

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

CDDH-INST(2018)R3
16/03/2018

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

**DRAFTING GROUP ON CIVIL SOCIETY
AND NATIONAL HUMAN RIGHTS INSTITUTIONS
(CDDH-INST)**

Report

3rd meeting
14-16 March 2018

Item 1: Opening of the meeting and adoption of the draft agenda

1. The CDDH Drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST) held its third meeting in Strasbourg from 14 to 16 March 2018 with Ms. Krista OINONEN (Finland) in the Chair. The list of participants appears in Appendix I. The agenda as adopted appears in Appendix II.

2. The Group was welcomed by Mr. Alfonso DE SALAS, Head of the Human Rights Intergovernmental Co-operation Division and Secretary of the CDDH.

Item 2: Presentation by the EU Agency for Fundamental Rights (FRA) of their recent report: "*Challenges facing Civil Society Organisations working on Human Rights in the EU*"

3. The Chair invited a representative of the FRA, Mr Robert Jan UHL, to present their recent report on "Challenges facing civil society organisations working on human rights in the EU" and to have an exchange of views with the members of the Group.

4. Mr UHL explained the methodology of the report and summarised the main challenges faced by the civil society organisations in the EU, as they were identified by the FRA. He insisted in particular on the necessity to integrate civil society in the policy making and to train civil servants on a meaningful engagement of civil society. He then responded to the questions asked by the members of the Drafting Group.

Item 3: Exchange of views with Ms Mary Ann HENNESSEY, Head of the civil society Division, Democratic Governance Department, DGII

5. The Chair invited Ms Mary Ann HENNESSEY to inform the Group on the work carried out by the Civil Society Division and to exchange views on the outputs from her division, the CDDH and the Conference of INGO for improving civil society space.

6. Ms HENNESSEY observed that there were close links between the work of her division and of the CDDH-INST, since the two main priorities she and her colleagues were concentrating on were (a) the freedom of association as well as creating an enabling environment for the civil society, and (b) enhancing civil participation at all levels of the decision-making process, in line with the Guidelines for civil participation in political decision making, adopted by the Committee of Ministers on 27 September 2017.

Item 4: Examination of the preliminary draft non-binding instrument of the committee of ministers on the need to strengthen the protection and promotion of the civil society space

7. The Group welcomed the preliminary draft Declaration on the need to strengthen the protection and promotion of the civil society space prepared by the Rapporteur Ms. Krista Oinonen with the assistance of the CDDH Secretariat and proceeded with a general discussion thereof.

8. The Group then examined, paragraph by paragraph, the preliminary draft Declaration.

9. The Group proposed a number of changes, consequently a revised draft Declaration was prepared by the Rapporteur and the Secretariat on this basis and in the light of the comments provided during the meeting.

10. The final draft of the Declaration was adopted by the Group and will be submitted to the CDDH at its meeting in June 2018.

Item 5: Examination of the replies to the questionnaire related to the good practices and discussion regarding selection of good practices

11. The Group held a discussion on and read through the Compilation of the national contributions received in reply to the questionnaire, prepared by the Rapporteur Ms. Krista Oinonen with the assistance of the CDDH Secretariat, and on the main purposes, outcomes and format of this Compilation.

12. The Group recognised some challenges in making a selection of “good practices” submitted by member States and thus decided to prepare two documents, one presenting an overview and general conclusions which could be drawn from the contributions, and the other one containing most of the measures and practices submitted, entitled: “The protection and promotion of the civil-society space - Compilation of measures and practices in place in the Council of Europe member States”.

13. The Group also decided that the latter document would be left open for additional or restructured contributions for four more weeks after the meeting, and that the overview would be finalised by means of electronic consultation among the members.

Item 6: Exchange of views with Ms Caroline MARTIN, Secretariat of the Enlarged Agreement on Democracy through law (Venice Commission), DGI

14. The Chair invited Ms Caroline MARTIN to inform the members about the Venice Commission ongoing work on the principles relating to the institution of ombudsman, its protection and constitutional guarantees.

15. Ms MARTIN explained the reasons for launching this drafting process and informed the Group that these “Venice principles”, which she detailed, will soon be submitted for consultations. They would also be sent to the CDDH for comments.

