Vereniging Nederlandse Organisaties Vrijwilligerswerk

Input for the public consultation on the draft revised Recommendation on the legal status of civil society organisations

Dear Madam/Sir,

We suggest a number of small improvements to this valuable and important document. In addition, we propose several new paragraphs addressing issues that reflect the harsh (economic) realities faced by some CSOs, to help ensure they can fulfil their vital role in society.

I. Basic Principles

(Page 4–5, Paragraphs 6 & 8)

- CSOs must not be subject to direction by public authorities, nor to indirect influence through selective or disproportionate funding conditions, discriminatory taxation, or administrative burdens.
- The legal and fiscal framework applicable to CSOs must constitute a safe and enabling environment, online and offline. Member States must protect CSOs, their members and volunteers against harassment, intimidation, violence, stigmatisation and reprisals, including through effective investigation, prosecution and remedies.
- States must actively support digital security and encryption for CSOs and ensure protection against unlawful surveillance *(see also para. 70, page 10)*.
- New paragraph: Protection of Volunteers. Volunteers are essential to CSOs but often lack legal protection. States must ensure that volunteers working with CSOs are protected under labour, insurance, and safety regulations, and are not penalised for their civic engagement.

II. Objectives

(Page 5, Paragraph 13)

- CSOs must be free to undertake research, education and advocacy on issues of public debate, regardless of alignment with government policy.
- Advocacy based on international standards must not be regarded as foreign interference.
- States must actively protect this right from undue restriction or stigmatisation.

VI. Funding, Property and Public Support

(Pages 8–9, Paragraphs 51, 52, 58, 62)

- CSOs must be free to solicit and receive funding from domestic and international sources. Such funding must be protected against discriminatory or stigmatising legislation or practices.
- Banks and financial institutions must not refuse services to CSOs without objective and transparent justification.
- Public support must be governed by objective, transparent, and non-discriminatory criteria, inclusive of minority and dissenting voices.

- Receipt of public support must not restrict CSOs' freedom of expression or advocacy. Any withdrawal must be based on clear, proportionate grounds and subject to independent judicial review.
- New paragraph: Support for Innovation and Capacity Building. CSOs need to evolve and adapt to new challenges. States should provide funding and training opportunities for CSOs to innovate, build capacity, and adopt new technologies, especially in underserved or emerging areas.
- New paragraph: Emergency Support Mechanisms. CSOs are often first responders in crises but lack emergency funding. States must establish emergency support mechanisms to ensure CSOs can continue operating during crises such as pandemics, natural disasters, or political upheaval.
- New Paragraph: Where CSOs are expected or required to contribute to the implementation of legislation, public policies, or government programmes — including through service delivery, public education, monitoring, or consultation — States must provide adequate financial support to enable them to fulfil these roles effectively and sustainably. Such support must be timely, proportionate to the scope of the required activities, and free from political or ideological conditionality.
- New paragraph: Access to Public Infrastructure. CSOs often need physical spaces or digital tools to operate effectively. States should facilitate access for CSOs to public infrastructure such as meeting spaces, communication platforms, and digital tools, either free of charge or at reduced rates.

VII. Accountability

(Page 10, Paragraphs 64, 70, 73)

- Disclosure and reporting requirements must be proportionate to the size and resources of the organisation, avoiding undue burdens on smaller CSOs.
- CSOs must not be subject to search and seizure or surveillance without objective grounds and judicial authorisation.
- Suspension of activities must only occur in exceptional circumstances, with prior judicial authorisation, and must never be used as a punitive measure against legitimate civic activity.
- CSOs must have access to free legal aid in disputes with public authorities, especially when fundamental rights are at stake *(see para. 10, page 5)*.
- New paragraph: States must ensure that CSOs have access to independent ombudspersons or legal aid services to address grievances and defend their rights.
- New paragraph: Administrative Simplification. Many CSOs struggle with complex registration, reporting, and compliance procedures. States must ensure that administrative procedures for CSOs — including registration, reporting, and compliance — are streamlined and proportionate to the size and capacity of the organisation.

VIII. Participation in Decision-Making

(Page 11, Paragraphs 77–78)

- Recognition in Public Policy. CSOs are often excluded from strategic planning and policy development. States must formally recognise CSOs as strategic partners in public policy development and implementation, including in national development plans and crisis response frameworks.
- States must ensure equal and effective participation of CSOs in all phases of political decision-making, including timely access to information and structured consultation processes.
- States must provide feedback on how CSO input has been taken into account.
- Consultation on legislation affecting CSOs must be inclusive, transparent, and allow sufficient time for meaningful input.
- New Paragraph: States must provide adequate financial support for CSOs that have insufficient resources to give good input on legislation.

IX. Foreign CSOs

(Page 11, Paragraph 82)

- States must facilitate the continued operation of CSOs forced to relocate due to repression. This includes expedited registration procedures, temporary legal recognition, and access to funding and operational support.

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