



## **United States Mission to the OSCE**

### **Session 3**

## **Freedom of Assembly and Association**

As prepared for delivery by Ambassador David Johnson  
OSCE Human Dimension Implementation Meeting  
Warsaw, September 27, 2011

Mr./Madam Moderator,

The right to peaceful assembly and association are well-established rights, essential to any genuine, functioning democratic system. But in a number of participating States, respect for these rights remains tightly and unduly restricted.

In Kazakhstan, thousands of oil workers in the western part of the country have been striking since May, demanding that independent trade unions in the region be allowed to operate without restrictions, that salaries be increased, and that there be equal treatment for foreign and domestic workers. A lawyer for the striking workers, Natalya Sokolova, was sentenced in August to six years in jail for "igniting social unrest," just a week after being found guilty of "organizing an unsanctioned mass gathering" in front of police headquarters in Aktau. Upon his return to Kazakhstan after protesting outside the Kazakhstani Embassy in Moscow in August on behalf of the striking oil workers, opposition activist Zhanbolat Mamai was jailed for holding an unsanctioned protest—even though that protest did not take place in Kazakhstan.

Uzbekistan formally closed the Tashkent office of Human Rights Watch in June. The United States values the role played worldwide by international NGOs and regrets that Human Rights Watch will not be able to contribute to Uzbekistan's implementation of its international and OSCE commitments to further develop civil society and transparency. On June 27—Media Workers' Day in Uzbekistan—Saodat Omonova and Malohat Eshonqulova were detained in Tashkent and fined \$1,500 for holding an unauthorized protest. They later went on hunger strike to protest government media censorship at the state television station Yoshlar (Youth), where they had worked.

In Turkmenistan and other Central Asian countries, the formation and activities of NGOs are severely restricted. Similar to laws in other Central Asian states, Turkmen 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. Groups that do try to fulfill these regulations often face administrative obstacles, particularly concerning the registration process, and only one organization has been allowed to register since 2008—the Society of Guitarists. Working without registration is a precarious option—unregistered NGO activity is punishable by fines, short-term detention, and confiscation of property.

In Russia, authorities routinely deny permission for opposition groups to rally at Triumph Square in Moscow and Gostiny Dvor and Palace Square in St. Petersburg, and then break up unauthorized peaceful gatherings at these locations. Russian democratic activists continue to be prosecuted for attempting to exercise their right to freedom of assembly. While Russian law allows one-man pickets without permits, authorities are quick to arrest these protestors as soon as they are joined by a second individual – often uninvited and reportedly from Kremlin-supported youth groups. Authorities continue to deny LGBT groups the right of free assembly through continued bans on pride demonstrations and parades.

In Ukraine, police interference with public protests and rallies has increased, most notably during peaceful protests last November over the government's proposed changes to the tax code, and during an opposition march in Kyiv in August on the country's Independence Day. In some cases, police arrested and detained protestors and called others in for questioning. According to the Kharkiv Human Rights Protection Group, there were more violations of freedom assembly in 2010 than during the previous two years.

The United States welcomes the Armenian Government's decision this spring to allow demonstrations again in Yerevan's Liberty Square, and its commitment to investigate fully the circumstances surrounding the violence following the last presidential election. We hope this investigation will result in meaningful accountability, and that the government will work toward the elimination of all constraints on freedom of assembly in Armenia.

Azerbaijani authorities routinely deny requests to organize rallies and have refused since the end of 2005 to make available Azadliq Square in central Baku for pro-democracy demonstrations. Those who attempt to hold such demonstrations risk arrest, fines, imprisonment and beatings, as was illustrated again in March and April of this year both before and during thwarted demonstrations in Baku. According to credible reports, some were beaten or otherwise abused in detention.

In Georgia, the violent use of excessive force by law enforcement officials and reports of abuse of detainees following the May 25-26 also remain of concern and undermine Georgia's democratization efforts. It is important that transparent investigations into such actions produce tangible results with appropriate accountability.

Finally, Mr./Madam Moderator, since last year's HDIM, violations of freedom of assembly have reached egregious—proportions.

Since we last met, especially after the December 19 elections, Belarus has escalated the systematic repression of the freedom of assembly and association. Election night was marred by a violent campaign of repression against tens of thousands who came out to peacefully protest falsified election results. By the time the night was over, nearly 700 protestors were in detention. This number included most opposition presidential candidates, a number of whom were subjected to harsh physical treatment. More than 40 were convicted and many remain in prison, with sentences of up to six years. The recent pardons and dropping of charges are utterly insufficient. The United States again calls for the immediate and unconditional release of all incarcerated political prisoners. The crackdown included the intensification of pressure on

NGOs and civil society, including the August 4 arrest of Ales Bialiatski, president of Viasna, one of two human rights groups in Belarus. Ales had often been present at this annual meeting to engage on the very same human rights concerns in Belarus that we are now discussing. No human rights organization, including Viasna, has been permitted to register in Belarus since 2003 and no independent trade union since 1999. There has also been an increase in harassment and searches of NGO premises and equipment seizures as part of the crackdown.

More recently, since June, thousands of Belarusians in more than 40 cities across the country have been engaging in peaceful protests against government policies—mainly economic policies. Plainclothes police officers, often without identification, have arrested more than 2,000 people for simply being present or clapping in support. There were no slogans, no signs, no party identification—and all the protests took place within areas freely accessible to the public. According to local human rights groups, approximately 1,500 people received sentences of between 5 and 15 days. The Belarusian authorities' intolerance for any form of protest was underscored by recent proposed amendments to require official authorization of any planned mass presence of citizens in a public place organized for the purpose of “action or lack of action” to publicly air social or political views or protests. Under this draconian regime, one can be arrested simply for being at the wrong place at the wrong time, even if one is not doing anything.