

News from the INGOs at the Council of Europe.

On 15th and 16th December 2020 the online October meeting was continued. The main subject was the amendment of the INGO's rules of procedure. The aim of this amendment is to reach a greater efficiency and flexibility of the work between the INGOs and the Council of Europe. This reform has now to prove its value and the INGOs have to see how they can find their place in this new structure.

Additionally, three resolutions were adopted concerning the safeguarding of Human Rights and different aspects of the pandemic. You find the texts below in English and French.

Nachrichten der INROs beim Europarat.

Am 15. Und 16. Dezember 2020 fand die Fortsetzung der online Oktobersitzung statt. Hauptthema war die Überarbeitung des Regelwerks der INROs. Das Ziel dieser Änderungen ist es eine größere Wirksamkeit und Flexibilität der Arbeiten zwischen den INRO und dem Europarat zu erlangen. Diese Reform muss jetzt zeigen ob sie ihr Ziel erreichen kann und die INROs müssen sehen wie sie sich in diese neue Struktur einreihen können.

Zusätzlich wurden drei Resolutionen angenommen, welche sich mit dem Schutz der Menschenrechte und verschiedenen Aspekten der Pandemie beschäftigen. Sie finden die Texte nachstehend in Englisch und Französisch.

Nouvelles des OING auprès du Conseil de l'Europe.

Les 15 et 16 décembre 2020 a eu lieu en visioconférence la continuation de la session d'octobre . Le sujet principal était la réforme des règles de procédure des OING. Le but de cette réforme est de garantir une meilleure efficacité et réactivité des travaux entre les OING et le Conseil de l'Europe. Cette réforme doit maintenant prouver sa valeur et les OING doivent chercher à trouver leur place dans cette nouvelle structure.

Additionnellement trois résolutions ont été adoptées ayant pour thème la protection des droits humains et différents aspects de la pandémie. Vous trouvez les textes en question ci-dessous en anglais et en français.

Draft Recommendation – COVID-19 pandemic: Call for ethical and human rights compliant management¹

Presented for adoption by the Conference of INGOs on 16 December 2020

CONF/PLE(2020)REC3

The NGOs members of the Conference of INGOs of the Council of Europe:

Concerned by

- a) the consequences of the erratic management of the pandemic in most Member States, mainly due to the lack of anticipation by public authorities and the inability of public health systems to adapt to crisis situations sometime deriving from limits imposed on their choices by economic objectives
- b) the dramatic worsening of already present malfunctioning in most areas of health governance
- c) the worrying roll back of fundamental human rights in the therapeutic care of the most vulnerable people, particularly on the basis of criteria related to disability or age,

Convinced by the need to support health care providers who face unprecedented ethical, medical and material circumstances throughout Europe,

Recalling Articles 1 and 3 of the Universal Declaration of Human Rights, Article 2 of the European Convention on Human Rights and the case-law of the European Court of Human Rights on the right to life, and Articles 11 and 23 of the European Social Charter on the right of older persons to social protection, as well as the provisions of the Convention on Human Rights and Biomedicine (Art 3 of the Oviedo Convention),

Bearing in mind Goal 3 of the UN 2030 Agenda, aimed at empowering people to lead healthy lives and promote well-being at all ages,

Referring to the new WHO European policy framework identifying *new collaborative leadership to deal with behavioural determinants, the environment and health care for equitable, sustainable and accountable approaches to health development*,

Recalling Committee of Ministers' recommendations to Member States R (84)20 on the prevention of hospital infections, viral and non-viral, R (97) 17 on the development and implementation of quality improvement systems in health care, R (99) 21 on the criteria for the management of waiting lists and waiting times in health care, R (2000) 5 on the development of

¹ Presented by the Democracy, Social Cohesion and Global Challenges Committee

structures for citizen and patient participation in the decision-making process affecting health care, as well as Recommendation Rec(2001)13 on developing a methodology for drawing up guidelines on best medical practices,

Referring to [Recommendation CM/Rec \(2014\)2](#), which underlines the need to fully integrate older persons into society in the most autonomous way possible, protecting them against discrimination, isolation, violence, negligence and abuse,

Following up to Recommendation [CONF/PLE\(2016\)REC2](#) of the Conference of INGOs on "*Health and socio-medical conditions and respect of human rights of the older persons in Europe*",

