



## CONFERENCE OF INGOs CONF/AG(2022)SYN4

### MEETING OF THE GENERAL ASSEMBLY

#### Report

Thursday 6 October 2022

09:30 – 12:00

13:30 – 16:00

Hybrid meeting (Palais Room 2 & Room 3 + Kudo)

*English/French interpretation provided*

### Morning Session open to member States (09.30 – 12.00)

**09.30** - Opening of the meeting by Gerhard Ermischer (GE), President of the Conference  
Welcome to all in person in Strasbourg and online.

- *Nomination of the Rapporteurs of the meeting:*
  - Ruth Allen, Standing Committee member (and IFSW representative)
- *Draft agenda adopted*, no objections or abstentions

### 09.45 Exchange of views on the current developments in the Council of Europe

#### • CINGO contributions to the strengthening of civil society dialogue in the Council of Europe:

##### i. Implementation of the Helsinki process:

- The President GE updated members that progress on implementation of the Helsinki Process has been disrupted by focus on responding to war in Ukraine and the implications for Council of Europe (CoE) of the expulsion of Russia. However, the crisis has also brought a movement for change in CoE, focusing on its core purpose on promoting democracy and human rights. Russia was backsliding on human rights and democracy and blocking progress including civil society participation, over many years.
- GE reminded members of three key resources on greater civil society participation and promotion of CINGO in CoE

- **Guide: Legal space for Non-Governmental Organisations in Europe** written by CINGO Expert Council on NGO law to promote how decisions of Committee of Ministers are implemented in Europe e.g, through translating and disseminating this document and enabling NGOs to challenge member states' implementation
  - **Guide: Working with the Council of Europe – a practical guide for civil society.** The CoE is complex and it is hard to understand how to participate. This document helps explain this. It is online and will be updated. Finland helped fund it and also seconded Anu Janoven to work with CINGO for three year, bringing her experience in Finnish civil society.
- ii. **Implementation of the civil participation platform:**
- [BePart Platform](#)
  - **Online resource: BePart platform**
  - Congress of Regions asked for updated resources on civil participation.
  - CINGO created and adopted a joint document with the Congress, brought to life through the BePart platform which collects best practice examples of civil participation. This includes examples from Ukraine though some have now been destroyed in the war.
  - BePart shows how civil society and government sectors can work together. **All INGOs invited to visit, promote and consider contributing to BePart.**
  - [Awareness raising video shows for BePART: Civil Society: Sustaining Democracy](#): This will be promoted by CINGO through social media, on the website, at events and webinars and can be used by INGOs.

### **Challenges for the CoE, consequences to the Russian Federation exclusion**

- **GE Welcomed Ambassador of Ukraine to the Assembly** – standing applause (Other Ambassadors or their representatives also present – Italy, Poland, Germany, Switzerland)
- GE noted that the Committee of Ministers (CoM) has committed to greater dialogue with civil society through the rapporteur groups and this is happening.
- CINGO wants to play a stronger role in the CoM meeting itself. GE has attended many of these meetings and contribution of civil society organisations is welcomed but need to further develop true, open dialogue.
- Despite the progress with the CoM, the CoE Secretary General has not had the dialogue with civil society as agreed in the Helsinki process.

**GE introduced Ambassador of Ukraine**, noting that CoE has made a commitment to a court of war crimes under aegis of CoE (where Russia cannot veto the court).

- **Ambassador of Ukraine:** Thanked CINGO for warm welcome.
- Russian troops have committed crimes against humanity which are known to the world.
- Outlined issues in pursuing accountability of the aggressor.
- Crimes against humanity are already being considered by the International Criminal Court the Hague is considering crime of genocide against Russian troops on basis of their false 'denazification' aims.
- Crimes against humanity are being investigated and evidence gathered by experts from Ukraine and other countries on the ground
- At same time, the crime of aggression does not yet exist in international law even though this is the root source of further crimes.
- On 15<sup>th</sup> September 2022, CoM approved Ukrainian proposal to create ad hoc tribunal on international aggression and demand for reparation for Ukraine. This is being put to UN General Assembly for discussion and global perspective.
- An alliance of like-minded countries is being to created to set terms of ad hoc tribunal and CoM and European commission continue to consult.
- The process aims for accountability of political and military leadership. Support is expected from Dutch prosecutors. CoE Parliamentary Assembly (PACE) took decision to support the ad hoc Tribunal in June 2022 and will consider again at next session.

