

COMPENDIUM OF INTERNATIONAL LEGAL INSTRUMENTS AND OTHER INTER- GOVERNMENTAL COMMITMENTS CONCERNING CORE CIVIL SOCIETY RIGHTS

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Updated January 2010



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I. Preface

The practical realisation of core civil society freedoms to express, associate and assemble, which are contained in a vast body of international law and inter-governmental commitments, is critical to civic existence and effective citizen participation. Nevertheless, in various contexts around the world, civil society faces new and increasing infringements on fundamental rights and the exercise of basic civil liberties and political freedoms.

This compendium collates and consolidates various commitments made by national governments - both regionally and at the UN- to assure necessary space to civil society to carry out its activities. It is intended to be a reference point for civil society organisations and human rights defenders in their efforts to realise such rights commitments and guard against infringements.

CIVICUS: World Alliance for Citizen Participation seeks to bring together key stakeholders committed to strengthening civil society and helps build their capacity to utilise existing mechanisms, while constantly striving for new and innovative means to enhance the ability and reach of the sector. CIVICUS hopes that this comprehensive and accessible document will spur efforts to enhance and defend the right of civic association and citizen participation across the globe. For the purposes of this compendium and in its work, CIVICUS seeks to construe the term 'citizen' in its broadest possible sense, which does not necessarily imply legal citizenship in any specific country.

This compendium is the first attempt to consolidate international standards and commitments relevant to civil society. It is a work in progress. Input and feedback on how the compendium can be made more inclusive, accessible and resourceful is welcome.

About CIVICUS: World Alliance for Citizen Participation

CIVICUS: World Alliance for Citizen Participation is an international alliance of members and partners which constitute an influential network of organisations at the local, national, regional and international levels, and span the spectrum of civil society including: civil society networks and organisations; trade unions; faith-based groups; professional associations; NGO capacity development organisations; philanthropic foundations and other funding bodies; businesses; and social responsibility programmes. CIVICUS has worked for over a decade to strengthen citizen action and civil society throughout the world, especially in areas where participatory democracy and citizens' freedom of association are threatened. CIVICUS has a vision of a global community of active, engaged citizens committed to the creation of a more just and equitable world. This is premised on the belief that the health of societies exists in direct proportion to the degree of balance between the state, the private sector and civil society. CIVICUS provides a focal point for knowledge-sharing, common interest representation, global institution-building and engagement among these disparate sectors. It acts as an advocate for citizen participation as an essential component of governance and democracy worldwide. CIVICUS seeks to amplify the voices and opinions of ordinary people and it gives expression to the enormous creative energy of the burgeoning sector of civil society.

(For more information visit www.civicus.org)

II. Introduction

Definition of Civil Society and the imperative to protect it

The Civil Society Index Programme of CIVICUS defines civil society as *“The arena – outside of the family, the state, and the market – which is created by individual and collective actions, organisations and institutions to advance shared interests”*.

This formulation includes non-governmental organisations, private voluntary organisations, peoples’ movements, community-based organisations, trade unions, charities, social and sports clubs, cooperatives, environmental groups, professional associations, consumer organisations, faith-based organisations and the not for profit media, in the definition of civil society.

A strong, vigorous and independent civil society is an asset to society for several reasons. Civic existence provides individuals and groups with vital space to pursue and protect their varied interests (e.g. culture, recreation, sport, social and humanitarian assistance). The existence of such space also ensures that individuals and groups are legally able to put forward diverse - and sometimes competing – interests. This is crucial to participatory democracy. The existence of numerous and diverse civic organisations offers a vital medium for citizens to engage with government.

Core Civil Society Rights

Meaningful civic existence and effective citizen participation are rooted in the fundamental right of citizens to express, associate and assemble. Notably, these rights are guaranteed by law, in national constitutions as well as in primary legislation. They also figure in most of the international and regional human rights instruments and, significantly, are part of countries’ obligations under international law. States are obliged not only to respect and promote these rights but also protect them from being infringed by both state and non-state actors.

The right to freely express is seminal to civil society’s existence. It includes the right to access information, critically evaluate and speak out against official policies and actions as well as those of non-state actors and publicly draw attention to and carry out advocacy actions to promote shared concerns without fear of retribution from any quarter. Civil society organisations are also assured the freedom to carry out investigations and document their findings under this right. International law mandates that the freedom of expression can only be restricted in certain limited circumstances where it

is necessary to protect the rights and reputations of others and to safeguard national security, public order, public health and morals. The margin for limitation is very narrow and the existence of the right itself cannot be put in jeopardy.

The right to freely associate includes the right to establish a civil society organisation and also to freely join one. Individuals may operate civil society organisations and participate in their activities without fear or unwarranted interference. Freedom of association also encompasses the right to establish branches, recruit staff, raise funds freely, to fair taxation levels and to affiliate and cooperate with other organisations locally, nationally or internationally. International law protects the freedom of association and obligates states not to interfere with this right except through law and where it is necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. Like the freedom of expression, the margin for restricting this right is very limited. State actions must lean in favour of permitting civil society activities and creating an enabling environment for civil society to function and thrive.

The right to freely assemble assures civil society the freedom to exercise legitimate dissent through peaceful forms of protest as well as organise meetings and hold demonstrations to forward matters of common interest. International law places the same limitations in the restriction of this right as in the case of freedom of association. Moreover, international standards limit the use of force by the authorities in controlling public assemblies.

The International Legal Framework for Civil Society

The international legal framework on core civil society rights is enshrined in a wide range of international agreements and other legal instruments.

International agreements are commonly called treaties in the context of international law. Depending on the nature and purpose of a treaty, it can also be referred to as a *covenant, convention, charter, accord, protocol or agreement*.

A treaty is generally a legally binding instrument meaning that the implementation of the obligations undertaken by its state parties can be enforced by international law. Nevertheless, this engagement must have the express consent of the parties to the treaty.

A state can become a party to a treaty by ratification, accession or succession. *Ratification* is the formal consent of the state to be bound to the obligations expressed in the legal instrument. The effect of *accession* is similar to ratification, the difference being in the process (countries that have not signed a treaty prior to its coming into force, accede to a treaty rather than ratify it). A state may also become a party to a treaty by *succession*, when there is a specific provision in the legal instrument, or by a declaration.

States can also make *reservations* to a treaty. This means that the state which ratifies the treaty does not agree to be bound to specific provisions in the legal instrument. This can be done only if the reservations do not defeat the purpose or the object of the treaty.

Core civil society freedoms of expression, association and assembly are also found in other international instruments that are not inherently legally binding, such as *international declarations, proclamations, standard rules, guidelines, recommendations and principles*. Nevertheless, states are expected to adhere to them as a moral obligation to the international community and to their own populations.

III. International, Regional and Sub-Regional Commitments relevant to Civil Society

A. United Nations (UN) and the International Labour Organisation (ILO)

1. Universal Declaration on Human Rights (UDHR)
2. International Covenant on Civil and Political Rights (ICCPR)
3. International Covenant on Economic Social and Cultural Rights (ICESCR)
4. International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
5. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
6. Convention on the Rights of the Child (CRC)
7. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)
8. International Convention for the Protection of All Persons from Enforced Disappearance
9. Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
10. Right to Organise and Collective Bargaining Convention, 1940 (No. 98)
11. Indigenous and Tribal Peoples Convention, 1989 (No. 169)
12. United Nations Convention against Corruption
13. Convention on the Rights of Persons with Disabilities
14. Convention relating to the Status of Refugees
15. Convention on the Status of Stateless Persons
16. Convention on Access to Information, Public Participation in Decision and Access to Justice in Environmental Matters (Aarhus Convention)
17. United Nations Principles of Older Persons
18. United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
19. United Nations Basic Principles on the Role of Lawyers
20. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms
21. ILO Declaration on Fundamental Principles and Rights at Work
22. Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities

23. Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief
24. Declaration on the Rights of Disabled Persons
25. Declaration on Social Progress and Development
26. The Vienna Declaration and Programme of Action
27. United Nations Millennium Declaration
28. Rio Declaration on Environment and Development
29. Declaration of Montevideo Democratic Culture and Governance
30. Declaration of the 44th Session of the International Conference on Education
31. 2005 World Summit Outcome
32. Policies and Programmes involving Youth: Youth in the Global Economy-Promoting Youth Participation in Social and Economic Development
33. Monterrey Consensus of the International Conference on Financing for Development

United Nations (UN)

1) Universal Declaration on Human Rights (UDHR)

Type of Instrument: Declaration	Region: International	Organisation: United Nations (UN)
Status: Not legally binding	Structure: Preamble and 30 articles	Date of adoption / entry into force: Adopted on 10 December 1948
<p>Description:</p> <p>The UDHR was adopted by the United Nations General Assembly in 1948 after the end of the Second World War as a common standard of achievement for all peoples and all nations. Apart from core civil society rights to express, associate and assemble, the UDHR assures fundamental human rights to all people - both civil and political as well as economic, social and cultural.</p> <p>The UDHR is the source from which various human rights treaties and instruments have been developed. Although conceived as a Declaration as opposed to a treaty, today, the UDHR is widely regarded as a part of international customary law.¹</p>		
<p>Parts related to Core Civil Society Rights:</p> <p>Article 19 [Freedom of Expression] <i>Everyone has the right to <u>freedom of opinion and expression</u>; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.</i></p> <p>Article 20 [Freedom of Assembly and Association] <i>1. Everyone has the right to <u>freedom of peaceful assembly and association</u>. 2. No one may be compelled to belong to an association.</i></p>		
<p>Other elements relevant to Civil Society within this instrument:</p> <p>Article 18 [Freedom of Thought] <i>Everyone has the right to <u>freedom of thought, conscience and religion</u>, this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.</i></p>		

¹ See Office of the High Commissioner for Human Rights, United Nations Staff College Project, Human Rights: A basic handbook for UN staff, United Nations, 2000, p.11. Available at <http://www.unhchr.ch/html/menu6/handbook.pdf>

Article 21**[Participation in Government]**

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right to equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 23**[Right to Organise]**

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 28**[Just Social and International Order]**

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised.

On-line version:

<http://www.un.org/en/documents/udhr/>

Related Legal Instruments:

- Charter of the United Nations

Related Web Links:

- United Nations: www.un.org
- Office of the High Commissioner for Human Rights: www.ohchr.org

2) International Covenant on Civil and Political Rights (ICCPR)

Type of Instrument: Treaty	Region: International	Organisation: United Nations (UN)
Status: 165 State parties Agreement enforced by International Law	Structure: Preamble, 6 parts, and 53 articles	Date of adoption / entry into force: Adopted on 16 December 1966 Entry into force 23 March 1976
<p>Description:</p> <p>The ICCPR is the key international treaty enshrining civil and political rights. It addresses the State's traditional responsibilities for administering justice and maintaining the rule of law.²</p> <p>The Human Rights Committee monitors how State parties comply with this treaty. States are required to submit reports to the Human Rights Committee within one year of becoming a party to the Covenant and whenever the Committee requests (usually every four years). The ICCPR has two Optional Protocols. The first Protocol recognises the competence of the Human Rights Committee to receive and consider communications (human rights violations complaints) from individuals. The Second Protocol aims to abolish the death penalty.</p> <p>Parts related to Core Civil Society Rights:</p> <p>Article 19 [Freedom of Expression]</p> <p>1. Everyone shall have the right to hold opinions without interference.</p> <p>2. Everyone shall have the <u>right to freedom of expression</u>; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.</p> <p>3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:</p> <p>(a) For respect of the rights or reputations of others;</p> <p>(b) For the protection of national security or of public order (<i>ordre public</i>), or of public health or morals.</p> <p>Article 22 [Freedom of Assembly]</p> <p>The <u>right of peaceful assembly</u> shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (<i>ordre public</i>), the protection of public health or morals or the protection of the rights and freedoms of others.</p>		

² See Office of the High Commissioner for Human Rights, United Nations Staff College Project, Human Rights: A basic handbook for UN staff, United Nations, 2000, p.12. Available at <http://www.unhchr.ch/html/menu6/handbook.pdf>

Article 22**[Freedom of Association]**

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.
3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

Other elements relevant to Civil Society within this instrument:

Article 18**[Freedom of Thought]**

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 25**[Citizen Participation]**

- Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:
- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
 - (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
 - (c) To have access, on general terms of equality, to public service in his country.

Article 26**[Equality and Non-Discrimination]**

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27**[Minority Rights]**

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

On-line version:

<http://www2.ohchr.org/english/law/ccpr.htm>

Related Legal Instruments:

- First Optional Protocol to the International Covenant on Civil and Political Rights
- Second Optional Protocol to the International Covenant on Civil and Political Rights

Related Web Links:

- United Nations: www.un.org
- Office of the High Commissioner for Human Rights: www.ohchr.org
- Human Rights Committee: <http://www2.ohchr.org/english/bodies/hrc/index.htm>
- Individual Complaints: <http://www2.ohchr.org/english/bodies/petitions/index.htm>
- Special Rapporteur on the Situation of Human Rights Defenders
<http://www2.ohchr.org/english/issues/defenders/index.htm>
- Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and expression: <http://www2.ohchr.org/english/issues/opinion/index.htm>
- Special Rapporteur on the Freedom of Religion and Belief:
<http://www2.ohchr.org/english/issues/religion/index.htm>
- Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism: <http://www2.ohchr.org/english/issues/terrorism/rapporteur/srchr.htm>

3) International Covenant on Economic Social and Cultural Rights (ICESCR)

Type of Instrument: Treaty	Region: International	Organisation: United Nations (UN)
Status: 160 State parties Agreement enforced by International Law	Structure: Preamble, 5 parts and 31 articles	Date of adoption / entry into force: Adopted on 16 December 1966 Entry into force 3 January 1976
<p>Description:</p> <p>The ICESCR embodies legal provisions related to economic, social and cultural rights. States are required to take positive steps to implement these rights, to the maximum of their resources, in order to achieve the progressive realisation of the rights recognised in the Covenant, particularly through the adoption of domestic legislation.³</p> <p>The Economic and Social Council is responsible for monitoring the implementation of the Covenant by the States parties. The Committee on Economic, Social and Cultural Rights is the delegated body to fulfil this task. States are required to report to the Committee within two years of becoming a party to the Covenant and thereafter every five years.</p>		
<p>Parts related to Core Civil Society Rights:</p> <p>Article 8 [Freedom of Association and the Right to Organise] 1. <i>The States Parties to the Present Covenant undertake to ensure:</i> (a) <i>The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organisation concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;</i> (b) <i>The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organisations;</i> (c) <i>The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;</i> (d) <i>The right to strike, provided that it is exercised in conformity with the laws of the particular country.</i> 2. <i>This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.</i></p>		

³ See Office of the High Commissioner for Human Rights, United Nations Staff College Project, Human Rights: A basic handbook for UN staff, United Nations, 2000, p.12. Available at <http://www.unhchr.ch/html/menu6/handbook.pdf>

3. Nothing in this article shall authorise States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organise to take legislative measures which would prejudice, or apply the law in such manner as would prejudice, the guarantees provided for in that Convention.

On-line version:

<http://www2.ohchr.org/english/law/cescr.htm>

Related Web Links:

- United Nations: www.un.org
- Office of the High Commissioner for Human Rights: www.ohchr.org
- Committee on Economic, Social and Cultural Rights:
<http://www2.ohchr.org/english/bodies/cescr/>
- Open-ended Working Group to consider options regarding the elaboration of an optional protocol to the ICESCR: <http://www2.ohchr.org/english/issues/escr/group3.htm>

4) International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

Type of Instrument: Treaty	Region: International	Organisation: United Nations (UN)
Status: 173 State parties Agreement enforced by International Law	Structure: Preamble, 3 parts and 25 articles	Date of adoption / entry into force: Adopted on 21 December 1965 Entry into force 4 January 1969
Description: The United Nations General Assembly resolved to adopt ICERD to eliminate racial discrimination in all its forms and manifestations in the enjoyment of fundamental freedoms in all fields of civil, economic, political, social and cultural life. The Committee on the Elimination of Racial Discrimination is the body responsible for monitoring the implementation of the Convention by the States parties.		
Parts related to Core Civil Society Rights: Article 5 [Enjoyment of Human Rights] <i>In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:</i> (i) <i>The right to equal treatment before the tribunals and all other organs administering justice;</i> (ii) <i>The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;</i> (iii) <i>Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;</i> (iv) <i>Other civil rights, in particular:</i> (i) <i>The right to freedom of movement and residence within the border of the State;</i> (ii) <i>The right to leave any country, including one's own, and to return to one's country;</i> (iii) <i>The right to nationality;</i> (iv) <i>The right to marriage and choice of spouse;</i> (v) <i>The right to own property alone as well as in association with others;</i> (vi) <i>The right to inherit;</i> (vii) <i>The right to freedom of thought, conscience and religion;</i> (viii) <i>The right to freedom of opinion and expression;</i> (ix) <i>The right to freedom of peaceful assembly and association;</i> (e) <i>Economic, social and cultural rights, in particular:</i> (i) <i>The rights to work, to free choice of employment, to just and favourable conditions of</i>		

work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;

(ii) *The right to form and join trade unions;*

(iii) *The right to housing;*

(iv) *The right to public health, medical care, social security and social services;*

(v) *The right to education and training;*

(vi) *The right to equal participation in cultural activities;*

(f) *The right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.*

On-line version:

<http://www2.ohchr.org/english/law/cerd.htm>

Related Legal Instruments:

- Declaration on Race and Racial Prejudice

Related Web Links:

- United Nations: www.un.org
- Office of the High Commissioner for Human Rights: www.ohchr.org
- Committee on the Elimination of Racial Discrimination:
<http://www2.ohchr.org/english/bodies/cerd/>
- Individual Complaints: <http://www2.ohchr.org/english/bodies/petitions/index.htm>
- Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance: <http://www2.ohchr.org/english/issues/racism/rapporteur/>
- The World Conference against racism, racial discrimination, xenophobia and related intolerance (Durban World Conference): <http://www.un.org/WCAR/>

5) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Type of Instrument: Treaty	Region: International	Organisation: United Nations (UN)
Status: 186 State parties Agreement enforced by International Law	Structure: Preamble, 6 parts and 30 articles	Date of adoption / entry into force: Adopted on 18 December 1979 Entry into force 3 September 1981
Description: <p>The CEDAW provides the basis for realising equality between women and men through ensuring women's equal access to, and equal opportunities in, political and public life as well as education, health and employment. States parties agree to take all appropriate measures, including legislation and temporary special measures, so that women can enjoy all their human rights and fundamental freedoms.⁴ The Committee on the Elimination of Discrimination against Women is the body responsible for monitoring the implementation of the Convention by the States parties.</p>		
<p>Relevant elements to Civil Society within this instrument:</p> <p>Article 7 [Participation of Women] <i>States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:</i></p> <p>(a) <i>To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;</i></p> <p>(b) <i>To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;</i></p> <p>(c) <i>To participate in non-governmental organizations and associations concerned with the public and political life of the country.</i></p>		
On-line version: http://www2.ohchr.org/english/law/cedaw.htm		
Related Legal Instruments: <ul style="list-style-type: none"> • Optional Protocol to the Convention on the Elimination of Discrimination against Women 		
Related Web Links: <ul style="list-style-type: none"> • United Nations: www.un.org • Office of the High Commissioner for Human Rights: www.ohchr.org • Committee on the Elimination of Discrimination against Women: http://www.un.org/womenwatch/daw/cedaw/committee.htm 		

⁴ See Office of the High Commissioner for Human Rights, United Nations Staff College Project, Human Rights: A basic handbook for UN staff, United Nations, 2000, p.15. Available at <http://www.unhcr.ch/html/menu6/handbook.pdf>

- Commission on the Status of Women: <http://www.un.org/womenwatch/daw/csw/>
- Individual Complaints: <http://www2.ohchr.org/english/bodies/petitions/index.htm>

6) Convention on the Rights of the Child (CRC)

Type of Instrument: Treaty	Region: International	Organisation: United Nations (UN)
Status: 193 State parties Agreement enforced by International Law	Structure: Preamble, 3 parts and 46 articles	Date of adoption / entry into force: Adopted on 20 November 1989 Entry into force 2 September 1990
Description: The CRC comprises principles for the implementation of the rights of the child. The Convention includes the principle of non-discrimination, ensuring equal opportunity; decisions taken by the States must give prime consideration for the best interest of children; the right to life, survival and development; and the right to freedom of expression and opinion. ⁵ The Committee on the Rights of the Child is the body responsible for monitoring the implementation of the Convention by the States Parties.		
Parts related to Core Civil Society Rights : Article 13 [Freedom of Expression] 1. <i>The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.</i> 2. <i>The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:</i> (a) <i>For respect of the rights or reputations of others; or</i> (b) <i>For the protection of national security or of public order (ordre public), or of public health or morals.</i> Article 15 [Freedom of Association and Assembly] 1. <i>States Parties recognise the rights of the child to freedom of association and to freedom of peaceful assembly.</i> 2. <i>No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.</i>		
Other elements relevant to Civil Society within this instrument: Article 14 [Freedom of Thought] 1. <i>States Parties shall respect the right of the child to freedom of thought, conscience and</i>		

⁵ See Office of the High Commissioner for Human Rights, United Nations Staff College Project, Human Rights: A basic handbook for UN staff, United Nations, 2000, p.16. Available at <http://www.unhcr.ch/html/menu6/handbook.pdf>

religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

On-line version:

<http://www2.ohchr.org/english/law/crc.htm>

Related Web Links:

- United Nations: www.un.org
- Office of the High Commissioner for Human Rights: www.ohchr.org
- Committee on the Rights of the Child: <http://www2.ohchr.org/english/bodies/crc/>
- Individual Complaints: <http://www2.ohchr.org/english/bodies/petitions/index.htm>
- United Nations Children's Fund (UNICEF): www.unicef.org

7) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)

Type of Instrument: Treaty	Region: International	Organisation: United Nations (UN)
Status: 42 State parties Agreement enforced by International Law	Structure: Preamble, 9 parts and 93 articles	Date of adoption / entry into force: Adopted on 18 December 1990 Entry into force 1 July 2003
Description: <p>The ICRMW stipulates that persons who are considered as migrant workers under its provisions are entitled to enjoy their human rights throughout the migration process, including preparation for migration, transit, stay and return to their State of origin or habitual residence. With regard to working conditions, migrant workers are entitled to conditions equivalent to those extended to nationals of the host States, including the right to join trade unions, the right to social security and the right to emergency health care.⁶ The Committee on Migrant Workers is the body responsible for monitoring the implementation of the Convention by the States parties.</p>		
<p>Parts related to Core Civil Society Rights:</p> <p>Article 13 [Freedom of Expression] <i>1. Migrant workers and members of their families shall have the right to hold opinions without interference.</i></p> <p><i>2. Migrant workers and members of their families shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of their choice.</i></p> <p><i>3. The exercise of the right provided for in paragraph 2 of the present article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:</i></p> <p><i>(a) For respect of the rights or reputation of others;</i> <i>(b) For the protection of the national security of the States concerned or of public order (ordre public) or of public health or morals;</i> <i>(c) For the purpose of preventing any propaganda for war;</i> <i>(d) For the purpose of preventing any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.</i></p> <p>Article 26 [Freedom of Assembly] <i>1. States Parties recognize the right of migrant workers and members of their families:</i></p>		

⁶ See Office of the High Commissioner for Human Rights, United Nations Staff College Project, Human Rights: A basic handbook for UN staff, United Nations, 2000, p.17. Available at <http://www.unhchr.ch/html/menu6/handbook.pdf>

- (a) To take part in meetings and activities of trade unions and of any other associations established in accordance with law, with a view to protecting their economic, social, cultural and other interests, subject only to the rules of the organization concerned;
- (b) To join freely any trade union and any such association as aforesaid, subject only to the rules of the organization concerned;
- (c) To seek the aid and assistance of any trade union and of any such association as aforesaid.

2. No restrictions may be placed on the exercise of these rights other than those that are prescribed by law and which are necessary in a democratic society in the interests of national security, public order (ordre public) or the protection of the rights and freedoms of others.

Article 40

[Freedom of Association (documented Migrant Workers)]

1. Migrant workers and members of their families shall have the right to form associations and trade unions in the State of employment for the promotion and protection of their economic, social, cultural and other interests.

2. No restrictions may be placed on the exercise of this right other than those that are prescribed by law and are necessary in a democratic society in the interests of national security, public order (ordre public) or the protection of the rights and freedoms of others.

Other elements relevant to Civil Society within this instrument:

Article 12

[Freedom of Thought]

1. Migrant workers and members of their families shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of their choice and freedom either individually or in community with others and in public or private to manifest their religion or belief in worship, observance, practice and teaching.

2. Migrant workers and members of their families shall not be subject to coercion that would impair their freedom to have or to adopt a religion or belief of their choice.

3. Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

4. States Parties to the present Convention undertake to have respect for the liberty of parents, at least one of whom is a migrant worker, and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 41

[Political Rights (documented Migrant Workers)]

1. Migrant workers and members of their families shall have the right to participate in public affairs of their State of origin and to vote and to be elected at elections of that State, in

accordance with its legislation.

2. The States concerned shall, as appropriate and in accordance with their legislation, facilitate the exercise of these rights.

On-line version:

<http://www2.ohchr.org/english/law/cmw.htm>

Related Legal Instruments:

- Convention concerning Migration for Employment (No. 97)
- Recommendation concerning Migration for Employment (No. 86)
- Recommendation concerning Migrant Workers (No.151)

Related Web Links:

- United Nations: www.un.org
- Office of the High Commissioner for Human Rights: www.ohchr.org
- Human Rights Committee: <http://www2.ohchr.org/english/bodies/hrc/index.htm>
- Individual Complaints: <http://www2.ohchr.org/english/bodies/petitions/index.htm>
- Special Rapporteur of the Commission on Human Rights on the Human Rights of Migrants: <http://www2.ohchr.org/english/issues/migration/rapporteur/>
- International Labour Organization (ILO): www.ilo.org

8) International Convention for the Protection of All Persons from Enforced Disappearance

Type of Instrument: Treaty	Region: International	Organisation: United Nations (UN)
Status: Not legally binding [Pending Entry into Force]	Structure: Preamble, 3 parts and 45 articles	Date of adoption / entry into force: Adopted on 20 December 2006. Entry into force: Pending Ratification by 20 State parties
Description: <p>The International Convention for the Protection of All Persons from Enforced Disappearance defines what is meant by “enforced disappearance” and establishes a commitment among States Parties to the Convention to actively investigate and prevent the practice of enforced disappearance. The Convention guarantees persons subjected to enforced disappearance the rights of due process and access to remedies and compensation, including an obligation upon states to bring the responsible offenders to justice. The Convention is governed by the Committee on Enforced Disappearances and includes a self-reporting mechanism obligatory upon State Parties. The Convention also includes an optional complaints procedure which entitles individuals the right to seek assistance from the Committee in locating a disappeared person.</p>		
<p>Parts related to Core Civil Society Rights:</p> <p>Article 24 [Freedom of Association] <i>7. Each State Party shall guarantee the right to form and participate freely in organizations and associations concerned with attempting to establish the circumstances of enforced disappearances and the fate of disappeared persons, and to assist victims of enforced disappearance.</i></p>		
On-line version: http://www2.ohchr.org/english/law/disappearance-convention.htm		
Related Legal Instruments: <ul style="list-style-type: none"> • Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) • Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) • Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment • Code of Conduct for Law Enforcement Officials • Body of Principles for the Protection of all Persons under any form of Detention or Imprisonment • Standard Minimum Rules for the Treatment of Prisoners 		

- Basic Principles for the Treatment of Prisoners
- Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power
- Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions
- Declaration on the Protection of All Persons from Enforced Disappearance

Related Web Links:

- United Nations: www.un.org
- Office of the High Commissioner for Human Rights: www.ohchr.org
- Human Rights Committee: <http://www2.ohchr.org/english/bodies/hrc/index.htm>
- Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions:
<http://www2.ohchr.org/english/issues/executions/>

**9) Freedom of Association and Protection of the Right to Organise Convention, 1948
(No.87)**

Type of Instrument: Treaty	Region: International	Organisation: International Labour Organization (ILO)
Status: 150 State parties Agreement enforced by International Law	Structure: Preamble, 4 parts and 21 articles	Date of adoption / entry into force: Adopted on 9 July 1948 Entry into force 4 July 1950
Description: The ILO Convention 87 was adopted by the Governing Body of the International Labour Office in 1948. This Convention formalises in international labour law the protection of the rights of workers and employers to associate freely, without prior authorisation.		
Parts related to Core Civil Society Rights:		
Article 2 [Freedom of Association] <i>Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.</i>		
Article 3 [Freedom of Association] 1. <i>Workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.</i> 2. <i>The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.</i>		
Article 4 [Freedom of Association] <i>Workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority.</i>		
Article 5 [Freedom of Association] <i>Workers' and employers' organisations shall have the right to establish and join federations and confederations and any such organisation, federation or confederation shall have the right to affiliate with international organisations of workers and employers.</i>		

Article 6**[Freedom of Association]**

The provisions of Articles 2, 3 and 4 hereof apply to federations and confederations of workers' and employers' organisations.

Article 7**[Freedom of Association]**

The acquisition of legal personality by workers' and employers' organisations, federations and confederations shall not be made subject to conditions of such a character as to restrict the application of the provisions of Articles 2, 3 and 4 hereof.

Article 11**[Right to Organise]**

Each Member of the International Labour Organisation for which this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise.

