Campaign to Uphold Rights in Europe | CURE

Discussion Paper on the Future of the Council of Europe

Paper produced by CURE for the Civil Society Event in Turin on 19 May 2022, on the eve of the Annual Meeting of Committee of Ministers

12 May 2022

This discussion paper intends to lay the basis for a discussion among representatives of civil society and academia at a reflection event on the future of the Council of Europe to be held by CURE in Turin on 19 May 2022. It shares considerations on how the Council of Europe can more effectively protect human rights and democracy in the region – issues that are long-standing but are now more pressing to discuss than ever, after the dramatic Russian military invasion into Ukraine and the subsequent expulsion of Russia from the organisation. It offers ideas on ways forward and poses questions to consider.

The paper addresses a series of possibilities to strengthen the enforcement system of the European Human Rights Convention (section (a)), raises the need for stronger mechanisms to prevent democratic backsliding and create more sustainable democracies (section (b)), discusses the protection of the rights of CoE member state inhabitants living on occupied or disputed territory (section (c)), and introduces the notion of the CoE creating a way for organs of society to sign up for formal responsibility to respect human rights in their own realm (section (d)).

Conclusions of participants of the discussion in Turin will be shared with representatives of CoE member states and CoE bodies. After the Turin event, the paper and a summary of outcomes of the discussions will be made public. CURE sees this exercise as a step in a process aimed at making the CoE stronger and more effective. This process will include further meetings, drawing up more detailed papers and proposals, and contributing to preparations for a CoE Summit that will take important decisions on strengthening the approach of the CoE and its way of operating.

In its Open Letter to the Council of Europe of 11 March 2022[1], CURE started exploring how, beyond the expulsion of Russia, the Council of Europe could react to the armed aggression against Ukraine. The letter focused on short-term initiatives with respect to (1) human rights compliance in relation to the conflict and (2) outreach to and expanded engagement with Russian (and Belarusian) civil society and individuals (inside and outside the country). These two points were further elaborated in a CURE memorandum with its proposals to the CoE

[1] https://cure-campaign.org/wp-content/uploads/OpenLetterCURECouncilofEurope11.03.2022.pdf

Committee of Ministers published on 25 April 2022[2]. This discussion paper starts addressing the longer-term point made in the Open Letter, namely (3), the need for a fundamental reconsideration of approaches and programmes of the Council of Europe. It starts with remarks about the process of this reconsideration, and then presents a number of thoughts and questions on possible reforms, points (a) to (d), on a spectrum from less to more innovative.

Ideas and suggestions presented in the CURE Open Letter, the Memorandum and this discussion paper correspond to the programmatic priorities of the CURE, announced at its launch in Strasbourg in January this year[3]:

- strengthening the European Convention system;
- increasing the ability of the Council of Europe to address human rights violations in conflict affected areas;
- ensuring strong follow-up to decisions, resolutions and reports of various CoE bodies;
- securing a wider meaningful participation of civil society in the CoE work.

Preparatory process for a Summit

A fundamental reconsideration of approaches and programmes fits in a preparatory process for a fourth Council of Europe Summit, that PACE has recently again called for[4], after the idea was first mooted in 2017[5]. The Summit should not be used to just reaffirm the principles and values of the CoE and solemnly promise to do better in defending and upholding them. A more fundamental reflection on the effectiveness of the approach of the CoE and of its instruments is called for. After the expulsion of Russia one cannot just assume the remaining countries do sufficiently well on human rights protection and that 'business as usual' can continue. Many member states have a problematic record on at least some elements of the ECHR, and a number of them exhibit such a record on a range of subjects. Creeping autocratisation and disdain for and disrespect of human rights have grown substantially in Europe and become manifest at governmental level or in key political parties. Stronger and more effective action by the CoE is urgently needed to address this backsliding.

