



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. 4 (Issue 21) - Published June 21, 2016

The United Nations' Palais des Nations building in Geneva, Switzerland, with the Celestial Sphere in the foreground



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Kiai: Fundamentalist intolerance degrading assembly & association rights



THE REPORT

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STATEMENT

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FACTSHEET

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"AT ITS CORE, THIS REPORT IS ABOUT THE STRUGGLE BETWEEN TOLERANCE AND INTOLERANCE. TOLERANCE TOWARDS OUR DIFFERENCES IS THE ONLY WAY TO MAKE SURE THAT THEY DO NOT BOIL OVER INTO VIOLENCE, OPPRESSION AND CONFLICT."

Special Rapporteur Maina Kiai presenting his latest report to the Human Rights Council in Geneva on June 17, 2016

GENEVA — The phenomenon of fundamentalism is fueling growing intolerance worldwide, which poses a grave threat to the rights to freedom of peaceful assembly and of association, United Nations expert Maina Kiai told the Human Rights Council on June 17 in presenting his [latest report](#) on religious, free market, political, and nationalist or cultural fundamentalism.

"The concept of fundamentalism cannot be limited to religion," cautioned the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association. "It can and should be defined more expansively, to include any movements — not simply religious ones — that advocate strict and literal adherence to a set of basic beliefs or principles."

"At its core, this report is about the struggle between tolerance and intolerance," Kiai stressed.

"The people of the world speak some 7,000 languages, practice 270 major religions, live in 193 UN Member States and belong to thousands of cultures. But we share only one planet. We will not always agree. But tolerance towards our differences is the only way to make sure that they do not boil over into violence, oppression and conflict."

For the Special Rapporteur, the rights to freedom of peaceful assembly and of association are the 'bedrock' of such tolerance, because they help ensure that "all of humanity, in its stunning diversity, has a voice." Despite this, he noted, many States are moving in the wrong direction, promoting fundamentalist viewpoints — whether via government policy or by supporting non-State actors— and suppressing dissent.

"Free market fundamentalism —the belief in the infallibility of free market economic policies— is an urgent threat," Kiai said, noting laws in Australia and Canada that potentially criminalize some anti-business protests.

"Economic activity is certainly important, but States tread a dangerous path when they prioritize the freedom of the market over the freedom of human beings. The economic rights of investors should never trump fundamental human rights in the International Covenant on Civil and Political Rights," he stated.

Political fundamentalism poses a similar problem, the UN expert said, requiring dogmatic adherence to official party platforms or allegiance to particular leaders. He cited the Democratic People's Republic of Korea, Bahrain, China, Cuba, Laos and others as examples.

"The rights to freedom of peaceful assembly and of association unequivocally include the right to assemble and associate for political purposes," the Special Rapporteur said. "In fact, one of their core purposes is to preserve people's ability to peacefully express their grievances with political leaders. This may pose a threat to the Government's hold on power, but this should not be confused with a threat to the State itself. The former is democracy at work; the latter is how autocracies work."

The independent expert explained that religious fundamentalism also poses a severe threat to the enjoyment of peaceful assembly and association rights, but emphasized that no single religious group has a monopoly on this problem, citing instances of Christian, Hindu, Buddhist, Jewish and Muslim fundamentalism around the world.

"The failure of States to ensure a tolerant environment," Kiai noted, "can have catastrophic results."

"People have an instinctive need to take part in the societies in which they live — to have some control over their destinies, to voice their discontent and to improve their lives. Assembly and association rights allow them to do this, and to do it in a peaceful manner," Kiai said.

"Denying these rights does not make peoples' feelings of anger, despair and dissatisfaction go away. It simply pushes these feelings underground, where they can fester and turn violent," the human rights expert concluded. "Extremism thrives in such environments, because it is the only option left."

The Special Rapporteur also presented reports on his official visits to [Chile](#) (September 2015) and the [Republic of Korea](#) (January 2016) and a report with his [Observations on Communications to Governments and Replies Received for 2015-16](#).

Video of Kiai's presentation is available via UN TV [at this link](#). Photos of Kiai's week in Geneva are available [here](#) and [here](#).

SOUTH KOREA

Click to read the Special Rapporteur's report on his Jan. 2016 mission to the Republic of Korea

Pictured: Special Rapporteur Maina Kiai during a break in his presentation of four reports to the Human Rights Council on June 17, 2016

CHILE

Click to read the Special Rapporteur's report on his Sept. 2015 mission to Chile





Kenya: UNSR tells court that 2015 protest ban violated assembly rights

NAIROBI — Special Rapporteur Maina Kiai has filed an *amicus curiae* brief before the High Court of Kenya in Nairobi, arguing that protesters' assembly rights were violated when they were prevented from staging an anti-corruption protest in front of the President's official residence in 2015. The brief was filed on May 27, 2016.

The protesters, led by activist Boniface Mwangi — who is the *petitioner in the case* — planned to march from a nearby park to the residence, where they would present a petition acting the President to act firmly on the issue of corruption. The march was to take place on International Day Against Corruption, Dec. 9, 2015.

The group notified authorities of their proposed route, but the request to march to Gate A of State House, the presidential residence, was denied. No reasons were provided.

Full brief
Read the brief

In his brief, the Special Rapporteur asserts that international law protects the right of protest organizers to choose the location of their assembly — whether it is static or mobile. Thus, any restriction imposed on the location must meet the stringent requirements under international law for “legitimate restrictions” to the right to freedom of peaceful assembly. That is, they must be: (1) in conformity with the law; (2) designed with a legitimate government aim in mind; and (3) necessary in a democratic society.

Background
Read about the protest behind the case

The Special Rapporteur argues that the restrictions in this case did not meet this test.

Litigation
Click for more on the UNSR's project

“On its face, the prohibition of all access to State House and its vicinity for peaceful assemblies does not meet the proportionality requirement,” the Special Rapporteur writes in the brief. “Full prohibition of the location indicated by the organizers is severe, especially when the location has a symbolic meaning for the message the assembly organizers wish to convey. Alternative measures, such as agreeing with the organizers on the time to access that location, would be less intrusive.”