On-line version:

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C087>

Related Legal Instruments:

- Rights of Association and Combination of Agricultural Workers Convention, 1921, (No. 11)
- Right of Association (Non-Metropolitan Territories) Convention, 1947, (No. 84)
- Workers' Representatives Convention, 1971, (No. 135)
- Rural Workers' Organisations Convention, 1975, (No. 141)
- Labour Relations (Public Service) Convention, 1978 (No. 151)
- Consultation (Industrial and National Levels) Recommendation, 1960 (No.113)
- Workers' Representatives Recommendation, 1971 (No. 143)
- Rural Workers' Organisations Recommendation, 1975 (No. 149)
- Labour Relations (Public Service) Recommendation, 1978 (No. 159)

Related Web Links:

- International Labour Organization (ILO): www.ilo.org
- Standards and Fundamental Principles and Rights at Work:
<http://www.ilo.org/public/english/standards/index.htm>
- Committee on Freedom of Association:
<http://www.ilo.org/public/english/standards/norm/applying/freedom.htm>

10) Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Type of Instrument: Treaty	Region: International	Organisation: International Labour Organization (ILO)
Status: 160 State parties Agreement enforced by International Law	Structure: Preamble, and 16 articles	Date of adoption / entry into force: Adopted on 1 July 1949 Entry into force 18 July 1951
Description: The ILO Convention 98 strengthens the principles established by Convention 87 on Freedom of Association and the Right to Organise. It provides protection standards to workers and employers who join unions.		
Parts related to Core Civil Society Rights:		
Article 1 [Freedom of Association] 1. <i>Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.</i> 2. <i>Such protection shall apply more particularly in respect of acts calculated to--</i> (a) <i>make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;</i> (b) <i>cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.</i>		
Article 2 [Freedom of Association] 1. <i>Workers' and employers' organisations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.</i> 2. <i>In particular, acts which are designed to promote the establishment of workers' organisations under the domination of employers or employers' organisations, or to support workers' organisations by financial or other means, with the object of placing such organisations under the control of employers or employers' organisations, shall be deemed to constitute acts of interference within the meaning of this Article.</i>		
Other elements relevant to Civil Society within this instrument		
Article 3 [Right to Organise] <i>Machinery appropriate to national conditions shall be established, where necessary, for the purpose of ensuring respect for the right to organise as defined in the preceding Articles.</i>		

On-line version:

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C098>

Related Web Links:

- International Labour Organization (ILO): www.ilo.org
- Standards and Fundamental Principles and Rights at Work:
<http://www.ilo.org/public/english/standards/index.htm>
- Committee on Freedom of Association:
<http://www.ilo.org/public/english/standards/norm/applying/freedom.htm>

11) Indigenous and Tribal Peoples Convention, 1989 (No. 169)

Type of Instrument: Treaty	Region: International	Organisation: International Labour Organization (ILO)
Status: 20 State parties Agreement enforced by International Law	Structure: Preamble, 10 parts and 44 articles	Date of adoption / entry into force: Adopted on 27 June 1989 Entry into force 5 September 1991
<p>Description:</p> <p>ILO Convention No. 169 is a comprehensive instrument covering a range of issues pertaining to indigenous and tribal peoples, including land rights, access to natural resources, health, education, vocational training, conditions of employment and contacts across borders.⁷ This Convention replaces the 1957 Convention concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries No. 107. However, for ILO Member States that have ratified Convention No. 107 and have not ratified Convention No. 169, Convention No. 107 is still in force.</p>		
<p>Parts related to Core Civil Society Rights:</p> <p>Article 20 [Freedom of Assembly]</p> <p>1. Governments shall, within the framework of national laws and regulations, and in co-operation with the peoples concerned, adopt special measures to ensure the effective protection with regard to recruitment and conditions of employment of workers belonging to these peoples, to the extent that they are not effectively protected by laws applicable to workers in general.</p> <p>2. Governments shall do everything possible to prevent any discrimination between workers belonging to the peoples concerned and other workers, in particular as regards:</p> <p>(a) admission to employment, including skilled employment, as well as measures for promotion and advancement;</p> <p>(b) equal remuneration for work of equal value;</p> <p>(c) medical and social assistance, occupational safety and health, all social security benefits and any other occupationally related benefits, and housing;</p> <p>(d) <u>the right of association and freedom for all lawful trade union activities, and the right to conclude collective agreements with employers or employers' organisations.</u></p> <p>3. The measures taken shall include measures to ensure:</p> <p>(a) that workers belonging to the peoples concerned, including seasonal, casual and migrant workers in agricultural and other employment, as well as those employed by labour contractors, enjoy the protection afforded by national law and practice to other such workers in the same sectors, and that they are fully informed of their rights under labour legislation and of the means of redress available to them;</p> <p>(b) that workers belonging to these peoples are not subjected to working conditions hazardous to their health, in particular through exposure to pesticides or other toxic substances;</p>		

⁷ See International Labour Organization, Indigenous and Tribal Peoples- Standards and Supervision, available at: <http://www.ilo.org/public/english/indigenous/standard/index.htm>

(c) that workers belonging to these peoples are not subjected to coercive recruitment systems, including bonded labour and other forms of debt servitude;

(d) that workers belonging to these peoples enjoy equal opportunities and equal treatment in employment for men and women, and protection from sexual harassment.

4. Particular attention shall be paid to the establishment of adequate labour inspection services in areas where workers belonging to the peoples concerned undertake wage employment, in order to ensure compliance with the provisions of this Part of this Convention.

Other elements relevant to Civil Society within this instrument:

Article 6

[Citizen Participation]

1. In applying the provisions of this Convention, governments shall:

- (a) consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly;
- (b) establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them;
- (c) establish means for the full development of these peoples' own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose.

2. The consultations carried out in application of this Convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures.

On-line version:

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C169>

Related Legal Instruments:

- Indigenous and Tribal Populations Convention, 1957 (No. 107)

Related Web Links:

- International Labour Organization: www.ilo.org
- ILO work on indigenous and Tribal Peoples:
<http://www.ilo.org/public/english/indigenous/index.htm>
- Office of the High Commissioner for Human Rights – Indigenous Peoples:
<http://www2.ohchr.org/english/issues/indigenous/index.htm>
- Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples: <http://www2.ohchr.org/english/issues/indigenous/rapporteur/>

12) United Nations Convention against Corruption

Type of Instrument: Treaty	Region: International	Organisation: United Nations (UN)
Status: 143 State parties Agreement enforced by International Law	Structure: Preamble, 8 chapters and 71 articles	Date of adoption / entry into force: Adopted on 31 October 2003 Entry into force 14 December 2005
Description: <p>The UN Convention against Corruption was negotiated and adopted to address the concerns of corruption in both the public and private sectors and the need to develop measures to prevent corruption as well as mechanisms of prosecution. The Convention is designed to create relevant oversight bodies and specific policies aimed at ensuring transparency and accountability in governance especially in finance, elections, and appointments of public servants based on merit. Relevant to civil society, the Convention provides a legitimate space for non-governmental organisations to play an active role in the supervision of practices related to corruption and in raising public awareness of behaviours in government. Civil society is afforded a critical role in certifying an atmosphere of transparency and accountability in governance.</p>		
<p>Parts related to Core Civil Society Rights:</p> <p>Article 13 Participation of Society</p> <p><i>1. Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption.</i></p> <p><i>This participation should be strengthened by such measures as:</i></p> <p><i>(a) Enhancing the transparency of and promoting the contribution of the public to decision-making processes;</i></p> <p><i>(b) Ensuring that the public has effective access to information;</i></p> <p><i>(d) Respecting, promoting, and protecting the freedom to seek, receive, publish and disseminate information concerning corruption.</i></p> <p><i>2. Each State Party shall take appropriate measures to ensure that the relevant anti-corruption bodies referred to in this Convention are known to the public and shall provide access to such bodies, where appropriate, for the reporting, including anonymously, of any incidents that may be considered to contribute to an offence established in accordance with this Convention.</i></p>		

On-line version:

http://www.unodc.org/pdf/crime/convention_corruption/signing/Convention-e.pdf

Related Legal Instruments:

- United Nations Declaration against Corruption and Bribery in International Commercial Transactions: <http://www.un.org/documents/ga/res/51/a51r191.htm>
- United Nations Convention against Transnational Organized Crime:
<http://www.unodc.org/unodc/en/treaties/CTOC/index.html>

Related Web Links:

- United Nations: www.un.org
- United Nation Office on Drugs and Crime: <http://www.unodc.org/>
- Convention Against Corruption Website:
<http://www.unodc.org/unodc/en/treaties/CAC/index.html>

13) Convention on the Rights of Persons with Disabilities

Type of Instrument: Treaty	Region: International	Organisation: United Nations (UN)
Status: 76 State parties Agreement enforced by International Law	Structure: Preamble and 50 articles	Date of adoption / entry into force: Adopted on 13 December 2006 Entry into force 3 May 2008
<p>Description:</p> <p>The Convention on the Rights of Persons with Disabilities was drafted with the goal to raise awareness of the need to pay special attention to the rights and freedoms of individuals with disabilities. Its purpose is to define the specific rights pertinent to such individuals and enumerate the obligations that State Parties to the agreement have towards fulfilling these rights. Particularly, the Convention guarantees persons with disabilities the rights to live independently and to have access to full participation in public, political, cultural, and community life. This includes the freedoms of expression, association, and assembly.</p>		
<p>Parts related to Core Civil Society Rights:</p> <p>Article 21 [Freedom of Expression and Opinion, and Access to Information] <i>States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive, and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:</i></p> <ul style="list-style-type: none"> <i>(a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;</i> <i>(b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, mode and formats of communication of their choice by persons with disabilities in official interactions;</i> <i>(c) Urging private entities and private services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;</i> <i>(d) Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;</i> <i>(e) Recognizing and promoting the use of sign languages.</i> <p>Article 29 [Participation in Political and Public Life] <i>States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:</i></p>		

(a) Endure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia by:

(i) Ensuring that voting procedures, facilities, and materials are appropriate, accessible and easy to understand and use;

(ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;

(iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;

(b) Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:

(i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;

(ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional, and local levels.

On-line version:

<http://www2.ohchr.org/english/law/disabilities-convention.htm>

Related Legal Instruments:

- Optional Protocol to the Convention on the Rights of Persons with Disabilities:
<http://www2.ohchr.org/english/law/disabilities-op.htm>
- The Standard Rules on Equalization of Opportunities for Persons with Disabilities: <http://www2.ohchr.org/english/law/opportunities.htm>
- Declaration on the Rights of Disabled Persons:
<http://www2.ohchr.org/english/law/res3447.htm>
- Declaration on the Rights of Mentally Retarded Persons:
<http://www2.ohchr.org/english/law/res2856.htm>
- Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care: <http://www2.ohchr.org/english/law/principles.htm>

Related Web Links:

- United Nations: www.un.org
- Office of the High Commissioner for Human Rights: www.ohchr.org
- Human Rights Committee: <http://www2.ohchr.org/english/bodies/hrc/index.htm>
- United Nations Global Programme on Disability:
<http://www.un.org/issues/m-disabl.html>

14) Convention Relating to the Status of Refugees

Type of Instrument: Treaty	Region: International	Organisation: United Nations (UN)
Status: 144 State parties Agreement enforced by International Law	Structure: Preamble, 7 chapters and 45 articles	Date of adoption / entry into force: Adopted on 14 December 1950 Entry into force 22 April 1954
Description: The 1951 Convention Relating to the Status of Refugees is the key legal document defining who is a refugee, their rights and the legal obligations of states.		
Parts related to Core Civil Society Rights: Article 15 [Right of Association] <i>As regards non-political and non-profit-making associations and trade unions the Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country, in the same circumstances.</i>		
On-line version: http://www2.ohchr.org/english/law/refugees.htm		
Related Web Links: <ul style="list-style-type: none"> • United Nations: www.un.org • Office of the United Nations High Commissioner for Refugees: www.unhcr.org • More information on the 1951 Convention and the 1967 Protocol on the Status of Refugees: http://www.unhcr.org/protsect/PROTECTION/3b66c2aa10.pdf 		

15) Convention relating to the Status of Stateless Persons

Type of Instrument: Treaty	Region: International	Organisation: United Nations (UN)
Status: 65 State parties Agreement enforced by International Law	Structure: Preamble, 6 parts and 42 articles	Date of adoption / entry into force: Adopted on 28 September 1954 Entry into force on 6 June 1960
Description: The Convention on Stateless Persons seeks to accord the same treatment to stateless persons as is accorded to aliens generally. The Convention was promulgated to protect the rights to those stateless persons who are not covered by the Convention on Refugees.		
Parts related to Core Civil Society Rights Article 15 [Freedom of Association] <i>As regards non-political and non-profit-making associations and trade unions the Contracting States shall accord to stateless persons lawfully staying in their territory treatment as favourable as possible, and in any event, not less favourable than that accorded to aliens generally in the same circumstances.</i>		
Other elements relevant to Civil Society within this instrument Article 23 [Public Relief] <i>The Contracting States shall accord to stateless persons lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.</i> Article 3 [Non-discrimination] <i>The Contracting States shall apply the provisions of this Convention to stateless persons without discrimination as to race, religion or country of origin.</i>		
On-line version: http://www2.ohchr.org/english/law/stateless.htm		
Related Web Links: <ul style="list-style-type: none"> Office of UN High Commissioner for Human Rights www.ohchr.org 		

16) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention)

Type of Instrument: Treaty	Region: Europe	Organisation: United Nations Economic Commission for Europe (UNECE)
Status: 44 State parties Agreement enforced by International Law	Structure: 22 articles	Date of adoption / entry into force: Adopted on 25 June 1998 Entry into Force on 30 October 2001
Description: The Aarhus Convention is a new kind of environmental agreement. It is unique as it: <ul style="list-style-type: none"> • links environmental rights and human rights; • acknowledges that we owe an obligation to future generations; • establishes that sustainable development can be achieved only through the involvement of all stakeholders; • links government accountability and environmental protection; and • focuses on interactions between the public and public authorities in a democratic context. 		
Parts related to Core Civil Society Rights: Article 3 [Freedom of Association] <i>4. Each Party shall provide for appropriate recognition of and support to associations, organizations or groups promoting environmental protection and ensure that its national legal system is consistent with this obligation.</i>		
Other elements relevant to Civil Society within this instrument Article 1 [Freedom of Information and Participation] <i>...Recognizing also that every person has the right to live in an environment adequate to his or her health and well-being, and the duty, both individually and in association with others, to protect and improve the environment for the benefit of present and future generations,</i> <i>Considering that, to be able to assert this right and observe this duty, citizens must have access to information, be entitled to participate in decision-making and have access to justice in environmental matters, and acknowledging in this regard that citizens may need assistance in order to exercise their rights,</i>		

Recognizing that, in the field of the environment, improved access to information and public participation in decision-making enhance the quality and the implementation of decisions, contribute to public awareness of environmental issues, give the public the opportunity to express its concerns and enable public authorities to take due account of such concerns...

Related Legal Instruments

- Protocol on Pollutant Release and Transfer Registers

On-line version:

<http://www.unece.org/env/pp/documents/cep43e.pdf>

Related Web Links:

- United Nations Economic Commission for Europe: <http://www.unece.org/Welcome.htm>

17) United Nations Principles for Older Persons

Type of Instrument: Principles	Region: International	Organisation: United Nations (UN)
Status: Not legally binding	Structure: Preamble, 5 parts and 18 articles	Date of adoption / entry into force: Adopted on 16 December 1991
Description: The purpose of these principles is to encourage governments to promote opportunities for willing and capable older persons to participate in and contribute to the ongoing activities of society.		
Parts related to Core Civil Society Rights: Article 9 [Freedom of Association] <i>Older persons should be able to <u>form movements or associations</u> of older persons.</i>		
Other elements relevant to Civil Society within this instrument: Article 7 [Citizen Participation] <i>Older persons should remain integrated in society, participate actively in the formulation and implementation of policies that directly affect their well-being and share their knowledge and skills with younger generations.</i>		
On-line version: http://www2.ohchr.org/english/law/olderpersons.htm		
Related legal Instruments: <ul style="list-style-type: none"> Older Workers Recommendation, 1980, (No. 162) 		
Related Web Links: <ul style="list-style-type: none"> United Nations: www.un.org Office of the High Commissioner for Human Rights: www.ohchr.org UN Programme on Ageing: http://www.un.org/esa/socdev/ageing/ International Institute on Ageing (Malta): http://www.inia.org.mt/ ILO and Ageing: http://www.ilo.org/public/english/employment/skills/older/iloprog.htm 		

18) Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

Type of Instrument: Principles	Region: International	Organisation: United Nations (UN)
Status: Not legally binding	Structure: Preamble, 6 parts and 26 articles	Date of adoption / entry into force: Adopted: 27 August to 7 September 1990
Description: <p>The Principles adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990, emphasise that the use of force and firearms by law enforcement officials should be commensurate with due respect for human rights.</p>		
<p>Parts related to Core Civil Society Rights:</p> <p>Part 3 [Freedom of Assembly] Policing unlawful assemblies</p> <p><i>12. As everyone is allowed to participate in lawful and peaceful assemblies, in accordance with the principles embodied in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, governments and law enforcement agencies and officials shall recognize that force and firearms may be used only in accordance with principles 13 and 14.</i></p> <p><i>13. In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.</i></p> <p><i>14. In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in principle 9 [cases of self-defence].</i></p>		
On-line version: http://www2.ohchr.org/english/law/firearms.htm		
Related Legal Instruments: <ul style="list-style-type: none"> • Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment • Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) • Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) • Code of Conduct for Law Enforcement Officials 		

- Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment
- Standard Minimum Rules for the Treatment of Prisoners
- Basic Principles for the Treatment of Prisoners
- United Nations Rules for the Protection of Juveniles Deprived of their Liberty
- Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power
- Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions
- Declaration on the Protection of All Persons from Enforced Disappearance

Related Web Links:

- United Nations: www.un.org
- Office of the High Commissioner for Human Rights: www.ohchr.org
- Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions:
<http://www2.ohchr.org/english/issues/executions/index.htm>
- Special Rapporteur on Torture:
<http://www2.ohchr.org/english/issues/torture/rapporteur/>

19) Basic Principles on the Role of Lawyers

Type of Instrument: Principles	Region: International	Organisation: United Nations (UN)
Status: Not legally binding	Structure: Preamble, 8 parts and 29 articles	Date of adoption / entry into force: Adopted on 7 September 1990
Description: <p>The Principles adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990, recognise the importance of professional associations of lawyers in upholding professional standards and ethics, protecting their members from persecution and improper restrictions and infringements, providing legal services to needy persons and cooperating with governments and other institutions in furthering the ends of justice and the public interest.</p>		
<p>Parts related to Core Civil Society Rights:</p> <p>Part 6 [Freedom of Expression and Association] Freedom of expression and association <i>23. Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.</i></p> <p>Part 7 [Right to Organise] Professional associations of lawyers <i>24. Lawyers shall be entitled to form and join self-governing professional associations to represent their interests, promote their continuing education and training and protect their professional integrity. The executive body of the professional associations shall be elected by its members and shall exercise its functions without external interference.</i> <i>25. Professional associations of lawyers shall cooperate with Governments to ensure that everyone has effective and equal access to legal services and that lawyers are able, without improper interference, to counsel and assist their clients in accordance with the law and recognized professional standards and ethics.</i></p>		

Other elements relevant to Civil Society within this instrument:

Part 5

[Guarantees for Lawyers]

Guarantees for the functioning of lawyers

16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

17. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

18. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

19. No court or administrative authority before whom the right to counsel is recognized shall refuse to recognize the right of a lawyer to appear before it for his or her client unless that lawyer has been disqualified in accordance with national law and practice and in conformity with these principles.

20. Lawyers shall enjoy civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority.

21. It is the duty of the competent authorities to ensure lawyers access to appropriate information, files and documents in their possession or control in sufficient time to enable lawyers to provide effective legal assistance to their clients. Such access should be provided at the earliest appropriate time.

22. Governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential.

On-line version:

<http://www2.ohchr.org/english/law/lawyers.htm>

Related Legal Instruments:

- Basic Principles on the Independence of the Judiciary
- Basic Principles on the Role of Lawyers
- Guidelines on the Role of Prosecutors

Related Web Links:

- United Nations: www.un.org
- Office of the High Commissioner for Human Rights: www.ohchr.org
- Special Rapporteur of the Commission on Human Rights on the Independence of Judges and Lawyers: <http://www2.ohchr.org/english/issues/judiciary/index.htm>

20) Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms

Type of Instrument: Declaration	Region: International	Organisation: United Nations (UN)
Status: Not legally binding	Structure: Preamble and 20 articles	Date of adoption / entry into force: Adopted on 9 December 1998
<p>Description:</p> <p>Commonly known as the Declaration on Human Rights Defenders, this document provides for the support and protection of human rights defenders in the context of their work. It does not create new rights but instead articulates existing rights in a way that makes it easier to apply them to the practical role and situation of human rights defenders. It gives attention, for example, to access to funding by organisations of human rights defenders and to the gathering and exchange of information on human rights standards and their violation. The Declaration outlines some specific duties of States and the responsibilities of everyone with regard to defending human rights, in addition to explaining its relationship with national law. It is important to reiterate that human rights defenders have an obligation under the Declaration to conduct peaceful activities.⁸</p>		
<p>Parts related to Core Civil Society Rights:</p> <p>Article 5 [Freedom of Assembly and Association] <i>For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:</i></p> <p>(a) <i>To meet or assemble peacefully;</i></p> <p>(b) <i>To form, join and participate in non-governmental organizations, associations or groups;</i></p> <p>(c) <i>To communicate with non-governmental or intergovernmental organizations.</i></p> <p>Article 7 [Freedom of Expression] <i>Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.</i></p>		
<p>Other elements relevant to Civil Society within this instrument:</p> <p>Article 1 [Right to Defend Human Rights] <i>Everyone has the right, individually and in association with others, to promote and to</i></p>		

⁸ See OHCHR - Declaration on Human Rights Defenders, The Declaration's provisions, available at: <http://www2.ohchr.org/english/issues/defenders/declaration.htm>

strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 6

[Access to Information]

Everyone has the right, individually and in association with others:

- (a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;*
- (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;*
- (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.*

Article 8

[Participation in Government]

- 1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.*
- 2. This includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.*

Article 9

[Effective Remedy]

- 1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.*
- 2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.*
- 3. To the same end, everyone has the right, individually and in association with others, inter alia:*
 - (a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other*

appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;

(b) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;

(c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

Article 11

[Right to the lawful exercise of Occupation or Profession]

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

Article 12

[Right to Participate in Peaceful Activities]

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Article 13

[Right to Receive Funding]

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present

Declaration.

Article 16

[Role of Civil Society to promote Human Rights]

Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, inter alia, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

Article 17

[Limitations]

In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Article 18

[Duties]

- 1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.*
- 2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.*
- 3. Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.*

On-line version:

<http://www2.ohchr.org/english/law/freedom.htm>

Related Legal instruments:

- Implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms
- Principles relating to the Status of National Institutions (The Paris Principles)

Related Web Links:

- United Nations: www.un.org
- Office of the High Commissioner for Human Rights: www.ohchr.org
- Special Rapporteur on the Situation of Human Rights Defenders:
<http://www2.ohchr.org/english/issues/defenders/index.htm>

21) ILO Declaration on Fundamental Principles and Rights at Work

Type of Instrument: Declaration	Region: International	Organisation: International Labour Organization (ILO)
Status: Not legally binding	Structure: Preamble and 5 articles	Date of adoption / entry into force: Adopted in June 1998
Description: <p>The ILO Declaration commits Member States to respect and promote principles and rights in four categories, whether or not they have ratified the relevant Conventions. These categories are: freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour and the elimination of discrimination in respect of employment and occupation.⁹</p>		
<p>Parts related to Core Civil Society Rights:</p> <p>Article 2 [Freedom of Association] <i>[The International Labour Conference] Declares that all Members, even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organization to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely:</i> <i>(a) freedom of association and the effective recognition of the right to collective bargaining;</i> <i>(b) the elimination of all forms of forced or compulsory labour;</i> <i>(c) the effective abolition of child labour; and</i> <i>(d) the elimination of discrimination in respect of employment and occupation.</i></p>		
On-line version: ILO Declaration on Fundamental Principles and Rights at Work		
Related International Instruments: <ul style="list-style-type: none"> • ILO Constitution • Declaration concerning the aims and purposes of the International Labour Organization 		
Related Web Links: <ul style="list-style-type: none"> • International Labour Organization: www.ilo.org • Standards and Fundamental Principles and Rights at Work: http://www.ilo.org/public/english/standards/index.htm • Follow-up to the Declaration • Committee on Freedom of Association: http://www.ilo.org/public/english/standards/norm/applying/freedom.htm 		

⁹ See OHCHR - Declaration on Human Rights Defenders, The Declaration's provisions, available at: <http://www2.ohchr.org/english/issues/defenders/declaration.htm>

**22) Declaration on the Rights of Persons belonging to National or Ethnic,
Religious and Linguistic Minorities**

Type of Instrument: Declaration	Region: International	Organisation: United Nations (UN)
Status: Not legally binding	Structure: Preamble and 9 articles	Date of adoption / entry into force: Adopted on 18 December 1992
Description: <p>The purpose of the Declaration is to promote the effective implementation of the human rights of persons belonging to minorities. The General Assembly holds that the promotion and protection of the rights of minorities contribute to the political and social stability of the States in which minorities live and contribute to the strengthening of friendship and cooperation among peoples and States.¹⁰ The Declaration clarifies those rights which make it possible for persons belonging to minorities to preserve and develop their group identity.</p>		
<p>Parts related to Core Civil Society Rights:</p> <p>Article 2 [Freedom of Association and Assembly]</p> <p><i>1. Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.</i></p> <p><i>2. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.</i></p> <p><i>3. Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.</i></p> <p><i>4. <u>Persons belonging to minorities have the right to establish and maintain their own associations.</u></i></p> <p><i>5. <u>Persons belonging to minorities have the right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group and with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related by national or ethnic, religious or linguistic ties.</u></i></p>		
On-line version: http://www2.ohchr.org/english/law/minorities.htm		
Related Web Links: <ul style="list-style-type: none"> • United Nations: www.un.org • Office of the High Commissioner for Human Rights - Minorities: 		

¹⁰ See Sub-Commission on the Promotion and Protection of Human Rights, Commentary of the Working Group on Minorities to the UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities E/CN.4/Sub.2/AC.5/2005/2, 4 April 2005.

<http://www2.ohchr.org/english/issues/minorities/index.htm>

- Independent Expert on Minorities:

<http://www2.ohchr.org/english/issues/minorities/expert/index.htm>

**23) Declaration on the Elimination of All Forms of Intolerance and of
Discrimination Based on Religion or Belief**

Type of Instrument: Declaration	Region: International	Organisation: United Nations (UN)
Status: Not legally binding	Structure: Preamble and 8 articles	Date of adoption / entry into force: Adopted on 25 November 1981
Description: <p>The purpose of the Declaration is to promote understanding, tolerance and respect in matters relating to freedom of religion and belief and to ensure that the use of religion or belief for ends inconsistent with the Charter of the United Nations, other relevant instruments of the United Nations and the purposes and principles of the present Declaration is inadmissible.¹¹</p>		
<p>Parts related to Core Civil Society Rights:</p> <p>Article 6 [Freedom of Assembly and Association] <i>In accordance with article 1 of the present Declaration, and subject to the provisions of article 1, paragraph 3, the right to freedom of thought, conscience, religion or belief shall include, inter alia, the following freedoms:</i></p> <p><i>(a) To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;</i></p> <p><i>(b) To establish and maintain appropriate charitable or humanitarian institutions;</i></p> <p><i>(c) To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;</i></p> <p><i>(d) To write, issue and disseminate relevant publications in these areas;</i></p> <p><i>(e) To teach a religion or belief in places suitable for these purposes;</i></p> <p><i>(f) To solicit and receive voluntary financial and other contributions from individuals and institutions;</i></p> <p><i>(g) To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;</i></p> <p><i>(h) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief;</i></p> <p><i>(i) To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.</i></p>		

¹¹ See Preamble of the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, General Assembly resolution 36/55 of 25 November 1981.

Other elements relevant to Civil Society within this instrument:

Article 1

[Freedom of Thought]

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.

3. Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

On-line version:

<http://www2.ohchr.org/english/law/religion.htm>

Related Web Links:

- United Nations: www.un.org
- Office of the High Commissioner for Human Rights: www.ohchr.org
- Special Rapporteur of the Commission on Human Rights on Freedom of Religion or Belief: <http://www2.ohchr.org/english/issues/religion/index.htm>

24) Declaration on the Rights of Disabled Persons

Type of Instrument: Declaration	Region: International	Organisation: United Nations (UN)
Status: Not legally binding	Structure: Preamble and 13 articles	Date of adoption / entry into force: Adopted on 9 December 1975
Description: <p>This Declaration promotes respect for the human dignity of disabled persons, whatever the origin, nature and seriousness of their handicaps and disabilities. It embodies fundamental rights for the enjoyment of a decent life, as normal and full as possible. The Declaration calls for national and international action to ensure that this instrument will be used as a common basis and frame of reference for the protection of these rights.</p>		
<p>Parts related to Core Civil Society Rights:</p> <p>Article 7 [Right to Organise] <i>Disabled persons have the right to economic and social security and to a decent level of living. They have the right, according to their capabilities, to secure and retain employment or to engage in a useful, productive and remunerative occupation and to <u>join trade unions</u>.</i> <i>Other elements relevant to Civil Society within this instrument:</i></p> <p>Article 12 [Citizen Participation] <i>Organizations of disabled persons may be usefully consulted in all matters regarding the rights of disabled persons.</i></p>		
On-line version: http://www2.ohchr.org/english/law/res3447.htm		
Related Legal Instruments: <ul style="list-style-type: none"> • Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1980, (No.159) • Standard Rules on the Equalization of Opportunities for Persons with Disabilities 		
Related Web Links: <ul style="list-style-type: none"> • United Nations: www.un.org • Office of the High Commissioner for Human Rights - Disability: http://www2.ohchr.org/english/issues/disability/index.htm 		

25) Declaration on Social Progress and Development

Type of Instrument: Declaration	Region: International	Organisation: United Nations (UN)
Status: Not legally binding	Structure: Preamble, 3 parts and 27 articles	Date of adoption / entry into force: Adopted on 11 December 1969
Description: <p>This Declaration promotes social progress and development through the respect for the dignity and value of the human person and social justice. This instrument stresses the need to eliminate all forms of inequality, exploitation of peoples and individuals, colonialism and racism, including nazism and apartheid, and all other policies and ideologies opposed to the purposes and principles of the United Nations. It also calls for the recognition and effective implementation of civil and political rights as well as economic, social and cultural rights without any discrimination.</p>		
<p>Parts related to Core Civil Society Rights:</p> <p>Article 10 [Freedom of Association] <i>[Social progress and development shall aim at the continuous raising of the material and spiritual standards of living of all members of society, with respect for and in compliance with human rights and fundamental freedoms, through the attainment of the following main goals]:</i></p> <p>(a) <i>The assurance at all levels of the <u>right to work and the right of everyone to form trade unions and workers' associations and to bargain collectively</u>; promotion of full productive employment and elimination of unemployment and under-employment; establishment of equitable and favourable conditions of work for all, including the improvement of health and safety conditions; assurance of just remuneration for labour without any discrimination as well as a sufficiently high minimum wage to ensure a decent standard of living; the protection of the consumer;</i></p> <p>(b) <i>The elimination of hunger and malnutrition and the guarantee of the right to proper nutrition;</i></p> <p>(c) <i>The elimination of poverty; the assurance of a steady improvement in levels of living and of a just and equitable distribution of income;</i></p> <p>(d) <i>The achievement of the highest standards of health and the provision of health protection for the entire population, if possible free of charge;</i></p> <p>(e) <i>The eradication of illiteracy and the assurance of the right to universal access to culture, to free compulsory education at the elementary level and to free education at all levels; the raising of the general level of life-long education;</i></p> <p>(f) <i>The provision for all, particularly persons in low income groups and large families, of adequate housing and community services.</i></p>		

Article 20**[Freedom of Association and Assembly, and the Right to Organise]**

[On the basis of the principles set forth in this Declaration, the achievement of the objectives of social progress and development requires the mobilization of the necessary resources by national and international action, with particular attention to such means and methods as]:

- (a) The provision of full democratic freedoms to trade unions; freedom of association for all workers, including the right to bargain collectively and to strike; recognition of the right to form other organizations of working people; the provision for the growing participation of trade unions in economic and social development; effective participation of all members in trade unions in the deciding of economic and social issues which affect their interests;*
- (b) The improvement of health and safety conditions for workers, by means of appropriate technological and legislative measures and the provision of the material prerequisites for the implementation of those measures, including the limitation of working hours;*
- (c) The adoption of appropriate measures for the development of harmonious industrial relations.*

Other elements relevant to Civil Society within this instrument:

Article 5**[Active Participation of Civil Society]**

Social progress and development require the full utilization of human resources, including, in particular:

- (a) The encouragement of creative initiative under conditions of enlightened public opinion;*
- (b) The dissemination of national and international information for the purpose of making individuals aware of changes occurring in society as a whole;*
- (c) The active participation of all elements of society, individually or through associations, in defining and in achieving the common goals of development with full respect for the fundamental freedoms embodied in the Universal Declaration of Human Rights;*
- (d) The assurance to disadvantaged or marginal sectors of the population of equal opportunities for social and economic advancement in order to achieve an effectively integrated society.*

Article 15**[Citizen Participation]**

[On the basis of the principles set forth in this Declaration, the achievement of the objectives of social progress and development requires the mobilization of the necessary resources by national and international action, with particular attention to such means and methods as]:

- (a) The adoption of measures, to ensure the effective participation, as appropriate, of all the elements of society in the preparation and execution of national plans and programmes of economic and social development;*
- (b) The adoption of measures for an increasing rate of popular participation in the economic, social, cultural and political life of countries through national governmental bodies,*

non-governmental organizations, co-operatives, rural associations, workers' and employers' organizations and women's and youth organizations, by such methods as national and regional plans for social and economic progress and community development, with a view to achieving a fully integrated national society, accelerating the process of social mobility and consolidating the democratic system;

(c) Mobilization of public opinion, at both national and international levels, in support of the principles and objectives of social progress and development;

(d) The dissemination of social information, at the national and the international level, to make people aware of changing circumstances in society as a whole, and to educate the consumer.

On-line version:

<http://www2.ohchr.org/english/law/progress.htm>

Related Legal Instruments:

- Declaration on the Right to Development

Related Web Links:

- United Nations: www.un.org
- Office of the High Commissioner for Human Rights: www.ohchr.org

26) The Vienna Declaration and Programme of Action

Adopted by the World Conference on Human Rights in Vienna, Austria on 25 June 1993.

Excerpts:

... Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. Democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives. In the context of the above, the promotion and protection of human rights and fundamental freedoms at the national and international levels should be universal and conducted without conditions attached. The international community should support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world.

On-line Version:

<http://www2.ohchr.org/english/law/vienna.htm>

Related Links:

- World Conference on Human Rights: <http://www.unhchr.ch/html/menu5/wchr.htm>
- Proclamation of Tehran: http://www.unhchr.ch/html/menu3/b/b_tehern.htm

27) United Nations Millennium Declaration

Adopted by the General Assembly Resolution 55/2 of 8 September 2000.

Excerpts:**V. Human rights, democracy and good governance**

24. We will spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development.

25. We resolve therefore:

- To respect fully and uphold the Universal Declaration of Human Rights.
- To strive for the full protection and promotion in all our countries of civil, political, economic, social and cultural rights for all.
- To strengthen the capacity of all our countries to implement the principles and practices of democracy and respect for human rights, including minority rights.
- To combat all forms of violence against women and to implement the Convention on the Elimination of All Forms of Discrimination against Women.
- To take measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies.
- To work collectively for more inclusive political processes, allowing genuine participation by all citizens in all our countries.
- To ensure the freedom of the media to perform their essential role and the right of the public to have access to information.

On-line Version:

<http://www2.ohchr.org/english/law/millennium.htm>

Related Links:

- UN Millennium Assembly: <http://www.un.org/millennium/>

28) Rio Declaration on Environment and Development

Adopted by the UN Conference on Environment and Development in Rio de Janeiro, Brazil from 3 to 14 June 1992.

Excerpts:***Principle 10***

Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

On-line Version:

<http://www.unep.org/Documents.multilingual/Default.asp?DocumentID=78&ArticleID=1163>

Related Links:

- UN Environment Programme: www.unep.org

29) Declaration of Montevideo Democratic Culture and Governance

Adopted by the International Conference on “Democratic Culture and Development: Towards the Third Millennium in Latin America” organized jointly by UNESCO and the PAX Institute, under the auspices of the Government of the Eastern Republic of Uruguay, from 27 to 30 November 1990 in Montevideo, Uruguay.

Excerpts:***Principles and Recommendations***

7. Within this general context, the Conference on Democratic Culture and Development in Latin America, held on the initiative of the Government of the Eastern Republic of Uruguay, UNESCO, and the PAX Institute, which has brought together in Montevideo distinguished representatives of the world of politics and sciences from the region and beyond, on the threshold of the third millennium:

A. Unanimously reaffirms the vital importance of democracy for the future of mankind in that it is:

- (a) the only political system and practice based on the sovereignty of the people, open to the active participation in public life of all sectors of society and all shades of opinion, without any discrimination;*
- (b) the only system and practice for public life capable of bringing about a society based on the rule of law and on the recognition of human rights and of civil and individual freedoms as the ethical basis for a civil society of free and equal individuals, and where the State appears as supreme defender of those rights and freedoms;*
- (c) the only system and practice for public life which is geared to the peaceful and concerted pursuit of social justice, equity and individual and community well-being under the law.*

B. Therefore recommends that States and relevant international governmental and non-governmental organizations commit themselves to promoting democracy, within the framework of regional and international co-operation, through:

- (a) the development of comparative research in social and judicial sciences at the regional and interregional levels concerning the nature, functioning and efficiency of the political institutions and machinery and the laws and customs that make for progress towards participatory democracy and towards the democratic governance of development processes, and, in particular, concerning the new functions and forms of organization of the State as defender of rights and promoter of democratic social processes and development;*
- (b) the development of studies on the possibility of establishing or reinforcing, with the objective of political and economic regional integration, jurisdictions at the regional level in the field of human rights;*
- (c) the development of national, regional and interregional education programmes designed, with a view to developing a democratic culture, to enhance the people's awareness of the values of freedom, solidarity, justice, social peace and tolerance and to provide them with the knowledge on political institutions and law they need to exercise democracy in a way that is genuinely guided by the principles of human rights;*
- (d) the development of national and regional cultural policies and structures conducive to the different social actors' participation in national public life in a politically responsible way.*

C. Recommends in particular that UNESCO, which has a specific responsibility within the framework of the United Nations with regard to human rights and peace, should give priority in its biennial programmes and medium-term plans to activities aimed at promoting democracy in social and cultural life. Specifically, it should, in co-operation with interested Member States and with relevant public and private institutional net works:

(a) promote and organize forums for reflection and exchanges of ideas among the intellectual and political communities;

(b) develop for subsequent inclusion in general human rights and peace education programmes contents about democracy and democratic values;

(c) carry out comparative studies concerning existing mechanisms for: (i) negotiation and peaceful settlement of conflicts of interest; (ii) interaction between civil society and the State; (iii) horizontal social participation and communication.

On-line Version:

http://www.unesco.org/webworld/peace_library/UNESCO/HRIGHTS/320-326.HTM

Related Links:

- UN Educational, Scientific and Cultural Organisation: www.unesco.org

30) Declaration of the 44th session of the International Conference on Education, Geneva, Switzerland, October 1994

The UNESCO General Conference endorsed, at its 28th session (Paris, 25 October - 16 November 1995), the Declaration of the 44th session of the International Conference on Education and approved the Integrated Framework of Action on Education for Peace, Human Rights and Democracy.

Excerpts:

1. We, the Ministers of Education meeting at the 44th session of the International Conference on Education,

Deeply concerned by the manifestations of violence, racism, xenophobia, aggressive nationalism and violations of human rights, by religious intolerance, by the upsurge of terrorism in all its forms and manifestations and by the growing gap separating wealthy countries from poor countries, phenomena which threaten the consolidation of peace and democracy both nationally and internationally and which are all obstacles to development,

Mindful of our responsibility for the education of citizens committed to the promotion of peace, human rights and democracy in accordance with the letter and spirit of the Charter of the United Nations, the Constitution of UNESCO, the Universal Declaration of Human Rights and other relevant instruments such as the Convention on the Rights of the Child and the conventions on the rights of women, and in accordance with the Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms,

Convinced that education policies have to contribute to the development of understanding, solidarity and tolerance among individuals and among ethnic, social, cultural and religious groups and sovereign nations,

Convinced that education should promote knowledge, values, attitudes and skills conducive to respect for human rights and to an active commitment to the defence of such rights and to the building of a culture of peace and democracy,

Equally convinced:

- of the great responsibility incumbent not only on parents, but on society as a whole, to work together with all those involved in the education system, and with non-governmental organizations, so as to achieve full implementation of the objectives of education for peace, human rights and democracy and to contribute in this way to sustainable development and to a culture of peace;*
- of the need to seek synergies between the formal education system and the various sectors of non-formal education, which are helping to make a reality of education that is in conformity with the aims of the World Declaration on Education for All, adopted in Jomtien;*
- of the decisive role that also falls to non-formal educational organizations in the process of forming the personalities of young people.*

2. Strive resolutely:

2.1 to base education on principles and methods that contribute to the development of the personality of pupils, students and adults who are respectful of their fellow human beings and determined to promote peace, human rights and democracy;

2.2 to take suitable steps to establish in educational institutions an atmosphere contributing to the success of education for international understanding, so that they become ideal

places for the exercise of tolerance, respect for human rights, the practice of democracy and learning about the diversity and wealth of cultural identities;

2.3 to take action to eliminate all direct and indirect discrimination against girls and women in education systems and to take specific measures to ensure that they achieve their full potential;

2.4 to pay special attention to improving curricula, the content of textbooks, and other educational materials including new technologies, with a view to educating caring and responsible citizens, open to other cultures, able to appreciate the value of freedom, respectful of human dignity and differences, and able to prevent conflicts or resolve them by non-violent means;

2.5 to adopt measures to enhance the role and status of educators in formal and non-formal education and to give priority to pre-service and in-service training as well as the retraining of educational personnel, including planners and managers, oriented notably towards professional ethics, civic and moral education, cultural diversity, national codes and internationally recognized standards of human rights and fundamental freedoms;

2.6 to encourage the development of innovative strategies adapted to the new challenges of educating responsible citizens committed to peace, human rights, democracy and sustainable development, and to apply appropriate measures of evaluation and assessment of these strategies;

2.7 to prepare, as quickly as possible and taking into account the constitutional structures of each State, programmes of action for the implementation of this Declaration .

3. We are determined to increase our efforts to:

3.1 give a major priority in education to children and young people, who are particularly vulnerable to incitements to intolerance, racism and xenophobia;

3.2 seek the co-operation of all possible partners who would be able to help teachers to link the education process more closely to real social life and transform it into the practice of tolerance and solidarity, respect for human rights, democracy and peace;

3.3 develop further, at the national and international levels, exchanges of educational experiences and research, direct contacts between students, teachers and researchers, school twinning arrangements and visits, with special attention to experimental schools such as UNESCO Associated Schools, to UNESCO Chairs, educational innovation networks and UNESCO Clubs and Associations;

3.4 implement the Declaration and Programme of Action of the World Conference on Human Rights (Vienna, June 1993) and the World Plan of Action on Education for Human Rights and Democracy adopted at the International Congress on Education for Human Rights and Democracy (Montreal, March 1993), and make the internationally recognized instruments in the field of human rights available to all educational establishments;

3.5 contribute, through specific activities, to the celebration of the United Nations Year for Tolerance (1995), and particularly to the inauguration, on the occasion of the fiftieth anniversary of the United Nations and UNESCO, of the celebration of the International Day for Tolerance.

Consequently, we, the Ministers of Education meeting at the 44th session of the Interna-

tional Conference on Education, adopt this Declaration and invite the Director General to present to the General Conference a Framework of Action that allows Member States and UNESCO to integrate, within a coherent policy, education for peace, human rights and democracy in the perspective of sustainable development.

On-line Version:

http://portal.unesco.org/shs/en/ev.php-URL_ID=1689&URL_DO=DO_TOPIC&URL_SECTION=201.html

Related Links:

- UN Educational, Scientific and Cultural Organisation: www.unesco.org

31) 2005 World Summit Outcome

Adopted by the General Assembly Resolution 60/1 following the 2005 World Summit in New York. The aim of the Summit was to assess world progress towards achieving the Millennium Development Goals.

Excerpts:

22.

(e) To enhance the contribution of non-governmental organizations, civil society, the private sector, and other stakeholders in national development efforts, as well as in the promotion of the global partnership for development.

[Participation of local authorities, the private sector and civil society, including non-governmental organizations]

172.

We welcome the positive contributions of the private sector and civil society, including non-governmental organizations, in the promotion and implementation of development and human rights programmes and stress the importance of their continued engagement with Governments, the United Nations and other international organizations in these key areas

173.

We welcome the dialogue between those organizations and Member States, as reflected in the first informal interactive hearings of the General Assembly with representatives of non-governmental organizations, civil society and the private sector.

On-line Version:

<http://daccessdds.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement>

Related Links:

- UN General Assembly 2005 World Summit:
http://www.un.org/ga/59/hl60_plenarymeeting.html
- UN Millennium Development Goals: <http://www.undp.org/mdg/basics.shtml>

32) Policies and Programs Involving Youth: Youth in the Global Economy Promoting Youth Participation in Social and Economic Development

Adopted by the General Assembly Resolution 62/126 of 18 December 2006.

Excerpts:

Article 1, Objective

Recognizing that the implementation of the World Programme of Action and the achievement of the internationally agreed development goals, including the Millennium Development Goals, require the full and effective participation of young people and youth-led organizations and other civil society organisations at the local, national, regional and international levels,

12. Urges Member States to involve young people and youth-led organizations in the development of national policies that affect them, where appropriate, including poverty reduction strategy papers where they exist, bearing in mind that girls, boys, young women and young men have the same rights;

14. Also calls upon Member States to ensure the full participation of young people and youth-led organizations in the development of policies designed to meet national youth goals and targets, taking into account proposed goals and targets contained in the report of the Secretary General entitled "Goals and targets for monitoring the progress of youth in the global economy", and to collaborate with the United Nations system, young people, youth-led organizations, the private sector and other relevant stakeholders in all efforts to achieve such goals and targets;

18. Stresses also the importance of ensuring that young people are recognized as active agents in decision-making processes and for positive change and development in society, urges Member States, in this regard, to consider including youth representatives in their delegations to all relevant discussions in the General Assembly and the Economic and Social Council and its functional commissions, bearing in mind the principles of gender balance and non-discrimination, and emphasizes that such youth representatives should be selected through a transparent process which ensures that they have a suitable mandate to represent young people in their countries;

On-line Version:

<http://daccessdds.un.org/doc/UNDOC/GEN/N07/471/33/PDF/N0747133.pdf?OpenElement>

Related Links:

- United Nations Office of the High Commissioner of Human Rights:
<http://www.ohchr.org/>
- Committee on the Rights of Child:
<http://www2.ohchr.org/english/bodies/crc/index.htm>

33) Monterrey Consensus of the International Conference on Financing for Development

Adopted by Heads of State and Government gathered in Monterrey, Mexico on 22 March 2002

Excerpts:

9. Recognizing that peace and development are mutually reinforcing, we are determined to pursue our shared vision for a better future, through our individual efforts combined with vigorous multilateral action. Upholding the Charter of the United Nations and building upon the values of the Millennium Declaration, we commit ourselves to promoting national and global economic systems based on the principles of justice, equity, democracy, participation, transparency, accountability and inclusion.

71....We shall support the United Nations in the implementation of a global information campaign on the internationally agreed development goals and objectives, including those contained in the Millennium Declaration. In that respect, we would like to encourage the active involvement of all relevant stakeholders, including civil society organizations and the private sector.

On-line Version:

<http://www.un.org/esa/ffd/monterrey/MonterreyConsensus.pdf>

Related Links:

- Financing for Development, United Nations Department for Economic and Social Affairs : <http://www.un.org/esa/ffd/>

B. Inter-Governmental Organisations of Africa

1. African Union (AU)
 - a. African Charter on Human and People's Rights
 - b. Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa
 - c. African Charter on the Rights and Welfare of the Child
 - d. African Charter on Democracy, Elections and Governance
 - e. African Union Convention on Preventing and Combating Corruption
 - f. African Youth Charter
 - g. Constitutive Act of the African Union
 - h. Lomé Declaration on the Framework for and OAU Response to Unconstitutional Changes of Government
 - i. Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) Solemn Declaration
 - j. The New Partnership for Africa's Development (NEPAD)
2. Economic Community of Central African States (ECCAS)
 - a. Bata Declaration on the Promotion of Lasting Democracy, Peace and Development in Central Africa
3. Economic Community of West African States (ECOWAS)
 - a. Treaty of ECOWAS
 - b. Declaration of Political Principles of the ECOWAS
 - c. Protocol on Democracy and Good Governance (Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention Management, Resolution, Peacekeeping and Security)
4. Southern African Development Community (SADC)
 - a. Declaration and Treaty of the SADC
 - b. SADC Principles and Guidelines Governing Democratic Elections

1. Africa Union (AU)

- a. African Charter on Human and People's Rights
- b. Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa
- c. African Charter on the Rights and Welfare of the Child
- d. African Charter on Democracy, Elections and Governance
- e. African Union Convention on Preventing and Combating Corruption
- f. African Youth Charter
- g. Constitutive Act of the African Union
- h. Lomé Declaration on the Framework for and OAU Response to Unconstitutional Changes of Government
- i. Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) Solemn Declaration
- j. The New Partnership for Africa's Development (NEPAD)

a) African Charter on Human and Peoples' Rights

Type of Instrument: Treaty	Region: Africa	Organisation: African Union (AU)
Status: 53 State Parties Agreement enforced by International Law	Structure: Preamble, 3 parts and 68 articles	Date of adoption / entry into force: Adopted on 27 June 1981 Entry into force on 21 October 1986
Description: <p>The African Charter on Human and People's Rights, also known as the 'Banjul Charter' purports to protect and promote human rights on the African Continent. It was brought into existence under the aegis of the Organisation of African Unity (now replaced by the African Union). The responsibility for oversight and interpretation of the African Charter vests with the African Commission on Human and People's Rights headquartered in Banjul, The Gambia.</p>		
<p>Parts related to Core Civil Society Rights:</p> <p>Article 9 [Freedom of Expression] <i>1. Every individual shall have the right to receive information.</i> <i>2. Every individual shall have the right to express and disseminate his opinions within the law.</i></p> <p>Article 10 [Freedom of Association] <i>1. Every individual shall have the right to free association provided that he abides by the law.</i> <i>2. Subject to the obligation of solidarity provided for in Article 29, no one may be compelled to join an association.</i></p> <p>Article 11 [Freedom of Assembly] <i>Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law, in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.</i></p>		
<p>Other elements relevant to Civil Society within this instrument:</p> <p>Article 8 [Freedom of Thought] <i>Freedom of conscience, the profession and free practice of religion shall be guaranteed.</i></p>		

No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.

Article 13

[Participation in Government]

1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.

2. Every citizen shall have the right of equal access to the public service of the country.

3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

On-line version:

http://www.achpr.org/english/_info/charter_en.html

Related Legal Instruments:

- Resolution on the Right to Freedom of Association (1992)
- Resolution on Freedom of Expression (2001)
- Declaration of Principles on Freedom of Expression in Africa (2002)
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
- Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights

Related Web Links:

- African Union: www.africa-union.org
- African Commission on Human and Peoples' Rights: www.achpr.org
- Special Rapporteur on Human Rights Defenders in Africa:
http://www.achpr.org/english/_info/index_hrd_en.html#1
- Special Rapporteur on Freedom of Expression in Africa:
http://www.achpr.org/english/_info/index_free_exp_en.html
- Special Rapporteur on Women's Rights in Africa:
http://www.achpr.org/english/_info/index_women_en.html
- Special Rapporteur on Extra-Judicial, Arbitrary, Summary and Arbitrary Executions in Africa: http://www.achpr.org/english/_info/index_ejsae_en.html

b) Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa

Type of Instrument: Treaty	Region: Africa	Organisation: African Union (AU)
Status: 24 State Parties Agreement enforced by International Law	Structure: Preamble, 32 articles	Date of adoption / entry into force: Adopted on 11 July 2003 Entry into force on 25 November 2005
Description: <p>This protocol was adopted in 2003 by the 2nd Ordinary Session of the Assembly of the African Union in Maputo, Mozambique, to supplement the provisions of the African Charter in relation to protecting the rights of women and eliminating all forms of discrimination against women. The African Commission on Human and People's Rights is seized with matters of interpretation arising from the application and implementation of the protocol.</p>		
<p>Parts related to Core Civil Society Rights:</p> <p>Excerpts:</p> <p>Article 9: Right to Participation in the Political and Decision-Making Process</p> <p>1. States Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that:</p> <ul style="list-style-type: none"> a) women participate without any discrimination in all elections; b) women are represented equally at all levels with men in all electoral processes; c) women are equal partners with men at all levels of development and implementation of State policies and development programmes . <p>2. States Parties shall ensure increased and effective representation and participation of women at all levels of decision-making.</p> <p>Article 10: Right to Peace</p> <p>1. Women have the right to a peaceful existence and the right to participate in the promotion and maintenance of peace.</p> <p>2. States Parties shall take all appropriate measures to ensure the increased participation of women:</p> <ul style="list-style-type: none"> a) in programmes of education for peace and a culture of peace; b) in the structures and processes for conflict prevention, management and resolution at local, national, regional, continental and international levels; c) in the local, national, regional, continental and international decision making structures to ensure physical, psychological, social and legal protection of asylum seekers, refugees, returnees and displaced persons, in particular women; d) in all levels of the structures established for the management of camps and settlements 		

*for asylum seekers, refugees, returnees and displaced persons, in particular, women;
e) in all aspects of planning, formulation and implementation of post-conflict reconstruction
and rehabilitation.*

On-line version:

http://www.achpr.org/english/_info/women_en.html

Related Web Links:

- African Union: www.africa-union.org
- African Commission on Human and Peoples' Rights: www.achpr.org

c) African Charter on the Rights and Welfare of the Child

Type of Instrument: Treaty	Region: Africa	Organisation: African Union (AU)
Status: 45 State Parties Agreement enforced by International Law	Structure: Preamble, 2 parts, 48 articles	Date of adoption / entry into force: Adopted on 11 July 1990 Entry into force 29 November 1999
Description: <p>The Charter seeks to protect the rights of children, affirming that particular care is required with regard to their health, physical, mental, moral and social development. It assures freedom, dignity and security to every person below the age of 18 years. Furthermore, it provides for the protection from customs and practices prejudicial to the health or life of the child and which are discriminatory on the grounds of sex or other status.</p>		
<p>Parts related to Core Civil Society Rights:</p> <p>Article 7 [Freedom of Expression] <i>Every child who is capable of communicating his or her own views shall be assured the rights to express his opinions freely in all matters and to disseminate his opinions subject to such restrictions as are prescribed by laws.</i></p> <p>Article 8 [Freedom of Association] <i>Every child shall have the right to free association and freedom of peaceful assembly in conformity with the law.</i></p>		
<p>Other elements relevant to Civil Society within this instrument:</p> <p>Article 9 [Freedom of Thought] <i>1. Every child shall have the right to freedom of thought conscience and religion.</i> <i>2. Parents, and where applicable, legal guardians shall have a duty to provide guidance and direction in the exercise of these rights having regard to the evolving capacities, and best interests of the child.</i> <i>3. States Parties shall respect the duty of parents and where applicable, legal guardians to provide guidance and direction in the enjoyment of these rights subject to the national laws and policies.</i></p>		
On-line version: http://www.achpr.org/english/_info/child_en.html		

Related Legal Instruments:

- Declaration on the Rights and Welfare of the African Child, 1979

Related Web Links:

- African Union: www.africa-union.org
- African Commission on Human and Peoples' Rights: www.achpr.org

d) African Charter on Democracy, Elections, and Governance

Adopted by the 8th Ordinary Session of the Assembly in Addis Ababa, Ethiopia on 30 January 2007. 3 state parties as of 1 October 2008.

Excerpts:**Article 2**

The objectives of this Charter are to:

10. Promote the establishment of the necessary conditions to foster citizen participation transparency, access to information, freedom of the press and accountability in the management of public affairs;

Article 12

State Parties undertake to implement programmes and carry out activities designed to promote democratic principles and practices as well as consolidate a culture of democracy and peace.

To this end, State Parties shall:

3. Create conducive conditions for civil society organizations to exist and operate within the law.

Article 27

In order to advance political, economic and social governance, State Parties shall commit themselves to:

2. Fostering popular participation and partnership with civil society organizations;

8. Promoting freedom of expression, in particular freedom of the press and fostering a professional media;

Article 28

State Parties shall ensure and promote strong partnerships and dialogue between government, civil society and private sector.

On-line Version:

<http://www.africa-union.org/root/au/Documents/Treaties/text/Charter%20on%20Democracy.pdf>

Related Links:

- African Union: www.africa-union.org

e) African Union Convention on Preventing and Combating Corruption

Adopted by the 2nd Ordinary Session of the Assembly of the Union in Maputo, Mozambique on 11 July 2003. Entry into force: 5 June 2006. 31 state parties as of 1 October 2008.

Excerpts:**Article 12 (Civil Society and the Media)**

State Parties shall undertake to:

- 1. Be fully engaged in the fight against corruption and related offences and the popularisation of this Convention with the full participation of the Media and Civil Society at large;*
- 2. Create an enabling environment that will enable civil society and the media to hold governments to the highest levels of transparency and accountability in the management of public affairs;*
- 3. Ensure and provide for the participation of Civil Society in the monitoring process and consult Civil Society in the implementation of this Convention;*
- 4. Ensure that the Media is given access to information in cases of corruption and related offences on the condition that the dissemination of such information does not adversely affect the investigation process and the right to a fair trial.*

On-line Version:

<http://www.africa-union.org/root/au/Documents/Treaties/Text/Convention%20on%20Combating%20Corruption.pdf>

Related Links:

- African Union: www.africa-union.org

f) African Youth Charter

Adopted by the 7th Ordinary Session of the Assembly in Banjul, The Gambia on
2 July 2006. 19 state parties as of 1 October 2008.

Excerpts:**Article 4 (Freedom of Expression)**

1. Every young person shall be assured the right to express his or her ideas and opinions freely in all matters and to disseminate his or her ideas and opinions subject to the restrictions as are prescribed by laws.
2. Every young person shall have the freedom to seek, receive and disseminate information and ideas of all kinds, either orally, in writing, in print, in the form of art or through any media of the young person's choice subject to the restrictions as are prescribed by laws.

Article 5 (Freedom of Association)

1. Every young person shall have the right to free association and freedom of peaceful assembly in conformity with the law.
2. Young people shall not be compelled to belong to an association

Article 6 (Freedom of Thought, Conscience and Religion)

Every young person shall have the freedom of thought, conscience and religion.

Article 11 (Youth Participation)

1. Every young person shall have the right to participate in all spheres of society.
2. State Parties shall take the following measures to promote active youth participation in society:
 - (a) Guarantee the participation of youth in Parliament and other decision-making bodies in accordance with the prescribed laws;
 - (b) Facilitate the creation or strengthening of platforms for youth participation in decision-making at local, national, regional and continental levels of governance;
 - (c) Ensure equal access to young men and young women to participate in decision-making and in fulfilling civic duties;
 - (d) Give priority to policies and programmes including youth advocacy and peer to peer programmes for marginalised youth, such as out-of-school and out-of-work youth, to offer them the opportunity and motivation to re-integrate into mainstream society;
 - (e) Provide access to information such that young people become aware of their rights and of opportunities to participate in decision-making and civic life;
 - (f) Institute measures to professionalize youth work and introduce relevant training programmes in higher education and other such training institutions;
 - (g) Provide technical and financial support to build the institutional capacity of youth organizations;
 - (h) Institute policy and programmes of youth voluntarism at local, national, regional and international levels as an important form of youth participation and as a means of peer-to-peer training.
 - (i) Provide access to information and services that will empower youth to become aware of their rights and responsibilities,

(j) Include youth representatives as part of delegations to ordinary sessions and other relevant meetings to broaden channels of communication and enhance the discussion of youth related issues.

