



# The Assembly and Association Briefing

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

Vol. 2, No. 1 (Issue 10) - Published February 4, 2015

p3

UN experts call on Oman to release rights activist Said Jadad

p4

Freedom of association and assembly: by the numbers

p5

Special Rapporteur releases first ever annual report

## UNSR visits Kazakhstan: warns against using 'stability' as excuse to curtail rights, voices concern at surveillance of sources

ASTANA/GENEVA — United Nations Special Rapporteur Maina Kiai completed an [official visit](#) to Kazakhstan on Jan. 27, 2015, and challenged the Government to build on its achievements in the economic arena over the last 23 years by facilitating and opening up democratic space, in particular the rights to freedom of peaceful assembly and of association.

He also expressed disappointment at an incident where his sources appeared to come under police surveillance. Kiai said that on Jan. 23, after he left a meeting with civil society representatives in Aktau, unknown persons were photographing individuals exiting the building "in a manner commonly associated with secret police surveillance."

The Special Rapporteur reported the incident to police, who later produced a suspect, along with a written "confession." Kiai said that the suspect was unequivocally not the same person who was taking photographs.

The Special Rapporteur noted that the Government's tendency to focus on restrictions, rather than the rights themselves, had resulted

in a situation where rights were treated as privileges to be granted at the discretion of State authorities.

He applauded the Government's efforts to ensure cohesion, but noted that "maintaining stability is often misused to wrongfully curtail the rights to freedom of peaceful assembly and of association."

"People who are not allowed to air their grievances peacefully are more likely to air them violently, or find succor in extremist ideologies," he said.


### Right to freedom of peaceful assembly

The Special Rapporteur said the Government's approach to regulating peaceful assemblies was one of the most pressing issues. The right is guaranteed by Kazakhstan's Constitution, but all peaceful assemblies must be authorised by local authorities, and even then, are limited to specific, government-designated sites.

During the Special Rapporteur's visit, individuals from around the country announced plans to organize peaceful assemblies in eight

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“Unfortunately, in Kazakhstan today freedom of assembly is treated as a privilege, or a favor, rather than a right.”

UN Special Rapporteur Maina Kiai,  
Statement at the conclusion of his official  
visit to Kazakhstan on Jan. 27, 2015

## UNSR visits Kazakhstan (continued)

cities between Jan. 24-27, 2015. According to sources, however, the local authorities rejected the requested location of these assemblies, while some people were held in detention, preventing them from even seeking to exercise their rights. A few assemblies eventually took place in designated areas.

The Special Rapporteur said that authorities justified restrictions by citing traffic issues and concerns that assemblies are disruptive and harm “the rights of others.” These are legitimate concerns, the expert said, but should not supersede the right to freedom of peaceful assembly.

“International human rights law is clear that limitations on this right cannot impair the essence of the right itself,” Mr. Kiai said. “Unfortunately, in Kazakhstan today the freedom of assembly is treated as a privilege, or a favor, rather than a right.”

### The right to freedom of association

The right to freedom of association is also nominally guaranteed by Kazakhstan’s Constitution, but Kiai said that a web of laws and practices limits the freedom of political parties, public associations, trade unions and religious associations to operate.

The law regulating the establishment of political parties, for example, imposes onerous obligations prior to registration, including high initial membership requirements and extensive documentation. Kiai also raised concerns that the executive branch has responsibility to register political parties – entities that will ultimately compete with it for power.

The political association Alga! was denied registration after seven years of trying to register as a political party, ostensibly because membership of the party was never certified by authorities.

Sources also told the Special Rapporteur that several public associations have been denied registration based on what appear to be flimsy reasons, such as mistakes in completing the application, discrepancies in translation of Kazakh-Russian texts, or on the grounds that an association with similar objectives already existed.

“Although authorities repeatedly make reference to the ‘rule of law,’ the practice in Kazakhstan reflects strong adherence to ‘rule by law,’” Kiai said. “Law is meant to serve people, rather than people serving the law.”

During his nine-day mission, which included visits to Almaty, Astana and Aktau, Kiai met State officials, members of the judiciary and of Parliament, members of civil society, and the diplomatic community.

He also visited Zhanaozen, where clashes between police and protesters in 2011 led to the deaths of at least 14 people. Mr. Kiai noted that there was “conflicting information” about the event, and urged that the government to allow an independent international inquiry.

The Special Rapporteur will present a final report on his visit to the Human Rights Council during its 29th session in June 2015. It will be uploaded to [this page](#) when available.

