



European Economic and Social Committee

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Resilient democracy through a strong and diverse civil society

OPINION

European Economic and Social Committee

Resilient democracy through a strong and diverse civil society

(own-initiative opinion)

Rapporteur: **Christian MOOS**

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1. **Conclusions and recommendations**

- 1.1 Considerable political forces in Europe, mainly but not exclusively right-wing extremist movements and parties, some of them already in government, are undermining liberal democracy and want to destroy the European Union.
- 1.2 A pluralistic civil society as one of the hallmarks of liberal democracy relies on civil liberties, which are threatened by authoritarian tendencies. It has a key role to play in preserving liberal democracy in Europe.
- 1.3 Liberal democracy requires, inter alia, the guarantee of fundamental rights, an independent judiciary, a working system of checks and balances, a corruption-free civil service with well-run services of general interest and a vibrant civil society.
- 1.4 An independent civil society is a key democratic supervisory entity and a school of democracy. It strengthens social cohesion. It can perform these functions only if the social, political and legal framework allows. Attempts to hinder financing from non-state sources restrict freedom of association and the operation of democracy.
- 1.5 Civil society and democracy are being challenged in many areas. Right-wing populists are calling into question the achievements of women's liberation.
- 1.6 The polarisation of society is also reflected in the emergence of an "uncivil society". Populist ways of thinking are increasingly being echoed by established actors in national and supranational institutions.
- 1.7 Authoritarian elements, including from third countries, support this trend towards "illiberal democracy", leading towards less freedom of the media and more corruption in Europe.
- 1.8 The EU still lacks an appropriate mechanism to ensure the effective preservation of democracy and the rule of law in the Member States.
- 1.9 The EESC calls on all Member States to refrain from all attempts to establish "illiberal democracy". If some Member States succumb to authoritarianism, the EU must employ the Treaty to the fullest.
- 1.10 Parties which turn against liberal democracy should be excluded from their political parties on the European level and political groups in the European Parliament.
- 1.11 The EESC reiterates its call for a Democracy Semester with a European control mechanism on the rule of law and fundamental rights and a Democracy Scoreboard.
- 1.12 The EESC considers that corrective economic measures should be contemplated for failure to respect Article 2 of the Treaty on European Union (TEU).

- 1.13 As regards the protection of the EU budget against rule of law deficiencies, cuts must not be at the expense of civil society aid recipients.
- 1.14 The EESC proposes that in the new MFF there should be sufficient flexibility to allow increased support for civil society organisations if national governments reduce or stop their funding for political reasons.
- 1.15 The EESC stresses that civil society organisations and initiatives receiving EU funding under the new MFF must make a clear commitment to European values.
- 1.16 The EESC calls on the EU legislators to further reduce the administrative burden especially for small initiatives and organisations.
- 1.17 The EESC calls on the Commission to invest more in capacity building for civil society, to strengthen cross-border cooperation networks and to provide better information on existing support instruments. The Commission should make proposals for minimum standards for combining professional activity and volunteering in civil society activities.
- 1.18 The EESC supports the Parliament's call for a proposal for the creation of a European statute for mutual societies, associations and foundations or proposes to establish an alternative system of formal interinstitutional accreditation as a first step.
- 1.19 In the EESC's view, it would be a good idea to find out why this issue has been left in abeyance and, at the same time, to consider drawing up an interinstitutional authorisation, a kind of label for NGOs. The EESC should explore this possibility.
- 1.20 The EESC calls on the Member States to introduce measures to support civil society organisations, without undermining public services and tax justice
- 1.21 The EESC calls on the EU institutions to further strengthen participatory democracy.
- 1.22 The EESC expects all actors to work towards European policies achieving concrete improvements in people's lives.
- 1.23 National and European policy-makers must tackle burning social questions and ensure social sustainability with inclusive education systems, inclusive growth, competitive and innovative industries, well-functioning labour markets, fair and just taxation and effective public services and social security systems.
- 1.24 Strong social partners and civil society in all its diversity are needed to defend the core European values.

