



HUMAN RIGHTS HOUSE
FOUNDATION

Human Dimension Implementation Meeting of the
Organisation for Security and Cooperation in Europe (OSCE)

Working Group Session 3

Fundamental freedom 1,
including freedom of peaceful assembly and association

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Check against delivery

Distinguished delegates, ladies and gentlemen,

The Human Rights House Foundation (HRHF) firmly denounces systemic patterns of violations of the right to freedom of association, which serves the sole purpose of harassing, prosecuting and imprisoning critical voices, including human rights defenders in various countries of the OSCE-region, including the Republic of Azerbaijan, the Republic of Belarus and the Russian Federation.

Russian authorities are leading a campaign against independent voices critical with the policies of the government, by banishing in the eyes of the public. The famously named “foreign agent” law is modelled to insinuate that those denouncing human rights violations are in fact working against Russia’s interest and are indeed foreign spies.

Russia’s interests however should be the implementation throughout the country, and in its neighbourhood, of obligations deriving from the Helsinki Agreements and strict application of international human rights law.

We are appalled by the fact that the NGO Soldiers’ Mothers of Saint Petersburg was labelled as “foreign agents” only a few days after it publicly denounced the deaths of Russian soldiers in Ukraine and the silence of the authorities in this regard.¹ This case illustrates how legislation in Russia is built to punish critical voices.

The voices of those human rights defenders, ladies and gentlemen, should be recognised and respected, and States and leaders in all sectors of society in Russia should acknowledge publicly the important and legitimate role of human rights defenders in the promotion of human rights, democracy and rule of law, and avoid stigmatisation. The opposite is true today in Russia.

Ladies and gentlemen,

Azerbaijan is offering an illustration of how legislative frameworks regulating the operations of non-governmental organisations can be instrumentally and systematically used to prosecute and repress independent human rights defenders, activists and journalists, in a blatant breach of international human rights obligations and Azerbaijan’s own commitments within the OSCE and the Council of Europe.

Since 2011, the Government of Azerbaijan has adopted a set of legislative provisions, which severely restrict the operations of NGOs, further contribute to infringement of the fundamental right to freedom of association, and serve to the repression of independent civil society leaders.

In the month of August solely, the authorities in Azerbaijan arrested human rights defender Leyla Yunus, her husband Arif Yunus, human rights defender Rasul Jafarov, and human rights lawyer Intigam Aliyev. All were

¹ More information available at <http://humanrightshouse.org/Articles/20398.html>.

arrested on similar charges of tax evasion, illegal entrepreneurship and abuse of authority *inter alia* (in addition to treason charges against Leyla Yunus).

On 14 July, the regional civil society leader Hasan Huseynli was sentenced to 6 years imprisonment. On 8 August 2014, police raided the offices of the Institute for Reporters' Freedom and Safety (IRFS), a leading media rights NGO in the country. The leader of the group, Emin Huseynov, is now at risk of arrest.

This wave of repression comes after the sentencing on 26 May of Anar Mammadli and Bashir Suleymanli,² the leaders of the only independent elections monitoring group in Azerbaijan. They were also sentenced on charges of tax evasion, illegal entrepreneurship, and abuse of authority.³ **Their arrest follows the documentation by their NGO, the Election Monitoring and Democracy Studies Centre, of violations during the latest presidential election of 9 October 2013.** Many more NGOs are facing investigations and have their offices searched and their bank accounts frozen.

Once again, we call upon the Azerbaijan to immediately and unconditionally release human rights defenders Leyla Yunus, Arif Yunus, Rasul Yafarov, Integam Aliyiv, Anar Mamamdli and Bashir Suleymanli, as well any other person who is detained on the basis of legislations, which violates international principles in the area freedom of association.

Ladies and gentlemen,

Since 2011, **Belarus** has adopted a series of restrictive laws addressed to impede the activities of civil society organizations.

Despite positive amendments made in 2013 to the Law on Association, which softened the technical requirements for establishing of associations, **dozen of NGOs are still denied registration by the Minister of Justice,⁴ and regulations in the areas of foreign funding make impossible for non-governmental organisations to receive financial support.** Criminal cases are still initiated under the Law on Associations and the Prosecutor's Office regularly issues warnings about the possible criminal liability against the members of unregistered associations.

We welcome the release of Ales Bialiatski, head of the Human Rights Centre "Viasna". However, his release is **not the sign of any positive trend in the country but rather the sign that, as documented by the United Nations Special Rapporteur on the human rights situation in Belarus, the rule of law in the country is indeed dependent on one person, dictated by one person, and hence anybody and any time can be punished for being critical towards the authorities.**

We call upon Azerbaijan, Belarus and Russia to bring their legislation and practices related to the right to freedom of association, and the legal provisions regulating the existence and the functioning of non-governmental organisations, in line with the international standards. Governments must simplify the procedures for registering associations and decriminalize the activities carried out by unregistered associations, in line with the United Nations Human Rights Council resolution 22/6 of 21 March 2013 and OSCE obligations.

Thank you.

² More information available at <http://humanrightshouse.org/Articles/20194.html>.

³ More information available at <http://humanrightshouse.org/Articles/20194.html>.

⁴ Freedom of Association and the Legal Status of Non-Profit Organizations in Belarus in 2013, published by the Assembly of Pro-Democratic NGOs and the Legal Transformation Center, available at <http://belngo.info/2014.the-assembly-of-pro-democratic-ngos-and-the-legal-transformation-center-lawtrend-analyzed-the-situation-in-the-civil-sector.html>.