



United States Mission to the OSCE

OSCE Human Dimension Implementation Meeting

Working Session 11:

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

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The Helsinki Final Act recognizes the right of the individual to act alone or in community with others. In Copenhagen in 1990, the participating States reaffirmed their commitment “to ensure effectively the rights of the individual ... to contribute actively, individually or in association with others” to the promotion and protection of human rights and fundamental freedoms, including peaceful assembly and association.

While participating States recognize the right to freedom of assembly, some impose such onerous conditions that the right can hardly be said to exist at all.

Since the last HDIM, **Russian** authorities have continued to restrict demonstrations opposing government policies. We were troubled by the mass arrests of thousands of demonstrators across Russia protesting President Putin’s inauguration on May 5. Police failed to intervene when pro-government vigilantes physically attacked demonstrators.

In **Belarus**, authorities employ a variety of means to discourage demonstrations, disperse them, minimize their effect, and punish participants. On July 16, for example, LGBTI activist Viktoria Biran was photographed alone in front of the Ministry of Interior holding a sign protesting a Ministry of Interior statement. After posting the images online, Biran was charged with violating “the procedure for the organization and holding of *mass events*.” Belarus also continues to use a system of “catch and release” – cyclical arrest, detention, and release of activists without trial and conviction – to prevent or punish independent organizing.

Since the 2016 coup attempt, **Turkey** has maintained a blanket ban on demonstrations and shuttered more than 1,500 foundations and associations. Following the formal end of Turkey’s State of Emergency in July, the parliament has codified in law certain government powers previously authorized under the State of Emergency for a period of three more years. These powers include serious restrictions on the exercise of freedom of assembly and association.

Within a number of OSCE states, the operating environment for civil society organizations remains restrictive and in some cases has deteriorated since last year’s HDIM.

Governments use restrictive laws to designate organizations as “extremist” or “terrorist” for politically motivated reasons. For example, after **Kazakhstan** designated the political opposition group “Democratic Choice of Kazakhstan” as a so-called “extremist” organization, association with or dissemination of its information was criminalized. Authorities continue to routinely refuse civil society requests to hold protests. Maks Bokayev, sentenced in November 2016 for holding an unauthorized rally and for participating in peaceful protests, remains in prison. Independent labor unions cannot organize under current Kazakhstani law, which effectively blocks freedom of association by their members.

Tajikistan designated the peaceful Group 24 opposition movement and the Islamic Renaissance Party of Tajikistan (IRPT), once a leading opposition group in the country, as terrorist organizations in 2013 and 2015 respectively. Since their designation, a number of individuals in Tajikistan have been fined or imprisoned for “supporting” the IRPT, which includes interacting with IRPT’s social media content. Alijon Sharipov was sentenced in May to nine and a half years in prison in Tajikistan for having watched videos posted by the IRPT while he was working as a migrant laborer in Russia. These excessive restrictions on civil society can create public disillusionment, limit necessary civic debate, feed radicalization to violence, and ultimately leads to greater instability.

In recent years, **Belarus, Russia, and Azerbaijan** all have adopted restrictive laws that shrink the operating space for civil society. Laws putatively aimed at improved transparency regarding the sources of NGO funding are in fact intended to stigmatize civil society organizations, especially those that promote human rights, fight corruption, or have the capacity to challenge laws or policies of the government.

Since the last HDIM, the **Russian** government has continued using its law on “foreign agents” to justify a constant stream of raids, fines, harassment, and legal proceedings that obstruct the work of non-governmental organizations. Russia also has expanded the law’s reach to include media outlets, designating as “foreign agents” nine outlets affiliated with Voice of America and Radio Free Europe/Radio Liberty. Russia’s list of banned “undesirable foreign organizations” has continued to grow and now contains 14 well-regarded international organizations promoting rule of law and democracy.

As we often hear gross mischaracterizations in this forum of the United States’ own Foreign Agents Registration Act (FARA), I would again like to make a few points: First, FARA does not compel individuals or entities that receive funding from international sources to register as “foreign agents” unless they act on behalf of or at the direction of a foreign principal. The receipt of funding alone does not create an agency relationship. Second, I would note that unlike the situation in Russia for RFE/RL and VOA, which have been blocked from broadcasting for years, the Russian news outlets RT and Sputnik continue to broadcast freely on U.S. television and radio, even after registering as “foreign agents” in the United States.

We again voice our deep concern about politically motivated prosecutions and multiple violent attacks on activists affiliated with the respected human rights NGO Memorial. We repeat our call for the release of Memorial’s imprisoned Chechnya office head Oyub Tityev. We also call for an end to the prosecution of Yuriy Dmitriev, the head of Memorial’s Karelia office and a renowned historian of the Soviet gulag. In April, we joined

the European Union in welcoming the court decision to acquit Dmitriev on spurious child pornography charges after a year of unjustifiable pre-trial detention, but in June we were shocked to see his re-arrest and the announcement of new charges against him. We urge Russian authorities to conduct prompt, thorough, and impartial investigations into the January 2018 attacks on Memorial's office in Ingushetia and into the threats made on the lives of Memorial employees and the arson attack on a vehicle belonging to its Dagestan office.

Last year, **Hungary** adopted a law requiring NGOs that receive foreign funding to register and to publish their "foreign-funded" status or face fines and closure. More recently, Hungary adopted a law imposing additional restrictions on NGOs that focus on migration issues, including criminalizing legitimate aspects of their work. Separately, Hungary introduced a 25 percent tax on financial support that NGOs earmark for or spend on immigration. . Measures to unduly impede members of civil society organizations are inconsistent with OSCE commitments.

We are encouraged by **Uzbekistan's** efforts following its May 4 presidential decree to "Enhance the Role of Civil Society Institutions" as part of the country's reform process. Steps taken thus far to implement the decree suggest that Uzbekistan is serious about improving the regulatory environment for NGOs. However, there are reports that implementation of the decree is uneven across the country. In some instances, local authorities discouraged organizations from registering. It is important that laws requiring NGOs to seek permission to conduct activities or hold events are not so onerous as to unduly impede freedom of peaceful assembly and association. As it deepens its reforms, we urge Uzbekistan to seek international expertise on legislation that could affect NGO operations to ensure it is in keeping with international law, OSCE commitments, and best practices.

Finally, I regret that we continue to see politically motivated efforts by some participating States to limit the activities of civil society organizations at OSCE. The United States opposes any attempts to reduce or unduly restrict civil society's access to and participation in OSCE proceedings, and we will continue to champion the courageous efforts of civil society activists across the region.

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