### Statement

Click here for the Special Rapporteur’s full statement on Kazakhstan (English & Russian)

### Photos

Click here for pictures from the Special Rapporteur’s visit to Kazakhstan

### Video

Click here for a video of the Special Rapporteur’s statement (English & Russian)

### Russian

Click here for all Russian language documents related to the Special Rapporteur’s trip

### More

Click here for our Kazakhstan page on [freeassembly.net](#)





The Special Rapporteur meets with Said Jadad during his official visit to Oman in Sept. 2014. Jadad has since been imprisoned by the Omani authorities on charges of “undermining the prestige of the state,” among others

## Oman: UN experts call for the immediate release of activist Said Jadad, as reprisals continue unchecked

GENEVA – A group of United Nations independent experts [urged](#) the Government of Oman on Jan. 30, 2015, to release Said Ali Said Jadad, a prominent human rights defender who has been advocating for democratic reforms in the country and has been repeatedly detained. Mr. Jadad’s latest detention took place on Jan. 21, without an arrest warrant.

Mr. Jadad was scheduled to be transferred from the Police Headquarters in Salalah to appear in court in Muscat on charges of undermining the prestige of the state, incitement to sit-ins and demonstrations, steering up sectarian strife and offending state officials.

“This is not the first time that I have been informed about acts of reprisals against Mr. Jadad following my official visit to Oman in September 2014,” the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, said. “Mr. Jadad has been repeatedly detained since 10 December, and I am worried that he was arrested for having met with me during my visit.”

“I urge the Omani Government to ensure the safety of Mr. Jadad and to guarantee that no human rights defender in the country is subjected to any form of reprisals – including threats, harassment, imprisonment or judicial proceedings,” Kiai stated.

The Special Rapporteur on the situation of human rights defenders, Michel Forst, pointed out that “Mr. Jadad’s recurring detention is unacceptable as it seems to be an act of reprisal for cooperating with international organizations, such as the UN and its human rights mechanisms.”

The Special Rapporteur on the right to freedom of opinion and expression, David Kaye, also expressed concern over reports of increased control over civil society in the country by Omani security and intelligence services, and the impact that these restrictions have on the enjoyment of the right to freedom of opinion and expression.

The full story is available on our [website](#).

## Flashback: The UNSR’s 2014 visit to Oman

- Noted “a pervasive culture of silence and fear affecting anyone who wants to speak and work for reforms in Oman”
  - Said that some activists “reported reprisals, before and during my visit, following their attempts to contact or meet with me”
- Said Jadad was also [reportedly](#) arrested on Dec. 10, 2014, and then released
- The UNSR’s full statement available on our website in [English](#) and [Arabic](#)
  - The UNSR’s report is coming in June 2015, and will be available at [this page](#)



## Lao: Two years later, Sombath Somphone still missing

GENEVA – International support is now needed to investigate the enforced disappearance of a leading Laotian human rights defender, a group of United Nations independent experts, including Maina Kiai, [said in December 2014](#). Human rights activist Sombath Somphone has been disappeared since December 2012.

“It is high time for the authorities of the Lao People’s Democratic Republic (PDR) to voluntarily request international assistance with the aim of shedding light on Mr. Somphone’s fate and whereabouts,

two years after his disappearance,” the experts said. “International law makes clear that the Government of the Lao People’s Democratic Republic has the duty to carry out an independent, thorough, credible and effective investigation.”

Mr. Somphone is a prominent human right activist working on issues of land confiscation and assisting victims in denouncing such practices. He was last seen at a police check point with his car parked in the police compound.

The full story is available on our [website](#).

# Freedom of association & assembly: By the numbers



Vladimir Kozlov, an opposition political leader in Kazakhstan who is currently serving a 7.5 year prison term (photo: [Wikipedia](#))

Number of [days in advance](#) that Kazakhstan's public assembly laws require protesters to seek government permission for public gatherings

10

Number of approved, designated sites in the city of Almaty where such assemblies can take place, according to civil society sources in Kazakhstan

1

Approximate number of kilometers between this site and the city's center and main government buildings, according to Google Maps

8

Minimum number of [founders](#) required to legally register a religious association in Kazakhstan

50

Number of years that the Alga! Party spent attempting to register as a legal political party in Kazakhstan, starting in 2005, before a court allegedly [ordered](#) it closed

7

Number of [years in prison](#) that the Alga! Party's leader, [Vladimir Kozlov](#), was sentenced to in 2012 for "inciting social discord," among other charges. Authorities also [destroyed his house](#), alleging it was built illegally

7.5

Number of people (in millions) who [took part](#) in unity marches across France on Jan. 11, 2015, after 17 people died during three days of terrorist attacks in and around Paris

3.7

Number of NGOs [deregistered](#) in Kenya in December, allegedly for failure to submit financial records

510

Estimated [number](#) demonstrators who turned out for an "anti-Islamization rally" in Cologne, Germany, in January

250

Number of [counterprotesters](#) who turned out to greet the demonstration in Cologne

