

NORWAY SUPPORT FOR MANDATE OF SPECIAL RAPPORTEUR ON RIGHTS TO FREEDOM OF PEACEFUL  
ASSEMBLY AND OF ASSOCIATION

COMPONENT 2

PROVISION OF TECHNICAL AND ADVISORY SERVICES FOR PUBLIC INTEREST LITIGATION

CONCEPT NOTE

**Background:**

Global trends show increasingly shrinking space for civic organizations and actions, as well as significant threats to the exercise of the rights to freedom of peaceful assembly and of association. The mandate of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association was established in 2010 principally to articulate norms and principles that would help States meet their obligations related to these rights. With Norway's support, the mandate has designed a project that responds to some specific gaps in the holistic protection of the FoAA rights. It builds on the Special Rapporteur's strategic objectives to strengthen the understanding of international legal norms and strengthen the promotion and protection measures for the rights. This project complements his routine responsibilities as UN Special Rapporteur.

The Special Rapporteur has often heard and expressed at meetings with representatives of civil society, the opportunities that exist to further develop norms by assisting judges in their role of interpreting laws or providing technical support for drafting legislation that would protect assembly and association rights. He recognizes the importance of involving all arms of government, and in particular, the judiciary in order to provide recourse for rights violations. Additionally, engagement with the judiciary through litigation provides an avenue for international human rights law to filter into domestic jurisprudence, informing the creation and implementation of laws at the national level.

**The Goal:**

To provide technical assistance and advisory services for public interest litigation on the rights to freedom of peaceful assembly and of association with a view to increasing such litigation and encouraging the application of international law norms at the domestic level.

**The Activity:**

- Convening lawyers engaged in public interest litigation to learn from each other's experiences at an experts' consultation - at least 25 lawyers engaged in public interest litigation on FoAA rights will be identified from different geographical regions and legal traditions to exchange ideas and learn from each other's experiences on the successes and challenges of such litigation. It is anticipated that this forum will also produce broad guidelines on litigating FoAA cases in the public interest.
  - Identification of potential participants – Considerations (in no particular order) include: experience (in litigation, at tribunals nationally and internationally etc) , representing

diverse legal traditions, geographic representation, gender representation, proficiency in English, familiarity with FoAA jurisprudence etc

- Mode of consultation – two day meeting, identification of best practices/challenges at each stage of litigation process (criminal, civil cases respectively) eg evidence-gathering, drafting pleadings, oral arguments, enforcement of remedies etc
- Development of guidelines – brainstorming on framework of such guidelines during consultation; specific themes or aspects of litigation to focus on; continued engagement on guidelines; compilation of guidelines and dissemination strategy
- Re-convening of participants at end of project to assess impact
  - Expected results from experts consultation:
    - Identification of potential issues for public interest litigation;
    - Framework for guidelines/best practice in litigating FoAA issues;
    - Compilation of national jurisprudence on FoAA issues;
    - Experience sharing and networking on strategic public interest litigation;
    - Identification of potential cases litigating FoAA issues suitable for the SR's intervention
    - Determination of practicalities of SR's intervention eg availability of pro-bono lawyers or otherwise,

**Tentative timeline:**

Expert's consultation – 16-18 October 2014