2. **Definitions**

- 2.1 "Liberal democracies" are systems of governance combining democracy with constitutional liberalism, which limits the governing majority's power by guaranteeing individual political

liberties and freedoms. They are representative democracies with multi-party systems and plural civil societies, in which systems of checks and balances, including an independent judiciary, exert oversight of governing bodies and freedom of the media is guaranteed. Every natural and legal person is equally subject to the rule of law. Liberal democracies respect and protect minorities, they guarantee civic rights (notably the right to vote and stand for elections), civil liberties (e.g. the freedom of association), human rights and fundamental freedoms.

- 2.2 A well-functioning liberal democracy is a political system enabling the permanent calling to account of public authorities, a system favouring the expression and participation of citizens and intermediary bodies in which they engage, in all civic spaces.
- 2.3 "Participative democracy", complementing representative democracy, needs intermediary bodies (trade unions, NGOs, professional networks, issue-specific associations, etc.) to involve citizens and promote popular and civic ownership of European issues and the construction of a fairer Europe, with more solidarity and inclusiveness.
- 2.4 "Illiberal democracies" are political systems in which elections take place but constitutional liberalism is not established. Democratically elected leaders restrict civic rights, civil liberties and the protection of minorities. The system of checks and balances and an independent judiciary and independent media are undermined in order to free the governing majority's absolute sovereignty from constitutional limitations and controls.
- 2.5 A plural "civil society" respecting the principles of democracy and constitutional liberalism is a key element of liberal democracies. Individual citizens publicly engaging in civil society organisations or informal types of participation constitute civil society, which functions as an intermediary between the state and the people. In addition to the articulation of citizens' interests, the provisions of technical expertise during legislative processes and holding decision-makers accountable, civil society contributes to community building and has an integrative function by strengthening social cohesion and creating identity. Furthermore, a rich variety of civil society organisations, most notably the social partners, is dedicated to practical non-commercial work and serves charitable or other general interest objectives, including forms of mutual self-help.
- 2.6 While a vibrant civil society is key to functioning liberal democracies, its opponents also engage politically in formal organisations or informal types of participation. Such an "uncivil society" does not respect the principles of democracy and constitutional liberalism, but promotes the concept of "illiberal democracy". It makes use of political participation rights in order to abolish the established system of checks and balances, the rule of law and an independent judiciary and to limit media freedom. It aims to restrict civic rights, civil liberties and the protection of minorities. Instead of integrating society and strengthening social cohesion, uncivil society promotes an exclusive nationalist understanding of society that excludes many citizens, notably minorities.
- 2.7 "Populism" is a thin ideology claiming that there is a homogenous people with a coherent will. Populists claim to be the only and true representatives of this will. While populism lacks a clear definition of the people, it constructs enemies and opponents of the people, e.g. the elite, and

claims that they obstruct the people's true will. Populists emotionalise political debates in order to create fear.

3. **Background**

- 3.1 Democracy is being challenged by populism, presently mainly from extreme-right parties and movements. They undermine liberal democracy, fundamental rights and the rule of law, including protection of minorities, mutual checks and balances and clear limits on political power.
- 3.2 In some Member States, these groups are now in government. Everywhere, they claim to be representing the "real" will of "the people against 'elites'". They make false promises, deny political challenges, such as climate change, and want to destroy the European project and its achievements.
- 3.3 The EESC points out that some citizens turn to populists and extremists out of disillusionment. They do not necessarily support the populists' political programmes in full. The growing wealth and income inequality, as well as poverty, provide fertile ground for right-wing groups to promote nationalism as a response to globalisation.
- 3.4 Despite authoritarian and economic challenges such as inequality, Europe is still a leader of liberal democracy in the world, admired by many people living in autocratic systems.
- 3.5 A pluralistic civil society is one of the hallmarks of liberal democracy and underpins any constitutional arrangement based on civil liberties and the rule of law. The EESC has set up a Group on Fundamental Rights and the Rule of Law (FRRL) to defend these principles, as it considers that an open civil society and civil liberties are currently threatened by authoritarian tendencies. This is because freedom and an open civil society are incompatible with the idea of "illiberal or guided democracy".
- 3.6 The EESC considers that civil society has a key role to play in preserving liberal democracy in Europe. Only a strong and diverse civil society can defend democracy and freedom and preserve Europe from the temptations of authoritarianism.
- 3.7 A strong and plural independent civil society is a value by itself in all democracies. Civil society organisations play a vital role in the promotion of European values, in helping communities to organise themselves and in mobilising citizens for the public good.
- 3.8 The ESC observes a trend of decreasing trust in the EU across the continent coupled with escalating tensions with minorities, xenophobia, increasing levels of corruption, nepotism and weak democratic institutions in some countries. In this situation, NGOs are often the only line of defence upholding and promoting key values of the European project, such as respect for human rights, freedom, tolerance and solidarity.
- 3.9 Article 11 TEU invites the European institutions to maintain relations with civil society actors, in particular with associations.

