

Closing 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!

Thank you, President Borrell,
Excellencies,
Ladies and Gentlemen,

We have spent the past two days discussing the freedoms of assembly, association and expression, as well as their expression, and we have identified a number of obstacles and challenges to their realisation. We have heard detailed descriptions of shortcomings in these areas. Ever more interferences, ever more unnecessary obstacles, and ever more stifling of the transfer of free thought both within and across States are cause for deep concern.

Participants talked a lot about the notion of legitimate limitations to the three freedoms. We all agree that individuals may exercise the right to say what they please, but do other individuals not have a commensurate right to be free of expressions of, say, racial hatred? A group of concerned citizens may certainly avail itself of the right to go out on the street and collectively express an opinion. Yet aren't there instances in which restrictions should indeed be imposed, for example, to prevent an assembly from falling into complete disorder? We all know there is a right to associate freely, but does that imply that individuals may advocate violence?

This discussion will, of course, continue. What causes concern, however, is deliberate abandonment of any considerations of proportionality and necessity when limiting fundamental freedoms. In particular, civil society participants in this meeting have noted the situation regarding the freedom of association. In a number of participating States, the stifling of a free, well-organised and vibrant civil society is taking place through a variety of different bureaucratic, legalistic and arbitrary techniques.

In this respect, let me also quote from one of the recommendations we have received at the 2006 HDIM: "*Participating States should ensure their legislation regulating the activities of NGOs conforms with OSCE*

and other international commitments. Financial and administrative obstacles, likely to hinder the free operation of human rights defenders, should be removed. Legislation should not be used to restrict or intimidate them.” Follow-up to this recommendation means that laws and regulations on the freedom of association should not only conform to commitments; they should also be interpreted not in a formalistic, technical sense, but in the light of the principles of democracy, tolerance and pluralism which pervade the commitments.

The ODIHR and other international organisations are of course always ready to provide technical and other assistance. However, the responsibility for ensuring the necessary environment for a vibrant and independent civil society lies squarely with the participating States themselves. Further, it is national authorities which are accountable to other participating States on whether civil society actors and human rights defenders may operate in accordance with both the letter and the spirit of the OSCE commitments.

This is, sadly, also particularly relevant for those NGOs present at this meeting today. In an environment in which NGOs are under increasing threat, we must all continue to follow the fate of those who have been vocal in criticising authorities. Let me make it clear: we all have a responsibility to monitor carefully that no participant faces repercussions when he or she goes home from this meeting.

As we have seen, a crucial watchdog function can be played by National Human Rights Institutions. By monitoring, reporting on violations and making constructive recommendations for change, truly independent NHRIs which conform to the letter and spirit of the UN’s *Paris Principles* can be national champions of free speech, assembly and association.

On the freedom of peaceful assembly, it is clear that much work still needs to be done, both in the formulation of proper laws which recognize the nature of this right and the diversity of those who exercise it. Free and peaceful assemblies are often interfered with by police

practices entirely inconsistent with these principles. This not only puts both the public and the police at unnecessary risk, but it stifles the free expression of ideas and opinions, thus striking at the heart of democratic principles.

On the freedom of expression, we have heard about the dangers faced by media professionals as they go about their work of informing the public. In a number of areas in the OSCE region, they still face harassment, torture or inhuman treatment and even death for simply doing their jobs. This constitutes a grave threat to free expression in the OSCE region, and urgently needs to be addressed. We have also seen how more subtle forms of interference with the freedom of expression, such as controlled media ownership, can have effects not dissimilar to the blunt instruments of oppression and intimidation used against media professionals in other regions.

In this context, I note the important work done by my colleague Miklos Haraszti in these areas; I want to thank him for the excellent cooperation we enjoy.

Amidst all the challenges and obstacles identified at this meeting, we have heard many positive examples: how well-trained police can intervene in a proportionate and professional manner during assemblies; how participating States can not only allow, but sit down and constructively discuss with organisations which directly oppose the strongly held views of the majority of their citizens; how the spirit of tolerance and broad-mindedness which lies at the heart of truly democratic societies can, and indeed has gained a foothold in many societies where the free word was repressed for many years.

The best practices are there, the opportunities are there, and in a joint effort of the OSCE community, I am convinced we can meet the challenges we have identified during these two days. The ODIHR, for its part, stands ready to assist. We have presented our Guidelines on the Freedom of Assembly at this meeting, and I am happy with the positive responses we have received, which I hope will be translated into practice

on the ground. We stand ready to ensure targeted follow-up and continue our assistance in the many other areas identified by the participants in this meeting as well.

A substantive discussion of the challenges ahead in the areas of freedom of assembly, association and expression which truly addresses these rights in a spirit of open debate both between States and with civil society would be a positive first step, and would give new meaning and vitality to the OSCE's concept of peer review.

I want to thank the many participants – 285, in total, 135 representatives from 46 participating States as well as the over 100 civil society representatives -- for their contributions, which I assure you we will take very seriously. I call on all those assembled here to work towards their full implementation. In closing, I would like to express my gratefulness to the Spanish Chairmanship for the excellent cooperation in organising this meeting. I would also like to thank the interpreters as well the ODIHR team, for their stellar work in organising this meeting.

Thank you, and have a safe trip home.