

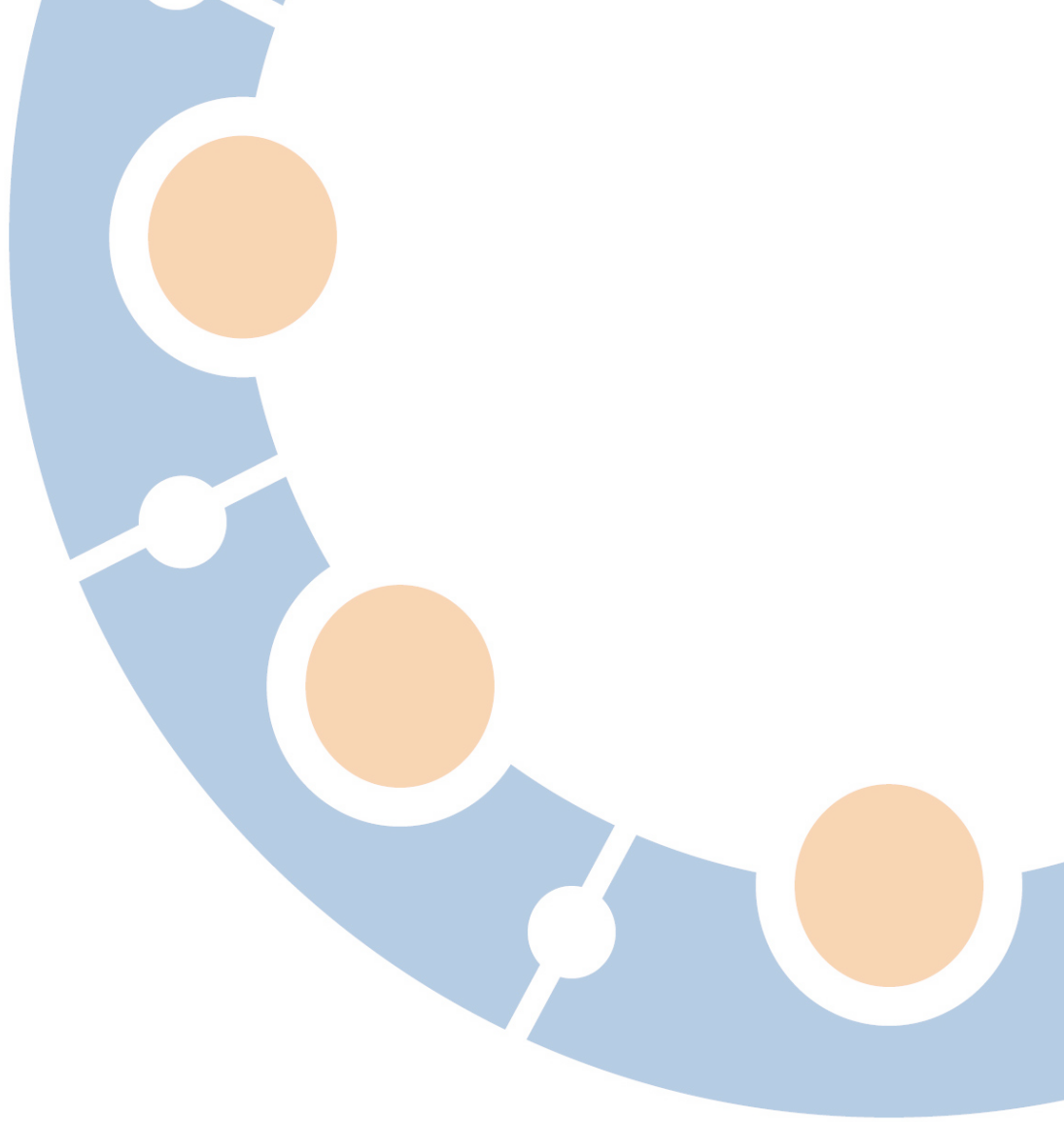


2014: The Year in Assembly & Association Rights

A report issued by UN Special Rapporteur Maina Kiai in January 2015



United Nations Special Rapporteur
On the rights to freedom of peaceful assembly and of association



2014:

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<http://www.freeassembly.net>



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

The Special Rapporteur's mandate

The special procedures of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. The system of Special Procedures is a central element of the United Nations human rights machinery and covers all human rights: civil, cultural, economic, political, and social. As of October 1, 2014, there were 39 thematic and 14 country mandates.

The mandate of the Special Rapporteur on the rights to freedom of peaceful assembly and of association was established in October 2010 via Human Rights Council resolution 15/21 and renewed for an additional three years in September 2013 via HRC resolution 24/5. Maina Kiai took up his duties as the first Special Rapporteur on assembly and association on May 1, 2011.

The Special Rapporteur on the rights to freedom of peaceful assembly and of association examines, monitors, advises and publicly reports on the freedoms of assembly and association worldwide.

Work methods include responding to individual complaints, conducting studies, providing technical assistance to governments, and engaging in public outreach and promotional activities – all with the ultimate goal of promoting and protecting the rights to freedom of peaceful assembly and of association worldwide.

About Maina Kiai

A lawyer trained at Nairobi and Harvard Universities, Maina Kiai has spent the last twenty years campaigning for human rights and constitutional reform in Kenya – notably as founder and Executive Director of the unofficial Kenya Human Rights Commission, and then as Chairman of Kenya's National Human Rights Commission (2003–2008), where he won a national reputation for his courageous and effective advocacy against official corruption, in support of political reform, and against impunity following the violence that convulsed Kenya in 2008, causing thousands of deaths.

From July 2010 to April 2011, Mr. Kiai was the Executive Director of the International Council on Human Rights Policy, a Geneva-based think-tank which produces research reports and briefing papers with policy recommendations. Mr. Kiai was also the Director of Amnesty International's Africa Programme (1999–2001), and the Africa Director of the International Human Rights Law Group (now Global Rights, 2001–2003). He held research fellowships at the Danish Institute for Human Rights (Copenhagen), the Woodrow Wilson International Center for Scholars (Washington), and the TransAfrica Forum (Washington).

Mr. Kiai has regularly been an advocate informing and educating Kenyans through various media about their human rights.

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*The production of this report was generously funded by the
Royal Norwegian Ministry of Foreign Affairs*

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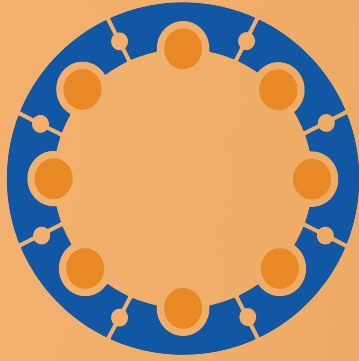
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A woman protests on Dec. 20, 2014, in Madrid against Spain's so-called "gag law," which imposes severe penalties on protesters that authorities deem to violate the law (photo: [Popcinio/Flickr](#))



I. Letter from the UNSR

It is still too early to tell just how 2014 will be remembered from the perspective of assembly and association rights: The year of the protest; the year of the revolution, the year of shrinking space.

But one thing is certain: It will be a year that we remember.

Hong Kong, Ukraine, Taiwan, Egypt, Thailand, Venezuela, Burkina Faso, Mexico and Cambodia and other countries saw massive protests, with at least three movements leading to the downfall of governments. Draconian laws affecting the assembly and association rights of LGBTI individuals went into effect in Nigeria and Uganda. Leading human rights defenders from Bahrain, Azerbaijan, China, Burundi, Ethiopia, Sudan, Malaysia, and elsewhere experienced a wave of harassment, threats and violence. The Hungarian prime minister famously said that he wanted to turn his country into an “illiberal state.” And Egypt used mass trials to sentence over a 1,000 people to death for on charges related to events leading up to President Mohammed Morsi’s ouster.

Our grandchildren and their children will read about the events of 2014 in school one day. It remains to be seen what they learn.

We are at a decisive moment in history, a period which Larry Diamond [has described](#) as being marked by a “democratic recession.” Governments are growing more repressive. Space to exercise the rights to freedom of peaceful assembly and of association is shrinking. This is not a phenomenon specifically linked to one country or region; it is a worldwide trend.

But the fact that we are in a democratic recession does not mean that ordinary people’s appetite for democracy has receded. In fact, I believe that it has been growing.

People today are more connected, more informed of their rights, and probably more emboldened to seize those rights than at any time in history. They have a vision for the world that they live in, and they want to take control of it. Assembly and association rights offer people the promise of this kind of control, and they offer it in a peaceful manner. The lure of this promise is what has inspired the courage, commitment and creativity of countless human rights defenders throughout the world today.

But this promise has also caused regression. The democratic recession is happening because some governments fear the prospect of an empowered, informed populace.

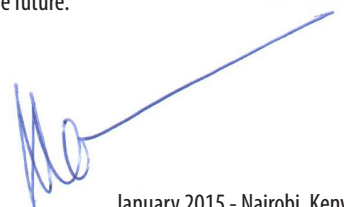
They react with repression, whether through the imprisonment of human rights defenders, the passage of restrictive laws or the suppression of peaceful protests. This type of repression is nothing new, but what disturbs me most is the language that its proponents use to rationalize it. There is a growing consensus among these States, it seems, that assembly and association rights are dangerous – that they cause chaos.

I would argue precisely the opposite: That the suppression of these rights is what is dangerous. Taking them away brings chaos. The elimination of space for peaceful civic engagement inevitably stunts the growth of any political system. It criminalizes legitimate dissent and pushes it underground, where it can mutate, fester and turn violent. It also leaves a power vacuum if and when a government is deposed.

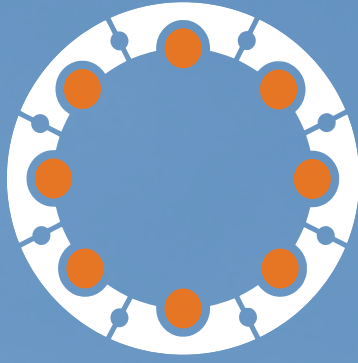
It is not a coincidence that shrinking space for peaceful civil society has been accompanied by a rise in extremism and violence across the world. Islamic State militants have taken over large swaths of Iraq and Syria. Chaos reigns in the parts of eastern Ukraine that are gripped by a separatist movement. Libya is now essentially a failed state.

We must not buy into this rhetoric of fear. The rights to peaceful assembly and of association do not inherently encourage extremism, chaos, or violence. They are, in fact, the best antidotes we have against all of these ills.

This is the principle that should guide us in the coming year, and ultimately dissipate our fear. And this is the overarching lesson of 2014 that I hope my grandchildren, and theirs as well, will read about far into the future.



January 2015 - Nairobi, Kenya



II. 2014: The year in review

Two thousand fourteen proved to be a year of monumental developments in the area of assembly and association rights, though the direction of change was rarely positive.

Burkina Faso, Cambodia, Thailand, Ukraine and Venezuela all witnessed massive political and social upheaval spurred by popular protests – but in some instances, these movements were followed by increased restrictions on assembly and association rights. Civil society organizations across the world continued to face a wave

Protesters at Egypt's Cairo University on March 12, 2014. On March 24, 529 individuals were sentenced to death in Egypt on charges related to the events leading to the ousting of the Government of President Mohammed Morsi in 2013 (Photo: [Bora S. Kamel](#)/Creative Commons License-Flickr)

of restrictive new laws, often targeting disfavored groups specifically or civil society generally. In **Nigeria**, for example, [new legislation](#) banned all associations dealing with LGBTI issues, while **Egypt** introduced [a new law](#) to give the government veto power over civil society's activities.

Meanwhile, attacks and harassment of human rights defenders engaged in civil society work continued virtually unchecked. **Chinese** human rights defender Cao Shunli [died in custody](#) after being arrested on her way to the UN Human Rights Council. A host of **Azerbaijani** [activists](#) were [imprisoned](#) for their human rights work, including 2014 Vaclav Havel award winner Mr. Anar Mammadli. And in **Bahrain**, Nabeel Rajab found himself [again detained](#) over his online criticism of the government, just months after being released from a two-year prison sentence for a similar offense.

There were a few positive developments, such as **Tunisia's** [progress](#) in transitioning from its 2011 popular revolution and a [progressive ruling](#) on the rights of LGBTI associations in **Botswana**. The year also produced countless stories demonstrating the remarkable courage of activists worldwide who stood up for their assembly and association rights.

But it was clear by the end of 2014 that their fight is not over. The world continues to need their courage: Civic space is shrinking everywhere, with no apparent end to the trend in sight.

Editor's note: The following is a non-exhaustive summary of world events, drawn primarily from media and civil society reports. Inclusion does not imply any judgment or assessment on the part of the Special Rapporteur, or that he has taken action on these cases, unless specifically noted otherwise.

