

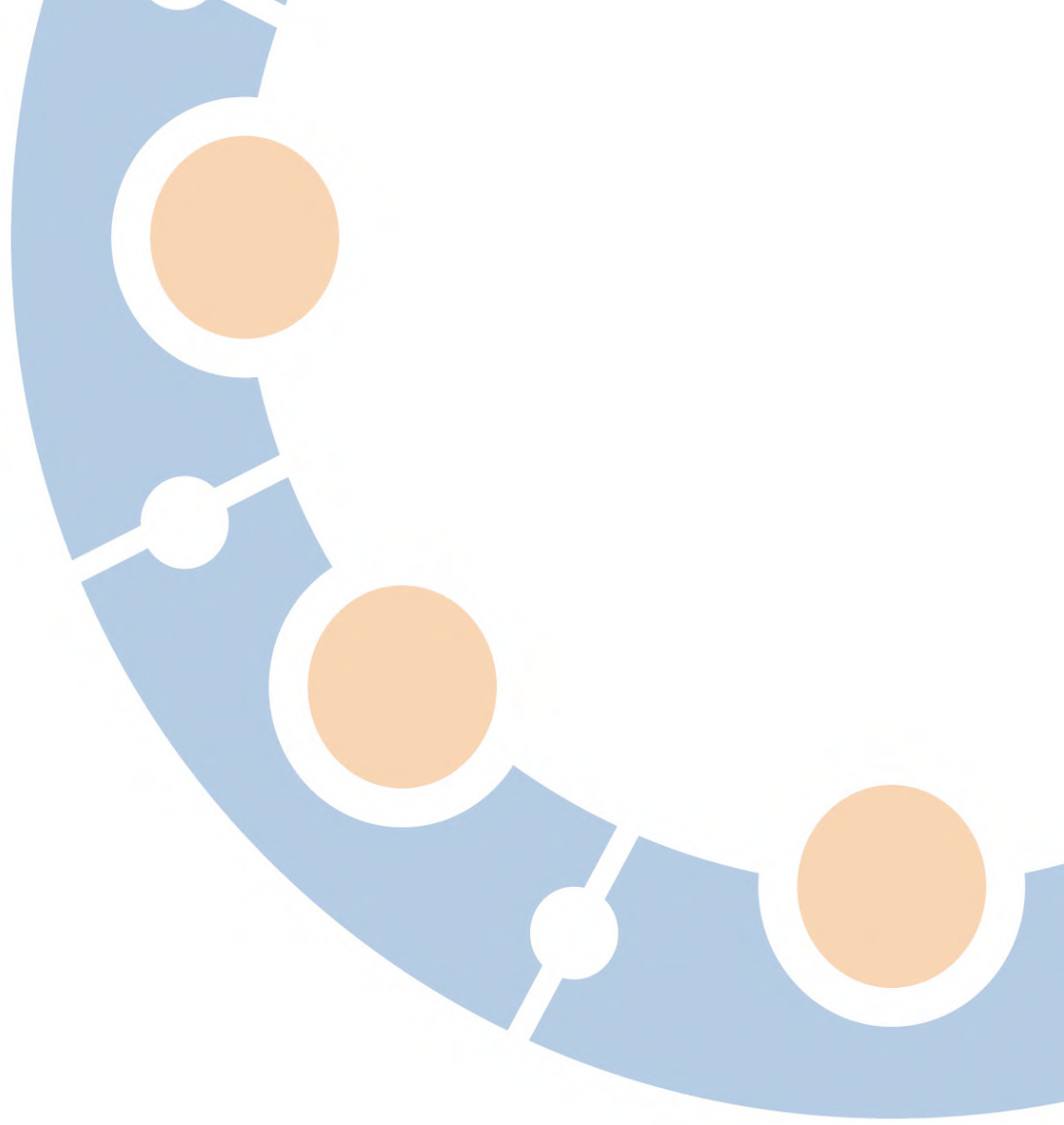
2016



The Year in Assembly & Association Rights



Published by
UN Special Rapporteur
Maina Kiai, February 2017
freeassembly.net



2016

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Published in February 2017 by the UN Special Rapporteur
on the rights to freedom of peaceful assembly and of association, Maina Kiai



United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association

About the Special Rapporteur's mandate

The special procedures of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. The system of Special Procedures is a central element of the United Nations human rights machinery and covers all human rights: civil, cultural, economic, political, and social. As of June 30, 2016, there were 42 thematic and 14 country mandates.

The mandate of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (currently Mr. Maina Kiai of Kenya) was established in October 2010 to examine, monitor, advise and publicly report on the rights to freedom of peaceful assembly and of association worldwide.



About Maina Kiai

Maina Kiai has served as the Special Rapporteur on the rights to freedom of peaceful assembly and of association since May 1, 2011. A lawyer trained at Nairobi and Harvard Universities, Kiai has spent the last twenty years campaigning for human rights and constitutional reform in Kenya — notably as founder and Executive Director of the unofficial Kenya Human Rights Commission, and then as Chairman of Kenya's National Human Rights Commission (2003-2008), where he won a national reputation for his courageous and effective advocacy against government corruption, in support of political reform, and against impunity following the violence that convulsed Kenya in 2008, causing thousands of deaths. He currently serves as co-director of the Kenyan NGO InformAction, in addition to his UN work.

From July 2010 to April 2011, Kiai was the Executive Director of the International Council on Human Rights Policy, a Geneva-based think-tank which produces research reports and briefing papers with policy recommendations. Kiai was also the Director of Amnesty International's Africa Programme (1999-2001), and the Africa Director of the International Human Rights Law Group (now Global Rights, 2001-2003). He held research fellowships at the Danish Institute for Human Rights (Copenhagen), the Woodrow Wilson International Center for Scholars (Washington), and the TransAfrica Forum (Washington). He has won numerous awards for his work, including the United Nations Foundation's 2016 Leo Nevas award, the AFL-CIO's 2016 George Meany-Lane Kirkland Human Rights Award, and Freedom House's 2014 Freedom Award.

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Front cover photo: Protesters at a demonstration Addis Ababa, Ethiopia, on Aug. 6, 2016 (Tiksa Negeri/REUTERS)
Cover and report design by Jeff Vize; photos by the office of the UN Special Rapporteur unless otherwise noted.*



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Photo: Police watch over a protest at the 2016 Summer Olympic Games in Rio de Janeiro, Brazil, on Aug. 7, 2016 ([Jogos Da Exclusão Rio 2016/Flickr](#))

Letter



From the Special Rapporteur

As my time as Special Rapporteur nears its end, I have been reflecting a great deal on my six years in the position – and just how much the world has changed since the Human Rights Council created my mandate in

October 2010. Could anyone have imagined what the years 2011-17 would bring?

Back then, the rights to freedom of peaceful assembly and of association were somewhat neglected in the pantheon of our most cherished rights – known, but rarely in the headlines. In the years since, they have underpinned some of the most cataclysmic political events of the 21st century: revolutions in Tunisia, Egypt and elsewhere; mass protests that forced out leaders in Ukraine, Guatemala, Iceland, South Korea, Burkina Faso and Brazil; citizen movements in Hong Kong, Bahrain, Malaysia, the United States; and so much more.

And remarkably, all of this happened while governments everywhere were embarking upon the most comprehensive rollback of civic freedoms since the end of the Cold War: anti-NGO laws, restrictions on protests, increased militarization of police, and campaigns of violence, intimidation, stigmatization and arrests against activists, just to name a few. As Special Rapporteur, I was lucky enough to have a front row seat as these events unfolded – to witness them, to meet with the people who shaped them, and to attempt to make sense of it all.

And as my term comes to a close, one thing is clear: We are in the midst of an epic global struggle, and it is not just over assembly and association rights, or any other human right in isolation. It is about our freedom writ large – a global clash between tyranny and self-determination that could shape the course of our world for generations to come. It pits people eager for democratic participation versus leaders – fearful after seeing the just how powerful an engaged populace can be – who are just as eager to stop them.

It is no longer good enough to describe this conflict with euphemisms such as “closing space.” It is more than that. It is a struggle for the future of democracy and democratic values.

It is also likely a fight for our very existence, given the slew of serious and intractable problems our world faces today: brutal wars, rampant corruption, devastating environmental destruction, growing poverty and inequality, violent

extremism, and rising intolerance of “the other,” just to name a few.

These problems are a legacy of the status quo that we have inherited – a status quo that is catapulting us towards obliteration, yet resisting change with all of its might. It is in everyone’s interests to give people tools to shake up this status quo – and to do it peacefully, so that we can reconfigure it into something more sustainable, equitable and just. It is, in other words, a time when assembly and association rights are needed most, so people can peacefully speak out, contribute their talents and share their ideas.

If we don’t give people these tools, our world faces a dark future.

If there is one thing I have learned in my years of activism, it’s that people who have no means to engage in their society also have no stake in that society, and are less likely to defend it. Inevitably some will feel emboldened to destroy it, because it no longer includes or represents them. The destruction may not come tomorrow, next week or even next year. But its potential is there, simmering and waiting to explode.

The struggle we face today is about creating a world where people do have a stake – an opportunity to build rather than destroy.

The road to achieving this world will not be easy, but I believe that it is in our grasp. I believe because I’ve seen personally, activist by activist, the resilience of those fighting for it. Their dedication has made it clear that humanity’s hunger for freedom and a better tomorrow is insatiable. It cannot be stopped by laws, arrests or bullets. These things only delay the inevitable.

And while I may be stepping down as Special Rapporteur on April 30, 2017, rest assured that I am not stepping away from this struggle. I will be joining you – on the streets, in our communities, and in the halls of power – to ensure that we win.

In solidarity,

February 2017 – Nairobi, Kenya

2016

The Year in Review

By nearly any standard and in virtually every corner of the globe, 2016 was one of the most tumultuous years the world has seen since the end of the Cold War.

Headline after headline brought us news of political upheaval, war, terrorism, health crises, endemic corruption, environmental disaster, economic turmoil and more. The pace and magnitude of the change and adversity was, at times - to use Merriam-Webster's 2016 word of the year - "surreal."

But there was another side to this story, one with a much more hopeful tone: Despite its myriad troubles, 2016 was also a year where people came out in nearly unprecedented numbers in an attempt to address our problems - through organizing in their communities, through protest, through political engagement, through labor unions and more. It was, in other words, a year where assembly and association rights took center stage as a tool for fixing what appeared to be a crumbling world order.

And the fact that people exercised these rights in such large numbers was no small feat.

The long-lamented phenomenon of "closing space" for civic engagement is certainly real, and it spread dramatically in 2016. A recent report from CIVICUS found that roughly 85% of the world's population lives in countries where the rights to expression, assembly or association have faced serious challenges.

And in many of those countries, the challenges are of the highest order. Ask protesters in Ethiopia, where more than 600 people have been killed by security forces since large-scale political demonstrations began in 2015. Ask the family of South Korean Baek Nam-gi, a 69-year-old protester who succumbed to his injuries last September after being knocked down by a police water cannon in late 2015. Or ask the numerous civil society members in Egypt who withstood a wave of arrests, asset freezes, travel bans and other harassment in 2016 in retaliation for their work defending human rights.

Such examples abounded in 2016, with the footprint of oppression covering most of the world, from Turkey to France to the United States to Malaysia to Burundi and beyond.

Yet people's courage in the face of this repression was unflappable: Protesters for electoral independence in Kenya turned out week after week, even after being badly beaten by police. Environmental rights defenders in Honduras persisted, despite the shocking murder of their compatriot Berta Cáceres in March. And civil society in countries such as Thailand, Burundi and the




Photo: Protesters march against fascism and xenophobia in Madrid, Spain, on May 21, 2016 ([Adolfo Lujan/Flickr](#))

Democratic Republic of Congo endured, despite an environment that essentially outlawed their work.

And in some places, progress was palpable, illustrating just how powerful assembly and association rights can be in motivating change - and why people fight so hard to exercise these rights.

Massive protests led to the ousting or impeachment of national leaders in Brazil, Iceland and South Korea. They also forced the governments of Turkey and Poland to withdraw regressive legislation on child sexual assault and abortion, respectively. And on a more technical front, a global coalition of NGOs managed to convince the Financial Action Task Force (FATF) to rework a controversial regulation that labeled non-profit organizations "particularly vulnerable" to terrorism.

There is no doubt that civic space has closed dramatically in recent years, with 2016 being no exception. But the real takeaway from 2016 is that people's desire for that space will never be extinguished. People fundamentally need to engage in their societies, and they will continue to do that no matter what the cost - even if it means risking their safety, their liberty or even their lives.

The following is a non-exhaustive review of 2016's biggest stories for the rights to freedom of peaceful assembly and of association. The details are drawn from a mix of media accounts, civil society reports and statements by Maina Kiai and other UN Special Rapporteurs. Inclusion does not imply any judgment or assessment on the part of the Special Rapporteur, or that he has taken action on these cases, unless specifically noted.

JANUARY

Ethiopia's 2016 began much the way 2015 ended: With the continuation of large protest movements, and their brutal suppression by government forces. The wave of demonstrations began in mid-November, in opposition to the Government's 'Addis Ababa Integrated Development Master Plan' to expand the capital's municipal boundary. Many feared that the plan would lead to mass evictions and the seizure of agricultural land in the Oromia region, as well as extensive deforestation.

The Government announced it was suspending the plan on Jan. 12, but killings, mass arrests and other abuses continued, [leading to a statement](#) from Maina Kiai and several UN experts on Jan. 21. They called on the Ethiopian authorities to end the crackdown, which had reportedly killed more than 140 demonstrators over December and January.

"The sheer number of people killed and arrested suggests that the Government of Ethiopia views the citizens as a hindrance, rather than a partner," the experts said.

They also expressed grave concern over the Ethiopian Government's application of anti-terrorism laws to arrest and prosecute protesters, labeling them as 'terrorists' without substantiated evidence.

"The wanton labeling of peaceful activists as terrorists is not only a violation of international human rights law, it also contributes to an erosion of confidence in Ethiopia's ability to fight real terrorism," the experts said. "This ultimately makes our world a more dangerous place."

Special Rapporteur Kiai [also spoke out](#) against "excessive and disproportionate restrictions on fundamental freedoms," in France, which were imposed as part of a state of emergency that was declared after terrorist attacks in 2015.

