

CONFERENCE OF INTERNATIONAL NGOS

Proposals for the High-Level Reflection Group

29 July 2022

The Standing Committee of the Conference of International NGOs of the Council of Europe (CINGO) welcomes an opportunity to submit these proposals to the attention of the High-Level Reflection Group.

General Considerations

Supporting and sharing the importance of the statutory aim of the Council of Europe “to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress”, the members of CINGO believe that the Council of Europe member states should stand by their commitments to uphold its principles and assist neighbouring states in progress towards them, as well as to develop additional strategies to promote the CoE ideas inside and across its borders.

The Council of Europe remains a community whose overriding aim is the democratic development of the entire pan-European space. The expulsion of the Russian Federation from the Council does not in itself create an insuperable wall between the Council of Europe and Russia, which remains an active player in the CoE political arena, having the potential to influence many of its members and the internal affairs of the Council. In our view, the Council of Europe should pay more attention to its members who have made less progress with regard to building democratic institutions and the rule of law, and *strengthen its role as a vehicle and key partner in promoting CoE values and ideas* in such countries.

The Convention System

The Convention System of the CoE, with the leading role of the European Convention on Human Rights, but with so many other conventions of the highest value for the development of a democratic and coherent society, needs to be strengthened and promoted. To be efficient it needs to have a strong system of compliance, not just for those conventions with their own monitoring systems. Member states have a legal and binding obligation to implement the conventions they have ratified - even as the ratification is an act of a sovereign decision and, for most conventions, voluntary, once undertaken it becomes an

obligation. The CoE must protect its conventions, help member states in the process of implementation, but draw consequences when member states fail continuously to live up to their obligations. The role of civil society in this process of “monitoring” or “control” is crucial and needs to be recognised and supported.

We believe accountability for meeting convention obligations in nation states could be greatly strengthened through CoE working in a much more committed partnership with the Conference of INGOs and democratic civil society . Only through civil society engagement and structures can the voices - and voting power - of populations be garnered into more powerful advocacy for CoE’s aims, including through compliance with convention obligations.

Istanbul Convention

The Council should step up its role in stimulating member states to sign and ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). Domestic violence remains one of the most widespread problems in almost all CoE member states. Nevertheless, 11 out of 46 member states have not yet ratified the Convention, which would mark a major step towards a comprehensive and harmonized response to ensuring a life free of violence for all women and girls across and beyond Europe.

The Social Charter

The Social Charter is one of the key conventions of the CoE and, in conjunction with the Convention of Human Rights, is crucial in today's fight for democracy, rule of law and respect for human rights. To safeguard and regain democracy where it is endangered or already lost, social cohesion plays an important role. The Social Charter is a valuable tool to protect and foster social cohesion. It is one of the conventions with a monitoring system which allows for help to be provided to member states to implement the Charter and also to remedy omissions in its implementation. This system needs to be strengthened and the *implementation of the findings of the European Social Committee* needs to be among key priorities of the CoE.

Implementation of the ECtHR judgments

As the European Court remains the main instrument for the protection of human rights in the pan-European space, strengthening its role is crucial at a time when the very idea of human rights is again under attack and questioned. Moreover, the European Court is and remains the most effective mechanism in the world and it is important for us not only to increase its impact in Europe, but also to continue to support its development as a global trendsetter in the protection of human rights and freedoms. But we are well aware that in order to have effect, judgments must be properly implemented. Of the 'leading' cases handed down by the

ECHR in the last ten years - cases which reveal structural or repetitive human rights problems - 47 percent remain pending full implementation. More than 50 per cent of the leading judgments of the European Court of Human Rights only from the last ten years have not been implemented, leading to a situation where Justice Delayed is Justice Denied. We therefore believe that the Council of Europe's Committee of Ministers should be increased, which requires organisational changes, more staff, and the ability to expand the Court's enforcement instruments from purely diplomatic to financial.

Civil Society Participation

The mission of CINGO is to be a true voice for the civil society within the Council of Europe member states and within the Council as an international organization, supporting the vision of a Europe of peace founded on the values of human rights, democracy and the rule of law. In addition to facilitating the participation of organized civil society in the work of the CoE, the Conference of INGOs serves as a platform where civil society can interact with the CoE in the attainment of its goals. *Stepping up CINGOs institutional capacity* is a necessary step to intensify this interaction and provide CoE with much needed enhanced connection "on the ground". only through this development can CoE's aims be consistently and powerfully supported by civil society demands and expectations at national and transnational bases.

CINGO believes the *civil society actors in their diversity should get much wider access to the Council* (via access to documentation, open fora, premises, etc.) and wider application of practices of participatory democracy. The 2019 Helsinki decisions should be translated into a practical "Helsinki Action Plan"/ civil society inclusion plan with statutory status within the political bodies of the Council of Europe.

