

The Assembly and Association Briefing

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

Vol. 4, No. 1 (Issue 25) - Published January 10, 2017



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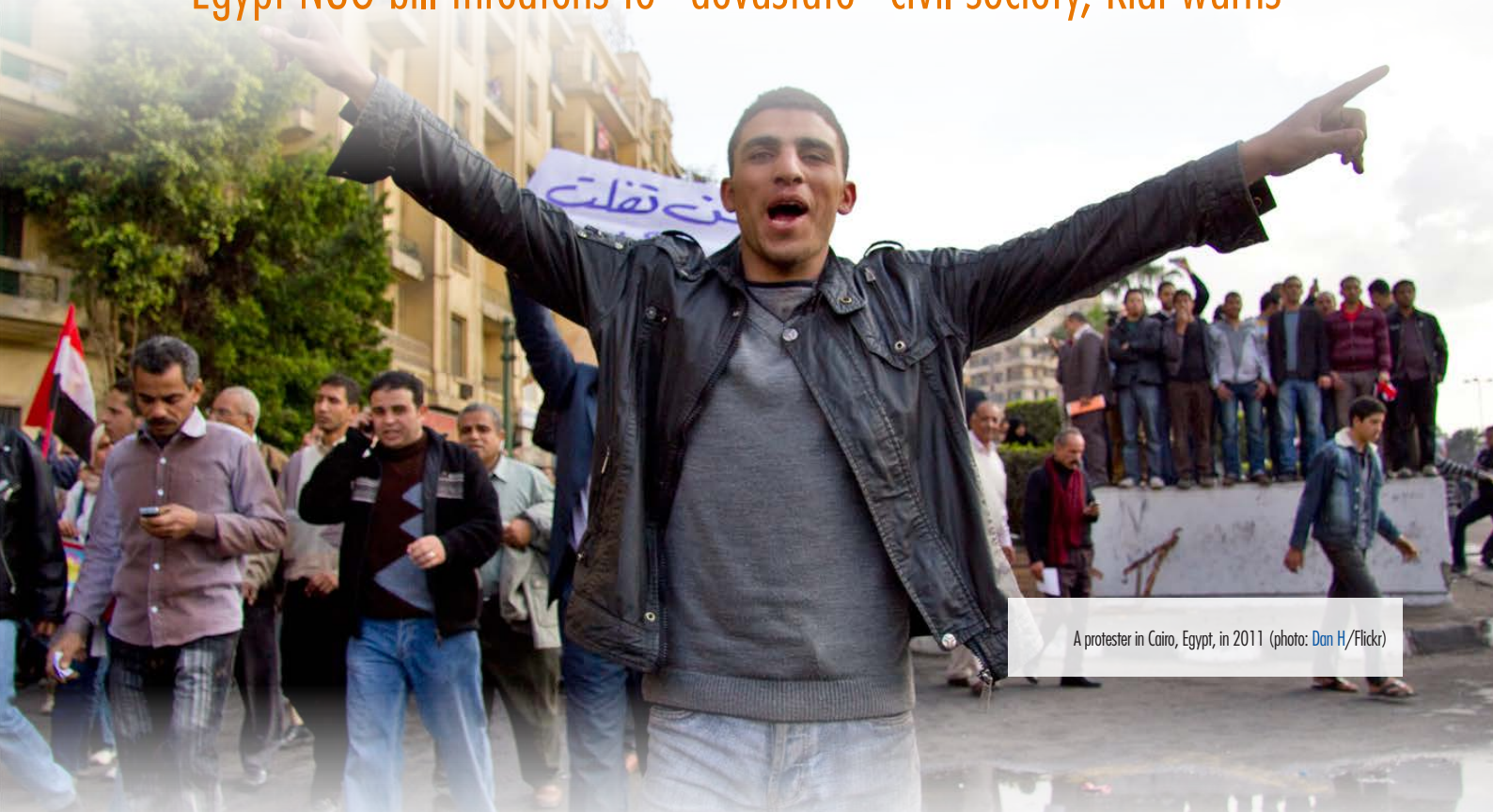
Kiai files brief in Rwanda NGO case before African's top human rights court

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Malaysia using national security legislation to target rights defenders

Special Rapporteur Maina Kiai meets with Shui-Meng Ng, wife of Lao activist Sombath Somphone, who disappeared on Dec. 15, 2012, and has not been heard from since. For more on Kiai's trip to Southeast Asia, see page 11.

Egypt NGO bill threatens to “devastate” civil society, Kiai warns



A protester in Cairo, Egypt, in 2011 (photo: [Dan H/Flickr](#))

GENEVA — United Nations expert Maina Kiai expressed **serious alarm** on Nov. 23, 2016, at Egypt’s approval of a draft law which would impose major restrictions on the work of non-governmental organizations (NGOs).

Kiai said that if the bill became law, it would devastate the country’s civil society for generations to come and turn it into a government puppet.

The Egyptian Parliament approved the bill on Nov. 15 and sent it to the State Council for review; it will be sent back to the Parliament for a final vote at an unknown date. The government did not hold consultations with civil society on its contents.

Kiai said the law appeared to be “deliberately drafted to curtail civil society’s ability to operate, and to stifle their ability to freely express themselves”. The bill’s provisions violated international law and contradicted Egypt’s own constitution, he said.

“This bill proposes perhaps the worst restrictions on fundamental freedoms in Egypt since the 2011 uprisings,” Kiai said. “It aims to destroy Egypt’s foundation for peaceful, civic engagement at its very roots. If it becomes law, it would devastate civil society not only in the short term, but possibly for generations to come”.

