



The Assembly and Association Briefing

Newsletter of the former UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai

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A woman holds the Venezuelan flag during a protest in Caracas in October 2016
(photo: Eneas De Troya/Flickr)

Kiai completes term as Rapporteur, hands over mandate to Annalisa Ciampi

NAIROBI — Maina Kiai completed his term as United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association on April 30, after serving in the position for six years.

His successor, Ms. Annalisa Ciampi of Italy, took up her functions as Special Rapporteur on May 1.

During his time as Special Rapporteur, Kiai conducted nine official country visits — to Georgia, the United Kingdom (twice), Rwanda, Oman, Kazakhstan, Chile, the Republic of Korea, and the United States of America. As of April 30, there were 10 pending invitations to the mandate, which Kiai's successor can consider.

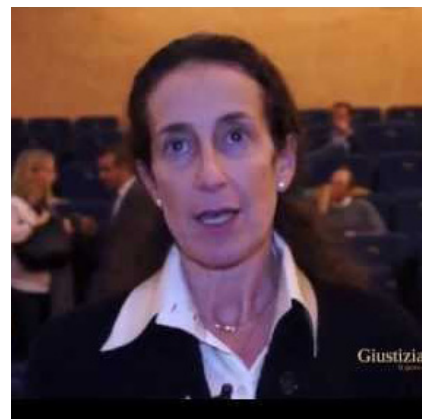
Kiai also authored six reports to the Human Rights Council and four to the General Assembly, on: best practices for promoting assembly and association rights; civil society's right to access resources; threats against at-risk groups; assembly and association rights in the context of natural resources; fundamentalism; civil society's positive contributions; elections; multilateral organizations; disparate treatment of businesses and associations; and labor rights. He also co-authored a report giving practical recommendations for the management of assemblies with the former Special Rapporteur on summary or arbitrary executions, Christof Heyns.

Kiai's mandate also published a wide range of supplementary materials to expand on his work, including a factsheet series, annual reports, toolkit reports, promotional posters, and an online compilation of legal arguments to use in court cases involving assembly and association rights. The latter grew out of Kiai's litigation project, which he used to intervene in a number of assembly and association rights-related cases around the world.

In an open letter published on May 1, the former Rapporteur thanked everyone who has contributed to the mandate over the years.

"Your work, input and dedication was crucial in helping the mandate accomplish so much in its first six years of its existence," Kiai wrote in his letter (full text available below). "Your efforts truly made the mandate yours — a vehicle of the people it's supposed to represent."

The Special Rapporteur mandate was created by the Human Rights Council in September 2010, and renewed in 2013 and 2016. In creating the mandate in 2010, the Council recognized that assembly and association rights are essential components of democracy and called upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely.



A thank you message from former Special Rapporteur Maina Kiai — and news on work yet to come



Dear friends and partners,

Yesterday marked my last day as UN Special Rapporteur on the rights to freedom of peaceful assembly and of association — a bittersweet occasion to be sure, but also one that marked the first step in a new journey.

I'm writing to express my sincerest and deepest thanks to each and every one of you who has interacted with the mandate since 2011. Your work, input and dedication was crucial in helping the mandate accomplish so much in its first six years of its existence. Your efforts truly made the mandate yours — a vehicle of the people it's supposed to represent.

It was inspiring to work with all of you, and I hope to have the chance to do it again soon. I also hope that you will be just as engaged with my successor, Ms. Annalisa Ciampi, who takes up her functions as Special Rapporteur today.

I am also writing to give an overview regarding what will become of mandate-related work and communications.

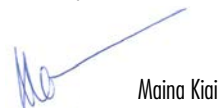
Our website, freeassembly.net, will continue to be live and accessible for the foreseeable future. Regular updates will continue at least through the end of June, as the UN releases my final thematic report (on civil society's contributions over the years) and final country reports (on the USA and UK visits). I hope the site continues to serve as a valuable resource on the rights to freedom of peaceful assembly and of association.

The mandate's social media accounts will also continue to be active, but will soon be re-branded to reflect the expiration of my mandate. If you follow these accounts, please continue — we still have a significant amount of mandate-related work to be released through June 30. And after that, we have some exciting plans for the future. We hope to have more news on that in the coming months.

Most importantly, please ensure that all inquiries regarding Special Rapporteur-related work are sent to the United Nations human rights office in Geneva, at freeassembly@ohchr.org. Our mandate-specific address — info@freeassembly.net — will continue to be active for some time (and of course we will forward inquiries to the correct UN staff members), but we cannot guarantee for how long.

