

## Civic Space under threat across Central Asia, Russia and Eastern Europe

Mr President,

Civic space is shrinking across Europe and Central Asia. In wake of the **Ukraine** crisis, governments in the region increasingly perceive the expression of alternative viewpoints and dissent as a threat. Russian influence on countries' legislation is growing, and we are seeing an increasing rejection of universal human rights, resulting in unjustifiable restrictions on freedom of expression, association and assembly.

**Russia's** restrictive 'foreign agents' law is being replicated across the region. The parliament of **Kyrgyzstan** is considering a bill imitating the Russian law, which, if passed, would stigmatise NGOs receiving foreign funding and engaged in broadly-defined 'political activity', as well as establishing intrusive governmental control over their activities. The Council must urge Kyrgyzstan to refrain from enacting this bill.

The clampdown on civic space in **Russia** has been exacerbated by the adoption of Federal Law No. 129-FZ on 'undesirable foreign organisations' in May 2015, allowing the government to ban foreign NGOs operating in Russia. The law is designed to isolate Russian civil society by breaking ties with foreign partners, and by imposing sanctions on Russian citizens who associate with them. States should insist on the repeal of this law immediately, before it is replicated across the region.

In **Tajikistan**, a new law on assemblies was passed in late 2014, forcing protest organisers to obtain prior permission for assemblies, granting the government unacceptable powers of prior censorship. Arbitrary refusals for assemblies and the harassment and detention of protesters, is also a hallmark of the crackdown on civic space in **Kazakhstan**, **Turkmenistan**, and **Uzbekistan**, and is mirrored by attempts to stifle dissent in **Russia**, **Azerbaijan** and **Belarus**.

Following Russia's adoption of Federal Law 135-FZ in 2013, which prohibits 'propaganda of non-traditional sexual relations among minors', legislation restricting freedom of expression, association and assembly of LGBTI groups is under discussion in several countries. In **Kyrgyzstan**, the parliament is considering a draft law that would introduce criminal and administrative sanctions for 'propaganda of non-traditional sexual relations'. Applying to the press, television, radio, Internet, and public assemblies, the bill would ban dissemination of positive information about homosexual or 'non-traditional' relationships.

Restricting civic space does not bring stability. Instead it fosters discontent at the suppression of fundamental human rights and foments instability. ARTICLE 19 calls on this Council to unequivocally condemn the crackdown on civic space in Central Asia and other parts of Europe, calling on these States to repeal restrictive laws, and abstain from adopting further restrictive legislation.

### **Additional Background:**

#### Restricting civic space in **Russia**:

- In July 2012, Russia introduced Federal Law 121-FZ 'On non-commercial organisations', requiring all NGOs that receive foreign funding and are engaged in loosely defined 'political activities' to register as a 'foreign agent'. Sanctions for non-compliance include fines up to 500,000 roubles (\$16,000), organisational bans, or imprisonment of up to two years. Enforcement of the law has targeted human rights and democracy organisations, resulting in the closure of 12 NGOs, including Association of NGOs in Defence of Voters' Rights "Golos" and Side by Side LGBT Film Festival. Others have faced heavy fines and ongoing costly litigation.
- In June 2013, Russia adopted amendments to Federal Law 135-FZ on protecting minors. The law bans the 'promotion of non-traditional sexual relationships among minors', providing sanctions of 4000 to 5000 roubles (\$120 to \$150) for individuals; 40,000 to 50,000 roubles (\$1,200 to \$1,450) for government officials; and up to 1 million roubles (\$30,000) or up to 90 days suspension of activity for organisations.

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- In May 2015, Russia adopted Federal Law No. 129-FZ on 'undesirable foreign organisations'. The law allows the Russian government to ban the activities of any foreign non-governmental organisation, whose activities are deemed to undermine Russia's "national security" or "constitutional order". It further allows the Russian government to impose sanctions on Russian citizens for involvement with undesirable foreign organisations, severely curtailing the right to associate with foreign partners.

#### Restricting civic space in **Kyrgyzstan**:

- In June 2015, the parliament of Kyrgyzstan approved a draft bill introducing amendments to the Criminal Code and existing laws "On non-commercial organisations" and "On state registration of legal entities and branches", replicating aspects of Russia's foreign agents' law. If passed, NGOs receiving foreign funding and engaged in broadly-defined 'political activity' would be obliged to register as foreign agents and subjected to intrusive government control. The law must pass two more parliamentary votes before being signed into law by the president.
- Kyrgyzstan's proposed 'homosexual propaganda law' was approved by the Parliamentary Committee on Law, Order and Fighting Crime in February 2015. It is currently awaiting a full parliamentary reading; if approved by parliament, it would then require presidential approval to be signed into law

#### Restricting civic space in **Tajikistan**:

- Parliament is currently discussing amendments to the Law on Public Associations, which would require registration of all grants to local NGOs from foreign governments or international organisations prior to project implementation, which risks functioning as a system of pre-authorisation for NGO activity.
- In November 2014, a new Law on Assemblies was adopted, forcing protest organisers to obtain authorities' permission prior to mass gatherings, placing blanket prohibitions on the time and place of assemblies and preventing anyone convicted of administrative offences from organising mass events – a provision targeted at people with a history of protest, rather than protecting a legitimate aim.
- The government of Tajikistan also engages in mass blocking of websites to prevent dissemination of information about planned protests. In September 2014, websites and social networks were illegally blocked following an invitation disseminated by the opposition "Group 24", to a rally about various social problems.

#### Restricting civic space in **Kazakhstan**:

- Amendments to the Criminal Code, which entered into force in January 2015, classify 'leading, participating in or financing unregistered or banned associations' as criminal offences; criminalise 'unlawful interference' in the activities of state agencies by members of public associations; and characterise leaders of public associations as a separate category of offenders and provides for stiffer penalties for them for a number of crimes.
- Following the 2014 UPR review of Kazakhstan, the UN HRC recommended Kazakhstan take steps to create an environment enabling peaceful protest. No progress has been made: permission is still required for peaceful assemblies; and this is frequently denied, or restrictions put in place preventing protest in popular places. The new Criminal and Administrative codes introduced criminal and administrative sanctions for unsanctioned peaceful assemblies, and permit the government to apprehend peaceful protesters. Over the past year, there have been several arrests, followed by the imposition of fines, for unsanctioned protests.

#### Restricting civic space in **Turkmenistan**:

- A Law on Assemblies will enter into force in July. The government has sought to present the legislation as democratic progress; however, given the highly repressive context in Turkmenistan, where all independent civil society has been forced underground, ARTICLE 19 is concerned the law may be used to identify potential protest organisers, in order to harass and persecute them.