“I urge Egyptian authorities to immediately halt the adoption of this bill.”

The Special Rapporteur highlighted a litany of serious flaws in the proposed law. One of the gravest, he said, was that the government would wield excessive power and discretion in deciding who could establish an association and for what purpose.

The bill would introduce a wide range of restrictions on activities, obliging associations to “achieve social development goals within the scope of state plans and development needs and priorities”.

Domestic and international associations would also be forbidden from engaging in “political activities” or anything that harmed “national security or public order or public morals or public health”. Public surveys, research and reports would have to be reviewed and approved by authorities before publication.

The UN expert said that these provisions would effectively make civil society a branch of the government.

“One of the most valuable aspects of civil society is its independence, which puts it in a position to hold government accountable, to propose alternative ideas, and to help develop society in general,” Kiai stressed. “Civil society can’t perform this function when the law reduces it to the role of the government’s spokesperson.”

“THIS BILL ... AIMS TO DESTROY EGYPT’S FOUNDATION FOR PEACEFUL, CIVIC ENGAGEMENT AT ITS VERY ROOTS. IF IT BECOMES LAW, IT WOULD DEVASTATE CIVIL SOCIETY NOT ONLY IN THE SHORT TERM, BUT POSSIBLY FOR GENERATIONS TO COME”.

The bill also provides a number of broad grounds for organizations to be dissolved by court order, including the receipt of foreign funding without appropriate approval and “collaborating” with a foreign organization without obtaining government permission.

In addition, the draft law would impose criminal penalties, including prison terms, for people found guilty of violating the act, and would allow excessive government interference in numerous aspects of the internal affairs of associations. “Egyptian society stands at a critical fork in the road,” Kiai said. “The country needs only to look to its neighbors to see the possible consequences of choosing the path where people are excluded and there is no space for peaceful dissent.

“I urge the government to choose a different path by rejecting this bill, and moving instead towards a stable and prosperous future built on inclusion, engagement and participation.”

In other Egypt-related news, Kiai signed onto a [separate statement](#) on Dec. 15 condemning the government’s escalating action against women human rights defenders and women rights groups. The experts highlighted the arrest of lawyer Azza Soliman, a prominent human rights defender who founded the Centre for Egyptian Women’s Legal Assistance (CEWLA). She was detained on Dec. 7 and questioned by an investigative judge over a case involving foreign funding of non-governmental organizations in Egypt.

In November, Kiai endorsed a statement from Special Rapporteur Michel Forst criticizing Egypt’s increasing use of [travel bans on human rights defenders](#).

Call for input: Mapping the history and achievements of civil society

The space for civil society globally has shrunk dramatically over the last 10 years. In established democracies as well as in autocratic regimes and states in transition, laws and practices constraining freedoms of association and of peaceful assembly have flourished.

Despite this context, civil society has also made numerous significant achievements over the past decade. NGOs, charities, social movements, religious groups, labour unions, journalists, and other civil society groupings have radically improved societies and peoples' lives across the globe.

Civil society has protected and defended civil and political rights, worked to alleviate poverty and advance development objectives, worked to regulate corporate behaviour, protected the environment, and delivered essential services, to name but a few examples.

For his final report to the UN Human Rights Council, the Special Rapporteur plans to comprehensively codify the achievements and successes of civil society over the last decade. The report is intended to serve as a reminder of just how important civil society is for peace, security, prosperity, social progress and human rights.

What's your opinion and experience?

The Special Rapporteur convened an expert consultation to discuss this subject in November 2016 in Bangkok. But he would also like to hear your views. He is particularly interested in specific, real-world examples of civil society achievements and successes over the last decade, the context in which these achievements occurred, and the impact of these successes or achievements on society at large (at the local, national, and international level). These examples may be included in the report.

How to submit information for 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 (links at left in English, French and Spanish). Note that each file has two separate questionnaires: One for UN member states, and one for civil society members. Please answer only the questionnaire that corresponds to your position

In responding to the questionnaire, please be sure to provide as much detail as possible. Completed questionnaires should be e-mailed to freeassembly@ohchr.org. We will be accepting submissions until January 31, 2017. You may submit your responses in English, French or Spanish.

ENGLISH
QUESTIONNAIRE

FRENCH
QUESTIONNAIRE

SPANISH
QUESTIONNAIRE





'Fragile' DRC at risk as gov't clamps down on critics, UN expert warns

GENEVA — The Government of the Democratic Republic of the Congo (DRC) is silencing critics in clear violation of international human rights law, a [United Nations expert warned](#) on Dec. 1, 2016.

The action, which includes jamming radio broadcasts and arresting journalists, is targeting the independent media at a time of high political tension, says the UN Special Rapporteur on freedom of expression, David Kaye.

"These actions are not only in clear violation of the DRC's obligations under international human rights law, but the silencing of critical voices through arrests, censorship and other forms of government control poses risks for the stability of the country which is already in a seriously fragile state," the expert said.

"Freedom of expression in the DRC has increasingly been threatened by the criminalization of critics and the opposition, including the use of harsh punishments. The government has a responsibility to uphold people's rights to freedom of expression and a free media, as guaranteed in the 2005 constitution," Kaye added. "It should also take the opportunity to promote and protect these rights to establish a foundation for growth and stability."

The independent expert highlighted examples including a decree issued by the Minister of Information and Media, Lambert Mende, on 12 November, prohibiting the international media from operating in the DRC unless they sign an agreement with a local media outlet or create one subject to Congolese regulations.