Kiai also noted that the Kenyan regulation restricting protests at State House — the Protected Areas Order — does not specifically mention the roads around State House or State House Gate A as “protected areas,” meaning there was no legal basis for the restriction.

Further, the government did not specify what “legitimate aim” was served by banning the march. While national security at the president's residence may be a legitimate aim, it does not automatically follow that the entire perimeter of State House should be off limits to protest. On the contrary, such spaces are politically important and ought to be “considered as public spaces and [where] peaceful assemblies should be allowed to take place,” he writes.

A decision in the case is expected later this year.



State House in Nairobi (photo: Wikipedia)

“THE PROHIBITION OF ALL ACCESS TO STATE HOUSE AND ITS VICINITY FOR PEACEFUL ASSEMBLIES DOES NOT MEET THE PROPORTIONALITY REQUIREMENT. FULL PROHIBITION OF THE LOCATION INDICATED BY THE ORGANIZERS IS SEVERE, ESPECIALLY WHEN THE LOCATION HAS A SYMBOLIC MEANING.”

Special Rapporteur Maina Kiai in his *amicus* brief filed with the High Court of Kenya in Nairobi on May 27, 2016

Contribute to the UNSR's next report: FoAA rights in the context of labor

The globalization of the world economy in the past half-century has contributed to a dramatic rise in the power of large multinational corporations and has concentrated wealth in fewer hands. State power to regulate these business entities, meanwhile, has been simultaneously eroded and co-opted by elite economic actors themselves.

Unconstrained power — whether public or private in origin — is now, more than ever, a critical threat to the protection of human rights. This power shift has created a challenging environment for the enforcement of human rights, as Special Rapporteur Maina Kiai has documented in his two most recent reports on [natural resource exploitation](#) and the imbalance between [how States treat businesses and civil society](#).

For his next report to the UN General Assembly (October 2016), the Special Rapporteur plans to explore a new dimension of this power shift: its effect on the rights to freedom of peaceful assembly and of association of workers — specifically the most marginalized portions of the world's labor force, such as global supply chain workers, informal workers, migrant workers and domestic workers. He will also examine gender and racial dimensions of the issue.

The Special Rapporteur is particularly interested in the links between the political, social, and economic exclusion of workers, their associations and trade unions, as expressed in: The limitation and/or criminalization of assembly and association rights in law and in practice; the exclusion of workers in the informal economy; the informalization of work for the purpose of limiting or excluding workers from exercising their assembly and association rights; and the lack of effective global governance of migration, which has led to the exploitation of migrant workers.

The Special Rapporteur will also explore the interplay between the lack of assembly and association rights for workers and the health of these rights within a society as a whole.

The Special Rapporteur convened an [expert consultation](#) to discuss this subject in May 2016. But he would also like to hear your views. He is particularly interested in specific, real-world examples of how the assembly and association rights of workers are being both eroded and bolstered. These examples may be included in the report.

For more details on the report, please see our [concept note](#). For specific questions that the Special Rapporteur is looking to answer, please see our questionnaires, which you can find via this link. There are specific questionnaires for UN member states, businesses and civil

English
Questionnaire

French
Questionnaire

Spanish
Questionnaire



Migrant Workers
Aren't one of them

#9: Exploitation of migrant workers is rampant, though. The ILO estimates that there are currently 150 million migrant workers around the world today. They contribute to the economies of their host countries, but often face lower wages, fewer social protections and restrictions on their rights to organize. Assembly and association rights belong to everyone, regardless of immigration status.

society/unions/workers.

Completed questionnaires should be e-mailed to freeassembly@ohchr.org. We will be accepting submissions until June 30, 2016. For more information on the report and the background research please check out our [web discussion post](#) on the subject of marginalized workers.

Human rights must gain new momentum at World Humanitarian Summit



WORLD
HUMANITARIAN
SUMMIT

GENEVA/ISTANBUL — Humanitarian action that places human rights at its center is key to ensure protection for all victims, a group of UN rights specialists declared on May 20, 2016.

In a statement addressed to the first-ever World Humanitarian Summit, 44 Special Procedures' experts urged all participants gathering in Istanbul on May 23-24 to ensure that human rights are integrated into all aspects of the conference, including national commitments to improve the protection of all those affected by conflict, disaster and displacement — some of the world's most vulnerable people.

Many conflicts could be avoided through greater attention to human rights by national and international actors before violence breaks out, saving countless lives and avoiding the need for costly humanitarian action, they noted referring to recent conflicts in which widespread violations of human rights have been witnessed.

The experts also expressed deep concern about the downgrading of attention to human rights in some emergency settings and conflicts: "It is in crisis and conflict that individuals and communities are most at risk and in need of protection. Yet it is often at these times that we see human rights violations taking place with impunity and attention to human rights weakened or neglected."

"The objective to 'leave no-one behind' requires special attention to those who may be in particular situations of vulnerability they noted, including children, youth, minorities, indigenous peoples, migrants, internally displaced persons, refugees, stateless persons, persons with disabilities, members of the LGBTI community, older persons, and women and girls exposed to multiple threats," the experts said.

The full statement is [available via our website](#).



Commentary by the
Special Rapporteur

Problem of closing civic space creeps into UN NGO Committee

It's been well documented in recent years that space for ordinary people to exercise their fundamental freedoms — and to participate in their own governance — is closing at a rapid and disturbing pace worldwide.

What's less discussed is that space to exercise fundamental freedoms is closing at the international level as well. And ground zero, shamefully, is the very place where these rights should be thriving: The United Nations, one of whose pillars, ironically, is human rights.

The United Nations human rights bodies and mechanisms, including the Human Rights Council, are key spaces for NGOs to exercise their rights to freedom of expression, association and peaceful

assembly that are so frequently denied back home. But the same governments that are restricting NGOs domestically are stepping up efforts to take away NGOs' voices on the international stage as well. They are doing this by hijacking, and subsequently closing, the main door used by civil society to enter the United Nations system: the Committee on NGOs.

The Committee is mandated to consider applications by NGOs for 'consultative status,' which then allows NGOs access to UN spaces, where they can make oral statements, lobby diplomats, submit information and organize side events. It was created to help to achieve "just, balanced, effective and genuine involvement of non-governmental organizations" in UN processes. With this mandate, the Committee should value pluralism and a diversity of voices, so that as many perspectives as possible are represented in the halls of the United Nations. Unfortunately, when it comes to NGOs working on human rights, some members of the Committee want nothing to do with "balanced, effective and genuine involvement."

