

## **A Statement on the occasion of the 70th anniversary of the creation of the Council of Europe**

*Yes, it is essential to honour the 70th anniversary of the Council of Europe, 70 years promoting Peace and Reconciliation after the unimaginable wars of the 20th Century, highlighting the advocacy of Human Rights, Democracy and the Rule of Law, the foundations of the institution to which still today 47 countries of the continent pledge adherence.*

*Following a historical reminder of the birth and life of the Council of Europe and of the Conference of INGOs, we are focussing on some major projects that reflect the importance and interest that we maintain Council of Europe.*

*Finally, we will give our views on how Council of Europe can regain all its vitality and relevance that it bears in its very essence.*

### **The Council of Europe: A historical reminder**

In 2019 the Council of Europe celebrates its 70th anniversary. It is difficult to re-experience the somewhat highly charged atmosphere that had presided at the time of its creation. Just a few years after the end of the war, the new world order imagined by the victors with the Charter of the United Nations had already fragmented. A divided Europe was the scene of an ideological clash between the liberal and democratic conception of society and the economy, and the socialist ideal resulting from the class struggle and the planned economy. Whilst the liberal society asserted its viewpoint on the ruins of fascist and Nazi dictatorships that had dominated Western Europe, the Communist ideal was imposed by force by the Soviet armies in the eastern half of Europe.

The unity of free Europe in the face of the communist threat was the response of the West, borne by various movements and associations in agreement of all those who, in the inter-war years, had proposed a united Europe to face the dangers of nationalism, rearmament, revanchism from the mismanaged peace of Versailles.

The Council of Europe was the first achievement of this desire to bring together the free States of Western Europe, characterized by their democratic and pluralistic regimes, their adherence to the principle of the Rule of Law and especially their commitment to the defense and promotion of Human Rights, so cruelly flouted in the 30s and 40s, by means of an exceptional instrument, the European Convention of Human Rights.

The Council of Europe was not free from contradictions itself: As a voluntary gathering of free nations, it constituted for some the point of arrival, necessary but sufficient, which would preserve the sovereignty of the Member States; for the others, however, it was only the starting point for a much more structured enterprise, the European Union.

### **The purpose of the reaffirmed Council of Europe**

In the lapse of a year (1949-1950) this contradiction explodes and the most determined - without abandoning the Council of Europe - embark on the adventure of the ECSC, a "jump in the dark" in the words of Robert Schuman, who saw in her the premise of a true federation of European States. The Council of Europe has survived this "split" which is not really a split, since the members of the ECSC and thence the European Communities, which ended up with the European Union, had always remained members of the Council after their adherence to the community or having first joined the Council before knocking on the

door of Brussels. The fact is that the Council has managed to establish itself as the “cornerstone” of European construction, that which guarantees the values on which fair and inclusive societies are built, these values being enshrined in the texts that complete the 1950 Human Rights Convention (its many Protocols and other sister Conventions, such as the Social Charter, the European Charter of Local Self-Government, the Conventions on national minorities, minority languages, the prevention of torture, the rights of children, etc.).

The Council has also remained faithful to its vocation of organization largely "à la carte", the States there retaining the initiative to lead cooperation in the areas of their choice, through the instruments of their choice (conventions, recommendations, common positions) while constituting, little by little, a common heritage of reference texts-the Convention on Human Rights and its Protocols, the European Social Charter, the conventions for the protection of national minorities, languages the prevention of torture, the rights of children, etc. - that the States “owe allegiance” to ratify their membership to this "cornerstone" of values.

It is this set of values which is also found at the foundations of the European Union (Article 2 of the Treaty of Lisbon) and which makes Europe this two-level construction, where the States wishing to embark on the path of integration do not deny the Europe of cooperation that is always under patient construction in Strasbourg.

In 70 years, these two Europe have progressed together, at different speeds and at two geographical levels but for the same unique purpose, that of an ever closer union of their nations and one and the same heritage of Human Rights to be protected and developed throughout the European continent.

