Civil Society Space in Inter-Governmental Organisations

Joint Civil Society Submission to the Report of the UN High Commissioner for Human Rights

December 2017

Executive Summary

The Civic Space Initiative (a consortium comprised of ARTICLE 19, CIVICUS, the International Centre for Not for Profit Law (ICNL), the European Centre for Not for Profit Law (ECNL), and the World Movement for Democracy (WMD)) makes the following submission in response to the call from the Office of the High Commissioner for Human Rights (OHCHR), pursuant to Human Rights Council (HRC) resolution 32/31 on Civil Society Space.

At the outset, this submission makes the argument that international human rights law, including obligations pertaining to public participation, should be considered binding on Inter-Governmental Organisations (IGOs), in addition to being essential to IGOs delivering their mandates effectively. The submission then outlines various IGO practices which reflect these obligations to varying degrees, the best of which we hope can be learned from and replicated.

However, the Civic Space Initiative has found through this review that IGOs are, for the most part, failing to protect civic space. IGOs largely remain opaque and unaccountable to the public, without comprehensive access to information policies. Too frequently, modalities for participation are *ad hoc* and based on non-binding guidance, rather than being on a human rights basis with corresponding mechanisms for redress. Even IGOs with a human rights mandate do not have in place the kinds of governance arrangements, access to information policies, or modalities for public participation that they expect from governments at the national level.

In many IGOs, civic space is shrinking. CSOs expend significant resources defending their rights to participate, and strategically self-censor to avoid even baseless challenges to their participation. Formal modalities for participation increasingly are tokenistic and do not provide for meaningful engagement. Ensuring impact therefore often requires engagement through informal channels, requiring a level of access and influence only available to a handful of the most well-resourced CSOs.

Formalities for participation at IGOs will be insufficient unless purposefully designed and implemented to overcome structural barriers that disproportionately impact Global South based organisations and those representing minority groups or groups at risk. At the international level, this requires modalities to ensure the participation of CSOs that lack the resources to build and maintain detailed institutional knowledge and physical presence at an IGO. At the national level, IGOs must also recognise and respond to shrinking civic space as a challenge to the delivery of their own mandates (by limiting CSO partner's access to resources, or criminalising their work).

Addressing these challenges, which undoubtedly deter CSO engagement, denying IGOs essential information and potential partnerships, diminishing their effectiveness, requires that IGOs:

- Provide for meaningful public participation in the work of IGOs on a human rights basis, in particular for CSOs, with mechanisms to ensure accountability for violations;
- Remove structural barriers to the participation of less well-resourced CSOs, in particular those working at the local and national levels in the Global South, and those representing minority groups or groups at risk;
- Robustly challenge Member States that restrict civil society space at the national level, making clear how this obstructs, directly or indirectly, the delivery of their mandates.

More detailed recommendations pertaining to particular guarantees and modalities of public participation in IGOs are provided below.

Applying international human rights standards to IGOs

The Civic Space Initiative considers that there is no reason to hold IGOs to a lesser standard than States when considering obligations to ensure a safe and enabling environment for civil society in their own operations, and offers the following sources in support of that proposition.

Sustainable Development and Agenda 2030

Goal 16 of the Sustainable Development Goals commits States to "promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels." Those targets include, *inter alia*:

- Develop effective, accountable and transparent institutions at all levels (target 16.6);
- Ensure responsive, inclusive, participatory and representative decision-making at all levels (target 16.7);
- Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreement (target 16.10).

The Civic Space Initiative considers that the application of this goal "at all levels" should be interpreted as requiring IGOs to implement these targets in their own operations, with a corresponding duty on Member States to support this. This has long been recognised by the UN Development Programme, for example, which recognises engagement of civic actors as obligations on UNDP and, separately, on its Member States.[1]

Right to participate in public affairs at the international level

In its General Comment No. 25 on "the right to participate in public affairs, voting rights, and the right of equal access to public service (Art. 25)", the UN Human Rights Committee (HR Committee) makes clear that the International Covenant on Civil and Political Rights (ICCPR) protects "all aspects of public administration, and the formulation and implementation of policy at *international*, national, regional and local levels", calling for this to be protected by law.[2] The interrelatedness between this right, and the freedoms of expression, peaceful assembly and association, is also emphasised.[3]

Meaningfully implementing Article 25 of the ICCPR, and related rights, therefore clearly requires action at the international level from IGOs themselves. The HR Committee considering an update to the General Comment to reflect this would be welcome.

