Declaration of the Conference of INGOs of the Council of Europe on the place and role of civil society in safeguarding human rights, democracy and the rule of law

Adopted by the Conference of INGOs on 16 December 2020

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Explanatory memorandum

The Recommendation 2007(14) of the Committee of Ministers underlines the "essential contribution made by NGOs to the development and realisation of democracy and human rights, in particular through the promotion of public awareness, participation in public life and securing the transparency and accountability of public authorities, and of the equally important contribution of NGOs to the cultural life and social well-being of democratic societies"[1].

The Conference of INGOs, conscious of these challenges, has undertaken a reform in order to interact more effectively with citizens and grassroot organisations. Through the diversity of civic engagement, the final goal is to pro-actively accompany the democratic changes through advocacy and participation in decision-making process[2].

During the Covid-19 crises, the governments have taken emergency measures, sometimes limiting civil rights and demanding an exceptional compliance by their citizens. These limitations, for being lawful, have to pass a triple test of legality, legitimacy and necessity"[3]. The limitation of the fundamental rights led also to a shrinking accountability of the Governments and to ethically difficult decision-making in time of pandemic.

The pandemic represents a major danger for the right to freedom of association and assembly, the right to freedom of expression and meaningful civil participation[4]. In this context, the commitment of the civil society sector constitutes a part of the global solution in the fight against the pandemic

[1] This contribution is directly linked to the Article 15.b of the Statute of the Council of Europe and to the Declaration of the Heads of State and Government of the Council of Europe adopted during the 3rd Summit in Warsaw in 2005, underlining that effective democracy and good governance at all levels can only be achieved with the active involvement of citizens and civil society.
[2] The Revised Code of Good Practice of the Conference of INGOs for Civil Participation in Decision-Making.
[3] Venice Commission (May 2020). Respect for democracy, human rights and the rule of law during states of emergency – reflections.
[4] Committee of Ministers Resolution Res(2016)3 on the participatory status of international non-governmental organisations with the Council of Europe.

The Conference of INGOs requests on the one hand, the Committee of Ministers and on the other, the Secretary General of the Council of Europe,

- To place at the top of their political agenda the space for civil society within the Council of Europe and within the member States[5], in order to counter restrictions that negatively impact civic space and the exercise of legitimate civil society activities in safeguarding human rights, democracy and the rule of law within the member States[6];
- To make visible the good practices implemented by the civil society organisations;
- To elaborate or to adapt the existing monitoring mechanism to the crisis situation in order to assess in a transversal way the progress and improvements in the implementation of the Council of Europe's standards[7];
- To provide the necessary means to develop a further democratic dialogue with the Conference of INGOs and its members within the Council of Europe;
- To support logistically and financially, in the longer term, the contributions made by INGOs with participatory status to the work carried out by the Steering Committees, the Intergovernmental Committees and the Committees of the Parties;

The Conference of INGOs calls on the Committee of Ministers, the Parliamentary Assembly and the Congress of Local and Regional Authorities to ensure that member States

- Confirm in their laws, public policies and practice that the civil society groups, NGOs and INGOs are recognized as fully-fledged democratic partners with a view to strengthening public confidence in democratic institutions and reducing the growing social and political polarisation in Europe;
- Consult civil society groups[8], NGOs and INGOs at all stages of the decision-making process[9]
- Make an extraordinary effort in the time of crisis to provide evidence-based and correct information to citizens[10]
- Adopt measures to implement the SDGs, particularly with regard to social and climate justice, democratic education, gender equality and equity, the fight against discrimination, and economic development respectful of human rights and the well-being of the population, placing them as the main objectives of pandemic and post-pandemic policies;
- Pay special attention to young people in terms of access to all their rights and above all to a safe future based on adequate training leading to full employment;
- Pay special attention to women severely affected by the pandemic and the economic crisis.
- Grant health care and access to rights to non-European nationals who are on the territory of the Council of Europe Member States;
- Improve living conditions in all communities (schools, health care, prisons, reception centres…);

[5] - The decision of the Committee of Ministers taken at their 129th Session in Helsinki on 17 May 2019) to examine additional options for strengthening the role and effective participation of civil society organisations and national human rights institutions in the Organisation, with a view to increasing its openness and transparency towards civil society, including access to information, activities and events".

[6] Recommendation CM/Rec(2018)11 of the Committee of Ministers to member states on the need to strengthen the protection and promotion of civil society space in Europe, adopted in November 2018.

[7] Information Documents SG/Inf(2020)11 7 April 2020, Respecting democracy, rule of law and human rights in the framework of the COVID-19 sanitary crisis. A toolkit for member states.

[8] Guide to Public Debate on Human Rights and Biomedicine, adopted by the Committee on Bioethics (DH-BIO) at its 16th meeting (19-21 November 2019).

[9] Guidelines for civil participation in political decision-making, adopted by the Committee of Ministers on 27 September 2017at the 1295th meeting of the Ministers' Deputies.

[10]Recommendation CM/Rec(2016)5[1]of the Committee of Ministers to member States on Internet freedom.

To this end, the Conference of INGOs commits itself to:

- ✓ Proceed to its own reform in order to reinforce the dialogue and working relations with all its members and all Council of Europe bodies;
- ✓ Fuel the dialogue with all Council of Europe entities in order to alert, advise and assist in the development of legal and political standards that respond to the needs identified on the ground;
- ✓ Formulate recommendations and suggestions to the respective organs of the Council of Europe on the basis of the innovative experience and practice carried out by civil society sector in order to contribute to the evolution of recommendations and public policies:
- ✓ Continue to disseminate the Council of Europe's legal instruments and tools to inform the citizens about their rights, granted by their country's commitment to the Council of Europe treaties and conventions;
- ✓ Support volunteers and volunteer work allowing to find local solutions to the problems encountered by the inhabitants.

In conclusion, the Conference of INGOs strongly emphasises that democratic institutions and the mechanisms guaranteeing the human rights and the rule of law must continue to fulfil effectively their missions in pandemic time.

Democracy cannot be suspended or put into brackets during times of health crisis or any other crisis. Democracy, human rights and the rule of law are a solution to combat the pandemic and its consequences in the short, medium and long term.