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OSCE Human Dimension Implementation Meeting Warsaw, 22 September - 3 October 2014

EU Statement on Fundamental Freedoms 1 continued, Working Session 3

The European Union attaches great importance to the freedoms of peaceful assembly and association. Both rights are clearly enshrined in many international instruments including OSCE commitments. They are intrinsic to any democratic society and facilitate the fulfilment of other rights including freedom of expression. Independent and pluralistic National Human Rights Institutions can and do play an important role in the promotion and protection of all fundamental freedoms and human rights.

Our main recommendations to participating States relating to Freedom of Peaceful Assembly are:

1. Avoid excessive use of force in the policing of demonstrations.
2. Ensure that any restrictions on assemblies are prescribed by law and consistent with international standards.
3. Adopt laws and policies that clearly establish a presumption in favour of holding assemblies. Where excessive and inappropriate force is found to have been used, those responsible should be held liable and where appropriate brought to justice.
4. Take advantage of OSCE tools and assistance such as the ODIHR/Venice Commission Guidelines on Freedom of Assembly, ODIHR's handbook on the Monitoring of Freedom of Assembly.



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In relation to the Freedom of Association our main recommendations are:

5. In accordance with the OSCE Copenhagen Document, permit organisations and individuals associated with them to seek, receive, manage and administer financial support from domestic, foreign and international entities without undue restrictions.
6. Allow organisations the freedom to maintain contacts and co-operate with members of organisations within and outside the countries where they are based, as well as with foreign governments and international organisations.
7. Ensure that any laws or administrative measures regulating associations protect and facilitate, not impede the peaceful operation of associations. Any registration requirements should be simple, fair, prompt, inexpensive, and transparent and enforced consistently.

Mr/Madam Moderator,

Both of these fundamental freedoms are being increasingly limited and restricted in some OSCE participating States. We have seen the right to Freedom of Peaceful Assembly undermined through excessive and disproportionate use of force in the policing of demonstrations, such as that seen against demonstrators on Maidan Square, Kyiv last winter, through the increasing tendency to introduce legislation and policies that limit the scope for peaceful protest occasionally leading to disproportionate and excessive prison terms such as against those involved in the Bolotnaya Square events of May 2012 in the Russian Federation. The right to Freedom of Association has been undermined by a disturbing trend in some countries that has seen the space for independent civil society restricted and controlled. The consideration and enactment of laws, such as those in the Russian Federation, that restrict access to foreign funding for NGOs and label them as "foreign agents" is seriously impeding the activities of those working to promote and



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protect human rights and fundamental freedoms. The European Union does not claim to have all the answers to these challenges and recognises that there have been cases where the realisation of these freedoms have been brought into question in EU Member States. But these freedoms facilitate the enjoyment of many other human rights and fundamental freedoms and foster an environment where a vibrant and independent civil society can challenge governments and promote and protect rights for all. We would like to see greater OSCE focus on the Freedoms of Peaceful Assembly and Association and believe that all OSCE participating States should recommit to respecting them in word and deed. To that end, we will be hosting a side event on freedom of assembly this evening to take forward this discussion and hope that as many conference participants as possible will be able to join us.

The Candidate Countries, the FORMER YUGOSLAV REPUBLIC OF MACEDONIA*, MONTENEGRO* and ALBANIA*, the Country of the Stabilisation and Association Process and Potential Candidate BOSNIA and HERZEGOVINA, and the EFTA country NORWAY, member of the European Economic Area, as well as UKRAINE, GEORGIA, MONACO and SAN MARINO align themselves with this statement.

* The Former Yugoslav Republic of Macedonia, Montenegro and Albania continue to be part of the Stabilisation and Association Process.