Finally, let me close by wishing you the best in your future work. I know all too well that these are especially trying times for those of us working in human rights. If it's any consolation, know that you are not alone. And know that while I may no longer be Special Rapporteur, I am not stepping away from our struggle. To the contrary, I will be joining you — in our protests, in our communities, and in the halls of power.

See you on the streets,


Maina Kiai

Kiai launches FOAA Online! — a web-based collection of legal arguments on assembly and association rights

NAIROBI — Special Rapporteur Maina Kiai on April 28 announced the launch of [FOAA Online!](http://freeassembly.net/foaa-online), a web-based legal research tool billed as the world's most user-friendly compilation of legal arguments on assembly and association rights.

The readily-made legal arguments, which are based on international law, standards and principles, will assist lawyers, activists and judges involved in freedom of peaceful assembly and freedom of association (FOAA) cases to uphold the exercise of these rights.

FOAA Online! — which is available at <http://freeassembly.net/foaa-online> — is initially being launched with limited content for beta testing. Additional content will be added regularly, with the complete research tool available expected to be available in late June 2017.

The tool is organized by thematic topics and sub-questions in order to direct users as straightforwardly as possible to relevant legal arguments. The set-up allows users to link the facts and incidents in their cases to pertinent legal questions. Themes and questions are focused on the most widespread issues experienced by those exercising their assembly and association rights around the globe.

The idea for FOAA Online! grew out of the Special Rapporteur's [litigation project](#), which was started in 2014 to advance the rights to freedom of peaceful assembly and of association through the use of litigation in national and regional courts. Experience from that project, Kiai said, showed that lawyers, judges and litigants were often not that familiar with international law and standards relevant to assembly and association rights.



THE WORLD'S MOST USER-FRIENDLY COLLECTION OF
LEGAL ARGUMENTS ON ASSEMBLY & ASSOCIATION RIGHTS

"Our hope is that FOAA Online! will make it easier for lawyers to use international law in cases related to assembly and association rights, and that more judges will eventually take this law into account," the Special Rapporteur said. "The arguments are ready to use and cover a fairly comprehensive range of topics. Lawyers simply need to adapt them to their case facts."

"I encourage everyone not only to use FOAA online!, but also to spread the news about its existence in order to help enhance the promotion and protection of assembly and association rights worldwide," Kiai added.

The Special Rapporteur also expressed his gratitude to the Open Society Justice Initiative and the American Bar Association's Justice Defenders Program for their contributions to the compilation.

A side event to publicly launch FOAA Online! is planned for the week of June 5 in Geneva. Keep an eye on the Special Rapporteur's [Twitter](#) and [Facebook](#) for more details.

Special Rapporteur files interventions in South Africa and Zimbabwe cases



NAIROBI/CAPE TOWN/BANJUL — The notification provisions of South Africa's Gatherings Act constitute "illegitimate" restrictions on the right to freedom of peaceful assembly, according to a brief filed by Special Rapporteur Maina Kiai before a court in Cape Town.

The amicus curiae brief [was filed](#) on March 31, 2017, in the appeal of Phumeza Mlungwana, et. al vs. the State, which concerns the constitutionality of section 12(1)(a) of the Regulation of Gatherings Act 205 of 1993. The act imposes criminal sanctions on any person who convenes a gathering of more than 15 people without notifying the relevant authority. Sanctions can also be imposed for "inadequate" notification.

The case arose from a peaceful protest at the Cape Town Civic Centre on 11 September 2013. Police arrested 21 people and charged them under section 12(1)(a) of the Gatherings Act for convening a gathering without providing notice to the relevant municipal authority. The 10 individuals who filed the appeal were convicted on 11 February 2015.

In his brief, the Special Rapporteur notes that State authorities are permitted to request notification for assemblies in order to fulfill their positive obligation to facilitate such assemblies. But this should not be construed as a permission requirement, he added. Thus, the imposition of criminal sanctions on participants who fail to give notification is an impermissible restriction of the right to assemble.

Kiai said the use of sanctions against individuals solely for organizing a peaceful demonstration with more than 15 people "does not serve a legitimate aim, nor is it necessary in a democratic society and it is disproportionate."

[The full brief is available here](#). A decision in the case is expected sometime in 2017. The case (No. A431/15) was filed in the High Court of South Africa, Western Cape Division, Cape Town.

Separately, on April 28, [Kiai filed an amicus curiae brief](#) before the African Commission's top human rights body, in a case concerning peaceful assembly rights in Zimbabwe.