On-line Version:

http://www.africa-union.org/root/au/Documents/Treaties/Text/African_Youth_Charter.pdf

Related Links:

- African Union: www.africa-union.org

g) Constitutive Act of the African Union

Adopted by the 36th Ordinary Session of the Assembly of Heads of States and Governments Member States of the Organization of African Unity (OAU) in Lomé, Togo on 11 July 2000. 53 state parties as of 1 October 2008.

Excerpts:**Article 3 (Objectives)**

The objectives of the Union shall be to:

- (f) Promote peace, security, and stability on the continent*
- (g) Promote democratic principles and institutions, popular participation and good governance*
- (h) Promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments*

Article 17 (The Pan-African Parliament)

- 1. In order to ensure the full participation of African peoples in the development and economic integration of the continent, a Pan-African Parliament shall be established.*

On-line Version:

http://www.africa-union.org/About_AU/AbConstitutive_Act.htm

Related Links:

- African Union: www.africa-union.org

h) Lomé Declaration on the framework for an OAU response to unconstitutional changes of government

Adopted by the 36th Ordinary Session of the Assembly of Heads of States and Governments Member States of the Organization of African Unity (OAU) in Lome, Togo from 10 to 12 July 2000.

Excerpts:

... In this regard, and without being exhaustive, we have also agreed on the following principles as a basis for the articulation of common values and principles for democratic governance in our countries:

- i) adoption of a democratic Constitution: its preparation, content and method of revision should be in conformity with generally acceptable principles of democracy;*
- ii) respect for the Constitution and adherence to the provisions of the law and other legislative enactments adopted by Parliament;*
- iii) separation of powers and independence of the judiciary;*
- iv) promotion of political pluralism or any other form of participatory democracy and the role of the African civil society, including enhancing and ensuring gender balance in the political process;*
- v) the principle of democratic change and recognition of a role for the opposition;*
- vi) organization of free and regular elections, in conformity with existing texts;*
- vii) guarantee of freedom of expression and freedom of the press, including guaranteeing access to the media for all political stake-holders;*
- viii) constitutional recognition of fundamental rights and freedoms in conformity with the Universal Declaration of Human Rights of 1948 and the African Charter on Human and Peoples' Rights of 1981;*
- ix) guarantee and promotion of human rights.*

On-line Version:

<http://www.africa-union.org/root/au/Documents/Decisions/hohog/10HoGAssembly2000.pdf>

Related Links:

- African Union: www.africa-union.org

i) Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) Solemn Declaration

Adopted by the 36th Ordinary Session of the Assembly of Heads of States and Governments of the Member States of the Organization of African Unity (OAU) in Lome, Togo from 10 to 12 July 2000.

Excerpts:

... Stability

11. Noting that stability requires that all States be guided by strict adherence to the rule of law, good governance, peoples participation in public affairs, respect for human rights and fundamental freedoms, the establishment of political organizations devoid of sectarian, religious, ethnic, regional and racial extremism;

We affirm that:

- (a) The Executive, legislative and judicial branches of government must respect their national constitutions and adhere to the provisions of the law and other legislative enactment promulgated by National Assemblies. No one should be exempted from accountability;*
- (b) The active and genuine participation of citizens of every country in the decision-making processes and in the conduct of public affairs must be fostered and facilitated;*
- (c) All rights and freedoms of citizens should be promoted and protected;*
- (d) There shall be no hindrance to the promotion of political pluralism. All forms of extremism and intolerance foster instability;*

... Stability

We agree to:

- c) Encourage the participation and contribution of Civil Society in our States, to the efforts to bring about further democratization in our Continent;*
- i) Protect and promote respect for Human Rights and Fundamental Freedoms, such as the freedom of expression and association, political and trade union pluralism and other forms of participatory democracy;...*

On-line Version:

http://www.africa-union.org/Special_Programs/CSSDCA/cssdca-solemndeclaration.pdf

Related Links:

- African Union: www.africa-union.org
- Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA): http://www.africa-union.org/Special_Programs/CSSDCA.htm

J) The New Partnership for Africa's Development (NEPAD)

Adopted at the inaugural meeting of the Implementation Committee of Heads of State and Government on the New Partnership for Africa's Development (NEPAD) in Abuja, Nigeria, on 23 October 2001.

Excerpts:**III. The New Political Will of African Leaders**

The New Partnership for Africa's Development recognises that there have been attempts in the past to set out continent-wide development programmes. For a variety of reasons, both internal and external, including questionable leadership and ownership by Africans themselves, these have been less than successful. However, there is today a new set of circumstances, which lend themselves to integrated practical implementation.

The new phase of globalisation coincided with the reshaping of international relations in the aftermath of the Cold War. This is associated with the emergence of new concepts of security and self-interest, which encompass the right to development and the eradication of poverty. Democracy and state legitimacy have been redefined to include accountable government, a culture of human rights and popular participation as central elements.

Significantly, the numbers of democratically elected leaders are on the increase. Through their actions, they have declared that the hopes of Africa's peoples for a better life can no longer rest on the magnanimity of others.

Across the continent, democracy is spreading, backed by the African Union (AU), which has shown a new resolve to deal with conflicts and censure deviation from the norm. These efforts are reinforced by voices in civil society, including associations of women, youth and the independent media. In addition, African governments are much more resolute about regional and continental goals of economic cooperation and integration. This serves both to consolidate the gains of the economic turnaround and to reinforce the advantages of mutual interdependence.

The changed conditions in Africa have already been recognised by governments across the world. The United Nations Millennium Declaration, adopted in September 2000, confirms the global community's readiness to support Africa's efforts to address the continent's underdevelopment and marginalisation. The Declaration emphasises support for the prevention of conflict and the establishment of conditions of stability and democracy on the continent, as well as for the key challenges of eradicating poverty and disease. The Declaration further points to the global community's commitment to enhance resource flows to Africa, by improving aid, trade and debt relationships between Africa and the rest of the world, and by increasing private capital flows to the continent. It is now important to translate these commitments into reality.

The New Partnership for Africa's Development centres around African ownership and management. Through this programme, African leaders are setting an agenda for the renewal of the continent. The agenda is based on national and regional priorities and development plans that must be prepared through participatory processes involving the people. We believe that while African leaders derive their mandates from their people, it is their role to articulate these plans as well as lead the processes of implementation on behalf of their people.

The programme is a new framework of interaction with the rest of the world, including the industrialised countries and multilateral organisations. It is based on the agenda set by African peoples through their own initiatives and of their own volition, to shape their own destiny.

To achieve these objectives, African leaders will take joint responsibility for the following:

- Promoting and protecting democracy and human rights in their respective countries and regions, by developing clear standards of accountability, transparency and participatory governance at the national and sub-national levels;

A. Conditions for Sustainable Development

(ii) Democracy and Political Governance Initiative

It is now generally acknowledged that development is impossible in the absence of true democracy, respect for human rights, peace and good governance. With the New Partnership for Africa's Development, Africa undertakes to respect the global standards of democracy, which core components include political pluralism, allowing for the existence of several political parties and workers' unions, fair, open, free and democratic elections periodically organised to enable the populace choose their leaders freely.

The purpose of the Democracy and Governance Initiative is to contribute to strengthening the political and administrative framework of participating countries, in line with the principles of democracy, transparency, accountability, integrity, respect for human rights and promotion of the rule of law. It is strengthened by and supports the Economic Governance Initiative, with which it shares key features, and taken together will contribute to harnessing the energies of the continent towards development and poverty eradication.

On-line Version:

<http://www.nepad.org/2005/files/documents/inbrief.pdf>

Related Links:

- African Union: www.africa-union.org
- The New Partnership for Africa's Development (NEPAD): www.nepad.org

B. Economic Community of Central African States (ECCAS)

- a. Bata Declaration on the Promotion of Lasting Democracy, Peace and Development in Central Africa

a) Bata Declaration for the Promotion of Lasting Democracy, Peace and Development in Central Africa

Adopted at the Sub-regional Conference on Democratic Institutions and Peace in Central Africa in Bata, Equatorial Guinea, on 21 May 1998.

Excerpts:

11. While reaffirming the sovereign right of each nation to determine the nature and rate of democratization of its institutions, they recognized unanimously that that process must inevitably lead to the development of a dynamic political system capable of allowing the full expression of the people's will and based on the following principles:

- respect for the rule of law;
- efforts to combat impunity;
- political pluralism;
- the organization of free, transparent and honest elections;
- freedom of the press;
- independence of the judiciary;
- respect for human rights and human dignity;
- promotion of a genuine, essentially non-violent democratic culture; and
- the practice of dialogue and tolerance.

Recommendations

12. In order to provide a sustainable basis for the democratization process and to strengthen peace in the Central African subregion, participants adopted the following measures and recommended the creation of the following mechanisms at the inter-State and internal levels:

At the inter-State level

(b) Convinced that the democratization process involved not only politicians but also peoples, and in order to give the subregional parliament all the support that it deserved, participants recommended that representatives of civil society, particularly organizations for the protection and promotion of human rights, organizations for enhancing the status of women and youth movements, should be given permanent observer status in the parliament.

On-line Version (not official):

http://www2.ohchr.org/english/law/compilation_democracy/eccas.htm

Related Links:

- African Union: www.africa-union.org
- Economic Community of Central African States (ECCAS): <http://www.ceeac-eccas.org/>

3. Economic Community of West African States (ECOWAS)

- a. Treaty of ECOWAS
- b. Declaration of Political Principles of the ECOWAS
- c. Protocol on Democracy and Good Governance (Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention Management, Resolution, Peacekeeping and Security)

a) Treaty of ECOWAS

Adopted by the Heads of States and Governments of the Member States of the Economic Community of West African States in Cotonou, Benin on 24 July 1993.

Excerpts:**Article 4: Fundamental Principles**

The High Contracting Parties, in pursuit of the objectives stated in Article 3 of this Treaty, solemnly affirm and declare their adherence to the following principles:

- g) recognition promotion and protection of human and peoples' rights in accordance with the provisions of the African Charter on Human and Peoples' Rights;*
- h) accountability, economic and social justice and popular participation in development;*

On-line Version (not official):

http://www.iss.co.za/AF/RegOrg/unity_to_union/pdfs/ecowas/3ECOWASTreaty.pdf

Related Links:

- African Union: www.africa-union.org
- Economic Community of West African States (ECOWAS): www.ecowas.int

b) Declaration of Political Principles of the ECOWAS

Adopted by the Heads of States and Governments of the Member States of the Economic Community of West African States in Abuja, Nigeria, on 6 July 1991.

Excerpts:

4. *We will respect human rights and fundamental freedoms in all their plenitude including in particular freedom of thought, conscience, association, religion or belief for all our peoples without distinction as to race, sex, language or creed.*
5. *We will promote and encourage the full enjoyment by all our peoples of their fundamental human rights, especially their political, economic, social, cultural and other rights inherent in the dignity of the human person and essential to his free and progressive development.*
6. *We believe in the liberty of the individual and in his inalienable right to participate by means of free and democratic processes in the framing of the society in which he lives. We will therefore strive to encourage and promote in each our countries, political pluralism and those representative institutions and guarantees for personal safety and freedom under the law that are our common heritage.*

On-line Version (not official):

http://www.iss.co.za/AF/RegOrg/unity_to_union/pdfs/ecowas/7DecPolPrin.pdf

Related Links:

- African Union: www.africa-union.org
- Economic Community of West African States (ECOWAS): www.ecowas.int

c) Protocol on Democracy and Good Governance (Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention Management, Resolution, Peacekeeping and Security)

Adopted by the Heads of States and Governments of the Member States of the Economic Community of West African States in Dakar, Senegal, on 21 December 2001.

Excerpts:

Article 1

The following shall be declared as constitutional principles shared by all Member States:

d) Popular participation in decision-making, strict adherence to democratic principles and decentralization of power at all levels of governance.

f) Secularism and neutrality of the State in all matters relating to religion; freedom for each individual to practise, within the limits of existing laws, the religion of his/her choice everywhere on the national territory. The secularism shall extend to all parts of the State, but shall not deprive the State of the right to regulate, with due respect to human rights, the different religions practiced on the national territory or to intervene when law and order break down as a result of any religious activity.

g) The State and all its institutions belong to all the citizens; therefore none of their decisions and actions shall involve any form of discrimination, be it on an ethnic, racial, religion or regional basis.

h) The rights set out in the African Charter on Human and Peoples' Rights and other international instruments shall be guaranteed in each of the ECOWAS Member States; each individual or organization shall be free to have recourse to the common or civil law courts, a court of special jurisdiction, or any other national institution established within the framework of an international instrument on Human Rights, to ensure the protection of his/her rights. In the absence of a court of special jurisdiction, the present Supplementary Protocol shall be regarded as giving the necessary powers to common or civil law judicial bodies.

i) Political parties shall be formed and shall have the right to carry out their activities freely, within the limits of the law. Their formation and activities shall not be based on ethnic, religious, regional or racial considerations. They shall participate freely and without hindrance or discrimination in any electoral process. The freedom of the opposition shall be guaranteed. Each Member State may adopt a system for financing political parties, in accordance with criteria set under the law.

j) The freedom of association and the right to meet and organize peaceful demonstrations shall also be guaranteed.

k) The freedom of the press shall be guaranteed.

Article 22

1. The use of arms to disperse non-violent meetings or demonstrations shall be forbidden. Whenever a demonstration becomes violent, only the use of minimal and/or proportionate force shall be authorized.

2. All cruel, inhuman and degrading treatment shall be forbidden.

3. The security forces, while carrying out investigations, shall not disturb or arrest family members or relations of the person presumed guilty or suspected of having committed an offence.

On-line Version (not official):

http://www.iss.co.za/AF/RegOrg/unity_to_union/pdfs/ecowas/12ProtDemocGood.pdf

Related Links:

- African Union: www.africa-union.org
- Economic Community of West African States (ECOWAS): www.ecowas.int

4. Southern African Development Community (SADC)

- a. Declaration and Treaty of the SADC
- b. SADC Principles and Guidelines Governing Democratic Elections

a) Declaration and Treaty of the SADC

Adopted by the Heads of States and Governments of the Member States of the Southern African Development Community in Windhoek, Namibia, on 17 August 1992.

Excerpts:**Article 4 - Principles**

SADC and its Member States shall act in accordance with the following principles:

- b) solidarity, peace and security;*
- c) human rights, democracy, and the rule of law;*

Article 5 - Objectives

2. In order to achieve the objectives set out in paragraph 1 of this Article, SADC shall:

- b) encourage the people of the Region and their institutions to take initiatives to develop economic, social and cultural ties across the Region, and to participate fully in the implementation of the programmes and projects of SADC;*

Article 23 – Non-Governmental Organisations

- 1. In pursuance of the objectives of this Treaty, SADC shall seek to involve fully, the people of the Region and non-governmental organisations in the process of regional integration.*
- 2. SADC shall co-operate with, and support the initiatives of the peoples of the Region and non-governmental organisations, contributing to the objectives of this Treaty in the areas of co-operation in order to foster closer relations among the communities, associations and people of the Region.*

On-line Version:

http://www.sadc.int/index.php?action=a1001&page_id=declarations_sadc

Related Links:

- African Union: www.africa-union.org
- Southern African Development Community (SADC): www.sadc.int

b) SADC Principles and Guidelines Governing Democratic Elections

Adopted by the Heads of States and Governments of the Member States of the Southern African Development Community in Port Louis, Mauritius on 17 August 2004.

Excerpts:**2. Principles for Conducting Democratic Elections**

2.1 *In the event a Member State decides to extend an invitation to SADC to observe its elections, this shall be based on the provisions of the Protocol on Politics, Defence and Security Cooperation.*

2.2 *SADC Member States shall adhere to the following principles in the conduct of democratic elections:*

2.1.1 *Full participation of the citizens in the political process;*

2.1.2 *Freedom of association;*

2.1.3 *Political tolerance;*

2.1.5 *Equal opportunity for all political parties to access the state media;*

2.1.8 *Voter education.*

7. Responsibilities of the Member State Holding Elections

7.4 *Safeguard the human and civil liberties of all citizens including the freedom of movement, assembly, association, expression, and campaigning as well as access to the media on the part of all stakeholders, during electoral processes as provided for under 2.1.5 above;*

7.9 *Encourage the participation of women, disabled and youth in all aspects of the electoral process in accordance with the national laws;*

7.13 *Allow the members of the SEOM to communicate freely with all competing political parties, candidates, other political associations and organisations, and civil society organizations;*

7.15 *Allow the members of the SEOM an unhindered access to and communicate freely with the media;*

On-line Version:

http://www.sadc.int/english/documents/political_affairs/index.php

Related Links:

- African Union: www.africa-union.org
- Southern African Development Community (SADC): www.sadc.int

C. Inter-Governmental Organisations of the Americas

1. Organization of American States (OAS)
 - a. American Declaration of the Rights and Duties of Man
 - b. American Convention on Human Rights
 - c. Inter-American Democratic Charter
 - d. Promotion and Strengthening of Democracy: Follow-up to the Inter-American Democratic Charter
 - e. Declaration of Santiago on Democracy and Public Trust: A New Commitment to Good Governance for the Americas
 - f. Declaration of Nuevo León
 - g. Draft Declaration of Quito on Social Development and Democracy, and the Impact of Corruption
 - h. Declaration of Santo Domingo: Good Governance and Development in the Knowledge-Based Society
 - i. Access to Public Information: Strengthening Democracy
 - j. Increasing and Strengthening Civil Society Participation in the Activities of the Organization of American States and in the Summits of the Americas Process
 - k. Citizen Participation and Strengthening of Democracy in the Americas
 - l. Human Rights Defenders: Support for the Individuals, Groups and Organizations of Civil Society Working to Promote and Protect Human Rights in the Americas
 - m. Declaration of Medellín: Youth and Democratic Values
2. Andean Community
 - a. Declaration about Democracy and Integration
 - b. Macchu Picchu Declaration on Democracy, the Rights of Indigenous Peoples and the War against Poverty
 - c. Andean Charter for the Promotion and Protection of Human Rights
3. Sistema de la Integración Centroamericana (SICA)
 - a. Alliance for the Sustainable Development of Central America
 - b. Framework Treaty on Democratic Security in Central America

1. Organization of American States (OAS)

- a. American Declaration of the Rights and Duties of Man
- b. American Convention on Human Rights
- c. Inter-American Democratic Charter
- d. Promotion and Strengthening of Democracy: Follow-up to the Inter-American Democratic Charter
- e. Declaration of Santiago on Democracy and Public Trust: A New Commitment to Good Governance for the Americas
- f. Declaration of Nuevo León
- g. Draft Declaration of Quito on Social Development and Democracy, and the Impact of Corruption
- h. Declaration of Santo Domingo: Good Governance and Development in the Knowledge-Based Society
- i. Access to Public Information: Strengthening Democracy
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- k. Citizen Participation and Strengthening of Democracy in the Americas
- l. Human Rights Defenders: Support for the Individuals, Groups and Organizations of Civil Society Working to Promote and Protect Human Rights in the Americas
- m. Declaration of Medellín: Youth and Democratic Values

a) American Declaration on the Rights and Duties of Man

Type of Instrument: Declaration	Region: The Americas	Organisation: Organization of American States (OAS)
Status: Not legally binding	Structure: Preamble and 38 articles	Date of adoption / entry into force: Adopted on 2 May 1948
Description: <p>The American Declaration on the Rights and Duties of Man is an affirmation of basic human rights by the nations of the Americas. It was adopted at the Ninth International Conference of American States in Bagota, Columbia. It predates the Universal Declaration of Human Rights by over six months. The concepts contained in the American Declaration have been elaborated upon in the American Convention of Human Rights and other international documents.</p>		
<p>Parts related to Core Civil Society Rights:</p> <p>Article 4 [Freedom of Expression] <i>Every person has the right to freedom of investigation, of opinion, and of the expression and dissemination of ideas, by any medium whatsoever.</i></p> <p>Article 21 [Freedom of Assembly] <i>Every person has the right to assemble peaceably with others in a formal public meeting or an informal gathering, in connection with matters of common interest of any nature.</i></p> <p>Article 22 [Freedom of Association] <i>Every person has the right to associate with others to promote, exercise and protect his legitimate interests of a political, economic, religious, social, cultural, professional, labor union or other nature.</i></p>		
<p>Other elements relevant to Civil Society within this instrument:</p> <p>Article 3 [Freedom of Thought] <i>Every person has the right freely to profess a religious faith, and to manifest and practice it both in public and in private.</i></p>		

Article 20**[Participation in Government]**

Every person having legal capacity is entitled to participate in the government of his country, directly or through his representatives, and to take part in popular elections, which shall be by secret ballot, and shall be honest, periodic and free.

On-line version:

<http://www.oas.org/consejo/general%20assembly/decs%20-%20res%20ag/ga-res98/eres1591.htm>

Related Web Links:

- Organization of American States: <http://www.oas.org/main/english/default.asp>
- Inter-American Commission on Human Rights: <http://www.cidh.org/DefaultE.htm>
- Inter-American Court on Human Rights:
<http://www.corteidh.or.cr/index.cfm?&CFID=410585&CFTOKEN=23340071>

b) American Convention on Human Rights

Type of Instrument: Treaty	Region: The Americas	Organisation: Organization of American States (OAS)
Status: 25 State parties Agreement enforced by International Law	Structure: Preamble, 3 parts, 11 chapters and 82 articles	Date of adoption / entry into force: Adopted on 2 May 1948
<p>Description:</p> <p>The American Convention on Human Rights, also known as the Pact of San Jose, builds upon the rights enshrined in the American Declaration of the Rights and Duties of Man. The American Convention lays emphasis on personal liberty and social justice alongwith the protection of basic human rights. The Inter-American Commission on Human Rights receives, analyses and investigates individual petitions relating to violation of the Convention and also submits cases to the Inter-American Court of Human Rights whose objective is the application and interpretation of the American Convention of Human Rights and other treaties relating to human rights.</p>		
<p>Parts related to Core Civil Society Rights:</p> <p>Article 13 [Freedom of Thought and Expression]</p> <p>1. Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice.</p> <p>2. <i>The exercise of the right provided for in the foregoing paragraph shall not be subject to prior censorship but shall be subject to subsequent imposition of liability, which shall be expressly established by law to the extent necessary to ensure:</i></p> <p><i>a. respect for the rights or reputations of others; or</i></p> <p><i>b. the protection of national security, public order, or public health or morals.</i></p> <p>3. <i>The right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions.</i></p> <p>4. <i>Notwithstanding the provisions of paragraph 2 above, public entertainments may be subject by law to prior censorship for the sole purpose of regulating access to them for the moral protection of childhood and adolescence.</i></p> <p>5. <i>Any propaganda for war and any advocacy of national, racial, or religious hatred that constitute incitements to lawless violence or to any other similar action against any person or group of persons on any grounds including those of race, color, religion, language, or national origin shall be considered as offenses punishable by law.</i></p>		

Article 15**[Freedom of Assembly]**

The right of peaceful assembly, without arms, is recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and necessary in a democratic society in the interest of national security, public safety or public order, or to protect public health or morals or the rights or freedom of others.

Article 16**[Freedom of Association]**

1. *Everyone has the right to associate freely for ideological, religious, political, economic, labor, social, cultural, sports, or other purposes.*
2. *The exercise of this right shall be subject only to such restrictions established by law as may be necessary in a democratic society, in the interest of national security, public safety or public order, or to protect public health or morals or the rights and freedoms of others.*
3. *The provisions of this article do not bar the imposition of legal restrictions, including even deprivation of the exercise of the right of association, on members of the armed forces and the police.*

Other elements relevant to Civil Society within this instrument:

Article 23**[Right to Participate in Government]**

1. *Every citizen shall enjoy the following rights and opportunities:*
 - a. *to take part in the conduct of public affairs, directly or through freely chosen representatives;*
 - b. *to vote and to be elected in genuine periodic elections, which shall be by universal and equal suffrage and by secret ballot that guarantees the free expression of the will of the voters; and*
 - c. *to have access, under general conditions of equality, to the public service of his country.*
2. *The law may regulate the exercise of the rights and opportunities referred to in the preceding paragraph only on the basis of age, nationality, residence, language, education, civil and mental capacity, or sentencing by a competent court in criminal proceedings.*

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights

Article 8**[Trade Union Rights]**

1. *The States Parties shall ensure:*
 - a. *The right of workers to organize trade unions and to join the union of their choice for the purpose of protecting and promoting their interests. As an extension of that right, the States Parties shall permit trade unions to establish national federations or confederations, or to*

affiliate with those that already exist, as well as to form international trade union organizations and to affiliate with that of their choice. The States Parties shall also permit trade unions, federations and confederations to function freely;

b. The right to strike.

2. The exercise of the rights set forth above may be subject only to restrictions established by law, provided that such restrictions are characteristic of a democratic society and necessary for safeguarding public order or for protecting public health or morals or the rights and freedoms of others. Members of the armed forces and the police and of other essential public services shall be subject to limitations and restrictions established by law.

3. No one may be compelled to belong to a trade union.

On-line version:

<http://www.oas.org/juridico/english/treaties/b-32.html>

Related Legal Instruments:

- Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights "Protocol of San Salvador"
- Inter-American Convention to Prevent and Punish Torture
- Inter-American Convention on Forced Disappearance of Persons
- Declaration of Principles on Freedom of Expression
- Charter of the Organization of American States

Related Web Links:

- Organization of American States: <http://www.oas.org/main/english/default.asp>
- Inter-American Commission on Human Rights: <http://www.cidh.org/DefaultE.htm>
- Inter-American Court of Human Rights:
<http://www.corteidh.or.cr/index.cfm?&CFID=410585&CFTOKEN=23340071>

c) Inter-American Democratic Charter

Adopted by the General Assembly of the OAS at its Special Session in Lima, Peru on 11 September 2001. 34 state parties as of 1 October 2008.

Excerpts:

... Reaffirming that the promotion and protection of human rights is a basic prerequisite for the existence of a democratic society, and recognizing the importance of the continuous development and strengthening of the inter-American human rights system for the consolidation of democracy;

Considering that education is an effective way to promote citizens' awareness concerning their own countries and thereby achieve meaningful participation in the decision-making process, and reaffirming the importance of human resource development for a sound democratic system;

Recognizing that a safe environment is essential to the integral development of the human being, which contributes to democracy and political stability;

Bearing in mind that the Protocol of San Salvador on Economic, Social, and Cultural Rights emphasizes the great importance of the reaffirmation, development, improvement, and protection of those rights in order to consolidate the system of representative democratic government;

Recognizing that the right of workers to associate themselves freely for the defense and promotion of their interests is fundamental to the fulfilment of democratic ideals; ...

Article 2

The effective exercise of representative democracy is the basis for the rule of law and of the constitutional regimes of the member states of the Organization of American states. Representative democracy is strengthened and deepened by permanent, ethical, and responsible participation of the citizenry within a legal framework conforming to the respective constitutional order.

Article 3

Essential elements of representative democracy include, inter alia, respect for human rights and fundamental freedoms, access to and the exercise of power in accordance with the rule of law, the holding of periodic, free, and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people, the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government.

Article 4

Transparency in government activities, probity, responsible public administration on the part of governments, respect for social rights, and freedom of expression and of the press are essential components of the exercise of democracy.

The constitutional subordination of all state institutions to the legally constituted civilian authority and respect for the rule of law on the part of all institutions and sectors of society are equally essential to democracy.

Article 5

The strengthening of political parties and other political organizations is a priority for democracy. Special attention will be paid to the problems associated with the high cost of election campaigns and the establishment of a balanced and transparent system for their financing.

Article 6

It is the right and responsibility of all citizens to participate in decisions relating to their own development. This is also a necessary condition for the full and effective exercise of democracy. Promoting and fostering diverse forms of participation strengthens democracy.

Article 9

The elimination of all forms of discrimination, especially gender, ethnic and race discrimination, as well as diverse forms of intolerance, the promotion and protection of human rights of indigenous peoples and migrants, and respect for ethnic, cultural and religious diversity in the Americas contribute to strengthening democracy and citizen participation.

Article 10

The promotion and strengthening of democracy requires the full and effective exercise of workers' rights and the application of core labor standards, as recognized in the International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work, and its Follow-up, adopted in 1998, as well as other related fundamental ILO conventions. Democracy is strengthened by improving standards in the workplace and enhancing the quality of life for workers in the Hemisphere.

Article 26

The OAS will continue to carry out programs and activities designed to promote democratic principles and practices and strengthen a democratic culture in the Hemisphere, bearing in mind that democracy is a way of life based on liberty and enhancement of economic, social, and cultural conditions for the peoples of the Americas. The OAS will consult and cooperate on an ongoing basis with member states and take into account the contributions of civil society organizations working in those fields.

Article 27

The objectives of the programs and activities will be to promote good governance, sound administration, democratic values, and the strengthening of political institutions and civil society organizations. Special attention shall be given to the development of programs and activities for the education of children and youth as a means of ensuring the continuance of democratic values, including liberty and social justice.

Article 28

States shall promote the full and equal participation of women in the political structures of their countries as a fundamental element in the promotion and exercise of a democratic culture.

On-line Version:

http://www.oas.org/charter/docs/resolution1_en_p4.htm

Related Links:

- Organization of American States: <http://www.oas.org/main/english/default.asp>

d) Promotion and Strengthening of Democracy: Follow-up to the Inter-American Democratic Charter

Adopted by the General Assembly at the 4th Plenary Session on 10 June 2003.

