

The Assembly and Association Briefing

Newsletter of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association

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UN Special Rapporteur Maina Kiai speaks during an expert consultation in Istanbul on June 27, 2014. Kiai organized the consultation to discuss his next thematic report, which will focus on multilateral organizations and their effect on assembly and association rights.

Special Rapporteur prepares to tackle multilateral institutions in October 2014 report

(ISTANBUL, Turkey – The rights to freedom of peaceful assembly and of association must include civil society's right to meaningfully participate in multilateral organizations – and not just be pushed to the margins – according to a group of experts convened by UN Special Rapporteur Maina Kiai last month to help him prepare his next report.

Civil society is often excluded and marginalized at multilateral organizations, the group said, either via overt policy decisions or by entrenched practices.

"It is not enough to say that associations and assemblies are allowed to exist," said Kiai, who is the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association.

"Citizens must be given a seat at the decision-making table. Otherwise, multilaterals run the risk of becoming private clubs where States implement policy sheltered from public view and input."

Kiai organized the meeting of approximately 20 experts in Istanbul to help shape the scope and contents of his next report to the UN General Assembly, which will be presented in October 2014. The report's focus is multilateral institutions and their effect on the rights to freedom of peaceful assembly and of association.

The report is expected to be wide ranging, covering how multilaterals' policies and practices affect assembly and association rights at both the multilateral and State levels. It will also examine, among other things, how States use their leverage at the multilateral level to impact these rights.

Participants at the consultation frequently returned to the topic of multilateral organizations reflexively favoring States to the exclusion of civil society. When multilaterals do engage civil society, it's often done indifferently – for example through consultations that one expert mockingly called "insultations."

Similar complaints were raised about disproportionate access to multilaterals allegedly granted to the for-profit business sector, particularly banks and large corporations.

"Big capital may wield more financial resources, but this should not automatically rank it as a preeminent representative of a country or region," Kiai said. "The principle of sectoral equity is key: Civil society representatives should be given the same access, input and power as the private sector."

The concept note for the report, along with a call for input, is [available here](#) via Kiai's website. Photos from the event are available both on our [Flickr](#) and [Facebook](#) pages.

“Kiai Comments” — a new way to support assembly and association rights on your website



The website of UN Special Rapporteur Maina Kiai – freeassembly.net – last month launched a new quote widget which displays a rotating series of quotes and excerpts on assembly and association rights. The feature, dubbed “Kiai Comments,” can be freely embedded in any website.

UN reports are often dense, technical, and difficult for the layperson to understand. The idea behind “Kiai Comments” is to pull out key excerpts from Maina Kiai’s reports – and other sources – and distribute them as widely as possible, as clearly as possible. Quotes link back to the original source material, for readers who want learn more about their assembly and association rights.

Kiai Comments currently features approximately 20 quotes from Maina Kiai (configurable to display in English, French, Spanish, Chinese, Thai or Turkish with more languages coming soon). They include excerpts from reports, speeches and news articles. The quotes will change periodically, to reflect the Special Rapporteur’s latest statements, reports and articles.

The Special Rapporteur encourages as many individuals and organizations as possible to embed the Kiai Comments feature in their websites, particularly civil



society organizations working at the grassroots level.

Embedding is as simple as dropping a short line of code into your website. Detailed instructions on how to embed Kiai Comments can be found on our [website here](#). The quote widget can be stretched across an entire webpage, or shrunk to fit into a sidebar.

If you are interested in helping us translate a few quotes into another language, please contact us – we’ll do the coding to set up a version in your language.

Special Rapporteur: Targeting at-risk groups a reprehensible “divide and conquer” technique

UN Special Rapporteur Maina Kiai has authored a [commentary](#) for the [International Service for Human Rights](#), in which he blasts the practice of targeting of groups “most at-risk” who seek to exercise their assembly and association rights.

The plight of at-risk groups was the subject of a [report Kiai presented](#) to the UN Human Rights Council on June 10, 2014. The label ‘most at risk’ refers to the heightened occurrence of attacks and reprisals against these groups. Kiai notes in article that it is hard to define exactly what “at risk” means.

