

The Assembly and Association Briefing

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

Vol. 1, Issue 1 (January 2014)



Maina Kiai at the experts consultation in Geneva on Dec. 9, 2013.

Call for input as Kiai readies report on groups most at risk

UN Special Rapporteur on the rights to freedom of peaceful assembly and of association Maina Kiai convened a consultation of experts in [Geneva on Dec. 9, 2013](#), to help shape his next thematic report, which will be presented to the Human Rights Council in June 2014.

The thematic report will focus on the particular concerns of a selection of groups most at risk when exercising or seeking to exercise their rights to freedom of peaceful assembly and of association with a view to emphasizing the essential role these rights play in countering discrimination and exclusion, and empowering human rights' advancements as a whole.

The Geneva consultation gathered representatives of specific groups that the UN Special Rapporteur identified as frequently at risk, including youth, women, LGBT individuals, indigenous peoples, minorities, refugees, migrants and other non-nationals/stateless persons, and persons with disabilities. There are scores of other at-risk groups, however, and for this reason, the report is likely to be organized by "threat types" that can affect any such group.

These types include: (1) Association and assembly laws that contain explicitly discriminatory provisions, (2) general association and assembly laws that have disproportionately negative impact on certain groups; (3) other laws that have a disproportionate impact on assembly and association rights; and (4) practices. Examples of each category are available on Kiai's [website](#).

The Special Rapporteur would like to hear your input on the report. Is the "threat type" perspective a useful way to approach this subject? We are particularly interested in any suggestions on how best to overcome the restrictions that these groups face. If you are interested in submitting comments or recommendations for the report, please write us at info@freeassembly.net or leave a comment on our website [discussion](#) page.

Repressive amendments to NGO law defeated in Kenya

The Kenyan National Assembly narrowly [defeated](#) proposed amendments to the Public Benefits Organization (PBO) Act which would have imposed severe limits on foreign funding to NGOs operating in the country.

The Bill, which was presented to Parliament on Oct. 30, would have granted the Government sweeping and potentially arbitrary powers to deny registration to PBOs (a category which includes NGOs). It would have also capped foreign funding at 15% of PBOs' total budgets and channel all their funding through a government body, rather than going directly to beneficiary organizations.

A day before the Dec. 4 vote of the Kenyan National Assembly, a group of United Nations Special Rapporteurs, including Maina Kiai, urged the Government of Kenya to reject the legislation.

"The Bill is an evidence of a growing trend in Africa and elsewhere, whereby governments are trying to exert more control over independent groups using so-called 'NGO laws,'" the human rights experts warned.

Their full statement is [available here](#).

UN Special Rapporteur launches new website for mandate

UN Special Rapporteur Maina Kiai launched a new website on Oct. 16 designed to help broaden the reach and impact of his work as UN Special Rapporteur on the rights to the freedoms of peaceful assembly and of association.

It will complement the [official mandate](#) site administered by the Office of the United Nations High Commissioner for Human Rights.

The website (www.freeassembly.net) will serve as a portal to access information about the freedoms of peaceful assembly and association – from Kiai's work as UN Special Rapporteur, to news, to legal resources. It will also enable citizens around the world to communicate directly with the Special Rapporteur.

"This isn't just a resource for academics or government officials," Kiai said. "This website is for anyone who might want to learn more about their rights, see what we're doing in their area of the world, discuss issues, or even file a complaint regarding a rights violation."

The website will operate alongside Kiai's recently-launched Twitter ([@MainaKiai_UNSR](#)) and Facebook ([facebook.com/mainakiai.sr](#)) pages, and is part of an effort to make information about assembly and association rights more accessible.

"Assembly and association are among the most basic rights necessary for a fair, just, inclusive society. This is your right to organize or participate in a peaceful protest. Your right to meet with your friends or peers, in private or public. Your right to form groups. Your right to join with others to seek change."

The website's content does not reflect the official position of the United Nations.



Kiai to visit Rwanda in Jan. 2014

Maina Kiai has accepted an invitation from the Government of Rwanda to make an official visit January 20-27, 2014.

The UN Special Rapporteur will spend approximately a week in the country evaluating the rights to freedom of peaceful assembly and association. The visit will include meetings with the government and other key stakeholders.

"I thank the Rwandan Government for inviting me to visit in my capacity as Special Rapporteur," Kiai said. "Government cooperation is absolutely essential to the effectiveness of my mandate and every other Special Rapporteur mandate. I look forward to a fruitful visit."

The visit will be Kiai's third as UN Special Rapporteur. He visited Georgia in 2012 and the United Kingdom in 2013.

UNSR activities In brief

- Dec. 16: a group of UN Special Rapporteurs, including Maina Kiai, [urged](#) the Government of the Lao People's Democratic Republic to increase its efforts in the investigations into the enforced disappearance on Dec. 15, 2012, of Sombath Somphone, a prominent human right activist working on issues of land confiscation and assisting victims in denouncing such practices.
- Dec. 10: 72 independent UN experts [called upon](#) world governments to cooperate with them, and allow human rights organisations and individuals to engage with the UN "without fear of intimidation or reprisals."
- Nov. 25-26: Maina Kiai [participated](#) in a conference in Malawi on shrinking space for civil society in Africa. A video summary of the event is [available here](#).
- Nov. 22: A group of United Nations independent human rights experts, including Maina Kiai, [called on](#) the UN to adopt a more central role in the fight against impunity, and urged Member States to give more support to and strengthen on-going efforts to secure accountability and justice for human rights violations, including serious crimes.
- Oct. 30-31: Maina Kiai attended two in New York, the first taking stock of the first three years of his mandate, and the second one focusing on the exercise of freedoms of peaceful assembly and of association in the context of elections, jointly with the Special Rapporteur on Belarus.
- Oct. 23 & 24: Maina Kiai lectured at two public events in Canada, ahead of the presentation of his report to the UN General Assembly in New York. The events were held at McGill University and Ottawa University (video of both available [via this link](#)).

