



EUROPEAN UNION

Human Dimension Implementation Meeting Warsaw, 27 September 2011

EU Statement – Session 3: Fundamental Freedoms II

Ms/Mr Moderator

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

As events in North Africa and the Middle East have shown, people's desire for the freedom to debate and discuss issues, challenge their governments and make informed decisions is universal. The EU reiterates that, as set out in the 1990 Copenhagen document, democracy and the protection of human rights are necessary to create free and open societies. We believe that reform is the best guarantee to prevent human security threats or from causing harm to the stability of the OSCE area.

Fundamental to this is the need to ensure individuals enjoy the right of peaceful assembly and the right of freedom of association. The right to form groups, to organise and to assemble together with the aim of addressing issues of common concern is an important means by which citizens can influence their governments and leaders. The right to freedom of association and assembly is protected in international and regional human rights treaties.

The EU is concerned, however, that too many states within the OSCE restrict the right to freedom of association. This is despite the fact in the 1990 Copenhagen document we all reaffirmed that everyone will have the right of peaceful assembly and demonstration. We all committed to ensure that individuals are permitted to exercise the right to association, including the right to form, join and participate effectively in non-governmental organisations which seek the promotion and protection of human rights and fundamental freedoms, including trade unions and human rights monitoring groups. The EU condemns the violent and disproportionate response of the Belarusian authorities to peaceful protests this year, and the

subsequent appalling treatment of many of the detainees. We remain concerned that the Supreme Court in Uzbekistan effectively closed the offices of Human Rights Watch in June. The EU would therefore like to recall once again the outstanding work done by the ODIHR and the OSCE field missions through various projects to support the participating States in strengthening democratic institutions and promoting human rights.

The EU believes that independent National Human Rights Institutions (NHRIs) can play an important role in protecting and promoting human rights in the OSCE region. The state should create an enabling environment for their work and provide protection where required. The OSCE *acquis* not only contains a wide body of rights and freedoms in the human dimension, but it also recognises the right of everyone to stand up for those rights and freedoms. In the words of the OSCE's Copenhagen Document, participating States must ensure effectively the rights of the individual to know and act upon human rights and fundamental freedoms and to contribute actively, individually or in association with others, to their promotion and protection.

The EU appreciates the work of the Focal Point established in 2007 by ODIHR to monitor the situation of Human Rights Defenders and NHRIs in the OSCE region and to promote and protect their interests. We are concerned that the environment within some parts of the OSCE space for those seeking to uphold human rights has deteriorated in recent years. In addition to traditional forms of harassment, surveillance, and physical attacks by the police and security forces, governments have employed a number of tactics to stop those seeking to uphold human rights from operating, including restrictions on funding, restrictive registration processes, travel bans and campaigns of defamation and slander. States will often accuse Human Rights Defenders of criminal offences, or will label them as 'terrorists' and will urge others not to support them. We remind states that Human Rights Defenders are legitimate actors exercising universal and democratic rights.

The Charter of Fundamental Rights of the European Union makes clear that the enjoyment of human rights entails responsibilities and duties with regard to other persons, to the human community and to future generations. In this regard, it is vital that citizens in OSCE participating States have access to education about the legal and human rights and responsibilities underpinning society, basic aspects of the criminal justice system, and how both relate to them. The EU therefore undertakes their responsibility to promote human rights education and training, and urges other participating States to do so also.

The EU calls on OSCE participating States:

- To ensure the promotion and protection of human rights and all fundamental freedoms, including through enabling their relevant national authorities to effectively carry out their roles.
- To draw on the expertise of ODIHR and its field missions and take concrete action to enable individuals to effectively exercise their rights to peaceful assembly and association, freedom of expression and freedom of movement.

The EU recognises the important work of OSCE field presences in strengthening civil society and calls on ODIHR and field missions:

- to assist the participating States in reviewing legislation and practice with regard to international and regional human rights standards and OSCE commitments, particularly in the area of freedom of association and assembly.
- to continue to engage with national human rights institutions and Human Rights Defenders across the OSCE area, to strengthen their capacity to promote and protect, monitor and report on respect for human rights and fundamental freedoms.

The EU believes that through the co-ordinated efforts of participating States to fulfil shared commitments on freedom of assembly and association, working with relevant national authorities including independent national human rights institutions, and drawing on the support and expertise of ODIHR and OSCE field missions, concrete progress in these areas can be achieved.

The candidate countries CROATIA*, the FORMER YUGOSLAV REPUBLIC OF MACEDONIA*, MONTENEGRO* and ICELAND**, the countries of the Stabilisation and Association Process and potential candidate countries ALBANIA and SERBIA, the European Free Trade Association countries LIECHTENSTEIN and NORWAY, members of the European Economic Area, as well as the REPUBLIC OF MOLDOVA, ANDORRA and SAN MARINO align themselves with this statement.

*Croatia, the Former Yugoslav Republic of Macedonia and Montenegro continue to be part of the Stabilisation and Association Process.

**Iceland continues to be a member of the EFTA and the European Economic Area.