

Chairmanship: Sweden

1300th PLENARY MEETING OF THE COUNCIL

1. Date: Thursday, 28 January 2021 (via video teleconference)

Opened: 10 a.m.
Suspended: 1.05 p.m.
Resumed: 3 p.m.
Closed: 5 p.m.

2. Chairperson: Ambassador U. Funered

Prior to taking up the agenda, the Chairperson reminded the Permanent Council of the technical modalities for the conduct of meetings of the Council during the COVID-19 pandemic.

3. Subjects discussed – Statements – Decisions/documents adopted:

Agenda item 1: ADDRESS BY THE CHAIR OF THE INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE ON THE OCCASION OF THE COMMEMORATION OF INTERNATIONAL HOLOCAUST REMEMBRANCE DAY

Chairperson, Chair of the International Holocaust Remembrance Alliance (PC.DEL/130/21 OSCE+), Russian Federation (PC.DEL/89/21), Portugal-European Union (with the candidate countries Albania, Montenegro, North Macedonia and Serbia; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; the European Free Trade Association countries Iceland and Liechtenstein, members of the European Economic Area; as well as Andorra, Georgia, Moldova, Monaco, San Marino and Ukraine, in alignment) (PC.DEL/127/21), Albania (PC.DEL/131/21 OSCE+), Turkey (PC.DEL/112/21 OSCE+), United States of America (PC.DEL/88/21), Azerbaijan (PC.DEL/92/21 OSCE+), Switzerland (PC.DEL/124/21 OSCE+), Holy See (PC.DEL/90/21 OSCE+), United Kingdom, Canada (PC.DEL/99/21 OSCE+), Poland (PC.DEL/94/21 OSCE+), Georgia (PC.DEL/114/21 OSCE+), Cyprus (PC.DEL/95/21 OSCE+), Bosnia and Herzegovina (PC.DEL/108/21 OSCE+), Norway (PC.DEL/93/21), Greece, Belarus (PC.DEL/106/21 OSCE+), Ukraine

(PC.DEL/118/21), Kazakhstan, Armenia (PC.DEL/101/21), Liechtenstein (PC.DEL/91/21 OSCE+), North Macedonia, Secretary General, Portugal, Israel (Partner for Co-operation)

Agenda item 2: REVIEW OF CURRENT ISSUES

Chairperson

- (a) *Russia's ongoing aggression against Ukraine and illegal occupation of Crimea:* Ukraine (PC.DEL/96/21), Canada (PC.DEL/100/21 OSCE+), Portugal-European Union (with the candidate countries Albania, Montenegro and North Macedonia; the European Free Trade Association countries Iceland, Liechtenstein and Norway, members of the European Economic Area; as well as Georgia, Moldova and Ukraine, in alignment) (PC.DEL/128/21), Switzerland (PC.DEL/117/21 OSCE+), Turkey (PC.DEL/126/21 OSCE+), United Kingdom, United States of America (PC.DEL/102/21)
- (b) *Situation in Ukraine and the need to implement the Minsk agreements:* Russian Federation (PC.DEL/104/21)
- (c) *Violations of the right to peaceful assembly in the Russian Federation:* United States of America (PC.DEL/103/21), Switzerland (PC.DEL/123/21 OSCE+), United Kingdom, Portugal (also on behalf of Albania, Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Montenegro, the Netherlands, North Macedonia, Norway, Poland, Romania, Slovakia, Slovenia, Spain, Sweden and Ukraine) (PC.DEL/109/21 OSCE+), Canada
- (d) *Freedom of peaceful assembly in the OSCE area:* Russian Federation (PC.DEL/113/21), United States of America (PC.DEL/105/21), Netherlands (Annex 1), Belgium (Annex 2), Poland, Germany (Annex 3), United Kingdom, France (Annex 4), Belarus (PC.DEL/107/21 OSCE+), Switzerland (Annex 5), Canada

Agenda item 3: REPORT ON THE ACTIVITIES OF THE
CHAIRPERSON-IN-OFFICE

- (a) *Meetings of the Security Committee, Economic and Environmental Committee and Human Dimension Committee held between 25 and 27 January 2021:* Chairperson
- (b) *Expert meeting on combating anti-Semitism, to be held via video teleconference on 1 and 2 February 2021:* Chairperson
- (c) *Issuance of a joint statement by the Chairperson-in-Office, the Director of the ODIHR and the Personal Representative of the OSCE Chairperson-in-Office on Combating Anti-Semitism on the occasion of International Holocaust Remembrance Day:* Chairperson