A first **question** is whether we are indeed at a moment and in a situation in which a process leading towards a possible Summit can be fruitful and lead to substantial improvements in

---

[2] https://cure-campaign.org/wp-content/uploads/ProposalsCoECM26.04.2022.pdf

[3] https://eu-russia-csf.org/civil-society-organisations-from-all-over-europe-launch-the-cure-campaign-aimed-at-strengthening-the-council-of-europe/

[4] The 2022 report was drawn up by Frank Schwabe, https://pace.coe.int/en/files/29934#trace-1. The PACE Recommendation to the Committee of Ministers (adopted 28 April 2022) on the CoE Summit (https://pace.coe.int/en/files/30018/html) stated:
"8. The Assembly reiterates its support for the organisation of a 4th Summit of Heads of State and Government of Council of Europe member States, to reaffirm the values of democracy, human rights, and the rule of law and elaborate a new vision for the Organisation, in the context of the European multilateral architecture. The Summit should associate high level representatives of the European Union and address challenges such as:
8.1 promoting democratic security also as a precondition of peace and stability;
8.2 tackling the root causes of the backsliding of democracy;
8.3 revitalising democracy through innovation and greater citizen involvement;
8.4 establishing effective early warning mechanisms, to take prompt, decisive and collective action in the face of threats to the rule of law, democratic standards and human rights protection."

[5] See 2017 texts here: https://pace.coe.int/en/files/24210; http://www.assembly.coe.int/nw/Page-EN.asp?LID=Nicoletti; Michele Nicoletti was Rapporteur on the subject.

the approach of the CoE and in its processes (a final decision to hold a Summit could still be postponed while setting a preparatory reflection process in motion soon would be desirable).

In answering this question we should probably be aware of the threat of a process aimed at strengthening multilateral mechanisms to protect human rights, rule of law and democracy getting bogged down in political obstruction and in opinion-making resisting 'international interference' with national decision-making processes and even questioning the existing mechanisms and approaches. After all, many of the problems in the implementation of Court decisions, and more broadly of CoE standards, are based on political arguments that place perceived and constructed national (and nationalistic) self-interest over adherence to international standards and procedures. An immediate follow-up **question** therefore is whether and how we can confront and turn around such disruptive and damaging processes, and construct an awareness-raising and advocacy strategy that convinces a broad politically interested public of the value of international human rights protection and oversight of democracy and rule of law.

The CURE founding Manifesto[6], this discussion paper and the Turin Civil Society Event constitute the first contributions of the Campaign to the Summit preparatory process. Material can also be found in articles and reports issued by several CURE member organisations[7], but also in academic publications[8] and in documents produced by current of former CoE mandate holders[9].

Gathering and making accessible all these documents should be set in motion, pulling together and where relevant contrasting analyses contained in these documents, and identifying possible policy consequences. Gaps that may exist in the attention given to the modalities and effectiveness of different existing CoE mechanisms, and options for their reform should probably lead to further study and reflection.

Question: Can we give ideas about such a process?, and how to insert expert knowledge into a wider political and public discussion?

While the Conference of International NGOs (CINGO), currently the institutionalized structure of the CoE for civil society input, can surely play a role in this discussion, much wider parts of civil society have an interest in the functioning of the CoE – national-level NGOs that work on human rights, rule of law and democracy, but beyond that also the many groups that have a more general interest in the values that underpin a fair, free and sustainable society. If engaging these broader categories is successful, a Summit would also be a logical

[6] https://cure-campaign.org/wp-content/uploads/2022/01/ManifestoCUREPublic.pdf

[7] For example, by this Policy Paper by the EU-Russia CSF, https://eu-russia-csf.org/wp-content/uploads/2021/03/PositionPaperCouncilofEuropeFinal.pdf, many contributions by the European Implementation Network, https://www.einnetwork.org/, and work by FIDH and by the Norwegian Helsinki Committee on 'grey zones', https://www.fidh.org/IMG/pdf/rapport_disputed_entities_uk-ld3.pdf and https://www.nhc.no/content/uploads/2019/10/Disputed-Territories-Disputed-Rights-publication.pdf

[8] For example, see last year's Special Issue of the European Convention on Human Rights Law Review on 'The Council of Europe's Responses to the Decay of the Rule of Law and Human Rights Protections', https://brill.com/view/journals/eclr/2/2/eclr.2.issue-2.xml

[9] For example, Annual Reports by former and current CoE Secretaries General and Commissioners of Human Rights, e.g. https://www.cambridge.org/core/books/abs/european-yearbook-on-human-rights-2019/council-of-europes-response-to-recent-democratic-backsliding/CB1DC6984B13CC0ACC132819AF47A537

occasion to launch procedures and arrangements that allow a more permanent link of these broader groups to the Council.

