



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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Canadian lawyer Paul Champ presents during an expert meeting to develop recommendations for managing peaceful assemblies in Santiago, Chile, on April 29, 2015



Experts in Chile to shape UN recommendations on managing peaceful assemblies

SANTIAGO, Chile – Over 20 experts from throughout the Americas joined Special Rapporteur Maina Kiai in Santiago, Chile, [on April 29](#) for the first consultation in a project to develop practical recommendations for the proper management of assemblies.

The recommendations were mandated by the UN Human Rights Council in [resolution 25/38](#), and are due to be presented in March 2016, at the Council's 31st session. They will be drafted jointly by Kiai, who is the Special Rapporteur on the rights to freedom of peaceful assembly and of association, and [Christof Heyns](#), who is the Special Rapporteur on extrajudicial, summary or arbitrary executions. Heyns was represented at the consultation by his research team.

"Peaceful assemblies play a central role in any democracy – allowing people to express their grievances and giving governments a chance to take the pulse of public opinion," Kiai said. "The goal of these recommendations is to give States a roadmap on how to manage peaceful assemblies in an effective way that also fully respects participants' fundamental rights."

Participants at the consultation, who came from over a dozen countries throughout the Americas, emphasized that the recommendations should not be limited to managing protests themselves, but should also look at what happens before and after protests.

Several experts noted that the proper training of security forces,

domestication of international law norms and preventative measures to avoid conflicts, for example, are extremely important for avoiding problems during peaceful assemblies. Similarly, eliminating reprisals against protest organizers and ensuring there is no impunity for human rights violators after protests is key to making sure that people actually feel safe exercising the right to freedom of peaceful assembly.

Participants also suggested real-time remote monitoring of protests by human rights groups, better access to information and government, and more rigorous vetting of so-called "less lethal" weapons – which, despite their name, often do cause serious injuries and even death.

"The input of participants at these consultations is indispensable," Kiai said after the meeting. "These are people who live and breath assembly rights on a day-to-day basis. Their expertise is critical in ensuring the recommendations' relevance and utility."

The process of gathering input for the recommendations will continue throughout 2015, with the next consultation scheduled for Aug. 7, 2015, in Pretoria, South Africa.

The Special Rapporteurs are also soliciting input from experts and the general public via a questionnaire, which is available in [English](#), [French](#) and [Spanish](#). Responses will be accepted through May 31, 2015. For more on the project, please see our [hub page](#). Photos from the Santiago consultation are available via the Special Rapporteur's [Flickr page](#).

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The Chilean flag flies over the Ministry of Foreign Affairs in Santiago, Chile, on April 28, 2015



Vibrant civil society fundamental to Latin America's successes thus far – and equally important going forward, Kiai says in Chile

SANTIAGO, Chile – UN Special Rapporteur Maina Kiai met with regional government and civil society leaders here on April 27-28, 2015, telling them that civil society is “necessary in any society” – and that access to resources is equally essential for the sector’s very existence.

“Not a single country in Latin America that can say it accomplished what it has without the help of civil society,” Kiai said. “And it is equally important going forward.”

“Civil society is critical in combatting extremism, and in channeling dissent and frustrations in a legitimate way through the system. Civil society gives States a legitimate and open partner that it can work with, and it channels people’s views in an open and transparent way.”

The UN expert’s remarks came during meetings with government officials and civil society members from the Latin America and Caribbean regions, which were convened as part of a [joint project](#) with the [Community of Democracies](#) designed to strengthen civil society’s ability to access to resources. Roughly a dozen representatives from across the region participated in the government consultation on April 27, while more than 25 civil society representatives attended a separate meeting on April 28.

In both consultations, the Special Rapporteur and Community of Democracies Secretary General Maria Leissner highlighted a growing trend toward cracking down on civil society by cutting off its access to funds. The trend is worldwide, Leissner said, and participants in the civil society consultation noted that it affects Latin America, as well.

Venezuela, [for example](#), targets nongovernmental organizations (NGOs) dedicated to the “defense of political rights” or “other political objectives” and precludes these organizations from possessing assets, or receiving any income, from foreign sources.

The president of Ecuador in July 2011 issued a decree prohibiting registered international civil society organizations from receiving funding from bilateral and multilateral sources for their activities in Ecuador. Bolivia’s Supreme Decree No. 29308, meanwhile, bans foreign assistance that carries “implied political or ideological conditions”.

Kiai and Leissner repeatedly highlighted that the right to access resources is an integral part of Article 22 of the International Covenant on Civil and Political Rights (ICCPR) – which concerns the right to freedom of association – and is not a “new right.” This interpretation has been affirmed by the UN Human Rights Committee and reiterated in a number of international human rights instruments, such as the Declaration on Human Rights Defenders.

