



CONFERENCE OF INGOs
OF THE COUNCIL OF EUROPE

CONFERENCE DES OING DU
CONSEIL DE L'EUROPE

SUMMER SESSION HUMAN RIGHTS COMMITTEE CONF/HR(2013)SYN2

Strasbourg, 8 August 2013

<p>DRAFT SYNOPSIS OF THE MEETING HELD ON 25 JUNE 2013</p>
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1. At the opening of the meeting, Annelise Oeschger, Committee Chair, welcomed the participants and gave the floor to Taras Poljanec, Rapporteur of the Conference of INGOs, who presented his observations on the negative impact of economic problems on States' respect for human rights and civil society organisations.

The Committee:

2. **adopted** the meeting agenda;

3. **adopted** the synopsis of the meeting held on 23 January 2013 [[CONF/HR\(2013\)SYN1](#)]

4. Draft [recommendation "Human rights and religions"](#)

- the Chair **said** that a considerable amount of work had been done to prepare the current draft Recommendation by e-mail and the previous day at a meeting open to all INGOs. Two further texts were also being prepared. They would be proposed to the Conference in January 2014; one was for the attention of members and leaders of religions and the other for citizens and NGOs.

- François Becker **presented** the draft Recommendation based on the work carried out by the Committee's working group, the Council of Europe and member states.

- **held** a short discussion, which provided the opportunity to:

* point out that, on 24 June, the European Union Foreign Affairs Council had adopted Guidelines on the Freedom of Religion and Belief and that the EU wished to work together with the NGOs on this subject

* congratulated the head and all the members of the Working Group on the high standard of the document, given the diversity of religion and belief of INGOs

- **approved** the draft Recommendation on "Human rights and religions" to be submitted for adoption at the Plenary Conference on 27 June 2013, with two votes against and two abstentions

- **voted** on the internal motion for a resolution to draw up two supplementary texts to the Recommendation on "Human Rights and Religions", which would be submitted at the January 2014 session, i.e.:

* Respecting and promoting human rights – lines of enquiry and action to be proposed to leaders and members of religions

* Human Rights and Religions – Appeal to citizens and NGOs

5. Legislation and working conditions for NGOs in Russia: information on the current situation and consultations currently taking place:

- Daria Miloslavskaya, Chair of the Board of the Russian NGO, Lawyers for Civil Society, and member of the Russian Federation's Civil Chamber, had **submitted** a written contribution. The following are excerpts from her contribution:

"Thank you for giving me the opportunity to join you and make some remarks to continue the subject raised in January. On June 18, the Minister of Justice, at the meeting of the Presidential Human Rights Commission, told the members that the register of foreign agents (FA) could be empty, but a week before this meeting in his interview to Vedomosti newspaper he claimed that there were about 100 FA among Russian NGOs.

From the position of the Ministry of Justice (MoJ) only one NGO is working like a FA without registration and should be punished or lately liquidated. It is the case of GOLOS, the NGO which monitors the elections. In March 2013 mass unscheduled inspections of NGOs by order of the General Prosecutor's Office began all over the country. The inspections were different from region to region, the groups of inspectors consisted of prosecutors, tax inspectors, MoJ officials, fire inspectors, sanitary inspectors, migration service officials etc. There were two waves of inspections: the first in March-April, the second in April-May. The first was aimed officially to the monitoring of anti-extremist legislation and the second to NGO Law implementation, especially FA provisions.

In Russia two hundred nineteen thousands NGOs were registered by MoJ in 83 regions of Russia. By today according to LCS monitoring over 1000 NGOs were inspected in 56 Russian regions, only 300 of them make the fact of inspection public, 15 NGOs received prosecutor's warnings [представление] with the demand to register as FA, over 100 received prosecutor's "warnings" [предостережение] – a rather strange legal form with no legal consequences for NGOs, just warning them about possible infringement of FA law. Russian NGOs' inspections were accompanied by state inspections of foreign NGOs offices in Moscow, mostly those acting in human rights and advocacy sphere. Practically receipt of foreign funding is under a ban nowadays. This refers not only to advocacy and human rights organizations but even to ecological and social foundations.

For today there are 16 court cases which are in the process or already closed, 4 NGOs failed to win and will appeal to higher court, 4 NGOs won, but only 2 of them are public. But positive decisions give us some hope. The main problem remains the determination of political activity and just now different groups of experts are working on the changes to NGO law."

The Chair referred to the hearing of Russian and international NGOs, which the President of the Conference of INGOs had carried out in Moscow on 16 April, and said that, as a result of arbitrary processes and negative propaganda with regard to the work of human rights NGOs, many NGOs in Russia were under constant pressure.