Increased transparency and openness of CoE procedures, particularly to provide input for and reactions to CoM decision-making, should improve the possibilities for NGOs that have expertise and time to contribute to the development of CoE standards. Such NGOs could then also play a coordinating and agenda-setting role in stimulating national implementation.

(a) Speed and effectiveness of the ECHR system

May be the most problematic feature of the current CoE human rights protection is the time it takes between human rights violations being committed (or legislation or policies implying or leading to human rights violations being introduced) and the judgments of the ECtHR being implemented. National remedies need to be exhausted first even in situations where very little can be expected from a justice system with limited independence from the executive branch – the strict application of the exhaustion of national standards principle on complaints from Turkey in particular has led to exasperated reactions from Turkish society.[10]

Strategies used by powers in the process of autocratisation can easily lead to, and may be specifically designed to, draw out domestic legal process. Persecuted critics are kept under judicial threats all the time and are subjected to almost endlessly continuing legal 'reviews'. A 2021 paper describing this phenomenon concludes that while the Court has "doctrinal resources to address authoritarian strategies in its admissibility, substantive and remedy case law", "it can and must offer more holistic judicial responses to practices and laws that undermine the very object and purpose of the Convention". Until now, authoritarian strategies have been addressed only in a "piecemeal and fragmented" way, and the Court lacks a "grand strategy against authoritarian strategies".[11]

The **question** is whether there are signs the Court has taken up this criticism and whether there are ways to stimulate a debate on this, or whether a possible reorientation on this matter will only be observed (or not) in changes in Court approaches.

The Court seems to have recently started to widen the range of situations on which it issues Interim Measures[12]. Interim Measures used to be focused on situations of imminent threat to life or of ill-treatment, but we have seen them used to demand the release of a political prisoner (January 2021)[13], the suspension of the liquidation of an NGO (December 2021)[14], and to prevent the closure of a newspaper (March 2022)[15]. None of them were heeded by the Russian authorities. (A 2020 Interim Measure relating to the same prisoner, focusing on his health situation, a 'traditional' use of the measure, had been followed up.[16]) In the case of the call for the prisoner's release, the Russian MFA issued a crude rebuff, calling this

[10] https://www.rcmediafreedom.eu/Tools/Legal-Resources/Koeksal-v.-Turkey-Excessive-Formalism-or-Strict-Adherence-to-Admissibility-Criteria

[11] See Basak Cali - 'Autocratic Strategies and the European Court of Human Rights', https://brill.com/view/journals/eclr/2/1/article-p11_11.xml?language=en

[12] https://echr.coe.int/Documents/PD_interim_measures_intro_ENG.pdf

[13] https://meduza.io/en/news/2021/02/17/echr-calls-on-russia-to-release-alexey-navalny-immediately

[14] https://www.memo.ru/en-us/memorial/departments/intermemorial/news/669

[15] https://www.echrblog.com/2022/03/interim-measure-for-russias-last-free.html

[16] https://www.rightsinrussia.org/european-court-of-human-rights-ruling-of-the-week-33/

measure "an ungrounded and flagrant intervention in the operation of a judicial system of a sovereign state, a certain crossing of a red line". No further action has been taken by the Committee of Ministers.

Questions on this matter are:

- Whether the requirement to follow up on Interim Measures could be reaffirmed and possibly (further) codified, with a lack of meaningful follow-up by the member state in question placed prominently on the agenda of the CoM?
- More generally, whether increased use of Interim Measures could be a shortcut for the Court to be able to act earlier in situations of developing authoritarian governance?
- What other measures are possible to substantially increase the speedy consideration by the Court of key issues in the development of authoritarianism?

