

Principle 4:  
Promotion of  
political  
participation

d) Civil society promotes political participation by promoting the education of people as to their rights and obligations as democratic citizens and encourages them to listen and critically evaluate information provided to them in election campaigns and to participate and vote in elections.

Principle 5:  
Values of  
democratic life

e) Civil society promotes tolerance, moderation, compromise and respect for opposing points of view, holding that a deeper culture of accommodation allows for democratic stability.

Principle 6:  
Civic  
Education

f) Civil society develops programs for democratic civic education in schools and in lifelong education, promoting an understanding of democracy in curricula, textbooks and teacher training in order to educate young people about past democratic failures and teach the principles and values of democracy. Civil society must be a constructive partner and advocate for democracy and human rights training.

Principle 7:  
Diversity of  
interests

g) Civil society is an arena for the expression of diverse interests and aspirations for the needs and concerns of citizens in their personal and professional capacities and achieves this by acting as the interface with local, regional, national and international bodies, on its own account or as an advocate for the interests it represents from time to time.

Principle 8:  
New forms of  
solidarity

h) Civil society provides new forms of interest and solidarity to cut across traditional divides to allow individuals to come together on the basis of their common interests irrespective of the effect of such divides.

Principle 9:  
Training for  
future leaders

i) Civil society provides a training ground for future community leaders, identifying and training new types of leaders who have dealt with important public issues.

Principle 10:  
Information to  
the public

j) Civil society informs the public about important public issues by providing fora for debating public policies and disseminating information about issues before state institutions that affect the interests of different groups or of society at large.

Article 4 - The role of Government in the State

1) The Association believes that the individual should be served by Government and should not be the servant of Government and shall seek that the following rights and freedoms are at all times protected from any intrusion by any government or state authority:

Freedom to  
Associate

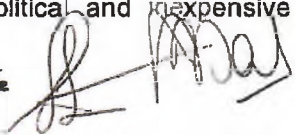
a) The right of individuals to form, join and participate in the Association and or any civil society organisation embracing any legal or lawful purpose particularly the promotion and protection of human rights and fundamental freedoms shall be paramount and inalienable.

This freedom shall be free of artificial barriers and any requirement for achievement of legal status must be truly accessible with clear, speedy, apolitical and inexpensive

  
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procedures and any designated authority must be guided by objective standards and restricted from arbitrary decision making with speedy and effective recourse for citizens who are not well served by such designated authority.

*The right to Operate Free from State Interference*

b) The Association asserts its own right and the right of all associations of persons to operate free from state intrusion or interference in their affairs and to ensure that any regulation is predicated upon appropriate considerations in a society governed by the Rule of Law and that the laws of Natural Justice shall prevail in all circumstances to ensure the free and transparent application of the law.

*The Right to Free Expression*

c) The Association asserts its own right and the rights of all individuals and associations of persons to express its ideas in any manner it deems fit and that the only permissible restrictions on such freedom shall be predicated on the protection of interests that would not otherwise be properly protected by ex post facto redress in the event of abuse.

*The Right to Freedom of Communication and Cooperation*

d) The Association considers it has the right to communicate and seek cooperation with other representatives of civil society, the business community, and international organisations and government, both within and outside Malta. Individuals and organisations have the right to form and participate in networks and coalitions in order to enhance communication and cooperation, and to pursue legitimate aims.

*The Right to Freedom of Peaceful Assembly*

e) The Association considers that in seeking to assemble it should not be required to obtain permission to do so while it recognises that public order considerations should guide it in the manner in which it exercises this right. Spontaneous assembly where the giving of notice is impracticable is inherent in the right of assembly.

It is the obligation of the state to ensure that all assemblies, spontaneous or planned, are afforded the right to exercise this right and likewise all counter-assemblies shall be afforded the same right.

*The Right to Seek and Secure Resources*

f) The Association asserts its right to seek and secure funding from legal sources including individuals, businesses, civil society, international organisations, and inter-governmental organisations, as well as local, national and foreign governments.

*The duty of the State to protect*

g) The Association asserts that the State has a duty to promote respect for human rights and fundamental freedoms, and the obligation to protect the rights of civil society. In this regard, the State's duty is both negative (ie, to refrain from interference with human rights and fundamental freedoms) and positive (ie, to ensure respect for human rights and fundamental freedoms). The State's duty includes an accompanying obligation to ensure that the law is appropriately enabling and that the necessary institutional mechanisms are in place to ensure the recognised rights of all individuals.

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**Article 5 – Legal Personality and Powers**

- 1) The Association has a separate legal personality. Its assets as well as its liabilities are distinct from those of its Founders, its Members and of the Members of the Executive Committee.

Except where expressly provided for in this Statute or under applicable law, nothing shall be construed or interpreted so as to hold or render the Founders of the Association, its Members or any of the Members of the Executive Committee personally liable for any debts or liabilities incurred or obligations assumed by the Association: **PROVIDED THAT the Members of the Executive Committee shall be held personally liable in the event of breach of this Statute or failure on their part to exercise their duties and powers as stipulated under this Statute or if in the exercise of their duties and powers as aforesaid (and whether by acts of omission or commission) they distort, misapply, misrepresent or misconstrue the purposes and objects for which the Association is being constituted and established**

Legal person

- 2) The Association is a body corporate and is vested with all the powers that a legal person has by virtue of its legal personality.