1. **fully adhere** to the "[DH-BIO Declaration](#) on Human Rights Considerations relevant to the COVID-19 Pandemic",
2. **support** the Council of Europe Committee on Bioethics' [Strategic Action Plan on Human Rights and Technologies in Biomedicine \(2020-2025\)](#), particularly the initiative to draw up a Guide to health literacy for older persons in order to empower them to access health care of appropriate quality on an equitable basis with other groups in society,
3. **commit themselves** to disseminating within their organisations and in the States in which they operate the toolkit for Member States [SG/Inf\(2020\)11](#) "Respecting democracy, rule of law and human rights in the framework of the COVID-19 sanitary crisis" and the Secretary General's information document [SG/INF\(2020\)24](#) "*A Council of Europe contribution to support member states in addressing healthcare issues in the context of the present public health crisis and beyond*" as well as the Recommendation of the Parliamentary Assembly of the Council of Europe [Rec. 2174](#) (and [Res. 2329](#)) on "*Lessons for the future from an effective and rights-based response to the Covid-19 pandemic*",

With regard to the Council of Europe, of which they are an integral part, the INGOs

urge the Committee of Ministers to engage in dialogue with Member States with a view to developing common resilience on the face of health risks, through the respect for and implementation of Council of Europe standards, as well as through the establishment of a more transparent and humane governance of health systems, based on:

- a) **ethics** in the implementation of health decisions so that the right to life is respected and that priority is given to a personalised approach to patients, especially the disabled and the older persons, in all health and medical-social circumstances, due regard being had to equity of access to care;
- b) **awareness** of the need to develop an approach that takes into account biological differences, in particular age and sex, in medical scientific research but also in the whole healthcare system;
- c) **initial and ongoing training in geriatrics** for all health and care personnel with a view to effective and humane care, compatible with holistic management of available resources;
- d) **promoting the use of digital tools** to combat older persons' isolation and social exclusion, which is aggravated in times of pandemic;
- e) **collaborative and integrated management** of health crises, both at European and national level, backed with the expertise of the Council of Europe and coordinated in accordance with the principles of subsidiarity by health authorities involving social and health professionals, representatives of national authorities, local and regional authorities and the associations concerned;

- f) **the clarification of competences and responsibilities in the fields of** management and decision-making relating pandemics and health emergencies, so that the overlaps and conflicts observed in the mobilisation of the resources necessary to fight against the pandemic are resolved and avoided;
- g) **an approach inspired by good practices** in epidemic management, oriented towards partnership and facilitation rather than injunction, reinforcing equity, transparency and accountability in decision making;

They consider it necessary that a major joint conference on health and human rights be convened in the second half of 2021 at the latest, in association with Council of Europe’s “quadrilogue” partners to take stock of the management of the pandemic from the perspective of ethics and good health policies, and agree on new European standards guaranteeing equality in access to care and ethics in the care of patients, **and ask the Secretary General to take the initiative.**

Draft Resolution “The cultural and creative sectors undermined by COVID-19”¹

Presented for adoption by the Conference of INGOs on 16 December 2020

CONF/PLE(2020)RES2

The Conference of INGOs of the Council of Europe,

Having regard to the UNESCO 2020 report entitled “Culture in Crisis: Policy guide for a resilient creative sector”;

Having regard to the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions;

Having regard to the UNESCO Recommendation concerning the Status of the Artist (1980);

Having regard to the OECD report entitled “Culture shock: COVID-19 and the cultural and creative sectors”;

Having regard to the new Strategic Agenda for the European Union 2019-2024 adopted by the European Council in June 2019;

Having regard to the European Commission's Communication of 14 November 2017 entitled “Strengthening European identity through education and culture” (COM(2017)0673), and that of 22 May 2018 entitled “A new European Agenda for Culture” (COM(2018)0267);

Having regard to the European Parliament resolution of 17 April 2020 on coordinated EU action to combat the COVID-19 pandemic (2020/2616(RSP) and its consequences and that of 17 September 2020 on the cultural recovery of Europe (2020/2708(RSP);

Having regard to the European Council Regulation (1295/2013) of 11 December 2013 establishing the Creative Europe Programme (2014 to 2020);

Having regard to the European Council Conclusions of 11 May 2012 on fostering the creative and innovative potential of young people (2012/C 169/01);

