



## EUROPEAN UNION

OSCE Human Dimension Implementation Meeting 2013  
Warsaw, 27 September 2013

---

### **EU statement – Working Session 8 FREEDOM OF ASSEMBLY AND ASSOCIATION**

---

The right to assemble peacefully is at the core of any functioning democratic system and facilitates the enjoyment of many other human rights. The European Union therefore attaches significant priority to the protection of this right. Individuals and groups must feel that they can safely exercise their freedom to assemble if they are to enjoy their right to participate in public life.

Although international law prescribes a limited set of grounds when the freedom can be legitimately restricted, there should always be a presumption in favour of holding assemblies. The state has a positive obligation to facilitate and protect peaceful assembly. However, there remain a number of obstacles and challenges to the enjoyment of this freedom throughout the OSCE region including:

- Excessive use of force in the policing of demonstrations.
- Laws that limit the scope for peaceful protest through the application of excessive fines and penalties for organising or participating in unauthorised peaceful protests.
- The use of bureaucratic and time consuming notification and authorisation regimes.

- Impeding the work of journalists monitoring assemblies.
  - Unjustified dispersal of peaceful assemblies.
  - Inconsistent and sometimes discriminatory application of laws.
- Too often states seem to restrict assemblies on the grounds that they do not agree with the opinions being expressed by those wishing to demonstrate.

The list is far from being exhaustive but demonstrates a negative trend. We do not claim to have all the answers to these challenges indeed we recognise that there have been cases where the record on the realisation of these freedoms has been brought into question in EU Member States. In order to address some of the challenges, we recommend the following to all participating States.

- All participating States should follow the valuable guidelines on Freedom of Peaceful Assembly produced by ODIHR and the Venice Commission.
- Ensure that any restrictions on assemblies are prescribed by law and consistent with international standards.
- Recognise that assemblies facilitate the expression of diverse, unpopular or minority opinions. This is important for the development of tolerant and pluralistic societies and should never be used as a reason to impose restrictions.
- Fully implement existing OSCE commitments pertaining to freedom of peaceful assembly.

Madam Moderator

The European Union believes that the negative pattern in the application of the fundamental freedoms of association and peaceful assembly calls for a renewed effort to endorse a common set of principles and guidelines to improve implementation of existing commitments. With this in mind, we tabled a draft Ministerial Council Decision last autumn and were pleased that a number of participating States agreed to co-sponsor the draft. We look forward to engaging in further discussion on the topic in the run-up to the Kyiv Ministerial Council.

The Candidate Countries Turkey, the former Yugoslav Republic of Macedonia\*, Montenegro\*, Iceland+ and Serbia\*, the Countries of the Stabilisation and Association Process and potential candidates Albania and Bosnia and Herzegovina, and the EFTA countries Liechtenstein and Norway, members of the European Economic Area, as well as the Republic of Moldova, Armenia, Andorra and San Marino, align themselves with this statement.

*\* the former Yugoslav Republic of Macedonia, Montenegro and Serbia continue to be part of the Stabilisation and Association Process.*

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