- (d) *Participation of the Chairperson-in-Office in a public event on “Promoting Stability in Wider Europe”, held via video teleconference on 28 January 2021:* Chairperson

Agenda item 4: REPORT OF THE SECRETARY GENERAL

- (a) *Update on the COVID-19 situation across the OSCE’s executive structures:* Secretary General (SEC.GAL/17/21 OSCE+)
- (b) *Meeting of the Secretary General with the heads of OSCE institutions and the Secretary General of the OSCE Parliamentary Assembly, held via video teleconference on 22 January 2021:* Secretary General (SEC.GAL/17/21 OSCE+)
- (c) *Participation of the Secretary General in a meeting of the Bureau of the OSCE Parliamentary Assembly, held via video teleconference on 26 January 2021:* Secretary General (SEC.GAL/17/21 OSCE+)
- (d) *Participation of the Secretary General in the graduation ceremony of the OSCE Academy in Bishkek, held via video teleconference on 22 January 2021:* Secretary General (SEC.GAL/17/21 OSCE+)
- (e) *Participation of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings in the launch of the ODIHR’s International Survivors of Trafficking Advisory Council, held via video teleconference on 25 January 2021, and in the meeting of the Network of Anti-Trafficking Coordinators of South-East Europe held via video teleconference on 26 January 2021:* Secretary General (SEC.GAL/17/21 OSCE+)

Agenda item 5: ANY OTHER BUSINESS

- (a) *Farewell to the Permanent Representative of Lithuania to the OSCE, Ambassador A. Taurantas:* Chairperson, Dean of the Permanent Council (Liechtenstein), Lithuania
- (b) *Parliamentary elections in Bulgaria, to be held on 4 April 2021:* Bulgaria
- (c) *European Court of Human Rights judgment in the case concerning the armed conflict between Georgia and the Russian Federation in August 2008 and its consequences:* Georgia (PC.DEL/115/21 OSCE+), Portugal-European Union (with the candidate countries Albania, Montenegro and North Macedonia; the European Free Trade Association countries Iceland, Liechtenstein and Norway, members of the European Economic Area; as well as Georgia, Moldova, San Marino and Ukraine, in alignment) (PC.DEL/129/21), Canada, United States of America (PC.DEL/110/21), Ukraine (PC.DEL/120/21), United Kingdom, Russian Federation (PC.DEL/121/21 OSCE+)
- (d) *International Day of Education, observed on 24 January 2021:* Norway (also on behalf of Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, the Czech

Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Mongolia, Montenegro, the Netherlands, North Macedonia, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, the United Kingdom and the United States of America) (PC.DEL/116/21)

- (e) *Language conforming meeting for documents adopted by the Ministerial Council in 2020, to be held via video teleconference on 5 February 2021 (SEC.INF/6/21 Restr.): Albania*

4. Next meeting:

Thursday, 4 February 2021, at 10 a.m., via video teleconference



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.JOUR/1300
28 January 2021
Annex 1

Original: ENGLISH

1300th Plenary Meeting
PC Journal No. 1300, Agenda item 2(d)

**STATEMENT BY
THE DELEGATION OF THE NETHERLANDS**

Madam Chairperson,

In response to the statement made by the Russian delegation, I would like briefly to exercise my right of reply.

The OSCE is a forum at which the participating States can engage in dialogue on issues relating to the commitments that we have all agreed on. This applies to situations in all participating States, including the Netherlands.

So I would like to thank the Russian delegation for raising the issue in question and for thus giving me an opportunity to outline the situation in the Netherlands with regard to protests against COVID-19 measures, the night-time curfew that was recently introduced and the ensuing riots.

The imposition of a curfew is always an exceptional measure. In this case it was done to help to slow transmission of the coronavirus. There was an extensive discussion about the proposed measure in the House of Representatives before the decision was formalized.

The violence that occurred in several Dutch cities had little or nothing to do with protests against COVID-19 measures but can, rather, be characterized largely as vandalism and looting. Indeed, Prime Minister Rutte duly referred to the events as “criminal violence”, emphasizing that “the riots have nothing to do with fighting for freedom”.

