



# The Assembly and Association Briefing

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

Vol. 3, No. 2 (Issue 19) - Published March 16, 2016



p2

Kiai and Heyns present recommendations on managing protests to Human Rights Council

p3

One rights defender murdered in Honduras, while another remains at serious risk

p4

Marking 50 years of international assembly & association rights

Special Rapporteur Maina Kiai speaks with visitors in the Human Rights Council on March 9, 2016, following the presentation of his joint report on managing assemblies with fellow UN expert Christof Heyns



# UN rapporteurs provide a roadmap to avoid human rights violations during protests

GENEVA — Special Rapporteur Maina Kiai and his fellow UN expert Christof Heyns [presented a new report](#) to the UN Human Rights Council on March 9, offering extensive recommendations to States and police forces around the world on how best to manage public gatherings.

“The proper management of assemblies can in many cases serve to prevent an escalation of the situation and the eventual outbreak of violence. We believe that proper precautions and preparations can help to protect the rights of all concerned — the demonstrators, bystanders and the police,” said the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, and Kiai.

The report is the result of [consultations with more than 50 States and 100 experts](#) from civil society, academia, protest groups, national human rights institutions and police forces. “Our many conversations with States and experts confirmed that the ability to meet and act collectively is vital to democratic development and to the expression of ideas,” Kiai said.

“Human rights are often violated in the context of assemblies, sometimes unintentionally. These recommendations are aimed at providing all involved with a common frame of reference of how this world-wide form of expression should be approached. In many cases the proper management of assemblies can prevent it from escalating out of control,” Heyns added.

The recommendations touch on all aspects of the management of assemblies, including: notification procedures and permissible limitations of the right to freedom of peaceful assembly; the State obligation to facilitate assemblies; the policing of assemblies including the use of force and surveillance; the monitoring and recording of assemblies; access to information; and accountability.

“Assemblies can play a vital role in the protection and fulfillment of human rights,” the experts recalled. “They should not be viewed or treated as a threat, but rather as a means of dialogue in which the State should engage.”

The Special Rapporteurs emphasized the broad range of rights impacted in the context of assemblies, and the State’s obligation not only to protect, but also facilitate, the exercise of these rights. Consequently, the report states, no assembly should be considered ‘unprotected’.

“This is the first time the Council has requested that two mandates jointly compile recommendations on the management of assemblies — which is indicative of the pressing need for guidance on this topic,” Heyns concluded.



“Assemblies have an inherently democratic function ... they should not be viewed as a threat, but rather as a means of dialogue in which the State should engage”

Special Rapporteurs Maina Kiai and Christof Heyns, presenting their report on the proper management of assemblies to the Human Rights Council on March 9, 2016

## 1. READ THE REPORT

Click for a link to the report in all six official UN languages

## 2. FACTSHEET

Click for a link to the factsheet - the report summed up on one page

## 3. PHOTOS

UNSRs Maina Kiai and Christof Heyns at the Human Rights Council

## 4. VIDEO

Watch Heyns & Kiai present their report

## 5. TRANSCRIPT

Written version of the Special Rapporteur’s statement to the Council

## 6. POSTER

10 Principles for the proper management of assemblies



# Human rights defender Berta Cáceres murdered in Honduras; Gustavo Castro Soto remains at risk

GENEVA — The United Nations Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz, issued a [statement](#) on March 4 strongly condemning the murder in Honduras of human rights defender Berta Cáceres, founder of the Civic Council of Popular and Indigenous Organizations Honduras (COPINH) and leader of the Lenca community of Rio Blanco.

Her statement was endorsed by Special Rapporteur Maina Kiai and a number of other UN independent experts.

Cáceres was murdered despite precautionary measures granted by the Inter-American Commission on Human Rights for her protection after an increase in the number of death threats she had received for years because of her work denouncing violations of human rights against indigenous peoples.

The Special Rapporteur met Cáceres during her first official visit to Honduras in November 2015, when the indigenous leader facilitated meetings with the Lenca community. At Rio Blanco, the UN expert received information about the community's opposition to the Agua Zarca hydroelectric dam which had led to killings, harassment and threats to members of the community.

"It is very likely that this killing is linked to her work in defense of human rights of the indigenous Lenca people," Tauli-Corpuz said, recalling that Cáceres had received the Goldman Prize in 2015 as an environmental activist in recognition of her work against the construction of the Agua Zarca dam.

Less than a week later, the Special Rapporteur on the situation of human rights defenders, Michel Forst, [called upon](#) the Government of Honduras to ensure the safety and protection of Gustavo Castro Soto, Mexican defender, who was hurt during the assassination of Cáceres. His call was also endorsed Maina Kiai and other UN experts.