**President's remarks:**

- Notes Nuremberg promised a standard against aggression globally. This has not been in place. Need a process of accountability of leaders in states not only those on executing aggression at the frontline. This would be an action of weight and importance for CoE which is absolutely fit to its role as guardian of democracy, rule of law and human rights and to be more visible in the wider world.
- GE noted French President Macron has worked recently on a wider Europe inclusive initiative 'Political Union of Europe' – yet this should be role of CoE and shows further dialogue needed is about the relationship between EU and CoE.
- The EU and CoE partnership can be developed through the accession of EU to CoE conventions as this will enable EU to use its financial levers to ensure implementation. This would reduce tension between European institutions and more alignment. This is something to take forward in summit planned in Iceland.

## • Discussion on Report of High-level Reflection Group

- The Secretary General of the CoE set up the High-Level Group in June 2022, following CoM meetings in Turin (Italy) on 20 May 2022.
- The group was tasked with drawing up a report and issuing recommendations relating to CoE role in new realities and challenges
- The paper went to CINGO members shortly before the General Assembly.
- CoM is considering holding a full summit of CoE next year and the Report informs this.
- Report includes some elements on civil society particularly in Belarus and Russia. One focus is the execution of judgements in the European Court of Human Rights (ECtHR) especially outstanding Russian cases. There is a chapter also on the Istanbul convention with of increasing ratifying countries. The report has been welcomed and undertaken in short time, including consultation, and is the basis for further decisions in CoM.
- **Ambassador of Ukraine** welcomes report including a chapter on Ukraine, but the equivalent to the attention to Belarus and Russian civil society he does not consider fair. The report needs more scrutiny by CoM.
- **GE comments on High Level Group report** – a little disappointed about attention to civil society, not prominent other than in Russia and Belarus Chapter. CINGO facing inconsistencies in involving civil society.
- Regarding Belarus – need to address this through government in exile which gives route to civil society. In Russia, it is different as there is no organised opposition and there is lack of clarity about routes to civil society
- Change in Russia can only come through real engagement with civil society there, from the inside. CoE also needs a strong focus on civil society in all parts of Ukraine and in the community displaced to other countries. The Report should have an independent chapter on how to help Civil society in Ukraine, including reconstruction.
- Regarding Istanbul convention – important focus. Need for CoE to move from ratification to implementation. Contrast with success in implementation of EU conventions/commitments because relates to funding of states. Ursula Van Der Leyen has promised to enjoin EU in implementing Istanbul convention
- German Ambassador states that should not underestimate implementation role of civil society – pressing, campaigning and directly acting. Expressed support for development of CINGO and its strength. GE welcomed this statement.

### Comments on High Level report from the floor

- CINGO budget has been cut over the years. Need to attain statutory status and gain a fair budget in CoE. Question of Ambassadors - why they don't work towards this so CINGO can act fully in the CoE?

- Poland Ambassador sympathises with last point about how states and civil society can work together. This is a crossroads and we have been able to expel Russia and chance to change the organisation – now relieved of Russian blocking actions.
- This is an outside perspective on CoE produced at speed. We needed dynamic action quickly. Member states with civil society will make the decisions on change. Noted there is a difference between decisions e.g., Helsinki agreement, and implementation. Need to continue positive pressure on governments including involvement of civil society in CoM and other official meetings. It is low compared to e.g UN although some blocks have been removed.
- GE accepts the publication is the starting point, and we will put pressure on the ambassadors and ministers to increase early and consistent involvement and will be pushing for this in Iceland summit. Hope to have shared view and common purpose on this.

### **Comments online**

- Is this top down or bottom-up progress on Istanbul convention? Need governments to challenge when state leaders are not implementing rights.
- Note the ECHR was attempt to maintain peace after Nuremberg and second world war. Asks what is happening about UK government discourse on watering down implementation of ECHR? How do we enhance the role of civil society in promoting and upholding ECHR?
- The role of civil society in the report is not strong. Civil society also has key role in pushing for higher budgets for CoE through their political influence in the member states. Structure of CoE should be built on having civil society as a pillar rather than the main bodies 'engaging' with civil society in an infantilising way.
- Ukraine recommendations are not strong - need more analysis of what is needed. Also need more analysis of how Russia violated the statutes of CoE in build up to war and expulsion. There is a role for CoE to take active role as proposed through the tribunal. Also, how can states be challenged for just 'leaving' the convention?
- Note about telephone service in Spain which enables violent men to get immediate help to stop – can this be promoted/funded?

### **From the floor**

- Anne-Marie Chavanon paid homage to Irish Presidency because made possible statement on human rights and the environment. Today CoM inviting states to include environment in statements on rights and to include civil society in decision making process.
- Europe Churches: Note on Patriarch of Russian orthodox church playing a supportive role with the war. Religious communities play important role in civil society and we have means to take this forward through work in interreligious and inter-convictional dialogue.
- Amnesty International – summit needs strong basis in human rights purpose of CoE. Obstacles needing answers that are not well covered in the report e.g that war in Europe is not only in Ukraine;

shrinking space for civil society not addressed; infringement of ECHR in Turkey imprisonment of judges; If there is a summit in May, these issues need to be properly taken forward.