2,000

Approximate [number of hours](#) the Cologne Cathedral planned to turn out its lights in a protest against the anti-Islamization demonstrators

3

Number of laws [backed](#) in Myanmar by the Association for Protection of Race and Religion - which is connected to a nationalist Buddhist monk group - that aim to regulate marriage, religion, polygamy and family planning

4

Number of civil society [organizations](#) that have called on Myanmar's Parliament to drop the bills, saying that they would risk "inciting hatred, discrimination, conflict and tension" within religious communities

180



# Bahrain: Kiai joins call to drop charges against women activists for government criticism

GENEVA – A group of United Nations independent human rights experts, including Maina Kiai, [urged](#) the government of Bahrain in December to drop charges against three women human rights activists exercising their rights to free expression and free association. “Deprivation of liberty on the sole ground of having exercised the right to free expression may be considered arbitrary,” the experts warned.

Ms. Maryam Al-Khawaja, the co-director of the Gulf Centre for Human Rights, was sentenced on Dec. 1, 2014, in absentia, for allegedly assaulting airport security officers. Her sister, Ms. Zainab Al-Khawaja, a women’s rights and social media activist in Bahrain, was sentenced on Dec. 4 to three years in prison and fined 3,000 BHD (7,900 USD) for tearing a picture of Bahrain’s King during a court hearing in October. Several days later, she was sentenced to an additional year for “insulting a public servant” and is facing further charges for insulting a police officer and trespassing.

The two women activists are daughters of Mr. Abdulhadi al-Khawaja, the former president of the Bahrain Centre for Human Rights, who has been in detention since 2011 and was the subject of numerous calls by UN experts for his release.

Ms. Ghada Jamsheer, 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, was detained for more than three months since mid-September at Isa Town women’s prison on charges of ‘defamatory tweets’ and for her critical views about corruption in the management of a local hospital. Since 15 December, she has been under house arrest and is currently facing twelve charges, including new charges of ‘assaulting a police officer’ during her detention.

“All three activists have been detained or sentenced purely for their criticism of government authorities,” the independent experts said. “We are extremely concerned about the ongoing harassment and criminalization of activists in Bahrain,” they added.

The full story is available on our [website](#).



Top: Zainab Al-Khawaja, a women’s rights and social media activist in Bahrain; bottom: Maryam Al-Khawaja, the co-director of the Gulf Centre for Human Rights



## UNSR releases first-ever annual report recapping 2014

NAIROBI – UN Special Rapporteur Maina Kiai has released his mandate’s first ever year-end report, which reviews the events of 2014 – from Ukraine to Egypt to the United States to Kenya – from the perspective of assembly and association rights.

The report, which serves as both a first draft of history for the events of 2014 and yearbook of his mandate’s activities, is available on the mandate’s website [via this link](#).

“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,” Kiai writes in the report. “But one thing is certain: It will be a year that we remember.”

The report notes that 2014 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.

“We are at a decisive moment in history,” Kiai said.

“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.”

The report includes a personal letter from the Special Rapporteur, an extensive summary of the year’s events, and in-depth coverage of the mandate’s activities, including country visits, thematic reports and joint projects.





## Special rapporteur news in brief: December 2014 - January 2015

The Special Rapporteur meets with Berik Assylow, Almaty city prosecutor, during his official visit to Kazakhstan in January 2015

### UN experts urge practical matters to end racism

A group of UN experts, including Maina Kiai, [called upon](#) UN Member States and all stakeholders to increase their efforts to address the challenge of racism and racial discrimination. In the December statement - which came on the occasion of the official launch of the International Decade for People of African Descent on Dec. 10 and International Human Rights Day - the experts welcomed the takeoff of the International Decade as a significant political commitment in the fight against racial discrimination.

### Tackling the democratic recession

A piece by Maina Kiai on the current “recession of democracy” was featured on the website of the International Service for Human Rights on Jan. 12, 2015. The piece was adapted from the Special Rapporteur’s introductory letter in his [2014 annual report](#) and is [available here](#).

### Kiai convenes expert meetings in Bangkok to prepare next two reports

The Special Rapporteur was in Bangkok, Thailand, in mid-December for two consultations to help shape his forthcoming reports. The first - for the Special Rapporteur’s 2015 report to the Human Rights Council in June - was a global consultation that examined the rights to freedom of peaceful assembly and of association in the context of the [natural resource exploitation business](#). The second consultation focused on disparate treatment by governments’ and the international

community of businesses and civil society organizations (CSOs). The latter topic will be the subject of Maina Kiai’s 2015 report to the UN General Assembly.

Photos of the first consultation are available on the mandate’s [Flickr page](#).

