

## Information Documents

**SG/Inf(2022)13**

12 April 2022

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**Follow-up to the Helsinki decisions on civil society:  
implementation of the Secretary General's proposals  
-Final Report**

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## Introduction

1. On 2 June 2020, the Secretary General issued her proposals ([SG/Inf\(2020\)8](#)) on the implementation of the [decisions](#) adopted at the 129th Session of the Committee of Ministers (Helsinki, 17 May 2019) “A shared responsibility for democratic security in Europe – The need to strengthen the protection and promotion of civil society space in Europe”, also in light of the decisions taken at the 1347th meeting of the Ministers’ Deputies. These proposals were built on existing standards<sup>1</sup> and practice, other relevant reflections<sup>2</sup>, and internal meetings convened by the Private Office, including consultations with national delegations and civil society representatives.<sup>3</sup>

2. The proposals focused on areas where it was identified that further action was necessary, hence complementing the existing framework of work with civil society which will be pursued. The existing framework was appended to the forementioned document. The Secretary General recalled that, with the exception of specific activities restricted to member states, nearly all of the Council of Europe’s standard setting, monitoring and co-operation activities involve some level of engagement with civil society.

3. Since sharing her proposals, the Secretary General has stressed repeatedly, including in her annual reports of [2020](#) and [2021](#), that civil society and NGOs are key partners of the Council of Europe as they provide complementary services to those provided by governments and international organisations, noting that the unprecedented crisis created by the Covid-19 pandemic, and the emergency measures taken have also impacted civil society and NGOs.<sup>4</sup>

4. This support for the role and diversity of civil society, including human rights defenders as well as national human rights institutions in member states, was further reflected in key strategic priority 11 of the Strategic Framework of the Council of Europe ([SG/Inf \(2021\)34](#)). It is indicated that additional focus will be applied to exploring the best possible ways to ensure better participation by civil society in the activities of our Organisation. The corresponding decision taken at the Hamburg Ministerial session on 21 May 2021 ([CM/Del/Dec\(2021\)131/2a](#), item 12) echoed the Secretary General’s call. The Committee of Ministers “reiterated the importance of further strengthening the role and meaningful participation of civil society organisations as well as national human rights institutions in the Organisation, in line with, *inter alia* the Helsinki Ministerial decisions on civil society; instructed its Deputies and invited the Secretary General to vigorously pursue the work to this end, implement the Secretary General’s follow-up proposals to the Helsinki decisions and report back on the results at the Ministerial Session in May 2022”.

5. The present document is the final implementation report of the Secretary General’s proposals.<sup>5</sup> For the purposes of the 132nd Ministerial Session (Turin, 20 May 2022) it also encompasses the main conclusions and results of the previous report.

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<sup>1</sup> See in particular the more recent, comprehensive [Recommendation CM/Rec\(2018\)11](#) of 28 November 2018 on the need to strengthen the protection and promotion of civil society space in Europe.

<sup>2</sup> In particular within the framework of the Warsaw conference on “The Role and Position of NGOs in the Council of Europe” (22 March 2019; [DD\(2019\)427](#)), organised by the Ministry of Foreign Affairs of the Republic of Poland in co-operation with the Council of Europe and with the participation of the Finnish Presidency of the Committee of Ministers.

<sup>3</sup> The proposals were examined by the Rapporteur Group on Democracy (GR-DEM) on 18 June 2020. Subsequently, the Ministers’ Deputies (1380bis meeting) instructed the Secretariat to ensure proper follow-up to document [SG/Inf\(2020\)8](#) in compliance with existing rules and procedures with a view to reporting to the GR-DEM within one year ([CM/Del/Dec\(2020\)1380bis/2.4](#)).

<sup>4</sup> See also [SG/Inf \(2020\)16](#).

<sup>5</sup> First implementation report: [SG/Inf \(2021\)24](#) and subsequent [decision](#) of the 1412th meeting of the Ministers’ Deputies (22 September 2021) following an examination by the GR-DEM on 9 September 2021.

