

Strasbourg, 23 August 2024

GT-CS(2024)5

**STEERING COMMITTEE ON DEMOCRACY
(CDDEM)**

**WORKING GROUP ON CIVIL SOCIETY PARTICIPATION
(GT-CS)**

**REPORT OF THE 1st MEETING
(Online meeting, 8-9 July 2024)**

Secretariat Memorandum
prepared by the
Directorate General of Democracy and Human Dignity

The CDDEM Working Group on civil society participation (GT-CS) held its 1st meeting online on 8-9 July 2024 (9.30 – 13.00). The meeting was facilitated by the Secretariat (CDDEM Secretary Ms Urška Umek) with the approval of the GT-CS, pending the election of CDDEM Chair, Vice-Chair, Bureau and working groups members whose expenses will be covered by the Council of Europe¹.

1. Opening of the meeting and agenda

The Secretariat opened the meeting and welcomed all participants, the list of which appears in Appendix I. The agenda was adopted as it appears in Appendix II.

2. Information from the Secretariat

The Secretariat outlined the three tasks of the GT-CS, as per the Working Group's [Terms of Reference](#) adopted at the first plenary meeting of the CDDEM and proposed a timeline for completing them:

- Guidance to enhance civil society participation in Council of Europe work, including as regards a Council of Europe Code of Conduct on civil society engagement (deadline: 30 October 2024)
- Updated Recommendation [CM/Rec\(2007\)14](#) on the Legal Status of Non-Governmental Organisations in Europe (deadline: 31 December 2025)
- Contribution to the implementation review report on Recommendation [CM/Rec\(2018\)11](#) on the need to strengthen the protection and promotion of civil society space in Europe to be prepared by the Steering Committee for Human Rights (CDDH) (deadline: 1 October 2024)

Referring to Committee of Ministers' Resolution [CM/Res\(2021\)3](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods, which applies *mutatis mutandis* to working groups, the Secretariat provided information on the role, composition and working methods of the GT-CS, including the possibility of entrusting specific (drafting) tasks to a rapporteur or rapporteurs and having recourse to external consultants for accomplishing specialised tasks that cannot be performed by working group members or the Secretariat. It was also stressed that the GT-CS meetings would be held in online or hybrid format, allowing all interested members and participants to contribute to the development of the deliverables while ensuring time- and cost-efficiency of the drafting process.

Furthermore, the Secretariat laid out the role of Council of Europe standard setting, referring to conventions, recommendations, resolutions and guidelines as the foundation for the Organisation's future-oriented work that guides its ongoing development. Standard setting is a dynamic process driven by the identification and analysis of new and emerging issues. This is carried out by intergovernmental committees with specialised expertise, supported by contributions from external experts and stakeholders, notably committees' participants and observers. The implementation of these standards is facilitated through exchanges between member states and co-operation projects with individual states. Moreover, standards are integral to the European Court of Human Rights as they inform the development of case law. Ultimately, the Organisation's standard-setting activities aim to transform the complex and diverse challenges inherent to political, social, and economic processes into policies grounded in human rights, the rule of law, and democracy – reflecting the core values of the Organisation.

¹ The Council of Europe will cover travel and subsistence expenses for experts from seven member states, selected based on expertise, geographical representation, gender balance, and the inclusion of various legal systems. Other member states can designate representatives at their own expense.

3. Discussion of the updated Recommendation [CM/Rec\(2007\)14](#) on the Legal Status of Non-Governmental Organisations in Europe

The GT-CS reviewed the text of the existing Recommendation CM/Rec(2007)14 to determine if all provisions remain relevant, identify areas needing clarification or redrafting, consider new issues for inclusion, and decide on the format of the new instrument. The discussion was joined by Jeremy McBride, President of the CINGO² Expert Council on NGO law and scientific expert on legal status of NGOs, who had contributed to the development of the existing Recommendation and had been commissioned by the Secretariat to prepare a background paper with issues for consideration in the update of Recommendation CM/Rec(2007)14 for the purpose of the 1st plenary meeting of the CDDEM, which he presented at that meeting.

