



## POLICY BRIEF

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### **ENGAGING WITH THE RULE OF LAW REPORT: BEST PRACTICES FROM CIVIL SOCIETY IN EU MEMBER STATES**

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#### Background

This policy brief was produced by Centre for Democracy and Law Miko Tripalo and Human Rights House Zagreb as part of the ***Strengthening the Capacity of Civil Society Organizations to Protect and Improve Rule of Law in Croatia***, a project implemented in the context of the Impact4Values Program. This policy brief contains reflections of civil society organizations from EU member states (Slovenia, Czechia, Poland, Hungary, Belgium, Netherlands) that participated in the exchanges and the online panel *Civil Society Organizations and the Rule of Law Report* held in May 2024.

The goal of the panel was to host a discussion and an exchange of practices between CSO representatives from EU countries that engage with the Rule of Law Mechanism. The participants shared best practices of their participation in the process of submitting inputs for the Rule of Law Reports in EU member states and examples of good practices in dissemination, outreach and advocacy activities related to the findings and recommendations from the Reports.

#### Identified Issues

Most representatives of CSOs agreed that the Rule of Law Report has the potential to be a powerful tool in the defense and promotion of the rule of law in EU member states. However, they also agree that, as is, the Report currently has relatively limited impact and needs to be strengthened. One of the issues often cited is the timing of the Report publication, which falls during the holiday season in July when traditionally many of the key stakeholders are not paying attention. A related issue is the timing of the deadline for the submissions which falls around the Christmas, New Year's and winter holidays, which makes for a challenging process of gathering and submitting inputs.

A related issue is the structure of the format for contributions which many first-time contributors find intimidating. The need to conform to this rigid format, makes many CSOs reluctant to contribute or causes them to give up. Finally, the lack of funding and capacity for producing and collecting the contributions to the Report are one of the main reasons for lesser participation of CSOs.

The consultation processes for the Report vary country to country, with some EU member states having a relative inclusive and participatory process, while in others the process seems to simply move along the predetermined and often inflexible steps. Often, only the most prominent CSOs with a clearly defined rule of law mandate or those that have the most capacity, are included in the process of consultations. The

inclusivity of the process itself tends to depend on the departments or individuals in the Commission responsible for the particular member state.

Once published, the Report has quite low visibility in many member states, as noted by most of the participants. Key stakeholders outside of official institutions in most members states that were discussed are not widely familiar with the Report and do not use it or refer to it in their everyday activities and advocacy. Finally, the recommendations in the Report are often too general, feeble in terms of concrete calls for reforms and are frequently ignored by relevant authorities in member states. Key national stakeholders tend not to use the Report adequately to publicly discuss and address key development in rule of law in member states, in particular when it comes to backsliding.

## Best Practices

During the discussion on the online panel and the exchanges, representatives of CSOs from EU member states highlighted certain best practices and positive experiences that can be useful as guidelines and positive examples for CSOs in the process of preparing their submissions for the Report, as well as in using Report findings and recommendations in their advocacy work. The following is a summary of these best practices.

### Preparing the Submissions

- **Start early**

The preparation for the submissions, both by individual organizations and the gathering of inputs by a coalition of CSOs, should begin much earlier than the Commission deadline in January. Some CSOs have suggested starting as early as July, as soon as the Report comes out, but certainly by September or early Autumn.

- **Develop a clear methodology**

When coordinating joint submissions for a coalition of organizations, a methodology should be developed by the lead organization (or the coalition) for submitting the inputs. It should be made transparent and available to all organizations at the beginning of the submission gathering process making it easier for, especially smaller, organizations to contribute.

- **Formulate chapter working groups**

For a CSOs coalition in one of the member states, it was useful to form working groups for the four chapters in the Report, reflecting the specific expertise of participating organizations. This practice made the process of formulating submissions less overwhelming for CSOs and their contributions more synchronous and easier to collate into a coherent whole.

- **Use own research results and sources**

Using the organizations own research and sources from its regular activities, projects and programs, activism and experience adds significant value to their Report inputs. Framing the contribution in the organization's context makes them more credible and relevant for the Commission.

- **Build a community of contributors**

In order for the submission process to be sustainable, organizations making the contributions should create coalitions and communities based on encouraging engagement of diverse stakeholder. This includes working proactively with and providing support for smaller or niche organizations that have difficulties getting involved in this process due to lack of capacity and other issues. Collaboration in the submission process will yield a better outcome for the coalition of organizations with much less work for each organization.

