

CDDH(2024)R101 Addendum 3
29/11/2024

STEERING COMMITTEE FOR HUMAN RIGHTS (CDDH)

CDDH Report
on its examination of the implementation of Recommendation [CM/Rec\(2018\)11](#)
on the need to strengthen the protection and promotion
of civil society space in Europe

I. Introduction

1. In 2018, the Committee of Ministers adopted Recommendation [CM/Rec\(2018\)11](#) to member States on the need to strengthen the protection and promotion of civil society space (CM/Rec(2018)11 or Recommendation), in response to a “deep concern at the shrinking space for civil society resulting, inter alia from restrictive laws, policies and austerity measures taken recently by member States”.¹

2. The Appendix to CM/Rec(2018)11 sets out principles to be complied with by Council of Europe member States for the protection and promotion of civil society space in Europe. These principles concern (i) the national legal framework and political and public environment to protect and promote civil society space; (ii) national measures to protect civil society space; (iii) national measures to promote civil society; and (iv) support from Council of Europe bodies and institutions. The Recommendation calls for the examination of the implementation of the recommendation.²

3. The CDDH in its [Terms of reference for 2024-2027](#) has been mandated to report on its examination of implementation of [CM/Rec\(2018\)11](#).

4. To examine the implementation of CM/Rec(2018)11, the CDDH relied on multiple sources of information. These included (i) the discussions and conclusions drawn from the [Conference on the Protection and Promotion of Civil Society Space](#), held during the 100th Plenary Meeting of the CDDH in Helsinki;³ (ii) information provided by CDDH members and observers on developments since 2018;⁴ and (iii) contributions from the Steering Committee for Democracy (CDDEM).⁵ These sources collectively form the basis of the CDDH's examination.

5. The sources have been assessed to evaluate the effectiveness, challenges, and progress in the implementation of Recommendation CM/Rec(2018)11. It is important to note that an extensive and insightful range of responses detailing good practices from member States has been provided. While the report highlights only a select number (relating in particular to the period since 2018), a comprehensive overview of all submissions can be found in document CDDH(2024)19.

6. The report outlines challenges faced and good practices observed in the protection and promotion of civil society space across member States. The appended “Summary Overview of the Opinions of the Expert Council on NGO Law of the Conference of INGOs of the Council of Europe (CINGO) for the period 2019-2024”, as contributed by the CDDEM, also highlights key

¹ CM/Rec 2018(11), preamble.

² CM/Rec 2018(11), paragraph 3.

³ CDDH(2024)29 – Summary of the discussions on the protection and promotion of civil society space in Europe [Summary of the discussions].

⁴ For information on the situation in 2018, see doc. CDDH2018(13); information on subsequent developments in Belgium, Croatia, Cyprus, Czechia, Denmark, Finland, France, Greece, Latvia, Montenegro, North Macedonia, Poland, Slovak Republic, United Kingdom, as well as information from the Conference of International Non-Governmental Organisations (INGOs) of the Council of Europe and the European Network of National Human Rights Institutions (ENNHRI), is contained in doc. CDDH(2024)19.

⁵ The CDDEM provided the following contribution: (i) Compilation of member states' replies to the questionnaire on the implementation of Recommendation CM/Rec(2018)11 on the need to strengthen the protection and promotion of civil society space in Europe (CDDEM(2024)16); (ii) a Summary Overview of the Opinions of the Expert Council on NGO Law of the Conference of INGOs of the Council of Europe (CINGO) for the period 2019-2024 (CDDEM(2024)17); (iii) Secretariat Summary of current work on strengthening civil society engagement in the Council of Europe (CDDEM(2024)18).

challenges concerning the protection and promotion of civil society space in Europe based on the work of the Expert Council on NGO Law.

7. Finally, the present report contains conclusions and recommendations by the CDDH based on the trends observed in the implementation of CM/Rec(2018)11.

II. Examination of the implementation of CM/Rec(2018)11

1. National legal framework and political and public environment to protect and promote civil society space [Recommendation, Appendix, I]

i. Ensuring an enabling legal framework and conducive political and public environment [Recommendation, Appendix, points I a, b, c, g, i]

8. Member States should ensure an enabling legal framework and a conducive political and public environment for civil society, in line with international human rights standards and remove any unnecessary, unlawful or arbitrary restrictions to civil society space, in particular with regards to freedom of association, peaceful assembly and expression and address the gaps in the implementation, at national level, of international law and standards relevant to the protection of civil society and the promotion of its work. The Recommendation also emphasises that member States should respect the freedom of human rights defenders, including civil society organisations, to seek, receive and utilise resources from domestic, foreign and international sources.

9. There are observable challenges in ensuring an enabling legal framework and conducive political and public environment for civil society, as noted in successive annual reports of the Secretary General on the State of Democracy, Human Rights and the Rule of Law, as well as in the work of the Commissioner for Human Rights, the judgments of the European Court of Human Rights and the opinions of the Venice Commission and the CINGO Expert Council on NGO Law. Restrictive legal frameworks, such as regulations on foreign funding,⁶ and limitations on freedom of association, expression, and assembly, continue to affect civil society operations.⁷ Specific legislation, such as foreign agent laws targeting NGOs based on their funding sources, has been found incompatible with the European Convention on Human Rights by the European Court of Human Rights.⁸ Moreover, human rights defenders, including individuals, groups, civil society organisations and NHRIs, face increasing stigmatisation, online and offline intimidation and hate speech, strategic lawsuits against public participation (SLAPPs), insecurity, and, in some cases, criminalisation.⁹ Challenges are heightened for human rights defenders working on sexual and reproductive rights, LGBTIQ+ rights, rights of migrants and asylum seekers, and those working on environmental protection. Particular challenges are also faced by women human rights defenders¹⁰.

10. In addition, in the years since the adoption of CM/Rec(2018)11, Council of Europe member States have faced a variety of situations of crisis requiring a quick response and

⁶ See for example joint opinions of the Venice Commission: [CDL-PI\(2024\)013 \(re. Georgia\)](#); [CDL-AD\(2023\)016 \(re. Serbia\)](#); [CDL-AD\(2013\)030 \(re. Hungary\)](#); [Commissioner for Human Rights, letter to the Chairman of the Parliament of Georgia, 22 February 2023 \(published 28 February 2023\)](#); [CDL-AD\(2019\)002 \(general principles\)](#).

⁷ Secretary General's 2023 annual report on the State of Democracy, Human Rights and the Rule of Law (Secretary General's 2023 annual report), pp. 56-61.

⁸ *Ecodefence and others v. Russia* (Nos. 9988/13 and 60 others), judgment of 14 June 2022.

⁹ SG's 2023 annual report, p. 61.

¹⁰ [PACE resolution 2554 on women human rights defenders](#)

presenting numerous challenges for the full and effective protection of human rights, such as the Covid-19 pandemic, which have affected the space for civil society.¹¹ CM/Rec(2024)7 of the Committee of Ministers to member States on the effective protection of human rights in situations of crisis calls on member States to support and protect the vital role of civil society organisations in promoting and defending human rights in situations of crisis. In 2024, the Committee of Ministers of the Council of Europe also adopted a [Toolkit for Human Rights Impact assessment of the measures taken by the State in situations of crisis](#), including recommendations on engagement with civil society and NHRIs and on protecting and promoting civil society space.

11. At the same time, a range of positive measures have already been taken by several member States demonstrating efforts to modernise legal frameworks, reduce administrative burdens, and enhance the operational flexibility of civil society organisations (CSOs).