Freedom of expression and access to information

In its General Comment No. 34 on freedom of opinion and expression (Art 19), the HR Committee makes clear that Article 19 of the ICCPR "embraces a right of access to information held by public bodies", and also sets out various obligations on States to give effect to this right in practice, so that there is "easy, prompt, effective and practical" access to information.

The UN Special Rapporteur on freedom of opinion and expression supports the application of these obligations to IGOs as such, stating that "[t]here is no principled reason why intergovernmental organisations should adopt access-to-information policies that vary from those adopted by States."[4] The report sets out seven

[1] UNDP and Civil Society Organisations, "a policy of engagement" (2001), at para. 22; available at: http://www.undp.org/content/dam/undp/documents/partners/civil_society/publications/2001_UNDP-and-Civil-Society-Organizations-A-Policy-of-Engagement_EN.pdf

[2] Human Rights Committee, General Comment No. 25, at para. 5

[3] *Ibid.*, at paras. 8 and 26.

[4] Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/72/350, 18 August 2017; available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/72/350

principles for access to information policies that the Special Rapporteur recommends all IGOs adopt,[5] including guarantees for the meaningful input of CSOs to the development of those policies. Importantly, the Special Rapporteur calls that IGOs guarantee the right of access to information on the basis of an "explicit, comprehensive and binding legal framework", with numerous other recommendations detailing the requirement of specific accountability mechanisms.

Freedom of peaceful assembly and association

While the rights to freedom of peaceful assembly and of association are protected under Articles 21 and 22 of the ICCPR, the HR Committee is yet to elaborate a General Comment to assist States in understanding their application, including vis-a-vis individuals' and associations' engagement with IGOs.

Nevertheless, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association has focused on the need for IGOs to do more to protect these rights, stressing that States' obligations are applicable when they act internationally, including through multilateral institutions, and that IGOs should recognise the application of these rights to individuals' and CSOs' engagements with them.[6] This applies equally, the Special Rapporteur says, to the rights to freedom of opinion and expression, and the right to take part in the conduct of public affairs. He cites the preamble and Article 5 of the UN Declaration on Human Rights Defenders, recognised by the General Assembly and approaching its 20th Anniversary, in support of this.[7] The Special Rapporteur stresses that civil society includes a diversity of actors and engagement should not be restricted only to formally recognised non-governmental organisations.

Recommendations

- IGOs should recognise that individuals' rights to freedom of expression, peaceful assembly and association, as well as their right to public participation, apply to their engagement with IGOs, and that it is an obligation of States to ensure that the modalities of IGOs to which they are members fully respect those rights;
- States and IGOs themselves should fully endorse and implement the recommendations of the UN Special Rapporteurs pertaining to this issue in reports A/69/365 and A/72/350;
- The Human Rights Committee should consider prioritising a General Comment on Articles 21 and 22 of the ICCPR to address the normative gap in relation to theses rights, including their application to individuals and associations' engagement with IGOs, as well as consider updating its General Comment on Article 25.

Practices of IGOs in protecting civil society space

This section identifies how the practices of numerous IGOs reflect, to varying degrees, efforts to protect civil society space within their own work. It also points out, however, where these practices fall short of international human rights standards.

"Public freedoms" in modalities and rules of IGOs

This section considers the extent to which civil society space is guaranteed in human rights terms in a binding manner in the foundational documents of IGOs or other policies.

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[5] *Ibid.*, at Section III(B) "essential elements of access-to-information policies", pages 12-18.
[6] Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/69/365, at para. 14, and recommendations at para. 87; available at: https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/523/22/PDF/N1452322.pdf?OpenElement
[7] *Ibid.*, at para. 17.

