

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 26 March 2025

GT-CS(2025)3

**STEERING COMMITTEE ON DEMOCRACY
(CDDEM)**

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

**REPORT OF THE 3rd MEETING
(Hybrid meeting, 17-18 February 2025)**

Secretariat Memorandum
prepared by the
Directorate General of Democracy and Human Dignity
Democratic Institutions and Civil Society Division

The CDDEM Working Group on Civil Society Participation (GT-CS) held its 3rd meeting on 17-18 February 2025 (in person and videoconference via Zoom – 09:30-17:30). The meeting was facilitated by the CDDEM Secretariat (Co-Secretary Marta BECERRA) with the approval of the GT-CS, pending the election of the Working Group Chair and Vice-Chair. Following elections, Georgios CHRYSAFIS from Greece was elected as Chair and Tânia MOURATO from Portugal as Vice-Chair.

1. Opening of the meeting and adoption of the agenda

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

2. Discussion of the first draft of the updated Recommendation CM (2007)14 of the Committee of Ministers to member States on the Legal Status of Non-Governmental Organisations in Europe

The members and participants of the GT-CS examined the first draft of the updated Recommendation CM(2007)14 of the Committee of Ministers to member States on the Legal Status of Non-Governmental Organisations in Europe prepared by the Council of Europe expert Jeremy McBride, President of the Expert Council of NGO Law of the Conference of International Non-Governmental Organisations (CINGO). The Secretariat clarified that an explanatory memorandum will be presented to the GT-CS on the basis on the existing one which accompanies the 2007 Recommendation.

The draft text of the Recommendation suggests a change in terminology from the original non-governmental organisations (NGOs) to civil society organisations (CSOs) throughout the text. The reason being a change in situation since the first recommendation that would call for a term that better reflect their origin and not simply what could be perceived as organisations “contrary” to government and to cover those established by individuals independent of institutional structures. There are additionally problems of stigmatisation of NGOs especially when they embark in political advocacy. The group will reflect on that change of terminology as no definitive choice was made.

The members examined the Preamble of the draft where additions are proposed to reinforce the important contribution of NGOs/CSOs including to protect those in vulnerable situations and to counter threats to democracy and in conflict and post-conflict situations. The introductory text also incorporates updates in the Council of Europe reports and standards that did not exist in 2007 such as CM/Rec(2017)2 of the Committee of Ministers to member States on the legal regulation of lobbying activities in the context of public decision making and Recommendation CM/Rec(2018)11 on the need to strengthen the protection and promotion of civil society space in Europe. The draft now also mentions the Reykjavik Principles for Democracy adopted at the Fourth Summit of Heads of State and Government of the Council of Europe (Reykjavík, 16-17 May 2023).

The Preamble concludes with concerns on contemporary challenges such as the shrinking space for civil society and how states must not only refrain from unnecessary interference in the activities of NGOs/CSOs but also promote a safe and enabling environment for their continued operation. The last paragraphs of the Preamble referring to translation and dissemination of the Recommendation could be reinforced to promote more decisively its implementation in member states.

Following the new structure of recent CM recommendations, the regulatory text of the revised Recommendation appears in the appendix.

The members examined in detail the suggested wording of the revised Recommendation article by article.

Participants agreed to broaden the scope of the **basic principles** to include organisations that function online only and also regional spheres of operation. The explanatory memorandum to the Recommendation will expand on the quality of law requirements imposed on NGOs/CSOs. This section has been further reinforced to clarify the protection required for the work of NGOs/CSOs, their members and volunteers. The working group felt the need as well to introduce further reinforcements in the draft to avoid special laws targeting NGOs/CSOs.