January

The year began with the continuation of 2013's dramatic protests in **Ukraine**, where a movement against President Viktor Yanukovich's refusal to tighten links with the **European Union** morphed into a nationwide call for the president to step down. The so-called Euromaidan movement escalated on January 21-22 when three protesters were [killed](#), including

two shot dead by police. Injured activists also reportedly began "[disappearing](#)" from the hospitals where they were being treated; this was followed by [incidents](#) of protest leaders being abducted, tortured and sometimes killed. Reports of police brutality escalated as the government [expanded](#) law enforcement powers. On Jan. 28, the prime minister [resigned](#) and the parliament repealed harsh anti-protest laws.

Thailand's 2013 political crisis also spilled over into the new year, with elections looming on Feb. 2. On Jan. 14, anti-government protesters [occupied Bangkok](#) in a bid to shut down the capital and force the resignation of Prime Minister Yingluck Shinawatra. A few days later, a [grenade attack](#) on opposition protesters left one dead and more than 30 injured. On Jan. 21, a 60-day [state of emergency](#) was declared, providing the government with the authority to invoke curfews, censor the media, disperse gatherings, use military force to secure order, detain suspects without charge, ban political gatherings of more than five people and declare parts of the country inaccessible.

Meanwhile, across the border in **Cambodia**, garment workers took to the streets en masse to demand a raise in a minimum wage that they claimed was grossly inadequate. The protests came on the heels of another wave of protests that followed disputed elections in the summer of 2013. The government responded by instituting a [brutal crackdown](#) on demonstrations, leaving at least four people dead, dozens injured and [28 imprisoned](#). The government also [banned](#) all public gatherings.

The killing of a former Miss **Venezuela** pageant winner [sparked outrage](#) and ultimately protests against crime and other social ills in Caracas on Jan. 6; the anger soon blossomed into a larger movement. As the protests grew, opposition leaders Leopoldo López and María Corina Machado launched a [campaign](#) to force President Nicolás Maduro from office.

Civil society took a harsh blow in **Nigeria** in early January, when President Goodluck Jonathan signed into law a bill that [banned](#) same-sex marriages,

10

Prison sentence (in years) that can be imposed in Nigeria for participating in gay clubs or organizations

7

Number of countries where homosexuality is still punishable by death

94


Number of days Ukrainian protesters spent in the Maidan before president Yanukovich fled Kiev

110

Number of identified civilians killed during those 94 days



Demonstrators take to the streets in Bangkok in January 2014. Following a military coup in May, Thailand's leaders have imposed "unacceptable restrictions ... on freedoms of expression, association and peaceful assembly," according to UN rights experts (photo: [Victor Dumesny/Flickr](#))



“The recent violence amid protests in Venezuela needs to be urgently and thoroughly investigated, and perpetrators must be held accountable”

March 6 statement by Maina Kiai and other UN experts

gay groups and shows of same-sex public affection. The new law recommends prison sentences of up to 10 years for anyone who participates in gay clubs or organizations. Then-UN human rights chief Navi Pillay described the law as draconian. “Rarely have I seen a piece of legislation that in so few paragraphs directly violates so many basic, universal human rights,” she said.

In a brighter development, **Tunisia’s** parliament on Jan. 27 [adopted](#) the country’s first new constitution since popular protests forced the ouster of President Zine el-Abidine Ben Ali in 2011. A new caretaker government was to remain in power until the forthcoming elections.

Elsewhere: A **Chinese** court [sentenced](#) human rights defender Xu Zhiyong to four years in prison for “gathering a crowd to disrupt order of a public place” - allegedly in retaliation for Xu’s influence in China’s civil society • In **Turkey**, riot police in Istanbul used [water canons](#) against crowds demonstrating against a draft bill that would increase controls over the Internet and enable mass surveillance • And on Jan. 28, the **United Kingdom** [enacted](#) the “Transparency in Lobbying, Non-Party Campaigning, and Trade Union Administration Bill” - a law styled as a way to limit money in politics, but which [the Special Rapporteur said](#) in an op-ed for the Guardian on Jan. 12 would actually shrink space for civil society to advocate on key issues.

February

The situation in **Ukraine** continued to grab headlines, as the Euromaidan protesters intensified their calls for President Yanukovich to step down. Opposition activists [ended](#) their two-month occupation of Kiev City Hall on Feb. 16 in exchange for the release of jailed protesters, but major clashes [erupted](#) again on Feb. 18-19, leaving at least 26 dead and hundreds injured. Finally, on Feb. 22, President Yanukovich [fled](#) Kiev and was voted out of office by Parliament. All told, some 110 civilians [died](#) during the Euromaidan protests, along with 18 police officers. Less than a week later, armed men in what Ukraine said were Russian military uniforms [took control](#) of key airports in the Ukrainian region of Crimea, while Russian paratroopers surrounded a Ukrainian coast guard base in Sevastopol.

In **Thailand**, elections took place as scheduled on Feb. 2, but were [marred](#) by mass protests and boycotts. Prime Minister Yingluck Shinawatra was the presumed winner, but official results were delayed until a [revote](#) could be carried out in the areas that experienced disruptions. Protests continued, meanwhile, with multiple deaths and injuries recorded, including five killed and 44 wounded on [Feb. 18](#).

Protests also continued to grip **Venezuela**, as thousands of people took to the streets against deteriorating economic conditions and crime. At least 16 people were [reported killed](#) through the end of the month. In response to the movement, government forces [raided](#) the offices of an opposition political leader accused of stirring up protesters, and three US diplomats were expelled from the country. In late February, at least eight members of the country’s national intelligence agency were [arrested](#) on murder charges related to the shooting deaths of two people during the protests.

Elsewhere: At least 32 people were hurt on Feb. 12 after police fired rubber bullets and tear gas at a crowd of 15,000 [protesting](#) farmers in **Brazil** - the latest in a series of protests that rocked the nation, just four months before the start of the World Cup • Maina Kiai [visited](#) **Cambodia** in early February and called on the government to lift the ongoing ban on peaceful assemblies.

March

Intense protests continued across **Venezuela**, and by mid-March President Maduro [acknowledged](#) that over 1,500 people had been detained, including 558 students. Maina Kiai joined other UN experts in [asking](#) the government on March 6 for clarification regarding numerous allegations of arbitrary detention and violence against protesters and journalists. The letter also raised concerns about the suspension of TV channel NTN24, which had covered the protests. The experts’ letter alleged that at least 17 people had been killed during demonstrations.

On March 8, authorities in **Burundi** [moved against demonstrators](#) who were protesting restrictions on political freedoms. Over a dozen protesters were injured, and policemen were briefly held hostage, according to media reports. The political party leading the movement, the Movement for Solidarity and Democracy, has been suspended and 46 members face charges of insurrection, violence against police and rebellion, which carry the possibility of life imprisonment.

Scene from a protest in the Las Mercedes district of Caracas, Venezuela, on February 27, 2014; (Photo: [Andrés E. Azpúrua](#)/Creative Commons License-Flickr)

In **Turkey** protests [erupted](#) on March 12 over the death of Berkin Elvan, a 15-year-old boy who was struck in the head by a tear gas canister during demonstrations the previous summer. He died after 269 days in a coma. Later in March, Turkish Prime Minister Tayyip Erdogan [banned Twitter](#), the social media platform which he allegedly called “the worst menace to society” in 2013.

Maina Kiai and other UN human rights experts [expressed concern](#) over the ban, especially since it came just before planned elections. “Blocking access to Twitter and YouTube is . . . a severe blow to the right to freedom of peaceful assembly, since social media is increasingly used by people to mobilize and organize peaceful protests, especially in the context of elections,” Kiai said in a public statement. The ban was ultimately lifted two weeks later.

Chinese human rights defender [Cao Shunli](#) died in government custody on March 14, exactly six months after she was detained while trying to board a flight to Geneva to observe China’s Universal Periodic Review (UPR) before the UN Human Rights Council. Cao was a prominent human rights activist in China who had campaigned since 2008 for transparency and greater participation of civil society in China’s second UPR. Her health deteriorated while she was in detention and she reportedly failed to receive appropriate medical treatment. Maina Kiai and a group of other UN experts [condemned](#) Cao’s death in a public statement on March 18 and called for a full investigation. The Special Rapporteur also drew attention to Cao’s case in his 2014 [thematic report](#) to the UN General Assembly, which focused on multilateral institutions and their effect on assembly and association rights.

Also on March 18, university students in **Taiwan** began the so-called [Sunflower Movement](#), in which they occupied the national legislature for nearly a month to protest a free-trade agreement with China.

Myanmar’s Rakhine state was rocked by a series of disturbances that saw Buddhist mobs [attack](#) the offices of international aid groups, accusing them of giving preferential treatment to the Muslim minority Rohingyas. Many aid workers and agencies were evacuated in the chaos. The area was been racked by ethnic violence in 2012, and tensions continued ahead of the official census, which [reportedly](#) would not allow Rohingya to identify themselves as Rohingya. A group of UN experts [condemned](#) the events as “the latest in a long history of discrimination and persecution against the Rohingya community which could amount to crimes against humanity.” The fleeing aid workers, they said, were providing essential life-saving support.

British journalist Lucy Hannan was [declared](#) “subversive” by the **Kenyan** government, ostensibly for her work running the local NGO InformAction with UN Special Rapporteur Maina Kiai. The revelation came in the midst of Hannan’s fight against deportation from Kenya, where she has lived for some 20 years. Hannan fought the ruling in court, where the government filed a document showing that her visa had been denied because she engaged in “subversive” activities against the Kenyan government. Hannan’s NGO screens human rights films in rural areas and holds community discussions on justice.

In **Azerbaijan**, Hasan Huseynli, head of the “Intelligent Citizen” Awareness Center, was [arrested](#) on charges of hooliganism for allegedly stabbing another person. Azerbaijani civil society groups denounced the charges as trumped up and part of a crackdown on civil society, and called for Huseynli’s release.

Elsewhere: In **Ukraine**, fallout from the Euromaidan protests morphed into a political crisis, as residents of the predominantly Russian region of Crimea [voted](#) – with **Russian** backing – to secede from the country and join Russia • In **Russia** itself, the Duma [considered](#) proposed amendments to the nation’s assembly law to increase already significant fines for violating rules on holding public events and allow extensive use of so-called “administrative arrest” and impose imprisonment on repeat offenders who stage unauthorized peaceful assemblies. The amendments were eventually adopted in May.

April

The month began with **Venezuela** [charging](#) opposition leader Leopoldo Lopez with arson, incitement and other offenses over anti-government protests that had shaken the country since February. At least 39 people had died in the unrest through early April, according to media reports. The government also said it was [investigating](#) 97 officers for “cruelty and torture.”

As political and military tensions between **Russia** and **Ukraine** continued to escalate, some 10,000 people [turned out](#) in Moscow to protest state media coverage of the crisis.

Police in **Algeria** [broke up](#) a rare anti-government protest a day before elections that ultimately resulted in the re-election of President Abdelaziz Bouteflika to a fourth term in office. A week later, opposition groups were already [reporting](#) a spike in threats and intimidation.

Demonstrators in **Cambodia**, led by opposition lawmaker Mu Sochua, continued their attempts to defy a draconian ban on all public assemblies. Sochua and her supporters [demonstrated](#) against the ban by going to Phnom Penh’s so-called “Freedom Park,” which was previously a designated protest zone. Security forces responded by beating the demonstrators, injuring 10. Maina Kiai [commented](#) on the situation in an April 25 article in the Phnom Penh Post. Labor Day protests on May 1 protests were similarly dispersed, with shocking [footage](#) emerging of a bystander being beaten. Meanwhile, the text of Cambodia’s secret draft [cyberlaw](#) emerged, causing concern among civil society leaders.

And in **Mexico**, hundreds of students and activists [marched](#) in the capital to protest a telecommunications law that some said would allow the government to arbitrarily censor Internet content. After a Twitter campaign



Egypt’s “staggering violation of international human rights law”

Fallout from the overthrow 2013 of Egyptian president Mohammed Morsi continued deep into 2014, as courts sentenced some 1,247 individuals to death in the first six months of the year. The charges all related to events leading up to Morsi’s ouster. Courts had upheld at least 247 of the sentences through mid-year.

The first wave of sentencing came on March 24, when 529 people were condemned. UN human rights experts, including Maina Kiai, [blasted](#) the decision, saying the two-day mass trial for the defendants was “rife” with procedural irregularities and that the charges lacked clarity. Some defendants reportedly received the death penalty for unlawfully gathering in public, according to the UN experts’ statement.

On April 28, a court in the Egyptian city of Al-Minya handed down another [mass death sentence](#), this time condemning 683 people on charges stemming from the ouster of President Morsi in 2013. A group of UN and African human rights experts issued a public statement [condemning](#) the sentences, calling the situation “a staggering violation of international human rights law by Egypt.”

