



United States Mission to the OSCE

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Freedom of Assembly and Association II

As prepared for delivery by Ambassador Robert Bradtke, Head of Delegation
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At a Civil Society Roundtable in New York on September 23, President Obama described the critical role civil society has played in the United States. “Civil society,” he said, “has been the catalyst for virtually every major advance that we’ve made – from the abolition of slavery to women’s rights, civil rights, the protections of workers and the protections of the environment.”

The ability of civil society to play this role of catalyst for change in the United States and elsewhere rests on the exercise of the freedom of association. The OSCE has long championed this fundamental freedom and the important work of non-governmental organizations, trade unions, and other entities to advance full respect for human rights and fundamental freedoms, and principles of democratic government. It is fitting that we take up the issue of freedom of association in Poland, where the Solidarity trade union movement was born. Indeed, the Solidarity movement and concerns about labor rights were a focus of the Madrid Review Meeting in 1980, and the crackdown on Solidarity led to our Copenhagen commitments regarding the right to form, join, and participate in trade unions and other associations, including non-governmental organizations seeking to promote respect for OSCE commitments.

In keeping with our OSCE commitments, individuals should be permitted to form, join, and participate in associations of their choosing in the exercise of the right to freedom of association. Any restrictions placed on the exercise of the rights to freedom of expression, peaceful assembly, and association must be consistent with international legal obligations. Non-governmental organizations and other associations should be permitted to carry out their peaceful work in a hospitable environment free from fear of harassment, reprisal, intimidation, or discrimination. And laws and administrative measures, including registration, reporting, and tax requirements, should not be onerous and should facilitate and protect – not impede – the peaceful operation of NGOs, and be enforced in an apolitical, fair, transparent, and consistent manner.

Criminal and civil legal actions brought by governments against civil society organizations, like those brought against all individuals and organizations, should respect tenets of due process and equality before the law. Civil society organizations should be permitted to seek, receive, manage, and administer financial support for their peaceful activities from domestic, foreign, and international entities. Their members have the right to seek, receive, and impart information and ideas, including peacefully advocating their opinions to governments and the public within and outside the countries in which they are based. Governments should not interfere with civil society organizations’ access to domestic- and foreign-based media. And civil society organizations should be free to maintain contact and cooperate with their own members and other elements of civil society

within and outside the countries in which they are based, as well as with government and international bodies.

Yet, in many participating States, civil society organizations are under severe and mounting pressure from governments applying laws and administrative practices inconsistent with respect for the fundamental freedom of association.

In Kazakhstan, for instance, while the law provides for limited freedom of association, the government continues to place significant restrictions on this right in practice. Although Kazakhstan boasts nine political parties and approximately 27,000 NGOs, groups that are critical of the government often face substantial bureaucratic challenges to registering their organizations. These obstacles frequently delay a group's registration, sometimes indefinitely.

In Uzbekistan, members of peaceful opposition political parties cannot associate with one another and operate freely, and their family members have become targets for persecution. Moreover, authorities attempt to silence opposition activists living in exile abroad by targeting their relatives remaining in Uzbekistan.

In Azerbaijan, we are concerned that the parliament, the Milli Majlis, passed legislation further restricting NGO financing earlier this year. We again urge the government to work with experts to ensure that the laws governing NGO activities and their funding comport with their international obligations and commitments.

We are concerned that some governments use administrative technicalities to harass or shut down human rights activists and organizations for their legitimate work. In Tajikistan, the NGO Civil Society was shut down in April for using the wrong address in its registration documents and for failure to define its leadership clearly. The NGO had been operating for eleven years holding human rights seminars and trainings, and had been advocating for legal reforms, including of election laws prior to the upcoming presidential elections.

Across Russia this spring, enforcement of the law on "Foreign Agents" has led to disruptive raids on thousands of NGOs. Court cases are still underway in several cities against many groups that have been critical of the government, with the intent of forcing advocacy groups either to be deemed "foreign agents," a label that is stigmatizing in Russia, or to suspend their work.

In Turkmenistan, the law requires all NGOs to register with the Ministry of Justice and all foreign assistance to be registered and coordinated through the Ministry of Foreign Affairs. Unregistered NGO activity is punishable by a fine, short-term detention, and confiscation of property. Only about 100 organizations are registered – and very few of those are independent of the government.

In Belarus, the practice of arbitrary refusals to register NGOs and political parties on various pretexts has increased in recent months. On August 21, Belarus' Supreme Court upheld the Justice Ministry's decision not to register the Young Democrats, the youth wing of the opposition United Civic Party. On August 7, the Supreme Court rejected an appeal by the Tell the Truth Movement against the Justice Ministry's decision to deny it state registration. Tell the Truth had applied three times for registration and had been rejected for the third time.

A few days earlier, a Supreme Court Justice upheld the registration denial for the NGO “Campaign for Fair Elections.” All of these were denied for flimsy pretexts.

Finally, Moderator, my delegation is concerned about discrimination against organizations because of their membership or advocacy. Although Greek law provides for freedom of association, we regret the continuing legal restrictions on the names of associations that contain references to specific ethnic or minority affiliations.

To cite President Obama once again: “Human progress,” he said, “has always been propelled at some level by what happens in civil society – citizens coming together to insist that a better life is possible, pushing their leaders to protect the rights and the dignities of all people.” Citing the Universal Declaration of Human Rights, he added: “the right to freedom of peaceful assembly and association...is not a Western value; this is a universal right.”

Thank you.