Excerpts:

5. To instruct the Permanent Council, in the context of the commitments and mandates arising from the OAS Charter, the Summits of the Americas process, and the Inter-American Democratic Charter:

a. To organize, with support from the General Secretariat, through the Unit for the Promotion of Democracy (UPD) and the Unit for Social Development and Education, and within the resources allocated in the program-budget of the Organization and other resources, a special meeting on the topic "Promotion of Democratic Culture through Education" in the last quarter of 2003, with the participation of political parties, civil society organizations, academic institutions, and other entities associated with the topic;

6. To request the General Secretariat, through the UPD to:

a. Coordinate the activities and programs of the various units and offices of the General Secretariat relating to the promotion of representative democracy, so as to give appropriate attention to fulfilling the mandates on the inter-American agenda;

b. Promote the exchange of best practices on how governments dialogue with civil society, especially in the area of the promotion of democracy—an activity for which the Inter-American Democratic Charter will provide particularly useful guidance and support;

7. To recognize the work of the UPD in the promotion and strengthening of democracy, the implementation of its work plan, and its report "Inventory of Activities: Promotion and Consolidation of Representative Democracy, 2002-2003," presented to the Permanent Council of the Organization; and to request the General Secretariat, through the UPD:

g. To develop, in conjunction with the Secretariat for the Summit Process of the General Secretariat, activities to promote full participation by civil society in the political system;

8. To urge all bodies of the inter-American system, especially the Inter-American Commission on Human Rights and the Inter-American Commission of Women, to work actively on programs and projects to remove obstacles to full participation by women and men in democratic processes and political party structures.

On-line Version:

http://www.oas.org/juridico/english/ga03/agres_1957.htm

Related Links:

- Organization of American States: <http://www.oas.org/main/english/default.asp>

e) Declaration of Santiago on Democracy and Public Trust: A New Commitment to Good Governance for the Americas

Adopted by the Ministers of Foreign Affairs and Heads of Delegation of the member countries of the OAS at the 4th Plenary Session in Santiago, Chile, on 10 June 2003.

Excerpts:

... Reaffirming that, from that perspective, the adoption of the Inter-American Democratic Charter reinforced the commitment of the Americas to democracy, freedom, and development;

Recognizing that democratic governance requires the responsible participation of all social actors in building the necessary consensus to strengthen our democracies;

... Recognizing that democracy is strengthened by the full respect for freedom of expression, access to information, and free dissemination of ideas, and that all sectors of society, including the media through the diverse information it provides to citizens, can contribute to an environment of tolerance for all opinions, promote a culture of peace, and strengthen democratic governance;

Declare:

...The firm intention to promote full participation by citizens in the political system, in order to increase credibility and public trust in democratic institutions, including support for civil society organizations.

On-line Version:

http://www.oas.org/juridico/english/ga03/agdec_31.htm

Related Links:

- Organization of American States: <http://www.oas.org/main/english/default.asp>

f) Declaration of Nuevo León

Adopted at the Special Summit of the Americas in Monterrey, Mexico on 13 January 2004.

Excerpts:

... We agree that, through citizen participation, civil society organizations should contribute to the design, implementation, and evaluation of public policies adopted by different orders or levels of government. We recognize the role of civil society and its contribution to sound public administration and we reaffirm the importance of continuing to forge new partnerships that will enable constructive ties to be built between governments, nongovernmental organizations, international organizations, and the diverse sectors of civil society to work in favor of development and democracy.

We encourage the participation of civil society in the Summits of the Americas process and we undertake to institutionalize meetings with civil society and with the academic and private sectors.

On-line Version:

http://www.summit-americas.org/SpecialSummit/declaration_monterrey-eng.htm

Related Links:

- Organization of American States: <http://www.oas.org/main/english/default.asp>

g) Draft Declaration of Quito on Social Development and Democracy, and the Impact of Corruption

Approved by the General Committee at its 3rd meeting on 8 June 2004 at the General Assembly Thirty-Fourth Regular Session in Quito, Ecuador, from 6 to 8 June 2004.

Excerpts:

9. *That the prevention and eradication of corruption is a responsibility of all states and that they must cooperate with one another, with the support and involvement of individuals and groups outside the public sector, such as civil society, nongovernmental organizations, and community-based organizations, as well with the private sector, if their efforts in this area are to be effective.*

15. *That the media and the various actors in civil society must play a fundamental role in the prevention of and fight against corruption, in accordance with domestic law and applicable international norms. Responsible action on their part contributes to the culture of transparency, good governance, and democratic values.*

17. *That the strengthening of and respect for the rule of law, the defense of human rights and fundamental freedoms, economic progress, well-being and social justice, transparency and accountability in public affairs, the promotion of diverse forms of participation by our citizens, and the development of opportunities for all are fundamental to promote and consolidate representative democracy.*

On-line Version:

http://www.oas.org/XXXIVGA/DeclaracionQuito_eng.pdf

Related Links:

- Organization of American States: <http://www.oas.org/main/english/default.asp>

h) Declaration of Santo Domingo: Good Governance and Development in the Knowledge-Based Society

Adopted by the General Assembly of the OAS at the 4th Plenary Session in Santo Domingo, Dominican Republic on 6 June 2006.

Excerpts:

The Ministers of Foreign Affairs and Heads of Delegation of the Member States of the Organization of American States (OAS) ...

Declare:

5. Their commitment, consistent with the spirit of the Inter-American Democratic Charter, to guarantee the liberty of every person to enjoy freedom of expression, including access to uncensored political debate and the free exchange of ideas through all forms of mass media, including the Internet.

6. Their resolve to develop and encourage strategies and best practices that enhance the possibility of every person to engage actively in the exchange of opinions, including political discourse, through the Internet or other technological communications media, guaranteeing freedom of investigation, of opinion, and of the expression and dissemination of ideas, as essential components of the knowledge-based society.

7. Their commitment to actively foster a dynamic and enabling environment for regional and international cooperation, and to urge the involvement of all relevant stakeholders, including the private sector, civil society, and regional and international institutions, including financial institutions, with a view to implementing the development of complementary strategies that promote freedom of expression and information on the Internet and other technological communications media and universal access to the Internet for all peoples of the Americas.

10. Their request that the Secretary General, taking into account the OAS Charter and the Inter-American Democratic Charter, promote, by means of suitable programs, the use of ICTs to foster participation by every person in public life, a building block of democratic governance.

11. That they will promote the utilization of ICTs for the follow-up, oversight, and evaluation of public administration by the citizenry, in order to achieve a transparent and efficient government and the strengthening of democracy.

On-line Version:

http://scm.oas.org/doc_public/ENGLISH/HIST_06/AG03341E09.DOC

Related Links:

- Organization of American States: <http://www.oas.org/main/english/default.asp>
- Charter of the Organization of American States:
<http://www.oas.org/juridico/English/charter.html>
- Inter-American Democratic Charter:
http://www.oas.org/OASpage/eng/Documents/Democratic_Charter.htm
- American Convention on Human Rights:
<http://www.oas.org/juridico/english/treaties/b-32.html>

i) Access to Public Information: Strengthening Democracy

Adopted by the General Assembly of the OAS at the 4th Plenary Session in Panama,
Republic of Panama on 5 June 2007.

Excerpts:

1. To reaffirm that everyone has the right to seek, receive, access and impart information and that access to public information is a requisite for the very existence of democracy.
2. To urge member states to respect and promote respect for everyone's access to public information and to promote the adoption of any necessary legislative or other types of provisions to ensure its recognition and effective application.
3. To encourage member states, in keeping with the commitment made in the Declaration of Nuevo León and with due respect for constitutional and legal provisions, to prepare and/or adjust their respective legal and regulatory frameworks, as appropriate, so as to provide the citizenry with broad access to public information.
4. Also to encourage member states, when preparing and/or adjusting their respective legal and regulatory frameworks, as appropriate, to provide civil society with the opportunity to participate in that process; and to urge them, when drafting and/or adapting their national legislation, to take into account clear and transparent exception criteria.
5. To encourage member states to take the necessary measures, through their national legislation and other appropriate means, to make public information available electronically or by other means that will allow ready access to it.
6. To encourage civil society organizations to make information related to their work available to the public.

On-line Version:

http://scm.oas.org/doc_public/ENGLISH/HIST_07/AG03738E14.doc

Related Links:

- Organization of American States: <http://www.oas.org/main/english/default.asp>
- Charter of the Organization of American States:
<http://www.oas.org/juridico/English/charter.html>
- Inter-American Democratic Charter:
http://www.oas.org/OASpage/eng/Documents/Democratic_Charter.htm
- American Convention on Human Rights:
<http://www.oas.org/juridico/english/treaties/b-32.html>

J) Increasing and Strengthening Civil Society Participation in the Activities of the Organization of American States and in the Summits of the Americas Process

Adopted by the General Assembly of the OAS at the 4th Plenary Session in Panama, Republic of Panama on 5 June 2007.

Excerpts:

1. To reaffirm the commitment of the member states to continue strengthening and implementing effective mechanisms for civil society participation in the Summits of the Americas process and in the activities of the Organization of American States (OAS), as well as the willingness of the Organization to continue to implement concrete actions designed to achieve the effective participation of civil society in the Summits process and the OAS.
2. To instruct the Permanent Council, the Inter-American Council for Integral Development (CIDI), and the General Secretariat to continue, in coordination with all organs, agencies, and entities of the OAS, to facilitate the implementation of the Strategies for Increasing and Strengthening Participation by Civil Society Organizations in OAS Activities, adopted by the Permanent Council in resolution CP/RES. 840 (1361/03), "Increasing and Strengthening Civil Society Participation in OAS activities.
3. To instruct the Permanent Council to continue to promote and facilitate civil society participation in the Summits of the Americas and in the activities developed by the OAS as a result of the Summits of the Americas process as well as the efforts of member states to foster such participation.
4. To continue to actively support and promote the registration of civil society organizations and their participation in OAS activities, and in its organs, agencies, and entities.
6. To continue to urge member states to:
 - (a) Participate in the dialogue of heads of delegation with representatives of civil society organizations in the context of General Assembly sessions and in the Summits of the Americas process; and
 - (b) Continue their efforts, both domestically and multilaterally, to expand opportunities for participation by civil society organizations in OAS activities and in the Summits of the Americas process.

On-line Version:

http://scm.oas.org/doc_public/ENGLISH/HIST_07/AG03738E14.doc

Related Links:

- Organization of American States: <http://www.oas.org/main/english/default.asp>
- OAS Resolution Human Rights Defenders: Support for Individuals, Groups, and Organizations of Civil Society Working to Promote and Protect Human Rights in the Americas http://scm.oas.org/doc_public/ENGLISH/HIST_07/AG03738E14.doc
- American Convention on Human Rights: <http://www.oas.org/juridico/english/treaties/b-32.html>

k) Citizen Participation and Strengthening of Democracy in the Americas

Adopted by the General Assembly of the OAS at the 4th Plenary Session in Panama, Republic of Panama on 5 June 2007.

Excerpts:

1. To urge member states to promote and foster diverse forms of participation by citizens, the community, and civil society in decision-making on integral development, so that they may contribute to finding solutions to the issues that affect them, to ensuring that the benefits of democracy are shared by society as a whole, and to strengthening and consolidating democracy and human rights.

2. To recommend to the member states that they develop and, as the case may be, expand networks of information on public policies and programs in order to enable citizens to play a much more effective role in decision-making in government.

On-line Version:

http://scm.oas.org/doc_public/ENGLISH/HIST_07/AG03738E14.doc

Related Links:

- Organization of American States: <http://www.oas.org/main/english/default.asp>
- Charter of the Organization of American States:
<http://www.oas.org/juridico/English/charter.html>
- Inter-American Democratic Charter:
http://www.oas.org/OASpage/eng/Documents/Democratic_Charter.htm
- American Convention on Human Rights:
<http://www.oas.org/juridico/english/treaties/b-32.html>

I) Human Rights Defenders: Support for the Individuals, Groups, and Organizations of Civil Society Working to Promote and Protect Human Rights in the Americas

Adopted by the General Assembly of the OAS at the 4th Plenary Session in Panama, Republic of Panama on 5 June 2007.

Excerpts:

3. To condemn actions that directly or indirectly prevent or hamper the work of human rights defenders in the Americas.

4. To encourage human rights defenders to continue their selfless work and their contributions to the enhancement of national human rights systems for the strengthening of democracy, in accordance with the principles contained in the United Nations Declaration on the Rights and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

5. To encourage member states to continue or begin, as the case may be, activities to educate and disseminate information to government officials, society at large, and the media, both public and private, so as to make them aware of the importance and validity of the work of human rights defenders and their organizations.

6. To urge member states to continue stepping up their efforts to adopt necessary measures to safeguard the lives, freedom, and personal safety of human rights defenders and their relatives, including effective emergency protection measures in the case of imminent threat or danger, and to ensure that thorough and impartial investigations and proceedings are carried out, and appropriate punishments are applied, in all cases of violations against human rights defenders.

8. To encourage member states to ensure that national regulations-including registration where applicable under national law-concerning human rights defenders and their organizations, allow their work to be carried out in a free, transparent, and open political environment and in a manner consistent with applicable international human rights and humanitarian law.

On-line Version:

http://scm.oas.org/doc_public/ENGLISH/HIST_07/AG03738E14.doc

Related Links:

- Organization of American States: <http://www.oas.org/main/english/default.asp>
- Charter of the Organization of American States:
<http://www.oas.org/juridico/English/charter.html>
- Inter-American Democratic Charter:
http://www.oas.org/OASpage/eng/Documents/Democratic_Charter.htm
- American Convention on Human Rights:
<http://www.oas.org/juridico/english/treaties/b-32.html>

m) Declaration of Medellín: Youth and Democratic Values

Adopted by the General Assembly of the OAS at the 4th Plenary Session in Medellín, Columbia on 3 June 2008.

Excerpts:

3. *That respect for and protection and promotion of human rights and fundamental freedoms of young people in the Americas are essential for the consolidation of democracy and the development of our peoples.*

7. *That to build free and responsible public opinion among youth it is necessary to promote and defend freedom of thought and expression, including the freedom to seek, receive, and impart information and ideas, as well as freedom of the press, and to support the access of youth to uncensored information and political debate.*

8. *Their resolve to develop and encourage strategies and best practices that enhance the possibility of youth to engage actively in the exchange of opinions, including political discourse, through the Internet or other technological communications media, guaranteeing freedom of investigation, of opinion, and of the expression and dissemination of ideas, as essential components of the knowledge-based society.*

10. *The importance of promoting the design of strategies, programs, and policies that involve young people in activities that take their interests and needs into account.*

26. *Their commitment to promote and implement strategies, policies, programs, and concrete measures designed to foster education for democracy, in particular for youth and women, and to increase support to civil society, especially to facilitate citizens' engagement in policy-making processes and in the provision of civic and democracy education.*

27. *Their commitment to promote favourable conditions for full and effective political participation by young people conscious of their rights and responsibilities, and able and willing to become involved in decisions relating to their own development, thereby consolidating democracy in the Hemisphere.*

30. *That they pledge to promote greater participation and inclusion of young people in public affairs and civil society activities by ensuring favourable conditions, including, among others, in electoral observation processes, social volunteering activities, community-based programs, and activities related to the protection of the environment.*

31. *That they will encourage the creation of independent youth organizations and youth participation in political processes that enable them, collectively and democratically, to voice their ideas and expectations in society.*

32. *Their commitment to encourage the participation of youth in electoral processes and to strengthen their involvement in these processes by making them more responsive to young people's needs and expectations, by reducing barriers, and by improving accessibility.*

33. *The importance of promoting the effective exercise of, and respect for, the right to identity of youth, especially through the universalization of civil registry, which is essential to the full exercise of their civil, political, economic, social, and cultural rights, as well as their participation in a democratic society.*

On-line Version:

<http://www.oas.org/consejo/GENERAL%20ASSEMBLY/Resoluciones-Declaraciones.asp>

Related Links:

- Organization of American States: <http://www.oas.org/main/english/default.asp>
- American Convention on Human Rights:
<http://www.oas.org/juridico/english/treaties/b-32.html>
- Declaration of Santo Domingo: Good Governance and Development in the Knowledge
-Based Society: http://scm.oas.org/doc_public/ENGLISH/HIST_06/AG03341E09.DOC

2. Andean Community

- a. Declaration about Democracy and Integration
- b. Macchu Picchu Declaration on Democracy, the Rights of Indigenous Peoples and the War against Poverty
- c. Andean Charter for the Promotion and Protection of Human Rights

a) Declaration about Democracy and Integration

Adopted by the Andean Presidential Council in Bogotá, Colombia, on 7 August 1998.

Excerpts:

The Presidents considered this opportunity appropriate to give testimony to their commitment to democracy, in the conviction that its consolidation will contribute to secure an effective and growing citizen participation in all the aspects of political, economic and social life.

On-line Version:

http://www2.ohchr.org/english/law/compilation_democracy/andean.htm

Related Links:

- Andean Community: <http://www.comunidadandina.org/endex.htm>

b) Machu Picchu Declaration on Democracy, the Rights of Indigenous Peoples and the War against Poverty

Adopted by the Andean Presidents gathered for the assumption by Dr. Alejandro Toledo of the Presidency of Peru, in Lima - Machu Picchu, Peru, from 28 to 29 July 2001.

Excerpts:

1. To express our deep conviction that democracy, development, and respect for human rights and basic freedoms are interdependent and mutually strengthening. We accordingly reaffirm our intention to reinforce democracy as a system of government and an irreplaceable element of our political identity, to promote its values as a way of life, and to defend democratic institutions and the state of law in Latin America and the Caribbean. We further reiterate that the effective exercise of democracy requires strengthening its participatory nature.

5. We Andean Presidents made the decision to entrust the Foreign Ministries with the drafting of a proposal to reinforce programs for promoting democracy; providing for all forms of citizen participation; preparing, putting forward and carrying out actions for education in democracy; the exchange of experiences among political parties in the Subregion; and developing policies for promoting and disseminating democratic values, in keeping with existing national policies.

6. We consider the cultural and ethnic diversity that is a hallmark of our nations to be a source of great wealth and of unity among our societies. The exercise of democracy in our nations requires a respect for and promotion of their diversity. In this regard, it is our intention to continue implementing strategies and policies for revaluing the multiethnic and multicultural characteristics of our countries, with a view to promoting full participation by the indigenous peoples and ethnic minorities.

9. Policies to ensure the active participation of indigenous peoples in all spheres of national life are needed if democracy and the state of law are to be consolidated in our countries.

The Foreign Ministers shall accordingly propose the establishment within the institutional framework of the Andean Community of Nations, of a working group on the rights of indigenous peoples, with the participation of indigenous organizations, human rights organizations, civil society, and representatives of each of the Member States. The purpose of this group shall be to incorporate the indigenous peoples fully into the economic, social, and political life of our nations, while at the same time respecting and promoting their cultural diversity. This group shall hold its first meeting shortly in the city of Cuzco.

13. We believe that good governance and efficient and transparent administration, with mechanisms for citizen participation, are essential elements for using our resources adequately to overcome existing social inequalities.

18. In implementation of the agreements reached at the Carabobo Summit and with a view to advancing the social agenda and mobilizing all sectors of society in the war against poverty and the creation of jobs, we Presidents of the Andean Community charge the Foreign Ministers to draft a proposal to set up a social conciliation group within the Andean forum approved at the Carabobo Summit in order to give the citizenry full participation in the integration processes. That group shall contribute its ideas to the design of an "Integrated Andean Social Development Plan."

On-line Version:

http://www.comunidadandina.org/ingles/documentos/documents/machu_picchu28-7-01.htm

Related Links:

- Andean Community: <http://www.comunidadandina.org/endex.htm>

c) Andean Charter for the Promotion and Protection of Human Rights

Adopted by the Andean Presidential Council in Guayaquil, Ecuador, on 26 July 2002.

Excerpts:**Article 7**

They emphasize the need to promote the participation of civil society in the preparation and execution of Member States' national action plans and programs in favor of the observance of human rights.

Article 14

They reiterate their commitment to the contents of the Inter-American Democratic Charter and of Resolution 2002/46 of the United Nations Commission on Human Rights on "New measures to promote and consolidate democracy", especially regarding the essential elements of democracy: respect for human rights and fundamental freedoms, freedom of association, freedom of expression, of opinion, of access to and the exercise of power in accordance with the rule of law; the holding of periodic free, fair and impartial elections based on universal suffrage and secret balloting as an expression of the will of the population; a pluralistic system of political organizations and parties; the permanent, ethical and responsible participation of citizens in the political life of their countries; the separation and independence of powers; the transparency and accountability of public administration, and a free, independent and pluralistic press.

Article 18

They recognize the right of every citizen, man or woman, of the Andean Community Member States to elect and participate in the elections of the Andean Parliament, which shall be held through free, direct and secret universal suffrage.

Article 23

They shall launch action plans with the participation of competent public entities and civil society, designed to prevent and eliminate, as well as investigate, try and punish, crimes against humanity, including the practice of torture and other cruel, inhuman or degrading treatment or punishment, the forced disappearance of persons and extrajudicial executions.

Article 29

In order to promote the right to development in the Andean sphere, they shall give priority to the attention of the following issues:

- 1. Creation of favorable conditions and the design of national and regional development policies with the purpose of progressively improving the social welfare of the Andean population, on the basis of its active, free and significant participation in development, with a view to the equitable sharing of its benefits.*
- 5. Promotion of participation of the population in the decision-making process aimed at its sustainable human development.*

Article 39

They further recognize the right of indigenous peoples and communities of African descent, within the framework of national constitutional order and legislations and international regulations on human rights, to preserve and promote their traditional practices for the conservation and sustainable use of biological diversity; to participate in the sustainable use, management and enjoyment of natural resources found within their lands or territories; to be consulted about decisions made concerning the exploitation of non-renewable natural resources found within their lands or territories and on any activity affecting the environment and their life styles; to share, whenever possible, the benefits derived from activities related to the management of natural resources within their lands and territories; to get equitable compensation for any damages sustained as a result of such activities; to be consulted and to participate in the drafting, application and evaluation of development plans concerning them; and to formulate their own sustainable development plans and take steps to obtain from the States resources for their funding and international assistance.

Article 43

They shall address the following main themes with a view to improving the promotion and protection of the human rights of women in their respective jurisdictions and in the Andean sphere:

- 1. Protection of women against discrimination - in the public and private spheres - with a view to safeguarding their human rights and in particular their right to life, integrity and personal safety, personal freedom, political participation, work, health and the exercise of sexual and reproductive rights, social security, adequate housing, education, ownership and participation in the economic life of society, and the access to effective legal and administrative remedies for violation of their rights.*
- 2. Adoption of programs to actively promote the participation of women in the public and private spheres of society, and the incorporation of the gender perspective in public policies and the promotion of this perspective in the private sector.*

Article 45

They shall address the following main themes with a view to improving the promotion and protection of the human rights of children and adolescents in their respective jurisdictions and in the Andean sphere:

- 10. Adoption of a comprehensive social protection system aiming at addressing the economic, social and cultural rights of children and adolescents, the design and execution of which shall include the participation of civil society organizations involved in the promotion and protection of the rights of children.*

Article 47

They shall address the following main themes with a view to improving the promotion and protection of the human rights of older adults in their respective jurisdictions and in the Andean sphere:

- 3. Participation of older adults and their organizations in decision-making on public issues concerning them.*

5. Promotion of the participation and integration of older adults in society.

Article 49

They shall address the following main themes with a view to improving the promotion and protection of the human rights of persons with disabilities in their respective jurisdictions and in the Andean sphere:

5. Social integration of persons with disabilities through work, education and full participation in their respective national communities.

Article 72

They invite Ombudsmen's Offices to promote mechanisms that enable the realization of the right of the people to information on the activities of public institutions, in accordance to legal provisions and with the participation of organized civil society.

Article 73

They reiterate the commitment of Andean Community Member States to the protection of the human rights of human rights advocates and the legitimacy of their work, in accordance with the provisions of the "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms" (1999), and their will to cooperate with civil society in the promotion and protection of human rights within each country and at the regional level.

Article 76

They declare their commitment to encourage the participation of the people and of organizations of human rights advocates in the drafting, implementation and follow-up of National Human Rights Plans, and to make their reports on the implementation of such National Plans known to public monitoring institutions, civil society and the Andean Community Member States, through the General Secretariat.

Article 80

They reaffirm their will to submit in due time the periodic reports that Andean Community Member Countries must present to bodies monitoring the implementation international human rights treaties. Participation of civil society in the report preparation and follow-up process shall be encouraged.

Article 91

They invite civil society in Andean countries, and in particular human rights advocacy organizations, to take part in follow-up activities of the Andean Charter for the Promotion and Protection of Human Rights, in coordination with the General Secretariat and the Ministers of Foreign Affairs of Member States.

On-line Version:

http://www.comunidadandina.org/ingles/documentos/documents/andean_charter.htm

Related Links:

- Andean Community: <http://www.comunidadandina.org/endex.htm>

3. Sistema de la Integración Centroamericana (SICA)

- a. Alliance for the Sustainable Development of Central America
- b. Framework Treaty on Democratic Security in Central America

a) Alliance for the Sustainable Development of Central America

Adopted at the Central American environment summit meeting for sustainable development in Managua, Nicaragua, on 12 October 1994.

Excerpts:

8. Central America will give concrete form to rights and responsibilities established in Agenda 21, adopted in Rio de Janeiro, in an endeavour to become a model of sustainable development for all countries; our guiding principles for the future will be respect for life in all its forms; continuous improvement of the quality of life; respect for the vitality and diversity of our earth; peace; participatory democracy; the observance, promotion and protection of human rights; respect for the multicultural character and ethnic diversity of our peoples; economic integration within the region and with the world outside; and the responsibility of succeeding generations for sustainable development.

9. Given the specific features and characteristics of the Central American region, the concept of sustainable development to which we subscribe is as follows:

Sustainable development is a process of progressive change in the quality of life of the population, in which development will revolve around the human person, who will be its prime beneficiary; it will be accomplished through economic growth with social equity and the transformation of production methods and consumer patterns, and will be based on preserving the ecological balance and the region's life-giving resources. This process implies respect for regional, national and local ethnic and cultural diversity, and strengthened, full participation by citizens living together peacefully and in harmony with nature, without jeopardizing the quality of life of future generations; on the contrary, guaranteeing its wholeness.

10. The seven basic principles to which we Central Americans are subscribing with a view to achieving sustainable development are set out below. These principles will prevail in all policies, programmes and activities promoted separately or jointly by States and by civil society to fulfil their basic common goals and commitments.

12. The aim of sustainable development is to improve and guarantee the quality of human life. This will make it possible for individuals to develop their potential and to live lives of dignity and accomplishment. To achieve this, it is imperative to provide security through human development, fostering participatory democracy, respect for cultural pluralism and ethnic diversity, access to education and promotion of technical and vocational training that will further economic growth with equity.

15. Peace and democracy are strengthened through popular participation. Accordingly, sustainable development requires the reinforcement of democratic institutions and the mechanisms of participation and the rule of law.

23. Democracy, characterized by popular participation in decisions affecting society, requires that public policies and patterns of production and coexistence should be wide-ranging and participatory. Moreover, the struggle against poverty cannot be won unless there is economic growth, and it can only be achieved by improving the quality of human resources and the economic opportunities open to the disadvantaged through social policy.

25. Democracy, as a basic form of human coexistence, and sustainable development are

closely linked. Only in a democratic and participatory society governed by the rule of law will Central America achieve well-being and justice.

30. Social development as a component of sustainable development in Central America is based on the criteria of subsidiarity, solidarity, shared responsibility, self-management and satisfaction of the basic needs of the population, as well as on community empowerment and participation.

31. Communities and community organizations, intermediate institutions and local governments will shoulder the major responsibility. The success of sustainable development in the region depends on establishing and strengthening the municipal structures in charge of community organization and participation and decentralized social services with broad participation of the beneficiaries.

51. The general objectives of the Alliance are:

(d) To promote conditions that permanently enhance society's capacity for and participation in improving the present and future quality of life;

52. The Governments have agreed to set up national councils for sustainable development representing the public sector and civil society.

56. The Central American Council for Sustainable Development shall introduce mechanisms to ensure the participation of civil society in the entire process of sustainable development, in particular the Consultative Committee referred to in the Tegucigalpa Protocol.

On-line Version:

http://www.sgsica.org/busqueda/busqueda_archivo.aspx?Archivo=acue_965_4_29092005.htm

Related Links:

- Sistema de la Integración Centroamericana: www.sgsica.org

b) Framework Treaty on Democratic Security in Central America

Signed by the Presidents of the State Parties in San Pedro Sula, Honduras, on
15 December 1995.

Excerpts:

The Central American Democratic Security Model is based on the supremacy and strengthening of the power of civil society, a reasonable balance of forces, security of individuals and their property; the elimination of poverty and extreme poverty, the promotion of sustainable development; protection of the environment; and the eradication of violence, corruption, impunity, terrorism, and trafficking in drugs and arms. In addition, the Central American Democratic Security Model will increasingly channel its resources into social investment;

Article 2. The Central American Democratic Security Model shall be governed by the following principles in relation to this Title:

(b) The strengthening and constant improvement of democratic institutions in each of the States, in order to reinforce each institution within its own sphere of action and responsibility through a continued, sustained process of consolidation and strengthening of the power of civil society, restriction of the role of the armed and public security forces to their constitutional areas of competence, and promotion of a culture of peace, dialogue, understanding and tolerance based on shared democratic values;

Article 13. The Parties undertake:

(b) To encourage a contribution by the mass media of the Parties to the aims provided for in the previous paragraph; and
(c) To encourage border development integration projects, in a spirit of Central American solidarity and democratic participation by its people.

