



United States Mission to the OSCE

Working Session 4 Fundamental Freedoms I (continued) including: Freedom of peaceful assembly and association; National human rights institutions and the role of civil society in the protection of human rights; Human rights education

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The freedom of peaceful assembly and association is a cornerstone of democracy. All OSCE participating States have committed to protect peaceful assembly and to respect the right of individuals to associate with others, even if in so doing they voice opinions critical of the government or are generally unpopular.

During the last year, Russia accelerated its attack on the right to freedom of association and peaceful assembly. Authorities changed the scheduled date for the announcement of the verdicts against opposition activist Aleksey Navalny and his brother Oleg in order to prevent the predictable protests in this politically motivated case. NGOs reported that 255 demonstrators were arrested. Russia has justified arbitrary inspections of NGOs and selectively warned, listed, and prosecuted specific groups under the “foreign agents” law, a derogatory term in Russia used to stigmatize those who are critical of the government. There are now 92 organizations on Russia’s “foreign agents list,” and 12 have been required to identify their media as originating with a “foreign agent.” In July, the Ministry of Justice threatened some organizations with “liquidation” for failure to do so. Additionally, a new law on “undesirable” foreign organizations adopted in May 2015 makes Russian NGOs deemed to be cooperating with such organizations vulnerable to criminal penalties.

Moderator, in the 1990 Copenhagen Document, participating States explicitly recognized the human right of individuals to form, join and participate effectively in NGOs that seek to promote and protect human rights. That commitment allows members of such groups, including trade unions and human rights monitoring groups, unhindered access to similar bodies within and outside their countries, and with international organizations, and to receive and utilize financial contributions for this purpose from abroad. Russia’s laws on NGOs are contrary to its OSCE commitments on civil society.

The government of Azerbaijan continues to constrict the space for civil society. Over the past year, the government targeted many civil society groups that receive international funding. As a result, several organizations have ceased their operations inside Azerbaijan. Several leaders of civil society groups have been arrested on spurious charges.

The United States is concerned about the lack of space for civil society to conduct activities in Turkmenistan. NGOs must register all foreign funding and grants, and these must be re-registered annually. The process is unclear and slow, and all NGO activities must be in line with the government work plan.

The United States is also concerned about an anti-gay propaganda law and a draft foreign agent law in Kyrgyzstan. The anti-gay propaganda law seeks to criminalize all actions that propagate “a positive attitude towards non-traditional sexual relations,” which could include the exercise the freedom of peaceful assembly. Separately, the foreign agents law, which passed its first reading in June, seeks to require anyone receiving foreign funding to register and provides authorities sweeping monitoring authority. Over the past year, societal violence against LGBTI persons and organizations has increased, as have pressure and harassment of domestic and international NGOs by Kyrgyzstani security forces.

A June Uzbekistani presidential decree requires all NGOs and INGOs registered in Uzbekistan to provide the government with written notification of their activities. The new regulations also state that NGOs must seek written approval from the government to hold any meetings with foreign entities. Civil society groups worry the government has imposed these cumbersome new administrative requirements to stymie their activities.

We welcome news that an as yet unsigned draft law on public associations in Tajikistan was improved with the input of civil society, and we call on the government to ensure that the law does not restrict NGO activities.

The government of Kazakhstan’s new trade union law requires all unions to affiliate with an official national confederation in order to register and be authorized to operate, which runs contrary to international labor standards protecting workers’ right to establish and join organizations of their choosing. We expect the draft law to come to a vote this fall. The government of Kazakhstan recently introduced amendments to the draft NGO “Operator” law that may potentially limit space for independent, non-governmental donors. The new language establishes a database of NGOs and includes fines and suspensions for any NGOs that do not report activities on time or in a correct format. The legislative process is still in motion.

In Belarus, the Ministry of Justice denied the Belarusian Christian Democracy Party’s application for registration in July – for the fifth time. Local authorities across Belarus have pressured members of that party to withdraw their signatures from the registration application, which would provide a further pretext for the registration’s refusal. We are also concerned about cases like that of Oksana Kernazhytskaya, a union activist with 19 years of successful employment, who was fired on August 22 by a state-owned factory due to her affiliation with an independent trade union.

A significant government crackdown on the freedom of NGOs to operate in Hungary began in 2014 and continues. The government accused several human rights and watchdog NGOs both of being foreign agents and of supporting the opposition, which resulted in unwarranted government audits and invasive investigations of the organizations. This inhospitable environment for NGOs continues today, as several of the cases against NGOs remain active and the government continues its intimidating investigations of NGOs critical of government policies. Although a Hungarian court in January ruled that a police raid on democracy and watchdog NGOs last year was illegal and prosecutors in June determined the NGOs were not engaged in criminal activity, in August an intimidating tax fraud investigation against them was extended for another four months.

Combined Russian-backed separatists in the so-called Donetsk and Luhansk People’s Republics and occupation authorities in Crimea use widespread harassment and intimidation to suppress the

ability of individuals to exercise their right to freely assemble, unless the purpose of the assembly is acceptable to those in power. Tatars and pro-Ukrainian activists in Crimea have been especially hard-hit: even permission for cultural gatherings and commemorative events has often been denied and those events that are allowed have to take place in remote locations. Russian occupation authorities in Crimea have forced a number of prominent independent organizations, particularly those working on human rights issues, to close their offices.

We look forward to constructive discussions on draft OSCE Chairmanship decisions regarding the freedoms of association and peaceful assembly in the weeks leading up to the December ministerial in Belgrade.