- University women in Europe: rights of women including abortion rights – there must be women in peace negotiators. Also, need to consider who we mean by civil society? Some organisations are unfunded, others have public resources and able to fund more involvement. Not all voices are heard in CoE and so losing a lot of resources/creativity.
- Notes on ‘corporate capture’ of state and civil space – through business and through online technologies. Request that these are included in the summit. Need to reframe the checks and balances needed in age of the internet and global big business.
- **GE – Further notes on the report:** Importance of strengthening monitoring needs elaborating; importance of education – many programmes of learning and development have been undermined in CoE by cuts in funding. CoE needs to live up to its role to defend and spread values. Need to fund and find better legal status of CINGO to ensure we are all working together to promote and implement fundamental values of CoE through promotion in civil society.

### **Afternoon Session open to CINGO members only (13:30 – 16:00)**

**13.30 Report from CINGO representatives to Intergovernmental Steering Committees and other bodies of the CoE** to explain the way we work inside the CoE, the obstacles we have to overcome, and debate how we could better integrate all interested members in these processes.

**Report from CINGO representatives to Intergovernmental Steering Committees and other bodies of the CoE to explain the way we work inside the CoE, the obstacles we have to overcome, and debate how we could better integrate all interested members in these processes. Gerhard Ermischer (GE) introduces Genevieve Laloy (GL) Vice President who will Chair this session.**

#### **i. Cooperation with the drafting group on artificial intelligence (CAI), Francesca Fannucci**

- GE presents reporting on behalf of Francesca Fannucci and drafting group on Artificial -Intelligence (CAHAI and CAI) on drafting statutory instrument on AI by CoE. A good example of how civil society can have strong influence in CoE and the challenges of this.
- The CAHAI was set up to decide if there should be a CoE regulating instrument for AI. This was a response to development of AI including spyware of various kinds. The CAHAI started on technical side and only wanted civil society input on that limited perspective.

- The key issue for CoE is about human rights – how AI is used in e.g., spying, decision making, social policy.
- CAHAI started well with support for civil society, but incoming members were less supportive. Russia and some other members were against proposals including countries with significant defence industries. Original report watered down.
- CINGO protested against the paper. Committee of Ministers (CoM) have now established a new working group but there is a delay because of awaiting EU and UK reports as comparators. EU driven by economic issues and markets issues and rules and did not want to regulate use of products; UNESCO driven by human rights. It is therefore clear CoE needs to bring in something on rights and welfare of European citizens.
- Need to address the demands for defence and security products to be excluded (including those that *could* be used for such). We hope that some new governments (e.g., in Germany) may influence a better approach in the CoE. We have had very good feedback on Francesca Fanucci's interventions and knowledge, providing a 'shield' for CoE.

### Comments from the floor

- Schools of the future: Need to link with educators in this field. Also need to understand algorithm development and impact on people, both the processing and outcomes dimensions. Importance of Open Source where the processing chain is open. Also important with use of Big Data – the ethics of how data is gathered, used and fundings shared with those who have shared it. Also need to recognise this is global as European boundaries are not fixed with internet. Need to understand the laws as applied in different countries and across national boundaries. Need to harness the power of data processing and use and have right safeguards. It cannot be left to private companies to determine.
- GE response: Important points raised. Re algorithms – for e-democracy development we have lobbied for open source, technology cannot be a 'black box'. Clash with the EU because they protect the interests of the companies who want data closed. States use that, saying cannot force industry to be open source, but outsource activities to private companies. Need to draft resolution on how states outsource and then are no longer under democratic control and transparency. Need to ensure we are working across the silos e.g., between AI and human rights, human rights and environment etc.
- Young lawyers Assoc -participated in AI consultation. Supports focus on human rights in AI. Need to find the right form of regulation based on human rights. Offered expertise and assistance
- Defence of rights and liberty: Are there any direct contacts with Euro Parliaments and UNESCO. GE – yes working with these bodies but focused on EU and waiting for their action.
- Victim Support Europe – involved in consultation at EU level especially re CSA online. Pushback from companies trying to protect privacy yet enabling dangerous information/material.

ii. **Cooperation of the Committees of the CoE in the field of migration, Daniel Guery (tbc)**

