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Speech by Anna Rurka, President of the Conference of INGOs, at the exchange of views with the Ministers' Deputies, Strasbourg, 12 December 2018

Madam Chair, Ministers' Deputies,

First of all, I would like to thank you for giving me this opportunity to present a brief report on our activities over the past year and to inform you of some of our priorities for next year, aimed at implementing the [Action Plan for 2018-2021](#) adopted by the Conference in June 2018.

A [new Bureau](#) was elected and I myself was re-elected President of the Conference of INGOs in January. During the same session, the Conference of INGOs adopted a [Resolution relating to the use of the term "Droits humains" \(Human Rights\) instead of "Droits de l'Homme" within the Conference of INGOs](#). The Conference also held an exchange of views with the Council of Europe Commissioner for Human Rights, Ms Dunja Milatović, who had just been elected.

With a view to strengthening our relations with the Parliamentary Assembly, which is one of the priorities of my second term, I was invited by its President and Secretary General to hold an exchange of views with the Assembly's Standing Committee in Helsinki. The Conference of INGOs takes a great interest in the work done by several parliamentary committees and rapporteurs, especially in the case of issues that directly affect the operation of NGOs or human rights defenders in the member states, gender equality, social rights and social cohesion.

Since last year, we have maintained close relations with the EU Agency for Fundamental Rights. The President of the Conference of INGOs is an observer on the Agency's Advisory Panel. I was honoured to contribute to the opening session of its [Fundamental Rights Forum in Vienna in September 2018](#), alongside the Council of Europe's Director General of Human Rights and other leading figures. Together with the Open Government Partnership, the Conference of INGOs held a session on full citizen participation in public affairs. I also had the honour of representing the Conference of INGOs alongside the President of the Venice Commission at the Annual Colloquium on Fundamental Rights, "Democracy in the EU", held in Brussels in November. I should like to express particular thanks to the European Union for the interest it shows in the Conference of INGOs' political agenda and for the co-operation regarding vital issues for civil society in Europe.

In the human rights field, through its various bodies, the Conference of INGOs organised or contributed to events held during sessions of the Parliamentary Assembly, including a [side event on “Human Rights Defenders in the Council of Europe area: current challenges and new responses”](#) (January 2018) and a side event sponsored by Olena Sotnyk (rapporteur on restrictions on NGO activities), which concerned the shrinking of the civic space and the persecution of human rights activists (October 2018). In connection with the latter issue, the Conference’s Human Rights Committee engaged in dialogue with journalists recently released from prison and representatives of Turkish civil society, through its working group on freedom of expression and media.

At the event held by the Directorate General of Democracy and the Conference of INGOs on [“Democracy and ‘the People’” to mark the International Day of Democracy](#), the contributions presented stressed that the values and institutions of democracy and human rights must be preserved and defended not only by capable leaders dedicated to the common good but also with integrity and courage by committed citizens.

[The reform of the European Human Rights Convention system was a key item on the Conference of INGOs’ agenda in March and April 2018.](#) I would like to thank the Danish authorities and all the permanent delegations for being so receptive to date towards our contribution throughout the process of reform of the system. In late October and early November, we contributed to the high-level expert seminar held by the Danish Ministry of Justice in Kokkedal.

Social rights and social justice are always particular concerns of INGOs. On 17 October, the [International Day for the Eradication of Poverty](#), the Conference held a seminar on the right to decent housing. Those concerned today are people of all ages, including young people, families, single mothers and their children. Failure to respect the right to housing has serious consequences for the health of the relevant individuals and their access to the labour market, to schooling, to protection, to privacy, to independence and, quite simply, to a decent life. Article 31 is therefore a cornerstone, compliance with which guarantees the fundamental rights set out in the European Social Charter. The Conference of INGOs adopted a [Recommendation relating to the proclamation of the European Pillar of Social Rights](#), in which it called on member states to develop national strategies aimed at eradicating poverty and ensuring equal opportunities for all, especially the most deprived.

The inclusive approach is also central to the Conference’s Education and Culture Committee, which focuses on the skills for democratic life and inclusive approaches in education designed to make sure that nobody, including migrants, is left by the wayside. European cultural identity is a key aspect of the Education and Culture Committee’s discussions.

In terms of climate justice – which is not possible without social justice – the Standing Committee recently adopted a recommendation on ‘Climate change and human rights’, which was presented at the United Nations Climate Change Conference (COP24) currently being held in Poland (from 3 to 14 December 2018).

With regard to internal governance, the Conference of INGOs is continuing to work on its Code of Conduct to prevent conflicts of interest and corruption risks, following up on the recommendations received from GRECO. We have also set up a focus group on revising the rules of procedure and governance methods of the Conference of INGOs. Practices and standards for civil participation in public affairs are changing. This is also thanks to the contribution of the Committee of Ministers, which has adopted [Guidelines for civil participation in political decision making](#). In the light of that new instrument, the Conference of INGOs has urged the Congress of Local and Regional Authorities to join it in updating the [Code of Good Practice for Civil Participation in the Decision-making Process](#). An initial joint meeting on the subject was held in November. This activity is being co-ordinated by our Democracy, Social Cohesion and Global Challenges Committee.