On-line Version:

http://www.sgsica.org/busqueda/busqueda_archivo.aspx?Archivo=trat_974_4_04102005.htm

Related Links:

- Sistema de la Integración Centroamericana: www.sgsica.org

D. Inter-Governmental Organisations of Asia

1. League of Arab States
 - a. Arab Charter on Human Rights (revised)
 - b. Sana'a Declaration on Democracy, Human Rights and the Role of the International Criminal Court
 - c. Tunis Declaration
2. Association of Southeast Asian Nations (ASEAN)
 - a. ASEAN Charter
3. South Asian Association for Regional Cooperation (SAARC)
 - a. New Delhi Declaration of the Fourteenth SAARC Summit
 - b. Dhaka Declaration of the Thirteenth SAARC Summit

1. League of Arab States

- a. Arab Charter on Human Rights (revised)
- b. Sana'a Declaration on Democracy, Human Rights and the Role of the International Criminal Court
- c. Tunis Declaration

a) Arab Charter on Human Rights (revised)

Type of Instrument: Treaty	Region: Arab Region	Organisation: League of Arab States
Status: 7 State parties Agreement enforced by International Law	Structure: Preamble and 53 articles	Date of adoption / entry into force: Adopted on 22 May 2004 Entry into force 15 March 2008
<p>Description:</p> <p>The Arab Charter on Human Rights reaffirms the principles contained in the Charter of the United Nations, Universal Declaration of Human Rights, ICCPR and ICESCR, with regard to the Cairo Declaration on Human Rights in Islam. It seeks to place human rights at the centre of the key national concerns of Arab States. The Charter establishes an Arab Human Rights Committee of seven persons to consider periodic reports by States parties and make recommendations in accordance with the aims of the Charter.</p>		
<p>Parts related to Core Civil Society Rights:</p> <p>Article 32 [Freedom of Expression]</p> <p><i>1. The present Charter guarantees the right to information and to freedom of opinion and expression, as well as the right to seek, receive and impart information and ideas through any medium, regardless of geographical boundaries.</i></p> <p><i>2. Such rights and freedoms shall be exercised in conformity with the fundamental values of society and shall be subject only to such limitations as are required to ensure respect for the rights or reputations of others or the protection of national security, public order and public health or morals.</i></p> <p>Article 24 [Freedom of Association, Assembly and Political Participation]</p> <p><i>Every citizen has the right:</i></p> <p><i>1. To freely pursue a political activity.</i></p> <p><i>2. To take part in the conduct of public affairs, directly or through freely chosen representatives.</i></p> <p><i>3. To stand for election or choose his representatives in free and impartial elections, in conditions of equality among all citizens that guarantee the free expression of his will.</i></p> <p><i>4. To the opportunity to gain access, on an equal footing with others, to public office in his country in accordance with the principle of equality of opportunity.</i></p> <p><i>5. To freely form and join associations with others.</i></p> <p><i>6. To freedom of association and peaceful assembly.</i></p> <p><i>7. No restrictions may be placed on the exercise of these rights other than those which are prescribed by law and which are necessary in a democratic society in the interests of</i></p>		

national security or public safety, public health or morals or the protection of the rights and freedoms of others.

Article 35

[Freedom of Association]

1. *Every individual has the right to freely form trade unions or to join trade unions and to freely pursue trade union activity for the protection of his interests.*
2. *No restrictions shall be placed on the exercise of these rights and freedoms except such as are prescribed by the laws in force and that are necessary for the maintenance of national security, public safety or order or for the protection of public health or morals or the rights and freedoms of others.*
3. *Every State party to the present charter guarantees the right to strike within the limits laid down by the laws in force.*

Other elements relevant to Civil Society within this instrument:

Article 30

[Freedom of Thought]

Everyone has the right to freedom of thought conscience and religion and no restrictions may be imposed on the exercise of such freedoms except as provided for by law.

On-line version:

<http://www1.umn.edu/humanrts/instree/loas2005.html>

Related Legal Instruments:

- The Cairo Declaration on Human Rights in Islam

Related Web Links:

- League of Arab States: <http://www.arableagueonline.org>
- The Organisation of The Islamic Conference: <http://www.oic-oci.org/>

b) Sana'a Declaration on Democracy, Human Rights and the Role of the International Criminal Court

Issued by Inter-Governmental Regional Conference on Democracy, Human Rights and the Role of the International Criminal Court, held in Sana'a, Yemen, from 10 to 12 January 2004.

Excerpts:

Delegations hereby declare they have reached the following principles:

e) The basics of democratic systems is reflected in periodically elected legislatures, representing the citizens in a fair way and ensuring their full participation, in executive bodies that are responsible and committed to principles of good governance and in an independent judiciary that guarantees fair trial rights and protects the rights and freedoms of the people; these principles are the guarantors of good governance, which ensures the protection of human rights;

h) The effective application of the rule of law is vital to protect democracy and human rights and is the foundation for judicial independence and the application of the separation of powers;

i) A free and independent media is essential for the promotion and protection of democracy and human rights. Pluralism in the media and its privatisation are vital for contributing to the dissemination of human rights information, facilitating informed public participation, promoting tolerance and contributing to governmental accountability. The media should contribute effectively and responsibly towards the strengthening of democracy and human rights knowledge;

j) Proper democratic governance and respect for human rights require a freely functioning, well-organised, vibrant and responsible civil society and a legal framework within which civil society can operate in a spirit of partnership and participation; Civil society should play its role responsibly within the framework of law and the principles of human rights and democracy;

k) The private sector is a vital partner in strengthening the foundations of democracy and human rights; It has a responsibility to work with governments and civil society to enhance progress;

The participants therefore agree to:

4. Empower the role of women and their participation, protecting women from all forms of exploitation and any reduction of women's rights;

10. Work towards future modalities of democratic consultation and cooperation among themselves, including civil society, and the establishment of an Arab Democratic Dialogue Forum as an instrument for the promotion of dialogue between diverse actors, for strengthening democracy, human rights and civil liberties, especially freedom of opinion and expression, and strengthening the partnership between public authorities and civil society.

On-line Version:

http://www.arableagueonline.org/arableague/english/details_en.jsp?art_id=2641&level_id=239

Related Links:

- League of Arab States: www.arableagueonline.org

c) Tunis Declaration

Issued at the 16th session of the Arab Summit in Tunis, Tunisia from 22 to 23 May 2004.

Excerpts:

We also assert our firm determination:

2.3 - Endeavour, based on the Declaration on the process of reform and modernization in the Arab world, to pursue reform and modernization in our countries, and to keep pace with the rapid world changes, by consolidating the democratic practice, by enlarging participation in political and public life, by fostering the role of all components of the civil society, including NGOs, in conceiving of the guidelines of the society of tomorrow, by widening women's participation in the political, economic, social, cultural and educational fields and reinforcing their rights and status in society, and by pursuing the promotion of the family and the protection of Arab youth.

2.7 - Be prepared, as best as possible, to actively participate, at the level of governments, civil society and the private sector, in the World Summit on the Information Society whose second phase will be hosted by Tunisia in November 2005, so that this event will constitute an important opportunity to further promote the position of information and communication technologies in the Arab development plans, and reinforce the capacity of Arab countries to keep up with and contribute to the evolution witnessed in this sector which is one of the basic foundations of development.

On-line Version:

<http://www.arabsummit.tn/en/tunis-declaration.htm>

Related Links:

- League of Arab States: www.arableagueonline.org

2. Association of Southeast Asian Nations (ASEAN)

a. ASEAN Charter

a) ASEAN Charter

Adopted by Heads of States or Governments of Member States of ASEAN in Singapore, 20 November 2007

Excerpts:**Article 1, The purposes of ASEAN are:**

(1) To ensure that the peoples and Member States of ASEAN live in peace with the world at large in a just, democratic and harmonious environment

(7) To strengthen democracy, enhance good governance and the rule of law, and to promote and protect human rights and fundamental freedoms, with due regard to the rights and responsibilities of the Member States of ASEAN

Article 15: The ASEAN FOUNDATION

(1) The ASEAN Foundation shall support the Secretary- General of ASEAN and collaborate with the relevant ASEAN bodies to support ASEAN community building by promoting greater awareness of the ASEAN identity , people to people interaction, and close collaboration amongst the business sector, civil society, academia and other stakeholders in ASEAN.

On-line Version:

<http://www.aseansec.org/21069.pdf>

Related Links:

- <http://www.aseansec.org>

**D. South Asian Association for Regional
Cooperation (SAARC)**

- a. New Delhi Declaration of the Fourteenth SAARC Summit
- b. Dhaka Declaration of the Thirteenth SAARC Summit

a) New Delhi Declaration of the Fourteenth SAARC Summit

Issued by Heads of States or Governments of the SAARC Countries in New Delhi, India, 3-4 April 2007

Excerpts:

7. The Heads of State or Government recognised that the implementation of the Social Charter needs focused attention and directed the National Coordination Committees (NCCs) to formulate concrete programmes and projects to complement national implementation efforts. They underscored that civil society organizations have a vital role to play in driving forward the implementation of the Social Charter and directed the NCCs to mobilize civil society organizations to achieve this end.

On-line Version:

<http://www.saarc-sec.org/data/summit14/ss14declaration.htm>

Related Links:

- <http://www.saarc-sec.org>

b) Dhaka Declaration of the Thirteenth SAARC Summit

Issued by Heads of States or Governments of the SAARC Countries in Dhaka, Bangladesh, 12-13 November 2005.

Excerpts:

6. The Heads of State or Government reiterated that the peoples of South Asia are the real source of strength and driving force for SAARC and resolved to make regional cooperation more responsive to their hopes and aspirations. They agreed that the Association should broaden its engagement with the civil society organizations, professional groups, and entrepreneurs. Member States should also strive to promote and assert their South Asian identity, encourage greater people-to-people contact and draw strength from their shared cultural heritage.

42. The Heads of State or Government noted that the spirit of SAARC needed to be sustained by efforts to promote people-to-people contact and by a vibrant civil society throughout South Asia actively engaged in forging links across national boundaries. They felt that the Association of SAARC Speakers and Parliamentarians should meet at an early date to establish a mechanism for periodic contacts among the Parliamentarians of South Asia. They stressed that continued efforts would be made by the Member States at all levels to promote people-to-people contact by facilitating travel among SAARC countries, promotion of youth exchanges in culture and sports, promotion of intra-SAARC tourism, establishment of linkages among professional bodies and through adoption of other concrete measures. They decided to launch 2006 as "South Asia Tourism Year." They directed their Ministers for Tourism to meet at an early date and elaborate a plan of activities to be undertaken during the year 2006. They also stated that Member States would encourage initiatives by private sector entities in promoting understanding and harmony in the region.

On-line Version:

<http://www.saarc-sec.org/main.php?id=159&t=4>

Related Links:

- <http://www.saarc-sec.org>

E. Inter-Governmental Organisations of Europe

1. Council of Europe (COE)
 - a. [European] Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocol No. 11
 - b. European Social Charter (revised)
 - c. Code of Good Practice in Electoral Matters
 - d. Guidelines for Constitutional Referendums at National Level
2. Organization of Security and Cooperation in Europe (OSCE)
 - a. Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference for Security and Co-operation in Europe (CSCE)
 - b. Charter of Paris for a New Europe
3. European Union (EU)
 - a. Charter of Fundamental Rights of the European Union
 - b. Resolution of the Council and of the Member States meeting in the Council on Human Rights, Democracy and Development
 - c. Council Regulation (EC) No 976/1999
 - d. The Cotonou Agreement

1. Council of Europe (COE)

- a. [European] Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocol No. 11
- b. European Social Charter (revised)
- c. Code of Good Practice in Electoral Matters
- d. Guidelines for Constitutional Referendums at National Level

a) [European] Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocol No. 11

Type of Instrument: Treaty	Region: Europe	Organisation: Council of Europe (COE)
Status: 47 State parties Agreement enforced by International Law	Structure: Preamble, 3 Sections and 53 articles	Date of adoption / entry into force: Adopted on 4 November 1950 Entry into force 3 September 1953
<p>Description:</p> <p>Also known as the European Convention on Human Rights, the Convention is perhaps the most effective international treaty on human rights. The rights included in the Convention are protected by the European Court of Human Rights. Any individual aggrieved by a perceived violation of the rights contained in the Convention by a States party can take her or his case to the European Court of Human Rights, whose decisions are binding on States parties. Additionally, States parties can also approach the Court in regard to a violation of the Convention rights by another State party.</p>		
<p>Parts related to Core Civil Society Rights:</p> <p>Article 10 [Freedom of Expression] Freedom of Expression</p> <p>1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.</p> <p>2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.</p> <p>Article 10 [Freedom of Assembly and Association] Freedom of Assembly and Association</p> <p>1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.</p>		

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

Other elements relevant to Civil Society within this instrument:

Article 9

[Freedom of Thought]

Freedom of thought, conscience and religion

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

On-line version:

<http://conventions.coe.int/treaty/en/Treaties/Html/005.htm>

Related Web Links:

- Council of Europe: www.coe.int
- European Court of Human Rights: www.echr.coe.int/echr
- Commissioner for Human Rights of the Council of Europe:
http://www.coe.int/T/E/Commissioner_H.R/Communication_Unit/
- Council of Europe and NGOs: <http://www.coe.int/T/E/NGO/Public/>

b) European Social Charter (revised)

Type of Instrument: Treaty	Region: Europe	Organisation: Council of Europe (COE)
Status: 40 State parties Agreement enforced by International Law	Structure: Preamble, 6 parts and 46 articles	Date of adoption / entry into force of revised Charter: Adopted on 3 May 1996 Entry into force 1 July 1999
Description: <p>The European Social Charter guarantees social and economic rights. It was brought into being to supplement the rights contained in the European Convention on Human Rights, which it was felt focused more on civil and political rights. The Charter was first adopted in 1961 but was later revised in 1996. Implementation of the Charter is governed by the European Committee of Social Rights, a body of 15 independent members who are elected by the Council of Europe's Committee of Ministers. States parties are required to submit periodic reports on the implementation of Charter provisions in both law and practice.</p>		
<p>Parts related to Core Civil Society Rights:</p> <p>Part I [Freedom of Association] <i>The Parties accept as the aim of their policy, to be pursued by all appropriate means both national and international in character, the attainment of conditions in which the following rights and principles <u>may</u> be effectively realised:</i> 5. All workers and employers have the right to freedom of association in national or international organisations for the protection of their economic and social interests.</p> <p>Part II Article 5 [Right to Organise] <i>With a view to ensuring or promoting the freedom of workers and employers to form local, national or international organisations for the protection of their economic and social interests and to join those organisations, the Parties undertake that national law shall not be such as to impair, nor shall it be so applied as to impair, this freedom. The extent to which the guarantees provided for in this article shall apply to the police shall be determined by national laws or regulations. The principle governing the application to the members of the armed forces of these guarantees and the extent to which they shall apply to persons in this category shall equally be determined by national laws or regulations</i></p> <p>Article Part II Article 6 [Right to Bargain Collectively] <i>With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake:</i> 1. to promote joint consultation between workers and employers;</p>		

2. to promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements;

3. to promote the establishment and use of appropriate machinery for conciliation and voluntary arbitration for the settlement of labour disputes;

and recognise:

4. the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, subject to obligations that might arise out of collective agreements previously entered into.

On-line version:

<http://conventions.coe.int/Treaty/en/Treaties/Html/163.htm>

Related Legal Instruments:

- European Social Charter, 1961

Related Web Links:

- Council of Europe: www.coe.int
- European Committee of Social Rights:
http://www.coe.int/T/E/Human_Rights/Esc/2_ECSR_European_Committee_of_Social_Rights/

c) Code of Good Practice in Electoral Matters

Adopted by the Venice Commission at its 51st and 52nd sessions in Venice, Italy from 5 to 6 July and from 18 to 19 October 2002.

Excerpts:**II. Conditions for implementing these principles****1. Respect for fundamental rights**

a. Democratic elections are not possible without respect for human rights, in particular freedom of expression and of the press, freedom of circulation inside the country, freedom of assembly and freedom of association for political purposes, including the creation of political parties.

b. Restrictions of these freedoms must have a basis in law, be in the public interest and comply with the principle of proportionality.

Draft Explanatory Report:...**I. The underlying principles of Europe 's electoral heritage ...****2. Equal Suffrage****2.5 Equality and parity of the sexes**

If there is a specific constitutional basis, rules could be adopted guaranteeing some degree of balance between the two sexes in elected bodies, or even parity. In the absence of such a constitutional basis, such provisions could be considered contrary to the principle of equality and freedom of association.

Moreover, the scope of these rules depends on the electoral system. In a fixed party list system, parity is imposed if the number of men and women who are eligible is the same. However, if preferential voting or cross-voting is possible, voters will not necessarily choose candidates from both sexes, and this may result in an unbalanced composition of the elected body, chosen by voters.

II. Conditions for implementing the principles

The underlying principles of European electoral systems can only be guaranteed if certain general conditions are fulfilled.

· The first, general, condition is respect for fundamental human rights , and particularly freedom of expression, assembly and association, without which there can be no true democracy;

· Second, electoral law must enjoy a certain stability, protecting it against party political manipulation;

· Last and above all, a number of procedural guarantees must be provided, especially as regards the organisation of polling.

Furthermore, elections are held not in a vacuum but within the context of a specific electoral system and a given party system. This second section will conclude with a number of comments on this aspect, particularly on the relationship between electoral and party systems.

1. Respect for fundamental rights

The holding of democratic elections and hence the very existence of democracy are impossible without respect for human rights , particularly the freedom of expression and of the

press and the freedom of assembly and association for political purposes, including the creation of political parties. Respect for these freedoms is vital particularly during election campaigns. Restrictions on these fundamental rights must comply with the European Convention on Human Rights and, more generally, with the requirement that they have a basis in law, are in the general interest and respect the principle of proportionality.

On-line Version:

http://www.coe.am/en/docs/venice/opinion_190_2002.pdf

Related Links:

- The Council of Europe: www.coe.int
- The Venice Commission: www.venice.coe.int

d) Guidelines for Constitutional Referendums at National Level

Adopted by the Venice Commission at its 47th Plenary Meeting in Venice, Italy from 6 to 7 July 2001.

Excerpts:**B. General norms and principles**

2. Equally, fundamental rights, especially freedom of expression, freedom of assembly and freedom of association must be guaranteed and protected.

G. Use of public places*a. Advertising*

Supporters and opponents of the proposal submitted to a referendum must have equal access to election hoardings.

b. Collection of signatures

If authorisation is required in order to gather signatures for popular initiatives on public thoroughfares, such authorisation may be refused only in specific cases, on the basis of overriding public interest and in accordance with the principle of equality.

c. Right to demonstrate

Street demonstrations to support or oppose a text submitted to referendum may be subject to authorisation: such authorisation may be refused only on the basis of overriding public interest, in accordance with the general rules applicable to public demonstrations.

H. Media

Public radio and television broadcasts on the electoral campaign must allocate equal amounts of time to programmes which support or oppose the proposal being voted on.

Balanced coverage must be guaranteed to the proposal's supporters and opponents in other public mass media broadcasts, especially news broadcasts.

Financial or other conditions for radio and television advertising must be the same for the proposal's supporters and opponents.

The prohibition of the publication of opinion polls during the week before the election can be considered.

J. Specific rules for popular initiatives

- Everyone enjoying political rights is entitled to sign an initiative or referendum.

- The time-limit for collecting signatures (particularly the day in which the time-limit starts to run and the last day of the time-limit) must be clearly specified, as well as the number of signatures to be collected.

- Everyone (regardless of whether he or she enjoys political rights) must be entitled to collect signatures.

- All signatures must be checked. In order to facilitate checking, lists of signatures should preferably contain the names of electors registered in the same municipality.

- In order to avoid having to declare a vote totally invalid, an authority must have the power, prior to the vote, to correct faulty drafting, such as:

- the question's obscure, misleading or suggestive nature;

- violation of the rules on procedural or substantive validity; in this event, partial invalidity

may be declared if the remaining text is coherent; sub-division may be envisaged to correct a lack of substantive unity.

- See also point II.F, third paragraph (remuneration for collecting signatures) and point II.G.b (use of public places for collecting signatures).

On-line Version:

[http://www.venice.coe.int/docs/2001/CDL-INF\(2001\)010-e.asp](http://www.venice.coe.int/docs/2001/CDL-INF(2001)010-e.asp)

Related Links:

- The Council of Europe: www.coe.int
- The Venice Commission: www.venice.coe.int

2. Organization for Security and Cooperation in Europe (OSCE)

- a. Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference for Security and Co-operation in Europe (CSCE)
- b. Charter of Paris for a New Europe

**a) Document of the Copenhagen Meeting of the Conference on the Human
Dimension of the CSCE**

Issued by the Heads of State or Government of the participating States of the Conference for Security and Co-operation in Europe (CSCE) in Copenhagen, Denmark from 5 to 29 June 1990.

Excerpts:**//**

(9) The participating States reaffirm that

(9.1) - everyone will have the right to freedom of expression including the right to communication. This right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. The exercise of this right may be subject only to such restrictions as are prescribed by law and are consistent with international standards. In particular, no limitation will be imposed on access to, and use of, means of reproducing documents of any kind, while respecting, however, rights relating to intellectual property, including copyright;

(9.2) - everyone will have the right of peaceful assembly and demonstration. Any restrictions which may be placed on the exercise of these rights will be prescribed by law and consistent with international standards;

(9.3) - the right of association will be guaranteed. The right to form and subject to the general right of a trade union to determine its own membership freely to join a trade union will be guaranteed. These rights will exclude any prior control. Freedom of association for workers, including the freedom to strike, will be guaranteed, subject to limitations prescribed by law and consistent with international standards;

(9.4) - everyone will have the right to freedom of thought, conscience and religion. This right includes freedom to change ones religion or belief and freedom to manifest ones religion or belief, either alone or in community with others, in public or in private, through worship, teaching, practice and observance. The exercise of these rights may be subject only to such restrictions as are prescribed by law and are consistent with international standards;

On-line Version:

http://www.osce.org/documents/odihr/1990/06/13992_en.pdf

Related Links:

- The Organization for Security and Co-operation in Europe: www.osce.org
- Office for Democratic Institutions and Human Rights: www.osce.org/odihr/

b) Charter of Paris for a New Europe

Adopted by the Heads of State or Government of the participating States of the Conference for Security and Co-operation in Europe (CSCE) in Paris, France from 19 to 21 November 1990.

Excerpts:***Human Rights, Democracy and Rule of Law***

We undertake to build, consolidate and strengthen democracy as the only system of government of our nations. In this endeavour, we will abide by the following:

Human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law. Their protection and promotion is the first responsibility of government. Respect for them is an essential safeguard against an over-mighty State. Their observance and full exercise are the foundation of freedom, justice and peace.

Democratic government is based on the will of the people, expressed regularly through free and fair elections. Democracy has as its foundation respect for the human person and the rule of law. Democracy is the best safeguard of freedom of expression, tolerance of all groups of society, and equality of opportunity for each person.

Democracy, with its representative and pluralist character, entails accountability to the electorate, the obligation of public authorities to comply with the law and justice administered impartially. No one will be above the law.

*We affirm that, without discrimination,
every individual has the right to freedom of thought, conscience and religion or belief,
freedom of expression,
freedom of association and peaceful assembly,
freedom of movement,
no one will be:*

*subject to arbitrary arrest or detention,
subject to torture or other cruel, inhuman or degrading treatment or punishment;
everyone also has the right :
to know and act upon his rights,
to participate in free and fair elections,
to fair and public trial if charged with an offence,
to own property alone or in association and to exercise individual enterprise,
to enjoy his economic, social and cultural rights.*

We affirm that the ethnic, cultural, linguistic and religious identity of national minorities will be protected and that persons belonging to national minorities have the right freely to express, preserve and develop that identity without any discrimination and in full equality before the law.

We will ensure that everyone will enjoy recourse to effective remedies, national or international, against any violation of his rights.

Full respect for these precepts is the bedrock on which we will seek to construct the new Europe.

Our States will co-operate and support each other with the aim of making democratic gains irreversible.

On-line Version:

http://www.osce.org/documents/mcs/1990/11/4045_en.pdf

Related Links:

- The Organisation for Security and Co-operation in Europe: www.osce.org
- Office for Democratic Institutions and Human Rights: www.osce.org/odihr/

3. European Union (EU)

- a. Charter of Fundamental Rights of the European Union
- b. Resolution of the Council and of the Member States meeting in the Council on Human Rights, Democracy and Development
- c. Council Regulation (EC) No 976/1999
- d. The Cotonou Agreement

a) Charter of Fundamental Rights of the European Union

Adopted by the Presidents of the European Parliament, the Council and the Commission at the European Council meeting in Nice, France on 7 December 2000.

Excerpts:**Chapter II - Freedoms****Article 10****Freedom of thought, conscience and religion**

1. Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.
2. The right to conscientious objection is recognised, in accordance with the national laws governing the exercise of this right.

Article 11**Freedom of expression and information**

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.
2. The freedom and pluralism of the media shall be respected.

Article 12**Freedom of assembly and of association**

1. Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right of everyone to form and to join trade unions for the protection of his or her interests.
2. Political parties at Union level contribute to expressing the political will of the citizens of the Union.

Article 25**The rights of the elderly**

The Union recognises and respects the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life.

Article 26**Integration of persons with disabilities**

The Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community.

Article 28**Right of collective bargaining and action**

Workers and employers, or their respective organisations, have, in accordance with Community law and national laws and practices, the right to negotiate and conclude collective agreements at the appropriate levels and, in cases of conflicts of interest, to take collective action to defend their interests, including strike action.

Article 39**Right to vote and to stand as a candidate at elections to the European Parliament**

1. Every citizen of the Union has the right to vote and to stand as a candidate at elections to the European Parliament in the Member State in which he or she resides, under the same conditions as nationals of that State.

2. Members of the European Parliament shall be elected by direct universal suffrage in a free and secret ballot.

Article 40**Right to vote and to stand as a candidate at municipal elections**

Every citizen of the Union has the right to vote and to stand as a candidate at municipal elections in the Member State in which he or she resides under the same conditions as nationals of that State.

On-line Version:

http://www.europarl.eu.int/charter/pdf/text_en.pdf

Related Links:

- European Union: www.europa.eu.int
- European Parliament: www.europarl.eu.int

b) Resolution of the Council and of the Member States meeting in the Council on Human Rights, Democracy and Development

Adopted by the European Council on 28 November 1991.

Excerpts:

4) *The Community and its Member States will give high priority to a positive approach that stimulates respect for human rights and encourages democracy. An open and constructive dialogue between them and the governments of developing countries can make a very important contribution to the promotion of human rights and democracy. Various initiatives can be undertaken, for example, through active support for:*

- *countries which are attempting to institute democracy and improve their human rights performance;*
- *the holding of elections, the setting-up of new democratic institutions and the strengthening of the rule of law;*
- *the strengthening of the judiciary, the administration of justice, crime prevention and the treatment of offenders;*
- *promoting the role of NGOs and other institutions which are necessary for a pluralist society;*
- *the adoption of a decentralised approach to cooperation;*
- *ensuring equal opportunities for all.*

At the request of the Commission or one of the Member States, the possibility of increased assistance to developing countries in which substantive positive changes in human rights and democracy have taken place will be examined.

On-line Version:

http://europa.eu.int/comm/external_relations/human_rights/doc/cr28_11_91_en.htm

Related Links:

- European Union: www.europa.eu.int
- Council of the European Union: http://ue.eu.int/cms3_fo/showPage.asp?id=426&lang=en&mode=g

c) Council Regulation (EC) No 976/1999

Adopted by the European Council in Luxembourg on 29 April 1999.

Excerpts:**Objectives****Article 1**

The purpose of this Regulation is to lay down the procedures for the implementation of Community operations, other than those of development cooperation which, within the framework of Community cooperation policy in third countries, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms.

The operations referred to in this Regulation shall be implemented in the territory of third countries or shall be directly related to situations arising in third countries.

Article 3

Within the limits of Articles 1 and 2, and consistent with the European Union's foreign policy as a whole, the European Community shall provide technical and financial aid for operations aimed at:

1. promoting and defending the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and the other international instruments concerning the development and consolidation of democracy and the rule of law, in particular:

- (a) the promotion and protection of civil and political rights;*
- (b) the promotion and protection of economic, social and cultural rights;*
- (c) the promotion and protection of the human rights of those discriminated against, or suffering from poverty or disadvantage, which will contribute to reduction of poverty and social exclusion;*
- (d) support for minorities, ethnic groups and indigenous peoples;*
- (e) supporting local, national, regional or international institutions, including NGOs, involved in the protection, promotion or defence of human rights;*
- (f) support for rehabilitation centres for torture victims and for organisations offering concrete help to victims of human rights abuses or help to improve conditions in places where people are deprived of their liberty in order to prevent torture or ill-treatment;*
- (g) support for education, training and consciousness raising in the area of human rights;*
- (h) supporting action to monitor human rights, including the training of observers;*
- (i) the promotion of equality of opportunity and non-discriminatory practices, including measures to combat racism and xenophobia;*
- (j) promoting and protecting the fundamental freedoms mentioned in the International Covenant on Civil and Political Rights, in particular the freedom of opinion, expression and conscience, and the right to use one's own language;*

2. supporting the processes of democratisation, in particular:

- (a) promoting and strengthening the rule of law, in particular upholding the independence of the judiciary and strengthening it, and support for a humane prison system; support for constitutional and legislative reform; support for initiatives to abolish the death penalty;*
- (b) promoting the separation of powers, particularly the independence of the judiciary and the legislature from the executive, and support for institutional reforms;*

- (c) promotion of pluralism both at political level and at the level of civil society by strengthening the institutions needed to maintain the pluralist nature of that society, including non-governmental organisations (NGOs), and by promoting independent and responsible media and supporting a free press and respect for the rights of freedom of association and assembly;
- (d) promoting good governance, particularly by supporting administrative accountability and the prevention and combating of corruption;
- (e) promoting the participation of the people in the decision-making process at national, regional and local level, in particular by promoting the equal participation of men and women in civil society, in economic life and in politics;
- (f) support for electoral processes, in particular by supporting independent electoral commissions, granting material, technical and legal assistance in preparing for elections, including electoral censuses, taking measures to promote the participation of specific groups, particularly women, in the electoral process and by training observers;
- (g) supporting national efforts to separate civilian and military functions, training civilian and military personnel and raising their awareness of human rights;
3. support for measures to promote the respect for human rights and democratisation by preventing conflict and dealing with its consequences in close collaboration with the relevant competent bodies, in particular:
- (a) supporting capacity-building, including the establishment of local early warning systems;
- (b) supporting measures aimed at balancing opportunities and at bridging existing dividing lines among different identity groups;
- (c) supporting measures facilitating the peaceful conciliation of group interests, including support for confidence-building measures relating to human rights and democratisation, in order to prevent conflict and to restore civil peace;
- (d) promoting international humanitarian law and its observance by all parties to a conflict;
- (e) supporting international, regional or local organisations, including the NGOs, involved in preventing, resolving and dealing with the consequences of conflict, including support for establishing ad hoc international criminal tribunals and setting up a permanent international criminal court, and support and assistance for the victims of human rights violations.