I highlighted problems with the Committee in a 2014 report, which documented the exercise of the rights to freedom of peaceful assembly and of association in multilateral institutions such as the United Nations. I noted several instances where the Committee arbitrarily deferred applications for consultative status of NGOs working on human rights, in some cases for many years, through repetitive and irrelevant questioning designed to block their accreditation.

The case of the International Dalit Solidarity Network, an international NGO focusing on caste-based discrimination, is especially troubling. It has received 75 written questions from the Committee since 2008, all raised by one country, India. It is now the longest pending application before the Committee (and its application was again deferred — for the 18th time on May 27, 2016). When I wrote my report in 2014, of the 48 repeatedly deferred applications, 46 NGOs were working on human rights issues. Those who faced the greatest obstacles were those working on sexual orientation and gender identity, minority rights, and reproductive rights.

The practice of NGO harassment by some Committee members, I noted, "profoundly undermine[d] the ability of the United Nations to constructively engage with civil society." Unfortunately, not much has changed.

In late May, the Committee voted to deny consultative status to the Committee to Protect Journalists (CPJ), precisely at a time when such a voice is most needed (Reporters Without Borders, for example, reported a "decline on all fronts" for press freedom in 2015, while CPJ itself documented the killing of 73 journalists in the same year). CPJ's application had been deferred seven times since the group first applied in 2012. In a statement, CPJ described the accreditation process as "Kafka-esque," saying their application has been deferred by "persistent, lengthy, and repetitive questioning."

At another session in January 2016, the Committee took an unprecedented vote to deny an NGO, the Khmer Kampuchea-Krom Federation (KKF), even the right to speak at a regular Q&A session designed to allow applicant NGOs and the Committee a chance to engage in a dialogue. In this case, the Committee's vote denied the KKF the right to defend itself against a Committee accusation that the organization sought to undermine the "national unity of the State of Vietnam". The Committee then voted to close their application. In essence, the NGO was first stigmatized, then silenced, then denied the right to request access to the UN.

Unfortunately, the Committee on NGOs is merely one example of this trend at the UN. Even in processes where NGOs without consultative status are permitted to participate in UN high-level

I NOTED IN A 2014 REPORT TO THE UN THAT THE PRACTICE OF NGO HARASSMENT BY SOME COMMITTEE MEMBERS 'PROFOUNDLY UNDERMINE[D] THE ABILITY OF THE UNITED NATIONS TO CONSTRUCTIVELY ENGAGE WITH CIVIL SOCIETY.' UNFORTUNATELY, NOT MUCH HAS CHANGED.

events, NGOs can find themselves excluded if a State objects to their participation. States have evolved a practice in which a list of NGOs requesting to participate is sent around for approval by States on a 'no-objection' basis. NGOs can participate if no objection is lodged; but in most cases, States which object do not have to provide any justification and remain anonymous.

In today's globalized environment, democracy stretches beyond national boundaries. The United Nations is where some of the world's most significant political decisions are made. Ordinary people, though civil society organizations that may have a different view from their government, must have a voice in this process, particularly when they can barely speak out at home. The United Nations has a responsibility to give them that voice.

To be clear, this responsibility is not simply about boosting civil society's profile. It's also about the effectiveness and credibility of the United Nations as a whole. The challenges our world faces are both monumental and urgent. They won't be solved with a top-down approach that shuts out civil society. In fact, such an approach is liable to make things worse: Cutting off avenues for peaceful, constructive engagement only pushes people to take more violent and destructive paths, undermining our collective progress.

It is time for UN Member States to ensure the Committee fulfills its mandate and stops pandering to considerations that undermine its mission. ([Click here to read this commentary on our website](#))



Rapporteurs urge India to repeal law restricting NGO's access to foreign funding

GENEVA — Three United Nations human rights experts on June 17 called on the Government of India to repeal the Foreign Contribution Regulation Act (FCRA), which is been increasingly used to obstruct civil society's access to foreign funding, and fails to comply with international human rights norms and standards.

"We are alarmed that FCRA provisions are being used more and more to silence organizations involved in advocating civil, political, economic, social, environmental or cultural priorities, which may differ from those backed by the Government," said the UN Special Rapporteurs on human rights defenders, Michel Forst, on freedom of expression, David Kaye, and on freedom of association, Maina Kiai.

The experts' call came as the Indian Ministry of Home Affairs suspended for six months the registration of the non-governmental organization Lawyers Collective, under the FCRA. The suspension was imposed on the basis of allegations that its founders, human rights lawyers Indra Jaising and Anand Grover, violated the act provisions by using foreign funding for purposes other than intended.

Despite detailed evidence provided by the NGO to rebut all allegations and prove that all foreign contributions were spent and accounted for in line with FCRA, the suspension was still applied.

"We are alarmed by reports that the suspension was politically motivated and was aimed at intimidating, delegitimising and silencing Lawyers Collective for their litigation and criticism of the Government's policies," the experts said noting that the NGO is known for its public interest litigation and advocacy in defence of the most vulnerable and marginalized members of Indian society.

"We are also concerned about procedural irregularities surrounding the order, including repeatedly leaked information to the press of suspension notices against the Lawyers Collective months before those were formally served to the NGO," they stated.

The UN experts further recalled the outstanding national and international profile as human rights lawyers of Jaising, a former member of the UN Committee on the Elimination of Discrimination

Against Women (CEDAW), and Grover, who was the UN Special Rapporteur on the right to health from 2008 to 2014.

"We strongly urge the Government to reverse its decision and embrace the invaluable contribution of the two prominent human rights defenders in upholding constitutional values in India," the experts said. "We encourage the authorities to ensure a safe and enabling environment for human rights defenders and civil society, which play a critical role in holding the Government to account and buttressing the Indian democracy."

FCRA vs. Indian civil society

Many civil society organizations in India now depend on FCRA accreditation to receive foreign funding, which is critical to their operations assisting millions of Indians in pursuing their political, cultural, economic and social rights. The ability to access foreign funding is vital to human rights work and is an integral part of the right to freedom of association.

