

Joint letter to:

- **The Minister of Migration and Asylum, Notis Mitarachi**
- **The Alternate Minister of Migration and Asylum, Giorgos Koumoutsakos**

Cc:

- **The European Commissioner for Values and Transparency, Věra Jourová**
- **The President of the Expert Council on NGO Law of the Council of Europe, Jeremy McBride**
- **The President of the Conference of INGOs of the Council of Europe, Anna Rurka**
- **The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule**
- **The UN Special Rapporteur on the human rights of migrants, Felipe González Morales**

The undersigned organisations welcome the ‘Opinion on the Compatibility with European Standards of Recent and Planned Amendments to the Greek Legislation on NGO Registration’ from the Expert Council on NGO Law of the Conference of INGOs of the Council of Europe (hereafter Expert Council).¹ The organisations appreciate the efforts of the Ministry of Migration and Asylum to centralize the registration of organisations active in the field of international protection, migration, asylum and social integration of third-country nationals, but endorse the recommendation that current legislation “should be substantially revised so that they are brought into line with European standards”.²

The Expert Council expressed their concern that the registration and certification procedure creates unnecessary and disproportional barriers on the work of NGOs and impedes freedom of association.³ This could have a chilling effect on civil society and potentially create a “worrying humanitarian situation” as organisations cover existing gaps in the provision of services, protection, health and the monitoring of human rights.⁴ These concerns are not unfounded; a recent announcement by the Minister of Migration and Asylum made clear that after the registration process only 18 out of 44 organisations will be allowed to continue work inside government facilities until a final decision on their certification is given.⁵ A first listing of NGOs that will receive a final decision on their certification, and which are allowed to continue their work in government structures excludes a large number of organisations which provide essential services, including medical NGOs.⁶

¹ Expert Council on NGO Law of the Conference INGOs of the Council of Europe (Expert Council) (2020), *Opinion on the Compatibility with European Standards of Recent and Planned Amendments to the Greek Legislation on NGO Registration*, CONF/EXP(2020)4, 2 July.

² Expert Council, para 109.

³ Expert Council, para 78.

⁴ Expert Council, para 83-85 and 108.

⁵ Mitarakis, N. “18 Μη Κυβερνητικές Οργανώσεις διατηρούν το δικαίωμα εισόδου σε ΚΥΤ και δομές φιλοξενίας” (17 June 2020).

⁶ Listing has been shared with the NGOs that can continue to be active in the structures.

In order to continue work in government facilities, organisations that previously registered were obliged to re-register within two months after publication of legislation.⁷ According to the Expert Council these requirements do not satisfy proportionality requirements for the restriction on the freedom of association. The low number of organisations that proceeded to the certification stage of the registration procedure reflects the Expert Council finding that the procedure is onerous, time consuming and costly, especially for smaller NGOs.⁸ In addition the Expert Council warns there could be arbitrary decisions made based on the vagueness of criteria for certification and a lack of independence of the deciding body.⁹

Both the Expert Council and the European Court of Justice recently emphasized that the work of NGOs is essential for a democratic state and a well functioning pluralistic society and therefore there should be minimal limitations to their work.¹⁰ The work of many organisations in Greece is essential in providing basic services including legal assistance, medical care, child protection, women's protection and empowerment, housing, support for unaccompanied children, (informal) education, employment counseling, job matching, Site Management Support, and provision of information, but are currently hampered by legislative requirements.¹¹ To ensure the well functioning of civil society in Greece NGOs should have been consulted about legislation regarding their work and the procedure for registration and certification should be made as 'simple as possible' and in line with the right to the freedom of association.¹² Therefore, we respectfully ask you:

- **To implement the recommendations made by the Expert Council on NGO Law to bring legislation on NGO registration in line with European standards.**
- **To urgently reconsider the requirements for certification and the decision making pathway for certification in accordance with the findings of the Expert Council on NGO Law.**
- **To engage in a constructive dialogue with civil society on the requirements for registration and certification and how the government could encourage organisations to be accountable and transparent, as a means to attain the legitimate goals set out in Article 11(2) of the ECHR.**
- **To proceed with timely public consultation and discussion with civil society on legislative reforms and forthcoming legislation regarding registration of NGOs in Greece as per the Expert Council's recommendation.**

⁷ Article 9(1) of Ministerial Decision 3036/2020.

