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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

In co-operation with

**OSCE/ODIHR
and
THE PRESIDENCY OF IRELAND
OF THE COMMITTEE OF MINISTERS
OF THE COUNCIL OF EUROPE**

International round table

**CIVIL SOCIETY:
EMPOWERMENT AND ACCOUNTABILITY**

**Council of Europe, Strasbourg
Room 9**

Tuesday, 13 September 2022

(Hybrid format)

PROGRAMME

Introduction - International Round Table

“Civil society: empowerment and accountability”

A vibrant and diverse civil society is an essential part of checks and balances in a stable and effective democracy. Civil society organisations depend on enabling legal environments that safeguard freedom of association and interrelated rights such as the rights to freedom of expression and opinion, freedom of assembly, freedom of thought, conscience and religion and the right to participate in public affairs. Supporting the role and diversity of civil society in member states, including human rights defenders, is one of the key strategic priorities of the Council of Europe and the OSCE.

The Venice Commission and ODIHR have devoted a lot of attention to freedom of association. In particular, in 2014, the Commission and ODIHR issued Joint Guidelines on Freedom of Association ([CDL-AD\(2014\)046](#)). Since then, important new issues have come to the forefront. A compilation (CDL-PI(2022)029) of the Commission’s work on this topic shows the variety of issues which it has addressed.

Two opposite trends can be observed in this respect recently. On the one hand, NGOs become more involved in public life, although at times they may face challenges in this process. Both the Venice Commission and ODIHR stress the importance of such involvement in order to make the process of public decision-making more participative, also helping to improve the quality of policy and legislative decisions, enhance the potential for their successful implementation and ultimately serve to increase public trust in public institutions.

On the other hand, some member States see a risk of undue interference with their internal affairs, especially when associations that receive foreign funding involved in public affairs. For the Venice Commission and ODIHR, overregulation in this sphere may have an adverse effect on public life and feed anti-democratic and illiberal political narratives. Limitations of freedom of associations must always be prescribed by law, have a legitimate aim and be necessary in a democratic society. Legal instruments aimed at combating terrorism and money laundering should not be abused or result in suppressing or discouraging dissident political voices within the country.

In the past decade, the Venice Commission and ODIHR have assessed legislation regulating foreign-funded associations, issues related to registration, reporting and disclosure-transparency requirements, and compliance of the national legislation with applicable international standards. In 2019, the Venice Commission adopted a report ([CDL-AD\(2019\)002](#)) on funding of associations. These matters deserve a further reflexion with a view to developing some concrete solutions on how to meet international standards while catering for legitimate concerns States may have.

The proposed roundtable will contribute to this reflexion by bringing together speakers from different categories: experts in international standards (including in the field of the fight against money laundering), members of the Venice Commission and ODIHR experts, representatives of domestic and international NGOs and of the national authorities from countries with a relevant experience. The roundtable will last one day (13/09/2022) and will start with an opening session, followed by two sessions.

The first part of the roundtable will be focused on various forms of participation of the civil society organisations in public life, and in particular in the law-making procedures and in the work of independent institutions. The speakers are invited to reflect on the distinction between political activities, lobbying, and civic activism.

The second part of the roundtable will focus on the regulations concerning foreign-funded NGOs, related to reporting obligations, labelling requirement, and their effect on freedom of association.

Speakers will be encouraged not only to identify the problems but also propose solutions (already existing or possible). At the end of the roundtable participants will be invited to discuss main conclusions.

Tuesday, 13 September 2022

09:00 - 10:00 OPENING ADDRESSES

Ms Marija PEJČINOVIĆ BURIĆ, Secretary General of the Council of Europe
 Mr Thomas BYRNE, High-level Representative of the Irish Presidency, Minister for European Affairs of Ireland (*pre-recorded address*)
 Ms Claire BAZY MALAURIE, President of the Venice Commission
 Mr Matteo MECACCI, Director of the OSCE/ODIHR
 Mr Tiny KOX, President of the Parliamentary Assembly of the Council of Europe (PACE)
 Ms Dunja MIJATOVIĆ, Human Rights Commissioner, Council of Europe (*online*)
 Mr Michael O'FLAHERTY, Director of the European Union Agency for Fundamental Rights (FRA)
 Mr Clément NYALETSSOSSI VOULE, Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, United Nations High Commissioner for Human Rights (*pre-recorded address*)