Such a rule threatened independent radio stations, such as Okapi or RFI, which broadcast in the country without local partnership, the UN Special Rapporteur noted.

Kaye also noted that since the beginning of November, five journalists had been arrested and the government had jammed the signals of three media outlets — RTBF, RFI Brazza and a local radio station in Katanga — accusing them of interference in the country's internal affairs. The government had also asked Okapi to stop broadcasting two programmes, alleging they provided a platform for anti-government opinions.

"With the government proposing changes to the Constitution that would extend the presidency's terms of office, it is especially important to foster open public debate," said the Special Rapporteur.

Kaye's call was endorsed by Special Rapporteur Maina Kiai and the Special Rapporteur on the situation of human rights defenders, Michel Forst.

DRC: UN experts urge Government to lift "abusive" restrictions on protesters to head off violence

GENEVA — United Nations experts, including Maina Kiai, have [called on the authorities in the Democratic Republic of the Congo \(DRC\)](#) to lift political restrictions which they say are curbing people's rights to freedom of expression, peaceful assembly and association.

These restrictions, which include a de facto ban on all public political rallies and meetings in the country's main cities, were introduced over the past year and were reiterated with an announcement issued on Dec. 1, 2016, banning organizations not registered.

"These measures have most recently affected the citizens' movements LUCHA and Filimbi, both young citizen movements aiming at promoting political participation, which recently launched a public awareness campaign calling for respect for the Constitution," said the UN experts in their Dec. 19 statement.

"These measures are in violation of international human rights conventions to which the government in Kinshasa is a signatory, and breaches the UN Declaration on Human Rights Defenders," they stressed.

The DRC has recently known a wave of protests from demonstrators concerned that President Joseph Kabila will refuse to step down from office when his second and final term under the current constitutional arrangements is due to end. Elections to replace him have been delayed until 2018.

The Special Rapporteurs highlighted that, on Dec. 1, five LUCHA members and one journalist were arrested in Ituri province while they were preparing a press conference to launch the campaign. The journalist was later released, but the other five people are still in detention facing jail for alleged incitement of misconduct toward the authorities.

"The targeted repression of dissenting voices of civil society and human rights defenders is contrary to democratic principles," the experts noted. "If civil society is not allowed to exercise the rights of freedom of expression, freedom of association and peaceful assembly, protesters will inevitably resort to violence, for which only the authorities are to be blamed."

The UN experts said they deplore the double standards applied by the authorities in Kinshasa, allowing pro-government youths to conduct public activities while repressing dissenting voices.

"We urge the authorities to immediately cease the targeted repression against civil society and to uphold the human rights commitments ratified by the DRC," they added. "It is the responsibility of the authorities to guarantee conditions so that fundamental rights and freedoms can be exercised peacefully rather than to repress them."

To reports that the government has ordered Internet service providers to block access to social media websites ahead of expected protests against President Kabila, the experts stressed that "a measure of this broad scale suppresses the right of the people of DRC to access information and to communicate. This right is particularly essential during times of public debate and democratic choice."

UN Special Rapporteurs have previously raised concerns that the DRC government was silencing its critics in clear violation of human rights law, and have called for the restoration of all political freedoms to the people.

The other experts: Mr. David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders.

The full press release is available via our website in [English](#) and [French](#) (via OHCHR).



Gov't cannot interfere with NGOs' internal affairs, Kiai tells Court in Rwanda case

NAIROBI/ARUSHA — Special Rapporteur Maina Kiai has [filed an amicus curiae brief](#) before Africa's top human rights court stating that authorities which interfere with the internal affairs of associations violate the international right to freedom of association.

The brief was filed in the case of Laurent Munyandikirwa versus The Republic of Rwanda, which concerns the alleged government-supported takeover in 2013-14 of the Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR), one of Rwanda's most prominent and outspoken human rights organizations at the time. The case is currently pending before the African Court of Human and Peoples' Rights in Arusha, Tanzania.

In July 2013, a group of LIPRODHOR members met in violation of the organization's by-laws and voted in a new board, ousting the NGO's previous leadership. The ousted board challenged the change in leadership via LIPRODHOR's internal dispute resolution process, which ruled in their favor. Despite this, the Rwanda Governance Board — the government body that regulates NGOs in the country — moved rapidly to recognize the new board.

Government authorities then doubled down by preventing members of the old board from conducting a human rights training in 2013, and from meeting to discuss the status of LIPRODHOR in 2014.

Ousted LIPRODHOR president Laurent Munyandikirwa challenged the formation of the new board in Rwanda's courts, but his case was ultimately dismissed in 2015. He then brought the case before the African Court.

The facts before the Court presented a number of legal questions on which the Special Rapporteur shared his insights and experience. In the brief, the Special Rapporteur concluded that the right to freedom of association is violated when government authorities hastily recognize a new board if (1) they know that the board's legitimacy is disputed, and (2) the recognition contradicts the decision of the association's internal conflict resolution mechanisms.

Government action to prevent association members from meeting also constitutes a violation of the right to freedom of association when the interference is not prescribed by law, not in furtherance of a legitimate aim or not proportional to the legitimate interest sought to be protected.

"It is hard to identify any potential corresponding legitimate aim for the described interferences with holding human rights meetings or respecting internal conflict resolution mechanisms," Kiai wrote. "Such interferences do not further collective security, morality, or the common interest."

The independent UN expert noted that the "hasty" approval of the new board by authorities — with no regard for the organization's internal rules — led to a de facto dissolution of the association.