The discussion began with a review of the basic principles underpinning the recommendation. GT-CS members debated the scope of the entities covered, particularly whether churches and lobbying organisations should be included. It was emphasised that religious organisations are covered also in the existing version, while lobbying entities, especially those with profit motives, are not. Related to this, the GT-CS discussed the difference between lobbying and advocacy and whether the difference between the two terms should be addressed in the revised text. It was emphasised in this regard that designating civil society advocacy as a form of lobbying had contributed to the shrinking of civic space in several countries.

The discussion also centred on the terminology to be used in the new document; the working group considered the diverse range of civil society organisations (CSOs) that have evolved in recent decades, such as those that operate entirely online. Moreover, depending on the legal tradition in individual countries, not all civil society groups are formally created and registered as organisations. Some members alerted to the negative definition of “non-governmental” in relation to “governmental” and expressed a preference for a more positive and inclusive concept, while emphasising that the substance of the definition, not the terminology, is what matters.

GT-CS members and participants also discussed whether individuals and non-formal groups should be included in the updated recommendation. Both can fall under its scope, however the primary focus will likely remain on legally recognised organisations, as well as those that should be acknowledged legal recognition. In that connection, some members stated that all CSOs, irrespective of their legal status, should be recognised as such and protected.

On the objectives that can be pursued by CSOs, specific clauses were scrutinised for their implications. There were suggestions to broaden the scope of specific objectives, such as CSOs pursuing objectives related to human rights and the rule of law. Regarding funding, members agreed about the importance for CSOs to seek funding, while noting certain contemporary challenges and restrictions, such as preventing CSOs from becoming conduits for terrorist financing, which is not addressed in the existing recommendation. The necessity for CSOs to have access to banking facilities and the ability to pay staff was stressed; it was also emphasised that states can provide funding based on clear and objective criteria, but they should also facilitate CS funding through favourable legal and tax frameworks.

Also, the legal personality and termination of CSOs generated considerable discussion. The principle of timely decision-making by authorities on the legal status of CSOs was highlighted, as delays can significantly impact their operations. The need for a clear, transparent, and consistent legal framework was emphasised to ensure CSOs can function without unnecessary obstacles. GT-CS members and participants furthermore discussed the impact of regulations on counterterrorism and money laundering, noting how certain requirements may hinder CSOs operations. Some members emphasised the need for a balanced regulatory framework that does not overburden CSOs. On state controlled CSOs, the members agreed that organisations fully funded or controlled by state authorities should not be considered CSOs. Finally, the GT-CS discussed liability mechanisms applicable to CSOs, with members and participants suggesting expanding protection beyond civil liability and include certain aspects of criminal liability, ensuring CSOs are not unduly penalised for the actions of their members or managers.

² Conference of International Non-Governmental Organisations (INGOs) of the Council of Europe.
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Regarding the format of the update of the existing Recommendation CM/Rec(2007)14, once adopted, recommendations cannot be revised or updated at a later time. Instead, they can be replaced by a new recommendation. Given the numerous updates and amendments to be made to the existing text, a new comprehensive recommendation would clearly be preferable, replacing CM/Rec(2007)14 in all its aspects. Some members considered that an explanatory memorandum would be welcome to accompany the new recommendation and further explain its general aims and individual provisions. GT-CS members also discussed ways to effectively promote the document once updated, increasing its visibility and applicability across member states.

4. Guidance note on civil society participation in Council of Europe work

The Secretariat reiterated the long-standing contribution of civil society to the Council of Europe and the importance of enhancing this participation. While civil society's role varies across different sectors, the need to protect and promote civil society space has been increasingly recognised, and consecrated most recently following the decisions adopted at the 2019 Session of the Committee of Ministers in Helsinki and the 2023 [Reykjavik Declaration](#).

