



CDDH-INST(2018)07

13/09/2018

**STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)**

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

**Note on the preparation of the CDDH Workshop
(working document)**

Protection and promotion of the civil society space in Europe

organised by the CDDH at its 90th meeting
under the aegis of the Finnish Chairmanship
of the Committee of Ministers

Strasbourg, Agora, room G03
Thursday 29 November 2018 (14:00 - 17:15)

CONTEXT

1. In the course of the biennium 2018-2019, the Steering Committee for Human Rights (CDDH) is tasked by the Committee of Ministers to prepare, on the basis of work conducted in 2016-2017, a draft non-binding instrument of the Committee of Ministers and a guide of good practices with the aim that member States, through their legislation, policies and practices, effectively protect and promote the civil society space (activities of organisations of the civil society, human rights defenders and national institutions for the promotion and protection of human rights) (deadline: 31 December 2018).
2. Thus, following the Analysis on 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 (“Analysis”) (CDDH(2017)R87 Addendum IV), elaborated by the Drafting Group on Civil Society and National Human Rights Institutions (“CDDH-INST”) in 2017, adopted by the CDDH at its 87th meeting (6-9 June 2017) and examined by the Committee of Ministers at the 1293rd meeting of the Ministers’ Deputies (13 September 2017), the CDDH took note at its 88th meeting in December 2017 of the possibility to have the Analysis be accompanied by a compilation of good practices. It also endorsed the questionnaire proposed by the CDDH-INST, aimed at receiving examples of national practices which have an overall positive character and are innovative in nature; the emphasis was placed on “the collection of *good practices of implementation* of existing national legislation regarding the protection and promotion of the civil-society space”.
3. Majority of the practices and measures submitted by 22 member States¹, numerous members of the European Network of National Human Rights Institutions (ENNHRI) and the European Roma and Travellers Forum (ERTF), except for practices which were considered as not going beyond common standards or concerned national human rights institutions which do not meet applicable international standards (including the Paris Principles), were integrated into the document entitled: “The protection and promotion of the civil-society space - Compilation of measures and practices in place in the Council of Europe member States” (CDDH-INST(2018)05Rev). Together with this compilation the CDDH-INST prepared the Draft Declaration on the need to strengthen the protection and promotion of the civil society space (“Declaration”), which was adopted by the CDDH at its 89th meeting in June 2018 (CDDH(2018)R89add2) and transmitted to the Committee of Ministers for adoption².
4. At its 89th meeting in June 2018, the CDDH also noted with satisfaction the interest of the Finnish authorities for a CDDH workshop on the civil society space, which would take place under the Finnish Chairmanship of the Committee of Ministers during the 90th meeting of the CDDH (namely on 29 November 2018 afternoon).

AIM

¹ Contributions have been submitted by Armenia, Belgium, Bosnia and Herzegovina, Croatia, Cyprus, Czech Republic, Finland, France, Georgia, Greece, Monaco, Montenegro, Netherlands, Poland, Portugal, Russian Federation, Serbia, Spain, Sweden, Switzerland, “The former Yugoslav Republic of Macedonia” and Turkey.

² The examination by the Committee of Ministers is expected in September 2018.

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6. In the very diverse and complex world of today, the shrinking space phenomenon has become a global trend which requires a multi-faceted response. The aim of the Workshop is to draw attention to the shrinking democratic space in Europe, to raise awareness of the major challenges faced by various civil society actors engaged in human rights protection and to explore ways for reversing this phenomenon. By discussing how to better coordinate their efforts and provide critical support for civil society actors, the relevant stakeholders should also provide tools for an effective implementation by member States of the principles embedded in the new Declaration elaborated by the CDDH. Furthermore, guidance could be given for the upcoming work of the CDDH-INST on updating CM Recommendations No. R(85)13 on the institution of the ombudsman and No. R(97)14 on the establishment of independent national institutions for the promotion and protection of human rights.
7. Besides, 2018 marks the 20th anniversary of the United Nations Declaration on Human Rights Defenders and the 10th anniversary 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 (adopted by the Committee of Ministers on 6 February 2008), in which the Committee of Ministers acknowledged that "whereas the prime responsibility and duty to promote and protect human rights defenders lies with the state, the Council of Europe shall also contribute to creating an enabling environment for Human Rights Defenders and protect them and their work in defending human rights". The Committee of Ministers further agreed to "keep under review the question of further Council of Europe action in this field"; the Workshop is intended to fall within this framework.
8. Discussion with suggested participants (see [Appendix II](#) hereafter) should allow the governments' representatives to get a clearer picture of the difficulties experienced by different categories of civil society actors and of possible ways to tackle them. Therefore key-note speeches should be concise and discussion among participants should be favoured.

