



HUMAN RIGHTS HOUSE
FOUNDATION

OSCE

Human Dimension Implementation Meeting

Working Group Session 8, Freedom of assembly and association

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Distinguished Delegates, Ladies and Gentleman,

As stated last year by the United Nations Special Rapporteur on Freedom of Association and Expression Mr. Maina Kiai in his opening speech here at the Human Dimension Implementation Meeting (HDMI), states are increasingly repressing the enjoyment of freedom of association and the right to peacefully assembly by enacting restrictive legislation or by implementing similarly restrictive practices¹.

In the country of Azerbaijan, national legislations are used to suppress human rights defenders and other activists, such as the legislation on NGOs,² which imposes additional limitations and controls to NGOs receiving foreign funding,³ and is not in line with international standards as underlined by the European Commission for Democracy through Law (Venice Commission) in its opinion 636/2011 on NGO legislation in Azerbaijan⁴ and by the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association in his latest report.⁵

As part of this climate of repression, since 10 March 2011 the Azerbaijan Human Rights House (AHRH) was forced to suspend its activities until an agreement on those activities is found with the government.⁶ After a process of negotiations since April 2011, to date, the Human Rights House has not been allowed to reopen and partner NGOs are denied registration, such as the Human Rights Club and the Election Monitoring and Democracy Studies Centre, one of the only national independent NGOs systematically monitoring elections.

¹ See the final report of the OSCE HDMI 2012 on freedom of association and assembly: <http://www.osce.org/odihr/98264>

² See the Human Rights House Network's letter of concern on freedom of association of 5 March 2013: <http://humanrightshouse.org/Articles/19109.html>

³ The strict State-control over civil society has been intensified since July 2009, when legislative amendments aimed at requesting foreign non-governmental organisations or non-governmental organisations fully funded by foreign governmental sources to register on the basis of an agreement concluded with the State.

⁴ See the Human Rights House Network's letter of concern on freedom of association of 5 March 2013: <http://humanrightshouse.org/Articles/19109.html>.

⁵ See the report of the SR on the rights to freedom of association and to peaceful assembly A/HRC/33/39

⁶ See: <http://humanrightshouse.org/Articles/17735.html>.

The right to peacefully assembly is de facto banned in the Republic of Azerbaijan and the latest amendments to the Law on Assembly⁷ makes impossible for dissident voices to demonstrate in the centre of Baku, and imposes fines and administrative detention to organisers.

Ahead of the presidential elections of October 2013, the fact that civil society organisations in Azerbaijan remain closed or cannot register, that peaceful protests are hindered and that dozens of people are imprisoned already compromise any possibility of having free and fair elections in Azerbaijan.

The Human Rights House Foundation is gravely concerned about the unprecedented crackdown of civil society in the Russian Federation.

This broad definition reflects an aim at applying it based on the political conjuncture rather than on real legal norms, which constitutes a serious threat to the work of any civil society organisation, in particular of those organisations working for the promotion and the protection of human rights.

As a consequence of the implementation of the new Law on Foreign agents⁸, in March 2013 a large-scale of invasive, disruptive and intimidating inspections of NGOs began in Russia. To date, it is difficult to know exactly how many NGOs were inspected and face to labelled as “foreign agents”.

Associations providing legal counsel, accommodation centres for children, organisations insuring shelter for victims of domestic violence are some of the civil society actors that risk to be labelled as “foreign agents” because they receive funding from abroad to execute their work. NGOs working on prison conditions, prevention of torture, election monitoring, as well as those protesting peacefully in the streets and human rights defenders using international mechanisms to protect and promote human rights can be held criminally responsible of treason⁹.

The new Law on Protest, which entered in force on 8 June 2012,¹⁰ regulates the participation in public assemblies and rallies, increasing up to 150 fold for individuals and 300 fold for organisations the existing penalties for violating rules on participation in and organisation of peaceful protests.

The Human Rights House Foundation calls upon the Authorities of the Republic of Azerbaijan and of the Russian Federation to repeal restrictive legislation affecting the freedom of association, to ensure that freedom of association standards are properly implemented and to not prevent civil society organizations from obtaining funds, be it from national, international or foreign sources.

OSCE participating States should not seek to legitimize restrictive or repressive practices on freedom of association and peaceful assembly, rather aspire to good practices that are in full compliance with international human rights law and the OSCE/ODIHR-Venice Commission *Guidelines on Freedom of Peaceful Assembly*¹¹.

⁷ After being passed by Parliament, the law entered into force following the president's signing of executive orders to pass the amendments.

⁸ On 21 November 2012, the law on “foreign agents” entered into force. The Law requires all non-governmental organisations, which receive foreign funding and engage in “political activities”, to register as such agents. The term of “political activity” is defined in the law as “any public action aimed at change of state policy and policy of state bodies.”

⁹ Human Rights House Network, “Human Rights House Voronezh faces risk of closure”, 29 May 2013, available at <http://humanrightshouse.org/Articles/19106.html>

¹⁰ See: <http://humanrightshouse.org/Articles/18187.html>.

¹¹ See OSCE- ODIHR: Guidelines on freedom of peaceful assembly <http://www.osce.org/odihhr/24523>