In June, a court, [confirmed](#) death sentences against 183 people in the Al-Minya case, leading to a third sharply-worded statement from UN experts, calling the defendants’ trials - which were laden with procedural flaws - “blatantly unfair.”

Photo: Cairo protest, March 2014
(Bora S. Kamel/Flickr)



An elderly woman waves the Thai flag during the "Shutdown Bangkok" protest on Jan. 28, 2014 ([Johan Fantenberg/Flickr](#))

"In moments of political crisis and turbulence, it is crucial to promote the full respect of the rule of law."

June 13 statement on Thailand's coup by Maina Kiai and other UN experts

against the law [went viral](#), the government appeared to [step back](#) from its plans.

May

Thailand's political crisis escalated on May 7, as a court [ousted](#) Prime Minister Yingluck Shinawatra and nine cabinet ministers for abuse of power. On May 15, three anti-government protestors were [killed](#) and 23 wounded in a gun and grenade attack on their protest site in Bangkok. Later that day, Thailand's Election Commission called for national polls planned for July 20 to be postponed because of the escalating political unrest.

On May 20, Thailand's army [declared](#) martial law, stressing that the move "was not a coup." Two days later, they [backtracked](#), as Thailand's military chief General Prayuth

Chan-ocha took power in a coup d'état and suspended the country's constitution and banned peaceful assemblies. [Pop-up protests](#) against the coup soon spread, leading the coup leaders to set up a [6,000-strong force](#) of police and soldiers in June to counter them. Coup leader Gen. Prayuth Chan-ocha [appealed](#) for protesters to stand down: "Everyone must help me," he said, adding: but "do not criticize, do not create new problems. It's no use."

On May 26, a court in [Azerbaijan](#) [sentenced](#) three Azeri human rights defenders – Anar Mammadli, Bashir Suleymanli and Elnur Mammadov – to prison, apparently for their role in monitoring Azerbaijan's 2013 presidential elections. The official charges included "conducting business without registration" and "abusing official powers" – which civil society groups called "far-fetched." Maina Kiai and fellow UN

expert Margaret Sekaggya had [called](#) upon the government to drop the charges in early May, but the men were sentenced to prison terms ranging between 3½ and 5½ years.

Protests intensified in **Brazil** as preparations for the 2014 World Cup entered their final stages. On May 11, housing protesters [occupied](#) land near the site of the stadium scheduled to host the World Cup's opening match. They were demanding affordable new housing and protesting government expenditures on the tournament. On May 27, protesters in Brazil [clashed](#) with police in the capital Brasilia after they tried to reach the National Stadium, where the tournament trophy was on display. A group of indigenous protesters demanding land rights later joined them. A week earlier, a large protest by [bus drivers](#) in Sao Paulo blocked half of the city's bus terminals, leaving thousands stranded.

Civil society continued to feel the squeeze in **Burundi**, as top rights activist Pierre Claver Mbonimpa, head of the association for the protection and defence of prisoners and human rights (APRODH), was [arrested](#) on May 17 at Burundi's international airport. A prosecutor charged him with spreading information that could "endanger state security." The arrest was the latest episode in a [crackdown](#) on the opposition and rights activists in the country.

Elsewhere: In **Venezuela**, authorities [raided](#) anti-government protest camps in early May, arresting hundreds and later announcing [charges](#) against 11 protest leaders • On May 12, the government of **Myanmar** [cancelled](#) a planned meeting between civil society representatives and ASEAN leaders due to a dispute over who would attend. **Singapore, Malaysia and Cambodia** reportedly rejected independently-chosen representatives and replaced them with state-approved candidates • And on May 30, a group of United Nations independent human rights experts, including Maina Kiai, [condemned](#) the UN Security Council's decision not to refer the situation in **Syria** to the International Criminal Court (ICC), saying that the move left the door open for new atrocities in the ongoing conflict.

June

In **Brazil**, protests continued until the start of the World Cup kicked on June 12; video emerged of a police officer firing what appeared to be live [ammunition](#) at anti-World Cup protesters in Rio de Janeiro. Meanwhile, a prominent civil society leader said that Brazil was [stifling](#) the right to protest.

On June 1, [demonstrators](#) in Istanbul, **Turkey**, gathered to mark the one-year anniversary of the Gezi Park movement. They were met by a heavy police presence and tear gas. Several people were roughed up and a CNN reporter was [harassed](#) by authorities on-air.

Hungarian government agents [raided](#) three NGOs funded by Norway on June 2; the NGOs had criticized Hungary's government in recent years. The officials were allegedly investigating how the NGOs were using Norwegian funds. Amnesty International Hungary [condemned](#) the raid, calling it an government attempt to "target civil society."

Some 1,900 people [protested](#) in **Hong Kong** to call for democracy, days before a mass vigil to mark the 25th anniversary of the Tiananmen Square crackdown.

On June 5, it was [reported](#) that the **Canadian** Government Operations Centre had contacted all federal agencies, requesting assistance in "compiling a comprehensive listing of all known demonstrations which will occur either in your geographical area or that may touch on your mandate." The government [defended](#) the move, saying that peaceful protests sometimes turn violent and threaten national security.

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. In June, 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.

In the wake of **Thailand's** coup, a group of UN human rights experts, including Maina Kiai, [called upon](#) the military government on June 13 to respect human rights. "In moments of political crisis and turbulence, it is crucial to promote the full respect of the rule of law," the human rights experts stressed. They expressed particular concern over the military's decision to summon more than 440 individuals, including political leaders, academics, journalists and activists to army bases for questioning. Some were being held incommunicado in unknown locations.

And in **Nigeria**, lawmakers [proposed](#) legislation on June 29 that 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.

July

[Thousands of people](#) took to the streets in **Hong Kong** on July 1 to mark the anniversary of the former British colony's handover to China and to call for democratic reforms. Police arrested over 500 demonstrators for "unlawful assembly." Organizers estimated over 500,000 people turned out. A group of protest leaders from



Azerbaijan: "a wave of politically-motivated repression"

A broad and vicious crackdown on civil society in Azerbaijan prompted Maina Kiai and other UN experts to issue a [statement](#) in August calling on the government halt its "wave of politically-motivated repression."

The experts highlighted the specific cases of Leyla Yunus, director of the Azerbaijani Institute of Peace and Democracy; Arif Yunus, head of Conflict Studies in the Institute of Peace and Democracy; Rasul Jafarov, coordinator of Art of Democracy and head of Human Rights Club; and Intigam Aliyev, chair of Legal Education Society. Yunus and others published in August a [list](#) of nearly 100 Azeri political prisoners.

Earlier in 2014, Azerbaijan also [sentenced](#) three human rights defenders - Anar Mammadli, Bashir Suleymanli and Elnur Mammadov - for their work related to monitoring the country's 2013 presidential elections. The vote was marred by [allegations](#) of serious irregularities, including ballot-box stuffing, harassment of monitors, and – most infamously – the announcement of results via a smartphone app before voting had even started.

"The State's primary responsibility should be to protect its civil society activists from intimidation, harassment, threats or attacks," the experts said.

Photo: Azerbaijan protest in 2012
(Aziz Karimov for Freedom House)

"We are horrified by what has been happening in Kiev. We strongly condemn the excessive use of force by the security forces against the protestors."

Chaloka Beyani in a Feb. 21 statement on behalf of UN independent experts



Police watch protesters during a demonstration at Independence Square in December 2013 in Kiev, Ukraine (photo: [Sasha Maksymenko/Flickr](#))

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.

On the same day, **Sri Lanka's** 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.

Thousands of **Kenyans** also took to the street July 7, when they gathered to mark "saba saba" (7/7 in Kiswahili), the date in 1990 when Kenyans turned out in their thousands, despite intimidation and attacks, to demand pluralism and the end of the one-party state. Prior to the gathering, UN-Kenya joined the Kenya Private Sector Alliance (KEPSA) in a [joint statement](#) of concern, discouraging the march. This led the Special Rapporteur to publish a [sharp rebuke](#) in the online journal Open Democracy, saying UN-Kenya was "hanging (Kenyans) out to dry, rather than stepping up to defend their fundamental rights."

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](#).

Eight officials of the opposition **Cambodia** National Rescue Party (CNRP) - including seven MPs - were [arrested](#) and charged on July 17 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 remained closed. 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 the elections were deeply flawed.

In **Hungary**, Prime Minister 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.

August

Prominent **Bahraini** human rights defender Maryam Al-Khawaja was [detained](#) at Bahrain International Airport while travelling to visit her father in prison on Aug. 30. Her father, Abdulhadi Abdulla Hubail al-Khawaja, is the former president and co-founder of the Bahrain Centre for Human Rights (BCHR). He has been in detention since 2011 on charges related to his human rights work. Maina Kiai and other UN experts issued a [public call](#) for Ms. Khawaja's release on Sept. 5, saying that the detention was "another patent measure of retaliation against individuals who advocate for human rights in the country." Ms. Khawaja is co-director of the Gulf Centre for Human Rights. She was later [released](#), but banned from leaving Bahrain.

UN experts also [called for](#) a halt to **Iran's** escalating a crackdown on individuals exercising their rights to freedom of expression, opinion, peaceful assembly and association. Between May and August, the experts said, at least 36 individuals - including journalists, bloggers, filmmakers, authors and human rights activists - had been arrested summoned or sentenced in connection with their journalistic activities or for simply expressing their opinion on social media websites. Some were also been charged for "gathering and colluding against national security" following their participation in peaceful assemblies. A number were also reportedly held in solitary confinement or unknown locations and for unknown charges. Many of the trials were allegedly riddled with procedural irregularities, including deprivation of legal representation and exclusion from attending one's own sentencing. "Convicting individuals for expressing their opinion is absolutely unacceptable," the experts said.

And the **United States** saw [massive protests](#) over the Aug. 9 killing of Michael Brown, an 18-year-old African-American man who was shot under dubious circumstances by a white police officer. Authorities were [criticized](#) for a disproportionate response to the

demonstrators - which included police armed with military-style weapons and the use of tear gas and rubber bullets - which in turn fueled more protests. Scores were reportedly injured and arrested over the course of the protests, including a Washington Post reporter who was allegedly detained for “[tresspassing in a McDonald’s](#).”

Elsewhere: Human Rights Watch executive director Kenneth Roth and researcher Sarah Leah Whitson were [denied](#) entry to **Egypt** for “security reasons” and detained at Cairo airport for 12 hours on Aug. 11. The pair had traveled to Egypt to launch a report on the mass killings of protesters by security forces last year. • In **Oman**, journalist and human rights activist Mohammad Al-Fazari was [detained incommunicado](#) for unspecified reasons by authorities in Oman on Aug. 31. He was released five days later - just before Maina Kiai’s visit to the country. • And in **Cambodia**, authorities [reopened](#) the capital’s Freedom Park protest zone, roughly eight months after it was shut down.

September

Hungary’s assault on civil society continued on Sept. 8, when police [searched](#) the Budapest headquarters of Okotars, a foundation coordinating the distribution of funds from the EEA/Norway Grants in Hungary. The government says Okotars is suspected of embezzlement and unauthorized financial activities, but many perceived the raid as part of an [ongoing crackdown](#) on civil society, particularly on organizations funded by Norway. The Norwegian government called the raid “[unacceptable](#)” and said that it was “clear that the Hungarian authorities are continuing their harassment of civil society organizations.”

Malaysia entered September in the midst of a [wave of arrests](#) of activists and opposition politicians, all charged under the Sedition Act of 1948 for allegedly criticizing the government. The colonial-era law makes it a criminal offense to utter “any seditious words” and outlaws any “seditious tendency” that would “bring into hatred or contempt or excite disaffection against any Ruler or against any Government.” An offense is punishable by imprisonment for up to five years. Human rights lawyer Edmund Bon - who in June 2014 participated in an expert [consultation](#) hosted by Maina Kiai - was among those [investigated](#), after he allegedly said that non-Muslims could not be subjected to fatwas or the Shariah court.

In October, a group of United Nations human rights experts, including Special Rapporteur Maina Kiai, [urged](#) Malaysia to withdraw the Sedition Act, as it was being “used in a way that prevents Malaysians from expressing and debating, freely and openly, a diverse range of political opinions and ideas.” The experts said that they had received reports of at least 23 recent cases of persons charged with sedition for publishing or disseminating information through the Internet or traditional media.

Maina Kiai and other UN experts also [called upon](#) the State Parliament of Tasmania in **Australia** on Sept. 9 to refrain from adopting legislation against protests that disrupt businesses. The proposed bill, the experts said, could silence legitimate and lawful protests, is disproportionate, and targets specific issues such as the environment. The bill was later [passed](#) with amendments that eliminated mandatory sentencing provisions.

