

# STRENGTHENING FREEDOM OF ASSOCIATION IN COUNCIL OF EUROPE MEMBER STATES



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

## Freedom of association is a fundamental human right

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It is protected as an individual's fundamental human right by the European Convention on Human Rights and may only be subjected to restrictions "necessary in a democratic society"<sup>1</sup>. Freedom of association is also an important enabling factor to the enjoyment of other fundamental rights, notably freedom of expression and freedom of assembly.

## A vibrant civic space is the bedrock of a genuine democracy

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A trend toward restricting civic space, is increasingly impacting on the freedom of association and on civil society's ability to fulfil its mission and fully participate in public life<sup>2</sup>. This happens through national legislation reducing or complicating access to information, to resources, to public media or to decision-making processes by civil society and NGOs. It is a major concern for European democracies currently striving to increase connectivity and mutual trust between citizens and their democratic institutions.

- ▶ The Council of Europe is uniquely placed to address this pan-European issue affecting human rights, democracy and the rule of law
- ▶ The Council of Europe is uniquely placed to partner with governmental and non-governmental stakeholders
- ▶ The Council of Europe is uniquely placed to bring the full scope of European norms, standards, best practices and expertise to bear on this issue

## Strengthening Freedom of Association: a multilateral project to support an enabling environment for civil society in the Member States

### The Project will:

- ▶ Deliver well-researched substantive information and assessment of risks or threats to civil society (NGOs and INGOs);
- ▶ Provide expert analysis of specific legislation, policy or practice in light of relevant CoE and international standards;
- ▶ Propose legislative, policy or good practice solutions for the legal and practical challenges to the existence of free, open civic space;
- ▶ Identify common challenges or trends over time and across geographical areas; and
- ▶ Facilitate greater exchange and visibility of best practices in and between the Member States.

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1. Article 11.2 provides that "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."

2. as described in the Secretary General's five annual reports, reports of the Parliamentary Assembly and opinions of the Venice Commission and the Expert Council on NGO Law

## Working Methods:

The project will be implemented by the Civil Society Division of the Directorate General of Democracy with the Conference of INGOs and its Expert Council for NGO Law<sup>4</sup> and in close partnership with leading INGOs in this field. The project will ensure:

- ▶ Widely accessible interface for input from civil society
- ▶ Evaluation, fact-checking, research and with verified partners
- ▶ Analysis and expertise
- ▶ Transparency of process and outputs
- ▶ Dialogue with the Member States, CoE bodies relevant international organisations and civil society

## Outputs:

The project will strengthen freedom of association through an enhanced enabling environment for civil society in the Member States. The tangible deliverables will include:

- ▶ Recommendations for action with legislative, policy reform on local, regional, national or Council of Europe level
- ▶ Specific co-operation or tailor-made assistance activities
- ▶ Dialogue, exchange between Council of Europe bodies (Conference of INGOs, Committee of Ministers, Parliamentary Assembly, Congress of Local and Regional Authorities, Human Rights Commissioner)
- ▶ Round tables, conferences and thematic debates at local, regional, national or Council of Europe level
- ▶ Online and print publications of studies, surveys, research and assessments

## Resources:

The project will benefit from the management, supervision and support of the Civil Society Division, from the network, expertise and experience of the Conference of INGOs and its Expert Council on NGO Law. Additional project specific resource needs are primarily for:

- ▶ Legal Adviser/Senior Project Officer, IT web support, financial and logistics assistant
- ▶ Funds for contracted research, fact-checking, analysis and evaluation
- ▶ Funds for expert travel, subsistence and fees, for interpretation and event organisation
- ▶ Funds for translations, publications, awareness-raising and visibility campaigns

The total budget of the four-year project is €2 000 000. A preliminary funding threshold of €350 000 is necessary to launch the project and ensure quality and sustainability.

**Open for voluntary contributions – please see PMM project VC 1797**

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3. <https://www.coe.int/en/web/ingo>

4. <https://www.coe.int/en/web/ingo/expert-council>

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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.

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