



The Assembly and Association Briefing

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

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Special Rapporteur in Geneva to launch 'landmark' freedom of association guidelines on sidelines of HRC session

GENEVA – United Nations Special Rapporteur Maina Kiai traveled to Geneva in March to participate in several events on the margins of the 28th Session of the UN Human Rights Council, including the launch of landmark joint guidelines on the right to freedom of association.

The guidelines – which were developed by the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE-ODIHR) and the [Venice Commission](#) – are the first of their kind in the field of association rights. They were adopted and released last December, and officially launched on March 5.

"International treaties merely set out broad frameworks to protect our rights – and by their nature they don't get into the everyday nuts and bolts of exactly what the rights look like on the ground," Kiai said before the event. "That's why these guidelines are so critical. They fill in the gaps, and help flesh out exactly what the right to freedom of association entails."

The guidelines are [currently available](#) via the OSCE-ODIHR website, and offer advice and expertise on how to legislate on freedom

of association-related matters in a manner consistent with international human rights standards and OSCE commitments. They reflect evolving good state practices, and are intended to enhance awareness of the right to freedom of association.

OSCE-ODIHR released similar guidelines on the right to freedom of peaceful assembly in 2010. At the time, Kiai called them "the most advanced set of good practices available," and cited them extensively in his 2012 report on best practices for assembly and association rights. The assembly guidelines are [also available](#) via ODIHR's website.

While in Geneva, Kiai also participated in a panel discussion exploring how multilateral institutions can ensure greater citizen participation. His counterparts on the panel included Jane Connors of OHCHR and Neil Buhne of UNDP. Kiai's [last report](#) to the UN General Assembly in October 2014 explored the topic of multilateral institutions and their role in facilitating – and hindering – the rights to freedom of peaceful assembly and of association. Photos of the Special Rapporteur's events in Geneva are available via the [mandate's Flickr page](#).

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Photo: The UN flag flies over the Palais des Nations in Geneva on March 6, 2015



Police crowd a protester during a demonstration in Madrid, Spain, on Jan. 5, 2015 (photo: [Adolfo Lujan / DISO Press/Flickr](#))

‘Two legal reform projects undermine the rights of assembly and expression in Spain’ — UN experts

GENEVA — A group of United Nations human rights experts urged Spain in February to reject two legal reform projects that “threaten to violate individuals’ fundamental rights and freedoms.” The experts’ call came after the Congress fast-tracked the approval of a proposal to reform of the Penal Code, regarding crimes of terrorism.

“We trust that Spain will take all necessary steps to guarantee the exercise of fundamental rights and public freedoms in its national legislation, in accordance with international standards,” the experts said in reference to this proposal as well as to two additional projects of reform currently being discussed in the Senate: the Reform of the Penal Code, regarding the crimes of public disorder, and the Reform of the Basic Law on the Protection of Public Security.

“The rights to peaceful protest and to collectively express an opinion are fundamental to the existence of a free and democratic society,” the Special Rapporteurs said. “We are concerned that the reform proposals could be a response by the Government and the legislature to numerous demonstrations that have been carried out in Spain in recent years.”

Penal Code reform project

The independent experts stated that “the text of the reform project includes broad or ambiguous definitions that pave the way for a disproportionate or discretionary enforcement of the law by authorities.”

For example, the reform project treats as “aggravating factors” a number of offenses that may be committed in the context of a “large gathering.”

“A legal basis for this new type of ‘aggravating factors’ is being sought in order to automatically increase the penalty in cases of protests. This is contrary to international law since it could have a chilling effect on the exercise of freedom of peaceful assembly,” stressed the UN Special Rapporteur on the rights of peaceful assembly and association, Maina Kiai.

The reform project also proposes prison sentences or fines as punishment for those who publicly disseminate messages or slogans that incite the commission of crimes of public disorder or serve to strengthen the intention to carry them out. In this regard, the UN Special Rapporteur on the right to freedom of expression, David Kaye, said that “the wording of the law is problematic and the crimes, as defined, could criminalise those who convene peaceful demonstrations.”

