

Council of Europe

HUMAN RIGHTS APPROACH

PRACTICAL GUIDE
FOR CO-OPERATION PROJECTS



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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GUIDE TO APPLYING THE HUMAN RIGHTS APPROACH IN CO-OPERATION

WHY APPLY A HUMAN RIGHTS APPROACH IN CO-OPERATION?

As a leading human rights organisation, the Council of Europe is expected to lead by example and apply a human rights approach (HRA) in its work. The Council of Europe's human rights approach is based on European human rights standards and principles, with the ultimate goal to fulfil human rights.

In addition to Council of Europe projects being on specific human rights themes, the project design and implementation should also in itself be in line with the HRA and its principles. A human rights methodology should therefore ideally be applied at all stages of project management (from project planning to monitoring and evaluation).

The HRA leads to more sustainable and higher quality outcomes. It also provides a broader framework for cross-cutting issues such as engagement with civil society and gender mainstreaming, through the principles of participation and inclusion as well as equality and non-discrimination.

Furthermore, many States and international institutions, including the European Union and all its Member States, are committed to applying a human rights approach and

as donors they may either encourage or expect the Council of Europe to do the same⁽¹⁾.

For more information about the background and reasoning behind the human rights approach, see: Council of Europe's Human Rights Approach in brief.

DEFINITION

The PMM Human Rights Approach is about incorporating human rights standards and principles into all levels of project management with the ultimate goal of advancing human rights.

GUIDING PRINCIPLES

- Based on European human rights standards and human rights principles
- Focus on vulnerable persons⁽²⁾ - leaving no one behind
- Do no harm: Projects should not cause any unintentional human rights harm, imbalance or negative impact

(1) See European Consensus on Development, adopted by the EU and all its Member States, and referred to in the Financial Framework Partnership Agreement between the European Union and the Council of Europe of October 2020. #EUDevConsensus

(2) Vulnerable persons are individuals who are more vulnerable for particular reasons or have traditionally been victims of violations of human rights and therefore require special protection. Vulnerable persons can include people with disabilities, migrants, refugees, LGBT persons, national minorities, and children.

HUMAN RIGHTS PRINCIPLES TO APPLY IN PROJECTS

PARTICIPATION AND INCLUSION

The aim is that rights-holders are enabled and empowered to hold duty-bearers accountable and to claim rights from duty-bearers. Engagement with civil society is essential, due to their capacity to reach out to, empower, represent, and defend vulnerable persons.

EQUALITY AND NON-DISCRIMINATION

Discrimination, which can occur in many different forms, should be actively counteracted in all projects. Vulnerable persons should be included and empowered to claim their rights, to ensure that no one is left behind (in line with the UN Sustainable Development Goals).

ACCOUNTABILITY

Duty-bearers should be enabled to respect, protect and fulfil rights, and fulfil their responsibilities towards rights-holders. The Council of Europe is accountable to its partners, beneficiaries and the public for its projects.

TRANSPARENCY AND ACCESS TO INFORMATION

Decision-making within the project should strive to be transparent. Information about projects should be made available and accessible.

MAIN AIM

To further advance human rights for all and achieve better and more sustainable results in projects.

