Article 11 of the ECHR guarantees the two connected rights of freedom of peaceful assembly and freedom of association. The first includes the freedom to form and join trade unions. Both are essential to the effective working of democracy. Article 11 imposes negative obligations on states not to interfere with these rights unless the interference is prescribed by national law and is necessary in a democratic society to achieve at least one of the aims specified in the Article. Restrictions on striking by the armed forces, police, and administration of the state are permitted under Article 11(2). Positive obligations on states to take reasonable measures to protect the two freedoms have been read into Article 11, including to undertake effective investigations into complaints of interference by private persons. States have a positive obligation to secure the rights of individuals and trade unions against employers and to protect the individual against union power.

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