



# 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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## Pull the plug on televised reprisals against rights defenders in Venezuela

GENEVA / WASHINGTON, DC – A group of United Nations and Inter-American human rights experts, including Maina Kiai, issued a [statement](#) on July 22 deploring the attempts to discredit and intimidate human rights defenders on Venezuela's State-controlled television, in retaliation for their human rights activities and cooperation with UN and regional human rights bodies.

"It's high time to pull the plug on this shameful and televised harassment of rights activists in Venezuela," the experts said. "We condemn what has become a clear pattern to intimidate and defame human rights defenders for merely promoting human rights in their country and for engaging with international and regional human rights bodies."

The experts drew attention to the systematic targeting of human rights defenders through the weekly TV programme 'Con el Mazo Dando', transmitted by the state network Venezolana de Televisión, including by publishing personal information on its website. The programme is hosted by the President of the Venezuelan National Assembly, Diosdado Cabello, who goes on air to make accusations against rights activists and civil society organisations with an apparent aim to intimidate them.

The experts recalled that the UN and Inter-American human rights bodies are charged to monitor Venezuela's implementation of its international and regional human rights obligations, and as such the Government is bound to respect and defend the participation by rights activists in those proceedings. "Any act to thwart such engagement, be it on- or off-air, directly contravenes international human rights law," they stressed.

"We call on the Venezuelan authorities to immediately cease the targeting of rights activists," they said. "Human rights defenders and civil society organisations must be able to carry out their human rights work and cooperate freely and safely with international and regional human rights mechanisms without fear of intimidation and reprisals."

On February 11 and March 18, 2015, several human rights defenders and their organisations were named and slandered on 'Con el Mazo Dando' before and after their participation in the hearings about Venezuela before the Inter-American Commission of Human Rights in Washington DC in March 2015. On their return to Venezuela, they were followed and photographed at the airport without their consent. Later on May 13, 2015, the programme publicly shared the details of travel itineraries and private meetings planned by human rights defenders.

The TV-show continued to target human rights defenders following their participation in the June 2015 session of the UN Committee on Economic, Social and Cultural Rights examining Venezuela in Geneva.

For the full story, please see [freeassembly.net](http://freeassembly.net).

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World briefing: Freedom of assembly and association in the news

A demonstrator faces a squad of the Bolivarian National Police in Venezuela on March 5, 2014 (photo: Rafael Hernández)

Cambodians demonstrate against the draft Law on Associations and Non-Governmental Organizations in June 2015, prior to its passage by the National Assembly and Senate (photo: LICADHO)

## ‘Cambodia’s NGO Bill threatens a free and independent civil society’ – UN expert urges Senate to reject it

GENEVA – United Nations human rights expert Maina Kiai on July 15 [called on](#) the Cambodian Senate to reject the draft Law on Associations and Non-Governmental Organisations (LANGO) that “unequivocally threatens the very existence of a free and independent civil society in Cambodia.”

The Senate ultimately [passed the bill on July 24](#), setting the stage for it to become law after examination by the Constitutional Council and approval by Cambodia’s King.

LANGO was earlier approved by the National Assembly on July 13. All 68 parliamentarians belonging to the ruling party voted for it, while the 55 parliamentarians in the opposition boycotted the vote.

“Should the draft law be adopted, any group advocating for human rights, basic freedoms and good governance may be shut down and criminalized. It will ultimately have a disastrous impact on Cambodian citizens’ democratic participation in furthering the development of their country,” the Special Rapporteur warned.

The Special Rapporteur highlighted that, under the draft law, associations and NGOs operating without registration in Cambodia will face criminal liability, among other issues of concern.

The authorities can de-register local and international associations and NGOs if they consider them as not ‘politically neutral’. They can similarly deny registration on the vague grounds that the purpose and goal of the associations or NGOs ‘endanger the security, stability and public order or jeopardize national security, national unity, culture, traditions, and customs of Cambodian national society’.