"Involuntary dissolution amounts to one of the most severe forms of restrictions on the right to freedom of association," Kiai wrote. "Dissolution should be strictly proportional to the legitimate aim pursued and used only when softer measures would be insufficient."

Kiai also wrote that authorities have a duty to protect members of associations against the interference with their rights by third parties, and to create an environment that enables the exercise of the right to freedom of association in general.

The Special Rapporteur made an official visit to Rwanda in January 2014, in the midst of the events covered in the case. [His report on the country visit can be found here.](#)

The brief, which was submitted on January 5, 2017, is the sixth official court filing in the UN expert's project to advance the rights to freedom of peaceful assembly and of association through the use of litigation in national and regional courts.

[The full amicus brief is available to the public here.](#) A decision in the case is expected later this year. For more on the Special Rapporteur's litigation project, please see our [litigation hub page](#).



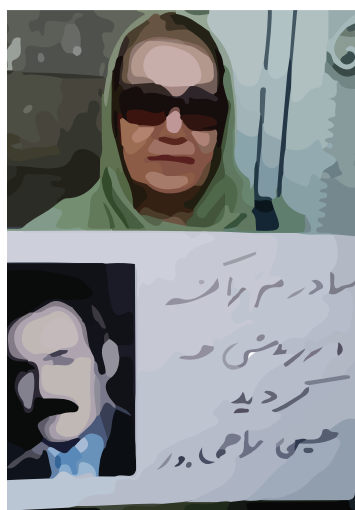
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Iran: Experts condemn charges against Raheleh Rahempour

GENEVA — Iran must end the harassment of a woman trying to learn the fate of her brother and his newborn daughter, who disappeared from prison more than 30 years ago, a group of United Nations human rights experts — including Maina Kiai — [said on Nov. 24, 2016.](#)

The campaign against Raheleh Rahempour may be a direct reprisal for her search, according to the experts.

Rahempour is now facing criminal charges and has undergone a lengthy interrogation at the same jail where her brother and the baby were last seen in 1984 — Evin prison in Teheran.

The UN experts are calling on Iran to drop all charges against Rahempour and halt the campaign against her.

"Rather than investigating the alleged disappearance of Ms. Rahempour's relatives, the government of Iran has decided to launch a campaign of harassment and intimidation against her," the experts stated.

"We are concerned that the judicial process against Ms. Rahempour may be a direct reprisal for her human rights activism in the search for her relatives, as well as the exercise of her rights to peaceful assembly and freedom of expression."

The full statement and list of experts [is available on our website.](#)

Malaysia: stop targeting rights defenders under national security legislation

GENEVA — Malaysia must protect all of its human rights defenders instead of targeting them under national security legislation, a group of [United Nations human rights experts](#) said on Dec. 9, 2016.

Their call came after weeks of heightened pressure on BERSIH 2.0 — a coalition of civil society organizations campaigning for clean and fair elections — and the organizers of the Bersih 5 rally, held in three cities across Malaysia on Nov. 19, 2016.

“We are particularly concerned at the arrest of Maria Chin Abdullah, the Chairperson of BERSIH 2.0, on Nov. 18, 2016, and her subsequent detention under the Security Offences Special Measures Act 2012 (SOSMA),” said the group of experts, which included Special Rapporteur Maina Kiai (Kiai also [spoke out on Facebook](#) just after the arrests).

SOSMA specifically states that no individual will be arrested under the law for ‘political activity’ or ‘belief’ and that its use is strictly restricted to matters pertaining to public order and national security.

“Although Ms. Chin Abdullah has now been released, the detention of a prominent woman human rights defender under SOSMA sets a troubling precedent, by suggesting that democratic participation can be a threat to national security,” they cautioned. “Her arrest will clearly have a chilling effect on civil society participation”.

Chin Abdullah, who was the first peaceful activist to be detained under SOSMA, has also been subject to a series of death threats since last October, along with her sons, as well as fellow human rights defenders Ambiga Sreenevasan and Mandeep Singh.

“We urge the authorities to investigate these deeply worrying threats thoroughly and without delay, and bring the perpetrators to justice,” the experts said.

In another worrying development the office of Persatuan Kesedaran Komuniti Selangor (EMPOWER) — which works with women and youth in the areas of political participation and civil liberties — was raided by the police on Nov. 28, 2016, as part of an investigation under SOSMA. Chin Abdullah was the former executive director of EMPOWER.

In both cases, SOSMA was used in conjunction with article 124C of the Penal Code, which covers activities ‘detrimental to parliamentary democracy’ and is punishable by up to 15 years’ imprisonment. Under SOSMA, detainees can be held up to 28 days without judicial scrutiny.

The experts also expressed concern that the police summoned civil society activists close to Ms. Chin Abdullah for interrogation, reportedly to provide evidence against her.

Reacting to allegations that the detention of Ms. Chin Abdullah might be related to the receipt of foreign funding by BERSIH 2.0, the experts stated: “We are dismayed at these allegations and wish to remind the Government of Malaysia that the ability to receive human, material and financial resources from domestic, foreign and international sources is a vital part of the right to freedom of association.”

“The allegation that an organization might have received foreign funding in the past is not a legitimate ground to arrest and detain a human rights defender exercising her rights to freedom of expression, peaceful assembly and association,” they stressed.

