

The Assembly and Association Briefing

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

Vol. 1, Issue 4 (Published May 16, 2014)

A young demonstrator in Cambodia faces off with a police officer during a 2012 protest. Youths are among several "at risk" groups whose assembly and association rights are the focus of Maina Kiai's latest report to the Human Rights Council (Photo: Jeff Vize/LICADHO)

UN Releases Special Rapporteur Kiai's latest report on groups 'most at risk'

The United Nations has [publicly released](#) Special Rapporteur Maina Kiai's third thematic report to the Human Rights Council, in advance of Kiai's presentation of the report to the Council on June 10.

The report focuses on the challenges facing those most "at risk" when exercising their rights to freedom of peaceful assembly and of association. This category includes individuals and groups that are often relegated to the margins of society, both in their daily lives and in the exercise of their rights.

"Two thousand fourteen is shaping up to be the year of the protest, with the news dominated by stories of mass demonstrations in Ukraine, Venezuela and elsewhere," said Kiai, who recently began his second three-year term as Special Rapporteur on the rights to freedom of peaceful assembly and of association. "But the crackdown on assembly and association rights extends far beyond what we see in the headlines."

"Those at the margins of society face vicious repression, with their assembly and association rights limited by unjust legislation, harassment, violence and threats. These individuals – the excluded, the disfavored, people whose voices have not been heard through more conventional means – are not always featured on the news. But they deserve our attention."

The report documents numerous examples of marginalization that negatively impact assembly and association rights in dozens of countries.

In [Myanmar](#), for example, the Rohingya people – who some claim have been present in the country for centuries – have seen their assembly and association rights

entirely eliminated under the constitution due to their "stateless" classification. The law in [Cyprus](#) allows private employers to prohibit legal migrants from engaging in political activity in their employment contracts, effectively depriving this group of their right to peacefully assemble and freely associate.

In [Nigeria](#), it is a criminal offence to register, operate, participate in or support "gay clubs, societies, organizations, processions or meetings", which prohibits any public or private meeting on the subject of sexual orientation and gender identity.

Youth can be targeted as well. In [Malaysia](#), people under 21 are prohibited from organizing a peaceful public demonstration. Children below age 15 cannot even participate.

"An individual's status as a member of a marginalized group should never mean that assembly and association rights are diminished," Kiai said. "If anything, disenfranchised groups have an even greater need for alternative means to participate. Associations and peaceful assemblies are an important tool for allowing the voices of otherwise excluded groups to be heard."

15

Minimum age to participate in a public assembly in Malaysia

100

Number of years for which the Moscow city council has banned gay pride parades

Kiai joins UN experts in urging Azerbaijan to drop charges against human rights defenders



GENEVA – Two United Nations independent experts on Friday [expressed serious concern](#) over the charges brought against three human rights defenders in the aftermath of the 2013 presidential elections in [Azerbaijan](#).

Mr. Anar Mammadli and Mr. Bashir Suleymanli, respectively Chairman and Executive Director of the Azerbaijani Election Monitoring and Democracy Studies Centre (EMDSC), together with Mr. Elnur Mammadov, President of the Volunteers of International Cooperation Public Union (VIC), are being tried in Baku for conducting business activity by an organized group without registration and abusing official powers, among other charges. They face up to 12 years' imprisonment. Mr. Mammadli has been in pre-trial detention since December 16, 2013.

"We are seriously concerned that the three human rights defenders are being prosecuted in retaliation for their legitimate work in documenting alleged widespread irregularities and human rights violations around the presidential elections of October 9, 2013. All charges brought against them should be dropped and Mr. Mammadli should be released immediately," urged the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai.

Mr. Mammadli was one of the participants in the consultation convened by Mr. Kiai in June 2013 in Geneva in preparation of his report on the exercise of the rights to freedom of peaceful assembly and freedom of association in the context of elections. EMDSC has faced many challenges in relation to its registration due to a law establishing excessively bureaucratic procedures.

"Civil society plays a key role in ensuring transparent and fair elections by monitoring the exercise of public freedoms in such critical times. Silencing these human rights defenders would not only have a devastating impact on the Azerbaijani civil society as a whole, it would also indelibly stain the 2013 presidential elections," added the UN Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya.

