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OSCE Human Dimension Implementation Meeting Warsaw, 19 - 30 September 2016

Working session 13: Fundamental Freedoms II, including freedom of movement

Mr. Moderator,

I am honoured to speak on behalf of the European Union and its Member States.

The EU as a Community of values is resolute in its respect for human rights, democracy and the rule of law. Fundamentally, freedom of movement and increased cross-border people-to-people contacts are crucial in promoting and protecting human rights. In the 1990 Copenhagen Document, the OSCE participating States affirmed that “freer movement and contacts among their citizens are important in the context of the protection and promotion of human rights and fundamental freedoms.” In particular, freedom of movement is vital to prevention of isolation and reintegration of vulnerable groups in conflict zones.

A crucial element of freedom of movement is that States cannot bar their citizens from leaving their country for travel or emigration, or restrict their right to return, except in rare cases where restrictions are proportional and in response to a specific public need. Regrettably, some OSCE participating States continue to enforce unjustified restrictions on internationally accepted rights of freedom of movement. Consequently, if freedom of movement is restricted, access to other human rights is limited as well.

We would therefore like to make the following recommendations:

- The OSCE participating States should enable the residents of conflict zones, refugees and IDPs to exercise their right to freedom of movement, in particular, to access health-care as well as for other humanitarian purposes. Security-related restrictions should be proportional and in response to a specific public need.



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- The OSCE participating States should ensure the right of IDPs to a safe, dignified and voluntary return, as stipulated in the UN Guiding Principles on Internal Displacement.
- The OSCE participating States should effectively ensure freedom of movement of human rights defenders across its territory to pursue their human rights activities. This should include access to unrecognized territories for the purpose of human rights monitoring and reporting, as well as other human rights activities.

Mr. Moderator,

It is truly unacceptable that in the areas controlled by Russia-backed separatists in eastern Ukraine and in the Russia's illegally annexed Crimean Peninsula civilians continue to experience serious violations of human rights and fundamental freedoms in the economic, social, cultural and any other field of public life, including expression, religion or belief, association and peaceful assembly. Time and again we reiterate our call for full, immediate and unfettered access for international human rights actors to the Crimean Peninsula. As regards freedom of movement, a number of human rights activists, journalists, Crimean Tatars and other IDPs who fled to the mainland Ukraine cannot return back to Crimea as they fear for possible persecution. According to the latest UN OHCHR Report [issued in June 2016] on the human rights situation in Ukraine, freedom of movement between mainland Ukraine and Crimea is further restricted as, in order to be able to move across the administrative border line, the residents of Crimea are required to re-register their vehicles which is conditioned upon the possession of a passport of the Russian Federation, thus forcing them to accept the citizenship of the Russian Federation and revoke their Ukrainian one.

Furthermore, despite the continued calls upon the Russian Federation to stop the "borderisation" along the administrative boundary lines with Georgian breakaway regions of Abkhazia and South Ossetia, it continues this process through various means, including by arbitrary detentions. The "borderisation" process divides families and impedes on the



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effective enjoyment of basic rights by the Georgian people, who face obstacles in accessing health care, employment, education and religious sites.

We would also like to remind that according to the UN Guiding Principles on Internal Displacement, “all authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons”. These Principles also stipulate that every IDP has the right to liberty of movement and freedom to choose his or her residence. The right of IDPs to a safe, dignified and voluntary return must be ensured.

In recent years we have faced an unprecedented flow of refugees and migrants to the EU. The EU and its Member States have been consistently working for a coordinated European response aiming at dismantling smuggling and trafficking networks and promoting safe and regular pathways to Europe such as resettlement. This approach allowed to preserve the EU without internal borders and to return to the regular functioning of the Schengen Area. We would like to underline that refugees need to be treated in a humane manner and all OSCE participating States have responsibilities and obligations under international law, in particular the Geneva Convention. In line with the European Agenda on Migration, human rights safeguards were enhanced through reinforced dialogues and cooperation with partner countries.

Human rights defenders are often subject to travel bans, especially in countries lacking the rule of law. Travel bans on human rights defenders that prevent them from leaving the country and are imposed solely for reasons related to their human rights work are inconsistent with international standards. We are seriously concerned by the recent case of the human rights lawyer from the Russian Federation Mark Feygin who was barred by Russian authorities from leaving his own country in a move aimed at preventing him from participating in HDIM.

We would also like to note with enthusiasm that in October 2015 the EU has launched the initiative ProtectDefenders.eu which is the first EU worldwide, stable and



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comprehensive mechanism established to protect defenders at high risk. The mechanism provides temporary relocations grants and 24/7 support in cases of imminent danger. Since the launch of this mechanism, already 43 human rights defenders at risk and their families' members, 90 individuals in total, were temporarily relocated away from danger.

Thank you.

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, as well as UKRAINE and the REPUBLIC OF MOLDOVA align themselves with this statement.

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