

The Assembly and Association Briefing

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

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Maina Kiai meets with officials from the Omani Ministry of Foreign Affairs prior to his concluding press conference on Sept. 13, 2014 (Photo: Jeff Vize)

Kiai makes official visit to Oman; says it's time for sultanate to build on economic development and fully embrace human rights

MUSCAT / GENEVA – United Nations Special Rapporteur Maina Kiai completed a six-day official visit to the [Sultanate of Oman](#) on Sept. 13, and commended the Government on its economic development – but [urged](#) that it now turn the same energy and focus to human rights.

More than 40 years after first opening up to the outside world, it is “time for Oman to build on (its) achievements by adopting a human rights and people-centred approach that can lead to the full enjoyment of fundamental rights and freedoms, including rights to freedom of peaceful assembly and of association,” said Kiai, who is the Special Rapporteur on the rights to freedom of peaceful assembly and of association. “I am confident that just as Oman has successfully modernized and is a strong state, it can and should embrace further openness.”

Among the most important initial steps that Oman must take, Kiai said, are to urgently ratify the International Covenant on

Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

In his preliminary findings, Kiai said that he observed a “consistent focus” on maintaining peace, order and stability in Oman, which is often used as the rationale for limiting assembly and association rights. This, in turn, creates an atmosphere of fear among civil society and activists. For example, he noted he was concerned about “reported reprisals, before and during my visit, following (human rights activists’) attempts to contact or meet with me.”

“Stability is certainly important,” he said. “But it is crucial to emphasize that the enjoyment of civil and political rights on one hand, and stability on the other, are not mutually exclusive. In fact, human rights are the foundation for true and sustainable stability.”

(continued on next page)

Maina Kiai makes official visit to Oman (continued from Page 1)

The Basic Law of Oman nominally guarantees the right to peaceful assembly, but with the caveat that this right must be “within the limits of the Law.” Unfortunately, Kiai said, these limits, are quite restrictive. For example, gatherings of more than nine people require a de facto approval of the authorities.

“Under international law, the exercise of the right to freedom of peaceful assembly should not be subject to authorization by the authorities,” Kiai said.

Kiai also expressed concern over reports of excessive force and arbitrary arrests in response to peaceful assemblies, particularly during the wave of social-reform protests in 2011 and 2012.

The Basic Law of Oman also establishes the right to form associations, but Kiai said that this right “is virtually non-existent in practice.”

The law on associations limits the type of associations that may be formed, makes registration mandatory and gives unbridled discretion to the Ministry of Social Development to approve or deny registration applications for “any ... reason the Minister deems relevant”. It also bans political parties.

“Given the deep and fundamental flaws in the current (association) law, I would recommend that the Government consider a new law altogether that is in line with the relevant provisions of international human rights law instruments,” he said.

Kiai also expressed concern about the newly enacted Law on Nationality, which states that Omani nationals may lose their citizenship if they engage in an organization deemed to be working against the country’s interest, and the inability of activists to freely associate online. Access to some Voice over Internet Protocol (VoIP) and instant messaging services is limited and a number of bloggers and writers have been imprisoned, Kiai said.

During his six-day visit, Mr. Kiai met State officials, members of the judiciary and of Parliament, representatives of the National Human rights Commission and members of civil society.

The Special Rapporteur will present his report on this visit to the Human Rights Council during its 29th session in June 2015.

“The Basic Law of Oman establishes the right to form associations, but based on my observations this right is virtually non-existent in practice.”

Photos

Click here for photos of the Special Rapporteur’s visit to Oman (via Flickr)

Statement

Click here for the Special Rapporteur’s full statement on Oman (English/Arabic audio also available)

Arabic

Click here for an Arabic translation of the SR’s statement on Oman

Maina Kiai listens to writer and activist Fahim al-Meashni during a meeting with civil society members outside of Salalah, Oman.

UN experts urge Bahrain to release human rights defender Maryam Al-Khawaja

A group of United Nations independent human rights experts [has urged](#) the government of [Bahrain](#) to release prominent human rights defender Maryam Al-Khawaja, who has been detained since Aug. 30 on charges of assaulting a police officer.

Ms. Al-Khawaja is the co-director of the [Gulf Centre for Human Rights](#). She is also the daughter of the former president and co-founder of the [Bahrain Centre for Human Rights](#) (BCHR), Abdulhadi Abdulla Hubail al-Khawaja, who has been in detention since 2011 and who has been the subject of numerous calls by UN experts.

