



CONFERENCE OF INGOs
OF THE COUNCIL OF EUROPE

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CONSEIL DE L'EUROPE

SUMMER SESSION CONFERENCE OF INGOs CONF/PLE(2017)SYN2/part2

MEETING OF THE CONFERENCE OF INGOs Second part - Friday 30 June 2017

1. Opening of the meeting by the President of the Conference of INGOs

The President welcomed the participants and in particular the representatives of the Permanent Delegations and of national NGOs who had helped to organise the study visits to Hungary and Ireland.

This second part of the plenary meeting would focus on the presentation of the reports on these visits, the report on meetings with civil society in Cyprus and with the representatives of NGOs based in Turkey.

She announced that two other statements would be made at this plenary meeting: the planned contribution by Gabriella BATTAINI-DRAGONI, Deputy Secretary General of the Council of Europe, and a statement by Professor Mohammed CHERKAOUI on the subject of the worrying situation of civil society in the USA.

She hoped that the INGOs would take concrete action in countries where monitoring was necessary and stressed the need to widely disseminate good practices and for the Conference of INGOs and the public authorities to discuss bad practices.

2. Appointment of the rapporteur for the meeting: Anne KRAUS

3. Situation of NGOs and their participation in the decision-making process in Council of Europe member states and the participation of NGOs

The country to be visited is chosen by the President herself in consultation with the Secretariat and the members of the Conference of INGOs. The Committee of Ministers' Rapporteur Group on Democracy (GR-DEM), which as a whole generally gave its approval to the activity, was subsequently informed of the country to be visited. Preparatory meetings with the Ambassadors provided important opportunities to officialise the planned visit and to adjust the agenda as necessary. The agenda generally included meetings with NGOs and the public authorities. The reports resulting from these visits constituted neither a legal opinion nor a monitoring report but simply a summary at a given point in time of experiences and practices with regard to NGOs' participation in the decision-making process in connection with the decision-making practices applied by the authorities and the legislation in force.

Previous reports had often revealed the same type of obstacles in several countries.

3.1 [Report on the visit by the Conference of INGOs to Hungary \(from 20 to 22 November 2016\) and the comments submitted by the Hungarian government.](#) The delegation was made up of Cyril RITCHIE, Julianne LAGADEC, Mary-Ann HENNESSEY and Anna RURKA.

The President of the Conference of INGOs regretted that the Hungarian Ambassador was unable to be present as he had to receive a delegation from Hungary. Since the visit, the major development in the situation of NGOs in Hungary was the enactment of the law on the 'transparency of organisations receiving support from abroad', proposing restrictive measures that were incompatible with international standards and violating the principle of freedom of association in Hungary. The Council of Experts on NGO Law [had published a legal opinion](#) prior to the enactment of the law in question.

The President invited Szabo MATE, Programme Director of the Hungarian Union for Civil Liberties, to comment on the report by the Conference of INGOs. He expressed his gratitude for the interest shown by

the Conference of INGOs in the problems affecting NGOs in his country (in particular those concerned with human rights), and more specifically their participation in the decision-making process and the measures gradually put in place since 2013 and leading to the new law.

The political environment was in keeping with the policy set out in the declaration by the Fidesz party, i.e. to “eradicate all influence by George SOROS” with the systematic harassment of INGOs believed to be funded by him. The “national consultation” was entitled “Let’s stop Brussels” and was deliberately worded so as to mislead Hungarians by pretending that “foreigners were interfering in Hungarian affairs”. Szabo MATE also referred to the government’s systematic indifference to the NGOs’ responses and to important opinions such as those of the Venice Commission.

Government-oriented “NGOs” (GONGOs) were prepared to agree with the government no matter what. Szabo MATE stressed the essential role of “external” responses – an opinion by the Venice Commission or the reactions of INGOs in other countries. The new Hungarian legislation would also have an impact on EU funding. Several NGOs has said they intended to engage in civil disobedience so as to influence the judicial decision.

3.2 Report on the visit of the Conference of INGOs to Ireland, from 24 to 26 April 2017 - delegation comprising Simon MATTHIJSEN, Michel CHERNIAK, Mary-Ann HENNESSEY and Anna RURKA

Anna RURKA explained their interest in the “Citizen Assembly” initiative and the way in which NGOs were firmly anchored in the areas where their work took place. The NGOs had told them that “permanent” structures focusing on citizen participation were developing towards more targeted “ad hoc” forms. The delegation had been surprised that the definition of public activities was also having an impact on freedom of association in Ireland. A second point that required vigilance was lobbying regulations which influenced NGOs’ interaction with the public authorities.

John BRENNAN, from the Irish Association of social workers, the partner organisation for the visit, had pointed out that social workers could call for improved services without having to fear that the public authorities would cut off their funding. Nevertheless, austerity measures (during the 2008 recession), the fragmentation of health care and social services and the housing shortage had led to a rise in the number of homeless persons and an upsurge in child poverty. The lengthy procedures that had to be followed by asylum-seekers (during which they could not take up employment) had led to an increase in the number of vulnerable persons. NGOs’ limited human resources and the fragmented nature of this sector meant that co-ordination was difficult, despite the fact that they co-operated well with one another. Charity associations did not always receive the support they had hoped for from the Catholic Church. The election system was endeavouring to do away with clientelism.

John BRENNAN explained that the delegation’s visit had helped the NGOs they had met to think about how they operated and to base their work more systematically on the good practices and support provided by the Conference of INGOs.

