

Check against delivery

Statement by Maina Kiai

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

69th session of the General Assembly

Agenda item 69 (b, c)

28 October 2014

New York

Thank you, Chairperson, for this opportunity to engage with you and the General Assembly on the thematic issue of the rights to freedom of peaceful assembly and of association.

Let me also thank the States and civil society organizations that responded to my questionnaire and the experts whose views and examples informed my research.

In my previous thematic reports, I emphasized States' obligations to ensure the free exercise of the rights to peacefully assemble and to associate at the national level. This year, I examine the exercise of these rights at the multilateral level.

Global governance is becoming increasingly fragmented and diffused among a broad range of multilateral entities. Decisions of multilateral institutions start development projects, affect economic and political reforms, and help shape international law, amongst others.

These decisions have a profound impact on the lives of ordinary people across the globe. But are these people consulted and given a fair chance to contribute to issues affecting them? Often, the answer is no. In an interconnected world that supposedly values global participation, ordinary people's lives are often changed without their input, or worse, against their will.

The record of protecting and promoting peaceful assembly and association rights at the international level is decidedly mixed.

Many of the restrictions on peaceful assembly and association rights within multilateral institutions mirror those set at the domestic level, such as framing civil society organizations as a threat to security and sovereignty, excluding them from the conduct of public affairs and establishing numerous administrative obstacles.

I see another parallel as well: Both Governments and multilateral institutions often treat businesses and civil society differently, even where no reasonable justification for this exists. For-profit entities are increasingly being invited, welcomed and facilitated at the highest levels of multilateral engagement, while non-profit entities have to fight for a place at the table. The theme of sectoral equity is one that I have raised previously, and it is acutely relevant here.

Put simply, the rights to freedom of peaceful assembly and of association are affected, on one hand, by actions of multilateral institutions themselves and, on the other, by States working within these institutions.

Multilateral institutions can play a key role in stimulating global public debate by strengthening the visibility of CSOs and by facilitating peaceful assemblies. To their credit, most do incorporate some form of engagement with civil society, though decidedly not enough. Article 71 of the United Nations Charter, for example, provides the foundation for civil society to participate in the UN.

Engagement requires transparency and free access to information, which keep multilateral institutions accountable and provide a model for Governments to become more transparent and responsive.

Engagement requires robust mechanisms for ordinary individuals to submit information and complaints. The World Bank, for example, has the Office of the Compliance Advisor/Ombudsman and its Inspection Panel.

Engagement requires multilateral institutions to recognize the positive effects of civil society involvement and to refrain from closing down participation. The Financial Action Task Force, for example, has

demanding that countries review “the adequacy of laws and regulations that relate to entities that can be abused for the financing of terrorism.” This call has been followed by a wave of new restrictions worldwide on funding for civil society, many of which do nothing to legitimately advance the fight against money laundering and terrorism.

Finally, engagement requires multilateral institutions to recognize and foster the right to freedom of peaceful assembly. Multilateral institutions should present a united front in supporting ordinary people when they exercise their assembly rights. They should set comprehensive guidelines on the policing of assemblies, rather than delegate this duty to the national authorities where protests occur or, worse, discourage peaceful rallies as the United Nations Coordinator Office did last July in Kenya.

I am alarmed at the extremely high number of reported violations to the right of peacefully assembly during summits of multilateral institutions, as happens regularly with NATO (North Atlantic Treaty Organization) and the G20 (Group of Twenty). I am equally alarmed at the policies of private multilateral bodies, such as the International Olympic Committee and FIFA – both of which wield enormous social and economic power to pressure countries hosting their events. The International Olympic Committee Charter bans demonstrations at their events altogether, and FIFA executives openly express with apparent impunity that less-democratic States make better hosts for World Cups.

Madame Chairperson,

Turning to actions by States which impact the exercise of assembly and association rights at the multilateral level, it is clear that States’ obligations to uphold human rights generally do not end at their borders.

If international human rights norms and standards are to be meaningful, States are bound to uphold them in all their activities.

To this end, I welcome a series of initiatives and policies from Member States aimed at ensuring that civil society can be heard at multilateral forums. Ireland, together with more than 50 other States, recently led an important resolution at the Human Rights Council on civil society space (A/HRC/RES/27/L.24). In paragraph 5, the Council recognizes “the important role of civil society at the local, national, regional and international levels, and that civil society facilitates the achievement of the purposes and principles of the United Nations.” There are many more positive examples in my report.

But on the other hand, many States have continued to hamper civil society participation in multilateral arenas. I believe that reprisals are the area of gravest concern. States have repeatedly targeted individuals, or their relatives, because of their advocacy work in multilateral arenas. The issue is so serious, that the UN Secretary-General has been directed to report on it annually.

I want to highlight, in particular, the case of Ms. Cao Shunli, a Chinese human rights defender who died in State custody after being prevented from flying to Geneva in September 2013 to attend China’s Universal Periodic Review.

Other reprisals from State officials following participation at the Human Rights Council – in the form of killings, threats, harassment, torture, arbitrary arrests, surveillance and travel bans – have been reported from Azerbaijan, Belarus, Bahrain, Colombia, Cuba, Egypt, Guatemala, Israel, Lao PDR, Malaysia, Russia, and others.

I welcome the initiatives of States to address reprisals against those interacting in multilateral arenas. But I also believe that more action is needed. Multilateral institutions themselves must react strongly when such reprisals take place, including by intervening in specific cases and publicly condemning the Member State involved.

State obstruction has also hindered civil society participation in the United Nations. A classic example is the politicization of the NGO Committee, which recommends NGOs to the Economic and Social Council for consultative status.

I am concerned that the NGO Committee has on several occasions acted in a manner contrary to its purpose. The NGO Committee has arbitrarily deferred applications for consultative status for dozens of NGOs, several for many years. The case of the International Dalit Solidarity Network is particularly troubling. Since 2008, this NGO that focuses on caste-based discrimination has received 64 written questions from the Committee, all raised by India. It is now the longest pending application before the NGO Committee.

Finally, it is mind-boggling that the UN human rights system – one of the three UN pillars – receives only 3% of the regular UN budget. This inevitably hampers efforts to promote and protect the rights to freedom of peaceful assembly and of association at the multilateral level.

In conclusion Madame Chairperson,

The underlying purposes of the rights to freedom of peaceful assembly and of association are to promote pluralism, tolerance and broadmindedness, which in turn contribute to the realization of democratic goals, development and security. I believe that the ability to freely organize and assemble satisfies people's fundamental desire to take control of their own destinies. And I emphasize that these rights are indeed fundamental – not simply because they are inscribed in the law, but because they speak to something present inside each and every one of us as human beings.

When people are denied these rights – whether at the local, national or international level – no good can follow.

It is time for multilateralism to fully account for this. We must expand the predominant concept of multilateralism beyond action by States alone, to include the effective participation of a variety of voices within those States.

It is not enough to say that associations and assemblies are allowed to exist. Individuals and associations must be given a seat at the decision-making table. Otherwise, multilateral institutions will remain private clubs where States implement policy sheltered from public view and input.

Madame Chairperson,

I thank you for your attention, and I look forward to a fruitful discussion.