



United States Mission to the OSCE

Working Session 4 Freedom of assembly and association

As prepared for delivery by Ambassador Michael Kozak,
Head of Delegation
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The United States has a tradition of public demonstrations and civic activism. Since the last HDIM, there has been a marked increase, even for an election year. Much of this can be attributed to efforts to address historical racial injustices and advance justice reform. In July, the United Nations Special Rapporteur on Freedom of Peaceful Assembly and Association visited ten of our cities and met with government officials and civil society. We await the Rapporteur's final report. My government remains committed to respecting peaceful assembly and association, which protect journalists and individual bloggers reporting on public assemblies. All OSCE participating States, including our own, must safeguard these democratic rights.

In many participating States, the exercise of peaceful assembly and association is subject to undue and serious restrictions.

Kazakhstan's law on public assemblies is highly restrictive. Authorities seldom approve permits for demonstrations critical of the government. Following April protests against proposed land reforms, Kazakhstan preemptively arrested dozens of journalists and activists to prevent them from participating in additional protests. Two organizers are still in detention. We call for their release.

In **Russia**, local officials selectively deny permission to assemble or offer alternate venues that are inconveniently located. The law provides heavy penalties for engaging in unsanctioned protests.

In **Belarus**, authorities discourage demonstrations, disperse them, minimize their effect, and punish the participants. Only registered political parties, trade unions, and NGOs may request permission to hold a demonstration of more than 1,000 persons. Thus, the undue restriction of one right – freedom of association – leads inexorably to the undue restriction of another – peaceful assembly.

In **Azerbaijan**, while the government approved recent rallies against proposed constitutional changes, we are disappointed by reports of harassment and detention of activists and journalists before and after the rallies. We are also concerned that the proposed constitutional changes in Azerbaijan would further constrain Azerbaijanis' already limited ability to assemble freely and peacefully. As noted by the Venice Commission, the constitutional reform is being conducted without any parliamentary involvement, and within a tight time frame that does not enable

sufficient public debate. We urge the government to immediately release those detained while exercising or attempting to exercise their fundamental freedom of peaceful assembly, and note with concern the Venice Commission's finding that the proposals for constitutional change consolidate power in the hands of the president and make the executive even less accountable.

Threats and violence are not acceptable means to achieving lasting political change in **Armenia** and we condemn any use of violence by protestors. At the same time, we remain concerned by the excessive use of force by the police in Armenia to disperse peaceful protesters in late July, and are disturbed that journalists appear to have been targeted in these peaceful events. Two opposition figures remain in detention and face criminal charges for "organizing mass disorders." We call for their release.

We are also troubled by official resistance in a number of participating States to events in support of the human rights of LGBTI persons. In **Russia** officials upheld a 2012 decision to ban all gay parades in Moscow for 100 years. In sharp contrast, in **Ukraine** police ensured the safety of its first ever Pride Parade in Kyiv.

In February, human rights activist Anita Mitic was charged with breaking **Serbia's** public gatherings law for organizing a commemoration of the Srebrenica genocide.

Finally, an increasing number of countries are introducing limitations on peaceful assembly and association in the context of **states of emergency**. The 1991 Moscow document condemned "unreservedly forces which seek to take power from a representative government of a participating State against the will of the people as expressed in free and fair elections and contrary to the justly established constitutional order." The Moscow document also noted, however, that "a state of emergency may not be used to subvert the democratic constitutional order, nor aim at the destruction of internationally recognized human rights and fundamental freedoms."