EU Accession

After years of discussing the prospects and possibilities of the European Union becoming a party to the Convention for the Protection of Human Rights and Fundamental Freedoms, we believe it is technically unfeasible. One of the basic principles of the Convention relates to equality, meaningful unity, uniformity and equal rights of all its members. In this context we do not see how the European Union, as a commonwealth of independent states, could become a full party in the future, even though the values proclaimed in the Convention are fully shared by both the CoE and the European Union.

The values and power of the CoE must be developed in its own right, in the service and with the full participation of all its members both within and outside the European Union. There is a need for stronger coherence between the promotion of human rights in the EU in alignment with the CoE conventions and rulings on nation states through the ECHRt. But the political and international institutional identities and purposes of the EU and CoE should not be (or be perceived to be) fused.

We would, stress the *need for an enhanced political dialogue between the Council of Europe and the European Union*. Since the Council remains Europe's "human rights watchdog", but is composed of 19 non-EU member states, it has a particular role to support these countries in their realizing the commitments to human rights and the rule of law and thereby creating a secure environment in the pan-European space.

The Council of Europe has the potential to better serve as a framework for political dialogue and cooperation on matters of common interest for European nations - both within and outside the EU.

We recall the demand of President Macron for an "outer Circle" of the EU. We believe this circle already exists in the CoE and a strong cooperation with the EU can help to build the common European values of these two grand European organisations in both, EU-countries and non-EU-countries. To achieve this goal *especially non-EU-countries should also see benefits from their compliance with rules, improving democratic structures, supporting civil society etc.* Such benefits at the end of the day can only be delivered by the EU which has the financial, economic and political means to do so.

This is also true for the implementation of the ECtHR judgments. A political agreement with the EU could provide the CoE with what it does not have yet - real means to protect its conventions and guarantee the implementation of the Court rulings.

Financing CoE

The Council of Europe is facing significant resource constraints that limit its capacity to shape and enforce policies to promote the rule of law and human rights. In the context of an ongoing war in Ukraine and financial crisis, many member states of the Council of Europe are putting a significant financial strain on their budgets.

Nevertheless, we believe that the Committee of Ministers of the Council of Europe should be in constant dialogue with the member states in order to increase the financial stability and flexibility of the Council, in order to strengthen its impact.

High expectations placed on the Council of Europe are far from matching the resources at its disposal, although the tasks of the Council, and the European Court of Human Rights in particular, have been growing exponentially. Living up to these expectations is an almost impossible task in the absence of effective instruments and *sufficient financial and human resources*.

We suggest that an enhanced relationship between the CoE and EU, on the types of terms discussed above, could include enhanced resourcing of CoE from the EU at collective level.

Belarusian and Russian Civil Society

The format and content of the Council of Europe's engagement with the bordering Russia and Belarus civil societies remain crucially important, despite on the state level both states currently pursue a military aggressive agenda. Here we trust in CoE as an actor capable of creating a cultural and intellectual blueprint for democratization in these countries in the future and building long-term and effective cooperation at the grass-root, civil society level.

In this context, we consider important:

- to create platforms within the Council of Europe that will serve the purposes of integration, learning, exchange of ideas and building joint projects of the pro-democracy civil society actors (inside and outside of Russia and Belarus),
- to support student exchanges and to expand short- and long-term educational programmes for Russian and Belarusian students and young scientists,
- to create project and partnership support/ funding lines for the pro-democracy groups, taking into account the specifics of the situations with independent civil society actors of Belarus and of Russia,
- to counter Russia's and Belarus's state propaganda and disseminate verified information by independent sources about the situation on the ground and the state of the societies in Belarus and Russia.

This should be done in a close dialogue with civil society organisations of both countries as well as those active in the countries, especially the knowledge and expertise concentrated in the Conference of INGOs and the CURE Campaign.

Conclusions

As the voice of Civil Society in the CoE we have high expectations of a Fourth Summit: to initiate a real and true reform of the CoE, in contrast to the permanent so called reforms we have seen in the last decade and more. "Reforms" that were mainly driven by lack of funding and the aim to save money, not to strengthen the mission of the CoE. Such a true reform has to start with the fundamental principles, to strengthen the value based system of the CoE and define its mission in the challenging world we live in, provide the CoE with the means to fulfill these tasks, strengthen the Civil Society input, transparency and openness of the organisation, build a more modern and lightweight hierarchy in the administration to make the organisation fit for purpose - including, where necessary, to overcome hindering structures, like the principle of unanimity where it still applies in the CoM. Civils Society is ready to contribute - as we deeply believe in the core values of the CoE and that a strong, reactive and proactive CoE is needed today more than ever.