Following discussions on how to encourage and facilitate the operation of NGOs/CSOs, the section on **objectives** includes a new paragraph to underline the freedom of NGOs/CSOs to define the focus of their work and activities as long as they do not run counter to generally applicable criminal offences in line with international human rights standards. Whereas participants agreed to these additions, they suggested including wording to align with the Court's case law findings related to when the rejection of such objectives was unjustified. Another new addition to the section is intended to underline the legitimacy of NGOs/CSOs activities that could be labelled as (party) political. A proposal to encourage public authorities to support NGOs/CSOs working for vulnerable populations was also discussed, but the group considered that this addition would be better placed under the section on public support.

The group continued to reflect on the diversity of types of NGOs/CSOs and therefore the following section on **formation and membership** includes the possibility of establishment of informal or online-only NGOs/CSOs.

Following discussions on the current restrictions posed to acquire **legal personality**, the group considered that the presumption of lawfulness of NGOs/CSOs activities should be made explicit in the text and that any evaluation of their objectives' acceptability should be factually based. Further safeguards are included to allow for the correction of errors in applications for the acquisition of legal personality. In that same vein, participants added that no periodic renewals of legal personality should be required. Additionally, a new paragraph is proposed on foreign NGOs/CSOs and their recognition when forced to relocate. The wording could be strengthened and further clarified to facilitate their continued operation. A proposal was made to include all provisions related to foreign NGOs/CSOs into one section in order to avoid repetitions. The Secretariat and the expert will consider the suggestion.

In the **management** section provisions have been added to the requirements for the management of child-based organisations and clarifying the safeguards to avoid conflicts of interest. The participants decided not to include the possibility of NGOs/CSOs to consider adopting a code of conduct and favoured wording that would allow them to decide how to concretely but effectively deal with conflicts of interest.

The following discussions focused on **funding, property and public support**. New additions were proposed to stress the legitimacy of organisations receiving foreign funding, to provide for access to public funding without discrimination, and to stress that this support should not lead to restrictions to freedom of expression. A participant suggested to add safeguards in case of withdrawal of such public support. The addition was agreed in the meeting.

Under **accountability** the requirements for transparency have been further clarified while at the same time avoiding overlaps and a too onerous burden on NGOs/CSOs. The GT-CS acknowledged the real risks of money laundering and terrorist activity financing through NGOs/CSOs but also highlighted the need to avoid over-regulating these organisations, which could inhibit their activities. In the same vein, proposals are included to avoid unnecessary burdens and restrictions in the supervision of NGOs/CSOs activities. The provisions on the liability of officers, directors and staff of NGOs/CSOs have been also clarified.

The group discussed on how to best reflect the need for consultation and **participation** of NGOs/CSOs **in decision-making**. A proposal was made to ensure that the consultation is timely and genuine. Further wording was discussed to encourage the private sector to engage with NGOs/CSOs in line with CM/Rec (2020) on the human rights impact of algorithmic systems and to emphasise the importance of digital protections for NGOs/CSOs.

Further work will be needed to refine the existing proposals in light of the discussions of the working group, and to incorporate clarifications as per the group's comments in the explanatory memorandum to the revised Recommendation. The Secretariat will also look at other recommendations and standards of the organisation to avoid repetitions (i.e recommendations on SLAPPs, on lobbying, on promoting civic space).

3. Next steps

GT-CS agreed that the Secretariat would revise the text in accordance with the conclusions and orientations expressed during the meeting. The members are invited to send their comments to the draft recommendation as examined by the group and any elements that should be reflected in the explanatory memorandum by 16 March 2025.

The Secretariat has made available in the working group's cloud a timeline with the deadlines for the different stages of revision of the Recommendation during 2025.

4. Any other business

The GT-CS briefly discuss the orientation of the CDDEM work related to multi-level governance on the basis of the CDDG study on the topic (CDDG(2023)12) from 1 December.

The group was acquainted with the report and a number of questions arose from the discussion of this deliverable on multi-level governance. What should be the scope of the Recommendation? Is there any aspect that requires further research? Is there more evidence that needs to be gathered? Should the Recommendation focus on what specific issue of multi-level governance or be more specific? What should be the added value of the guidance to be provided with a multi-level governance Recommendation?