- **noted** that all legislation concerning NGOs must be in keeping with Recommendation CM/Rec(2007)14 of the Committee of Ministers to Member States on the legal status of non-governmental organisations in Europe, which reiterates the obligations set out in the European Convention on Human Rights in this regard, that commitment to protecting and promoting human rights, democracy and the rule of law – the fundamental values of the Council of Europe – should not be considered a "political activity" within the meaning of the law on "foreign agents" and that all negative propaganda concerning NGOs must cease so that they could carry out and expand their activities in appropriate conditions.

- Cyril Ritchie, Chair of the Expert Council on NGO Law, **provided** the following information:

- * a comparative study on foreign financing of NGOs was to be carried out at European level, taking account of current legislation and practices
- * a legal study on the Russian law concerning "foreign agents" would be carried out by the Expert Council
- * in keeping with the principle of co-operation with the Venice Committee applied in the case of Azerbaijan, the two bodies' reports on Russian legislation would be synchronised
- * a meeting of the Expert Council and a seminar open to representatives of NGOs and authorities would be held in Moscow in October or November 2013
- * a report would be presented to the Conference of INGOs and the Committee concerned

6. Council of Europe Convention on preventing and combating violence against women and domestic violence: What NGOs can do

- By way of introduction, José Mendes Bota, Rapporteur of the Parliamentary Assembly of the Council of Europe on promoting the Convention and President of the Network of Contact Parliamentarians, **spoke** about the work carried out in the different member states. The main points of his contribution have been highlighted:

* It was essential to promote the Convention so that the process of signatures and ratifications could lead to its entry into force: 10 ratifications were necessary.

* The parliamentarians had made substantial representations to government to ensure that they progressed in this direction

* The 2006/2008 campaign “to combat violence against women” had mobilised a network of parliamentarians and set up over 200 activities throughout Europe to condemn domestic violence against women, make parliamentarians and the public at large aware of the problem and change legislation. The network was a useful tool for promoting the Convention using new means of communication such as Facebook. A Newsletter was published every 4 months.

* The Council of Europe Convention was a benchmark and the most advanced standard-setting text in upholding women’s rights and their psychological and physical integrity. It also obliged parliaments to be part of the monitoring process. It also concerned men, minors and girls who were victims of violence

* Civil society was actively involved and gathered information directly in member states

A discussion ensued, from which the following elements emerged:

- The Conference of NGOs attached particular importance to the Convention;
- Women’s status was not a private issue; it concerned everyone: the family, neighbours, colleagues, public officials, the police;
- Combating violence against women was a way of empowering women;

In conclusion José Mendes Bota thanked the NGOs for their commitment and asked that they take stock of the situation article by article. The aim was to help governments by comparing member states’ application of the Convention, national laws and practice. He ended by saying “You are our allies, our channel of communication with the grassroots. We rely on you and you rely on us!”.

- Joanna Piotrowska, President of the Feminoteka Foundation, who had been nominated by the Conference of INGOs for the Parliamentary Assembly’s Václav Havel human rights prize – **talked** about “The role of legislation and education in Poland”. In her statement, she mainly drew attention to the fact that Poland had signed the Council of Europe Convention on preventing and combating violence against women in May 2013 and the fact that the perpetrators of rape were prosecuted. With regard to what was happening in practice, she said no obstacles had been mentioned regarding ratification and that at last women were daring to talk about rape.

- Betty Doornenbal, Gender Equality Expert for the Conference of INGOs, **referred** to her contribution as a member of the Gender Equality Committee (GEC) and her role in facilitating and co-ordinating work with other Council of Europe bodies. The main objective of both bodies was to ensure ratification of the Convention and act a driving force in influencing the policies that were implemented.

- Raluca Maria Popa, Justice and Human Dignity Directorate, **spoke** on the subject of monitoring:
The monitoring mechanism of the Istanbul Convention (Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence)

The uniquely detailed set of measures provided for in the Istanbul Convention offer a holistic response to violence against women through the ‘4 Ps approach’: prevention, protection and support, prosecution and integrated policies. According to the principle of due diligence defined in the Istanbul Convention, it is the obligation of states to fully address violence against women in all its forms. The Convention will enter into force once ten countries have ratified it, eight of which must be Council of Europe member states. As of June 2013, it is ratified by 4 countries and signed by 26.

Once the convention enters into force, a monitoring mechanism will be set up to ensure that states parties fulfill their obligations, as well as to provide guidance, share best practices and set benchmarks in the field of preventing and combating violence against women. The monitoring mechanism has a two-fold structure. A group of independent experts called the GREVIO will assess the extent to which states parties have implemented the Convention, using a report-based procedure. NGOs may also provide information and

national parliaments are invited to participate in the monitoring. On the basis of the information at its disposal, the GREVIO may adopt reports and conclusions aimed at helping the state Party to better implement the convention. It may also adopt general recommendations addressed to all Parties. In addition to the GREVIO, a second entity composed of the representatives of the parties to the Convention will be set up: the Committee of the Parties. Its tasks will include, among others, electing the members of the GREVIO and issuing recommendations to state parties concerning the measures to be taken in order to implement the conclusions of the GREVIO.