12. In **Belgium**, regulatory measures have been introduced to better support associations in sectors such as sports and culture.¹² **Bulgaria**¹³ and **Luxembourg**¹⁴ have undertaken efforts to modernise regulations and reduce bureaucratic barriers for CSOs. **Czechia** initiated a strategy to bolster the non-profit sector by establishing frameworks for improved cooperation between public administration and NGOs, ensuring stable funding, legislative support, and enhanced public participation. The strategy emphasizes developing methodologies for civil participation, promoting philanthropy, facilitating access to European Union funding, and fostering volunteerism.¹⁵ **Denmark** has proposed steps to reduce associations administrative burdens.¹⁶ **Estonia** has introduced a legal amendment enabling CSOs to hold general and management meetings online.¹⁷ Similarly, In **Finland**, by virtue of legislative amendments, associations are allowed to hold virtual meetings, facilitating decision-making without the need for physical presence.¹⁸ **Latvia's** new accounting law simplifies financial procedures for smaller organisations, allowing volunteers to manage accounts.¹⁹ In **Lithuania**²⁰ and **Slovakia**²¹, rules and procedures related to associations' registration have recently been revised to promote transparency. **Moldova** established a consultative body to oversee human rights policy implementation and ensure treaty compliance. The body includes representatives from government ministries, and civil society. In 2023, it formed specialised commissions to monitor the national implementation of international human rights treaties and track adherence to recommendations from treaty bodies and international rapporteurs.²² **Poland** has created the role of "Minister for Civil Society" to coordinate and strengthen civil society initiatives and policies. The scope of the minister's activities includes: "(1) conducting analyses and assessing the effectiveness of legal solutions in the field of civil society; (2) developing directions of action for the sustainable development of civil society; (3) supporting civic initiatives; (4) monitoring and

¹¹ For restrictions imposed on civil society activities on grounds of the Covid-19 pandemic, as well as good practices see the [report of the Parliamentary Assembly \(Report doc. 15654, 09 November 2022\)](#); see also Proceedings of the Conference organised by the Council of Europe Secretariat in Helsinki, on 25 June 2024 [Helsinki Proceedings], pp. 30 and 34-35.

¹² Proceedings of the Conference organised by the Council of Europe Secretariat in Helsinki, on 25 June 2024 [Helsinki Proceedings], p. 45.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ CDDH(2024)19, pp. 28-30.

¹⁶ Helsinki Proceedings, p. 45.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Helsinki Proceedings, p. 46.

²¹ Ibid.

²² CDDEM(2024)16, pp. 33-34.

disseminating good practices in the field of civil society; (5) developing and reviewing draft legal acts and other government documents concerning civil society”.²³ **Romania** has enacted amendments simplifying procedures for registering and operating associations and foundations.²⁴

ii. Ensure that the various forms of hate crime are prohibited
[Recommendation, Appendix, point I d]

13. The Recommendation calls on member States to ensure that the various forms of hate crime, including acts of violence, hate speech and public incitement to hatred and violence, are prohibited under national law, and take measures to prevent and combat cases of hate crime and hate speech, in particular by carrying out effective investigations with the aim of ending impunity. In this connection, one may also recall Committee of Ministers Recommendation CM/Rec(2022)16 to member States on combating hate speech, which reflects caselaw of the European Court of Human Rights on the necessity for member states to evaluate the severity and impact of hate speech.²⁵

14. However, reports from various Council of Europe sources indicate that civil society organisations and human rights defenders increasingly encounter hate speech and violence, which may be exacerbated by times of crisis.²⁶ Women human rights defenders are particularly vulnerable to these attacks, which pose risks to their safety and hinder their effectiveness in advocating for human rights.²⁷ LGBTI human rights defenders also face distinct challenges due to their work, including discrimination, physical attacks, online harassment, smear campaigns and stigmatisation.²⁸

15. Council of Europe member States have taken measures to address these issues. Several member States, for example **Armenia, Iceland, Moldova, Slovenia** and **Spain**, have amended their criminal law to strengthen protections against hate speech and hate crime by extending the scope of the relevant provisions and introducing more severe sanctions.²⁹ In **Austria**, legislation to combat hate speech on the internet introduced new criminal offenses related to unauthorised images and strengthened victim protections. Police officers also receive specific training on hate

²³ CDDH(2024)19, pp. 84-86.

²⁴ Helsinki Proceedings, p. 45.

²⁵ See, among others; *Erkizia Almandoz v. Spain*, Application No. 5869/17, 22 June 2021; *Yefimov and Youth Human Rights Group v. Russia*, Application Nos. 12385/15 and 51619/15, 7 December 2021; *Üçdağ v. Turkey*, Application No. 23314/19, 31 August 2021; *Standard Verlagsgesellschaft mbH v. Austria*, Application No. 39378/15, 7 December 2021; *Sanchez v. France*, Application No. 45581/15, 2 September 2021; *Budinova and Chaprazov v. Bulgaria*, Application No. 12567/13, 16 February 2021.

²⁶ See SG's Annual Report 2024, pp. 35-29; SG's Annual Report 2023, pp. 61-62; SG's Annual Report 2022, p. 31, SG's Annual Report 2021, p. 117-125; SG's Annual Report 2020, p. 23-25; Government experts from the Council of Europe's Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) prepared a [study on preventing and combating hate speech in times of crisis, including an analysis of hate speech in Europe since February 2022 based on responses from state authorities and others](#).

²⁷ See Human Rights Comment by the Commissioner for Human Rights - [No space for violence against women and girls in the digital world](#)

²⁸ [The Council of Europe Commissioner for Human Rights' report on "Human rights of LGBTI people in Europe: Current threats to equal rights, challenges faced by defenders, and the way forward"](#), pp. 8-13.; see also CM(2023)126 - [Thematic review of the implementation of Recommendation CM/Rec\(2010\)5 of the Committee of Ministers to member States on measures to combat discrimination based on sexual orientation or gender identity](#); for a compilation of promising practices on combating hate crime and other hate motivated incidents based on sexual orientation, gender identity, gender expression and sex characteristics see the Council of Europe's Committee on Anti-Discrimination, Diversity, and Inclusion (CDADI) thematic review: <https://rm.coe.int/2022-thematic-review-en-sogiesc-based-hate-crime-promising-practices/1680ac0eea>

²⁹ CDDEM(2024)16.

crime through an e-learning course and state-funded psychosocial and legal support to victims is provided, with additional resources from donations and volunteer work.³⁰ **Belgium** has adopted various action plans for the period 2020-2026 on themes such as anti-racism, combating violence against women, LGBTQIA+ inclusion, handstreaming and gender equality, with civil society actively involved in their development and implementation. In addition, the Act of 13 July 2023 to prevent and combat femicide, gender-based homicide and the violence that precedes it provides for the first time a legal definition of femicide, gender-based homicide and coercive control and includes provisions to prevent them. It gives the Institute for the Equality of Women and Men, an equality body, responsibility for collecting, processing and publishing data relating to these acts.³¹ **Croatia** has adopted a national plan to combat discrimination which includes specific objectives and action plans for human rights protection and discrimination prevention, focusing on strengthening legal aid and support services for discrimination victims, with participation from civil society, government bodies, and independent institutions.³² **Cyprus** has since January 2024 been implementing a strategy to mainstream gender across governmental policies through extensive stakeholder consultations, supported by an evaluation platform and funding schemes that seek to strengthen civil society's role in promoting gender equality and dismantling stereotypes.³³ In addition, a specialised national body was established in 2022 to coordinate, plan, implement, monitor, and assess policies in collaboration with ministries and civil society organisations, in alignment with the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). This body has facilitated the drafting of laws criminalising gender-based violence and the development of a national strategy and action plan for 2023-2028.³⁴ **Spain** has implemented an integrated monitoring system designed to protect and support victims of gender-based violence, coordinating efforts across various public institutions. To combat hate speech online, protocol in partnership with institutional actors, civil society, and internet platforms was also implemented.³⁵ In **Germany**, a national reporting mechanism on gender-based violence was established at the German Institute for Human Rights.³⁶ **Poland** formed an advisory team to aid the Prosecutor General in combating hate speech and hate crime through strategy development, including analysing legal gaps, reviewing case law, consulting with experts, and researching underlying factors. The team also compiles best practices, makes counteraction recommendations, and collaborates with the "National School of Judiciary" to create training materials for judges and prosecutors.³⁷

iii. Ensure that everyone can effectively participate in decision-making
[Recommendation, Appendix, points I e, f]