On-line Version:

http://www2.ohchr.org/english/law/compilation_democracy/councilregulation.htm

Related Links:

- European Union: www.europa.eu.int
- Council of the European Union: http://ue.eu.int/cms3_fo/showPage.asp?id=426&lang=en&mode=g

d) The Cotonou Agreement (revised)

Partnership Agreement between the European Community (European Union -EU) and the Group of African, Caribbean and Pacific (ACP) united by the Georgetown Agreement. The revised Cotonou Agreement was reached on 23 February 2005 at the ACP – EU ministerial conference at Gabarone.

Excerpts:**Article 1****Objectives of the Partnership**

Sustained economic growth, developing the private sector, increasing employment and improving access to productive resources shall all be part of this framework. Support shall be given to the respect of the rights of the individual and meeting basic needs, the promotion of social development and the conditions for an equitable distribution of the fruits of growth. Regional and sub-regional integration processes which foster the integration of the ACP countries into the world economy in terms of trade and private investment shall be encouraged and supported. Building the capacity of the actors in development and improving the institutional framework necessary for social cohesion, for the functioning of a democratic society and market economy, and for the emergence of an active and organised civil society shall be integral to the approach. Systematic account shall be taken of the situation of women and gender issues in all areas - political, economic and social. The principles of sustainable management of natural resources and the environment shall be applied and integrated at every level of the partnership.

Article 2**Fundamental principles**

ACP-EC cooperation, underpinned by a legally binding system and the existence of joint institutions, shall be exercised on the basis of the following fundamental principles:

...

- participation: apart from central government as the main partner, the partnership shall be open to different kinds of other actors in order to encourage the integration of all Structure of society, including the private sector and civil society organisations, into the mainstream of political, economic and social life;

Article 7**Capacity Building**

The contribution of civil society to development can be enhanced by strengthening community organisations and non-profit non-governmental organisations in all spheres of co-operation.

Article 8**Political dialogue**

7. Regional and sub-regional organisations as well as representatives of civil society organisations shall be associated with this dialogue.

Article 9**Essential and Fundamental Elements**

4. The Partnership shall actively support the promotion of human rights, processes of democratisation, consolidation of the rule of law, and good governance.

These areas will be an important subject for the political dialogue. In the context of this dialogue, the Parties shall attach particular importance to the changes underway and to the continuity of the progress achieved. This regular assessment shall take into account each country's economic, social, cultural and historical context.

These areas will also be a focus of support for development strategies. The Community shall provide support for political, institutional and legal reforms and for building the capacity of public and private actors and civil society in the framework of strategies agreed jointly between the State concerned and the Community.

Article 10**Other elements of the political environment**

1. The Parties consider the following elements as contributing to the maintenance and consolidation of a stable and democratic political environment:

sustainable and equitable development involving, inter alia, access to productive resources, essential services and justice; greater involvement of an active and organised civil society and the private sector.

Article 33**Institutional development and capacity building**

5. Cooperation shall span all areas and sectors of cooperation to foster the emergence of non-State actors and the development of their capacities; and to strengthen structures for information, dialogue and consultation between them and the national authorities, including at regional level.

On-line Version:

http://europa.eu.int/comm/development/body/cotonou/pdf/agr01_en.pdf#zoom=100

Related Links:

- European Union: www.europa.eu.int
- The Cotonou Agreement Website (EU):

http://europa.eu.int/comm/development/body/cotonou/index_en.htm

F. Other International Entities

1. The Commonwealth
 - a. The Harare Commonwealth Declaration
 - b. Millbrook Commonwealth Action Programme on the Harare Declaration
 - c. Aso Rock Commonwealth Declaration on Development and Democracy
 - d. 2007 Heads of Government Meeting: Final Communiqué
 - e. 2009 Heads of Government Meeting: Final Communiqué
2. Community of Democracies
 - a. Toward a Community of Democracies Ministerial Conference Inter-Parliamentary Union (IPU)
3. Universal Declaration on Democracy
 - a. Parliaments' Role in Strengthening Democratic Institutions and
 - b. Human Development in a Fragmented World
Report of the Parliamentarian's Forum on the occasion of the Fifth
 - c. Conference of New or Restored Democracies
 - d. Resolution on the Freedom of Expression and the Right to Information
4. International Conference of New or Restored Democracies
 - a. Ulaanbaatar Declaration Democracy, Good Governance and Civil Society
5. Organisation Internationale de la Francophonie (OIF)
 - a. Bamako Declaration
6. Organisation of the Islamic Conference (OIC)
 - a. Cairo Declaration on Human Rights in Islam

F. The Commonwealth

- a. The Harare Commonwealth Declaration
- b. Millbrook Commonwealth Action Programme on the Harare Declaration
- c. Aso Rock Commonwealth Declaration on Development and Democracy
- d. 2007 Heads of Government Meeting: Final Communiqué
- e. 2009 Heads of Government Meeting: Final Communiqué

a) The Harare Commonwealth Declaration

Issued by Commonwealth Heads of Government in Harare, Zimbabwe on 20 October 1991.

Excerpts:

7. Accordingly, we commit ourselves to make democracy work better for pro-poor development by implementing sustainable development programmes and enhancing democratic institutions and processes in all human endeavours. We recognise that building democracy is a constantly evolving process. It must also be uncomplicated and take into account national circumstances. Among the objectives we seek to promote are the following:

- i. a participatory democracy characterised by free and fair elections and representative legislatures*
- ii. an independent judiciary*
- iii. a well-trained public service*
- iv. a transparent and accountable public accounts system*
- v. machinery to protect human rights*
- vi. the right to information*
- vii. active participation of civil society, including women and youth*
- viii. substantially increased and more effective financial resources*
- ix. adherence to the internationally agreed targets of 0.7 percent of GNP for development assistance*
- x. financing and realisation of the Millennium Development Goals (MDGs)*
- xi. increased democracy at the global level, including enhanced participation and transparency in international institutions*

On-line Version:

http://www.thecommonwealth.org/shared_asp_files/GFSR.asp?NodeID=141095

Related Links:

- The Commonwealth: www.thecommonwealth.org
- The Millbrook Commonwealth Action Programme on the Harare Declaration, 1995: http://www.thecommonwealth.org/shared_asp_files/GFSR.asp?NodeID=141096
- Aso Rock Commonwealth Declaration on Development and Democracy: <http://www.thecommonwealth.org/Templates/Internal.asp?NodeID=35774>

b) Millbrook Commonwealth Action Programme on the Harare Declaration

Issued by Commonwealth Heads of Government in Millbrook, New Zealand on
12 November 1995.

Excerpts:

... To support the Secretariat in facilitating the adoption by more Commonwealth countries of successful self-help schemes, with non-governmental agencies and others acting as catalytic agents, for mobilising the energies of people in alleviating poverty;

On-line Version:

http://www.thecommonwealth.org/shared_asp_files/GFSR.asp?NodeID=141096

Related Links:

- The Commonwealth: www.thecommonwealth.org
- Aso Rock Commonwealth Declaration on Development and Democracy:
<http://www.thecommonwealth.org/Templates/Internal.asp?NodeID=35774>

c) Aso Rock Commonwealth Declaration on Development and Democracy

Issued by Commonwealth Heads of Government in Abuja, Nigeria on 8 December 2003.

Excerpts:

7. ...Among the objectives we seek to promote are the following:
vii. active participation of civil society, including women and youth
xi. increased democracy at the global level, including enhanced participation and transparency in international institutions.

On-line Version:

http://www.thecommonwealth.org/document/181889/34293/35468/35774/aso_rock.htm

Related Links:

- The Commonwealth: www.thecommonwealth.org
- The Millbrook Commonwealth Action Programme on the Harare Declaration, 1995: http://www.thecommonwealth.org/shared_asp_files/GFSR.asp?NodeID=141096

d) 2007 Heads of Government Meeting: Final Communiqué

Issued by Commonwealth Heads of Government in Kampala, Uganda on 25 November 2007.

Excerpts:

65. Heads undertook to harness the expertise of the private sector and non-governmental and civil society organisations to complement state provision, particularly in training and skills development as key drivers of growth and development.

71. Heads of Government stressed the need to allocate adequate resources to: ... public sector and civil society organizations...

77. Heads of Government welcomed progress involving civil society in all aspects of the Commonwealth's work. They noted that a number of ministerial meetings now included provision for dialogue with civil society and called for this to be extended where possible.

78. They took note of the outcome of the Commonwealth People's Forum and agreed with civil society that political, economic and human transformation should recognise and respect the right to freedom of association and assembly, as well as freedom of expression and the media, and access to information, and requires the active participation of all social groups in making decisions that shape their destiny in accordance with international and domestic law. They noted civil society concerns that poverty, climate change, HIV and AIDS and rapid urbanisation as well as risk of failure to meet the MDGs by 2015, pose serious threats to transformation

79. ...Heads urged civil society to promote partnerships and linking for progress in health systems, education for all and sustaining the environmental resource base. They also recognised the role of civil society in achieving Commonwealth objectives, including democracy, good governance, development and respect for cultural diversity.

82. Heads expressed support for the Foundation in strengthening the 'People's Commonwealth' through programmes and grants and facilitating dialogue between governments and civil society.

87. Heads of Government reviewed the recommendations of the Committee on Commonwealth Membership and agreed on the following core criteria for membership:

f) new members should be encouraged to join the Commonwealth Foundation, and to promote vigorous civil society and business organisations within their countries, and to foster participatory democracy through regular civil society consultations.

On-line Version:

http://www.thecommonwealth.org/shared_asp_files/GFSR.asp?NodeID=174528

Related Links:

- The Commonwealth: www.thecommonwealth.org

e) 2009 Heads of Government Meeting: Final Communiqué

Issued by Commonwealth Heads of Government in Port of Spain, Trinidad and Tobago on 29 November 2009

Excerpts:

112. Heads of Government affirmed the centrality of civil society, including professional networks, in supporting the values and principles of the Commonwealth. They recognised the importance of a vibrant and active civil society as a key partner in delivering a sustainable and equitable future for all, and valued the contribution that civil society continues to make through its engagement with Commonwealth intergovernmental institutions and processes. They noted the statement from the Commonwealth People's Forum and its assessment of the interconnected challenges facing Commonwealth citizens and the particular impacts on women and young people.

113. Heads of Government received the Report of the Commonwealth Foundation and its four year Strategic Plan 2008-12: Civil Society: a Force for Transformation. They valued the unique role of the Foundation in working with governments and civil society to forge partnerships. They welcomed the commitment of the Foundation to expand its grants programme and the consequent 25% increase in support allocated to civil society over the period 2006-08. They recognised the value of dialogue between civil society and governments, both nationally and in Commonwealth processes, and the contribution made by the Foundation in providing civil society a voice at Ministerial meetings, notably at 17CCEM. They noted the additional resources secured by the Foundation in support of its mission and commended its initiatives on culture and development, sustainable economic recovery and fisheries and food security. They welcomed Maldives into the membership of the Foundation.

On-line Version:

<http://www.thecommonwealth.org/files/216904/FileName/TrinidadandTobagoCHOGM-Communique.pdf>

Related Links:

- The Commonwealth : www.commonwealth.int

2. Community of Democracies

- a. Toward a Community of Democracies Ministerial Conference

a) Toward a Community of Democracies Ministerial Conference

Adopted by the Community of Democracies Ministerial Meeting in Warsaw, Poland from 26 to 27 June 2000.

Excerpts:

... Hereby agree to respect and uphold the following core democratic principles and practices:

- *The will of the people shall be the basis of the authority of government, as expressed by exercise of the right and civic duties of citizens to choose their representatives through regular, free and fair elections with universal and equal suffrage, open to multiple parties, conducted by secret ballot, monitored by independent electoral authorities, and free of fraud and intimidation.*
- *The right of every person to equal access to public service and to take part in the conduct of public affairs, directly or through freely chosen representatives.*
- *The right of every person to equal protection of the law, without any discrimination as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*
- *The right of every person to freedom of opinion and of expression, including to exchange and receive ideas and information through any media, regardless of frontiers.*
- *The right of every person to freedom of thought, conscience and religion.*
- *The right of every person to equal access to education.*
- *The right of the press to collect, report and disseminate information, news and opinions, subject only to restrictions necessary in a democratic society and prescribed by law, while bearing in mind evolving international practices in this field.*
- *The right of every person to respect for private family life, home, correspondence, including electronic communications, free of arbitrary or unlawful interference.*
- *The right of every person to freedom of peaceful assembly and association, including to establish or join their own political parties, civic groups, trade unions or other organizations with the necessary legal guarantees to allow them to operate freely on a basis of equal treatment before the law.*
- *The right of persons belonging to minorities or disadvantaged groups to equal protection of the law, and the freedom to enjoy their own culture, to profess and practice their own religion, and use their own language.*
- *The right of every person to be free from arbitrary arrest or detention; to be free from torture and other cruel, inhumane or degrading treatment or punishment; and to receive due process of law, including to be presumed innocent until proven guilty in a court of law.*
- *That the aforementioned rights, which are essential to full and effective participation in a democratic society, be enforced by a competent, independent and impartial judiciary open to the public, established and protected by law.*
- *That elected leaders uphold the law and function strictly in accordance with the constitution of the country concerned and procedures established by law.*
- *The right of those duly elected to form a government, assume office and fulfill the term of office as legally established.*

- *The obligation of an elected government to refrain from extra-constitutional actions, to allow the holding of periodic elections and to respect their results, and to relinquish power when its legal mandate ends.*
- *That government institutions be transparent, participatory and fully accountable to the citizenry of the country and take steps to combat corruption, which corrodes democracy.*
- *That the legislature be duly elected and transparent and accountable to the people.*
- *That civilian, democratic control over the military be established and preserved.*
- *That all human rights – civil, cultural, economic, political and social – be promoted and protected as set forth in the Universal Declaration of Human Rights and other relevant human rights instruments.*

... We will encourage political leaders to uphold the values of tolerance and compromise that underpin effective democratic systems, and to promote respect for pluralism so as to enable societies to retain their multi-cultural character, and at the same time maintain stability and social cohesion. We reject ethnic and religious hatred, violence and other forms of extremism. We will also promote civil society, including women's organizations, non-governmental organizations, labor and business associations, and independent media in their exercise of their democratic rights. Informed participation by all elements of society, men and women, in a country's economic and political life, including by persons belonging to minority groups, is fundamental to a vibrant and durable democracy.

... We will work with relevant institutions and international organizations, civil society and governments to coordinate support for new and emerging democratic societies.

...

On-line Version:

http://www.demcoalition.org/pdf/warsaw_english.pdf

Related Documents:

- Seoul Plan of Action, Democracy Investing for Peace and Prosperity

Related Links:

- Community of Democracies (Santiago 2005): <http://www.ccd21.org/santiago.htm>

3. Inter-Parliamentary Union (IPU)

- a. Universal Declaration on Democracy
- b. Parliaments' Role in Strengthening Democratic Institutions and Human Development in a Fragmented World
- c. Report of the Parliamentarian's Forum on the occasion of the Fifth Conference of New or Restored Democracies
- d. Resolution on the Freedom of Expression and the Right to Information

a) Universal Declaration on Democracy

Adopted by the Inter-Parliamentary Council at its 161st session in Cairo on 16 September 1997.

Excerpts:

1. *Democracy is a universally recognised ideal as well as a goal, which is based on common values shared by peoples throughout the world community irrespective of cultural, political, social and economic differences. It is thus a basic right of citizenship to be exercised under conditions of freedom, equality, transparency and responsibility, with due respect for the plurality of views, and in the interest of the polity.*

5. *A state of democracy ensures that the processes by which power is acceded to, wielded and alternates allow for free political competition and are the product of open, free and non-discriminatory participation by the people, exercised in accordance with the rule of law, in both letter and spirit.*

11. *Democracy is founded on the right of everyone to take part in the management of public affairs; it therefore requires the existence of representative institutions at all levels and, in particular, a Parliament in which all components of society are represented and which has the requisite powers and means to express the will of the people by legislating and overseeing government action.*

18. *While the existence of an active civil society is an essential element of democracy, the capacity and willingness of individuals to participate in democratic processes and make governance choices cannot be taken for granted. It is therefore necessary to develop conditions conducive to the genuine exercise of participatory rights, while also eliminating obstacles that prevent, hinder or inhibit this exercise. It is therefore indispensable to ensure the permanent enhancement of, inter alia, equality, transparency and education and to remove obstacles such as ignorance, intolerance, apathy, the lack of genuine choices and alternatives and the absence of measures designed to redress imbalances or discrimination of a social, cultural, religious and racial nature, or for reasons of gender.*

21. *The state of democracy presupposes freedom of opinion and expression; this right implies freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.*

27. *A democracy should support democratic principles in international relations. In that respect, democracies must refrain from undemocratic conduct, express solidarity with democratic governments and non-State actors like non-governmental organisations which work for democracy and human rights, and extend solidarity to those who are victims of human rights violations at the hands of undemocratic régimes. In order to strengthen international criminal justice, democracies must reject impunity for international crimes and serious violations of fundamental human rights and support the establishment of a permanent international criminal court.*

On-line Version:

<http://www.ipu.org/cnl-e/161-dem.htm>

Related Links:

- Inter-Parliamentary Union (IPU): <http://www.ipu.org/english/home.htm>

b) Parliaments' Role in Strengthening Democratic Institutions and Human Development in a Fragmented World

Adopted unanimously by the 108th Conference in Santiago de Chile, 11 April 2003

Excerpts:

... Urges governments and parliaments to acknowledge their collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

Calls on all the parliaments in the world to work for democracy based on the freely expressed will of the people through free and fair elections to choose their own political, economic, social and cultural systems and participate fully in every sphere of their lives and, in this context, to affirm the universal need to promote and protect human rights and fundamental freedoms at the national and international levels;

Calls on governments to promote the participation of all Structure of society, in particular women, the disadvantaged and minorities, in the decision-making process;

Urges the governments and parliaments of all countries to foster participation by their citizens in political decision-making, shielded from undue interference from institutionalised pressure groups, by creating, through democratic means, decentralised representative institutions vested with real power and endowed with adequate financial resources, and instituting channels for this purpose that are consistent with the spirit of their Constitution and traditions;...

On-line Version:

<http://www.ipu.org/conf-e/108-1.htm>

Related Links:

- Inter-Parliamentary Union (IPU): <http://www.ipu.org/english/home.htm>

c) Report of the Parliamentarian's Forum on the occasion of the Fifth Conference of New or Restored Democracies

Ulaanbaatar, Mongolia, 11 September 2003

Excerpts:

... Democracy is based on two core principles: accountability and participation. Everyone has the right to access information on government activities, to petition government and to seek redress through impartial administrative and judicial mechanisms. Likewise, everyone has the right to participate in the management of public affairs. Thus, democracy requires representative institutions at all levels and, in particular a Parliament in which all components of society are represented.

Human rights

Democracy is inseparable from human rights and is founded on the rule of law. It aims essentially to preserve and promote the dignity and fundamental human rights of the individual, to achieve social justice and foster economic and social development. Judicial institutions and independent, impartial, effective oversight mechanisms are guarantors of the rule of law.

We undertake to continue to work towards the defence and promotion of human rights. In this context, special attention shall be paid to the protection of the rights of minorities and the disadvantaged in a spirit of tolerance and mutual respect.

Freedom of expression and role of media

The free flow of ideas by word and by image is a key element of democracy. Democracy must therefore guarantee the freedom to hold opinions without interference as well as the right to seek, receive and impart information and ideas. We stress the important role of the media in this respect. We pledge to enact effective laws and regulations to maximise the freedom of information. We further encourage plurality in the ownership of the media as a means of promoting greater freedom of expression.

Civil society

Civil society plays a major role in the promotion of democracy by articulating diverse socio-cultural, political and economic issues. Non-governmental organisations, academic institutions, professional groups, trade unions and other society-based groups are an important source of policy ideas and information on government performance at grassroots level and can help promote public awareness essential for transparency.

As intermediaries between the State and the citizen, we undertake to continue to work with civil society and to forge stronger partnerships with civil society in strengthening the institutions of democracy, notably through promoting human rights, supporting peaceful settlement of conflicts, promoting more transparent and accountable governance at both national and international levels.

On-line Version:

<http://www.ipu.org/splz-e/ulanbtr.htm>

Related Links:

- Inter-Parliamentary Union (IPU): <http://www.ipu.org/english/home.htm>

d) Resolution on Freedom of Expression and the Right to Information

Adopted at the 120th Inter-Parliamentary Union Assembly at Addis Ababa, Ethiopia on 9 April 2009

Excerpts:

The 120th Assembly of the Inter-Parliamentary Union...

Believing that the people's right to information as well as the generation and dissemination of information are indispensable elements of a functioning democracy and that access to information is an essential tool for strengthening government accountability, transparency and adherence to the rule of law,....Recognizing the importance of freedom of expression and access to information in a democratic society,.... Expressing concern that in some parts of the world, citizens are not sufficiently informed about their rights to freedom of expression and of access to information,....Expressing concern that denial of access to information on matters of public concern remains widespread in many government bureaucracies,.... Aware that people's right to access information is more relevant today than ever, as modern democracy embraces a wider and more direct concept of accountability,...

- 1. Believes that freedom of expression and access to information are fundamental to a democratic society;*
- 2. Welcomes the expansion among States of freedom of information rights;*
- 3. Welcomes the adoption and modernization of rights-based access to information legislation throughout the world;*
- 4. Welcomes also the efforts of international institutions and organizations aimed at protecting freedom of expression and the right to information;*
- 5. Encourages those parliaments that have not already done so to enact freedom of information legislation at the earliest opportunity, and underscores the need for the parliaments of States that already have such a legal framework in place to ensure that it is implemented effectively*
- 6. Calls on parliaments to enact laws that ensure respect for intellectual pluralism;*
- 12. Expresses its concern that the concentration of media ownership will lead to the marginalization of the right to express unconventional views or views that are not in the mainstream;*
- 23. Encourages the development of freedom of information beyond State actors to encompass significant private-sector companies and bodies;*
- 25. Stresses that, in public administration, the basic principle should be in favour of transparency so that disclosure is subject only to narrowly defined restrictions permissible only in the public interest, or to protect the personal data of individuals;*
- 26. Urges parliaments to eliminate the barriers to an effective freedom of information regime, including, but not limited to, public awareness, sufficient resources, limiting exceptions, effective guidelines, elimination of delays and excessive fees, and an independent regulatory mechanism to enforce compliance, and to encourage a culture of openness in the public service.*

On-line Version:

<http://www.ipu.org/conf-e/120/120-3.htm>

Related Links:

- Inter-Parliamentary Union (IPU) : <http://www.ipu.org/english/home.htm>

4. International Conference of New or Restored Democracies

- a. Ulaanbaatar Declaration Democracy, Good Governance and Civil Society

a) Ulaanbaatar Declaration Democracy, Good Governance and Civil Society

Adopted by Governments and representatives of nations around the world gathered at the 5th International Conference of New or Restored Democracies in Ulaanbaatar, Mongolia, from 10 to 12 September 2003.

Excerpts:

iv. Declaring further that the full, active and unobstructed participation of civil society, as they employ democratic and non-violent means, is essential for democratic governments to always remain responsive to the people's needs and wishes, including between elections;

vi. Recognising further that new or restored democracies also face the challenge of consolidating their sovereignty, their democratic achievements, of making democracy itself an irreversible process, and of ensuring that all members of society benefit from the democratisation process and are able to participate fully in the new systems of governance;

4(b) We uphold political freedom and participation as important for human security and human development and reaffirm that fundamental aspects of human security and human development, including investing in education and health, increasing people's safety from the threat of violence, promoting equitable economic growth, and ensuring participation through democratic governance are mutually reinforcing principles leading to a better future for our societies.

5. An inclusive and participatory society must provide access and ensure participation of its citizens in the national decision-making process.

5 (a) We will endeavour to adjust our institutions to better serve the goals of democracy.

5 (b) We will endeavour to strengthen representative democracy - parliamentary and electoral systems.

5 (c) We undertake to take all possible measures to encourage the full participation of women in the electoral process and increased representation of women at all levels, including legislatures.

5(d) We will pursue, where necessary, electoral reforms with the participation of political parties and other relevant segments of civil society to uphold the principle of holding free, fair and periodic elections.

5(e) We undertake to strengthen our electoral systems by ensuring independence of electoral bodies, monitoring electoral campaigns and processes by independent experts, and transparency of campaign contributions.

5(f) We will endeavour to continue the consolidation of democratic multiparty systems in our societies to increase participation and representation of the people.

5(g) We are committed to creating favourable conditions including a strong legal framework for the development of political parties and their engagement in political developments, elections, and responding to the interests of society.

5(h) We will build mechanisms to give people better access to their members of parliament.

5(i) We will take all possible measures to legislate only after proper consultations.

5(j) We will endeavour to strengthen democracy at the local level.

5(k) We will take measures to broaden electoral participation to encompass all sectors of

our respective societies, particularly our citizens living abroad or overseas.

6 An inclusive and participatory society addresses the interests and concerns of people belonging to ethnic and other minorities.

6 (a) We undertake to keep an open dialogue with people belonging to minority groups to improve their situation.

6(b) We undertake to ensure people belonging to minorities are well and truly represented in all the national institutions, and where this is not possible, to be regularly consulted.

7 An inclusive and participatory society values and implements compromise and accommodation as they facilitate the resolution of societal conflicts and promote stability of democracies.

7(a) We commend achievements of democracy through compromise and accommodation as a universal means to mitigate conflicts, promote stability, and harness the creative energies of the people for common causes.

8 An inclusive and participatory society needs to foster national belongingness for all members and groups in society.

8 (a) We will endeavour to promote national unity and identity within all groups of society.

9 An inclusive and participatory society encourages education on democratic values and informs its members on their democratic rights and freedoms, as part of their efforts in consolidating their democracy.

9(a) We will endeavour to initiate or facilitate the development of national education programmes, or to encourage the appropriate authorities to do so, to improve knowledge of basic democratic values and human rights.

14 An open and transparent society elicits the effective participation of civil society in local, national and international institutions and processes.

14 (a) We undertake to engage in regular and active dialogue and consultation with civil society organisations as our partners in our democratic development.

14(b) We undertake to provide legislative and regulatory framework and foster an enabling environment for civil society organisations to develop. We shall promote partnerships between civil society and government. To that end we undertake to involve broadly civil society in decision making processes at local and national levels.

14 (c) We undertake to serve our citizens by providing more information on government policies and programmes, and by considering the benefit of access to information legislation and systems, if not already in place.

20 We believe that democratic societies are better able to achieve the Millennium Development Goals as they are inherently and fundamentally participatory and representative. The more affluent democratic states need to assist new and restored democracies in meeting their development goals for the benefit of all people living in democratised developing countries as this ensures stability and thus the success of the democratisation process.

20 (a) Assist new and restored democracies achieve their Millennium Development Goals.

20 (b) Assist new and restored democracies in realising commitments undertaken in regional and international fora.

On-line Version:

<http://www.icnrd6.com/pdf/ulaanbaatardeclaration.pdf>

Related Documents:

- Ulaanbaatar Plan of Action Democracy, Good Governance and Civil Society

Related Links:

- International Conference of New or Restored Democracies: <http://www.icnrd.org/>

5. Organisation Internationale de la Francophonie (OIF)

a. Bamako Declaration

a) Bamako Declaration

Adopted by the Ministers and Heads of delegation of States and Governments using French as a common language at the International Symposium on the status of Practices of Democracy, Rights and Freedoms in the Francophone world, in Bamako, Mali, on 3 November 2000.

