



European Association for the Defence of Human Rights - AEDH

CONSTITUTIVE CHARTER Adopted on 4 December 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 far behind.

A number of decisions and major policy choices with 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 Defence of Human Rights (AEDH)

*Associate member of FIDH
International Statute of Association*

CHAPTER I - Name, headquarters, objective and duration

ARTICLE 1

The international non-profit association shall be known as the European Association for the Defence of Human Rights, AISBL-associate member of FIDH.
The acronym of the association shall be AEDH.

ARTICLE 2

The association is an international non-profit association under Belgium law, pursuant to the law of 25 October 1919 as amended by the law of 2 May 2002.

ARTICLE 3

The purpose of the association is to defend and promote human and civic rights in the European Union.

It supports any initiative tending to develop, promote and defend such rights.

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

The association upholds the principles of equality, liberty and humanism that are the foundation of any democratic society and were proclaimed notably in the 1789 Declaration of the Rights of Man and of the 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 civic 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, and social or family circumstances.

The association contributes to democracy within the European Union.

The association pursues its objectives without political or religious commitment.

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

ARTICLE 4

The headquarters are located in Brussels, Rue de la Caserne 33, 1000 Brussels; it may be located elsewhere in the same district under a decision of the General Assembly and provided the change is notified in the Annexes of 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 and therefore 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 authentic.

ARTICLE 6

The association joins networks that pursue its objectives. In this capacity it is an associate member of FIDH.

The relationship of cooperation between the association and the FIDH is governed by the agreement adopted by the founding General Assembly of the association.

ARTICLE 7

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

ARTICLE 8

The association is established for an indefinite duration.

CHAPTER II – Composition of the association, admission, fees, resignation and expulsion of members.

ARTICLE 9

9.1 - The association comprises full members, partner members and individual members

- Are full members:
 - the affiliate organisations or correspondent organisations of FIDH, on request.
 - the organisations whose candidacy, presented by the Executive Board to the General Assembly, is approved by a 2/3 majority.
- Are partner members European organisations or networks whose candidacy, presented by the Executive Board 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. Such status shall be granted unanimously by the Executive Board and shall not entail voting rights. If the decision is contested by the candidate or by a full member, the General Assembly shall rule by a 2/3 majority.

9.2 - The association consists of three 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 social powers granted by law. The first constituency shall not comprise more than six organisations from any given European Union Member State.

- **2nd constituency:** comprised of partner members.

2nd constituency members shall attend the General Assembly in a consultative capacity. There shall be no limit to the number of members of this 2nd constituency.

• **3rd constituency:** comprised of individuals.

Such 3rd constituency members shall attend the General Assembly, in accordance with the internal rules of conduct. They shall appoint two delegates who shall sit on the Executive Board with voting rights

Any organisations and all individuals participating in the association in any capacity shall comply with these Statutes and the Charter of the association. Such associations must be independent of any public authority. Internal rules of conduct shall determine the criteria to be met by the organisations. Representatives of individuals may not carry out duties of political representation at local, national or European levels.

ARTICLE 10

The Executive Board shall present 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 Executive Board.

Applications by partner members of the 2nd constituency must be sent to the Executive Board at least two months prior to the date scheduled for the General Assembly. The Executive Board must hear applicants on request.

The Executive Board shall attach to the notice of the General Assembly, the applications it has endorsed, and information on the organisations. The internal rules of conduct shall determine the procedures for submission of applications to the General Assembly.

Where the Executive Board plans to present the candidacy of an organisation, as a full member or partner member, it may grant the organisation temporary observer member status between two general Assemblies.

ARTICLE 11

Any member may resign from the association by offering its resignation to the Executive Board.

▪ Any full non-governmental organisation member may be suspended and any full member or partner member may be expelled if, after two reminder letters, and after having been heard by the Executive Board if it has so requested, it fails to pay its membership fees.

Any expulsion shall be pronounced by the Executive Board and confirmed by the General Assembly. Such decision may be subject to appeal to the General Assembly under the terms of the 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

Exclusion shall be pronounced by the Executive Board after the member or individual concerned has been summoned by the Executive Board.

Suspension bars a full member from any public activity on behalf of the association and from any ballot within the bodies of the association, with the exception of the General Assembly where an appeal has been lodged with the latter. The expulsion of an organization, a full member, bars them from any public activity on behalf of the association and from any ballot within the bodies of the association, with the exception of the General Assembly where an appeal has been lodged with the latter.

Exclusion, expulsion and suspension decisions shall be effective automatically and appeals to the General Assembly are not suspensive.

ARTICLE 12

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

Individuals shall pay a membership fee determined by the General Assembly based on a proposal by the Executive Board.

The association may receive any subsidies as well as income from its activities.

The association may receive donations and legacies within the limits specified by law.

CHAPTER III – The General Assembly

ARTICLE 13

◆ The General Assembly shall comprise a maximum of three representatives per full member organisation, appointed thereby. The representatives of all the organisations of one country shall have six mandates.

◆ Partner members shall attend in a consultative capacity and shall each be represented by a delegate.

◆ Associations which have an observer status shall be represented by a delegate.