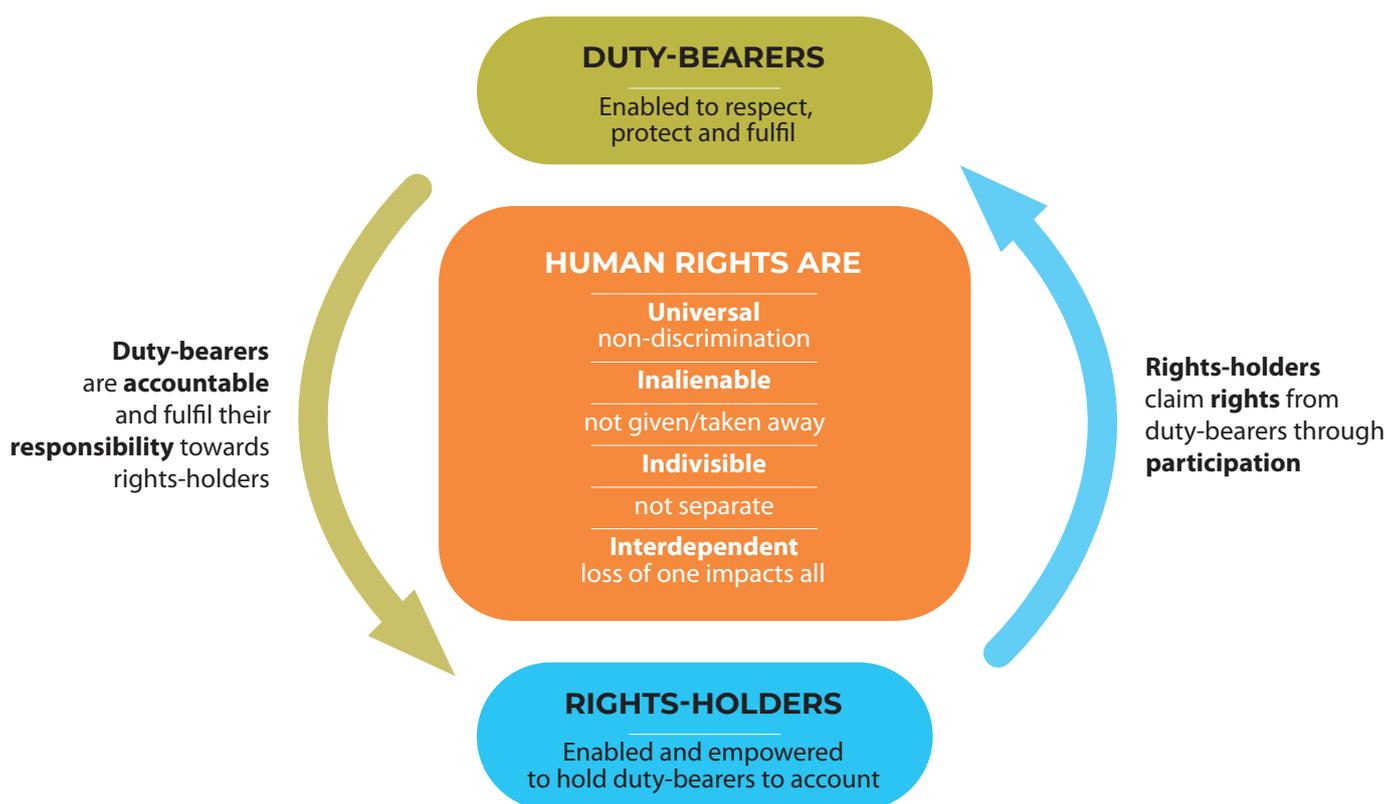
RIGHTS-HOLDERS AND DUTY-BEARERS

The HRA has a focus on rights-holders and duty-bearers. It recognises beneficiaries as active subjects or rights-holders, rather than passive recipients.

It also establishes duty-bearers (state and sometimes non-state actors) as those who have the obligation to respect, protect and fulfil rights and before whom claims may be brought.

The HRA supports the capacity of rights-holders to know, claim and seek redress for their rights, and for duty-bearers to fulfil their human rights obligations.