7. Anna Rurka, Eurocef, Special Advisor to the Conference of INGOs on the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) and the [ONE in FIVE Campaigns](#) **underlined** the following points:

- a "Lanzarote" working group had been set up within the Human Rights Committee with the following objectives: to work at political level with the Conference and on experiences in the field, in particular on Article 15 of the Convention concerning co-operation between those involved in working with children suffering from abuse and the perpetrators of violence and on Article 10, which mentions co-ordination between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children;
- co-operation with the European Union: Directive 2011/92/UE, which was adopted in the wake of the Convention, had to be incorporated into the national legislation of all EU member countries by 18 December 2013;
- The Congress, in the context of the ONE in FIVE Campaign, had launched a "Pact of Towns and Regions to Stop Sexual Violence against Children", comprising a list of initiatives and policies to be implemented to combat sexual violence against children. These proposals were based on the principle of the four "P": to prevent abuse, protect victims, prosecute perpetrators while ensuring full participation for children;
- A platform had been set up where NGOs could propose actions, for example, representations to local and regional authorities to commit themselves to signing the Pact;
- the Conference is involved in and consulted on the monitoring of the Lanzarote Convention and INGOs were called on to inform the "Lanzarote" working group of their actions contact@eurocef.eu;
- The Parliamentary Assembly had asked the NGOs to submit their comments on the Recommendation which had been adopted in the context of the ONE in FIVE Campaign.

8. Sylvie Bukhari, Chair of the International Federation of Action by Christians for the abolition of torture (FIACAT), **provided** the following information on the monitoring of the [Recommendation adopted on 24 January 2013 on changes in the situation with regard to torture and inhuman or degrading treatment or punishment in the Council of Europe member states](#):

- Member states were not doing enough to implement the instruments adopted by the different Council of Europe bodies, in particular the European Convention on Human Rights;
- Since the adoption of the Conference's Recommendation, judgments handed down by the Court showed that 25% of judgments against member states concerned torture or inhuman or degrading treatment. The Human Rights Commissioner had noted a rise in inhuman or degrading treatment in European countries. There were two places in particular where human rights violations were very widespread: prisons, where the occupancy rate was over 110 if not 130% and holding centres and waiting areas for refugees and migrants;
- The Human Rights Committee working group responsible for monitoring follow-up to the recommendation should comprise mainly NGOs with legal expertise, police staff, youth educators, teachers and representatives of the media. The Civil Society Division would give its backing to the work undertaken;
- Meetings had been scheduled during the session with the Commissioner for Human Rights, a member of the Parliamentary Assembly Sub-Committee on Human Rights, a representative of the European Court of Human Rights, the secretariat of the CPT and permanent delegations so as to present the activities of the working group to them and a country-by-country summary of the situation;

- a side event could be held during the January 2014 session to bring the problem to the attention of parliamentarians, permanent delegations and INGOs and to improve co-operation in this field.

9. Maritchu Rall, Head of the 'Extreme Poverty and Human Rights' Working Group , **addressed** the meeting on the subject of the action taken in response to the Joint Declaration "Acting together to eradicate extreme poverty" in Europe, signed on 17 October 2012 by the quadrilogue. The Working Group had prepared two working documents: one on the discussions held by the Conference on 17 October 2012 and the other on the relative texts concerning extreme poverty adopted by the different Council of Europe bodies, which should help NGOs to follow up the Declaration. Preparations were being made for "World Day to Overcome Extreme Poverty", which would be held on 17 October 2013. The work on a handbook for the application of the UN's Guiding Principles on Extreme Poverty and Human Rights would be presented at the WG's meeting on 26 June.

10. Gérard Greneron, CESP, Vice-Chair of the Human Rights Committee **presented the draft recommendation, on the situation of the police and police trade unions in Tunisia**; and after discussion **approved** the recommendation which would be submitted to the plenary on 27 June, with 25 votes for, 20 abstentions and 3 against.

11. Jean-Bernard Marie, representative of the Conference of INGOs on the Steering Committee for Human Rights (CDDH) **presented** the Committees priorities, i.e.:

- protocols 15 and 16 of the Convention were currently being examined by the CDDH
- to adopt a thematic work programme for the two coming years on subjects such as: respect for human rights in culturally diverse societies, the impact of the economic crisis on respect for human rights and the issue of domestic violence.

12. The 2nd Festival on Young People and Human Rights, organised by the "Regards d'Enfants" Association, of which Brigitte Kahn was the Chair, had been held in Strasbourg under the patronage of the Council of Europe and the City of Strasbourg. It had been attended by several hundred children from all over Europe and there had been numerous activities such as a musical performance, a "Sing to me about human rights" song contest, and an "Internet, a social space for youth: what education to respect others" workshop for adults,

Maritchu Rall, Committee rapporteur