



CONFERENCE OF INGOs
OF THE COUNCIL OF EUROPE

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CONSEIL DE L'EUROPE

Recommendation adopted on 28 January 2009 CONF/PLE(2009)REC1

First report of the Expert Council on NGO Law

The Conference of INGOs of the Council of Europe,

Referring to the first and second Regional NGO Congresses [Warsaw 2006 and Kyiv 2007] asking for the creation of an Expert Council on NGO Law which was formally created at the 2008 January Session of the Conference of INGOs ;

Underlining the ground-breaking nature of the correlative decision in October 2007 by the Committee of Ministers to adopt Recommendation [2007]14 on « The legal status of NGOs in Europe » which has provided a bedrock for the Expert Council's work, including fostering awareness, monitoring and implementation of the Recommendation;

Congratulating the Expert Council on the substantive content of this first thematic report on the theme « Conditions of Establishment of NGOs » and of the six illustrative country case studies included in it ;

Noting with appreciation the evidence in the Report that « in many countries in Europe international standards regarding the establishment of NGOs are being observed, either fully or to a very large extent » but that nevertheless a number of problems emerge ;

Highlighting that the following recommendations are addressed to

- the Council of Europe's Member States;
- Belarus where the Conference of INGOs is actively involved in supporting civil society and progress in the field of NGO legislation, in order to contribute to enabling that country to meet the criteria for accession to the Council of Europe.

Adopts in consequence the following recommendations:

1. legislative restrictions on the establishment of informal groupings should be repealed and their legitimacy should be clearly recognised as a matter of law;
2. the requirement for securing registration or acquiring legal personality should be simplified both to lighten the burden on those applying and to facilitate the administrative task of determining applications;
3. the restrictions on children, convicted persons and non-nationals from being founders of NGOs should be brought into line with the requirements of international standards;
4. formal time limits for decision-making by relevant authorities should be no more than two or three weeks and steps should be taken to ensure their observance, namely the provision of additional staff and of clear consequences for failure to meet them, whether a presumed refusal or positive decision;
5. legal grounds for refusal should be reformulated where they are insufficiently precise and they should be reviewed and modified to ensure their relevance and substantive compatibility with international standards;

6. decision-making with respect to the registration of NGOs or granting them legal personality should be protected from political influence and those charged with this role should be appropriately trained for the task;

7. effective and timely judicial control over decisions concerning registration and the grant of legal personality should be assured, with judges and lawyers being trained in the relevant international standards and being confident to rely on them in scrutinising refusals of registration or the grant of legal personality.

Requests its President and the President of the Expert Council, as appropriate, to convey and promote these recommendations to other relevant Council of Europe organs and partners, as well as to NGOs in Europe.