United Nations Environmental Programme (UNEP)

UNEP's medium term strategy for 2014 - 2017 emphasises the need to ensure participation of civil society in its work, which is guaranteed through the Rules of Procedure of the United Nations Environment Assembly of the United Nations Environment Programme.

A 2009 UNEP report identifies civil society as "natural allies" for the delivery of UNEP's mandate,[8] with Member States requesting in the Rio+20 Outcome Document for UNEP to "ensure the active participation of all relevant stakeholders [...] and exploring new mechanisms to promote transparency and the effective engagement of civil society."

UNEP provides for accreditation for civil society as observers, on the basis of Rules 67 and 70 of the Rules of Procedure of the UNEA, and GA resolution 2997 (XXVII) of 15 December 1972, through the categories of "major groups and stakeholders" (broadly considered to be "civil society", including but not limited to NGOs).[9] Seeking accreditation requires an application, reviewed by the Major Groups and Stakeholders Branch and recommended by the Secretary of Governing Bodies. Only accredited civil society may participate in meetings, including by providing written and oral statements, and receive information and documents requests from the Secretariat of the Governing Bodies, though the Global Major Groups and Stakeholders Forum is also open to non-accredited civil society. These modalities are explained more extensively in a civil society handbook published by UNEP.[10]

UN Development Programme (UNDP)

UNDP does not have a formal accreditation procedure, or foundational legal documents that guarantee civil society participation as such. However, UNDP's "Policy of Engagement with Civil Society Organisations" of 2001, recognises that a human rights based approach to development carries with it the implication that UNDP is a "complementary" human rights duty-bearer alongside States.[11] It therefore states that "UNDP *must* establish formal means to listen to claimants at the country, (sub-)regional and global levels [...] as an economic, social, cultural, political and civic *right* or fundamental freedom," with Principle and Commitment 2 of the policy explicitly stating that "interacting with civil society is a duty and not an option for UNDP at all levels of its work." This is operationalised in the UNDP Results Management Guide (2006).[12] The guide reflects that civil society organisations are often more than observers in the work of UNDP, but often "implementing partners" and "executing agency" under Project Cooperation Agreements, as well as acting as contractors or grant-recipients.

Open Government Partnership (OGP)

The OGP provides an international multi-stakeholder platform for governments committed to making their administrations more open, accountable, and responsive to their citizens.[13] The OGP Articles of Governance include detailed provisions guaranteeing a prominent role to civil society in both governance and the programs of the initiative. The OGP Steering Committee is an executive, decision-making body, comprised of government and civil society representatives in equal number, that together govern the development and direction of OGP. The main role of the Steering Committee is to develop, promote and safeguard the values, principles and interests of the OGP. The OGP Civil Society Steering Committee members have further specified

[8] "Natural Allies: Engaging Civil Society in UNEP's Work", 2009; available at: http://wedocs.unep.org/bitstream/handle/20.500.11822/7877/UNEP-NaturalAllies-June2009.pdf?sequence=3&isAllowed=y

[9] Agenda 21, UN Conference on Environment and Development (UNCED) 1992; available at: http://www.un.org/esa/sustdev/documents/agenda21/english/agenda21toc.htm

[10] Handbook for stakeholder engagement at UNEP; available at: http://wedocs.unep.org/bitstream/handle/20.500.11822/7449/-Handbook_for_Stakeholder_Engagement_at_UNEP-2015Handbook_for_Stakeholder_Engagement_at_UNEP.pdf.pdf?sequence=3&isAllowed=y

[11] UNDP and Civil Society Organisations: a policy of engagement, *op. Cit.*, at para 22 and at "Principle and Commitment 2". .