The experts expressed further concern by the Government’s portrayal of the work of BERSIH 2.0 as ‘political’. “Human rights work is not a means to attain political power,” they said. “Calling for a free, fair and transparent election system not only complies with international human rights law, but also benefits society at large, not a particular party or candidate. Arresting and harassing members of such a movement, on the other hand, appears unequivocally ‘political’,” they said.

“HUMAN RIGHTS WORK IS NOT A MEANS TO ATTAIN POLITICAL POWER. ... ARRESTING AND HARASSING [PEOPLE CALLING FOR] A FREE, FAIR AND TRANSPARENT ELECTION SYSTEM, ON THE OTHER HAND, APPEARS UNEQUIVOCALLY ‘POLITICAL’.”



Human Rights Day 2016: Rights under increasing attack worldwide

GENEVA — Ahead of Human Rights Day on Dec. 10, 2016, the largest body of independent experts of the United Nations Human Rights system issued a statement urging all Governments around the world [to stand up for human rights](#):

"The greatest achievement of the international community since the end of World War II has been the construction of an international human rights system based upon the Universal Declaration of Human Rights which was adopted 68 years ago.

Since that time, enormous strides have been made in establishing universal standards, encouraging the very widespread domestic adoption of those standards, and in effectively defending the rights of groups and individuals who are under threat in their own societies.

But today, a chill wind is blowing through much of the world and the very notion of human rights is under increasing attack. So-called populist movements are invoking nationalism and traditionalism to justify racist, xenophobic, sexist, homophobic and other forms of blatant discrimination, taking advantage also of the difficulties of the current economic climate.

Hate speech aiming to incite violence, hostility, and discrimination is dramatically on the rise, as is violence against women, children, ethnic, religious or belief groups, persons with disabilities, sexual minorities, migrants and many other groups. Inequality is growing dramatically and democratic institutions are being systematically undermined.

More and more governments are turning to increasingly intrusive technologies which systematically embed and exploit means of mass surveillance which threaten a whole range of fundamental human rights. In many parts of the world these assaults on human rights are being reinforced by attacks on the human rights movement."

The full statement is [available via our website](#). The full list of experts endorsing the statement is [available via OHCHR](#).

The world's got
99
Problems

Human
Rights
Arent one of them

#71: Denying them is. "Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world ... THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations." - Universal Declaration of Human Rights, adopted 10 December 1948

1966
2016
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UN group renews call for Saudi Arabia to release human rights activists



GENEVA — The United Nations Working Group on Arbitrary Detention on Nov. 17 [renewed its call for Saudi Arabia to release nine human rights activists](#) who were jailed after participating in activities relating to the promotion and protection of human rights.

Special Rapporteur Maina Kiai and a number of other UN experts endorsed their statement.

The men should be freed immediately as their detention is in violation of international human rights standards, according to the expert panel which assesses cases independently in the light of international law.

The expert panel said there had still been no move to free the men, one year after it had delivered its formal opinion that their deprivation of liberty is arbitrary, being in contravention of articles 9, 10, 19 and 20 of the Universal Declaration of Human Rights.

"The Working Group reiterates its call for the immediate release of the detainees and the provision of reparations for the harm caused," the group said. "We would like to remind Saudi Arabia of its obligations vis-à-vis these individuals, and we also recommend that it releases all those in similar situations."

Most of the jailed activists had ties with the Saudi Civil and Political Rights Association

(ACPRA), a prominent human rights group which worked for legal, political and constitutional reform until it was banned by the Government in 2013.

The men are serving jail terms of between 4 and 15 years after being convicted of, inter alia, "forming an unlicensed organization"; "seeking to disrupt security and inciting disorder by calling for demonstrations"; "harming the image of the State by disseminating false information to foreign groups." The nine — Sheikh Suliaman al-Rashudi, Abdullah al-Hamid, Mohammed al-Qahtani, Abdulkareem Yousef al-Khoder, Mohammed Saleh al-Bajadi, Omar al-Hamid al-Sa'id, Raif Badawi, Fadhel al-Manasif, and Waleed Abu al-Khair — include some of ACPRA's founding members.

"Other prisoners being held in similar circumstances should also be freed", the group added, as their continued detention could contravene the Universal Declaration of Human Rights and the UN Declaration on Human Rights Defenders.

The UN Working Group first raised concerns about the nine detainees a year ago, finding that the men whose cases they reviewed had been arbitrarily deprived of their liberty as a result of exercising their rights to freedom of expression and peaceful assembly.

Assembly & association rights:

By the numbers



A rally on Dec. 1, 2016, to mark the 32nd Anniversary of the Bhopal Disaster in Bhopal, India (photo: Iris Janssens/Bhopal Medical Appeal)

Number of days that the “ADHOC 5” – a group of Cambodian activists who face criminal charges in relation to their legitimate human rights work – have been **detained** as of Jan. 10, 2017

258

Days since the UN Working Group on Arbitrary Detention **ruled** that their detention was arbitrary

51

Number of times that a court in Bahrain has **postponed** the trial of human rights defender Nabeel Rajab, who remains jailed for tweets he made in 2015

6

Maximum prison term, in years, that Nabeel Rajab **faces** if convicted

15

Estimated number of people who have been arrested at pro-Papuan independence protests in Indonesia since April 2016 (including “several **hundred**” on Dec. 19)

5,000

Number of NGOs that have reportedly been **banned** in Turkey since a state of emergency was imposed on July 15

1,495

Number of pro-Biafra peaceful protesters killed by security forces in Nigeria since Aug. 2015, according to **Amnesty International**

150

Percentage of people in Senegal who say they feel “completely free” to join any organization they want, according to **research by AfroBarometer**

85

Percentage of people in Swaziland who say this, according to the same study

7



A man protesting against the Dakota Access Pipeline in the United States (photo: [Fibonacci Blue/Flickr](#))

Native Americans facing excessive force in North Dakota pipeline protests — UN expert

GENEVA — Special Rapporteur Maina Kiai has accused US security forces of [using excessive force against protesters](#) trying to stop an oil pipeline project which runs through land sacred to indigenous people.