The problem of a long time span for reaching judgments by ECtHR has been a matter of much attention since the start in 2010 of the 10-year process of reforms of the Convention system. The reform has led to certain improvements[17] but the problem of the backlog remains pertinent. Now, it may be exacerbated further by a possible avalanche of complaints that may be submitted to the Court in respect of alleged violations by the Russian Federation on Russian territory and on foreign territory under effective control of Russia, happening until 16 September 2022. In combination with the CoE budgetary loss after the expulsion of Russia, this situation requires provision of extra resources for the Court to be able to deal with these many cases in a reasonable time. Some ideas on addressing this problem are discussed in the CURE memorandum to the CoM of 25 April 2022.[18]

Besides the issue of the length of the review of complaints by ECtHR, the speed and intensity of the implementation of judgments by member states remains a key concern. This is the primary responsibility of the states that have been found in violation, with the Department for the Execution of Judgments in a monitoring role, and the Committee of Ministers as the ultimate arbiter on the implementation, with the possibility to start a so-called 'infringement procedure'[19] under which the Court is asked to affirm that a state has failed in implementation.

Related **questions**:

- Can and should the capacity and funding of the execution monitoring and supervision system be enhanced (size of the Department for the Execution of Judgments, frequency of CoM human rights meetings, other suggestions?)
- What inhibits the wider use of the 'infringement procedure'? Would defining clear criteria by CoM for selecting cases in which the infringement procedure should be triggered be part of the solution?
- What structural measures can the CoE take to stimulate implementation by member states? – put in place annual Ministerial presence at CoM human rights meetings, at which the implementation record is discussed?, create standard annual parliamentary

[17] See https://rm.coe.int/steering-committee-for-human-rights-cddh-cddh-report-on-the-place-of-t/1680994279

[18] https://cure-campaign.org/wp-content/uploads/ProposalsCoECM26.04.2022.pdf

[19] As laid down in art. 46(4) of the Convention, see https://echr.coe.int/Documents/Guide_Art_46_ENG.pdf

reviews of each state's implementation record, at which high CoE officials and/or Court leadership are present? Other ideas?

- Would it make sense to make country-specific analyses of problematic implementation of judgments?, with possibly continuous updating in extreme cases? – meaning continuous monitoring by the CoM?; could this be a step before the formal invocation of the 'joint complementary procedure'[20] which possibly at the moment may be perceived too much as a "one way street to expulsion"?
- Could the EU and EU member states use such analyses in internal EU reviews and its Enlargement and Eastern Partnership strategies, leading to an upgrade in the attention for ECHR implementation in EU policies and bilateral relations, thus developing stronger peer pressure?

It can be argued that the CoM, composed of member states representatives, is not the most appropriate body to supervise the implementation of judgments. States that push for better implementation may at a certain moment be confronted themselves with such as push; member states may be complacent towards other's failures in return for other states being complacent towards them. Creating an independent supervisory body, for example by making this one of the functions of the Court, could take away this effect.[21]

The first **question** here is whether this is worth exploring, and which changes in the current division of tasks between the Court and the CoM would be the most desirable.

In addition to steps mentioned already, stronger/ additional penalties for non-implementation of judgments are in principle possible, leading to the following **questions:**

- Should fines for non-implementation by introduced?, how could such a system work?, who could possibly impose the fines?
- Can prohibition on economic relations with bodies involved in violations be made a consequence of judgments which have not been implemented? E.g. Russian army violations in Chechnya and Georgia and Russian annexation of Crimea should have led to a complete stop on arms trade (and dual use goods?) with Russia.

(b) Root causes

Systematic human rights violations often start happening when a process of autocratisation, undermining of democratic institutions, polarisation and/or deterioration of political standards is already underway for some time. Think of
. unfair elections including manipulated voting systems and one-sided information provision manipulated by the state,
. the creation of a one-sided non-pluralistic media system under control of the government or powerful economic actors with political interests,
. deliberate polarisation along ethnic lines, and scape-goating and stigmatization of minorities,
. eroding of the rule of law, subjecting the judicial system to the control of the executive,
. institutionalization of kleptocratic corruption.