However, FCRA's broad and vague terms such as 'political nature', 'economic interest of the State' or 'public interest' are overly broad, do not conform to a prescribed aim, and are not a proportionate responses to the purported goal of the restriction.

It was claimed that the founders of Lawyers Collective were targeted partly due to their legal assistance to human rights defender Teesta Setalvad in a separate FCRA suspension, ordered in September 2015 against Sabrang Trust and Citizens for Justice and Peace, both headed by Setalvad. The Government also suspended the registration of Greenpeace India under the FCRA for six months earlier in April 2015. These concerns were previously communicated by the UN experts to the Government.

"Human rights defenders and civil society must have the ability to do their important job without being subjected to increased limitations on their access to foreign funding and the undue suspension of their registration on the basis of burdensome administrative requirements imposed to those organizations in receipt of foreign funds," the UN human rights experts concluded.

For a detailed analysis of FCRA, see the [Info Note of April 20, 2016](#), prepared by the Special Rapporteur on the rights to freedom of peaceful assembly and of association.



Pictured from top: the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai; the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, David Kaye; and the Special Rapporteur on the situation of Human Rights Defenders, Michel Forst



UN expert deplores harsh sentencing of Tajikistan opposition leaders and warns of radicalization

GENEVA — The United Nations Special Rapporteur on the right to freedom of opinion and expression, David Kaye, today expressed his dismay at the lengthy sentences imposed on June 2, 2016, on the leadership of the Islamic Renaissance Party of Tajikistan (IRPT).

His appeal was endorsed by Special Rapporteur Maina Kiai. The deputy party heads, Saidumar Husaini and Muhammad Hayit were sentenced to life imprisonment. According to reports, eleven other high-ranking officials were sentenced to jail terms ranging from 2 to 28 years.

"The harsh sentencing of multiple opposition leaders reflects the steady increase of restrictions on freedom of expression in Tajikistan," Kaye said. "The crackdown on IRPT over the last year silenced one of the few opposition

voices in the country, seriously compromising the prospects for public participation in Tajikistan's political life."

"Authorities in Tajikistan refer to their concerns regarding the threats of extremism and terrorism while justifying their actions," noted Kaye. "Yet, imposing such drastic and arbitrary measures against opposition and religious leaders is not only unacceptable but dangerous as it only helps to radicalize those pushed out of public debate."

Special Rapporteur Kaye - who made an [official visit to Tajikistan in March 2016](#) - stressed that "stability can never be achieved through the repression of all forms of dissent."

The full statement is available at our website in [English](#) and via OHCHR in [Tajik](#) and [Russian](#).

Freedom of association & assembly:

By the numbers

18

Number of times that the United Nations NGO Committee has now deferred accreditation of the International Dalit Solidarity Network (IDSN) since it first applied in 2008

77

Number of questions the Committee (on behalf of one member, India) has asked IDSN over the past eight years

1

Number of days during which Facebook was blocked in Viet nam in May, during protests over an environmental disaster that is killing massive amounts of fish

200,000

Number of Vietnamese who bypassed this ban using the free VPN service "Hola!", according to the company

465

Amount of aid to Cambodia, in millions of US dollars, that the European Parliament recommended be withheld until there are "improvements in the human rights situation"

216

Number of serious rights violations documented by the United Nations in the Democratic Republic of Congo between January and April 2015

63

Number of NGOs in DR Congo – out of 22,000 total – who have met regulations to obtain legal capacity as of late May 2016

24

Number of human rights defenders killed in Brazil during the first four months of 2016

0

Number of countries that have seen more human rights defenders killed in 2016

8

Prison sentence, in years, imposed in June on South Korean labor activist Sang-gyun Han for charges linked to participating in and organizing "illegal rallies" in 2015

400

Minimum number of protesters who have been killed by security forces in Ethiopia since major demonstrations in the Oromia region began in Nov. 2015

761

Number of days that Thailand has been under military rule, as of June 21, 2016

A rally in front of the White House in Washington, DC, USA, in memory of the victims of the Orlando nightclub attack on June 12, 2016 (photo: Victoria Pickering/Flickr)

Egypt: Worsening crackdown on protests

GENEVA — Three United Nations human rights experts have urged the Egyptian Government to put an end to the disproportionate reactions against the exercise of the rights to assembly and expression in the country.

“The worsening crackdown on peaceful protest and dissent in Egypt represents a further setback for an open political environment and a vibrant civil society,” said the UN Special Rapporteurs on freedom of expression, David Kaye; on freedom of peaceful assembly and association, Maina Kiai; and on human rights defenders, Michel Forst.

“The use of force against civil society and against the expression of dissenting views on political issues contribute to a deteriorating climate for the promotion and protection of fundamental rights that form the essential components of a democratic society,” they stressed in their May 9 statement.

The rights experts condemned the authorities’ harsh response to the largest protests in Egypt in the past two years with mass arrests and use of force in a continued clampdown on peaceful protestors, journalists, lawyers and human rights defenders. They also criticized the storming of Egypt’s Journalists’ Syndicate by security forces on May 1, 2016, a first since its founding 75 years ago.

On April 15 and 25, protest took place across Egypt and security forces responded with tear gas and use of force to disperse the protestors. Over 380 protestors, journalists and human rights defenders were arrested during the demonstrations. Security forces also stopped pedestrians in Cairo and inspected their social media accounts for ‘anti-Government publications’ and ‘inciting pictures’.

The UN human rights experts reiterated their call on the Egyptian authorities to cease curtailing public freedoms and instead take active steps to encourage the peaceful and legitimate exercise of the right to freedom of expression and assembly in the country.

In addition, they voiced particular concern over the use of national security provisions and counterterrorism legislation to target individuals exercising their rights, in particular journalists and human rights activists.

“Security concerns should not be used as a pretext to harass journalists, lawyers and protestors and ban peaceful political opposition, which will undermine not only public debate and fundamental rights, but security and long-term stability,” the experts stressed.