Having regard to the European Council conclusions of 15 November 2018 on the Work Plan for Culture 2019-2022 (2018/C 460/10);

Having regard to the Manifesto of the Council of Europe's Steering Committee for Culture, Heritage and Landscape (CDCPP) on the Freedom of Expression of Arts and Culture and the Digital Era;

¹ Presented by the Education and Culture Committee

Having regard to the Recommendation of 22 February 2017 of the Committee of Ministers of the Council of Europe to Member States on the European Cultural Heritage Strategy for the 21st Century (CM/Rec(2017)1);

Recalling that European cultural and creative industries and sectors represent almost 4% of European Gross Domestic Product (GDP) and 3.7% of total employment;

Considering that the cultural and creative industries and sectors bring benefits to other sectors such as tourism and transport;

Noting that, according to European Commission estimates for the first quarter of 2020, the cultural and creative industries and sectors are likely to have lost 80% of their turnover in the second quarter of 2020 as a result of the COVID crisis and measures to limit the spread of the virus;

Considering that the particular nature of the cultural and creative sectors makes them particularly vulnerable in times of crisis, as these activities mainly involve SMEs and the self-employed;

Recalling that in these sectors, like so many others, women are victims of negative stereotypes, wage inequalities, inequalities in access to management, executive positions, technical or creative professions, inequalities in access to decision-making processes, technical or entrepreneurial training; that in the cultural and creative sectors in particular, working hours in the evening, at weekends or during holiday periods constitute yet another significant inequality, jeopardising the link between private and professional life, and consequently the construction of women's personal lives and professional careers;

Recalling also that the cultural heritage which today constitutes our legacy has been forged, preserved and transmitted according to the criteria defined by those in power over the centuries, i.e. mostly men; and that art, cultural heritage and culture are decisive in shaping the attitudes and roles of men and women;

Convinced that the entire European cultural landscape is strongly affected by the COVID-19 pandemic, and that the sources of income for artists and the cultural sector are considerably reduced as a result of physical distancing or containment measures;

Believing that the impact of the COVID-19 pandemic on the cultural and creative industries and sectors is only just beginning to be experienced, as the real extent of its medium and long-term impact remains unknown at the moment;

Aware that culture is a strategic sector for Europe, not only for its economy, but because it contributes to inclusive, free and sustainable societies while reflecting our values, our history, our diversity, and our fundamental rights and freedoms;

Believing in particular that arts and culture strengthen the social capital of societies, foster creativity, innovation, well-being and critical thinking and encourage integration and cohesion by promoting equality and pluralism;

Recalling that arts education and the encounter with arts and culture develop the ability to love, discover and reach out to others;

Recalling that artistic practice promotes self-confidence, reduces anxiety and fears, helps to modify sensory deficits (sight, touch, hearing...) and strengthens social cohesion by promoting interaction between people;

Recalling also that access to culture is essential in many indoor settings such as hospitals, residential institutions for elderly dependants, prisons, etc.;

Considering that culture and artistic education constitute an important instrument in the fight against all forms of discrimination, including racism and xenophobia, and that it contributes to the promotion of linguistic diversity in Europe;

Noting that, despite the lack of evidence that cultural events increase the risk of infection, cinemas, theatres, concert halls, museums, heritage sites and other artistic venues are among the first to close as a result of measures to limit the spread of the virus; and that many artistic and cultural events such as festivals, exhibitions, concerts and performances have been cancelled or postponed;

Considering that, despite the growing online cultural offer, inequalities in access to and use of digital tools hamper the exercise of the fundamental rights of access to culture, cultural participation and artistic expression;

Expresses its solidarity and support to artists, creators, performers, authors, publishers and all professionals in the arts and culture sector affected by the COVID-19 pandemic.

Encourages the allocation of a significant part of the economic stimulus package to cultural and creative actors, to enable them to continue working in the coming months and thus survive the deep crisis they are going through.

Invites Member States to ensure that all professionals in the creative sector, including those in non-standard employment, have access to social benefits.

Calls on Member States to consider the cultural and creative industries and sectors as strategic and priority sectors in the framework of the EU Recovery Plan; to define a precise budget, and to develop concrete and prompt initiatives for the benefit of all stakeholders in these sectors.