The GT-CS discussed the scope of the guidance note, which is limited to the activities of intergovernmental committees and subordinate bodies, for reasons of consistent general tasks and working methods. It would be more difficult to address civil society participation at the field office level, for example, as the offices have limited flexibility in their interactions with CSOs outside specific co-operation projects. Still, GT-CS members discussed whether it might be possible to ensure certain minimal standards across all Council of Europe (CoE) structures. GT-CS members and participants put strong emphasis on transparency and access to information. They underscored the importance of enhancing civil society's access to CoE documents and raised the issue of ensuring sufficient timelines for CSOs to participate meaningfully in CoE processes. The importance of clear and accessible rules regarding who can participate or observe in CoE activities, as well as the distinctions in their prerogatives, was also emphasised.

Another point of discussion was the differentiation between the concepts of "engagement" and "participation." Some members and participants pointed out the importance of distinguishing these terms to clarify the stages of involvement for CSOs. Engagement was described as the initial outreach and interaction, while participation was seen as the actual involvement in CoE structures and processes.

The discussion also touched on the participatory status of CSOs within the CoE, its requirements and implications, with some participants calling for clearer rules and more consistent practices, which requires amendments to Committee of Ministers' Resolution CM/Res(2016)3 on participatory status for international non-governmental organisations with the Council of Europe. While discussing various opportunities for CSOs' participation and prospective national mechanisms that may serve as inspiration, some members highlighted the importance of regular public consultations and the inclusion of CSOs, where possible, throughout the development cycle of legal instruments. In this connection, they also noted distinctions between CSOs' and citizen participation. The concept of "civil participation" was mentioned as covering both, and some members suggested that public consultations be open to civil participation in general.

The GT-CS furthermore discussed CSOs' protection needs and challenges; the members and participants addressed various safety concerns, especially for minority and other underrepresented groups. The working group took the view that specific needs of different groups should be accommodated as much as possible, and practical measures like sign language interpreters for meetings and events were suggested.

Regarding barriers to CS participation, the GT-CS discussed the need for more systemic collection of data on different types of barriers and for further information on the gaps in the hitherto practices of engagement with the CSOs, which is a precondition for any targeted measures that might address such concerns.

Finally, the GT-CS established a timeline for comments and revisions of the draft text, with key dates from August to October 2024.

5. CDDEM contribution to the implementation review of Recommendation [CM/Rec\(2018\)11](#)

The Steering Committee for Human Rights (CDDH) has been tasked with preparing a report to review the implementation of Recommendation CM/Rec(2018)11 of the Committee of Ministers to member States on the need to strengthen the protection and promotion of civil society space in Europe, while the CDDEM has been entrusted with contributing to the review. The CDDH is currently preparing the draft report which is to focus on general trends in the protection and promotion of civil society space without conducting a country-based analysis. This report will primarily draw on information gathered at the Helsinki Conference on the Protection and Promotion of Civil Society Space in Europe, held on 25 June 2024. Over the summer, the CDDH Secretariat will draft the report, which is to be examined and adopted at the CDDH's next meeting in November 2024. This draft will be shared with the CDDEM.

The GT-CS discussed how to best contribute to the review report, and several members agreed to submit information on best practices in their various states about national legislation, policies, and practices that protect and promote civil society space. To facilitate the collection of information, the Secretariat would prepare some questions related to the recommendation; however, the members would focus on developments and practices that in their opinion warrant particular attention or are most relevant to demonstrate developments in their countries. In addition, the CDDEM Secretariat would outline recent findings from the reports of the CINGO Expert Council on NGO law to highlight trends in the legal space for CSOs, such as the impact of anti-money laundering/terrorist funding measures and CSO stigmatisation.

The timeline for providing input is by the end of September to ensure it can be integrated into the CDDH report. Alternatively, the CDDEM could provide comments during the CDDH meeting, however earlier and more interactive engagement will have a greater impact.

