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Restrictions on NGO activities in Council of Europe member States

Reply to Recommendation[1]: Recommendation 2194 (2021)
Committee of Ministers

1. The Committee of Ministers has carefully considered Parliamentary Assembly Recommendation 2194 (2021) "Restrictions on NGO activities in Council of Europe member States".

2. The Committee welcomes the close attention paid by the Assembly to the situation regarding NGOs in member States. It is concerned over the fact that civil society space is continuing to shrink despite efforts by the various Council of Europe bodies to stop the process. It agrees there is a need for greater co-ordination between the Council of Europe, civil society and other actors, including other international organisations, in this regard.

3. It reiterates its view that non-governmental organisations (NGOs) play a vital role in achieving the aims pursued by the Council of Europe and in the development of democracy, human rights and the rule of law in Europe. It reasserts the particular importance of ensuring NGOs' freedom of action, in accordance with the principles of freedom of expression and association, as protected by Articles 10 and 11 of the European Convention on Human Rights, and which are among the fundamental values of the Council of Europe. It notes that the exercise of these rights cannot be subject to restrictions other than those provided for in paragraph 2 of Articles 10 and 11 of the Convention.

4. At their 1380bis meeting (8 July 2020), the Ministers' Deputies took note of the Secretary General's proposals for implementing the decisions on "the need to strengthen the protection and promotion of civil society space in Europe" adopted by the Committee of Ministers at its 129th Session (Helsinki, 17 May 2019). They will shortly examine a full report on the implementation of those decisions.

5. The informal exchange of views held on 13 April 2021 by the Chair of the Rapporteur Group on Democracy (GR-DEM), in co-operation with the President of the Conference of INGOs, with civil society representatives on "Elections during the Covid-19 crisis: the role of civil society organisations" will be among the first tangible results of the implementation of the Helsinki decisions. Further such exchanges with civil society representatives on common priority issues are due to be held this year, according to modalities to be agreed within the Rapporteur Group on Legal Co-operation (GR-J) and the Rapporteur Group on Human Rights (GR-H).

6. Lastly, at its 131st Session (Hamburg, 21 May 2021), the Committee of Ministers adopted the following decision: " … (The Committee of Ministers) reiterated the importance of further strengthening the role and meaningful participation of civil society organisations as well as national human rights institutions in the Organisation, in line with, *inter alia*, the Helsinki Ministerial decisions on civil society; instructed their Deputies and invited the Secretary General to vigorously pursue the work to this end, implement the Secretary General's follow-up proposals to the Helsinki decisions and report back on the results at the Ministerial Session in May 2022".

1. Adopted at the 1408th meeting of the Ministers' Deputies (30 June 2021).

7. As regards Recommendation CM/Rec(2018)11 on the need to strengthen the protection and promotion of civil society space in Europe, the Deputies draw attention to two recommendations which have been adopted since then in order to address more specifically the situation with respect to Ombudsman institutions and national human rights institutions. These are Recommendation CM/Rec(2019)6 of the Committee of Ministers to member States on the development of the Ombudsman institution, adopted at the 1357th meeting of the Ministers' Deputies (16 October 2019), and Recommendation CM/Rec(2021)1 of the Committee of Ministers to member States on the development and strengthening of effective, pluralistic and independent national human rights institutions, adopted at the 1400th meeting of the Ministers' Deputies (31 March 2021).

8. With regard to the proposal to establish an alert mechanism for receiving warnings of possible new restrictions on the right to freedom of association and other rights and freedoms of NGOs, the Committee may wish to consider the case for creating such a mechanism at a later stage, in the light of the practice of all the procedures and mechanisms already in place, or being considered, in other areas as well as in the light of the results of all the initiatives taken at the level of the Organisation to strengthen the rights and obligations of NGOs.

9. With regard to its supervision of the execution of judgments of the European Court of Human Rights, the Committee refers to its 14th 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 report notes that the implementation of the Convention system at national level goes hand in hand with the further reinforcement of member States' capacity for rapid and effective execution of the Court's judgments and having the Convention standards firmly embedded at national level.