

### Framework for Freedom of Association & Assembly

Area	Checklist	Y/N/U	Law & Policy in India: Y/N	Policy or Law	Cases Monitored	Analysis	Recommendations
I. General Protection of Freedom of Association rights	a. State is a party to International Covenant on Cultural and Political Rights and Covenant on Economic, Social and Cultural Rights						
	b. State recognizes that the right to associate is important for advancement of economic, social, cultural and political right						
	c. Right to Freedom of Association is explicitly articulated in the national constitution and state law(s)						
	d. State(s) promote the concept of “Association” in the national and regional context – and practices are consistent with those statements, laws, and guidelines						
	e. Legal procedures or processes to form “associations” is timely, transparent and accountable						
	f. Associations are afforded the opportunity to challenge the decisions, including the right to appeal before a judicial authority, in the context of rejected application(s)						
	g. National laws define “terrorism” and “terrorist” activities explicitly, within the context of , national security and sovereignty, for activities occurring under “association,” consistent with international human rights law(s)						
	h. Legislation on the right to associate contains explicitly discriminatory provisions or has disproportionately negative impact on certain groups like minorities, at-risk groups, youth, women, children and minor(s), disabled person(s), indigenous group(s), based on sexual orientation,						

	race, gender, religion, creed, ethnicity or other factors						
II. Right to operate freely and protection from undue interferences	a. State provides an enabling environment to form an association to carry out its activities. Enabling environment means – the ability to operate freely without fear – and not subject to threats, intimidation, violence, arbitrary executions, enforced or involuntary disappearances, arrests or detentions, torture or cruel, inhumane or degrading treatment, media smear campaigns, travel ban or arbitrary dismissals						
	b. State actively encourages and promotes the right to form associations to take part in public affairs (i.e. actively engage in participating or engaging in the legislative process)						
	c. State respects the privacy of its association(s) and its member(s)						
	d. Member(s) of association(s) are free to determine their statutes, structure, activities and make decision(s) without the interference of the state						
	e. Registered and unregistered associations are allowed to function freely and their members operate in an enabling and safe environment. Enabling environment means – the ability to operate freely without fear – and not subject to threats, intimidation, violence, arbitrary executions, enforced or involuntary disappearances, arrests or detentions, torture or cruel, inhumane or degrading treatment, media smear campaigns, travel ban or arbitrary dismissals						
	f. Public employees belonging to particular unions experience discrimination at work (terminated, passed over for promotions, salary raises, etc)						
	g. Public employees obligated to form associations						
III. Capacity building of administrative and law enforcement	a. Administrative and law enforcement officials are provided with guidance, directives and training to uphold freedom of associations rights						

authorities							
	b. Law enforcement authorities are held liable and accountable for violations by an independent and democratic oversight body and court of law						
	c. Individuals and communities can seek financial and other resources, in a timely, equitable, transparent and accountable manner to exercise their rights						
	d. Individuals and communities increasingly use social media and new technologies through internet to exercise their freedom of association rights						
	e. Consistent oversight by competent authority takes place on a regular basis so that arbitrary actions are ruled out						
	f. Victims of violations and abuses to rights to freedom of association have the right to effective remedy and redress in the court of law						
	g. Law enforcement authorities who violate the rights to freedom of association are held liable and accountable for such violations by an independent oversight body and court of law						
IV. Access to Funding and resources	a. State has a timely, transparent and accountable process where associations can access funding and resources from domestic, foreign and international entities, including individuals, businesses, civil society organizations, governments and international organizations						
	b. State does not use money laundering and terrorism as a justification to undermine or impede freedom of association rights by individuals						
	c. Laws and rules are used to govern and differentiate activities between political, religious, social and civic – and how domestic funding and resources may be applied in a non-discriminatory manner						

	d. Associations access funding and resources without prior authorization						
V. Dissolution of associations	a. Suspension or dissolution of association is applied only in cases of clear and imminent danger, national security, sovereignty, or violation of national laws, in compliance with international human rights law, by a competent judicial authority						
VI. Right to Remedy and accountability for human rights violations and abuses	a. Associations can appeal decisions and seek remedy through law or from a competent judicial authority in a timely, transparent, accountable manner without facing any threat or violence or intimidation from individuals or groups						
	b. State has established an effective complaint mechanism that operates independently to investigate allegations of human rights violations or abuses to hold people accountable						
	c. Minorities and special groups have access to remedies in a timely, just, equitable and accountable manner from a competent judicial authority						