### **The Conference of INGOs**

Within the Council of Europe, a pattern was already emerging in 1949: next to an representative of the political will of the States (the Committee of Ministers), a peoples’ representative had been created of peoples (the Consultative Assembly, which rapidly became "parliamentary") in order to show the coherence of this will to cooperate: we made Europe united for the nations - which had expressed their "manifest will" (see preamble) and also with the nations. The first stone was the assembly, provided by the statute, the second, the conference of INGOs, initiated in 1952, with observer status and completed in 2003 with the adoption of participatory status by the Committee of Ministers.

If they had the right to contribute to the building by becoming an observer, included in committees of experts, the collective voice of INGOs was not brought to the Council of Europe. Soon, however, the INGOs learned to form a "Liaison Committee" and then to work in ten "thematic groupings".

Since the beginning, they were essentially briefing times on the work in progress in the Council of Europe. But, within a "Thematic Group", the diversity of approaches on a common theme made it possible to refine their analyses and to identify common proposals. It is this dimension has become increasingly important thanks to their participatory status.

The members of the "Thematic Groups" have thus been associated, more and more frequently, with the different Council bodies, no longer because of the expertise of their own INGO ,but as the bearers of the reflection of all the INGOs of the group.

The "Thematic Groups" have also, on the occasion of major events, adopted documents which they transmitted directly to the relevant bodies of the Council of Europe. This was particularly visible at the 3 rd Council of Europe Summit in Warsaw: The 10 thematic groups were able to submit to the Committee of Ministers various documents providing reflections or the questions of Civil Society on the subjects that concerned it.

Like the Groups, the INGO Plenary Conference has been able, on the occasion of major European events, to broadcast, within an institutional framework, the voice of the whole of civil society. The proof was that, in the Council of Europe, representative democracy represented by at different levels by the Parliamentary Assembly and the Congress, and participatory democracy represented by the Conference, could coexist and cooperate on a joint project.

Due to these developments, the Liaison Committee immediately drew the conclusions by organizing several meetings and seminars to clearly formulate and conceptualize the progress made and the objectives to be achieved.

Two avenues have been explored: to overcome, on the one hand, mutual mistrust between elected political managers and the associative world through dialogue and cooperation and, on the other hand, making INGOs dissemination channels for Council of Europe action, texts and policies, while bringing to the Council of Europe the observations, experiences and developments of civil society.

Today, the Conference of INGOs is the place where dialogue and cooperation between INGOs, elaborate the often diverse and enriching positions of the INGOs in the work of the Council, and lay the groundwork for open dialogue between civil society and Council of Europe bodies, from the Committee of Ministers to the Congress, via the Parliamentary Assembly, the Commissioner for Human Rights, etc.

### **Emblematic projects / achievements**

Europe, as we know, faces daunting ecological, geopolitical, economic ethical and other challenges. Faced with the anxieties of non-mastery that the situation generates, many of our fellow citizens seem not only subject to the globalization of indifference denounced by Pope Francis, also to a globalization of rejection and, in any case, to the illusion of a defensive withdrawal on themselves. To this worried feeling of a dreaded decline, it is necessary to oppose the awareness of challenges and hope for the convergence of dreams that the Council of Europe offers to achieve in joint meetings and actions to research, promote, support and accompany our ideals. Should not the future always be in common projects for freedom, justice, the quest of beauty, truth and wellbeing in our countries and beyond?

But for these ideals not to remain in a utopian status, the Council of Europe offers precisely the place of a possible implementation on a daily basis. Being less dependent on the short term than other institutions, the Council of Europe allows the observation and analysis of situations, the promotion and the accompaniment of rights, the alert and the denunciation in facing unacceptable situations.

We note with satisfaction the achievements of the Council of Europe in many fields, which we can boast about and which deserve to be pursued, made more comprehensive, extended:

- Child Protection: A Strategy for the Rights of the Child (2016-2021); promoting a child-friendly justice; the Committee for the Prevention of Torture (CPT); the Lanzarote Convention...

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- The movement against hate speech - especially on the Internet - and more broadly the Youth for Democracy Programme. The Council of Europe has been and is still a pioneer in this area even though it is not always the source of the awareness that has become finally made in the general public. Let us also remember the European Youth Council and the European youth centers.