The case, Jennifer Williams, Magodonga Mahlangu and Women of Zimbabwe Arise (WOZA) v. The Republic of Zimbabwe, was originally filed before the African Commission on Human and People's Rights in 2013. The applicants allege that Zimbabwean authorities have systematically suppressed their ability to engage in peaceful protest and public demonstrations through a pattern of threats, harassment, physical abuse and torture, disproportionate and excessive use of force, illegal dispersals as well as arbitrary arrests and detentions.


The State argues that it only took actions in response to failures to respect laws of general application such as the failure to comply with prior notification requirements.

The Special Rapporteur's brief does not take a position on the facts of the case, but instead outlines relevant regional and international law, norms and standards on the right to peaceful assembly.

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



Left: WOZA co-founders Jennifer Williams (top) and Magodonga Mahlangu. Background: A 2010 protest in Cape Town, South Africa (photo: [The Democratic Alliance/Flickr](#))



Scene from a protest in Venezuela in
November 2016
(Photo: Eneas De Troya/Flickr)

Venezuela: allow peaceful protests and investigate killing of demonstrators

GENEVA — The Government of Venezuela must facilitate peaceful protests and properly investigate the deaths of at least 25 people in recent demonstrations, Maina Kiai and other United Nations human rights experts [said on April 28](#).

“We are gravely concerned about allegations of excessive and indiscriminate use of force during the protests, as well as arbitrary detentions and killings,” the experts said.

“Any such actions would constitute serious violations of the rights to life, not to be deprived arbitrarily of liberty, to freedom of peaceful assembly and freedom of expression,” they added.

Hundreds of persons have also been injured and more than 850 people arrested in the protests, which began in 2015 against a backdrop of economic and social unrest.

The demonstrations became more intense after a ruling last month by the country’s Supreme Tribunal of Justice that it could assume the legislative powers of the opposition-controlled National Assembly. The decision was later reversed, but the protests have continued.

“Political tensions are high at the moment, and public opinion appears sharply divided, but this is precisely when governments should do most to protect people’s rights” the experts stressed.

“The people of Venezuela need space for peaceful, constructive dialogue — with each other and with their leaders.”

The experts drew particular attention to a new measure introducing an automatic military response to demonstrations. The measure, brought into effect in April 2017 and known as the Zamora Plan, also calls on groups of armed civilians and police to assist.

“The increasingly militarized response is counter-productive because it only increases tensions and heightens the risk of injury and death. Peaceful demonstrations should be facilitated, not treated as an inherent threat to security,” the UN experts said.

“Demonstrations should ordinarily be managed with no resort to force. Any use of force should be strictly necessary and proportional to a specific threat. Peaceful demonstrations, in and of themselves, are not a threat. Institutionalizing the use of a militarized response suggests that the Government thinks otherwise.”

The experts noted reports that paramilitary groups had also used force to suppress demonstrations, occasionally joining with the uniformed authorities.

In the state of Lara, paramilitaries reportedly killed three protesters. In 16 other states, there have been reports of armed groups provoking and harassing demonstrators with the support of state authorities.

“The Venezuelan Government has an obligation to investigate these killings, and to bring the perpetrators to justice,” the experts said. “And if the paramilitary groups are indeed cooperating with State agents, then the Government has an obligation to bring those State actors to justice as well.”

The UN human rights experts also criticized the increasing criminalization of protests in Venezuela and the use by Government officials of media outlets to stigmatize opposition demonstrators as foreign-supported terrorists.

For the full group of experts, [see our website](#). For the Spanish version of this story, [click here](#).

UN experts urge Russia to drop Jehovah’s Witness lawsuit which threatens religious freedom

GENEVA — Moves by the Russian Government to ban the activities of Jehovah’s Witnesses using a lawsuit brought under anti-extremism legislation were [condemned](#) on April 4 as “extremely worrying” by three United Nations human rights experts, including Maina Kiai.

“This lawsuit is a threat not only to Jehovah’s Witnesses, but to individual freedom in general in the Russian Federation,” the experts said. “The use of counter-extremism legislation in this way to confine freedom of opinion, including religious belief, expression and association to that which is state-approved is unlawful and dangerous, and signals a dark future for all religious freedom in Russia.”

The condemnation followed a lawsuit lodged at the country’s Supreme Court on 15 March to declare the Jehovah’s Witnesses Administrative Centre ‘extremist’, to liquidate it, and to ban its activity.

“We urge the authorities to drop the lawsuit in compliance with their obligations under international human rights law, and to revise the counter-extremism legislation and its implementation to avoid fundamental human rights abuses,” the UN experts concluded.

The Supreme Court ultimately did [impose the ban](#) on April 20.