The experts recalled their statement of October 4, 2013 in which they urged the Azerbaijani Government to recognize and enable the role of defenders and civil society organizations in the run up to the presidential elections.

"In times of elections, States should make greater efforts to facilitate and protect the exercise of the core right to freedom of association," the experts reiterated. The full statement is available [at this link](#).



OSCE civil society: 'Political will' a major obstacle in protecting right to funding

(WARSAW, Poland) – Political will is a major obstacle in ensuring civil society's access to resources in many OSCE countries, according to participants in a May 7 regional dialogue organized in Warsaw by the Community of Democracies and the team of UN Special Rapporteur Maina Kiai.

"It's not a question of convincing [some governments] through enough human rights laws or standards," said one participant. Sometimes "they can't be convinced."

The dialogue was the first event in a new two-year project focused on enhancing space for civil society and strengthening the right to access financial resources. The project was [launched in February](#), and is being funded by the Swedish Ministry of Foreign Affairs.

The May 7 Warsaw event looked at international human rights norms, standards and mechanisms to promote the right to freedom of association – and possible ways to strengthen these tools. More than 20 members of civil society from throughout the OSCE region participated.

The focus on political will was central to the discussions, with one participant saying that talking about human rights norms to the government in his country was like "talking to the wall."

As a result, the road to ensuring civil society's access to resources will require creative schemes and new ways of thinking, participants said – both from civil society itself and from donors.

"The old schemes to support CSOs are not working so well any more – we need to adapt them," said one participant from Russia, adding that this requires political will from donor-side governments as well.

Prior to the May 7 workshop, members of Maina Kiai's team also participated in a [roundtable on funding, independence and accountability of associations](#) at the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw. The event brought together some 40 civil society leaders and experts from a number of OSCE states and was aimed at helping advance OSCE-ODIHR's work with the Venice Commission in drafting guidelines on freedom of association. Photos of both events are available at the mandate's [Flickr page](#) (full set) and on [Facebook](#) (selected photos only).



Ryota Jonen of the World Movement for Democracy leads a discussion section during the Warsaw regional dialogue on May 7, 2014. Participants from throughout the OSCE region discussed obstacles to funding for civil society - and what can be done to overcome them.

Freedom of association and assembly: By the numbers

207 Number of communications sent to UN member states by the Special Rapporteur between March 1, 2013, and Feb. 28, 2014

10 Prison sentence (in years) that can be imposed in Nigeria for registering, operating, participating in or supporting “gay clubs, societies, organizations, processions or meetings”

8 Number of opposition youth activists sentenced to between six and eight years in prison in Azerbaijan in May

10 Number of years that Azerbaijan’s president, Ilham Aliyev, has been in office; term limits for the presidency were eliminated in 2009

10 Minimum number of Tweets from Turkish Prime Minister Recep Tayyip Erdogan since he called Twitter “the worst menace to society” and attempted to ban access to the site in March (a ban that was later overturned in court)

3,053 Number of Tweets from the Prime Minister’s account since its inception

4.22 Number of followers he currently has on Twitter (in millions)

27 Death toll from the past six months of protests and associated violence in Thailand

97 Number of Venezuelan military officers and police staff being investigated for “cruelty and torture” during 2014 protests

0.4 Percentage of officers that this number allegedly represents

518 Days since the disappearance of Laos human rights defender Sombath Somphone (as of May 16, 2014)

9 Days until May 24, when Bahraini human rights defender Nabeel Rajab is expected to be released from prison. He was sentenced to two years imprisonment after sending a tweet criticizing the Bahraini government and encouraging participation in peaceful pro-democracy gatherings

Protesters carry a Tunisian flag during a protest in Paris, France, in January 2011 (photo: [Gwanael Piasier/Flickr](#))

Sources available via [hyperlinks](#); data as of May 15

Three years after Tunisia: Thoughts on the rights to freedom of assembly and association from Maina Kiai

The Journal of Global Ethics has [published an essay](#) by Maina Kiai, in which he reflects on the first three years of his mandate, and the global state of assembly and association rights three years after protests exploded in Tunisia, sparking the Arab Spring.