South Sudan’s government issued an [order](#) in mid-September to non-governmental relief organizations to fire employees of foreign origin, saying they must cease working by mid-October. Telecommunications companies, banks, insurance companies, oil companies, hotels and lodges were also ordered to comply with the directive. The government later [backtracked](#) on the directive.

More than [400,000 people](#) turned out for the People’s Climate March in New York City, **USA**, on Sept. 21, just



Scene from the Hong Kong “umbrella revolution” protests on Nov. 30 (photo: [Pasu Au Yeung/Flickr](#))



Protecting civic space and the right to access resources

A Community of Democracies project funded by Sweden

General Principles

This document summarizes three general principles under international human rights norms and standards regarding the ability of civil society to seek, receive and use resources. The left hand column provides arguments supporting specific aspects of each principle, while the right hand column provides the legal basis or background for the argument. Where relevant, hyperlinks are provided to original sources.

General Principle 1: The ability to seek, receive and use resources is inherent to the right to freedom of association and essential to the existence and effective operations of any association

- | | |
|---|---|
| <ol style="list-style-type: none"> 1 Civil Society is an essential component for the promotion of human rights, democracy and the rule of law; therefore states should create and maintain a safe and enabling environment in which CSOs can operate free from hindrance and insecurity. 2 The exercise of the right to freedom of association is severely curtailed and rendered null if the access to resources is restricted as demonstrated by the decline in the number of associations, decrease of activities or restriction of other associations. 3 International human rights law and standards apply recognize access to resources as part of the right to freedom of association; article 22 of the ICPR protect all activities of an association including fundraising activities. 4 The problem is not isolated but exists in all parts of the world, including the “global north”; it is used in many instances to silence the voices of dissent and critics. 5 Access to resources is important not only to the existence of associations, but also to the enjoyment of other human rights and freedoms for those benefiting from the work of the association. | <p>UN HRC Resolution A/HRC/24/L.24</p> <p>UNSR on Human Rights Defenders, <i>Commentary to the Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms</i>: in order for human rights organizations to be able to carry out their activities, it is indispensable that they are able to discharge their functions without any impediment, including funding restrictions</p> <p>Human Rights Committee, <i>Communication n. 3278/2009</i>: funding restrictions that impede the ability of associations to pursue their statutory activities constitute an interference with article 22</p> <p>Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/20/27)</p> <p>Art. 13 of the <i>Declaration of Human Rights Defenders</i> states that everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means</p> |
|---|---|

Know your rights: Civil society’s ability to access resources

In an effort to strengthen global understanding of civil society’s right to access resources, UN Special Rapporteur Maina Kiai and the Community of Democracies have issued a set of “[general principles](#)” summarizing key aspects of the right, along with their legal bases.

The document summarizes three general principles under international human rights norms and standards regarding the ability of civil society to seek, receive and use resources. It also provides arguments and legal backing to support specific aspects of each principle, with hyperlinks to source documents where relevant.

The principles are extracted from the Special Rapporteur’s 2013 report to the Human Rights Council, which focused on associations’ ability to seek, receive and utilize resources. The report is available here in all six UN languages: <http://freeassembly.net/rapporteurreports/funding-report/>

General Principle 1 states that the ability to seek, receive and use resources is inherent to the right to freedom of association – not a separate right – because it is essential to the existence and effective operations of any association.

General Principle 2 underlines that states must allow associations to seek, receive and use foreign funding as a part of their obligation under international human rights law to mobilize resources available within the society as a whole and from the international community.

Finally, General Principle 3 states that the civil society and corporate sectors should be governed by an equitable set of rules and regulations.

The document is available in [English](#), [Spanish](#) and [French](#).

For more on the UNSR-Community of Democracies project on civic space, see [Section VII](#) of this report, on joint projects.

days before the United Nations climate summit. The turnout was hailed as the largest climate march in history. High-profile attendees included Leonardo DiCaprio, Jane Goodall, UN Secretary-General Ban Ki-moon and former US Vice President Al Gore. A day later, New York police [arrested](#) 102 activists during a protest to highlight the role that organizers said big business plays in climate change.

Also on Sept. 21, some 20,000 people [demonstrated](#) in central Moscow to protest against **Russia's** involvement in the conflict in eastern Ukraine. The government estimated the turnout at 5,000 people, but a volunteer group - which counted people as they passed through police metal detectors to the protest site - put attendance at 26,000.

A group of United Nations human rights experts, including Maina Kiai, [publicly urged](#) the Government of **Ethiopia** on Sept. 18 to stop misusing anti-terrorism legislation to curb freedoms of expression and association in the country, amid reports that people continue to be detained arbitrarily. The experts' Sept. 18 call came on the eve of the consideration by Ethiopia of a series of recommendations made earlier this year by members of the Human Rights Council during Ethiopia's Universal Periodic Review.

"Two years after we first raised the alarm, we are still receiving numerous reports on how the anti-terrorism law is being used to target journalists, bloggers, human rights defenders and opposition politicians in Ethiopia," the experts said.

Meanwhile, **Hong Kong** was [engulfed](#) by pro-democracy protests in September, sparked by a decision by the Chinese government to limit who may stand as a candidate in 2017 elections for the city's leader. The movement - dubbed the Umbrella Revolution - started in earnest on Sept. 26 when students boycotted classes and went to "reclaim" the privatized Civic Square, where they staged a sit-in. The use of tear gas by police on Sept. 29 further galvanized the movement, which grew to include four major sites.

October

Bahraini authorities [lifted](#) a travel ban against human rights activist Maryam Al-Khawaja - who was arrested in late-August and later released - but arrested another on Oct. 1. Bahrain Center for Human Rights President Nabeel Rajab, himself [just released](#) after a two-year prison sentence, was detained after returning to Bahrain from the UN in Geneva, allegedly for insulting an official institution on Twitter. Rajab was later [freed](#) pending the verdict of his trial, which is due Jan. 20, 2015.

Mass pro-democracy protests continued in **Hong Kong**, with the situation taking a turn for the worse on Oct. 3, when [thugs attacked](#) the pro-democracy protesters in an attempt to force them out of their positions. Clashes continued through October, with [calls](#) for Hong Kong's chief executive CY Leung to resign. Leung later said that "[external forces](#)" were influencing the movement.

Meanwhile, on the other side of the world, massive protests led to the Oct. 31 [resignation](#) of **Burkina Faso's** president, Blaise Compaoré, after 27 years in power. The protests were initially sparked by parliament's decision to allow Compaoré to seek another five-year term as president. General Honoré Traoré, head of the armed forces, [initially said](#) he had taken charge of the country, only to be contradicted when another military leader, Lieutenant Colonel Isaac Zida, declared himself president as well. Protesters immediately returned to the streets, demanding a return to civilian rule. The army [responded](#) by clearing thousands of demonstrators from the capital and opening fire at state TV headquarters, killing at least one person.

On Oct. 16, the **Malaysian** Bar Association staged a [demonstration](#) calling for the repeal of the Sedition Act, which had been used to target several of its members. More than 1,000 lawyers attended. Just days earlier, a civil society group protesting against the law was reportedly [chased away](#) by counter-protesters.

In the **UK**, police were [ordered](#) to pay more than £400,000 to a woman who discovered that the father of her son was an undercover police officer sent to spy on political and activist groups. The father later abandoned her and the child. Police are still resisting legal claims from more than 10 other women who say they have suffered emotional trauma after discovering that their one-time boyfriends were undercover officers.

A **Nigerian** court [declared](#) the government's ban on the #BringBackOurGirls protests illegal. The #BringBackOurGirls group had sued in June over the alleged ban on demonstrations over the abduction of scores of Chibok Secondary School girls by the militant group Boko Haram.

And in **Indonesia**, authorities announced that all protests would be [banned](#) at the October Bali Democracy Forum, a multilateral event styled as a venue to promote "the principles of equality, mutual respect and understanding." Indonesian civil society organizations rejected the gathering as a "[ceremonial event](#)."

Elsewhere: A new report alleged irregular and selective [audits](#) of civil society in **Canada** • Imprisoned **Azeri** human rights activist Anar Mammadli won the 2014 [Vaclav Havel Award](#) • The **UK** Electoral Commission [announced](#) it was watching what charity employees are doing on Twitter • In **Kenya**, the government [proposed](#) new vetting rules for NGOs designed to "complement" the government's service delivery and to create a database of all funding and projects so the government can easily keep track of them.

November

The Umbrella Revolution protests continued into November in **Hong Kong**, though the number of demonstrators decreased. Police began attempting to clear protest sites, and on Nov. 26 they [arrested](#) key



LGBTI rights: A big step forward, after several steps back

The penultimate month of 2014 brought a trailblazing ruling from the High Court in Botswana, which on Nov. 18 ordered the registration of an LGBTI organization - 'Lesbians, Gays and Bisexuals of Botswana' (LEGABIBO) - that had been previously denied.

The Court rejected arguments put forward by the government to refuse registration to LEGABIBO, by decreeing that "advocacy for legislative reforms to decriminalize homosexuality is lawful."

UN experts, including Maina Kiai, [hailed](#) the ruling, particularly coming from a region that seen a new wave of repressive anti-LGBTI laws in recent years.

Nigeria, for example, enacted a bill that [banned](#) same-sex marriages, gay groups and shows of same-sex public affection. The new law recommends prison sentences of up to 10 years for anyone who participates in gay clubs or organizations. Uganda also passed severe anti-LGBTI legislation in 2014, though it was [struck down](#) by a court in August.

"This seminal judgment by the High Court of Botswana reaffirms that everyone is entitled to the fundamental right to peacefully assemble and associate," Maina Kiai said. "Other countries should follow and allow the registration of organizations advocating for the human rights of lesbian, gay, bisexual and transgender (LGBT) people."

leaders Joshua Wong and Lester Shum.

Massive [protests broke out](#) in **Mexico** in mid-November over the government's handling of the murder of 43 students in September. The protests were sparked by the attorney general's claim that the students were killed by gang members acting on police orders. A phrase used by the attorney general to cut off his press conference – “ya me canse,” or “enough, I’m tired” – went viral on social media and became a slogan for the protest movement. Thousands staged protests in Mexico [throughout](#) the month of November and [into December](#).

The **US** city of Ferguson saw a new wave of protests after a grand jury [failed](#) to indict the police officer who killed Michael Brown in August. Demonstrations spread to [other US cities](#) as well, including Oakland, Los Angeles, New York, Chicago and Boston.

As **Thailand's** military junta neared five months in power, a cinema chain in Bangkok [cancelled](#) screenings of the new Hunger Games film after protestors adopted the movie's defiant three-fingered salute against totalitarian rule. Activists said police ordered the move after hundreds of students planned to protest at an opening day screening of the film.

In **Kyrgyzstan**, the legislature was [considering](#) a bill that would introduce criminal and administrative sanctions for acts aimed at forming “a positive attitude towards non-traditional sexual orientation.” UN experts urged the country's lawmakers to reject the law, saying it would “run afoul of the Kyrgyzstan's human rights obligations and commitments.” Maina Kiai noted in the experts' statement that “the freedom of assembly protects demonstrations promoting ideas that may be seen as annoying or offensive by others.”

And in **Burkina Faso**, Lt. Col. Isaac Zida - the military officer who seized power after protests forced the ouster of longtime ruler President Blaise Compaoré - was [named interim prime minister](#) in late November. The transitional government said that intends to steer the country to democracy within a year.

December

Massive protests continued over the Michael Brown case in the **United States**, and saw a new wave on Dec. 2 when a grand jury in New York [ended the criminal case](#) against a white New York police officer whose chokehold on Eric Garner - an unarmed African-American - led to the man's death. Protests, under the banner of Garner's last words, “I can't breathe,” swelled and spread across the United States over the following week and beyond, and spurred shows of support from [professional athletes](#) and [President Barack Obama](#), among others. Maina Kiai and other UN experts issued a [statement](#) on Dec. 5 expressing “legitimate concerns” over the grand jury decisions in both cases.

In **Egypt**, meanwhile, a court [dropped](#) all remaining criminal charges against former President Hosni Mubarak on Nov. 29, setting the stage for his release. Mubarak was swept from power in 2011 following protests sparked by the Arab Spring, and stood accused of murder for ordering the killing of protesters. About 1,000 protesters immediately returned to Tahrir Square, the epicenter of Egypt's Arab Spring demonstrations. The square was closed in response, and media reported that at least one person was killed and over 85 were arrested; [two more were reportedly killed](#) in the days that followed. Calls for further demonstrations were met by a second closure of the square on Dec. 2.

As **Thailand's** military junta neared five months in power, a cinema chain in Bangkok [cancelled](#) screenings of the new Hunger Games film in mid-November after protestors adopted the movie's defiant three-fingered salute against



Follow the UNSR online

The Special Rapporteur took bold new steps in 2014 to extend the mandate's reach via an expanded online presence that aims to make information about assembly and association rights more accessible to a wider audience.