### The Special Rapporteur’s factsheet series adds another language

The Special Rapporteur is pleased to announce the publication of a simplified Chinese translation of his factsheets on the rights to freedom of [peaceful assembly](#) and of [association](#). The factsheets are drawn from the Special Rapporteur’s [2012 report on best practices](#) and summarize key rights, with references to core international standards. More translations are in the works. The entire factsheet series can be accessed via [this link](#).

### Upcoming

• **One World Film Festival & Homo Homini Award in Prague, Czech Republic:** Maina Kiai will be on hand in early March to help open the [One World Film Festival](#), billed as the largest human rights film festival in the world.

• **28th Session of the Human Rights Council:** The Special Rapporteur will be in Geneva in early March for several side events linked to the opening of the 28th Session of the Human Rights Council. His appearances include a speaking engagement at an event on March 5 to launch new joint OSCE-ODIHR and Venice Commission [guidelines](#) on the right to freedom of association.



# World briefing:

## Freedom of assembly and association in the news

### Spain

**Spain passes tough new protest law:** The government of Spain enacted a draconian new anti-protest law that sets hefty fines for offenses such as burning the national flag and demonstrating outside parliament. The law also allows fines of up to €30,000 for disseminating photographs of police officers that are deemed to endanger them or their operations. Thousands of people [took to the streets](#) in December to protest against the law. The country saw another wave of demonstrations in January, when tens of thousands [marched](#) in Madrid in support of anti-austerity party Podemos, whose surging popularity and policies have drawn comparisons with Greece's Syriza.

### France

**Massive unity rallies in France in response to Charlie Hebdo killings:** An estimated 3.7 million people, including 40 world leaders, marched across France in anti-terrorism rallies on Jan. 11. French officials said the Paris gathering, which [alone drew](#) 1.6 million, was the largest public gathering in the country's history. The event came after Islamic extremists killed 17 people in a series of attacks on police officers, a kosher supermarket and the satirical weekly Charlie Hebdo.

### Egypt

**At least 17 killed in protests:** At least 17 people were killed across Egypt on Jan. 25, as security forces fired at protesters marking the anniversary of the 2011 uprising that toppled Hosni Mubarak. Days later, three activists lost their [final appeal](#) against three-year prison sentences they received for violating an anti-protest law. They were arrested outside parliament in 2013 after protesting against a law that required government authorisation for public gatherings of more than 10 people. Meanwhile, NGOs begin [applying](#) for permission to observe parliamentary elections, [scheduled](#) for two phases in March and April.

### Hong Kong, China

**Police clear umbrella revolution protest sites:** In December, police began clearing the last remaining protest sites linked to the so-called umbrella revolution, with all sites dismantled by Dec. 15. Authorities then [began](#) arresting the movement's [leaders](#) in mid-January. Protesters [returned](#) to Hong Kong's streets on Jan. 31, as several thousand people marched through the city to call for what one protester described as "true universal suffrage." The original umbrella revolution protests began in September, sparked by the Chinese government to limit who may stand as a candidate in 2017 elections for the city's leader.

### Russia

**More restrictions proposed on foreign groups:** On Jan. 15, a committee of Russia's Duma put forward a bill which would allow authorities to ban the activities of foreign or international groups that are recognized as "posing a threat to the nation's security or defense ability." President Vladimir Putin, meanwhile, [said in a televised address](#) on the same day that NGOs should help achieve "common national goals" and not oppose the government.

### Hungary

**Thousands protest government's recent turn toward Russia:** Thousands gathered outside Hungary's parliament to call upon the government of Prime Minister Viktor Orban to respect its Western ties rather than look east toward Moscow. "We dislike the directed democracy, the kind of dictatorship Putin has built in Russia. And this is the direction in which the Orban government is going," one protester said. Orban's Fidesz party has edged closer to Russia in recent months, and has also begun what [Amnesty International called](#) a "witch-hunt" against civil society groups perceived as too critical.

### Elsewhere

Cambodian civil society [blasted](#) government plans to ban NGOs from giving media interviews during election campaigns and from issuing statements that "insult" any party • Witnesses say that UN peacekeepers in [Mali](#) killed least three people when they fired live rounds to disperse protesters • In [China](#), 11 Tibetans were detained in Sichuan over a land-grab protest • One observer says that China's civil society is now seeing its [worst crackdown](#) "in decades" • Malaysian activist lawyer [Eric Paulsen](#) was freed on bail after being arrested for a Tweet, but remains under investigation for violating the Sedition Act • Venezuela allows possible [deadly force](#) at protests

People gather in Paris' Place de la Republique during a massive "unity march" in France on Jan. 11, 2015. Some 3.7 million people marched in the event, which was organized after Islamic extremists killed 17 people in a series of attacks on police officers, a kosher supermarket and the satirical weekly Charlie Hebdo (photo: [Olivier Ortelpa/Flickr](#))