-type: none"> • Justice: Zara Iqbal, International Bar Association Human Rights Institute (IBAHRI) • Media: Renate Schroeder, European Federation of Journalists (EFJ) • Corruption: Nicholas Aiossa, Transparency International • Checks and balances: Linda Ravo, Civil Liberties Union for Europe (Liberties) <p><u>Lessons learned</u></p> <ul style="list-style-type: none"> • Nicole Romain, Head of Unit for Communications and Events, EU Fundamental Rights Agency (FRA) – <i>remotely</i> • Debbie Kohner, Secretary-General of the European Network of National Human Rights Institutions (ENNHRI) • Eszter Nagy, Member of the Bureau Executive of the Union of European Federalists (UEF) – <i>remotely</i> <p><u>Concluding remarks</u></p> <ul style="list-style-type: none"> • Cristian Pîrvulescu, President of the EESC FRRL Group
6 p.m.	– END –

ANNEX

Main trends in Europe: a discussion on national experiences and European perspectives

This session will gather civil society representatives having experience about the four key themes that structure the EC Rule of Law Report (Justice, Corruption, Media, Checks and balances). For each of these themes, a representative of a pan-European network and of a national organisation will take part in an interactive discussion on trends in the EU, including on the basis of the first two EC Rule of Law Reports. Participants will be able to ask questions and share their own experience directly.

Parallel sessions

The four parallel breakout sessions correspond to the four key themes that structure the EC Rule of Law Report (Justice, Corruption, Media, Checks and balances).

In each of the thematic parallel sessions, representatives of pan-European networks and national organisations will speak about their experiences and views on the theme. After this, a discussion will open amongst all participants, who are encouraged to share their own experiences, building on the previous exchanges as well as on the content of the EC Reports, the EESC Reports, and their own written input (which they can share in advance through the devoted [section on the EESC web page](#)).

Rapporteurs will summarise each session in the following concluding session, highlighting the main trends put forward in the discussions but also possible perspectives resulting from experience sharing.

Possible questions for discussion in the parallel sessions

Justice:

What are the trends in the EU, with possible reference to the EC [September 2020](#) and [July 2021](#) Reports, the [EESC FRRL Group country visits](#), and [contributions by civil society](#)?

- How to facilitate the best possible monitoring of the independence of justice? What are the methodology and key standards to consider taking into consideration various national traditions?
- Are there efforts to consolidate or undermine the independence of justice? What are the most solid safeguards?
- Are there early signs of drifts towards dependant justice? How to assess the relation between executive and legislative powers?
- How to build solidarity between independent judiciaries and the society before it is too late? How can CSOs better help the independent actors within dependent judiciaries?
- What are the concrete recourses for citizens in situations of judiciary drifting towards dependence?
- How to take up the challenge of awareness raising? How best to communicate on the key standards and importance of judicial independence to the general population?

Corruption:

What are the trends in the EU, with possible reference to the EC [September 2020](#) and [July 2021](#) Reports, the [EESC FRRL Group country visits](#), and [contributions by civil society](#)?

- How to appropriately combine tools of various nature (legal/societal, prevention/sanction, etc) in national strategies adapted to various situations?
- How to create a culture that disincentivises corruption? How to increase the dissuasive effect of criminal prosecution and sanctions?
- What methodologies can be shared in the areas of monitoring of corruption and conflicts of interests at national and local levels?
- How to build strong societal responses amongst the judiciary, the media, civil society before the plague of corruption and related threats neutralises the watchdogs?
- How to ensure that the necessary anti-corruption, transparency and integrity frameworks are in place for the proper implementation of the EU recovery funds and budget?
- How to take up the challenge of awareness raising? How to measure and communicate on the societal impact of corruption and how to make it a central issue?

Media:

What are the trends in the EU, with possible reference to the EC [September 2020](#) and [July 2021](#) Reports, the [EESC FRRL Group country visits](#), and [contributions by civil society](#)?

- What are the early signs and coping strategies to address the shrinking space for independent media and independent journalists?
- How can a journalist build a defence and keep working when facing threats, attacks and hostile law suits?
- What alliances can be built between independent media and the rest of the society?
- What methodologies, tools and objectives can be shared in relation with fact checking and tackling disinformation and 'infodemics'?
- How to raise awareness on media education, including the differentiation between facts and opinions?
- How to support an open access to quality and factual information? How to encourage quality citizen journalism? How to support new economic models for journalists and media?
- How have the media economic model been impacted by phenomenon like digitalisation, market concentration, COVID-19?

Checks and balances:

What are the trends in the EU, with possible reference to the EC [September 2020](#) and [July 2021](#) Reports, the [EESC FRRL Group country visits](#), and [contributions by civil society](#)?

- Has COVID-19 had lasting consequence on balance of power and the scrutiny role of the parliament, independent national human rights organisations, and civil society?
- Are there examples of rushed and urgency law making processes?
- Are there ongoing constitutional reform processes that would endanger checks and balances?
- Are legislative processes transparent and inclusive of civil society (including social partners)? Do they entail the necessary consultations and impact assessments?
- Can sensitive topics be the object of opened and free debate?
- Are there signs of shrinking space for civil society? If so, how to recognise them?

- In situations of shrinking space, are there examples of concrete ways to preserve a life line to help independent civil society?
- Are there examples of new alliances amongst civil society and other actors, allowing to still develop positive agendas?