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

Working session 4 &5 (specifically selected topic): Freedom of assembly and association

Madam/Mr. Moderator,

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

The European Union is concerned at the growing trend across the region restricting the ability of civil society to operate and engage with public policy and decision making.

We strongly believe that civil society is an essential part of any functioning society. The right to question, protest, express opinion or challenge assumptions, and to participate in the development of public policy, is not only important for the dignity of individuals but is also a vital element in the social and economic development of modern societies.

In this context the EU attaches high priority to the promotion and protection of the fundamental freedoms of peaceful assembly and association. States should not only protect these rights but take steps to facilitate them.

The right to freedom of association allows individuals to set up, or join, formal or informal groups, and to take collective action. Importantly it also includes the right not to be compelled to join an association or group. Underlying this right is an appreciation of the individual's right to choose.

States may not limit the right of an individual or group to join, or not join, a formal or informal association based on their status.

In the OSCE Region we are increasingly seeing legislative and regulatory approaches to civil society, and independent media, which contribute to the pattern of shrinking civil society



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space. Laws which restrict access to finance, which label NGOs as “foreign agents” or “undesirable organisations”, which prohibit “homosexual propaganda” or which place legislative obstacles to the formation and functioning of civil society run counter to international standards and OSCE commitments. They have a chilling effect on civil society and on the exercise of fundamental freedoms. Such measures also curb an open and public debate in society.

The right to peaceful assembly allows citizens the right to gather, privately or publicly, and collectively express or defend a position or view. As with the right to freedom of association it is an essential part of progressive and functioning society. It is not an absolute right and can be subject to restrictions to protect national security or public safety. But restrictions must be the exception and not the rule and must be necessary and proportionate. Security should never be used as an excuse for preventing peaceful expression of opinion or demonstration of dissent.

In relation to the Freedom of Peaceful Assembly we continue to see restrictions on the right to gather and protest and, when assemblies do take place, hear allegations about the use of excessive force in their policing. Any such allegations should be impartially and promptly investigated and appropriate action taken.

The OSCE has relevant tools and expertise for participating States can draw on to ensure compliance with international standards and OSCE commitments. Participating States can also share best practice in providing an enabling environment for these rights. The OSCE/Venice Commission joint guidelines on the Freedom of Association and those on Freedom of Peaceful Assembly are an important source of reference, guidance and practical advice to aid the implementation of our common commitments.

These rights are intrinsic to any democratic society and facilitate the enjoyment of other rights including that to freedom of expression. They are also essential prerequisites for the functioning of independent civil society. It is important that any regulatory measures are consistent with the rights to freedom of association and peaceful assembly



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In conclusion, we commend the choice of freedom of peaceful assembly and association as a specifically selected topic for this year's Human Dimension Implementation Meeting and reaffirm our commitment to supporting these rights.

Recommendations:

- All OSCE participating States have to ensure the right to peaceful assembly. States must avoid using security concerns as a justification for restricting peaceful assembly and freedom of expression and avoid also the excessive use of force in the policing of demonstrations and assemblies.
- Participating States, in accordance with OSCE commitments, must permit organisations and individuals associated with them to seek, receive, manage and administer financial support from domestic, foreign and international entities without undue restrictions.
- States should use tools such as the ODIHR/Venice Commission guidelines on Freedom of Peaceful Assembly and Freedom of Association, and extend invitations to ODIHR to advise and report on peaceful assembly in participating States.
- States should allow civil society (meaning both individuals and organisations) the freedom to maintain contacts and cooperate with other individuals and organisations within their own country and abroad, as well as with foreign governments and international organisations.

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, and the EFTA country NORWAY, member of the European Economic Area, as well as 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.