

Constitution for



Apply Human Rights

Preamble

Human rights and humanitarian law are necessary for a just, democratic, peaceful and humane society. Human rights are universal, interdependent and indivisible. The Rule of Law, an independent judiciary and legal profession, maintaining the highest ethical standards is indispensable to safeguard and advance all human rights.

Human rights violations occur and jurists are working to maintain their clients rights all over the world.

Jurists have not access to international law and regulations, case law, experiences and knowledge from litigation in other countries or within the international foras. Although numerous differences between the legal systems, countries are often tied together by the same or similar regional and international law. Even so, there are few bridges between foreign experiences and national law. There is a need for knowledge about how to fight human rights violations regardless of the environment, the nation or the legal traditions.

To remedy the situation a global forum that is tailored to improve the individuals' possibility to develop, demand and protect his or her human rights is established.

Apply Human Rights is that global forum.

The overriding purpose of Apply Human Rights is to improve individuals' possibilities to maintain his or her human rights. This will be done in particular by support to legal counsels to argue regional and international law, in national court proceedings. By creating a debate and by unravelling systematically flaws Apply Human Rights furthermore intend to contribute to the improvement of different legal systems throughout the world.

General Provisions

Apply Human Rights, Legal Status and Headquarters

- Apply Human Rights is a non-profit and non-political association.
- Apply Human Rights, which is governed by Swedish law, has legal personality.
- The Headquarter of Apply Human Rights is in Stockholm, Sweden.

The Mission

Subject to the terms of this Statute, Apply Human Rights Officers, its members and its Contact Points have a duty to give effect to the principles set out in the preamble.

Objectives

Apply Human Rights will develop and sustain an effective legal information and service related to international Human Rights standards, their domestication and Human Rights litigation through running a Web site.

Apply Human Rights is through its web-site going to...

- ...help individual victims of human rights violations to get into contact with jurists with knowledge in Human Rights.
- ...aid legal counsels that represent victims of Human Rights violations by providing information through an easy accessible umbrella of information about regional and international law and by doing that, successfully maintaining the individuals Human Rights.
-through support for Human Rights litigation promote the establishment and enforcement of a legal system which protects individuals and groups against violations of their human rights;
- ...offer information about how Human Rights complaints are brought before regional and international institutions and how the complaints should be formulated.
- ...assist to create and maintain an active legal Human Rights discussion about the applicability of international Human Rights law in national court proceedings.
- ...unravel peoples access to justice in different countries

Apply Human Rights will also through a expert panel, law clinic activities and other activities support the aim of Apply Human Rights.

Membership of Apply Human Rights

- Legal practitioners and other individuals dedicated to Apply Human Rights aims and objectives with high standard qualification and normally giving service in relation to international Human Rights standards will be able to be members of the association.
- Members shall be recommended by other members and will be elected by a majority of the board voting
- It is the duty of a member to work actively towards the fulfilment of the aims and objectives of Apply Human Rights and to assist in the implementation of its programmes.
- The Secretary General shall consult with Contact Points regarding their suggestions for membership and submit their suggestions to the board for its consideration.

Upon the recommendation of the Secretary General, and after the concerned member has been afforded a reasonable opportunity to be heard, the board may end the membership of any member by a majority vote if the member no longer fulfils the requirements or commitments provided for and acts in violation of the purpose of Apply Human Rights.

Governance

Organisational Framework

- The directive authority of the organisation is vested in the Annual General Meeting (AGM).
- Subject to the provisions of this Constitution, the Board shall have the authority to act for and in place of the AGM when the AGM is not in session.
- There shall be an International Secretariat which carries out the policies of the Apply Human Rights.
- Contact points whose rights and duties are set out below, shall assist as far as practicable in the implementation of the objectives of the Apply Human Rights.

Responsibility for Policy and Implementation

AGM, and when the AGM is not in session, the Board, is responsible for determining the general policy of the organisation.

The International Secretariat, in cooperation with Contact Points and others, is responsible for implementing and giving effect to the policies and decisions of the AGM and the Board.

The Annual General Meeting (AGM)

The AGM shall meet at least once every two years, or whenever it is called into session by a two-thirds vote of the Board, or at the request of not less than one-half of the Members.

The agenda for the meetings of the AGM is set by the Board. Additions to the agenda may be made by majority vote of the AGM.

The agenda at the AGM shall include:

- The audit financial and narrative report from the board
- The membership fee for the next two years.
- Election of a board of at least three and maximum 9 persons;
 - Election of chair and vice chair of the board for two years
 - Election of treasurer of the board
 - Election of six board members for two years
- Election of auditor for one years
- Election of a election committee of two to three persons

In electing members to the Board, regard should be made to the need for:

- continuity in the service of some of the members;
- gender and geographical diversity; and
- representation of the various legal professions and legal systems of the world.

Members of the Board shall serve for a period of two years and may be re-elected. The first time anyone is elected to the board the term can be one, two or three years due to the need for continuity in the service of the members.

Except as otherwise provided in this Statute, the AGM shall make its decisions by a majority of the Members present and voting.

The quorum for AGM meetings shall be 10 % of its membership. In the absence of a quorum, the members present at a AGM may, by majority vote, take a provisional decision which shall be submitted to a ballot of all members and shall take effect if approved by a majority of members voting in the ballot.

The Apply Human Rights' Network

Contact Points – Individuals, Affiliated Organisation, University students.

