



Anna Rurka addresses the Warsaw Conference on the role and position of NGOs in the Council of Europe

Warsaw, Poland 22 March 2019

Your Excellencies,

Members of the Diplomatic Corps,

Representatives of the civil society and the media,

Ladies and gentlemen,

For more than 40 years, organised civil society has helped, at both national and international level, to achieve the statutory aim of the Council of Europe, which is, according to the Article 1 of the Council of Europe Statute “the achievement of greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and of facilitating their economic and social progress”. Compliance with the European Convention on Human Rights, the European Social Charter and more than 200 other treaties, is the only way to ensure the effective implementation of universal and indivisible human rights for everyone.

Since its foundation, the Council of Europe has developed working relations with nongovernmental organisations in order to get advice and take actions to promote human rights, democracy and rule of law. Since the beginning, the Council of Europe considers NGOs as an essential part of the democratic process.

The formalisation of relations between NGOs and the Council of Europe started in 1952 when the Committee of Ministers opened the possibility for nongovernmental organisations to acquire a "consultative status". Even at that time, the INGOs understood that in order to reinforce the voice of civil society in the Council of Europe, they must be united. In 1977, INGOs met in a plenary conference and elected a Liaison Committee. With the agreement and support of successive Secretary Generals of the CoE, this Liaison Committee was in charge of improving the functioning of the consultative status. Moreover, the Liaison Committee launched a number of initiatives in Central and Eastern Europe aimed to contribute to the promotion of democracy and civil society. The establishment of this permanent liaison structure had added a new dimension to relations between the Council of Europe and NGOs. This liaison committee is the predecessor of the Conference of INGOs, which has been considered as a part of the quadrilogue of the Council of Europe, since the Warsaw Summit in 2005. It was possible because two years before, in 2003, the Committee of Ministers changed the consultative status to the participatory status and the Conference of INGOs started to participate in the steering committees and expert committees of the CoE, on the same basis as the Parliamentary Assembly and the Congress of Local and Regional Authorities. NGOs have been granted and continued to have the possibility to be an observer in on-going an ad-hoc basis with various expert committees according to subjects which they have a special competence of. The steering committees are important places for NGOs for providing expertise, influencing the content and participating in the intergovernmental process of elaborating the standard setting or contributing to the monitoring of existing documents.

The participatory mechanism within the CoE is based on the Committee of Ministers Resolution 2016(3), which is an actualisation of the resolution 2003(8). The international NGOs which apply to have participatory statutes should collaborate with the CoE, be active in the field(s) of their competence at European level, and they should be able to support the achievement of closer unity through their work as stated in Article 1 of the Statute mentioned before. Participatory status is given to INGOs by the Secretary General of the CoE, who asks the Standing Committee of the Conference of INGOs for its opinion before communicating its decision for



tacit approval to the Committee of Ministers, the Parliamentary Assembly and the Congress of Local and Regional Authorities. The status gives INGOs a set of rights and obligations, such as the possibility to address memoranda to the Secretary General; be invited by the bodies for hearings, engage with the PACE committees and the Congress, be registered on the list of INGOs entitled to lodge collective complaints in the framework of the Additional Protocol to the European Social Charter. The status is revisited every 4 years and in order to maintain the status, the INGOs must report the results of the collaboration established with the Council of Europe during this period.

In order to prepare this conference, we conducted a short survey within international and national NGOs asking them to share their own perception for the participation at the Council of Europe. Most of International NGOs perceive access to participatory status as an easy, open, transparent, inclusive and objective process.

In 2008 and 2012, the Conference of INGOs undertook two major reforms: In 2008, it adopted its functioning to the changes in its role following the Warsaw Summit; and in 2012, it adapted its organisation and functioning to the new architecture of the Council of Europe as a result of the major budgetary and structural reform. One of the consequences of this reform was a reduction of the number of sessions from 4 to 2.

The main added value of the Conference of INGOs is that within it, NGOs are engaged in the elaboration of policies in the general interest of its members. The results are built on the democratic process (voting) which gives this work a democratic legitimacy. INGOs with participatory status elect their representatives, including President of the Conference of INGO, which all together compose the Standing Committee and the Bureau.

The INGOs in the CoE, as well as in the Member States, are not only experts or activists, they are also political forces, agents of change and parts of the political system. The experience has already shown that political dialogue with NGOs within the Council of Europe can be more effective than the political dialogue at national level. The Council of Europe is very often the only institution which politically can address several issues by using already elaborated standards.

The Conference of INGOs is an instrument for the promotion of CoE standards, protection of civic space and human rights defenders, and I'm very proud to say that in this matter we have some success stories. This happens because our organization is committed to the people.

