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Speech by Anna Rurka, President of the Conference of INGOs, at the exchange of views with the Ministers' Deputies of the Council of Europe in Strasbourg on 11 December 2019

Mr Chairman, Ladies and Gentlemen the Ministers' Deputies, Excellencies,
Madam Secretary General, Madam Deputy Secretary General,

I am honoured to be able to address you at this exchange of views and outline our latest and forthcoming activities. I will touch on our exchanges with certain member States this year and I will also look back at the decision adopted by the member States in Helsinki regarding the need for stronger protection and promotion of the space given over to civil society in Europe.

In April 2019, after working on it for over a year, the Conference of INGOs adopted its Code of conduct aimed at keeping the risks of corruption and conflicts of interest within it in check. Work is ongoing on our rules of procedure and we are looking at a number of possible restructuring scenarios. The draft prepared by an internal drafting group has been circulated among the INGOs holding participatory status for an initial consultation. This work will be completed next year.

The digital civic space was one of our focuses at the April session. Cyber-attacks are not just an issue for public authorities. They are a problem for NGOs too. Very few NGOs have the capacity and resources to protect themselves from this danger and even less in the way of means or desire for counter-offensives. The surveillance technologies sector operates in a legal grey area in order to avoid responsibility and the public authorities do not do enough to protect civil society from attacks of this kind.

There has been animated debate around the Istanbul Convention within the Conference of INGOs. The only means of counteracting the disinformation peddled by certain pressure groups throughout Europe is a positive campaign based on objectives and results. We have also observed a lack of public funding for women's rights protection movements, especially in the countries where there has been little progress in implementing the Istanbul Convention. We should give ourselves the necessary means to implement the Council of Europe's treaties. Partnership and the resources

that a State can transfer to the civil society sector to support it to that end are key to success for all concerned.

Another highlight of April 2019 was the adoption by the Conference of INGOs of a Resolution emphasising the need to safeguard and achieve genuine democracy and strengthen public trust in democratic institutions by supporting meaningful participation in the democratic decision-making process. That process must be geared to building spaces for debate and joint decision and empower citizens and NGOs and help young people to be confident in a common European future. The Conference of INGOs underlined that reinforced interaction with civil society through a space for substantial, formal, honest and open debates on the strategic orientations of the Organisation represents a real opportunity and strength for the Council of Europe for reinforcing its democratic legitimacy.

The Conference of INGOs has been working on the right to decent housing for all since 2018. We have held an initial seminar and adopted a resolution setting out concrete measures for States to take in order to ensure that Article 31 of the revised European Social Charter was actually applied. We featured messages from children without decent housing at the [ceremony organised by the Conference of INGOs on 17 October](#) marking International Day for the Eradication of Poverty. I would like to thank the Ambassador of France who attended this ceremony during the French Presidency of the Committee of Ministers, quite rightly stressing the challenges we all face. I would also like to thank the President of the European Committee of Social Rights and the Secretariat for their meaningful words signalling the Council of Europe's commitment alongside the Conference of INGOs to help the most vulnerable.

I congratulate the Committee of Ministers on the call made by the representatives of the 15 Council of Europe member States that have already accepted the collective complaints procedure, urging other States to strengthen protection for social rights by signing up to this monitoring procedure. As I have often said, this is a unique procedure improving the social rights of the target groups. Above all, it is an excellent instrument for dialogue with national and international NGOs.

In October 2019, for the first time, the Conference organised its session in parallel with the session of the Congress of Local and Regional Authorities. Emotions ran high at our session, which focused on the general theme of migration. I wish to thank the Permanent Representation of Luxembourg and Strasbourg City Council for supporting and jointly organising the screening of the documentary made by Frédérique Buck, entitled "Grand-H" and the subsequent debate. The debate, with Luxembourg human rights defenders, highlighted our shared responsibilities in managing migratory processes and the need for emphasis on the right of asylum for all those who

are persecuted in their country of origin or residence. Politicians, the media and civil society have an ethical responsibility for how they communicate as regards migration, a phenomenon for which Europe has been unable to find an optimum solution based on solidarity between the States. This deadlock continues to be a woeful black mark on the history of humanity and of our Europe.

At the same session, the Conference of INGOs, in partnership with the Quaker Council for European Affairs, hosted the SEEN exhibition at the Council of Europe, featuring self-portraits produced by migrant women with the assistance of the Swiss photographer Mardiana Sani and the Action for women association. We are hugely grateful to the Ambassador of Switzerland and the entire Permanent Representation for their support for this initiative.

The Conference of INGOs remains fully mobilised against making solidarity an offence. The legal study prepared by the Expert Council on NGO Law on changes in criminal law with regard to humanitarian organisations helping migrants will be published at the beginning of next year. I would like to thank all the member States which responded to my request for input and the experts and members of civil society who contributed to the success of this study. We hope that it will help political decision-makers to take fair decisions conforming to the Council of Europe's standards and international law.

My thanks also go to you, Mr Chairman, for including civil participation in the decision-making process in the Georgian Presidency of the Committee of Ministers. The Conference of INGOs has spent a year working with the Congress of Local and Regional Authorities to revise the Code of Good Practice for Civil Participation, taking new standards into account. The Code sets out a framework for participation applicable to public policy spheres, therefore covering a broader thematic area than the Guidelines for civil participation in political decision-making.

