

**Statement made at the OSCE HDIM conference Warsaw, Sep 27 2013 (Session 1), by *The Values Foundation***

**Need for a recognition of the *Freedom of Non-Association throughout the EU*  
and a Recommendation to the OSCE Ministerial Meeting in December**

Thank you Madame, Chair,

As we think of *freedom of association* we think of it as a positive right, and rightly so.

But I'd like to challenge this and say we have to consider a negative freedom of association too, and our recommendation is to ask that the OSCE consider a declaration that calls on member States to provide for this.

In this regard, I'd like to draw attention to the Universal Declaration of Human Rights (1948) in which Article 20 states;

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

- For a person to enjoy his right to the freedom of positive association, he must equally enjoy the right to the freedom of non-association.

What happens when a person or a minority decides to choose not to associate?

I would like to quickly mention three situations that highlight this;

In Sweden, where there is an extensive collective bargaining system in the labour market, small businesses have faced serious intimidation from trade unions simply because they chose not to associate with the trade union.

In the UK, small established religious communities are having their charitable status removed and thus losing their fiscal benefits, simply because the manifestation of their belief requires them to hold a small part of their services only for their members. They are exercising their right to choose with whom they associate with, and as a result, are being discriminated against.

In Spain, small churches cannot receive recognition of their churches, nor even be granted the right to perform civil marriage, because they do not register with the government-appointed associations that are set up to regulate the many churches. Again, their freedom of non-association results in unfair discrimination compared with other churches who can enjoy these advantages.

We respectfully ask;

*That OSCE member States are urged to consider that national legislation should provide for individuals and groups to be free to exercise the freedom of non-association and not suffer discrimination as a result of this.*

Thank you.