I note that in the selection of images shown to us today by our Russian colleagues, all images of plundering and destruction were left out.

The Dutch police took controlled action in response to the riots, including in some cases the use of water cannons.

Investigations and arrests of persons suspected of being involved in acts of violence are currently ongoing.

As in all instances where the police are compelled to use force, the particular instance in Amsterdam that the Russian delegation refers to is also currently being investigated. I can

therefore not elaborate on it at present, but I would like to remind our colleagues that the area in which it occurred had been designated a security risk area. Despite various calls to stay away from that area and the warnings issued by the police, a number of people congregated there and had to be dispersed after they refused to leave.

Thank you, Madam Chairperson. I kindly request that this statement be attached to the journal of the day.



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.JOUR/1300
28 January 2021
Annex 2

ENGLISH
Original: FRENCH

1300th Plenary Meeting
PC Journal No. 1300, Agenda item 2(d)

**STATEMENT BY
THE DELEGATION OF BELGIUM**

Madam Chairperson,

As the country I represent was mentioned, I should like to say a few words to recall Belgium's strong commitment to protection of freedom of peaceful assembly, which is at the heart of the OSCE commitments and a prerequisite for democracy. In Copenhagen in 1990, the participating States agreed that "everyone will have the right of peaceful assembly and demonstration. Any restrictions which may be placed on the exercise of these rights will be prescribed by law and consistent with international standards".

The framework in which this freedom may be exercised and the competence of the police to react to non-respect of this framework are defined in Belgium by the legislator. The possibilities for dispersal of gatherings and for administrative arrests are limited to specific circumstances. The use of riot gear by the police is always based on a risk analysis, evaluated in the light of specific potential incidents and in compliance at all events with legal requirements.

In the context of the pandemic, certain measures need to be respected to enable the freedom of peaceful assembly to be exercised while minimizing the risks to public health. Conscious of the difficult situation facing us, the Belgian authorities have a heightened awareness of the respect for fundamental rights and impose restrictions only when the health situation makes them absolutely necessary. Needless to say, in the event of abuse or incidents, all individuals have the right to complain, giving rise to an investigation, also into the respect of rights and fundamental freedoms. Regarding the demonstration on 24 January in Brussels, for example, at least one complaint was made to the Standing Police Monitoring Committee and will be duly investigated.

Thank you.



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.JOUR/1300
28 January 2021
Annex 3

ENGLISH
Original: GERMAN

1300th Plenary Meeting
PC Journal No. 1300, Agenda item 2(d)

**STATEMENT BY
THE DELEGATION OF GERMANY**

Madam Chairperson,

As my Russian colleague mentioned Germany in his statement, I should like to exercise my right of reply.

Freedom of assembly in Germany is anchored in the Constitution, the Basic Law. Even in the times of the global COVID-19 pandemic, the right to peaceful demonstration is a very precious asset.

It is a fundamental right and can be restricted in Germany only under strict conditions. Restrictions may only serve to protect central legal rights, such as the life, health and freedom of the individual and the integrity of the rule of law and of State institutions.

If freedom of assembly is restricted, this is done preferably through the imposition of conditions. If participants in assemblies do not abide by these conditions and the aforementioned legal rights cannot be otherwise protected, the assembly may be terminated and dispersed. The State may use coercive measures in the process, always on condition, needless to say, that they are reasonable.

The demonstrations in Frankfurt am Main and Berlin in November 2020 mentioned by the Russian colleague took place when Germany was severely affected by COVID-19. The demonstrators were therefore required to respect social distancing and wear face masks during the demonstration. After the majority ignored these conditions and the corresponding warnings, the demonstrations had to be dispersed as a last resort for health reasons.

An Alternative for Germany (AfD) party congress took place in Braunschweig in September. It was accompanied by several counterdemonstrations. The counterdemonstrators are protected by the freedom of assembly provided they do not attempt to use force to disrupt or prevent the assemblies against which they are demonstrating.

In Braunschweig the counterdemonstrators erected barricades to make it difficult for the delegates to gain access to the congress. They crowded the vehicles of the arriving

Congress participants, kicking and hitting them in some cases. Congress participants arriving on foot were stopped, surrounded and mobbed by the counterdemonstrators.

