

Conclusions and Recommendations following the Worldwide NGO's Day Event organized by the Conference of INGOs on 27/02/2018 in Council of Europe, Strasbourg

Overall context

The Council of Europe was created to be a place for the development of human rights, democracy and the rule of law, but also to oversee their implementation across the Member States. This has been made possible by the judicious combination of collective governance by its Member States and its independent Secretariat. However, this work could not have been successfully done without non-governmental organizations and other non-state actors. Throughout the decades, the Council of Europe in its plurality has developed a European and progressive pattern for the functioning of pluralistic democratic institutions, States and diverse civil society in Europe.

The disconnection between the liberal values that define us and the daily practices we see around us contributes greatly to public distrust in democratic institutions and erosion of liberal and constitutional democracy, which we are witnessing today. A sharp fall in the trust placed by individuals in the political systems of representative democracy shows above all that the social contract between those who are governed and those in power must be strengthened, protected or even, in some cases, renegotiated. This contract is implemented by accessible and transparent democratic institutions that listen and respond to the needs expressed by society, with due regard for the rule of law and international legal and human rights standards. To strengthen or regain the public trust, society's voice and contribution, through direct citizen participation and through NGO participation, should be taken into account in all stages of the decision-making process.

For the Council of Europe, the interactions with civil society, including INGOs with participatory status and other NGOs, contribute to the public regulatory system within the Council of Europe and in the member States. These interactions should be considered as an opportunity for the Council of Europe to develop accountable policies and decision making. As for the INGOs, the participatory status constitutes an important possibility to influence high level decision making.

The Conference of International NGOs (INGOs)

For the past 40 years, organized civil society has helped at both national and international levels to achieve the aims of the Council of Europe, which according to its statutory preamble is „the true source of individual freedom, political liberty and the rule of law, principles which form the basis of all genuine democracy.” In this line, the Committee of Ministers is strongly encouraged

to take further steps and decide on the further developments concerning the implementation of the partnership relation (participatory status Resolution 2016(3)) between International NGOs and Committee of Ministers and on the status given to the representative political body of these INGOs namely the Conference of INGOs.

In order to achieve this, the Committee of Ministers should:

Regarding the Participatory Status:

- Oversee internally the implementation of the Guidelines CM(2017)83 on Civil Participation in Political Decision-Making adopted by the Committee of Ministers in 2017.
- **Continue** the exchange of views with the President of the Conference of INGOs on the strategic aspects of the life and situation of NGOs in the member States.
- **Associate** formally the Conference of INGOs to the election of the Commissioner for Human Rights and the Secretary General, by requesting the Conference of INGOs for an opinion before the vote by the Committee of Ministers on the list of names to be transmitted to the Parliamentary Assembly.
- **Ensure** the sustainable functioning and development of the Conference of INGOs as a representative body of the INGOs with participatory status in Council of Europe. This implies strengthening the legal basis of its functioning (statutory resolution)¹, stabilizing the financial resources in the long term, in order to strengthen the operational capacities of the Conference of INGOs and strengthen its Secretariat.

Regarding implementation and promotion of a new space for substantial, formal, contradictory, open dialogue with INGOs on the strategic orientations.

- **Invite** international NGOs with participatory status and national civil society organizations to the thematic debates of the Committee of Ministers, in order to solicit their expert opinions by theme and country.
- **Commit** to take seriously into account the recommendations of the Conference of INGOs and to respond to them. In return, it will motivate more the Conference of INGOs to formulate few and founded recommendations and resolutions reflecting expectations of

¹ Warsaw Summit of Heads of State and Governments in 2005 as an important step in the consideration given by Member States and by Secretary General to the contributions of civil society to the Council of Europe (see Warsaw Declaration) and from then the Conference of INGOs is considered as one of the pillars of the Council of Europe. At that moment the Committee of Ministers decided that the Conference of INGOs could henceforth delegate representatives to sit on the steering committees and expert committees, on the same basis as the Assembly and the Congress. See CM/Res (2005)47 and CM/Res (2011)24. Also in 2005, in the wake of the Warsaw Summit, Terry Davis, Secretary General of the Council of Europe, decided that members' travelling expenses to attend meetings of the INGO Liaison Committee would be reimbursed.

the civil society. According to the Guidelines on Civil Participation in Decision-Making, the responsiveness of decision-makers is a guarantee of peace and democracy².

- **Launch** open calls for contributions in order to receive input from INGOs on specific topics and urgent issues which should be addressed.
- **Create** a Council of Europe fund to pool donors' financial support for NGOs which will support the NGOs participation in Council of Europe debates and exchanges of views with the Committee of Ministers.

On implementation of ECtHR judgments:

- **Pay special attention** to the execution of judgments of the European Court of Human Rights concerning human rights defenders and the enabling environment for civil society organisations, as called for in the CM/Rec(2018)11 on the need to strengthen the protection and promotion of civil society space in Europe, adopted in November 2018
- **Increase** the transparency in the Committee of Ministers processes: access to debates, facilitation of media coverage; public accountability of explanations for non-implementation of judgments, engagement of civil society at the national level in Council of Europe discussions on implementation of judgments;
- **Introduce** the requirement that Action Plans report on how NGOs and NHRIs have been involved/consulted in identifying and assessing measures needed to implement judgments;
- **Reinforce** an active engagement by the Committee of Ministers with NGOs in the implementation monitoring process: biennial meetings, participation in Committee of Ministers discussions, seminars on how NGOs can support the implementation process.

On Freedom of Association and civil society space

- **Support** the project on Freedom of Association under finalization by the Directorate General of Democracy and Conference of INGOs, in order to analyze, assess and keep reacting to existing and new restrictions on civil society space and the good practice to address this challenge.
- **Consider as priority** the follow-up of the Recommendation CM/Rec2007(14) on the Legal Status of NGOs.

² One can suppose that because of lack of statutory resolution, the Committee of Ministers is not obliged to answer or react on the Resolution or Recommendation voted by the Conference of INGOs. The Conference of INGOs never knows if these documents are commented or well received. We can imagine that the number of such answers can be limited by year.

- **Consider as priority** the follow-up to the Recommendation CM/Rec(2018)11 of the Committee of Ministers to the member States on the need to strengthen the protection and promotion of civil society space in Europe, adopted in November 2018.

On Human rights defenders / human rights organisations

- **Create** a transparent mechanism / platform for protection of human rights defenders and their organisations. Such a mechanism / platform should focus on reprisals against human rights defenders related to their interaction with the Council of Europe.
- **Be gender-sensitive and -responsive** – women and LGBTI human rights defenders face additional and different threats than men.

"Large or smaller", the INGOs represent the European diversity, like the populations of the Member States and consequently, the expectations that have all those who work for a better future "living together".

The Conference of INGOs reiterates its commitment to the Council of Europe action for Human Rights, Democracy and the Rule of Law. The fact that the vast majority of its activities is based on pro-bono activity is a testimony of the commitment of its members.