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**Speech by Anna Rurka, President of the Conference of INGOs, at the exchange of views with the Council of Europe Ministers' Deputies, 20 January 2021**

Chair, Ministers' Deputies, Excellencies, Secretary General, Deputy Secretary General, Ladies and Gentlemen.

I am honoured to be able to address you at this annual exchange of views and outline the main thrusts of our latest work. This is also my last appearance before the Ministers' Deputies in my capacity as President of the Conference of INGOs. After two successive terms, I will hand over to the candidate to be elected by the Conference of INGOs in April this year.

I am proud to announce that in December 2020 the Conference of INGOs finalised the reform it had been carrying out for several years.

The reform was conducted to bring us into line with the main direction of the reform of the Council of Europe and the decisions taken by the Committee of Ministers in Helsinki, with two key principles: value for money and a results-based culture.

- The Conference of INGOs' new institutional structure is more streamlined and flatter in order to address democratic challenges in a responsive and operational manner.
- The bottom-up approach has been strengthened so as to ensure significant participation by INGOs and their national members in the dialogue with Council of Europe bodies.
- Greater decision-making powers have been assigned to the General Assembly of the Conference of INGOs.
- Priority is given to the thematic approach, which links the substantive and operational dimensions, without abandoning the institutionalisation of civil society participation in the Council of Europe.

Also during its last session, the Conference of INGOs held an exchange of views with civil society in Belarus. In September 2012, the Committee of Ministers confirmed that its strategic objective remained the integration of Belarus into the Council of Europe on the basis of the organisation's values and principles. The co-operation mechanism

between the Council of Europe and Belarus has been established as a joint initiative by the Council of Europe and the Belarus authorities. However, in spite of all the efforts – by some member states more than others – in the country itself, independent civil society has been on its own for six months in leading the struggle for democracy in the face of widespread arrests, the repression of demonstrators and major constraints upon freedom of journalists and the media. The calls for support are concrete and involve, for instance, the observation of trials, grants for students expelled from universities, the needs of lawyers and, quite simply, emergency international aid. And because women have played a major part in this struggle for democracy and continue to do so, we have a duty to pay particular attention to that dimension in terms of supporting women’s initiatives and leadership, paying close attention to discriminatory treatment of women opposition activists and supporting women prisoners.

I would now like to say a few words about the general situation of civil society in Council of Europe member states.

According to Civicus, NGOs’ rights and freedoms declined in 2020. The civic space is continuing to shrink. The main restrictions here include the repression of protests through excessive force and detention of protesters, censorship of journalists and activists, intimidation and harassment and the passage of restrictive laws. Over the past year, some of the key trends have included threats to freedom of expression and the targeting of women and LGBT+ groups.<sup>1</sup>

We can see clearly that some civil society organisations are more exposed than others and that this does not depend on the age of the organisations or the past experience of their members but, above all, on their work advocating civic and political rights and freedoms.

As a new initiative, I would urge the Ministers’ Deputies to include in the work programme the protection of environmentalists and whistleblowers in that specific area. Without them, many problems and abuses would not have come to light.

In some member states, environmental NGOs are now regarded as “enemies of the state” or “foreign agents” because they “interfere in legislative processes”.

Given that the measures that states need to take to protect the environment call existing production systems into question, civil society’s efforts to save the environment in the long term also involve fighting for environmental justice.

Against this overall background of shrinking civic space, in a [declaration](#) adopted in December by an overwhelming majority, the Conference of INGOs called on the support of the Chair of the Committee of Ministers and the Secretary General of the Council of Europe in countering the restrictions imposed on legitimate civil society

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<sup>1</sup> [Europe & Central Asia - Civicus Monitor 2020](#).

activities. This requires commitment in political, financial and logistical terms. It is therefore necessary to:

- once again put the space for civil society at the top of the political agenda,
- provide the necessary means to develop more extensive democratic dialogue with the Conference of INGOs and its members within the Council of Europe;
- support logistically and financially, in the longer term, the Conference of INGOs, and the contributions made by INGOs with participatory status to the work carried out by the Steering Committees, the Intergovernmental Committees and the Committees of the Parties.

This is all the more important in this period of unprecedented health crisis. How civil society will survive the crisis and economic recessions is a question we need to ask ourselves.

According to data gathered by COVID-19 Civic Freedom Tracker, 146 countries enacted 385 measures in response to the pandemic that affected human rights during the initial waves of the virus from January to September 2020. While some may have been a necessary reaction to a public health crisis, many were disproportionate. In particular, existing barriers to foreign funding for organisations have remained in place during the pandemic, limiting their ability to support vulnerable populations during the crisis. The disproportionate measures also concern NGOs' freedom of expression and the right to privacy (surveillance).<sup>2</sup>

These restrictions during the pandemic have been still more visible as regards vulnerable individuals. Refugees and migrants undoubtedly fall into that category. In the area of migration, there has been an increase in restrictive legislation and regulations designed to prevent NGOs from doing their humanitarian work.

In some member states, specific registration requirements have recently been introduced for NGOs which provide aid to migrants in camps. As a result, requests for access that are well substantiated in spite of major bureaucratic hurdles are turned down by the authorities, with very cursory grounds being given for the decisions taken. Our Expert Council on NGO Law this year published four documents on migration, and two on the new regulations introduced in Greece. We also published Guidelines on Protecting NGO Work in Support of Refugees and other Migrants and a study on Using Criminal Law to Restrict the Work of NGOs Supporting Refugees and Other Migrants in Council of Europe Member States.