THE DUTY-BEARERS AND RIGHTS-HOLDERS RELATIONSHIP



STEPS TO ENSURE THE HUMAN RIGHTS APPROACH

- Base projects on the European Convention on Human Rights and other European human rights standards and principles (i.e. treaties, conventions, protocols) and also on opinions and recommendations from Council of Europe bodies (i.e. the Committee of Ministers, PACE, the Congress, European Court of Human Rights, Human Rights Commissioner and specific advisory and monitoring bodies, such as Venice Commission, the European Committee for the Prevention of Torture and the European Commission against Racism and Intolerance) where relevant.
- Think in terms of duty-bearers and rights-holders, with a particular focus on vulnerable groups. Support the capacity of rights-holders to know, claim and obtain redress for their rights and for duty-bearers to fulfil their obligations to respect, protect and fulfil these rights.
- Bear in mind the link between HRA and decentralised work in the field – it is important to get as close as possible to beneficiaries and partners for a bottom-up approach. In the field there is better access to stakeholders and also a better appreciation of rights and corresponding capacity, institutional and structural gaps.
- Incorporate the principles of participation and inclusion, equality and non-discrimination, accountability and transparency and access to information throughout the project cycle; initiating and planning, implementing, closing, monitoring and evaluation.
- Link Results-Based Management and the HRA as it would give more focus, enabling more effectiveness in projects. As an example, more targeted attention to rights-holders that are most affected can lead to better outputs, and eventually to better outcomes and impact. This was seen for instance in schools adopting human rights education-activities. Specifically targeting disadvantaged schools resulted in better responses to opportunities.
- Ensure that the budget allocates sufficient resources for applying a HRA (i.e. for gender analysis, capacity building activities with a specific focus on HRA, monitoring of participation, translation costs, etc.)
- Incorporate a human rights approach awareness in the selection criteria of experts, Steering Committee members, participants and grantees, where appropriate. Also, consider the principle of equality and non-discrimination with regards to age, gender and ethnicity, etc., during selection.

HOW TO APPLY A HUMAN RIGHTS APPROACH IN THE PROJECT PHASES

INITIATING AND PLANNING

- Consult in the broadest possible way with stakeholders for needs assessment, identifying rights that are not being fulfilled and their root causes, not only “needs”.
- Stakeholder mapping: map rights-holders and duty-bearers and lines of accountability.
- Identify and analyse rights-holders’ and duty-bearers’ capacity, institutional and structural gaps.
- Take into account different stakeholders’ perspectives when setting project objectives.
- Set indicators that are sensitive to gender and other potential inequalities.

IMPLEMENTATION

- Collect and use sex-disaggregated data in all cases. Also collect and use disaggregated data by other social categories (i.e. age, ethnicity, residence), where possible and relevant. This gives a good understanding of the underlying project dynamics, such as proportion of female beneficiaries, age-range of participants, ethnic background, capital city proportion of target groups.
- Ensure meaningful participation and inclusion of all stakeholders throughout the project, with a focus on vulnerable persons – leaving no one behind.
- Include civil society whenever possible, for instance, as members of steering committees, as implementing parties, during thematic consultations, etc.
- Ensure equality and non-discrimination, with regards to age, sex, sexual orientation, gender identity or expression, ethnicity, disability, etc. Consider potential divides which could hinder equitable benefits and multiplier effects, such as gaps between generations, social strata and balance of participants from capitals compared to other regions.

Good practice: Make efforts to ensure a gender and ethnic balance with regards to participants in activities and in the selection of consultants.

- Develop a mechanism to receive, track and follow-up on feedback, suggestions or complaints on the project.

Good practice: During the inception phase of the project, hold broad consultations, including with civil society, and adjust the project logframe and workplan accordingly.

- Ensure transparency and access to information to strengthen accountability towards partners, beneficiaries, donors and internally in the project. Information

disseminated during the project should be available and accessible; clear, free of charge, in accessible formats and locations, and in relevant languages⁽³⁾.

Good practice: Disseminate information in minority languages and in formats that are accessible to persons with vision or hearing impairments.

- Use gender sensitive and inclusive language that promotes equality.

MONITORING AND EVALUATION

- Try to monitor project outcomes from the perspective of all stakeholders.
- Ensure transparent, consultative monitoring and evaluation, with the participation of stakeholders.