Laura DAGG, Deputy Permanent Representative, and Alex FOLEY, Assistant to Ireland’s Permanent Representative at the Council of Europe, said that the Government did not expect the report to be perfect and confirmed that the crisis had had a negative effect on associations and that there were considerable problems with regard to housing and child poverty. The eleven recommendations set out in the report of the Conference of INGOs were appreciated and would help to review current processes and to improve the way in which the NGOs were organised.

Among the other avenues explored, Anna RURKA explained that the representatives of the [“Citizen Assembly”](#), had been invited to the Conference of INGOs’ lab at the World Forum for Democracy 2017 next November. The aim of this practice was to reconcile representative democracy with participatory democracy, if the decision-making authorities take serious account of the recommendations of the Citizen Assembly and their responsibility with regard to the implementation of these recommendations.

3.3 Information on the meetings with NGOs based in Turkey

Following the attempted coup d’Etat in July 2016 and the imposition of a state of emergency in Turkey, the situation had become increasingly difficult for civil society and NGOs. In order to establish direct communication with Turkish civil society and to be able to make a better assessment of the situation, the Conference of INGOs and the Secretariat had organised an initial unofficial visit (1-2 December 2016) to Strasbourg for some fifteen representatives of NGOs. At the plenary session in January, the Conference of INGOs had adopted a resolution, based on their discussions. In accordance with this resolution, a visit to Turkey by representatives of the Conference of INGOs had been scheduled for spring 2017, but had

subsequently been postponed at the request of the Turkish Permanent Delegation. In the meantime, with a view to maintaining the communication and the network of contacts established during the initial unofficial visit, a second unofficial visit had taken place from 30 May to 1 June 2017. The fifteen representatives of NGOs had met the representatives of the Conference of INGOs and of numerous sectors of the Council of Europe thereby covering a wide range of issues relating to human rights, democracy and the rule of law.

The main conclusions of the second unofficial visit were as follows:

- Turkish civil society is under pressure and is polarised along traditional dividing lines (Kurds, secular and religious issues, rural, and intellectual). However, there was currently further polarisation between the pro-governmental NGOs (AKP) and independent NGOs and those who support the opposition, or are suspected of doing so;
- The state of emergency had led to a situation where the application of rules/laws appeared to be arbitrary and selective. There was some doubt as to the definition and qualification of what constituted a criminal offence, a lack of legal remedies and growing self-censorship by civil society, given the climate of fear and uncertainty.;
- Co-operation between the Council of Europe, under the auspices of the Secretary General and the Turkish authorities, in particular the Turkish Ministry of Justice, had yielded several positive results, in particular with regard to the conditions and length of detention, access to a lawyer and the establishment of a committee to review wide-scale dismissals pursuant to decrees and the law on the state of emergency.

However:

- there was a very real fear that this new committee for examining dismissals was not a genuine or an effective remedy (even if it had been put in place in co-operation with the Council of Europe) and that it would take longer to gain access to rights than through “traditional” appeals through the court system, which might be even more detrimental people who had lost their job, their passport, or social contacts;
- there were no signs that the state of emergency was coming to an end; the Constitution had been amended to give more power to the government and the civic and civil space was continuing to narrow in Turkey;
- there was a need for solidarity among civil society at international level to support civil society in Turkey.

It was therefore proposed that the members of the Conference of INGOs:

- inform the Bureau of the situation of members of INGOs in Turkey;
- do whatever they could to facilitate the contribution of Turkish NGOs invited to Strasbourg to the monitoring process established by the Parliamentary Assembly;
- put in place an informal network of INGO solidarity (“*Friends of Turkish Civil Society*”) and a campaign of support. Gilles Bloch (LICRA) proposed to co-ordinate such a support network. INGOs which were interested in co-operating (*CISV International*, *Soroptimist International*, etc.) could inform Anna RURKA of their interest;
- facilitate the establishment of an informal network or of a coalition of Turkish NGOs (“*Friends of the Council of Europe*”);
- keep a close eye on freedom of association in Turkey.

The Conference of INGOs was negotiating the possibility of a visit to Turkey in the second half of 2017.

3.4 Information on the meetings of the President of the Conference of INGOs with NGOs in Cyprus on the occasion of the 128th session of the Committee of Ministers of the Council of Europe (see the [speech](#) given by the President on this occasion):

The President presented her [report on her discussions with the NGOs](#)

The Cypriot Permanent Delegation to the Council of Europe thanked the Conference for the interest it had shown and for the recommendations set out in the report and was open to proposals, in particular the project concerning the teaching of history. It was prepared to support all efforts to find solutions.

4. Future fact-finding visits to Council of Europe member states

The Conference's next visits would be to Estonia, Serbia and Turkey.

5. [Address](#) by Professor Mohammed CHERKAOUI, Professor specialising in Conflict Resolution at George Mason University in Washington, Member of the UN Group of Experts. See the text of his statement "Trumpist Populism and Economic Nationalism"

6. Address by Gabriella BATTAINI-DRAGONI, Deputy Secretary General of the Council of Europe:

The President of the Conference thanked Ms Gabriella BATTAINI-DRAGONI for her support and proposed a minute's silence for the passing of Simone VEIL, for the Memory of the Shoah, for women's rights and for Europe.

Gabriella BATTAINI-DRAGONI ended her [address](#) by stressing the need for the INGOs to promote the ratification of additional protocols by member states and as she left the room members gave her a "*standing ovation*".

7. Next session of the Conference of INGOs

The next session of the Conference of INGOs will take place from 22 au 26 January 2018.