



## Portfolio Review Document The European Civil Liberties Project of OSIFE

The European Civil Liberties Project (ECLP) is one of OSIFE's newest projects. The project's strategic goals are to:

- a) Strengthen the protection of civil liberties in Western Europe by providing support to existing or new, independent, multi-focused civil liberties projects and organizations;*
- b) Create a new, effective network of national civil liberties organizations in Europe.*

ECLP was started in January 2013 with the hire of Balazs Denes, the former Executive Director of the Hungarian Civil Liberties Union (HCLU), a Hungarian watchdog organization. In 2013, the project operated with Denes and one administrative assistant; in January 2014, this assistant was replaced by a project coordinator, Alex Krasznay. The Project's 2013 budget was 1 million USD, including grant making as well as administrative and operational costs.

### **ECLP's original idea**

ECLP's original idea and mission were based on two main rationales. First, in Central and Eastern Europe, almost all countries have well-rooted, well-staffed civil liberties groups that are independent from political parties and governments, work on a range of fundamental rights issues and use high level advocacy, litigation and public education and mobilization tools in their activities. It is striking that in Western Europe, such watchdog groups are largely missing. Although groups exist in the UK (Liberty) and Ireland (ICCL), in continental Western Europe strong civil liberties NGO actors are practically non-existent. Second, there is a near complete lack of visible and effective civil liberties players on the European level. Over the past 5-10 years, different European institutions, primarily the European Commission and the European Parliament, became increasingly involved in issues related to fundamental rights. Nevertheless, in order for the EU to live up to its potential as being the standard bearer for fundamental rights and rule of law, there is a need for both internal and external pressure to realize that promise.

### **Human Rights vs. Civil Liberties**

ECLP deliberately uses the term civil liberties rather than human rights. The reason for this is simple: We focus on fundamental rights, placing emphasis on classical political and civil rights, antidiscrimination, and issues related to migrants and refugees. The term "human rights" is most often associated – especially in Western Europe – with abuses occurring outside of Europe. Antipathy toward human rights as giving special privileges to minorities and prisoners at the expense of the broader public has grown in places like the UK, so the use of "civil liberties" or "fundamental rights" is meant to reinforce the idea that rights protect everyone.

## **First steps - Lessons Learned: target countries**

ECLP had six original target countries (Germany, France, Italy, Spain, the Netherlands and Belgium), selected on the basis of their influence in Western Europe and the degree of rights violations observed. We added Greece due to the effects of the financial and economic crisis on human rights and the rise of the extreme right. Beginning in February of 2013, the Project mapped the human rights environment (including infrastructure, issues of concern, existing state and non-governmental players and main gaps to fill) through field trips, country consultations and meetings with local resource persons. Based on these findings, ECLP looked for potential partners in Spain, Greece, the Netherlands and Italy, and decided to focus on Belgium, France and Germany in the second stage. The reasons for this were the following:

**In France**, the League of Human Rights has 10,000 members and 300 affiliated offices across the country. As such, we decided to try to work with this organization first, rather than create a new project. This hasn't worked out very well, and in 2014 we plan to support coalition-building projects in France.

**In Germany**, Amnesty International is coordinating a forum of more than 80 German human rights organizations. Over the past few years, its focus has shifted increasingly toward German issues. We have plans for a new project in Germany, however we are careful not to start an entirely new project in Europe's largest country without involving other donor organizations.

**In Belgium**, the two sections of the Human Rights League (Flemish and Walloon) operate with adequate staff size and achieve good visibility. The organizations use advocacy and litigation and have campaigns that target wide audiences. In 2014, we plan to support a project which could bring the two sections closer to each other.

## **Countries Targeted in 2013**

### **Italy**

ECLP's mapping in Italy showed that – in part, thanks to the work of OSF's Italy project since 2008 – there were many NGOs working on a broad range of issues. We identified two areas where ECLP's contribution could make a difference. The first was helping Italian civil society organizations be more strategic in their advocacy efforts and the second was to coordinate the work of different organizations more closely. In May, ECLP organized two consultations with civil society organizations in Milan and Rome and based on the findings of these meetings, we initiated a nationwide seminar for human rights organizations to explore how Italian civil society could be more visible and have more impact, including through enhanced coordination and platform-building.