6. The implementation of the specific proposals will undoubtedly benefit from important standard-setting activities that have taken place since the implementation of the previous report, such as the recent [Recommendation CM/Rec\(2022\)6 of the Committee of Ministers to member States on protecting youth civil society and young people, and supporting their participation in democratic processes](#), adopted on 17 March 2022. Furthermore, the three key recommendations of the Committee of Ministers, namely [CM/Rec\(2021\)1](#) on the development and strengthening of effective, pluralist and independent national human rights institutions, [CM/Rec\(2019\)6](#) on the development of the Ombudsman institution, and [CM/Rec\(2018\)11](#) on the need to strengthen the protection and promotion of civil society space in Europe have been compiled in a publication under the title "[Civil Society and Human Rights](#)" (October 2021).

7. The follow-up to these proposals will also benefit from the enhanced contribution of the Council of Europe's Conference of International Non-Governmental Organisations (CINGO) to the implementation of the Helsinki decisions and alignment with the priorities of the Council of Europe as highlighted by the Secretary General in her [annual address](#) to the CINGO on 6 October 2021. On this occasion, the Secretary General welcomed the adoption by the Conference of its [three year strategic action plan](#) which, together with the implementation of the recommendations in the [recent evaluation of the Conference](#)<sup>6</sup> and the Helsinki decisions, will help create synergies and provide the framework for the Conference to work closely in line with the priorities of the Council of Europe.

8. Finally this document exclusively concerns the implementation of the Secretary General's proposals in response to the decisions adopted in Helsinki. It does not contain information concerning relations between the Council of Europe and country-specific civil society organisations. Recent events leading to the exclusion of the Russian Federation from the Council of Europe and the suspension of relations with Belarus will prompt the Organisation to reflect on its relations with civil society organisations and the national human rights institutions in these countries. These important issues will continue to be carefully examined but do not fall within the scope of this document.<sup>7</sup>

**I. Implementation of decision 1: “examine further options for strengthening the role and meaningful participation of civil society organisations, and national human rights institutions in the Organisation, with the view to increasing its openness and transparency towards civil society, including access to information, activities and events”**

9. It is recalled that the key role played by civil society vis-à-vis the Council of Europe's mission and the tangible and diverse forms of this contribution were detailed in the appendix of the document SG/Inf(2020)8.

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<sup>6</sup> April 2022; see also [management response and action plan](#).

<sup>7</sup> To recall, concerning the Russian Federation, the Committee of Ministers noted that "the Council of Europe will take initiatives to support and engage with human rights defenders, democratic forces, free media and independent civil society in the Russian Federation" (see CM/Res(2022)3). With respect to Belarus, the Committee decided "to suspend all technical co-operation with Belarus but to enhance the Organisation's relations with Belarusian civil society and the opposition in exile, paying particular attention to Belarusian youth, independent media and human rights defenders" (see CM/Del/Dec(2022)1429/2. 5).

10. In order to enhance access to the Council of Europe work so as to ensure better and more timely information on the Organisation's activities and to enable civil society to effectively contribute to the Council of Europe's priorities, three primary responses were put forward in the Secretary General's proposals, detailed hereafter. In addition to these proposals, a strategic, transversal response was given through the Programme and Budget 2022-2025 to the Hamburg decisions and the Strategic Framework, including key strategic priority 11. The participation of civil society continues to be promoted across programmes where relevant, and in particular under the programmes *Democratic Governance*, *Democratic Participation* and *Effective ECHR implementation*.<sup>8</sup> Strengthening the role and meaningful participation of civil society in the Organisation has also been included as a transversal issue to be taken into account by all steering and ad hoc committees in their terms of reference for 2022-2025.<sup>9</sup> Various examples of enhanced participation will figure in the Secretary General's upcoming annual report.

- develop **a handbook/e-handbook to inform civil society/NGOs** about the different forms of access/co-operation/input/participation/partnership which they can pursue within the Council of Europe.

11. The handbook has been finalised and will be available to delegations in electronic and printed format ahead of the 132nd Ministerial Session. Its aim is to provide a non-exhaustive overview of the many ways in which the Council of Europe works with civil society, to provide links to in-depth information and to act as a guide for how civil society can become involved in the work of the Organisation. It gives information on the different forms of access, co-operation, input, participation, and/or partnerships that are possible and relevant for NGOs. It contains a thematic index, with links to websites provided throughout the text. The handbook is based on the Council of Europe's Programme and Budget 2022-2025 with some additional thematic entries for ease of reference, and it will be updated regularly.

- create a **civil society portal** available from the main Council of Europe website which would help NGOs navigate the Organisation's website to find the right institutional or Secretariat address/contact point for the type of co-operation they seek or can provide – increasing transparency towards civil society about the structural forms of co-operation they may be able to develop.

