

**MEETING OF THE EXPERT COUNCIL ON NGO LAW OF THE CONFERENCE OF INTERNATIONAL NON-  
GOVERNMENTAL ORGANISATIONS OF THE COUNCIL OF EUROPE**

**Strasbourg, 28-29 September 2015**

**MEETING REPORT**

**I. Opening**

The meeting of the Expert Council on NGO Law began with a group photo of its members, which included a photograph of Mr. Intigam Aliyev, who is currently serving a seven-year prison sentence in Azerbaijan due to his commitment to human rights and civil society.

The President of the Expert Council opened the meeting with a welcome speech in particular for the new members and proceeded to explain the work that the Expert Council has been carrying out since its establishment in January 2008. The President expressed his concern about the situation of civil society in Azerbaijan and Russia, highlighted importance of Recommendation (2007)14 on the legal status of NGOs, explained the role of the Conference of INGOs in the “Quadrilogue” (i.e. its interaction with the Committee of Ministers, the Parliamentary Assembly and the Congress of Local and Regional Authorities), described the cooperation of the Expert Council with the different Council of Europe actors and the OSCE Office for Democratic Institutions and Human Rights with regard to improving the environment of NGOs. He concluded by emphasising that the Expert Council should provide input to the initiatives of the Secretary General and the Conference of INGOs.

**II. Exchange of views with Matjaz Gruden, Director of Policy Planning**

Matjaz Gruden explained the purpose of the annual reports of the Secretary General on the state of democracy, human rights and the rule of law, notably to collect information resulting from the different monitoring procedures so as to promote member states’ compliance with Council of Europe standards and provide technical assistance where needed.

The second report was published in April 2015 and covers five fields: efficient and independent judiciary, freedom of expression, freedom of assembly and freedom of association, functioning of democratic institutions, and inclusive societies and democratic citizenship. The third report will follow the same structure.

In response to Matjaz Gruden’s question, the President of the Expert Council expressed the willingness of the Expert Council to provide input for the third report of the Secretary General with regard to freedom of association.

### **III. Joint Meeting of the Standing Committee of the Conference of INGOs and the Expert Council on NGO Law**

Claudia Luciani, Director of Democratic Governance, Directorate General 2 Democracy participated in the joint meeting and presented the fields of activity of her Directorate which included democratic institutions and elections as well as managing diversity and culture or biodiversity and civil society ([http://www.coe.int/t/democracy/Dir\\_DemGov\\_en.asp](http://www.coe.int/t/democracy/Dir_DemGov_en.asp)). She advised the members of Expert Council to ensure that their activities be well connected with those of the other Council of Europe bodies and to increase the visibility and impact of its work.

The discussion of the members of the Standing Committee and the Expert Council focused on two priorities of the Action Plan of the Conference of INGOs:

- Freedom of assembly and association and the creation of an environment that is favourable to the functioning of NGOs in Council of Europe member states;
- Democratic governance through increased participation by civil society in decision-making procedures at local, national and European levels;

including two concrete initiatives:

- Fact-finding visits of the Conference of INGOs to Bulgaria and Moldova as well as other Council of Europe member states
- Lab on “Protecting civil space in intergovernmental settings” organised on 19 November in the framework of the World Forum for Democracy

The aim of the fact-finding visits to Bulgaria and Moldova was to learn more about the situation of civil society and its participation in decision-making. Anna Rurka, President of the Conference, invited the Expert Council to participate in those visits.

The lab on “Protecting civic space in intergovernmental settings” shall look at existing initiatives for protecting human rights defenders and civil society leaders and help to identify possibilities for action by the Conference of INGOs.

The situation of Intigam Aliyev was discussed. A letter to the President of Azerbaijan on behalf of the Conference of INGOs has been sent but no answer has been received yet.

Participants stressed the importance of the Conference of INGOs as watchdog holding governments accountable.

#### **IV. Round table on protecting civic space with the participation of Council of Europe representatives**

The aim of the round table was to exchange information on on-going and planned work and explore possibilities for cooperation and coordination.