On the subject of freedom of association, the Conference of INGOs joined forces with the Youth Department and the European Youth Forum at the [consultative meeting on “Shrinking space for civil society: its impact on young people and their organisations”](#) held on 7 and 8 November.

In July 2018, the [new members of the Expert Council on NGO Law](#) took up office. The Conference also appointed Jeremy McBride as the new President of the Expert Council. On 7 October, the Bureau of the Conference of INGOs awarded special observer status to Intigam Aliyev, who had been a member of the Expert Council during its previous term. Intigam Aliyev is a lawyer who heads the human rights NGO, the Legal Education Society, which provides legal assistance to non-governmental organisations in Azerbaijan. Intigam Aliyev was sentenced to 7½ years in prison in 2015, but was released by order of the Supreme Court in 2016. Like some other human rights defenders, however, he is banned from leaving the country. In 2016, thanks to the co-operation of the Permanent Delegation of Azerbaijan, the judicial authorities granted my request to allow him to leave the country for 10 days. Intigam Aliyev will be invited to the next meeting of the Expert Council to be held here in February 2019. We will initiate dialogue with the Permanent Delegation of Azerbaijan very shortly in order to express our desire that Intigam Aliyev be able to take part in the meeting here at the Council of Europe.

In 2018, the Expert Council on NGO Law produced:

- [An opinion on the draft amendments to the Serbian law on access to information of public utility](#) (available in English and Serbian);
- [A compendium of Council of Europe practice relating to the right to freedom of association and the position of non-governmental organisations](#) (available in English only);
- [A review of international standards relating to reporting and disclosure requirements for non-governmental organisations](#) (available in English only).

The latter study was prepared in response to the trend in some member states towards the imposition of burdensome reporting and disclosure requirements on NGOs. I strongly urge you to study it so that the relevant legislation and practice comply with Council of Europe standards.

In 2018, the Conference of INGOs visited [“the former Yugoslav Republic of Macedonia”](#), the United Kingdom and Romania. I would like to express particular gratitude to the permanent delegations for their support in preparing the visits. The reports being drawn up will shortly be sent to the authorities concerned for their comments and opinions. I would like to underline the importance of our visits to the member states, which enhance mutual understanding, even in some contexts where agreement between the civil society sector and the authorities is hard to achieve. The permanent representatives will be invited to the Conference of INGOs’ April session for a debate concerning the situation of NGOs in the countries visited.

Turning to our more immediate agenda, on World NGO Day on 27 February, the Bureau of the Conference of INGOs wishes to mark the importance of civil society's democratic and political role in the member states and the Council of Europe. I hope that you, the member states' representatives, will join us in large numbers.

The Conference has decided to hold its spring session at the same time as the Parliamentary Assembly's session and its autumn session during the same week as the Congress of Local and Regional Authorities' session. You are more than welcome to attend both sessions. In 2018, the Conference held several meetings here in Strasbourg with Turkish NGOs and took part in other discussions with national NGOs here in Strasbourg. We want to step up participation by and exchanges with national NGOs, which will be invited to both forthcoming sessions. Naturally, this approach demands appropriate budgetary solutions to support such participation.

The Expert Council is currently examining the feasibility of several legal studies. These will address the restrictions on, or even criminalisation of, NGO activities, especially in connection with humanitarian aid for refugees and migrants. We will continue to look into lobbying regulations and the concept of political activities. There will be a special focus on the situation of NGOs in areas with disputed jurisdiction and on the negative effects of regulations to prevent and control money-laundering and terrorist financing.

When it comes to freedom of association, 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. We know the areas of freedom of association and the related rights where restrictions are applied, we are aware of the target groups and, in the countries where restrictions have already existed for a long time, we are already aware of the consequences of policies of this kind for the civil society sector. But we are not yet fully aware of how the processes operate, and we do not have any high-quality systematic, systemic legal analysis based on Council of Europe standards.

In conclusion, I should like to congratulate 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 obligations. However, you know as well as I do that a recommendation must be acted upon in practice if it is to produce the expected and advocated effects. For the time being, the project on freedom of association which we are currently setting up with the Directorate General of Democracy is the Council of Europe's only specific institutional response to the problems mentioned in the recommendation. I can only express the hope that the project will be of interest to you and will be a priority for your capitals. This is not a matter of the operators of the project, but of your voluntary sectors, which normally should observe developments and assist states with the implementation of rights and conventions, i.e. the associations and foundations which should support states in their obligations towards citizens in each country. It is they who are concerned and, through them, the image which our democracy will present to future generations. Will it be attractive enough to bring about the civic engagement of the younger generations?

Thank you for your attention.