



**OSCE Human Dimension Implementation Meeting**

**Warsaw, 21 September – 2 October 2015**

**Working Session 4:**

**Fundamental Freedoms - Freedom of peaceful assembly and association**

**Council of Europe standards and action for the promotion of an active role  
by civil society in political decision-making**

The promotion of an active role by civil society in political decision-making is pursued through:

- creating an enabling environment, including a favourable legal framework, for the functioning of NGOs;
- developing sustainable mechanisms/platforms for dialogue, consultation and co-operation between civil society and government both at the central and local level.

**Background**

The rights to freedom of assembly and to freedom of association (Article 11 of the European Convention on Human Rights) are inextricably linked to the right to freedom of expression (Article 10 of the ECHR). According to the European Court of Human Rights, “Article 11 must ... be considered in the light of Article 10. The protection of opinions and the freedom to express them is one of the objectives of the freedoms of assembly and association as enshrined in Article 11”<sup>[1]</sup>.

Exercised together, the rights to freedom of assembly, of association and of expression are a fundamental part of the checks and balances ensuring the successful functioning of democratic institutions. A guaranteed enjoyment of these rights is a pre-condition for the active participation of civil society in decision-making at all levels of government. Furthermore, ensuring the participation of all individuals and societal groups in political processes is one of the prerequisites for guaranteeing democratic security.

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<sup>[1]</sup> Christian Democratic People’s Party v. Moldova judgment (No 28793/02, §§ 62-70, ECHR 2006-II)

The watchdog role of NGOs is noted by the European Court of Human Rights as “essential in a democratic society”. Therefore, “the Court considers that it is similar to the role of the press as defined in its established case-law.”<sup>[2]</sup>

### **Recent developments at the Council of Europe**

The [2014 report](#) of the Secretary General on the State of Democracy, Human Rights and the Rule of Law in Europe identified as one of the challenges the abuse of procedural requirements for NGOs. The report recommended to member states to simplify and make transparent and fair the registration and reporting requirements for NGOs and to ensure unimpeded legal and transparent NGO access to resources, including foreign and local funding.

The report also noted that a specific monitoring mechanism was needed to prevent violations of Articles 10 and 11 by reacting rapidly to urgent challenges, reporting to the Committee of Ministers, and make recommendations. A follow-up to the report – [SG/Inf\(2014\) 28](#) suggested that this, could be done in co-operation with the relevant authorities in member states, as well as with civil society and with other international organisations.

According to the [2015 report](#). A shared responsibility for democratic security in Europe, “The Council of Europe should prepare new guidelines to ensure meaningful participation in political decision making based on best practice and shared standards.” Preparatory work on these guidelines has started and the input of partner organisations such as the OSCE is welcome, in particular since the Civil Society Forum on Enhancing the Participation of Associations in public decision-making processes which was held prior to the Supplementary Human Dimension Meeting on Freedoms of peaceful assembly and association, with emphasis on freedom of association (Vienna, April 2015) contains a specific recommendation to OSCE participating States and OSCE institutions: “The OSCE or another international organization should develop guidelines for the effective participation of associations in public decision-making processes that would highlight what is generally acceptable as good practice in selected OSCE participating States.” (<http://www.osce.org/pc/151631>)

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<sup>[2]</sup> Vides Aizsardzibas Klubs v. Latvia, No 57829/00, § 40, 27 May 2004