Maina Kiai's mandate:

By the numbers

Days that Maina Kiai spent as Special Rapporteur, between May 1, 2011, and April 30, 2017

2,192

Number of thematic reports published during the mandate, including a joint report with Special Rapporteur Christof Heyns

11

Number of factsheets published summarizing the reports (including two planned for June 2017)

14

Number of official country visits made

9

Number of official communications sent to UN Member States by Maina Kiai during his term as Special Rapporteur

1,047

Number of official UN press releases issued or endorsed by Kiai during his term as Special Rapporteur

196

Approximate number of unique pages on Kiai's independent mandate website, freeassembly.net

750

Number of interventions - including amicus curiae briefs, legal analyses and letters to the court - that Kiai conducted as part of his litigation project

12

Approximate number of major posters, memes and other visual artworks produced as part of Kiai's #FOAat50 initiative and for other projects

134

Combined number of people who followed Kiai's mandate on Twitter and Facebook as of May 2, 2017

18,091

Number of different staff members who worked to support the mandate at various times since 2011

18

Maina Kiai sighs during a press conference at the conclusion of his official visit to the United States in July 2016

Ahead of referendum, UN experts warn Turkey about impact of purge on rights

GENEVA — Turkey's state of emergency has been used as a justification to undertake massive violations of the right to education and the right to work and to plunge many civil servants into poverty, a group of United Nations experts [said on April 13](#).

"The dismissal of up to 134,000 public servants, without due process, compensation, or access to a proper remedy, for alleged links with organizations that the Government has chosen to proscribe, cannot be justified by reference to Turkey's long-standing international human rights obligations," said the experts ahead of this Sunday's constitutional referendum.

They noted that even under a state of emergency, economic, social and cultural rights can only be limited in ways that respect the basic rights themselves and 'solely for the purpose of promoting the general welfare in a democratic society'. "But there has been no attempt to show that these blanket measures, which have destroyed the careers and livelihoods of tens of thousands of persons, satisfy such criteria in each case," they said.

The right to education has been targeted in an especially problematic way. A significant proportion of the public servants who were dismissed worked as school teachers or for the Ministry of National Education. Around 1000 schools and 15 universities are estimated to have been closed by emergency decree. Many of the dismissed public servants were trade union members, including more than 10,000 teachers who were members of the Education and Science Workers' Union.

The closure of some 200 media outlets has not only caused thousands of journalists to lose their jobs and livelihoods, but has also undermined possibility of an informed debate over the referendum proposals.

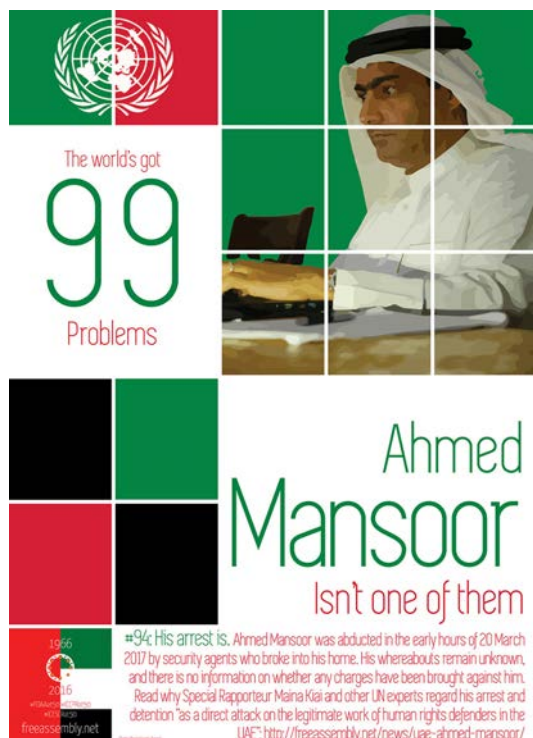
Turkish citizens will vote on April 16 in a referendum on a proposed constitutional amendment that would, among other things, empower the President alone to declare future states of emergency and to determine the measures to be taken. (Update: Turkey [voted in favor](#) of the constitutional amendment)

"Given the arbitrary and sweeping nature of the emergency decrees issued since July 2016, there is serious concern that such powers might be used in ways that exacerbate the existing major violations of economic, social and cultural rights", said the experts, who are in contact with the Turkish Government over the issues.

The UN experts: Mr. Philip Alston, Special Rapporteur on extreme poverty and human rights ; Mr. David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Mr. Maina Kiai, Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Ms. Koumbou Boly Barry, Special Rapporteur on the right to education.