12. A web presence adapted to the needs of civil society has been created and will be available ahead of the Ministerial session. It is designed to present the text in a way that will make it clear and simple to navigate, highlighting different topics of interest to civil society so that visitors can find items of specific interest, as well as basic information.

- implement an **online calendar of events** in order to help civil society to identify ongoing or upcoming events, actions, initiatives presenting opportunities to participate which may be accessible to them.

13. The civil society portal includes a page that offers a single point of access to all online calendars of events relevant to the interests of civil society.

14. These proposals which should be read in conjunction with the action as implemented under the other decisions would be tested through implementation; additional relevant measures could be considered in the future in light of available resources.

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<sup>8</sup> Cf. CM(2022)1, p. 12.

<sup>9</sup> Cf. Appendix 1 of CM(2021)131-add2final.

## II. Implementation of decision 2: “further strengthen the Organisation’s mechanisms for the protection of human rights defenders, including the Secretary General’s Private Office procedure on human rights defenders”

15. The document SG/Inf(2020)8 presented in detail the Organisation’s mechanisms related to human rights defenders, from the judicial protection offered by the European Convention on Human Rights and the European Court of Human Rights, to the work of the Parliamentary Assembly, notably through the General Rapporteur on the situation of human rights defenders, and the Commissioner for Human Rights’ role in light of the [Declaration of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities of 6 February 2008](#). The SG/Inf(2020)8 also presented the revised Private Office procedure aiming at assisting human rights defenders who allege that they have been subject to reprisals for their interaction with the Council of Europe.

16. The activities of the Parliamentary Assembly, notably through the work of the General Rapporteur on Human Rights Defenders (currently Ms Thorhildur Sunna Ævarsdóttir), and of the [Commissioner for Human Rights](#) have been firmly pursued. In her presentations of the revised Private Office procedure and in bilateral exchanges which the Secretary General has held with civil society leaders and the former and current Presidents of CINGO, the Secretary General has noted the importance of internal co-ordination and co-operation between the institutions and bodies of the Organisation and with the field offices on a case by case basis. She further stressed the importance of using diplomatic means for positive resolution of cases through informal contacts to secure the protection of persons concerned, providing all the more reason that the procedure remain under the Secretary General’s direct oversight.

17. The Private Office procedure’s operation has continued to demonstrate the afore-mentioned advantages but this does not preclude any future adjustments. The Secretary General will continue to report on the procedure where appropriate. It was however noted that with respect to civil society and human rights defenders more generally, while internal co-ordination has been regular and effective with all relevant bodies and entities concerned within the Organisation, it is necessary to secure regular exchanges and synergies beyond specific cases through an intersecretariat task force operating through the Private Office. In light of numerous consultations conducted by the Private Office, this task force will notably address the following issues:

- secure regular exchanges and synergies regarding civil society and human rights defenders, including the Private Office procedure aiming at assisting human rights defenders who allege that they have been subject to reprisals for their interaction with the Council of Europe, with a view to sharing timely information on thematic work and initiatives and on urgent questions;
- the Council of Europe’s co-operation with civil society including through the CINGO and the Council of Europe’s field offices;
- co-operation with other international organisations (EU, UN and OSCE), including when operating similar procedures on human rights defenders.

**III. Implementation of decision 3: “invite the Secretary General to explore the possibilities of inviting the relevant human rights NGOs to a regular exchange with a view to further enhancing co-operation between civil society and the Council of Europe and enriching the discussions of the Committee of Ministers and other Council of Europe bodies”**

18. The document SG/Inf (2020)8 detailed the different forms of interaction between civil society and the Council of Europe in the context of standard setting, monitoring and co-operation activities, in addition to the institutionalised role that NGOs have with the European Court of Human Rights (third party interventions), the European Social Charter with the collective complaints procedure as well as with the Committee of Ministers in the framework of the supervision of the execution of judgments of the Court through submission of communications (Rule 9).

19. It was however concluded therein that it appeared that there was room for enhanced interaction with the Committee of Ministers to address matters of common interest.<sup>10</sup> It was therefore proposed that, once a year, the Rapporteur Groups on Democracy (GR-DEM), Human Rights (GR-H) and Legal Co-operation (GR-J) each devote one of their meetings to exchange with civil society on common priority issues regarding democracy, human rights, and the rule of law respectively. This format would facilitate a substantive debate between decision makers and civil society in a regular, transparent and organised manner.