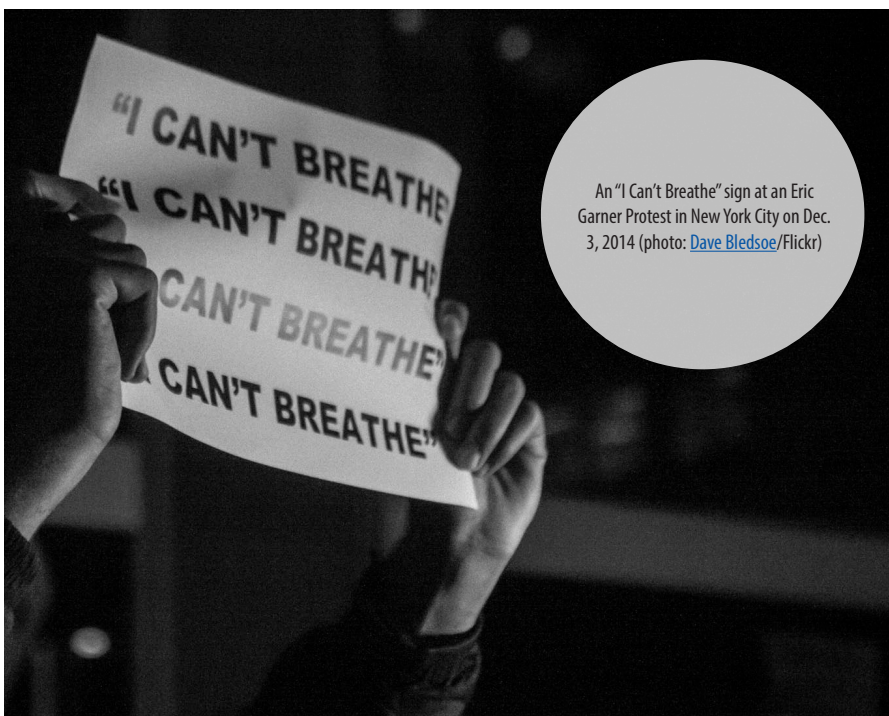
In late-2013, Maina Kiai joined a handful of other Special Rapporteurs by launching his mandate's own independent website, <http://freeassembly.net>. The site, which functions as a hub for information on the rights to freedom of peaceful assembly and of association, is the best place to stay up to date on the mandate's activities, and on news related to assembly association rights.

Key features include:

- [The country page](#): Search for information by country using an interactive map, or a text menu
- [Country invitation status](#): Has the Special Rapporteur requested to visit your country? Has an invitation already been extended? Find all the information here
- [Discussion pages](#): Look here for the latest on the mandate's upcoming reports, and to learn how to contribute to them
- [Reports](#): Find all of the Special Rapporteur's reports, organized by type
- [Kiai Comments](#): A regularly updated “quote widget” that features excerpts from the Special Rapporteur's reports, speeches and articles; it's easily embeddable on external websites and can display the quotes in English, French, Spanish, Thai, Khmer, Chinese and Turkish.
- [The Assembly and Association Briefing](#): Subscribe to the UNSR's periodic newsletter, and get news about the mandate delivered directly to your inbox.

The Special Rapporteur's website is complemented by his accounts on [Twitter](#) and [Facebook](#), where we share the latest news from the mandate and relevant stories from around the world.

The mandate's [Flickr page](#), meanwhile, documents the activities of the mandate in pictures. All content on the Flickr page is available for republication via a Creative Commons license.





A protest against Spain's so-called "gag law" on Dec. 20, 2014, in Madrid. For more, see the news item on this page (photo: [Popcinio/Flickr](#))

totalitarian rule. Activists said police ordered the move after hundreds of students planned to protest at an opening day screening of the film. "The theatre told us they were uncomfortable and wanted to avoid any problems that may arise," a protest organizer told the Associated Press. "They said they did not want to be involved in any politics."

A court in **Hong Kong** granted an [injunction](#) to allow the clearance of all remaining protest sites in the city; on Dec. 11, the sites began being [dismantled](#), with all sites [clear](#) by Dec. 15 - though some organizers pledged "follow-up actions."

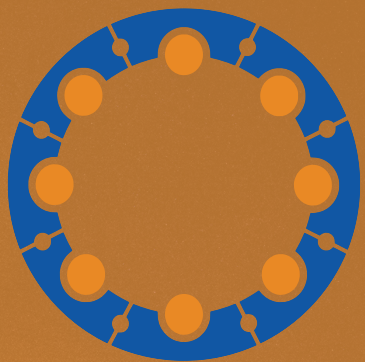
Prominent **Omani** human rights defender Saed Jadad - who met with the Special Rapporteur during his visit to the country in Sept. 2014 - was [detained](#) by authorities on Dec. 12, reportedly without charge. He was ultimately released on Dec. 21.

Thousands of people [protested](#) in **Spain** after parliament approved a draconian new anti-protest law that sets hefty fines for offenses such as burning the national flag and demonstrating outside parliament buildings. The new law allows fines of up to €30,000 for disseminating photographs of police officers that are deemed to endanger them or their operations and imposes fines of up to €600,000 for individuals participating in demonstrations outside parliament buildings or key installations.

Kenya saw a flurry of year-end activity against civil society, including the [closure](#) of more than 500 NGOs for "non-compliance with the law" and [criminal charges](#) against a popular blogger Robert Alai; the latter was accused "undermining the presidency" following a tweet he posted in early December. On Dec. 18, [brawls](#) broke out in parliament during the debate over a controversial new security bill, which [rights groups said](#) could be used to trample assembly and expression rights. Several protesters were arrested outside of parliament, and at least eight [were charged](#). The bill ultimately passed, but portions of it were [suspended](#) by a court later in early January pending review.

And in **Bahrain**, human rights defender Maryam Al-Khawaja was [sentenced](#) in absentia to one year in jail for allegedly assaulting police officers when was detained upon entering the country earlier in the year. Also in December, Maryam's sister, Zainab Al-Khawaja, was sentenced to [more than four years](#) in prison for insulting a public official. The women's father, prominent human rights activist Abdulhadi Al-Khawaja, has been serving a life sentence in Bahrain since 2011 for the role he played in the country's ongoing protest movement which started that year.

The Special Rapporteur closed 2014 by joining a [statement](#) with other UN experts urging the government of Bahrain to drop the charges against the Al-Khawaja sisters and a third woman activist, Ghada Jamsheer. Jamsheer is head of the Women's Petition Committee, a network of Bahraini women human rights defenders who campaign for the codification and reform of Bahrain's family laws; she was detained for more than three months on charges of "defamatory tweets." She was placed under house arrest on Dec. 15 and currently faces 12 criminal charges, including new charges of "assaulting a police officer" during her detention.



III. Assembly & Association Rights: By the Numbers

Scene from a protest in Kiev, Ukraine,
on January 25, 2014 (photo: [Sasha
Maksymenko/Flickr](#))

Number of days (as of Dec. 31, 2014) that Gen. Prayuth Chan-ocha has served as Thailand's head of state, following a military coup in May

224

Approximate number of heads of state worldwide that Chan-Ocha outranks in terms of longevity

57

Number of protesters that Egypt's former president Hosni Mubarak was charged with killing during the Arab Spring uprising in 2011

239

Number of people he was convicted of killing (charges were dropped on Nov. 29, paving the way for his possible release from prison)

0

Estimated number of people sentenced to death in Egypt in 2014 for protests-turned-riots related to political unrest

1,435

Number of weeks in 2014 that the Turkish government blocked the social media site Twitter, which then-Prime Minister Recep Tayyip Erdoğan reportedly called "the worst menace to society" in 2013

2

Minimum number of times Erdoğan (who is now President) has Tweeted (as of Dec. 31, 2014) since starting his account in 2009

3,306

Days since the disappearance of Laos human rights defender Sombath Somphone (as of Dec. 31, 2014). Closed-circuit television footage showed Sombath being abducted on Dec. 15, 2012, and he was reported to be in police custody a few days later, but has not been heard from since

747

Number of designated fields that Laos' domestic NGOs would be allowed to work on - agriculture, education, public health, sport, science, and humanitarian benefits - under a decree proposed by the government in 2014

6

Maximum fine, in euros, that a new Spanish law imposes on individuals participating in demonstrations outside parliament buildings or key installations that are considered to "breach the peace"

600K

Prison term, in months, imposed on Bahraini activist Zainab Al-Khawaja for tearing up a picture of Bahrain's King during a court hearing in October 2014. Al-Khawaja's father is also currently serving a life sentence for his involvement in Bahrain's 2011 protest movement

36

Minimum number of detainees who allege they were tortured after being detained for participating in Bahrain's 2011 protest movement. The Government-appointed Bahrain Independent Commission of Inquiry (BICI) later concluded that the government "followed a systematic practice of physical and psychological mistreatment, which in many cases amounted to torture"

1,866

Number of senior Bahraini officials responsible for the alleged torture who have been held accountable

0

IV. Thematic Reports:

Documenting trends and defining rights

Thematic reports form the backbone of the Special Rapporteur's work: They survey and document how assembly and association rights are exercised, protected and restrained worldwide; they identify trends; and they provide the opportunity to help shape the contours of international law and standards in response to these trends.

In 2014, Maina Kiai selected two thematic areas to focus on in his reports - areas which he felt were in urgent need of the international community's attention and efforts. The first focused on groups "most at



A view of the Human Rights Council meeting room in June 2014, prior to the Special Rapporteur's presentation of his report on groups most at risk.

risk” in exercising their assembly and association rights, while the second looked at the exercise of these rights in the context of multilateral institutions.

Groups most at risk (Human Rights Council, 26th session)

The Special Rapporteur presented his [third thematic report](#) to the Human Rights Council on June 10–11 in Geneva; it focused on the challenges faced by marginalized groups in exercising – or seeking to exercise – their rights to freedoms of peaceful assembly and of association.

These groups, deemed “most at risk,” include persons with disabilities; youth; women; lesbian, gay, bisexual, transgender and intersex (LGBTI) people; members of minority groups; indigenous peoples; internally displaced persons; and non-nationals, including refugees, asylum seekers and migrant workers.

Kiai documented a growing wave of restrictions against these groups worldwide, and called upon UN Member States to protect the assembly and association rights of all people within their jurisdictions – including those who are “seen as being different” and may be marginalized as a result.

“It matters not whether we approve or support the activities of these marginalized groups at risk,” Kiai [told the Council](#) on June 10. “The test of international law is that as long as their activities are non-violent, non-discriminatory, non-xenophobic and do not incite others to violence, they must be protected and facilitated.”

Despite the universality of human rights, Kiai’s report documents numerous examples where assembly and association rights have been unduly limited for particular groups.

In Malaysia, for example, people under 21 are prohibited from organizing a peaceful public demonstration. Children below age 15 cannot even participate. A number of UN Member States explicitly divest non-citizens of their assembly and association rights, including Myanmar, where the stateless Rohingya – who some claim have been present in the country for centuries – have seen such rights entirely eliminated under the constitution.

The assembly and association rights of minorities and indigenous peoples are frequently targeted, such as in Canada, where the government reportedly tasked between 2007 and 2010 a special intelligence unit with spying on First Nations groups engaging in protest activities. LGBTI individuals have also faced a wave of severe repression in recent

15

Minimum age to participate
in a peaceful public
demonstration in Malaysia

28.8%

Estimated percentage of the
Malaysian population that has
no assembly rights as a result

0

Constitutionally-guaranteed
assembly rights for non-
citizens in Myanmar

700,000

Estimated number of ethnic
Rohingya in Myanmar who
have no assembly rights as
a result

The Special Rapporteur in the news

The Special Rapporteur’s writing on the rights to freedom of peaceful assembly and of association in 2014 wasn’t limited to his reports. He took to the pages newspapers and websites around the world to promote the mandate’s work and to advocate for assembly and association rights.

Some highlights include (titles link to the articles):

- “[Coalition’s lobbying bill threatens to leave a stain on British democracy](#),” a Jan. 12 op-ed in The Guardian on the United Kingdom’s so-called “Lobbying Bill.”
- “[Three years after Tunisia: thoughts and perspectives on the rights to freedom of assembly and association from United Nations Special Rapporteur Maina Kiai](#),” an essay from April reflecting on the first three years of the UNSR mandate, published in the Journal for Global Ethics.
- “[The revolution might be televised, but most protests won’t be](#),” a June 20 article for the International Service for Human Rights, regarding his thematic report on groups most at risk.
- “[UN forsakes its values when it favors ‘stability’ over fundamental rights](#),” a July 15 commentary offering advice for the UN’s new High Commissioner for Human Rights, Prince Zeid, published in OpenGlobalRights.