Ms. Al-Khawaja was detained at Bahrain International Airport while travelling to visit her father in prison. She is currently being held at Isa Town women's prison on charges of assaulting a police officer pending investigation by the Public Prosecution. Reports say her Danish passport has been confiscated and that she has been denied access to a lawyer.

"The detention and decision to bring charges against Ms. Al-Khawaja is deeply concerning. In absence of credible evidence, the Government of Bahrain should take immediate steps to release her," the experts said.

"Detention of civil society members who seek to contribute to the promotion and protection of human rights is unacceptable," they noted. "Defenders play a key role in holding States to account for the implementation of their human rights obligations, including at the international level. Their legitimate work should be fully respected."

The experts expressed their concern at the apparent continued harassment and imprisonment of individuals exercising their legitimate rights to freedom of opinion and expression in Bahrain.

"The detention of Ms. Al-Khawaja is another patent measure of retaliation against individuals who advocate for human rights in the country," the experts said.

Recalling the two last-minute postponements of a visit to Bahrain by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in 2012 and 2013, which were considered as an [effective cancellation](#), the experts called upon the Government to commit to and cooperate with all planned visits to the country.

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



Maryam Al-Khawaja speaks at a side-event with Maina Kiai at the Human Rights Council in Geneva in June 2014.

Iran: Kiai condemns the recent wave of arrest and sentencing of civil society actors

United Nations human rights experts, including Maina Kiai, [expressed](#) grave concern on Aug. 8 over the recent escalating trend in [Iran](#) of arresting and sentencing individuals exercising their rights to freedom of expression and opinion, peaceful assembly and association.

Since May 22, 2014, at least 36 individuals that include journalists, bloggers, filmmakers and authors, many of whom are also human rights activists, have been arrested summoned or sentenced in connection with their journalistic activities or for simply expressing their opinion on social media websites. Some of them have also been charged for 'gathering and colluding against national security' following their participation in peaceful assemblies.

"Convicting individuals for expressing their opinion is absolutely unacceptable," the experts stressed. "Freedom of expression and opinion is necessary for the realization of all human rights, and it is a right reserved for all individuals, even if that individual expresses an opinion with which the Government disagrees."

A number of these cases include situations where persons are held in solitary confinement or unknown locations and for unknown charges. Many of the trials were allegedly riddled with procedural irregularities, including deprivation of legal representation and exclusion from attending one's own sentencing.

These individuals have been sentenced to prison terms ranging from six months to

twenty years. Furthermore, at least one individual was sentenced to 50 lashings, while another was sentenced to death.

"The imposition of sentences in conjunction with unfair trials and lack of due process, on charges that do not warrant death or lengthy prison terms, constitutes a dismal violation of international human rights law," the independent experts noted.

Iranian author Mr. Arzhang Davoodi was recently sentenced to death on the charge of "Moharebeh" (enmity against God), in connection with his alleged membership and support to an Iranian dissident group, an allegation based on a comment he made about the group. Neither he, nor his attorney was reportedly present during the trial.

"It is completely unacceptable that an individual be sentenced to death on charge of Moharebeh for merely speaking one's opinion," the UN human rights experts said.

"Not only is this a blatant violation of the International Covenant on Civil and Political Rights, it also breaches the country's own Islamic Penal Code, which reserves the death penalty only for those who have actively taken up arms."

The human rights experts stressed that "such extreme convictions are simply intolerable and must be overturned."

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

Freedom of association and assembly: By the numbers

98

Number of political prisoners currently detained in Azerbaijan, according to a list [released by civil society](#) in August.

2

Number of people who helped compile the list who are now [imprisoned themselves](#) (activists Leyla Yunus and Rasul Jafarov).

157

Number of associations [suspended in Tunisia](#) "for security reasons" in July.

7

Number of months that Phnom Penh, Cambodia's "Freedom Park" – a designated public protest area – was closed [before reopening](#) on Aug. 6, 2014.

120

Days since a [military coup](#) was declared in Thailand (as of Sept. 18, 2014), which brought with it severe restrictions on the right to freedom of peaceful assembly.

124

Number of legally-registered associations in Oman, according to a [government website](#).

0

Number of these which are officially registered political parties.

