



OSCE Human Dimension Implementation Meeting 2008

Working Session 3: Fundamental freedoms II (30th September 2008)

EU Statement

Mr/Ms Moderator,

The EU believes that the freedoms of assembly, association and liberty/freedom of movement are key to the effective participation of civil society in democratic regimes. Recognition by the OSCE of the role that civil society and ngos play in promoting respect for human rights- was first reflected in the 1975 Helsinki Final Act and reiterated in key documents since. The EU wishes to emphasise the importance of these issues as the international community celebrates the 60th anniversary of the universal declaration of human rights and 10th anniversary of the un declaration on the rights and responsibility of individuals, groups and organs of society to promote and protect universally recognised human rights and fundamental freedoms (human rights defenders).,

Key principles safeguarding the freedoms of assembly and association are:

- That demonstrations are not dependent on permission, but may be subject to notification to the authorities., and, - That registration with the authorities should not be a requirement of the right to association.

The EU was glad that the former point was included in ODIHR's guidelines on freedom of peaceful assembly. These guidelines are an important and helpful tool for participating states when drafting and applying legislation. The EU looks forward to similar guidelines on freedom of association.

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These will reinforce the message that human rights are best respected in democratic societies where decisions are taken with maximum transparency and broad participation, underpinned by unimpeded rights of association.

Whether individually or in association, citizens should have the right to advocate for the promotion and protection of human rights. They should be able to question or criticise policy and its implementation without fear of reprisal. To safeguard this democratic principle, the state has a duty to promote respect for human rights and provide for effective remedy of human rights violations.

Independent national human rights institutions play a crucial role in this respect. Such institutions are the natural partner of human rights defenders and civil society advocacy groups. The EU emphasises the importance of fostering links between national human rights institutions and non-governmental organisations (NGOS).

The EU reiterates support for the ODIHR human rights department focal point in promoting the crucial work of human rights defenders and national human rights institutions and in seeking to build partnerships between the two. The EU welcomes the focus of the Council of Europe Commissioner on human rights defenders and encourages the OSCE, the Council of Europe and the UN special rapporteur on human rights defenders to enhance and strengthen their co-operation to promote and protect human rights defenders.

The EU welcomes the report: human rights defenders in the OSCE region: our collective conscience, which focused on the threats to the activities of human rights defenders and NGOs through the denial of the rights to freedom of assembly, association and movement, as well as the threats to their security and wellbeing. The EU commends the report and its recommendations to all OSCE participating states.

In particular the EU calls on all countries in central asia to ensure that lawsuits, particularly libel or defamation, against human rights defenders are not used to silence them or otherwise intimidate them from doing their work.

The checks and balances provided by a strong civil society and political opposition are a key feature of a functioning democracy.

Civil society and political parties can only be effective where they have freedom of assembly and association. In Russia over the last twelve months, political parties, minority rights activists and NGOs have had their ability to scrutinise the government undermined by the erosion of these rights.

The EU commends Armenia for lifting restrictions on the right to assembly imposed after the elections earlier this year and calls on the government to ensure that the law is implemented to allow the right of assembly for all.

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The EU welcome's Belarus's decisions to release political prisoners and invite OSCE monitors to observe the forthcoming elections. It calls upon Belarus now to take concrete measures to respect the right to freedom of assembly, particularly during the election process.

The EU calls on the countries of central asia to work with the OSCE to bring their legislation on the right to assembly into line with international standards. The EU welcomes improvement in the freedom of movement of nationals of Turkmenistan and would like to encourage the authorities there to grant unhindered freedom of association and assembly especially in the field of religious freedoms. The EU would also welcome the release from detention of political prisoners and human rights defenders in the forthcoming amnesty in line with its international obligations.

In Uzbekistan, the EU welcomes the release of several human rights defenders and the lifting of parole conditions on two others this year. Nevertheless the EU continues to have human rights concerns in Uzbekistan. The EU is concerned for the welfare of Mutabar Tojibaeva and her access to medical treatment. The EU urges the government of Uzbekistan to review the cases of imprisoned human rights defenders and to allow civil society to operate freely.

Finally, the EU stresses the responsibility of every OSCE PS to fulfil their international and regional commitments with regard to respect for human rights and fundamental freedoms.

EU recommendations are circulated separately.

The candidate countries Turkey and Croatia and the Former Yugoslav Republic of Macedonia*, the countries of the Stabilisation and Association Process and potential candidate countries Albania and Montenegro, the European Free Trade Association country and member of the European Economic Area Norway align themselves with this statement.

*Croatia continue to be part of the Stabilisation and Association Process

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