



United States Mission to the OSCE

Session 8

Freedom of Assembly and Association

As prepared for delivery by Ambassador Robert Bradtke, Head of Delegation
OSCE Human Dimension Implementation Meeting
Warsaw, September 27, 2013

Moderator, States' respect for the fundamental freedom of assembly is essential to the individual's ability to act upon his or her rights. It is a core characteristic of a free and open society and of an accountable, democratic government. In the United States, the right to assemble is routinely exercised by our citizens, protected and facilitated by government and law enforcement officials, and upheld by an independent judicial system under which everyone is equal before the law. Our robust civil society and vibrant unrestricted media also serve to hold our authorities accountable. We note that, in accord with Copenhagen Document commitments, our justice system also provides effective remedies where violations of human rights and fundamental freedoms, including freedom of peaceful assembly, are alleged to have occurred. We do not take lightly any allegations of violations of the right of peaceful assembly by government authorities, including law enforcement authorities.

U.S. law, our courts, the American people, and government officials all give great weight and value to freedom of peaceful assembly. We believe that laws and administrative measures governing assemblies, and the government officials and law enforcement personnel responsible for ensuring public safety, should have the goal of maximizing opportunities for the exercise of freedom to assemble and that any restrictions on the time, place, or manner of an assembly should be content neutral and reasonable. We note also that freedom of assembly is closely interrelated with other important freedoms, such as the freedom of expression. When this freedom is exercised within the context of an assembly, the substance of speech or other expressive content should not be restricted or banned without a compelling reason, such as the fact that it constitutes incitement to imminent violence or true threats of violence.

Unfortunately, in many participating States, authorities routinely impede the exercise of freedom of peaceful assembly for political purposes.

The government of Turkmenistan does not allow unregistered organizations to hold demonstrations, and does not grant permits for public meetings and demonstrations, even to registered groups, thereby effectively prohibiting freedom of peaceful assembly and repressing dissent.

In Belarus, political activists attempting to exercise the right to assemble peacefully are subject to preventive detentions and other administrative measures—even in the case of rare sanctioned events, such as the April 26 march commemorating the 1986 Chernobyl nuclear disaster. Requests for permission to hold demonstrations are routinely denied. For instance, authorities rejected all requests to hold events commemorating the second anniversary of the December, 2010 post-election crackdown. Just last month, local authorities across the country rejected dozens of civil society activists' applications for permission to stage demonstrations on the second anniversary of the arrest of imprisoned

human rights defender Ales Byalyatski. Two activists in Minsk were detained and later fined after merely handing out postcards depicting Byalyatski.

Tajikistan amended its criminal code in 2011, increasing the penalty for organizers of and participants in “unapproved gatherings, meetings, demonstrations, pickets and street processions” to up to five years in prison.

In Kazakhstan, under laws governing public assembly, applications for public gatherings must be submitted 10 days in advance of a public meeting. The complicated procedures governing the application process make it difficult, if not impossible, for groups to organize public meetings and demonstrations. Additionally, the arbitrary and opaque nature of the decision process makes it hard for groups denied permission to gather to address “problems” with their applications so they can reapply successfully the future.

In the Russian Federation, the continuing prosecutions of May 6 demonstrators in the Bolotnaya Square case have discouraged others from exercising their rights to protest peacefully. And the ban on so-called “LGBT propaganda” to minors may chill public assembly by LGBT persons and their supporters.

We deplore the excessive use of force by police in several instances in Turkey’s Gezi Park in Taksim Square. In our assessment, the vast majority of the protestors were peaceful, law-abiding, ordinary citizens exercising their rights. There should be measures in place to prevent excessive violence and excessive tear gas use by law enforcement and allegations of abuses should be fully investigated.

The environment in Azerbaijan for freedom of peaceful assembly has worsened since last November, when its parliament, the Milli Majlis, passed amendments significantly increasing fines on participants and organizers of unauthorized protests.

Last October, for the second year in a row, the Serbian government decided to cancel the long-planned Pride Parade. Instead of providing adequate security for this expression of equal rights for all citizens, the Serbian Government acquiesced to those who threatened violence. We hope that participants will be able to exercise their rights this year without the threat of violence against them.

We are pleased to note that Moldovan citizens were able to demonstrate peacefully in an LGBT Pride parade in May. We were glad to see sufficient security for the march to take place safely. Citizens gathering and expressing themselves peacefully is a hallmark of democracy, and security is vital to protecting the fundamental freedoms of peaceful assembly and expression. The participating States have an obligation not only to permit assembly, but a responsibility to protect peaceful assemblies from attacks by others.

Finally, there is of course a difference between a peaceful assembly and a violent mob. The intensifying anti-Roma sentiment in the Czech Republic this summer – with 21 anti-Roma demonstrations as of the end of August – culminated in coordinated marches in eight cities on August 24. Some of these descended into mob disorder, compelling police to use tear gas and to arrest over 100 protestors. We urge all participating States to ensure that Roma and other members of minorities are not the victims of mob intimidation or violence.

Thank you.