Item 7: Exchange of views on proposals for follow-up work

16. The Group held a discussion on the follow-up work. At this occasion the Chairwoman welcomed Mr Mikhail LOBOV, Head of the Human Rights Policy and Cooperation Department, as well as Mr Markus JAEGER, Head of the Independent Human Rights Bodies Division, who both acknowledged the importance of the work carried out by the Group and made a suggestion to focus on the Committee of Ministers’ Recommendation No. R (85) 13 on the institution of ombudsman, adopted on 23 September 1985. The Group agreed to extend its work on a possible update of this Recommendation, together with the work – foreseen in its terms of reference - on the revision of the Recommendation No. R(97)14 of the Committee of Ministers to member States on the establishment of independent national institutions for the promotion

and protection of human rights. The Group's correspondent proposal will be submitted to the CDDH at its meeting in June.

Item 8: Adoption of the meeting report

17. The Group adopted the present meeting report in English and French.

Item 9 : Other business

18. The Group further discussed the work to be carried out during its next meeting, 19-21 September 2018. The Chair informed the Group that under the aegis of the Finnish Chairmanship of the Committee of Ministers there will be a Workshop on Civil Society and National Human Rights Institutions organised during the 90th meeting of the CDDH.

19. The Group also took note of the fact that invitations and submissions can be expected during this year from Poland at the occasion of the 25th anniversary of Poland's accession to the system of the European Convention on Human Rights, and that the next Fundamental Rights Forum will be organised by the FRA in Vienna from 25 to 27 September 2018.

20. The Chair also recalled the decision by the Netherlands not to participate anymore at the meetings of this Group. Consequently, Poland had already been designated as a member in replacement of the Netherlands.

APPENDIX I

List of Participants

MEMBER STATES / ETATS MEMBRES

ARMENIA / ARMENIE

Ms Kristinne GRIGORYAN, Ministry of Justice, Head of the Department on International Legal Assistance and Foreign relations

AZERBAIJAN / AZERBAIDZAN

Mr Hasan BAGHIROV, Chief Adviser, Administration of the President of the Republic

FINLAND / FINLANDE

Ms Krista OINONEN (*Chair/Présidente*), Director, Unit for Human Rights Courts and Conventions, Agent of the Government before the European Court of Human Rights
Legal Service | Ministry for Foreign Affairs

IRELAND / IRLANDE (*Apologised*)

ITALY / ITALIE

Ms Silvia DODERO, Human Rights Expert, Interministerial Committee for Human Rights, Ministry of Foreign Affairs and International Cooperation

MONTENEGRO

Ms Vanja RADEVIC, Advisor of the Representative of Montenegro before the European Court of Human Rights

POLAND / POLOGNE

Ms Agata ROGALSKA-PIECHOTA, chief specialist Criminal Proceedings , Department for Proceedings before International Human Rights Protection Bodies Ministry of Foreign Affairs

RUSSIAN FEDERATION / FEDERATION DE RUSSIE (*Vice Chair/Vice-président*)

Mr Grigory LUKIYANTSEV, Deputy Director, Department for Humanitarian Cooperation and Human Rights, Ministry of Foreign Affairs, Moscow, 119200

SLOVENIA / SLOVENIE (*Apologised*)

SPAIN / ESPAGNE

Mr José Antonio JURADO RIPOLL, Ministry of Justice

"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" / "L'EX-REPUBLIQUE YOUGOSLAVE DE MACEDOINE"

Mr Filip TOSEVSKI, Directorate for Multilateral Affairs Sector for United Nations and Human Rights Unit for United Nations and other international Organisations, Ministry of Foreign Affairs

TURKEY / TURQUIE

Mme. Burcu EKİZOĞLU, Experte Juridique, Représentation Permanente de la Turquie auprès du Conseil de l'Europe,

OBSERVERS / OBSERVATEURS

AMNESTY INTERNATIONAL

Ms Rita PATRICIO, Senior Executive Officer for the Council of Europe

Mr Daniel JOLOY, legal adviser

EUROPEAN NETWORK OF NATIONAL HUMAN RIGHTS INSTITUTIONS / RESEAU EUROPEEN DES INSTITUTIONS NATIONALES DES DROITS DE L'HOMME (ENNHRI)

Ms Katrien MEUWISSEN Développment officer, Permanent Secretariat

CONFERENCE OF INGOS OF THE COUNCIL OF EUROPE / CONFERENCE DES OING DU CONSEIL DE L'EUROPE

Mr Dragan GOLUBOVIC, member of the Expert Council on NGO Law

M. Jean-Bernard MARIE, Représentant de la Conférence des OING auprès du CDDH

PARTICIPANTS

Mr Robert Jan UHL, Stakeholder Relations Officer, Fundamental Rights Promotion Department
European Union Agency for Fundamental Rights, Schwarzenbergplatz 11,1040 Vienna

Ms Mary Ann HENNESSEY, Head of the civil society Division, Democratic Governance Department, DGII