6. Next steps

Regarding updated Recommendation [CM/Rec\(2007\)14](#) on the Legal Status of Non-Governmental Organisations in Europe, the GT-CS members agreed to entrust an expert, in collaboration with the Secretariat, to prepare a feasibility study and analyse individual concepts and proposals discussed in the working group meeting, as well as to identify possible options and policy recommendations for inclusion in the new recommendation. The feasibility study should be available for consideration at the 2nd meeting of the GT-CS.

Regarding the guidance note on civil society participation in Council of Europe work, the GT-CS members agreed to a detailed timeline for comments and revisions, to allow for finalisation of the document by the 2nd plenary meeting of the CDDEM on 29-30 October 2024. The GT-CS agreed to provide the first round of comments by 5 August. Following this, the Secretariat would complete the first revision of the text by 10 August. The CDDEM would then contribute their first round of comments by 6 September. The second revision of the text by the Secretariat should be completed by 13 September. Thereupon comments would be collected from intergovernmental committees and CINGO, due by 27 September. The GT-CS would address those comments and contributions at its second meeting during the week of 30 September to 4 October. The final step in the process is the third revision of the text, which is to be completed and submitted to the CDDEM by 10 October.

Regarding the CDDEM contribution to the implementation review report on Recommendation [CM/Rec\(2018\)11](#) on the need to strengthen the protection and promotion of civil society space in Europe, the CT-CS members and participants would make contributions by 25 September 2024. The Secretariat would add relevant findings from the reports of the CINGO Expert Council on NGO law and submit the contribution to the CDDH by 1 October 2024.

7. Date of the next meeting

The GT-CS members agreed to hold the 2nd working group meeting on 2 October 2024 from 9.30 to 17.30 by videoconference.

APPENDIX I**LIST OF PARTICIPANTS****MEMBERS / MEMBRES****ARMENIA / ARMENIE**

Ms Lilya AFRIKYAN, Coordinator of the "Open government partnership" Initiative, the Prime Minister's Office

AUSTRIA / AUTRICHE

Mr Peter ANDRE, Ministry of Interior, Senior Expert for Legal Affairs

BELGIUM / BELGIQUE

Mr Edwin LEFEBRE, Deputy Director, Ministry of the Flemish Community, Agency for Home Affairs

Ms Séverine KARKO, Cheffe de programme, Cellule Elections et Participation, Service public de Wallonie, SPW Intérieur et Action sociale

Mr Rudi JANSEMME, Service public de Wallonie, SPW Intérieur et Action sociale

Mr Thomas APOLITO Service public de Wallonie, SPW Intérieur et Action sociale

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

Mr Edin DILBEROVIĆ, Secretary of the Ministry by authorization of the Minister, Ministry of Foreign Affairs of Bosnia and Herzegovina

BULGARIA / BULGARIE

Ms Desislava ILIEVA-BARIENTOS, state expert, Department "Prevention and protection from domestic violence, cooperation on ethnic and integration issues and interaction with civil society", Administration of the Council of Ministers for election

CYPRUS / CHYPRE

Ms Elena KAREKLA, Commissioner for Administration Officer, Ministry of Interior

CZECHIA / TCHEQUIE

Mr Pavel MIČKA, Head of the unit of the Government Council for Non-Governmental Non-Profit Organisations Office of the Government of the Czech Republic

ESTONIA / ESTONIE

Ms Minna HARJO

FINLAND / FINLANDE

Ms Anu JUVONEN, Advisory Board on Civil Society Policy (KANE)

GERMANY / ALLEMAGNE

Ms Nadine PIOLOT, Division H III 5 - Volunteering and Civil Society

GREECE / GRECE

Mr Georgios CHRYSAFIS, expert within the Department of Organisation and Functioning of Second Level of Local Government