A protest in Egypt in 2011 (photo: Ahmad Hammoud/Flickr)

UN human rights experts urge Cambodia to stop attacks against civil society

GENEVA — United Nations human rights experts, including Maina Kiai, on May 12 called upon the Government of Cambodia to stop targeting civil society, human rights defenders, parliamentarians and UN personnel, and to take effective measures to protect civil society and respect fundamental freedoms in the country.

“The escalation of criminal charges, questioning, court proceedings and public statements against them must cease,” the experts said. “We urge the Cambodian authorities to ensure a safe and enabling environment for human rights defenders and civil society, which play a critical role in holding the Government to account and bringing benefits of human rights to the whole of Cambodian society.”

The appeal came as the courts continue to investigate an alleged extra-marital affair of an opposition parliamentarian, as well as the related allegations of bribery brought against staff members of a prominent human rights organization ADHOC. An anti-terrorism department inexplicably initiated these charges, and then anti-corruption unit further pursued the case after ADHOC had provided legal and material support.

“We are also troubled by the actions taken by Cambodian authorities to deter and disperse peaceful demonstrations and arrest individuals protesting what they see as Government’s mounting persecution of civil society and unjustified restrictions of fundamental freedoms in the country,” they stressed.

“Accusatory statements by senior government officials towards the participants of the so-called ‘Black Monday’ campaign and labelling peaceful protesters as ‘rebel groups’ are highly regrettable,” the experts noted. “Such actions are clearly inconsistent with Cambodia’s obligation under international human rights law.”

Members of the Cambodian NGO ADHOC have been accused of bribery for providing legal and financial support to a young woman at the centre of the extra-marital affair scandal. The authorities claim that the NGO ‘bribed’ her to deny the affair. The human rights defenders maintain that the support was part of their regular human rights work and given at the individual’s request and for sustenance and transport to government offices for questioning. The NGO workers face five to ten years in prison, if convicted.

“The investigators’ relentless quest for a confession by the young woman, their subsequent outright reliance on it to initiate the other ‘bribery’ cases against defenders, as well as public statements by senior State officials portraying the accused as guilty, generally suggest that this entire episode is nothing more than a politically-motivated persecution of civil society. It also raises serious questions about woefully flawed due process,” the experts said.

With the above cases turned over to the courts, the Cambodian People’s Party has also filed a complaint against an independent commentator for ‘defaming’ the Party, after he had expressed an opinion about the string of the incidents.

“We are deeply alarmed by the subsequent criminal defamation case and public statements by State officials calling for free speech to be curtailed, which are undeniably in breach of the universal right to freedom of expression and opinion,” the UN human rights experts concluded.

Activists arrested in Phnom Penh (photo: LICADHO)

Iran: Denial of adequate medical treatment to political prisoners unacceptable

GENEVA — A group of United Nations human rights experts, including Maina Kiai, on April 27 **warned** that over a dozen political prisoners in Iran, including some prominent human rights defenders, lawyers and political activists, are at risk of death in detention due to their worsening health conditions and the continued refusal by the Iranian authorities to provide them with medical treatment.

“The condition of several prisoners of conscience with serious health problems has been exacerbated by their continued detention and by repeated refusals to allow their access to the medical facilities and treatment they so urgently require,” the experts said.

“The denial of medical care, physical abuse, either in overcrowded prisons or in solitary confinement and other forms of torture and ill-treatment exposes prisoners to risk of serious injuries and death,” they said noting that “unfortunately, Iranian prisons are no strangers to such tragedies, many of which could have been avoided if authorities exercised proper care.”

The UN experts highlighted the cases of political prisoners Mohammad Hossein Rafiee Fanood and Kamal Foroughi, human rights defender Nargis Mohammadi, lawyer Abdulfattah Soltani, blogger Hossein Ronaghi Maleki, religious figure Sayed Hossein Kazemeyni Boroujerdi and experimental laser physicist Omid Kokabee.

Kokabee was arrested in January 2011 upon his return from studies in the United States and is currently serving a ten-year prison sentence for his alleged ‘connections with a hostile government’. He was diagnosed with kidney cancer and recently underwent surgery to remove his right kidney, a procedure that could have been avoided, had he been provided with adequate and timely access to proper treatment at an earlier stage. When the care is ultimately provided, as Kokabee’s case, patients are often transferred to and from prisons chained to their beds.

“The situation of these prisoners and the continued disregard for their health and well-being by the Iranian authorities is completely unacceptable,” the experts stressed. “This is especially the case given that allegedly all of them have been arrested, detained and convicted purely for their peaceful exercise of their fundamental freedoms and rights.”

“We urge the authorities to consider the release of Mr Kokabee and other political prisoners on medical or humanitarian grounds and to ensure their well-being by facilitating regular access to medical care,” they said.

“Failure to provide adequate medical care to prisoners is in breach of Iran’s international human rights obligations and domestic standards,” they underscored.



‘A travesty of justice’ — UN experts condemn conviction of prominent Iran activist

GENEVA — A group of United Nations experts, including Maina Kiai, **expressed outrage** on May 20 at the recent conviction and sentencing of Narges Mohammadi, a prominent activist and human rights defender, to 16 years’ imprisonment by a Revolutionary Court in Tehran, and called for her immediate and unconditional release.

On May 18, 2016, Mohammadi’s lawyer announced that Iran’s judiciary had sentenced his client to 16 years in prison for her activities on behalf of a grassroots organization calling for the abolition of the death penalty, ‘assembly and collusion against national security’, and for ‘propaganda against the state’. She was allegedly tried behind closed doors.

Prior to her arrest on May 5, 2015, the human rights defender was subjected to constant harassment, verbal assaults and interrogations for her peaceful human rights activities. Mohammadi, who suffers from a critical neurological condition, had previously been sentenced to six years in prison.

“There is absolutely no reason why Narges Mohammadi should spend one more hour in prison, let alone 16 years,” said the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Ahmed Shaheed.

“I call on all the relevant authorities in Iran, including President Rouhani, to do their utmost to ensure that Mohammadi is immediately and unconditionally released from prison and allowed to access adequate and timely medical treatment for her condition,” he stressed.



“The targeting campaign against her that is being initiated by Iran’s security forces and judiciary is emblematic of the heavy crackdown that human rights defenders, journalists and civil society activists continue to face in Iran today simply for doing their jobs,” the Special Rapporteur said, reminding the Iranian Government of its responsibility to ensure human rights defenders do not face prosecution for promoting and advancing human rights in the country.