- 3.10 The density of the landscape of associations and their relevance in the civil dialogue are indicators of the quality of democratic life in any given country. The associations' social and civic functions are essential for a fully functioning democracy, especially in this period of disenchantment.
- 3.11 The EESC stresses that forms of civic involvement that misuse political participation rights in order to abolish democracy, the guarantees offered by the rule of law and an independent judiciary are not part of civil society.

4. **The contribution of civil society to democracy**

- 4.1 EU citizens can exercise their right to democratic participation not only through their active and passive electoral rights, but also through civil society activities. The EESC intermediary organisations, as well as European networks of civil society organisations, such as "Civil Society Europe", are their main representative forums at EU level.
- 4.2 Only the guarantee of individual freedoms, in particular freedom of expression, information, assembly and association, and their enforcement can provide the foundation for a pluralistic democracy and individual political participation.
- 4.3 An independent judiciary is the guarantor of the rule of law, fundamental and human rights and the right to political participation. However, the independence of the judiciary is threatened in parts of Europe. Legal actions are currently in progress against Poland and Hungary for infringement of the rule of law¹.
- 4.4 An independent judiciary is part of the checks and balances which prevent any section of society being permanently dominated by a political group. In particular, political decision-making rules may not be changed in such a way that any individuals are permanently excluded from decision-making processes.
- 4.5 In the same way, a corruption-free civil service with well-run services of general interest that respects and complies with fundamental rights, and in which officials have the right to contest unlawful instructions, is key to any constitutional arrangements based on freedom and the rule of law.
- 4.6 A functioning liberal democracy also needs citizens who through their civic involvement contribute to a society based on tolerance, non-discrimination, justice and solidarity. This requires a vibrant civil society in which citizens voluntarily engage in civic activity. Their voluntary work is based on the rights laid down in the European Charter of Fundamental Rights. At the same time, they are guarantors of the values expressed in the Charter.
- 4.7 In liberal democracies, an independent civil society is key in supervising and keeping the political institutions accountable and in ensuring that political actors provide adequate

¹ E.g. [Case C-619/18, Commission v Poland](#); Case in process: C-78/18 Commission v Hungary.

justification for their decisions. By critically monitoring decision-making processes and assessing the implementation of political decisions and public policy in general, civil society creates transparency and contributes its expertise to better governance.

- 4.8 Civil society is a school of democracy, enabling political participation and civic education, which complements public education.
- 4.9 In parallel, public education also has a key role in teaching democratic values and civic education, enabling young citizens to engage in civil society and make use of their civic rights and civil liberties.
- 4.10 Civil society performs a community-building, integrating function by strengthening social cohesion and creating identity. In particular, it has to empower citizens to make use of their rights, thus contributing to a European community of citizens.
- 4.11 The EESC stresses that civil society organisations and initiatives can perform these functions only if the social, political and legal framework allows.

