

Annex: Background for the Workshops

WG1: Media	
Context	<ul style="list-style-type: none"> • According to Reporters Without Borders, press freedom in Europe is deteriorating. In 2018, two journalists were murdered¹, and several EU Member States ranked low on the 2019 World Press Freedom Index². • Chilling effects affecting the work of free and independent media include restrictive legislation encroaching on media freedom; censorship, interference with editorial freedom; threats to the confidentiality of journalists' sources; and unjustified or indiscriminate blocking of websites or social media platforms³. • Media ownership in some Member States has become increasingly concentrated in the hands of a few, which affects media independence and transparency⁴. In some Member States, only a few or one opposition newspaper is left⁵. • Editorial independence is also under threat in some countries where disinformation is becoming systematic⁶. In 2018, 83% of Europeans agree that fake news is a threat to democracy⁷.
EESC Missions findings	<p><i>During its first country missions led in 2018 and 2019, the EESC Fundamental Rights and Rule of Law Group identified the following trends, which were more or less prevalent according to each country situation:</i></p> <ul style="list-style-type: none"> • Although the media landscape varies in the countries visited, challenges to pluralism of the media appeared in various forms in all the countries visited. This included <i>inter alia</i>: <ul style="list-style-type: none"> – economic concentration of the press; – pressure on the independence of the media through the authorities' direct or indirect influence on the media market; – judicial harassment or direct threats and attacks against journalists. • Other fundamental rights connected with media freedom were also challenged, and in particular concerning: <ul style="list-style-type: none"> – the right to information, transparency; – freedom of expression (including academic freedoms);

¹ <https://rsf.org/en/rsf-index-2018-journalists-are-murdered-europe-well>

² <https://rsf.org/en/2019-world-press-freedom-index-cycle-fear>

³ <https://rm.coe.int/factsheet-on-the-other-acts-having-cilling-effects-on-media-freedom-14j/16808b352f>

⁴ <https://www.kas.de/web/balkanmedia/media-freedom2>

⁵ <https://www.amnesty.nl/actueel/persvrijheid-ligt-onder-vuur>

⁶ <https://rsf.org/en/news/romania-press-freedom-free-fall-its-takes-over-eu-presidency>

⁷ https://eeas.europa.eu/sites/eeas/files/disinformation_factsheet_march_2019_0.pdf

	<ul style="list-style-type: none"> – disinformation; – the use of some media as a tool to stigmatise the civil society, the opposition, or to amplify hate speech against some groups.
<p><i>Framing questions for discussion</i></p>	
<p><i>Identification of the issues</i></p>	<ul style="list-style-type: none"> • What are the early signs identified by media when fundamental rights and the rule of law start backsliding? (as targets, as monitors) • What are the characteristics and logics of anti-media, anti-democracy narratives? • Are there examples of successful mitigation at the early stages, which prevented further challenge against media independence? • Are traditional media and new or micro media (bloggers, on line pure players, social media) affected in the same way? • What are the structural challenges affecting all the media (economic concentration, etc)? • What are the specific difficulties faced by investigative journalists and whistle-blowers, especially in the fields of denunciation of corruption and public mismanagement?
<p><i>Avenues for inclusive solutions</i></p>	<ul style="list-style-type: none"> • How can media work with EU actors and all stakeholders at the early stages to prevent or mitigate backsliding of fundamental rights and the rule of law (affecting them and affecting the society as a whole)? • What actions can be taken to address anti-media and anti-democracy narratives? • How can the EU, Member States, and economic agents, work towards an economic model, which supports media independence and plurality? • How can civil society, media and democratic institutions create positive alliances reinforcing each other? • What can be done in terms of media literacy and what can be the connection with actions in the area of awareness rising in relation with the European Union, democracy, fundamental rights and the rule of law? • How to further address disinformation and how to make sure that genuine media plurality is available to all sectors of the population, across social and territorial divides? • What can be the EESC role in tackling these challenges?

WG2: Civic space

Context	<ul style="list-style-type: none">• During its missions, the EESC noticed the centrality of the reduction of civic space and the absence of efforts to promote an enabling environment.• In order for the civil society to play its full role, national authorities must take positive actions towards ensuring an enabling environment that respects, protects and promotes the civil society's activities. This includes actions in the areas of the regulatory environment, finance and core-funding, right to participation and ensuring of a safe space⁸.• Over the past years in Europe, some authorities have tended to adopt restrictive legal frameworks or burdensome administrative procedures and reduced access to funding that unduly limit the civic space⁹.• Another worrisome development is the increasing targeting of civil society representatives and human rights defenders in a context of growing populism and an unaccounted backsliding in fundamental rights and the rule of law¹⁰. Authorities have lagged behind their obligation to prevent and address any kind of attacks or threats against Civil Society Organisations (CSOs) and representatives coming from public or private actors.• Authorities should be more proactive in facilitating registration of CSOs and their right to access to funding. In the context of a growing feeling of democratic deficit in Europe, authorities should also do more to ensure that civil society actors are fully informed and included in the development of public policies -- including through the participation in public consultations¹¹.
EESC Missions findings	<p><i>During its first country missions led in 2018 and 2019, the EESC Fundamental Rights and Rule of Law Group identified the following trends, which were more or less prevalent according to each country situation:</i></p> <ul style="list-style-type: none">• In all countries visited the overall legal framework protected the right to freedom of association.• However, a tendency observed to a varying degree in all countries visited is the phenomenon of shrinking space, that is to say the reduction of the freedom to exist and to act for CSOs, because of various factors such as:<ul style="list-style-type: none">– the imposition by authorities of undue legal restrictions or administrative burden;– scarcity of funding;– judicial harassment;– threats and stigmatisation coming from public or private actors.

