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OSCE Human Dimension Implementation Meeting Warsaw, 22 September - 3 October 2014

EU Statement for Working Session 15: Fundamental Freedoms II continued

Madam/Mister Moderator,

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

All OSCE participating States have committed themselves to respect the internationally recognized human rights to freedom of movement and residence within the borders of each State, as well as to leave any country, including one's own. In the 1990 Copenhagen Document, the States also affirmed that "freer contacts among their citizens are important in the context of the protection and promotion of human rights and fundamental freedoms." As such, together with other international standards, they oblige the OSCE participating States to guarantee these rights. It must be noted, however, that a reciprocal right to enter the territory of another participating State is not guaranteed.

This session of the Human Dimension Implementation Meeting seeks to address how the existing right to freedom of movement can be advanced and protected and how further progress could be achieved in facilitating cross-border human contacts. 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



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Madam/Mister Moderator,

Today we are still in a situation where some participating States continue to enforce unjustified restrictions on internationally accepted rights of freedom of movement. We are convinced that practices, such as systems of residency registration must not be imposed in a way that restricts the rights of all citizens to freedom of movement. It is also important to point out that an essential element of freedom of movement is that States cannot bar their citizens from leaving their country for travel or emigration, or restrict their right to return, except in rare cases where restrictions are proportional and in response to a specific public need. There may be exceptional reasons for limiting these rights, for instance for those seeking to cross borders to conduct terrorist activities.

Special attention should be given to the fact, that many people - businessmen, students, journalists, NGO activists, members of the same family - have been barred from entering their home land by the Russian armed forces which executed illegal annexation of Crimea. Victims of this policy, which breaches Helsinki Final Act, include also Crimean Tatar leaders Mustafa Dzhemiliev and Refat Chubarov who have been barred from entering Crimea. In this context, we call on the Russian Federation to take into account the concerns about freedom of movement, including those which refer to the restrictions on Ukrainian citizens crossing from Ukraine mainland to Crimea and vice versa, contained in the report of UN Office of High Commissioner for Human Rights on the human rights situation in Ukraine of 15 July 2014.

Freedom of movement and freer cross-border human contacts can be seen as a prerequisite for a full promotion and protection of human rights. This is particularly true for human rights defenders. Where freedom of movement is restricted, access to



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other human rights is limited as well, and that relevant legislation should therefore be brought in line with relevant OSCE commitments and international standards.

Madam/Mister Moderator,

We would therefore like to make the following recommendations:

- The EU continues to firmly believe that everyone has the right to freedom of movement and residence within the borders of their own country.
- The systems of residency registration should be abolished. In the instances where residency registration and declaration procedures are used they should be applied fully respecting freedom of movement.
- The EU believes that such practices as imposing 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 exercise their right to freedom of movement, in particular, to 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 regarding their movement.

The Candidate Countries the FORMER YUGOSLAV REPUBLIC OF MACEDONIA*, MONTENEGRO*, and ALBANIA*, the Country of the Stabilisation and Association Process and Potential Candidate BOSNIA and HERZEGOVINA, 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.