Encourages Member States and the European institutions to actively support actors and initiatives that reflect Europe's linguistic, artistic and cultural diversity, including minority languages.

Welcomes the elaboration by the European Commission and the European Council of the "Next Generation EU" recovery plan and calls for culture to be integrated into all components of this plan.

Emphasises the crucial role of the Creative Europe programme in ensuring cooperation at European level and stability in this sector.

Calls for increased funding for the Creative Europe programme, in particular in the framework of the Next Generation EU Recovery Plan, and for the Erasmus+ programme, which encourages creativity and innovation through projects for young people.

Welcomes the creation of REACT-EU, a €55 billion direct action plan to provide additional funding to hard-hit regions and economic sectors; proposes that Member States use these funds to support cultural and creative sectors.

Encourages the European Commission to increase the part dedicated to the funding of educational and cultural programmes in its next EU budget proposal.

Recognises the importance of new technologies for the creation, production, dissemination and accessibility of cultural and creative works.

Encourages initiatives broadening access to these digital tools for actors in the cultural and creative sectors and those promoting access to digital cultural and creative resources created for all citizens.

Supports the implementation by the European Commission of two collaborative platforms to respond to the health crisis affecting the cultural and creative sectors:

- The Platform for EU Member States, launched on 24 April, which enables representatives of European ministries of culture to exchange good practices;
- The “Creatives Unite” platform, launched on 5 May, which enables all individuals and organisations working in these sectors to share information and solutions more easily. It also provides access to a multitude of relevant resources, organisations and networks, and offers a space for co-creation and exchange aimed at designing common solutions.

Stresses the important place and fundamental role of civil society organisations in the cultural and creative sectors, and therefore calls on the Member States and the European institutions to give them increased support in this period of crisis.

Invites Member States to recover from the 2005 UNESCO Convention, which promotes equal opportunities between women and men in the cultural and creative industries by encouraging legislation that promotes gender equality, including the adoption of policies and measures that support women as artists who create, produce, distribute and have access to cultural goods and services.

Urges Member States to take into account the recommendations of the UNESCO report entitled "Culture in Crisis: A Policy Guide for a Resilient Creative Sector" which recommends three priority areas of action:

- direct support to artists and cultural professionals;
- support for the cultural and creative industries sectors;
- strengthening the competitiveness of cultural and creative industries.

Draft Declaration of the Conference of INGOs of the Council of Europe on the place and role of civil society in safeguarding human rights, democracy and the rule of law

For adoption by the Conference of INGOs on 16 December 2020

CONF/PLE(2020)DEC1

Explanatory memorandum

The Recommendation 2007(14) of the Committee of Ministers underlines the “essential contribution made by NGOs to the development and realisation of democracy and human rights, in particular through the promotion of public awareness, participation in public life and securing the transparency and accountability of public authorities, and of the equally important contribution of NGOs to the cultural life and social well-being of democratic societies”¹.

The Conference of INGOs, conscious of these challenges, has undertaken a reform in order to interact more effectively with citizens and grassroots organisations. Through the diversity of civic engagement, the final goal is to pro-actively accompany the democratic changes through advocacy and participation in decision-making process².

During the Covid-19 crises, the governments have taken emergency measures, sometimes limiting civil rights and demanding an exceptional compliance by their citizens. These limitations, for being lawful, have to pass a triple test of legality, legitimacy and necessity³. The limitation of the fundamental rights led also to a shrinking accountability of the Governments and to ethically difficult decision-making in time of pandemic.

The pandemic represents a major danger for the right to freedom of association and assembly, the right to freedom of expression and meaningful civil participation⁴. In this context, the commitment of the civil society sector constitutes a part of the global solution in the fight against the pandemic

¹ This contribution is directly linked to the Article 15.b of the Statute of the Council of Europe and to the Declaration of the Heads of State and Government of the Council of Europe adopted during the 3rd Summit in Warsaw in 2005, underlining that effective democracy and good governance at all levels can only be achieved with the active involvement of citizens and civil society.

² The Revised Code of Good Practice of the Conference of INGOs for Civil Participation in Decision-Making.

³ Venice Commission (May 2020). Respect for democracy, human rights and the rule of law during states of emergency – reflections.

⁴ Committee of Ministers Resolution Res(2016)3 on the participatory status of international non-governmental organisations with the Council of Europe.

