

Factsheet: Multilateral organizations & FoAA rights

Summary of Special Rapporteur Maina Kiai's Oct. 2014 report to the UN General Assembly (A/69/33937)



Do assembly and association rights apply at the multilateral level?

Yes

The rights to freedom of peaceful assembly and of association are protected by various international instruments, including Articles 21 and 22 of the [International Covenant on Civil and Political Rights](#). The Special Rapporteur argues that States have committed themselves to respect and promote these rights at both the local and multilateral level (p 5-6, para 14-15). Article 5 of the [Declaration on Human Rights Defenders](#) also explicitly recognizes that assembly and association rights apply at the international level. The necessity of upholding these rights at the international level is implicit in the concept that civic engagement is essential for the functioning of a participatory, democratic government. States are not exempted from upholding fundamental rights simply by moving their actions outside of their domestic jurisdictions. If international human rights norms and standards are to be meaningful, States are bound and uphold them in all their activities (p 6, para 16).

Are multilaterals' obligations fulfilled by simply allowing assemblies and associations to exist?

No

It is not enough to say that associations and peaceful assemblies are allowed to exist if they are not given meaningful access to multilateral fora. Citizens must be given a seat at the decision-making table (p 11, para 38). The Special Rapporteur provides detailed recommendations in his report on how this can be done, including: Implementing policies that emphasize the importance of engagement with civil society, giving civil society full and effective participation in all activities, and establishing accountability mechanisms and comprehensive and fair access-to-information policies (p 20-23, paras 86-91).

Are multilaterals absolved of responsibility when States police assemblies?

No

The right to freedom of peaceful assembly is a key channel for constructive engagement, when it is properly opened. Multilaterals must recognize this (p 6-7, para 18), which means they have a responsibility with respect to how peaceful assemblies are policed and how the right to peaceful assembly is promoted. Multilaterals obviously cannot police assemblies themselves, but they can monitor how member States do so - and set standards to ensure that States follow international best practices when policing on their behalf. Multilaterals must also support assembly rights in places where they operate (p 9, para 29 & p 13, para 53).

Engagement with 'civil society': Does that mean 'NGOs'?

No

"Non-governmental organizations" (NGOs) are not synonymous with "civil society". NGOs are merely one component of civil society, and in some circumstances they may not be the most important sector for multilateral entities to consult. Multilaterals should be accessible to all CSO regardless of their status or size. CSOs include not only big international NGOs, but also grassroots groups, local associations and even spontaneous social movements, which may manifest themselves through peaceful assemblies. Groups should not have to be organized or registered to be considered a serious stakeholder in multilateral affairs (p 4, para 8).

Should civil society have the same access to multilaterals as businesses?

Yes

Civil society participation should be evaluated in comparison with other sectors, particularly the for-profit businesses sector. Space at the multilateral level, particularly in the finance-related multilaterals, is often occupied disproportionately by for-profit interests - i.e., large banks and corporations. They may wield more financial resources, but this should not automatically rank them as preminent representatives of a country or region. Sectoral equity is key: civil society representatives should be given the same access, input and power as the private for-profit sector (p 13, para 50).

Are private multilaterals, such as FIFA and the IOC, exempt?

No

Private multilateral bodies, such as the International Olympic Committee (IOC) and FIFA both wield enormous economic power to pressure countries hosting their lucrative events. They should not be considered exempt from the responsibility to respect, if not promote, universally recognized human rights. In spite of this, the [IOC bans in its Charter](#) demonstrations at their events altogether and [FIFA's executives openly express](#) with apparent impunity that less democracy is better for organizing a World Cup. The Special Rapporteur believes that the requirements for transparency and accountability of multilateral institutions, whether private or public, expand as power and influence increase. In addition, he considers that the failure to encourage and facilitate peaceful assemblies represents a lost opportunity for engagement (p 9, para 31).

What is a multilateral organization?

The concept of multilateralism is generally understood to involve three or more States acting jointly on a particular issue. These engagements may take place within formally structured institutions created by treaties or may take advantage of more flexible arrangements without formal mandates, treaties or legal powers. Interactions may be focused within a geographical area or may coalesce around issues of mutual interest. In the UNSR's latest report, the focus is on multilateral institutions acting at the global level (p 4, para 6).

