

EESC holds its first conference on the rule of law, highlighting the importance of an all-encompassing response to breaches of rights and values in Europe



Building on its newly published report on the rule-of-law situation in Europe, the EESC conference calls for a mature and structured dialogue between governments and civil society to reverse backsliding on the rule of law in the EU

On 5 November, the European Economic and Social Committee (EESC) held a high-level conference on “Fundamental Rights and the Rule of Law – Trends in the EU from a civil society perspective” to signal the urgent need to involve civil society in promoting a culture of the rule of law, amid a growing number of reports on breaches of the core EU values across Europe.

This was the first EESC conference dedicated solely to this major topic, which will be one of the priorities of the new European Commission. It was organised by the EESC Group on Fundamental Rights and the Rule of Law (FRRL) and was attended by senior officials from the European Parliament, the European Commission, the Finnish EU Presidency and the Council of Europe.

The EESC also took this opportunity to present its newly published interim report on “National developments from a civil society perspective”, compiled by the FRRL Group, following the first country visits the Group had undertaken in 2018 and 2019.

The report summarises the concerns of diverse civil society organisations, media and legal professionals and human rights institutions interviewed by the Group. It also contains observations on the report made by the governments of the countries in question, who were given the right to reply. The focus was on the areas of particular importance for civil society such as freedom of assembly and association, freedom of the media, non-discrimination and the rule of law.

The Committee said it hoped the conference could evolve into a wider stakeholder forum which would bring together dozens of national and grassroots civil society organisations, institutions and policy makers in a dialogue. The idea is in line with the Commission’s proposal to set up a yearly event on rule of law dialogue, made in its Communication on “Strengthening the rule of law within the Union”, from July 2019.

This would ensure a vital contribution from civil society to EU policy in this area and help develop a “civil society component” in all discussions on

the rule of law, making sure civil society is fully engaged in promoting a rule of law culture in Europe. Such actions will bring added value to the Commission's toolbox for countering rule of law breaches, such as infringement procedures, which the Committee has already welcomed in its opinions but thinks should be complemented by an all-encompassing action at all levels.

Opening the conference, EESC president **Luca Jahier** said: *What we need is an ambitious and comprehensive response to challenges to fundamental rights and the rule of law. This should concern every Member State, all EU institutions and civil society. Tackling these challenges cannot be solely a legalistic exercise between the Commission and Member States! It is urgent that we look for solutions together!*

He noted that the EU's values could no longer be taken for granted as they were violated across the EU, with media coming under attack, hate speech rising, independence of the judiciary being compromised and civil society organisations and human rights groups stigmatised.

When democracy is in danger, it is not only our institutions that are at stake: it is everybody, including civil society. By pointing out critical aspects of government action or policy, civil society helps to improve them. Governments and EU institutions have to welcome critical voices, and even protect them, because without them, dialogue disappears and this puts us on the road to autocracy.

Mr Jahier said the EESC could make an important contribution to the inter-institutional dialogue, proposed by the European Commission as part of the Rule of Law Review Cycle, which will be used to monitor rule of law developments in Member States. The Committee also hopes to actively cooperate with other institutions in this regard.

The conference heard from high-level participants, including **Juan Fernando López Aguilar**, Chair of the European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE), **Malin Brännkär**, Finnish Secretary of State in the Ministry of Justice, **Tiina Astola**, European Commission Director-General for Justice and Consumers and Ambassador **Zoltan Taubner**, Head of the Council of Europe Liaison Office to the EU.

The high-level speakers agreed civil society's role was of paramount importance in preserving the rule of law and securing respect for fundamental rights in the EU.

Presenting the FRRL Group's interim report, the FRRL Group president **José Antonio Moreno Díaz** said the report was not an attempt at a legal analysis of the situation. Its aim was not to single out and criticise any country but to highlight trends in fundamental rights and the rule of law in the entire EU as they developed in national specific contexts, and to put civil society concerns on the table as a basis for further dialogue and as a way to relay "early warnings" about some worrying developments.

We give an opportunity to members of civil society to be heard. Our mission

is to bring to Brussels the voice of civil society working on the frontline. The facts and the data we have collected raise the question: when did it go wrong in the EU? How can we, in 2019, have governments that do not respect fundamental rights or the rule of law? We need to reflect on this and we need to find concrete measures, he said.

The EESC – which is composed of three groups representing the EU's employers' organisations, trade unions and diverse civil society organisations – took a united stand with regard to the need to protect core EU values and praised the work of the FRRL group.

The President of the Employers' Group, **Jaczek Krawczyk**, said the rule of law was important for the economy as a whole, and a precondition for the mutual trust on which the internal market relies.

The President of the Workers' Group **Oliver Röpk**e said that civil and political rights could not be separated from social and labour rights, such as the right to strike and freedom of expression, which are necessary to fight for better working and living conditions.

The President of the EESC Diversity Group **Arno Metzler** said standing up for the rule of law and fundamental rights required a bottom-up approach and transparency.

Background information

The EESC's FRRL group was set up in 2018 as a horizontal body within the EESC to provide a forum for European civil society organisations to share their assessment of the state of fundamental rights, democracy and rule of law in Member States.

With a view of detecting general trends and national specificities in the development of the rule of law, the FRRL group has so far visited six countries: Romania, Poland, Hungary, Austria, France and Bulgaria and a mission to Italy is scheduled for December. The FRRL group plans to visit all EU Member States in the years to come.

EESC FRRL Group, National developments from a civil society perspective, 2018-2019 – Interim Report, November 2019,
https://www.eesc.europa.eu/sites/default/files/files/frrl_interim_report_2019_1105.pdf