16. The Recommendation calls for member states to ensure that everyone, including human rights defenders, can meaningfully participate in decision-making processes, notably by giving them full access to information, taking into account the Council of Europe Convention on Access to Official Documents (ETS No. 205.), also known as the Tromsø Convention. It also urges timely and transparent public consultations in policy development and draft legislation, especially where it may affect civil society.

³⁰ Idem, pp. 6-7.

³¹ CDDH(2024)19, p. 5.

³² Idem, pp. 12-13.

³³ Idem, p. 22-23.

³⁴ Idem, p. 23-24.

³⁵ CDDEM(2024)16, pp. 48-50.

³⁶ Idem, pp. 22-23.

³⁷ CDDH(2024)19., pp. 90-91.

17. The COVID-19 pandemic posed significant challenges for effective participation in decision-making; however, it also spurred the development of good new practices in response. Persistent challenges do exist concerning the timing of domestic consultation processes, and weaknesses in the consultation process itself, hindering effective participation.³⁸ Structural discrimination, which may result for example in the exclusion of persons with disabilities from effective participation in decision-making, also persists.³⁹

18. Notwithstanding these challenges, participation is an area where significant positive developments across Council of Europe are observable. **Croatia** has established an inter-sectoral advisory body, to enhance effective participation in decision-making through continuous monitoring and analysis of public policies, providing opinions on legislation, programming funds, and fostering collaboration among government bodies and civil society organisations.⁴⁰ **Cyprus's** "Democracy Day" engages citizens through organised conferences and discussions on critical societal issues to foster understanding and participation in democratic processes, while additional civil participation platforms enable consultative voting on government policies and direct communication between civil society and government officials.⁴¹ **Czechia** adopted a methodology to promote NGO participation in policy-making.⁴² Several examples can be found in **Finland**, where there were extensive consultations during drafting of the new Climate Act, including an online survey available in six languages and a library tour to gather citizen feedback directly.⁴³ **Finland's** Local Government Act and Wellbeing Services County Act also ensure civil society participation by offering various methods for public influence, such as local resident panels, public opinion surveys before decisions, representation on decision-making bodies, and collaborative planning of municipal finances and services.⁴⁴ Alongside such initiatives, a "Transparency Register" seeks to enhance transparency of decision-making processes within the Parliament and ministries by documenting unofficial activities aimed at influencing decision-making and combating inappropriate lobbying.⁴⁵ **France** actively involves CSOs in shaping and implementing government strategies not only in the consultation phase but also in carrying out and monitoring the plans' measures.⁴⁶ In **Poland**, a government-appointed team focused on restoring the rule of law has since late 2023 actively engaged with CSOs through public consultations. This process enables representatives from civil society to offer insights on legislative measures, monitor developments, and provide feedback on proposed solutions aimed at strengthening the rule of law framework.⁴⁷

19. Digital technologies such as e-government platforms, electronic registers and digital platforms that enable citizens to engage actively in legislative processes and/or to propose possible government measures were introduced by several member States to enhance public participation, including **Armenia**⁴⁸, **Latvia**⁴⁹, **Slovenia**⁵⁰ and **Cyprus**.⁵¹

³⁸ See European Union Agency for Fundamental Rights (FRA) (2023), [Protecting civil society](#), chapter 5.

³⁹ CDDH(2024)19, p. 33.

⁴⁰ CDDH(2024)19, p. 11.

⁴¹ Idem, p. 15-17.

⁴² Helsinki Proceedings, pp. 47-48.

⁴³ CDDH(2024)19, p.47-48.

⁴⁴ Idem, pp. 35-36.

⁴⁵ Idem, p. 59-63.

⁴⁶ CDDH(2024)19, p. 57.

⁴⁷ CDDH(2024)19, pp. 91-92.

⁴⁸ CDDEM(2024)16, p. 3.

⁴⁹ CDDH(2024)19, pp. 73-74.

⁵⁰ CDDEM(2024)16, p. 62.

⁵¹ CDDH(2024)19, p. 16.

20. Good practices on enhancing the participation of persons with disabilities in decision-making can also be observed. In **Belgium**, a policy advisory council on disability issues was established.⁵² **Finland's** disability inclusion strategy in development cooperation empowers local organisations of persons with disabilities to lead and implement projects in their communities, with reduced financial contribution requirements for those focused on disability rights and support through multiyear grants.⁵³ **Spain** has established a collaborative framework involving government and a specialised committee to involve disability organizations in policy processes.⁵⁴ **The United Kingdom** is advancing disability inclusion through its independent mechanisms monitoring and supporting the implementation of United Nations recommendations.⁵⁵

21. Concerning the issue of access to official documents, since 2018, **Albania, Armenia, Iceland, North Macedonia, Slovenia, Spain, and Ukraine** have signed and ratified the Tromsø Convention on access to official documents bringing number of ratifications by Council of Europe member States to 16.⁵⁶ 43 Council of Europe member States provide for rights of access to environmental information, public participation in environmental decision-making, and access to justice in environmental matters as a result of their ratification of the 1998 United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention).⁵⁷

iv. Establish effective, independent, pluralistic and adequately funded NHRIs in compliance with the Paris Principles, or where they already exist, strengthen them for the protection and promotion of all human rights and fundamental freedoms [...]

22. The Recommendation calls on member States to establish effective, independent, pluralistic and adequately funded NHRIs for the protection and promotion of all human rights and fundamental freedoms, in compliance with the Paris Principles, or, where they already exist, to strengthen them. This includes strengthening their role to protect and promote an effective environment for civil society, co-operate and seek assistance, when needed, from the European Network of National Human Rights Institutions (ENNHRI), as well as from regional and international bodies such as the Office of the United Nations High Commissioner for Human Rights (OHCHR), the ODIHR/OSCE, the Council of Europe Commissioner for Human Rights, and the Venice Commission.

23. In terms of challenges to the establishment of NHRIs, ten member States have yet to establish NHRIs in compliance with the Paris Principles. Among these, there are only three states in which there is no institution working towards compliance with the Paris Principles with a view to accreditation as an NHRI.⁵⁸ Among the non-accredited institutions in **Czechia**, new legislation is currently under consideration which seeks to establish an NHRI mandate within the Public

⁵² CDDH(2024)19, p. 8.

⁵³ Idem, p. 33-34.

⁵⁴ CDDEM(2024)16, pp. 55-57.

⁵⁵ CDDH(2024)19, p. 100.

⁵⁶ For the full list of signatures and ratifications of the Tromsø Convention, see <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treaty=205>.