Mr Dimitrios PONTIKAKIS, expert within the Department of Legal Entities of Local Government

ICELAND / ISLANDE

Ms Anna Gunnhildur ÓLAFSDÓTTIR, Specialist at the Ministry of Infrastructure

ITALY / ITALIE

Ms Sabrina UGOLINI, President of the Interministerial Committee for Human Rights, Ministry of Foreign Affairs and International Cooperation

Ms Maja BOVA

LATVIA / LETTONIE

Ms Agnese VILDE, Director of International Organizations and Human Rights Department of the Ministry of Foreign Affairs

Mr Krišs Pauls KULNIEKS, Expert, Ministry of Foreign Affairs

Ms Kristiana ŠPŪLE, Expert, Ministry of Foreign Affairs

LITHUANIA / LITUANIE

Mr Paulius SKARDŽIUS, Senior Adviser, Public Administration and Local Self-Government Policy Group, Ministry of the Interior

REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA

Mr Andrei STRAH, Deputy Secretary General of the Government, State Chancellery of the Republic of Moldova

Ms Lilia PASCAL, Head of the Human Rights and Cooperation with Civil Society Department

Ms Natalia POSTICA, Deputy Head of the Human Rights and Cooperation with Civil Society Department

Ms Daniela SORAHMETOV, main consultant

MONTENEGRO

Ms Bosiljka VUKOVIC-SIMONOVIC, Head of Division for the Council of Europe, Department for the OSCE and CoE/DG for Multilateral Affairs, Ministry of Foreign Affairs

NETHERLANDS / PAYS-BAS

Mr Marijn ROMBOUTS, Expert, Ministry of the Interior

NORTH MACEDONIA / MACEDOINE DU NORD

Mr Jasmin HASANOVIKJ, Counselor, Council of Europe Unit, Ministry of Foreign Affairs

NORWAY / NORVEGE

Mr Vebjørn HEINES, Policy Director for Democracy and Human Rights, Ministry of Foreign Affairs

PORTUGAL

Ms Tânia MOURATO, Head of Department for Cooperation and Financial Affairs of the General, Directorate of Local Authorities

ROMANIA / ROUMANIE

Ms Denisa OLTEANU, General Secretariat of The Romanian Government

Mr Dacian Axenta TOLEA, General Secretariat of The Romanian Government

SLOVENIA / SLOVENIE

Mr Jurij MEZEK, Senior Advisor, Ministry of Public Administration, Local Self-Government Service

Ms Maja KERŽAN SOKLIČ, Ministry of Public Administration, Directorate for Local Self-Government, Non Governmental Organisations and Political System

SPAIN / ESPAGNE

Ms Silvia NEGRO ALOUSQUE, Sous-directrice des Relations Européennes et Internationales du Ministère de la Politique Territoriale et de la Mémoire Démocratique

SWEDEN / SUEDE

Apologised for absence / Excusé

SWITZERLAND / SUISSE

Mr Beat KUONI, Conseiller juridique, Chancellerie fédérale, juriste au sein de la Section des droits politiques

TÜRKIYE

Mr Mustafa ÇİFTÇİLER, Head of Department, Directorate General of Provincial Administration

PARTICIPANTS / PARTICIPANTS**PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE / ASSEMBLEE PARLEMENTAIRE DU CONSEIL DE L'EUROPE**

Mr Cesare COLOMBO, Committee on Political Affairs and Democracy

CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF THE COUNCIL OF EUROPE / CONGRES DES POUVOIRS LOCAUX ET REGIONAUX DU CONSEIL DE L'EUROPE

Mr Niall SHEERIN, Centre of Expertise for Good Governance / Centre d'expertise sur la bonne gouvernance

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

Mr Gerhard ERMISCHER, Chair of the INGOs Conference

Mr Roy VIRAH-SAWMY, European Platform for Democracy

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COMMISSIONER FOR HUMAN RIGHTS OF THE COUNCIL OF EUROPE / COMMISSAIRE AUX DROITS DE L'HOMME DU CONSEIL DE L'EUROPE