Law enforcement officials, private security firms and the North Dakota National Guard have used unjustified force to deal with opponents of the Dakota Access pipeline, according to Maina Kiai, the UN Special Rapporteur on the rights to freedom of peaceful assembly and association.

Some of the 400 people held during the demonstrations had suffered “inhuman and degrading conditions in detention,” Kiai added in his Nov. 15, 2016, statement.

Protesters say they have faced rubber bullets, teargas, mace, compression grenades and bean-bag rounds while expressing concerns over environmental impact and trying to protect burial grounds and other sacred sites of the Standing Rock Sioux Tribe.

“Tensions have escalated in the past two weeks, with local security forces employing an increasingly militarized response to protests and forcibly moving encampments located near the construction site,” the rights expert said.

“This is a troubling response to people who are taking action to protect natural resources and ancestral territory in the face of profit-seeking activity,” he noted. “The excessive use of

State security apparatus to suppress protest against corporate activities that are alleged to violate human rights is wrong and contrary to the UN Guiding Principles on Business and Human Rights.”

“People feel that their concerns are being ignored, and it is their right to stage peaceful assemblies so that these concerns can be heard. The authorities have an obligation to actively protect that right. The rights of cultural heritage defenders have to be respected and protected,” he added.

The Special Rapporteur acknowledged reports that some protests had turned violent, but emphasized that the response had to be strictly proportionate and not affect peaceful protesters.

“The right to freedom of peaceful assembly is an individual right, and it cannot be taken away indiscriminately or en masse due to the violent actions of a few,” he said. “The use of violence by some protesters should not be used as a justification to nullify the peaceful assembly rights of everyone else.”

Construction of the pipeline has continued [despite a call in September](#) by the UN Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz, and other experts for it to be halted.

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

UN experts condemn Ecuador clampdowns on human rights organizations

GENEVA — A group of United Nations human rights experts [criticized the Government of Ecuador](#) on Dec. 30, 2016, for stifling civil society, after issuing an order for the closure of an NGO which supports environmental and indigenous rights.

On Dec. 18, ‘Acción Ecológica’ called for a Peace and Truth Commission to explore the attacks on indigenous and environmental rights. Two days later, the Ministry of the Environment initiated the dissolution process, giving the group 24 hours to respond and ten days to present defence evidence.

The move against ‘Acción Ecológica’ comes amidst a conflict involving indigenous Shuar people who are trying to halt mining on what they claim to be their territory. The campaign group, which has vocally supported the indigenous protesters, is the latest in a series of organizations to be targeted by the government.

The group of independent human rights experts urged the Ecuadorian authorities to reverse the decision and reform the legislation it is using to dissolve the groups.

The UN experts have already censure the government for dissolving groups such as ‘Pachamama’ and the ‘Unión Nacional de Educadores’, and also attempting to close the NGO ‘Fundamedios’ over the past three years.

“The Government of Ecuador seems to be systematically dissolving organizations when they become too vocal or challenge government orthodoxy,” they said. “This strategy to asphyxiate civil society has been implemented via two decrees — 16 and 739 — which give the authorities powers to unilaterally dissolve any kind of organization.”

The experts warned that “the direct consequences are the progressive silencing of any group that challenges or offers alternative ideas to those of the government and thereby reducing visibility of the situation of vulnerable and marginalized people.”

“It is ironic,” they added, “that the same Government of Ecuador leading the positive international effort to make companies accountable through a binding treaty, is itself reducing the space to be held accountable by domestic groups.”

The full press release is available via our website in [English](#), and via OHCHR in [Spanish](#).



“IT IS IRONIC THAT THE SAME GOVERNMENT OF ECUADOR LEADING THE POSITIVE INTERNATIONAL EFFORT TO MAKE COMPANIES ACCOUNTABLE THROUGH A BINDING TREATY, IS ITSELF REDUCING THE SPACE TO BE HELD ACCOUNTABLE BY DOMESTIC GROUPS.”

Rights defenders under growing legal pressure in Occupied Palestinian Territories

GENEVA — Human rights activists working in the Occupied Palestinian Territory face daily violations of some of the most fundamental protections afforded by international human rights and humanitarian laws, [two United Nations independent experts said](#) on Dec. 16, 2016.

"We have received a worrying number of complaints in recent months regarding human rights defenders who are arrested and, in many cases, arbitrarily detained, often apparently as a direct result of their important work in their communities," said the UN Special Rapporteur on the OPT, Michael Lynk, and the UN Special Rapporteur on human rights defenders, Michel Forst. Their statement was endorsed by Maina Kiai and a number of other UN experts.

"Human rights work is critical to creating a just society and maintaining peace and security. These are the goals all parties ultimately share," the experts stressed. "However, it appears that rights defenders are facing ever greater challenges in the OPT."

The Special Rapporteurs drew special attention to the cases against Issa Amro, founder of the Hebron-based group Youth Against Settlements, and Farid al-Atrash, a lawyer from Hebron, who were arrested due to their participation in a peaceful protest in February of this year. Amro is currently facing trial in an Israeli military court on 18 charges dating back to 2010, including participation in a rally without a permit.