The Conference of INGOs requests on the one hand, the Committee of Ministers and on the other, the Secretary General of the Council of Europe,

- To place at the top of their political agenda the space for civil society within the Council of Europe and within the member States⁵, in order to counter restrictions that negatively impact civic space and the exercise of legitimate civil society activities in safeguarding human rights, democracy and the rule of law within the member States⁶;
- To make visible the good practices implemented by the civil society organisations;
- To elaborate or to adapt the existing monitoring mechanism to the crisis situation in order to assess in a transversal way the progress and improvements in the implementation of the Council of Europe's standards⁷;
- To provide the necessary means to develop a further democratic dialogue with the Conference of INGOs and its members within the Council of Europe;
- To support logistically and financially, in the longer term, the contributions made by INGOs with participatory status to the work carried out by the Steering Committees, the Intergovernmental Committees and the Committees of the Parties;

The Conference of INGOs calls on the Committee of Ministers, the Parliamentary Assembly and the Congress of Local and Regional Authorities to ensure that member States

- Confirm in their laws, public policies and practice that the civil society groups, NGOs and INGOs are recognized as fully-fledged democratic partners with a view to strengthening public confidence in democratic institutions and reducing the growing social and political polarisation in Europe;
- Consult civil society groups⁸, NGOs and INGOs at all stages of the decision-making process⁹
- Make an extraordinary effort in the time of crisis to provide evidence-based and correct information to citizens¹⁰
- Adopt measures to implement the SDGs, particularly with regard to social and climate justice, democratic education, gender equality and equity, the fight against discrimination, and economic development respectful of human rights and the well-being of the population, placing them as the main objectives of pandemic and post-pandemic policies;
- Pay special attention to young people in terms of access to all their rights and above all to a safe future based on adequate training leading to full employment;
- Pay special attention to women severely affected by the pandemic and the economic crisis.
- Grant health care and access to rights to non-European nationals who are on the territory of the Council of Europe Member States;
- Improve living conditions in all communities (schools, health care, prisons, reception centres...);

⁵ - The decision of the Committee of Ministers taken at their 129th Session in Helsinki on 17 May 2019) to examine additional options for strengthening the role and effective participation of civil society organisations and national human rights institutions in the Organisation, with a view to increasing its openness and transparency towards civil society, including access to information, activities and events".

⁶ Recommendation CM/Rec(2018)11 of the Committee of Ministers to member states on the need to strengthen the protection and promotion of civil society space in Europe, adopted in November 2018.

⁷ Information Documents SG/Inf(2020)11 7 April 2020, Respecting democracy, rule of law and human rights in the framework of the COVID-19 sanitary crisis. A toolkit for member states.

⁸ Guide to Public Debate on Human Rights and Biomedicine, adopted by the Committee on Bioethics (DH-BIO) at its 16th meeting (19-21 November 2019).

⁹ Guidelines for civil participation in political decision-making, adopted by the Committee of Ministers on 27 September 2017 at the 1295th meeting of the Ministers' Deputies.

¹⁰ Recommendation CM/Rec(2016)5[1] of the Committee of Ministers to member States on Internet freedom.

To this end, the Conference of INGOs commits itself to:

- ✓ Proceed to its own reform in order to reinforce the dialogue and working relations with all its members and all Council of Europe bodies;
- ✓ Fuel the dialogue with all Council of Europe entities in order to alert, advise and assist in the development of legal and political standards that respond to the needs identified on the ground;
- ✓ Formulate recommendations and suggestions to the respective organs of the Council of Europe on the basis of the innovative experience and practice carried out by civil society sector in order to contribute to the evolution of recommendations and public policies;
- ✓ Continue to disseminate the Council of Europe's legal instruments and tools to inform the citizens about their rights, granted by their country's commitment to the Council of Europe treaties and conventions;
- ✓ Support volunteers and volunteer work allowing to find local solutions to the problems encountered by the inhabitants.

In conclusion, the Conference of INGOs strongly emphasises that democratic institutions and the mechanisms guaranteeing the human rights and the rule of law must continue to fulfil effectively their missions in pandemic time.

Democracy cannot be suspended or put into brackets during times of health crisis or any other crisis. Democracy, human rights and the rule of law are a solution to combat the pandemic and its consequences in the short, medium and long term.