



## News

(22.2.16)

### **NGOs and volunteers helping refugees in Greece to be placed under state control**

- **only in the Soviet Union and under the STASI in East Germany were NGOs expected to hand over lists and personal details of all their members/volunteers**
- ***"In particular there should be no attempts by public authorities to make NGOs effectively agencies working under their control.."*** (Council of Europe)
- ***"the registration of volunteers has no place in a democracy"*** (Director of Statewatch)

The General Secretariat of Aegean and Island Coordinating Committee have finally produced two forms that all NGOs working on the Greek islands to help refugees will have to complete and register with the police in order to carry on their work. NGOs and volunteers have been helping arriving refugees for more than a year - when for most of the time the EU and international agencies were conspicuously absent.

Tony Bunyan, Statewatch Director, comments:

*"There is no better example of the crucial role of independent NGOs and volunteers than in the Greek islands over the last year and for long before that.*

*Now the Greek state at the behest of the EU is seeking to get all volunteers to "register" with the police and hand over lots of personal data including previous "activities" - they are being asked to spy on themselves. And NGOs are being asked register their organisations and hand over personal details of all their volunteers/members to the police.*

*Demands that NGOs hand over personal details of all their members to the state has no place in a democracy. The exceptional measures being taken in Greece may become the norm across the EU if not challenged now by NGOs and civil society."*

#### **NGO and volunteer "registration" forms**

**["Organisation Profile"](#)** form (pdf) requires NGOs to give:

- personal details of all volunteers working with them
- naming their "Source(s) of income"
- affiliation with other groups active in Greece

- proposed place of action and type of voluntary work
- Proposed analytical program / Action Description

The "[Personal Profile](#)" form (pdf) in addition to name, address, date of birth and passport number asks for:

- "Professional capacity"
- "Previous actions" (all activities it would appear)
- date of arrival and departure
- "Affiliation/cooperation with organisation(s) already active in Greece"
- "Proposed voluntary action in Greece"
- "Curriculum/Description Action"
- "Proposed place of action and type of voluntary work"

### **Why this is an attack on freedom of expression and action**

**If all NGOs - civil liberties, human rights, refugee aid etc groups across the EU had to hand over to the state a detailed list of all their members - there would be outrage.**

The rights of NGOs is a political question in a democratic society and one of definition when looking at the relationship to the state (or in this case to the police as a state agency). Here both the general limits on the powers of the state and particular limits where individuals are, for example, required to hand over their previous voluntary activity.

As a guide to the relationship between NGOs, volunteers and the state a good starting point is the [Council of Europe's: Recommendation CM/Rec\(2007\)14 of the Committee of Ministers to member states on the legal status of non-governmental organisations in Europe](#) (pdf) and its [Explanatory Memorandum](#) (pdf) [Footnote 1]

Basic principles are set out in the Recommendation including:

**"6. NGOs should not be subject to direction by public authorities..."**

The Explanatory Memorandum develops the relationship of NGOs to the state/police further:

***"Although subject to the law like everyone else, the freedom from direction by public authorities is essential to maintain the "non-governmental" nature of NGOs. This freedom should extend not only to the decision to establish an NGO and the choice of its objectives but also to the way it is managed and the focus of its activities. In particular there should be no attempts by public authorities to make NGOs effectively agencies working under their control..."***

***10. Acts or omissions by public authorities affecting an NGO should be subject to administrative review and be open to challenge by the NGO in an independent and impartial court with full jurisdiction...***

***11. NGOs should be free to pursue their objectives, provided that both the objectives and the means employed are consistent with the requirements of a democratic society...***

***12. The ability of NGOs to undertake research, education and advocacy on issues of public debate will often be crucial in the pursuit of their objectives. It would be pointless of them to undertake such research, education and advocacy if they were not also able to disagree with governmental policy or propose changes in the law. [Explanatory Memorandum]***

***14. NGOs should be free to engage in any lawful economic, business or commercial activities in order to support their not-for-profit activities without any special authorisation being required, but subject to any licensing or regulatory requirements generally applicable to the activities concerned...***

25. Membership-based NGOs should be **free to allow non-members to participate in their activities....**

45, "Foreign NGOs:

*Without prejudice to applicability of the articles laid down in Convention No. 124 for those states that have ratified that convention, **foreign NGOs can be required to obtain approval**, in a manner consistent with the provisions of paragraphs 28 to 31 and 33 to 39 above, to operate in the host country. **They should not have to establish a new and separate entity for this purpose.** Approval to operate can only be withdrawn in the event of bankruptcy, prolonged inactivity or serious misconduct."*

**NGO activity to be placed under state control** [Footnote 2]

The registration of all NGOs and volunteers is part of an EU-led strategy to bring them under state control. The aim is to stop volunteers, local people and NGOs from helping refugees when they land on beaches and to process refugees within EU-run structures - more commonly known as "hotspots".

This was spelled out in the [European Commission Progress Report on the Implementation of the hotspots in Greece](#) (pdf) in December and requires state agencies and approved organisations taking over from the volunteers on the landing beaches:

**"a structured system for disembarkation at official disembarkation points** as well as Appointed coordinators for the islands should be empowered by way of dedicated transportation to the hotspot areas should be established." [emphasis added]

**"And Terms of Reference to coordinate all relevant governmental and non-governmental players involved in the hotspot locations."** [emphasis added]

More detail of how the Greek state, at the behest of the EU, intends to register, evaluate, and control the work of NGOs and volunteers has emerged. This document in the [Government Gazette - the Greek Republic, dated 28 January 2016](#) (pdf) says that a Committee will be set up with the purpose to register, classify and co-ordinate the NGOs operating on Lesbos.

Para: 7.2 says that the work of that Committee will be:

**"the registration, identification and certification of all NGOs and independent volunteers, that are active on Lesbos, with the purpose of contributing to solving the problem that have arisen by the migrant and refugee flows;**

- **the evaluation of NGOs in accordance with their statute and other documents that may be requested by the Committee;**

- **the contribution to organising their action on Lesbos in accordance with the needs that arise each time by the migrant and refugee flows. Their prior approval will be a necessary requirement for their inclusion in the Registry and the development of their work.**

- **their classification on the basis of their action (space-wise and function-wise) and the services they provide, after their evaluation the continuous coordination and control of the action of the NGOs and independent volunteers the information with all appropriate means about the duty of NGOs to register and have their action approved"** [emphasis added]

Footnote 1: The Recommendation draws on the [UN Resolution on Human Rights Defenders Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#) (pdf)

Footnote 2: [Refugee crisis: Council proposals on migrant smuggling would criminalise humanitarian assistance by civil society, local people and volunteers: Greece: NGOs and volunteers have to "register" with the police and be vetted](#)

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