



## European Association for the Defense of Human Rights - AEDH

### CONSTITUTIVE CHARTER Adopted on December 4<sup>th</sup>, 2000

Over 40 years ago, the foundations of an economic understanding were laid in Western Europe with the signing of the Treaty of Rome.

Today, the European Union includes 27 countries and has taken on a new dimension, as economic integration is by and large completed whereas its political and social counterpart lags way behind.

A number of decisions and major policy choices which have a direct effect on the European Union's 490 million inhabitants are being made at a level distinct from that of member governments. European unification has become a reality any person can relate to in a most straightforward sort of way.

The FIDH member organisations in the European Union are determined to play their role to the full on this new front line.

The European Union must not shy away from rules that are common to mankind as a whole, namely, those set down in the Universal Declaration of Human Rights, those of democracy and social justice.

We want a democratic Europe, one where every citizen is genuinely empowered, way beyond the semblance of democracy existing institutions afford.

We want Europe to have individual liberties as its foundation, but today, the European Union is being built through arrangements between police forces and judicial cooperation agreements, with the bulk of civil rights and liberties protection remaining the purview of individual governments.

We want Europe to affirm its concern for social equality: we reject the logic of an economy purely based on market forces, as sublimated into some dogmatic principle. The men and women Europe is made up of have an equal and absolute right to work, to be educated, to be free from poverty and, simply, to live as full citizens. We want Europe to commit itself to a sustainable type of development that will preserve the environment and take its international responsibilities into account.

Finally, we want a non-discriminatory Europe which is open to the world at large and which affords both solidarity and cooperation to men and women regardless of origin; this must be achieved first by preserving the rights and dignity of those living in our countries who should all benefit from equal treatment, and also by calling a halt to efforts to build ourselves into a fortress under siege.

As we take this initiative, we press for the formation of counter-balancing powers at European Union level. We also assert our commitment to a Europe-wide civic movement. Human rights are not dependent on governments alone, since their upholding and safeguard ultimately lie with individual citizens. It is dependent on each of us, as well as on all other civic groupings that share our cause, to assert our demands for effective civic franchise. We are convinced that Europe's civic and social future is crucially dependent on such a commitment.

# **The European Association for the Defense of Human Rights (AEDH)**

*Associate member of FIDH*

*Statutes of an international association*

## **CHAPTER I - Name, headquarters, objective and duration**

### **ARTICLE 1**

The international non-profit association is to be known as: the European Association for the Defense of Human Rights, AISBL-associate member of FIDH.  
The acronym of the association is to be A.E.D.H.

### **ARTICLE 2**

The association is an international non-profit association under Belgium law, pursuant to the law of 25 October 1919 (Moniteur belge dated 5 November 1919) modified by the laws of 6<sup>th</sup> December 1954 and 30<sup>th</sup> June 2000.

### **ARTICLE 3**

The aims and objective of the association are the protection and development of Human and citizens' rights in the European Union.

The association supports any initiative aiming at the emergence, promotion and defence of such rights.

The association opposes injustice, arbitrariness as well as any breach of individual and collective rights.

The association upholds the principles of equality, liberty and community of mankind that are the foundations of any democratic society and were proclaimed notably in the 1789 Declaration of the Rights of Man and Citizen, the 1948 Universal Declaration of Human Rights, the 1966 Covenants on Civil and Political Rights and on Economic, Social and Cultural rights, the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms as well as the 1961 European Social Charter as revised in 1996.

The association condemns and opposes any violation of human and citizens' rights, any crime against humanity and the crime of genocide, any use of torture or of inhuman and degrading treatment. It upholds the right of asylum.

The association condemns and opposes any incitement to racial hatred, racism or xenophobia as well as any discrimination based on nationality or national or ethnic origin, gender, age, health, disability, sexual orientation, trade union activities, political and religious opinions, social or family circumstances.

The association contributes to democracy within the European Union.

The association pursues its objectives without political party or religious commitment.