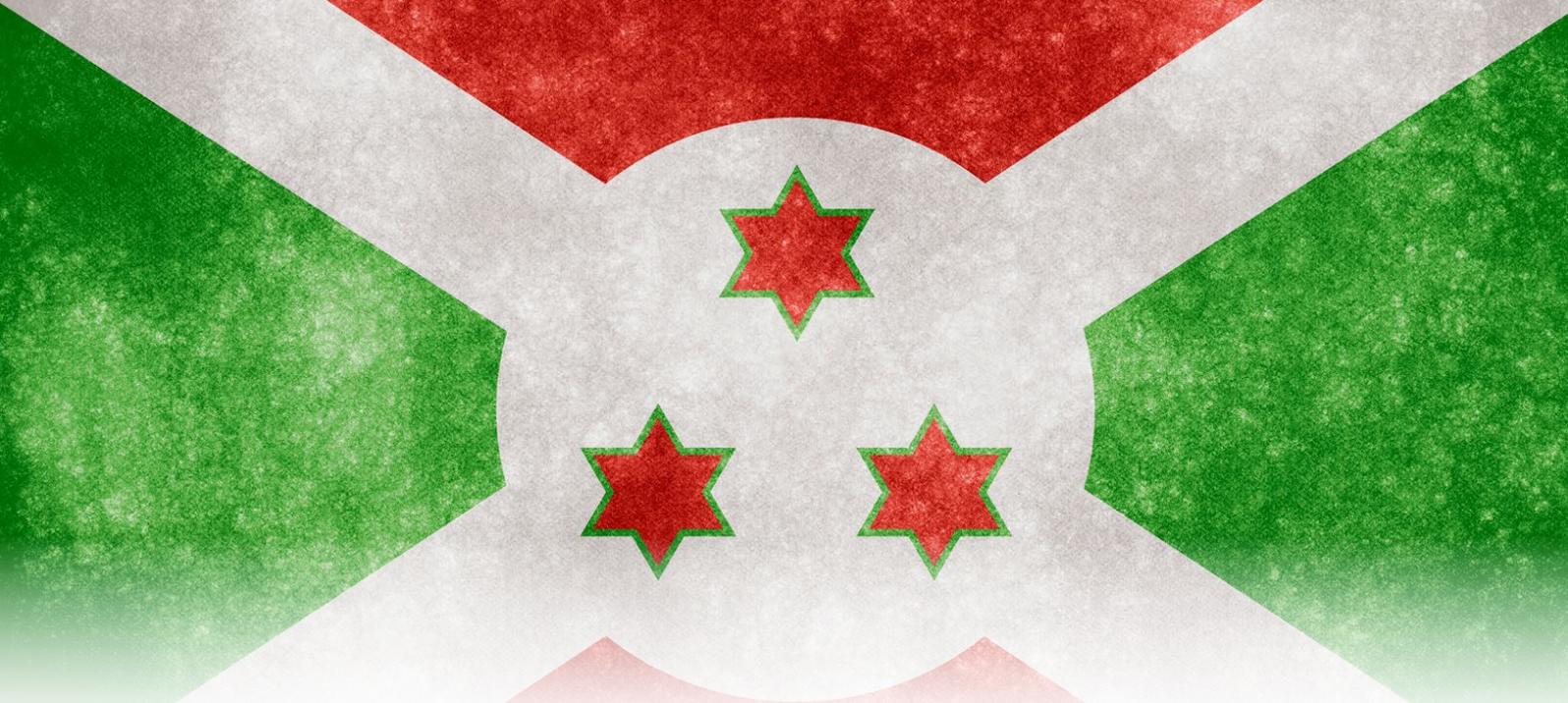
“Equally troubling is the fact that there was no meaningful and transparent consultation with civil society throughout the drafting process. Despite repeated requests from a wide range of stakeholders, no draft was publicly released for several months until after the text was already approved by the Council of Ministers and submitted to the National Assembly. The half-day ‘National Workshop on Understanding Draft LANGO’, convened by the National Assembly on July 8, 2015, did not allow for meaningful substantive exchanges on the detailed content of the draft”, Kiai underscored.

