

## OSCE HUMAN DIMENSION IMPLEMENTATION MEETING 2006

### EU statement for the working session 12: Fundamental freedoms II

10 October, Warsaw

The right to freedom of peaceful assembly is a cornerstone of pluralistic democracy. It provides an important safeguard of freedom of expression and the right to political participation. Article 24 of the Universal Declaration of Human Rights states that "Everyone has the right to freedom of peaceful assembly and association". It has inspired similar expressions in declarations and national legislation worldwide including the European Union's own Charter of Fundamental Rights. The freedoms of assembly and association are also an essential part of the OSCE acquis since the 1975 Helsinki Final Act.

Peaceful assembly enables people to voice their views on issues of public concern and to bring these views to the attention of the authorities. As an internationally and constitutionally guaranteed right, freedom of assembly entails a dual obligation for the State: to refrain from placing undue, unnecessary and disproportionate restrictions on the exercise of freedom of assembly, and at the same time to actively promote and protect this freedom.

Bearing in mind the difficulty in striking the right balance between protection of the basic right to freedom of assembly and permissible interference or legitimate restrictions, the European Union strongly welcomes the work undertaken by OSCE/ODIHR in producing draft Guidelines for Drafting Laws Regulating or Affecting Freedom of Assembly. We encourage participating States to use these guidelines when drafting or amending legislation.

Human Rights Defenders also have a vital role to play in promoting and protecting human rights, democracy and the rule of law. They are a fundamental element of a strong civil society. The European Union supports greater participation of civil society organisations in this and other OSCE meetings. The European Union welcomed the extensive discussion of issues faced by human rights defenders at the Supplementary Human Dimension Meeting in March on human rights defenders and national human rights institutions and hopes it will be effectively followed up.

The European Union would again like to pay tribute to human rights defenders for their work, often under very difficult - sometimes even dangerous - conditions, to defend civil, political, economic, social and cultural rights, at the local, national and international level.

The European Union is firmly committed to supporting civil society. In line with the 2004 European Union Guidelines on Human Rights Defenders, we continue to speak out wherever they are perceived to be under attack and support the important work of civil society organisations.

We are deeply concerned about continuing reports of intimidation, harassment, threats and detention of human rights defenders in a number of OSCE countries. We urge all participating States to comply with their international obligations and OSCE commitments and to acknowledge the benefits brought about by peaceful freedom of assembly.

We note with concern the introduction and amendment of legislation and policies, by members of the OSCE, which have a negative impact on the work of NGOs. We are also dismayed that some OSCE participating States use the criminal justice system, administration procedures and the guise of counter-terrorism measures to suppress the activities of human rights defenders. The European Union has raised and will continue to raise these issues with the countries concerned and, where appropriate, publicise these contacts more widely.

In Russia, NGOs remain concerned about the possible effect of new legislation regulating their activities. We expressed our own concerns about the new NGO law earlier this year. We urge Russia to implement the law in line with their Council of Europe and OSCE commitments.

The European Union continues to have serious concerns about the human rights situation in Uzbekistan. Over the past year new legislation has restricted the activities of NGOs and human rights defenders, curtailing the rights to freedom of assembly and association. We urge the Uzbek authorities to stop the harassment of human rights defenders and NGOs and to work with international NGOs to develop civil society. The European Union is particularly concerned about the health of Mutabar Tjibayeva, a well known human rights activist, sentenced to eight years imprisonment in March 2006 and about the welfare of Saidjahon Zainabiddinov, a human rights activist from Andizhan, arrested in May 2005 and sentenced to seven years in prison in January 2006.

The European Union calls on Turkmenistan to deepen its dialogue with the EU on the human rights situation in the country, including individual human rights cases, and to relax the controls on freedom of assembly and association.

The European Union is particularly concerned about the situation in Belarus, where politically motivated repression of civil society continues. The European Union has condemned the sentencing to between six months and two years in prison of four members of the Partnership civil initiative for election observation. We are equally concerned about the sentencing in July this year of former Belarusian presidential candidate, Alexander Kozulin, to five and a half years in prison after he and others had participated in peaceful demonstrations against the results of the March presidential election. These are but the latest two examples of a long-running pattern of repression by the Belarusian authorities.

#### Recommendations

- Participating States should ensure their legislation regulating the activities of NGOs conforms with OSCE and other international commitments. Financial and administrative obstacles, likely to hinder the free operation of human rights defenders, should be removed. Legislation should not be used to restrict or intimidate them.
- Participating States should give full and practical recognition to the positive role played by human rights defenders in finding peaceful solutions to political and social conflicts; and should ensure their protection and support their activities within the framework of the OSCE and the United Nations.

- OSCE institutions and field missions should increase their monitoring of participating States' compliance with their commitments on freedom of assembly and association; publicise their findings; and provide assistance to participating States to address any shortcomings.
- OSCE institutions and field missions should increase their work to develop and assist civil society, human rights defenders and national human rights institutions within the OSCE region.
- Participating States, OSCE institutions and NGOs should engage in enhanced dialogue with women human rights defenders, who are often incorrectly perceived as a threat to cultural, religious and social norms, especially when protecting women's human rights.

The Acceding Countries Bulgaria and Romania, the Candidate Countries Turkey, Croatia <sup>1</sup> and the former Yugoslav Republic of Macedonia, the Countries of the Stabilisation and Association Process and potential candidates Montenegro and Serbia, EFTA country Norway, member of the European Economic Area, as well as Ukraine and the Republic of Moldova align themselves with this statement.

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<sup>1</sup> Croatia and the Former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process