WORKING DOCUMENTS AND PROCEEDINGS

9. Working and information documents to be prepared in view of the Workshop and to be published on the CDDH website should include:

Working documents

- (Draft) Declaration on the need to strengthen the protection and promotion of the civil society space (CDDH(2018)R89add2), adopted on ... September 2018
- Declaration of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities, adopted on 6 February 2008
- 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, adopted on 30 September 1997

- Recommendation No. R(85)13 of the Committee of Ministers to member States on the institution of the Ombudsman, adopted on 23 September 1985

Information documents

- 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 (CDDH(2017)R87 Addendum IV)
- The protection and promotion of the civil society space - Compilation of measures and practices in place in Council of Europe member States (CDDH-INST(2018)05Rev)
- Overview document on the protection and promotion of the civil society space (CDDH-INST(2018)06)
- PACE Resolution 2226 (2018) on new restrictions on NGO activities in Council of Europe member States, adopted on 27 June 2018, and PACE Recommendation 2134 (2018) “New restrictions on NGO activities in Council of Europe member States”, adopted on 27 June 2018
- Human Rights Comment of the CoE Commissioner for Human Rights “The Shrinking Space for Human Rights Organisations”, published on 4 April 2017
- Statement of the CoE Commissioner for Human Rights on the 10th anniversary 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, published on 6 February 2018
- Bibliography of standards pertaining to civil society organisations, human rights defenders and national institutions for the promotion and protection of human rights (CDDH-INST(2018)03Rev)
- FRA (EU) report “Challenges facing civil society organisations working on human rights in the EU” (2018)
- Selection of relevant case-law of the European Court of Human Rights (CDDH-INST(2018)02)
- ECtHR case-law research report “NGOs in the case-law of the Court” (2016) (*available only in French*)
- Other material submitted by civil society.

10. Proceedings containing keynote speeches and working documents will be published.

PRELIMINARY DRAFT TIMETABLE

11. At this stage, and once the Chair of the CDDH has given his agreement, the Secretariat foresees the following actions:

- Examination of the present note and of the draft programme by the CDDH-INST at its 4th meeting held on 19-21 September 2018.
- Sending out of the draft programme to the Finnish Chairmanship and the Bureau of the CDDH by 25 September 2018 for comments by 2 October 2018.
- Sending out of the official invitations to the Workshop: by 8 October 2018.
- Publishing working and information documents on the CDDH website: together with the draft agenda of the 90th CDDH meeting.
- Publication of the proceedings: 1st half of 2019.

Appendix I

**Draft programme of the Workshop:
Protection and promotion of the civil society space in Europe**

organised by the CDDH at its 90th meeting
under the aegis of the Finnish Chairmanship
of the Committee of Ministers

Place and date: Strasbourg, Agora, room G03, Thursday 29 November 2018 (14:00-17:15)

Participants: representatives of member States, Council of Europe, international organisations, civil society

14:00 – Opening session

(3') Welcome to the participants by Mr Hans-Jörg BEHRENS, Chair of the CDDH

(3') Speech by the Finnish Chair of the Committee of Ministers

(7') Speech by Mr Christos GIAKOMOPOULOS, Director General DGI (tbc)

(7') Speech by Ms Krista OINONEN, Chair of the CDDH-INST

14:20 – Working session I – Commitment of the Council of Europe and other international partners to protect and promote the civil society space in Europe

Short presentations by representatives of the Venice Commission, PACE, Platform to promote the protection of journalism and safety of journalists, CoE focal point for reprisals against human rights defenders related to their interaction with the Council of Europe, Steering Committee on Media and Information Society, CoE Commissioner for Human Rights, OHCHR, FRA (EU)... (to be determined)

Discussion – *What should be the further steps to strengthen the role of the civil society in Europe?*

15:20 – Coffee break

15:45 – Working session II – Current challenges facing civil society actors in Europe

Short presentations by representatives of the Working Group on Human Rights Defenders set up within the Human Rights Committee of the Conference of the INGOs of the Council of Europe, Council of Bars and Law Societies of Europe, ENNHRI, Amnesty International, Front Line Defenders, International Service for Human Rights... (to be determined)

Discussion – *How to reverse shrinking democratic space in Europe?*

17:00 – Conclusion

(7') Concluding remarks by Mr Hans-Jörg BEHRENS, Chair of the CDDH

(3') Closing by the Finnish authorities

17:15 – *Vin d'honneur* offered by the Finnish Chairmanship of the Committee of Ministers

Appendix II

Possible participants at the Workshop (list to be completed)

(1) Representatives of member States

(2) Representatives of civil society

Conference of the INGOs of the Council of Europe (Working Group on Human Rights Defenders)

Council of Bars and Law Societies of Europe (voice of the European legal profession)

ENNHRI (European Network of National Human Rights Institutions)

Amnesty International

Front Line Defenders (NGO aimed at protecting human rights defenders at risk)

International Service for Human Rights (independent NGO, author of a Model Law for the Recognition and Protection of Human Rights Defenders)

....

(3) Representatives of relevant sectors within the Council of Europe: PACE (Agnieszka Szklanna), HR Commissioner (Furkat Tishaev), Venice Commission (Caroline Martin), Platform to promote the protection of journalism and safety of journalists (Ramona Toma), CoE focal point for reprisals against human rights defenders related to their interaction with the Council of Europe (Irene Kitsou-Milonas), Steering Committee on Media and Information Society...

(4) Representatives of international organisations

European Union

- Directorate-General for Justice and Consumers, Unit C2 – Fundamental Rights Policy
- FRA (*Fundamental Rights Agency*) – author of the report “Challenges facing civil society organisation working on human rights in the EU”
- *OHCHR* - The mandate of the Special Rapporteur on the rights of freedom of association and peaceful assembly (Mr Clément Voule) observed limitations on civic space through the adoption of restrictive legislation regulating civic space and the right to peaceful assembly and association as well as the use of national security, anti-terrorism and public order laws to suppress freedom of peaceful assembly and association (see report A/HRC/38/34 presented to the Human Rights Council 38th session on 18 June 2018)