⁸ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-challenges-facing-civil-society_en.pdf

⁹ https://civilsocietyeuropedoteu.files.wordpress.com/2018/11/joint-civil-society-statement_fundamental-rights-colloquium.pdf

¹⁰ <https://www.nhc.nl/challenges-facing-european-civil-society/>

¹¹ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-ec-colloquium-paper-civil-society-space_en.pdf

	<ul style="list-style-type: none"> • These challenges have especially affected CSOs performing watchdog activities. • CSOs also commonly wanted increased participation and more meaningful consultation. • Challenges to the right of freedom of assembly was also identified as a key issue in some countries. While this right is protected in law in all countries visited, concerns were expressed in some cases about the administrative difficulties in obtaining permission, the use of court injunctions to prevent assemblies, and inadequate management of demonstrations and the excessive use of force.
<i>Framing questions for discussion</i>	
<i>Identification of the issues</i>	<ul style="list-style-type: none"> • What are the early sign identified by CSOs when authorities fundamental rights and the rule of law start backsliding? (as targets, as monitors) • Are there examples of successful mitigation at the early stages, which prevented further challenge against the civic space? • What kind of early-warning system could be set up to identify deteriorating trends at the earliest possible stage? • What kind of preventive/early action could be envisaged on the basis of this identification of issues? • What are the good examples of enabling environment? What regulatory frameworks and practices should be considered as models?
<i>Avenues for inclusive solutions</i>	<ul style="list-style-type: none"> • How can the civil society work with EU actors and all stakeholders at the early stages to prevent or mitigate backsliding of fundamental rights and the rule of law (affecting them and affecting the society as a whole)? • What actions can be taken to address anti-civil society and anti-democracy narratives? • How can the EU, Member States, and economic agents, work towards an economic model, which supports the independence, autonomy, and plurality of CSOs? • How can civil society organisations, media and democratic institutions create positive alliances reinforcing each other? • How to better promote participative democracy and in particular the systematic inclusion of the civil society and CSOs in the preparation, implementation and evaluation of public policies? • What can be the EESC role in tackling these challenges?

WG3: Discriminated groups

Context	<ul style="list-style-type: none">• The principles of equality and non-discrimination are part of the foundations of the rule of law. International human rights covenants feature non-discrimination as a key principle, and this is also in article 21 of the Charter of Fundamental Rights of the European Union, and in on Civil and Political Rights.• The full inclusion and participation of all individuals and groups across social, economic, ethnic, gender, sexual orientation or residence backgrounds is also central to the functioning of solidary societies.• During its missions, the EESC identified examples of discrimination against a wide range of marginalised groups, for example ethnic minorities, migrants, women and LGBTIQ (lesbian, gay, bisexual, transgender/transsexual, intersex, queer) persons.• According to the European Institute for Gender Equality (EIGE), only four EU Member States managed to improve gender equality (measured over all domains) in the last ten years, while three Member States did not progress at all on gender equality¹².• In the EU LGBT Survey, 47% percent of respondents said to be discriminated on the basis of sexual orientation¹³.• Discrimination, poverty and social exclusion of Roma and travelers remains an issue according to the Venice Commission in several EU countries¹⁴.• In some Member States, racist, anti-Muslim and anti-Semitic acts have increased¹⁵.
EESC Missions findings	<p><i>During its first country missions led in 2018 and 2019, the EESC Fundamental Rights and Rule of Law Group identified the following trends, which were more or less important according to each country situation:</i></p> <p>The principle of non-discrimination is recognised by all Member States as part of their commitments under international law, but discrimination of specific groups was observed in practice to varying degree in all countries visited. Issues relayed were among others:</p> <ul style="list-style-type: none">• the side-lining of CSOs working on contentious topics (migration, Roma, disability, gender and LGBTI topics);• stagnation of women's rights and gender equality;• efforts were still needed in relation with the protection of LGBTI rights• efforts are needed to ensure the full inclusion of persons with disabilities,;

¹² The 6 domains were work, money, knowledge, time, power and health . <file:///C:/Users/jvant/Downloads/mh051704enn.pdf>.

¹³ https://fra.europa.eu/sites/default/files/fra-eu-lgbt-survey-main-results_tk3113640enc_1.pdf

¹⁴ <https://www.coe.int/en/web/roma-and-travellers/-/international-roma-day-8-april-2019->

¹⁵ <https://rm.coe.int/fifth-report-on-france/16808b572d>

	<ul style="list-style-type: none"> • the situation of migrants – including asylum seekers –, and especially children migrants is worrying; • discrimination based on religion or ethnic origin remains way too high.
<i>Framing questions for discussion</i>	
<i>Identification of the issues</i>	<ul style="list-style-type: none"> • What are the early sign identified by discriminated groups when authorities fundamental rights and the rule of law start backsliding? (as targets, as monitors) • How to characterise the rule of law-minority rights nexus? How to characterise attacks against minorities in a rule of law backsliding context? • How to characterise the narrative consisting in opposing the whole society on the one hand and marginalised groups on the other hand, presented as in competition for the benefit of public policies and resources? • What are the challenges that are common to all discriminated groups and the ones that are more specific? How to address these commonalities and specificities?
<i>Avenues for inclusive solutions</i>	<ul style="list-style-type: none"> • How can marginalised groups work with EU actors and all stakeholders at the early stages to prevent or mitigate backsliding of fundamental rights and the rule of law (affecting them and affecting the society as a whole)? • What actions can be taken to address anti-marginalised groups and anti-democracy narratives? • How can civil society organisations, marginalised groups and democratic institutions create positive alliances reinforcing each other, in particular to tackle discrimination through the rule of law? • What can be the rights-based approaches to ending marginalisation and ensuring full inclusion of all in open and inclusive societies? • What can be the EESC role in tackling these challenges?
