

RESOLUTION ON THE SITUATION OF HUMAN RIGHTS DEFENDERS IN EASTERN EUROPE AND CENTRAL ASIA

Resolution presented by Civil Society Institute (Armenia), Human Rights Movement "Bir Duino Kyrgyzstan" and Human Rights Centre "Viasna"

The International Federation for Human Rights at its 39th Congress:

EMPHASIZES the invaluable work of human rights defenders for the protection and promotion of human rights and fundamental values;

STRESSES the responsibility of States in protecting human rights defenders;

RECALLS that States, including de facto administrations are to be held responsible for any action aimed at harassing, oppressing, intimidating or obstructing in any other way the work conducted by human rights defenders and for failing to carry out effective investigations into such actions;

EXPRESSES its deepest concern about increased reprisals against human rights defenders in certain States in the region notably in the last months:

In Russia, more than 35 repressive laws have been adopted since the entering into force of the "foreign agents" law that resulted in labelling more than 137 NGOs as foreign agents, including leading human rights organisations. Among them, dozens were forced to close, liquidated in court, judicially harassed, paralysed through endless audits or severely fined. In June 2016, the first criminal case was opened against the head of "Women of Don" for violating the foreign agents law. In the meantime, a new legislative arsenal severely restricts citizen participation in public life, represses all forms of dissent and hamper cooperation with foreign organisations.

In 2015, by annexing the Crimean peninsula that lies within the legal boundaries of Ukraine, the Russian authorities employed a series of repressive tactics to prevent civil society from expressing its dissent to occupation: enforced disappearances, imprisonment, intimidation, torture, liquidation of NGOs, entry bans, and isolation from the international community. Pro-Ukrainian activists and Crimean Tatars are mostly targeted. In June 2016, a Ukrainian activist, Andrei Kolomiets, participant of Maidan protests in the end of 2013, was jailed for 10 years. Another activist Ervin Bragimov disappeared in June 2016 in a series of enforced disappearances in Crimea.

Thus Crimean and Eastern Ukraine not-controlled by the Ukrainian government joined the list of disputed entities along with Abkhazia, South Ossetia, Nagorno Karabakh and Transnistria where international remedies for human rights violations are severely impeded. Also called "frozen conflicts", some of these entities are a zone of regular armed hostilities, as in the case of Nagorno Karabakh in April 2016. Although the situation remained tense up to date, there are no independent mechanisms in place to monitor human rights violations, including violations of the rights of human rights defenders. Furthermore, war crimes committed during the escalation of armed hostilities in April 2016 have not been investigated and those responsible were not brought to justice.

In Belarus, human rights defenders and activists are harassed and under constant surveillance by the security services; work on behalf of an unregistered organisation remains criminalised whereas registration of an independent NGO remains close to impossible; permissions to hold peaceful demonstration are systematically refused; for decades the opposition has been entirely absent from Parliament and the death penalty remains applied in violation of the basic guarantees set out by international law. In July 2016 alone, at least seven activists were fined for participating in unsanctioned meetings and at least two public events were refused authorization.

In Kazakhstan, political repression remains intense and the already restrictive climate for civil society practically dwindled for the last years, with an increasing number of activists, journalists and lawyers arrested, imprisoned and harassed. Human rights defenders continue to operate under intense scrutiny and pressure.

In Azerbaijan, while many human rights defenders have been released from prison in the end of 2015-beginning of 2016, repressive laws, that the government used to jail them, are still in force, activists, bloggers, journalists, political and religious prisoners languish behind bars and prominent human rights lawyers are still disbarred or being harassed. In the last episode, human rights lawyer Asabali Mustafayev was summoned to the court for alleged tax evasion after he won several cases at the European Court of Human Rights. Oppressive legislation severely curbs freedoms of association and peaceful assembly, and the funding of NGOs by international donors is de facto banned.

Central Asian dictatorships in Uzbekistan and Turkmenistan remain at the bottom of every ranking measuring freedom. Human rights groups have been long eradicated in these countries. Stripped from their right to association, individual human rights defenders run the risk of prison, exile for denouncing criminal regime practices: usurpation of power, impunity, corruption, arbitrariness, torture, forced labour, exploitation. Human rights defenders in Tajikistan face tremendous challenges in carrying out their work.

LGBTI rights activists are viciously persecuted all over the region. Sexual minorities being the major target of nationalists and homophobes, they risk harassment, physical attacks, discrimination and criminal prosecution under laws banning the so-called "LGBT propaganda", as in Russia. The attempt to pass a similar anti-LGBT bill in Kyrgyzstan raise our utmost concern. In both countries activists for equal rights for sexual minorities are subject to harassment and discrimination, as demonstrated by the latest refusals to hold public events in Saint Petersburg and the arbitrary arrests of LGBT activists in Moscow in June 2016 for laying flowers in sympathy with the victims of the Orlando attack.

The deteriorating situation for human rights defenders in Kyrgyzstan as well as shrinking space for civil society in general raises our utmost concern.

The 39th FIDH Congress:

Expresses its strong support with human rights defenders in Eastern Europe and Central Asia and calls the **respective authorities of these countries** to:

- Release all imprisoned human rights defenders and review verdicts against imprisoned political prisoners;
- Reject repressive bills currently in Parliament (in particular in Kyrgyzstan) and repeal already adopted legislation unlawfully obstructing human rights work;

- Refrain from adopting laws that impose disproportionate restrictions on defenders' activities and that limit their access to funding, including foreign funding, and repeal such legislation;
- Refrain from any acts of intimidation and reprisals against human rights defenders, and in particular from physical attacks, arbitrary arrests and judicial or administrative harassment;
- Stop smear campaigns against human rights defenders and condemn such campaigns conducted in the media or by other non-state actors;
- Renounce from placing human rights organisations and their members under unlawful surveillance;
- Accept the jurisdiction of the International Criminal Court (ICC) and to ratify the Rome Statute of the ICC ;
- Promote human rights values and principles and responsibility for human rights violations by de facto administrations

Urges the **European Union, its member states and countries having close commercial and diplomatic relations with Eastern Europe and Central Asia countries** to:

- Firmly denounce human rights violations taking place in the above-mentioned countries;
- Ensure that compliance to human rights standards is included as a necessary condition for the advancement of bilateral and multilateral ties with the above mentioned countries;
- Ensure that any development programs financed by the EU and its member states benefit to civil society and contribute to the advancement of human rights and not the interests of the government;
- Sanction decision-makers responsible for grave human rights violations.
- Facilitate creation of effective international mechanisms of human rights protection in conflict areas on the territory of the Council of Europe (Abkhazia, Nagorno Karabakh, South Ossetia, Transnistria, Crimea, Eastern Ukraine), and express support to civil society and human rights defenders in these territories.
- Demonstrate full and unconditional support to jailed and harassed human rights defenders and advocate for reform of legislation allowing the muzzling of civil society and human rights activists;
- Make any financial and development support conditional on human rights advancement, release of jailed human rights defenders.

Calls on the **Council of Europe** to:

- Establish effective international mechanisms of human rights protection in disputed entities that fall within the territory of countries-members of the Council of Europe (Abkhazia, South Ossetia, Nagorno Karabakh, Transnistria, Crimea, Ukraine), and provide support to civil society and human rights defenders in these territories.

39th FIDH Congress calls on the **UN** to:

- Strongly and publicly denounce laws and practices violating human rights;
- Refrain from electing representatives of countries systematically violating UN Conventions on human rights protection to the UN human rights bodies ;
- Provide full support to human rights defenders and facilitate efficient human rights promotion in frozen conflict territories.

