



CONFERENCE OF INGOs
OF THE COUNCIL OF EUROPE
CONFERENCE DES OING DU
CONSEIL DE L'EUROPE

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EXPERT COUNCIL ON NGO LAW

Revised terms of reference

Adopted at the meeting of the Conference of INGOs on 29 June 2018^{*}

Background

The Expert Council is an initiative by NGOs for NGOs in all Council of Europe member States and Belarus.

The creation of the Expert Council on NGO Law bore in mind that the existence of NGOs is a manifestation of the right of their members to freedom of association under Article 11 of the European Convention for the Protection of Human Rights and Fundamental freedoms and/or of their host country's adherence to principles of democratic pluralism. It gives follow-up to both the Warsaw Declaration, adopted at the Third Summit of Heads of State and Government of the Council of Europe member States on 16-17 May 2005, which stated that "democracy and good governance can only be achieved through the active involvement of citizens and civil society", Committee of Ministers Recommendation CM/Rec(2007)14 on the legal status of NGOs ("Recommendation CM/Rec(2007)14") and other relevant standards.

Following a period of evaluation in 2010 and 2011 and the approval in January 2012 of a Report by the President of the Expert Council on "The future role and operations of the Expert Council on NGO Law", the Conference in June 2012 reaffirmed the position of the Expert Council as one of its major organs contributing to all the core values of the Council of Europe.

Mandate

The Expert Council operates under the authority of the Conference of INGOs of the Council of Europe.

The Expert Council aims to contribute to the creation of an enabling environment for NGOs throughout Europe by examining national NGO law and its implementation and

^{*} These terms of reference replace those adopted on 27 June 2012.

promoting the compatibility of law and practice with Committee of Ministers Recommendation CM/Rec(2007)14 and other relevant standards.

Activities

To achieve its aim, the Expert Council:

Monitors the legal and regulatory framework in European countries, as well as the administrative and judicial practices in them, which affect the status and operation of NGOs, and, in particular;

Prepares opinions and reports on both matters of concern and examples of good practice, on a thematic or country basis particularly as regards proposals for legislation and its implementation;

Takes action towards implementation of recommendations in its opinions and reports, through:

- providing advice to NGOs and public authorities,
- advising on training required for NGOs and public officials,
- organising country and regional meetings to discuss issues and developments,
- accompanying the Conference of INGOs in its country visits;

Supports the President of the Conference of INGOs in issuing statements regarding compliance of laws and legislative proposals with European standards;

Promotes knowledge and implementation of the Committee of Ministers Recommendation CM/Rec (2007)14 and of other relevant standards;

Analyses relevant developments in European standards and case law;

Proposes ways in which Council of Europe standards relating to NGOs could be developed.

The Conference of INGOs, groups of NGOs, national authorities or Council of Europe bodies can refer issues to the Expert Council, which can also take them up on its own initiative. The Expert Council can receive information from NGOs, public authorities and the Council of Europe and other international and intergovernmental institutions, as well as carry out its own research.

The Expert Council complements the Council of Europe's assistance to governments on matters pertaining to NGO legislation and works in liaison with relevant Council of Europe bodies and services, thus contributing also to the role of the Conference of INGOs within the Council of Europe Quadrilogue. It seeks active co-operation with other organisations and institutions active in the field of NGO legislative frameworks and working on related administrative or judicial practices.

The Expert Council holds regular meetings and its members co-operate throughout the year by electronic means of communication.

Reporting

On a regular basis, the Expert Council presents to the Conference of INGOs reports on its activities.

Follow-up

The Conference of INGOs publishes the opinions and reports of the Expert Council, ensures their dissemination to NGOs and to relevant Council of Europe, national, intergovernmental and international bodies. It monitors the implementation of any recommendations and any other follow-up necessary.

Members

The Bureau of the Conference of INGOs appoints up to 15 members. Each member is designated in her/his personal capacity for a three-year term.

Members of the Expert Council should have all or most of the following qualifications:

- Legal expertise in NGO law (including the regulatory framework), other relevant laws (such as tax legislation), administrative and judicial practices affecting the status and operation of NGOs and human rights,
- NGO experience at national and international level, including experience in managing a NGO and NGO networks,
- Knowledge of European standards and good practice,
- Experience with the issues at stake in more than one European country,
- Availability and
- Proficiency in English and knowledge of other European languages.

Obligations

A member who does not attend two consecutive regular meetings of the Expert Council and who does not otherwise make a substantive contribution to its work during the period covered by them shall be required to resign by the President of the Conference of INGOs.

A member who fails to observe the Code of Conduct of the Conference of INGOs shall be required to resign by the President of the Conference of INGOs.

Where a member resigns for any reason during his or her mandate, the President of the Conference of INGOs, after consultation with the President of the Expert Council shall appoint a person to serve for the remainder of the resigning member's mandate.

The President of the Conference of INGOs may, at the request of the President of the Expert Council, appoint ad hoc members for a term of up to one-year where this would be beneficial for a particular activity undertaken by the Expert Council.

President

The Conference of INGOs appoints the President of the Expert Council for a three-year term.

Secretariat

The Civil Society Division of the Council of Europe Secretariat provides secretarial services to the meetings and activities of the Expert Council.

Financial aspects

Travel and subsistence expenses of members and small fees for written contributions shall be borne by the Council of Europe, within the limits of budgetary appropriations to the Expert Council and according to Council of Europe regulations.

Extra-budgetary resources will be sought to increase the available budget of the Expert Council.

Validity of the terms of reference

The terms of reference are valid for three years, renewable.