NGO Bill Threatens to Hinder Civil Society's Work in South Sudan, UN Rights Experts Warn

Maina Kiai and two other United Nations Special Rapporteurs warned that an NGO Bill under consideration in South Sudan threatens to severely damage the work and independence of civil society organizations in the country.

The bill narrowly defines permissible objectives for civil society organizations and limits the sectors in which they may work. It also subjects these organizations to a regulatory body that is mainly composed of Government representatives. Among other things, the body has the broad authority "to facilitate and coordinate the work of all national and foreign" NGOs and "to provide policy guidelines for harmonizing their activities with the National Development Plan for South Sudan."

"The Government oversight proposed in the draft law goes beyond simple notification requirements and veers into the territory of excessive control," they stressed.

The experts urged the Government of South Sudan to reject legislation. Their full statement is [available here](#).

Maina Kiai presents first report to UN General Assembly



UN Building in New York (Photo: UN)

UN Special Rapporteur Maina Kiai appeared before the UN General Assembly on Oct. 29 to present a [key report](#) on worldwide threats to, and violations of, the rights to the freedoms of peaceful assembly and of association in the context of elections.

The report documents a growing crackdown on assembly and association rights during election periods, and contends that such measures threaten to "indelibly stain" the legitimacy of democracy in some countries. It concludes that genuine elections cannot be achieved if the rights to freedom of peaceful assembly and of association are curtailed.

"Electoral periods are a key period in the life of any nation," Kiai told the UN body. "But simply holding an election is not enough: the quality of the process has a significant impact on the legitimacy of the outcome."

The report calls upon UN member states to improve efforts to facilitate and protect assembly and association rights during election periods, and to be particularly vigilant in relation to the needs of groups which are at greater risk for attacks. The report's UN document number is A/68/299. A full video of the presentation, as well as the interactive session that followed, is available at the [UN website](#). Kiai's portion starts at approximately 1h 24m 30s. An op-ed authored by Kiai about the report is also available at the [Guardian's Poverty Matters development blog](#).



Tens of thousands of people march in Phnom Penh on Dec. 22, 2013 demanding that Prime Minister Hun Sen step down
(Photo: Luc Forsyth/Creative Commons via Flickr)

Authorities in Cambodia ban all public gatherings after demonstrations swell

Following months of massive protests, Cambodia has instituted a broad crackdown on demonstrations which has left four people dead, dozens injured and at least 28 activists imprisoned in the past month, according to NGO and media reports. All public gatherings have now been [banned](#).

Kiai has closely followed recent freedom of association and assembly related issues in Cambodia, sending nine communications to the government since 2011. Full list of these communications is available [here](#).

The latest protests – led by the opposition Cambodian National Rescue Party – began last summer following July 2013 [elections](#), which the opposition party claims to have won. Demonstrations swelled in December, culminating in [one march](#) that saw up to 500,000 people take to the streets of Phnom Penh.

[Garment workers](#) joined the protests en masse in December and January, calling for the government to raise their minimum wage. Security forces opened fire on one of their demonstrations on Jan. 3, [killing at least four people](#). The next day, security forces [cleared out](#) a long-running protest camp at Freedom Park – which is specifically designated for protests – and instituted an indefinite ban on all public gatherings.

At least [28 activists](#), including the heads of a number of civil society groups, have been arrested in the past month. According to civil society groups, at least 23 of them are being held incommunicado as of early January; their whereabouts are unknown. The five others arrested were from the Boeung Kak Lake community, which has previously faced harassment from authorities for their efforts to fight land grabbing (they were later released on the same day). They were alleged [arrested](#) for violating the new protest ban. Maina Kiai [earlier raised](#) the harassment of Boeung Kak community members with the government in an official communication.

Two top opposition party leaders have also [summoned](#) for questioning on criminal charges.

News media [reported](#) in December that the government planned to revive a proposal for an NGO law – legislation which was shelved in 2011 after massive outcry from local and international groups – in 2014. The last draft of the law would have made registration of associations and NGOs mandatory, and prohibited any activity by unregistered groups. At the time, Maina Kiai [called](#) this provision “a clear infringement of the right to freedom of association” which risked violating the International Covenant on Civil and Political Rights.

Kiai pens commentary for openGlobalRights

A piece by Maina Kiai's was [published](#) in December in openGlobalRights, a multi-lingual ezine that covers global human rights.

In the article, Kiai discusses legislation introduced in Kenya that would have capped foreign funding to NGOs (see article on Page 1). The law looked to be a death-knell for a vibrant civil society sector that has long been a shining example for the region. Luckily, after sustained local and international pressure, the legislation was narrowly defeated in the National Assembly in December.

Kenya is not out of the woods yet – the legislation may re-emerge next year. But Kiai argues that its experiences could be instructive for countries where civil society faces similar threats.

Contact Us: Have a question, comment, or suggestion for our next newsletter? Please contact us at info@freeassembly.net

For the latest news, follow us on Twitter [@MainaKiai_UNSR](#) on Facebook at facebook.com/mainakiai.sr, on our website at www.freeassembly.net, and on OHCHR's [official website](#) for the mandate