Ms Charlotte ALTENHÖNER-DION, Adviser to the Commissioner

ADVISORY COUNCIL ON YOUTH / CONSEIL CONSULTATIF SUR LA JEUNESSE (CCJ)

Ms Margo VORYKHAVA, Vice-Chair

OTHER PARTICIPANTS / AUTRES PARTICIPANTS

EUROPEAN UNION / UNION EUROPEENNE

Ms Alessia VALENTINO, Legal Officer, European Commission, Directorate General for Justice and Consumers, Directorate C – Rule of Law, Fundamental Rights and Democracy, Unit C2 – Fundamental rights policy

Ms Elena HAIG, European Commission, Directorate General for Justice and Consumers, Directorate C – Rule of Law, Fundamental Rights and Democracy, Unit C2 – Fundamental rights policy

OBSERVERS / OBSERVATEURS

EUROPEAN NETWORK OF NATIONAL HUMAN RIGHTS INSTITUTIONS / RESEAU EUROPEEN DES INSTITUTIONS NATIONALES DES DROITS DE L'HOMME (ENNHRI/REINDH)

Mr Mattia CONCAS, Junior Human Rights Officer

Ms Katrien MEUWISSEN, Team Leader Human Rights

GUEST SPEAKER / INTERVENANT

Mr Jeremy McBride

SECRETARIAT

SECRETARIAT DU CDDEM / SECRETARIAT DU CDDEM

Ms Urška UMEK, Secretary of the CDDEM / Secrétaire du CDDEM

Mr Rémy WAGENHEIM, Project Officer / Chargé de projet

Ms Isabelle ETTER, Assistant / Assistante

OTHER SECRETARIAT / AUTRE SECRETARIAT

Ms Irena GUIDIKOVA, Head of the Democratic Institutions and Freedoms Department / Cheffe du Service des institutions démocratiques et des libertés

Ms Gisella GORI, Advisor on Strategy and Work Co-ordination, Directorate General of Democracy and Human Dignity / Conseillère en stratégie et coordination des activités, Direction générale de la démocratie et de la dignité humaine

OTHER COUNCIL OF EUROPE PARTICIPANTS / AUTRES PARTICIPANTS DU CONSEIL DE L'EUROPE

European Committee on Legal Co-Operation / Comité européen de coopération juridique (CDCJ)

Mr James D'AGOSTINO, Senior Lawyer, Office of the State Advocate, Malta

Youth Department / Service de la jeunesse

Ms Stephanie BUREL, Policy Advisor, Youth Policy Division / Conseillère politique, Politiques de Jeunesse

Ms Joanne HUNTING, Secretary to the Advisory Council on Youth

INTERPRETERS / INTERPRETES

Ms Chloé CHENETIER

Mr Jean-Jacques PEDUSSAUD

Ms Lucie DEBURLET-SUTER

APPENDIX II**AGENDA**

Monday, 8 July (9.30-13.00)		
1.	Opening of the meeting by the Secretariat	
2.	Adoption of the agenda	[GT-CS(2024)OJ1 prov.]
3.	Tour de table	
4.	Update of Recommendation CM(2007)14 of the Committee of Ministers to member States on the Legal Status of Non-Governmental Organisations in Europe	[CDDEM(2024)2E] [GT-CS(2024)2E]
Tuesday, 9 July (9.30-13.00)		
5.	Discussion of the Elements for a Guidance Note on Civil Society Participation in Council of Europe Work	[GT-CS(2024)1E]
6.	Discussion of the CDDEM contribution to the implementation review of Recommendation CM/Rec(2018)11 of the Committee of Ministers to member States on the need to strengthen the protection and promotion of civil society space in Europe	
7.	Next steps	
8.	Any other business	
9.	Date of the next meeting	