A protest against the attempted coup in Turkey in 2016
(photo: [Pivox/Wikipedia](#))

UN experts urge United Arab Emirates: "Immediately release Ahmed Mansoor"



GENEVA — United Nations rights experts are urging the Government of the United Arab Emirates (UAE) to immediately release the renowned human rights defender Ahmed Mansoor, who was arrested last week.

Mansoor, who is 47 and married with four children, was taken away in the early hours of 20 March by security agents who broke into his home. His whereabouts remain unknown, and there is no information on whether any charges have been brought against him.

"We regard Mr. Mansoor's arrest and detention as a direct attack on the legitimate work of human rights defenders in the UAE," the experts said. "Mr. Mansoor's outstanding work in the protection of human rights and the advancement of democracy, as well as his transparent collaboration with UN mechanisms, is of great value not only for the UAE but for the whole region," they emphasized.

"We fear that his arrest and secret detention may constitute an act of reprisal for his engagement with UN human rights mechanisms, for the views he expressed on social media, including Twitter, as well as for being an active member of organizations such as the Gulf Centre for Human Rights, and an active supporter of others, including Human Rights Watch."

The experts urged the authorities to immediately reveal the whereabouts of Mansoor, a recent winner of the Martin Ennals Prize for human rights, stressing that secret detention is a form of enforced disappearance. They also gave a warning that "the fact that Mr. Mansoor is being held in an unknown location puts him at serious risk of ill treatment and torture. The lack of an arrest warrant or any judicial oversight of his arrest and detention, represents a breach of fundamental principles of due process under international human rights law."

For the full story and list of experts endorsing the statement, please [see our website](#). The press release is also available in [Arabic](#).

Belarus: expert decries of violence against protestors, demands release of all detained

GENEVA — The Special Rapporteur on human rights in Belarus, Miklós Haraszti, has expressed dismay over the Government's open return to the policy of violent mass repression against peaceful demonstrators, non-governmental organizations, journalists and political opponents, and is calling on the authorities of Belarus to stop harassment and violence.

His [March 14 statement](#) was endorsed by Special Rapporteur Maina Kiai and a number of other UN experts.

The crackdown on March 25 and 26 against dozens of human rights defenders, both local and international, came after hundreds of peaceful demonstrators against the Government's social policies had been violently attacked, arbitrarily arrested and deprived of their liberty, and then summarily fined or sentenced to prison from one to two weeks. Reports also indicate that the Internet was cut off.

"The events of the last weekend prove the pre-meditated character of the repressive measures, and show an open return by the Government to its old policy of mass repression against citizens who exercise or dispense defense for human rights provided by the constitution and international treaties", the Rapporteur stressed.

Since early February, demonstrators have been protesting against a decree under which a fine can be levied against anyone who does not work more than 183 days and is not declared officially unemployed.

Haraszti is "particularly shocked" by the raid against NGOs, such as Viasna, in their own offices, accompanied by physical violence, and by the disappearance for three days, of political opponent Mikalai Statkevich, who was eventually released from the facility of the KGB intelligence service.

"Two weeks ago, I, together with other human rights experts, had warned that further violations could be committed by the Government of President Lukashenko, known for its history of violent oppression of any form of dissenting views." Mr. Haraszti regrets that his fears materialized.

"I will continue to be vigilant and call on the international community to press for opening to dialogue with human rights defenders and those who promote peaceful and democratic change in Belarus", Haraszti concluded.

This statement was endorsed by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, the UN Special Rapporteur on the situation of human rights defenders, Michel Forst, and the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye.



Photo: Central European University

Hungary urged by UN expert to reconsider new law targeting Central European University

GENEVA — The Parliament of Hungary should reconsider recently adopted legislation which appears to be aimed at undermining the Central European University (CEU) in Budapest, UN human rights expert David Kaye [said on April 11](#).

The bill, adopted on April 4 and signed by President János Áder into law yesterday, "is likely to violate the central precepts of academic freedom in a free society," warned the UN Special Rapporteur on the freedom of opinion and expression, David Kaye.

"The new law targets freedom of opinion and expression in Hungary, freedom of academic pursuit, the role that scholarship and research play in the expansion of knowledge and the development of democratic societies," he said.

"Adopted quickly without normal legislative process, the bill seemed designed to damage CEU," the expert noted. The CEU is accredited in both Hungary and the United States and offers English language postgraduate courses in a range of subjects.

The new law requires, among other things, foreign-accredited universities to provide higher education services in their own country. It also bans universities accredited outside the EU from awarding Hungarian diplomas in the absence of a binding international agreement between the Hungarian government and the national government of the foreign university.

