



United States Mission to the OSCE

Session 3 Freedom of Peaceful Assembly and Association

Delivered by U.S. Head of Delegation J. Brian Atwood
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In the past year we have seen an assault on civil society in the OSCE area, evidenced by cases of forceful dispersion of peaceful protests and the growth of repressive laws targeting the peaceful activities of NGOs.

In contrast to restrictive conditions under the former Yanukovich regime, in the post-Maidan era, Ukrainians have generally been able to exercise their rights to freedom of assembly and association more freely. Nevertheless, we note that there have been occasions when limitations were placed on assembly and association due to reported security concerns.

Stark exceptions have been seen in the parts of eastern Ukraine controlled by Russian-backed separatists and in Russian-occupied Crimea. Reports from the United Nations and other respected human rights organizations indicate that dissent from the separatist agenda and the occupation is not tolerated and has often resulted in death, abductions, beatings, and other abuse. In July, in Russian-occupied Crimea, the authorities adopted a law curtailing peaceful protests and forbidding rallies, including ones marking Crimean Tatar Flag Day and the 70th anniversary of Stalin's mass deportation of the Crimean Tatar people. Just days ago, these same authorities took over and closed the Crimean Tatar community's representative body (Mejlis) and barred entry to Crimean Tatars.

We are disturbed by the use of harsh and excessive force against demonstrators in **Turkey**, including tear gas and water cannons, and the death of a bystander who was apparently shot by police. We are further concerned by the detention and trials of peaceful protest participants. We expect the Turkish government to meet its international obligations.

Belarus continues to restrict the exercise of the freedom of assembly. In the run up to and during the May World Ice Hockey Championship in Minsk, more than three dozen people were harassed, arrested, and in some cases, detained. Minsk Pride has applied nine times since 1999 for a permit to hold a gay pride parade and each time it has been denied permission by local authorities.

In the **Russian Federation**, the government's repression of civil society continues, including laws targeting NGOs that receive foreign funding. Government agencies regulating everything from consumer protection to civil defense have launched inspections of hundreds of NGOs as a form of intimidation and harassment. In June, the NGO law was amended to authorize the Ministry of Justice to register NGOs as "foreign agents."

In February, a Moscow Court sentenced seven participants in the 2012 Bolotnaya Square demonstrations to prison following a politically motivated trial. Four others were convicted on August 18. Several hundred individuals protesting the trial and convictions were detained outside the courthouse and elsewhere.

In **Kyrgyzstan**, we are monitoring with concern two pieces of draft legislation proposed by members of Parliament. These laws, if adopted, would impede the exercise of the fundamental freedoms of association, assembly, and expression. The first law would impose on NGOs new onerous reporting and registration requirements, including that NGOs receiving foreign funding register as “foreign agents.” The law also adds new rules to the Criminal Code on the criminal liability of local and international NGO representatives. The second law would restrict expression of LGBT “propaganda” and would criminalize “the organization of and participation in peaceful gatherings that aim to make available to society any information regarding nontraditional sexual relations.”

In **Turkmenistan**, while a new law on public associations passed in May that could widen the role of civil society, the government continues to require registration of all associations, imposes strict registration rules and restrictions on financing, and exercises intrusive powers to monitor and oversee the activities of associations. We welcome the Government of Turkmenistan’s recent online publication of information about the procedures for the registration of religious organizations.

Kazakhstan has criminalized public gatherings held without official permission. It has also criminalized communications in support of such a gathering, even by journalists and social media users. It is now a criminal offense to form, finance, or participate in unregistered public associations, including political, religious, and other non-governmental organizations. Being a leader of such an association is considered an aggravating circumstance carrying a higher criminal penalty. Kazakhstan imposes restrictions and penalties on activities deemed by the authorities to be beyond the scope of an association’s initial charter. Kazakhstan also criminalizes what it vaguely calls “interference” in government activities by members of public associations.

The United States remains deeply troubled by the deterioration of respect for freedom of assembly and association in **Azerbaijan**. In the past year, the government has detained or imprisoned numerous democracy and human rights advocates on charges widely viewed as politically motivated. In May, eight activists of the Azerbaijani youth movement N!DA were sentenced to six to eight year prison terms. All of them have been active Facebook and Twitter users, often posting criticism about alleged government corruption and human rights abuses. Azerbaijan has established draconian fines for unsanctioned protests and quadrupled the maximum length of a prison term for public order misdemeanors. Amendments signed into law earlier this year make unregistered and foreign NGOs vulnerable to involuntary dissolution and dissuade potential activists and donors.

The declaration on Fundamental Freedoms in the Digital Age supported by the United States and 50 other participating States acknowledges today’s reality: people exercise their human rights and fundamental freedoms, including the freedoms of association, peaceful assembly and expression, both online and offline. The Declaration calls on states to respect human rights and fundamental freedoms regardless of the peaceful ways individuals choose to exercise them. I urge the six remaining participating States that have not yet done so to support the Declaration at their earliest opportunity.

The United States encourages participating States to draw upon ODIHR’s expertise as they work to address legitimate security concerns while upholding the human rights and fundamental freedoms that are vital to free, healthy and successful societies and democratic governments.