⁵⁷ For the full list of signatures and ratifications of the Aarhus Convention, see https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVII13&chapter=27&clang=en

⁵⁸ Helsinki Proceedings, p. 50 referencing the European Commission (2023), Rule of Law report, COM(2023) 800 final, 5.7.2023.

Defender's Office,⁵⁹ while Iceland has passed legislation on a new NHRI that will start operation on 1 January 2025⁶⁰. Virtually all member States have taken steps towards the establishment of a Paris Principle compliant NHRI. The establishment and strengthening of NHRIs in compliance with the Paris Principles will be further considered in the review of the [CM Recommendation 2021\(1\)](#). It is also notable that in some member States, NHRIs have been allocated additional specific mandates which may strengthen their role in the protection of civil society space.⁶¹

2. National measures to protect civil society space [*Recommendation, Appendix, I*]

i. Prevent violations of the rights of human rights defenders including smear campaigns, threats and attacks against them, and other attempts to hinder their work and ensure the independent and effective investigations of such acts and hold those responsible accountable [*Recommendation, Appendix, II, a and b*]

24. The Recommendation calls on member States to adopt national measures that protect civil society space, emphasising the importance of preventing violations against human rights defenders and ensuring accountability for such acts.

25. One negative tendency has been a “steady increase in abusive litigation designed to prevent or hinder public debate on matters of public interest”, which has been noted by various Council of Europe bodies.⁶² In this connection, the Committee of Ministers in 2024 adopted Recommendation CM/Rec(2024)2 to counter the use of strategic lawsuits against public participation (SLAPPs), which recognised “the urgency of devising comprehensive and effective strategies to counter SLAPPs”.

26. Against this background, examples of protective measures can be identified. These include **Moldova's** law on child human rights defenders⁶³, progress in **France**⁶⁴, **Latvia**⁶⁵ and **Slovakia**⁶⁶ where enhanced protections for whistleblowers were introduced by revising national legislation aligning with the EU Directive on whistleblower protection⁶⁷. Likewise, **Montenegro's** new law on the prevention of corruption strengthens data protection of whistleblowers by limiting the disclosure of a whistleblower's identity to cases of necessity in legal investigations, provides urgent court protection for whistleblowers facing harm, and shifts the burden of proof to employers to show that adverse actions are unrelated to the whistleblower's report.⁶⁸ **Greece** has introduced legislative measures to enhance the protection of journalists by criminalising public incitement to violence against them and revising the criminal code to focus on punishing libel for spreading knowingly false information that damages honor or reputation, while removing the penalty for simple defamation.⁶⁹ **Greece** has also established measures to protect, ensure the safety, and

⁵⁹ Idem, p. 19-20.

⁶⁰ Idem, p. 19-20.

⁶¹ CDDH(2024)19, pp. 108-109.

⁶² See among others, SG's Annual Report 2024, p. 58; Assembly Resolution 2531 (2024) and Recommendation 2267 (2024) “Countering strategic lawsuits against public participation (SLAPPS): an imperative for a democratic society”.

⁶³ CDDH(2024)19, p. 111.

⁶⁴ Idem, pp. 60-62.

⁶⁵ Idem, p. 76.

⁶⁶ Idem, pp. 98-99.

⁶⁷ EU Directive 2019/1937 on the protection of whistleblowers.

⁶⁸ CDDH(2024)19, pp. 79-80.

⁶⁹ Idem, pp. 70-71.

empower journalists through a Memorandum of Understanding which coordinates efforts across multiple government sectors.⁷⁰ **Finland** supports human rights defenders by providing guidelines tailored for foreign services, designed to foster an environment of active dialogue and support, ensuring that human rights defenders can safely and effectively engage in their work.⁷¹

27. Several NHRIs in Council of Europe member States have gained specific mandates to enhance their role in protecting civic space and human rights defenders, including as SLAPP focal points (e.g., **Belgium, Romania**) and whistleblower protections (e.g., **Armenia, Croatia, Hungary, Moldova, Poland**).⁷² Yet, in some instances, the allocation of such additional protection mandates for NHRIs has not been met with adequate additional resources to carry out the additional mandates, thus undermining their effectiveness.

28. Several NHRIs have been stepping up their work in the monitoring of civil society space and the protection of HRDs. In **Denmark**, the NHRI developed a monitoring tool⁷³ built on a set of 73 human rights-based indicators which are anchored in the UN Declaration on Human Rights Defenders and related human rights law.⁷⁴ In **Belgium** the NHRI project “Room for human rights defenders in Belgium” investigates the extent to which space for human rights defenders is under pressure.⁷⁵ At the same time, increasingly more NHRIs have been also facing obstacles in their capacity to carrying out their role in protecting civil society space through their monitoring, investigation, reporting and complaints handling functions. Challenges are heightened when NHRIs have been working on issues that have become increasingly polarised, including work on migrants, reproductive and LGBTIQ+ rights.

ii. Ensure, while respecting their legal traditions, the independence of their judicial systems and ensure the existence of effective remedies for those whose rights and freedoms are violated; and ensure effective access to international and regional human rights mechanisms [Recommendation, Appendix, II, c and e]

29. The Recommendation urges member States to ensure the independence of their judicial systems and to provide effective remedies for individuals whose rights and freedoms are violated. Furthermore, it emphasizes the need for ensuring access to international and regional human rights mechanisms, which are vital for upholding the rule of law and protecting human rights.

30. Challenges have been observed in some states where judicial systems have been used in ways that restrict the enabling environment for human rights defenders.⁷⁶ In addition, there have been situations in which NGOs have been **prevented from performing their crucial duty to monitor human rights conditions, gain access to detention and migrant sites, or conduct trial observation**.⁷⁷

31. There are notable good practices among member States. **Poland** has strengthened transparency and public oversight in selecting candidates for the European Court of Human

⁷⁰ Idem, pp. 69-71.

⁷¹ CDDH(2024)19, pp. 53-54.

⁷² CDDH(2024)19, pp. 106-107.

⁷³ Danish Institute for Human Rights, the “[right to defend rights](https://defend.humanrights.dk/about/the-right-to-defend-rights)” monitoring tool. See <https://defend.humanrights.dk/about/the-right-to-defend-rights>

⁷⁴ CDDH(2024)19, p. 107.

⁷⁵ FIRM-IFDH “Room for Human Rights Defenders in Belgium”. See <https://www.federalinstitutehumanrights.be/fr/soutenons-les-defenseurs-des-droits-humains>

⁷⁶ Helsinki Proceedings, p. 19.

⁷⁷ Ibid.

Rights and the European Committee for the Prevention of Torture by involving civil society observers and consulting with legal and NGO stakeholders throughout the process.⁷⁸ In **Montenegro**, NGOs have an impact on the judicial reform by, among other things, taking part in projects on trial monitoring to ensure adherence to human rights standards in criminal cases, producing also reports on alignment with the standards of the European Convention on Human Rights.⁷⁹

iii. Provide measures for swift assistance and protection for human rights defenders in danger in other countries, such as, where appropriate, attendance and observation of trials and/or, if feasible, the issuing of emergency visas [*Recommendation, Appendix, point II, f*]

32. This section of the Recommendation focuses on the need for swift assistance and protection for human rights defenders facing danger in other countries. Member States are encouraged to offer support through measures such as attending or observing trials and, when feasible, issuing emergency visas to provide immediate protection.