“All associations need resources to function – whether it’s a chess board for your chess club or funds to pay staff of an NGO,” Kiai said. “If you don’t have resources, the right to form associations is basically taken away.”

Thus, Kiai said, any restrictions on the right to funding must meet the strict tests of “necessity” and “proportionality” set forth in Article 22 of the ICCPR. Many of the rationales that States put forward for restrictions do not meet these tests – particularly with regard to foreign funding.

For the full story, please see our [webpost](#) on [freeassembly.net](#).

Photos of the event are available on our [Flickr page](#).

“All associations need resources to function – whether it’s a chess board for your chess club or funds to pay staff of an NGO. If you don’t have resources, the right to form associations is basically taken away.”

UN Special Rapporteur Maina Kiai speaking to government officials from the Latin America and Caribbean regions on April 27, 2015, during his visit to Chile.

UN experts: continued detention of Ethiopian journalists unacceptable



GENEVA – The Special Rapporteur on freedom of opinion and expression, David Kaye, and the Special Rapporteur on freedom of peaceful assembly and of association, Maina Kiai, said on April 24 that the detention of the six so-called “Zone Nine” bloggers and three other journalists in Ethiopia over the past year has been “absolutely unacceptable”.

The bloggers, who used an online platform to report on social and political issues in Ethiopia, were arrested on April 25 and 26 last year and have remained in detention ever since. The Federal First Instance Court of Ethiopia reportedly charged them under the 2009 Anti-Terrorism Proclamation for “working with foreign human rights organizations and inciting violence through social media to create instability in the country.” Their trial has been adjourned several times.

“The continued detention of these journalists is absolutely unacceptable and particularly worrying as the country prepares to hold parliamentary elections on May 24. The open public debate that should mark any democratic process is obviously undermined if journalists are silenced through harassment or detention,” Kaye said.

“Muzzling the media and limiting public debate is never a good response to the

threats of violence and terrorism,” continued Kaye. “Prosecuting journalists who are legitimately exercising their right to freedom of expression creates a system of self-censorship in which journalists must choose between limiting their speech, living in exile, or facing years in prison.”

“To comply with its obligations, Ethiopia must respect the rights to assemble peacefully and associate freely, online as well as offline, including those of people expressing dissenting views,” added Kiai.

The Special Rapporteurs noted that the Ethiopian authorities had already publicly recognized the need to ensure freedom of the press.

“During the last Universal Periodic Review of Ethiopia’s record in the UN Human Rights Council, the Government accepted a number of recommendations relating to the promotion of freedom of expression and encouraging political debate ahead of elections. Fulfilling these commitments is essential for the promotion of democracy and the rule of law.” For the full press release, [click here](#).

Pre-election violence endangers Burundi’s young democracy

GENEVA – A group of United Nations experts, including Special Rapporteur Maina Kiai, have condemned the violence in Burundi and urged the authorities to uphold human rights, including freedom of expression and the right to peaceful assembly. They also called for a thorough and independent investigation into the human rights violations so that the perpetrators are brought to justice.

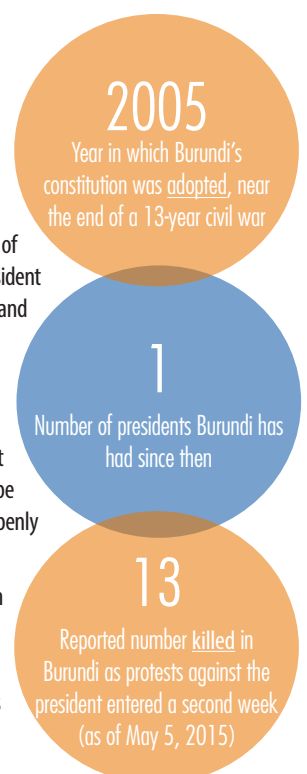
In late April and early May, Burundi suffered a wave of killings, arbitrary arrests, intimidation, the closure of media outlets and the targeting of human rights defenders. This has taken place in the context of peaceful protests against the decision of the ruling party to have incumbent President Nkurunziza run for a third presidential term. In response, security forces violently cracked down on the protesters with live ammunition, grenades and tear gas. Most recent reports indicate that the internet is now being blocked throughout the country.

“We urge all parties to resolve differences through dialogue, avoid using inflammatory language or hate speech, and to refrain from violence. This call is also made to various parts of the country’s security sector, which should fulfil their role in a non-partisan manner,” they said.