29,000

Number of Omani residents for each registered association, based on a population of 3.6 million.

600

Equivalent number in [India](#), based on a population of 1.2 billion and 2 million registered associations.

13

Minimum number of [journalists](#) allegedly arrested while covering demonstrations over the police shooting of Michael Brown in Ferguson, Missouri, USA.

0

Number of those who were [actually charged](#) with a crime, according to available information.

A minaret at sunset near Port Sultan Qaboos in Muscat, Oman.



An environmental protest in Hobart, Tasmania (photo: [Jenny Forward/Flickr](#))

UN experts urge Tasmania to drop bill that would limit protests against businesses

Three UN human rights experts, including Maina Kiai, [urged](#) the State Parliament of Tasmania in [Australia](#) on Sept. 9 to refrain from adopting legislation against protests that disrupt businesses. The proposed bill, the experts say, could silence legitimate and lawful protests, is disproportionate, and targets specific issues such as the environment.

"If passed, the law would almost certainly run afoul of Australia's human rights obligations, which Tasmania is also obliged to uphold. State governments in Australia need to ensure the legislation they adopt is in line with the country's international obligations under international human rights law," they said.

The Tasmanian Government argues the law is necessary to prevent businesses being disrupted by protesters, especially as Tasmania has been the focus of debate and demonstrations on environmental concerns.

The bill, which is now before Tasmania's Upper House, prohibits protests, whether on private or public property, that hinder access to business premises or disrupt business operations. It imposes mandatory penalties, including fines up to 100,000 Australian dollars (US\$ 93,000) for organizations and up to 10,000 Australian dollars (US\$9,300) for individuals. Repeat offenders face a mandatory minimum prison sentence of three months.

"The law itself and the penalties imposed are disproportionate and unnecessary in balancing the rights to free expression and peaceful assembly and the government's interests in preserving economic or business interests," said [David Kaye](#), recently appointed Special Rapporteur on freedom of opinion and expression. "The bill would have the chilling effect of silencing dissenters and outlawing speech protected by international human rights law."

"In democratic societies, demonstrations and protests are key to raising awareness about human rights, political, social concerns, including regarding environmental, labour or economic issues, and of holding not just governments, but also corporations accountable. The Bill, if adopted, would impede that very function," said Maina Kiai, Special Rapporteur on the rights to freedom of peaceful assembly and association.

[Michel Forst](#), UN Special Rapporteur on the situation of human rights defenders, acknowledged Australia's open and democratic traditions, but expressed concern that the law would curtail human rights defenders' legitimate right to express their opinions, especially when these are at odds with the government or industry.

"Moreover, by listing specific industries, such as forestry, agriculture, or mining, it specifically targets environmentalists; this is shocking," he added.

The UN experts noted that in March 2014, Australia co-sponsored UN Human Rights Council's resolution 25/38 that recognizes that peaceful protests can make a positive contribution to the development and strengthening of democracy, and urges States to facilitate peaceful protests by providing access to public space.

A full version of this press release can be found at our website, [freeassembly.net](#).

Special rapporteur news in brief: July-September 2014

Kiai's work with Community of Democracies cited in the Economist

Special Rapporteur Maina Kiai's work to document and combat restrictions on foreign funding to civil society was cited in a lead story published by [the Economist](#) on Sept. 13 (see here for a [second story](#) from Sept. 11 - registration required). The feature examined what it called the "escalating war waged by authoritarian governments against groups promoting the Western vision of liberal democracy" and referenced the [General Principles on Protecting Civic Space and the Right to Access Resources](#), a document published by the Special Rapporteur in partnership with the Community of Democracies earlier this year.

The articles cited Azerbaijan, Mexico, Pakistan, Russia, Sudan and Venezuela as examples of countries which already restrict foreign funding to NGOs, and noted that about a dozen more countries plan to do so, including Bangladesh, Egypt, Malaysia and Nigeria.

The Special Rapporteur's collaboration with the Community of Democracies on the issue of civil society funding is ongoing, with the next event scheduled for October in Warsaw (see item below)

Maina Kiai to receive top award from Freedom House

Freedom House has selected Maina Kiai as the [2014 recipient](#) of its Freedom Award, an acknowledgement begun by the organization in 1943 "to extol recipients' invaluable contribution to the cause of freedom and democracy."

