



Warsaw, 25 September 2023

Survey on lobbying and NGO access at PACE - Input by the Open Dialogue Foundation

Introduction

A member of the Parliamentary Assembly of the Council of Europe, Ms Azadeh Rojhan (Sweden, SOC), is drafting an information note for the Assembly on the subject of lobbying activities. This will focus on two issues. First, it will examine how the transparency of lobbying in the Assembly could be increased - for example with a 'lobby register' and/or a code of conduct for those carrying out lobbying. Second, it will examine how civil society's access to, and meaningful engagement with, the Assembly can be facilitated, in line with the call made earlier this year by Council of Europe heads of state and government in Reykjavík, to improve civil society's access to the Council of Europe.

This short survey is addressed to civil society organisations which currently engage with the Assembly, or would like to do so. Your responses are important for ensuring that the views of civil society on this important subject are fully taken into account.

Please note that the responses for the survey questions are limited to 4000 characters.

The survey will be closed on 26 September 2023.

*Please take note of the privacy statement which applies to this form:
<https://mycloud.coe.int/s/NDQLMEQJGjnHq45>.*

1.
Organisation name

Open Dialogue Foundation

2.
Organisation's mission

Defending human rights, democracy and the rule of law in the post-Soviet area and within the EU.

3.
Your name
Martin Mycielski



4.
Job title
Vice-President, Public Affairs Director
5.
Your email
martin.mycielski@odfoundation.eu
6.
The Assembly has helped lead the calls for greater transparency of lobbying in Europe. In April 2010 PACE adopted a recommendation calling on the Committee of Ministers to produce regulatory standards on lobbying which could be applied by national parliaments. Meanwhile, the regulatory provisions of PACE itself have remained limited. For example, there is currently no specific code of conduct for lobbyists/NGOs and no publicly available list of individuals or organisations carrying out advocacy at PACE (often referred to as a “transparency register”).

Please set out your views on the proposal of introducing a transparency register for lobbying at the Assembly.

Lobby registers of other assemblies require organisations and individuals carrying out lobbying to enter information on a public register. Examples of information required in lobby registers of other assemblies are: the names of organisations and personnel who carry out lobbying; the stated missions of such organisations; and (in some cases) a list of meetings they have with parliamentarians. Some registers are mandatory in order for lobbying to be carried out, whilst others are voluntary.

We support transparent regulatory standards for lobbying and advocacy work within PACE. We believe that access to the Assembly’s premises should be reorganised in a fashion similar to that of the European Parliament, with a transparency database to manage lobbyist access, managed by the Secretariat. Civil society representatives should be allowed access to common spaces of CoE premises to conduct their human rights work independent of members, as has often been the de facto situation until now (for the convenience of members, who only supplied a visitor badge), despite it being de jure restricted.

The database should be merged with the existing register of NGOs with participatory status at the CoE, granting those organisations access privileges, but then also be opened for registration to other stakeholders upon meeting a set of clear criteria - again, as is the case with the European Parliament.

Registered organisations should also have the option to apply for long-term access photo badges for a limited number of their representatives, as well as single-day badges for guests (e.g. experts to attend meetings with



members), with a reasonable limit on the number of persons from one organisation simultaneously on PACE premises (e.g. 5-6).

7.

Please set out your views on the proposal of introducing a code of conduct for individuals and organisations carrying out lobbying at the Assembly.

Examples of provisions in such codes of conduct in other assemblies include: a prohibition on lobbyists offering public officials gifts or advantages of any significant value; a prohibition on deliberately misinforming public officials or using deceptive methods; and prohibitions on inciting public officials to violate ethical rules applicable to them.

Fully agreed. We would furthermore add a prohibition on lobbying with goals directly opposing those of the CoE, i.e. enshrined in treaties such as the ECHR, as well as on spreading disinformation / black PR against other lobbyists/CSOs, with a dedicated body/committee to review abuse reports with the power to exclude repeat abusers from the register.

Furthermore, there should be a clear obligation for any individuals registering in the transparency register to reveal any links/professional dependencies on governments or state institutions, with reported obfuscation of such ties being equally punishable with exclusion from the register.

8.

Please set out your views on how civil society's access to, and meaningful engagement with, the Assembly could be increased, through changes to the rules and practices of the Assembly.

Proposals in this area include reforms such as: a capacity for civil society to book meeting rooms for discussions in Council of Europe premises; the organisation of side-events; and greater access to the Assembly's working documents. However, please feel free to propose these or any other initiatives.

Apart from the changes suggested above, we would support the capacity for civil society to book meeting rooms and organise events independent of members, as well as for a limited number of seats during plenary sessions in the plenary chamber and during committee meetings, to be available for use of NGOs with participatory status, together with a dedicated item on the agendas of those meetings with speaking slots for civil society representatives to address the issues of the day.

Civil society representatives should also have access to assembly working documents to be able to work on them in parallel to members and advise them in a transparent way.