PARLIAMENTS AND CIVIL SOCIETY

**Background document prepared by the Secretariat
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I. Introduction: the Council of Europe and civil society

The Council of Europe recognised from an early stage of its existence the important role played by civil society at large, not only as a sign of progress and development for European societies but also in acknowledgement of the fact that civil society contributes to strengthening pluralistic and democratic political systems. The Council of Europe granted numerous international non-governmental organisations (INGOs) consultative status in the Organisation, which gave the opportunity for INGOs to provide an input into the Organisation's work and to spread the Council of Europe values within their own constituencies. In 2003, this status was transformed into participatory status[1] The Council of Europe is currently the only international organisation to offer participatory status.

Both statutory organs of the Council of Europe (Committee of Ministers and Parliamentary Assembly) pay close attention to civil society. For example, the Committee of Ministers (CM) adopted, in 1986, a European Convention on the Recognition of the Legal Personality of INGOs. In October 2007, it also adopted a Recommendation on the legal status of non-governmental organisations in Europe[2], which recalled that NGOs should enjoy the rights to freedom of expression and all other universally and regionally guaranteed rights and freedoms applicable to them.

The Parliamentary Assembly (PACE), for its part, has always sought to include the civil society's voice in its reports and this is being done through PACE Rapporteurs systematically reaching out to civil society, meeting with NGOs during fact-finding visits in the field, sponsoring events organised by them and reflecting their input on specific topics in their reports. NGOs regularly participate in hearings and conferences of PACE committees and in their meetings. Recently, PACE went a step further in the framework of its cooperation with the civil society by adopting a report on the "Co-operation between the Assembly and the Conference of INGOs"[3].

II. Interaction between Parliaments and civil society

In the aforementioned report on Cooperation between the Assembly and the Conference of INGOs, it is stressed that co-operation between parliamentary democracy and civil society organisations needs to be approached within the context of complementarity. Parliaments are guardians of peoples' rights and aspirations. National parliaments are the proper location for

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[1] Resolution (2003)8 of the Committee of Ministers. The same year Resolution (2003)9 on the status of partnership between the Council of Europe and national non-governmental organisations was adopted.
[2] Recommendation (2007)14 *The legal status of non-governmental organisations in Europe*, 10 October 2007.
[3] Resolution 1589(2007) and Recommendation 1820(2007).

sovereign power and they act as centres for political debate and deliberation. But there is a need to involve citizens in the policy-making process, over and above voting in periodic elections. That is why the relationship between civil society organisations and national parliaments needs to be more developed, the interplay between the two providing the public the possibility to meet their growing demand to participate in policies and processes that directly concern them. Parliaments can have a significant role in creating opportunities for engaging and encouraging participation even though civil society may have no direct part in the political process as such, but acts as an intermediary between the public and the political authorities. A structured dialogue with civil society organisations which has the support of the political authorities is a crucial factor for enhanced participation and impact . Parliaments should therefore focus on ways and means to enhance regular interaction between parliaments and civil society organisations based on the principles of freedom of expression and opinion, so as to enhance constructive channels of expression. On the other hand, members of the civil society should make responsible use of the freedoms provided under the law by providing constructive criticism and ideas. While civil society participation is not a substitute for democratic institutions, it contributes to the democratic political culture and the vitality of democracy. A basic prequisite is however the existence of a legislative and regulatory framework which is conducive to the healthy development and effective operation of the civil society sector.

III.   Mechanisms for civil society input into parliamentary processes – exchange of good practices

a)   The practice of PACE

Through its Conference of INGOs, civil society has had an increased role in the Council of Europe over the years. PACE has marked its willingness to include more closely the civil society in its work, first by establishing in its Rules of procedure that "*each committee may develop relations with NGOs which carry out activities within the committee's terms of reference*", then by inviting NGOs to attend PACE sessions and other seminars, conferences and colloquies organised by PACE committees. NGOs frequently attend meetings of PACE committees and have the facility to organise events in the margins of sessions which are sponsored by parliamentarians. Individual rapporteurs also are in regular contact with NGOs for the purpose of their reports and in this way, NGOs are given an opportunity to feed into the parliamentary process. NGOS may also submit memoranda which may be made available to committees concerned. Suggestions for additional measures to further enhance cooperation with INGOs are set out in the above-mentioned Resolution 1589 (2007) for consideration by the competent PACE bodies.

It may be noted in this context that, at its part-session of April 2007, in the framework of its debate on the State of human rights and democracy in Europe, PACE invited for the first time key INGOs to take the floor during the plenary session and thus offered them a unique European platform for debate. Furthermore, on the same occasion, PACE decided to establish an annual award of the Parliamentary Assembly for outstanding civil society action in the defence of human rights in recognition of the significant contribution of civil society, including human rights defenders, to the promotion and protection of human rights. The PACE Human Rights Prize will be awarded for the first time in 2009.

b)   National Parliaments

Possible mechanisms and measures for cooperation between the civil society and national parliaments in order to increase the civil society's input into parliamentary processes are listed below. They are drawn from Resolution 1589 (2007) mentioned above, Resolution 1547(2007) on the state of human rights and democracy, as well as examples in some national parliaments.

- A prerequisite for effective interaction between national parliaments and civil society is the existence of a legislative framework which enables civil society organisations to establish themselves and operate freely in accordance with the case law of the European Court of Human Rights and other relevant Council of Europe standards. Parliaments can be instrumental in ensuring that the legislative framework is conducive to a flourishing civil society sector. Specific committees could be tasked with the shaping of that framework and of monitoring its implementation.

- National parliaments could develop a framework of principles and practices for consultation and participation of NGOs in political dialogue. The aim would be to involve NGOs in the shaping of the parliament's work and priorities. Such guidelines would help NGOs to better understand how they may participate in parliamentary work.

- Parliaments could consider developing procedures capable of ensuring an effective dialogue with civil society in the performance of parliamentary functions and the involvement of NGOs in parliamentary discussions of new laws and regulations.

- National parliaments could set up formal or informal platforms between NGOs and Parliaments to exchange information, experiences and know-how.

- Parliamentary committees could be encouraged to involve NGOs in their legislative and related activity through hearings or colloquies on topical questions on the work programmes. Such hearings, with a balanced presence of parliamentarians and NGOs involved in the subject concerned could both raise parliamentarians' awareness and knowledge of specific issues and enhance the expertise within the Committee concerned through expert input, with NGOs providing a pool of expertise on particular issues.

- Specific committees might be tasked with the question of the non-profit civil society sector.

- Parliaments should ensure that information on parliamentary activities and agendas are readily accessible to NGOs and civil society at large particularly through the internet and other appropriate means. The daily publication of practical information on such activities and/or the establishment of a contact office for NGOs would enhance transparency.

- The involvement of civil society when launching thematic campaigns is vital to ensure the multiplier effect. The example of "Parliaments united in combating domestic violence against women", which is the parliamentary dimension of the Council of Europe's campaign to combat violence against women, including domestic violence (2006-2008) could be mentioned in this regard, since it associated from the outset networks of NGOs active in the field of domestic violence against women. Parliaments which engage in campaign related activities could consider broad civil society involvement in their design and implementation.