OTHER RELEVANT RESOURCES

- [HELP course: Introduction to the European Convention on Human Rights and the European Court of Human Rights](#)
- [Code of Good Practice for Civil Participation in the Decision-Making Process](#)
- [Guidelines on civil society organisations' participation in Council of Europe's co-operation activities](#)
- [Guidelines for civil participation in political decision making](#)
- [Council of Europe Gender Equality Strategy 2018-2023](#)
- [PMM Gender mainstreaming toolkit](#)
- [SOGI Glossary](#)
- [Council of Europe Disability Strategy 2017-2023](#)
- [The Strasbourg Declaration on Roma](#)
- [Council of Europe Strategy for the Rights of the Child 2016-2021](#)
- [The Children's Rights Division Child Safeguarding Policy](#)
- [Council of Europe Policy Guidelines on Integrated National Strategies for the Protection of Children from Violence](#)
- [Council of Europe Child Participation Assessment Tool](#)
- [PMM Communication toolbox](#)

(3) For more information on easy-to-read information: <https://www.inclusion-europe.eu/easy-to-read/>





QUESTIONS AND ANSWERS ON THE HUMAN RIGHTS APPROACH

WE ARE A HUMAN RIGHTS ORGANISATION AND WE ARE ALREADY APPLYING A HUMAN RIGHTS APPROACH SINCE OUR WORK IS RELATED TO HUMAN RIGHTS.

In addition to Council of Europe projects being on various human rights themes, we must demonstrate how project work and processes are implemented in line with the four principles of the human rights approach; participation and inclusion, equality and non-discrimination, accountability, and transparency and access to information. These principles should be taken into account in all phases of projects, irrespective of the specific theme of the project or the country it is implemented in. The Council of Europe human rights approach (HRA) ensures quality control and a minimum standard of practical human rights considerations. It also supports our concern for vulnerable persons - leaving no one behind, and on not causing any further harm in our interventions.

Just as the UN Office of the High Commissioner for Human Rights (OHCHR), being a purely human rights body, has acknowledged the value in adopting a human rights approach, similarly the Council of Europe as the leading human rights organisation in the region also applies a human rights approach in its projects.

IT IS NOT NECESSARY TO TAKE INTO ACCOUNT THE HRA UNTIL IT BECOMES AN OFFICIAL COUNCIL OF EUROPE POLICY.

The Human Rights Approach has been an established Council of Europe policy for co-operation since 2016, through the upgrade of the Project Management Methodology (PMM) and its handbook. Before this, the HRA was implicitly an official policy of the Organisation as a whole when the Council of Europe became a recognised member of the development co-operation community in 2014. 40% of the Council of Europe's programme and budget is officially considered as development aid work.

IT IS ENOUGH TO MAINSTREAM GENDER, ADDITIONAL WORK ON HRA IS UNNECESSARY.

The HRA and gender mainstreaming are closely related, particularly regarding the principle of equality and non-discrimination. However, the HRA is broader as it, for instance, does not only focus on equality and non-discrimination on the basis of sex or gender identity, but also on other factors such as age, ethnicity and disability.

ARE ANY OTHER ORGANISATIONS APPLYING HUMAN RIGHTS APPROACHES?

Various human rights approaches are widely known and applied by international organisations (including the United Nations), governments, NHRIs and NGOs. The Council of Europe's HRA is in line with the UN's Human-Rights Based Approach (HRBA, 2003) and the EU's Rights-Based Approach (RBA, 2014). Although the names for these approaches differ slightly, they all involve applying basic human rights principles in project design and implementation.

As with the UN and the EU, the Council of Europe's human rights approach contains the principles of participation and inclusion, equality and non-discrimination, and accountability. In addition to this, the HRA also includes a principle on transparency and access to information, as does the EU.

The EU and the UN also have a focus on rule of law, in addition to universality and indivisibility of human rights, while the Council of Europe does not specifically spell this out as a principle.

A number of donors that have a policy on human rights approach also require that this be applied in their international assistance. Therefore, there is an expectation by donors that the Council of Europe applies a human rights approach.

For examples of various human rights approaches from the UN, the EU and other organisations, please see:

- https://www.undp.org/content/undp/en/home/librarypage/democratic-governance/human_rights/a-human-rights-based-approach-to-development-programming-in-undp.html
- <https://www.undp.org/content/undp/en/home/librarypage/capacity-building/a-human-rights-based-approach-to-development-co-operation.html>
- <http://www.ohchr.org/Documents/Publications/FAQen.pdf>
- <https://europa.eu/capacity4dev/policy-forum-development/document/rights-based-approach-eu-development-co-operation>
- <http://ennhri.org/about-nhris/human-rights-based-approach/>
- <http://www.scottishhumanrights.com/rights-in-practice/>

A LEGAL /CONVENTION-BASED APPROACH IS SUFFICIENT TO IMPLEMENT HUMAN RIGHTS STANDARDS IN CO-OPERATION PROJECTS.