Prior Freedom Award honorees include Chen Guangcheng, Aung San Suu Kyi, Vaclav Havel, His Holiness the 14th Dalai Lama, Medgar Evers, and Edward R. Murrow.

The award will be presented on Oct. 1, 2014, at an event held at the Newseum in Washington, DC. Follow events from the annual dinner on Twitter using the hashtag [#fhawardsdinner](#).

Academic trip to South Asia

The Special Rapporteur embarked on a four-day visit to South Asia from Sept. 19-22. He will first attend a regional consultation on assembly and association rights in Kathmandu, Nepal, sponsored by FORUM-ASIA. He will then travel to Bangladesh for two days to engage with human rights defenders with the view of enhancing his work on key issues of concern in the country.

Khmer language functionality added to 'Kiai Comments'

The "[Kiai Comments](#)" quote widget added Khmer to its repertoire in September, bringing the total number of languages to seven. Kiai Comments displays a rotating series of quotes and excerpts on assembly and association rights and can be freely embedded in any website. The quotes, which are taken mostly from the Special Rapporteur's reports and articles, link back to the source documents.

Upcoming

- "Regional Government Dialogue on the Right to Civil Society Funding in the OSCE Region" (in Warsaw, Oct. 22, 2014): The Special Rapporteur will participate in a regional dialogue with OSCE governments to discuss civil society's right to access resources. The event is a follow-up to a related event with civil society that took place in [Warsaw in May 2014](#).
- [69th Session of the United Nations General Assembly](#) (in New York; tentatively scheduled for Oct. 28, 2014): The Special Rapporteur will deliver his second report - focusing on [multilateral organizations](#) and their effect on the rights to freedom of peaceful assembly and of association - to the UN General Assembly.

Maina Kiai meets with Major General Sulaiman bin Mohammed Al-Harthi, Assistant Inspector General of the Royal Oman Police for Administrative and Financial Affairs, during his official visit to Oman in September.

Kiai and others call on the government of Azerbaijan to stop persecution of rights activists



Azerbaijan police detain an opposition activist during an unsanctioned protest rally in Baku on Nov. 17, 2012. The youth activists were calling for parliament to be dissolved (photo: Aziz Karimov for [Freedom House/Flickr](#))

United Nations human rights experts, including Maina Kiai, condemned the growing tendency to prosecute prominent human rights defenders in [Azerbaijan](#), and urged the Government “to show leadership and reverse the trend of repression, criminalization and prosecution of human rights work in the country.”

“We are appalled by the increasing incidents of surveillance, interrogation, arrest, sentencing on the basis of trumped-up charges, assets-freezing and ban on travel of the activists in Azerbaijan,” the Aug. 19 statement said. “The criminalization of rights activists must stop. Those who were unjustifiably detained for defending rights should be immediately freed.”

The experts highlighted the specific cases of Leyla Yunus, director of the Azerbaijani Institute of Peace and Democracy; Arif Yunus, head of Conflict Studies in the Institute of Peace and Democracy; Rasul Jafarov, coordinator of Art of Democracy and head of Human Rights Club; and Intigam Aliyev, chair of Legal Education Society.

“We are alarmed at the wave of politically-motivated repression of activists in reprisal

Related: [Click here to read an open letter from jailed Azeri activist Rasul Jafarov](#)

for their legitimate work in documenting and reporting human rights violations,” they noted, reiterating their grave concerns about the deteriorating situation in the country for the third time in less than a year.

The UN experts reminded the authorities of their legal obligations under international human rights law, which guarantees everyone in Azerbaijan the rights to freedom of expression, of peaceful assembly and association, without undue interference.

“The State’s primary responsibility should be to protect its civil society activists from intimidation, harassment, threats or attacks,” they stressed. “Azerbaijan’s recent membership of the UN Committee on Non-Governmental Organizations does not square well with the authorities’ actions directed at stifling freedoms on the ground.”

A full version of this press release is [available here](#).

UNSR makes follow-up visit to Rwanda

UN Special Rapporteur Maina Kiai [conducted](#) a two-day visit to [Rwanda](#) at the invitation of the Government, in follow-up to the [official mission](#) he conducted in January 2014.

The Aug. 25-26 visit provided an opportunity for Government representatives and Kiai, who is the Special Rapporteur on the rights to freedom of peaceful assembly and of association, to discuss Rwanda’s progress in implementing key recommendations made since the official mission.