33. Globally, human rights defenders face threats and attacks from verbal to physical violence. Certain groups face especially heightened challenges and dangers. There are also the operational difficulties faced by NGOs that have relocated due to war and transnational repression. In addition, once relocated, legal recognition for CSOs can be hindered by varying national regulations, limited resources, and the short-term nature of current relocation schemes.⁸⁰

34. The EU Agency for Fundamental Rights (FRA) has indicated that eight member States have established comprehensive programs to support the relocation of human rights defenders: **Czechia, France, Germany, Ireland, the Netherlands, and Spain** accommodate defenders from around the world, while **Lithuania and Poland** receive human rights defenders from Central Asia, Belarus, Russia, and the South Caucasus.⁸¹ Recently, **Estonia and Latvia** have introduced visa pathways specifically for human rights defenders from Belarus or Russia.⁸² **Finland** has also developed guidelines for supporting human rights defenders abroad.⁸³

3. National measures to promote civil society space [*Recommendation, Appendix, point III, a, b, c, d*]

35. This part of the Recommendation emphasizes the importance of ensuring access to stable funding and resources for human rights defenders, including NHRIs and civil society organisations. It also calls for the explicit recognition of their legitimacy and contributions, the provision of specific support for women human rights defenders, and the facilitation of training and skills development without discrimination.

36. A key challenge for human rights defenders, including NHRIs and civil society organisations, remains access to funding. This issue is further complicated by restrictions on

⁷⁸ CDDH(2024)19, pp. 92-93.

⁷⁹ Idem, p. 78.

⁸⁰ CDDH(2024)29 – Summary of the discussion; p. 5 and 8.

⁸¹ [FRA \(2023\), Protecting human rights defenders at risk: EU entry, stay and support, chapter 4.2.](#)

⁸² Ibid.

⁸³ CDDH(2024)19, p. 108.

foreign funding sources in some member States and so-called foreign agent laws as described above (see paragraph 9 above).

37. In terms of funding, in **Belgium**, several organisations working on gender equality, women's rights, and LGBTIQ+ issues, as well as preventing and combating gender-based violence, receive government funding for their socio-cultural and preventative work.⁸⁴ **Czechia's** small grant scheme enhances the capacity of national cross-sectoral networks of NGOs by supporting their operational efficiency, advocacy, and public awareness activities.⁸⁵ **Finland's** multiyear grant approach provides Finnish development civil society organisations with predictable funding in four-year cycles, emphasising the enhancement of their expertise, advocacy efforts, and the strengthening of civic spaces.⁸⁶ In addition, support for the preservation of community halls for local civil society activities through the Finnish Local Heritage Federation is provided, which collaborates with NGOs to allocate government grants for sustainable repairs and renovations, ensuring community engagement and heritage conservation.⁸⁷ **Greece** has set up a digital platform to register all civil society organisations (CSOs) and public benefit entities, enabling state funding allocation based on transparent legal requirements.⁸⁸ In **Germany**, a foundation for civic engagement and volunteering was established to support civic engagement and volunteering, particularly in rural areas, by offering training, funding, legal guidance, and networking opportunities. In 2024 it launched a pilot project to develop protective and preventive measures with support from five umbrella organisations and the Federal Ministry of the Interior and Community.⁸⁹ **Moldova** has shown positive growth in state budget allocations for civil society organisations.⁹⁰ **Spain** provides funding through annual grants to support human rights defenders and CSOs, with specific subsidies targeting vulnerable groups, and initiatives focused on awareness campaigns, and efforts to eliminate barriers to accessibility.⁹¹ NHRIs in **Croatia** and **Ireland** have played an active role in supporting civil society organisations' access to funds by raising concerns about policy and legislative initiatives with negative repercussions on CSOs access to funds while NHRI from Ireland also provided support through supporting grants schemes.⁹² In addition, prizes and awards, may serve as tools to heighten the visibility of human rights defenders and promote their work.⁹³ For example, the NHRI in **Georgia** has nominated HRDs under threat for international prizes, while in **Denmark** the NHRI's council awards annually an HRD.⁹⁴

4. Support from Council of Europe bodies and institutions

38. The Recommendation also urges Member States to “call on Council of Europe bodies and institutions to pay special attention to issues concerning the enabling environment in which all human rights defenders, including NHRIs and civil society organisations, can safely and freely operate in Europe”. This should include sharing documentation and relevant case law and other European standards, encouraging co-operation and awareness-raising activities with CSOs and encouraging human rights defenders participation in Council of Europe activities, promoting civil

⁸⁴ CDDEM(2024)16, pp. 14-18.

⁸⁵ CDDH(2024)19, pp. 30-31.

⁸⁶ Idem, pp. 34-35.

⁸⁷ Idem, pp. 55-56.

⁸⁸ CDDEM(2024)16, p. 25.

⁸⁹ Idem, pp. 22-23.

⁹⁰ Idem, pp. 34-36.

⁹¹ Ibid. pp. 59-61.

⁹² CDDH(2024)19, p. 109.

⁹³ Ibid.

⁹⁴ Ibid.

society and human rights work through local Council of Europe offices, monitoring the implementation of the Court's judgments related to human rights defenders, and fostering dialogue to address and respond to threats against civil society actors across member States.

39. From the outset, the Council of Europe has promoted civil society involvement by offering participatory status and opportunities for engagement in nearly all areas of its work, from access to information and consultation to active participation. Civil society expertise is integrated into drafting instruments, preparing monitoring reports, and implementing co-operation projects. The Council also partners with civil society in major events and cooperation activities. International Non-Governmental Organisations (INGOs) with participatory status form the Conference of INGOs (CINGO), which contributes to the organisation's decision-making and programme implementation.

40. Since 2019, the Council of Europe has sought to strengthen effective and meaningful engagement with civil society through a series of ministerial decisions, to which the [Reykjavik Declaration](#)⁹⁵ has given further impetus. The [Secretary General's Roadmap](#) on the Council of Europe's Engagement with Civil Society 2024-2027⁹⁶ embodies and builds on these efforts, aiming to improve information and communication on the organisation's activities, to enhance knowledge and capacity building on the work and standards of the Council of Europe, and to strengthen the institutional framework for civil society engagement.

41. In 2024, work started on developing an implementation plan for the Roadmap. A preliminary mapping exercise was conducted to take stock of current practices and experiences within the organisation in working with civil society, to discuss challenges and to share innovative approaches. Several intergovernmental committees, monitoring bodies and cooperation programmes have developed such practices to varying degrees, but gaps and inconsistencies remain. A more systematic approach will hopefully lead to more active, diverse, effective, inclusive and sustainable participation.

42. The Steering Committee on Democracy (CDDEM) is contributing to this effort by preparing a **Guidance Note** on civil society participation in the intergovernmental work of the Council of Europe laying down general principles to streamline and strengthen civil society participation through improved access to information, transparency, inclusiveness, but also removal of obstacles to participate. This guidance should be viewed as a first step in the process concerning intergovernmental committees and subordinate bodies; however, it can serve as an inspiration for other sectors to introduce or further develop their own frameworks for civil society participation.

43. With a view to improving civil society's access to information, an updated version of the handbook "Working with the Council of Europe: a practical guide for civil society" has been prepared, which provides a synthetic overview of the Council of Europe's activities and the opportunities for civil society involvement in the respective areas of work. The Civil Society Portal, a website providing a single point of entry to the Organisation, will also be updated by the end of 2024 to correlate with the updated Handbook.

44. A number of meetings have taken place between civil society and the Committee of Ministers or its Rapporteur Groups in recent years, including an informal exchange of views with

⁹⁵ United around our values - Reykjavik declaration, adopted at the 4th Summit of Heads of State and Government of the Council of Europe (Reykjavik, 16-17 May 2023).