Working on a legal norm, or anything else, has no direct bearing on a project's management processes. Therefore, a multidisciplinary approach is needed to capture various social and cultural realities, which legal norms alone cannot fully capture, such as:

- power inequalities (between participants in an activity);
- varying degrees of knowledge and understanding due to inaccessibility of relevant information and underdeveloped structures and institutions;
- social, political and economic factors impacting the enjoyment of human rights;
- cultural sensitivities;
- specific vulnerabilities by reason of age, status, gender, physical and mental health, etc.

Various Council of Europe mechanisms advocate for States to adopt a human rights-based approach for better results. See, for instance:

- GREVIO⁽⁴⁾
- GRETA⁽⁵⁾

IN MANY COUNTRIES IT IS ILLEGAL TO COLLECT CERTAIN TYPES OF PERSONAL INFORMATION, SUCH AS ETHNICITY. THEREFORE, THE COUNCIL OF EUROPE SHOULD BE CAREFUL ABOUT DISAGGREGATING DATA ON ETHNICITY.

The benefits of disaggregating data significantly outweigh any perceived inconveniences. With regards to the question of legality, it is not illegal to collect personal data on ethnicity, for instance, as long as it is not personalised, nor identifiable with an individual. When working with data, data protection laws must be respected at all times and data should be anonymised and stored in a safe way.

(4) A reference to 'an integrated approach' is made in the [Council of Europe Convention on preventing and combating violence against women and domestic violence](#), Articles 1 (e) and 18 (3); A reference to 'human rights-based approach mandated by the convention' is made in the [GREVIO Report on Italy](#), paragraph 43.

(5) A reference to 'each Party shall promote a human rights-based approach' is made in the [Council of Europe Convention on Action against Trafficking in Human Beings](#), Article 5 (3) in conjunction with the [Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Turkey](#), paragraphs 42-47.

MANY COUNCIL OF EUROPE PROJECTS DO NOT WORK WITH FINAL BENEFICIARIES (RIGHTS-HOLDERS), THEY WORK WITH DUTY-BEARERS. FOCUS ON RIGHTS-HOLDERS IS THEREFORE LESS RELEVANT.

Although Council of Europe projects mostly work directly with duty-bearers, the goal of all human rights work is to advance the rights of rights-holders. Therefore, the meaningful participation and empowerment of rights-holders is essential. Council of Europe projects are in a unique position to strengthen the connection between duty-bearers and rights-holders in the target country and guide duty-bearers in fulfilling their human rights obligations.

WHY DO WE NEED TO ENGAGE WITH CIVIL SOCIETY ORGANISATIONS (CSOS)? IT BRINGS NO BENEFITS TO MY PROJECT.

In addition to being closer to rights-holders, in many cases, CSOs are also their voices and represent them, and can therefore act as a bridge between duty-bearers and rights-holders. CSOs are also an essential element of functioning democracies and in upholding rule of law and human rights.

Engagement with civil society is in line with the principle of participation and inclusion. Generally, projects which influence target groups beyond those in contact with the project deliver better outcomes. Inputs from diverse civil society organisations on ongoing work with duty-bearers can also be a valuable source of information.

INCREASED TRANSPARENCY AND ACCOUNTABILITY TOWARDS THIRD PARTIES THROUGH HRA ADDS PRESSURE ON THE PROJECT TEAM.

Transparency and accountability are inextricably linked to human rights, democracy and rule of law and are key for all international and national public administrations. The Council of Europe also advocates for increased transparency and accountability through its standard-setting and monitoring mechanisms.

Transparency and accountability can contribute to enhancing public engagement with the project. There may also be in-house benefits to ensuring transparency and accountability, such as organisational learning, coherence and optimising co-operation between entities as well as between headquarters and the field.