During the months after the July meeting, ECLP provided technical assistance to an ad-hoc "drafting committee" of the future coalition. By September, the parties agreed on the most important principles and in October, ECLP provided a 50,000 USD seed grant to the selected

organization, a freedom of information NGO, to host the preparation project of the Coalition (the organization was nominated and selected by the drafting committee and the interested NGOs, not by ECLP). The project lasted six months. By April 2014, more than 25 Italian NGOs decided to formally register with the Italian Civil Liberties Advocacy Coalition (CILD). The host organization used the by-law drafting and strategic thinking period to formulate a joint NGO shadow report for the Universal Periodic Review of UNHCR. We regard this report as the best possible “side effect” of the strategic planning process (the actual UPR examination of Italy will happen in the fall of 2014).

CILD recently submitted a proposal to ECLP to cover its core institutional and campaign costs for the next two years. Neither ECLP nor CILD would like to see OSF as the only donor to the Coalition and for this reason we are helping CILD identify possible interested donors.

### **Spain**

During the mapping, ECLP identified Spain as an important target country and realized the total lack of a national human rights watchdog or advocacy organization. ECLP gave three grants to Spanish organizations in 2013: 1) 25,000 USD to a Catalan think-tank (Ferrer I Guardia) to organize a series of workshops in Spain, Greece, Italy and Portugal covering the economic-financial crisis and its effects on civil liberties; 2) 25,000 USD to the Catalan Institute of Human Rights to run an online course for Spanish lawyers on how to use the European Convention on Human Rights and how to litigate strategically at the European Court of Human Rights (ECtHR), and 3) a 50,000 USD seed grant to a new organization, Rights International Spain (RIS).

Ad 1) We supported Ferrer I Guardia proposed project, “Crisis and Civil Liberties,” for two reasons. First, we found that the common problems of the Southern European crisis countries provided a window of opportunity for meaningful discussions between academic and NGO players. Second, we liked the idea of talking about civil liberties in Europe in the bicentennial program series in Catalonia. While the second goal was mostly met and the event in Barcelona generated some good press coverage, the first was not fully achieved. The organization, besides the workshops organized in Spain, Italy and Greece, did not have a serious impact on cooperation between NGOs. This was a good learning experience for ECLP on why we should not support standalone workshops or conferences in the future.

Ad 2) Proportionally, Spain uses the ECtHR system far less than any other country in Europe. There are two reasons for this: 1. few organizations use international litigation as an advocacy tool; and 2. there are few individual lawyers who are familiar with the way the Strasbourg court can be used successfully. The Institute ran a three-month long online course with nearly 30 students with the specific aim of teaching how to turn to the ECtHR. While the effects of this project cannot be measured in the short term, we regard this grant as a good investment.

Ad 3) ECLP awarded a seed grant to RIS for six months. This is a new organization, but RIS is our best bet for fulfilling the function of a Spanish watchdog and advocacy organization. Already during the initial period, RIS wrote policy papers and expert opinions on the new Criminal Code modification, raised its voice against the citizen security law and was active on other important

issues. It also provided vital legal analysis to the largest Spanish social and protest movement (the 15-M Movement) on the laws affecting peaceful assemblies. This is a particularly good sign, as most of the established human rights groups usually find it difficult to work closely with new social movements. Besides high level advocacy efforts and legal analyses, RIS also worked to educate the public and organized its first mobilization campaign, increasing its supporters on social media platforms and generating hundreds of signatures against the draft bills limiting civil liberties. With assistance from ECLP's media and video advocacy training (see below), RIS produced several videos and short animated films on the planned modifications. It also became a member of the European Liberties Platform (see below), and is at this moment working on a proposal for future years. ECLP is convinced the group is worth further investment, but it needs to be able to attract other funding as well.

### **The Netherlands**

Besides Amnesty International which has roughly 250,000 members, the most important advocacy organization in the Netherlands is the NJCM, the Commission of Lawyers for Human Rights. NJCM is the most effective body in influencing the state and government on human rights; behind its shadow reports and high level advocacy is a membership of 1,000 lawyers committed to human rights issues. NJCM has had a limited amount of litigation experience in the past, but this was not systematic, and for the past years, the organization ceased offering representation for lawsuits. At the moment, no organization in the Netherlands uses litigation in civil liberties cases. NJCM's expressed interest in starting a pilot strategic litigation project, thus ECLP provided a grant of 200,000 USD for the next two years to begin litigating important fundamental rights cases. At the moment, the organization is working on its first three cases: 1. challenging ethnic profiling; 2. challenging surveillance and defending privacy rights; and 3. litigating on behalf of 700 Afghan refugees, who, because of their status, are unable to obtain asylum in the Netherlands, but also cannot be deported back to Afghanistan (and at the moment live without any social assistance from the state).