Honduran authorities prevented Castro Soto, founder of the organization Otros Mundos and defender of land and environmental rights, from leaving the country for Mexico. He is prevented from leaving Honduras for 30 days due to a 'migratory alert', but the grounds for this alert are yet to be confirmed.

"I urge the authorities of Honduras to guarantee that the life of Mr. Castro Soto is not put to risk and to allow his return to Mexico as soon as possible", expressed the Rapporteur, while noting the assistance provided to the defender by the Mexican Embassy in Tegucigalpa.

Read more: Tauli-Corpuz's statement ([English](#) and [Spanish](#)); Forst's statement ([English](#) and [Spanish](#)).



Berta Cáceres (photo: [Goldmanprize.org](#))



Gustavo Castro Soto (photo: [MOVIAC-Chiapas](#))

## UN experts urge W. Australia not to pass anti-protest law

GENEVA — On Feb. 15, three United Nations human rights experts [urged the State Parliament of Western Australia](#) not to adopt new legislation which would result in criminalizing lawful protests and silencing environmentalists and human rights defenders.

Members of the regional parliament said that the Bill aims to prevent protestors from locking themselves onto equipment, trees, and other objects in order to frustrate or delay development sites.

"If the Bill passes, it would go against Australia's international obligations under international human rights law, including the rights to freedom of opinion and expression as well as peaceful assembly and association," said the UN Special Rapporteurs on freedom of expression, David Kaye, on freedoms of peaceful assembly and association, Maina Kiai, and on human rights defenders, Michel Forst.

"The Bill would criminalise a wide range of legitimate conduct by creating criminal offenses for the acts of physically preventing a lawful activity and possessing an object for the purpose of preventing a lawful activity," they explained. "For example, peaceful civil disobedience and any non-violent direct action could be characterized as 'physically preventing a lawful activity.'"

In September 2014, the three experts urged the Tasmanian Government to withdraw a similar anti-protest bill, which also targets environmental protestors.

For the full press release, [please see our website](#).

A 2007 road blockade protest in the Weld Valley, Tasmania, Australia. Tasmania passed anti-protest legislation in 2014, similar to the legislation now being considered in Western Australia (photo: [Rainforest Action Network/Flickr](#))



# #FOAAat50: Celebrating 50 years of human rights through art and social media



We're now well into the third month 2016, but there has been surprisingly little buzz surrounding one of the year's most important anniversaries: The world's core international human rights treaties are turning 50.

That's a disappointing situation — and we'd like your help in trying to fix it.

The [International Covenant on Civil and Political Rights \(ICCPR\)](#) and the [International Covenant on Economic, Social and Cultural Rights \(ICESCR\)](#) were both adopted by the UN General Assembly on December 16, 1966. The ICCPR, of course, enshrines the international rights to freedom of peaceful assembly and of association in articles 21 and 22, respectively. The ICESCR, protects the right to form trade unions and to strike. Together, these instruments create the legal backbone of the Special Rapporteur's mandate.

It was a long road to adoption and ratification, and we're still not there yet (as [United Nations data shows](#), 29 states are still not party to the ICCPR, while 33 are not party to the ICESCR). Implementation has also been imperfect, no doubt. But the ICCPR and ICESCR — together with the [Universal Declaration of Human Rights](#) — represent the most ambitious and collaborative attempts at defining and upholding human rights in human history. And however flawed this endeavor has been thus far, the rights enshrined in the ICCPR and ICESCR have undoubtedly inspired hundreds of millions of people.

We think this is something worth celebrating.

To that end, we're [launching a campaign](#) to help breathe some life into this birthday party. We're dubbing it #FOAAat50, and we'd like you to take part by doing three simple things: Creating, celebrating and sharing.

## What do we mean?

**Create.** The concept is simple — make something that expresses what the rights to freedom of peaceful assembly and of association mean to you.

We started things off in February and March with a series of posters we created to mark 50 years of Article 21 of the ICCPR, the right to freedom of peaceful assembly (see samples at left). Like them? Then [download one here](#) and share it on Facebook or Twitter. Really like it? Then [download a big 14 MB version here](#) and do some large-format prints to stick on your wall or give to your friends. So far, we've done versions in French, Spanish, Dutch, Khmer, Russian, Arabic and Korean - and there are more coming through December 16, 2016.

But we can't do this alone. So get out there and make your own posters, photographs or artwork — anything really. And it's no excuse to say you lack artistic skills: Send us your ideas instead, and we'll try to put them into action. Send us your translations of posters we've already done. Or simply tell a friend. You've got 10 months, so get to it!