The association has capacity to effect any act and undertake any action in pursuit of its objectives, including publications, conferences, training, representations to authorities. It can take legal actions.

### **ARTICLE 4**

The headquarter is located in Brussels, Rue de la Caserne 33, 100 Brussels; it may be located elsewhere in the same area under a decision of the General assembly, and provided the change is advertised in the Moniteur belge.

## **ARTICLE 5**

The working languages of the association are all those of the European Union member states. However, the official languages of the association are English and French. Only the English and French versions of any document issued by the association, including the present Statutes and the internal rules of conduct, shall be deemed authentic.

## **ARTICLE 6**

The association becomes a member of networks that pursue the same objectives. In this capacity it is a member of FIDH on an associate basis.

The relationship of cooperation between the association and the FIDH is determined by the agreement adopted by the founding general meeting of the association.

## **ARTICLE 7**

The European association may intervene in the states where there is one or more member organization of the association only after having consulted that member organization.

## **ARTICLE 8**

The association is established for an indefinite duration.

## **CHAPTER II – Structure of the association, membership, fees, resignation and expulsion of members.**

## **ARTICLE 9**

The association comprises as follows:

- Are full members:
  - the affiliate organisations or correspondent organisations of FIDH, on demand.
  - the organisations whose candidacy, presented by the Bureau to the General Assembly, is approved by a 2/3 majority.
- Are partner members European organisations or networks whose candidacy, presented by the Bureau to the General Assembly, is approved by a 2/3 majority.
- Are individual members physical persons, who have been granted this status in accordance with the internal rules of conduct.

Furthermore, observer status may be granted to any organisation or grouping of organisations from any country. Such status shall be granted unanimously by the Bureau and shall not entail any right to cast votes. In case of dispute by the candidate or by a full member, the General Assembly will make the final decision by a 2/3 majority.

The association consists of three distinct constituencies:

1st constituency: comprised of full members. Provided they are up to date with their fees, the members of this first constituency are entitled to all the powers granted by law. The first constituency shall not comprise more than six organisations from any European Union member state. For the purpose of establishing the association, the first constituency shall be solely comprised of ex officio members.

2<sup>nd</sup> constituency: comprised of the partner members of the association. Such 2<sup>nd</sup> constituency members attend the General Assembly but only have the right to be consulted. There shall be no limit to the number of members of this 2<sup>nd</sup> constituency.

3<sup>rd</sup> constituency: comprised of physical persons. Such 3<sup>rd</sup> constituency members attend the General Assembly, in accordance with the internal rules of conduct, and delegate two members of consultative capacity to the Bureau.

Any organisation and any physical person participating in any capacity in the association must neither violate the present Statutes nor the Charter of the association. Such associations must be independent of any public authority. Internal rules of conduct shall specify the criteria to be fulfilled by the organisations.

Representatives of physical persons may not carry out duties of political representation at the local, national or European levels.

## **ARTICLE 10**

The Bureau presents to the General Assembly the candidacy of full members and partner members.

Every year, the General Assembly may elect new full members among partner members, as proposed by the Bureau.

Applications by partner members for the 2<sup>nd</sup> constituency must be sent to the Bureau at least two months prior to the date scheduled for the General Assembly meeting. The Bureau must hear applicants on request.

The Bureau shall attach to the advance notice of a General Assembly meeting, the applications it has endorsed, together with profiles of the relevant organisations. Internal rules of conduct determine the format of the applications to be made to the General Assembly.

When the Bureau plans to present the candidacy of an organisation, as full member or partner member, it may grant this organisation with a temporary status of observer member in between two general Assemblies.

## **ARTICLE 11**

Every member may resign from the association by offering its resignation to the Bureau.

Any ex officio member may be suspended and any full member or partner member may be expelled if, after two successive letters of recall, and after having been heard by the Bureau if it has so requested, it has failed to pay its membership fees. Any expulsion is pronounced by the Bureau and endorsed by the General Assembly. Such decision may be subject to appeal to the General Assembly on terms determined by internal rules of conduct.