We are fully aware that litigation alone will not increase NJCM's visibility as an organization, nor will it give greater legitimacy to act in civil liberties issues. Thus ECLP is also helping NJCM to improve its communication with the public, as well as providing technical assistance to the organization on social media related issues. NJCM also became a member of the European Liberties Platform.

### **Greece**

The rise of extremist rightwing movements, the spread of prejudice and fear toward immigrants and foreigners, the continued social exclusion and marginalization of the Roma, the refugee crisis and large number of undocumented migrants, and strong ties between Greek law enforcement and Golden Dawn all called for a strong and visible organization to defend liberties and rights in an effective way. ECLP approached and began collaboration with the Hellenic League for Human Rights. The League previously operated more as a mixture of a think-tank and an academic institution; while it was considered an important player on human

rights and engaged in advocacy activities, the League made few efforts to broaden its base and run campaigns. ECLP gave a 50,000 USD seed grant to the organization in 2013.

During the grant period, the organization began an antiracist campaign that reached tens of thousands people on- and offline and is currently the largest ongoing antiracist action in Greece, with approximately 13,000 followers on social media platforms. The League has also increased its visibility, its communication efforts and its litigation activities. It now coordinates a nationwide racist violence monitoring network, a project supported by UNHCR, and was selected as the distributor for the human rights related fund of the EEA-Norway grant in Greece. ECLP also supported the League's hate speech and campaign-monitoring efforts before the Greek municipal and European elections with a small 25,000 USD grant.

The grants proved excellent investments for ECLP, as the League is now on its way to become a national player with intensive legal, advocacy and public mobilization activities; as an additional benefit, the European Liberties Platform won an excellent Greek member organization.

### **Are multi-focused organizations needed?**

The problem many countries face in Europe is the fragmentation of the human rights movement. Thematic organizations can reach broad constituencies on certain issues, but most often lack the ability and, understandably the professional legitimacy to react to new challenges. Moreover, specialized organizations by default work very rarely with organizations outside their own field. Nevertheless, in order to react to antidemocratic or anti-human rights threats posed by national governments, one needs coordination and cooperation – or strong mainstream rights watchdogs. Organizations that deal effectively with a number of topics seem to be more successful at helping societies, and the potential supporters of NGOs understand that rights are connected, and that, for instance, the enemies of migration are frequently the same as the enemies of freedom of speech.

Another possible solution is to bring together constituencies around different issues/topics as national civil liberties coalitions. ECLP is experimenting with this model as well.

### **Lessons Learned: The Difference between Independence and Financial Independence**

With North American and Central and Eastern European examples in mind, ECLP aimed to work with organizations in its target countries that operate independently from governments and with full financial independence. In neither the US nor Central and Eastern Europe is it possible both to use state funds and be objective and critical of those exercising power.

In Western Europe, the picture is not as simple. On one hand, with the exception of affiliated offices of large international organizations (such as Amnesty International or Human Rights Watch), most human rights and civil liberties organizations apply for and receive heavy state subsidies, or are supported by state or local governments. In France, for example, the entire civil sector, including human rights groups, rely heavily on this kind of support and most Belgian and Dutch NGOs use state funds.

The picture, however, is far from homogenous. In Scandinavia, Germany, the Netherlands and Belgium, it is highly unlikely that an NGO will censor itself because of its source of funding, as funds designated for NGOs are not withheld because of critical approaches towards state institutions. At the same time, the situation is different in Spain, Italy or France. In this latter country, for example, the NGO sector has seriously suffered from budget cuts over the last four years, and there is a clear phenomenon of organizations not willing to be directly critical against the government, law enforcement agencies or other state institutions due to the fear of possible loss of funding.

This complexity means that ECLP must be prepared to act in two different scenarios. First, in countries where state funding has not generally posed a difficulty for organizations, ECLP should be ready to accept that some of its partners are recipients of public resources. Second, in countries where the tradition of state funding is not accompanied by the tradition of separating independence from financial independence, we must be able to provide meaningful help to our partners in fundraising in order to foster strong, emerging civil liberties movements. This entails either the direct involvement of ECLP to assist these organizations in securing donors, or to empower them with tools to try new fundraising techniques themselves.