In a list of concerns shared with the French Government, Kiai and other UN experts stressed the lack of clarity and precision of several provisions of the state of emergency and surveillance laws, related to the nature and scope of restrictions to the legitimate exercise of right to freedom of expression, freedom of peaceful assembly and association and the right to privacy.

As 2016 ended, France's state of emergency was [still in place](#).




Photo: A police officer watches over a protest in Paris in late 2015, after the imposition of France's state of emergency (Chris Bently/Flickr)

Meanwhile, lawmakers in the United Kingdom were considering a new Investigatory Powers bill, which UN experts said could threaten the rights to freedom of expression and association both inside and outside the country.

Special Rapporteurs Maina Kiai, David Kaye, and Michel Forst expressed serious concerns about several provisions of the draft Bill, highlighting excessively broad definitions and disproportionate procedures to authorize surveillance, including mass surveillance, and data retention without adequate independent oversight and transparency.

"The lack of transparency could prevent individuals from ever knowing they are subject to such surveillance," the experts noted in a six-page submission to the Joint Parliamentary Committee. "This will ultimately stifle fundamental freedoms and exert a deterrent effect on the legitimate exercise of these rights and the work of civil society and human rights defenders."

The bill became law later in 2016.

In Haiti, protests erupted on Jan. 18, ahead of a controversial second-round presidential vote. The elections were ultimately postponed.

Elsewhere: On Jan. 16, demonstrators took to the streets in Hong Kong to protest missing publishers and booksellers • Dauria, an environmental group that has operated for 20 years, became the latest NGO to be labeled a "foreign agent" in Russia because it received funding from abroad; it joins nearly 100 other civil society organizations • In Australia, two people protesting against the clearfelling of native forest in Tasmania became the first people charged under the state's controversial anti-protest laws • Thousands protested in Morocco on Jan. 24 over planned education cuts, despite a government ban • Protests over youth unemployment took place across Tunisia, five years after the start of the Arab Spring • Moldova, Poland and Italy also saw large protests in January

FEBRUARY

Ugandans went to the polls on Feb. 18, with President Yoweri Museveni seeking to extend his 30-year rule. The pre-election period was plagued by irregularities, including the obstruction of rallies and the detention of leading opposition candidate Kizza Besigye - developments that Special Rapporteur Maina Kiai said cast "severe doubt" on whether the elections would be "free, fair and legitimate."

The environment on election day itself was no better: social media platforms Facebook and WhatsApp were blocked and Besigye was arrested again on Feb. 18 and 19. Museveni ultimately won the elections, but observers promptly declared the polls unfair.

In Egypt, government authorities ordered the closure of the Nadeem Center for the Rehabilitation for Victims of Violence and Torture on Feb. 17, citing unspecified violations of the law.

A protest movement against Poland's three-month-old conservative government grew in February, with 80,000 people turning out for a protest in front of Warsaw city hall. Another 50,000 demonstrated on March 12 after the government refused to publish a ruling by the constitutional court striking down new laws.

And on Feb. 15, three United Nations human rights experts urged the State Parliament of Western Australia against adopting proposed legislation which threatened to criminalize lawful protests. Members of the regional parliament indicated that the Bill aims at preventing protesters from locking themselves onto equipment, trees, and other objects with innovative methods in order to frustrate or delay development sites.

"The Bill would criminalize a wide range of legitimate conduct by creating criminal offenses for the acts of physically preventing a lawful activity and



Photo: A demonstration in Warsaw, Poland on Jan. 9, 2016, by the Committee for the Defence of Democracy (KOD) calling for free media (Grzegorz Zukowski/Flickr)



Photo: A protest calling for justice after the murder of Honduran human rights defender Berta Cáceres in March 2016 ([International Affairs Review](#))

possessing an object for the purpose of preventing a lawful activity,” said the group, which included Maina Kiai.

Elsewhere: Security forces in the Democratic Republic of Congo arrested leading opposition leader Martin Fayulu on Feb. 14, two days before a planned strike • The UK Cabinet Office announced a new clause in grant agreements to ban charities from using government grants to lobby government and Parliament • China’s government shut down Beijing’s Zhongze Women’s Legal Counseling and Service Centre, a prominent women’s legal aid center • Protesters in Seoul staged a “virtual march” by hologram on Feb. 24 • A Russian court liquidated the country’s oldest human rights NGO, Agora, for “influencing public opinion”

MARCH

The global human rights community was rocked in March by the death of Honduran human rights defender Berta Cáceres, founder of the Civic Council of Popular and Indigenous Organizations Honduras (COPINH) and leader of the Lenca community of Río Blanco.

Cáceres was known for her work protecting the environment and denouncing violations of human rights against indigenous peoples. Ms. Cáceres received the Goldman Prize in 2015 in recognition of her work against the construction of the Agua Zarca dam.

The United Nations Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz, issued a statement condemning Cáceres’ murder on March 4; it was endorsed by Maina Kiai and a number of other UN independent experts.

“It is very likely that this killing is linked to her work in defense of human rights of the indigenous Lenca people,” Tauli-Corpuz said.

A fellow human rights defender – Gustavo Castro Soto of Mexico – was injured during Cáceres’ assassination and initially prevented from leaving Honduras. He was eventually allowed to return home.

The violence against environmental activists in Honduras continued on March 15, with the killing of Nelson García, one of Cáceres’ colleagues at COPINH. The Special Rapporteur on the situation of human rights defenders, Michel Forst, said in a statement that urgent action was needed to prevent Honduras from turning “into a lawless killing zone for human rights defenders.”

THE GLOBAL HUMAN RIGHTS COMMUNITY WAS ROCKED IN MARCH BY THE DEATH OF HONDURAN HUMAN RIGHTS DEFENDER BERTA CÁCERES. SHE WAS KNOWN FOR HER WORK PROTECTING THE ENVIRONMENT AND DENOUNCING VIOLATIONS OF HUMAN RIGHTS AGAINST INDIGENOUS PEOPLES. SHE RECEIVED THE GOLDMAN PRIZE IN 2015 IN RECOGNITION OF HER EFFORTS TO OPPOSE CONSTRUCTION OF THE AGUA ZARCA DAM.

"It is high time the Honduran authorities take concrete steps to ensure safety for all human rights defenders in the country, and their families," Forst said in the statement, which was endorsed by Maina Kiai.

Across the world in Egypt, human rights lawyer Negad El-Borai was arrested in March on charges of running an organization that "hinders state progress and disturbs national security." He was released after three days in custody, but remained under investigation at the end of 2016. El-Borai participated in the Special Rapporteur's May 2015 consultation to prepare his General Assembly report comparing government treatment of the business and civil society sectors.

In Brazil, meanwhile, an estimated 3.5 million turned out in 326 cities to protest President Dilma Rousseff, whom demonstrators blamed for economic troubles and a major corruption scandal. Separately, the country's controversial new anti-terrorism bill became law; President Rousseff vetoed portions of the bill - correcting some, but not all, critical points, according to one civil society group.

The law was criticized by Maina Kiai and other UN experts in 2015. And in Ethiopia, university students marched to demand an end to police crackdowns that followed of demonstrations over plans to seize land in Oromia

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

APRIL

In Mexico, a targeted media campaign accused several human rights defenders and civil society organizations of fraud and corruption and of defending alleged criminals and falsely claiming torture. Maina Kiai and two other UN human




Photo: A protest against then-President Dilma Rousseff in São Paulo, Brazil, on March 13, 2016 (Marcelo Valente/Flickr)



Photo: Protesters call for the resignation of Iceland Prime Minister Sigmundur Gunnlaugsson on April 4, 2016 (Art Bicnick via the The Reykjavik Grapevine/Flickr)

rights experts responded on April 6 by urging the Government of Mexico to express its full support for the work of human rights defenders and civil society organizations, and to actively counter the campaign.

The same trio of Rapporteurs also issued an [April statement](#) expressing their alarm at the continuing crackdown on human rights defenders and civil society organizations in Egypt. They said that many NGOs had been closed down, and that human rights defenders were being regularly interrogated by the security forces, subjected to travel bans and having their assets frozen in retaliation for their legitimate and peaceful human rights work.

"The recent attempt to forcibly close the Nadeem Center for Rehabilitation of Victims of Violence demonstrates how Egypt's NGO Law is being used to obstruct the reporting on human rights issues, such as torture," the experts said.

April also saw the leak of the [Panama Papers](#) leak - 11.5 million pages of internal documents from Mossack Fonseca, a Panamanian law firm that sells anonymous offshore companies around the world. The documents [named](#) a total of [140 politicians from over 50 countries](#), including Iceland's Prime Minister Sigmundur Gunnlaugsson. The revelation led to [massive protests](#) in Iceland, which culminated with the Prime Minister's [resignation](#) on April 5. Protests against Brazilian president Rousseff also [continued](#), culminating with her [impeachment](#) by congress on April 18.

Large protests elsewhere ended on a more oppressive note. In the [Philippines](#), police opened fire on some 6,000 farmers who demonstrated on April 1, killing two and injuring several others. Days later in the village of Gandamara, Bangladesh, police [gunned down](#) four people protesting a planned coal power plant. And in the Maldives, police [arrested](#) over a dozen journalists on April 4 after they staged a protest in the capital Male over a crackdown on freedom of

THE LEAKED PANAMA PAPERS – DETAILING THE SHADY FINANCIAL DEALINGS OF SCORES OF POLITICIANS – LED TO MASSIVE PROTESTS IN ICELAND AGAINST THE PRIME MINISTER, WHO WAS AMONG THOSE NAMED. THE PRESSURE LED HIM TO RESIGN ON APRIL 5

speech. Journalists returned to the streets less [than a week later](#), demanding that the Government investigate attacks against the media and withdraw a proposed criminal defamation law.

On the legislative front, Cambodia's National Assembly [approved](#) a long-disputed trade union law on April 4, despite protests from labor groups and the opposition that was designed to limit workers' rights. At least two trade unionists were injured outside the Assembly during a peaceful gathering to protest the bill as it was being voted.

And in the realm of restrictions on foreign funding - an issue that has dogged civil society for much of the past decade - it was alleged that governments in two countries were applying double standards. In Russia, a report from the [NGO Golos claimed](#) the political campaigns of several candidates supported by the ruling United Russia party were aided by companies registered in foreign

Also

THE PROBLEM OF CLOSING CIVIC SPACE CREEPS INTO THE UNITED NATIONS' COMMITTEE ON NGOS



The Special Rapporteur warned in an op-ed in May that the United Nations was increasingly falling victim to the trend of closing space for civil society.

The trend is well documented on the domestic level, with [one recent study](#) showing that the core expressive freedoms were violated to a significant degree in at least 96 countries during 2014. But space is closing at the international level as well, Kiai said, with ground zero being the United Nations.

The biggest problem, Kiai said, is the UN's Committee on NGO, which 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. The Committee was created to improve NGO participation in the UN, but Kiai said it is increasingly being hijacked by governments hostile to such engagement.

"The United Nations human rights bodies and mechanisms - are key spaces for NGOs to exercise their rights to freedom of expression, association and peaceful assembly that are so frequently denied back home," Kiai wrote. "But the same governments that are restricting NGOs domestically are stepping up efforts to take away NGOs' voices on the international stage as well."

Kiai's [2014 report](#) to the General Assembly also highlighted problems with the Committee, including the infamous case of the International Dalit Solidarity Network (which has been attempting to gain consultative status since 2008). More NGOs [faced problems](#) in 2016.

"The challenges our world faces are both monumental and urgent," Kiai wrote. "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."

[The full article is available on our website.](#)



Photo: Police arrest a man at an April 2016 protest in Vietnam; protesters were angry at the government's response to a chemical spill that killed tons of fish in the country (Eddie Tien via Vietnam Voice)

countries - an apparent contradiction of a Russian law, which forbids foreign funding for a broad spectrum of political activities. And in India, [media reported](#) that lawmakers had narrowed the legal definition of "foreign" companies for purposes of the Foreign Contribution Regulation Act (FCRA), allegedly to get the ruling Bharatiya Janata Party [off the hook](#) for receiving contributions from subsidiaries of a London-based multinational. ([See here](#) for the Special Rapporteur's legal analysis of the FCRA, and why he thinks it is in violation of international law)

In a more positive development, the African Commission on Human and Peoples' Rights (ACHPR) issued its [Principles and Guidelines on Human Rights while Countering Terrorism in Africa](#) in April. Maina Kiai and 17 other UN experts issued a [statement on April 7](#) welcoming the move.

In the United States, meanwhile, a [protest movement](#) sprung up in reaction to the proposed construction of Energy Transfer Partners' Dakota Access Pipeline in the northern part of the country. The pipeline would carry oil from North Dakota to southern Illinois, crossing beneath the Missouri and Mississippi Rivers, and Lake Oahe near the Standing Rock Indian Reservation.

And in France, the [Nuit Debout](#) movement - which arose out of protests against proposed labor reforms - [occupied](#) the Place de la République.

Elsewhere: More than a month after Berta Cáceres' murder, Maina Kiai and other UN [reiterated their appeal](#) to the Government of Honduras to provide justice over her killing • Vietnam issued [new regulations](#) limiting the right to demonstrate outside Courts when trials are in session • A court in Egypt [ruled](#) that NGOs have a right to foreign funding, despite a crackdown on such groups • A group of UN experts [warned](#) that over a dozen political prisoners in Iran - including prominent human rights defenders, lawyers and political activists - were at risk of death in detention

MAY

May 1 is a traditional day for labor protests, but [demonstrators in Vietnam](#) last year had a different concern: 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 were convinced the toxins came from wastewater discharged from a nearby steel plant owned by Taiwanese conglomerate Formosa Plastics (the company later admitted this). Protests became so widespread by May that the government reportedly [blocked access to Facebook](#) in response.

The Ugandan Government also [blocked](#) access to Internet social media sites in the country, ahead of the May 12 swearing in of President Yoweri Museveni, whose re-election in February sparked widespread protests. The Government also banned live television or radio coverage of

“SECURITY CONCERNS SHOULD NOT BE USED AS A PRETEXT TO HARASS JOURNALISTS, LAWYERS AND PROTESTERS AND TO BAN PEACEFUL POLITICAL OPPOSITION. [THIS] UNDERMINES NOT ONLY PUBLIC DEBATE AND FUNDAMENTAL RIGHTS, BUT SECURITY AND LONG-TERM STABILITY.”

