



**PERMANENT MISSION
OF TURKEY TO THE OSCE**

**OSCE HUMAN DIMENSION IMPLEMENTATION MEETING
(Warsaw, 28 September-9 October)**

Working Session 3 : Fundamental Freedoms II

**Statement by Ambassador Yusuf Buluc
Permanent Representative of Turkey to the OSCE**

The fundamental freedoms which are the subject of the debate in the present working session are as much among the basic and inalienable rights of human beings, as they are recognized as an effective means for strengthening the democratic nature of our societies and as such need to be protected in all our countries.

The freedom of assembly and association as well as freedom of movement are guaranteed by many international and regional treaties and documents, including within human dimension commitments developed by our organization. However, the restrictions that may apply to these freedoms pose a complex set of questions and constitute one of the main themes of a lively debate particularly in the OSCE. I am aware that those documents with which our governments voluntarily chose to bind themselves, legally and politically, proscribe any

derogation except for specific reasons related to national security and public safety.

In this context, the complexity lies on the following questions: What are or should be the parameters for such restrictions given the fact that they are not clearly defined elsewhere? Does a narrow interpretation of relevant jurisprudence allay the concerns of both law enforcement agencies of our respective countries and the individuals who strive to exercise their rights in a peaceful manner?

Valuable contributions of today presented by prominent introducers and civil society representatives well depict the existing situation in the OSCE area and as such invite all the stakeholders to address the shortcomings. In this vein, we encourage the ODIHR to develop its valuable input which will serve, as in matters of comparable complexity, as a point of reference in our work.

It is worthwhile to repeat the fact that promotion and protection of human rights can hardly be achieved without the active involvement and support of civil society, national and international human rights institutions, in other words the human rights defenders. Previous speakers before me have eloquently emphasized the essential role played by the human rights defenders as well as the usefulness of ODIHR's work in this field.

I should like to take this opportunity to amplify the debate by sharing our own thoughts on the scope of the term `human rights defenders`. The dynamics within the OSCE impede us to arrive at an agreed definition of a human rights defender as well as on direct inclusion of this term in our daily human dimension work. Nevertheless, for the sake of providing an enabling environment for such persons, a careful consideration appears to be essential to clarify the criteria for identifying who falls into the scope of such qualification and who does not and why. The current trend to broaden the scope of this term through labeling certain professions as human rights defenders as a category instead of focusing on individuals, may trigger unwarranted reflexes which potentially might result in a growing repression for the real defenders.

Mr. Moderator,

You may have noted that, the essence of my intervention is broadly in line with the main thrust and most of the elements of the EU statement, perhaps with the exception of the thoughts I shared on the scope and definition of the human rights defenders. The latter's limited and selective references to the countries mentioned in ODIHR's 2008 Report on Human Rights Defenders resulted in Turkey's less than full endorsement of the EU intervention. Turkish authorities is thankful to Ambassador Lenarcic and his team for sharing their findings and candid recommendations regarding the situation of human rights defenders in Turkey. They are duly taken into account during the ongoing reform process.

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