[12] Available at: http://toolkit-elections.unteamworks.org/?q=webfm_send/64

[13] The OGP homepage provides further information: https://www.opengovpartnership.org

their responsibilities, including in relation to how they represent the concerns and interests of civil society within the Steering Committee.[14]

European Union

The participatory approach of making policies and laws on the level of the European Union (EU) is enshrined in the Article 10 of the Lisbon Treaty, which prescribes that "Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen." This is further elaborated in Article 11, through distinct three elements:

> "1. The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.
> 2. The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.
> 3. The European Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent"

The European Commission adopted "General principles and minimum standards for consultation of interested parties by the Commission" (2002),[15] that govern its relations with all interested parties, including civil society, and set strong standards for the Commission's consultation processes.[16] Every individual citizen, enterprise or association is able to provide the Commission with input. The standards are accompanied by the implementing measures that allow the Commission to put the process effectively into practice. The includes an intranet website for the EC staff with guidelines and best practice examples for consultation, a help-desk facility for participants, appropriate awareness-raising measures and trainings, and annual reporting on the process and coordination on "better law-making".

European Union Agency for Fundamental Rights (FRA)

FRA[17] cooperates with civil society based on Article 10 of its Founding Regulations, and its Terms of Reference which reflects the right of CSOs to participate in the work of agencies of inter-governmental bodies. The Founding Regulation clearly states that FRA shall closely cooperate with "non-governmental organisations and with institutions of civil society, active in the field of fundamental rights including the combating of racism and xenophobia at national, European or international level". The Founding Regulation also established a Fundamental Rights Platform (FRP) as a mode for cooperation with CSOs from across the EU. The FRP is a "mechanism of exchange and pooling of knowledge" created for facilitating a "structured and fruitful dialogue" amongst CSOs, between CSOs and the FRA, and between CSOs and other key players on human rights in the EU. This platform brings together over 350 CSOs from across the EU, working on a diverse range of fundamental rights issues.

Council of Europe/Conference of INGOs

The Council of Europe emphasises that it is indispensable that the rules governing the relations between the Council of Europe and international non-governmental organisations (INGOs) evolve to reflect their active participation in the Organisation's policy and programme of activities. They also stress the importance of

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[14] Further information on the role of civil society members in the OGP steering committee is available at: https://www.opengovpartnership.org/about/working-groups/ogp-steering-committee/civil-society-members

[15] Available at: http://ec.europa.eu/governance/docs/comm_standards_en.pdf

[16] For the purpose of this document 'consultations' means those processes through which the Commission wishes to trigger input from outside interested parties for the shaping of policy prior to a decision by the Commission.

[17] The European Union Agency for Fundamental Rights (FRA) is the EU's centre of fundamental rights expertise and is one of the EU's decentralized agencies. These agencies are setup to provide expert advice to the institutions of the EU and the Member States on a range of issues. The Agency helps to ensure that the fundamental rights of people living in the EU are protected. FRA works closely with CSOs active in the field of fundamental rights.

facilitating INGO participation and access to such bodies as the intergovernmental committees and other subsidiary bodies of the Committee of Ministers and the monitoring bodies of Council of Europe treaties in accordance with the texts in force.[18]

The Council of Europe's relations with INGOs is facilitated by the Conference of INGOs of the Council of Europe,[19] through which they actively contribute to the decision-making process at the Council of Europe and to the implementation of its programmes. The Conference of INGOs represents civil society at the Council of Europe and works to promote participatory democracy. In July 2016, the Committee of Ministers adopted a new resolution on participatory status, Resolution CM/Res(2016) 3).[20] It sets out the rules for granting of participatory status to INGOs, gives more information on the background of the status, the conditions to be met by INGOs and the possibilities it gives to INGOs to co-operate with the Council of Europe. Currently, 288 INGOs hold participatory status. In addition to holding two annual sessions a year, it organises events linked to the priorities of the Council. The plenary meetings of the Conference are a platform for dialogue with the bodies of the Council of Europe and for exchange amongst its members. The Conference decides on policy lines and actions and adopts positions on fundamental issues which are sent in the form of Recommendations or Resolutions to other Council of Europe bodies, to other international or national institutions as well as to the media.