[20] https://pace.coe.int/en/files/28568/html

[21] In the Inter-American human rights system, overview of implementation is one of the functions of the Court

Political scientists can also be heard to warn for the "erosion of democracy's social foundations" and to "call for a movement to reduce inequality, strengthen inclusive solidarity, empower citizens, and reclaim pursuit of the public good."[22]

A number of these phenomena are covered by Council of Europe bodies or procedures that are considered less binding than the ECHR and ECtHR judgments: CoM recommendations, Venice Commission opinions, Commissioner for Human Rights reports, monitoring procedures by GRECO, ECRI reports, etc. It can be argued that these provide 'early warnings' and that these should be given more attention, and stronger emphasis be placed on their follow-up as an essential element of the membership of the CoE.

At the same time, other academics, probably mostly with a legal background, will argue that the Court does have the capability to address "root causes of violations" and "systematic threats" including "interventions impairing the independence of the judiciary, politically motivated prosecution of opposition politicians, journalists and activists, and the interventions on the functioning of political parties".[23] In this line of thinking, it is still necessary to mobilize this capability, because there has been "an overall failure of the CoE to produce a coordinated and strong response to the decay of the rule of law and human rights among its member states".[24]

Questions:

- Should an exercise be done to beef up the scope and intensity of monitoring mechanisms on issues that have been shown to be vital in improvement or deterioration processes of democracy, human rights compliance and rule of law, possibly leading to the creation of new treaties or protocols to the ECHR?
- Should specialised monitoring bodies expand their practice of making public statements on persistent non-compliance by member states? Should the bodies that do not yet have such a practice consider introducing one? Should the CoM hold a discussion on the follow-up action required after every such statement?
- Should CoM discuss the cases of specific states' non-compliance with country-specific conclusions and recommendations of CoE specialised bodies and decide on actions to be taken?
- Or are there other ways to improve compliance with standards? In this context, would a discussion make sense of what 'democratic security', proclaimed in 1993 as the flagship concept of the CoE, means, and what is needed to guarantee it? Other 'security' concepts such as the OSCE's 'comprehensive security', linking the three dimensions of security, including human rights and democracy as the 'third dimension', and the UNDP's 'human security' could be included in this discussion.

Article 3[25] and in particular its provision on 'sincere and effective cooperation in the realisation of the aim of the Council' has a central role in the Statute of the CoE. Little

[22] https://www.hup.harvard.edu/catalog.php?isbn=9780674237582

[23] Başak Çalı and Esra Demir-Gürsel - The Council of Europe's Responses to the Decay of the Rule of Law and Human Rights Protections: A Comparative Appraisal, https://brill.com/view/journals/eclr/2/2/article-p165_165.xml?language=en, p. 9

[24] Ibid, p. 15

[25] "Every member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and collaborate sincerely and effectively in the realisation of the aim of the Council…"

guidance exists on what this entails. Presumably, severe disregard of this provision can trigger the use of the so-called 'Complementary Joint Procedure'[26], but it has not been mentioned in the decision-making about this procedure.

Questions:

- How should 'collaborate sincerely and effectively' be measured?
- What enhanced procedure should PACE and CoM develop in this regard? More use of infringement procedures for non-implementation of ECtHR judgments (mentioned under point (a) already)? Special steps on ECHR Article 18 judgments? Special steps on serious non-follow-up of other CoE treaties mechanisms?

(c) The CoE and violations on occupied/disputed territory

The major Russian armed assault on Ukraine that started on 24 February and the expulsion of Russia from the CoE has considerably changed the discussion on the possible and desired role of the CoE in zones of conflict.

In the short term, until 16 September 2022, Russia remains party to the Convention, and complaints relating to violations committed until then both in Russia itself and in 'temporarily occupied' zones in Ukraine can in principle continue to be submitted after national legal procedures will have been exhausted. Substantial energy will have to be devoted by the Court in dealing with these submissions, in addition to the already existing complaints waiting to be processed.

