



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 \***

### **Terms of reference**

**adopted at the meeting of the Conference of INGOs on 27 June 2012**

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### **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 bears in mind that the existence of many 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 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", and Committee of Ministers Recommendation CM/Rec(2007)14 on the legal status of NGOs.

The Expert Council on NGO Law relates to the implementation of the programme "Elections and participation in democratic institutions and civil society" of the Programme of Activities of the Council of Europe.

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 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.

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\* These terms of reference replace those adopted on 22 January 2008 (OING Conf/Exp(2008)1).

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 promoting its compatibility with Council of Europe standards and European good practice.

### **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,

Prepares opinions and reports on both matters of concern and examples of good practice, on a thematic or country basis. The Expert Council

- consults informally the authorities prior to the publication of opinions and reports when they relate to the situation in a member State,
- brings the opinions and reports to the attention of the target groups,
- makes recommendations on how to address shortcomings,

Takes action towards implementation of its recommendations at European and national levels, such as

- providing advice to public authorities on how to bring national law and practice into line with Council of Europe standards and European good practice,
- advising the Secretariat on training to be organised for NGO representatives and public officials on European standards and good practice,
- supporting NGOs to work together on issues concerning the NGO legislation and its implementation,

Promotes knowledge and implementation of the Committee of Ministers Recommendation CM/Rec (2007)14 on the legal status of NGOs,

Analyses relevant developments in European standards and case law,

Proposes ways in which Council of Europe standards 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 up issues on its own initiative. It receives information from NGOs, public authorities, the Council of Europe and other intergovernmental institutions. It can 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 Quadriologue. 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**

The Expert Council presents to the Conference of INGOs reports on its findings, activities, recommendations and proposals with regard to Council of Europe standards and European good practice.

### **Follow-up**

The Conference of INGOs decides on the follow-up to be given to the reports and recommendations of the Expert Council.

It publishes the reports, ensures their dissemination to NGOs and relevant Council of Europe, national and intergovernmental bodies. It monitors the implementation of the Expert Council's recommendations and action taken.

### **Members**

The Conference of INGOs appoints the President of the Expert Council for a three-year term. 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. In function of the issue to be addressed, the President of the Conference, the President of the Expert Council and the Secretariat designate the member(s) to carry out an activity.

Members of the Expert Council 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.

### **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.