

RC.DEL/39/10
4 October 2010

ENGLISH
Original: FRENCH

Delegation of Switzerland

STATEMENT BY THE DELEGATION OF SWITZERLAND AT THE 2010 OSCE REVIEW CONFERENCE

Warsaw, 4 October 2010

Working session 3: Fundamental freedoms II, including: freedom of assembly and association; national human rights institutions and the role of civil society in the protection of human rights; freedom of movement

Madam Chairperson,

The freedom of peaceful assembly and association is a fundamental right for the individual and constitutes one of the cornerstones of every democratic society. The exercise of this right has a major impact on living conditions and on development and social progress, and is inextricably linked to other rights such as freedom of expression and opinion or freedom of movement.

Switzerland would like to focus today on the following three scenarios: violations with respect to human rights defenders and lesbians, gays, bisexuals and transsexuals (LGBT), as well as the question of the realization of the right to assembly and association in the context of elections.

Today, in several countries we are witnessing an increase in the number of laws, either in force or in preparation, that have or would have the effect of severely restricting freedom of action on the part of civil society. The motives cited result in obstacles and complications, all this in the name of a need to increase transparency in the financing of non-governmental organizations or to monitor the procedures for their registration. Fresh complications have also arisen in connection with the measures taken to combat terrorism. However, these measures frequently have the effect of stripping civil society organizations of their legitimacy, occasionally even terrorizing some of their members, and of paralysing their activities.

Switzerland wishes to note that freedom of peaceful assembly and association implies non-intervention by the State in the establishment and internal affairs of organizations that operate within the framework of the law, and that States must create and foster conditions to encourage the exercise of these rights.

As far as LGBT are concerned, it is often the case that their rights to assemble peacefully are flouted, and this despite several recent positive developments. On more than one occasion, defenders of LGBT rights have been prevented from organizing parades and

have become the targets of acts of intolerance and violence. Switzerland condemns discrimination of this kind and urges States to take specific measures to ensure that the enjoyment of the right to peaceful assembly is guaranteed for all and to assume their responsibilities for protecting against hate speech and acts of hatred.

Lastly, as we said at the start of this statement, the freedom of peaceful assembly and association is indispensable if democracy is to function effectively. However, in the context of elections, there are frequent cases when administrative restrictions are imposed or journalists and members of the opposition or civil society are arrested. The right to freedom of expression, freedom of association and freedom of assembly are therefore particularly fragile during the election period. Restrictions on these rights threaten the holding of free and fair elections. We therefore urge States to remain vigilant during these periods and to take the opportunity afforded by elections to give concrete expression to the commitments they have undertaken and to encourage respect for fundamental freedoms.

Thank you.