



se2009.eu

HDIM.DEL/0135/09
30 September 2009

Swedish Presidency of the European Union

Human Dimension Implementation Meeting
Warsaw, 29 September 2009

EU Statement, Working Session 3: Fundamental Freedoms II

Mr/Ms Moderator,

The primary responsibility for the promotion and protection of human rights lies with States. The EU recognises that individuals, groups and organs of society all play important parts in furthering the cause of human rights. The OSCE has recognised the key role of civil society and NGOs in promoting respect for human rights in the 1975 Helsinki Final Act and reiterated this in key documents since. The UN Declaration reaffirms rights that are instrumental to the defence of human rights, including, inter alia freedom of association, freedom of peaceful assembly, and liberty/freedom of movement.

The EU supports the call of the five international and regional human rights mechanisms and representatives to participating states to recognise the activities of human rights defenders as legitimate human rights work, ensure the removal of all obstacles and take proactive measures to support such work.

<i>Postal address</i> Obere Donaustrasse 49-51 1020 Vienna, Austria	<i>Telephone</i> +43 (0) 1 217 53 0	<i>E-mail</i> osce-del.wien@foreign.ministry.se euoffice@osce.org
<i>Visitor's address</i> Obere Donaustrasse 49-51 1020 Vienna, Austria	<i>Fax</i> +43 (0) 1 217 53 390	

Factors that contribute to an enabling environment for the enjoyment of rights and freedoms include the existence of effective and independent national human rights institutions; systematic collaboration with public authorities and the systematic participation of civil society and human rights defenders in decision-making through institutionalised processes of consultation.

Implementing such activities will result in strengthened respect for human rights in democratic societies where decisions are taken with maximum transparency and broad participation, underpinned by unimpeded rights of association.

The EU reiterates support for the ODIHR human rights department focal point in promoting the crucial work of human rights defenders and national human rights institutions and in seeking to build partnerships between the two. The EU values the Focal Point's capacity building activities to assist participating States to embed the guidelines on freedom of assembly into good practices at the national level. The EU welcomes the work of the Focal Point in developing online guidance on legislation and good practice related to the work of Non Governmental Organisations. This will make a key contribution to assisting participating States to create an enabling environment for human rights defenders.

The EU welcomes the continuing focus of the Council of Europe Commissioner on human rights defenders and encourages the OSCE, the Council of Europe and the UN special rapporteur on human rights defenders to enhance and strengthen their co-operation to promote and protect human rights defenders.

The EU welcomes and commends to all participating states the second ODIHR report on Human Rights Defenders in the OSCE region: Challenges and Good Practices and its recommendations. The EU is encouraged by the section that highlights good practices in a range of participating states in creating open spaces for human rights defenders, listening to them, addressing their concerns, and protecting their rights. Areas of good practice include:

Simplified registration procedures; notification and facilitation with protection of peaceful assemblies; facilitation of movement including travel abroad; physical protection, swift and effective justice in case of attacks; public recognition; enabling or facilitating financial and other assistance; working with international and regional mechanisms, effective freedom of information legislation; mechanisms of dialogue including consultation on legislation, treaty reports working with NHRIs and ombudsman institutions;

However the EU is deeply concerned that report continues to identify largely similar trends and patterns of violations as in the previous report - threats and attacks on the physical integrity of defenders, their right to liberty, freedom of movement, freedom of assembly and freedom of association.

The cases cited in the report serve as illustrations of alarming trends and patterns across the region including in Kyrgyzstan, the Russian Federation, Croatia, Uzbekistan, Turkey, Kosovo, Serbia, Georgia, Azerbaijan and Belarus.

Attacks on and the killing or injuring of human rights defenders,

ill treatment in custody; threats, harassment and intimidation including the targeting of family members, arbitrary detention, arrests and fines; criminal penalties for unregistered activities, denial of registration and deregistration; raids and attacks on premises; dispersal sometimes violently of peaceful assemblies or lack of sufficient protection for peaceful assemblies.

The report highlights areas of concern to assist in the effective implementation of human rights commitments by all participating States. The EU has updated its Guidelines on Human Rights Defenders and is committed to working with participating States to encourage the good practices highlighted in the report.

Finally, the EU stresses the responsibility of every OSCE PS to fulfil their international and regional commitments with regard to respect for human rights and fundamental freedoms.

Thank you for your kind attention.

The Candidate Countries the former Yugoslav Republic of Macedonia*, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, and Montenegro, EFTA countries Iceland and Norway, member of the European Economic Area Ukraine align themselves with this statement.

ANNEX

The EU recommends to OSCE PS:

- To provide an enabling environment for human rights defenders, particularly those representing the rights of individuals belonging to minority or vulnerable groups, to carry out their activities peacefully free of the fear of harassment, reprisal, intimidation and discrimination;
- To create mechanisms for listening to and addressing the concerns of human rights defenders;
- To ensure that human rights defenders are free to seek, receive, manage and administer for their peaceful human rights activities financial support from domestic, foreign and international entities.

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

- To assist the PS in taking concrete action to give effective protection to human rights defenders so that the latter can exercise their rights as set out in the UN declaration on the rights and responsibility of individuals, groups and organs of society to promote and protect universally recognised human rights and fundamental freedoms;

- To continue to engage with human rights defenders across the OSCE area, to strengthen their capacity to promote and defend respect for human rights and fundamental freedoms.