



HELŚIŃSKA FUNDACJA PRAW CZŁOWIEKA HELSINKI FOUNDATION for HUMAN RIGHTS

RADA FUNDACJI

Halina Bortnowska-Dąbrowska Marek Antoni Nowicki
Jerzy Ciemniowski Teresa Romer
Janusz Grzelak Mirosław Wyrzykowski
Michał Nawrocki

ZARZĄD FUNDACJI

Prezes: Danuta Przywara
Wiceprezes: Maciej Nowicki
Sekretarz: Piotr Kładoczny
Skarbnik: Lenur Kerymov
Członek Zarządu: Dominika Bychawska-Siniarska

The freedom of association and the freedom of assembly – two key freedoms in pluralist and participatory democracy.

Let me begin by pointing out that despite the recent 2014 adoption of OSCE guidelines and regulations concerning the protection of human rights advocates, the extent to which they are observed has in fact not improved, with the opposite being the case, as the number of states where governments violate relevant rules is constantly growing.

And though the process of the civil society space shrinking is now a global one, Central and Eastern Europe as well as the former Soviet Union are presently among the regions where adverse developments in this regard unfold in the most rapid manner. This stems largely from the authoritarian consolidation in Russia and the failure of international security in the face of Russia's imperialism. This process not only directly stimulates the strengthening of authoritarian regimes in other post-Soviet countries, but also spreads, as it has turned out in recent years, to Turkey and Eastern European countries, which were thought to be relatively safe from such dangers, owing to their political system and their entry into the EU (I am referring here to Hungary and Poland).

In both said countries, the foundations and safeguards of constitutional democracy, that is, the separation of powers, independent courts, free media and unmolested non-governmental organizations, are being undermined by those who took power precisely within their framework.

The steps undertaken in order to subdue or at least incapacitate the civil society comprise of a number of soft and hard measures, such as:

- traditional and social media smear campaigns: aimed at discrediting the organizations and activists in the eyes of the public and drawing a line between organizations as a whole (good and bad, patriotic and foreign-inspired).
- adoption of new legal regulations - the Russian act on foreign agents, in force since 2014, is being looked to by a growing number of policy makers.
- harassment by administrative authorities and state agencies – persistent inspections, tenancy terminations, outright banning, criminal and fiscal proceedings, overlapping control, fake trials.
- endangering of personal safety – muggings by unknown assailants, raids on organizations' premises.
- hampering of fundraising operations: shutting off public and/or foreign subsidies, threats to donors, volunteers and staff members.

The activity of human rights advocacy organizations and their leaders is getting more and more difficult, if not dangerous. It is these organizations, which by definition monitor the

authorities and pressure them into holding true to international and domestic obligations, that are often the first to be targeted. Media campaigns aimed at undermining credibility, limited access to funding and even outright threats of removal from office are also the case when it comes to ombudsmen who proceed to become truly independent guardians of civil rights and engage in meaningful cooperation with HRNGOs.

Restrictions inflicted on public gathering organizers (in terms of locality, time and course of events, obligation of providing detailed personal data, growing burden of responsibilities placed on the leaders of events, enactment of the privileged gathering category as well as the extent and severity of penalties for non-compliance) do not only go against the rule of proportionality but can also paralyze the very freedom of assembly.

One can reach a conclusion that authorities engaging in curtailing rights and freedoms are driven by the thought of never giving up/losing power and, consequently, of having no need of such safeguards for their own sake in the future.

In the current time of globalization and rapid technology advances allowing for a free flow of information and ideas as well as the creation of new social realms, where societies have been given a chance to sample the taste of freedom, this kind of confidence seems really odd, so to speak.

I believe it is time to raise the question whether the countries taking part in the Helsinki Process intend to take every step necessary to make the declarations contained in international covenants on human rights and freedoms come into full effect, or is this rather a game of pretence, in the course of which safeguards enabling peaceful dispute resolution are going to be turned off one by one. And, as history teaches us, the latter is a road to nowhere.

But if we truly mean to enact efficient measures to protect human rights advocacy organizations and activists, I suggest that we start, for example, with taking a closer look at the recommendations that were put forward by civil society organizations by way of the Parallel Civil Society Conference Declaration adopted in December 2016 in Hamburg, as well as ensuring that the OSCE signatories approve them for the purpose of implementation by the ODIHR. Here are some of them:

- The ODIHR should restore its focal point for human rights defenders and establish an expert panel on the protection of human rights defenders.
- The ODIHR should study the implementation of the Guidelines on the protection of human rights defenders by participating States in cooperation with civil society, using reports and information from such organisations.
- OSCE actors should more systematically work with other inter-governmental organisations on the protection of civil society space and the security of human rights defenders.
- OSCE cooperation programmes should feature human rights conditionality. The benchmarks used should include implementation of UN Human Rights Committee views and European Court of Human Rights judgments issued in cases of persecution of civil society activists and human rights defenders.

These recommendations as well as the many facts that warrant their ongoing importance are contained in the Civil Solidarity Platform's statement that you were provided with yesterday.

Thank you for your attention.

Danuta Przywara