The new legislation also prevents Hungarian-accredited universities that are linked to foreign universities from delivering programmes or issuing degrees from the foreign university with which they are associated. The bill also forbids institutions from having the same or similar names.

"While the new legislation is drafted in seemingly neutral terms, its restrictions would particularly hit CEU," Mr. Kaye said. "If enacted, its requirements and timelines could cause

the University to cease its operations."

"Members of Parliament have a unique opportunity to restate Hungary's commitment to democratic norms and academic freedom. I urge them to reconsider this law," the Special Rapporteur concluded.

Kaye's statement was endorsed by the Special Rapporteur on the rights to freedom of peaceful assembly and association, Maina Kiai, and the Special Rapporteur on cultural rights, Karima Bennouna.

This story is also [available on our website here](#).

Special Rapporteur news in brief:

March - April 2017

Kiai to attend side events at Human Rights Council the week of June 5

Former Special Rapporteur Maina Kiai will be in Geneva the week of June 5 to attend side events on the margins of the 35th session of the Human Rights Council. Kiai's final reports to the council – one surveying the [accomplishments](#) of civil society, one on his [United Kingdom](#) follow-up visit, and one on his [United States](#) country visit – will be presented the same week by his successor, Annalisa Ciampi. A date and time for the presentation will be announced at a future date.

Kiai's final reports are expected to be released in late May or early June. Keep an eye on our website and social media accounts for the latest news.

#FOAAat50 & 99 Problems: That's a wrap


The mandate's 99 Problems poster series – which began in April 2016 as part of a campaign to mark the 50th anniversaries of the ICCPR and ICESCR – concluded last month, with the publication of the [final installments](#). We still have a few printed posters left. If you are interested in having some mailed to you or your organization, please contact us at info@freeassembly.net. We also have a number of printed factsheets and reports available to distribute. E-mail for more details.

Kiai interviewed by Swiss newspaper Le Temps on closing civic space

The Swiss newspaper Le Temps published a wide-ranging interview with Maina Kiai, in which the former Rapporteur discusses closing civic space, among other issues. The interview, which was published on April 18, is [available here in French](#).

Other news

- The World Economic Forum has released videos of Maina Kiai's panels at their 2017 annual meeting in Davos. [Click here](#) for "The Race Against Racism" and [here](#) for "The Art of Dissent."
- [Carter Center 2017 Human Rights Defenders Forum](#): Maina Kiai will be in Atlanta, Georgia, USA, for the Carter Center's 2017 Human Rights Defenders Forum May 6-9. Former US President Jimmy Carter will preside over the conference, which is titled "Freedom from Fear: Securing Rights in Challenging Times."
- June 2016 report on fundamentalism – now available in all six UN languages: After an administrative delay, Maina Kiai's 2016 report to the Human Rights Council, which examines the effect of fundamentalism on assembly and association rights, is now available in French, Spanish, Russian, Arabic and Chinese. The English version was released last spring. The report can be [found at this link](#).
- [#Freethe5KH](#): April 28 marked the 1-year anniversary of the imprisonment of [five Cambodian human rights defenders](#) – Mr. Ny Sokha, Mr. Yi Soksan, Mr. Nay Vanda and Ms. Lim Mony, and Mr. Ny Chakrya – who were detained in the course of their legitimate human rights work. The five gave advice and reimbursement of food and transport costs provided to a woman alleged to have had an extra-marital relationship with deputy opposition leader. Maina Kiai met with the families of the detained defenders, and marked the anniversary with a show of [support on Facebook and Twitter](#).
- From the archives: [Click here](#) for a previously unseen video documenting Maina Kiai's unofficial visit to Cambodia in Feb. 2014. The footage was shot by [InformAction Kenya](#); additional footage of Cambodian protests was provided by [LICADHO](#).



Former Special Rapporteur Maina Kiai poses during his official visit to Oman in September 2014

Maina Kiai's Testimony to the Tom Lantos Human Rights Commission

The following is an abridged transcript of Maina Kiai's testimony to the Tom Lantos Human Rights Commission of the US Congress, delivered at a hearing of the Commission in Washington, DC, on March 21, 2017. The full testimony is [available here](#). A video of the session is [available here](#).

The Honorable Co-chairs of the Tom Lantos Human Rights Commission of the US Congress, Ladies and Gentlemen: Thank you for inviting me to address this body on the subject of “closing space for civil society” — in other words, the increasingly restrictive and hostile environment that civil society faces throughout the world.

I have served as the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association since May 2011, with a mandate to examine, monitor and publicly report on these rights across the world.