Reform project of the Basic Law on the Protection of Public Security

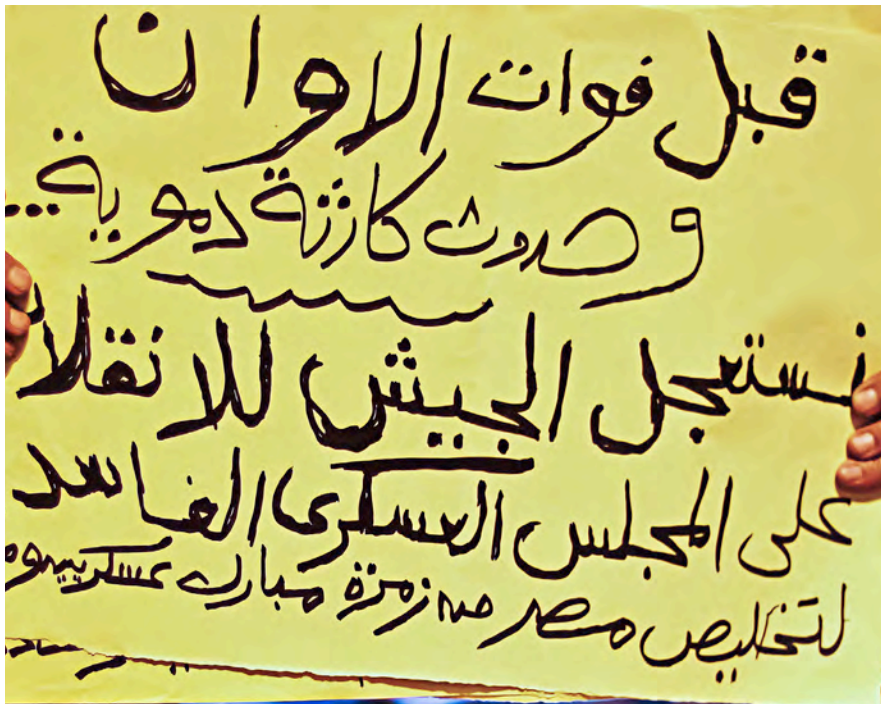
“The so-called ‘gag law’ violates the very essence of the right to assembly since it penalizes a wide range of actions and behaviors that are essential for the exercise of this fundamental right, thus sharply limiting its exercise,” the Special Rapporteur Maina Kiai stated.

The warnings from both independent experts were endorsed by the UN Special Rapporteurs on human rights and counter terrorism, Ben Emmerson; on the human rights of migrants, François Crépeau; and on the situation of human rights defenders, Michel Forst.

The full statement is available via the [Special Rapporteur’s website](#).

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UN Special Rapporteur Maina Kiai, in a Feb. 23, 2015, statement on a proposed law in Spain



A protester in Cairo's Tahrir Square in July 2011 (photo: [Ahmad Hammoud/Flickr](#))

Mass death sentences in Egypt a profound disgrace, UN human rights experts say

GENEVA – A group of United Nations human rights experts, including Special Rapporteur Maina Kiai, expressed outrage in February at the decision by an Egyptian court to uphold the death sentences against 183 people, and called on Egypt to respect its obligations under international human rights law.

“By imposing mass death sentences on several occasions over the past two years, the Egyptian courts have shown their utter disregard for the right to life as protected under international law,” the experts said in the Feb. 9 statement. Most of the defendants in this third mass sentencing since January 2014 are alleged supporters of deposed President Mohammed Morsi.

“We previously warned the authorities that with the imposition of mass death sentences, Egyptian courts were casting a serious shadow over the independence and impartiality of the country’s justice system.”

