



35th SESSION OF THE UNITED NATIONS HUMAN RIGHTS COUNCIL
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Item 3

Interactive dialogue with the United Nations
Special Rapporteur on the rights to freedom of association and peaceful assembly

Human Rights House Foundation statement

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Thank you, Mr Chairperson.

Human Rights House Foundation welcomes the Special Rapporteur's appointment to the mandate, and looks forward to engaging with her in the future.

We also warmly welcome the report highlighting civil society achievements and its description of how civil society[']s] has had a hugely positive and vital role in improving societies around the world.

The report invites us to imagine a world without civil society, it is "bleak"¹.

And yet:

- We today face States advocating "traditional values" and "illiberal" democratic values, in reality raising their own cultural norms and particularities above international law and standards, hence undermining universal human rights as a principle. Recent developments in Hungary and Poland are of particular concern in this regard;
- States promote an "authorisation based system," as analysed by the United Nations Special Rapporteur on the human rights in Belarus, with regulations that ban the use of public space, the participation in the public debate and the possibility to organise and associate, without prior authorisation;
- An "illiberal democracy" or a country run by "traditional values" is a country in which the State or non-State actors can suppress dissenting views to protect their own interests. Limitations on the right to freedom of assembly, restrictions on the right to freedom of association and attacks on human rights defenders, all together, aim at limiting the peaceful expression of dissenting views. Limitations put on the right to exercise core freedoms aim at suppressing those who raise critics against authorities

¹ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, 23 May 2017, para 100 (A/HRC/35/28)

due to human rights violations, **at silencing those who request changes in public policies** which violate human rights obligations, and **at stopping those who make human rights violations visible abroad;**

- **The limitation of access to foreign funding for human rights defenders is one of the key ways by which States retaliate against human rights defenders and their organisations, including through “foreign agents” legislation inspired from the Russian Federation. Though the States establishing such limitations justify them by the need for transparency and accountability of NGOs – governments in fact want control over NGO activities in the country. Recently adopted legislation on “electronic declaration” in Ukraine goes in the same direction;²**
- In addition to legal limitations, such States also give impulse to less critical NGOs, including by using State funds. **These States weaken the essential work of independent NGOs, while legitimising the work of NGOs organised by governments and supportive of the governments’ policies, GONGOs.** Political leaders like ministers and parliamentarians establish their own civil society organisations, which they run sometimes parallel to having their political leadership roles in society. Over time GONGOs are favoured legally, financially and operationally at home. They are also sent to international fora to spread their views. **In many countries in which we work, authorities indeed aim at replacing independent civil society with groups indebted to those in power;**
- This combination of repression against critical NGOs on the one hand and favouritism toward “compliant” NGOs on the other has led to suspicion, discouragement, and fragmentation within civil society in several countries. Such developments are seen in many States, including democracies and European Union member States.

We look forward to see through the Special Rapporteur’s work how she assesses and addresses these issues.

Mr Chairperson,

Against this background of a global decline in freedoms, we have over the last few years closely cooperated with the Special Rapporteur’s mandate. Amongst other initiatives, we have witnessed the utility in the mandate holder engaging in regular regional, thematic and strategic consultations, so as to remain apprised of the latest developments, and to encourage deeper thinking on the range of issues connected to mandate’s human rights focus.

We encourage the new Special Rapporteur to explore opportunities for building on such successful processes.

Thank you.

This statement also enjoys support from the following organisations:

Barys Zvozkau Belarusian Human Rights House in exile, Vilnius (on behalf of the following NGOs):

- Belarusian Association of Journalists
- Belarusian Helsinki Committee

² “Civil society should not be targeted by measures impeding its independence,” 5 April 2017, available at <http://humanrightshouse.org/Articles/22387.html>.

- Belarusian PEN Centre
- Human Rights Centre Viasna
- Law Initiative
- Leu Sapieha Foundation
- Centre “Supolnasc”

Human Rights House Belgrade (on behalf of the following NGOs):

- Lawyers Committee for Human Rights (YUCOM)
- Belgrade Centre for Human Rights
- Civic Initiatives
- Helsinki Committee for Human Rights in Serbia
- Policy Centre

Educational Human Rights House Chernihiv

Human Rights House Tbilisi (on behalf of the following NGOs):

- Article 42 of the Constitution
- Caucasian Centre for Human Rights and Conflict Studies (CAUCASIA)
- Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims (GCRT)
- Human Rights Centre (HRIDC)
- Media Institute
- Union Sapari - Family without Violence

Human Rights House Yerevan (on behalf of the following NGOs):

- Armenian Helsinki Association
- Journalist Club Asparez
- Shahkhatun Women’s Democracy Promotion NGO
- Socioscope Societal Research and Consultancy Center
- Helsinki Citizen Assembly (HCA Vanadzor)
- “Real World, Real People” NGO
- Public Information and Need of Knowledge – PINK
- Democracy Today

Center for Civil Liberties, Ukraine

Crimean Human Rights Group, Ukraine

Human Rights Information Center, Ukraine

Helsinki Foundation for Human Rights, Poland

Rafto Foundation, Norway