“It’s a moving target,” he writes. “Today it could be an obscure classification, based on religion, ethnicity, disability or sexual orientation. Tomorrow it could be broader – young or old, male or female. The next day it could be you.”

“Indeed, somewhat paradoxically, every single person reading this article will have fallen into one of the report’s at-risk groups at some point in their lives,” he adds.

Kiai argues that the targeting of marginalized groups invariably is a result of fear. For governments, this can be fear of seeing their authority undermined. For ordinary people it usually comes down to fear of the unknown.

“Unfortunately, many governments are all too happy to leverage this fear for their own ends,” he said, noting that this practice has grave “divide and conquer undertones.” Ultimately, Kiai says, the universality of assembly and association rights should prevail as these rights are meant as a “backstop against tyranny of all forms: tyranny of the majority in democracy, tyranny of authoritarianism, tyranny of the status quo.”

“The ‘us vs. them’ rhetoric is an illusion,” he concludes. “A government that can silence one group is a government that can silence anyone.”



Freedom of association and assembly: By the numbers

3

Number of so-called “pillars” in the UN system – human rights, security and development

3

Percentage of the entire UN budget that one of these pillars, human rights, receives

24

Number of Egyptian human rights defenders arrested and charged with “breaching the protest law,” following a demonstration against the same law on June 21, 2014

2,000

On-the-spot fine, in Australian dollars, proposed in Tasmania for protesters who are “invading or hindering a business.” The state government said the bill will “protect law-abiding Tasmanians from protesters invading their workplaces”. The bill passed the Lower House on June 26.

500

Reward offered, in Thai baht, by Thai police to anyone providing photographic or video evidence to help them convict anti-coup protesters

1.67

Number of days salary that this represents for a Thai worker earning the minimum wage

10,000

Approximate number of people (estimated) who turned out for the July 7 “Saba Saba” rally organized by the opposition party in Nairobi, Kenya.

10,000

Estimated number of police officers that were deployed by the government at the same rally

A man at a protest in São Paulo, Brazil, where people demonstrated against the World Cup and “criminalization of social movements and right to protest” on June 23, 2014. They also demanded metro workers sacked over recent strike action be reinstated. (Photo: [Ben Tavener/Flickr](#))

Egypt: UN Experts “outraged” at confirmation of 183 death sentences

GENEVA – A group of UN human rights experts, including Special Rapporteur Maina Kiai, expressed outrage in a June 30 statement after a Criminal Court in Minya, Egypt, confirmed death sentences against 183 people, in what constitutes the largest mass death sentence to be confirmed in Egypt in recent history. The experts urged the Government to quash the sentences and offer new and fair trials to all defendants.

On June 21, 2014, the Court upheld 183 of the 683 provisional death sentences imposed on April 28, 2014, in connection with events in Minya last August. The provisional sentences were pronounced following trials laden with procedural flaws. There was a lack of precision in the charges, limited access to lawyers, trials in absentia, and mass sentencing. The charges ranged from threatening public order and setting fire to a police station to murder. The 183 defendants, including Muslim Brotherhood Supreme Guide Mohamed al-Badie, are all supporters of former elected President Mohamed Morsi.

“The imposition of mass death sentences following blatantly unfair trials and for crimes that may not be punishable by death constitutes a staggering violation of international human rights law,” the experts said.

The statement by the United Nations independent experts comes after a [joint statement](#) on May 15, 2014, urging the Government to quash the 683 death sentences, and a [joint statement on March 31, 2014](#), after an earlier round of mass death sentences were imposed upon 529 individuals in trials marred by procedural irregularities.

“We are shocked by the repeated and deliberate use of mass death sentences” stressed the experts, noting that the credibility and integrity of the Egyptian justice system has become deeply compromised. “We are deeply concerned that the courts have become instrumental in the arbitrary and politically motivated prosecutions by the State, which may also be discriminatory against people on the basis of religion or belief”.

According to available information, since January this year the Egyptian courts have recommended the death penalty for 1,247 individuals and upheld such sentences against 247 individuals, all of whom were Morsi supporters.

