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Speech by Anna Rurka, President of the Conference of INGOs, at the [workshop on the protection and promotion of civil society space in Europe](#), which took place under the aegis of the Committee of Ministers' Finnish Presidency and in the frame of the 90th meeting of the Steering Committee for Human Rights, Strasbourg, 29 November 2018

On behalf of the Conference of INGOs of the Council of Europe, I should like to begin by congratulating the member states on adopting the new recommendation on the need to strengthen the protection and promotion of civil society space in Europe. That is an important political act, which ties in with states' positive obligation to protect the rights of NGOs, including by ensuring that laws and regulations guarantee a favourable environment for them to operate in at national level.

I should like to congratulate all of us who have been working on our various levels for many years to make the civic space a focus of attention, drafting work and action in political, legal and academic circles. Naturally, the causes for this are to be regretted.

In preparing this brief presentation after so many colloquies, conferences and forums which I have attended or which the Conference of INGOs has held or helped to organise here since 2015, I thought that I would be able to announce a change to you. Unfortunately, that does not seem to be the case. The only new developments are bad news because they involve fresh restrictions or attempted restrictions on civic space. These restrictions are growing faster than the responses adopted to stop them. According to data from the International Centre for Not-for-Profit Law (ICNL), there have been 50 cases of restrictions or attempted restrictions being placed on the operation of NGOs in Council of Europe member states since 2016. Concerns really are justified.

When I initiate dialogue here at the Council of Europe with the permanent delegations concerning specific examples of restrictions on the operation of NGOs, I am told that I am being too quick off the mark. However, I firmly believe that only action at the earliest opportunity can be effective. Acting at the earliest opportunity means having to observe the interaction between the negative labelling of NGOs and specific restrictive measures taken by states (these developments often come in succession). In the context of the information society, it is necessary to react as soon as negative rhetoric starts to be used by those who hold power, including media power.

Civil society is facing serious threats at present. Civil society activists continue to be confronted with traditional types of repression, such as imprisonment and harassment. However, many governments have become increasingly subtle in their efforts to shrink the space in which civil society organisations operate. States also use institutionally established legal regulations such as those of the Schengen area or over-interpret recommendations (including those issued by Council of Europe bodies) and use them against NGOs or human rights defenders regarded as undesirable by those in power. These two aspects are a new development, alongside legal or quasi-legal obstacles such as obstacles to setting up

organisations, obstacles to defending interests through advocacy work for human rights, democracy and the rule of law, obstacles to critical engagement with the authorities, obstacles to communication and co-operation with other bodies, in particular with international non-governmental institutions deemed to be undesirable or interfering in a country's internal affairs, obstacles to the right to freedom of assembly and information and obstacles to access to funding, including from abroad. In my view, this list is not exhaustive.

The restrictions primarily affect NGOs involved in public debate, which are often accused of being politicised because of their critical stance towards the authorities. The situation of NGOs which provide services is a little different. In most cases, they do not voice criticisms, fearing the loss of the funding which is the only resource they have for helping vulnerable groups. Nevertheless, when the services they provide are not in line with the political or, indeed, ideological discourse of the relevant government, their public funding is cut. That is an old technique. When you want to deny the existence of a problem, you get rid of whoever is raising it.

That is all contrary to Council of Europe rules and standards.¹ The tensions stem from the fact that the many restrictions do not respect the principle of proportionality and do not pursue a legitimate aim. Articles 17 and 18 of the European Convention on Human Rights are the only compass that should guide decisions on restricting rights.

The restrictive laws and regulations which have an impact on the operation of NGOs are often drafted in a vague way, using imprecise terms, which also allows arbitrary implementation. The best-known example is the application of the label or accusation of "terrorism". In the absence of an international definition of terrorism, the use made of the term depends entirely on the political context, especially when the national remedies protecting human rights are weak or non-existent. Regulations and practices of this kind produce a "chilling effect".

The consequences of the restrictions which can be observed to varying degrees are as follows:

- Weaker engagement of NGOs in public life and debate, resulting from the ineffectiveness of participatory mechanisms and from self-censorship by NGOs because of the risks involved;
- NGOs are prevented from carrying out activities at the heart of local communities because of the labels attached to them;
- The smallest NGOs are disappearing because they are unable to cope with the pressure and restrictions;
- The division between organisations deemed to be acting "in the public interest" and "foreign agents" polarises society and prompts organisations that wish to benefit from state funding to toe the political line of those in power. Not to mention the establishment of new "tailor-made" NGOs to back and support the authorities' political line.

As you can see, freedom of association and the related rights are central to the Conference of INGOs' concerns because they are a fundamental right of our members.

In conclusion, I should therefore like to thank all committed individuals and human rights defenders who are present or represented here today for their courage because their various individual efforts to promote fundamental rights have an impact on all our rights.

To varying degrees, the overall impression is that civil society organisations no longer feel protected by national institutions. They therefore need to be reassured that the Council of

¹ We know that these rights can be restricted when "necessary in a democratic society in the interests of national security or public safety, public order, in the name of protection of public health or the protection of the rights and freedoms of others".

Europe speaks on their behalf and is doing everything in its power to protect their fundamental rights and freedoms. To that end, I urge you to put words into action, not only for NGOs but also together with them so as to expand the civic space and boost civic engagement, critical thinking and democratic scrutiny by NGOs in the member states.

Thank you for your attention.