Recommendations

- IGOs should guarantee the importance of civil society space, in particular meaningful public participation, in their foundational documents on a clear human rights basis, providing mechanisms for redress and accountability where such guarantees are violated;
- Rules governing public participation, including procedures for accreditation, should be objective, open and transparent, insulated from political or arbitrary decision-making (i.e. any denial of an accreditation should be given with reasons on the basis of rules, without possibilities for "objection by silence").

IGO methods of engagement with CSOs and public at large

UNDP

UNDP has in place a 16-member CSO "Advisory Committee", which offers guidance and advice on substantive policy areas. While this panel does appear to have a meaningful role in the functioning of UNDP, civil society more broadly only have the opportunity to engage with UNDP as implementing partners or executing agencies, as contractors, or as grant recipients.

UNEP

The various modes of engagement of CSOs are set out in the civil society handbook for UNEP. Notably and distinctly, civil society engagement is largely steered by a self-organised and self-selecting group, known as the "Major Group Facilitating Committee", which convene the Global Major Groups and Stakeholders Forum as a way of influencing UNEP decision-making. Various other challenges and processes exist for civil society input to various other decision-making processes. During UNEA sessions, physical space is also guaranteed to Major Groups and Stakeholders in the form of "the Green room", organised through the leadership of the Major Group Facilitating Committee. It provides a formal space for side events.

However, efforts to update the Stakeholder Engagement Policy to expand participation of smaller national and local groups has been stymied by a number of major states demanding a "silent veto" to exclude without

[18] Resolution CM/Res(2016)3 Participatory status for international non-governmental organisations with the Council of Europe https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=090000168068824c
[19] Information is taken from their description from : https://www.coe.int/en/web/ingo/home
[20] https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=090000168068824c

justification any groups. The revised policy, which was called for by all states in the Rio+20 declaration, has been deferred though three UN Environmental Assemblies.

OGP

The OGP Support Unit is a permanent secretariat that works closely with the Steering Committee to advance the goals of the OGP. It includes the Director for Civil Society Engagement, whose team aims to broaden and deepen civil society engagement in OGP. In practice, this means making sure that civil society globally understands the OGP and its potential, and is supported in using the OGP as a mechanism in their advocacy. In addition to participating in the Steering committee, civil society engage in the development, implementation, and monitoring of the OGP action plans at the country level, and take part in the OGP Biannual Summit and other OGP outreach events.

FRA

Methods of cooperation, dialogue and exchange of information include: (i) various forms of information exchange; (ii) thematic meetings, notably the "Fundamental Rights Forum" and other bilateral engagements between FRA and civil society; (iii) input to FRA projects; (iv) consultations on work plans, on the annual Fundamental Rights Report, and the FRA Multi-Annual Framework;[21] and (v) capacity building for CSOs on the EU Charter of Fundamental Rights.

Council of Europe/Conference of INGOs

The Bureau of the Conference of INGOs, an executive body, is made up of nine members selected for a term of 3 years, who are delegates from INGOs belonging to the Conference of INGOs and who sit on the Bureau in a personal capacity. The Standing Committee is responsible for coordination between the Conference of INGOs and its Committees, and ensures consistency of the Committees' work and compliance with the major policy lines defined by the Conference. It has a consultative and proposal-making role vis-à-vis the Conference of INGOs and its Bureau. Three thematic committees which facilitate INGO engagement in the priority fields of: human rights; democracy, social cohesion and global challenges; education and culture.

The Gender Equality Expert has a mandate to ensure that issues of gender equality are addressed in a cross-cutting manner by the Conference of INGOs and its committees.

Recommendations

- IGOs should expand and actively pursue engagement with CSOs, including outside of formal accreditation regimes, targeting those in less frequent contact with IGOs but who have relevant experience to contribute;
- IGOs should ensure adequate resources, human and financial, to the implementation of frameworks for enabling civil society participation in their work.

