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OSCE Human Dimension Implementation Meeting Warsaw, 16 - 27 September 2019

EU statement – Working Session 6: Fundamental freedoms (continued): Freedom of peaceful assembly and association

Madam Moderator,

I am honoured to speak on behalf of the European Union.

In 1989, we witnessed one of the largest acts of peaceful assembly in the OSCE's history when two million people joined hands to form a human chain from Tallinn, through Riga, to Vilnius. Later that year Slovaks and Czechs came together on the streets in what became the Velvet Revolution. Thirty years on, the right to peaceful assembly and to association are as important as at any time in our history, both online and offline, and must be protected.

Whether it is, for example, LGBTI Pride marches, climate strikes, protests against corruption and political and economic mismanagement, or using online platforms to discuss, debate and share information (the list of examples can never be exhaustive), freedom of peaceful assembly and association remain essential to the continued democratic development of our societies.

As a fundamental right, freedom of peaceful assembly should, as far as is possible, be enjoyed without regulation and States should always seek to facilitate and protect public assemblies.

Peaceful assembly is not an absolute right and can be subject to restrictions to protect national security or public safety. But restrictions must be the exception and not the rule and must be necessary and proportionate.

Security should never be used as an excuse for preventing peaceful expression of opinion or demonstration of dissent, and we will continue to speak out when this occurs.



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We note with particular concern the use of security concerns to restrict LGBTI events and Pride marches, as well as the recent largescale detention of peaceful protestors in the Russian Federation.

We urge all participating States to fulfil their OSCE commitments, and to participate actively with ODIHR, including by supporting their work to monitor assemblies.

Freedom of association remains under pressure in the OSCE region and we continue to be concerned about shrinking space for civil society.

Laws which restrict access to finance, which label NGOs as “foreign agents” or “undesirable organisations” or otherwise stigmatise them, or which place legislative obstacles to the formation and functioning of civil society run counter to international standards and OSCE commitments. They have a chilling effect on civil society and on the exercise of fundamental freedoms.

Human rights defenders are not defined by who they are, but what they do and the principles they stand for. Acting individually or with others, human rights defenders promote and protect the rights of all.

Support to human rights defenders is an EU human rights priority, and we call on States to recognise the specific risks that human rights defenders face, noting that women human rights defenders can face additional risks based on their gender. States must protect human rights defenders from abuses by third parties, and take proactive steps to promote the full realisation of the rights of human rights defenders, including specifically the right to defend universal human rights.

No-one is above the law, but we remain deeply concerned by the arbitrary detention of individuals who work to defend human rights, including civil society actors, journalists, politicians, academics, lawyers and others. We call on all participating States to ensure that no-one is targeted because of their work to defend human rights.



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States should respect the fact that dissenting views expressed peacefully and publically are part of a functioning democracy and a free society. This is as relevant now as during the period of change that swept through Europe thirty years ago.

Recommendations:

To OSCE participating States:

- OSCE participating States must avoid using security concerns as a justification for restricting peaceful assembly when those restrictions are not prescribed by law and consistent with international standards. Participating States must avoid the excessive use of force and the use of pre-emptive detentions when engaging with the organisers and participants of peaceful assemblies.
- Participating States should actively engage with ODIHR in ODIHR's work to monitor peaceful assembly. Participating States should recognise the benefits of systematic monitoring of peaceful assembly, including benefits to the State, the organisers and the participants.
- States should take advantage of tools such as the ODIHR/Venice Commission guidelines on the Freedom of Peaceful Assembly, Freedom of Association and the ODIHR guidelines on the Protection of Human Rights Defenders.
- States should allow civil society (meaning both individuals and organisations) the freedom to maintain contacts and cooperate with other individuals and organisations within their own country and abroad, as well as with foreign governments and international organisations.
- Participating States, in accordance with OSCE commitments, must permit organisations and individuals associated with them to seek, receive, manage and administer financial support from domestic, foreign and international entities without undue restrictions and requirements.
- Participating States should limit the use of legislation designed to restrict civil society activity and the increasing criminalisation of peaceful activity by



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individuals from the civil society sector. Legislation should be drafted should be drafted with the purpose of facilitating the establishment of associations and enabling them to pursue their objectives.

- States should ensure that associations have the right to exercise their freedom of expression and opinion with respect to their objectives and activities. Associations should have the right to participate in matters of political and public debate, regardless of whether the position taken is in accord with government policy or advocates a change in law.
- Participating States must respect dissenting views and recognise that human rights defenders face specific risks and are often targets of serious abuses as a result of their human rights work. States must refrain from any act that violates the rights of HRDs, protect HRDs from abuses by third parties (and investigate fully any abuses against HRDs), and take proactive steps to promote the full realisation of the rights of HRDs, including specifically the right to defend human rights.

Thank you.

The Candidate Countries REPUBLIC of NORTH MACEDONIA*, MONTENEGRO*, and ALBANIA*, the Country of the Stabilisation and Association Process and Potential Candidate BOSNIA and HERZEGOVINA, and the EFTA countries ICELAND and LIECHTENSTEIN, members of the European Economic Area, as well as GEORGIA and ANDORRA align themselves with this statement.

* Republic of North Macedonia, Montenegro and Albania continue to be part of the Stabilisation and Association Process.