An LGBTI activist is attacked during a “Day of Kisses” in Moscow, Russia, held in June 2013 to protest against a proposed anti-LGBTI law (photo: [Roma Yandolin/Flickr](#))

years, particularly in Eastern Europe, the Middle East and Africa. In Nigeria, for example, a new law recently made it a criminal offense to register, operate, participate in or support “gay clubs, societies, organizations, processions or meetings.”

Kiai noted that some restrictions on marginalized groups actually have the support of the wider population, partially because people tend to fear or disregard those who are different from them. This fear is misguided, he said, because governments can manipulate it to their own ends.

The call for non-discrimination in the application of assembly and association rights drew broad support from a host of Member States, but also harsh condemnation, including from Pakistan, which objected specifically to the report’s focus on allowing LGBTI individuals and groups to exercise their rights to freedom of peaceful assembly and of association. Pakistan’s delegate told the Council that there “is no consensus on LGBTI rights” and therefore these rights should not be “propagated as part of international law.”

Egypt also claimed that Kiai was expanding at-risk groups to an “unprecedented level” that they could not condone.

Kiai clarified that his report does not advocate for “creating new rights,” but rather for enforcing the prohibition of discrimination, which is well established in international law, and enforcing existing rights evenly, without arbitrary discrimination.

“The ‘us vs. them’ rhetoric is an illusion,” Kiai said, echoing [his words in an op-ed](#) for the International Service for Human Rights. “A government that can silence one group is a government that can silence anyone.”

The report – which is available in all six official UN languages – and a transcript of his statement to the Human Rights Council are available at <http://freeassembly.net/rapporteurreports/groups-most-at-risk-report/>. The report’s UN document number is A/HRC/26/29.

Observations on communications report (Human Rights Council, 26th session)

As part of their official duties, UN Special Rapporteurs regularly send “communications” to national governments when allegations of serious human rights abuses arise. These communications raise concerns about specific human rights issues, lay out the information that the UN has received concerning the issues, and request further information from the State. Communications are often signed by multiple Special Rapporteurs or UN experts, depending on the subject of the allegation(s). States are invited to respond, but not all choose to do so.

Communications and replies are initially confidential, but are released once a year alongside the Special Rapporteur’s observations on both. The Special Rapporteur’s most recent [communications report](#) (A/HRC/26/29/Add.1) – covering the period between March 1, 2013, and Feb. 28, 2014 – was presented at the 26th Session of the Human Rights Council in June and is available at: <http://freeassembly.net/rapporteurreports/communications-2013-14/>.

For ease of reference, communications and replies have been extracted and organized by country on [Freeassembly.net](#). Each country’s communications can be accessed via the website’s [country page](#) by clicking the country’s name and then “reports.”

Multilateral institutions (General Assembly, 69th session)

The Special Rapporteur presented [his second thematic report](#) of 2014 – focusing on how the rights to freedom of peacefully assembly and of association are exercised, promoted and limited in the context of multilateral organizations – to the General Assembly on October 28 in New York.

The report asserts that assembly and association rights are equally fundamental and protected at the national and international levels, but that they are not always upheld at the multilateral level.

“Decisions of multilateral institutions – which represent Governments – have a profound impact on the lives of ordinary people across the globe,” Kiai [told the General Assembly](#). “But are these people consulted and given a chance to contribute to issues affecting them? Often, the answer is no.”

Kiai said that assembly and association rights are among the most inclusive and effective tools that the world has to allow people to peacefully express their views and push for change. When people are denied these rights they feel powerless, and no good can follow.

“The rights to freedom of peaceful assembly and of association satisfy people’s fundamental desire to take control of their own destinies,” Kiai said. “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.”

The report details a number of obstacles for those wishing to exercise their rights to freedom of peaceful assembly and of association in the context of multilateral institutions. Very few multilaterals, for example, have formal complaints mechanisms for the general public or allow civil society effective and substantive participation in high-level processes. The report also calls upon multilaterals, and the States that comprise them, to do more about reprisals against human rights defenders who cooperate with such institutions.

In his report, the expert pointed to an increasing number of cases in which individuals are killed, threatened, harassed, tortured, arbitrarily arrested, spied upon and banned from travelling because they cooperate with multilateral bodies.

Factsheet: Multilateral organizations & FoA rights

Summary of Special Rapporteur Naisa Kato’s Oct. 2014 report to the UN General Assembly (A/69/339/37)

Do assembly and association rights apply at the multilateral level?

Yes

These rights are fundamental and apply at the multilateral level. They are not limited to national territory. The Special Rapporteur argues that States have a responsibility to respect these rights in the context of multilateral organizations. This includes ensuring that the rights to assembly and association are not undermined by the way in which these organizations are structured and operated. States should also ensure that these rights are not used to justify discrimination or repression.

Do multilateral organizations have a responsibility to respect these rights?

Yes

Multilateral organizations, including the UN, have a responsibility to respect these rights. This includes ensuring that the rights to assembly and association are not undermined by the way in which these organizations are structured and operated. States should also ensure that these rights are not used to justify discrimination or repression.

Do States have a responsibility to respect these rights in the context of multilateral organizations?

Yes

States have a responsibility to respect these rights in the context of multilateral organizations. This includes ensuring that the rights to assembly and association are not undermined by the way in which these organizations are structured and operated. States should also ensure that these rights are not used to justify discrimination or repression.

Do States have a responsibility to promote these rights in the context of multilateral organizations?

Yes

States have a responsibility to promote these rights in the context of multilateral organizations. This includes ensuring that the rights to assembly and association are not undermined by the way in which these organizations are structured and operated. States should also ensure that these rights are not used to justify discrimination or repression.

The Right to Freedom of Association

Best Practices Fact Sheet

Does any association need to be registered?

No

Registration is not a prerequisite for the exercise of the right to freedom of association. States should ensure that the right to freedom of association is not undermined by the way in which these organizations are structured and operated. States should also ensure that these rights are not used to justify discrimination or repression.

Can registration be required if it is in the public interest?

No

Registration should not be required if it is in the public interest. States should ensure that the right to freedom of association is not undermined by the way in which these organizations are structured and operated. States should also ensure that these rights are not used to justify discrimination or repression.

Do States have any obligations to promote these rights?

Yes

States have a responsibility to promote these rights in the context of multilateral organizations. This includes ensuring that the rights to assembly and association are not undermined by the way in which these organizations are structured and operated. States should also ensure that these rights are not used to justify discrimination or repression.

The Right to Freedom of Peaceful Assembly

Best Practices Fact Sheet

Does the right to freedom of peaceful assembly apply?

Yes

The right to freedom of peaceful assembly applies at the national and international levels. States should ensure that this right is not undermined by the way in which these organizations are structured and operated. States should also ensure that these rights are not used to justify discrimination or repression.

Do States have any obligations to promote these rights?

Yes

States have a responsibility to promote these rights in the context of multilateral organizations. This includes ensuring that the rights to assembly and association are not undermined by the way in which these organizations are structured and operated. States should also ensure that these rights are not used to justify discrimination or repression.

Your rights on one page: The UNSR's factsheet series

In an effort to make his mandate’s work more accessible to a wider audience, the Special Rapporteur produced a series of factsheets in 2014, summing up key aspects of assembly and association rights in a concise, easy-to-use fashion.

The first factsheet summarizes the Special Rapporteur’s 2014 report to the General Assembly, which focused on the exercise of assembly and association rights in the context of multilateral institutions.

The second and third factsheets focus on best practices for the rights to freedom of peaceful assembly and of association, and draw heavily from the Special Rapporteur’s previous work, particularly his 2012 report on best practices.

The assembly rights factsheet is available in English, Armenian and Chinese (traditional). The association rights factsheet is available in English and Azerbaijani. More translations are underway.

All of the Special Rapporteur’s factsheets can be viewed at the following link:

<http://freeassembly.net/tag/factsheet/>

“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.”

UN Special Rapporteur Maina Kiai
Statement to the 69th Session of the UN General Assembly
Oct. 28, 2014



A man participating in one of Taiwan’s “Sunflower Student Movement” protests on March 30, 2014. The movement was driven by a coalition of groups protesting the passing of the Cross-Strait Service Trade Agreement (CSSTA) by the ruling party (photo: toomore/Flickr)

“Reprisals are the area of gravest concern,” the expert warned. “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.”

Mr. Kiai also noted how States obstruct the participation of civil society through the politicization of the NGO Committee, the UN body which recommends NGOs to the UN Economic and Social Council for consultative status.

“The NGO Committee has on several occasions acted in a manner contrary to its purpose by arbitrarily deferring applications for dozens of NGOs, several for many years,” the expert highlighted.

Multilaterals do not rank much better when it comes to protecting assembly rights, according to the report. The Special Rapporteur notes that there have been numerous reported violations to the right of peacefully assembly during multilateral institutions’ summits in recent years, notably those organized by the North Atlantic Treaty Organization (NATO) and the Group of Twenty (G20).

“Multilateral institutions should set comprehensive guidelines on the policing of assemblies rather than delegate this duty to the national authorities where protests occur,” Mr. Kiai said. “Moreover, they should not organize major events likely to draw protests in locations where they cannot receive assurances that local authorities have the political will and technical capacity to uphold international standards.”

The report also argues that private multilateral bodies, such as the International

Olympic Committee (IOC) and Fédération Internationale de Football Association (FIFA), are not exempt from the responsibility to respect universally recognized human rights. Despite this, “the IOC bans in its Charter demonstrations at their events altogether and FIFA’s executives openly express with apparent impunity that less democracy or even oppressive military Governments are better for organizing a World Cup,” the report says.

Kiai prepared his report to the 69th session of the General Assembly with extensive input from civil society organizations, governments and other stakeholders, including at an [expert meeting](#) in Istanbul in June to discuss assembly and association rights in the context of multilaterals. He also authored an [op-ed for Article 19](#) promoting the report.

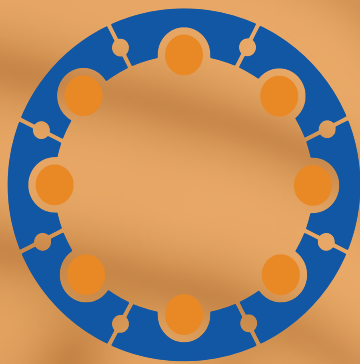
The report’s document number is A/69/365; it is available in all six official UN languages, along with a transcript of Kiai’s remarks to the General Assembly, at: <http://freeassembly.net/rapporteurreports/report-multilaterals/>

Looking to 2015

In 2015, the Special Rapporteur will again present one report before the 29th session of Human Rights Council in June, and another before the 70th session of the General Assembly in October.

The report to the Human Rights Council will focus on the rights to freedom of peaceful assembly and of association in the context of extractive industries and the exploitation of natural resources. The General Assembly report will focus on ensuring an enabling environment for civil society in comparison to businesses and other non-governmental entities.

Maina Kiai listens to Omani writer and activist Fahim al-Meashni on Sept. 11, 2014, during his official visit to Oman



V. Country visits: Advancing rights through cooperation

Country reports are also a core part of the Special Rapporteur's mandate. Where thematic reports are broad and look for trends, country reports are in-depth and attempt to examine the entire landscape for assembly and association rights in a particular UN Member State.

Undertaking a country visit and the production of the resulting report requires an official invitation from the Member State, except where States have extended standing invitations. To date, the Special Rapporteur has made requests to visit some 40 countries and has received [invitations](#) to visit 15 countries. He has visited four of those countries.

In 2014, the Special Rapporteur was able to complete two country visits: Rwanda, from Jan. 20-27, and the Sultanate of Oman, from Sept. 8-13. He also conducted a follow-up visit to Rwanda in August. Both visits marked the Special Rapporteur's first official visits to their respective regions.

Kiai characterized both Rwanda and Oman as "strong states," which have put tremendous resources into modernization and economic development, but which have so far failed to embrace human rights with the same energy and focus.

Rwanda (Jan. 20-27)

Rwanda has made "remarkable progress" in the past 20 years, but Kiai [argued at the conclusion](#) of his visit – and in his report to the Human Rights Council – that this progress has not encompassed improvements in the field of assembly and association rights.

For example, the Special Rapporteur found that peaceful protests criticizing government policies were generally not allowed, despite the right to peaceful assembly being guaranteed under the constitution. He also noted a "contradiction in requiring both prior notification and authorization [for assemblies], paving the way for arbitrary decisions by the authorities."

"Let me emphasize that peaceful assemblies should not be feared," Kiai said at the conclusion of his visit on Jan. 27. "Rather they should be encouraged. There is value in expressing disagreement and differences peacefully and publicly."

Kiai also documented serious impediments to freedom of association, including onerous obstacles to registration, limits on civil society's freedom to operate in certain sectors, and government interference in the internal affairs of groups deemed too critical of official policy.