“Transparency and accountability are the bedrock of any legislative process in a democratic society,” the human rights expert stressed.

“More than ever, I reiterate the call made on numerous occasions since the beginning of my mandate in 2011 to provide technical support and assistance to the Government and legislators of Cambodia with a view to ensuring that the draft law complies with international human rights law,” the Special Rapporteur noted. “It is not too late to reverse the course of action.”

Kiai’s July 15 appeal to the Senate was endorsed by the UN Special Rapporteur on the situation of human rights defenders, Michel Forst; and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye.

The full press release is available [at our website](#).



## Burundi: UN experts call for determined Security Council action to prevent mass violence

GENEVA – A group of United Nations human rights experts, including Maina Kiai, on July 16 [urged the Security Council](#) to take immediate action to prevent Burundi from sliding back into violent conflict ahead of presidential elections, a crisis which will not leave the other countries in the region, including Rwanda and the Democratic Republic of the Congo, unaffected. As of mid-July, 145,000 persons had fled to neighbouring countries in fear for their lives.

“The world is witnessing an escalating pattern of politically motivated violence in Burundi, enabled by the country’s decades-long tradition of impunity,” the experts warned. “The international community must not simply stand by and wait for mass atrocities to unfold, thereby risking a major conflict of regional proportions before it finally decides to act,” the Special Rapporteurs added, pointing to repeated cycles of mass violations that Burundi and the Great Lakes region have witnessed in recent history.

The situation in Burundi has already involved serious human rights violations. “It is accumulating the well-known and visible marks of a society which previously suffered divisions leading to grave violence. This can escalate into major conflict through the use of outright repression against, and intimidation of, the population at large, the instrumentalization of the police, the closure of independent media, as well as the detention of the opposition and other civic leaders. We also witness efforts to coerce the judiciary, some of whose highest members have fled the country claiming

their lives were at risk. In the meantime, armed militias, with the collaboration of authorities, exercise violence against civilians. In these circumstances, it is not surprising that the results of the June 29 elections have generally not been endorsed,” the experts said.

“The absence of independent media and a climate of repression and fear to exercise civil rights and express opinions, notably by peacefully taking to the streets, have marred the recent elections and will also be defining the forthcoming presidential elections, now scheduled for July 21. The postponement by six days of the presidential elections does not remedy this blatant deficiency,” the mandate-holders stated.

“If the government persists in holding presidential elections under the current circumstances – something even the former first Vice-President objected to after also having fled the country – they will in no way confer any legitimacy on the to-be-elected authorities. On the contrary, the elections are highly likely to result in major instability and confrontations in Burundi, with the potential to spread to the region,” the experts warned.

The seven independent experts echoed the call made by the High Commissioner for Human Rights to immediately disarm the youth militia Imbonerakure which is spreading major violence and intimidation among the population. The full statement is available [via freeassembly.net](#).

## Bahrain: Freed from jail, all charges against Nabeel Rajab must be dropped

GENEVA – Three United Nations human rights experts, including Maina Kiai, on July 16 [called on the Bahraini authorities](#) to drop all charges the prominent Bahraini human rights defender Nabeel Rajab, who was released from prison earlier this week for health reasons. While welcoming Rajab’s release, the experts called it “only a half measure, given that he is still facing charges that carry up to fifteen years of imprisonment.”

Rajab, who is the president of the Bahrain Centre for Human Rights, was jailed in October 2014 in connection with statements made on his Twitter account and was initially charged for ‘publicly insulting official institutions.’ This was only months after he had completed a two-year prison sentence after calling for and participating in peaceful demonstrations.

Despite his recent release, Rajab’s pending charges include ‘disseminating false rumours in the time of war,’ ‘insulting public officials’ and ‘disseminating false news causing damage to the public security.’ [Click here for the full statement](#).