Special Rapporteurs Maina Kiai, David Kaye and Michel Forst in their May 9 statement condemning the Egyptian government's escalating crackdown on peaceful assembly and other expressive rights

protests.

Labor issues were at the fore in France in May, as the Government pushed through controversial labor reforms on May 11, making make it easier for employers to hire and fire workers. The move sparked immediate and widespread protests throughout the country, including labor stoppages by transportation workers, nuclear workers, oil refinery workers and more.

May also saw the start of regular Monday protests organized by the Kenya's opposition political party against the country's electoral commission. 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.

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 Egyptian Government escalated its crackdown on peaceful assemblies, sentencing 101 demonstrators who took part in anti-government demonstrations in April to five years in jail. The country's 75-year-old Journalists' Syndicate was also raided by security forces on May 1.

Special Rapporteurs Maina Kiai, David Kaye and Michel Forst issued a statement on May 9 condemning Egypt's “disproportionate reactions against the exercise of the rights to assembly and expression in the country.”

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

The same trio of experts also called upon 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 and scheduled to enter into force on Jan. 1, 2017.

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.”

“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,” the experts said.

Maina Kiai and other UN experts also sharply criticized the Government of Cambodia over the arrest of the so-called ADHOC 5 – five human rights defenders who were arrested and accused of bribery on the margins of a politically-motivated sex scandal involving an opposition party leader. The human rights defenders maintain that the support was part of their regular human rights work.

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

Also

KIAI TO FINANCIAL CRIME BODY: FOSTER CIVIL SOCIETY AS PARTNER, NOT ENEMY, IN THE FIGHT AGAINST TERRORISM



In June, the Financial Action Task Force – an intergovernmental body that sets standards to combat money laundering and terrorist financing – revised its

Recommendation 8, a controversial regulation intended to protect the nonprofit sector from abuse through terrorist financing.

The original version of Recommendation 8 labeled the non-profit sector as “particularly vulnerable” to terrorist abuse. The revised Recommendation calls on countries to apply proportionate measures only towards non-profits identified as being at risk. Civil society groups had complained for years that this language provided a convenient excuse for governments to clamp down on legitimate peaceful dissent.

In the lead-up to FATF’s review of the Recommendation, Special Rapporteur Maina Kiai wrote an open letter calling upon the organization to improve its cooperation with civil society, and to consider the sector’s significant contributions in the fight against terrorism. The comments were submitted to FATF’s “Consultation and Dialogue Meeting with Non-Profit Organizations,” held on April 18 in Vienna, Austria.

The Special Rapporteur further called upon FATF “to leverage its leadership position to positively influence governments’ approach to counter-terrorism mechanisms away from measures that constrain civic space.”

Kiai’s full letter can be found on our website.

The arrests led to weekly “Black Monday” protests in Cambodia, which the government promptly suppressed.

Elsewhere: After Thailand marked two years under military rule on May 22, one news outlet warned that its “thought crime” arrests were getting dangerously bizarre • Maina Kiai and other UN experts called on the Government of Kazakhstan to protect the rights to freedom of peaceful assembly and freedom of expression after mass arrests, detentions and criminal prosecutions following demonstrations over proposed land reforms across the country • Kiai also joined a statement urging Somalia to halt acts of intimidation and reprisals against members and leaders of two trade unions, and to stop interfering in the unions’ internal affairs and activities • A separate group of United Nations experts expressed outrage after Iran’s Narges Mohammadi, a prominent activist and human rights defender, was sentenced to 16 years’ imprisonment • Indonesian police arrested hundreds of West Papuan would-be protesters on May 31 to prevent them rallying for the release of political prisoners • 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 • As the World Humanitarian Summit kicked off in Istanbul, a group of UN Special Procedures mandate holders urged all participants to ensure that human rights were prominent in the discussions “and integrated into all aspects of the conference”

JUNE

Maina Kiai and two other UN rights experts called on the Government of India to repeal the Foreign Contribution Regulation Act (FCRA), which they said was being increasingly used to obstruct civil society’s access to foreign funding, in violation of international human rights standards.

The experts’ call came after the Indian Ministry of Home Affairs suspended for six months the registration of the non-governmental organization Lawyers Collective, under the FCRA.

“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,” the experts said.

For a detailed analysis of FCRA, see the Info Note of April 20, 2016, prepared by the Special Rapporteur and submitted to the Government of India: <http://freeassembly.net/news/india-fcra-info-note/>. The Special Rapporteur also gave two interviews on the subject in 2016 with Indian media outlets, Live Mint and the Hindu. He noted in both 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.”

There were troubling developments for NGOs in Israel as well, as lawmakers considered a so-called ‘NGO transparency bill’ that would effectively target organizations critical of government

The Israeli Knesset in Jerusalem
(israelitourism/Flickr)

IN ISRAEL, LAWMAKERS WERE CONSIDERING A SO-CALLED ‘NGO TRANSPARENCY BILL.’ MAINA KIAI AND OTHER UN EXPERTS SAID THE LAW WOULD CHILL THE SPEECH OF HUMAN RIGHTS NGOS BY SUBJECTING THEM TO HARSH PENALTIES AND DELEGITIMIZING THEM PUBLICLY.



Photo: A crowd gathers around a car transporting the body of slain Cambodian activist Kem Ley in Phnom Penh on July 10, 2016 (photo: Heng Chivoan/Phnom Penh Post)

policy. Maina Kiai and other UN experts issued a [statement](#) on June 24 expressing grave concern that the law would chill the speech of human rights NGOs by subjecting them to harsh penalties and delegitimizing them publicly.

The legislation requires NGOs that receive more than half of their funding from foreign government entities to disclose certain information, such as the names of their donors in all publications intended for or made available to the public, or in any written appeal to a public employee or public representative.

"By differentiating between donations from foreign political bodies and donations from other sources, the proposed legislation will likely lead some NGOs to be perceived as agents of foreign entities, regardless of how autonomously they operate," Kiai said.

The bill ultimately [became law](#) in July.

Bahrain's crackdown on political dissent continued with the sentencing of Sheikh Ali al-Salman, the leader of the Wefaq opposition party, to nine years imprisonment on charges of inciting violence. The move prompted a [statement](#) from Special Rapporteur David Kaye, who called it part of a "worrying trend of political repression further shrinking the space for any form of dissent in Bahrain today."

"Silencing the opposition is never an acceptable or effective response to situations of political instability," he added. Kaye's statement was endorsed by Maina Kiai and two other UN experts.

United Nations human rights experts also called on the [Government of Viet Nam](#) to stop the persecution of Ms. Tran Thi Hong, whose husband is in prison for peaceful religious activities. The experts said she had been repeatedly arrested and tortured in retaliation for informing the international community of human rights violations against her husband.

Elsewhere: On June 15, the French government said it was [considering](#) a ban on labor law protests • [25,000 Croats](#) demonstrated in Zagreb on June 1 accusing the government of political meddling in education reform • Violence at a teachers' protest in [Mexico](#) [left six dead](#) in mid-June • Maina Kiai joined a [statement](#) from Special Rapporteur David Kaye expressing dismay at the lengthy prison sentences imposed on leaders in Tajikistan's Islamic Renaissance Party of Tajikistan; "stability can never be achieved through the repression of all forms of dissent," Kaye said.

JULY

Anti-government protests that started in late 2015 among the Oromo - Ethiopia's largest ethnic group - [spread](#) in July to the Amhara, the country's second-largest group. Authorities responded to some demonstrations with deadly force, reportedly [killing 30 people](#) at an August protest in Bahir Dar. The government also [shut down](#) the country's Internet for two days. Human Rights Watch [estimated](#) a month later that Ethiopian security forces had killed at least 500 protesters since Nov. 2015.

In Cambodia, prominent political commentator Kem Ley was shot dead at a convenience store on July 10, prompting outrage from civil society. Kem Ley was the founder of the grassroots network Khmer for Khmer and frequently made public criticisms of the Government.

Maina Kiai and four other UN human rights experts [condemned the murder](#) on July 13, saying its circumstances "gave rise to deep concerns." They also called for a "prompt, thorough and impartial investigation" conducted by "an independent body with no ties to the Government."

Across the border, Thailand was preparing to vote on a new constitution, following over two years of rule by a military junta that took power in a coup

Also

SPECIAL RAPPORTEUR: 'IT'S TIME FOR DEVELOPMENT BANKS TO START LISTENING'

The Special Rapporteur authored an op-ed in Foreign Policy in July, in which he called upon international financial institutions to counter the global trend of closing civil society space by promoting more community participation in their activities.

His call came roughly one year after the United Nations set the Sustainable Development Goals (SDGs), an ambitious blueprint for governments and financiers to use their political power and resources to end poverty, hunger, and disease. Kiai notes in the op-ed that while development banks play a key role in ensuring the success of the SDGs, they cannot do it alone.

"Far more important than governments and international donors are the individuals and civic organizations that will help design, carry out, and monitor the development projects on which the whole scheme depends," Kiai wrote in the piece. "Without vibrant civil societies, the Sustainable Development Goals are dead in the water."

For more, [see our website](#).



THE GLOBAL GOALS For Sustainable Development



d'état. Ahead of the Aug. 7 vote, Special Rapporteur David Kaye issued a [statement](#) criticizing the country's Constitutional Referendum Act, which criminalizes expression and access to information about the draft constitution. Maina Kiai endorsed the statement.

In June and July, at least 86 people in Thailand were investigated or charged under a government clampdown on dissenting voices ahead of the Aug. 7 vote. In July, several activists were charged under the Constitutional Referendum Act for a campaign urging voters to reject the draft constitution.

"Instead of criminalizing expression on the draft constitution, the Thai government should encourage an open environment for public discourse to ensure an informed participation during the constitutional referendum," Kaye said.

The constitution was [approved](#) on Aug. 7, with a vote of 61.45% in its favor.

In the United States, the shooting by police of two African-American men in Minnesota and Louisiana in July set off a fresh wave of Black Lives Matter protests, with thousands of people taking to the streets. [Hundreds were arrested](#) in connection with the protests. The situation took a dark turn on July 7 when five police officers were [killed by a sniper](#) in during a protest in Dallas, Texas.

Roughly a week later, three more police officers were killed by a lone gunman in [Baton Rouge](#), Louisiana. Neither of the police shootings were linked to protests, but [tensions](#) were high in the [weeks](#) following the events (the Special Rapporteur made an official visit to the United States in July; for more, see the Country Visits section of this report)

Turkey declared a [state of emergency](#) following an attempted coup d'état in July, and subsequently notified the UN Secretary-General of its intent to derogate from numerous articles of the ICCPR. The move prompted a statement from several UN experts in August, who urged Turkey to uphold its obligations, even in during the emergency.

"The invocation of Article 4 is lawful only if there is a threat to the life of the nation, a condition that arguably is not met in this case", the experts noted. "Even in situations that meet this high threshold, Article 4 establishes limits to how much a state may deviate from its obligations under the Covenant."

"The derogation provision under Article 4 does not give a carte blanche to ignore all obligations under the ICCPR. Even where derogation is permitted, the Government has a legal obligation to limit such measures to those that are strictly required by the needs of the situation," they added.

In the aftermath of the attempted coup on 15 July, Turkey saw an escalation of detentions and [purges](#), in particular in the education, media, military and justice sectors.

In Kenya, human rights lawyer Willie Kimani was [found dead](#) - along with his client Josphat Mwenda and driver Joseph Muiruri - in a river outside Nairobi. The three were last seen on June 23, when Kimani accompanied Mwenda during a trial over police abuse of power. Shortly after leaving the courthouse, the three were kidnapped. Kenyan police officers were [charged](#) with the murders.

Maina Kiai and six fellow UN experts issued a [statement on July 28](#) expressing deep concern about the on-going pattern of extrajudicial executions in Kenya. They urged the Government to put an end to police violence and ensure accountability for the perpetrators.

Elsewhere: A court in South Korean sentenced Korean Confederation of Trade Unions president Han Sang-gyun to [five years in prison](#) on July 4 for organizing a 2015 protest that turned violent • Zimbabwe saw several protests over the economy, including the [#ShutDownZimbabwe2016](#) day on July 6 • The UN Economic and Social Council [overturned](#) a decision by its NGO Committee to deny consultative status to the Committee to Protect Journalists • Protests also swept through Armenia starting on July 17, marking the [fourth consecutive summer](#) that the capital of Yerevan has seen major demonstrations; Human Rights Watch [said in a statement](#) that the authorities' response to the "largely peaceful protests has been excessive and cruel" • Thousands of people marched through London, [protesting UK voters' decision to leave the EU](#) in a June 23 referendum

EUROPE

Photo: A July 2, 2016, protest in the United Kingdom against British voters' decision to leave the European Union (Garon S/Flickr)

AUGUST

The Brazilian city of Rio de Janeiro hosted the 2016 Summer Olympic Games Aug. 5-21, which set the stage for a number of protests. On Aug. 4, hundreds of demonstrators angry at the high cost of hosting the Games protested the arrival of the Olympic torch in Rio. Riot police used tar gas and pepper spray to disperse the crowd. During the games themselves, spectators were removed from their seats at least twice for calling for the ouster of Brazil's interim President Michel Temer. Another spectator was asked to take down a sign reading "Let Iranian women enter their stadiums." And Ethiopian marathoner Feyisa Lilesa used the Olympic marathon on Aug. 21 to stage a protest of his own, raising his arms to form an "X" - a protest gesture used by the Oromo people - as he crossed the finish line.

In Gabon, meanwhile, protests erupted in the capital of Libreville on Aug. 31 after President Ali Bongo was declared winner of a presidential election that the opposition says was rigged. Some protesters allegedly set fire to the country's National Assembly building, while opposition leader Jean Ping said two people were killed when government forces attacked his party's headquarters.

Also on Aug. 31, a group of United Nations human rights experts called on the Sudanese authorities to drop charges carrying the death sentence brought against six people linked to a prominent Khartoum-based organization, Training and Human Development (TRACKS).

The six have been charged with criminal conspiracy, undermining the constitutional system, waging war against the State, espionage, and terrorism. All charges carry the death penalty.

"The charges brought against them appear to be directly linked to their work in the defense of human rights, while exercising their rights to freedom of expression and freedom of association," Maina Kiai said in a statement.