I have been reflecting a great deal on how much the world has changed since the UN Human Rights Council created my mandate in October 2010, which was sponsored by the US. Back then, the rights to freedom of peaceful assembly and of association were sometimes overlooked in the pantheon of rights, and the phrase “closing space for civil society” was way less common.

Since then, however, these rights have underpinned some of the most momentous political events of the 21st century: The Arab Awakenings in the Middle East and North Africa; mass protests that forced out leaders in Ukraine, Guatemala, Iceland, South Korea, Burkina Faso and Brazil; citizen movements in Hong Kong, Ethiopia, Bahrain, Malaysia, the United States; and so much more.

We have seen quite dramatically the power that civil society can wield in peacefully progressing democratic values and the aspirations of ordinary people.

Unfortunately, over the same time period, we have also seen the most comprehensive rollback of civic freedoms since the end of the Cold War including: anti-NGO laws; restrictions on protests; increased militarization of police; crackdowns on trade unions; and campaigns of violence and intimidation against civil society leaders.

We have also seen the rise of politicians coming to power on the back of promises to restrict fundamental rights, such as Rodrigo Duterte in the Philippines.

Sadly these new tactics of repression and control have gone hand in hand with some of the old tactics: We remember and honor Berta Caceres, the founder of the Council of Popular and Indigenous Organizations in the Honduras who was killed almost exactly a year ago.

These two trends may seem paradoxical, but they are, in fact, inextricably linked. It is precisely because civil society can be so powerful, persuasive and persistent that governments are moving to restricting it. And it is precisely because civil society has been so successful in motivating change that those with power, including powerful business interests, are fighting back.

And that fight-back has been vicious. I could spend the rest of the afternoon recounting hundreds of examples of just how difficult the environment is right now for civil society actors of all sorts, in every corner of the globe. There is the brutal suppression of demonstrators that has been taking place in Ethiopia since late 2015, with hundreds killed by the government and no officials held to account. And in Kenya, the excuse of counter terrorism has been used to try to silence critical NGOs whose work, ironically, reduces the scope for violent extremism by exposing corrupt, extortionist security forces.

In Cambodia, government leaders are rewriting laws to suppress independent NGOs and trade unions, jailing activists for exercising their fundamental rights, and using violence and a corrupt judiciary to undermine any political opposition. There is Bahrain and its thousands of political prisoners, including people like Abdulhadi Al-Khawaja and my friend Abduljalil Al-Singace who will spend the rest of their lives in prison for leading peaceful pro-democracy protests. And in Rwanda, economic progress is hailed even when it comes at the expense of closed space for civil society and no tolerance for public dissent.

I could give many more examples — including from the UK, France, Russia, and Kazakhstan — but the point today is not to highlight specific trees; it is to show the forest — and to underscore that this forest is quite literally on fire.

Indeed, as my term as Special Rapporteur comes to a close, one thing is increasingly clear to me: We are in the midst of an epic global struggle, and it is not just civil society space, assembly rights, or any other human right in isolation. It is about our freedom writ large — a global clash between tyranny and intolerance on the one hand, and self-determination and dignity on the other that could shape the course of our world for generations to come.

This struggle is for the future of equality, humanity and democratic values.

It could also be 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 amidst dangerous inequality and a shrinking middle class, violent extremism, and



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

It is in everyone's interests to give people tools to fight these “forest fires,” — and to do it peacefully — so that we can reconfigure it into something more sustainable, equitable and just. It is 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 defending human rights, it is that people who have no means to engage in their society also have no stake in protecting it, let alone defending it. Inevitably some will feel emboldened to destroy it, because it no longer includes them. The destruction may not come tomorrow, next week or even next year, but eventually things will explode.

The struggle we face today is about creating a world where people have a stake. The road to achieving this world will not be easy.

But let me conclude by emphasizing that it will be harder to achieve without the United States fulfilling its role as a global leader on human rights.

The United States — which graciously hosted me on an official visit last summer — needs to set an example by promoting and protecting the fundamental rights of its citizens, and the people on its soil.

It starts with the United States accepting that trade unions — with their right to strike, and collective bargaining — are a crucial part of democratic values and reducing inequality and frustrations. People should be robustly encouraged to form unions, as a counter weight to the enormous and unfettered power of businesses, which lead to inequality and frustrations.

It starts with the United States doing more to de-racialize the criminal justice system so that Black people feel that their lives matter.

It starts with the United States embracing the power of freedom of peaceful assembly instead of allowing discourses and legal efforts to violate and undermine it.