# Freedom of association & assembly: By the numbers



Number of consecutive terms that Pierre Nkurunziza has served as Burundi's president, following his [re-election](#) in July

3

Number of those terms which were won after elections in which Nkurunziza ran [effectively unopposed](#) (including 2015, which the main [opposition groups boycotted](#))

3

Minimum number of people reportedly [killed](#) since April in protests in Burundi's capital, Bujumbura, organized by those who say the country's constitution bans Nkurunziza from a third term

77

People [arrested](#) during a protest calling on Malaysian Prime Minister Najib Razak to resign after [allegations](#) that US\$700 million from state-owned fund 1MDB were transferred to his bank accounts

30

Number of publications [suspended](#) by the government over reports about the 1MDB scandal

3

Days after the scandal broke that Malaysia's anti-corruption agency [concluded](#) that the US\$700 million in Najib's accounts was a "donor contribution"

32

Estimated percentage of registered civil society organizations in Ethiopia which have [disappeared](#) since 2009, when the government severely limited the sector's ability to secure foreign funding

60

Percentage increase in the number of [millionaires](#) over roughly the same period, during which the government has actively [encouraged](#) foreign investment in the business sector

107

Estimated number of associations that would be forced to [reapply](#) for registration in Uganda if a draft NGO law is passed in its current form

11,500

Number of months they would be given to do this before facing dissolution

6

Prison sentence, in days, [imposed](#) on Hong Kong activist Ng Lai-ying for allegedly "assaulting a police officer" with her breast during a protest

105

Number of people who turned out to protest the so-called "breast assault" ruling in August

200

Number of official [communications](#) to UN Member States sent by the Special Rapporteur between March 1, 2014, and February 28, 2015

186

Percentage of these communications which States responded to

53

Number of communications that concerned alleged acts of intimidation and reprisal against civil society activists for their cooperation with the United Nations

17

Scene from a protest by laid off Coca-Cola workers in Spain, who were demanding that the company abide by a court order to reinstate them in their jobs (photo: [Adolfo Lujan/Flickr](#))

# The clamp-down on resourcing: comparing how States regulate business and civil society

UN Special Rapporteur Maina Kiai has co-authored an essay with [Community of Democracies](#) Secretary General [Maria Leissner](#) comparing the ability of business and civil society to access resources worldwide.

The piece appears in CIVICUS's 2015 "[State of Civil Society Report](#)," and previews an issue that the Special Rapporteur will explore in his [upcoming report](#) to the UN General Assembly in October 2015.

"At first glance, the business and civil society sectors may seem strange bedfellows for comparison. Conventional wisdom tells us that these two entities are distinct, warranting separate rules and treatment," Kiai and Leissner write. "But beyond their dissimilar profit motives, just how different are businesses and civil society? And how differently should governments treat them?"

The essay cites a number of examples where several governments go to great lengths to create a conducive environment for business investment, while virtually shutting off similar funding for civil society. Kiai and Leissner conclude that sectoral differences in funding restrictions often "boil down to the perceived threats and benefits from each sector. In short, it's political," they write.

The way forward, Kiai and Leissner argue, is a more level playing field across the board. The full piece is available [via this link](#) (PDF format only)

"Restrictions against the non-profit sector might be cloaked in terms of national security and good governance, but few pass muster under close scrutiny."

Special Rapporteur Maina Kiai and Community of Democracies Secretary General Maria Leissner, writing in CIVICUS's annual State of Civil Society report, [available here](#)



## 'Lawyers need to be protected not harassed,' UN experts urge China to halt detentions

GENEVA – United Nations human rights experts, including Maina Kiai, on July 16 [called on](#) the Chinese authorities to stop what appears to be targeted police harassment and intimidation of lawyers and those working closely with them. "Lawyers are essential to ensure the rule of law; they need to be protected not harassed," they said.

The independent experts expressed dismay at the ever growing number of lawyers and persons associated with their work, including law firm personnel, legal assistants and human rights defenders, who have been arrested and detained, including incommunicado, or summoned and questioned since July 9, 2015.

More than 100 lawyers have been arrested and detained or interrogated over the last few days in direct connection with their professional activities, according to the information received by the experts. Most of the lawyers are believed to have been working on human rights-related cases, in particular cases where they represented well known political dissidents, journalists and artists.