- The Board may recognise an individual (with membership in Apply Human Rights) or an organisation (Affiliated Organisation) as a National Contact Point of Apply Human Rights if:
 - the individual or the Affiliated Organisation commits itself to, and acts in accordance with, the principles of Apply Human Rights as proclaimed in the Preamble of this Constitution;
 - the individual is a legal practitioner or the Affiliated Organisation is a Human Rights Organisation and with a Human Rights aim and does not represent a political party or movement;

- the individual or the Affiliated Organisation does not promote or work for any objective that contradicts the work and principles of the Apply Human Rights; and
 - the individual or the Affiliated Organisation undertakes to work to implement human rights norms in its own country or region, to co-operate with Apply Human Rights and help carry out its programmes.
- Recognition as a National Contact Point may be granted by the Board. Recognition may also be granted to Sub-National Contact Points, in particular in the case of Federal States, and to Regional Contact Points that cover more than one country. Recognition may also be granted to University Contact Points. The creation of University Contact Points is to be encouraged. University Contact Points shall be subject to the same rights, conditions and obligations as other Contact Points.
 - A Contact Point is autonomous and Apply Human Rights and the International Secretariat are not liable for its actions. A Contact Point may, use the logo and institutional identity of Apply Human Rights, provided that it specifies in all its communications that it is a Contact Point.
 - Cooperation between the Contact Point, Apply Human Rights and the Secretariat will be carried out in accordance with the Contact Point Agreement.
 - A Contact Point shall cease to hold that status upon:
 - a) Written notice of resignation to the Board or Secretary-General; or
 - b) Decision by the Board, after written notice to the Contact Point and affording the Contact Point a reasonable opportunity to be heard, when it:
 - i. is not active;
 - ii. does not fulfil its undertaking according to the Contact Point Agreement or
 - iii. has acted prejudicially to the Apply Human Rights.
 - In the event of termination of status, the Contact Point may no longer indicate that it is a Contact Point in the Apply Human Rights.

Meetings of the Board

The Chair elected by the AGM chairs the board meetings. In the absence of the Chairperson at any meeting, the board members present shall elect a Chair for that meeting. The Board shall meet at least twice a year in Stockholm or any other place designated by its Chairperson. A Board meeting may be called by its Chairperson or by a majority of its members. Members unable to attend a meeting at its designated place may participate and vote by electronic means with the permission of the Chairperson. Additional meetings of the Board may also take place by conference call.

A majority of the Board members, shall constitute a quorum. The decisions of the Board shall be by majority vote of all the members of the Board present and voting. The Board may invite up to three persons from Contact Points and others to attend and contribute to its discussions, having regard for their special expertise and concerns.

The agenda of, and decisions taken by, the Board shall be communicated on the Apply Human Rights web-site.

International Secretariat

The Secretary-General

- The Board shall appoint a Secretary-General for a term of up to five years and may reappoint the Secretary-General for additional terms. It may also appoint an acting Secretary-General during any vacancy in the office.
- Subject to the provisions of this Statute, the Secretary-General shall be in charge of and responsible for the work of the International Secretariat, including all questions relating to administration, finance and staff, and the development, direction and co-ordination of strategies to implement the policies of the AGM and the Board.
- The Secretary-General shall prepare such reports as the Board may require, including financial reports of the International Secretariat.

Offices and Staff

- The International Secretariat is situated at the Headquarters of Apply Human Rights. The Secretary-General may also establish, subject to approval by the Board, such branch or liaison offices as may be required to carry out the work of Apply Human Rights.
- Subject to approval by the Board, the Secretary-General may appoint a Deputy Secretary-General. The role of the Deputy Secretary-General is to assist the Secretary-General and to act as Secretary-General during his or her absence.
- Subject to approval by the Board, the Secretary-General may appoint officers for the International Secretariat and any branch or liaison office of Apply Human Rights.
- The Secretary-General and the Deputy Secretary-General shall attend, without vote, all meetings of the Board. Legal and other officers may be invited to attend meetings as appropriate.

Election committee

The election committee will meet before the AGM and propose the board to be elected at the AGM. Information about the election committee will be made public at the Apply Human Rights Web-site. Any member can contact the election committee and propose members for elections. The election committee shall before any proposals are developed take reference with the Chair, General Secretary and others of its own choice within the organisation.

Finance

Assets and Liabilities

- The assets of Apply Human Rights shall consist of such funds and resources as approved by the Board. In particular, the independence, principles and policies of Apply Human Rights may not be subject to influence by donors.
- These assets, and such capital funds as it may have at its disposal, shall, to the exclusion of any personal or collective liability of its members, guarantee commitments entered into by Apply Human Rights.
- In case of dissolution, members shall have no personal claim to the assets of Apply Human Rights. After payment of financial commitments, any remaining assets shall be directed by the AGM or the Board to other associations pursuing similar aims.

Financial Advisers

- The Board may choose up to three persons to be Financial Advisers in order to oversee the correct financial running of the International Secretariat and to provide additional technical financial advice.
- Financial Advisers serve a term of three years which may be renewed.
- One or more of the Financial Advisers may attend meetings of the Board

Financial Control

- Except as otherwise provided by the Board, all cheques, contracts or other legal instruments on behalf of Apply Human Rights, must be signed by two persons; the Secretary-General or the Deputy Secretary-General and a second person or his/her alternates appointed by the board.
- The utilisation of assets and funds shall be reviewed by the Board with the assistance of the Financial Advisers.
- Accounts shall be audited annually by an independent accredited public accountant approved by the Board.

Final Provisions

Dissolution

Apply Human Rights may be dissolved only by a vote of at least two-thirds of the total membership of Apply Human Rights. Such dissolution shall be effected by the Board or by persons appointed by the AGM.

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Amendment

This Statute may only be amended by a vote of one half of the membership of Apply Human Rights and at least two-thirds of those voting. Amendments may be considered and voted on by circulation.

AGM shall decide on which date any adopted amendment shall enter into force.

Entry into Force

This Statute enters into force on 21 of May 2008.