The international experts emphasized that the troubling events of the past days should also be seen against the increasingly important role that youth militias have played for more than a year. “Authorities must urgently intervene to stop these activities and youth militias of all sides should be immediately disarmed,” they said, warning that “the actions of harassment, intimidation and violence of one militia – the Imbonerakure – are openly condoned by the ruling party.”

“An electoral process that lacks credibility –not to speak about one that triggers outright violence—is a huge setback for Burundi”, the human rights experts highlighted.

Burundi has taken important steps to preserve peace with the Arusha Agreement in 2000, and in particular the adoption of the 2005 Constitution which institutionalizes a power-sharing arrangement between ethnic groups. This has significantly contributed to the transformation of relations between different communities in Burundi. For the full story, see [freeassembly.net](#).



Freedom of association & assembly: By the numbers

Number of days (as of May 6, 2015) that the [Thai military](#) has been in power since ousting Prime Minister Yingluck Shinawatra - and suspending the right to peaceful assembly - in a coup d'état

350

Percentage of Thailand that was "[democratic](#)" as of March 23, 2015, according to Gen. Prayuth Chan-ocha, who took power following the coup

99

Number of days after this statement that Prayuth said he would "[probably just execute](#)" journalists who did "not report the truth"

2

Estimated number of opposition activists and journalists [arrested](#) in Bangladesh between January and March 2015, after the government imposed a blanket ban on all protests and rallies in the capital Dhaka

14,000

[Estimated cost](#), in US dollars, of new pepper-spraying drones being considered for use in the Indian city of Lucknow to police protests

9,600

Maximum prison sentence, in years, under a proposed NGO law in Uganda, that could be [imposed on NGO directors](#) for failing to secure an "operating permit" for their organization

8

Number of people who appeared in court [in Myanmar](#) in late March 2015 to face charges over a student protest that ended in violence

65

Estimated number of protesters who were arrested in Istanbul, Turkey, on May 1, 2015, after defying a [ban on May Day protests](#) in Taksim Square

250

Number of [consecutive](#) years that Taksim Square has been officially closed to protests on May Day, including 2015; the square was also off-limits to May Day protesters between 1980 and 2009

3

Number of NGOs that [signed a statement](#) in April calling for the Government of Cambodia to suspend adoption of a proposed NGO law, which Prime Minister Hun Sen said could be passed in May

272

Estimated number of people who marched through [Male, Maldives](#), on May 1 calling for the release of the country's jailed former president Mohammed Nasheed

10,000

Years in prison that [Nasheed was sentenced](#) to after being convicted of terrorism charges for allegedly authorizing the unlawful detention of Criminal Court Judge Abdulla Mohamed in 2012

13

Days that Nasheed was allegedly [given](#) to prepare for his trial

1

Estimated number of "mass incidents" - a euphemism for protests - which occur each year in China, according to a [media report](#)

90,000

A tear gassed protester reacts during an anti-capitalism demonstration on May 1, 2015, in Seattle, Washington, USA. (photo: [Adam Cohn/Flickr](#))

Special rapporteur news in brief:

March - April 2015

Call for input on Maina Kiai's next report: Comparing the environment for businesses and civil society

Maina Kiai's next report to the UN General Assembly will focus on the concept of "sectoral equity" - the idea that governments should provide a level playing field for the business and civil society sectors. The Special Rapporteur has noted in a number of his previous reports that equal treatment is not always the norm, with civil society often receiving the short end of the stick.

The Special Rapporteur has set up a [discussion page](#) at his website, [freeassembly.net](#), which features a concept note for the report and a series of questionnaires soliciting information for the report. He will also hold an expert consultation to help prepare for the report in Stockholm, Sweden, in mid-May.

Responses to the questionnaires are being accepted through June 7, 2015. The report will be presented to the 70th session of the General Assembly in October 2015.

New features for the Special Rapporteur's website

March and April saw the roll-out of new features on the Special Rapporteur's website, [freeassembly.net](#), designed to streamline access to key resources. New hub pages were introduced for the mandate's special projects, including the project on [access to resources](#) with the Community of Democracies, the [litigation project](#), and the new joint effort with UNSR Christof Heyns to produce recommendations on the management of [peaceful protests](#). The website also launched special landing pages for the Special Rapporteur's [factsheet series](#) and for past [newsletters](#). The factsheet on the right to freedom of [peaceful association](#) was translated into several new languages, including [Kyrgyz](#), [Turkmen](#), [Uzbek](#), [Kazakh](#) and [Tajik](#). The [assembly rights factsheet](#) was released in [Russian](#).

March-April 2015 events

• **Stockholm Defenders' Days:** The Special Rapporteur was in Stockholm, Sweden, on April 7-10 to deliver a keynote address at the [annual Defenders' Days meeting](#), billed as one of the world's most important conferences on human rights. The event, which is organized by Civil Rights Defenders, hosted over 160 human rights defenders from 35 countries.