The persecution of Shias continued in Bahrain, prompting a statement from five UN experts on Aug. 16. The group, which included Maina Kiai, said that

the "intensified wave of arrests, detentions, summons, interrogations and criminal charges brought against numerous Shia religious clerics and singers, human rights defenders and peaceful dissidents is having a chilling effect on fundamental human rights."

They raised the cases of Ayatollah Sheikh Isa Qassim - whose citizenship was revoked - and Sheikh Maytham Al-Salman, a human rights defender who is under a de-facto travel ban and faces criminal charges for convening an "illegal gathering."

"We are calling on the Government of Bahrain to stop such arbitrary arrests or summons and release all those who have been detained for exercising their rights," they said.

Elsewhere: David Kaye issued a statement on Aug. 9 deploring Maldives' adoption of the "Protection of Reputation and Good Name and Freedom of Expression Bill," warning that it limits the right to freedom of expression to such a degree that the right itself is in jeopardy; his call was endorsed by Maina Kiai. Three student leaders who led massive pro-democracy protests in Hong Kong in 2014 were sentenced on Aug. 15, but avoided jail time. Maina Kiai and other UN experts expressed deep concern over the health of prominent Chinese human rights defender Yang Maodong (also known as Guo Feixiong) who is imprisoned for peacefully protesting against government censorship.

SEPTEMBER

Protests against the Dakota Access Pipeline in the United States were in the spotlight after The United Nations Permanent Forum on Indigenous Issues offered its support for the Standing Rock Sioux Tribe, whose land was threatened by the project. On Sept. 9, three US federal agencies intervened in the project, requesting that the pipeline company voluntarily halt construction on a portion of the pipeline near Lake Oahe.

The UN Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz, also issued a statement on Sept. 23 calling on the United States to halt all

construction. A number of other UN experts endorsed her call, including Maina Kiai. Elsewhere in the United States, the country saw a new wave of Black Lives Matter protests after police killed African-American men in North Carolina, Oklahoma and California. Meanwhile, a growing number of players in the country's popular National Football League began kneeling and raising their fists during pre-game national anthem ceremonies to draw attention to racial inequality.

In the Democratic Republic of the Congo (DRC), a political crisis was unfolding over President Joseph Kabila's stated intent to remain in power beyond his constitutional limit of two terms. Demonstrators who took to the streets to protest the move were violently suppressed, and a ban on protests was imposed in the capital of Kinshasa.

Maina Kiai and fellow UN expert Agnes Callamard issued a statement on Sept. 23 calling upon the DRC government to put an end to the disproportionate use of force against the exercise of the freedoms of peaceful assembly and expression.

"There is clearly a political crisis in the Democratic Republic of the Congo, but a threat to the government does not equal a threat to the State. It is imperative at times such as these that authorities give space to allow individuals to raise their voices to express their views and aspirations," he added.

South Korean protester Baek Nam-gi - a 69-year-old farmer who was knocked to the ground by a water cannon during a Nov. 2015 protest - died on Sept. 25, after spending nearly a year in a coma. Maina Kiai issued a statement expressing his condolences to the family on his death, and called for a full and independent investigation into the police's use of a water cannon.

Ecuador dissolved the National Union of Teachers (UNE), the largest teachers trade union in the country. The UNE, founded in 1950, was dissolved through the application of Executive Decree N. 739, which regulates the operation of social

organizations. A group of United Nations human rights experts, including Maina Kiai, condemned the move.

"The right to freedom of association is a fundamental right, to which only a very limited number of restrictions may apply," Kiai said. "The forced dissolution of an association is one of the severest types of restrictions to freedom of association, which can only be justified in the most exceptional cases."

The UN experts went on to state that the dissolution was likely to related to the union's human rights work. "In fact, it seems that the decision is arbitrary, political and lacks any logical connection to a legitimate State interest," they noted.

In Venezuela, hundreds of thousands of people marched through the capital of Caracas on Sept. 2, calling for the removal of President Nicolas Maduro. The Committee to Project Journalists reported that at least six journalists had been denied entry into the country just before the protests.

And Egypt's repression of civil society continued unabated, as a court froze the assets of five prominent human rights activists and three NGOs. The individuals were accused of illegally receiving foreign donations, and face up to 25 years in prison if convicted. The Special Rapporteur condemned the decision in October, and warned more generally about the growing restrictions that civil society faced in Egypt - including a proposed NGO law.

Elsewhere: Hong Kong student leader Joshua Wong was denied entry to Thailand, where he was to speak at a conference; meanwhile, his compatriots in the protest movement won seats in the city's legislature • Special Rapporteur Michel Forst urged Azerbaijan to not take a "punitive" approach towards civil society following his official visit to the country • Swaziland's Suppression of Terrorism Act, which has been used by government to ban political groups, was been declared unconstitutional by the country's High Court • Two farmers were killed and 42 were injured in September when Indian police opened fire on



“IN LIGHT OF THE LACK OF PROGRESS IN INVESTIGATING THE SYSTEMATIC VIOLENCE AGAINST PROTESTERS, WE URGE THE ETHIOPIAN GOVERNMENT TO ALLOW AN INTERNATIONAL INDEPENDENT COMMISSION TO ASSIST IN SHEDDING LIGHT ON THESE ALLEGATIONS.”



Photo: A march for Ethiopia's Oromia people in 2007 (Oromia Movies/Flickr)

a crowd protesting a thermal plant • Maina Kiai joined a [statement](#) from Special Rapporteur David Kaye condemning the killing of Nahed Hattar, a prominent Jordanian journalist and writer who was well-known for his opposition to both the Government and to radical Islam

OCTOBER

In Ethiopia, more than 50 people [were killed](#) in a stampede after police fired tear gas and rubber bullets to disperse an anti-government protest during an Oromo festival. The deaths marked the latest bloodshed as the result of the Government's crackdown on protests, which had killed over 600 people up to that point.

Less than two weeks later, the Government [announced](#) a six-month state of emergency, giving authorities [greater power](#) to crack down on dissent. New regulations made it [illegal](#) to watch television stations set up by the Ethiopian diaspora and to post links from these organizations' websites on social media, [among other things](#).

In response to the growing repression, Maina Kiai and other UN Special Rapporteurs [urged the Ethiopian authorities](#) to end their crackdown and to allow an international commission of inquiry to investigate the violence used against peaceful demonstrators.

"In light of the lack of progress in investigating the systematic violence against protesters, we urge the Ethiopian Government to allow an international independent commission to assist in shedding light on these allegations," they added. "The scale of this violence and the shocking number of deaths make it clear that this is a calculated campaign to eliminate opposition movements and silence dissenting voices."

A prominent Vietnamese blogger known for her criticism of the government was arrested on Oct. 11. Nguyen Ngoc Nhu Quynh - also known as [Mother Mushroom](#) - was accused of distorting the truth and spreading propaganda against the State; she faces up to 12 years in prison. Separately, civil society criticized Vietnam's [draft NGO law](#) as unconstitutional, and said it would cripple organizations working on issues ranging from the rights of disabled people to the promotion of human rights.

A group of United Nations experts - including Maina Kiai - [called on](#) the

Government of India to release human rights defender Khurram Parvez, who was arrested in September for alleged activities against public order.

"Mr. Parvez is a well-known and outspoken human rights defender who has had a longstanding and positive engagement with the UN human rights mechanisms," the experts said. "His continued detention following his arrest just a few days before his participation in the UN Human Rights Council, suggests a deliberate attempt to obstruct his legitimate human rights activism."

Parvez was finally [released](#) on Nov. 30.

In more positive news from Poland, a proposal by the recently-elected conservative government to ban all abortions set off a wave of successive [protests](#) in [September](#) and October. By Oct. 5, the Government signaled that they would back off of their plans. The Minister of science and higher education said that the protests had ["caused us to think and taught us humility."](#)

Elsewhere: Thousands of people [protested across Morocco](#) in late October, after fish-seller was crushed to death in a refuse lorry while trying to retrieve fish confiscated by police • Maina Kiai joined a statement from the Special Rapporteur on human rights in Iran calling on the government to [unconditionally release](#) of a British-Iranian national sentenced to five years in prison for unknown charges • Kiai also joined a statement [expressing serious concern](#) over a number of Mauritanian activists who were jailed for their alleged role in a protest against forced evictions in Nouakchott; the experts said it appeared that the individuals were being targeted by the Government for their anti-slavery advocacy

NOVEMBER

The election of [Donald Trump](#) as the next President of the United States sparked a wave of protests across the country. Protesters took to the streets in several cities, criticizing the racism, sexism and xenophobia that they say Trump has made mainstream. Demonstrations [continued](#) through the end of the year, culminating with the [Women's March on Washington](#), which was held the day after Trump's inauguration on Jan. 21, 2017. Organizers said that some 5 million people marched that day - both in the main protest and in hundreds of solidarity marches in the US and around the world.

In Bangladesh, civil society raised [serious concerns](#) about the country's new



Photo: Scene from the Bersih 5 march in Kuala Lumpur, Malaysia, on Nov. 19, 2016
(photo: Khairil Yusof/Flickr)

Also

POLITICAL CRISIS IN DR CONGO LEADS TO 'ABUSIVE RESTRICTIONS'



The Special Rapporteur focused increasingly on the Democratic Republic of Congo (DRC) in November and December, as a deepening political crisis – and restrictions on assembly and association rights in response – threatened to plunge the country into chaos.

The crisis began when President Joseph Kabila pledged that he would not step down when his second term ended on Dec. 19, despite a constitutional ban on a third term. In November, Kiai and other UN experts called on the Government to lift a ban on protests in the capital, Kinshasa, amid increased social discontent over the political situation.

On Dec. 1, Kiai endorsed a [statement](#) from the Special Rapporteur on freedom of expression, David Kaye, that alleged the DRC government was jamming radio broadcasts, arresting journalists, and targeting the independent media. On the same day, the Government announced it was banning unregistered associations.

On Dec. 19, the day that Kabila was to step down, Kiai issued another [statement blasting the recent restrictions](#) as being in “violation of international human rights conventions to which the government in Kinshasa is a signatory.”

“The targeted repression of dissenting voices of civil society and human rights defenders is contrary to democratic principles,” the experts said. “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.”

law to regulate foreign-funded NGOs, saying it was intended to intimidate groups critical of the government. The law gives the government the power to [suspend or ban](#) foreign-funded NGO for making “malicious” or “derogatory” remarks about the country’s constitutional bodies.

Anti-corruption protesters in Kenya were met with a brutal police response on Nov. 3, prompting condemnation from several UN human rights experts. A number of people were reportedly injured or detained.

“Interference with the right to freedom of peaceful assembly is inexcusable at any time, but it is especially repugnant when demonstrators are calling for government accountability,” the experts said. “Protesters may sometimes raise uncomfortable truths, but holding people in power to account is a central function of peaceful assemblies in a democracy.”

Maina Kiai expressed [similar sentiments](#) on Nov. 15 in response to reports of excessive force being used against demonstrators protesting against the Dakota Access Pipeline in the United States. Protesters said they were targeted with 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. Some of the 400 people held during the demonstrations had suffered “inhuman and degrading conditions in detention,” Kiai 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 added. “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.”

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.

South Korea was rocked by [large protests](#) in November, as thousands of people rallied to demand the resignation of President Park Geun-hye. Up to [1 million people](#) were said to have turned out for a rally on Nov. 13. The President was plunged into crisis after it emerged that she was taking policy advice from a life-long friend with no political experience and links to a questionable cult. The friend is also accused of using her relationship with Park to embezzle \$70 million in donations meant for two foundations.

In Malaysia, Bersih 2.0 – a coalition of civil society organizations campaigning for clean and fair elections – staged their much-anticipated Bersih 5 rally in three cities on Nov. 19. The rally was allowed to proceed, but a number of organizers were arrested on Nov. 18, including Bersih 2.0 chair Maria Chin Abdullah. She was subsequently detained under the Security Offences Special Measures Act 2012 (SOSMA) – a law conceived to battle terrorism and other national security threats.

“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”.

Special Rapporteur Maina Kiai in his Nov. 23 statement on Egypt's new NGO law, which was approved by parliament on Nov. 15

Abdullah was later released, but Maina Kiai and other UN experts issued a statement in early December expressing deep concern. “Her arrest will clearly have a chilling effect on civil society participation,” they said.

The experts also emphasized that the Government's portrayal of the work of Bersih 2.0 as “political” was disturbing.

“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.

In India, meanwhile, it was reported that thousands more NGOs were stripped of their Foreign Contribution Regulations Act licenses to receive funds from abroad.

And in South Africa, demonstrators continued to call for Jacob Zuma to resign, as a judge ordered the release of a damning report into corruption allegations against the South African President.

Elsewhere: Four people were killed during protests against the UN peacekeeping mission in Central African Republic; peacekeepers allegedly opened fire when demonstrators tried to force their way into the UN headquarters • CIVICUS launched the Civic Space Monitor, an online tool that tracks the state of civil society freedoms around the world • Burundi banned three UN human rights investigators after their report accused the government of gross human rights violations; the government also banned five human rights NGOs • A protest outside the U.S. Embassy in Manila, Philippines, ended after a police van drove back and forth through a crowd of protesters • In Ethiopia, it was reported in mid-November 11,607 people had been arrested since a state of emergency was declared in October • The UN Working Group on Arbitrary Detention 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 joined their call

DECEMBER

Large protests continued in Poland over a range of moves by the ruling Law and Justice party (PiS). The biggest began on Dec. 16 after 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.

After months of sustained and massive protests in South Korea, lawmakers impeached 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 Burundi, 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. Weeks later, the Government announced that they were banning ITEKA, the country's

Also

EGYPT NGO BILL THREATENS TO ‘DEVASTATE’ CIVIL SOCIETY, KIAI WARNS

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.

Kiai had previously warned in October that the passage of the bill would “raise further questions about compatibility of the Egyptian legislation with its international human rights obligations.”

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. 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.”

“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.”

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.”

In November and December, Kiai signed onto two separate Egypt-related statements criticizing Egypt's increasing use of travel bans on human rights defenders and condemning the government's escalating action against women human rights defenders and women's rights groups.





Photo: A protest against South Korean President Park Geun-hye in Seoul on Dec. 24, 2016 (Ken Shin/Flickr)

oldest human rights organization.