\* The "Turin Process" for the European Social Charter and the eradication of extreme poverty

\*The Council of Europe Convention on preventing and combatting violence against women, including domestic violence

\* The background work done for decades on the status of minorities has evolved since the year 2005 towards the promotion of intercultural dialogue, especially since the publication of the White Paper on Intercultural Dialogue (May 2008), including the religious dimension. It has resulted in particular to the development of a Programme of Intercultural Cities that covers today more than a hundred cities all over Europe and beyond.

\* In the field of education, this work has continued with the development of a model for the acquisition of Skills for a democratic culture that promotes the meeting and dialogue between individuals and groups of people of different origins.

\* Welcoming and defending the rights of migrants.

These are, without pretending to be exhaustive, areas in which the contribution of civil society through the INGOs, has often been rich both in the sense of the proposals and their implementation and the associations play a major role in disseminating information, raising awareness and "Ownership" of these rights, principles and procedures by those who are supposed to be its beneficiaries or its title holders.

### **An existential crisis affecting the foundations of the Council of Europe**

So it's not a meagre record of achievements and awareness that comes to us at the eve of the 70th anniversary of the creation of the Council of Europe. On the contrary, this assessment is especially rich in not only binding legal texts but also in common positions which reflect the emergence of a common European conscience on the themes that structure and permeate our societies. In this sense, the ideal of a greater unity of European peoples which is the goal that States seek to achieve by joining the Council of Europe is in progress. The Council of Europe has not existed for nothing!

Now, this goal is in danger today, and the will to achieve it seems to be lacking, in view of the gravity of the crisis that is shaking, or rather paralyzing, the Council of Europe.

For 70 years, the Council's credibility has rested on its ability to enforce principles on its members which justify their membership of the Organization, with unfulfillment of these principles justifying the dismissal (the invitation to withdraw) of failed States. These extreme situations have existed in the past, and the departure of a State or the temporary separation from the Organization of a State has usually caused or contributed to the restoration of political freedoms and institutions in failed States. In addition, for two decades, the Council has never failed to propose to its members "in a democratic transition", its political and "technical" support in bringing its know-how to the development of democratic constitutions, legislations and institutions at all levels of governance.

It is this credibility that is at stake today, in the face of the attacks that certain Member States have made against the principles of parliamentary democracy, the separation of powers, absolute respect for Human Rights. The crisis the Council of Europe is going through today, beyond the catastrophic consequences resulting in the announced reduction in its budgets and human resources, promises to be a crisis of values and faithfulness to the ideal that justifies the membership of the European States in the Organization.

We are asking ourselves the question of the real will of the States to investigate all the solutions - and they are as much political as institutional and budgetary - to find a way out of the crisis that

opposes one Member States to the others. This is not primarily a legal dispute over respective powers of the Committee of Ministers and the Assembly, but on the will of the member States to continue their cooperation within the Organization, recognizing their possible shortcomings, but at the same time assuming some responsibility for a joint action to overcome them.

The dilemma of having the principles prevail at the price of a painful separation or making "Realpolitik", at the price of a passive acceptance of the unacceptable, does not seem to us correctly stated. Respect for Human Rights throughout the continent is the responsibility of all the Member States, not only the ones whose behaviour is in question. The States that affirm the paramount importance of the Organization for the defence of fundamental rights and liberties, to the point of admitting the possible departure of "failed" States, should, in all coherence, reconfirm, at the same time, their support for the integrity of the Organization instead of admitting and resigning themselves to the reduction of resources that would result from the reduction in the number of Member States.

This reduction would be neither technical nor temporary. On the contrary, if it lost a significant amount of its resources, its personnel and its programmes, the Council of Europe would never be able to return, in the event of a positive solution to the crisis, to its size and ambitions of before since the the reduction in resources and personnel would inevitably be accompanied by a restructuring of the Organization according to a plan whose contours are not known.