Requests for opinions on NGO legislation were typically submitted to the Venice Commission by other Council of Europe bodies and not by the government of the country concerned. There was a need to coordinate efforts of the Expert Council and the Venice Commission to improve NGO legislation and its application. The Expert Council could provide written input when the Venice Commission prepares opinions on NGO legislation. The question was raised whether the Expert Council and the Venice Commission could prepare joint opinions, following the model of joint opinions of the Venice Commission and the OSCE ODIHR.

The Steering Committee for Human Rights may prepare a study on the impact of national legislation, policies and practices on activities of civil society organisations, human rights defenders and national institutions for the promotion and protection of human rights with a view to elaborating proposals on protecting and promoting the civil society space in member States.

The Director of Political Affairs stated that the primary work on freedom of association should be conducted in member States which need to have a strong civil society. He also explained the added value of the Expert Council as an independent body providing assessments and asked the Expert Council to play a more active role.

The case law of the European Court of Human Rights on article 11 of the European Convention of Human Rights looked at freedom of association often in connection with other rights and freedoms protected by the Convention.

The Committee on Legal Affairs and Human Rights of the Parliamentary Assembly was preparing a report on “How to prevent inappropriate restrictions on NGO activities in Europe?” for debate in the January session of the Assembly. It had initiated a number of statements on Azerbaijani and Russian human rights defenders and NGOs and had seized the Venice Commission for opinion on the Russian Law on “Undesirable Organisations”.

#### **V. Preparation of the work plan 2015-2016:**

The Expert Council members exchanged views on the situation of civil society and its legal environment in a number of countries and discussed which thematic issues are of particular relevance. They paid particular attention to the format of its reports and their distribution with a view to raising awareness of the Expert Council and increasing the impact of its work. They also considered how to avoid that initiatives of the Expert Council which were intended to support civil society could be counterproductive.

**VI. Decisions:**

<b>Support to Intigam Aliyev:</b>		
Expert Council members liaise with the President of the Conference of INGOs and partner NGOs	Members of the Expert Council President of the Conference of INGOs	on-going
<b>Thematic issues:</b>		
Developments in standards, mechanisms and case law (OING Conf/Exp (2013) 2): prepare an update of the study	Jeremy McBride	30 October 2015
Fiscal policy: prepare a concept not to see whether the Expert Council should organise a conference on this topic	Dragan Golubovic	20 November 2015
(OING Conf/Exp(2014)2)Pro-bono work by lawyers: inquire whether the Expert Council on NGO Law can involve such lawyers in its work	Katerina Hadzi Miceva Mechthild Lauth	
Good practice which contributes to an enabling environment of NGOs: prepare a concept note to assess the feasibility of a compilation	Mihaela Preslavsca	30 November 2015
Lobbying: collect relevant Council of Europe documents	Secretariat	5 October 2015
Lobbying: assess the possible need for action by the Expert Council on NGO Law in the light of the work by the Parliamentary Assembly and the European Committee on Legal Cooperation	Cyril Ritchie	15 November 2015
Public consultation in legislative drafting processes: send out a questionnaire to identify the critical issues and trends	Secretariat	30 October 2015
Public consultation in legislative drafting processes: assess the answers	Dragan Golubovic	30 December 2015
Public consultation in legislative drafting processes: prepare an opinion	Dragan Golubovic	29 February 2016
Regulating political activities of NGOs (OING Conf/Exp(2014)2): prepare the update and additional country case studies on Germany, Italy, Portugal, Spain and the Netherlands	Mechthild Lauth, Alessandra Ricci Ascoli, Frederico Moyano Marques, Beatrice Collantes Sanchez, Simon Matthijssen Coordinator: Katerina Hadzi Miceva	20 November 2015 for country case studies; 27 November for the update
<b>Country issues:</b>		
Armenia: Monitor the developments to see whether support by the Expert Council is needed	Dragan Golubovic Katerina Hadzi Miceva	on-going
Azerbaijan: Inquire whether the opinion on the NGO Law of the Republic of Azerbaijan in the light of amendments	Secretariat	15 October 2015