Exclusion of a member may be pronounced for one of the following reasons:

- Serious breach of the principles set down in article 5 of the Statutes
- Serious lapse of honour or integrity

Any exclusion may be pronounced by the Bureau after the relevant member or individual has been summoned by the Bureau to explain himself.

Any expelled member may, in any case, lodge an appeal with the General Assembly against a decision to exclude them.

In case of emergency and for the reasons set out above, the Bureau may suspend any member after having requested it to give explanations by any means. Such suspension shall not last more than six months and shall lapse automatically at the end of this period.

Suspension bars the member from any public activity on behalf of the association and from any ballot within the constituencies of the association, with the exception of the General Assembly if and when an appeal has been lodged with the latter.

The Bureau reports any suspension decisions to the General Assembly, which the latter may cancel.

Exclusion and suspension decisions are effective automatically and appeals to the General Assembly are not suspensive.

No resigning, expelled or excluded member may neither make a claim on the funds or assets of the Association nor demand a refund for any paid membership fees.

## **ARTICLE 12**

All non-governmental organisations pay a membership fee. The fee is determined by the General Assembly based on a proposal by the Bureau. In any case, the fee shall not exceed 5,000 euros.

The individuals pay a membership fee determined by the General Assembly based on a proposal by the Bureau.

The association may receive any subsidies as well as income from its activities. The association may receive donations and legacies within the limitations specified by law.

## **CHAPTER III – The General Assembly**

### **ARTICLE 13**

The General Assembly is comprised of a maximum of three representatives per full member organisation, as decided by the said organisation. Representatives of all the organizations of one country have six mandates.

Partner members attend in a consultative capacity and a single delegate represents each. A delegate represents the members with observer status.

Individual members attend in a consultative capacity.

The person presiding over the Bureau chairs the General Assembly.

A General Assembly meeting is deemed valid provided that one third of the association's members is present or duly represented. Short of this quorum, a second General Assembly meeting is called for. No specific quorum is required for such second meeting.

### **ARTICLE 14**

The General Assembly is responsible for:

- Electing and dismissing members of the Bureau
- Appointing the auditor
- Approving budgets and accounts after having heard the auditors' report
- Amending the Statutes and disbanding the association
- Handling final appeals against decisions to admit, expel, suspend, or exclude any members
- Determining the overall policy and policy stances of the association
- Electing full members

The practical procedures of the General Assembly are detailed in the internal rules of conduct.

### **ARTICLE 15**

The General Assembly holds its ordinary meeting once a year.

Extraordinary General assemblies may be called for either by decision of the Bureau, or at the request of 33 per cent of the full members.

## **ARTICLE 16**

The Bureau decides on the agenda of the General Assembly. It is specified in the notification calling together the General Assembly. The Bureau sends the notification to the members at least one month prior to the date scheduled for a General Assembly meeting. Copies of the operational report of the Bureau, of the association's financial statements and of the draft budget are attached to the notification. Every member is entitled to enter a specific item on the agenda via the Bureau, provided such request reaches the Bureau at least 15 days prior to the General Assembly meeting.

The General Assembly may exceptionally, at the request of the Bureau and by a two-thirds majority of ex officio and full members present or represented, add one or more items to the agenda. The General Assembly must vote on this point in its opening session, but after the decisions on any possible objections raised as to the composition of the General Assembly.

Full members are allowed to grant proxies only to other full-member associations. No association may hold proxy rights for more than one other.

No one may represent full members, or partner members while delegating in the 3<sup>rd</sup> constituency.

## **ARTICLE 17**

For every ballot or election, a simple majority of voting members is required.

In default, any ballot or election is deemed null and void.

Any vote involving individuals is held by secret ballot.

The election of new full members or partner members requires a 2/3 majority.

New full members and partner members are elected at the opening of a General Assembly meeting.

Decisions taken by the General Assembly will be written in minutes of the meeting approved by the outgoing President and by the new President appointed by the General Assembly.