20. On 20 January 2021 and on 9 February 2022, the Committee of Ministers held their annual exchange of views with the President of CINGO. The President was also invited to take the floor at the 130th and 131st Ministerial Sessions, held in Athens (4 November 2020) and in Hamburg (21 May 2021) respectively. The President will also be invited to participate in the 132nd Session to be held in Turin on 20 May 2022. Regular exchanges through the Rapporteur Groups continued, including with the GR-DEM on 1 June and 25 October 2021. Furthermore, representatives of national and international NGOs were invited to high-level conferences.

21. As proposed by the Secretary General, the GR-DEM, GR-H and GR-J agreed to organise once a year an exchange of views with civil society on common priority issues regarding democracy, human rights, and the rule of law respectively. On 13 April 2021, an [informal exchange of views](#) was organised between the GR-DEM and representatives of civil society on “Elections during the Covid-19 crisis: the role of civil society organisations”. This event took place under the aegis of the Chair of GR-DEM and in co-operation with the President of CINGO. The main conclusions of the exchange of views are set out in document [DD\(2021\)178](#). A new similar event on a theme to be agreed will take place before summer 2022.

22. On 8 July 2021, on the initiative of its Chair, the GR-J held [an informal exchange of views](#) with representatives of international civil society organisations active in the area of the protection of the freedom of exercise of the profession of lawyer and the defence of the rights of lawyers. The exchange of views, which benefited also from the participation of representatives of the Parliamentary Assembly and the CINGO, aimed at learning more about the contributions and the expectations of these organisations towards a safe and enabling environment for lawyers and improved standards of protection, and at underlining the role of civil society and professional associations in the work of the Council of Europe in this area. The GR-J will hold its 2022 annual exchange of views with civil society on 30 June 2022.

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<sup>10</sup> It is recalled that an immediate response to the Helsinki decisions was the 5 September 2019 [Informal meeting of the Ministers’ Deputies on the respective contributions of national human rights institutions and ombudspersons to human rights and the rule of law](#), which brought together presidents of national institutions including the President of the European Network for National Human Rights Institutions (ENNHRI), with whom the Council of Europe co-operates closely.

23. An [informal exchange of views](#) was held in the GR-H with representatives of civil society on “Addressing hate crime in a human rights framework”, on 6 December 2021. It was organised on the initiative of the Chair of the GR-H, with the participation, *inter alia* of the President of CINGO of the Council of Europe, as well as representatives of civil society, who gave presentations on different aspects of addressing hate crime, including the challenges of data gathering, reporting, investigation, sanctioning, and the protection of victims. The aim of the exchange of views was to find out more about the contribution and expectations of these organisations towards improving standards and practice in this area, and to underline the role of civil society and independent human rights institutions in the work of the Council of Europe.

24. The exchanges appear to be most valuable in establishing a direct link between civil society and the Committee of Ministers, enabling the latter to take into account the views of civil society actors regarding priority issues dealt with in intergovernmental work. It is therefore proposed to invite the three Rapporteur Groups concerned (GR-DEM, GR-H and GR-J) to continue such exchanges of views with civil society on a yearly basis without prejudice to their regular work. The GR-SOC and GR-C could be invited to consider holding similar exchanges of views.

25. In the 2020 proposals, as a complement, so as to ensure a wider exchange of views on the state of implementation of Council of Europe standards related to civil society, related good practice and outstanding difficulties encountered, it was also proposed to consider the feasibility of holding an annual meeting with the participation of civil society, organised by the Secretary General with all stakeholders concerned (Committee of Ministers, Parliamentary Assembly, Commissioner for Human Rights, CINGO, relevant steering committees and other international actors) and open to all delegations.

26. The first such annual exchange was planned for early 2022. The preferred format being an in-person meeting, its organisation has been rendered impossible due to the public health situation during this period. The meeting will therefore be organised during the last trimester 2022. As initially planned, one of its main focus' areas will be the study entitled “[The Legal Space for NGOs in Europe](#)” by the Expert Council of NGO law of CINGO, supported by a voluntary contribution from Finland, examining the implementation of Recommendation [CM/Rec\(2007\)14](#) on the legal status of non-governmental organisations in Europe ([presented](#) by the Expert Council on 8 December 2021). The detailed outline and focus of the first exchange will be considered by the above-mentioned task force (§17).