made in 2009 and 2013 and their application (OING Conf/Exp(2014)1 needs to be updated in order to take into consideration recently adopted legislation		
Cyprus: Contact the Permanent Representation of Cyprus to the Council of Europe in order to promote implementation of the recommendations contained in the strategy paper "Civil Society in Cyprus: Building for the future, in particular with regard to the revision of the legal framework	President of the Conference of INGOs	30 October 2015
Hungary: Assess the possible need for action in the light of input received from Hungarian NGO leaders participating in the World Forum for Democracy	Members of the Expert Council	15 December 2015
Russian Federation: Provide an input to the opinion of the Venice Commission on the law on undesirable organisation in the Russian Federation	Jeremy McBride	6 November 2015
Russian Federation: Collect information on the effect of the foreign agents law and the law on undesirable organisations in the Russian Federation	Members of the Expert Council. Consultation of the 320 INGOs enjoying participatory status by the President of the Conference of INGOs	on-going
Russian Federation: In the light of the findings, prepare either a statement or an opinion	To be determined	
Turkey: Prepare a briefing to assess issues which may require action by the Expert Council	Serkan Cengiz	30 November 2015
<b>Communication:</b>		
Establish a list with the contact details of all members of the Expert Council	Secretariat	15 October 2015
<b>Participation in missions and events of the Conference of INGOs and the Council of Europe</b> (list to be updated regularly):		
Fact-finding visit of the President of the Conference of INGOs to Moldova	Beatrice Collantes Sanchez	9-12 November 2015
Fact-finding visit of the President of the Conference of INGOs to Bulgaria	Mihaela Preslavska	23-25 November 2015
Participation in the World Forum for Democracy "Freedom vs Control", Strasbourg	Cyril Ritchie	18-20 November 2015
Rapporteur of lab 14 "Protecting civic space in intergovernmental settings" at the World Forum, Strasbourg	Alessandra Ricci Ascoli	19 November 2015
Meeting of the Conference of INGOs, Strasbourg	Cyril Ritchie and other members of the Expert Council on NGO Law	29 January 2016

<b>Presenting the work of the Expert Council at other events</b> (list to be updated regularly):		
One-day consultation meeting to gather opinions and provide input to the UN OHCHR practical recommendations on good practices and examples to create and maintain a safe and enabling operating and legal environment for civil society, organized by European Center for Not-for-Profit Law (ECNL), Article 19 and Amnesty International UK	Katerina Hadzi Miceva	3 November 2015
Meeting of the Eastern Partnership Civil Society Forum, Kyiv	President of the Conference of INGOs	20 November 2015
EU NGO Human Rights Forum “Protecting and Promoting Civil Society Space”, Brussels	President of the Conference of INGOs Member of the Expert Council (tbd)	3-4 December 2015

#### **VII. Date of next meeting**

While recognizing that it might be desirable for the Expert Council to meet in full twice a year, it was agreed to have one full meeting in 2016, but perhaps somewhat earlier in the year. The date would be determined in consultation between the President and the Secretariat.



**Meeting of the Expert Council on NGO Law  
27-29 September 2015, Council of Europe, Strasbourg**

**List of participants**

**Expert Council on NGO Law**

Cyril Ritchie, President  
Intigam Aliyev (prevented from attending)  
Serkan Cengiz  
Beatrice Collantes Sanchez  
Dragan Golubovic  
Katerina Hadzi-Miceva Evans  
Mechthild Lauth  
Simon Matthijssen  
Jeremy McBride  
Daria Miloslavskaya (apologised)  
Frederico Moyano Marques  
Maria Pomazkova  
Mihaela Preslavska  
Alessandra Ricci Ascoli  
Eric Svanidze

**Council of Europe**

Claudia Luciani, Director of Democratic Governance, Directorate General II Democracy  
Jutta Gützkow, Head of Civil Society Division, Directorate General II Democracy  
Leire Zearra-Lezamiz, trainee, Civil Society Division  
Alexandre Guessel, Director of Political Affairs  
Matjaz Gruden, Director of Policy Planning  
Jennifer Schuetze-Reyman, Directorate General I Human Rights and Rule of Law  
Grigori Dikov, Venice Commission  
Juris Rudevskis, Registry of the European Court of Human Rights

Agnieszka Szklanna, Legal Affairs and Human Rights Committee of the Parliamentary Assembly  
(apologised)

