

Opening Remarks
by Ambassador Christian Strohal,
Director of the OSCE Office for Democratic Institutions and
Human Rights (ODIHR)

at the Supplementary Human Dimension Meeting
on
*'Freedom of Association, Assembly and Expression:
Fostering Full and Equal Participation in Pluralist Societies'*

Vienna, 29-30 March 2007



Check against delivery!

Excellencies,

Ladies and Gentlemen,

Allow me to warmly welcome you all to this Supplementary Human Dimension Meeting, the first in 2007, on “*freedom of association, assembly and expression*”. We are here today and tomorrow to discuss these three freedoms and their implementation – freedoms which are at the very heart of democracy. Not only do they form a core part of our *acquis* of national and international law and OSCE commitments, they represent the collective heritage of the struggle for democracy, human rights and pluralism within our region.

At the outset, I would like to welcome the Chairman of the PC, Ambassador Carlos Sanchez de Boado – may I ask you to open this Meeting, please.

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Ladies and Gentlemen,

Your numerous attendance indicates that it is time to dedicate a meeting to specifically address these three freedoms and to examine their implementation. In our report ‘*Common Responsibility*’, which we presented to the last Ministerial Council, we illustrated some specific implementation challenges in this field.

First, some good news: positive measures are taken in a number of countries in favour of a more effective protection of the freedoms of assembly, expression, and association, such as the abolition of criminal libel provisions, as we have recently seen in Kyrgyzstan, or the amendment of the freedom of assembly legislation in Armenia, in 2005, that switched from an authorisation to a notification system. Those measures undoubtedly contribute to effective democratic systems; they safeguard pluralism and enhance participation.

However, numerous negative trends and violation patterns remain. In the OSCE region, patterns of violations of the three core freedoms include arbitrary arrest and detention, mistreatment, unfair trials, various types of

abusive administrative and even judicial measures, and, most commonly, threats and harassment of citizens: Human rights defenders, trade unionists, social workers, students and teachers, journalists, intellectuals and artists are suffering from the implementation of laws that unduly restrict their freedoms, instead of promoting them.

This trend is also visible in efforts to label legitimate and peaceful expressions on matters of public concern as ‘extremism’, ‘terrorism’ or ‘separatism’. True security lies, as we all agree, not in the seemingly peaceful silence of a police state, but in democracy, human rights and the rule of law.

The situation of NGOs in our region has certainly not become any easier over the past 10 years in some countries. We have seen changes to NGO legislation designed to tighten, and not loosen, state control of civil society institutions, with special attention given to those which receive foreign funding. We have witnessed domestic NGOs being subject to more, and not less, pressure by state prosecutors, tax authorities, and security agencies.

As they exercise the three fundamental freedoms that form the topic of this SHDM, NGO actors should be nurtured, and not harassed. They should be recognised as what they are: *‘an integral component of a strong civil society’* (Istanbul, 1999).

The OSCE’s normative framework is particularly suited to examine the state of the three freedoms under consideration today and tomorrow. As clearly recognised in OSCE commitments, there can be no lasting security without a stable democracy. The essence of democracy is nourished by an understanding that each individual relinquishes a certain scope of freedoms in favour of a body politic which will eventually regulate a good share of this individual’s life. In return, this individual is promised the equal protection of his/her rights, and an equal say in how the government is run.

Let me term this the bargain of democracy: we each give up the right to decide certain matters for ourselves to an entity in exchange for the protection of our rights, and the right to influence the actions of that entity. Clearly, we must also grant the right to say what we please, on any matter of public or private

concern. The ultimate value of the freedom of expression is not merely that individuals can hold opinions, but also that they can share them with others, and convince them of their worth through the force and value of their arguments traded on a free market of ideas. In order to do this effectively, individuals often, if not always, need to join together. The expression of collective opinions and the ability to convince others to join them in a common cause is precisely what the right to freely associate is meant to safeguard.

To deny individuals the right to associate and restrict them in a manner that effectively eliminates its essence is equivalent to the denial of participation in a democratic society. Ultimately, a government which greets peaceful groups gathered in the streets with tear gas and riot brigades endangers its own security, and thus the collective security of the region. This is why the three freedoms under consideration matter to a regional security organization, and this is the reason why they must be respected, protected and promoted, as foreseen in OSCE commitments.

The OSCE has always been in the forefront of this endeavour. Its participating States have tasked the ODIHR to provide legislative and practical assistance; I am glad that there is a growing demand. It is also for this purpose that the ODIHR has developed, with the help of many experts from participating States, Guidelines on Freedom of Peaceful Assembly. It will be my pleasure to present them more in detail tomorrow, together with members of our Panel of Experts.

I wish to note that almost all OSCE field operations are represented at this meeting - they can rightfully claim most of the OSCE's concrete achievements in this area. They develop a unique relationship with local counterparts and experience on a day to day basis the implications, for societies as a whole, of the concrete exercise of freedom of assembly, association and expression. We look forward to concrete input and experiences from you.

The way forward for all governments of OSCE participating States is not only to ensure wide NGO participation in Human Dimension events such as this one, but to reach out and to work with civil societies, with human rights

groups, on improving situations in which these three, and all other, freedoms are concerned.

It is therefore a particular pleasure to welcome a number of representatives of National Human Rights Institutions from across the region. Their role is essential in promoting and protecting the rights that form the topic of this meeting. Finally, it is the representatives of NGOs who merit our special welcome: It is them who remind us all of the daily reality of defending human rights.

In conclusion, I would like to thank the Spanish Chairmanship, and in particular Ambassador Carlos Sanchez de Boado, for the excellent cooperation we have enjoyed in organising this meeting.

I encourage you all to engage actively in the discussions in the coming two days and to develop concrete recommendations for a meaningful follow-up.

Excellencies,

Ladies and Gentlemen,

As you know, this year marks the 30th anniversary of Charter 77's founding, a movement that was dedicated to compelling the communist government of Czechoslovakia to abide by the international human rights agreements it had freely adopted, including the Helsinki Final Act. It is therefore a particular pleasure to welcome among us a friend, whose personal involvement in the movement, and his contribution to the societal changes cannot be overstated. Please join me in welcoming, as our keynote speaker, a very special man: he is an author, a politician, a diplomat, a former prisoner, an activist and a citizen of Europe not only by conviction, but also by necessity, and a teacher: the Director of the Vienna Diplomatic Academy and President of the International PEN Club, Jiří Gruša.