The essay, “Three years after Tunisia: thoughts and perspectives on the rights to freedom of assembly and association from United Nations Special Rapporteur Maina Kiai,” is available for free download to the first 50 people; subsequent access is by purchase only.

Although Kiai’s mandate was created in late 2010 against the backdrop of shrinking space for civil society, a massive and growing global protest movement has grabbed most of the headlines since 2011.

Kiai argues that the mandate has made a measurable impact – having helped raise awareness of [repressive NGO laws](#), provided technical assistance to governments to strengthen assembly and association rights and developed [soft law](#). But perhaps the most important work of the mandate, he argues, has been its contribution to a better understanding of just how important the rights to freedom of peaceful assembly and association are.

“These rights satisfy people’s fundamental desire to take control of their own destinies,” Kiai writes. “They need to speak out, to work together for the common good, to hold their leaders accountable, and to do all of this as an autonomous, self-selected group. These desires are not cultural or specific to a particular place and time. Rather, they are born from our common human heritage, rooted in the simple fact that every civilization is built upon cooperation and collaboration.”

“It is human nature – and human necessity – that people come together to collectively pursue their interests.”

Kiai also argues vehemently against the view that assembly and association rights are inherently dangerous, leading to violence and revolution.

“To be clear,” he writes, “these rights do not inherently foster violence. They, in fact, protect us from it.”

More about the article is available [at this link](#).



[Narrowing space in Canada](#): Maina Kiai took time during his academic visit to Canada last fall to sit down with the Voices-Voix Coalition for a brief interview about civic space in Canada. The interview is now available on YouTube (link above, in English with French subtitles). In the interview, Kiai speaks about what he sees as a trend toward narrowing space for dissent in Canada and the need for an honest assessment of where fundamental democratic rights stand in the country.

Special rapporteur news in brief: April and May 2014

UNSR online

The Special Rapporteur's [website](#) now hosts more than 95 dedicated country pages, featuring news and reports (including urgent appeals and allegation letters) for specific UN Member States. Specific country information can be accessed via the site's [Browse by Country](#) page. Country communications for 2013-14 are expected to be publicly released later in May.

Reports

The Special Rapporteur's annual thematic report to the Human Rights Council was released publicly in early May, and is now [available on our website](#). The Special Rapporteur's report on [Rwanda](#) is also nearing completion; keep an eye on our Twitter and Facebook pages for a release date.

Both reports will be presented at the 26th session of the Human Rights Council in June.

The Special Rapporteur's next report to the UN General Assembly, to be presented in October 2014, is currently in the planning stages. The subject will be multilateral organizations and the rights to freedom of peaceful assembly and of association.

Travel and events

- Meeting with the Secretary General of the Organization of American States (OAS), José Miguel Insulza (April 9, 2014). The Special Rapporteur spoke about the importance of preserving the rights to freedom of peaceful assembly and of association and helping countries in the OAS region promote these rights as an essential part of the full enjoyment of the civil and political rights of citizens. A press release from OAS is available [here](#), and photos of the visit are [here](#).

- Event on Venezuela at the Massachusetts Institute of Technology, Cambridge, Massachusetts, USA (April 11, 2014). Maina Kiai participated in a roundtable discussion about the ongoing protests in Venezuela. The event was streamed online. He was joined by Alfredo Millán, a Venezuelan student from MIT, and Juan Andrés Mejía, a Venezuelan activist currently at Harvard who is also a member of Venezuela's National Commission of the political party Voluntad Popular. Mejía was among several Venezuelan opposition leaders living in the Boston area who were [profiled](#) in an article in the Nicaragua Dispatch in February. More on the event is available [here](#).

In the news

- [World Press Freedom Day - absence of free media greatly compromises development \(May 3, 2014\)](#): On the occasion of World Press Freedom Day, a group of 31 specialists – including Maina Kiai – called on all Governments to promote and protect the rights to freedom of expression and information, freedom of peaceful assembly, and freedom of association and public participation, essential for the full realization of all human rights for all and for the achievement of related development goals.