I THINK I DO ENOUGH REGARDING TRANSPARENCY AND ACCOUNTABILITY IN MY PROJECT. I ALREADY REPORT REGULARLY TO THE DONOR. WHAT MORE DO I NEED TO DO?

Transparency and accountability should be implemented to the extent possible and this goes beyond reporting to donors. Projects are more sustainable and enhance transparency and accountability through ensuring that the information is available and accessible, and giving beneficiaries the opportunity to provide feedback (i.e. through activity evaluations/ feedback forms). Ultimately, projects are not only accountable to donors, but also to the beneficiaries.

WHY DO WE HAVE TO DISAGGREGATE DATA?

Just as sex-disaggregated data brings many benefits for a better-targeted and more efficient intervention, this is also the case for all categories of the human rights approach. For instance, a disaggregation of participants by an urban/rural criteria or age, may identify unequal access to resources.

Disaggregated data is also needed to advocate for sound and specific policies to address vulnerable persons as a matter of priority. It also helps strengthen the country-specific knowledge and in turn, gives a stronger basis for monitoring of current projects and planning of future ones.

For examples on Council of Europe bodies advocating for disaggregated data in relation to different factors, please see:

- [ECRI's Fifth report on Denmark; Fifth report on Estonia](#)
- [9th General Report on GRETA's Activities](#)
- [1st General Report on the Activities of GREVIO](#)
- [GRECO's 16th General Activity Report](#)

Wide use of disaggregated data is also positively received by partners and donors. Other international organisations frequently highlight the link between data collection, indicators, HRA and the SDGs. See the following examples:

- <https://www.ohchr.org/Documents/Issues/HRIIndicators/GuidanceNoteonApproachtoData.pdf>
- https://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf
- https://unstats.un.org/unsd/post-2015/activities/egm-on-indicator-framework/docs/Background%20note%20by%20OHCHR-%20Statistics%20and%20Human%20Rights-EGM_Feb2015.pdf

I AM INTERESTED IN THE HRA AND WANT TO LEARN MORE. IS THERE MORE INFORMATION ON THE HRA?

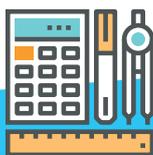
For more information on the history and development of various human rights approaches, we recommend the following material by the Danish Institute of Human Rights:

- <https://www.humanrights.dk/learning-hub/introduction-human-rights-based-approach>

I AM NOT SURE ABOUT HOW TO IMPLEMENT HRA IN MY PROJECT.

Please consult the guide and checklists, which provide guidance to staff on how to apply a HRA in projects.





CHECKLIST FOR INITIATING AND PLANNING PROJECTS

PARTICIPATION AND INCLUSION

The aim is that rights-holders are enabled and empowered to hold duty-bearers accountable and to claim rights from duty-bearers. Engagement with civil society is essential, due to their capacity to reach out to, empower, represent, and defend vulnerable persons.

1. During the initiating and planning phase, are any meetings or events organized to ensure the meaningful participation of all relevant groups, including vulnerable groups and civil society?
2. What processes/procedures are envisaged to ensure meaningful participation of stakeholders throughout the project?

References include: According to article 15 of the Framework Convention for the Protection of National Minorities, conditions for effective participation should be created. The European Charter of Local Self-Government refers to 'the right of citizens to participate in the conduct of public affairs' as a key democratic principle.

EQUALITY AND NON-DISCRIMINATION

Discrimination, which can occur in many different forms, should be actively counteracted in all projects. Vulnerable groups should be included and empowered to claim their rights, to ensure that no one is left behind (in line with the UN Sustainable Development Goals).

3. What measures will be taken during the initiating and planning phase to ensure non-discrimination in the implementation of the project, including the selection of project staff, steering committee members, consultants, etc.?
4. Which safeguards are in place to ensure that the involvement of vulnerable groups does not lead to increased stigma and discrimination?

References include: Article 14 and Protocol 12 of the European Convention on Human Rights, which taken together prohibit discrimination on any grounds.