**Celebrate.** What better way to mark this anniversary than to use your rights? Get out there and join a demonstration, convene a discussion group, form an association, join a labor union or throw a party (yes, parties are indeed a form of peaceful assembly). Rights are like muscles — they tend to waste away if they're not exercised.

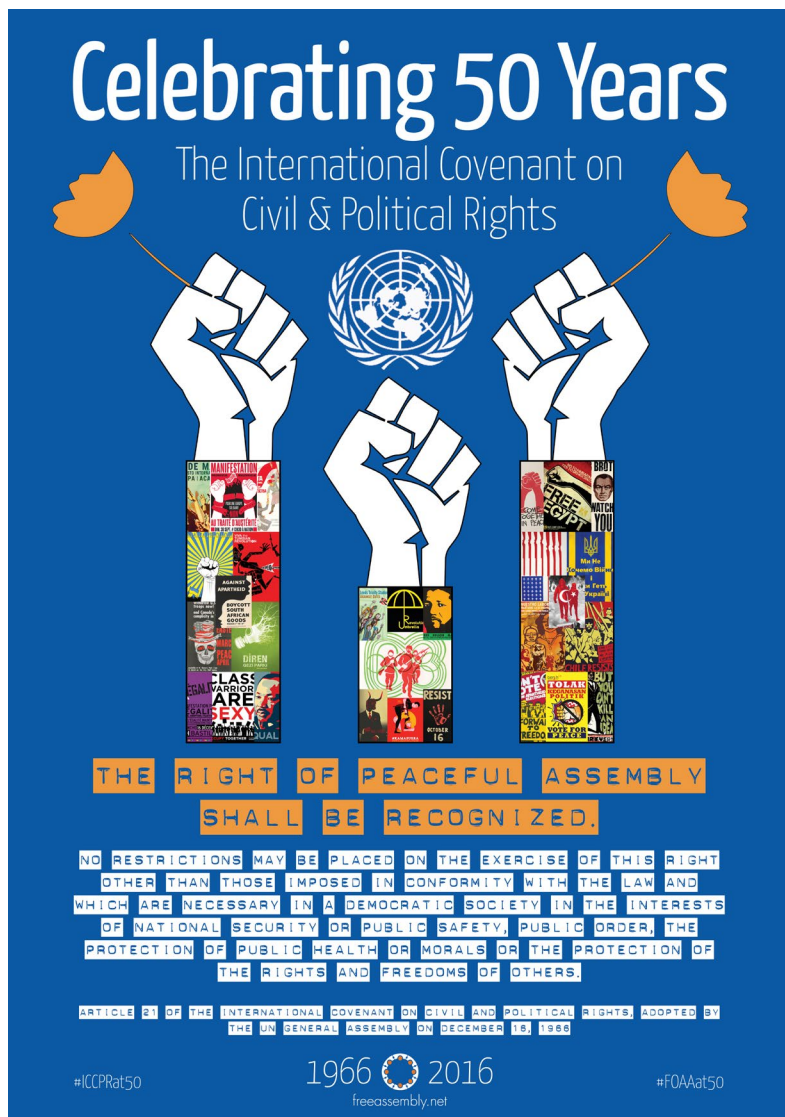
**Share.** Last but not least, we're asking you to let the world know what you're up to. We've inaugurated a series of hashtags for the anniversary, which you can use on social media to share your art, photos, thoughts ... and perhaps even your party pics: [#ICCPRat50](#), [#ICESCRat50](#) and [#FOAAat50](#). Use them. Tag us as well — or drop a line at [info@freemovement.net](mailto:info@freemovement.net) — we'd be happy to help get the word out.

Fifty years is a big number, but it's only a start. Let's join forces to tell the world that this anniversary matters, and that the best is yet to come for the promotion and protection of human rights.