Several other prominent Iranian human rights activists and lawyers, including Abdulfattah Soltani, Bahareh Hedayat and Mohammad Seddiq Kaboudvand, are also serving heavy imprisonment.

UN independent experts have repeatedly drawn the attention to the cases of Mohammadi, Hedayat and Soltani and appealed to the Iranian authorities to stop targeting human rights activists and lawyers for their peaceful exercise of fundamental rights.

“The ability of human rights defenders to do their job without being subjected to arbitrary arrests and detentions is the hallmark of a healthy, mature and vibrant civil society, and a country that is truly ready to reengage with the international community,” Shaheed stressed.

“Instead of jailing its best and brightest, Iran’s Government should ensure that individuals like Mohammadi, Soltani, Hedayat and Kaboudvand can continue to do their difficult but important work free from persecution and harassment,” he said.

China: Newly adopted Foreign NGO Law should be repealed, UN experts urge

GENEVA — A group of United Nations human rights experts today **called on the Chinese authorities** to repeal the Law on the Management of Foreign Non-Governmental Organizations' Activities adopted by the National People's Congress on April 28, 2016. The Law will enter into force on January 1, 2017.

"We fear that the excessively broad and vague provisions, and administrative discretion given to the authorities in regulating the work of foreign NGOs can be wielded as tools to intimidate, and even suppress, dissenting views and opinions in the country," warned the UN Special Rapporteurs on freedoms of peaceful assembly and association, Maina Kiai; on human rights defenders, Michel Forst; and on freedom of expression, David Kaye.

Under the new Law, foreign NGOs are banned from undertaking activities deemed as 'endangering national unity, national security or ethnic unity or harming China's national interests and societal public interests...'

"Such broadly crafted restrictions fail to comply with international human rights norms and standards relating to freedom of association and freedom of expression," the experts stressed.

The Law also prohibits foreign NGOs from conducting 'political activities' without specifying what such activities entail, hence allowing arbitrary and broad interpretations of the Law.

Furthermore, foreign NGOs must be registered with public security organs, and accept 'supervision and management' by these organs, which are given extensive powers, such as summoning NGO representatives for questioning, conducting on-site inspections and seizing documents, making inquiries into, and possibly requesting the freezing of, bank accounts, ordering the suspension of activities, withdrawing the registration certificate, and listing them as 'unwelcome' if they are suspected to carry out illegal activities. The public security organs can also order the detention of NGOs' staff members, and deport those who are foreigners.

Finally, the Law does not provide for a right to appeal the public security organs' decisions before an independent body.

"These vastly intrusive provisions place undue restrictions on the right to freely associate, which is a fundamental freedom and essential component of democracy, as recognized by the UN Human Rights Council," the experts pointed out.

In April 2015, they raised a series of concerns about the draft Law in a letter to which the

"WE FEAR THAT THE EXCESSIVELY BROAD AND VAGUE PROVISIONS, AND ADMINISTRATIVE DISCRETION GIVEN TO THE AUTHORITIES IN REGULATING THE WORK OF FOREIGN NGOS CAN BE WIELDED AS TOOLS TO INTIMIDATE, AND EVEN SUPPRESS, DISSENTING VIEWS AND OPINIONS IN THE COUNTRY."

Chinese Government responded. The experts noted some of the improvements made on previous drafts, including the removal of a number of burdensome restrictions on the staffing and operations of foreign NGOs and the exemption of foreign hospitals, colleges and science and engineering research institutes from the application of the Law.

"However, we remain deeply concerned that this Law will severely hinder the work of civil society organizations whose work is deemed sensitive by the authorities," they said. "We also fear that it will have a detrimental impact on the existence and operations of domestic NGOs that cooperate with foreign NGOs and/or are dependent of funding from them, and which carry out activities in the field of human rights, including economic and social rights."

"We reiterate our requests to visit China, which so far have been left unanswered, with a view to assisting the Government to bring its legal framework into compliance with international human rights norms and standards," the UN Special Rapporteurs concluded.

Somalia: Experts alarmed over growing persecution against trade unionists

GENEVA — A group of four United Nations human rights experts, including Maina Kiai, **urged the Government** of Somalia on May 4 to halt the continuous acts of intimidation and reprisals against members and leaders of two Somali trade unions, and to stop interfering in the unions' internal affairs and activities.

"States have the obligation to respect and fully protect the rights of all individuals, including trade unionists, to associate and express themselves freely," the experts stressed. "It is crucial that these individuals can exercise their rights without fear of violence, threats or acts of intimidation, smear campaign or harassment of any sort."

Since 2011, members and leaders of the Federation of Somali Trade Unions (FESTU) and the National Union of Somali Journalists (NUSOJ) have been threatened and intimidated by both anonymous persons and by State officials.

NUSOJ's Secretary-General, Omar Faruk Osman, and its Organizing Secretary, Abdiqani Sheik Mohamed, have been particularly targeted. In December 2015, Osman survived an assassination attempt in Mogadishu. The police reportedly opened an investigation, but it has been inconclusive.

Additionally, the human rights experts expressed serious concerns about acts of reprisals against Osman, that have followed the intervention of the International Labour Organization (ILO) urging the Somali authorities to comply with their international obligation regarding trade unions' rights.

They were alarmed at a complaint against him, dated February 29, 2016, accusing him of cooperating with international organizations and trying to harm the reputation of the Somali government.

During the time of the investigation, Osman will be prevented from traveling, his passport will be confiscated, he will be summoned if he happens to be out of the country and, should he fail to return following the summons, Interpol will be involved in his arrest

warrant, the human rights experts pointed out.

"Such actions are particularly disturbing, and we call on the authorities to stop any act of reprisal, to hold the perpetrators of the reprisals and earlier threats accountable without delay and provide protection to Mr. Osman, his family and colleagues," they urged.

The UN human rights experts noted that FESTU and NUSOJ leaders and members have also frequently been arrested and interrogated on their union and human rights activities, and have faced undue travel restrictions. In addition, the Somali authorities have interfered with the union's internal affairs and activities, banning for instance the NUSOJ's general assembly in February 2016.