Excerpts:**2 - Declare our adherence to the following fundamental principles:**

3. Democracy requires, in particular, the holding, at regular intervals, of free, fair and transparent elections, based on the respect and exercise, without any hindrance or discrimination, of the right to freedom and physical integrity for every voter and every candidate, the rights to freedom of opinion and expression, especially through the press and other communications media, freedom of assembly and demonstration, and freedom of association;

6. Democracy requires the practice of dialogue at all levels, between citizens, between social partners, between political parties, and between the State and civil society. Democracy implies participation by citizens in political life and allows them to exercise their right of control;

3 – Proclaim

3. That democracy, as the political framework for the rule of law and the protection of human rights, is the system of government that best promotes long-term stability and legal security; thanks to the climate of freedom that it creates, democracy also establishes the conditions for freely accepted mobilization on the part of the people to achieve development; democracy and development cannot be dissociated: these are the factors promoting a lasting peace;

4 - Undertake the following commitments:

... D. For instilling a democratic culture and full respect for human rights

20. To promote, to that end, the emergence of new partnerships between public and private initiatives, mobilizing all those engaged in promoting democracy and human rights;

23. To create, generalize and strengthen national institutions, advisory or otherwise, for promoting human rights and to support the creation of structures within national administrations devoted specifically to human rights, and to assist the defenders of human rights in their efforts;

... To these ends, and with a view to inspiring a renewed partnership, we intend:

- To intensify cooperation between the International Organization of the Francophonie (OIF) and international and regional organizations, to develop concerted action to democratize international relations, and to support, in this context, initiatives to promote democracy;
- To strengthen the mechanisms for cooperation and permanent dialogue with international non-governmental organizations recognized by the Francophonie, and particularly with those that pursue the same objectives in the fields of democracy and human rights;

On-line Version:

http://www.chr.up.ac.za/hr_docs/african/docs/other/fphe1.doc

Related Links:

- Organisation Internationale de la Francophonie: www.francophonie.org

6. Organisation of the Islamic Conference (OIC)

- a. Cairo Declaration on Human Rights in Islam

a) Cairo Declaration on Human Rights in Islam

Type of Instrument: Declaration	Region: Islamic Countries	Organisation: Organisation of The Islamic Conference (OIC)
Status: Not legally binding	Structure: Preamble and 25 articles	Date of adoption / entry into force Adopted on 5 August 1990
<p>Parts related to Core Civil Society Rights:</p> <p>Article 22 [Freedom of Expression]</p> <p><i>(a) Everyone shall have the right to express his opinion freely in such manner as would not be contrary to the principles of the Shari'ah.</i></p> <p><i>(b) Everyone shall have the right to advocate what is right, and propagate what is good, and warn against what is wrong and evil according to the norms of Islamic Shari'ah</i></p> <p><i>(c) Information is a vital necessity to society. It may not be exploited or misused in such a way as may violate sanctities and the dignity of Prophets, undermine moral and ethical values or disintegrate, corrupt or harm society or weaken its faith.</i></p> <p><i>(d) It is not permitted to arouse nationalistic or doctrinal hatred or to do anything that may be an incitement to any form or racial discrimination.</i></p>		
<p>Other elements relevant to Civil Society within this instrument:</p> <p>Article 23 [Participation in Government]</p> <p><i>(a) Authority is a trust; and abuse or malicious exploitation thereof is absolutely prohibited, so that fundamental human rights may be guaranteed.</i></p> <p><i>(b) Everyone shall have the right to participate, directly or indirectly in the administration of his country's public affairs. He shall also have the right to assume public office in accordance with the provisions of Shari'ah.</i></p>		
<p>On-line version: http://www.oicun.org/articles/54/1/Cairo-Declaration-on-Human-Rights-in-Islam/1.html</p>		
<p>Related Web Links:</p> <ul style="list-style-type: none"> • Organisation of The Islamic Conference: www.oic-oci.org/ 		

IV. International Standards related to the regulation of Civil Society Organisations

A. General Principles on the Regulation of Civil Society Organisations at the National Level developed by the International Center for Not for Profit Law¹²

1. Obtaining Legal Personality

The discretionary mechanisms that states employ as to who can form a civic organisation are one of the most important aspects of the legal framework regulating civil society at a national level. Obtaining legal personality through registration or incorporation provisions is important, not only for the monitoring and regulation of civic entities, but also to allow civil society organisations protection under certain laws as well as access to particular benefits such as tax exemptions or charitable status, for example. In general, the discretionary mechanisms that states employ in granting legal personality should not be unnecessarily bureaucratic by, for example, requiring ministry or agency approval prior to registration or incorporation. The requirements for obtaining legal personality should be clearly outlined in the law.

2. Registration

Under the auspices of registration, civil society groups should not be subjected to unnecessary delays in the registration process. The law should clearly state the maximum length of time for consideration of an application to register.

3. Fees and Endowment Requirements

It is important that the requisite fees for registration or incorporation be set at a reasonable level so that small civic organisations can be set up without undue hindrance. Similarly, it is also important the endowment requirements for foundations are not unreasonably high.

4. Membership

National laws should not set membership requirements such as a minimum number of members, requisite listing of members or membership limitations as a mechanism to hinder civil society groups from obtaining legal personality.

5. Judicial Remedies

The issue of whether arbitrary actions by the government may be appealed

¹² These principles were devised from the work of the International Center for Not-for-Profit Law (ICNL). See Regulating Not-for-Profit Organizations, available at: <http://www.icnl.org/tools/COMP3.html>

to an independent judiciary should be clearly addressed in the law. It should state, for example, that failure to register a civic organisation within a certain time may be appealed to a court, with the fees for taking such an appeal not being so high as to limit access to the judiciary.

6. Taxation

There are several different taxes from which civil society organisations may be exempt such as income and profit taxes, for instance. The law should be specific as to the types of purposes and activities tax exempt organisations are permitted to have. Fiscal laws can also encourage individual and corporate support for civil society organisations through tax deductions for certain contributions by individuals and commercial corporations. The law should clearly identify those activities that are tax deductible.

Another important dimension of tax law for civil society organisations is the extent to which they will be taxed on their income-generating activities. Tax laws should be designed so as to permit civic organisations to conduct such activities for their support, particularly in countries where there is little private wealth, but also in a manner to ensure that the charitable, philanthropic or public benefit activities remain the primary function of the organisation.

7. Procurement

In general, the laws affecting government grants, contracts and the transfer of state assets should ensure that independent civic associations are able to apply for them in fair and open competitions.

8. Fundraising

There should be laws permitting the raising of funds from private donors and in various other ways deemed appropriate to the local traditions. It is important that these laws be clear that they contain adequate protections for the public such as requiring registration of fundraising campaigns, issuance of receipts etc.

9. Access to Foreign Funding

It is imperative for civil society organisations in many countries to have fair access to foreign aid funding. National legislation should permit fair and equal access to foreign funding without unreasonable restrictions.

10. Access to the Media

A free press is an important guarantor of freedom and civil society organisations should have access to the press in order to express freely their concerns.

B. International Principles Protecting Civil Society devised by the International Center for Not for Profit Law and the World Movement for Democracy Secretariat¹³

Principle 1: The Right to Entry (Freedom of Association)

- (1) International law protects the right of individuals to form, join and participate in civil society organizations.
 - (a) Broad scope of right. Freedom of association protects individuals in their right to establish a wide range of civil society forms, including trade unions, associations, and other types of NGOs.
 - (b) Broadly permissible purposes. International law recognizes the right of individuals, through NGOs, to pursue a broad range of objectives. Permissible purposes generally embrace all 'legal' or 'lawful' purposes and specifically includes the promotion and protection of human rights and fundamental freedoms.
 - (c) Potential founders. The architecture of international human rights is built on the premise that all persons, including non-citizens, enjoy certain rights, including freedom of association.
- (2) Individuals are not required to form a legal entity in order to enjoy the freedom of association.
- (3) International law protects the right of individuals to form an NGO as a legal entity.
 - (a) The system of recognition of legal entity status, whether a "declaration" or "registration/incorporation" system, must ensure that the process is truly accessible, with clear, speedy, apolitical, and inexpensive procedures in place.
 - (b) In the case of a registration/incorporation system, the designated authority must be guided by objective standards and restricted from arbitrary decision-making.

Principle 2: The Right to Operate Free from Unwarranted State Interference

- (1) Once established, NGOs have the right to operate free from unwarranted state intrusion or interference in their affairs. International law creates a presumption against any state regulation that would amount to a restriction of recognized rights.
 - (a) Interference can only be justified where it is prescribed by law, to fur-

¹³ For more information see: http://www.icnl.org/knowledge/pubs/ICNL-WMD_Defending_CS.pdf

ther a legitimate government interest, and necessary in a democratic society. States must refrain from restricting freedom of association through vague, imprecise, and overly broad regulatory language.

(b) It is incumbent upon the state to ensure that applicable laws and regulations are implemented and enforced in a fair, apolitical, objective, transparent and consistent manner.

(c) Involuntary termination or dissolution must meet the standards of international law; the relevant government authority should be guided by objective standards and restricted from arbitrary decision-making.

(2) NGOs are protected against unwarranted governmental intrusion in their internal governance and affairs. Freedom of association embraces the freedom of the founders and/or members to regulate the organization's internal governance.

(3) Civil society representatives, individually and through their organizations, are protected against unwarranted interference with their privacy.

Principle 3: The Right to Free Expression

Civil society representatives, individually and through their organizations, enjoy the right to freedom of expression.

(a) Freedom of expression protects not only ideas regarded as inoffensive or a matter of indifference but also those that offend, shock or disturb, since pluralism is essential in a democratic society. NGOs are therefore protected in their ability to speak critically against government law or policy, and to speak favorably for human rights and fundamental freedoms.

(b) Interference with freedom of expression can only be justified where it is prescribed by law, in the interests of a legitimate government interest, and necessary in a democratic society. States must refrain from restricting freedom of expression through vague, imprecise, and overly broad regulatory language.

(c) Stemming from the well-recognized protection of individuals to freedom of assembly, NGO representatives have the right to plan and/or engage in the advocacy of legal aims, including human rights and fundamental freedoms.

Principle 4: The Right to Communication and Cooperation

(1) Civil society representatives, individually and through their organizations, have the right to communicate and seek cooperation with other elements of civil society, the business community, international organizations and governments, both within and outside their home countries.

(2) Individuals and NGOs have the right to form and participate in net-

works and coalitions in order to enhance communication and cooperation, and to pursue legitimate aims.

(3) Individuals and NGOs have the right to use the Internet and web-based technologies to communicate more effectively.

Principle 5: The Right to Seek and Secure Resources

Within broad parameters, NGOs have the right to seek and secure funding from legal sources. Legal sources must include individuals and businesses, other civil society actors and international organizations, inter-governmental organizations, as well as local, national, and foreign governments.

Principle 6: State Duty to Protect

(1) The State has a duty to promote respect for human rights and fundamental freedoms, and the obligation to protect the rights of civil society. The State's duty is both negative (i.e., to refrain from interference with human rights and fundamental freedoms), and positive (i.e., to ensure respect for human rights and fundamental freedoms).

(2) The State duty includes an accompanying obligation to ensure that the legislative framework relating to freedom of association and civil society is appropriately enabling, and that the necessary institutional mechanisms are in place to ensure the recognized rights to all individuals.

V. International Standard-Setting Instruments on Civil Society

a) Recommendation CM/Rec(2007)14 of the Committee of Ministers to member states on the legal status of non-governmental organisations in Europe

Adopted by the Committee of Ministers on 10 October 2007 at the 1006th meeting of the Ministers' Deputies.

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve greater unity between its members and that this aim may be pursued through the adoption of common rules;

Aware of the essential contribution made by non-governmental organisations (NGOs) to the development and realisation of democracy and human rights, in particular through the promotion of public awareness, participation in public life and securing the transparency and accountability of public authorities, and of the equally important contribution of NGOs to the cultural life and social well-being of democratic societies;

Taking into consideration the invaluable contribution also made by NGOs to the achievement of the aims and principles of the United Nations Charter and of the Statute of the Council of Europe;

Having regard to the Declaration and Action Plan adopted at the Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 16-17 May 2005);

Noting that the contributions of NGOs are made through an extremely diverse body of activities which can range from acting as a vehicle for communication between different segments of society and public authorities, through the advocacy of changes in law and public policy, the provision of assistance to those in need, the elaboration of technical and professional standards, the monitoring of compliance with existing obligations under national and international law, and on to the provision of a means of personal fulfilment and of pursuing, promoting and defending interests shared with others;

Bearing in mind that the existence of many NGOs is a manifestation of the right of their members to freedom of association under Article 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms and of their host country's adherence to principles of democratic pluralism;

Having regard to Article 5 of the European Social Charter (revised) (ETS No. 163), Articles 3, 7 and 8 of the Framework Convention for the Protection of National Minorities (ETS No. 157) and Article 3 of the Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144);

Recognising that the operation of NGOs entails responsibilities as well as rights;

Considering that the best means of ensuring ethical, responsible conduct by NGOs is to promote self-regulation;

Taking into consideration the case law of the European Court of Human Rights and the views of United Nations human rights treaty bodies;

Taking into account the Declaration on the Right and Responsibility of Individuals, Groups

and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, United Nations General Assembly Resolution A/RES/53/144; Drawing upon the Fundamental Principles on the Status of Non-Governmental Organisations in Europe;

Having regard to the European Convention on the Recognition of the Legal Personality of International Non-Governmental Organisations (ETS No. 124) (hereinafter Convention No. 124) and to the desirability of enlarging the number of its contracting parties;

Recommends that the governments of member states:

- be guided in their legislation, policies and practice by the minimum standards set out in this recommendation;*
- take account of these standards in monitoring the commitments they have made;*
- ensure that this recommendation and the accompanying Explanatory Memorandum are translated and disseminated as widely as possible to NGOs and the public in general, as well as to parliamentarians, relevant public authorities and educational institutions, and used for the training of officials.*

I. Basic principles

- 1. For the purpose of this recommendation, NGOs are voluntary self-governing bodies or organisations established to pursue the essentially non-profit-making objectives of their founders or members. They do not include political parties.*
- 2. NGOs encompass bodies or organisations established both by individual persons (natural or legal) and by groups of such persons. They can be either membership or non-membership based.*
- 3. NGOs can be either informal bodies or organisations or ones which have legal personality.*
- 4. NGOs can be national or international in their composition and sphere of operation.*
- 5. NGOs should enjoy the right to freedom of expression and all other universally and regionally guaranteed rights and freedoms applicable to them.*
- 6. NGOs should not be subject to direction by public authorities.*
- 7. NGOs with legal personality should have the same capacities as are generally enjoyed by other legal persons and should be subject to the administrative, civil and criminal law obligations and sanctions generally applicable to those legal persons.*
- 8. The legal and fiscal framework applicable to NGOs should encourage their establishment and continued operation.*
- 9. NGOs should not distribute any profits which might arise from their activities to their members or founders but can use them for the pursuit of their objectives.*
- 10. Acts or omissions by public authorities affecting an NGO should be subject to administrative review and be open to challenge by the NGO in an independent and impartial court with full jurisdiction.*

II. Objectives

- 11. NGOs should be free to pursue their objectives, provided that both the objectives and the means employed are consistent with the requirements of a democratic society.*
- 12. NGOs should be free to undertake research, education and advocacy on issues of pub-*

lic debate, regardless of whether the position taken is in accord with government policy or requires a change in the law.

13. NGOs should be free to support a particular candidate or party in an election or a referendum provided that they are transparent in declaring their motivation. Any such support should also be subject to legislation on the funding of elections and political parties.

14. NGOs should be free to engage in any lawful economic, business or commercial activities in order to support their not-for-profit activities without any special authorisation being required, but subject to any licensing or regulatory requirements generally applicable to the activities concerned.

15. NGOs should be free to pursue their objectives through membership of associations, federations and confederations of NGOs, whether national or international.

III. Formation and membership

A. Establishment

16. Any person, be it legal or natural, national or non-national, or group of such persons, should be free to establish an NGO and, in the case of non-membership-based NGOs, should be able to do so by way of gift or bequest.

17. Two or more persons should be able to establish a membership-based NGO but a higher number can be required where legal personality is to be acquired, so long as this number is not set at a level that discourages establishment.

B. Statutes

18. NGOs with legal personality should normally have statutes, comprising the constitutive instrument or instrument of incorporation and, where applicable, any other document setting out the conditions under which they operate.

19. The statutes of an NGO with legal personality should generally specify:

- a. its name;
- b. its objectives;
- c. its powers;
- d. the highest governing body;
- e. the frequency of meetings of this body;
- f. the procedure by which such meetings are to be convened;
- g. the way in which this body is to approve financial and other reports;
- h. the procedure for changing the statutes and dissolving the organisation or merging it with another NGO.

20. The highest governing body of a membership-based NGO should be the membership and its agreement should be required for any change in the statutes. For other NGOs the highest governing body should be the one specified in the statutes.

C. Membership

21. No person should be required by law or otherwise compelled to join an NGO, other than a body or organisation established by law to regulate a profession in those states which treat such an entity as an NGO.

22. The ability of any person, be it natural or legal, national or non-national, to join membership-based NGOs should not be unduly restricted by law and, subject to the prohibition on unjustified discrimination, should be determined primarily by the statutes of the NGOs

concerned.

23. Members of NGOs should be protected from expulsion contrary to their statutes.

24. Persons belonging to an NGO should not be subject to any sanction because of their membership. This should not preclude such membership being found incompatible with a particular position or employment.

25. Membership-based NGOs should be free to allow non-members to participate in their activities.

IV. Legal personality

A. General

26. The legal personality of NGOs should be clearly distinct from that of their members or founders.

27. An NGO created through the merger of two or more NGOs should succeed to their rights and liabilities.

B. Acquisition of legal personality

28. The rules governing the acquisition of legal personality should, where this is not an automatic consequence of the establishment of an NGO, be objectively framed and should not be subject to the exercise of a free discretion by the relevant authority.

29. The rules for acquiring legal personality should be widely published and the process involved should be easy to understand and satisfy.

30. Persons can be disqualified from forming NGOs with legal personality following a conviction for an offence that has demonstrated that they are unfit to form one. Such a disqualification should be proportionate in scope and duration.

31. Applications in respect of membership-based NGOs should only entail the filing of their statutes, their addresses and the names of their founders, directors, officers and legal representatives. In the case of non-membership-based NGOs there can also be a requirement of proof that the financial means to accomplish their objectives are available.

32. Legal personality for membership-based NGOs should only be sought after a resolution approving this step has been passed by a meeting to which all the members had been invited.

33. Fees can be charged for an application for legal personality but they should not be set at a level that discourages applications.

34. Legal personality should only be refused where there has been a failure to submit all the clearly prescribed documents required, a name has been used that is patently misleading or is not adequately distinguishable from that of an existing natural or legal person in the state concerned or there is an objective in the statutes which is clearly inconsistent with the requirements of a democratic society.

35. Any evaluation of the acceptability of the objectives of NGOs seeking legal personality should be well informed and respectful of the notion of political pluralism. It should not be driven by prejudices.

36. The body responsible for granting legal personality should act independently and impartially in its decision making. Such a body should have sufficient, appropriately qualified staff for the performance of its functions.

37. A reasonable time limit should be prescribed for taking a decision to grant or refuse

legal personality.

38. All decisions should be communicated to the applicant and any refusal should include written reasons and be subject to appeal to an independent and impartial court.

39. Decisions on qualification for financial or other benefits to be accorded to an NGO should be taken independently from those concerned with its acquisition of legal personality and preferably by a different body.

40. A record of the grant of legal personality to NGOs, where this is not an automatic consequence of the establishment of an NGO, should be readily accessible to the public.

41. NGOs should not be required to renew their legal personality on a periodic basis.

C. Branches; changes to statutes

42. NGOs should not require any authorisation to establish branches, whether within the country or (subject to paragraph 45 below) abroad.

43. NGOs should not require approval by a public authority for a subsequent change in their statutes, unless this affects their name or objectives. The grant of such approval should be governed by the same process as that for the acquisition of legal personality but such a change should not entail the NGO concerned being required to establish itself as a new entity. There can be a requirement to notify the relevant authority of other amendments to their statutes before these can come into effect.

D. Termination of legal personality

44. The legal personality of NGOs can only be terminated pursuant to the voluntary act of their members – or in the case of non-membership-based NGOs, its governing body – or in the event of bankruptcy, prolonged inactivity or serious misconduct.

E. Foreign NGOs

45. Without prejudice to applicability of the articles laid down in Convention No. 124 for those states that have ratified that convention, foreign NGOs can be required to obtain approval, in a manner consistent with the provisions of paragraphs 28 to 31 and 33 to 39 above, to operate in the host country. They should not have to establish a new and separate entity for this purpose. Approval to operate can only be withdrawn in the event of bankruptcy, prolonged inactivity or serious misconduct.

V. Management

46. The persons responsible for the management of membership-based NGOs should be elected or designated by the highest governing body or by an organ to which it has delegated this task. The management of non-membership-based NGOs should be appointed in accordance with their statutes.

47. NGOs should ensure that their management and decision-making bodies are in accordance with their statutes but they are otherwise free to determine the arrangements for pursuing their objectives. In particular, NGOs should not need any authorisation from a public authority in order to change their internal structure or rules.

48. The appointment, election or replacement of officers, and, subject to paragraphs 22 and 23 above, the admission or exclusion of members should be a matter for the NGOs concerned. Persons may, however, be disqualified from acting as an officer of an NGO following conviction for an offence that has demonstrated that they are unfit for such responsibilities.

Such a disqualification should be proportionate in scope and duration.

49. NGOs should not be subject to any specific limitation on non-nationals being on their management or staff.

VI. Fundraising, property and public support

A. Fundraising

50. NGOs should be free to solicit and receive funding – cash or in-kind donations – not only from public bodies in their own state but also from institutional or individual donors, another state or multilateral agencies, subject only to the laws generally applicable to customs, foreign exchange and money laundering and those on the funding of elections and political parties.

B. Property

51. NGOs with legal personality should have access to banking facilities.

52. NGOs with legal personality should be able to sue for the redress of any harm caused to their property.

53. NGOs with legal personality can be required to act on independent advice when selling or acquiring any land, premises or other major assets where they receive any form of public support.

54. NGOs with legal personality should not utilise property acquired on a tax-exempt basis for a non-tax-exempt purpose.

55. NGOs with legal personality can use their property to pay their staff and can also reimburse all staff and volunteers acting on their behalf for reasonable expenses thereby incurred.

56. NGOs with legal personality can designate a successor to receive their property in the event of their termination, but only after their liabilities have been cleared and any rights of donors to repayment have been honoured. However, in the event of no successor being designated or the NGO concerned having recently benefited from public funding or other form of support, it can be required that the property either be transferred to another NGO or legal person that most nearly conforms to its objectives or be applied towards them by the state. Moreover the state can be the successor where either the objectives or the means used by the NGO to achieve those objectives have been found to be inadmissible.

C. Public support

57. NGOs should be assisted in the pursuit of their objectives through public funding and other forms of support, such as exemption from income and other taxes or duties on membership fees, funds and goods received from donors or governmental and international agencies, income from investments, rent, royalties, economic activities and property transactions, as well as incentives for donations through income tax deductions or credits.

58. Any form of public support for NGOs should be governed by clear and objective criteria.

59. The nature and beneficiaries of the activities undertaken by an NGO can be relevant considerations in deciding whether or not to grant it any form of public support.

60. The grant of public support can also be contingent on an NGO falling into a particular category or regime defined by law or having a particular legal form.

61. A material change in the statutes or activities of an NGO can lead to the alteration or termination of any grant of public support.

VII. Accountability**A. Transparency**

62. NGOs which have been granted any form of public support can be required each year to submit reports on their accounts and an overview of their activities to a designated supervising body.

63. NGOs which have been granted any form of public support can be required to make known the proportion of their funds used for fundraising and administration.

64. All reporting should be subject to a duty to respect the rights of donors, beneficiaries and staff, as well as the right to protect legitimate business confidentiality.

65. NGOs which have been granted any form of public support can be required to have their accounts audited by an institution or person independent of their management.

66. Foreign NGOs should be subject to the requirements in paragraphs 62 to 65 above only in respect of their activities in the host country.

B. Supervision

67. The activities of NGOs should be presumed to be lawful in the absence of contrary evidence.

68. NGOs can be required to submit their books, records and activities to inspection by a supervising agency where there has been a failure to comply with reporting requirements or where there are reasonable grounds to suspect that serious breaches of the law have occurred or are imminent.

69. NGOs should not be subject to search and seizure without objective grounds for taking such measures and appropriate judicial authorisation.

70. No external intervention in the running of NGOs should take place unless a serious breach of the legal requirements applicable to NGOs has been established or is reasonably believed to be imminent.

71. NGOs should generally be able to request suspension of any administrative measure taken in respect of them. Refusal of a request for suspension should be subject to prompt judicial challenge.

72. In most instances, the appropriate sanction against NGOs for breach of the legal requirements applicable to them (including those concerning the acquisition of legal personality) should merely be the requirement to rectify their affairs and/or the imposition of an administrative, civil or criminal penalty on them and/or any individuals directly responsible. Penalties should be based on the law in force and observe the principle of proportionality.

73. Foreign NGOs should be subject to the provisions in paragraphs 68 to 72 above only in respect of their activities in the host country.

74. The termination of an NGO or, in the case of a foreign NGO, the withdrawal of its approval to operate should only be ordered by a court where there is compelling evidence that the grounds specified in paragraphs 44 and 45 above have been met. Such an order should be subject to prompt appeal.

C. Liability

75. The officers, directors and staff of an NGO with legal personality should not be personally liable for its debts, liabilities and obligations. However, they can be made liable to the NGO, third parties or all of them for professional misconduct or neglect of duties.

VIII. Participation in decision making

76. Governmental and quasi-governmental mechanisms at all levels should ensure the effective participation of NGOs without discrimination in dialogue and consultation on public policy objectives and decisions. Such participation should ensure the free expression of the diversity of people's opinions as to the functioning of society. This participation and co-operation should be facilitated by ensuring appropriate disclosure or access to official information.

77. NGOs should be consulted during the drafting of primary and secondary legislation which affects their status, financing or spheres of operation.

On-line Version:

<https://wcd.coe.int/ViewDoc.jsp?id=1194609&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>

**b) European Convention on the Recognition of the Legal Personality of
International Non-governmental Organisations**

Adopted by the Council of Europe in Strasbourg, France on 24 April 1986.

Preamble

The member States of the Council of Europe, signatories hereto, Considering that the aim of the Council of Europe is to achieve a greater unity between its members, in particular for the purpose of safeguarding and realising ideals and principles which are their common heritage;

Recognising that international non-governmental organisations carry out work of value to the international community, particularly in the scientific, cultural, charitable, philanthropic, health and education fields, and that they contribute to the achievement of the aims and principles of the United Nations Charter and the Statute of the Council of Europe;

Desiring to establish in their mutual relations rules laying down the conditions for recognition of the legal personality of these organisations in order to facilitate their activities at European level,

Have agreed as follows:

Article 1

This Convention shall apply to associations, foundations and other private institutions (hereinafter referred to as "NGOs") which satisfy the following conditions:

- a. have a non-profit-making aim of international utility;*
- b. have been established by an instrument governed by the internal law of a Party;*
- c. carry on their activities with effect in at least two States; and*
- d. have their statutory office in the territory of a Party and the central management and control in the territory of that Party or of another Party.*

Article 2

1. The legal personality and capacity, as acquired by an NGO in the Party in which it has its statutory office, shall be recognised as of right in the other Parties.

2. When they are required by essential public interest, restrictions, limitations or special procedures governing the exercise of the rights arising out of the legal capacity and provided for by the legislation of the Party where recognition takes place, shall be applicable to NGOs established in another Party.

Article 3

1. The proof of acquisition of legal personality and capacity shall be furnished by presenting the NGO's memorandum and articles of association or other basic constitutional instruments. Such instruments shall be accompanied by documents establishing administrative authorisation, registration or any other form of publicity in the Party which granted the legal personality and capacity. In a Party which has no publicity procedure, the instrument establishing the NGO shall be duly certified by a competent authority. At the time of signature or of the deposit of the instrument of ratification, acceptance, approval or accession, the State concerned shall inform the Secretary General of the Council of Europe of the identity of this authority.

2. In order to facilitate the application of paragraph 1, a Party may provide an optional

system of publicity which shall dispense NGOs from furnishing the proof provided for in the preceding paragraph for each transaction that they carry out.

Article 4

In each Party the application of this Convention may only be excluded if the NGO invoking this Convention, by its object, its purpose or the activity which it actually exercises:

- a. contravenes national security, public safety, or is detrimental to the prevention of disorder or crime, the protection of health or morals, or the protection of the rights and freedoms of others; or
- b. jeopardises relations with another State or the maintenance of international peace and security.

Article 5

1. This Convention shall be open for signature by the member States of the Council of Europe which may express their consent to be bound by:

- a. signature without reservation as to ratification, acceptance or approval, or
- b. signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.

2. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 6

1. This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which three member States of the Council of Europe have expressed their consent to be bound by the Convention in accordance with the provisions of Article 5.

2. In respect of any member State which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 7

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may invite any State not a member of the Council to accede to this Convention, by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee.

2. In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 8

1. Any State may at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention may apply.

2. Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date

of receipt of such declaration by the Secretary General.

3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

Article 9

No reservation may be made to this Convention.

Article 10

1. Any Party may at any time denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

2. Such denunciation shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of the notification by the Secretary General.

Article 11

The Secretary General of the Council of Europe shall notify the member States of the Council and any State which has acceded to this Convention, of

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance, approval or accession;
- c. any date of entry into force of this Convention in accordance with Articles 6, 7 and 8;
- d. any other act, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Strasbourg, this 24th day of April 1986, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe and to any State invited to accede to this Convention.

On-line Version:

<http://conventions.coe.int/Treaty/en/Treaties/Word/124.doc>

Related Links:

- The Council of Europe: www.coe.int

VI. Annexes: Useful Resources and Publications

Links to CIVICUS resources and publications

CIVICUS Toolkits are available at: <http://www.civicus.org/toolkits>
 Useful Reports are available at: <http://www.civicus.org/reports>
 Information on Funding Opportunities is available at:
<http://www.civicus.org/fund-opportunity>
 Information on Workshops and Courses is available at:
<http://www.civicus.org/workshops-and-courses>
 Information on Conferences and Events is available at:
<http://www.civicus.org/conferences-and-events>
 Information on Calls for Papers/ Nominations is available at:
<http://www.civicus.org/callforpapers>
 CIVICUS Annual Reports are available at: <http://www.civicus.org/callforpapers>
 CIVICUS e-Newsletters are available at: <http://www.civicus.org/newsletters>
 Information on CIVICUS Books and Publications is available at:
<http://www.civicus.org/civicus-booksandpublications>
 Information on Civil Society Index is available at:
<http://www.civicus.org/civicus-booksandpublications/csi-publications>

Other online resources

Defending Civil Society: A Report of the World Movement for Democracy
http://www.icnl.org/knowledge/pubs/ICNL-WMD_Defending_CS.pdf
 Protection Manual for Human Rights Defenders
<http://www.frontlinedefenders.org/manuals/protection>
 Guidelines for Laws Affecting Civic Organizations
http://www.soros.org/resources/articles_publications/publications/lawguide_20040215/osi_lawguide.pdf
 UN and Regional Mechanisms for Human Rights Defenders
<http://www.frontlinedefenders.org/manuals/un-and-regional-mechanisms>
 New Tactics in Human Rights: A Resource for Practitioners
<http://www.newtactics.org/main.php/ToolsforAction/TheNewTacticsWorkbook>
 Corruption Fighter's Toolkit
http://www.transparency.org/tools/e_toolkit