⁹⁶ Secretary General's Roadmap on the Council of Europe's engagement with civil society 2024-2027 ([SG/Inf\(2023\)28](#)).

the Rapporteur Group on Legal Cooperation (GR-J) on the use and impact of the Venice Commission's Rule of Law Checklist in view of its planned update. Other sectoral work is underway and further initiatives are planned for the near future. For example, the Secretariat of the European Social Charter System will hold webinars for civil society to present and promote the collective complaints procedure provided for in the Charter.

45. The Council of Europe is also actively working to enhance the protection and promotion of civil society space in its member states. Acknowledging the transformed legal, political, socio-economic, and technological landscape, the Committee of Ministers has tasked the CDDEM with updating Recommendation [CM/Rec\(2007\)14](#) on the legal status of non-governmental organisations in Europe. The committee will finalise its work by the end of 2025 and present a draft recommendation to the Committee of Ministers for possible adoption.

III. Conclusions and recommendations

46. The examples of national practice outlined in this report may inspire member States to strengthen further their domestic legislative, policy, and funding frameworks, so as to ensure an enabling legal framework and a conducive public and political environment to protect and promote civil society space in Europe. Member States may find particularly useful practices in the adoption of digital technologies, as these tools, when used in a human rights-compliant manner, may enhance access to information, promote inclusive participation in decision-making processes, strengthen transparency, and foster dialogue between civil society and public authorities. The present report highlights also numerous innovative measures across the region, including streamlined registration processes for NGOs, legislative reforms to reduce administrative burdens, and cross-sectoral collaboration to enhance civil society engagement.

47. Despite these positive developments, concerning trends continue to impact the protection and promotion of civil society space across Europe, as identified also in the appendix to the present report. Restrictive regulations, including "foreign agent" laws, and in some cases criminalisation of their activities, challenge the work of civil society actors, especially those focusing on human rights. Compounding these obstacles, civil society actors and NHRIs increasingly face smear campaigns, physical attacks, and stigmatisation with insufficient legal protections and limited law enforcement response. Addressing these barriers is essential to create an enabling legal and political environment for civil society where it can fully support human rights, democracy and rule of law in member States.

48. Looking forward, the CDDH encourages further collaborative efforts among member States to reinforce the space for civil society and to address existing challenges in a more effective and consistent manner. By learning from each other's positive practices and aligning national frameworks with Council of Europe standards, member States can safeguard an environment where civil society can thrive. In particular, member States should ensure an enabling legal and political framework for their effective functioning, including access to funding, and strengthen protection of civil society space and human rights defenders, including to prevent violations and remedy them effectively when they occur. The Council of Europe itself continues to support this aim, actively involving civil society across its activities, integrating their expertise into its work, and enhancing engagement through new participatory initiatives. As recognised in the [Secretary General's Roadmap](#) on the Council of Europe's Engagement with Civil Society

2024-2027⁹⁷, the visibility of the private office procedure aiming at assisting human rights defenders subject to reprisal should be further enhanced. The CDDH will continue to include consideration for the promotion and protection of civil society space and human rights defenders throughout its work when relevant.

49. In view of the concerning trends identified, member States are recommended to set up regular exchanges on the situation of civil society space, in particular to address threats and attacks on human rights defenders, and with reports and meaningful participation of civil society organisations and NHRIs; pay special attention to the execution of judgments of the European Court of Human Rights concerning human rights defenders and the enabling environment for human rights work, which have yet to be implemented; keeping under review the question of further Council of Europe action in this field.

50. As reaffirmed in the Reykjavík Principles for Democracy, adopted at the Fourth Summit of Heads of State and Government of the Council of Europe, “civil society is a prerequisite for a functioning democracy”⁹⁸ and Heads of State and Government of the Council of Europe “commit to supporting and maintaining a safe and enabling environment in which civil society, as well as human rights defenders, can operate free from hindrance, insecurity and violence”.⁹⁹ Working collectively to strengthen the protection and promotion of civil society space in Europe will ensure that civil society can continue its essential work to support human rights, democracy and the rule of law.

⁹⁷ Secretary General's Roadmap on the Council of Europe's engagement with civil society 2024-2027 ([SG/Inf\(2023\)28](#)).

⁹⁸ United around our values - Reykjavík declaration, adopted at the 4th Summit of Heads of State and Government of the Council of Europe (Reykjavík, 16-17 May 2023), p.16.

⁹⁹ Ibid.

APPENDIX

CDDH CONTRIBUTION TO THE IMPLEMENTATION REVIEW REPORT ON RECOMMENDATION CM/REC(2018)11

* * *

Summary Overview of the Opinions of the Expert Council on NGO Law of the Conference of INGOs of the Council of Europe (CINGO) for the period 2019-2024

Introduction

This overview presents a structured summary of the opinions of the Council of Europe's Expert Council on NGO Law for the period 2019 to 2024. This corresponds to the time period of examination by the Committee of Ministers Recommendation [CM/Rec\(2018\)11](#) on the need to strengthen the protection and promotion of civil society space in Europe. The summary overview has been structured as far as possible along the lines of the recommendation itself in order to facilitate examination.¹⁰⁰

1. National legal framework and political and public environment to protect and promote civil society space

Concerning the need to ensure a legal framework and a conducive political and public environment for human rights defenders, enabling individuals, groups, civil society organisations and national institutions for the protection and promotion of human rights to freely carry out their activities, the Expert Council reported that laws criminalising certain activities of NGOs¹⁰¹ and their enforcement have impacted legitimate NGO activity which in turn has had a negative effect on freedom of association and related human rights.¹⁰²

As a matter of general concern, overly onerous conditions for the registration and certification of NGOs,¹⁰³ the slow process of registration of NGOs and of approving an organisation's statute or its subsequent amendments were reported.¹⁰⁴ For example, the Expert Council noted that NGOs in Europe working with refugees and other migrants face obstacles to meet the administrative requirements related to their registration as formal NGOs, due to vague and overly broad provisions in laws or amendments to laws.¹⁰⁵ The requirement in some states for NGOs to register, or be registered, as 'foreign agents' was reported to impose prohibitions on and obstacles to NGO activities,¹⁰⁶ including resulting in stigmatisation.¹⁰⁷

¹⁰⁰ More precisely the four constituent parts of the Appendix to the Recommendation. The following sections of this overview follow that structure.

¹⁰¹ CONF/EXP(2024)1, para 83.

¹⁰² CONF/EXP(2019)1, para 115.

¹⁰³ Including, for instance, membership notification requirements (see CONF/EXP(2020)2, paras 5-6).

¹⁰⁴ CONF/EXP(2024)1, paras 176-177.

¹⁰⁵ CONF/EXP(2024)3, para 123. See also CONF/EXP(2020)4, para 65.

¹⁰⁶ See, for instance, CONF/EXP(2021)1, para 18.

