



## HUMAN RIGHTS COMMITTEE

### ROADMAP 2018 – 2020

#### 1. Strategic Context

The world is facing the worrisome development of Populism that is far from over yet. Taking into account the 4<sup>th</sup> annual report of the Secretary General dedicated to the growing populism in the Member States of the Council of Europe, the Human Rights Committee of the Conference of INGOs considers as its major priority to remain vigilant to the respect and implementation of human rights in the context on anti-democratic and anti-pluralist approaches promoted and implemented by the populists decision-makers and governments.

The Human Rights Committee is convinced that the active protection and promotion of human rights, in the near future, will have to be assured by minimizing and countering the populist narrative, in particular its drive to:

- Monopolise the voice of a so-called majority;
- Limit public debate and exclude disagreeable arguments;
- Limit the work of NGOs, civil society, especially when they pursue other goals than those favoured by the so-called majority;
- Distort information;
- Sow discord and disintegrate communities;
- Disregard the rights of minorities, in particular the exclusion of non-traditional or culturally different groups and breakdown the necessary solidarity that holds a democracy together;
- Abandon equal opportunity measures as well as limiting the access (and even excluding) of all kinds of minorities from the essential and basic public products like housing, healthcare, social services and education;
- Disregard the importance and the necessary independent position of countervailing powers (e.g. NGOs, press, judiciary) in the democratic process;
- Disregard international treaties and obligations, for instance the limitations of the freedom of expression (article 10 ECHR) and the freedom of assembly (article 11 ECHR).

To illustrate and answer the challenges faced by the NGOs and democratic institutions, the Human Rights Committee wishes to structure its work through three working groups and one 'Think Tank'<sup>1</sup> responding to the specific contexts where human rights are under threat

<p style="text-align: center;"><b>Specific context 1: Protection of the rights to freedom of association</b></p> <p style="text-align: center;"><b>in the context of closing civic space</b></p>
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Of its specific activities, two working groups and one think tank will focus on projects that - in a very modest way - aim to fight aspects of the shrinking space of the freedom of association.

For nearly 70 years the Council of Europe has seen the freedom of association as one of the pillars of a real democracy. Over the last 40 years, the INGO conference has been promoting and defending freedom of association. Amongst many others, the Venice Commission and the Expert Council on NGO law operating within the Council of Europe, the latter within the INGO conference, are closely monitoring developments in this field.

In recent years this concerning development has been caused by populism and/or the self-proclaimed "third way" or "illiberal democracies". The shrinking space for civil society is not only diagnosed as one of the big problems by the Council of Europe, but is also recognized by, for instance, the European Union<sup>2</sup> and the United Nations special rapporteur on the rights of freedom of peaceful assembly and of association. New studies give strong evidence for the suggestion that the break-down of civil space and democratic institutions falls within the strategy of dismantling democracies<sup>2</sup>. It is beyond our power to describe comprehensively the current situation in all countries of the Council of Europe. However, we recognize it is particularly relevant to identify the best practices to enable and stimulate freedom of association, in order to promote their implementation in all countries of the Council of Europe. The Human Rights Committee wishes to contribute to this topic through:

**Working group 1: Freedom of Expression and Media**

**Scope :**

Freedom of expression deserves special protection because of its cross-cutting nature, underpinning all human rights. It comprises free speech, the sanctity of an individual's opinion, a free press, the open exchange of ideas and information, the right to access information, artistic freedom, and even the right to silence. The right to freedom of expression is particularly interrelated with other fundamental freedoms – such as freedom of association, freedom of assembly and freedom of conscience.

Democracy, human rights and rule of law all three work together to achieve two basic needs: on the individual level they aim to give every human being the possibility to be the author of one's own life. On the group level they aim to give any minority the right to be different from the majority and to work in a democratic and peaceful way to achieve political influence.

The last objective cannot be achieved without a pluralistic free and accessible media landscape, with high ethical standards and a clear view on the democratic role the media plays.

This global reality of media and information has profound implications for all human rights efforts and will affect the outcome of any engagement seeking to promote the European Convention on Human Rights and the Council of Europe values and priorities related to security, development, migration, and growth. It is a reality that needs to be addressed in tandem with all other efforts that

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<sup>1</sup> Potential future working group, with transversal aspects.

<sup>2</sup> Steven Levitsky, Daniel Ziblatt: How Democracies Die: What History Reveals About Our Future Paperback – 25. January 2018.

contribute towards achieving the Council of Europe agenda. And it is a reality that frames the mandate of this working group.

The ambition of the working group is to inform and influence decisions and policies at the Council of Europe level for the respect, protection, support and promotion of freedom of expression and media development in the Council of Europe member states. This working group will contribute towards the promotion of several articles of the Convention, and in particular Articles 10 and 11, with a focus on access to reliable information and fundamental freedoms as an indispensable and enabling prerequisite for all other human rights.