- (Slides shown)
- Role is to spread knowledge, values and relevance of CoE throughout our work. Committee open to members. We have regular newsletter external and internal one for CINGO. Work with Genevieve Laloy regularly to keep in touch with Standing Committee – good practice for flow of information. And also with Secretariat. Working with other committees not yet formalised and history of this, and lots of members work across committees. Important to hold cross cutting events on shared topics. Webinar on 25<sup>th</sup> October 2022 on 'Pushbacks' with many high-level speakers.
- Under the reforms of CINGO we can reach out to other NGOs in our committee. Reaching out is essential for our credibility – cannot stay in our 'bubbles'.
- In CoE our topic is cross cutting. Work regularly with special representative of Sec General for migrants. Important to establish contact with special representatives if they exist in your field, and opportunities to influence and contribute. Strong and trusting relationships with statutory parts of CoE and very important. Please follow links and resources shared by committees.
- Fact finding missions – to gain information close the ground. Mission to Greece in November to speak to migrants and NGOs on the ground. Sharing reflections with other NGOs and with IOM and UNHCR. Spread who we are and role of CINGO – speaking on your behalf. Doing the visit inexpensively and supported by local NGOs and we will meet with them. If you have a branch in Greece, may forge links on the ground.
  
- **Comments from the floor**

Welcome the work of the committee. Question how to increase the role of local and regional authorities in respect of migrants and refugees? Too often the police are mobilised.

- DG – don't have an answer to all important questions. Keeping the needs of all migrants in the discourse during the Ukraine crisis is difficult. We must pay attention to how we attend to all migrants. Finally contacted Congress to influence local authorities. On 25<sup>th</sup> October there will be a session on Calais.
- Specific position of migrant women: 14<sup>th</sup> Nov 18:00 and 20:00 on disabled women in Europe with interpretation.

**Ahead of his early departure for an important intervention with committee of Ministers, GL thanked the President GE for his chairing and preparation for the General Assembly**

Thanks expressed to GE and Standing Committee attending the volunteer awards yesterday evening.



**iii. Work with Intergovernmental Steering Committees (CDDG), Christoph Spreng (CS)**

- (Slides shown)
- Role is to provide outside perspective. Topics on democratic governance within CoE, governance at local and regional level – benchmarks/marks of excellence. CS takes a constitutional role, as vice president and has vote in determining excellence. There is some cooperation between CS/CINGO and the Chair. Plenary meetings – 12 agenda points over two days, 27 reports, establishes working groups and CS is reps for CINGO there. Working group on Good Democratic Governance. Bringing these words together is a more recent development. The developments will be a corner stone of CoE work from next year. See this reflected in the eminent persons' report looked at today.
- Good feedback from CDDG for contribution from CINGO.
- The GDD material
  - o Respect, protection and promotion of democracy, human rights and rule of law
  - o Highest standards of public ethics and integrity
  - o Good administration
  - o High quality public services and economic, social and environmental wellbeing
- Governance goes across national boundaries – IT, environment, health commodities etc requires multilateral dimension.

**Comments from floor:**

- CINGO was involved in developing 12 governance standards.
- GL - notes importance of this work and the appreciation of the key CoE actors
- GL – notes importance of synergy between committees and between these and other parts of the CoE. We want to make the connections stronger between our members in the session during the next GA allowing for informal exchanges.

**• CINGO Secretariat: Mary-Ann Hennessey**

- Re cooperation and contact between CINGO and rest of CoE: structurally different bodies of CoE approach secretariat and we then ask Standing Committee. More requests are coming in. If there are any groups forming that are not known by Secretariat, please let OING service know so the right designation and communications can be set up. PACE and Committee of Minister groups do want to engage with civil society and not just on expert areas. Needs to also to bring the voice of civil society more widely.
- Handbook on working with Council of Europe – please use the links and contacts. If you approach PACE or a committee and please let the Standing Committee know so have more official recognition and

also let Mary-Ann Hennessey and Lusine Sahakyan know in the secretariat.

- Primary means of communication is through the webpage – and special pages for committees, expert council etc. The pages are being used differentially, use for announcements and events. Also contact the CoE Secretariat ([ngo-unit@coe.int](mailto:ngo-unit@coe.int)) so can be put up front.
- Social media – Ruth Allen on twitter and Beata Zwierzynska on Facebook
- Please ensure database information is up to date. End of next year there will be a report needed for participatory status going forward. **All INGOs must check the correct details are held on the database.**
- Question about access to building via photo badge – still not able to get past the visitors groups? Much easier in the European Parliament. Mary-Ann Hennessey reported the reactivation of badges post Covid not yet settled and there is some ambiguity about the status of INGO badges because they are not monitored e.g., when people stop being a representative.
- **Next meetings**
  - **24/26 2023 April Agora G03**
  - **9/11 2023 October Agora G03**

**15:35 Meeting closed**

**15.45 Closing remarks by the President / Dates of the 2023 Sessions**