



## United States Mission to the OSCE

### **Working Session 13 Fundamental Freedoms II, including freedom of movement**

As prepared for delivery by Ambassador Michael Kozak,  
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In Vienna in 1989, all participating States committed to, “respect the right of everyone to freedom of movement and residence within the borders of each State, and to leave any country, including his own, and to return to his country.” This right is still not fully respected in all participating States. Let me make it clear at the outset that the freedom of movement enshrined in the ICCPR does not include what some participating States claim as a “right to enter” for foreign nationals. It is the sovereign right of a state to regulate the presence of foreign nationals in its territory, subject to its obligations under international law.

Some participating States still restrict both the external and internal movement of their own people, through exit visa regimes, internal passports, and other mechanisms. Activists, human rights defenders, and members of the political opposition are frequently the targets of these restrictions.

In **Azerbaijan**, for example, Khadija Ismayilova, a journalist well known to this forum who recently was released from prison, remains subject to a travel ban. As a consequence,, she was unable to travel to Tbilisi, Georgia on the invitation of members of the OSCE Parliamentary Assembly to meet with them on the margins of the Assembly’s 2016 annual gathering. For the same reason, she was unable to travel to Warsaw to take part in the 2016 HDIM.

**Belarus** imposes fines to punish peaceful protesters – and then bans travel by those who do not pay the fine, thus doubly penalizing them..

The Government of **Turkmenistan** operates a de facto exit visa system by using a travel “black list” that prohibits certain citizens from departing Turkmenistan. Persons on the list are often not informed of their status, and find out only when they attempt to travel abroad. The list at times appears to include relatives of imprisoned or exiled critics of the government, as well as students traveling abroad for study. Some have been turned away at the airport or even physically removed from flights. We note that in June, after several years under a travel ban, three family members of Pirkuli Tanrykuliev, a foreign-based critic of the regime, were allowed to permanently leave the country.. Turkmenistan also continues the Soviet-era practice of requiring residence permits (*propiska*) in cities, thereby limiting freedom of residence within the country, and has banned from the capital automobiles with license plates from other jurisdictions.

**Uzbekistan**, still requires exit visas for citizens traveling outside of the Commonwealth of Independent States region. Authorities can deny travel based on the vague criteria of “information demonstrating the inexpediency of the travel.” Violating rules for exiting or entering is punishable by imprisonment of five to 10 years. According to civil society activists, these provisions are poorly defined and denials cannot be appealed. Authorities are required by law to respond to exit visa requests within 15 days. However, the government reportedly has often delayed responses when the applicants were human rights activists or independent journalists. Authorities continue to deny exit visas to human rights activists Shukhrat Rustamov, Dmitriy Tikhonov, Uktam Paradaev, Elena Urlaeva, Khaitboy Yakubov, and others.

The United States condemns **Russia’s occupation of Abkhazia and South Ossetia in Georgia** and the resulting “borderization” along the Administrative Boundary Lines.. Russia’s actions restrict freedom of movement, prevent international and humanitarian organizations from fully assisting those affected by the ongoing conflict, seriously limits economic opportunities, and increase tension and insecurity in the region.

The biggest constraint to freedom of movement in **Ukraine** remains the security situation in the areas of conflict, where combined Russian-separatist forces continue to commit the majority of cease-fire violations. This has endangered the local population, including the thousands of civilians who cross every day between separatist-controlled and government-controlled territory. Ukraine took all the steps necessary to open a new crossing point at Zolote in the Luhansk region, but combined Russian-separatist forces have not done their part. Until they do, the Luhansk region remains without a vehicular crossing point. The separatists also continue to block access to providers of vital humanitarian assistance, preventing food, clothing, and medicine from reaching civilians. The authorities in Russian-occupied **Crimea** have limited freedom of movement, including by banning Crimean Tatar leaders from returning to the peninsula.

The number of people subject to travel bans within **Russia**, ostensibly for national security reasons, is also increasing.

In **Turkey**, we are concerned about the wholesale cancellation of passports for 50,000 suspended civil servants and academics across the country. We urge Turkish authorities to ensure that proper legal procedures are followed, and that individuals have access to an effective appeal process..

Individuals have no broad “right to enter” a country, but all HDIM participants have the right to return to their own countries. This right should be respected without reprisal.