Ms Caroline MARTIN, Secretariat of the Enlarged Agreement on Democracy through law (Venice Commission), DGI

Mr Tishaev FURKAT, Adviser / Conseiller, Bureau du Commissaire aux droits de l'homme / Office of the Commissioner for Human Rights

Ms Linda Maria RAVO, Legal and policy officer, European Commission, Directorate-General for Justice and Consumers, Rue Montoyer 59, 1049 Brussels

EUROPEAN ROMA AND TRAVELLERS FORUM / FORUM EUROPÉEN DES ROMS ET DES GENS DU VOYAGE (*Apologised*)

SECRETARIAT

DG I – HUMAN RIGHTS AND RULE OF LAW / DROITS DE L'HOMME ET ETAT DE DROIT

Mr Alfonso DE SALAS, Head of the Human Rights Intergovernmental Cooperation Division / Secretary of the CDDH

Ms Irena MARKOVA, Administrator, Secretary of the CDDH-INST, Human Rights Intergovernmental Cooperation Division

Ms Corinne GAVRILOVIC, Assistant, Human Rights Intergovernmental Cooperation Division

APPENDIX II

Agenda

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| | ITEM 1: OPENING OF THE MEETING, ADOPTION OF THE AGENDA |
| <u>CDDH-INST(2018)OJ1</u> | Draft agenda |
| | ITEM 2: PRESENTATION BY THE EU AGENCY FOR FUNDAMENTAL RIGHTS (FRA) OF THEIR RECENT REPORT: "<i>Challenges facing Civil Society Organisations working on Human Rights in the EU</i>", followed by an exchange of views with Mr Robert Jan UHL, FRA representative |
| <u>FRA report</u> | Challenges facing civil society organisations working on human rights in the EU (FRA report) |
| | ITEM 3: EXCHANGE OF VIEWS |
| | Exchange of views with Ms Mary Ann HENNESSEY, Head of the civil society Division, Democratic Governance Department, DGII |
| | ITEM 4: EXAMINATION OF THE PRELIMINARY DRAFT NON-BINDING INSTRUMENT OF THE COMMITTEE OF MINISTERS ON THE NEED TO STRENGTHEN THE PROTECTION AND PROMOTION OF THE CIVIL SOCIETY SPACE |
| <u>CDDH-INST(2018)01</u> | Extract of the terms of reference given by the Committee of Ministers to the CDDH regarding the work of the CDDH-INST during the 2018-2019 biennium and relevant extracts of the CDDH meeting reports |
| <u>CDDH(2017)R87 Addendum IV</u> | Analysis on the impact of current national legislation, policies and practices on the activities of civil society organisations, Human Rights defenders and national institutions for the promotion and protection of Human Rights |
| <u>CDDH-INST(2018)04</u> | Preliminary draft declaration on the need to strengthen the protection and promotion of the civil society space |
| <u>CDDH-INST(2018)03</u> | Bibliography of standards pertaining to civil society organisations, Human Rights defenders and national institutions for the promotion and protection of Human Rights |

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| <u>CDDH-INST(2018)02</u> | Selection of relevant case-law of the European Court of Human Rights |
| CDDH-INST(2017)005 <i>Restricted</i> | Relevant extracts of the research report prepared by Research and Library Division of the European Court of Human Rights on Non-Governmental Organisations in the case-law of the Court |
| | ITEM 5: EXAMINATION OF THE REPLIES TO THE QUESTIONNAIRE RELATED TO THE GOOD PRACTICES AND DISCUSSION REGARDING SELECTION OF GOOD PRACTICES FOR THE PURPOSES OF A GUIDE |
| <u>CDDH-INST(2017)06</u> | Questionnaire to member States with a view to the preparation on a draft compilation of good practices to the analysis of the impact of the legislation, policies and current national practices on the activities of civil-society organisations, human rights defenders and national institutions for the promotion and protection of human rights |
| <u>CDDH-INST(2018)05</u> | Compilation of the national contributions received in reply to the questionnaire |
| | ITEM 6 (16 March 2018): EXCHANGE OF VIEWS |
| | Exchange of views with Ms Caroline MARTIN, Secretariat of the Enlarged Agreement on Democracy through law (Venice Commission), DGI |
| | ITEM 7: EXCHANGE OF VIEWS ON PROPOSALS FOR FOLLOW-UP WORK |
| | ITEM 8: ADOPTION OF THE MEETING REPORT |
| | ITEM 9: OTHER BUSINESS |

Organisation of the work for the next meeting in Strasbourg, 19-21 September 2018.