How IGOs share information with Civil Society in a timely way for them to engage meaningfully on shared objectives

An increasing number of IGOs are innovating tools to open up their work and share a greater amount of information with the public. Around 50 IGOs including UN bodies, international financial institutions and regional agreements, have instituted formal access to information policies. Nevertheless, a significant number

[21] For example, FRA consults CSOs annually on its Programming Documents and on its Annual Report on fundamental rights. CSOs can also be consulted on ad hoc issues, or asked to provide input into specific projects. Beyond its own consultations, FRA stands ready to assist other EU institutions and bodies, to collect input from civil society via the FRP network.

of IGOs remain closed and secretive by default, with many significant IGOs and sub-bodies, including the UN Secretariat, not having in place access to information policies at all.

UNDP

The UNDP sets several positive practice examples in terms of information disclosure to the public, including through its "transparency portal", providing open data access to UNDP's 4000 projects.

The UNDP also has the most comprehensive access to information policy of any UN Body, based on a "presumption in favor of disclosure", and with responses required within a set time of 30 days. The policy includes eight broad exemptions, but, setting it apart from many other policies, it also includes a public interest override for the release of information "likely to avert imminent and serious harm to public health or safety, and/or imminent and significant adverse impacts on the environment." An Independent Information Disclosure Oversight Panel hears appears and may exercise the override, though its independence and effectiveness could be improved.

UNEP

The UNEP adopted its access to information policy in January 2016 after a decision of the Governing Council formally requested the Executive Director develop a policy.[22] It was developed following two months of open online consultations, including a live streamed consultation open to participation from civil society observers in Nairobi in May 2015 which supported two civil society experts to participate in person

The policy itself reflects a number of good practices. These include a presumption in favour of disclosure, time limits for the agency to respond to information requests, and a fee structure that largely enables free access requests. Reasons must be given with any denial to provide access to information, with a public interest override similar to that in the UNDP policy. An appeals mechanism also exists, and while it is not entirely independent, it is notable that one of four seats on that panel is held by a civil society representative.

The World Bank

The World Bank first adopted a policy on access to information in 1985, and its current policy dates from 2015.[23] The World Bank's policy has been used as a model by many other international development banks.[24]

The policy is based on a presumption of disclosure, with exemptions. Information in certain categories are automatically declassified after 5, 10, or 20 year periods. However, concerns remain about the broadness of the exemptions, especially that a considerable amount of information originating from Member States or that is internally created can be withheld. An internal Access to Information Committee is in charge of implementation. Notably, it includes an external appeal to an independent Appeals Board.

Office of the High Commissioner for Human Rights (OHCHR)

The OHCHR routinely discloses a large amount of information to the public through its website, including in relation to its own work as an office, the UN Human Rights Council, its mechanisms and the treaty bodies. This includes helpful guides for civil society participation in each process. The website is not secure, however, which may deter engagement from civil society working in environments where surveillance is ubiquitous and reprisals a danger.

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[22] Decision 27/2: Implementation of paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development

[23] World Bank Policy on Access to Information, EXC4.01-POL.01, 1 July 2015. http://pubdocs.worldbank.org/en/393051435850102801/World-Bank-Policy-on-Access-to-Information-V2.pdf

[24] According to Article 19 research, at least 20 international financial institution or funds have also adopted access to information policies which follow the general structure of the World Bank Policy.

Contrasted against this, the OHCHR has no public access to information policy currently in place. While one is currently being drafted, it has not been made publicly available for consultations. The primary purpose of the policy does not appear to be enabling the public's right of access to information, and it is unclear that it will meet any of the recommendations of the recent report of the Special Rapporteur on freedom of opinion and expression.

UN Food and Agriculture Organisation (FAO)

The FAO does not have a comprehensive, free standing, access to information policy, and has contended that one is not necessary, as information could be provided in response to email requests.[25] This falls well short of international standards and good practices. In contrast, the World Food Programme, which works closely with the FAO, has adopted its own directive on Information Disclosure.[26]

International Labour Organisation (ILO)

The ILO adopted its Policy on public information disclosure in April 2008. It is based on "a presumption in favour of public disclosure of information and documents generated by the ILO" with a series of exemptions. Requests for access to non-public documents are sent to the Communications and Files Section, which is tasked to respond within 30 days. Reasons for denial are given, but there is no external appeals mechanism.