Dogs were employed after the violent demonstrators failed to obey repeated orders to clear the way. These dogs, it should be mentioned, wore muzzles, as can be seen clearly in the video.

As far as is known, the counterdemonstrators did not incur any injuries as a result of these actions. Needless to say, all of those affected are legally entitled to appeal against all police and coercive measures.

I have explained in detail here the background to the incidents mentioned by the Russian delegation. My Russian colleague made reference in his statement to the previous agenda item under “current issues”. I should like to reply as follows.

The justified question by the Russian colleagues should not lead to the erroneous conclusion that the different ways in which State security forces deal with demonstrators are the same.

The events in Braunschweig were not an unreasonably harsh response to peaceful demonstrators. On the contrary, the counterdemonstrators in Braunschweig engaged in violence to prevent their political opponent from exercising its democratic rights. In a State governed by the rule of law this demands a reasonable response to ensure that all citizens can exercise their democratically guaranteed rights.

I request that this statement be attached to the journal of the day.



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.JOUR/1300
28 January 2021
Annex 4

ENGLISH
Original: FRENCH

1300th Plenary Meeting
PC Journal No. 1300, Agenda item 2(d)

**STATEMENT BY
THE DELEGATION OF FRANCE**

As our distinguished colleague who represents the Russian Federation mentioned France, I should like to exercise my right of reply.

I should like to state first of all that I am very surprised and concerned that as a “proof” we have been presented with a video showing biased and staged images.

As regards France, the French legal system guarantees fundamental freedoms, including freedom of expression and its corollary, the right to demonstrate, and ensures a balance between the protection of those rights and the maintenance of public order. Anyone who thinks they have been a victim of unjustified violence during demonstrations may make a complaint or report it on the Internet platform of the General Inspectorate of the National Police (IGPN).

The demonstrations mentioned by Russia, which came to an end more than a year ago, were accompanied by security provisions aimed at ensuring the safety of the demonstrators as provided by the law. The demonstrations were marked by serious violence by some of the demonstrators against the police, journalists and other persons. The information offered by the Russian representative is not accurate, since no one died during those demonstrations as a result of actions by the police.

France reiterates its full commitment to promoting and defending freedom of expression and freedom of the media, which are integral components of democracy. Protection of journalists and combating impunity for crimes committed against them have high priority in France. We expect the same rigour from all members of this body, including Russia, as we reminded it unambiguously in the statement by the G7 Foreign Ministers and by the High Representative at the beginning of the week.



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.JOUR/1300
28 January 2021
Annex 5

ENGLISH
Original: GERMAN

1300th Plenary Meeting
PC Journal No. 1300, Agenda item 2(d)

**STATEMENT BY
THE DELEGATION OF SWITZERLAND**

Madam Chairperson,

As Switzerland was mentioned in the statement by the distinguished representative of the Russian Federation, I should like to exercise my right of reply.

I should like first of all to recall that freedom of assembly is protected in Switzerland by the Federal Constitution. Like other basic rights, freedom of assembly may be restricted only provided that there is a legal basis, the restriction is justified through a public interest or the protection of the basic rights of third parties, that it is reasonable and that the core content is preserved. I should like to make the following comments on the events referred to by the Russian representative.

On 13 June 2020, around 10,000 people took part in an anti-racism demonstration in Zurich. The background to the demonstration was the death of the African American George Floyd at the hands of the police in the city of Minneapolis in the United States of America. The large-scale demonstration was peaceful, the participants observed the police instructions, the prescribed route was kept to, and there were no incidents or damage to property along the entire route. The demonstrators endeavoured to maintain social distance during the march, and many of them also wore face masks. On several occasions the city police reminded the participants in the demonstration of the COVID-19 protective measures ordered by the Federal Council. A group of around 300 persons separated from the peaceful demonstrators and attempted to stage a new demonstration, seeking confrontation with the police. They began to throw stones, bottles and other objects at the police. Pepper spray was used. One police officer was hit in the neck by an object and had to be treated in hospital.

Regarding the demonstration in Zurich in January 2020 ahead of the World Economic Forum, I should like to point out that this demonstration was approved. As individual demonstrators committed acts of vandalism, the police intervened.

I request that this statement be attached to the journal of the day.

Thank you, Madam Chairperson.