Protests by Cameroon's Anglophone community were violently crushed by police on Dec. 8, leading Special Rapporteurs Maina Kiai and Rita Izsak-Ndiaye to issue a statement calling on Government to exercise restraint and begin dialogue. Sources said 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.

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

On Dec. 6, the Special Rapporteur joined other UN human rights experts condemning the sentencing of Kazakh human rights defenders Max Bokayev and Talgat Ayan, who were jailed in November for organizing peaceful demonstrations. The Special Rapporteur published a legal analysis of the case in October.

"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.

And Ecuador made yet another move to stifle civil society, issuing an order to close Acción Ecológica, an NGO which supports environmental and indigenous rights, after it called for a Peace and Truth Commission to explore the attacks on these rights.

A group of UN independent human rights experts, including Maina Kiai, issued a statement on Dec. 30 urging the Ecuadorian authorities to reverse the decision and reform the legislation it is using to dissolve the groups.

"The Government of Ecuador seems to be systematically dissolving organizations when they become too vocal or challenge government orthodoxy," they said, noting previous moves to dissolve groups such as Pachamama' and the Unión Nacional de Educadores and NGO Fundamedios over the past three years.

The closure proceedings against Acción Ecológica were eventually stopped in early January 2017.

And on Dec. 9 - just ahead of Human Rights Day - more than 70 UN human rights experts issued a joint 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," they said.

"But today, a chill wind is blowing through much of the world and the very notion of human rights is under increasing attack. Human Rights Day 2016 represents a watershed moment when all of us will need to stand up and be counted if the huge achievements of the past 68 years are to be protected and advanced."

Elsewhere: 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 of a journalists' union in Egypt was sentenced to two years in prison for "harboring fugitives" - two individuals accused of "inciting protests" • China's new NGO law came into effect on Jan. 1, 2017; it 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 • Human rights activists in the Occupied Palestinian Territory were facing daily violations of some of the most fundamental protections afforded by international human rights law, according to a Dec. 16 statement that was endorsed by Maina Kiai



Looking to 2017 - with the Trump presidency in the US, elections in France, Kenya, South Korea, Germany and more - people's exercise of assembly and association rights will likely grab headlines once again. Pictured here: the Women's March on Washington, held on Jan. 21, 2017, to protest US President Donald Trump. There were hundreds of solidarity marches held on the same day across the world; organizers said that 5 million people attended in total (photo: [ResistFromDay1/Flickr](#))

2016

Photo: A protest against the Dakota Access Pipeline on Sept. 2, 2016, in Canon Ball, North Dakota, USA (Joe Brusky/Flickr)

By the Numbers



Number of communications alleging violations of assembly and association rights sent by the Special Rapporteur to Member States between March 1, 2015, and February 28, 2016.

158

Percentage of these which Member States provided substantive responses to - explaining, denying or admitting the allegations

51

Total number of substantive replies the Special Rapporteur received over the same period in response to 17 communications to Ethiopia, Sudan, Bangladesh, Cambodia, Pakistan, Saudi Arabia

0

Total number of communications sent by the Special Rapporteur to the Government of Bangladesh since 2011

21

Number of substantive responses received from Bangladesh

0

Number of land and environmental activists who have been killed in Honduras since the country's 2009 coup, according to a Global Witness report

123

Percentage of the world's workers who labor in the informal economy, where employment is not legally regulated, as detailed in Maina Kiai's 2016 report to the General Assembly

60.7

Estimated number of domestic workers in the world today, in millions

67

Percentage of these domestic workers that lack effective protections of their rights at work

90

Number of NGOs in India who have had their licenses to receive foreign funding revoked in the past year, according to Indian media reports in December

20,000

Percentage of all NGO foreign funding licenses in India that this number represents

61

Total number of days combined that France, Tunisia, Turkey, Ethiopia and Mali spent in 2016 under states of emergency (all of which limited fundamental rights)

1,346



Thematic Reports



The Special Rapporteur's reports to the United Nations give him the opportunity to explore specific thematic issues, highlight certain trends and influence the evolution of international human rights laws and standards.

Photo: A view of the Human Rights and Alliance of Civilizations room, where the Human Rights Council meets in Geneva

In 2016, Special Rapporteur Kiai delivered three such reports: one to the Human Rights Council's 31st session in March (a joint report with fellow UN expert Christof Heyns outlining practical recommendations for the proper management of assemblies), one to the Council's 32nd session in June (exploring the impact of "fundamentalism" - broadly defined - on assembly and association rights) and another to the General Assembly's 71st session in October (focusing on the exercise of assembly and association rights in the workplace).

PRACTICAL RECOMMENDATIONS FOR THE MANAGEMENT OF ASSEMBLIES (HUMAN RIGHTS COUNCIL, 31ST SESSION)

Special Rapporteur Kiai presented his first-ever joint report to the Human Rights Council in March, which offered extensive recommendations to States and police forces around the world on how best to manage public gatherings.

The report - researched, drafted and presented with the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns - was mandated in 2014 by Human Rights Council resolution 25/38. It was produced after a yearlong process that included consultations with more than 50 States and 100 experts from civil society, academia, protest groups, national human

rights institutions and police forces.

It marked the first time that the Council had requested two mandates to jointly compile recommendations on the management of assemblies, which the experts said is indicative of the pressing need for guidance on the topic.

"The proper management of assemblies can in many cases serve to prevent an escalation of the situation and the eventual outbreak of violence," the Rapporteurs said in presenting the report. "We believe that proper precautions and preparations can help to protect the rights of all concerned - the demonstrators, bystanders and the police."

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

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



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

The report (A/HRC/31/66) is available in all six official UN languages at <http://freeassembly.net/reports/managing-assemblies/>. A factsheet summarizing the report is available here: <http://freeassembly.net/factsheets/managing-protests/>

An interactive checklist allowing users to monitor their countries' implementation of the recommendations (see sidebar) is available here: <http://freeassembly.net/reports/managing-assemblies-checklist/>, while our civil society guide on advocating for better assemblies is here: <http://freeassembly.net/reports/civil-society-guide-assemblies/>

FUNDAMENTALISM'S IMPACT ON PEACEFUL ASSEMBLY AND ASSOCIATION RIGHTS (HUMAN RIGHTS COUNCIL, 32ND SESSION)

The Special Rapporteur's fifth thematic report to the Human Rights Council - presented in Geneva on June 17 - was a study of fundamentalism and its impact on the exercise of the rights to freedom of peaceful assembly and of association.

Despite a perceived rise in the expression of fundamentalism across the world, there is relatively little discussion on what "fundamentalism" really means. Common use generally centers on religious fundamentalism, but in his report, the Special Rapporteur took a much broader view of the term.

"The concept of fundamentalism cannot be limited to religion," Kiai told the Council during its 32nd session. Rather, it 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," the human rights expert said. "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

Also

COMPANION PUBLICATIONS: THE 10 PRINCIPLES IMPLEMENTATION CHECKLIST AND CIVIL SOCIETY IMPLEMENTATION GUIDE

Want to see how well your country is doing in implementing the Special Rapporteur's recommendations on managing assemblies? We've got the perfect tool: the 10 Principles Checklist - a companion publication to his joint report with Christof Heyns on managing assemblies.

The checklist contains 100 indicators - categorized under 10 overarching principles - relating to the implementation of the recommendations made by the Special Rapporteurs. Users of the checklist can score their country's performance on a scale of 1 to 100 by keeping track of the number of indicators that have been implemented.

Interested in taking your advocacy for better management of protests to the next level? We've got a tool for that too: the 10 Principles Civil Society Guide - a handbook with suggestions on how to use the compilation to advance the protection and promotion of human rights in the context of assemblies domestically.

Both guides are available via the Toolkit Report section of our website: freeassembly.net/all-reports/toolkit-reports/



“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.”

Maina Kiai speaking to the Human Rights Council in June 2016, during the presentation of his report on fundamentalism

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 also said 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.

“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. Extremism thrives in such environments, because it is the only option left.”

The report (A/HRC/32/36) is available at <http://freeassembly.net/reports/fundamentalism/>. A factsheet summarizing the report is available here: <http://freeassembly.net/factsheets/fundamentalism/>

THE RIGHTS TO FREEDOM OF PEACEFUL ASSEMBLY AND OF ASSOCIATION IN THE WORKPLACE (GENERAL ASSEMBLY, 71ST SESSION)

People’s ability to exercise their assembly and association rights in the workplace is deteriorating drastically worldwide, leading to worsened labor conditions, weaker social protections and increased inequalities, Maina Kiai told the UN General Assembly on Oct. 20, 2016.

Speaking during the presentation of his final report to the main UN body, the Special Rapporteur on the rights to freedom of peaceful assembly and association highlighted unyielding pursuit of profits, increasing corporate power and the changing nature of employment relationships as leading causes of this decline.

“Assembly and association rights in the workplace continue to be undermined for a large proportion of workers, mainly because of an economic world order that relentlessly pursues ever-increasing growth

and profit at all costs,” Kiai stated.

“Meanwhile,” he added, “the growing power and geographic reach of large corporations has meant that States are increasingly unwilling or unable to regulate these business entities and their attempts to place profits ahead of the rights and dignity of workers.”

The independent expert warned that without the checks and balances provided by robust protection for workers’ rights workers are inevitably seeing a decline in working conditions, social protections, and labor relations. He underscored that assembly and association rights form the foundation for labor’s traditional tools for asserting rights, including unions, strikes and collective bargaining.

The report paints a grim picture and cites dozens of examples of violations of worker’s assembly and association rights in more than 50 countries, ranging from union busting to legislative gaps to assassinations of union leaders.

The UN expert highlighted as an example the situation of migrant workers in the Middle East kafala system and the United States H2 visa program. Employers in both systems have near total control over guest workers, which is “a significant deterrent to their free exercise of assembly and association rights,” Kiai said.

The expert also referred to the situation of women, supply chain workers, migrants, informal workers and domestic workers, whom he said have been hit particularly hard by the deterioration of assembly and association rights.

“I have heard too often of States working to undermine these rights, or purporting to remain ‘neutral’ or ‘hands-off’ in the struggle by workers to claim their rights,” Kiai said. “Let me be clear: Under international human rights law, States have a positive obligation to facilitate the enjoyment of all rights, including the right of association for the purposes of joining trades unions. There can be no neutral position in this regard.”

The Special Rapporteur said that new approaches are needed to enable all workers to enjoy their rights: “The old ways of defending workers’ rights are no longer working. Our world and its globalized economy are changing at a lightning pace, and it is critical that the tools we use to protect labor rights adapt just as quickly.”

“Labor rights are human rights. It is time for states and the human rights community to place labor rights at the core of their work,” he concluded.

The report (A/71/385) is available in all six official UN languages at <http://freeassembly.net/reports/workers-rights/>. A factsheet summarizing the report is available here: <http://freeassembly.net/factsheets/workers-rights/>

OBSERVATIONS ON COMMUNICATIONS REPORT (HUMAN RIGHTS COUNCIL, 32ND SESSION)

As part of their work, UN Special Rapporteurs regularly send letters (known as communications) to States and other stakeholders when allegations of serious human rights violations and/or abuses arise. These communications raise concerns about specific human rights issues, lay out the information that the UN Special Rapporteur has received concerning the issues, and request further information from the State. States are invited to respond, but not all do so.

Communications and replies received are initially confidential, but are released three times a year for the Human Rights Council’s sessions. A report containing the Special Rapporteur’s observations on communications and replies is issued once a year to the Human Rights Council, alongside his thematic and country visit reports. The Special Rapporteur’s most recent communications report (A/HRC/32/36/Add.3) – covering the period between March 1, 2015, and Feb. 28, 2016 – was presented at the 32nd session of the Human Rights Council in June and is available at: <http://freeassembly.net/reports/communications-2015-16/>

For ease of reference, communications and replies have been extracted and organized by country on Freeassembly.net. Each country’s communications can be accessed via the website’s country page here: <http://freeassembly.net/countries/>

LOOKING AHEAD TO 2017

The Special Rapporteur is currently preparing his final report to the Human Rights Council, which will survey the positive achievements of civil society over the past decade. The report will be presented to the Council’s 35th session by Kiai’s successor in June 2017.

“LET ME BE CLEAR: UNDER INTERNATIONAL HUMAN RIGHTS LAW, STATES HAVE A POSITIVE OBLIGATION TO FACILITATE THE ENJOYMENT OF ALL RIGHTS, INCLUDING THE RIGHT OF ASSOCIATION FOR THE PURPOSES OF JOINING TRADES UNIONS. THERE CAN BE NO NEUTRAL POSITION IN THIS REGARD.”

Maina Kiai presenting his report on assembly and association rights in the workplace to the UN General Assembly in October 2016



Photo: Special Rapporteur Maina Kiai prepares to present to the Human Rights Council in Geneva in June 2016

IN FINAL PRESENTATION TO UN GENERAL ASSEMBLY, SPECIAL RAPPORTEUR REFLECTS ON TIME IN MANDATE; WARNS THAT SITUATION FOR CIVIL SOCIETY REMAINS 'PRECARIOUS'

In his final presentation to the General Assembly in October, Maina Kiai reflected on his five-and-a-half years as the United Nations' first-ever Special Rapporteur on the rights to freedom of peaceful assembly and of association, and warned that the environment for exercising civic freedoms remained hazardous worldwide.

"Unless there is renewed commitment from the world's leaders, away from fear and control of their own people, and toward respecting the dignity of all, the situation will remain precarious for civil society globally," the UN expert said.

Kiai noted that his mandate was created at a time - late 2010 - when it was increasingly clear that individuals were demanding a larger say in public affairs and in decisions that affect them. It also covered a period during which the world faced a series of severe crises, ranging from growing poverty and inequality to violent extremism, to climate change, to failing states.

"It was - and still is - a time when assembly and association rights were needed most, as an avenue for people to peacefully speak out, contribute their talents, share their ideas and help society work towards solving its problems," he said.

Yet many governments have reacted to these crises by taking destructive and counterproductive measures.

"Instead of allowing assembly and association rights to flourish, and instead of listening to what people have to say, they have responded by closing the space for civil society voices and actions," Kiai said. "The message from this trend is clear: Many of those in power often don't want to hear what people have to say. They don't want to upset the status quo, even if that status quo is catapulting us towards obliteration."