"This relatively unusual practice of bringing up stale charges, which were not pursued many years ago, strongly suggests that Mr. Amro is being unfairly targeted due to his legitimate and peaceful human rights work," the experts noted.

"Mr. Amro has been subject to a concerted pattern of harassment and intimidation by the Israeli authorities aimed at inhibiting his work as a human rights defender," they said recalling previous warnings from UN human rights experts. "This trial appears to form part of this same pattern."

The two Special Rapporteurs emphasized that charges of participation in a rally without a permit are nearly impossible to avoid for Palestinians in the West Bank who peacefully protest and oppose the almost 50 year-old occupation. They noted that Israeli Military Order 101 (issued in 1967) effectively prohibits free association and assembly, in clear violation of the basic tenets of international human rights law.

"The right of all those who are seeking hope and participation in concrete, nonviolent action



must be protected, particularly as we are seeing the deepening entrenchment of the Israeli occupation and the accompanying human rights violations," they stressed.

Other cases

The Special Rapporteurs also recalled the case of Hasan Safadi, media coordinator for Addameer human rights organization, whose three-month administrative detention order was renewed for an additional six months on Dec. 8. And the case of Salah Khawaja, a member of the Stop the Wall Campaign, who was arrested on Oct. 26 and remains in detention without charges.

"We are also troubled by reports of harassment and threats made against groups seeking to promote accountability and engage with the International Criminal Court," the UN experts said.

"We call on the Israeli authorities to ensure fair trial guarantees for human rights defenders and respect their unfettered exercise of fundamental freedoms of expression, peaceful assembly and association," they said.

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

Cameroon: Halt violence against English-speaking minority protests

GENEVA — Two United Nations human rights experts [have called on the government of Cameroon](#) to exercise restraint and begin dialogue, amid rising attacks on peaceful protesters.

Special Rapporteurs Maina Kiai and Rita Izsak-Ndiaye said they were deeply concerned about the worsening violence in the north-west and south-west, which has included the use of force against English-speaking demonstrators protesting against the growing appointment of French-speaking civil servants in their regions. Most of the protests have been led by regional bar associations and teachers' unions.

English speakers have long complained that they face discrimination and marginalization, and are excluded from top civil service positions and public services. They also claim their access to justice is limited because the majority of legislation and judicial proceedings are in French.

"We call on the authorities to engage in a fruitful and inclusive dialogue with civil society, particularly the lawyers' and teachers' unions in Anglophone regions who are asking for bilingual public services and more inclusion of English speakers in the public sphere," the experts said in their Dec. 21, 2016, statement.

Kiai, the Special Rapporteur on the rights to freedom



"I URGE THE GOVERNMENT OF CAMEROON TO CONDUCT A THOROUGH INVESTIGATION INTO THE USE OF FORCE AGAINST PROTESTERS IN RECENT MONTHS, AND TO EXERCISE THE UTMOST RESTRAINT IN POLICING FUTURE DEMONSTRATIONS."

Special Rapporteur Maina Kiai in his Dec. 21 statement

of peaceful assembly and association, said he was particularly alarmed by reports that security forces used excessive force during demonstrations on Nov. 28 in Buea and Dec. 8 in Bamenda.

Sources say that police used live bullets to disperse protesters, leading to the death of at least four people. Dozens more were injured, arbitrarily arrested and allegedly tortured.

"I urge the Government of Cameroon to conduct a thorough investigation into the use of force against protesters in recent months, and to exercise the utmost restraint in policing future demonstrations," Kiai said.

"In democratic societies, demonstrations and protests are key to raising awareness about human rights, and political and social concerns, including those regarding minority issues," he stressed. "Peaceful protests play a critical role in amplifying the voices of people who are marginalized, and present an alternative narrative to established political interests."

The Special Rapporteur on minority issues, Rita Izsak-Ndiaye, who carried out an [official visit to Cameroon in 2013](#), said there were significant challenges over linguistic minorities.

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

Special Rapporteur news in brief:

December 2016 - January 2017

Kazakhstan must release rights defenders Bokayev and Ayan, UN experts say

On Dec. 6, Maina Kiai and other UN human rights experts [called on Kazakhstan](#) to release human rights defenders Max Bokayev and Talgat Ayan, who have been jailed for organizing peaceful demonstrations.

The two rights defenders were sentenced in November to five years in prison for ‘inciting social discord’, ‘disseminating information known to be false’, and ‘violating the procedure for holding assemblies’. They were also banned from engaging in public activities for three years after serving their sentences for their roles in organizing protests in April and May 2016 to oppose the proposed amendments to Kazakhstan’s land code.

“Not only the legal process against Mr. Bokayev and Mr. Ayan raised serious questions about its fairness, but also the charges brought against them essentially criminalized their rights to peaceful assembly and free expression of dissenting views,” the experts said.

In October, the Special Rapporteur [submitted a legal analysis](#) to the court which convicted the pair, emphasizing that “authorization” requirements for peaceful assemblies – such as those in Kazakhstan – are impermissible under international law.

Southeast Asia: Expert consultation and academic visits to 5 countries

The Special Rapporteur was in Southeast Asia from Nov. 29 to Dec. 10, on a five-country tour that included unofficial visits to Thailand, Cambodia, Malaysia, Indonesia and the Philippines. The trip began in Bangkok, where Kiai convened a meeting of 20-plus international experts to help him prepare for his [final report to the Human Rights Council](#), which will explore the positive contributions of civil society over the past decade (see page 3). The remainder of the trip focused on meetings with local civil society groups, with an eye towards better understanding the situation for assembly and association rights on the ground. Photos of the [expert meeting](#), the [Cambodia](#) visit and selected [Thailand meetings](#) are available on the mandate’s Flickr site.