The expert drew attention to the "striking difference between the registration process for NGOs and businesses." Civil society groups can take months to register, while businesses can be formed in six hours or less.

The Special Rapporteur had particularly sharp words for the Rwanda Governance Board (RGB), the body charged with regulating local NGOs, which many civil society members reported is interfering in the internal affairs of some organizations.

"The independence and ability of associations to run their internal affairs without external interference is of paramount importance in the exercise of the right to freedom of association," he said. "I see no justification for RGB involving itself in leadership wrangles within local NGOs."

The Special Rapporteur also observed "a lack of space" for individuals to express dissenting views in the political realm, due to the Government favoring a type of "consensus politics" that strongly discourages public criticism. Registration of political parties, he said, is also "long, laborious and, in far too many instances, arbitrary." The Green Party, for example, spent four years securing its registration. Other key opposition parties remain unregistered.

"The rights to freedom of peaceful assembly and of association should not be seen as driving conflict or division," Kiai said. "Rather, they should be seen as alleviating it. There is value in expressing disagreement and differences peacefully and publicly."

The human rights expert highlighted the cases of Ms. Victoire Ingabire, Mr. Sylvain Sibomana and Mr. Anselme Mutuyimana from the FDU Inkingi, an opposition party that has been unable to register to date, as well as of Mr. Bernard Ntaganda from the PS Imberakuri. They have all been sentenced from four to fifteen years in prison on charges ranging from organizing "illegal demonstrations" to "genocide denial."

During his eight-day visit, Kiai visited the cities of Kigali and Huye, where he met State officials, members of the judiciary and of Parliament, representatives of the National Human rights Commission, members of civil society, and the diplomatic community.

Kiai's report on Rwanda was presented to the Human Rights Council on June 10 at its 26th session in Geneva. It is available – along with comments on the report from the Government of Rwanda – at <http://freeassembly.net/rapporteurreports/rwanda/>. The report's UN document number is A/HRC/26/29/Add.2.

Photos from the mission are [available](#) on the mandate's Flickr site. For all Special Rapporteur documents related to Rwanda, please see the Rwanda country page on our website: <http://freeassembly.net/tag/rwanda/>

Rwanda follow-up visit (Aug. 25-26)

Kiai returned to Rwanda for a [follow-up visit](#) Aug. 25-26, where he met with Government representatives to discuss Rwanda's progress in implementing key recommendations contained in his report to the Human Rights Council. Kiai also made recommendations to the government as Rwanda prepares for its upcoming Universal Periodic Review (UPR) in October 2015.



"Peaceful assemblies should not be feared. Rather they should be encouraged. There is value in expressing disagreement and differences peacefully and publicly."

UN Special Rapporteur Maina Kiai at the conclusion of his official visit to Rwanda on Jan. 27

"The Basic Law of Oman ... establishes the right to form associations, but based on my observations this right is virtually non-existent in practice."

UN Special Rapporteur Maina Kiai
at the conclusion of his official visit to Oman on Sept. 13

The Special Rapporteur commended Rwanda "for its continued cooperation and willingness to engage in open and frank constructive dialogue."

Following the visit, Kiai again acknowledged the great strides that Rwanda has made in rebuilding its society and economy since the genocide 20 years ago, but said that the time has come for the government to put the same energy and resources into creating an environment where assembly and association rights can thrive.

"It is essential in any society that there is space for peaceful dissent, discussion and dialogue," he said. "And it is incumbent upon every Government to help create this space. It is true that Rwanda faces a challenge in this area due to the deep social divisions that remain after the genocide. But these are not insurmountable. There must be space within which these divisions can be discussed and grievances resolved without resorting to penal sanctions."

Oman (Sept. 8-13)

Oman has "successfully modernized and is a strong state," but must build on its achievements by adopting a "people-centered approach that can lead to the full enjoyment of fundamental rights and freedoms," the Special Rapporteur said at the conclusion of his visit to the country in September.

The expert noted a "consistent focus" on maintaining peace, order and stability in Oman, which is often used for limiting assembly and association rights. This, in turn, creates "a pervasive culture of silence and fear affecting anyone who wants to speak and work for reforms in Oman," he stressed, noting that some activists "reported reprisals, before and during my visit, following their attempts to contact or meet with me."

"Stability is certainly important," the Special Rapporteur said, "but it is crucial to emphasize that the enjoyment of civil and political rights on one hand, and stability on the other, are not mutually exclusive. In fact, human rights are the foundation for true and sustainable stability."

The Basic Law of Oman nominally guarantees the right to peaceful assembly, but requires that this right must be "within the limits of the Law." Unfortunately, the human rights expert said, these limits "are quite restrictive, to the point where they often annul the essence of the right."

For example, Mr. Kiai noted, gatherings of more than nine people require the authorities' de facto approval. "Under

Omani human rights defender Saed Jadad meets with Maina Kiai in Salalah on Sept. 10, 2014, during Kiai's official visit to Oman. Jadad was detained by Omani authorities in December.

international law, the exercise of the right to freedom of peaceful assembly should not be subject to authorization by the authorities," he said.

The expert also expressed concern over reports of excessive force and arbitrary arrests in response to peaceful assemblies, particularly during the wave of social-reform protests in 2011 and 2012.

The Basic Law of Oman also establishes the right to form associations, but the Special Rapporteur pointed out that this right "is virtually non-existent in practice." The law on associations limits the type of associations that may be formed, makes registration mandatory and gives unbridled discretion to the Ministry of Social Development to approve or deny registration applications for "any reason the Minister deems relevant." It also bans political parties.

"Given the deep and fundamental flaws in the current association law, I would recommend that the Government consider a new law altogether that is in line with the relevant provisions of international human rights law instruments," Mr. Kiai said.

The Special Rapporteur drew special attention to the newly enacted Law on Nationality, which states that Omani nationals may lose their citizenship if they engage in an organization deemed to be working against the country's interest. "There is apprehension that this law can be used to threaten or punish civil society activists who dare to peacefully dissent. I share these concerns," he stressed.

He also expressed concern about the inability of activists to freely associate online. Access to some Voice over Internet Protocol (VoIP) and instant messaging services is limited and a number of

bloggers and writers have been imprisoned, he noted.

The human rights expert called on the Omani Government to urgently ratify the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

During his six-day visit, Kiai visited the cities of Muscat and Salalah, where he met State officials, members of the judiciary and of Parliament, representatives of the National Human rights Commission and members of civil society.

Kiai's report on Oman will be presented to the Human Rights Council at its 29th session in June 2015. When released, it will be available – along with comments on the report from the Government of Oman – at <http://freeassembly.net/rapporteurreports/oman/>

Photos from the mission are [available](#) on the mandate's Flickr site. For all Special Rapporteur documents related to Oman, please see the Oman country page on our website: <http://freeassembly.net/tag/oman/>

Looking to 2015

One country visit has been confirmed for 2015: Kazakhstan. The visit is scheduled to take place in late January.

Kiai also has pending invitations from Kenya, Malawi, Chile, Azerbaijan, Tunisia, Honduras, Kyrgyzstan, Guatemala, Syria and the Maldives. Potential dates for these visits have yet to be determined.

For the current status of all country invitations, please see our "Country Invitation Status" page on our website: <http://freeassembly.net/country-info/country-invitation-status/>

6

Estimated time, in hours, that it takes to register a business in Rwanda

6,574

Estimated time, in hours, it can take to register an NGO in Rwanda (based on estimate of 9 months)

124

Number of legally-registered associations in Oman, according to a government website

0

Number of these associations which are political parties

The Special Rapporteur meets with officials from Oman's Ministry of Foreign Affairs on Sept. 13, 2014, during his official visit to the country

A June 2013 protest calling for the release of human rights defender and land activist Yorn Bopha in Phnom Penh, Cambodia. The Special Rapporteur visited the country in February 2014 to meet with civil society and others (photo: LICADHO)

VI. Academic Visits: Spreading the word with an ear to the ground

The power of any UN Special Procedures mandate goes beyond simply presenting reports to the Human Rights Council. Special Rapporteurs are viewed as leading experts and spokespeople on their designated issue. This gives them the opportunity – and perhaps the responsibility – to build momentum around that issue, to listen to what people are saying on the ground, and to motivate others to help promote and protect human rights.

To that end, the Special Rapporteur maintained a packed schedule throughout 2014, making dozens of international trips on behalf of the mandate to roughly 15 countries and participating in conferences, workshops and other events. He also made several academic visits to meet with a number of stakeholders in countries that are of interest to the mandate.



Cambodia: Witnessing a ban on assembly rights

One of Kiai's highest-profile academic visits came in February, when he [traveled](#) for three days to Cambodia to meet with civil society leaders, activists and government officials.

Following months of massive post-election protests, the country had recently instituted a broad crackdown on public demonstrations, which has left at least four people dead, dozens injured, and a number of activists imprisoned in the past month. All public gatherings were banned in early January; the ban was finally lifted on Feb. 25.

Kiai raised the issue of the blanket protest ban with Secretary of State for the Ministry of Foreign Affairs, Ouch Borith, and called upon the government to lift the ban as soon as possible. The two also discussed the use of force by authorities during demonstrations and the fate of missing and arrested activists.

"The government has absolutely no right . . . to kill people when they march peacefully," Kiai [told local media](#) on February 7, during a visit with land activists in the Boeung Kak Lake community. "That is not acceptable under international law. The use of force needs to be proportional and it needs to be measured as well."

Kiai also requested that Cambodia invite him for an official visit in his capacity as UN Special Rapporteur.

Kiai also focused on Cambodia's proposed Law on Associations and Non-governmental Organizations, a draft of which was reportedly approved by the Council of Ministers during his visit. Civil society has long expressed concern that the law will be used to shut down NGOs which criticize the government, and to generally limit civic space.

A photo album of Kiai's visit to Cambodia is available on our [Flickr page](#).

Burundi: Monitoring ahead of a key election

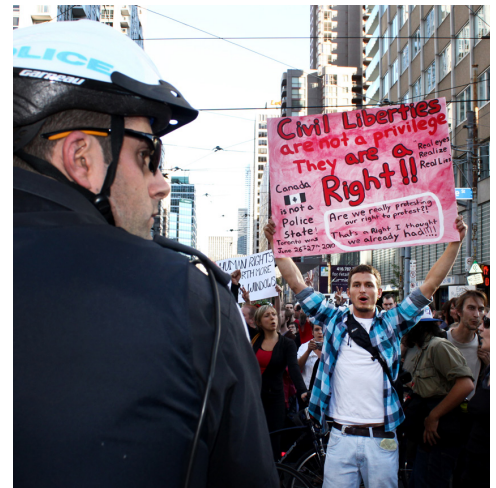
The Special Rapporteur also [visited](#) Burundi on July 21-22 for a brief visit to learn more about the country ahead of key elections planned for 2015.

The country was reportedly in the midst of a crackdown on civil society, with top rights activist Pierre Claver Mbonimpa arrested on May 17 and dozens of opposition party members facing prison sentences. 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, speaking 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 [2013 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 claimed that the government is "perpetrating a relentless campaign of intimidation against government critics."



Canada: Maina Kiai speaks out on narrowing space for dissent

Maina Kiai visited Canada in October 2013 on an unofficial academic visit, during which he met with a wide range of people within civil society.

He also took time to sit down with the Voices-Voix Coalition for a brief interview about civic space in Canada. The interview was released in early 2014 and is available on [YouTube](#).

In the interview, Kiai speaks about what he sees as a trend toward narrowing space for dissent in Canada and the need for an honest assessment of where fundamental democratic rights stand in the country. He also urges Canadians to exercise their rights to assemble, protest and organize. These rights – and indeed democracy itself – should not be taken for granted.

Photo: Canada protest in 2010
([Iackman Chiu/Flickr](#))



The Special Rapporteur meets with Buddhist monks during his visit to Cambodia in February 2014. A number of Buddhist monks have been persecuted in the past year after speaking out against human rights abuses in the country.

USA: Roundtable with Venezuelan activists

On April 11, Maina Kiai was in the United States to participate in a [roundtable discussion](#) about the ongoing protests in Venezuela at the Massachusetts Institute of Technology (MIT). The event was streamed live to a worldwide audience.

The Special Rapporteur was joined by Alfredo Millán, a Venezuelan student from MIT, and Juan Andrés Mejía, a Venezuelan activist currently at Harvard who is also a member of Venezuela's National Commission of the political party Voluntad Popular. In March, Kiai and other UN Special Rapporteurs called upon Venezuela to account for the alleged arbitrary detentions and use of violence against protesters in an official statement.

"I am deeply disturbed by the reports of deaths and arbitrary detention that have been coming out of Venezuela for the past two months," Kiai said ahead of the event. "This roundtable is a chance to hear from those deeply involved in the situation, and to better understand the situation in Venezuela."