The Conference of INGOs adopted the revised Code in October. It was favourably received by the Congress, which adopted Resolution 452 (2019) and invited its members to promote implementation of the Code by the local and regional authorities of the Council of Europe's member States. In 2009, the quadrilogue unanimously affirmed the value of this instrument and called for its promotion. With reference to your own declaration of 21 October 2009 (1068th meeting of the CM), I ask you, Ladies and Gentlemen, to once again acknowledge this revised version of the Code as a Council of Europe reference document. I will ask the Parliamentary Assembly to do the same. It is in our common interest to promote the same instruments, especially those which have already gained a reputation.

A strong civil society is one that helps to make human rights, democracy and the rule of law effective and helps them to flourish. Our fact-finding visits to the member States focus on the participation of NGOs in the decision-making process. I thank the permanent representations of the United Kingdom, Romania, Italy and Armenia for their assistance in the organisation of those visits. We greatly appreciated the exchanges with the respective Ambassadors that took place during the October session. Special thanks go to the Italian government for its substantial comments on our report.

In the first part of 2020, we would like to visit Bosnia and Herzegovina and Turkey. We are closely monitoring developments in the practices of those two countries with regard to civil society. The good news is that the recent amendments tabled to the law on associations in Turkey have been withdrawn. However, although the prosecutor general has asked for the acquittal of five of the eleven human rights defenders released from prison last year (Nalan, Ilknur, Şeyhmus, Ali and Peter), I remain deeply concerned by his new opinion seeking the conviction of Taner, Idil, Özlem, Nejat, Veli and Günal (of whom three are members of INGOs with participatory status). We call for them all to be acquitted. We will be making contact with the Ambassadors of Bosnia and Herzegovina and Turkey to provide more detailed explanations as to the framework for these visits.

The reports on our visits and the comments transmitted by the governments form a base of contextualised knowledge. We can see that good and bad practices still present the same traits, and progress is along similar lines. The transversal components identified should provide pointers for the Council of Europe as to how it wishes to promote the democratic role of civil society.

I welcome the decision taken at ministerial level in Helsinki regarding the need for stronger protection and promotion of the space given over to civil society in Europe. This decision seems to be one of the most important adopted by the Committee of Ministers on this subject to date. That said, it has to be acted upon before changes are seen. I commend France and Georgia for including in their programmes the informal exchanges of views with civil society representatives and, in the case of France, independent human rights institutions. We would like the Council of Europe and first and foremost its decision-making body to be an area of fruitful deliberation involving a whole host of democratic actors and above all civil society which, today, needs your protection and promotion. Allow me, Ladies and Gentlemen to share a few ideas with you in this respect.

1. The Committee of Ministers should not limit itself to just one or a handful of civil society representatives. Exchanges of views should stand out through dynamic, relevant and substantial interaction with a multitude of invitees reflecting the diversity of civil society in Europe. Otherwise,

it would be easy to criticise them for the risk of politicisation or arbitrary selection of talking partners. I see thematic debates and debates not requiring decisions as an appropriate setting for holding such exchanges of views. I also feel it necessary to stress that 320 INGOs hold participatory status with the Council of Europe. The participatory status granted to them means that these INGOs are considered as partners in the democratic processes within the Organisation. It would be to the credit of the Committee of Ministers to draw on the resource constituted by these INGOs.

2. Civil society could also contribute to thematic debates and debates not requiring decisions via written consultation procedures which the Committee of Ministers could introduce for matters requiring urgent attention.

3. The Council of Europe should create a fund supporting the participation of the NGOs in the debates of the Council of Europe and exchanges of views with the Committee of Ministers.

As regards the contribution of the Conference of INGOs to the implementation of the Helsinki decision, our Expert Council on NGO Law will follow up Recommendation 2007(14) on the legal status of NGOs and consult the NGOs (two per country) and the independent human rights institutions.

I would further like to remind you that the Conference of INGOs has prepared the joint project with DG2 entitled "Strengthening freedom of association in Council of Europe member states". The project is open to voluntary contributions (PMM - project VC 1797) and concerns all the member States. It is aimed at strengthening dialogue between NGOs and the various organs and institutions of the Council of Europe, but first and foremost with the Committee of Ministers, with regard to freedom of association and the related rights. The idea is to provide the NGOs with a constructive environment enabling them to play their democratic role in full, in line with the standards adopted and promoted by the Council of Europe.

My heartfelt thanks go to Georgia, which was the first to make a voluntary contribution enabling us to lay the groundwork for the project. As the Venice Commission¹ pointed out in the compilation of its opinions on freedom of association, this is a right that has civil, political and economic rights as its building blocks. The combination of those three components makes freedom of association a unique and complex right for which respect is a gauge of the level of general implementation of human rights protection standards and the level of democratisation of a State. My colleagues and I are firmly convinced that political dialogue on this question within the Council of Europe, at an early stage, could help to identify solutions before the problems become subject to more restrictive

¹ Venice Commission (document revised in December 2019). Compilation of Venice Commission opinions concerning freedom of association

procedures both nationally and internationally. Moreover, through this initiative, we are also seeking to play our part in capitalising on good practices guaranteeing a favourable environment for civil society in the member States. It would be really very harmful for the whole of civil society if it could not rely on the Council of Europe to safeguard the exercise of its rightful democratic role.

Thank you for your attention. I am willing to take any questions and comments you may have.