The **question** may be posed how much sense this process and the supervision of execution of judgments makes with respect to a country that no longer collaborates with the Court and takes part in the CoM.[27] Still, for victims to obtain a formal legal pronouncement against a state, also in the many situations in which individual perpetrators cannot be identified, may be a valuable outcome.

A further **question** would then be whether the payment of satisfaction amounts, and possibly also compensation for material losses which the Court may impose, should become a component of the wider discussion of requiring Russia to pay for reconstruction after damage caused by the war. (This question primarily relates to violations against inhabitants of Ukraine; whether and how the argument can be developed with respect to violations against Russian population would be a yet further question.) Impounding already frozen Russian state assets for this purpose would be a practical way of putting this into practice.

Let us now move to the longer term, assuming temporary occupation zones will continue to exist for the time being (after 16 Sept 2022), one can argue that the ECHR only applies with regard to acts or omissions (failure to act) affecting persons under the control of States that

---

[26] See https://pace.coe.int/en/files/28568; the procedure is also discussed in Strengthening the Ability of the Council of Europe to Pursue Its Mission and Restoring Its Credibility: Recommendations on Pertinent Reforms, https://eu-russia-csf.org/wp-content/uploads/2021/03/PositionPaperCouncilofEuropeFinal.pdf and in The Council of Europe must react to violations by members – starting with Russia, https://www.opendemocracy.net/en/odr/the-council-of-europe-must-react-to-violations-by-members-starting-with-russia/

[27] Until now it seems the Russian judge on the Court continues to function, but that CoM participation, which continues to be possible when it comes to supervision of Court pronouncements on Russia, is not happening

are party to the Convention. Or does it try to protect the rights of all those present on the territory of States that are party, including if they are committed by an occupying power that is not a party to the Convention?

A first **question** is whether this matters much in practice. Under the second approach, people in non-controlled areas would be able to submit complaints to the Court – assuming they can effectively reach it, and they or their lawyers would not be frightening off by likely retaliations. However, the de facto authorities would not recognize the Court's jurisdiction and the CoE's institutionalized way to promote execution of judgments would not work. Follow-up **questions** then become

- whether there is a way around this, a way in which the enforcement of conclusions of the Court on rights violations in temporarily occupied parts of CoE member state territory can still be promoted?
- whether also here (see above) impounding assets of the state found violating human rights can be considered?, and/or more broadly, a prohibition of economic relations with bodies that are involved in the violations been found guilty and do not follow up the judgments?

In either of the two approaches, recognition of a reality in which individual complaints will be submitted to the UN Human Rights Committee, which continues to be recognized by Russia, may be the most straightforward. This would then lead to the **question** whether and how the swamping by an avalanche of complaints of the Committee and of the UNHCHR office could be prevented by an infusion of (or transfer of) resources; should the human rights community advocate for this? What may from the CoE perspective appear logical as it concerns violations on the territory of a member state, may from the side of the UN be seen as one-sided funding focused on one situation: processing complaints about Russian violations in occupied zones, rather than also complaints on violations inside Russia, or violations anywhere in the world.

Conflict zones or disputed zones in situations where both 'sides' are CoE member or aspire (in the case of Kosovo) to become CoE member raise a series of other issues, but many more possibilities exist to apply a series of mechanisms and procedures to such situations. The **question** here is whether this could include a less strict standard on allowing de facto authorities (effectively governing territories not generally recognized as 'state' and who are not member of the UN, but who do exhibit a series of characteristics associated with statehood and with good-faith protection of human rights) to sign up for the ECHR (and other CoE conventions).

(d) Formalizing commitments to human rights by a broader range of actors

In point (c), the situation of people in temporarily occupied zones and other areas of disputed authority has been raised. This does not encompass the territories of Russia and Belarus, the two European countries that are non-members of the CoE. Steps have been decided in principle to maintain and enhance CoE engagement with civic actors in both countries. The size and nature of these programmes remains to be decided; CURE has laid down a number of proposals in its April 2022 submission to the CoM.[28] The two countries are not identical - in the case of Belarus, a well-recognized 'political society' in exile has emerged in addition to what is normally seen as 'civil society', and which may require other modes of recognition

[28] https://cure-campaign.org/wp-content/uploads/ProposalsCoECM26.04.2022.pdf

and cooperation than under an ordinary civil society engagement approach (which are participation in exchange programs with civil society peers, collaboration in promoting CoE values and increasing knowledge about the CoE, and providing openings for civil society reactions to and proposals on the functioning of the CoE).