The risk is high that after a period of adjustment of some two or three years, the Organization loses its versatile organization characteristic, present in several fields of activity - those of the Statute - to refocus, without a truly democratic debate and without consulting civil society, on a limited number of objectives.

### **We call on the States**

At a crucial moment in the history of the Organization, we call on the Member States, which seem more concerned with settling a matter of budgets - by cutting into the resources they are willing to commit to Council of Europe missions - rather than going to the heart of the problem, to remain faithful to a freely committed commitment, for the achievement of an objective which remains fully valid, seventy years after it was launched.

Would the Council of Europe have reached a point of no return, would it be victim of such an institutional fatigue as to make it doubt itself, its ability to remain the place where traditions meet to forge this will to move forward ? The challenges are not lacking: Ecology, Human Rights, fundamental liberties shaken by the emergence of new technologies, new modes of behaviour, new non-state actors whose size and weight surpass more than that of dozens of United Nations member States.

For non-governmental organizations that have been able to carry the voice of civil society in an interstate organization this would represent an immense disappointment and loss. Where would we turn to enliven the principles of pluralistic society, freedom of association and expression, cultural diversity in a much larger space than the 28 States of the EU, that of a continent where half of its population would be "divested" now is the time to state this, of its most basic rights?

In the face of the silence or treason of the Member States themselves, where is the collective responsibility of the other States that do not shirk their responsibility to apply Human Rights where - and when - the former reviously responsible States fail in their duty ?

## **Our convictions in this anniversary year of the Council of Europe, excessively weakened**

The Council of Europe has been able, in its 70 years of existence, to promote a greater unity of its members, by reconciling legislations (by means of its legal instruments), harmonising practices (the Court's case-law and the decisions of the committees in charge of monitoring commitments) and practising political dialogue: in the Committee of Ministers, the Assembly, the Congress of Local and Regional Authorities.

The Council of Europe has gradually developed a doctrine and practice of what constitutes a State and a democratic and pluralistic society in Europe today, favouring the transition of the formerly communist states by consolidating their institutions and social structures in the sense of pluralist democracy.

Representatives of civil society in the Council of Europe, meeting in the Conference of INGOs, have contributed to this process as a forum for debate and exchange and with tools and procedures aimed at ensuring respect for citizens' rights and liberties and their movements in the Member States.

The representatives of the INGOs and the Conference have also contributed to the development of European law and policies promoted by the Council, in constant dialogue with the Assembly and the Committee of Ministers, as well as in conferences of specialized ministers convened by the Council.

The current difficulties facing the Council of Europe in the face of the crisis caused by the "Suspension" by the Russian Federation of the payment of its budgetary contributions, for nearly two years, should not provoke responses from Member States which weaken or even undermine the original vocation of the Council, namely the promotion of a closer unity between its members:

The Council of Europe must remain the guarantor of democratic principles, the rule of law and Human Rights in Europe and its member States. The departure or exclusion of Member State must be avoided by all means, as it would mean the loss by the inhabitants of those countries, of the guarantee of having their fundamental rights protected.

Member States would fail in their duty of co-responsibility in defending Human Rights in all member States and not just within their domestic jurisdiction.

The Committee of Ministers should engage in a close dialogue with States experiencing difficulties in remaining members, and debating the root causes, not just accounting aspects on the maintenance or not of certain States in the Organization.

Respect for the principles is paramount, and if this is the case, the States that would take the responsibility of excluding others, should simultaneously confirm their attachment to the Organization, and not agree to budgetary reductions out of complacency.

The Council of Europe must maintain a strong capacity to welcome the voice of civil society in the heart of the Conference or in its intergovernmental committees.

The Council of Europe is a more indispensable institution today than ever. It has still much to provide to the European continent. May it find, with all its stakeholders, especially civil society, the ways to make an effective renewal for a defense and greater promotion of Human Rights, Democracy and the Rule of Law!

**Text based on the contributions of several INGOs members of the Conference of INGOs and adopted by:**

**AEDE – AIC - CEP - EN-RE – Justice et Paix Europe - KEK - MIAMSI - OIEC - Pax Christi - Pax Romana - UMOFC**

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