**The working group will deal with the following issues:**

- Protection of human rights defenders and promotion of the legitimate role they undertake;
- Promotion of good journalism and debunking disinformation and propaganda;
- Defence and promotion of freedom of expression and freedom of the media; as well as other freedoms related (freedom of association and freedom of conscience);
- Promotion of diversity, equality, peace and tolerance through responsible journalism, with special attention for the position of women (especially in conflict zones), LGTB community, other minorities possibly routing from religious communities or ethnic backgrounds;
- Strengthening the media and civil society's ability to provide the necessary fact-based information and narratives that will help discourage radicalisation;
- Fostering inclusion, recognising the need to strengthen the cohesion of the social fabric of society necessary to bring about stability and democratisation as well as factors that influence the drivers of migration, we will strengthen the ability of media and civil society to represent, empower and mobilise a diverse society;
- Pluralism promoting a level playing field for oppositional media as part of the democratic process;
- The media responsibility in view of the separation of the church from the civil state, the philosophies of secularism, religious liberty, and religious pluralism.

The specific objectives include:

- Impunity for violence against journalists and deteriorating environment for press freedom;
- Media responsibility in the democratic process (pluralism, countervailing powers, level playing field, protection of minorities);
- Fake news, misinformation, disinformation and propaganda;
- Hate speech and extremist views and their implications on peace and security;
- Online censorship and surveillance;
- Social status of journalists and lack of adequate remuneration;

**Expected results and products:**

- Synopsis and reference guide based on legislative framework for freedom of the media and overall situation for journalists in the Council of Europe area;
- Analysis of the protection mechanisms for endangered journalists;

- At least two policy briefs informing decisions on the subjects of great importance, for instance hate speech or disinformation;
- Seminars (at the CoE and EP) on regional security and hate speech (religious hatred), divergences on freedom of expression and the criminal offences on hate speech;
- At least three information seminars to raise awareness among INGO members on the issues that have been identified as priorities during the development of the Action Plan - from catching on emerging trends (e.g. online regulation) to getting insights into a situation in a particular country/region; bringing in external speakers;
- In cooperation with one of the Council of Europe institutions, a public event on the issues that have been identified as priorities during the development of the Action Plan;
- In cooperation with stakeholders other than Council of Europe, a public event on the issues that have been identified as priorities during the development of the Action Plan;
- Media and information literacy campaigns; social media campaigns to engage citizens;
- Media – special tool for peace and security, starting by journalists’ education/ training (ethics) on informing with respect, prudence and responsibility to sensitive issues as religious sentiments, etc.

<b>Specific context 2: Cyberspace, rights to privacy and data protection</b>
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**Specific contribution to the human rights committee to the transversal Working group: “Digital rights and future”**

**Scope of action:**

A transversal working group about digital future is led by the thematic committee Education and Culture with whom we will cooperate closely. The transition of our society to a digital world presents many challenges and we must take into consideration the technological issues related to the citizen and his place in society as a whole.

Authorities have more power to monitor and limit the public debate excluding disagreeable arguments. Data and platforms have become accelerators of new business models, and new services by creating value but they are also causing discomfort areas. The space of privacy is shrinking more and more, and the relationship of the citizen with new technologies has opened challenges around the control of data. Data protection comes from the field of human rights.

To provide an answer, we must put the citizen at the heart of the debate and strengthen her/his rights. The citizen must become an actor of her/his data and be able to decide the information that gives to society and those who derive from it.

From the human rights perspective, the property of data, monopolising and manipulating digital ways of expression by third parties are points of interest. Furthermore, the right to be left alone and the right to be forgotten is at stake.

**Expected results and product:** In co-operation with the leading thematic committee to be decided, but very feasible as one of the products is the follow-up the two major texts on data protection; the European directive on the protection of personal data and the convention 108 of the Council of Europe and its update.

### Specific context 3: Monitoring by (I)NGOs

#### Monitoring<sup>3</sup>

NGOs sometimes claim that they are the sensory nerves of the Council of Europe: that they are the first to see what goes wrong on a grass root level. Regrettably it is shown time and again that the monitoring function of NGOs is not recognised by others within the Council of Europe. This denial of this important function of the INGOs, jeopardises the INGO credibility. It is a denial of the fact that NGOs emerge where public authorities fail to see a need for help, and enterprises do not see opportunities to offer profitable services.

In various states third-party monitoring is considered “unnecessary” because the state provides its own “inspections”, or there are mechanisms of “self-reporting”. In the long run many of these systems appear to be susceptible to undesirable government influence or witness to a naïve assumption that institutions / states will give sincere, timely and complete openness about cases where they did not comply with the rules.