Français  
Lire l'article

Español  
Leer este artículo

Download  
Posters in high-resolution format





# Freedom of association & assembly:

## By the numbers

3.5

Number of people, in millions, that [police estimated](#) to have turned out for anti-government protests in Brazil on March 13, 2016

326

Number of Brazilian cities that saw [protests](#) on that day

65

Number of extrajudicial killings in Egypt in Feb. 2016, according to a [report](#) by the Nadeem Center for the Rehabilitation of Victims of Torture

12

Number of days prior to the publication of the report that the Egyptian government announced it was [forcibly closing](#) the Nadeem Center

5

Number of times that Ugandan opposition presidential candidate Kizza Besigye was [arrested](#) in a one-week period surrounding Uganda's Feb. 18 elections

4

Number of times Besigye was arrested during a one-month period in 2011 over a "[walk-to-work](#)" protest over rising fuel and food prices

18

Minimum number of Indian universities that saw protests - the country's largest student demonstrations in 25 years - in February after the [arrest of a student leader](#) charged with sedition

200

Number of people prevented by police from completing a 9 km bicycle ride in Phnom Penh, Cambodia, on [International Women's Day](#), on the grounds that the event would create traffic jams

3

Number of hours that traffic was [reportedly snarled](#) due to the police action

499

Number of leading human rights experts, authors, academics, politicians and celebrities - including Special Rapporteur Maina Kiai - who signed a [March 2 petition](#) asking the United Kingdom to release WikiLeaks founder Assange

80


Percentage of NGO staff required to be South Sudan nationals, under a new law [signed](#) by South Sudan's president in February

3

Number of years [imprisonment](#) that can be imposed on anyone making a "false statement" about the new South Sudan law

Scene from a Feb. 13, 2016, protest in Madrid, Spain, over what demonstrators say is a government strategy to criminalise, prosecute and imprison social activists (photo: Adolfo Lujan/Flickr)





Special Rapporteur Maina Kiai listens during an event discussing human rights in Azerbaijan, held in Geneva on the sidelines of the 31st session of the Human Rights Council on March 11, 2016. More photos of the event - and Kiai's other activities in Geneva - are available on [our Flickr page](#)

## Special Rapporteur news in brief: February-March 2016

### **"Redealing civic space through litigation" — commentary by the Special Rapporteur in Sur 22**

Special Rapporteur Maina Kiai has [authored a piece](#) on his mandate's litigation project for the latest edition of *Sur*, the international journal of human rights published by [Conectas](#). The piece appears in *Sur* issue 22, and gives an overview of the [litigation project](#) and the cases it has handled thus far. Launched in 2014, the litigation project focuses on providing technical assistance and advisory services for public interest litigation on assembly and association issues. The aim of the project is to increase such litigation and encourage the application of international law norms at the domestic level. The Special Rapporteur has also submitted three amicus briefs in cases relevant to the rights to freedom of peaceful assembly and of association.

"Litigation does present advantages unique among rights-promotion tools," Kiai writes in the *Sur* piece. "When used in the right context, for example, it can ensure concrete remedies: accountability, compensation and some closure. Litigation can also shine a light on repression by forcing the government to address issues head-on in a public setting, whether through written procedures or open hearings. Independent courts and strong rulings can provide backing for activists, halt abuses and command societal change."

The Special Rapporteur's article is available in [English](#), [Spanish](#) and [Portuguese](#) via the *Sur* website. The full issue of *Sur* can be read [via this link](#).

### **New book on human rights in Laos, with forward by Maina Kiai**

Anne-Sophie Gindroz, a former Swiss aid worker in Laos, has [released a new book](#) on the human rights situation in the country, "*Au Laos, La Répression Silencieuse*," published in French by Asieinfo Publishing. Gindroz was expelled from the country in 2012, allegedly for criticizing Laos in a letter to donors that said the country's one-party regime stifles debate and creates a hostile environment for aid groups.

Special Rapporteur Maina Kiai wrote the forward for the book, and describes Laos as "something of a void on the human rights map," hindered by a deep culture of fear that has prevented the growth of a vibrant civil society. The full text is [available via this link](#).

### **31st session of the Human Rights Council in Geneva**

The Special Rapporteur was in Geneva March 7-11, to present his joint report on managing assemblies with Special Rapporteur Christof Heyns ([see page 2](#)). While in Geneva, Kiai also participated in a number of side events, on topics including "sectoral equity" (the subject of his [report to the UN General Assembly](#) in October 2015), social protests and the use of force, the proper management of assemblies, and human rights in Azerbaijan. Photos of all of the Special Rapporteur's events and more are [available on our Flickr page](#).

### **Upcoming & other news**

- **Country pages on [freeassembly.net](#):** In February, we rolled out a new and improved country page feature on [freeassembly.net](#), the website of Special Rapporteur Maina Kiai. The new country pages compile all news and reports related to a particular country on a single page. You can browse all countries [via our map page](#), or go directly to the country you're looking for by typing in, for example, <http://freeassembly.net/country/xxxx/> (replace "xxxx" with the country name).