OGP

OGP has a disclosure policy stating the initiative operates on a presumption of openness in all of its activities. The disclosure policy outlined in the Articles of Governance applies to all information held by or on behalf of the OGP Support Unit, Steering Committee, and Subcommittees, and it must favor openness over any approach which advocates secrecy. Meetings, minutes and communications of the Steering Committee are available online.[27]

FRA

FRA follows the EU regulations on access to information policy that allows anyone residing within the EU to request documents.[28] FRA also includes a dedicated section on its website on informing the public how to participate in different modes of engagement, how to register for FRP, what consultation process are currently open or upcoming, what were the outcomes of previous meetings and the announcements of the upcoming meetings, how to get more information, etc. In addition, FRA regularly communicates outcomes and recommendations of civil society conferences, seminars and meetings relevant to the work of the Agency to the Director and its bodies.

Recommendation

- IGOs should have in place comprehensive policies to ensure the right of the public to access information, in line with the recommendations set out by the UN Special Rapporteur on the right to freedom of opinion and expression (A/72/350).

What measures are in place to protect space for CSOs to work

FRA

Specific area of FRA concern is supporting an 'enabling civic space' for civil society. FRA pledges on their website to contribute to efforts of raising awareness on the issue of civic space among policy-makers, at EU

[25] Available at: http://www.ohchr.org/Documents/Issues/Expression/IntOrganizations/FAO.pdf
[26] WFP Directive on Information Disclosure, 7 June 2010 Directive No.: CP2010/001
[27] https://www.opengovpartnership.org/about/ogp-steering-committee
[28] http://fra.europa.eu/en/about-fra/register-of-documents/access-to-documents

and national levels. FRA also decided to hold meetings and publish a report on 'enabling civic space' (which will be released in December 2017). On the basis of the findings and analysis and in cooperation with key partners, FRA will develop appropriate activities, to help to strengthen and protect civic space in the EU.

Council of Europe/Conference of INGOs

The Conference of INGO created the *Expert Council on NGO Law* in January 2008 with the aim of creating an enabling environment for NGOs through examining national NGO legislation and its implementation and providing advice on how to bring national law and practice into line with Council of Europe standards and European good practice. The Expert Council provides follow-up to a Recommendation adopted in 2007 by the Council of Europe's Committee of Ministers which sets a framework for the legal status of NGOs in Europe (CM/Rec(2007)14) and to the Council of Europe's commitment to the role of civil society in the promotion of democracy, human rights and the rule of law. It co-operates closely with other Council of Europe bodies, in particular the Venice Commission and the Commissioner for Human Rights. The members are elected for period of 3 years. The Conference of INGO organizes thematic country visits on issues relevant for CS work, provides opinions on draft laws in collaboration with its bodies and represents the INGOs at different fora.

The Conference of INGO also participates in the development of Council of Europe policies which affect civic space, and most notably the development of the recently adopted Guidelines for Participation in Decision-Making.[29]

Following a Committee of Ministers Declaration on the safety of journalists adopted on 30 April 2014, the Committee of Ministers decided to collaborate with 'interested media freedom organisations' in order to record information on possible freedom of expression violations. A Memorandum of Understanding was signed on the setting-up of an Internet-based Freedom of Expression Platform to Promote the Safety of Journalists with four partner CSOs, including ARTICLE 19. The Memorandum has provided the framework for operations, ensured institutional technical support, and regulated the tasks of the parties.

Recommendation

- IGOs should proactively identify and combat restrictions on civil society space imposed by governments at a national level that limit, contrary to international human rights law, directly or indirectly, the freedom of civil society organisations to engage with the IGO in relation to the delivery of their mandates.

[29] See the Council of Europe, Civil participation in decision-making in the spotlight, available at http://bit.ly/2yBu4av.