**10:00 - 12:30 PART I: PARTICIPATION OF THE CIVIL SOCIETY IN PUBLIC
DECISION- MAKING PROCESSES**

10:00 - 11:00 DEFINING THE FRAMEWORK

Moderator: Ms Frances FITZGERALD, MEP, Ireland

- *Presentation of the work of the Venice Commission regarding civil society participation in public decision-making processes, including law-making*
 Mr Richard BARRETT, Member of the Venice Commission in respect of Ireland, Law Reform Commissioner
- *Presentation of the work of ODIHR regarding civil society participation in public decision-making processes, including law-making*
 Ms Anne-Lise CHATELAIN, Acting Chief, ODIHR Legislative Support Unit
- *Presentation of the work of the Parliamentary Assembly of the Council of Europe regarding the participation of the civil society in public decision-making processes and particularly in the law-making*
 Ms Þórhildur Sunna ÆVARSDOTTIR, MP, General Rapporteur on the protection of human rights defender of the Parliamentary Assembly of the Council of Europe (PACE)
- *Presentation of the work of the Expert Council on NGO law on the participation of the civil society in public decision-making processes*
 Mr Jeremy McBRIDE, President of the Expert Council on NGO law, established by the Conference of International Non-Governmental Organisations of the Council of Europe

11:00 - 11:20 Coffee-break

11:20 - 11:30 Sharing experience

- Ms Natalia SATSUNKEVICH, representative of the “Viasna Human Rights Center” NGO, Belarus

11:30 - 12:30 FIRST PANEL: PARTICIPATION OF ASSOCIATIONS IN PUBLIC DECISION-MAKING PROCESSES

Moderator: Mr Jacopo LEONE, Special Advisor to ODIHR Director

- *Presentation of the Polish experience regarding participation of associations in public decision-making processes*
Ms Małgorzata SZULEKA, Head of Advocacy, Helsinki Foundation for Human Rights, Poland
- *Presentation on the Participation of Civil Society Organizations (CSO) in the work of National Human Rights Institutions (NHRI) in Georgia*
Mr Giorgi BURJANADZE, Deputy Public Defender, Georgia
- *Presentation of Estonian experience regarding participation of associations in public decision-making processes*
Mr Ivar HENDLA, Strategic Advisor for the Government Office, Estonia

12:30-14:30 Lunch break, Council of Europe, Restaurant Bleu**14:30 – 18:00 PART II: FOREIGN FUNDING OF ASSOCIATIONS****14:30 - 15:30 DEFINING THE FRAMEWORK**

Moderator : Mr Luigi MALFERRARI, Legal Service, European Commission

- *Presentation on the European Court of Human Rights case-law on the freedom of associations in the context of foreign funded associations*
Mr Darian PAVLI, Judge of the European Court of Human Rights (ECtHR) on behalf of Albania
- *Presentation of the work of the Venice Commission regarding regulations of the foreign-funded associations*
Ms Veronika BÍLKOVÁ, Member of the Venice Commission in respect of Czech Republic, Lecturer, Law Faculty, Charles University, Prague
- *Presentation of the work of ODIHR regarding regulations of the foreign-funded associations*
Ms Marta ACHLER, International Law Expert, Former Deputy Head of ODIHR Democratization Department
- *Presentation of the FATF's normative approaches to NGO financing and the effects of these normative approaches on civil society*
Mr Ashish KUMAR, Team Lead, Financial action task force (FATF)

15:30 - 15:50 Coffee-break

15:50 - 16:00**Sharing experience**

- Mr Grigory VAYPAN, Lawyer, ex-Memorial, Russian Federation

16:00 - 17:30**SECOND PANEL: LEGITIMATE OBLIGATIONS OF FOREIGN-FUNDED NGOs**

Moderator : Ms Simona GRANATA-MENGHINI, Director, Secretary of the Venice Commission

- *Presentation of the case-law of the Council of State of France*
Mr Yves DOUTRIAUX, Member of the Council of State, former Ambassador to the ODIHR
- *Presentation of the experience of civil society in Turkey concerning regulation on foreign funding of associations*
Ms Rana KOTAN, Third Sector Foundation (TUSEV), Türkiye (*online*)
- *Presentation of Hungarian experience in the field of the application of the legislation on NGOs receiving foreign funds*
Mr Kornél JAKAB, Auditor of the State Audit Office of Hungary (*online*)

17:30 - 18:00**CONCLUDING SESSION**

- Mr Kaarlo TUORI, Honorary President of the Venice Commission, Professor of Jurisprudence, Department of Public Law, University of Helsinki, Finland
- Mr Konstantine VARDZELASHVILI, Head of the Democratization Department, ODIHR