"If no charges are pressed, the authorities should immediately release all persons detained; alternatively, if they are officially charged with criminal offences, all due process guarantees should be provided, in particular the

immediate and adequate access to an independent legal counsel," they stressed.

"We are particularly concerned about the physical and mental integrity of 10 individuals, including 6 lawyers, who are currently held in police custody or under 'residential surveillance' in unknown locations, in most cases incommunicado since their arrests," they said.

The experts expressed further concern that these persons may have been arbitrarily arrested and detained in contravention of not only the UN Basic Principles of the Role of Lawyers and the Universal Declaration of Human Rights, but also the Chinese Criminal Procedure Code.

"The fate and whereabouts of another 12 persons, including 3 lawyers, who have disappeared in unknown circumstances, are also worrying," they noted. "We call on the Chinese authorities to investigate these cases urgently and provide full disclosure on the results."

"In societies governed by the rule of law, lawyers advocate within the legal system on behalf of clients, even where their personal views may differ from the clients' views," the independent experts stated.

"Lawyers should never have to suffer prosecution or any other kind of sanctions or intimidation for discharging their professional duties." The full statement is [available here](#).



# Special Rapporteur news in brief:

## July - August 2015

The Special Rapporteur speaks during a side event at the Human Rights Council in Geneva on June 18. The event focused on the rights to freedom of peaceful assembly and of association in the context of natural resource exploitation



### Uganda NGO Bill: Kiai calls for consultations with civil society

Special Rapporteur Maina Kiai in June [urged](#) Ugandan legislators to hold meaningful consultations with civil society on a Bill that aims at regulating non-governmental organisations (NGO). A one-day consultation took place today in Kampala on June 25.

“Since the Government of Uganda intends to regulate the framework governing associations, the ostensible beneficiaries of the law should be key partners of the drafting process,” Kiai said, expressing serious concern that the NGO Bill may not reflect the views of the various interested parties engaged with the consultation process.

“I call on the legislators to allow more time for consultation so that all stakeholders have an opportunity to contribute to this important discussion. A day is simply not enough for discussing these weighty issues,” the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association said.

The NGO Bill, introduced in May and due to be debated in the coming months, seeks to repeal and replace the current Non-Governmental Organisation Registration Act Cap 113 regulating NGO activities in Uganda.

“I am concerned about a number of provisions contained therein that severely restrict the right to freedom of association,” the human rights expert stated. “The vague formulation of such provisions and wide discretion given to the Ugandan Minister for Internal Affairs can have a detrimental impact on the formation and work of associations.”

[Click here](#) for the full story.

### Special Rapporteur in Washington for IACHR events

Maina Kiai traveled to Washington, DC, in July to meet with representatives from the [Inter-American Commission on Human Rights](#), and to speak at a public event on natural resource exploitation.

Other speakers at the event, “Endangered: Human Rights & Natural Resources in the Americas,” included Emilio Alvarez Ecaza Longoria, Executive Secretary of the IACHR, and Edison Lanza, the IACHR Special Rapporteur on Freedom of Expression. Maina Kiai’s [most recent report](#) to the Human Rights Council focused on the rights to freedom of peaceful assembly and of association in the context of natural resource exploitation.

### Upcoming

#### • [Managing peaceful assemblies project](#) - Africa consultation:

Special Rapporteur Christof Heyns will convene a regional consultation in Pretoria, South Africa, on August 7 as part of the joint project with Maina Kiai to develop practical recommendations for the proper management of assemblies. Members of Kiai’s team will attend on behalf of the Special Rapporteur. Both Special Rapporteurs are expected to attend a similar consultation for the Asia region, which will take place on August 27 in Istanbul, Turkey.

• **Chile official visit:** The Special Rapporteur is scheduled to make an official visit to Chile in late September, his first such visit to the Latin American region. Further details of the trip will be available in September.

