



EUROPEAN UNION

OSCE Human Dimension Implementation Meeting Warsaw, 21 September – 2 October 2015

EU Statement – Working Session 10

Madam/Mister Moderator,

I am honoured to speak on behalf of the European Union and its Member States.

Freedom of movement is a fundamental right and a central value of the European Union, both in terms of free movement within the EU and its Member States and in its relations with third States. We consider freedom of movement and increased cross-border human contacts as enablers for the promotion and protection of human rights. These in turn are integral to the EU's core values, as an organisation committed to upholding fundamental rights, democracy and the rule of law.

We would therefore like to make the following recommendations:

- We continue to firmly believe that everyone has the right to freedom of movement and residence within the borders of their own country and that everyone has the right to leave any country, including their own, and return to his or her country.
- In the instances where residency registration or declaration procedures are used they should be applied fully respecting freedom of movement.
- We believe that exit visa regimes should be abolished to ensure that the rights of all citizens to freedom of movement are respected. OSCE participating States should enable residents of conflict zones, refugees and IDPs to



EUROPEAN UNION

exercise their right to freedom of movement, in particular, to safe, dignified and voluntary return, access health-care as well as for other humanitarian purposes, including reunification of families.

- Freedom of movement of human rights defenders must be respected to ensure they can perform their tasks without any restrictions.

The OSCE commitments on freedom of movement dates all the way back to the Helsinki Final Act. A lot of progress has been made to facilitate freedom of movement since the signature of the Helsinki Final Act. The OSCE have witnessed immense changes in terms of cross-border travel freedoms for their citizens. The Schengen area, now made up of 26 OSCE participating States, constitutes a genuine free cross-border movement zone and has played a major role in facilitating cross-border mobility and human contacts. Indeed, the EU has made historic progress through establishing the free movement principle as one of the fundamental freedoms for its citizens.

In the 1990 Copenhagen Document participating States are obliged “to fully respect the right of everyone to freedom of movement and residence within the borders of each State, and to leave any country, including his [or her] own, and to return to his [or her] own.” Thus, the we consider that primary obligations derived from the notion of freedom of movement applies to the relations between participating States and their own citizens.

In that regard, at this Human Dimension Implementation Meeting, we were expecting to be able to talk further about what constitutes the basis of our OSCE commitments concerning freedom of movement, namely, the right of all citizens to leave and return to their country, as well as the freedom to travel within their country and to freely choose their place of residence in their country. It may help to identify the challenges the OSCE participating States currently face and possible ways of addressing them, in order to ensure the full enjoyment of freedom of movement in the OSCE region.



EUROPEAN UNION

Madam/Mister Moderator,

The EU and its Member States opposes unnecessary denial or restriction of these rights of free movement. Today we are still in a situation where some participating States continue to enforce restrictions on freedom of movement from, to and even within the state for their own citizens. Freedom of movement must be guaranteed by participating States to their citizens and lawfully residing foreigners within their territories, even if it is not exercised by all. The right to freedom of movement is essential, as it enables the free choice of place of residence inside a country, and is often the pre-requisite for the exercise of many other fundamental rights, such as the right to education, the right to work and the right to family life.

The crisis in and around Ukraine has led to a deeply worrying humanitarian and human rights situation. In areas controlled by Russia-backed separatists and in the illegally annexed Crimean Peninsula, people experience serious violations of their fundamental rights, including freedom of movement. The Special Monitoring Mission to Ukraine's (SMMU) thematic report on freedom of movement to and from the Crimean Peninsula confirms that the illegal annexation of Crimea had also severe implications for human rights activists, Crimean Tatars and others who were detained and interrogated at the ABL or expelled from the peninsula by the de facto authorities in Crimea. The report adds to numerous other independent reports presenting a very troublesome situation in Crimea in regard to the respect for human rights and fundamental freedoms. We continue to find it unacceptable that the SMMU, as well as the OSCE autonomous institutions, have no access to the illegally annexed Crimea peninsula. In this context, we call on the Russian Federation, as occupying power, to fully address concerns with regard to freedom of movement, contained in the SMMU thematic report.

Madam/Mister Moderator



EUROPEAN UNION

After the April events in the Mediterranean, the EU and its Member States have developed a full-fledged response under the guidance of the European Council prioritising to save lives and to fight the smugglers who put the lives of migrants at risk. The European Commission has equally revisited and enhanced its long-term strategy, through the so-called European Agenda for Migration announced in May, covering thoroughly migration management (from resettlement to the fight against smuggling) and integrating internal and external aspects of legal and irregular migration. The EU action now comprises both short-term emergency measures and longer-term actions and is geographically balanced. It targets both the Central Mediterranean and the Eastern Mediterranean/Western Balkan routes

Thank you.

The Candidate Countries TURKEY, the FORMER YUGOSLAV REPUBLIC OF MACEDONIA*, MONTENEGRO*, and ALBANIA*, the Country of the Stabilisation and Association Process and Potential Candidate BOSNIA and HERZEGOVINA, and the EFTA country NORWAY, members of the European Economic Area, as well as UKRAINE, the REPUBLIC OF MOLDOVA, GEORGIA, and SAN MARINO align themselves with this statement.

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