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OSCE Human Dimension Implementation Meeting Warsaw, 21 September – 2 October 2015

EU Statement – Working Session 4

The European Union attaches a high priority to the promotion and protection of the fundamental freedoms of peaceful assembly and association. They 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. National Human Rights Institutions and civil society can often form a bridge between the rights of the citizen and the responsibilities of the State and play an essential role in promoting and protecting human rights.

Our main recommendations to participating States relating to this session are:

1. Avoid the excessive use of force in the policing of demonstrations and assemblies.
2. Adopt laws and policies that clearly establish a presumption in favour of holding assemblies.
3. In accordance with OSCE commitments, permit organisations and individuals associated with them to seek, receive, manage and administer financial support from domestic, foreign and international entities without undue restrictions.
4. 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.
5. Encourage regular dialogue with civil society both at a national level and at the OSCE.
6. Take advantage of tools such as the ODIHR/Venice Commission guidelines on Freedom of Peaceful Assembly and Freedom of Association.



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7. Extend invitations to ODIHR as part of their cycle of assembly monitoring in selected participating States.

Mr/Madam Moderator

The freedoms of peaceful assembly and association are increasingly being limited and restricted in the OSCE region. This trend has a negative impact on the enjoyment of other human rights and is contributing to the shrinking of space for independent civil society.

The right to Freedom of Association continues to be challenged in the Russian Federation and in some other OSCE countries by the consideration and enactment of laws that restrict access to foreign funding for NGOs and label them as “foreign agents”. Such legislation runs counter to international standards and OSCE commitments and has a chilling effect on civil society. The Russian Federation’s so-called undesirable foreign non-governmental organisations law is a further troubling step in a series of restrictions on civil society, independent media and political opposition.

In relation to the Freedom of Peaceful Assembly, we have seen troubling allegations of excessive use of force in the policing of demonstrations, including in relation to Gay Pride marches in a number of OSCE countries. We call for such allegations to be impartially and promptly investigated and for appropriate action to be taken against anyone found responsible.

Civil society has not only faced restrictions within participating States. At the OSCE level, efforts to recognise and strengthen the valuable role of civil society in the OSCE’s work have been obstructed by a small number of participating States. This was certainly the case last year when those same states blocked a Swiss Chairmanship draft Ministerial Declaration on the role of civil society in the work of



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the OSCE. This is not the sort of message that we should be sending to our civil society partners, whose contribution we believe greatly enhances the OSCE's work. Whilst these negative developments are troubling, the OSCE has the tools and expertise that participating States can draw on to ensure compliance with international standards and OSCE commitments, and to provide examples of good practice in facilitating 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. There is also ODIHR's cycle of assembly monitoring which a number of EU member states have benefited from. And of course we have meetings like this where, despite attempts by some to restrict civil society contributions at the OSCE, we see vibrant NGO participation, including from those countries where their freedom to operate is being increasingly squeezed.

In conclusion, we commend the Serbian Chairmanship for the focus that they have given to the freedom of peaceful assembly and association this year. The SHDM in April provided evidence as to why strengthened commitments in this area are needed and we are encouraged that the Chairmanship intends to pursue Ministerial deliverables to make this happen.

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 UKRAINE, GEORGIA, 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.