The experts expressed alarm at the use of the death penalty to clamp down on political dissent and recalled that “death penalty is an extreme form of punishment and, if used at all, should only be imposed for the most severe crimes and following trials that scrupulously respect the guarantees of due process and fair trial as stipulated in international human rights law”.

The UN experts reiterated their call to the Egyptian authorities to reform the legal system and bring it into compliance with international standards.

“Respect for justice and the rule of law is an international obligation and an essential component of any strategy for institutional consolidation and lasting reconciliation,” they noted.

The full article is available [via our website](#).

Special rapporteur news in brief: June and July 2014

Maina Kiai in Burundi on unofficial academic visit

UN Special Rapporteur Maina Kiai traveled to Bujumbura, Burundi, on July 21-22 as part of a brief academic visit to the country ahead of key elections planned for 2015.

Kiai met with a range of government officials and civil society leaders and gave a public lecture on July 22 at the Best Outlook Hotel. Kiai spoke on the rights to freedom of peaceful assembly and of association in the context of elections.

Kiai has turned the issue of assembly and association rights during election periods one of his signature issues during his time as Special Rapporteur – even making it the focus of his most recent report to the UN General Assembly.

“The rights to freedom of peaceful assembly and of association are especially critical in the lead-up to elections,” Kiai said ahead of his visit. “Democracy is not simply the act of casting a vote. It’s a year-round job. An election cannot be free if the people are not free to express their will through peaceful assemblies and associations every single day.”

The United Nations Assistant Secretary-General for Human Rights, Ivan Simonovic, visited Burundi in June and called on the authorities of Burundi to ensure that human rights are fully protected ahead of next year’s presidential elections. A recent Amnesty International report also claims that the government is “perpetrating a relentless campaign of intimidation against government critics.”

Kiai blasts UN-Kenya for favoring ‘stability’ over rights

Writing in the online magazine openGlobalRights, Maina Kiai called on the incoming UN High Commissioner for Human Rights, Prince Zeid, to “hold governments accountable for the human rights pledges that they make” and ensure that human rights is a “real rather than rhetorical” pillar of the UN system.

The catalyst for Kiai’s piece was a recent joint statement by the UN System in Kenya (UN-Kenya) and the Kenya Private Sector Alliance in which they expressed concern about the so-called “Saba Saba” political rally planned by the opposition party in Kenya.

The rally took place on July 7 and concluded peacefully. But according to the statement, UN-Kenya and its business partners were “convinced” in advance that the rally would “... create more tensions [and] anxiety among investors and Kenyans in general.” The only solution to Kenya’s problems, they said, is “... a peaceful, secure environment in which investors are confident that their investments are secure.

“Why should UN-Kenya reflexively align itself with business rather than civil society or people demanding their rights?” Kiai asks in the piece, which criticizes UN-Kenya for seemingly favoring “stability” over fundamental rights.

Human rights are supposedly one of the “three pillars” of the UN system, Kiai notes, but they receive only 3% of the UN budget. The new High Commissioner’s task will be to ensure that human rights receive more than 3% of the UN’s attention.

Video of UNSR’s June speech in Copenhagen, Denmark

Maina Kiai delivered a keynote address at a conference organized by the Danish Ministry of Foreign Affairs and DanChurchAid, held on June 16, 2014. The theme of the event was “Civil Society Organizations in the Global South under Pressure,” but Kiai noted that if the Global North wants to be taken seriously when talking about human rights, they must consistently take the lead.

“Pressure on [civil society] in developing countries is growing,” said Kiai, who is the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association. “But the pressure on NGOs is a global tendency which affects the North just as much as the South. Fear of what the NGOs can do – and will do – threatens freedom of association in all countries.”

A full write-up on the event, along with video, is available at DanChurchAid’s website.

Upcoming

• “Towards an Action Program for Democracy African Civil Society Conference,” in Washington, D.C., (August 5-6, 2014): The Special Rapporteur will attend this event, which is being held at the same time as the White House’s US-Africa Leaders Summit (which civil society leaders were not invited to).