• **Sedona Forum:** Kiai also traveled to Sedona, Arizona, to participate in the McCain Foundation's third annual Sedona Forum in late April. The event is the Institute's annual, high-level, invitation-only gathering of national and international leaders that seeks to bring together diverse experts discuss approaches and solutions to real-world problems. This year's guests included former British Prime Minister [Tony Blair](#).


Upcoming

• **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 scheduled to present on June 17 and will 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 planning to participate in a handful of side events on the margins of the session.

• **African regional consultation on recommendations for managing peaceful assemblies:** The second regional consultation in the joint project between Maina Kiai and UNSR Christof Heyns is scheduled for Aug. 7, 2015, in Pretoria, South Africa. The [project](#), mandated by Human Rights Council Resolution 25/38, calls for the recommendations to be submitted to the Council in March 2016.



The Special Rapporteur speaks during a consultation on civil society's right to access resources in Santiago, Chile, on April 27, 2015. The consultation was attended by government representatives from more than a dozen Latin American and Caribbean States



Police line up with shields during a March 13, 2015, protest in the Maldives. Demonstrators were calling for the release of imprisoned former president Mohammed Nasheed. For more on the story, see page 4 (photo: [Dying Regime/ Flickr](#))

World briefing: Freedom of assembly and association in the news

Spain

The Spanish senate on March 12, 2015, [approved](#) controversial changes to Spain's public security laws which impose new limits on the rights of freedom of assembly and expression. The so-called "gag law," includes fines of up to 30,000 euros for "serious disturbances of public safety" near government buildings, while unauthorized protests near key infrastructure could result in fines of up to 600,000 euros. The law takes effect on July 1, 2015. Maina Kiai and other UN experts [had urged](#) Spain to reconsider the law in a Feb. 23, 2015, statement. The new law prompted a "[protest by hologram](#)" by critics in April, which organizers argued would be the only way they could peacefully assemble once the law takes effect.

India

The Government continued its crackdown on civil society's ability to access foreign funding, freezing the accounts of a local [Greenpeace](#) chapter and [blacklisting](#) the Ford Foundation as a donor to local NGOs. By some estimates, some [9,000 NGOs](#) had seen their registrations cancelled by April for foreign funding-related issues. Meanwhile, police in a northern Indian city of Lucknow said in April that they were considering the use of [pepper-spraying drones](#) to control protesters.

Kenya

The government froze the bank accounts of two prominent human rights organizations in the country's coastal region, accusing them of supporting terrorism. The offices of the two organizations - Muslims for Human Rights ([MUHURI](#)) and [HAKI Africa](#) - were also [raided](#) as part of a what the Government described as a tax audit. Government officials allegedly took away files, hard-drives and at least one office safe during the raid. The moves came shortly after a [terrorist attack](#) at a University in the Kenyan city of Garissa which left 147 people dead. Civil society groups worldwide [condemned](#) the crackdown, with one calling it a "[wholly unjustifiable](#) attempt to

disrupt [the organizations'] legitimate work." The Special Rapporteur is currently a board member of MUHURI.

USA

Protests erupted across the country after an African-American man died under suspicious circumstances while in police custody in Baltimore, Maryland. Freddie Gray died on April 19, 2015, after suffering a spinal injury as he was being transported in a police van. The protests [began in Baltimore](#) and soon spread to a number of [other cities](#) throughout the United States, including Portland, Seattle, Oakland, New York and Chicago.

Azerbaijan

In a positive move, human rights defenders Bashir Suleymanli and Orkhan Eyyubzade were [released](#) as part of a presidential amnesty in March. But the situation for human rights defenders worsened just a month later, when a court sentenced activists [Rasul Jafarov](#) and [Intigam Aliyev](#) to 6.5 and 7.5 years in prison respectively.

Elsewhere

One person died and 50 were arrested after some 2,000 police [quashed](#) an anti-pollution protest by villagers in China's Inner Mongolia • The American Bar Association [published a study](#) comparing restrictions civil society's ability to access foreign funding around the world • Brazilians turned out in the thousands for protests demanding the [impeachment](#) of President Dilma Rousseff, who is embroiled in a corruption scandal involving the state-run oil company, Petrobras • In South Korea, police clashed with protesters over the [Sewol ferry disaster](#) • Six people were [shot and wounded](#) in Guinea on April 13 during protests against the timing of elections • Over 300 people gathered in front of Canadian [Prime Minister Stephen Harper's](#) office on March 15 to oppose proposed new anti-terrorism legislation