

United States Mission to the OSCE

Session 2

Fundamental freedoms II, including: Freedom of assembly and association; Freedom of movement; National human rights institutions and The role of civil society in the protection of human rights; Human rights education

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OSCE Human Dimension Implementation Meeting
Warsaw, September 25, 2012

Thank you Madam Moderator,

I want to begin by thanking and congratulating our Expert Introducer of this session, Mr. Yevgeny Zhovtis, for his excellent explanation of the legal foundations of freedom of assembly and association – as well as the various ways that laws and legalisms are used, abused and mis-used in certain participating states to restrict freedom of association and assembly in contravention of the clear meaning of OSCE commitments.

The fundamental freedoms enshrined in the UN Universal Declaration of Human Rights, elaborated under international law and incorporated into the guiding principles of the Helsinki Final Act are at the core of OSCE's Human Dimension. Respect by governments of their exercise is essential to lasting stability and security within and among states. Freedom of expression – the subject of Session I – and the Freedoms of Association, Peaceful Assembly, and Movement which we will discuss today, and Freedom of Religion, which is on our agenda for next week -- are mutually reinforcing – indeed they are inseparable. In countries where the exercise of any one of these freedoms is seriously restricted or repressed, exercise of the others also tends to be impeded or imperiled – or soon will be. And in today's world, especially given the nature of today's technologies, these freedoms are exercised both online and offline, by individuals, members of civil society organizations and journalists alike. Regrettably, in some participating States, the deliberate actions of governments interfere with, deny and/or punish people for the peaceful exercise of these fundamental freedoms in contravention of international law and OSCE commitments.

Several examples will confirm the salience of Mr. Zhovtis's analysis. In Belarus, political parties, civil society organizations and human rights groups are routinely denied registration on technical grounds and then threatened with criminal prosecution for operating without registration. Peaceful protestors are arrested and fined. Political opposition leaders and democratic activists convicted following the infamous December 19, 2010 post-election demonstrations remain imprisoned.

Freedom of assembly was restricted in Kazakhstan in February when Bakytzhan Turegozhina was fined for taking part in organizing an unauthorized opposition rally after posting information about an upcoming rally on Facebook.

In the wake of last December's Duma elections, Russia experienced the continuing largest political demonstrations in roughly two decades. We were encouraged by the general professionalism of the police and hopeful atmosphere among those who took to the streets to exercise their fundamental freedoms. Unfortunately, the demonstrations following the presidential election and inauguration were marred by violence between police and small groups among the overwhelmingly peaceful demonstrators. A growing atmosphere of intimidation appears designed to limit or discourage citizens from expressing their views in what is literally the public square. We are also concerned by the adoption of a new law in Russia dramatically increasing the fines for unsanctioned public demonstration, which discourages citizens from exercising their right to freedom of assembly. Respect for the fundamental freedom of association permits the development of a vibrant civil society. Russia's recent NGO law further constricts the enabling environment for civil society by requiring non-governmental organizations that receive money from sources outside Russia to identify themselves as "foreign agents." The law obligates NGOs that receive funding from abroad to frequent financial monitoring by central authorities -- threatening suspension of activities for those who do not register.

In Ukraine, some planned demonstrations critical of the government have been denied permits and actions by protestors were limited and tracked by the authorities.

In Azerbaijan, we welcomed the release of Bakhtiyar Hajiyev and nine activists who have been arrested for participating in peaceful protests in the spring of 2011. We remain concerned about the continued imprisonment of Vidadi Iskenderov and Shahin Hasanli, two activists arrested during April 2011 political demonstrations. We urge Azerbaijan to resolve these and related cases in a manner consistent with OSCE commitments.

With regard to freedom of movement, since the last HDIM, Belarus has increasingly applied travel restrictions on opposition members and human rights activists. Presidential Decree No. 295, issued in July, allows the KGB to place citizens on its travel ban list. Viktor Kornienko, Co-chair of the initiative "For Fair Elections" was denied the right to travel to Vienna for the July Supplementary Human Dimension Meeting on elections.