¹⁰⁷ In CONF/EXP(2024)2, para 163, the Expert Council for instance concluded that 'by making the assertion that

The Expert Council also identified problems when grounds for dissolution of organisations are formulated in an indeterminate or overly broad way in legislation,¹⁰⁸ yielding risks of arbitrary application, contrary to the obligation of ‘lawfulness’ under international human rights law. The Council saw this as all the more problematic when specific categories of organisations were targeted by laws, such as for example religious ones.¹⁰⁹

As for the need to remove any unnecessary, unlawful or arbitrary restrictions to civil society space, in particular with regard to the freedoms of association, peaceful assembly, and expression, the Expert Council made note of problems concerning the lack of effective legal protection for NGOs exercising their freedom to public assembly resulting in restrictions to their work,¹¹⁰ for instance due to assembly bans justified by the alleged potential for conflicts or clashes with counter-demonstrators.¹¹¹ Other restrictions on public assembly, for instance, particularly targeted LGBTIQ+ organisations.¹¹²

Concerning the enabling of participation in decision-making and timely and transparent public consultations in policy development and draft legislation, especially where it may affect civil society, the Expert Council noted that ‘there is a perceived trend of NGOs having difficulties engaging in public consultation...’.¹¹³ As noted by the Council, ‘the lack of proper consultation is often noted in the opinions of the CoE bodies as a contributing factor to the problematic national legislations impacting on NGOs’.¹¹⁴ The Expert Council reported several examples from NGOs from different states being excluded from the decision-making process¹¹⁵ or not being broadly consulted, for instance in discussions on legislative reforms, seen as all the more concerning when the substance of changes was previously challenged in domestic courts.¹¹⁶

As for respecting the freedom of human rights defenders to seek, receive and utilise resources from domestic, foreign and international sources, the Council observed that some states have ‘criminalised acts related to the receipt of donations of money and objects from private sources’.¹¹⁷ Indeed, NGOs from several countries reported about legislation, or legislative initiatives that seek to impose restrictions on NGOs receiving foreign funds.¹¹⁸

The Council also expressed concern about proposals for laws and enacted laws which would restrict or did in effect restrict cross-border funding for organisations or which imposed obligations of publicity or notification for amounts above certain thresholds, as being contrary to Council of Europe’s standards. The Council noted that such legislation seeks ‘to combat, not criminal

[entities concerned] are pursuing the interest of a foreign power simply because of the source of some of their income’ can result in their ‘unjustified stigmatisation’.

¹⁰⁸ See for instance CONF/EXP(2022)3, para 79, in which the Expert Council problematised the overly broad conception of ‘extremist activities’, which may result in the classification of some legitimate activities undertaken by NGOs as ‘extremist’ and result in the suspension of their activity as well as in their liquidation.

¹⁰⁹ CONF/EXP(2021)3, paras 7-10.

¹¹⁰ CONF/EXP(2024)1, para 107. See, for instance, also CONF/EXP(2022)3, para 58, on restrictions introduced into a Law on Mass Events, which according to the Council ‘amounts to an excessive restriction on the ability of NGOs to organize mass events in pursuit of their lawful objectives’.

¹¹¹ CONF/EXP(2024)1, para 108.

¹¹² Ibid. paras 110-112.

¹¹³ CONF/EXP(2021)2, para 7.

¹¹⁴ Ibid. para 7.

¹¹⁵ CONF/EXP(2024)1, paras 162-169.

¹¹⁶ Ibid. para 163. By way of example, see CONF/EXP(2023)2, para 83; CONF/EXP(2020)4, paras 43-48; CONF/EXP(2023)1, paras 23-25 and 27 and CONF/EXP(2020)2, paras 12-13.

¹¹⁷ CONF/EXP(2019)1, para 78.

¹¹⁸ CONF/EXP(2024)1, para 60. See examples of the so-called “foreign influence laws”, CONF/EXP(2024)1, paras 61-62 and 66.

behaviour, but external influences described as a factor of political and social destabilisation, of which civil society actors are said to be the instrument' and would 'open the way for the legitimacy of civil society actors supported across borders to be questioned in the public debate'.¹¹⁹ Using negative presumptions on cross-border financing in laws aimed at entire sections of civil society, rather than using existing criminal or administrative laws to target specifically those organisations which do transgress laws, was seen as problematic by the Council.¹²⁰

Equally connected to funding and financing, in its report on the implementation of certain European and international requirements with respect to activities that might support or act as a cover for money laundering and terrorist financing, the Council found that the way in which relevant requirements are formulated and being applied can have an adverse impact on the legitimate activities of NGOs in Europe. In this respect, it noted that as 'the requirements themselves have been developed and elaborated upon without taking sufficient account of the diverse nature of NGOs',¹²¹ they lead, 'or will lead, to significant burdens for NGOs that are not at risk of being implicated in money laundering or terrorist financing...'.¹²²

Finally, the Expert Council, highlighted with concern legislation targeting specific types of NGOs. The 2019 report on the use of criminal law by Member States to restrict the work of NGOs working to support refugees and other migrants, updated in 2024, identified several examples of how humanitarian assistance and support provided by NGOs to refugees and migrants is being limited, for instance through the introduction of new legislation,¹²³ or even criminalised. As for the latter, the reports outlined how states among other things used 'laws aimed at migrant smugglers to target those providing humanitarian support', including NGOs.¹²⁴ The Expert Council has, for instance, problematised the lack of legal certainty and the presence of arbitrariness in the application of such laws,¹²⁵ as well as their vagueness, noting that it is unclear what type of activities employed by NGOs are targeted.¹²⁶ By way of example, some states have 'criminalised acts relating to residence or stay', thereby possibly 'construing the act of providing housing as obstructing deportation'.¹²⁷

In relation to NGOs working to support refugees and other migrants, many of the national criminal cases analysed by the Expert Council revealed that NGOs have been investigated, and some even prosecuted, for 'the facilitation of entry or transit of migrants', while a minority of cases 'relate to the facilitation of stay or residence and other grounds'.¹²⁸ Thus, for instance, NGOs and their staff and volunteers have been investigated and some have been prosecuted for helping individuals to enter a state's territory without prior permission, including, for instance, through sea rescues.¹²⁹ More generally, 'threats of prosecution and actual arrests and prosecutions as well as the associated administrative measures that have been implemented have', as the Expert

¹¹⁹ CONF/EXP(2021)3, para 4.

¹²⁰ Ibid. para 5.

¹²¹ CONF/EXP(2022)2, para 273. See also CONF/EXP(2022)1, para 26.

¹²² CONF/EXP(2022)2, para 272.

¹²³ CONF/EXP(2024)1, paras 51-52. New legislation has for instance limited the ability of civil society actors to engage in maritime search and rescue operations. See, for instance, CONF/EXP(2023)1, para 22.

¹²⁴ CONF/EXP(2019)1, para 68. See, for instance CONF/EXP(2020)3, which outlines the laws, policies and practices states should not, and should undertake.

¹²⁵ CONF/EXP(2019)1, para 131.

¹²⁶ Ibid. para 73-74.

¹²⁷ See, *ibid.* paras 72-73.

¹²⁸ Ibid. paras 82-83.

¹²⁹ Ibid. para 83.

