

## INTRODUCER'S SPEECH FOR WORKING SESSION 12

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A vibrant civil society is at the heart of a democratic society. Human rights are most likely to be secured when citizens either individually or collectively are able to hold their government to account. States which nurture an environment in which civil society can flourish and citizens are vociferous in defence of human rights are more likely to enjoy the benefits of long term stability and security.

The freedoms of assembly and association are two fundamental rights that play a crucial role in any democratic society.

These two rights allow citizens to express their views and to be heard by government and other members of the public on issues of public concern.

Other than elections, public assemblies provide the best opportunity for the expression of public sentiment.

Participating states committed themselves in the Copenhagen Document of 1990 to upholding the right of assembly by stating, “that everyone will have the right of peaceful assembly and demonstration....and individuals are permitted to form .....NGOs which seek the promotion and protection of human rights” Further, in the Istanbul Charter for European Security of 1999 participating States acknowledged that NGOs are an integral component of a strong civil society and perform a vital role in the promotion of human rights, democracy and the rule of law.

The emphasis placed on NGOs in these commitments is a recognition that NGOs and human rights defenders are likely to be most active in asserting the rights of freedom of association and assembly and in turn promoting and protecting human rights for all.

This recognition underlay the discussions at the March 2006 Supplementary Human Dimension Meeting entitled “Human Rights Defenders and National Human Rights Institutions: Legislative, State and Non-State Aspects” which led to a number of recommendations being made to participating States, international organisations and civil society itself. These included

- Continued support and protection for civil society actors by the OSCE, its Institutions and field operations, as well as individual participating States, with particular attention being given to grass root human rights defenders emerging in a number of participating States;
- OSCE human rights monitoring should be strengthened;
- A contact point for liaison with national human rights institutions and human rights defenders should be established in the ODIHR; OSCE should establish a specific mechanism to evaluate and assess the implementation of laws pertaining to freedom of association and freedom of assembly that are critical to the work of human rights defenders and NGOs;
- ODIHR should analyse legislation and practices that may hinder the work of human rights defenders and NGOs and make recommendations to the participating States on bringing these laws and practices in compliance with OSCE commitments and other international standards;

- ODIHR should continue monitoring the implementation of OSCE commitments on freedom of assembly.

Following these recommendations, the ODIHR has done the following:

1. Held a series of roundtables on finalising the ODIHR draft guidelines on freedom of assembly. The first of these was held in Tblisi in May, the second in Belgrade in June, the third in Almay in September and will conclude with the fourth on 16 October in Warsaw. These roundtables have brought a panel of ODIHR experts together with regional representatives of government, judiciary, police and civil society in order to draw upon their experiences of issues relating to the law and practice pertaining to freedom of assembly. The draft guidelines were published at the 2004 HDIM and as a result of the consultations held this year, the final version of the Guidelines will be available in the first half of 2007.

2. At the same the ODIHR continues to offer to participating States legislative assistance in the drafting and review of draft legislation pertaining to the freedoms of assembly and association. In particular, the ODIHR provided its expert comments and recommendations to a number of participating States on proposed legislation regulating public assemblies public associations, national security and taxation relating to NGOs. The ODIHR would view this technical assistance to States as part of a process which should include governments consulting with civil society in the drafting and application of legislation affecting the freedoms of association and assembly.
3. The ODIHR has been engaged in a process of considering how best to enhance its monitoring capacity and its support to human rights defenders. This has included consultation with the Council of Europe and the UN Office of the High Commissioner for Human Rights, and in particular the Secretary General's Special Representative on Human Rights Defenders and those in these organisations working on national human rights institutions. This has led to our

decision to establish in 2007 a focal point for human rights defenders and national human rights institutions.

It is important to stress the crucial role that independent national human rights institutions can play in the protection and promotion of human rights. The ODIHR sees independent national human rights institutions as being the natural partners of human rights defenders.

Where they currently do not exist, participating States should be encouraged and assisted to establish national human rights institutions; and where they do exist, they should comply with the Paris Principles. In particular, the Paris Principles can be construed as placing an obligation upon national human rights institutions to receive and investigate complaints from human rights defenders of breaches of human rights. In this way, national human rights institutions and human rights defenders can work together to secure human rights.

One important topic to be discussed today is freedom of movement. This can have a profound impact on the freedoms of

assembly and association. Without the right to travel both within and without the borders of one's country, to move one's place of abode or work or to move about generally without unreasonable restriction, these two freedoms cannot be genuinely exercised. During this session speakers may wish to raise relevant issues such as exit visas and other provisions such as the *propiska* which can restrict freedom of movement.

The ODIHR attaches particular importance to its work aimed at assisting participating States in fulfilling their commitments in relation to the freedoms of assembly and association and civil society including human rights defenders and national human rights institutions. It does so because all of these are central to the development and strengthening of democracy and the advancement of human rights.