

HUMAN DIMENSION IMPLEMENTATION MEETING
22 September to 3 October 2014
Warsaw, Poland

Rapporteur's report
Wednesday, 1 October 2014

Working session 15: Fundamental freedoms II (continued), including freedom of movement

Rapporteur: Ms. Charlotta Rodhe, Permanent Delegation of Sweden to the OSCE

No. of statements:

Delegations: 8

Civil Society: 8

OSCE Inst./Int'l Org: 1

Rights of Reply: 7

The introducer, *Ms Valentyna Subotenko*, focused her statement on issues around the so called *propiska* system for registration of residence in countries of the former Soviet Union. She stated that the system, having its roots in Soviet Union central planning, was deeply problematic in restricting the right to freedom of movement and the right to choose ones place of residence, and also had an effect on civil rights, including voting rights. She described processes of reforming or dismantling the system in different countries, highlighting the role of constitutional courts as well as initiatives to decriminalize non-compliance with the system. She recommended all participating States to abolish the system, replacing it with systems of self-registration, that would not infringe on the right to freedom of movement.

Seventeen interventions were made in the following discussion, seven of which from national delegations (one of them on behalf of a large group of participating States). Seven participating States made use of their right of reply.

A large number of statements focused on the right to freedom of movement in the context of the 1990 Copenhagen Document commitment on the importance of freer contact among citizens in the context of the promotion and protection of human rights. Freedom of movement for human rights defenders was specifically brought up by a number of participants, citing specific cases, where human rights defenders have been prevented, including by force, to leave their countries. In several cases, such practices were cited to have occurred when human rights defenders have intended to travel to participate in international fora, such as the United Nations, which caused deep concern. The practice of restricting freedom of movement for human rights defenders and other activists also within states was another serious problem. The participating States in question did not respond to the expressed concerns.

In the context of current international conflicts within the OSCE area, several cases of restrictions of freedom of movement were raised, by a large number of delegations.

Many delegations raised the right of representatives of minority groups from an area of one participating State currently occupied by another participating State to return to their homes. Interventions by a large number of delegations stated that the occupation and other actions had also led to severe restrictions on freedom of movement for other persons within the participating State in question. Students, journalists, businessmen, NGO activists were cited, and it was stated that this problem sometimes physically divided families. The delegation of the participating state cited as occupying territory of another state did not comment on the specific cases raised, but expressed disagreement with the basic premises of the concerns in question.

One participating State raised the issue of forced borderization and passportization by another state within their territory, stating that this practice deprived persons living in occupied territories of health care, and divided families. One NGO participant claimed that persons from these territories were unable to travel to the European Union to take part in HDIM. The participating State answered that travel documents were issued to persons from these territories, allowing for travel.

Two participating States exchanged views on restrictions on freedom of movement, including for international representatives, in the context of conflicting claims on a disputed territory. One of these states also expressed concern that another participating State had closed its state border with the state in question. This participating State answered that it hoped political conditions would be conducive to the normalization of bilateral relations.

One participating State focused specifically on the issue of visa liberalization, with reference to the Helsinki Final Act. A group of participating States answered that there is no OSCE commitment to admit citizens of other countries, and that the issue of visa liberalization was beyond the competence and expertise of the OSCE.

Regarding Human Rights Education, one international organization gave an account of its activities in this area. One participating States shared national experiences with Human Rights Education. Several participants underlined the importance of Human Rights Education, including in the security sector, and one participant specifically raised the need for education regarding sexual and reproductive health rights.

Recommendations:

- The systems of residency registration should be simplified. In the instances where residency registration and declaration procedures are used they should be applied fully respecting freedom of movement.
- Exit visa regimes should be abolished to ensure that the rights of all citizens to freedom of movement are respected;
- ODIHR should hold a conference on internal aspect of Freedom of Movement to compare and analyse reforms in former USSR countries with regard to residency registration issues, to discuss positive experiences and remaining problems;
- All OSCE participating States should facilitate free and secure movement of persons, abstain from unlawful prohibition to leave and to return to one's country, and remove restrictions to freedom of movement of all individuals residing in areas affected by conflict and occupation. De-facto authorities in

occupied territories must likewise respect the right to freedom of movement of all residents; and allow return of those who so wish to these territories;

- The rights to freedom of movement of residents in conflict zones, refugees and IDPs should be respected by all participating States, in particular, to access health-care as well as for other humanitarian purposes, including reunification of families;
- Freedom of movement of human rights defenders must be respected to ensure they can perform their tasks without any restrictions regarding their movement;
- Participating States should reverse occupation of territories of other participating States, and refrain from destabilizing actions in other states territories;
- Mechanisms should be set up allowing those who were denied entry to a particular country to question the legality of that decision;
- International monitoring and investigation, including by OSCE, should be established in areas affected by conflict and occupation;
- The OSCE Mission to Georgia should be restored;
- Visa regimes should be abolished;
- Participating States should increase use of IT technologies for Human Rights Education;
- Participating states should mainstream Human Rights Education in military and police education and raise awareness about international humanitarian law in the armed forces.