Enabling powers

- 3) To enable the Association to fulfil its purposes and objects, it is hereby empowered without limitation, but subject to the provisions of this Statute:

- a. to charge fees or receive payment for any of the training and educational events, programmes, sessions, courses, conferences, seminars, workshops, events and lectures it organises in furtherance of its purposes and objects;
- b. to hold bank accounts in its own name, to enter into obligations and transactions as are required to pursue its aims and which are incidental and/or ancillary thereto;
- c. to receive endowments, donations, contributions and/or grants of whatever kind as well as to administer, distribute and apply the same for the fulfilment of its established purposes or objects, and this in accordance with any policies of the Association;
- d. to manage and administer the assets endowed to or otherwise acquired by the Association as well as any income from those endowed funds as may be determined by the Executive Committee;
- e. to purchase, take on lease, exchange, acquire by any title any property and any rights, privileges, hypothecs and easements over such property as is necessary to carry on its activities and to accept gifts on such terms and on such security as shall be deemed necessary;
- f. to pay all or any expenses incurred in connection with the formation, promotion and incorporation of any company or organisation, or to contract with any person, firm or company to pay the same, and to subscribe for or otherwise acquire all or any

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part of the shares, debentures, debenture stock or securities of any such company or organisation as aforesaid;

- g. to hold and retain or sell, dispose of mortgage or otherwise encumber any shares, debentures, debenture stock or transferable securities it may have acquired from time to time;
- h. to draw, make, accept, endorse, negotiate, discount, execute and issue negotiable or transferable instruments as may be necessary for the attainment of the purposes and objects of the Association;
- i. to sell, let, grant rights and privileges, dispose of or turn to account all or any of the property or assets of the Association;
- j. to obtain loans, overdrafts, credits and other credit facilities and to otherwise borrow and raise money in such manner as the Executive Committee may deem fit and to secure the repayment of any money borrowed, raised or owing by privilege hypothec or by any such charge over the property of the Association both present and future;
- k. to enter into any guarantee, contract of indemnity or suretyship and to secure its obligations under such guarantee, indemnity or suretyship with hypothecs and/or privileges, general and special, over all its assets both present and future;
- l. to transfer, assign, lease, place under the control of, enter into a contract of use, deposit or other fiduciary contract, give under tolerance, vest property and otherwise enter into any agreement regarding any assets, licences, projects and contracts to and, or with an appropriate legal entity which has all licences required by law, and this so as to ensure compliance with applicable law, including the Second Schedule to the Civil Code, Chapter sixteen (16) of the Laws of Malta;
- m. to employ and pay any person or persons to supervise, organise and carry out the work of the Association;
- n. to establish such segregated cells as necessary for the achievement of one or more defined purposes other than the purposes and objects, provided that these purposes are consistent with the purposes and objects of the Association generally;
- o. to meet all reasonable charges and expenses for the proper administration of the Association out of the disposable assets of the Association;
- p. to enter into any partnership with third parties for the achievement or the furtherance of its purposes or objects; provided that any such partnership shall only be entered into if it is in conformity with the provisions of the Second Schedule to the Civil Code, Chapter sixteen (16) of the Laws of Malta;
- q. to establish other organizations including companies in furtherance of its purposes and objects and for the purpose of

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carrying out trading activities in order to raise funds to achieve the purpose;

- r. to manage any property owned, leased or otherwise assigned to the care or placed under the control of the Association;
- s. to administer all existing financial claims and rights directly or indirectly related to the assets of the Association strictly in accordance with all documented agreements and/or de facto engagements that can be considered as clear, fair, logical and normal;
- t. to acquire, own, hold and dispose of any other assets whether movable or immovable including stock or other securities whether directly and in its own name or indirectly;
- u. to purchase insurance cover over any property owned or held under any other title by the Association and for the fulfilment of its purposes and to maintain the said policies and pay all and any premiums as it may become due by the Association;
- v. to affiliate or otherwise associate with national or international organisations having similar or complementary objectives;
- w. to promote and transmit its objectives, achievements and deeds through all available means; and
- x. to generally do every act which is necessary or conducive to the foregoing or which is necessary in order to enable the Association to fulfil its aims and objects.

Provided that notwithstanding any purposes, objects and powers of the Association contained in this Statute, the Association may not trade and may not carry out commercial activities, except as allowed by Law.

#### Article 6 – The Assets of the Association

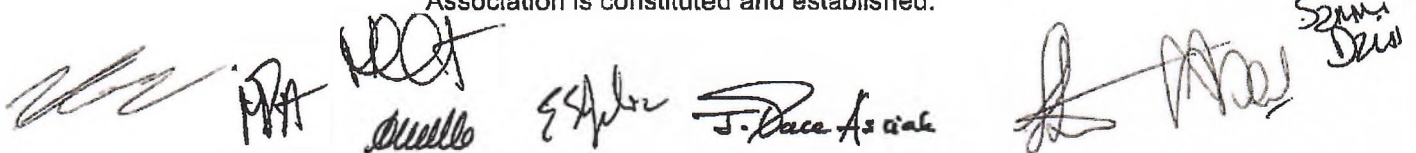
1) The Assets of the Association include:

- i. the constitutive assets, namely the initial endowment/s made on the Deed, the membership fees paid by members of the Association and any income, fruits, other proceeds or assets obtained from or derived by means of the said Assets; and
- ii. any other additional irrevocable endowments and/or donations made to the Association by the Founders or by third parties

PROVIDED THAT the latter are accepted by the Executive Committee and made in accordance with the provisions of this Statute.

Initial  
endowment

2) The initial endowment and all other Assets shall be applied in accordance with this Statute for the attainment of the purposes for which the Association is constituted and established:



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