

Campaign
to Uphold Rights
in Europe



FOR A STRONG AND EFFECTIVE COUNCIL OF EUROPE

30 September 2024

Dear Mr. Berset,

On the occasion of the start of your tenure as the Secretary General of the Council of Europe, we would like to congratulate you on behalf of CURE – Campaign to Uphold Rights in Europe and use this opportunity to bring a number of issues to your attention. We want to assure you of our commitment to contribute to making the Council of Europe live up to the challenge of protecting human rights on our continent.

1. Challenges to rules-based multilateralism have significantly increased in recent years. The Council of Europe has been directly affected by the actions of the Russian Federation, which have culminated in the start of a full-scale invasion of Ukraine and the expulsion of the aggressor from the organisation. The response of the Council of Europe should continue to be based on the **unacceptability of aggression against its member states and on the responsibility to protect to the extent possible the human rights of the population of any member state** (or to ensure repairing damage, once it has been done, including by promoting that the funds needed become available), even if they are violated by another state.
2. At the same time, the (relative) unity in the rejection of the Russian aggression and in support for Ukraine should not lead to complacency in the face of challenges to upholding human rights in the remaining 46 member states. Several of them display an **outright contempt for the standards defined by the European Convention on Human Rights (ECHR)**, refusing to implement the European Court's judgements or engaging in acts of repression, which directly contradict the judgements that they have accepted in the past. A wider group of states does not live up to judgements that require reforms their governments do not want to prioritise. The Reykjavík Declaration and follow-up measures agreed after the 4th Council of Europe Summit of Heads of State and Government focus on providing assistance to the latter group of states by giving support aimed at stimulating setting in motion reform steps. However, too little attention seems to go to processes that address the first category, where political will needs to be stimulated when it is lacking. In our view, this requires more intensive human rights diplomacy by the Council's leadership, as well as a more explicit and persistent peer review within the Committee of Ministers and peer pressure among member states. **More intense use of the inquiry procedure defined in Article 52 of the ECHR** would be one option, as long as it leads to a process of engagement with the member state in question that lasts until the original reasons to launch the inquiry have abated. We urge you to consider such initiatives with respect to the situation in Azerbaijan, where we witness a wave of political repression that has also hit the head of one of CURE's member organisations, Anar Mammadli.
3. Processes of erosion of human rights, the rule of law and democracy often develop for many years before judgements of the Court start to address specific aspects of that erosion. **Other Council of Europe mechanisms and processes allow for more expedited analysis of and reaction to problematic developments, but they need stronger follow-up mechanisms.** Take, for instance, conclusions and recommendations by the Commissioner for Human Rights and the Venice Commission that can now too easily be ignored. Take the implementation of thematic Council of Europe conventions, for example on the rights of minorities or prevention of torture; think also of

soft law standards on the media or on civil society (which often use the Convention's *acquis* as a basis). Or take international election monitoring; derogation from the standards of free and fair elections by member states should be taken very seriously by the Council of Europe – an area where reporting by the OSCE Office of Democratic Institutions and Human Rights (ODIHR) can be used and followed up on.

4. In a time of decreasing governmental support for multilateral human rights protection, civil society engagement is ever more needed to uphold Council of Europe standards. Strengthening meaningful engagement of the Council of Europe with civil society should be pursued with vigour. Civil society can make a valuable contribution to standard-setting and monitoring of existing standards and then advocate (with national authorities as the primary target) for steps to address any deficiencies that become apparent in the course of monitoring. It is the latter step that we think is the one most in need of being stimulated from the perspective of creating the strongest possible contribution of civil society to making the Council of Europe standards a reality. **An independent and well-resourced programme of outreach to civil society that provides information, expertise and assistance to international as well as national NGOs relating to opportunities to pursue greater implementation of Council of Europe standards would serve this goal.** While it should be aligned with the Council of Europe processes, its programming and its decision-making about allocation of support should enjoy a large degree of independence.

The potential of the current participatory status for INGOs, the functioning of the Conference of INGOs, the experience of existing civil society networks that relate to the Council of Europe (such as the European Implementation Network), the process started with the Helsinki ministerial meeting decision on civil society in 2019, the Secretary General's Roadmap on the engagement with civil society published in 2023, the report of last year's first exchange of the SG with civil society should be assessed in creating such a programme; they all carry elements that can contribute to realising a strengthened and more comprehensive system of civil society engagement with the organisation. More explicit and visible monitoring of state compliance with Committee of Ministers' Recommendations (and follow up to reports from other Council of Europe bodies) relevant for civic space could also be part of such a comprehensive system.

5. The Council of Europe has a valid claim to represent those voices and forces in Europe that want to self-organise, operate and co-exist respecting the values and principles of human rights, the rule of law and democracy. **Engagement with people and their organisations in and from non-member states on the European continent – Belarus and Russia – who support this vision is therefore logical and important for the Council of Europe.** We strongly support the further development and institutionalisation of cooperation with them. Partnerships should not just be created with the existing structures, but the aim should be to enlarge the circle of people in these countries who support the ideal of a human rights-oriented and democratic society.

The present situation of human rights in Europe (and in the world) requires the principled application of standards, to which states have subscribed. Existing tools in the toolbox of the Council of Europe should be used as effectively as possible, and the creation of new tools should be explored, especially the ones that stimulate the effective implementation of standards. You will find the CURE Campaign on your side in endeavours in this direction.

Kind regards,

CURE Steering Committee:

Gunnar Ekeløve-Slydal (Norwegian Helsinki Committee, Oslo)

Katerina Hadzi-Miceva Evans (European Centre for Not-for-Profit Law, The Hague)

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