The experts’ statement follows last Monday’s decision by an Egyptian court to uphold a previous verdict sentencing 183 people to death for allegedly carrying out an attack on a police station in the village of Kerdassa on the outskirts of Cairo in August 2013, in which 13 policemen were killed.

“These latest developments show Egypt’s persistent failure to comply with its international human rights law obligations, in particular relating to due process and fair trial guarantees,” the independent experts added.

The assertion that the judiciary is independent and subject to no authority other than the law, cannot be an argument to justify inaction of the Egyptian authorities, they said.

The full statement is available [via freeassembly.net](#).

UN rights experts urge release of Bahrain opposition politician

GENEVA – A group of United Nations independent experts, including Special Rapporteur Maina Kiai, urged the Bahraini authorities to release Sheikh Ali Salman, an opposition politician and a religious figure who was refused bail on charges that include inciting a change of regime by non-peaceful means.

Sheikh Salman is secretary-general of the Al Wafaq National Islamic Society, Bahrain’s main opposition political party. His arrest in December 2014 came shortly after he was re-elected to his post.

“The charges appear to stem from the Government’s dissatisfaction with opinions that Sheikh Salman expressed in public speeches and televised interviews, in which he called for the establishment of a democratic regime and for Government accountability,” the human rights experts said in their Feb. 4 statement.

“If this is indeed the case, his arrest and prosecution would amount to a breach of his fundamental human rights to freedom of expression, freedom of association and freedom of religion or belief,” they said. “We have asked the Government of Bahrain to clarify the situation and to provide more information on these allegations.”

The UN experts also expressed concern at allegations that Sheikh Salman’s hearing on Jan. 28, when he was denied bail, did not take place in accordance with due process standards. His legal representative was allegedly not allowed to examine the evidence to prepare for his defence.

“Particularly worrying are recent reports that indicate that peaceful demonstrations following his arrest were disbanded by the authorities, including through the use of force,” they said, noting that at least 150 people were reportedly arrested and around 90 were injured during the protests and in clashes with the police.

“We urge the Government of Bahrain to promptly release all those who have been detained for peaceful expression of their views,” the UN experts said.

“The recent revocation of Bahrain citizenship of an additional 72 people seems to be yet another attempt by the Government of Bahrain to clamp down on opponents,” they added.

The full press release is available on the [Special Rapporteur’s website](#).

150

People arrested during peaceful demonstrations following Sheikh Ali Salman’s arrest

90

People injured during the protests following the politician’s arrest

72

Number of apparent political opponents who have recently seen their citizenship revoked by the Government



Scene from a street art protest against police brutality in Barcelona, Spain, on Feb. 21, 2015
(photo: [Jordi Boixareu/Flickr](#))

Freedom of association & assembly:

By the numbers

- 5 Minimum number of churches in India that [reported](#) various attacks in late 2014 and early 2015, including suspected arson, burglary and vandalism
- 3 Number of reported arrests made [so far](#) related to the alleged attacks
- 200 Minimum number of Christian protesters [arrested](#) in February for protesting government inaction in response to the attacks
- 120 Cost of “certified stewards,” per day in British pounds, that the London police [demanded](#) activist groups hire, at their own expense, to manage traffic during two protests in March
- 1 Number of “certified stewards” required for every 20 protesters
- 10,000 Total estimated cost (in British pounds) one group was to incur for organizing the protest. The police ultimately [backtracked](#) on their demand, but the policy’s impact on future protests remains unclear
- 1 Number of people [killed](#) in the Peruvian Amazon when protesters demonstrating against oil and gas exploration clashed with security forces; 22 were wounded. The Peruvian government has reportedly [asked](#) the company exploring the site, Pluspetrol, to leave
- 5 Maximum [prison sentence](#) (in years) for anyone “who conceals or partially conceals their face during a demonstration or public assembly that turns into propaganda for a terrorist organization,” as proposed in amendments to Turkey’s security law
- 48 Amount of time (in hours) Turkish police would be able to [detain](#) certain suspects without an arrest warrant, as proposed in the same amendments
- 2,000 Estimated number of people who [protested](#) in Budapest in February against the Hungarian government’s perceived “pro-Russian” policies
- 350 Number of Armenian NGOs which a Russian legislator [accused](#) of undermining the country’s ties with Russia by encouraging Armenians to embrace “European values”