A qualitatively other level of involvement of organs of society – and this applies to all CoE member states, plus potentially to Russian and Belarusian societies – would be reached if they could commit formally to promoting and upholding CoE values and norms, to the extent these are applicable to them. Many organs of society perform public tasks or deliver services to the public, but are independent from the national government, or at least have a lesser or greater degree of independence or autonomy. This is true for local and regional authorities, bar associations but also for many organizations that work in the health, housing, education and other social sectors, as well as for private non-profit and for-profit bodies. Non-discrimination, fair treatment, non-corruption, allowing employees to organise are examples of issues on which a direct responsibility for such bodies to live up to can be identified.

The principal **question** here is whether it makes sense to set in motion a process of identifying per sector what such standards are – substantial work has been done already inside and outside the CoE, with respect to some sectors, e.g. local authorities or businesses – and then also 'transcribe' these in a way that makes them formally commit to commitments they would sign up for.

Extending this thinking, one could make the adherence to CoE standards as concrete as possible, leading to the following **questions**, which could apply regardless of whether or not the bodies concerned are coming from formal CoE member states:

- Would it be possible and desirable to extract practical guidelines for the day-to-day application of the standards laid down in CoE treaties and recommendations, that can be implemented at the organisational, community and local level regardless or in spite of national legislation and policies?
- Could a system be devised for non-state actors and official bodies with a certain degree of autonomy to sign up to such guidelines and subject themselves to a reporting, monitoring and feedback system?

This would mean moving the CoE from being purely an inter-governmental organisation to a wider community of people, organisations and other bodies who share its values and norms and are committed to bringing them to life directly in their own organisational practice. They could sign up for drawing up explicit policies on certain subject, publicly report about these and be subject of monitoring and potentially also subject to the submission of complaints about their (human rights neglecting, or corrupt, or otherwise CoE values violating) operations.

Such arrangements would place a concrete co-responsibility for implementing human rights, democracy and rule of law standards on bodies other than the state organs under direct control of the central government. This will directly engage them on these values and concepts in a concrete way and in ways they can directly influence themselves, in addition to monitoring and criticizing central government or litigation in court or education/awareness-raising, the traditional methods of civil society human rights work, which are quite specific to the human rights sector and will not so easily be picked up by wider society.

Review of the work of CoE's relevant own bodies such as the Congress of Local and Regional Authorities and the Conference of International NGOs, may contribute to this discussion – the Congress is working on a Human Rights Handbook for Local Authorities, in addition there

could be a document to sign up to, committing the signatories to certain standards. Here the Congress can play a further booster role.

Inspiration could be drawn from the growing international movement of cities that organize to network and cooperate on issues of urban development.[29] A number of cities have declared themselves 'human rights cities'. The Human Rights Cities Network recognizes eight of these in Europe, and says: "There is a diversity of approaches to human rights cities, but no harmonised commitment framework. Therefore, there is a lack of enforcement of the commitments and a deficiency in accountability mechanisms. At present, there is neither formal accreditation nor European or international minimum standards framing the development of human rights cities." Future developments could lead to more formal accreditation mechanisms, with the ultimate goal of making being a human rights city (or municipality) the default situation rather than an exception. Having signed up for human rights city status, and being part of a monitoring scheme on the fulfilment of the commitments could then potentially be made one of the conditions for engaging in cooperation and business arrangements with a municipality.

This type of approach can potentially be applied to a wide range of organs of society, and can also be opened to bodies in the European non-member states of Belarus and Russia (and in 'grey zone' not-generally-recognized places such as Kosovo).

[29] One example is the International Mayors Summit, https://internationalmayorssummit.com/