We notice that NGOs that actively monitor are sometimes hindered and intimidated, possibly because they are uninvited (self-proclaimed) countervailing powers.

We want NGOs that monitor, to be heard by the responsible authorities. The information given to the relevant organisations by the monitoring NGOs should be of high standards: concise, complete and relevant. Effective monitoring is a skill that needs to be developed. Not only for the better of the NGOs, but most and for all for the protection of vulnerable groups whose well-being may depend on mature and realistic monitoring capacities.

We want to develop better knowledge of what NGO monitoring is / could be:

- What helps and hinders monitoring?
- Is it a responsibility of an INGO with participatory status to monitor and report important developments in its surroundings concerning human rights, rule of law and democracy?
- What are the basic skills needed for effective / adequate monitoring?
- Is there room for improvement or empowerment of NGO that monitor? If so, how?
- What makes relevant authorities permeable to NGO input?
- Can online monitoring tools be of help?
- What are the dangers for NGOs when they start monitoring?

**Expected results and products:** Organising a round table to raise awareness around the instrument “monitoring by third parties (NGOs)”. An analysis of why NGOs should or should not monitor, what their monitoring capabilities are, how to improve them, possible online tools or training sessions to be used or developed. Maybe even the start of a working group.

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<sup>3</sup> Topic for attention and discussion, potential future working group, with transversal aspects.

## Specific context 4: Poverty

### **Transversal working group 4: Poverty: inequalities and enjoyment of rights**

#### **Scope of action:**

In an era of increasing populism and of polarization of societies, we must face socio-economic inequalities, both as a source and as a product of populism. Poverty is one of the extremely complex problems of our time, because it is not only about the lack of money. It leads to several other consequences that go beyond the economic sphere. People who live in poverty tend to suffer from other problems, such as health problems. They are also often excluded from enjoying their rights to the fullest extent, and tend not to feel truly part of their society. On top of that, poverty tends to perpetuate itself passing from generation to generation, creating a cycle of poverty.

Numerous political documents have addressed the topic of poverty (the 2012 common Declaration of the four CoE pillars “Acting together to eradicate extreme poverty in Europe”, and the Sustainable Development Goals are just a few), but much has still to be done, especially in this time of societal changes and increasing inequalities. Additionally, despite not being in extreme poverty, we must also keep in mind the increasing number of people that still live in poverty, sometimes due to the lack of decent work and pay. We must leave no one behind.

Due to this complexity, the Human Rights Committee proposes to address the overall topic of poverty in a transversal working group, with the active contribution from the other thematic committees, and the current working groups, while also having in mind the 3 axis of the INGO Conference: gender, youth, and migration, that are particularly relevant to this topic. We also intend this working group to work across the continuum of monitoring and action, so that we are able to understand and share at the European level what is happening at the local level, while also being able to act and stimulate action in this field. We propose the working group to work in a holistic approach to:

- Increase the enjoyment of social rights in Europe: One of the most important treaties on poverty is the European Social Charter, since the true enjoyment of social rights would protect people and allow them to overcome poverty in many cases. As such, it is important to raise awareness about the political opportunities associated with it, while at the same time making use of them, in a strategic way. For example, by working in line with the cycles of the European Committee of Social Rights;
- Advocate for the access to adequate education as a tool for breaking systemic poverty: it is well documented that education is one of the ways out of poverty. As such, it is of utmost importance to assure that adequate education is provided to all throughout the different stages of life. Additionally, greater focus should be provided to raise awareness of rights, civic participation, financial literacy and critical thinking.
- Contribute to overcoming social and cultural exclusion: Even though it is important to act for people experiencing poverty, it is equally important to act with them, empowering them, thus recognizing the dignity of every human being as a valuable actor in society. Only in this way will we be able to contribute to a better inclusion process, so that they can express themselves with dignity, transmit their practical knowledge, and feel part of society, wherever they might be.

#### **Expected results and products:**

- Document submitted to the European Committee of Social Rights with relevant local information every time that it might be relevant: By making use of the assessments of the European Committee of Social Rights, a consultation of all INGOs should be held to reach the local level, raising

awareness to this process and providing the working group with facts and best practices that might be used to push for action at the European level;

- Online hub for the work done on the topic of poverty, by January 2020: Due to the complexity of this topic, the vast amount of work already produced by the Conference of INGOs and other institutions, there is a need for simplification and allowing new interested people in the field to be able to easily understand what is of greater relevance. Particularly, a toolbox of good practices would be ideal to have. This hub would also allow greater communication and collaboration among the NGOs that work in the field, at all levels (local, national and European);
- Celebration of the 17th October every year till 2020: Having in mind the continuation of the work done by many INGOs on this day, we propose to keep the tradition. However, there should be an effort to bring new approaches to the celebration as well as to link it with the publication of products from the Working Group.