After a short preliminary exchange, it was agreed that the Secretariat, at a first step, will make available relevant documentation from different organisations (EU, UN, OECD, etc) and a written procedure would allow to garner feedback from member states in view of a discussion on the topic at the next plenary. The deadline for the written procedure was set at 4 April 2025.

5. Date of the next meeting

The 4th meeting of the GT-CS will take place on 22 and 23 September 2025.

APPENDIX I**LIST OF PARTICIPANTS****CHAIR / PRESIDENT**

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

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

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

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

FINLAND / FINLANDE

Ms Maria WAKEHAM-HARTONEN, Senior Adviser, Ministry of Justice, Department of Democracy and Public Law

LITHUANIA / LITUANIE

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

REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA

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

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

NETHERLANDS / PAYS-BAS

Ms Hester MENNES, Policy officer Democracy, Directorate-General Public Administration and Democratic Rule of Law, Democracy and Governance Department, Ministry of the Interior and Kingdom Relations

PORTUGAL (VICE-CHAIR)

Ms Tânia MOURATO, Deputy Director, General Directorate of Local Authorities

ROMANIA / ROUMANIE

Mr Dacian ȚOLEA, Senior Advisor, Department for Strategic Support and Cooperation with the Associational Environment, General Secretariat of the Government

SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE

Ms Zuzana VIZVÁRYOVÁ, General State Advisor, Self- government Unit, Department of the Modernization and Coordination, Public Administration section, Ministry of Interior of the Slovak Republic

Mr Matej MIKLIAN, Ministry of Interior of the Slovak Republic, The Office of the Plenipotentiary of the Government of the Slovak Republic for the Development of Civil Society

SLOVENIA / SLOVENIE

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

UKRAINE

Ms Oksana PAVLIUK, Head of the Division for local self-government development and cooperation with the Council of Europe institutions Ministry of Development of Communities and Territories

Ms Nataliia KLYMOVA, Deputy Director of NGO "ISAR Ednannia" (Unity)

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

Mr Gerhard ERMISCHER, Chair of the INGOs Conference

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

Ms Margo VORYKHAHA, Vice-Chair, Advisor on Youth Policy

Ms Anja JOKIC, member of the Advisory Council on Youth

CONSULTANT EXPERT / EXPERT CONSULTANT

Mr Jeremy McBride, President of the CINGO Expert Council on NGO Law

SECRETARIAT**SECRETARIAT DU CDDEM / SECRETARIAT DU CDDEM**

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

Ms Marta BECERRA, Co-Secretary of the CDDEM / Co-Secrétaire du CDDEM

Ms Isabelle ETTER, Assistant / Assistante

Mr Guillaume GROS, Trainee / Stagiaire

OTHER SECRETARIAT / AUTRE SECRÉTARIAT

Mr Christophe SPECKBACHER, Head of the Civil Society Unit / Chef de l'Unité de la société civile

Ms Lotta VALTONEN, Civil Society Unit / Unité de la société civile

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

Ms Sophio GELASHVILI, Head of Unit

Inclusion and Anti-Discrimination Programmes Division / Division des Programmes sur l'inclusion et l'anti-discrimination

Mr Adam BRUTON, Policy Advisor, Sexual Orientation, Gender Identity and Expression and Sex Characteristics Unit

INTERPRETERS / INTERPRETES

Ms Sally BAILEY-RAVET

Ms Chloe CHENETIER

Mr Jean-Jacques PEDUSSAUD

APPENDIX II**AGENDA**

1.	Opening of the meeting by the Secretariat	
2.	Election of the Chair and Vice-Chair	
3.	Adoption of the agenda	[GT-CS(2025)OJ1]
4.	Discussion of the first draft of the updated Recommendation CM(2007)14 of the Committee of Ministers to member States on the Legal Status of Non-Governmental Organisations in Europe	[GT-CS(2025)1]
5.	Next steps	
6.	Any other business	
7.	Date of the next meeting	