- [Justice and reconciliation increasingly failing in Egypt after second wave of mass death sentences](#): A group of African and UN human rights experts, including Maina Kiai, called on the Egyptian authorities to bring its legal system into compliance with international and regional standards so as to ensure long-term justice and contribute to reconciliation efforts in Egypt. The appeal came after the second wave of mass death sentences pronounced in Egypt last month.

Upcoming

- Bangkok, Thailand (May 27-30, 2014): Maina Kiai will deliver a keynote speech at the Asia Regional Civil Society Experience Summit, an event sponsored by USAID, The Asia Foundation and UNDP.

- Human Rights Council, 26th Session, Geneva, Switzerland (tentatively scheduled for June 10, 2014): presentation of the Special Rapporteur's thematic report on groups most at risk and country report on Rwanda. The Special Rapporteur will also participate in several side events throughout the week.

Special Rapporteur Maina Kiai speaks during a meeting with the Secretary General of the Organization of American States, José Miguel Insulza, on April 9, 2014 (photo: [Juan Manuel Herrera/OAS](#))



World briefing: Freedom of assembly and association in the news

Scene from a Venezuela-related protest in
Cologne, Germany, on February 22, 2014
(photo: [Jakob/Flickr](#))

April 13, 2014

[10,000 protest in Moscow over state media coverage of Ukraine crisis](#): The rally denounced Russian state television's news coverage, particularly of the crisis in Ukraine. Meanwhile, the Russian government [continued its aggressive tactics](#) to silence independent civil society organizations (and in Ukraine: a UN report released on May 16, 2014, [documented](#) an "alarming" deterioration in human rights in the east of the country).

April 16, 2014

[Police break up protest in Algeria ahead of elections](#): Police broke up a rare anti-government protest a day before elections that ultimately resulted in the re-election of President Abdelaziz Bouteflika to a fourth term in office. A week later, opposition groups were already [reporting](#) a spike in threats and intimidation.

April 21, 2014

[Ten Injured in Clash After Cambodian Politician's Defiant Freedom Park Protest](#): Supporters of Cambodian opposition lawmaker Mu Sochua were injured when security forces beat them as she was forced out of a public demonstration site in Phnom Penh. May 1 protests were similarly dispersed, with shocking footage emerging of a [bystander being beaten](#). Maina Kiai commented on the situation in an April 25 article in the [Phnom Penh Post](#). Meanwhile, the text of Cambodia's [secret draft cyberlaw](#) emerged, causing concern among civil society leaders.

April 22, 2014

[Protest in Mexico City over proposed Internet law](#): Hundreds of students and activists marched in Mexico's capital to protest a telecommunications law that some believe would allow the government to arbitrarily censor Internet content. After a Twitter campaign against the law [went viral](#), the government appeared to [step back](#) from its plans.

April 27, 2014

[Anti-government protests return to Venezuela's streets](#): Several thousand people took to the streets of Caracas and elsewhere to protest education reform plans and restrictions on the right to demonstrate. The protests were the latest in a series of anti-government marches that began in February and claimed dozens of lives. Venezuela's military earlier in the month admitted "excesses" during the protest crackdown, and said it [was investigating 97 officers for "cruelty and torture"](#). In May, authorities raided student protest camps and [announced charges](#) against 11 protest leaders.

May 11, 2014

[Housing protesters occupy land near Brazil World Cup soccer stadium](#): Thousands of families occupied an empty lot near the site of the opening match of the FIFA World Cup. They were demanding affordable new housing and protesting government expenditures on the tournament. In April, campaigners [expressed fear](#) that new anti-terror legislation would be used to suppress anti-government protests during the World Cup. Brazil also passed a trailblazing new [Internet privacy law](#).

May 12, 2014

[ASEAN meeting with civil society cancelled in Myanmar](#): The government of Myanmar cancelled a planned meeting between civil society representatives and ASEAN leaders due to a dispute over who would attend. Singapore, Malaysia and Cambodia reportedly rejected independently-chosen representatives and replaced them with state-approved candidates.

May 15, 2014

[Casualties in attack on Bangkok protest site](#): Two people were killed and at least 21 others wounded in an attack on an anti-government protest in Bangkok. The attack against protesters came a week after a Thai court ousted former Prime Minister Yingluck Shinawatra and nine of her cabinet ministers for abuse of power.