5. **Current threats**

- 5.1 The EESC considers that extremist political groups are currently challenging European civil society in many areas. Election results in virtually all Member States clearly point to growing support for them and to the fact that some citizens are losing trust in democratic institutions.
- 5.2 At the outermost limits on the right side of the political spectrum populist and extremist groups are gaining strength and attempting with growing success to make racism and xenophobia acceptable in Europe and to destroy social cohesion.
- 5.3 Right-wing populists and extremists are calling into question the achievements of women's liberation by invoking a reactionary image of the family. They oppose gender equality and promote homophobia.
- 5.4 The polarisation of society is also reflected in the emergence of an "uncivil society". There are a growing number of NGOs and forms of civic involvement promoting the exclusion of parts of society. They do not share the European values of Article 2 TEU, most importantly human rights and the rule of law, and instead promote an alternative undemocratic political order.
- 5.5 Encouraged by the anonymity of the internet and social media and fostered by disinformation campaigns, the culture of political and social debate is changing, becoming increasingly crude, aggressive and polarising. Against this backdrop, pro-European actors' efforts in communicating European values to the public have mainly failed to remedy the communication crisis of the European project.
- 5.6 Moderate politicians are increasingly taking up populist ways of thinking, as Brexit has shown. Representatives of "illiberal democracy" are increasingly gaining access to national and

supranational institutions. This gives them a platform to disseminate their ideas even more widely.

- 5.7 Authoritarian governments from third countries support the development of populist and extremist actors in Europe and encourage the change in the culture of debate in the traditional media and on the internet with funding and targeted disinformation aimed at undermining the stability of the EU.
- 5.8 The EESC is deeply concerned that a transformation of political systems in Europe has begun with a trend towards "illiberal democracy". Reforms in some Member States are designed to hinder the effective participation of all citizens in political decisions and legally guaranteed framework conditions for civil society are being hollowed out.
- 5.9 If civil society is to perform its function as a supervisory entity for political institutions, it must have the necessary resources. Attempts to hinder financing from non-state sources restrict freedom of association and the operation of democracy.
- 5.10 Particularly worrying is the negative trend towards less media freedom that has been observed in Europe in the last five years. The weak economic bases of independent media, removing the institutional autonomy of public broadcasters or allowing the establishment of private media monopolies, particularly those controlled by government politicians, put the Fourth Estate at risk.
- 5.11 The inter-weaving of political and business interests in particular increases the risk that corruption poses to democracy. The lack of progress in the fight against corruption in Europe should be viewed critically. The situation is exacerbated by significant deterioration in some Member States.
- 5.12 The value of the EU to liberal democracy is undeniable. In the united Europe the rule of law has replaced the principle that might is right. The EU still lacks an appropriate mechanism to ensure the effective preservation of democracy and the rule of law in its Member States. Despite, or perhaps because of, this weakness, the EU is the first line of defence for liberal democracy in Europe.

6. Recommendations for action to strengthen a resilient civil society in Europe

The EESC encourages all Member States to respect the EU's values, as laid down in Article 2 of the Treaty on European Union (TEU), and to refrain from all attempts to establish an "illiberal democracy". Only if involvement in politics does not put citizens in danger can a pluralistic and resilient civil society exist and play its role in protecting democracy. However, if Member States succumb to authoritarianism, the EU must employ the current legal tools, such as the infringement procedures and the 2014 Rule of Law Framework, to the fullest.

- 6.1 Member States must be told very clearly that abandoning democracy and the rule of law is unacceptable in the EU.