- **Provide own recommendations**

CSOs participating in the submission process should consider providing their own recommendations based on and as part of their contributions. This can be a counterpoint to the official Report recommendations that are often toothless and vague. The CSO recommendations can also be useful as a monitoring and advocacy tool once the Report is published.

- **Connect with authors of the country Reports in the Commission**

It is beneficial for CSOs involved in the submission process to identify individuals in the relevant Commission directorates who are drafting specific country reports. Developing a rapport with them and communicating directly can contribute to the voice of civil society being heard and represented in the context of the rule of law issues addressed in the Report. In some member states contexts, it may be helpful to come into contact with the government Rule of Law Report contact point, while in others this may not be constructive or possible.

- **Push for a more participatory and structured consultation process**

CSOs, in dialogue the Report authors, should insist that the consultation process that follows the written inputs should be more inclusive, recurring and transparent. It would allow for more participation from different CSOs, especially those with less initial inclination and capacity to get involved in this process.

- **Advocate for more resources and funds for contributors**

Active involvement of CSOs in the process of contributing to and utilizing the Rule of Law Report is crucial for strengthening and legitimizing the Rule of Law mechanism in the eyes of diverse stakeholders and the wider public in members states. Since obviously this requires capacity and resources, CSOs should encourage donors and funding organizations to devote resources to supporting systemic and recurring engagement of CSOs with the Rule of Law Report.

## Using the Report in Advocacy

- **Share and reuse the joint CSO submissions widely**

For the Report to become a more visible and broadly relevant document on the state of the rule of law in members states, it is important for CSOs to share their contributions widely among other CSOs, national institutions, CSO networks nationally, regionally and at the European level, as well as European institutions. CSOs are also encouraged to reuse the content from their Report submissions in their other advocacy and watchdog work whenever relevant.

- **Use the Report as a framework for monitoring**

The Rule of Law Report submission can be highly useful to CSOs in their monitoring work, especially for those organizations and coalitions that have been involved in the submission process repeatedly and systematically. The submissions can also be useful to highlight trends and changes in rule of law and as an early warning mechanism by CSOs to draw attention to backsliding.

- **Intensify engagement between the two publications of the Report**

In the period between the two publications of the Report, CSOs can keep rule of law in the focus of public awareness and debates by organizing activities to promote CSO submissions and the Report in the capitals and in local communities and through broadening engagement with stakeholders. Some CSOs have been successful in putting the Rule of Law Report on the agenda of Parliamentary committees, by building relationships with individual rule of law-minded Committee members. CSOs and CSO networks should also consider organizing simultaneous cross-border rule of law events after the Report publication.

- **Make Report highlights and relevant sections more digestible**

For monitoring and advocacy purposes, it would be helpful for CSOs to pull out the key points or relevant sections of the Report and turn them into more digestible or user-friendly formats. There are positive examples of CSOs using key quotes, highlights, graphics and even producing videos from the Report content, though making this content more approachable should really be the task of the Commission. These types of materials can be quite helpful in broader CSO rule of law advocacy efforts. CSOs can use the Report and submission content more strategically by stressing particular recommendations depending on the circumstances and the developments in the particular member state and wider EU context.

- **Engage more systematically with EU stakeholders**

CSOs that have been most successful in their rule of law advocacy efforts have effectively used regional and pan-European CSO networks and publications (e.g. Liberties and shadow reports). CSOs have also looked for access to decision makers and MEPs in Brussels, sometimes even using them to put rule of law issues on national agendas. CSOs and coalitions in several members states have had successful partnerships with Commission representations in their member states, planning follow-up events to the Report publication and through this cooperation, achieving greater participation of CSOs in the submission process and greater visibility for the Report.

- **Make the coalition of CSO contributors a one-stop-shop for rule of law issues**

CSO coalitions can strengthen their positions by collecting the expertise, know-how, resources and experience from working on rule of law issues in their member states. By becoming an effective rule of law one-stop-shops they will become natural interlocutors in the public debates about rule of law issues and will be called upon when questions of breaches and backsliding arise. This will raise the profile of both the Rule of Law Report and the CSOs that work on rule of law issues.



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