Despite these challenges, the Special Rapporteur emphasized that he was optimistic about the prospects for the global renewal of civic freedoms.

"The energy and determination of civil society in the face of these challenges has been tremendously inspiring," he said. "I am convinced they will prevail. And I am convinced that once we truly open ourselves to inclusive and constructive dialogue - creating a system in which diverse voices are cherished and valued rather than smothered and squashed - we will also prevail over the grave problems that dog our world today."

The Special Rapporteur's full statement to the General Assembly is available [here](#).

Country



Country visits provide Special Rapporteurs with the opportunity to dig into the specific situation in a particular UN Member State – to meet with government officials, get civil society’s view, and see things first hand.

Photo: Protesters at a Black Lives Matter demonstration in Philadelphia, Pennsylvania, during the Special Rapporteur’s official visit to the United States in July 2016

At the conclusion of all visits, Special Rapporteurs hold press conferences during which they present their preliminary findings and recommendations. They then submit a final report to the Human Rights Council, in which they present their full findings and provide recommendations to improve the protection and promotion of human rights in the country.

In 2016, the Special Rapporteur completed three official country visits to: the Republic of Korea (Jan. 20–29), the United Kingdom (April 18–21 – a follow-up to his initial 2013 visit), and the United States of America (July 11–27). His report on the Republic of Korea was presented to the Human Rights Council at its 32nd session in June 2016 (as was the report on his Sept. 2015 mission to Chile). The United Kingdom and United States reports will be presented to the Council at its 35th session in June 2017 by Kiai’s successor in the mandate.

To date, the Special Rapporteur has received invitations to visit 19 countries; he has made nine official visits to eight countries.

REPUBLIC OF KOREA (JAN. 20–29)

Special Rapporteur Kiai visited South Korea in January 2016, and said at the conclusion of his visit that the country has made “impressive achievements” since shedding authoritarian rule in the 1980s, but that its journey to democracy is not yet over. The democracy project is still being particularly threatened, Kiai said, by a decline on the rights to freedom of peaceful assembly and of association.

“The project of building democracy and human rights in South Korea is not over; indeed it never truly is, in any nation,” Kiai said. “What we have is a structure, and our solemn task as governments and citizens is to continually build upon that structure, strengthening the foundation and cultivating its resilience.”

While the Special Rapporteur applauded the Government’s many human rights achievements, he also highlighted “a trend of gradual regression on the rights

“THE USE OF WATER CANNONS AND BUS BARRICADES IS ALMOST GUARANTEED TO INCREASE TENSION BETWEEN POLICE AND PROTESTERS. THIS IS NOT A JUSTIFICATION OF VIOLENCE, BUT RATHER AN OBSERVATION OF HUMAN NATURE: AGGRESSION ONLY BEGETS AGGRESSION.”

Special Rapporteur Maina Kiai at the conclusion of his official visit to South Korea in January 2016



to freedom of peaceful assembly and of association – not a dramatic shutdown of these rights, but a slow, creeping inclination to degrade them.”

Kiai said that undue restrictions are seeping into every stage of the peaceful assembly process in South Korea, despite what he called a “rich history of protest.” These limitations range from formal legal constraints to more practical obstacles and are gradually reducing the right to peaceful assembly to a privilege, he said. Government officials frequently use national security and people’s “convenience” as rationales for restricting protests, but often go too far in doing so.

He cited as a “fundamental problem” the fact that assemblies are deemed to be “unlawful” unless organizers notify the authorities in advance, and the authorities’ practice of banning many demonstrations even after notification.

The Special Rapporteur also highlighted aggressive police tactics during assemblies, such as the use of bus barricades, water cannons and massive deployments of personnel.

“The use of water cannons and bus barricades – particularly when coupled with massive deployment of force – is almost guaranteed to increase tension between police and protesters,” Kiai said. “This is not a justification of violence, but rather an observation of human nature: aggression only begets aggression.”

He urged authorities to emphasize a philosophy of de-escalation and communication in evaluating its approach to managing protests, calling these “the more pragmatic options – in terms of proper assembly management, in terms of protecting protesters’ human rights and for ensuring public order.”

The expert found fewer issues surrounding the right to freedom of association for non-governmental organizations, calling the level of civil society participation “impressive.” He did, however, call attention to problems experienced by some civil society groups, including the LGBTI association Beyond the Rainbow Foundation, in attempting to obtain legal personality.

He also highlighted concerns about workers’ right to organize. “Despite general legal provisions recognizing workers’ rights overall, there remain challenges jeopardizing the realization of these rights for certain categories of workers,” he said, citing “irregular” workers, those in “disguised working relationships,” teachers and public officials as examples.

During his nine-day mission, which included visits to Ansan, Gyeongju, and Pohang, Kiai met State officials, civil society, the diplomatic community and families who lost their children in the Sewol ferry tragedy.

Kiai’s report on South Korea (A/HRC/29/25/Add.2) was presented to the Human Rights Council at its 32nd session in

Photo: Protesters outside Seoul City Hall on Jan. 30, 2016, just after the completion of the Special Rapporteur’s visit to the Republic of Korea

KOREA REPORT

Click to read the report via
<http://freeassembly.net/reports/republic-of-korea/>

STATEMENT

Read Kiai’s end-of-mission statement:
<http://freeassembly.net/news/statement-republic-of-korea/>



“I AM CONCERNED ABOUT A SERIES OF SEPARATE MEASURES BY THE GOVERNMENT – SOME IMPLEMENTED AND OTHERS PROPOSED – WHICH ... SUGGEST THAT THE GOVERNMENT HAS A NEGATIVE VIEW OF CIVIL SOCIETY. THESE MOVES HAVE, IN MANY INSTANCES, BEEN SUBTLE AND GRADUAL, BUT THEY ARE UNMISTAKABLE AND ALARMING.”

Maina Kiai at the conclusion of his official visit to the United Kingdom in April 2016

UK STATEMENT

Read Kiai's end-of-mission statement:
<http://freeassembly.net/news/statement-united-kingdom-follow-up/>

UK REPORT

When released, the report will be available here:
<http://freeassembly.net/reports/united-kingdom-follow-up/>

June 2016. It is available – along with the government's response, statement, photos from the mission and more – at <http://freeassembly.net/reports/republic-of-korea/>.

THE UNITED KINGDOM FOLLOW-UP VISIT (APRIL 18-21)

The Special Rapporteur traveled to London in April 2016 to follow up on issues related to his official mission to the United Kingdom in 2013. Kiai met with a range of civil society and government actors, and at the conclusion of his visit warned that a series of measures that were closing space for civil society in the country.

“I am concerned about a series of separate measures by the Government – some implemented and others proposed – which, put together, suggest that the Government has a negative view of civil society. These moves have, in many instances, been subtle and gradual, but they are unmistakable and alarming,” he said at the conclusion of his visit on April 21.

The Government's focus on countering “non-violent extremism” without a narrow and explicit definition was worrisome, Kiai noted. He specifically referred to the Prevent strategy, which focuses on individuals and groups that appear contrary to the “British Values” of democracy, pluralism and tolerance, and who are seen as being predisposed to respond to terrorist ideologies.

“It appears that Prevent is having the opposite of its intended effect: by dividing, stigmatizing and alienating segments of the population,” Kiai said.

The Special Rapporteur also shared his concerns at the planned Counter-Extremism Bill, which may authorize the issuance of civil orders to ban “non-violent extremist groups”. If defined in vague terms, this could open the door to arbitrary interpretation and tread into the territory of policing thought and opinion, the expert warned.

“It is the duty of the Government – and indeed all States – to do all it can to

prevent, limit and mitigate potential terrorist attacks that could arise from extremism. But I believe that the existing legal framework is robust enough to deal with any issues of extremism and related intolerance that could give rise to terrorism,” Kiai said.

The human rights expert also regretted what he termed the chilling effect of the Lobbying Act on the work of charities during election periods, with many opting for silence on issues they work on. The announcement that a clause will be inserted in all Government grant agreements, prohibiting these funds from being used to lobby Government has also caused confusion and uncertainty within the sector, he said.

“It is far from clear what mischief the clause intends to address or what activities are envisioned as constituting ‘influence or attempting to influence government’, but it is clear that this is being read by charities as an effort to further silence them if they receive Government funds,” said the Special Rapporteur.

On a separate note, the Special Rapporteur welcomed the ongoing public enquiry into undercover policing, in line with recommendations he made during his previous visit to the UK in January 2013.

“Undercover policing certainly serves a vital function in gathering intelligence among criminal groups such as terrorists and violent gangs. However, its use against protest movements, leftist groups, and so on, which exercise their legitimate rights to dissent and freely assemble, is not justifiable,” he said.

“This dark episode in the UK's history has caused profound damage – to the victims, to people's comfort with exercising their assembly and association rights, and in many cases for the officers who were called upon to be spies. This damage can partly be remedied by imposing real accountability and transparency for the victims,” he added.

The Special Rapporteur's final report on his visit will be presented by his successor during the Human Rights Council's 35th session in June 2017. The Special Rapporteur's statement, photos from the mission, and other UK-related information can be found at the following link: <http://freeassembly.net/reports/united-kingdom-follow-up/>. When released, the report will be available at the same link. The 2013 report can be found here: http://freeassembly.net/reports/united_kingdom/

THE UNITED STATES OF AMERICA (JULY 11-27)

The United States of America is struggling to live up to its ideals in the area of racial, social and economic inequality, which is having a negative impact upon the exercise of the rights to freedom of peaceful assembly and of association, Special Rapporteur Kiai said at the end of his official mission to the country on July 27, 2016.

Kiai singled out race as a particularly pernicious issue. He emphasized that while his mandate does not focus on racial discrimination, it was impossible to carry out his mission "without issues of racism pervading the discussions."

"Racism and the exclusion, persecution and marginalization that come with it, affect the enabling environment for the exercise of association and assembly rights," Kiai said, noting that understanding its context means looking back at 400 years of slavery and post-Civil War Jim Crow laws which "enforced segregation and marginalized the African-American community to a life of misery, poverty and persecution."

In more recent times, the Special Rapporteur noted, "old philosophies of exclusion and discrimination were reborn, cloaked in new and euphemistic terms," such as the so-called "War on Drugs" and "three strikes" sentencing policies. The effects of harsh law-and-order policies often snowball, he added, with a minor criminal conviction - or even an arrest at a protest without substantiated charges - making it difficult to find a job, secure a student loan or find a place to live.

"There is justifiable and palpable anger in the black community over these injustices. It needs to be expressed," he stressed. "This is the context that gave birth to the non-violent Black Lives Matter protest movement and the context in which it must be understood."

The independent expert also highlighted a long list of other issues affecting the environment in



"THERE IS JUSTIFIABLE AND PALPABLE ANGER IN THE BLACK COMMUNITY OVER THESE INJUSTICES. IT NEEDS TO BE EXPRESSED. THIS IS THE CONTEXT THAT GAVE BIRTH TO THE NON-VIOLENT BLACK LIVES MATTER PROTEST MOVEMENT AND THE CONTEXT IN WHICH IT MUST BE UNDERSTOOD."

Maina Kiai at the conclusion of his official visit to the United States in July 2016



Photo: The Special Rapporteur stands with protesters during a Black Lives Matter demonstration in Philadelphia, Pennsylvania, on July 26, 2016

USA STATEMENT

Read Kiai's end-of-mission statement:
<http://freeassembly.net/news/usa-statement/>

17

Number of days that the Special Rapporteur spent in the United States during his official visit

10

Number of cities he visited, including Ferguson (MO), New Orleans, Philadelphia, and Jackson (MS)

USA REPORT

When released, the report will be available here:
<http://freeassembly.net/reports/usa/>

which association and assembly rights are exercised – including economic inequality, unnecessarily aggressive and militarized policing at some peaceful assemblies, intimidation of activists, lack of accountability for rights violations, permit requirements for protests, disproportionate counter-terrorism measures, increasing corporate power and “a free market fundamentalist culture that actively discourages unionization.”

Kiai also drew attention to the H2B work visa program, which gives employers “immense control over the employee.” He called the arrangement “not dissimilar to the Kafala system of bonded labor practiced in a number of countries in the Gulf region.”

The independent expert further noted the lack of robust labor rights protections as a major hurdle to exercising the right to freedom of association in the workplace.

“I was shocked to see that in states such as Mississippi, the lack of unionization and ability to exploit workers is touted as a great benefit for employers,” he said, citing the situation at a Nissan plant in Canton, MS, as a prime example. “The figure that stands out for me is this: Nissan reportedly operates 44 major plants throughout the world; all of them are unionized, except for two of them in the US south. Why not Mississippi?”

But the Special Rapporteur called the United States a “nation of struggle and resilience,” and had high praise for the civil society sector, calling it one of the country’s greatest strengths. He also emphasized the role that the rights to freedom of peaceful assembly and association can play in uniting societies and in healing them.

“People have good reason to be angry and frustrated at the moment,” he said. “And it is at times like these when robust promotion of assembly and association rights are needed most. These rights give people a peaceful avenue to speak out, engage in dialogue with their fellow citizens and authorities, air their grievances and hopefully settle them.”

During his 17-day visit, Kiai met numerous officials at the federal, state and local

levels and members of civil society. His visit included stops in Washington, New York, Baltimore, Ferguson (MO), Cleveland, Phoenix, New Orleans, Baton Rouge, Jackson (MS), and Philadelphia.

The Special Rapporteur’s final report on his visit will be presented by his successor during the Human Rights Council’s 35th session in June 2017. The Special Rapporteur’s statement and other US-related information can be found at the following link: <http://freeassembly.net/reports/usa/>. When released, the report will be available at the same link.

CHILE (SEPT. 21-30, 2015)

The Special Rapporteur visited Chile in September 2015, but presented his final report on the visit during 2016, at the Human Rights Council’s 32nd session in June.

In his report, he noted that Chile has made remarkable progress in the past 25 years since its return to democracy, and that the rights to freedom of peaceful assembly and of association are generally protected in Chile. However, there are areas for improvement, he noted – and it is important for Chile to address the remaining challenges, both for the consolidation of its own democracy, and in order to take its rightful place as a global leader in human rights.

