



HUMAN RIGHTS HOUSE
FOUNDATION

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**Human Rights House Foundation
Item 4**

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Thank you Mr Chairperson,

The space for civil society to participate in public life has shrunk drastically in countries across Europe. We welcome this Human Rights Council's raising of this issue and call upon concerned States to abide by the principles established by this Council, on the rights to freedom of association, assembly, and the right to be a human rights defender¹.

Many States have adopted legislation that limits the ability of NGOs to work or receive funding, and use this as a pretext to prosecute and imprison human rights defenders and civil society leaders. These States *de facto* criminalise the right to be a human rights defender, the rights to assemble and associate, the right to freely express, and the right to participate to public life, which are the pillars of a safe and enabling civil society space and the cornerstones of democracy.

The Russian Federation has in the past few years adopted legislation aimed solely at restricting the rights of people to associate and assemble. "Foreign agents" legislation stigmatises and represses civil society in the country,² and "undesirable organisations"³ legislation is a tool to silence those who dare to dissent against the authorities.⁴

These same bad practices have materialised in other countries, and this has devastated civil society.

In the Republic of Azerbaijan, the authorities have effectively banned independent civil society actors from exercising their rights. They have unleashed waves of arrests in the run-up to the national referendum⁵ to be held on 26 September 2016. In August, the authorities arrested leading journalists and political activists, and arrested several human right defenders – Natig Jafarli, Elshan Gasimov, Togrul Ismayilov, Bakhtiyar Hajiyev, and Elgiz Qahreman – for criticising the referendum and

¹ See also Resolution A/HRC/RES/32/32 on the "Right to freedom of association" of July 2016, Resolutions A/HRC/25/38 of April 2014 and A/HRC/RES/31/37 of March 2016 on "The promotion and protection of human rights in the context of peaceful protests", Resolutions A/HRC/RES/22/6 A/HRC/22/6 of March 2016 and A/HRC/RES/31/32 on "Protecting human rights defenders" and Resolutions A/HRC/32/31 of June 2016 and A/HRC/RES/27/31 of October 2014 on "Civil society space."

² See updated list of NGOs updated by Human Rights Watch, available at <https://www.hrw.org/russia-government-against-rights-groups-battle-chronicle>.

³ The text was adopted on 19 May 2015 by the Russian Duma. More information available at <http://humanrightshouse.org/Articles/20958.html>.

⁴ "Undesirable" critics criminalised in Russia," available at <http://humanrightshouse.org/Articles/20958.html>.

⁵ See also : <http://humanrightshouse.org/Articles/21862.html>

participating in peaceful protests and actions. In September, they arrested 40 activists ahead of a planned protest on 17 September.

We call upon Azerbaijan to end its repression against civil society and immediately and unconditionally release and rehabilitate the civil and political rights of all prisoners of conscience. Azerbaijan must stop the use of legislation to unduly hinder the work of human rights defenders, journalists, and activists, in compliance with standards set in resolution 22/6 of 21 March 2014 and resolution 24/21 of September 2014 on the protection of civil society space.

In the Republic of Belarus, the situation has not improved. Following parliamentary elections held on 11 September, for the first time in 20 years the opposition can claim one seat in Parliament, while another seat went to an independent candidate. Still, the election did not meet a number of key international standards for free and fair elections, observers say. Civil society has limited space to participate in public life and the public debate is totally controlled by the government.

The Special Rapporteur on Belarus Miklós Haraszti,⁶ stated: “Citizens’ right to a free and fair election continued to be abused in the grip of entrenched repressive laws and institutions, just as in previous parliamentary or presidential elections ... It is regrettable that Belarus did not take into account real changes towards equal media access, verifiable turnout, honest vote count, and a pluralistic parliament.”⁷

These developments in Russia, Azerbaijan, and Belarus illustrate the overall deteriorating situation in Eastern Europe for civil society groups and human rights defenders, which is part of a wider “global crackdown on civil society.”⁸

Authorities increase their crackdown on activists and human rights defenders during electoral periods, when society is most expecting, and needs, a public debate. The Special Rapporteur on the rights to freedom of association and peaceful assembly, Maina Kiai, stated that during an electoral cycle – be it elections or a referendum – “States should make greater efforts to facilitate and protect the exercise of these core rights, which should be enjoyed by everyone, especially by members of groups at risk. In effect, genuine elections cannot be achieved if the rights to freedoms of peaceful assembly and of association are curtailed.”⁹

In this context, the elections in Belarus and in Russia, as well as the upcoming referendum in Azerbaijan, are deeply flawed, as they took place or will take place without a real public debate, and without the essential input of civil society and independent media to the democratic process.

Thank you.

⁶ See the press release of the UN Special Rapporteur on Belarus of 15 September 2016 available at:

<http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=20495&LangID=E>

⁷ <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=20495&LangID=E#sthash.LDIfDcmT.dpF>

⁸ Harriet Sherwood, “Human rights groups face global crackdown ‘not seen in a generation’,” *The Guardian*, 26 August 2015, available at <https://www.theguardian.com/law/2015/aug/26/ngos-face-restrictions-laws-human-rights-generation>.

⁹ Report by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, to the United Nations General Assembly, 7 August 2013, para. 56, available at <http://freeassembly.net/reports/elections/> (UN Doc: A/68/299).