ACCOUNTABILITY

Duty-bearers should be enabled to respect, protect and fulfil rights, and fulfil their responsibilities towards rights-holders. The Council of Europe is accountable to its partners, beneficiaries and the public for its projects.

5. Which mechanisms exist for stakeholders to provide feedback on the project design?
6. What measures will be taken to minimize any negative human rights impact (including environmental) caused by the project?

References include: Article 13 of the European Convention on Human Rights, everyone has the right to an effective remedy. According to the Council of Europe Charter on Professional Ethics, staff of the Council of Europe are expected to base their work-related conduct on a set of ethical values that find expression in the internal rules of the Organisation. These values are independence, integrity, respect and accountability. Moreover, the Preamble of the Council of Europe Convention on Access to Official Documents states that 'exercise of a right to access to official documents [...] fosters the integrity, efficiency, effectiveness and accountability of public authorities, so helping affirm their legitimacy'.

TRANSPARENCY AND ACCESS TO INFORMATION

Decision-making within the project should strive to be transparent. Information about the project should be made available and accessible.

- 7• How will transparency be maintained with respect to decision-making within the project?
- 8• How will information be disseminated during the project? Will it available and accessible, i.e. clear, free of charge, in accessible formats and locations, in all relevant languages, etc.?

References include: Article 10 of the European Convention on Human Rights, everyone has the right to freedom of expression, which includes the freedom to receive and impart information. Moreover, the Preamble of the Council of Europe Convention on Access to Official Documents emphasises the importance of transparency of public authorities in a pluralistic, democratic society.





CHECKLIST FOR IMPLEMENTING PROJECTS

PARTICIPATION AND INCLUSION

The aim is that rights-holders are enabled and empowered to hold duty-bearers accountable and to claim rights from duty-bearers. Engagement with civil society is essential, due to their capacity to reach out to, empower, represent, and defend vulnerable persons.

1. How does the project increase the capacity of rights-holders to claim their rights (i.e. through meetings, activities, trainings, etc.)?
2. Which measures exist to ensure meaningful participation of vulnerable groups in the project?
3. How does the project allow for meaningful participation of civil society (i.e. are they consulted, are they involved in the delivery of activities, are they member of the Steering Committee)?

References include: Article 15 of the Framework Convention for the Protection of National Minorities, conditions for effective participation should be created. The European Charter of Local Self-Government refers to 'the right of citizens to participate in the conduct of public affairs' as a key democratic principle.

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Discrimination, which can occur in many different forms, should be actively counteracted in all projects. Vulnerable groups should be included and empowered to claim their rights, to ensure that no one is left behind (in line with the UN Sustainable Development Goals).

- 4. How is the project ensuring that the different needs of the target groups are met?
- 5. How does the project ensure that equality and non-discrimination is applied (i.e. through the delivery of the activities, including the selection of steering committee members, consultants, etc.)?
- 6. In case of possible claims of discrimination (i.e. based on age, sex, gender identity, ethnicity, disability, etc.) within the project, how are these tracked and followed-up?

References include: Article 14 and Protocol 12 of the European Convention on Human Rights, which taken together prohibit discrimination on any grounds.

ACCOUNTABILITY

Duty-bearers should be enabled to respect, protect and fulfil rights, and fulfil their responsibilities towards rights-holders. The Council of Europe is accountable to its partners, beneficiaries and the public for its projects.

- 7. How does the project emphasise the information sharing and responsibilities of the duty-bearer towards the rights holder?
- 8. How does the project allow for giving feedback, suggestions or raising complaints to the project team about the project overall?

References include: Article 13 of the European Convention on Human Rights, everyone has the right to an effective remedy. According to the Council of Europe Charter on Professional Ethics, staff of the Council of Europe are expected to base their work-related conduct on a set of ethical values that find expression in the internal rules of the Organisation. These values are independence, integrity, respect and accountability. Moreover, the Preamble of the Council of Europe Convention on Access to Official Documents states that 'exercise of a right to access to official documents [...] fosters the integrity, efficiency, effectiveness and accountability of public authorities, so helping affirm their legitimacy'.

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- 9. How is transparency maintained with respect to decision-making within the project?
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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.