Silvi Adhami, trainee, Secretariat of the Parliamentary Assembly





CONFERENCE OF INGOs  
OF THE COUNCIL OF EUROPE

CONFERENCE DES OING DU  
CONSEIL DE L'EUROPE

**Meeting of the Expert Council on NGO Law  
27-29 September 2015, Council of Europe, Strasbourg**

**Agenda**

Room G 04 of the Agora building

**Monday, 28 September**

9.00 – 10.45	<p>Welcome</p> <p>Introductory statement by Cyril Ritchie, President of the Expert Council on NGO Law on the origins, development and achievements of the Expert Council and an outlook on future action</p> <p>Introductory statement by Matjaz Gruden, Director of Policy Planning, with a special reference to chapter 3 on Freedom of assembly and freedom of association of the report by the Secretary General on “State of Democracy, Human Rights and the Rule of Law in Europe. A shared responsibility for democratic security in Europe” (<a href="#">link to SG report</a>)</p>
10.45 – 11.15	Coffee break
11.15 – 13.00	<p>Meeting with the Standing Committee of the Conference of INGOs (room G 06, Agora), with the participation of Claudia Luciani, Director of Democratic Governance, Directorate General 2 Democracy</p> <p>Mutual presentation and discussion on two priorities of the Action Plan of the Conference of INGOs [link]</p> <ul style="list-style-type: none"> <li>- Freedom of assembly and association and the creation of an environment that is favourable to the functioning of NGOs in Council of Europe member states;</li> <li>- Democratic governance through increased participation by civil society in decision-making procedures at local, national and European levels;</li> </ul> <p>Including two concrete initiatives</p> <ul style="list-style-type: none"> <li>- Fact-finding visits of the Conference of INGOs to Bulgaria and Moldova as well as</li> </ul>

	<p>other Council of Europe member states</p> <ul style="list-style-type: none"> <li>- Lab on “Protecting civil space in intergovernmental settings” organised on 19 November in the framework of the World Forum for Democracy [<a href="#">links to lab outline + programme of the World Forum</a>]</li> </ul>
13.00 – 14.30	Lunch break
14.30 – 16.00	<p>Relevant highlights of the Expert Council’s Terms of Reference and the Action Plan of the Conference of INGOs and exchange on potential actions</p> <ul style="list-style-type: none"> <li>- Country focus <ul style="list-style-type: none"> <li>o Follow-up to and updating of the Expert Council opinions on Azerbaijan and Russia [<a href="#">Russia link</a> <a href="#">Azerbaijan link</a>]</li> <li>o Preparation of opinions on other countries</li> </ul> </li> <li>- Thematic focus <ul style="list-style-type: none"> <li>o Follow-up to the Expert Council study on regulating political activities of NGOs [<a href="#">link to the study</a>]</li> <li>o Preparation of a study on the legal framework for public consultations in legislative drafting processes [<a href="#">link to the questionnaire</a>]</li> <li>o Update of the review of developments in standards, mechanisms and case law [<a href="#">link to the 2013 review</a>]</li> </ul> </li> </ul>
16.00 – 16.15	Coffee break
16.15 – 18.00	<p>Attribution of initial individual responsibilities in consequence of the above communication within and beyond the Expert Council</p> <p>Information by the Secretariat on administrative matters</p>

## **Tuesday, 29 September**

9.00 – 10.30	<p>Round table on Protecting civic space</p> <ul style="list-style-type: none"> <li>- current challenges and action taken to respond</li> <li>- exchange of views on possibilities for co-operation</li> </ul> <p>With the participation of representatives of</p> <ul style="list-style-type: none"> <li>- Alexandre Guessel, Director of Political Affairs</li> <li>- Jennifer Schuetze-Reyman, Directorate General I Human Rights and Rule of Law</li> <li>- Grigori Dikov, Venice Commission</li> <li>- Juris Rudevskis, Registry of the European Court of Human Rights</li> </ul>
10.30 – 11.00	Coffee break
11.00 – 12.30	Continuation of the round table

12.30 – 13.30	Lunch break
13.30 – 15.00	Finalisation of the work plan 2015-2016
15.00 – 15.30	Date of the next meeting Any other business