Australia: Special Rapporteur welcomes moves to repeal restrictive laws on protest



GENEVA – United Nations Special Rapporteur Maina Kiai issued a statement on March 4 welcoming the introduction of a parliamentary bill by the Victoria State’s government in Australia to repeal restrictive laws regulating protests.

“In my previous thematic reports, I identified a series of best practices that provide valuable advice for compliance of State authorities with international law,” the expert stated.

“Authorities not only have the duty to protect public safety and order as well as the rights and freedoms of others, but also the obligation to facilitate the holding of peaceful assemblies,” Kiai stressed.

“Public space must be made available for individuals and groups in order for them to exercise their fundamental freedoms.”

In that regard, the Special Rapporteur welcomed the government of Victoria’s intention to revoke the state’s 2014 controversial ‘move-on laws,’ which grant police extensive powers to move protesters who might be obstructing buildings or traffic or ‘causing people to have a reasonable fear of violence.’

The 2014 law, which expanded Victoria’s original Summary Offenses Act, allows

authorities to impose harsh penalties on offenders, including arrest, fines, and exclusion orders banning individuals from entering specified public spaces for up to a year.

“Police have a difficult but prominent role to play to maintain peace, to protect individuals’ safety and to enforce the law. Enforcing the law includes the implementation of human rights law, without which there would be no security, no justice,” he added.

As the proposed bill aimed to repeal the 2014 “move-on laws” was scheduled to go through the lower and upper house of the State’s Parliament with a debate to take place on March 5, 2015, the UN expert called on the authorities to take additional steps to respect and protect the right of peaceful assembly.

“I strongly encourage the overturn of any legislation that curtails the rights to freedom of peaceful assembly,” Kiai said. “I will continue to follow the debate at the Parliament of the State of Victoria and look forward to an outcome that complies with international human rights law.”

The full press release is available at the [Special Rapporteur’s website](#).

The Mandate of UN Special Rapporteur Maina Kiai Summary of outputs & core activities: May 2011 – January 2015

The position of Special Rapporteur on the rights to freedom of peaceful assembly and of association (FRA/DA) was established in October 2011 by Human Rights Council resolution 17/22, and renewed for an additional three years in September 2013 (A/HRC/Res/24/15). Maina Kiai took up his duties as the first Special Rapporteur on assembly and association on July 1, 2011. His terms expire on April 30, 2017. The following list of activities is not comprehensive (Report No. 14) but covers documents of the mandate’s website: [www.unhcr.org/refugeesandmigrants](#).

- Country visits**
 - Completed three visits to the State of Victoria to perform a rights audit and attempt to examine the extent of compliance with assembly and association rights in a particular UN Member State. This was conducted at the invitation of the Victorian State Government. The first visit to Victoria took place following the election of a Liberal Government.
 - Briefing of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/20/14) – visited in 2011
 - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/20/14) – visited in 2011
 - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/20/14) – visited in 2011
 - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/20/14) – visited in 2011
- Thematic reports**
 - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/20/14) – visited in 2011
 - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/20/14) – visited in 2011
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 - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/20/14) – visited in 2011
- Communications to Governments**
 - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/20/14) – visited in 2011
 - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/20/14) – visited in 2011
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 - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/20/14) – visited in 2011
- Press statements**
 - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/20/14) – visited in 2011
 - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/20/14) – visited in 2011
 - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/20/14) – visited in 2011
 - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/20/14) – visited in 2011
- Conferences, consultations & speaking engagements**
 - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/20/14) – visited in 2011
 - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/20/14) – visited in 2011
 - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/20/14) – visited in 2011
 - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/20/14) – visited in 2011

Steering the final two years of Kiai’s UNSR mandate

Maina Kiai is nearing the completion of his fourth year as the inaugural UN Special Rapporteur on the rights to freedom of peaceful assembly and of association – leaving him with two years before he departs the mandate.