"The Somali Ministry of Information attempted to designate a State official at the leadership of NUSOJ, and issued a press release on State-own media in which it did not recognize Mr. Osman as the elected Secretary-General of this union," they said.

The UN human rights experts also expressed serious concern about the threats of reprisals against Osman, despite assurances made by the Government during the recent mission to the country by the UN Independent Expert on the human rights situation in Somalia, that it would respond to the concerns officially raised by a group of UN experts on April 13, 2016.

The Somali Federal Government has not yet responded to the experts' communication, but instead issued the threats of reprisals to Osman shortly after the mission of the Independent Expert had concluded.

"Somalia is not fulfilling its international human rights obligations and the situation for trade unions keeps on worsening despite specific recommendations made by the International Labour Organization's Governing Body urging the Somali Government to refrain from any further interference in the unions registered in Somalia, with particular reference to the NUSOJ and FESTU," the experts said.



The Special Rapporteur meets with authorities during his official visit to Kazakhstan in January 2015

Kazakhstan clampdown on land reform protesters

GENEVA — United Nations human rights experts, including Maina Kiai, have [called on the Government of Kazakhstan](#) to protect the rights to freedom of peaceful assembly and freedom of expression after mass arrests, detention and criminal prosecutions following demonstrations over proposed land reforms across the country.

Peaceful protests took place in six Kazakh cities in early May, in response to amendments adopted on the land law governing the rights of foreigners to rent agricultural land in the country. Protesters contend that the changes, which include an increase of such leases from 10 to 25 years, could facilitate the sale of land to the detriment of Kazakh citizens and landowners.

“Arrests, detention and criminal prosecutions are being used to deter and punish those protesting and expressing their voices against the land law,” the UN experts noted in their May 12 statement. “The Government must immediately end all forms of persecution and take effective measures to protect civil society.”

The UN experts were alarmed by criminal cases brought against some protestors and human rights defenders for exercising their rights to freedom of peaceful assembly and freedom of expression. The criminal charges being used to target protestors and human rights defenders, include the ‘kindling of social discord’ under Article 174(2) of the Criminal Code.

“Freedom of the press and the right to freedom of assembly are fundamental for the functioning of a democratic society,” they said drawing attention to the preventative arrests made of journalists and bloggers targeted for reporting on the recent events.

“Detention and criminal prosecutions must not be used arbitrarily to target journalists and civil society”, stated the experts.

“The Government of Kazakhstan has an obligation to promote the rights to freedom of peaceful assembly and association, and freedom of expression and opinion by ensuring a safe and enabling environment for civil society to carry out their activities without fear of persecution,” they said. “It also has an obligation not to interfere in the exercise of those rights.

Special Rapporteur Maina Kiai conducted an official visit to Kazakhstan in January 2015. [His report can be found here.](#)

Viet Nam: stop persecution and torture of religious leaders and rights defenders

GENEVA — United Nations human rights experts on June 3 [called upon](#) the Government of Viet Nam to stop the persecution of Tran Thi Hong, who has been repeatedly arrested and tortured as retaliation for informing the international community of human rights violations against her husband, who is in prison for peaceful religious activities.

The Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, and the Special Rapporteur on torture, Juan E. Méndez, also urged the Vietnamese authorities to put an end to all persecution and harassment, including criminalization, against religious leaders and human rights defenders, women human rights defenders and members of their families. Their appeal was endorsed by Special Rapporteur Maina Kiai and others.

Tran, spouse of imprisoned Pastor Nguyen Cong Chinh, was initially arrested on April 14, 2016. She was tortured and warned to stop her activities promoting freedom of religion. Since then, Tran Thi Hong has been repeatedly arrested and harassed by the authorities, who are trying to force her to ‘cooperate’ with the Government.

“We are concerned that the repeated arrests and the continuing detention of Tran resulted

from her peaceful human rights work and exercise of her fundamental rights, which constitutes arbitrary detention,” the experts said calling for her unconditional release.

Her husband has been in prison since 2011 for his religious activities as director of the Vietnam-U.S. Lutheran Alliance Church, which is considered as ‘anti-Government’ and ‘anti-communist’ by the authorities. In prison, he has been subjected to torture and deprived of contact with his family.

“The Vietnamese Government has the obligation to respect the right of religious communities to organize themselves as independent communities and to appoint their own leaders,” said Special Rapporteur Bielefeldt.

“The severe beating, by authorities who did not identify themselves, amounts to torture and must be investigated and those responsible held accountable, in accordance with Viet Nam’s international human rights obligations,” Méndez added.

The UN Special Rapporteurs concluded that “Viet Nam should immediately and unconditionally release Pastor Nguyen Cong Chinh and Ms. Tran Thi Hong, as well as all persons detained for their legitimate activities in the defence of human rights.”

Special Rapporteur news in brief:

May-June 2016

Bahrain: sentencing of opposition leader Sheikh Ali al-Salman

The UN Special Rapporteur on freedom of opinion and expression, David Kaye, on June 1 condemned the sentencing to nine years imprisonment on charges of inciting violence of Sheikh Ali al-Salman, the leader of the Wefaq opposition party in Bahrain. Maina Kiai endorsed the statement, which is [available here in full](#).

The expert's call came after a Bahraini court of appeal more than doubled his prison term, up from an earlier four years.

"The sentencing of Sheikh Ali al-Salman seems to confirm a worrying trend of political repression further shrinking the space for any form of dissent in Bahrain today," the human rights expert said. "The arbitrary sentencing of such a prominent political leader to nine years of detention inevitably has a strong chilling effect for the entire society."

Key UN rights bodies urge crucial funding for Inter-American Commission

The two largest independent bodies and mechanisms in the UN human rights system expressed grave concern over the future of the Inter-American Commission on Human Rights (IACHR) as it faces a financial crisis that threatens its existence. Their full statement is available in [English](#) and [Spanish](#).

Kiai on hand in Oslo to speak at Freedom Forum

The Special Rapporteur was in Oslo, Norway, on May 23-24 to attend the Oslo Freedom Forum, an event that organizers say is designed "to make the world a more peaceful, prosperous, and free place." Kiai was a featured speaker on a panel titled "Free Speech Unlimited." Photos of the Forum are [available here](#).

