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To the Member States of the Organisation for Security and Co-Operation in Europe

4 October 2010

Call for support of the right to freedom of association and peaceful assembly in the South Caucasus

Human Rights House Foundation¹ and members of the South Caucasus Network of Human Rights Defenders² are concerned about the restrictions on the freedom of assembly and association in the South Caucasus and call upon the Organisation for Security and Co-Operation in Europe (OSCE) and its Member States to give priority to strengthen mechanism, ensuring that the right to freedom of association and peaceful assembly are respected.

In the South Caucasus there is an increased use of legislation to reduce the space within which human rights organisations and defenders can operate. The call for increased security and the presumed need for further protection of citizens has been used by governments as an excuse to clamp down the human rights defenders' work. In addition, tighter restrictions on holding peaceful demonstrations and gatherings have been introduced, often with the same reference to the need for increased security. Many civil society organisations are inspected by state officials, evicted from their offices, or denied registration; attempts to have peaceful gatherings are often hindered or result in violent dispersals and detentions.

In April 2010, police inspection of the Human Rights House Baku in Azerbaijan was justified by the need to ensure the security of the building. In addition, according to the administrative practice in Azerbaijan, which is in breach of the national legislation, NGOs willing to carry out training sessions or meetings in the regions must be granted a prior consent of the local authorities of most of those regions. Without such consents, the local authorities threaten the organisers or owners of the venues in order to hinder such events. On the eve of the parliamentary elections, the above-mentioned interference has increased even more in the regions.

In Azerbaijan, Armenia and Georgia amendments to the laws have given power to authorities to restrict the right to peaceful assembly in the name of the need to ensure public order. In

¹ Human Rights House Foundation is the secretariat of the Human Rights House Network, which unites more than 70 human rights organisations in 15 countries. See: www.humanrightshouse.org

² The South Caucasus Network of Human Rights Defenders unites 30 human rights organizations in Armenia, Azerbaijan and Georgia. See: www.caucasusnetwork.org

Georgia, the 2009 amendments to the Law on Assembly and Manifestation restricted the right to freedom of assembly. The use of plastic and rubber bullets, as well as tear gas to disperse demonstrations was legalized and administrative detention was increased from 30 to up to 90 days.

In Georgia, disproportionate force was used to hinder demonstrations in November 2007 and the spring-summer 2009. In Armenia, no officials have been prosecuted for the crackdown of mass public demonstration in March 2008. In Azerbaijan, no state officials responsible for the violent dispersal of demonstrations have been brought to justice since 2003.

In light of the above mentioned trends, we call upon the OSCE member states to:

- Provide the newly established United Nations (UN) Special Rapporteur on Freedom of Assembly and Association with the financial and logistic support so it is able to operate effectively;
- Urge the UN Special Rapporteur on Freedom of Assembly and Association to pay attention to the restrictions of these rights in the South Caucasus;
- Encourage OSCE institutions, including the Panel of Experts on Freedom of Peaceful Assembly, to establish contact and coordinate their tasks with the UN Special Rapporteur on Freedom of Assembly and Association.

In addition, we urge the authorities in the South Caucasus to:

- Establish appropriate conditions for each and every citizen without any discrimination to realize their rights and freedoms, particularly the right to peaceful assembly, without unnecessary restrictions and fear of violence;
- Carry out prompt, thorough, impartial and independent investigations into all the cases of violence against those realizing their rights to freedom of peaceful assembly, including the cases from the previous years, bring perpetrators to justice and ensure appropriate reparations to victims of such violence;
- Ensure that the legislation on the freedom of assembly and association is in accordance with European Convention on Human Rights, Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, the recommendation of the Venice Commission of the Council of Europe and the concluding observation of the UN Human Rights Committee.