The report, along with Chile’s response, can be read here: <http://freeassembly.net/reports/chile/>

THE REMAINDER OF THE MANDATE

Kiai also has pending invitations from 11 other countries, which he will not be in a position to honor prior to the end of his tenure on April 30, 2017. These invitations will be examined and considered by his successor.

The Special Rapporteur also has outstanding requests to visit some 40 other countries. For the current status of all country invitations, please see our “Country Invitation Status” page on our website: <http://freeassembly.net/country-info/country-invitation-status/>



Photo: Maina Kiai meets with members of parliament during his official visit to Chile in September 2015.

Visits

and other work



Official visits and reports are not the only way that UN independent experts can engage on issues related to their mandate. Each year, Special Rapporteur Maina Kiai receives scores of invitations to attend conferences, give lectures,

Photo: The Special Rapporteur meets with beer promotion workers during his academic visit to Cambodia in Dec. 2016. The workers have faced reprisals for attempting to organize in the workplace

conduct informal visits, write about human rights issues and more.

While the Special Rapporteur wasn't able to accept every invitation, he did spend a large proportion of 2016 on the road – visiting roughly 20 countries, meeting with civil society and drawing ideas and inspiration from the courageous activists he met. Below is a summary of some of his activities.

SOUTHEAST ASIA: A FIVE-COUNTRY TOUR TO END 2016

Kiai received no invitations for official visits to countries in Southeast Asia during his time as Special Rapporteur, despite the fact that there are several of urgent issues to address in the region. Given this gap, the Special Rapporteur decided to embark on a 10-day, five-country tour of Southeast Asia in late November 2016.

The visit included stops in Thailand, Cambodia, Malaysia, Indonesia and the Philippines. Kiai was also able to meet with activists from Laos, Vietnam and Myanmar in third-country locations. Highlights included meeting with: land and labor activists in Cambodia, Bersih 2.0 members in Malaysia – some of whom

had recently been arrested for organizing a large demonstration; West Papuan activists in Indonesia; and the wife of Lao activist Sombath Somphone, who has been missing since Dec. 15, 2012. Kiai also gave public lectures in Cambodia, Malaysia, Indonesia and the Philippines.

While in Thailand, Kiai also took the opportunity to speak to a gathering ahead of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) World Conference on Nov. 28.

The visit was funded by a European Union grant dedicated to supporting the mandates of Special Rapporteurs on the rights to freedom of peaceful assembly and of association, freedom of expression (David Kaye), and human rights defenders (Michel Forst). Forst and Kaye were represented on the trip by staff from the Office of the High Commissioner for Human Rights.

Photos of the [Cambodia visit](#) and selected [Thailand meetings](#) are available on the mandate's Flickr page.



Photo: Maina Kiai speaks during the "Art of Dissent" panel at the World Economic Forum's annual meeting in Davos on Jan. 19, 2017 ([World Economic Forum / Manuel Lopez](#))

WORLD ECONOMIC FORUM: ENGAGING WITH BUSINESS LEADERS IN KIGALI AND DAVOS

While most of his travels focus on meeting members of civil society and government, the Special Rapporteur also recognizes the importance of engaging with other actors - particularly the business sector.

As Kiai has [noted](#) in [several](#) reports, businesses exert enormous power over the economy, and consequently have great influence with political leaders. At the same time, businesses and civil society have a strong convergence of interests that is not often discussed: Data clearly shows that countries with the most open environments for civil society are also better for business. The key is to leverage this convergence, so that businesses are more willing to stand up for human rights.

To that end, the Special Rapporteur increased his engagement with the World Economic Forum in 2016 and early 2017, attending the group's Africa summit in May 2016 (held in Kigali, Rwanda) and its annual meeting in January 2017 in Davos, Switzerland. He spoke on a number of panels at Davos, including one titled "The Case for Business Pluralism." Photos of Kiai in Davos are available via the World Economic Forum [Flickr](#) page.

Kiai also paid a visit to the [World Economic Forum's](#) offices in Geneva in June, 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.

KENYA AND THAILAND: CONVENING GLOBAL EXPERTS TO HELP SHAPE FUTURE REPORTS

Since the early days of his mandate, the Special Rapporteur has made a tradition of meeting with civil society experts prior to writing each of his reports to the United Nations. The goal of these informal consultations - which are part brainstorming, part research - is to make sure that the reports are as informed, relevant and up-to-date as possible.

Kiai has also distributed questionnaires to help gather information for his thematic reports - [such as this one](#) - which allow anyone to comment or submit

information.

In 2016, the Special Rapporteur convened two such expert meetings. The first took place in May 2016 in Kenya to prepare for [his report](#) to the 71st session of the General Assembly. The report examines the exercise of assembly and association rights in the workplace, and presented an opportunity to extend the mandate's footprint into the labor movement, one of the largest and most powerful components of civil society.

The second consultation took place in Thailand in November 2016, and explored on the positive contributions of civil society over the past decade - the focus of the Special Rapporteur's final report to the Human Rights Council. The report will be presented by Kiai's successor at the Council's 35th session in June 2017.

Photos of both the [Kenya](#) and [Thailand](#) sessions can be found on our [Flickr](#) page.

KIAI'S WORK RECOGNIZED BY THE UN FOUNDATION AND AFL-CIO

On Oct. 19, the United Nations Foundation [awarded](#) Maina Kiai its 2016 Leo Nevas Human Rights Award, honoring the Special Rapporteur for his work advancing civil liberties worldwide.

Fellow honorees included then-US President Barack Obama and Ertharin Cousin, Executive Director of the World Food Programme.

"I am honored and humbled to receive the 2016 Leo Nevas award for my work as Special Rapporteur," Kiai said. "But in truth, this award recognizes something far beyond me personally: it is a validation of our collective global fight to restore civil society to its rightful place at the center of democracy and development. And it is an opportunity to spotlight this fight, because it is far from over."

On Dec. 14, Kiai was back in the US to accept the American Federation of Labor and Congress of Industrial Organizations' (AFL-CIO) 2016 George Meany-Lane Kirkland Human Rights Award - given annually to recognize outstanding examples of the international struggle for human rights through trade unions.

According to an AFL-CIO press release, Kiai was chosen "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.”

THE CIVIC CHARTER: THE GLOBAL FRAMEWORK FOR PEOPLE'S PARTICIPATION

The Special Rapporteur was in Berlin, Germany, in October for the launch of the Civic Charter, a document designed to provide a global framework for people's participation in shaping their societies. The two-page document, which people and organizations can sign on to and use as a basis for joint action, articulates a common set of civic and political rights based on universally accepted human rights, freedoms and principles. The full text can be [found here](#).

Kiai also contributed the foreword to the Charter, [which can be read here](#).

OTHER NOTABLE EVENTS

- In January, the Special Rapporteur took part in a two-day conference on election standards and human rights at [the Carter Center](#) in Atlanta, Georgia. Kiai was on a panel that discussed how electoral observers and Special Rapporteurs can work together to improve the quality of elections.

- While in Geneva for the 31st session of the Human Rights Council, the Special Rapporteur participated in a number of side events, on topics including “sectoral equity” (the subject of his report to the UN General Assembly in October 2015), social protests and the use of force, the proper management of assemblies, and human rights in Azerbaijan. Photos of all of the Special Rapporteur's events and more are [available on our Flickr page](#).

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

- In May, the Special Rapporteur was in Oslo, Norway, for the [Oslo Freedom Forum](#) – which organizers billed as “a three-day event packed with presentations, panel discussions, and workshops where participants come together 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](#).

- In June, Special Rapporteur Kiai participated in two side events on the margins of the 32nd session of the Human Rights Council. 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.” Photos of these events and other meetings on the margins of the Council session are available on the mandate's [Flickr page](#).

- The Special Rapporteur was in Montreal, Canada, on Aug. 11 to take part in the [2016 World Social Forum](#) – billed as “the largest gathering of civil society to find solutions to the problems of our time.” The Special Rapporteur spoke on a panel discussing the state of dissent and free expression in Canada and met with various civil society groups.

- In late August, the Special Rapporteur traveled to Johannesburg, South Africa, for FIDH's [39th Congress](#). The event was attended by the 178 FIDH member organizations and more than 400 human rights defenders from around the world.

- In October, the Special Rapporteur was in Geneva to participate in a workshop examining the [role of regional mechanisms](#) in promoting and protecting human rights. The workshop was organized by the UN Office for the High Commissioner for Human Rights with the objective of developing concrete proposals for interaction between regional human rights mechanisms, civil society and human rights defenders. It was the fifth in a series of workshops mandated by the Human Rights Council.

- Also in 2016, the Special Rapporteur issued an endorsement for the idea of a [UN Parliamentary Assembly](#), a proposed addition to the United Nations System that would allow for participation of member nations' legislators and possibly direct election of UN parliament members. You can read the Special Rapporteur's [endorsement here](#) – along with endorsements from five other UN independent experts.




Photo: Bambang Harymurti speaks during the Special Rapporteur's expert consultation in Bangkok, Thailand, on Nov. 29, 2016 (see previous page)

Special Projects



Photo: Brazilian riot police in São Paulo
(Daniel Zanini H./Flickr)

Thematic reports, country visits and communications to governments form the core of the Special Rapporteur's work. But during his time as a UN expert, Maina Kiai has made a point of going beyond the basics and seeking out new

and innovative ways to promote assembly and association rights.

This tradition was strengthened in 2016, with the continuation of Kiai's long-running litigation project, the start of a new campaign to mark the 50th anniversary of two core human rights treaties, and the wrap-up of a joint project to promote civil society's right to access resources.

USING LITIGATION TO ADVANCE ASSEMBLY AND ASSOCIATION RIGHTS

The past decade has seen a wave of new laws around the world limiting people's ability to participate in public life – from anti-protest laws and practices

to restrictions on NGOs to anti-terrorism laws which limit fundamental rights.

In too many countries, civil society, human rights defenders or individuals disagreeing with the government face the tough consequences of closing civic space and governments stepping on their rights. The battle often continues in court, domestically or even regionally.

The Special Rapporteur's litigation project (<http://freeassembly.net/litigation/>) was started in 2014 to help inject a dose of international human rights law into these procedures. The project's staple component has been a series of amicus curiae ("friend of the court") briefs from the Special Rapporteur, which

have been filed in pending cases involving assembly or association rights. These briefs set out relevant international law, standards and practices and urge the court to apply it to the case at hand. Thus far, Kiai has submitted six such briefs in courts around the world (including three in 2016-17).

In other instances, the Special Rapporteur has intervened less formally, whether through letters to the court or legal analyses submitted to the executive branch. Kiai has also provided technical assistance and advisory services for public interest litigation on assembly and association issues behind the scenes. Some of the Special Rapporteur's cases last year included:

KENYA: BAN ON PROTEST NEAR PRESIDENT'S RESIDENCE VIOLATED ASSEMBLY RIGHTS



Photo: Kenyan activist Boniface Mwangi
(TED Conference/Flickr)

The Special Rapporteur's first formal court intervention of 2016 was an amicus brief filed before the High Court of Kenya in Nairobi in April. He argued that protesters' right to freedom of assembly was violated when they were prevented from staging an anti-corruption protest in front of the President's official residence in 2015.

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 urging the President to act firmly on the issue of corruption. 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.

In his brief, the Special Rapporteur asserted 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.

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

"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 wrote 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."

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 wrote.

The full amicus brief is available on our website. A judgment was also issued in the case just as this report was being finalized. It is available on our website.

Also

DECISIONS IN PAST CASES

Last year saw decisions in two cases where the Special Rapporteur intervened:

Bolivia (challenge to NGO regulations): In 2015, Kiai filed an amicus brief before the Constitutional Court of Bolivia in a case concerning the country's controversial law on legal personality and its implementing Supreme Decree. The law itself stipulates that the statutes of certain NGOs and foundations must declare their contribution to "economic and social development" in order to secure legal personality. The Supreme Decree, meanwhile, allows the government to revoke that legal personality if an association fails to "comply with sector policies and/or norms" - a vague and subjective term. The Special Rapporteur argued that the law and decree breach the international right to freedom of association.

The Constitutional Court ultimately ruled that the law and Supreme Decree were constitutional, and indicated that there was no need to consider international law, standards and principles in this case. This position is at odds with the Court's previous practices. The Court did not directly address the arguments made by the Special Rapporteur in his amicus brief.

Mexico (challenge to protest laws): In August 2015, the Special Rapporteur submitted a brief in a case before the Supreme Court of Mexico that challenged the constitutionality of Articles 212, 213 and 214 of Mexico City's Mobility Law. The Special Rapporteur argued that the three provisions impose impermissible restrictions on the right to freedom of peaceful assembly as it is interpreted in international law.

In August 2016, the Court ruled that all three of the challenged provisions were constitutional, but indicated that laws should always be interpreted in a way that they do not cause injury to human rights. The Court explicitly acknowledged the contribution made by the Special Rapporteur and included a summary of the main arguments.

Notably, with regard to the written notice requirement - which requires assembly organizers to indicate a 'perfectly legitimate objective' of their gathering (Article 212) - the Court stressed that such requirement should not be interpreted as an obligation, nor an authorization, but rather an optional notification. It further noted that the 'perfectly legitimate objective' does not constitute an 'a priori' requirement for an assembly to take place. The court unambiguously recognized that authorities also have to facilitate spontaneous assemblies, as argued by the Special Rapporteur in his brief.

A full story on the decision is available via Article 19 (Spanish only). The full ruling is via our website.



Photo: An anti-corruption rally in Delhi, India, in 2011 (Ishan Khosla/Flickr)

KIAI ASSERTED THAT INDIA'S FCRA DOES NOT MEET 'THE STRINGENT TEST FOR ALLOWABLE RESTRICTIONS' UNDER INTERNATIONAL LAW. FOR EXAMPLE, IT DOES NOT PROVIDE THE NECESSARY PRECISION REQUIRED FOR CLARITY AND NOTICE. IT LISTS EXAMPLES OF GROUPS THAT COULD BE DEFINED AS HAVING A 'POLITICAL NATURE,' BUT DOES NOT PROVIDE FURTHER DEFINITIONS FOR THE TERMS 'POLITICAL OBJECTIVES,' 'POLITICAL ACTIVITIES,' OR 'POLITICAL INTERESTS.'