The two representatives of the individual members shall attend with voting rights.

The General Assembly shall be chaired by the Chairperson of the Executive Board.

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

ARTICLE 14

The General Assembly is competent for:

◆ Election and revocation of members of the Executive Board

◆ Appointment of the auditor

◆ Approval of budgets and accounts after hearing the auditor's report

◆ Amendment of the Statutes and disbandment of the association

◆ Final appeals against decisions of approval, expulsion, suspension and exclusion decisions

◆ Determination of general policy and policy stances of the association

◆ Election of full members

◆ Election of partner members

ARTICLE 15

The General Assembly shall be held once a year.

Extraordinary General Assemblies may be called either by decision of the Executive Board or at the request of 33% of full member associations.

ARTICLE 16

The Executive Board shall decide the agenda of the General Assembly. It shall be specified in the notice of the General Assembly, which it shall send to the members at least one month prior to the date scheduled for the General Assembly. Copies of the Activity Report of the Executive Board, of the association's financial statements and of the provisional budget shall be attached to the notice.

Every member is entitled to enter a specific item on the agenda via the Executive Board, provided such request reaches the Bureau at least 15 days prior to the General Assembly.

The General Assembly may exceptionally, at the request of the Executive Board 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.

Ex officio and full members shall grant proxies only to other full member associations. No association may hold proxy rights for more than one other.

No one may represent ex officio member, full member, or partner member associations while being a delegate in the 3rd constituency.

ARTICLE 17

A simple majority of voting members is required for all ballots.

Failing this, the ballot is deemed null and void.

- ◆ All ballots concerning individuals are secret.
- ◆ The election of new full members or new partner members requires a majority of two thirds.
- ◆ New full members and partner members are elected at the opening of the General Assembly.

In case of changes to the composition of the Executive Board and, in particular, the election of a new Chairperson, the decisions of the General Assembly shall be recorded in the minutes of the meeting, approved by the incumbent Chairperson and the new Chairperson elected by the General Assembly.

ARTICLE 18

The General Assembly may amend the Statutes or disband the association only when the agenda of the General Assembly 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, purposes or disbandment, which shall require a 4/5 majority vote.

If this quorum is not met, a second General Assembly shall be called and may pass votes regardless of the number of members present or represented, although a 2/3 majority shall still be required.

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

The association shall be managed by an Executive Board of at least 6 members and a maximum of 25 elected members. The number of members from a given country sitting on

the Executive Board shall not exceed one quarter of the members of the Executive Board or three members.

No one may be a member of the Executive Board if he or she holds an executive mandate, in any capacity, in one of the governments of the Member States of the European Union or within the European executive bodies.

Individual members, appointed by the 3rd constituency at the General Assembly shall attend with voting rights.

The members of the Executive Board shall be elected by the General Assembly for a renewable term of two years. The members of the first Executive Board subject to re-election shall be chosen randomly. The candidacies must reach the Chairperson at the latest two months before the date set by the General Assembly, or else they shall be deemed null and void. The list of accepted candidates, established by the Executive Board, shall be annexed to the General Assembly notice.

ARTICLE 20

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

The Executive Board shall manage the association and shall settle all day-to-day management issues.

The Executive Board shall be called by the Chairperson or two other Executive Board members, whenever required by the interests of association and at least once every six months.

ARTICLE 21

The suspension or revocation of the Executive Board or of one of its members shall be pronounced on the basis of the same procedures as for the exclusion of full members, that is to say:

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

Any exclusion shall be pronounced by the General Assembly upon a 2/3 majority vote.

ARTICLE 22

The Chairperson of the association or, if unavailable, one of the general secretaries or vice-chairpersons shall represent the association on the occasion of any judicial or extrajudicial action. The Chairperson or, if unavailable, one of the general secretaries or vice-chairpersons, shall institute any judicial proceedings.

ARTICLE 23

Ordinary correspondence and day-to-day management decisions shall be validly signed by the Chairperson and by another member of the Executive Board.

Failing specific authority, any acts beyond day-to-day management shall bear the signature of two members of the Executive Board.

ARTICLE 24

The status of honorary Chairperson may be given by the General Assembly to a former Chairperson.

CHAPTER V - Budgets and accounts – Internal rules of conduct

ARTICLE 25

The financial year shall commence on 1 January and finish on 31 December. Every year, the treasurer shall draw up the association's budget and receipt and expense accounts. Accounts shall be verified by an auditor appointed by the General Assembly for a two-year period. The Executive Board shall submit the accounts for the previous financial year and a draft budget to the annual General Assembly for approval.

ARTICLE 26

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

ARTICLE 27

Internal rules of conduct shall supplement the implementation of these Statutes. The inaugural meeting of the General Assembly shall approve such internal rules of conduct. Any subsequent amendment shall be left to the Executive Board for deliberation. However, any member of the association may refer any amendment to the internal rules of conduct as deliberated by the Executive Board to the General Assembly, whose decision shall be final.

ARTICLE 28

All matters contemplated in these statutes shall be governed by the law of 25 October 1919, as modified by the laws of 6 December 1954, 30 June 2000 and 2 May 2002.