- 6.2 The EESC draws attention to the procedure under Article 7 TEU, which enables the Council, in the event of a serious breach by a Member State of the values referred to in Article 2 TEU, to withdraw its voting rights in the Council.
- 6.3 The EESC reiterates its call, made in conjunction with the European Parliament, for a Democracy Semester and a European control mechanism on the rule of law and fundamental rights². The EESC proposes the establishment of a Democracy Scoreboard that would, inter alia, reflect the framework conditions for civil society activity and lead to specific recommendations for reform.
- 6.4 Parties which turn against democracy should be excluded from their political party at European level and their political group in the European Parliament.
- 6.5 The EESC considers that a mechanism should be considered by which failure to implement the reform recommendations could lead to corrective economic measures.
- 6.6 The EESC welcomes the Commission's proposal "to strengthen the protection of the EU budget from financial risks linked to generalised deficiencies as regards the rule of law in the Member States" as a step in the right direction³.
- 6.7 Funds withheld under the new mechanism must not be at the expense of civil society aid recipients, which should directly receive support from the EU level.
- 6.8 The EESC is nevertheless critical of the mechanism's exclusive focus on sound financial management. The Committee calls for provisions making it possible to initiate proceedings in the event of shortcomings in terms of democracy and the rule of law which are not directly related to sound financial management.
- 6.9 The EESC welcomes the European Commission's proposal to create a new cluster in the next MFF entitled "Investing in people, social cohesion and values" as a contribution to strengthening the resilience of European civil society. It particularly welcomes the creation of a new Justice, Rights and Values Fund, on which the EESC has issued an opinion⁴.
- 6.10 The EESC also proposes that in the new MFF there should be sufficient flexibility to allow the Commission to increase support to civil society organisations if national governments reduce or stop their funding for political reasons. This additional funding should not mean replacing national funding in the long term, but should, if possible, be accompanied by a compensating reduction in support to the Member State in question in other areas.
- 6.11 The EESC also stresses that civil society organisations and initiatives that receive EU funding under the new MFF must make a clear commitment to European values as set out in Article 2

² [OJ C 34, 2.2.2017, p. 8.](#)

³ [OJ C 62, 15.2.2019, p. 173.](#)

⁴ [OJ C 62, 15.2.2019, p. 178.](#)

TEU. Organisations advocating the abolition of democracy or the rule of law, racism or xenophobia should be excluded from support.

- 6.12 In view of the changing participation behaviour of citizens and the growing number of informal and spontaneous initiatives, the EESC calls on the EU legislative authorities to further reduce the administrative burden associated with the application, implementation and accounting procedures for EU-supported projects and to make special support instruments available for small initiatives and organisations.
- 6.13 The EESC calls on the European Commission to provide better information on the existing support instruments for civil society. This should be targeted in particular at stakeholders in remote regions of the Member States.
- 6.14 In order to improve compliance with the eligibility conditions for support and the principles of sound financial management by civil society actors, the EESC calls on the European Commission to increase investment in capacity-building for civil society.
- 6.15 The EESC proposes that civil society cross-border networking instruments be created or reinforced.
- 6.16 The EESC calls on the Member States to introduce measures to support civil society organisations, without undermining public services and tax justice. One such measure, taking into account NGOs' ability to contribute, could be allowing limited tax deductibility for membership fees and support contributions.
- 6.17 The EESC calls on the Commission to make proposals for better implementing the directive on work-life balance for parents and carers⁵ in order to value volunteering and civic engagement in professional life.
- 6.18 The EESC supports the Parliament's call to the Commission to present a proposal for the creation of a European statute for mutual societies, associations and foundations⁶. A complementary European legal statute or an alternative system of formal interinstitutional accreditation as a first step would help civil society organisations which no longer have sufficient legal protection in their Member States.
- 6.19 In the EESC's view, it would be a good idea to find out why this issue has been left in abeyance and, at the same time, to consider drawing up an interinstitutional authorisation, a kind of label for NGOs. The EESC should explore this possibility.
- 6.20 The EESC calls on the EU institutions to implement the provisions of Article 11 TEU and to further strengthen participatory democracy at Union level through the involvement of representative associations and civil society, moving from consultation to a true dialogue.

⁵ [COM\(2017\) 253; OJ C 129, 11.4.2018, p. 44.](#)

⁶ [EP declaration, 10 March 2011.](#)

- 6.21 To prevent citizens from losing trust in the European Institutions it is important that European policy achieves concrete improvements in people's everyday lives and that people know this.
- 6.22 A resilient civil society needs a sound social environment. National and European policy-makers must tackle this and ensure social sustainability, with inclusive education systems, inclusive growth, competitive and innovative industries and well-functioning labour markets, fair and just taxation and effective public services and social security systems. Otherwise, civil unrest and abstention from voting or rising extremism will undermine the foundations of liberal democracy. Social and economic rights are indivisible from civil and political rights.
- 6.23 As the pillars underpinning civil society, strong social partners are of crucial importance in stabilising European democracies. However, civil society in all its diversity is needed to defend the core European values.

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