Council concluded, ‘had a chilling effect on the legitimate work of NGOs’.¹³⁰

2. National measures to protect civil society space

Concerning the need to prevent violations of the rights of human rights defenders including smear campaigns, threats and attacks against them, and other attempts to hinder their work, the Expert Council noted that ‘media smear campaigns were cited as one of the most frequent sources of stigmatisation of NGOs’,¹³¹ for instance in newspapers and television broadcasters,¹³² by the government,¹³³ and through social media.¹³⁴ Also physical attacks were reported, for instance, against NGOs working with migrants and refugees.¹³⁵ As noted by the Expert Council, overall, NGOs that appear to be mostly at risk of physical attacks included human rights and minority rights organisations, and watchdog NGOs.¹³⁶ In addition, NGOs from several countries reported that they were faced with the failure by the police to protect them against violence¹³⁷ and that such physical attacks would often not be followed by an effective investigation by the authorities into the alleged abuses.¹³⁸ In addition, abuse of power by police and supervisory authorities were alleged in several countries. In this respect, NGOs reported to have faced illegal police interference in their activities, as well as harassment by the police.¹³⁹

3. National measures to promote civil society space

As for ensuring access to resources to support the stable funding of human rights defenders, including NHRIs and civil society organisations, and to increase efforts to promote their activities, the Expert Council found – as noted above – that some states have criminalised acts related to the receipt of donations of money and objects from private sources.¹⁴⁰ In addition, while the Expert Council noted that the right to freedom of association does not include the right to public funding, such funding is considered a legitimate source of income for NGOs.¹⁴¹ In this respect, it was reported that NGOs face issues with respect to accessing public national and EU funds.¹⁴² In particular, as noted by the Expert Council, this was especially applicable to NGOs advocating for human rights and minority rights, and for environmental, watchdog and investigative NGOs.¹⁴³ In addition, in reference to issues with regard to the registration of NGOs and reporting requirements, those NGOs that are unable to register or satisfy reporting requirements may as a consequence, be restricted from accessing certain types of funding.¹⁴⁴

Concerning the need to ensure that women human rights defenders are able to access specific support, funding, and protection, including against gender-based violence, and to guarantee an environment in which they can work free from violence and discrimination, the Expert Council

¹³⁰ Ibid. para 119.

¹³¹ CONF/EXP(2024)1, para 130.

¹³² Ibid. para 130.

¹³³ Ibid. paras 131-132.

¹³⁴ Ibid. paras 133-136.

¹³⁵ Ibid. para 174.

¹³⁶ Ibid., para 139.

¹³⁷ Ibid. para 105.

¹³⁸ Ibid., para 139. See also CONF/EXP(2019)1, para 102.

¹³⁹ CONF/EXP(2024)1, paras 93-95.

¹⁴⁰ See also pages 3 above.

¹⁴¹ CONF/EXP(2024)1, para 157.

¹⁴² CONF/EXP(2024)3, para 140.

¹⁴³ CONF/EXP(2024)1, para 146.

¹⁴⁴ CONF/EXP(2024)3, para 139.

reported that online smear campaigns have targeted women human rights defenders and NGOs advocating for women rights.¹⁴⁵

More generally, as concluded by the Expert Council, NGOs particularly subject to stigmatisation are mostly the same categories of NGOs mentioned above: those active in the area of human rights and minority rights, as well as watchdog organisations (related to anti-corruption and investigative journalism) and environmental NGOs.¹⁴⁶ NGOs cited public authorities or high-ranking politicians from ruling parties as the main source of stigmatisation, followed by pro-government media outlets and certain segments of the public.¹⁴⁷

4. Support from Council of Europe bodies and institutions

As for calling on Council of Europe bodies and institutions to pay special attention within the Committee of Ministers to the execution of judgments of the European Court of Human Rights concerning human rights defenders and the enabling environment for human rights work, the Expert Council reported significant challenges with the execution of judgments of the Court involving freedom of association. In particular, it reported that cases involving freedom of association remain pending full execution at the Committee of Ministers.¹⁴⁸ In brief, the European Court of Human Rights has identified violations of Convention rights by states through the refusal to register associations or through significant delays to do so,¹⁴⁹ and due to difficulties with re-registering associations due to new legislation,¹⁵⁰ the involuntary dissolution of associations,¹⁵¹ and the arbitrary detention and other breaches of the rights of human rights defenders by punishing and silencing them for their membership of human rights organisations.¹⁵² The Expert Council identified challenges with the execution of these judgments, including the failure to adopt adequate or effective individual as well as general measures to fully and within a timely manner execute the Court's judgments.¹⁵³

Overview of the consulted Expert Council Opinions¹⁵⁴

CONF/EXP(2024)3 – *Civil society support to refugees and other migrants in Europe: The need to end the backlash on civil society space*, 21 June 2024 ([1680b07d4c \(coe.int\)](#))

CONF/EXP(2024)2 – *Opinion on the draft law of Georgia on Transparency of Foreign Influence*, 15 May 2024 ([1680afb1d5 \(coe.int\)](#))

CONF/EXP(2024)1 – *Stigmatisation of Non-Governmental Organisations in Europe*, 20 March 2024 ([1680af95df \(coe.int\)](#))

CONF/EXP(2023)2 – *Opinion on the compatibility of amendments to the Croatia Law on Associations and the Law on Foundations with European Standards*, 30 March 2023

¹⁴⁵ CONF/EXP(2024)1, para 135.

¹⁴⁶ Ibid. para 229. As for environmental NGOs and intimidatory tactics, see also *Young environmental defenders and the standards that protect their activism*, page 4.

¹⁴⁷ CONF/EXP(2024)1, para 35.

¹⁴⁸ CONF/EXP(2022)1, para 1.

¹⁴⁹ Ibid. paras 26-47.

¹⁵⁰ Ibid. paras 48-58.

¹⁵¹ Ibid. paras 59-73.

¹⁵² Ibid. paras 74-81.

¹⁵³ Ibid. paras 102-104.

¹⁵⁴ Ordered in reverse chronological order, with the most recent Opinions first, with hyperlinks to the full documents included.

([1680aac3e3 \(coe.int\)](#))

CONF/EXP(2023)1 – *Opinion on the compatibility with European standards of Italian Decree Law No. 1 of 2 January 2023 on the management of migratory flows*, 30 January 2023 ([1680a9fe26 \(coe.int\)](#))

CONF/EXP(2022)3 – *Opinion on the compatibility with international and regional standards of recent amendments to the Belarusian legislation affecting NGOs*, 18 October 2022 ([1680a8a2b7 \(coe.int\)](#))

CONF/EXP(2022)2 – *Non-governmental organisations and the implementation of measures against money laundering and terrorist financing*, 17 May 2022 ([1680a68923 \(coe.int\)](#))

CONF/EXP(2022)1 – *The execution of judgments involving freedom of association: The impact on human rights organisations and defenders*, 15 March 2022 ([1680a5db86 \(coe.int\)](#))

The Legal Space for Non-Governmental Organisations in Europe, 8 December 2021 ([1680a4cd01 \(coe.int\)](#))

Young environmental defenders and the standards that protect their activism, May 2021 ([Copia de YOUNG ENVIRONMENTAL DEFENDERS - FINAL LAY OUT \(coe.int\)](#))

CONF/EXP(2021)3 – *Opinion on the compatibility with the European standards of the French Bill to ensure respect for the principles of the republic by all*, 31 March 2021 ([1680a1f40e \(coe.int\)](#))

CONF/EXP(2021)2 – *European practices related to participation of NGOs in policy development*, 25 February 2021 ([1680a18deb \(coe.int\)](#))

CONF/EXP(2021)1 – *Opinion on the compatibility with European standards of recent and planned amendments to the Russian legislation affecting NGOs*, 19 February 2021 ([1680a17b75 \(coe.int\)](#))

CONF/EXP(2020)4 – *Opinion on the compatibility with European standards of recent and planned amendments to the Greek legislation on NGO registration*, 2 July 2020 ([16809ee91d \(coe.int\)](#))

CONF/EXP(2020)3 – *Guidelines on protecting NGO work in support of refugees and other migrants*, May 2020 ([16809e4a81 \(coe.int\)](#))

CONF/EXP(2020)2 – *Opinion on the compatibility of amendments to the Turkish law on associations with European standards* April 2020 ([16809e4387 \(coe.int\)](#))

CONF/EXP(2019)1 – *Using criminal law to restrict the work of NGOs supporting refugees and other migrants in Council of Europe Member States*, December 2019 ([1680996969 \(coe.int\)](#))