And it starts with the United States leading the fight against misogyny, intolerance and bigotry, both for all the people in its territory, but also as an integral part of its foreign policy and international relations.

This means that the United States should continue to play an active, and hopefully positive, role in multilateral bodies such as the United Nations. It means not playing favorites when it comes to human rights abroad, and recognizing that security and human rights are indivisibly linked. There can be no peace without justice. There is no stability without freedom.

If ever there was a time for the US Congress to assert its leadership both here and abroad it is now. Many generations past have looked to the US and the US Congress as the beacon of hope and support for progressive values, and at a time when democratic values are in recession across the globe, this August body is more necessary than ever.

This is not a time for empty words, trite slogans and doublespeak. The stakes are too high — for the United States, and for all of us. Thank you.



Signs at the March for Science in New York City on Earth Day, April 22, 2017
(photo: Matti Vuore/Flickr)

World briefing: Assembly & association rights in the news

Egypt

Six years after he was ousted from power, and nearly five years after he was initially [convicted](#) in the killing of over 200 protesters, former President Hosni Mubarak of Egypt [was freed](#) from the Cairo hospital where he had been detained. Meanwhile, Egypt's current president Abdel Fattah El-Sisi, was [reportedly widening the country's crackdown](#) on civil society in the wake of the deadly Palm Sunday church bombings.

Maldives

Yameen Rasheed, a well-known Maldivian human rights activist, was [found stabbed to death](#) in the staircase of his house on April 23, prompting widespread outcry. Rasheed, who was an outspoken critic of the government, was regarded as one of the Maldives' most prolific social media activists. The United Nations Office of the High Commissioner for Human Rights [condemned](#) the killing and noted that it came "in the context of what appears to be an upsurge in arrests and prosecutions of the political opposition."

United States of America

A new era of mass protests continued, as thousands of people took part in the [March for Science](#) on Earth Day, April 22. The event stretched beyond US borders as well, which protests taking place in 600 cities across the world. A climate change march on April 30 – held to mark the 100th day of Donald Trump's presidency – also [drew thousands](#) in Washington, DC.

Spain

Three Spanish women were [facing jail time after they carried a giant plastic vagina](#) through the streets of Seville as part of a feminist protest in 2014. The women – part of a group calling themselves the "Sisterhood of the blessed rebellious vagina to the exploitation of precariousness" – took to the streets wearing hoods and carrying the giant vagina mock-up "in the style of the Virgin Mary," according to court papers. They face charges of "crimes against religious sentiment." The women say they designed the protest to highlight issues of discrimination against women in the workplace.

Other mass actions

A number of countries saw massive actions in March and April, including Chile, where up

to [2 million people](#) turned out to protest against the country's controversial privatized pension system. In Brazil, the first nationwide [general strike](#) in two [decades](#) closed schools, disrupted transport networks and led to clashes with security forces in several cities. Tens of thousands of people protested in [Macedonia](#), meanwhile, against a proposed coalition government. In London, an anti-racism march on March 18 drew as many as [30,000 people](#). And in Serbia, election results led to protests against the victorious Serbian Progressive Party, with demonstrators [claiming](#) they rigged the vote.

Elsewhere

Prosecutors in Nigeria charged a group of 53 people with [conspiring to celebrate a gay wedding](#) • On April 26, Russia [banned a pro-democracy movement](#) founded by Kremlin critic Mikhail Khodorkovsky, after it called for anti-government protests ahead of presidential elections next year • Authorities in the Pakistani province of Balochistan [cancelled the registration](#) of 3,250 NGOs • Activists in Lebanon staged a protest on Beirut's sea front that involved hanging more than [30 white wedding dresses](#) from nooses; the activists were campaigning to change a law that allows a rapist to be exonerated if he marries his victim • The Venezuelan government said that it would [withdraw from the Organization of American States](#) after accusing the multilateral institution of meddling in its internal affairs • Civil society organizations in Cambodia demanded an [independent inquiry](#) into the murder of political analyst Kem Ley • CIVICUS released a [new report](#) examining factors that contribute to or undermine the sustainability of protest movements • Hong Kong police filed [criminal charges](#) against two former pro-independence politicians, amid a widening crackdown on dissenting voices; Yau Wai-ching and Sixtus "Baggio" Leung were disqualified from the city's legislature in 2016 after they staged an anti-China protest during their swearing-in ceremony • The International Center for Not-for-Profit Law released its new [Philanthropy Law Reports](#), which provide detailed information on national laws and regulations affecting philanthropy in nine countries • And one commentator advises: "[Keep on marching. Most protests do work ... eventually](#)"