AFL-CIO awards Maina Kiai its 2016 award for human rights

Special Rapporteur Maina Kiai was honored with the [American Federation of Labor and Congress of Industrial Organizations’ \(AFL-CIO\) 2016 human rights award](#) in Washington, DC, on Dec. 14, 2016.

The annual prize — known officially as the George Meany-Lane Kirkland Human Rights Award — was created in 1980 to recognize outstanding examples of the international struggle for human rights through trade unions. It is named for the first two presidents of the AFL-CIO. Kiai received the honor “in recognition of his dedication to and effectiveness in highlighting the widespread denial of fundamental human rights at work and in society.”

“It is a singular honor to receive the 2016 George Meany-Lane Kirkland Human Rights Award — not only because of its stature, but also because it comes from the labor rights community,” Kiai said. “For far too long we have pigeonholed labor rights and human rights as separate issues, but in this era of closing space to exercise rights, it is essential that we think bigger. Labor rights are human rights, and we are stronger when we forge alliances and work together to achieve our goals.”

Other news

- Official visit to Turkey postponed: The Special Rapporteur’s official visit to [Turkey](#), originally scheduled for Jan. 23-27, has been postponed until a future date.
- [World Economic Forum Annual Meeting 2017](#): The Special Rapporteur will be in Davos, Switzerland, on Jan. 17-20 for the World Economic Forum’s annual meeting. The meeting brings together nearly 3,000 of the world’s top business leaders, politicians, intellectuals, and journalists to discuss the most pressing issues facing the world.
- Kiai will be in Geneva for side events during the 34th session of the Human Rights Council in early March (dates to be announced) – his final session before his term as Special Rapporteur expires on April 30, 2017.



The Special Rapporteur meets with beer promotion workers in Phnom Penh, Cambodia, on Dec. 3, 2016. The workers have attempted to organize for better working conditions, but have faced reprisals from their employer.



Scene from a Dec. 17, 2016, protest in Washington, DC, against United States president-elect Donald Trump (photo: Victoria Pickering/Flickr)

World briefing: Assembly & association rights in the news

Poland

Poland saw a wave of protests in December over a range of moves by the ruling Law and Justice party (PiS). The protests began on Dec. 16 and were kicked off by the party's announcement that it would ban the news media – except specially accredited journalists – from the parliament building as of Jan. 1, 2017. *Inside parliament*, opposition lawmakers blockaded the podium, effectively halting proceedings over the restriction of press freedoms. Earlier in December, meanwhile, Polish lawmakers also *faced criticism* over *restrictive amendments* to the law on assemblies, which were *later softened*.

Turkey

Massive protests in November led the Turkish government to withdraw a *controversial bill* that would have authorized men convicted of sexually assaulting minors to be released from jail if they married their victims. In January, Turkish police *used tear to gas* break up a protest outside parliament against planned changes to the constitution that would expand the powers of the president.

South Korea

After months of sustained and massive protests, lawmakers *impeached* South Korean president Park Geun-hye on Dec. 9, 2016. The months leading up to the move saw the country's *largest protests* since pro-democracy demonstrations of the 1980s. In a separate development, a South Korean Buddhist monk died on Jan. 9, 2017, after *setting himself on fire* to protest a 2015 deal struck with Japan on wartime sex slaves.

Burundi

In January, the government *announced* that they were banning ITEKA, the country's *oldest* human rights organization. Just weeks earlier, Burundi's parliament passed a law imposing *strict controls* on international NGOs. The law forces international groups to keep their accounts in foreign currency at the central bank, imposes new administration fees, and requires them to file reports on their activities every six months.

USA

Protests against president-elect Donald Trump (and his *cabinet picks*) continued throughout the country (see photo above). Large protests – including the *Women's March on Washington* – are also expected over the Jan. 20 inauguration weekend and well into the *first months* of the presidency.

India

In November, another 1,736 NGOs in India were stripped of their Foreign Contribution Regulations Act (FCRA) licences to receive funds from abroad. One media outlet reported that there were now only about 19,000 NGOs left with such licenses, *down from 42,500* two years ago. Meanwhile, Kashmiri human rights defender Khurram Parvez – whose preventative detention was the subject of a *Oct. 19, 2016, statement* from Maina Kiai and other UN experts – was finally *released* from custody on Nov. 30. Also in India, tens of thousands of people protested in November against the government's ban on *high-value banknotes*, which sent the economy into turmoil.

Elsewhere

Protests erupted *across Mexico* in early January in response to a 20% hike in fuel prices • Hundreds of Mongolians braved frigid weather in Ulaanbaatar to *protest worsening smog* • NGOs in Macedonia were *facing financial inspections* that some said were politically-motivated • The Nepalese government drafted a new bill with provisions that allow it to *de-register NGOs* which breach agreements signed with government bodies • The head a journalists' union in Egypt was *sentenced* to two years in prison for "harbouring fugitives" – two individuals accused of "inciting protests" • It was *reported in November* that the same Russian hackers who targeted the US Democratic National Committee were also targeting NGOs and think tanks • A new NGO law came into effect *in China on Jan. 1, 2017*, and is expected to tighten the government's control over foreign not-for-profits in the country • *Large protests* over austerity measures *rocked Brazil* in November and *December*