

EUROPEAN UNION

OSCE Supplementary Human Dimension Meeting Freedom of Assembly and Association Vienna, 8 November 2012

EU Statement - Session 1

Freedom of Association: obstacles to the full realisation of this right and ways to overcome them

The European Union would like to express its satisfaction that the theme of freedom of association and assembly has been the subject of the OSCE's attention this year. We thank the Irish Chairmanship for deciding to hold a supplementary human dimension meeting on this topic. We also thank Switzerland for including it as a topic for the HDC in June; it was excellent preparation for this SHDM and a good way to revisit an issue that has been overlooked for too long.

We believe that the right to associate freely is a prerequisite of a democratic society and essential to the OSCE's comprehensive security concept. Individuals and groups alike must feel they can safely exercise this right if they are to fully engage and participate in public life.

Madam Moderator,

Many obstacles and challenges to the enjoyment of the freedom of association persist in the OSCE region.

The European Union recommends the following principles as means of supporting the exercise of the right to freedom of association:

- First principle: Any laws and administrative measures regulating association should protect and facilitate, not impede, the peaceful operation of associations and be enforced in a neutral, fair, prompt, inexpensive, transparent and consistent manner; registration procedures for associations, when existing, including any sanctions for their violation, should never unduly restrict the freedom of expression, peaceful assembly or association;
- Second principle: If there is a requirement of notification, the proof of notification should be systematically delivered; any refusal of registration should be based on clear legal grounds communicated within a reasonable time, and be properly motivated; appeal mechanisms against such decisions need to be accessible and effectively implemented; in the absence of a formal justified refusal of registry within a specific reasonable time, the organisation should be considered as legally registered;

- Third principle: The field of action of organisations should not be restricted or limited in law or in practice, other than for duly justified reasons;
- Fourth principle: Orders of dissolution of an organisation, if they are necessary in a democratic society, need to be proportional, taken on the basis of limited and duly justified motivations, under scrutiny of the judiciary and must be subject to appeal; access to an effective remedy against restrictions to the freedom of association should be provided;
- Fifth principal: The criminal, civil legal actions or administrative procedures brought by governments against organisations, should be based on tenets of due process, fair trial and equality before the law;
- Sixth principle: Organisations should be permitted to seek, receive, manage and administer for their peaceful activities financial support from domestic, foreign and international entities without undue restrictions;
- Seventh principle: Organisations and individuals associated with organisations should be free to maintain contact and co-operate with members of these organisations and other elements of civil society within and outside the countries where they are based, as well as with governments and international bodies;
- Eighth principle: public authorities should not seek to interfere into the management of private organisations.

Madam Moderator,

The European Union proposed these principles to the participating States in a Ministerial Council draft decision that can be found under reference PC.DEL/960/12 and circulated on 29 October 2012. We hope it is a useful contribution to the discussion of this session.

I thank you Madam Moderator.

The Acceding Country Croatia*, the Candidate Countries the former Yugoslav Republic of Macedonia*, Montenegro*, Iceland+ and Serbia*, the Countries of the Stabilisation and Association Process and potential candidates Albania and Bosnia and Herzegovina, and the EFTA countries Liechtenstein and Norway, members of the European Economic Area, as well as the Republic of Moldova, Georgia and San Marino align themselves with this statement.

- * Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia continue to be part of the Stabilisation and Association Process.
- + Iceland continues to be a member of the EFTA and of the European Economic Area.