The extension of the restrictive measures leads to the conclusion that access by NGOs to migrants and refugees in camps and detention facilities and also elsewhere is becoming an issue in its own right which ought to be looked at by the various Council

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<sup>2</sup> More information here: [Can civil society survive COVID-19? | Development Matters \(oecd-development-matters.org\)](https://www.oecd-development-matters.org/).

of Europe bodies. The Conference of INGOs will be providing information on the matter shortly.

The final worrying development that I would like to bring to your attention, Ambassadors, is the new law passed by the Turkish parliament on preventing financing of proliferation of weapons of mass destruction, which came into force on 31 December. The law seems to pursue the goal of meeting Turkey's obligations under the recommendations of the FATF, which called on Turkey to implement targeted and proportionate measures concerning organisations identified as being at risk of abuse in terms of financing of terrorism. The new measures introduced under the law apply to all associations and the law does not give any indication of how associations at risk should be defined.

The powers in terms of suspending individuals and activities of associations introduced under this legislation would not seem to be necessary given the existing power to stop transactions suspected of being used for money laundering or terrorist financing. In accordance with Article 30/A, the Minister of the Interior is now able temporarily to suspend individuals or the bodies in which they hold posts. Under the same provision, the Minister of the Interior can immediately apply to civil courts of first instance for a temporary suspension of the association's activities if the above-mentioned "temporary measure" is deemed ineffective. There are neither adequate safeguards to protect the rights of associations nor relevant time-limits for application. We will shortly produce a legal opinion on the measures enacted, their compliance with Council of Europe standards and the impact of these provisions on the civil society sector in the country.

In conclusion, I should like to thank you for your co-operation. After so many years working for the Conference of INGOs and for the Council of Europe, I can say that the function performed and the confidence placed in us are a powerful driving force for bringing about real changes for civil society in the member states and at the Council of Europe.

Of course, I am leaving with some regrets. The most significant is the fact that I have been unable to convince you, Ambassadors, of the need to establish a specific instrument to promote a civic space and an environment conducive to NGOs in the member states. And that is in spite of Recommendation 2134<sup>3</sup> and Resolution 2226<sup>4</sup> adopted by the PACE in 2018 on the new restrictions on NGO activities in Council of Europe member states and in spite of our project aimed at strengthening freedom of association,<sup>5</sup> which is open for funding with voluntary contributions.<sup>6</sup> For lack of resources, the European Committee on Legal Co-operation (CDCJ) also has not reviewed implementation of Recommendation CM/Rec(2007)14 during the 2020-2021

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<sup>3</sup> Recommendation 2134 (2018), [New restrictions on NGO activities in Council of Europe member States](#).

<sup>4</sup> Resolution 2226 (2018), New restrictions on NGO activities in Council of Europe member States, text adopted by the Assembly on 27 June 2018 (23rd Sitting).

<sup>5</sup> [Strengthening freedom of association in Council of Europe Member States](#).

<sup>6</sup> See PMM – project VC 1797.

biennium, as was proposed by the Ministers' Deputies in their reply to the PACE.<sup>7</sup> Nor have any existing monitoring mechanisms included the shrinking civic space in their supervision work. I sincerely hope that the forthcoming review of Recommendation CM/Rec(2018)11 on the need to strengthen the protection and promotion of civil society space in Europe will produce better results.

I can therefore only hope that my successors will do better than me and that the trust you place in the Conference of INGOs and the support provided for its operation will increase and that the attention paid by the Committee of Ministers to the concerns expressed by the Conference of INGOs and its members will be followed up with practical responses in terms of safeguarding democracy, of which independent civil society is one of the pillars.

As Timothy Snyder said in his message to Europe, we are more than our myths, we are a source of hope for the future. I wholeheartedly wish that to be true for the Council of Europe.

Thank you for your attention.

Anna Rurka

President of the Conference of INGOs of the Council of Europe

## For information

During the last year, the Conference of INGOs was very active regarding:

- **Freedom of association**

- a) [Execution of judgment the case of Xanthi Turkish Union](#) (TOURKIKI ENOSI XANTHIS)
- b) [Opinion regarding the "Amendments to the Law on Associations of Turkey are problematic on both procedural and substantive accounts"](#)
- c) [Opinion on the compatibility with European standards of recent and planned amendments to the Greek legislation on NGO registration](#) and ["Expert Council on NGO Law calls for the revocation of the Greek Ministerial Decision 10616/2020 on NGOs"](#)
- d) [Review of developments in standards, mechanisms and case law related to NGOs 2017-2019](#)

- **The situation of migrants and refugees**

- a) [the specific Study on the use of the criminal law to restrict the work of NGOs supporting refugees and other migrants in Council of Europe Member States](#)

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<sup>7</sup> Reply to Recommendation | Doc. 14798 | 17 January 2019, <https://pace.coe.int/en/files/25259/html>.

b) the [New Guidelines on Protecting NGO Work in Support of Refugees and Other Migrants](#)

- **Role played by the NGOs during the Covid-19 pandemic**

a) [COVID-19: INGOs under lockdown get involved and prepare for the future](#)

b) [Declaration of the Conference of INGOs of the Council of Europe on the place and role of civil society in safeguarding human rights, democracy and the rule of law](#)

- **Equality**

a) [Recommendation in support of the Istanbul Convention adopted on 15 October 2020](#)

b) [Access to digital technology in Europe and the responsibility of member states](#)

c) [Recommendation on the COVID-19 pandemic: Call for ethical and human rights compliant management](#)

d) [Resolution on the Cultural and creative sectors undermined by COVID-19](#)