Side events at the 32nd session of the Human Rights Council

Special Rapporteur Kiai participated in two side events on the margins of the 32nd session of the Human Rights Council over June 13-17. The first, on June 14, examined national implementation of [practical recommendations](#) for the management of assemblies in

Malaysia and South Korea. The second, on June 16, was hosted by FORUM-ASIA and looked at "vanishing space for freedom of assembly and association online and offline in Asia."

Kiai also paid a visit to the [World Economic Forum's](#) offices in Geneva, where he spoke to staff about his [sectoral equity report](#) (comparing States' treatment of businesses and civil society) and participated in a [Facebook Live session](#). Photos of these events and other meetings on the margins of the Council session are available on the mandate's [Flickr page](#).

Upcoming & other news

- **Official visit to the United States of America:** Special Rapporteur Maina Kiai will make an official visit to the United States from July 11-27, 2016. The visit will allow Kiai to meet with government officials, civil society and others to assess the health of the rights to peaceful assembly and of association in the country. Kiai will hold a press conference announcing his preliminary findings in Washington, DC, on July 27. More details on the visit will be available on our [website](#) soon.

- **#FOAAat50:** The mandate has created a [special webpage](#) for its #FOAAat50 campaign, which celebrates the 50 years of the international rights to freedom of peaceful assembly and of association. For more details on the campaign, check out the new page – and browse the artwork we've created to mark this important 50th birthday (including the [#99problems poster series](#)).

- **Interviews on India foreign funding issues:** The Special Rapporteur gave two in-depth interviews to Indian media outlets concerning the country's Foreign Contributions Regulation Act ([see page 6](#) for more on the FCRA). The first, with Live Mint, is [available here](#). The second, with the Hindu, is [available here](#). Kiai noted in both interviews that as the world's largest democracy, "India is seen as a leader for other countries" but that unfortunately in the area of restricting civil society's access to foreign resources, "it is leading in the wrong direction."



Special Rapporteur Maina Kiai receives a prayer scarf from exiled Tibetan monk Golog Jigme during their meeting in Geneva on June 14. More photos of the Special Rapporteur's visit to Geneva are available [here](#) (side events and meetings) and [here](#) (HRC session)

World briefing:

Freedom of assembly & association in the news

A man confronts riot police at a May 1, 2016, demonstration in Paris, France (photo: Kwikwaju/Flickr)

France

The government of France pushed through [controversial labor reforms](#) on May 11, making it easier for employers to hire and fire workers. The move sparked immediate and widespread protests throughout the country, which grew over May and June to include labor stoppages by [transportation workers](#), garbage collectors, [nuclear workers](#), oil refinery workers and more. On June 15, the French government said it was [considering a ban](#) on labor law protests.

Kenya

May saw the start of [regular Monday protests](#) organized by the Kenya's opposition political party against the country's electoral commission. Protesters claim the body is biased and are demanding the resignation of its members. On the second Monday, May 16, police in Nairobi [confronted](#) protesters with tear gas and water canons; [shocking pictures](#) emerged of protesters being badly beaten by officers. The following week, three protesters were [shot dead](#) in the western towns of Kisumu and Siaya.

Uganda

The government [blocked](#) access to Internet social media sites in the country, ahead of the May 12 swearing in of President Yoweri Museveni, whose re-election earlier in 2016 sparked widespread protests. The government also banned live television or radio coverage of protests. Just days after Museveni's swearing in, authorities said that opposition leader Kizza Besigye faced [charged with treason](#) for challenging the result of the elections and holding his own swearing-in ceremony.

Vietnam

Demonstrators took to the streets on May 1, but most weren't concerned about labor issues; instead, they were [protesting over dead fish](#). Throughout April and May, more than [100 tons](#) of dead fish reportedly washed up on Vietnam's coastline. Government researchers [concluded](#) that they were poisoned by toxic chemicals, but didn't say from where. Many Vietnamese are convinced the toxins came from wastewater discharged from a nearby steel plant owned by Taiwanese conglomerate Formosa Plastics. Protests became so widespread by May that the government reportedly [blocked Facebook](#) in response.

Macedonia

Macedonia's so-called "[colorful revolution](#)" heated up in May, with a series of protests against the government that saw demonstrators cover city walls and monuments in splashes of brightly colored paint. The movement kicked off last winter following revelations of widespread secret surveillance by the state. Elections were scheduled for June, but were [postponed](#) due to the turmoil.

Elsewhere

Two courts in Egypt [convicted 101 protesters](#) who took part in peaceful, anti-government demonstrations in April; they were sentenced to five years in jail • Taiwan's Ministry of Interior announced it would push for amendments to the law that would [maximize self-governance](#) for civil society organizations and remove permit requirements • After Thailand marked [two years under military rule](#) on May 22, one news outlet warned that its "thought crime" arrests were getting dangerously bizarre • Activist Zainab Al-Khawaja – jailed for having been convicted of insulting King Hamad by ripping up his picture – was [released](#) from prison in Bahrain on May 31 and soon went into [exile](#) • Indonesian police arrested hundreds of [West Papuan](#) would-be protesters on May 31 to prevent them rallying for the release of political prisoners • Sweden's parliamentary speaker announced that the ceremony for the [Right Livelihood Award](#) – known as the "Alternative Nobel Prize" – would no longer take in Sweden's parliament, as it has since 1985; "Parliament is not a conference centre for external actors," the speaker said • [25,000 Croats demonstrated](#) in Zagreb on June 1 accusing the government of political meddling in education reform • Cambodian prime minister announced a [ban on color-coordinated protests](#) after activists staged a series of "Black Monday" protests to call for the release of political prisoners (see story on [page 8](#)) • [Media reported](#) that South Africa may be considering a draft law to regulate foreign funding to civil society and to require international NGOs to register locally • Turkey [banned](#) the Istanbul gay pride parade • Violence at a teachers' protest in Mexico left [six dead](#) in mid-June • India [announced](#) it would allow more foreign direct investment in key commercial sectors – including the defense sector – in stark contrast to steps taken recently to restrict foreign funding for civil society organizations (see story on [page 6](#))