## **ARTICLE 18**

The General Assembly may amend the Statutes or disband the association only if and when the agenda of the relevant meeting includes such items. Any such vote shall be by a 2/3 majority, with more than half of the members being present or represented, except for the organisation's name, social objectives or disbandment, which require a 4/5 majority vote. In the event that such a quorum is not met, a second meeting is called for and may pass votes 8 regardless of the number of members present or represented, although a 2/3 majority shall still apply.

The decision to modify the statutes or to dissolve the association must be approved in the same way by at least 2/3 of the ex officio members present or represented.

## **CHAPTER IV – The Bureau**

### **ARTICLE 19**

A Bureau of at least 6 and at most 25 elected members administers the association. The number of nationals from a single country sitting on the Bureau may not exceed one quarter of the members of the Bureau (and a maximum of three members).

No one may be a member of the Bureau if they hold a salaried position, regardless of the terms and conditions, in one of the executive bodies of EU Member States of the European Union or within European executive bodies.

Individual members who are appointed by the 3<sup>rd</sup> constituency at a General Assembly meeting attend in a consultative capacity.

Members of the Bureau are elected by the General Assembly for a renewable two-year mandate. Drawing lots chooses those members of the first Bureau who must face re-election.

Applications for Bureau membership shall reach the president at least two months prior to the date scheduled for the General Assembly meeting, otherwise they shall be deemed null and void. The list of candidates, as established by the Bureau, shall be annexed to the General Meeting notice.

#### **ARTICLE 20**

The Bureau shall appoint from among its members one president, between one and three vice-president(s), between one and three secretary/ies-general, one treasurer and members of the Bureau.

The Bureau shall administer the association and shall carry out all day-to-day management duties.

The Bureau shall meet at the request of the president or of two other Bureau members, whenever required pursuant to the association's own purposes and interests and at least once every six months.

#### **ARTICLE 21**

The suspension or removal of the Executive Bureau or of one of its members is pronounced on the basis of the same modalities as those for the exclusion of full members, that is to say following:

- Serious breach of the principles set down in Article 5 of the Statutes
- Serious lapse of honor or integrity

Any exclusion is pronounced by the General Assembly pursuant to a 2/3 majority vote.

#### **ARTICLE 22**

The President of the association or, if unavailable, one of the general secretaries or vice-presidents represents the association on the occasion of any judicial or extrajudicial action. The president or, if unavailable, one of the general secretaries or vice-presidents, shall institute any judicial proceedings that may be required.

#### **ARTICLE 23**

Ordinary correspondence and day-to-day management decisions shall be validly signed by the president and by another member of the Bureau.

Short of specific authority, any acts beyond day-to-day management shall bear the signature of two members of the Bureau.

#### **ARTICLE 24**

The status of honorary president can be given by the General Assembly to a former president.

### **CHAPTER V - Budgets and accounts – Internal rules of conduct**

#### **ARTICLE 25**

The financial year shall commence on 1<sup>st</sup> January and finish on 31<sup>st</sup> December.

Every year, the treasurer shall draw up the association's budget and receipt and expense accounts. Accounts are verified by an auditor who is appointed by the General Assembly for a two-year period. The Bureau submits the accounts for the previous financial year and a draft budget to the annual General Assembly for approval.

#### **ARTICLE 26**

In case the association is disbanded for whatever reason, its property and assets shall be transferred to the FIDH.

#### **ARTICLE 27**

Internal rules of conduct complement the implementation of these Statutes. The inaugural meeting of the General Assembly approves such internal rules of conduct. Any subsequent amendment is left to the Executive Bureau for deliberation. However, any member of the association is entitled to refer any amendment to the internal rules of conduct as deliberated by the Bureau to the General Assembly, whose decision is final.

#### **ARTICLE 28**

All matters contemplated in these statutes will be governed by the law of 25th October 1919, modified by the laws of 6<sup>th</sup> December 1954 30<sup>th</sup> June 2000 and 2<sup>nd</sup> May 2002.