Over the last three-plus years, Kiai has strived to actively protect and promote the rights to freedom of peaceful assembly and of association, through his reports, through official and unofficial country visits, and by meeting and consulting with as many stakeholders as possible.

It has been an exciting and productive four years, but there remains much work to be done.

As he prepares to enter the final two years of his mandate, the Special Rapporteur would like to hear from you – both in evaluating past work, and in shaping work for the future. What has the mandate done well? Where has it come up short? What types of reports would you like to see? What should be the mandate’s strategic focus for the final two years, and how should the Special Rapporteur addressing these areas?

Read the full discussion post and submit your comments [via the Special Rapporteur’s website](#).



Special rapporteur news in brief: February - March 2015

The UNSR's litigation project: A call for cases

Last fall, the Special Rapporteur [kicked off](#) a project pushing [litigation](#) in national and regional courts as a way to promote the rights to freedom of peaceful assembly and of association (FOAA rights). The project provides technical assistance to lawyers litigating FOAA issues and envisions the UNSR intervening in select cases via the submission of amicus briefs.

The project is now in full swing, with submissions from the UNSR expected in the coming months. We are currently seeking to identify more cases for intervention.

Do you know of any cases in national or regional courts that would benefit from the Special Rapporteur's intervention? If so, please [e-mail us](#) the details.

New project launch: Guidelines on managing peaceful protests

The Special Rapporteur embarked on a new project last month aimed at compiling a set of practical recommendations and best practices for the proper management of peaceful assemblies. The project - to be undertaken with the Special Rapporteur on extrajudicial, summary or arbitrary executions Christof Heyns - was mandated by the Human Rights Council in 2014 ([click here to see the resolution](#)). The final product will draw on the expertise of stakeholders from around the world and be presented to the Human Rights Council in March 2016. The first expert consultation for the project is expected to take place in Santiago, Chile, in late April.

More languages for the Special Rapporteur's factsheet series

Translations of the Special Rapporteur's factsheet series continued to roll in during February and March. The factsheet on the right to freedom of [peaceful assembly](#) is newly available in [Bangla](#), while the [association rights](#) factsheet is now available in [Bangla](#) and [Russian](#). The UNSR's team is currently working on translations in Kazakh, Uzbek, Tajik, Turkmen and Kyrgyz for release sometime in March or April.

The factsheets are drawn from the Special Rapporteur's [2012 report on best practices](#) and summarize key rights, with references to core international standards.

Upcoming

• **Regional Dialogue on Civic Space with Community of Democracies, Santiago, Chile:** The Special Rapporteur will travel to Chile on April 27-28 to take part in a Latin America-focused regional dialogue on civic space. The event is part of an ongoing [joint project](#) with the Community of Democracies aimed at enhancing space for civil society, focusing on the right to access financial resources. Previous regional dialogues have focused on the [OSCE](#) and [African](#) regions.

• **ICNL Global Forum:** The International Center for Not-for-Profit Law - a key partner for the UNSR mandate - will hold its [2015 Global Forum](#) in Stockholm on May 10-12, 2015. The event is billed as "a one-of-a-kind platform bringing together leading thinkers with the aim of assessing where civil society stands - and how to make it stand taller."

• **29th Session of the Human Rights Council:** The Special Rapporteur will be in Geneva in mid-June to present four reports to the Human Rights Council at its 29th Session. Kiai is expected to submit two country reports (on [Oman](#) and [Kazakhstan](#)), one thematic report (on [natural resource exploitation](#)) and a report on his formal communications with Member States over the past year. He is also expected to participate in a handful of side events on the margins of the session.