"As a general principle, authorities should not resort to use of force during peaceful assemblies. If it is absolutely necessary, it must not be used so that demonstrators are subject to excessive or indiscriminate use of force."

South Asia: Learning from civil society

Maina Kiai embarked on a four-day visit to South Asia from Sept. 19-22 that included stops in Nepal and Bangladesh. He had intended to also visit India, but was unable to secure a visa.

His agenda included a regional consultation on assembly and association rights in Kathmandu, Nepal, sponsored by FORUM-ASIA and a two-day stop in Bangladesh to meet with stakeholders, including human rights defenders.

During his trip, Kiai took time to sit down for an interview with Indian journalist and human rights activist Teesta Setalvad of Communalism Combat. The interview is available on [YouTube](#). In the wide-ranging interview, Kiai speaks about the role of the Special Rapporteur mandate, the "dumbing down" of the media when it comes to human rights issues, the true meaning of democracy, and India – including the difficulties he faced in trying to visit the country on his trip to the region.

Other notable events

- In April, the Special Rapporteur took part in **Human Rights Defenders' Days 2014 in Stockholm, Sweden**. He participated in a panel discussion on "Repressive trends for Human Rights Defenders Worldwide," and was joined on the panel by Maryam al-Khawaja (The Bahrain Centre for Human Rights), Robert Hårdh (Executive Director of Civil Rights Defenders) and Mary Lawlor (Executive Director, Frontline Defenders).

- While in **Geneva** for the 26th session of the **Human Rights Council** in June, the Special Rapporteur participated in a number of side-events at the Human Rights Council – "Civil Society Space: Addressing the Implementation Gap," "East Africa: Regional Challenges Facing Human Rights Defenders and Civil Society" and "Threats to Freedom of Peaceful Assembly, Association and Expression During Elections in Asia." Photos of all three events are available on our [Flickr site](#).

- Following his trip to Geneva, the Special Rapporteur traveled to **Copenhagen, Denmark**, on June 16 to deliver a keynote address at a conference organized by the Danish Ministry of Foreign Affairs and DanChurchAid. 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," he said. "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](#).

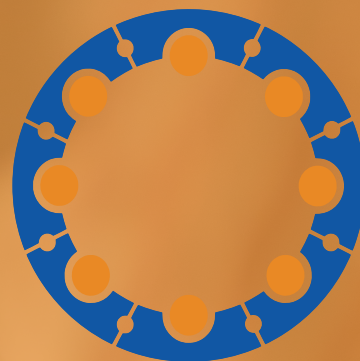
- On October 1, Kiai was in **Washington, D.C.**, to [accept](#) Freedom House's prestigious **Freedom Award** for 2014, which was awarded in recognition of his "invaluable contribution to the cause of freedom and democracy." The award honors Kiai's work in Kenya as a prominent civil society leader, and as an internationally renowned human rights defender. A video of Maina Kiai's acceptance speech at the awards ceremony is available via [YouTube](#).

- In an effort to expand the mandate's reach in the Americas, the Special Rapporteur met with a wide range of civil society groups from Latin America on Oct. 29 in Washington, DC, at consultations organized by the International Center for Not-For-Profit Law. Following the consultations, he met with the top officials from the Inter-America Commission on Human Rights on Oct. 30, to discuss cooperation on future initiatives.

- The Special Rapporteur delivered a keynote address during the **Warsaw Dialogue for Democracy in Poland** on Oct. 23. While in Warsaw, Kiai also [co-authored an op-ed](#) in a Polish newspaper with Community of Democracies Secretary General Ambassador Maria Leissner; the piece focused on Poland's role in promoting the rights to freedom of peaceful assembly and of association, 25 years after its democratic transition. A photo album of the event is available on our [Flickr site](#).

- In November, the Special Rapporteur attended - and delivered a keynote address at - the **CIVICUS World Assembly in Johannesburg, South Africa**, an [annual gathering](#) that brings together some 700 members of civil society from all over the world.

The Special Rapporteur responds to a question from a representative of the government of Rwanda (foreground) at a Human Rights Council side event in Geneva on June 12, 2014



VII. Joint projects:

Extending the reach of the mandate - and human rights

UN resolutions, reports and treaties are the foundation of today's global human rights regime – but their power only stretches so far.

Some governments are increasingly ignoring their human rights commitments, civic space is shrinking, and the rights to freedom of peaceful assembly and of association

Participants listen as the Special Rapporteur speaks during a workshop on civic space in Pretoria, South Africa, in November. The workshop was organized as part of the Special Rapporteur's joint project with the Community of Democracies

are often seen as threats by repressive regimes. Promoting rights in this environment requires more than pointing to a piece of paper; it also demands creativity.

In 2014, the Special Rapporteur began exploring ways to expand his mandate's reach beyond the traditional methods. The result was the start of two joint projects with partners: One on civil society's ability to access resources and another on litigating assembly and association rights. A third is planned for 2015, focusing on the promotion and protection of human rights in the context of peaceful protests. Each project focuses on different ways to promote and protect the rights to freedom of peaceful assembly and of association.

Civil society's access to resources: A joint project with the Community of Democracies

The mandate's first project – [launched](#) with the Community of Democracies in February – focuses on protecting civic space and civil society's access to resources. The project aims at enhancing space for civil society worldwide, with a special focus on the right to access resources. The ultimate goal is to push the boundaries of international standards related to civil society's access to resources, including through the Human Rights Council and other international platforms.

In recent years, civil society organizations worldwide have faced increasing restrictions on their ability to solicit, receive and utilize financial resources, an issue documented in Kiai's report to the UN Human Rights Council in April 2013. Groups working on human rights have been particularly targeted.

"Across the world, governments are moving rapidly to squeeze civil society out of its rightful place in the public sphere," Kiai said at the launch of the project. "Many of them see civil society as a competitor, challenging their authority. And they are attacking from all angles, including trying to cut off their ability to seek, receive and utilize resources."

The centerpiece of the project is a series of regional dialogues led by UN Special Rapporteur Maina Kiai and members of his team, to be conducted with the participation of local and regional civil society groups. Separate consultations will also take place with governments in each region, to help build support for civil society's ability to access resources.

In 2014, the Special Rapporteur and the Community of Democracies completed two consultations with civil society – [one](#) in the OSCE region and [one](#) in Africa – and one [governmental consultation](#) in the OSCE region. Further regional dialogues are scheduled to take place in Asia, the MENA region and Latin America in 2015.

The project also produced a popular [factsheet](#) on civil society's right to funding. The document – which is currently available in English, Spanish and French – summarizes three "general principles" under international human rights norms and standards regarding the ability of civil society to seek, receive and use resources. It also provides arguments and legal backing to support specific aspects of each principle, with hyperlinks to source documents where relevant.

The document was cited in an article in a September article in [the Economist](#) which focused on the "escalating war waged by authoritarian governments against groups promoting the Western vision of liberal democracy."

The project is funded by the Swedish Ministry of Foreign Affairs.

Litigating assembly and association rights: An open call to all lawyers

Vigorous advocacy is a core part of any Special Rapporteur's duties, whether before the Human Rights Council, in front of UN Member State officials, or in the opinion pages of major media publications.

In September, Maina Kiai [launched](#) a new project designed to push this advocacy role into a less explored frontier: domestic and regional courtrooms around the world.

Over the next three years, the Special Rapporteur plans to monitor and intervene – primarily via the filing of amicus briefs – in a number of court cases involving the rights to freedom of peaceful assembly and of association, with the goal of urging courts to apply international standards and best practices in their jurisdictions. The project also aims to provide technical assistance and advisory services for public interest litigation on assembly and association issues, with a view to increasing such litigation.

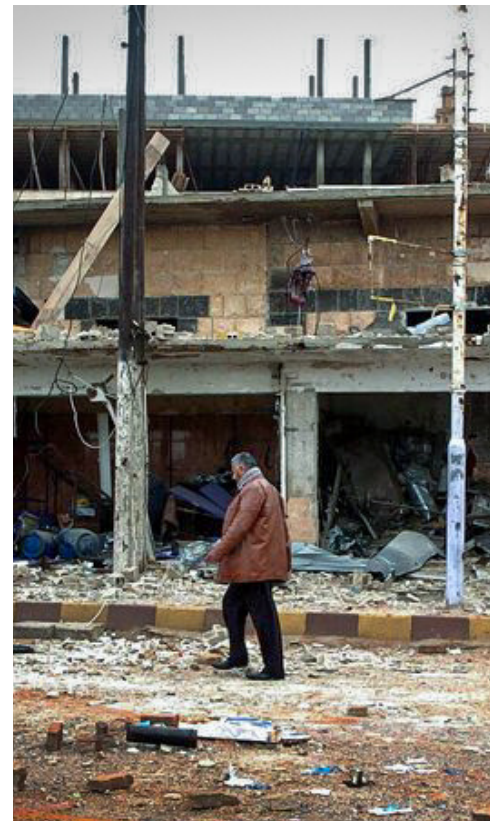
The project [kicked off](#) in earnest with an Oct. 16-17 conference in Naivasha, Kenya, which brought together 20 lawyers from 11 countries to discuss best practices for litigating assembly and association cases.

In Naivasha, the Special Rapporteur emphasized that the project is worldwide in scope.

"Assembly and association rights are under siege in every region of the world: east and west, north and south," said Kiai, who is the Special Rapporteur on the rights to freedom of peaceful assembly and of association. "It's not a problem limited to developing countries or the Global South."

British lawyers Jules Carey and Harriet Wistrich illustrated Kiai's point by describing a deteriorating situation for assembly and association rights in the United Kingdom, with government surveillance, infiltration of social justice campaign groups and an increasing focus on "public order" over human rights.

"Police in the UK are on the cutting edge of limiting protests," Carey said, describing their focus on being "preemptive and disruptive."



Kiai: rights restrictions create fertile ground for extremism

WARSAW, Poland – Special Rapporteur Maina Kiai spoke out against shrinking space for peaceful assembly and association rights in October, warning that governments who weaken civil society are "playing with fire, because the alternative ... is extremism."

The comments came during an Oct. 22 consultation with Organization for Security and Co-operation in Europe (OSCE)-region governments on civic space and civil society's ability to access resources. The consultation is part of the Special Rapporteur's joint project on civic space with the Community of Democracies.

"We are at a very difficult time in the world, and I think it's not accidental that we are seeing extremism rising," said Kiai, who is the Special Rapporteur on the rights to freedom of peaceful assembly and of association. "A government that weakens civil society is playing with fire, because the alternative to peaceful assembly is extremism – and this, no one wishes to achieve."

More than 20 representatives from OSCE governments attended the consultation, and participants overwhelmingly expressed support for the initiative and for the need to protect civil society's right to seek, receive and utilize resources.

Photos from the event are available on the mandate's [Flickr page](#).

Photo: A man passes a house damaged by a suicide bomber in Daraa, Syria ([Freedom House/Flickr](#))

Participants said that the push to apply international standards in domestic and regional court cases requires a strategic, coordinated and multipronged approach by lawyers and civil society.

A [video](#) produced after the workshop explains the project and its aims; it is available on the mandate's [YouTube page](#).

The project is funded Norway's Ministry of Foreign Affairs.

As part of the same project, Norway is also funding the compilation and publication of manuals detailing best practices on the rights to freedom of peaceful assembly and of association.

Upcoming in 2015: Protecting the human rights of protesters – a project with Special Rapporteur Christof Heyns

The ability to hold peaceful protests lies at the heart of any democracy. It fundamentally encompasses the exercise of a broad range of human rights: the rights to freedom of peaceful assembly, freedom of opinion and expression and freedom of association, and the right to participate in public affairs. However, in all parts of the world, protests are often met with brutal repression.

In 2014, the Human Rights Council adopted [resolution 25/38](#), which requests “the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions (Christof Heyns) to prepare . . . a compilation of practical recommendations for the proper management of assemblies based on best practices and lessons learned.”

The project is currently in the planning stages, and is expected to begin in earnest in 2015. Over the course of the consultations, the two Special Rapporteurs will seek the views of States, relevant United Nations agencies, intergovernmental organizations, other relevant special procedures mandate holders, national human rights institutions, non-governmental organizations and other relevant stakeholders.

The compilation is expected to be presented to the Council at its thirty-first session in March 2016.

“A government that weakens civil society is playing with fire, because the alternative to peaceful assembly is extremism – and this, no one wishes to achieve.”

UN Special Rapporteur Maina Kiai speaking to OSCE governments in Warsaw on Oct. 22

Nick Opiyo, from Chapter Four Uganda, listens during the Special Rapporteur's expert consultation on litigating assembly and association rights in Naivasha, Kenya, on Oct. 17



United Nations Special Rapporteur
On the rights to freedom of peaceful assembly and of association
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