



Human rights Committee

Draft roadmap 2018 - 2020

1. Strategic Context

Populism as a priority for the Human Rights Committee

The world is facing worrisome development of Populism¹.

The Human Rights Committee is convinced that 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 the public debate and excluding 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;
 - To sow discord and disintegrate communities;
 - Disregard the rights of minorities, in particular the exclusion of non-traditional or culturally different groups and breakdown of 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).
-

2. Working Groups

The Human Rights Committee proposes four working groups:

Transversal, with the Human Rights Committee leading **Freedom of association**:

1. HRC input: Protection mechanisms for endangered Human Rights Defenders
2. HRC input: Grass root monitoring toolbox

Transversal, with the thematic Education and Culture Committee leading **Digital Society**:

¹ see the Secretary General's annual report 2017 and his address on the day of Human Rights (15th September 2017)

3. Human Rights Committee input: Digital rights and digital future

Not transversal:

4. Poverty, discrimination & exclusion

Freedom of association

Of its specific working group, two 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 the freedom of associations. Amongst many others, the Venice Commission and the Expert Council NGO law operating within the Council of Europe, in particular within the INGO conference, are closely monitoring developments in this field.

It is heartbreaking to see that one cannot identify a linear positive development on this matter. 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 Union² and the United Nations special rapporteur on the rights of freedom of peaceful assembly and of association. 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. Due to the pertinence of this topic, there will be a joint collaboration of all Committees in the development of this Working Group.

Working group 1: Protection mechanisms for endangered Human Rights Defenders

Due to a foreseeable increase of pressure towards human rights defenders, we want to investigate the mechanisms that aim to protect the human rights defenders (organizations and individuals) that are in an endangered situation³ (from the perspective of the endangered NGO and maybe individual).

- a) What mechanisms do we know, do they - from the point of view of the endangered human rights defenders - work, do they overlap, are there blind spots?
- b) Is there a need of / room for improvements in this field within the scope of the Council of Europe?
- c) We are looking for cooperation with:
 - i) The existing mechanisms within the council of Europe that work in the same field
 - ii) NGOs and universities, particularly in countries where HRD are obviously in a difficult or work in countries with frozen conflicts, or countries where separation movements are active.

Product: a database or an equivalent information set that indicates, per territory, what kind of protection mechanisms for HRD NGOs or individuals work, how they work and eventual ways for improvement, by January 2020

² Directorate general for external policies. Policy department. *Shrinking space for civil society: the EU response*. 12 April 2017. ISBN: 978-92-846-0901-7

³ As for the protection mechanisms for endangered individuals, we do not aim to find alternatives for existing mechanisms, like the system that the Secretary-General established, we merely want to find out from a user's point of view how it works and what changes can be made to improve it.

Working group 2: Grass root monitoring toolbox

NGOs like to claim that they are the sensory nerves of the Council of Europe: 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; even in a very recent report we see that the INGO conference is not considered to be a monitoring mechanism in the Council of Europe⁴. This denial of one of the most important functions 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.

Next to that, we see that not all authorities are happy with the input of NGOs. They are sometimes hindered and intimidated, because these NGOs are uninvited (self-proclaimed) countervailing powers.

We want NGOs that monitor human rights, to be heard by the responsible authorities, specially having in mind an expectable scenario where human rights will be under attack. The information given to the relevant organisations by the monitoring NGOs should be concise, complete and relevant. This might be difficult sometimes, because 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 capabilities.

We want to install **a working group / think tank** that develops insight in the process of NGO monitoring:

- How permeable are relevant authorities to their input?
- Is there room for improvement or empowerment? If so, how?
- How can online tools be of help?
- Is there a danger of overload of information? If so, how should it be handled?
- Is it a realistic and achievable goal that all (or many) member-NGOs make it their responsibility to register in an objective and relevant way important developments in their surroundings concerning human rights, rule of law and democracy?

Of course, this monitoring toolbox cannot be seen separate from the collective complaint procedure under European social Charter.

Product: A detailed analyses of INGOs' monitoring capabilities in what regards human rights, including a perspective on how to improve them, possible online tools or training sessions to be used or developed, by january 2020

Working group 3: Digital rights and future

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

⁴ see: doc 14406, 27.09.2017: rapporteur Mr Tiny Kox: *defending the acquis of the Council of Europe: preserving 65 years of successful intergovernmental cooperation. Especially § 5.1.4*

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.

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.

Working group 4: Poverty, discrimination & exclusion

Populist gain power by dividing the population in segments: favoured groups and less favoured groups. Statistics show that communities in a disadvantaged position, have a much bigger chance of ending up in prolonged or systemic (or structural) poverty (= a poverty that passes from generation to generation).

Systemic poverty is more than the absence of enough money, it is also a lack of access to services, education, culture, housing, healthcare etc. Statistically resulting in fewer chances on the labour market, less healthy years, more social and psychological problems and more substance abuse.

Children are probably most affected by prolonged systemic poverty. Women, especially single mothers, chronically ill people, many immigrants and in some countries special ethnic groups, have a much bigger chance to end up in systemic poverty. Due to the typical exclusion that is associated with populist movements the HRC considers it to be urgent to compile data to allow evidence based advocacy for inclusive measures and policies towards typically discriminated and/or excluded populations.

We invite the working group to explore the relation between systemic poverty, discrimination and identify maybe other causes that lead to systemic poverty.

Product: To produce a vade-mecum with diverse and up to date evidence of the effects of poverty, discrimination and exclusion, the usual populations affected, consequences for those populations and its individuals, in particular women and children, as well as for the society at large. When possible, particular highlights should be given to contexts that cause systemic poverty and measures that have proven to be effective in breaking the poverty cycle. A draft plan for the vade-mecum development should be presented until January 2019 and it should be ready for publication on January 2021

Working group Rights of the Child

Due to its unfinished work, the extended working group has still to produce its final product (booklet). It is expected at the latest in June 2019.