- **Follow-up visit to the United Kingdom:** The Special Rapporteur is scheduled to make an official follow-up visit to the United Kingdom on April 18-21, in which he will assess progress made since his [first official visit in 2013](#). Kiai will hold a press conference at the conclusion of the visit on April 21 to announce his preliminary findings. Watch [freeassembly.net](#) for more news on the visit.

- **Academic visits to Helsinki and Brussels:** Following his presentation in Geneva, the Special Rapporteur travelled to Helsinki on March 15, where he was the [keynote speaker](#) at a civil society seminar sponsored by Finland's Ministry of Foreign Affairs. He then continued on to Brussels, to participate in the European Union's Civil Society Forum on March 16-17.

- **2016 General Assembly report:** The Special Rapporteur is in the early stages of preparing his report to the 71st session of the General Assembly in October 2016 – his final report to the Assembly before his term expires in 2017. Kiai plans for the report to focus on the enjoyment of assembly and association rights in the context of labor issues. Keep an eye on [freeassembly.net's discussion pages](#) for more news on the report, and for information on how to submit issues for consideration.



# World briefing:

## Freedom of assembly and association in the news

### Uganda

Ugandans went to the polls on Feb. 18, with President Yoweri Museveni seeking to extend his 30-year rule. The pre-election period was plagued by irregularities, including the obstruction of rallies and the [brief detention](#) of leading opposition candidate Kizza Besigye - developments that [Special Rapporteur Maina Kiai said](#) cast “severe doubt” on whether the elections would be “free, fair and legitimate.” The election itself was no better: social media platforms [Facebook and WhatsApp were blocked](#) and Besigye was arrested again on [Feb. 18](#) and [19](#). Museveni ultimately won the elections, but observers promptly [declared the polls unfair](#).

### Brazil

Massive protests [continued on March 13](#), as an estimated 3.5 million people turned out in 326 cities across the country. The protesters’ target was President Dilma Rousseff, whom they blame for economic troubles and a major corruption scandal.

### Egypt

On Feb. 17, government authorities [ordered](#) the closure of the Nadeem Center for the Rehabilitation for Victims of Violence and Torture, citing unspecified violations of the law. The Center has [vowed to fight](#) the closure. Also in Egypt, rights lawyer Negad El-Borai was arrested in March on [charges](#) of running an organization that “hinders state progress and disturbs national security.” He was released after three days in custody, but remains under investigation. El-Borai [participated](#) in the Special Rapporteur’s May 2015 consultation to prepare his General Assembly report on “[sectoral equity](#).”

### Poland

Warsaw was rocked by massive protests in February and March, led by demonstrators who say that Poland’s three-month-old conservative government is [undermining freedoms](#) and the constitution. Warsaw city hall estimated that 80,000 turned out for a protest on Feb. 27, while [another 50,000](#) demonstrated on March 12. The latter protest came after the government refused to publish a ruling by the constitutional court striking down new laws.

### Turkey

On March 4, government authorities [seized Zaman](#), Turkey’s most widely circulated newspaper, bringing the publication under state control. The seizure spurred [protests](#) outside the paper’s offices, police dispersed with water canons and tear gas. On March 13, a bomb attack in the capital Ankara killed 37 people, prompting President Recep Tayyip Erdogan to call for a [redefinition of the term terrorism](#), to include anyone “supporting terror” – such as legislators, academics, journalists or activists.

### Elsewhere

Security forces in the Democratic Republic of Congo [arrested](#) leading opposition leader Martin Fayulu on Feb. 14, two days before a planned strike by opponents of President Joseph Kabila; [more activists](#) were arrested during and after the strike • The UK Cabinet Office announced a [new clause in grant agreements](#) which bans charities from using government grants to lobby government and Parliament; meanwhile, a UK Select Committee [recommended](#) that foreign donations to charities be reported to the government • Thailand inched towards a new constitution, but civil society [expressed concerns](#) about the current draft • China’s government [shut down](#) Beijing’s Zhongze Women’s Legal Counselling and Service Centre, a prominent women’s legal aid centre • A protest group that habitually hounded the Dalai Lama, meanwhile, [disbanded](#) after its Chinese backing was exposed by a [Reuters investigation](#) • Protesters in Seoul staged a “[virtual march](#)” by hologram on Feb. 24 • University students [protested in Addis Ababa](#), Ethiopia, on March 8, demanding an end to police crackdowns that followed of demonstrations over plans to seize land in Oromia • A Russian court [liquidated](#) the country’s oldest human rights NGO, Agora, for “influencing public opinion”

Supporters of the Spanish political party Podemos celebrate election results in Madrid on Dec. 21, 2015 (photo: Adolfo Lujan/Flickr)