⁸ Expert Council, 54 and 58.

⁹ Expert Council, para 70-72.

¹⁰ Expert Council para, 8 and European Court of Justice (ECJ) (2020) Judgment *Commission v Hungary (Grand Chamber)*, ruling of 18 June 2020, Case C-78/18, para 110-114 and Expert Council para 8.

¹¹ United Nations General Assembly (UNGA) (2020) *Report of the Special Rapporteur on the human rights of migrants: Right to the Freedom of association of migrants and their defenders*, UN Doc A/HRC/44/42 13 May, para 83 and Expert Council, para 4 and 8.

¹² OSCE's Office for Democratic Institutions and Human Rights (ODIHR) (2014) *Guidelines on the Freedom of Association*, 14 December, para 156 and Expert Council, para 60.

We remain at your disposal for more information.

Signed by,

1. Action for Education
2. Action for Women
3. ActionAid Hellas
4. Advocates Abroad
5. Afghan Community Migration & Refugees in Greece
6. ARION-CETACEAN RESCUE AND REHABILITATION RESEARCH CENTER
7. ARSIS – Association for the Social Support of Youth
8. Bridge2
9. Centre for Research on Women’s Issues (CRWI) “Diotima”
10. Changemakers Lab
11. Danish Refugee Council (DRC)
12. Donate4Refugees
13. ECHO100PLUS
14. ELIX
15. Fenix - Humanitarian Legal Aid
16. foodKIND
17. Free Movement Skateboarding UK
18. Greek Forum Of Migrants - Ελληνικό Φόρουμ Μεταναστών
19. Greek Forum of Refugees
20. Hellenic Liver Patient Association “Prometheus”
21. Help Refugees
22. HIGGS
23. Humanity Now: Direct Refugee Relief
24. HumanRights360
25. Humans for Humans (The Imagine Project)
26. I AM YOU Humanitarian Aid
27. InCommOn AMKE
28. Indigo Volunteers
29. Intereuropean Human Aid Association
30. INTERSOS Hellas
31. InterVolve
32. Jesuit Refugee Service Greece - JRS Greece
33. La Luna Di Vasilika ONLUS
34. Lesvos Solidarity
35. Medical Volunteers International e.V.
36. Melissa: Network of Migrant Women in Greece
37. mellifera
38. MERIMNA – Society for the care of children and families facing illness and death
39. Mobile Info Team
40. Northern Lights Aid
41. Office of Displaced Designers

42. OMNES
43. One Happy Family
44. Project Armonia
45. Refugee Legal Support (RLS)
46. Refugee Rescue
47. Refugee Rights Europe
48. Refugee Trauma Initiative (RTI)
49. Refugee Youth Service
50. RefugeeEd
51. Samos Volunteers
52. ShowerPower Foundation
53. Social Hacker A.M.K.E.
54. SolidarityNow
55. Still I Rise
56. Terre des hommes Hellas
57. Velos Youth
58. Verein FAIR.
59. Wave - Thessaloniki
60. We Need Books
61. Yoga and Sport For Refugees
62. YouBeHero
63. ΒΙΟΚΑΤΑΝΑΛΩΤΕΣ ΓΙΑ ΠΟΙΟΤΙΚΗ ΖΩΗ (ΒΙΟΖΩ)
64. Θάλασσα Αλληλεγγύης- Thalassa of Solidarity
65. Κοινωνικός Σωματείο Αρωγής Ηλικιωμένων και Ατόμων με Αναπηρία-ΦΡΟΝΤΙΖΩ
66. Mary Pini Director KESO Μαίρη Πίνη Διευθύντρια ΚΕΣΟ
67. Τεχνοδρομώ/ArtActing
68. 50και Ελλάς