Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 15836
28 September 2023

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

Reply to Recommendation[1]: Recommendation 2241 (2022)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly Recommendation 2241 (2022) "The impact of the Covid-19 restrictions on civil society space and activities". It has forwarded it to the Steering Committee for Human Rights (CDDH), the European Committee on Legal Co-operation (CDCJ), the Joint Council on Youth (CMJ) and the Conference of INGOs for information and any comments.

2. The Committee of Ministers welcomes the attention paid by the Assembly to the effects of restrictions on civil society space and activities at a time when member States were striving to combat the Covid-19 pandemic. It regrets that during that period civil society rights were considerably affected by a number of measures taken in the response to the pandemic, even though the physical participation of a vibrant civil society is a key component of an open and democratic society.

3. It reaffirms the obligation incumbent on all member States to comply fully with Article 10 (freedom of expression) and Article 11 (freedom of assembly and association) of the European Convention on Human Rights (ETS No. 5), which are particularly relevant to civil society activities. It reiterates its call on member States to implement Recommendations CM/Rec(2007)14 on the legal status of non-governmental organisations in Europe and CM/Rec(2018)11 on the need to strengthen the protection and promotion of civil society space in Europe. The Committee of Ministers notes that, in Recommendation CM/Rec(2018)11, it expresses its deep concern at the shrinking space for civil society resulting, *inter alia,* from restrictive laws, policies and austerity measures adopted recently by member States and the need to strengthen the protection and promotion of this space. To this end, it recommends that the governments of the member States ensure that a set of principles laid down in the appendix to the Recommendation are complied with in relevant national legislation and practice. As provided for in the Recommendation, the Committee of Ministers will ensure that its implementation by member States is examined in the near future.

4. The Committee of Ministers draws the attention of the Assembly to its Guidelines on upholding equality and protecting against discrimination and hate during the Covid-19 pandemic and similar crises in the future, adopted in May 2021. This instrument refers to the important role of civil society in assessing the situation of vulnerable groups in times of crisis and in providing emergency assistance. The Committee of Ministers also informs the Assembly that the CDDH is developing a Toolkit for the human rights impact assessment of the measures taken by the State in situations of crisis and a non-binding legal instrument on the effective protection of human rights in situations of crisis. While neither of these documents deals with the situation of civil society directly, the CDDH will ensure that they address the specific concerns of civil society.

5. The Committee of Ministers continues to implement the decisions adopted at its 129th Session in Helsinki (17 May 2019) on "the need to strengthen the protection and promotion of civil society space in Europe". In this regard, it notes that at the 132nd Session of the Committee of Ministers (Turin, 19-20 May 2022), the Ministers welcomed, inter alia, "the report 'Follow-up to the Helsinki decisions on civil society: implementation of the Secretary General's proposals – Final report', as it appears in document SG/

1. Adopted at the 1473rd meeting of the Ministers' Deputies (6 September 2023).

Inf(2022)13, as well as the launch of a handbook, including an online version, and a civil society portal designed to facilitate access of civil society organisations and human rights institutions to the Council of Europe's activities". The Committee of Ministers recalls furthermore the Athens Declaration of 4 November 2020 in which the importance of civil society and the need to safeguard access to information and freedom of expression, particularly in times of a global health crisis, are recognised. It points out that, as a follow-up to the decisions adopted in Helsinki, its rapporteur groups (Rapporteur Group on Legal Co-operation (GR-J), Rapporteur Group on Human Rights (GR-H) and Rapporteur Group on Democracy (GR-DEM)) regularly hold informal exchanges of views with civil society representatives. It should also be mentioned that on 13 April 2021, the Chair of the GR-DEM, in co-operation with the President of the Conference of INGOs, held an informal exchange of views on "Elections during the Covid-19 crisis: the role of civil society organisations".

6. The Committee of Ministers recalls that, in September 2022, it invited the Secretary General to set up, in co-operation with representatives of Belarusian democratic forces and civil society, a "Contact Group" within the Council of Europe Secretariat, the third meeting of which took place in June 2023. The Secretary General announced in February 2023 a 15-point action plan to support civil society and democracy representatives working towards a future free and democratic Belarus.

7. The Committee of Ministers further recalls that, at their 4th Summit held in Reykjavík on 16 and 17 May 2023, the Heads of State and Government of the member States reaffirmed that civil society is a prerequisite for a functioning democracy and committed to supporting and maintaining a safe and enabling environment in which civil society can operate free from hindrance, insecurity and violence. They also committed to review and reinforce the Organisation's outreach to, and meaningful engagement with, civil society organisations. The Committee of Ministers, in co-operation with other stakeholders, including the Parliamentary Assembly, is now considering how to put the commitments made in the Reykjavík Declaration into action.

8. With regard to its supervision of the execution of judgments of the European Court of Human Rights, the Committee of Ministers refers to its 16th annual report, which describes the priority it assigns to cases which pose particular challenges and long-standing systemic and structural problems identified by the Court's judgments, including cases concerning freedom of expression, assembly and association. The Committee of Ministers also noted the valuable contribution of civil society organisations and national human rights institutions highlighted in the guidelines on the prevention and remedying of violations of the European Convention on Human Rights, which it adopted in September 2022. Since 3 March 2022, the Russian Federation has ceased all communication with the Council of Europe concerning the execution of judgments. Given the absence of information from the authorities, the Committee of Ministers decided, in December 2022, to enhance exchanges with Russian civil society on this issue. On 7 March 2023, the Committee of Ministers subsequently held a discussion with three Russian human rights NGOs – Memorial Human Rights Defence Centre, Mass Media Defence Centre, and Stichting Justice Initiative – on issues relevant to the execution of judgments.

9. With regard to the proposal to establish a mechanism for monitoring and responding to attacks against civil society actors, the Committee of Ministers could only consider creating such a mechanism if it offered real added value, and taking due account of all existing procedures.

10. Furthermore, the Committee of Ministers regrets that the safety measures taken by some member States during the pandemic have also had a significant impact on the participation of young people in democratic processes. In order to mitigate the negative consequences and to support the work of youth organisations, the European Youth Foundation (EYF) launched a special call to fund youth activities responding to needs arising from the Covid-19 crisis. In addition, extensive research was carried out on the pandemic's impact on young people and civil society and a Covid-19 hub was set up for the youth sector.

11. The Committee of Ministers encourages member States which have not yet done so to sign and/or ratify the European Convention on the Recognition of the Legal Personality of International Non-Governmental Organisations (ETS No. 124).