### **The Biggest Gap: Reaching the Crowds and Mobilization**

One of the most important lessons we have learned over the past 18 months of ECLP's existence is related to the workings of human rights and civil liberties groups in Europe. ECLP still believes that watchdog organizations need to rely on three pillars to work effectively (reactively and proactively) as control and advocacy organizations. They have to do *high-level political advocacy activities*. They have to *litigate*, including strategic litigation and legal aid type programs. Litigation at the international level is as important as working with national courts. Last, but not least, they have to be able to *mobilize the public, formulate simple messages and execute large-scale public education programs*.

Our experience shows that unlike US-based groups, rights and liberties NGOs in Europe very often forget this last element. The reasons for this are partly cultural and financial, but the consequence is that more often than not, human rights actors are not truly connected with their potential constituencies and are not fully rooted in societies. Among national human rights and civil liberties organizations in Europe, only Liberty, the Polish Helsinki Foundation and HCLU move larger communities on social media platforms (Facebook communities of 13,000, 21,000 and 40,000, respectively). Most other organizations are not present on platforms where young people are, or lack the tools to build larger communities there. Even if they occasionally receive adequate coverage in mainstream media, they often fail to distribute their messages effectively to the public. This was the reason why ECLP provided technical assistance and communication trainings to watchdog and human rights groups. It is for this reason, too, that we place communication at the center of our new European Liberties Platform.

In 2013 and 2014, ECLP donated full video equipment (cameras, computers for editing and editing software) to 12 European groups. It also organized four-day crash courses for the groups

on filmmaking and gave continuous support and advice to interested parties on how to embed video advocacy into their daily work. Spanish, Belgian, Italian, Greek, Hungarian, Polish, Lithuanian, Bulgarian, Romanian, Swedish, Czech and Irish groups participated in the trainings and almost immediately began producing short advocacy films using the skills and knowledge acquired. ECLP used a consultant to assist these groups' filmmaking efforts and contracted an expert on social media advocacy for additional support. With the Spanish group (RIS) as a pilot, the Project experimented with the effectiveness of this kind of technical assistance. The example was encouraging—RIS has tripled its number of followers thanks to the training and assistance.

### **ECLP's new European Liberties Platform**

The Project's original mission was to establish a new, effective civil liberties actor in Europe to serve as a watchdog of the EU and help domestic groups to carry out their own agendas. At the outset, we aimed to establish the European Civil Liberties Union, however, after a few months of discussion and consideration of the real needs of national groups, the plans changed. There are numerous existing networks and platforms in the human rights field, but most national groups do not consider them particularly valuable or useful. They only work in English (or, in the case of the AEDH, in English and French), and provide little or no assistance to their members. Thus, ECLP conceptualized a new network and presented the idea of a new communication and mobilization platform to 12 leading European national NGOs. Based on their positive feedback, in the fall of 2013, the European Liberties Platform was established with the participation of 13 groups from the UK, Spain, Italy, Belgium, the Netherlands, Ireland, Bulgaria, Lithuania, the Czech Republic, Hungary, Romania, Poland and Greece. The network is not registered officially and its main project is the Liberties.eu website, which was officially launched in mid-May 2014. More details about the website can be read in a separate document focusing solely on Liberties.eu.

### **Capacity Building Grants to CEE watchdogs in 2014**

For 2014, ECLP has budgeted 250.000 USD to work with long-standing OSF partners. Our goal is to empower the CEE watchdogs which rely heavily on OSF funding to be better equipped with fundraising techniques and diversify their funding portfolio. In the first round, 6 organizations were targeted: the Lithuanian Human Rights Monitoring Institute, the Polish Helsinki Foundation for Human Rights, the Romanian Helsinki Committee, the Bulgarian Helsinki Committee, and two Hungarian organizations: the Hungarian Helsinki Committee and the Hungarian Civil Liberties Union. We asked the organizations to use 30-40.000 USD grants to experiment with membership drives and projects which can increase their domestic support. Five of the 6 organizations have submitted proposals to ECLP, and we will proceed with their grants by the end of July.

ECLP also invited the same groups for interactive video advocacy trainings, and organized communications training on online storytelling, a new technique in human rights advocacy. An ECLP consultant is contracted to do follow up-work with the selected organizations.