Although the government of Turkmenistan denies that it maintains a list of persons not permitted to leave the country, it has obviously barred certain citizens from leaving. Turkmen officials have cited an education law as the basis for preventing students from travelling abroad to study. Uzbekistan continues to require its citizens to obtain an exit visa to leave the country when traveling to countries for which citizens of Uzbekistan need a visa to enter the country. Tajikistan has banned students from traveling abroad to attend religious school and requires students who wish to study at religious institutions abroad to first obtain state permission. There are also reports that Roma in some EU-accession countries, including Macedonia, have been denied their right to leave, violating basic principles of freedom of movement.

Freedom of movement also remains a problem for all communities in Kosovo, particularly in northern Kosovo where hardliners, criminals, and illegal parallel institutions threaten local citizens who engage legitimate Government of Kosovo institutions. Attacks on EULEX and KFOR personnel in northern Kosovo also block their freedom of movement and inhibit their support to local police efforts to establish stability and security. We look to the new government in Belgrade to set a positive tone, cooperate fully with KFOR and EULEX, and

encourage northern Kosovo Serbs to help preserve freedom of movement for the citizens of Kosovo and the international community and to cease acts of violence and intimidation that too frequently go unpunished.

At the 2010 OSCE Summit in Astana, the participating States reaffirmed that: “We value the important role played by civil society and free media in helping us to ensure full respect for human rights, fundamental freedoms, democracy, including free and fair elections, and the rule of law.” The persecution by a number of participating States of human rights advocates and members of civil society advocacy groups constitutes an especially insidious disregard for these so recently reaffirmed commitments.

In Belarus, Ales Byalyatski today marks his 50th birthday in prison, where he is serving out a 4 ½ year sentence on trumped up charges relating to his legitimate work as a human rights lawyer. He founded one of Belarus’ most prominent human rights organizations. Later today, I will have the honor of joining the U.S. Ambassador to Poland, Lee Feinstein, and US Ambassador to the OSCE, Ian Kelly, in presenting the U.S. State Department’s Human Rights Defenders Award to Mr. Byalyatski’s family on his behalf. Mr. Byalyatski’s selfless advocacy for human rights and democracy has aided thousands of victims of political repression and their families despite government threats and at great personal risk. The government of Belarus continues to commit systematic and egregious violations of the human rights of its people, including far-ranging restrictions on the fundamental freedoms of speech, assembly, and media as well as harassment of civil society organizations and human rights defenders.

In Uzbekistan, we are concerned about Gulnaza Yuldasheva, who was sentenced after a closed trial in July to two years in prison after she asked police to investigate claims of official involvement in trafficking in human beings.

We welcome the release in February of Mr. Yevgeny Zhovtis, but we remain concerned that the government appears to be using the Zhanaozen labor protests and the ensuing violence to legitimize the arrest of human rights and opposition activists. Most recently, opposition leader Vladimir Kozlov, who has been held since January, was absurdly charged with incitement to topple the government and inciting social unrest in connection with the Zhanaozen protests.

In Turkmenistan, the formation and activities of NGOs remain severely restricted. Turkmenistani law requires that all nongovernmental organizations register with the Ministry of Justice, inform the government of any foreign financial assistance, notify the government of all planned activities, and allow government officials to attend meetings and events. Yet, even groups that attempt to fulfill these regulations often face administrative obstacles, particularly concerning the registration process. Representatives of NGOs that conduct unregistered activities are subject to arrest and administrative fines.

Across the OSCE region and across the globe, men and women seek to freely exercise their fundamental freedoms both online and off line to advance human rights and press for reforms. New technologies have become empowering tools for human rights defenders and civil society activists, facilitating communication and helping them create and maintain networks and associations, plan and conduct NGO activities and organize peaceful assemblies in the real world and in cyberspace. Religious institutions and faith-based groups

also use these technologies to disseminate religious information, organize their events, and live-stream religious services to those who are unable to attend in person.

The ***Fundamental Freedoms in the Digital Age*** declaration, that we and forty one participating States co-sponsor, acknowledges the reality that today human rights and fundamental freedoms are being exercised in real space and in cyberspace and that they must be respected equally in both. Once again, I urge all delegations that have not yet done so to join us in co-sponsoring the Declaration with a view to its adoption at the Dublin Ministerial this December.