Participants at the Special Rapporteur’s expert consultation in Istanbul examine slips of paper bearing one-sentence answers to the question “What would you most like to see in this report?” The consultation took place on June 27-28 and focused on multilateral institutions and their effect on assembly and association rights.

World briefing: Freedom of assembly and association in the news

June 20, 2014

India cracks down on civil society: India clamped down on foreign-funded NGOs after an internal government report alleged they are costing the country up to 3% of its gross domestic product by rallying communities against polluting industries. The Home Ministry ordered the Reserve Bank of India to hold all foreign contributions to India-based charities until they were cleared. In July, a joint statement from 62 CSOs [accused the government](#) of trying to crush dissent. The government's [draft Finance Bill of 2014](#), introduced in mid-July, proposed a series of amendments in the Income Tax Act that would allegedly give authorities sweeping powers to withdraw NGO tax benefits or cancel their registrations.

June 29, 2014

Nigerian lawmakers move to regulate foreign funding to NGOs, voluntary organizations: Proposed legislation in Nigeria would require civil society organizations to register with the Independent Corrupt Practices and Other Related Offences Commission before they can be considered to receive foreign funding. Civil society [warned](#) that the proposed bill could constrain them from carrying out their traditional roles in society, and that regulation was "already adequately covered by existing laws." The latest info on the draft is available [via ICNL](#).

July 1, 2014

Thousands 'occupy Hong Kong' on anniversary of handover to China: Police arrested over 500 demonstrators for "unlawful assembly" after tens of thousands of protesters took to the streets in a pro-democracy protest. Organizers estimated over 500,000 people turned out. A group of protest leaders from Taiwan - where demonstrators recently occupied the legislature for nearly a month - was [barred from entering](#) Hong Kong in advance of the event. The Big Four accounting firms also [publicly urged](#) organizers of the protest to resolve disputes through dialogue, saying that protests might scare off international investment.

July 1, 2014

Sri Lanka bans NGO press conferences: The Defence Ministry issued an order banning civil society groups from holding news conferences and training journalists, a move described by activists as "unconstitutional." The government order described press conferences as "unauthorized" and beyond the "mandate" of NGOs. [That's tantamount to saying civil society should not exist – because that's what it does,](#) one civil society activist wrote.

July 9, 2014

Civil society condemns proposed NGO law in Egypt: A coalition of 29 civil society organizations expressed deep concern over the latest draft of Egypt's NGO law, claiming that it would "criminalize the operation of NGOs and subordinate them to the security establishment, shutting down the public sphere in Egypt to all but regime supporters." On July 18, the Ministry of Social Affairs published a notification in the newspaper Al-Ahram [requiring all civil society entities to register](#) as NGOs within a period of 45 days - a move condemned by some as ["a veiled threat."](#)

July 17, 2014

Opposition party officials arrested in Cambodia after protest violence: Eight officials of the opposition Cambodia National Rescue Party (CNRP) - including seven MPs - were arrested and charged following violence at a political rally in the capital Phnom Penh. At least 40 people were injured in clashes on July 15 between opposition supporters and security personnel guarding Phnom Penh's Freedom Park. The designated protest area has been closed to the public since January following a [deadly crackdown](#) on opposition-backed union members. All eight party members [were released](#) on July 22 following a deal in which CNRP MPs-elect agreed to take up their seats in parliament. They had refused to do so since being elected last summer, claiming elections were flawed. The charges against the party members - which include "insurrection" - have not been dropped; witnesses say there is [no evidence to support the charges](#).

July 28, 2014

Hungarian Prime Minister proposes "illiberal state": Viktor Orban announced that he was looking to Russia and Turkey as inspiration for turning Hungary into "an illiberal new state based on national foundations." Orban also said that civil society organizations receiving funding from abroad need to be monitored. "We're not dealing with civil society members but paid political activists who are trying to help foreign interests here," he said. Earlier this year, the Hungarian government [raided](#) organizations that received funds from Norway. [One commentator](#) explains why Orban views the issue as one of "critical political importance."

A scene from the Occupy Hong Kong protest on July 1, 2014 (photo: [Alan Yeh](#)/Flickr)