



Resolution 2471 (2022)¹

The impact of the Covid-19 restrictions on civil society space and activities

Parliamentary Assembly

1. The Parliamentary Assembly recalls its [Resolution 2362 \(2021\)](#) and [Recommendation 2194 \(2021\)](#) “Restrictions on NGO activities in Council of Europe member States”, [Resolution 2226 \(2018\)](#) and [Recommendation 2134 \(2018\)](#) “New restrictions on NGO activities in Council of Europe member States”, [Resolution 2096 \(2016\)](#) and [Recommendation 2086 \(2016\)](#) “How can inappropriate restrictions on NGO activities in Europe be prevented?”, its previous [Resolutions 1660 \(2009\)](#), [1891 \(2012\)](#), [2095 \(2016\)](#) and [2225 \(2018\)](#) and [Recommendations 2085 \(2016\)](#) and [2133 \(2018\)](#) on the situation of human rights defenders in Council of Europe member States, and its [Resolutions 2300 \(2019\)](#), [2060 \(2015\)](#) and [1729 \(2010\)](#) and [Recommendations 2162 \(2019\)](#), [2073 \(2015\)](#) and [1916 \(2010\)](#) on the protection of “whistle-blowers”.

2. It also recalls the work it carried out in response to the Covid-19 pandemic and the measures taken to counter it, in particular [Resolution 2329 \(2020\)](#) “Lessons for the future from an effective and rights-based response to the Covid-19 pandemic”, [Resolution 2337 \(2020\)](#) and [Recommendation 2179 \(2020\)](#) “Democracies facing the Covid-19 pandemic” and [Resolution 2338 \(2020\)](#) “The impact of the Covid-19 pandemic on human rights and the rule of law”.

3. The Assembly stresses that the existence of a vibrant civil society is a key component of an open and democratic society and makes an essential contribution to the development and realisation of democracy, the rule of law and human rights. Civil society actors, including non-governmental organisations (NGOs) and human rights defenders, should be able to continue promoting public awareness, participating in public life and campaigning for the transparency and accountability of public authorities despite the Covid-19 pandemic.

4. The Assembly notes that the Covid-19 pandemic and the restrictive measures taken to contain it, including those adopted under states of emergency – such as travel bans and other restrictions on movement, blanket restrictions on assemblies and gatherings, repressive measures against protesters, electronic surveillance or criminal sanctions for expressing critical thoughts on the handling of the pandemic – have significantly affected the situation of civil society in all Council of Europe member States. Other measures – such as denial of or delay in registration of new NGOs, limited access to the beneficiaries of their actions, reduced funding or limitations on governing bodies’ meetings – have also had a direct and adverse effect on the functioning of civil society organisations.

5. Thus, the exercise of the right to freedom of assembly has largely been restricted, and the rights to freedom of association, freedom of expression, freedom of movement and the right to respect for private life have also been negatively impacted. Moreover, many individuals and civil society actors were confronted with difficulties in accessing public information and were not consulted about changes to laws, policies and practices made in connection with the Covid-19 pandemic.

6. The Assembly is concerned about the consequences of the restrictive measures adopted by Council of Europe member States during the pandemic and highlights their deleterious effect on the functioning of civil society. It emphasises that even though, in accordance with the European Convention on Human Rights (ETS

1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 25 November 2022 (see [Doc. 15654](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Ms Margreet De Boer).*

See also [Recommendation 2241 \(2022\)](#).



No. 5, “the Convention”), public health may constitute a legitimate purpose justifying restrictions on the rights to respect for private life (Article 8), freedom of expression (Article 10) and freedom of assembly and association (Article 11), any restrictions of the aforementioned rights must be “prescribed by law”, “necessary in a democratic society” and proportionate to the legitimate aim pursued. The same applies to measures restricting freedom of movement (Article 2 of Protocol No. 4 to the Convention, ETS No. 46).

7. The Assembly is also worried about the fact that in some Council of Europe member States the Covid-19 pandemic highlighted or worsened problems that already existed in the environment in which civil society operated. Moreover, there is a risk that laws aimed at combating the Covid-19 pandemic might be used to further restrict the rights and fundamental freedoms of civil society actors.

8. Notwithstanding these negative developments, the Assembly is pleased to note that various good practices have also emerged in the course of the Covid-19 pandemic. Many Council of Europe member States have taken steps to mitigate the consequences of the pandemic through the provision of financial and/or other support as well as by showing some flexibility as regards institutional and reporting requirements, including through the introduction of digital systems. Moreover, NGOs themselves proved to be very flexible and adapted their own environment to the challenges of Covid-19, in particular through accelerating the digitalisation process, adjusting and improving their working methods and co-operating with other stakeholders and building coalitions.

9. The Assembly therefore calls on all Council of Europe member States to:

9.1. comply with international legal standards that are pertinent to the functioning of civil society, and in particular with regard to the rights to freedom of assembly, association and expression;

9.2. fully implement Recommendation CM/Rec(2007)14 of the Committee of Ministers on the legal status of non-governmental organisations in Europe and Recommendation CM/Rec(2018)11 on the need to strengthen the protection and promotion of civil society space in Europe;

9.3. fully and rapidly implement the judgments of the European Court of Human Rights concerning violations of civil society actors’ human rights and fundamental freedoms, as well as those related to the measures taken to combat the Covid-19 pandemic;

9.4. avoid imposing unnecessary and disproportionate restrictions on human rights and fundamental freedoms of individuals and civil society actors on the basis of existing laws aimed at combating the Covid-19 pandemic;

9.5. repeal any legislation that interferes with civil society actors’ ability to work freely and independently and that is no longer justified by the Covid-19 pandemic or any other public health issue;

9.6. refrain from enacting new legislation entailing unnecessary and disproportionate restrictions on civil society actors’ activities; the Covid-19 pandemic, or any other future pandemic or public health issue, should not be used to justify the imposition of such restrictions;

9.7. provide sufficient financial and other support to NGOs in order to enable them to continue their work, despite the negative impact of the Covid-19 measures, and devise long-term strategies for supporting them;

9.8. encourage potential private donors to provide such support;

9.9. ensure that civil society actors are adequately consulted on laws, policies and practices concerning them as well as on other important subjects such as the handling of the Covid-19 pandemic; in particular, European Union member States should ensure that civil society is involved in the adoption, implementation and monitoring of national recovery and resilience plans;

9.10. provide unhindered access to public information and documents;

9.11. promote and support the use of online communication tools with and within civil society; such tools should be available at any time and not only during a public health or other crisis;

9.12. ensure a conducive environment for all civil society actors, in particular by refraining from harassment, smear campaigns and acts of intimidation against them.