INDIA: RESTRICTIONS ON FOREIGN FUNDING CONTRARY TO INTERNATIONAL LAW

In April 2016, the Special Rapporteur submitted a legal analysis to the Government of India arguing that the country's Foreign Contributions Regulation Act (FCRA) - which regulates foreign funding to certain individuals, associations and companies - is not in conformity with international law, principles and standards.

The FCRA, which was enacted in 2010, bars "organizations of a political nature" from accepting foreign contributions. Acceptance of foreign contributions may further be prohibited where the Government "is satisfied that the acceptance of foreign contribution - is likely to affect prejudicially - public interest."

The law has come under scrutiny in recent years, with some sources reporting that thousands of NGOs have seen their licenses to receive foreign funding revoked by the Government.

The Special Rapporteur argued that the ability of civil society organizations to access resources, including foreign funding, is a fundamental part of the right to freedom of association under international law, standards, and principles - and more particularly part of the right to form an association.

He further asserted that India's limitations on access to foreign funding do not meet "the stringent test for allowable restrictions" under international law. For example, Kiai said, the FCRA does not provide the necessary precision required for clarity and notice. It lists examples of groups that could be defined as having a "political nature," but does not provide further definitions or examples for the terms "political objectives," "political activities," or "political interests."

"This appears to give the government broad discretionary powers that could be applied in an arbitrary and capricious manner," the Special Rapporteur wrote in the analysis.

Kiai also noted that economic or public interests are not among the enumerated bases for limiting fundamental human rights in the ICCPR. Moreover, national interests and economic interests are not synonymous with national security or public order.

The full analysis is [available on our website](#).

UNITED STATES: COURT URGED TO HEAR ACTIVIST'S CLAIMS IN SURVEILLANCE CASE AGAINST ETHIOPIA

In November 2016, Kiai joined fellow UN Special Rapporteurs David Kaye and Michel Forst in urging a US appeals court to grant an Ethiopian American activist the right to sue the Government of Ethiopia for secretly monitoring his online activity for almost five months.

The Court's decision on whether it will hear the activist's claims is expected to have major repercussions for the ability of individuals to seek redress for human rights violations in domestic courts.

The activist, who uses the pseudonym "Kidane" in order to protect himself and his family, was born in Ethiopia and granted asylum in the United States in the early 1990s. He currently lives in Maryland and is now an American citizen, but he continues to support members of Ethiopia's democratic opposition movement. In 2012, Ethiopia reportedly infected Kidane's computer with malware and, from October 2012 to March 2013, secretly intercepted and recorded his online activities, including his Skype calls, e-mails and web-browsing history. These allegations are part of broader trend of digital attacks targeting human rights defenders, activists, journalists and other vulnerable groups, both in Ethiopia and abroad.

The group of experts filed an amicus brief in support of Kidane. Providing him with access to U.S. legal process, the experts said, would give effect to the obligation of the United States to ensure respect for fundamental rights guaranteed to individuals within its jurisdiction, and send a strong global signal against such digital attacks.

The brief is available via our website. For more information, see EFF's case page: <https://www.eff.org/cases/kidane-v-ethiopia>.

KAZAKHSTAN: PROTESTER ON TRIAL FOR 'UNAUTHORIZED' ASSEMBLY

In October 2016, the Special Rapporteur also submitted a legal analysis in the case of Kazakhstan protester Max Bokayev, who was being tried for participating in an "unauthorized" assembly. (Bokayev was ultimately convicted and sentenced to five years in prison in November)

Bokayev, who heads the local NGO Arlan, was charged under Kazakh domestic law of inciting social discord, distribution of knowingly false statements and violation of the procedure to organize and conduct meetings, rallies, pickets, marches and demonstrations.

The Special Rapporteur's analysis was submitted to the Kazakh NGO Dignity - which helped with Bokayev's defense - though the Special Rapporteur invited the organization to share the legal arguments with the Court "to facilitate a clear interpretation of the right to freedom of peaceful assembly as understood in international law, standards and principles as guaranteed under the constitution of Kazakhstan."

The Special Rapporteur emphasized that under international law authorities cannot impose "authorization" requirements on those seeking to hold peaceful assemblies. Doing so turns the fundamental right to freedom of peaceful assembly into a privilege.

"The mere fact that an assembly was not authorized does not in and of itself justify interference with the freedom of peaceful assembly - such as by imposing sanctions upon participants," Kiai wrote in the analysis.

Kiai also highlighted the danger of vague laws being interpreted in ways that criminalize peaceful dissent. He said that there is an "increasing concern globally that human rights defenders and, more generally, people with different opinions face criminalization."

"Laws which are 'vulnerable to selective interpretation and enforcement' are of a particular concern," he wrote. "Such laws incorporate insufficient accountability mechanisms to protect against abuses."

RWANDA: AUTHORITIES SHOULD NOT INTERFERE WITH INTERNAL AFFAIRS OF ASSOCIATIONS

The Special Rapporteur filed an amicus curiae brief before Africa's top human rights court in early January 2017, stating that authorities which interfere with the internal affairs of associations violate the international right to freedom of association.



Photo: Kazakhstan activist Max Bokayev

Also

CIVIL SOCIETY'S ACCESS TO RESOURCES: A JOINT PROJECT WITH THE COMMUNITY OF DEMOCRACIES

Civil society's increasing difficulty in accessing resources - human, material and financial - has been a preoccupation of the mandate from day one, but particularly since the publication of Maina Kiai's report on the subject in June 2013 (A/HRC/23/39). In 2014, the mandate launched a joint project with the Community of Democracies focusing on protecting civic space and civil society's access to resources. The project's aim was to enhance space for civil society in general, with a special focus on the right to access resources. The centerpiece of the project was a series of regional dialogues led by UN Special Rapporteur Maina Kiai and members of his team, conducted with the participation of civil society groups and governments.

The project wrapped up in early 2016, with a final consultation of governments in the Asia-Pacific region. A final report is expected sometime in 2017. Details on the project can be found at: <http://freeassembly.net/civic-space/>

The brief was filed in the case of Laurent Munyandilikirwa 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 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 Munyandilikirwa 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 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."

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 on our website](#). The [full amicus brief](#) is also available on our website. A decision in the case is expected later in 2017.

BRAZIL: KIAI WRITES COURT AFTER HISTORIC DECISION ON PROTEST MANAGEMENT SUSPENDED PENDING APPEAL

In November 2016, the Special Rapporteur [wrote to the Justice Tribunal of São Paulo in Brazil](#) about its decision - and the subsequent suspension of that decision - in a case dealing with police management of protests.

A local Court decision issued in late 2016 initially instructed Military Police to develop a police plan for action at demonstrations, a development which Kiai hailed. But the decision was suspended by the President of the Court on Nov. 7 pending appeal. The President said the exceptional measure was necessary

because maintaining the decision would "result in serious injuries to public order and security because it impedes regular police activities."

Kiai said in his letter that he was disappointed to learn of the suspension, as he welcomed the initial decision's approach and praised the decision for its focus on key details of assembly management. (The original decision can be found on our [website](#) in Portuguese, along with the [suspension order](#).)

"While I have general reservations on the role to play by Military Police instead of civil authorities in the management of assemblies in Brazil, I believe that a plan of action would indeed substantially improve the management of assemblies and in that way better protect public interests, security and facilitate police activities," Kiai wrote in the letter.

Kiai's letter is available in [English](#) and [Portuguese](#) on our website.

#FOAAAT50: CELEBRATING A HALF-CENTURY OF ASSEMBLY AND ASSOCIATION RIGHTS

The rights to freedom of peaceful assembly and association are among the most important human rights we possess, protecting peoples' ability to come together and work for the common good. And in 2016, the international treaties enshrining these fundamental rights turned 50 years old - an event the mandate decided to mark with a special campaign titled "Freedom of Assembly and Association at 50" or #FOAAat50 (<http://freeassembly.net/foaa-at-50/>).

The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) were both adopted by the UN General Assembly on December 16, 1966. The ICCPR enshrines the international rights to freedom of peaceful assembly and of association in articles 21 and 22, respectively. The ICESCR, protects the right to form trade unions and to strike. Together, these instruments - along with article 20 of the Universal Declaration on Human Rights - create the legal backbone of the rights covered by the Special Rapporteur's mandate.

As part of the campaign, the mandate invited users to use the hashtags #FOAAat50, #ICCPRat50 and #ICESCRat50 on social media to share what assembly and association rights meant to them. The mandate also produced FOAA-themed artwork throughout 2016 to mark the occasion - including the popular 99 Problems series of posters ("99 reminders that human rights are not the problem" - available at <http://freeassembly.net/99problems/>).

At the end of 2016, the mandate had produced 74 installments under the 99 Problems theme. The remaining 25 will be published up until April 30, when the Special Rapporteur's term expires. They can be viewed at the 99 Problems gallery on our website. Other artwork can be viewed [here](#), [here](#) and [here](#).



Photos this page, from left: 99 Problems poster created for Human Rights Day; poster created to mark the 50th anniversary of Article 22 (right to freedom of association) of the ICCPR; poster created to mark the 50th anniversary of Article 21 of the ICCPR (right to freedom of peaceful assembly)
Photo next page: 99 Problems poster released on Dec. 16, 2016, which marked the 50th anniversary of the ICCPR and ICESCR.





The world's got
99
Problems



The ICESCR &
ICCPR
Aren't one of them

1966



2016

#FOAAat50 #ICCPRat50
#ICESCRat50

freeassembly.net

#73: A world without them is. “Half a century ago, our forebears ... unanimously adopted two great treaties which brought force of law to the principles laid out in the Universal Declaration of Human Rights. These are not empty words, but rights. Every State represented in this room has sworn to be accountable to its people in ensuring these rights are respected.” - United Nations High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, 19 October 2016

Giving Thanks

Special Rapporteurs may be appointed as individuals, but on this last page of my final annual report, let me assure you: we do not do everything alone. Far from it.

Behind the scenes, an enormous number of people contribute a massive amount of work, from research to logistics to communications and more. Their input has been essential in ensuring the mandate's consistent excellence and relevance over the years. It has been a pleasure and privilege to work with these people over the past six years. The mandate would not have been the same without them, and a number deserve special mention for their exemplary contributions (though there is not enough room to list them all):

- First, there is my team - they have formed the core of the mandate, providing political and legal advice, supporting the drafting of reports, organizing country visits, undertaking research, and directing our communications and outreach work. Over the course of the mandate, this team has included: Guillaume Pfeiffle, Waruguru Kaguongo, Jeff Vize, Heidi Rombouts, John Foley, Marissa Storozum, Thibaut Guillet, Federica Donati, Pol Planas, Stefano Sensi, Karen Blanc, Eleanor Jenkin, Zahra Ahmed, Antoine Ledoux, Marion Mondain, Caroline Avanzo, Hassan T. Kurdi and Phyliss Alomba.

- Equally important have been the hundreds of local, regional and international experts on human rights, democracy and civil society who have worked with us over the years. There are too many to list in this category, but those who made particularly important contributions include: Ryota Jonen, Doug Rutzen, Lilly Ching Soto, Kathleen Hardy, Florian Irminger, Maria Leissner, Francesco Lembo, Nick Opiyo, Betty Yolanda, Shawna Bader-Blau, Silvia Magnoni, Andy Galindo, Feliciano Reyna, Henri Tiphagne, Don Deya, Anne-Sophie Gindroz, Monika Mehta, Andrew Khoo, Naly Pilorge, John Liu, Maryam Al-Khawaja, Anselmo Lee, Gayoon Baek, Barbara Fontana, Mandeep Tiwana, Renate Bloem, David Sullivan Hodenfeld, Jeff Vogt, Pimsiri (Mook) Petchnamrob, Gaston Chiller, Hassan Shire, Willis Otieno, Gyon Kim, Michael Hamilton, Ginna Anderson, Chris Mburu, Daniel Simons, all of the participants in the consultations that were convened to prepare reports to the Human Rights Council and General Assembly, the advisory panel for the recommendations on the proper management of assemblies, and the inspiring activists I met during my country visits to Georgia, the United Kingdom, Rwanda, Oman, Kazakhstan, Chile, the Republic of Korea and the United States.

- My fellow UN Special Procedures mandate holders past and present, particularly Christof Heyns, David Kaye, Frank La Rue, Chaloka Beyani, Margaret Sekaggya and Michel Forst.

- The donors, institutions and governments who generously contributed resources

- directly or indirectly - to the mandate, especially: the Norwegian Ministry of Foreign Affairs, the World Movement for Democracy, the International Center for Not-for-Profit Law, the Swedish International Development Cooperation Agency (Sida), the Government of Switzerland and the Community of Democracies. The support of these institutions has been indispensable.

- Our other institutional partners, who have been key in linking us with local, regional and international networks, including: CIVICUS, Cairo Institute for Human Rights Studies, the International Service for Human Rights, Article 19, FORUM-ASIA, LICADHO, the Solidarity Center, the American Civil Liberties Union, CELS, AFL-CIO, INDH Chile, USAID, East and Horn of Africa Human Rights Defenders Project, American Bar Association Center for Human Rights, the RFK Center for Human Rights, Yale Human Rights Clinic, FIDH, ILGA Europe, People in Need, Conectas, Dignity (Kazakhstan), Inter-American Commission on Human Rights, Brot fur de welt, Fundación Construir, Open Society Justice Initiative, the Human Rights Centre at Ghent University, Civil Rights Defenders; and Human Rights House Foundation.

- My home institution of InformAction deserves special recognition - and my eternal gratitude - for its understanding and tolerance, given the amount of time the mandate required me to be away from my job as executive director. InformAction and its staff have been an endless source of support and inspiration, and it will always be my home.

- The Member States who have engaged with the mandate through country visits, meetings, formal communications, the submission of information for reports, support and even through open disagreement. The United Nations system is based upon engagement, and I sincerely appreciate the efforts of Member State governments to do this, even when we may not see eye-to-eye.

- Each of the photographers whose pictures have been used in this report, on our website, in our newsletters, and elsewhere. Their excellent work has helped illustrate the monumental events of 2011-17 in a way that makes assembly and association rights accessible, intimate and immediate.

I express my sincerest thanks to each one of you. Your work was crucial in helping the mandate accomplish so much in its first six years of its existence, and it will be just important for my successor. It was inspiring to work with all of you, and I hope to have the chance to do it again soon.

With gratitude,





United Nations Special Rapporteur

On the rights to freedom of peaceful assembly and of association

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