In 2008, the Conference of INGOs established a legal expert body, which is the Expert Council on NGO Law, composed of 15 members nominated by the Bureau of the Conference of INGOs. Its aim is to contribute having an enabling environment for NGOs through examining national NGO legislations, their implementations and providing advice on how to bring national law and practices in line with the Council of Europe standards and European good practices. The Expert Council publishes legal opinions and thematic studies which are sent to the Permanent Representations of the Council of Europe and to the concerned NGOs. We know how important the work of this body to support NGOs in their advocacy and to help public authorities to make the best legislation or to avoid a mistake. The Expert Council's opinions have also been referenced by the Venice Commission.

In 2015, following the thematic debate on the role of the functioning of NGO in the Council of Europe, the Committee of Ministers consulted the INGOs for improvement. At that time some new decisions were taken, such as establishing the regular exchange of views with the President of the Conference of INGOs and encouraging the participation of the Permanent Representatives in the plenary meetings of the Conference of INGOs. Both of these initiatives have implemented since 2015 and thank you for that. However, there is still a strong need to increase interactions. The aim is not to go back but to go forward for the interest of NGOs and citizens in the context of democratic emergency in Europe. Protect those who protect us, reinforce the impact of the legal instruments on people's every day lives – the specific attention should be drawn to the NGOs involved in monitoring, they are the ones who are mostly exposed to restrictions.



During the last two years, the Conference of INGOs was involved together with the European Committee on Democracy and Governance (CDDG) to elaborate guidelines on civil participation in the decision-making process adopted in 2017 by the Committee of Ministers, how can we ensure that this instrument is fully implemented within our own organisation?

The results of the survey show that out of 130 responses received, the 48% says that the participatory status has improved since the last 5 years, thanks to the dialogue between the President of the Conference of INGOs and the Committee of Ministers, interactions with permanent representations of the Member States during the CINGO sessions, the fact-finding visits of the CINGO and regular debate on the situation of NGOs in the Member States. But most of them see the need to deepen the co-operation and enhance the Council of Europe's impact.

71% of them are satisfied with availability, accessibility and clarity of information provided by the Conference of INGOs, but only 37% of them affirm the same regarding the Committee of Ministers. The 47% says that during the last 5 years they did not have an opportunity to participate in the consultation procedure established by the Committee of Ministers, the 39% underlines the lack of such opportunities within PACE, the 40% within the Congress, and the 35% with Commissioner. Regarding the CINGO, only 11% did not participate in the consultation. For all bodies, these figures are increasing when the question concerns long-standing and result-oriented dialogue or co-drafting projects as recommendations or policies. The 61% declares the INGO never had the possibility to participate in such co-drafting processes with the Committee of Ministers, contrary to the 20% with the Conference of INGOs. These results show the need to fully implement the guidelines on civil participation in political decision-making in the CoE.

Why is it so important? The only answer to the democratic crisis is strengthening the dialogue with citizens represented by NGOs. We need to strengthen our interactions with national and local NGOs, which very often feel isolated from the European institutions. This connection is crucial for democracy in Europe! We need to engage them in debates at the Council of Europe, but for that, we need more resources to facilitate their participation.

Without guarantees for civil society independence at the country level, there is no guarantee for the participation of authentic national Civil Society Organisations in the CoE debates and structures which help the Council to carry out its mandate.

A high level of trust in public institutions in society is a key indicator of a healthy democracy. However, today the overall picture shows that civil society no longer feels protected by national institutions. It must, therefore, be reassured that the Council of Europe speaks on their behalf and does what it is necessary to protect fundamental rights and freedoms. The Committee of Ministers must show its responsiveness to address crises of confidence when turning away from the CoE values is seen in certain Member States.

To strengthen or regain the public trust, society's voice and contribution, through direct citizen participation and through NGO participation, should be taken into account in all stages of the decision-making processes not only in the Member States but also in Council of Europe. This democratic imperative is priceless and should not be subject to budgetary restrictions. The presence and participation of NGOs in the Council of Europe contribute to the legitimacy of its work.

I encourage very strongly the Committee of Ministers to take further steps to recognise the independence and commitments made to citizens to protect the values and the rights on which the Council of Europe is built on.

Its work cannot be disconnected from the concerns expressed by civil society and should be accomplished with them.

Whether or not the values and rights elaborated, protected and promoted by the Council of Europe are still guaranteed to future generations, depend on you.



Thank you to the Ministry of Foreign Affairs of Poland, taking into account the importance of Warsaw summit it is important that today discussion takes place here at the University of Warsaw which add the important academic dimension to the debate. Thanks to the Presidency of the Committee of Ministry of the Coe thank you to constantly engaged human rights defenders and civil society. Last but not least thank you to the Secretariat General for your constant support and engagement for and with civil society

So let's not retreat on the achievement already made, let's build the participation of tomorrow.

Thank you very much!

ANNA RURKA