The Special Rapporteur speaks at a side event launching new guidelines on the right to freedom of association at the Human Rights Council in Geneva on March 5, 2015

World briefing:

Freedom of assembly and association in the news

Russia

Protest march becomes wake for slain politician: A planned anti-government protest on March 1 became a march of mourning, as tens of thousands of people took to Moscow's streets to remember opposition activist Boris Nemtsov, who was [murdered](#) on Feb. 27. The march was organized - well prior to the killing - by opposition figure Alexei Navalny, who was [briefly arrested](#) on Feb. 15 while distributing leaflets to promote the event.

Kazakhstan

Independent weekly loses court battle to avoid shutdown: On Feb. 26, an Almaty appeals court upheld a lower court order to close ADAM bol, an independent media outlet known for its critical articles. Activists staged a protest in support of the journal during Maina Kai's visit to Kazakhstan in January, but editor Ayan Sharipbaev said that police detained him before he could reach the protest site, held him for several hours at a police station, and then released him. Three other journalists claim they were similarly detained and then released.

Venezuela

Anniversary of protest movement: Competing groups of demonstrators in Caracas marked the one-year anniversary of the start of Venezuela's 2014 protest movement on Feb. 12. A small group of students rallied near one of the country's largest universities, while a larger pro-government protest marched in support of President Nicolás Maduro. Dozens of government buses were seen at the start of the route. Less than two weeks later, police shot and killed a teenage boy [during a protest](#) in the restive Venezuelan city of San Cristóbal. The shooting came just days after intelligence police arrested prominent opposition politician Antonio Ledezma on charges that he was plotting a coup against Maduro.

Myanmar

Student protesters 'threaten stability': Myanmar's Home Affairs minister warned ominously in mid-February that students protesting against a controversial new National Education Law were threatening the country's stability and development. A month later, police [brutally attacked](#) students protesting the law, pummeling them with batons and then dragging them into trucks. Authorities said more than 120 people were arrested.

United Kingdom

Police investigated over attempts to recruit activists as spies: An investigation has been opened against two police officers who allegedly tried to recruit campaigners in Cambridge to spy on other activists. Four people alleged that they felt intimidated by police officers who were trying to turn them into informers. Special Rapporteur Maina Kai highlighted the issue of police surveillance and infiltration in his [2013 report](#) following a visit to the UK. He called the monitoring of protest groups "raw, unvarnished intimidation and activist-busting" and said that the problems showed a pattern, going beyond the two officers under investigation. Meanwhile, authorities in London backed down on a so-called "[pay to protest](#)" plan.

China

A move to regulate foreign NGOs: The Chinese government is preparing to enact a new law regulating the operations of foreign NGOs in the country. A Parliamentary spokeswoman [told Reuters](#) in March that the law was needed for national security reasons, but activists say the new law is part of a broader trend under President Xi Jinping's administration to rein in dissent. A draft version of the law obtained by the media allegedly bars foreign NGOs from activities that violate "Chinese society's moral customs" and bars foreign NGOs from raising money in China.

Elsewhere

Police in [Nauru](#) arrested 183 refugees for protesting over their living conditions; 174 charged • The rape and murder of a young woman sparked a [mass Twitter protest](#) in Turkey • [Egypt](#) denied registration to an NGO working on issues of abduction and forced disappearance • In Cambodia, rights watchdogs '[bite back](#)' over new election law • In India, a "[witch hunt](#)" against activist Teesta Setalvad • Protesters and police [clashed](#) in Bahrain on Feb. 14, the fourth anniversary of the start of demonstrations against the ruling Khalifa monarchy in 2011 • Thailand's military-junta foreign minister told the Human Rights Council in Geneva that "[extreme](#)" human rights could lead to social collapse

Student protesters line up to prevent fellow demonstrators from confronting the National Guard during a protest in Venezuela on Feb. 12, 2015 (photo: [Carlos Diaz/Flickr](#))