Kiai also made recommendations to the government as Rwanda prepares for its upcoming Universal Periodic Review (UPR) in October 2015.

Following the visit, Kiai acknowledged the great strides that Rwanda has made in rebuilding its society and economy since the genocide 20 years ago, but said that the time has come for the government to put the same energy and resources into creating an environment where assembly and association rights can thrive.

A full press release recapping the visit is available on [freeassembly.net](#).



World briefing: Freedom of assembly and association in the news

Malaysia

Wave of arrests against opposition figures: A host of Malaysian activists and opposition politicians have been charged under the Sedition Act of 1948 in recent months for allegedly criticizing the government. The law makes it a criminal offense to utter “any seditious words” and outlaws any “seditious tendency” that would “bring into hatred or contempt or excite disaffection against any Ruler or against any Government.” An offense is punishable by imprisonment for up to five years. [Human rights lawyer Edmund Bon](#) - who recently participated in an [expert consultation](#) hosted by Maina Kiai - is the latest to be investigated under the Sedition Act for saying that non-Muslims could not be subjected to fatwas or the Shariah court.

South Sudan

NGOs told to fire foreign aid workers: South Sudan’s government issued an order in mid-September to non-governmental relief organizations to fire employees of foreign origin, saying they must cease working by mid-October. Telecommunications companies, banks, insurance companies, oil companies, hotels and lodges were also ordered to comply with the directive.

Hungary

Police raid Norwegian-funded NGO: Hungarian police forces on Sept. 8 searched the Budapest headquarters of Okotars, a foundation coordinating the distribution of funds from the EEA/ Norway Grants in Hungary. The government says Okotars is suspected of embezzlement and unauthorized financial activities, but many perceived the raid as part of an [ongoing crackdown](#) on civil society, particularly on organizations funded by Norway. The [Norwegian government](#) called the raid “unacceptable” and said that it was “clear that the Hungarian authorities are continuing their harassment of civil society organizations.” A Hungarian opposition leader accused the government of trying to intimidate civil organizations, which “defend what is left of Hungarian democracy”.

Egypt

Human Rights Watch staff detained at airport, refused entry: Human Rights Watch executive director Kenneth Roth and researcher Sarah Leah Whitson were denied entry to Egypt for “security reasons” and detained at Cairo airport for 12 hours on Aug. 11. The pair had traveled to Egypt to launch a report on the mass killings of protesters by security forces last year. Meanwhile, civil society is [increasingly nervous](#) about a recent order requiring all groups involved in activities that could be considered relevant to the work of NGOs to register as NGOs.

USA

Protests and police violence in Ferguson, Missouri, after officers kill unarmed teen: Residents took to the streets over several days to protest the Aug. 9 killing of Michael Brown, an 18-year-old African-American teenager who was shot under dubious circumstances by a member of the city’s predominantly white police force. Authorities were criticized for a disproportionate response to the demonstrators - which included police armed with [military-style weapons](#) and the use of tear gas and rubber bullets - which in turn fueled more protests. Scores were reportedly injured and arrested over the course of the protests, including a Washington Post reporter who was allegedly detained for “[trespassing in a McDonald’s](#).” Five days in, veteran protesters from Palestine, Egypt and elsewhere were [Tweeting advice](#) to Ferguson’s demonstrators. “Solidarity with #Ferguson,” [wrote](#) Palestine-based @MariamBarghouti. “Remember to not touch your face when teargassed or put water on it. Instead use milk or coke!”

Israel & Palestine

Israelis defy protest ban: As war in Gaza raged, several hundred anti-war activists in Tel Aviv took to the streets to protest on Aug. 9, defying a ban on public gatherings. Heavy shelling of residential areas in Gaza resulted in a large number of casualties over the summer before a truce took hold in late August.

Oman

Journalist detained incommunicado: Mohammad Al-Fazari, an Omani journalist and human rights activist, was detained incommunicado for unspecified reasons by authorities in Oman on Aug. 31. He was released five days later - just before Maina Kiai’s visit to the country. Al-Fazari is editor in chief and founder of the electronic magazine Al Mowaten, an open platform to discuss subjects related to politics, rights and society.

Aerial shot of a protest in Chicago, Illinois, on July 20, 2014, over the war in Gaza (photo: [Ashley Diener/Flickr](#))