• **United Nations General Assembly report:** Maina Kiai’s next report to the General Assembly is nearing completion, and is scheduled to be presented in late October 2015. The report is a comparative study of [enabling environments](#) - defined broadly as actions or inaction taken by States and other actors to promote a particular non-State sector - for associations and businesses. The report is expected to be released sometime in September. The Special Rapporteur expresses his thanks to all of the States, civil society organizations, and others who responded to the questionnaire requesting information for the report.



# World briefing:

## Freedom of assembly and association in the news

### Spain

The country's new Public Security Law - aka the "gag law" - became [effective](#) on July 1, despite widespread condemnation domestically and abroad. The law restricts peaceful assemblies in front of certain government buildings, and limits monitors' ability to photograph or film police forces, among other things. A longer summary of the law is [available here](#).

### United States

A US Department of Justice investigation [found](#) that police trying to control protests in Ferguson, Missouri, last year responded with an uncoordinated effort that sometimes violated assembly rights, antagonized crowds with military-style tactics and shielded officers from accountability. Ahead of events to mark the one-year anniversary of the protests, an organizer [called on](#) police to respect the rights of demonstrators and to refrain from confronting protesters in militarized manner. Meanwhile, a civil society group criticized the government for [surveilling](#) the #BlackLivesMatter movement, which rose to prominence during the Ferguson protests.

### Surveillance issues

A police official in the United States [revealed](#) in July that undercover police officers infiltrated and "took leadership roles" in protest groups in Tampa, Florida, ahead of the 2012 Republican National Convention. "They became, like, the leaders of the group," Tampa police Maj. Marc Hamlin said of the undercover officers. In the United Kingdom, meanwhile, it was revealed that the government's electronic eavesdropping agency GCHQ [spied illegally](#) on Amnesty International. (Related: [Why the public inquiry into allegations of wrongdoing by undercover police officers in the UK matters](#))

### India

Indian authorities [registered a case](#) against activist Teesta Setalvad in early July for allegedly receiving funds from foreign entities without registration or prior permission from the government. Her husband Javed Anand was also named. Government agents later [raided](#) Setalvad's home and office in Mumbai, leading civil society members to

accuse the authorities of "[hounding](#)" her and her husband. The activist has been a vocal critic of Prime Minister Narendra Modi since the 2002 Gujarat riots, which [took place](#) during Modi's term as Chief Minister of the western Indian state.

### Armenia

On July 6, police [cleared a protest](#) over electricity price hikes in Yerevan that had blocked a street for two weeks. A previous attempt to break up the largely peaceful demonstration on June 23 [reportedly](#) led to numerous injuries and allegations of excessive force by police. Protests against the price hikes [continued](#) throughout July.

### Russia

Legislation passed [earlier this year](#) allowed the Duma's Federation Council to place 12 foreign NGOs on a [blacklist](#) in July, effectively banning them from carrying out activities in the country. The list includes seven organizations based United States, two Polish organizations and three Ukrainian organizations. Another 80 domestic NGOs are [reportedly](#) registered as "foreign agents" because they accept money from foreign donors. Meanwhile, DW.com asks "[Why is Russia afraid of NGOs?](#)"

### Elsewhere

Police in the Netherlands arrested about 200 people in early July for [breaching a ban](#) on public assemblies after the death of an Aruban tourist at the hands of police • Thailand was [slammed](#) for pursuing sedition charges against a group of anti-coup student activists who were peacefully demonstrating • On June 24, Ecuadorian authorities [threatened](#) to dissolve the civil society organization Fundamedios after accusing it of deviating "from its statutory purposes" by disseminating "alerts, messages and essays"; they said this was evidence "of clearly political positions that attempt against the social development that is stated as the main objective" of the organization • Kuwait was [criticized](#) after the government issued a decree that "effectively closed down the local chapter of Transparency International" • Ethiopia [released](#) several [imprisoned journalists](#) in July, ahead of a visit from US President Barack Obama

A demonstrator in Paris, France, hoists the Greek flag during a July 5, 2015, protest in solidarity with Greece. Greece itself saw [major demonstrations](#) in July ahead of a referendum on international bailout terms and over the [closure](#) of the country's banks  
(photo: [Laurent Sauvebois/Flickr](#))