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## New restrictions on NGO activities in Council of Europe member States

**Reply to Recommendation<sup>1</sup>:** Recommendation 2134 (2018)  
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly [Recommendation 2134 \(2018\)](#) entitled “New restrictions on NGO activities in Council of Europe member States”, which it has forwarded to the European Committee on Legal Co-operation (CDCJ) and the Conference of INGOs for information and possible comments.

2. The Committee considers that non-governmental organisations (NGOs) play a vital role in achieving the aims pursued by the Council of Europe and in the development of democracy, human rights and the rule of law in Europe. It reasserts the particular importance of ensuring NGOs’ freedom of action, in accordance with the principles of freedom of expression and association, protected by Articles 10 and 11 of the European Convention on Human Rights, which are among the fundamental principles of the Council of Europe. It notes that the exercise of these rights cannot be subject to restrictions other than those provided for in paragraph 2 of Articles 10 and 11 of the Convention.

3. The Committee of Ministers draws attention to its Recommendation [CM/Rec\(2018\)11](#) on the need to strengthen the protection and promotion of civil society space. In this text, adopted on 28 November 2018 (1330<sup>th</sup> meeting), the Committee expresses deep concern about the shrinking of civil society space resulting, *inter alia*, from the restrictive laws and policies and austerity measures taken recently by member States and the need to strengthen the protection and promotion of this space. To this end, it recommends to the governments of the member States to ensure that national legislation and practice comply with a series of principles set forth in the appendix to the Recommendation. The Recommendation is accompanied by a compilation and an analysis of the principal measures already in place and best practices in the member States. The Committee of Ministers will review the implementation of this Recommendation in five years’ time.

4. It should also be noted that the question of maintaining a safe and enabling environment for civil society is regularly raised within the Committee of Ministers, notably by the Secretary General, in his regular dialogue with the Ministers’ Deputies, and also by the Commissioner for Human Rights during her exchanges. This issue has also been the focus of a number of events designed *inter alia* to promote European standards in this area, including under the Finnish Chairmanship of the Committee of Ministers.

5. The Committee also reiterates its call on member States to fully implement Recommendation [CM/Rec\(2007\)14](#) on the legal status of non-governmental organisations in Europe. The European Committee on Legal Co-operation (CDCJ) will review the follow-up given by member States to Recommendation [CM/Rec\(2007\)14](#) within the framework of biennium 2020-2021, subject to the availability of the necessary resources. The Conference of INGOs has indicated its readiness to contribute to this review, in particular through the work of its Expert Council on NGO Law.

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1. Adopted at the 1334<sup>th</sup> meeting of the Ministers’ Deputies (16 January 2019).



6. As part of its review of the implementation of Recommendation [CM/Rec\(2007\)14](#), the CDCJ will study *inter alia* the desirability and feasibility of establishing an “alert mechanism” as proposed by the Parliamentary Assembly, subject to the availability of budgetary resources. The Committee of Ministers will only consider creating such a mechanism, however, if it would offer real added value, and taking due account of all existing procedures.
7. The Committee will also follow closely the project<sup>2</sup> aimed at reinforcing the right to freedom of association in Europe developed jointly with the Conference of INGO, subject to the availability of budgetary resources, with a view to receiving, analysing and assessing possible restrictions on the right to freedom of association in relation to Council of Europe standards and to allow for informed, timely reactions.
8. The Committee of Ministers underlines the unique contribution made by civil society to the process of developing and monitoring Council of Europe standards and the implementation of co-operation programmes. Co-operation with NGOs and their contribution, especially in human rights, rule of law and democracy issues, are most appreciated. Also the NGOs which make up the Conference of INGOs are genuine partners for the Committee of Ministers. There is a high level of interaction with NGOs, in particular at the level of the intergovernmental committees in which the Conference of INGO is also represented. It is recalled that the President of the Conference presents an annual report to the Ministers’ Deputies. A representative of the Conference is invited to participate in the Rapporteur Group on Democracy (GR-DEM) before and after each Plenary Session of the Conference in order to present the activities and proposals of the Conference. The Committee of Ministers encourages exchanges with the representatives of civil society, at the level of its various rapporteur groups, in accordance with the applicable rules. The Committee stands ready to develop its interaction with civil society still further, including in the context of any possible future debates on relevant issues, taking into account the intergovernmental nature of the Council of Europe and the rules on confidentiality.
9. In response to the recommendation made in paragraph 1.7 to develop guidelines on foreign funding of NGOs, the Committee confirms that the European Commission for Democracy through Law (Venice Commission) is preparing a report on this subject. The Committee has been informed that this report could lead to the adoption of general recommendations by the Venice Commission. The CDCJ, meanwhile, has indicated that the issue of foreign funding for NGOs will be dealt with as part of the review of the implementation of Recommendation [CM/Rec\(2007\)14](#) mentioned above.

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2. Project 1797 CoE Programme and Budget 2018-2019 pg. 102 doc. [CM\(2018\)1https://rm.coe.int/council-of-europe-programme-and-budget-2018-2019/16807761cd](https://rm.coe.int/council-of-europe-programme-and-budget-2018-2019/16807761cd).