What is this report about?

Multilaterals have long been dominated by States, but in recent times, non-State actors have challenged this approach and are demanding a place at the negotiating table. Civil society is pushing for multilateral institutions to focus on people's concerns and human rights rather than being confined to geopolitical and economic interests that primarily occupy States and corporations. The Special Rapporteur believes that the concept of multilateralism should be expanded beyond action by States alone to include the effective participation of a variety of voices within those States. This report highlights the challenges experienced by civil society actors in having an effective voice at the multilateral level.

What does the Special Rapporteur recommend?

Multilaterals have to do more to foster the rights to freedom of peaceful assembly and of association at the international level. In today's globalized world, the meaning and practice of democracy stretches beyond national boundaries. Multilateral entities have positive responsibilities to actively protect peaceful assemblies and to establish and maintain an enabling environment for civil society. States have an obligation to protect and facilitate the rights to freedom of peaceful assembly and of association of all individuals who engage with multilateral institutions.



The UN & civil society: By the Numbers

- 0 Amount of money from United Nations Development “basket funds” in Kenya and Malawi that can be used to stage protests and peaceful assemblies (p 10, para 33)
- 4,000 Approximate number of NGOs granted United Nations consultative status by the UN Economic and Social Council since 1945, allowing them to take part in certain UN processes (p 11, para 39)
- 48 Number of NGOs which have had their accreditations repeatedly deferred by the UN NGO Committee as of April 2014 (p 23, para 74)
- 46 Number of these organizations which work on human rights issues (p 23, para 74)
- 7 Number of years that one NGO, the International Dalit Solidarity Network, has seen its application for consultative status deferred by the UN Committee on NGOs. It has received 64 written questions from the Committee, all raised by India, and is now the longest pending application before the Committee (p 23, para 74)
- 13 Number of countries (cited in the report) which reportedly retaliated against human rights defenders after making statements at the UN Human Rights Council in recent years (p 20-21, para 66)

“Multilateral institutions must take aggressive action when ... reprisals take place, including by intervening in specific cases and publicly condemning the Member State(s) involved.”

(A/69/33937, p 17, para 51)

“A pro-civil society organizational culture within multilateral organizations is crucial ... rooted in the attitude that [it] is an agent dedicated to upholding ideals and effecting change, rather than a bureaucracy built to maintain the status quo.”

(A/69/33937, p 15, para 43)

Key recommendations

For Multilaterals

- (1) Implement thorough and consistent policies that emphasize the importance of substantive engagement with CSOs and recognize that participation at the multilateral level is an inherent component of the right to freedom of association. Such a policy should grant civil society: Full and effective participation in all activities; access to all meetings, processes and bodies at all levels; speaking rights in all meetings, with the same opportunities as Governments and private sector entities; and the right to submit documents equivalent to Member States.
- (2) Open up the engagement process with smaller, local CSOs, including grassroots groups, spontaneous social movements and CSOs which deal with marginalized groups.
- (3) Establish accountability mechanisms and ensure that they have comprehensive and fair access to information policies in place.
- (4) Publicly denounce each and every instance of reprisals.
- (5) Develop strict internal guidelines governing the policing of assemblies, rather than handing this function over to local authorities.

For States members of multilaterals

- (1) Prevent and refrain from all acts of reprisals against those engaging or seeking to engage with multilateral institutions.
- (2) Refrain from unduly preventing NGOs from obtaining accreditation with multilateral institutions, arbitrarily withdrawing accreditations, or deferring the examination of periodic reports of accredited organizations.
- (3) Adopt and implement specific legislation and policies, and issue appropriate guidance to national authorities to effectively protect those engaging or seeking to engage with multilateral institutions;
- (4) Ensure accountability for any acts of reprisal through impartial, prompt and thorough investigations of any acts of reprisal, and access to effective remedies for victims; and
- (5) Refrain from using Government organized NGOs for stifling independent voices in multilateral arenas.
- (6) Facilitate the issuance of visas for those seeking to engage with multilateral bodies based on their territory.

For the United Nations

- (1) Reform the Committee on Non-Governmental Organizations to prevent Member States from blocking accreditation applications with perpetual questioning and to unilaterally veto applications. The reform process should be guided by the principle that the United Nations functions best when it is accessible to the greatest diversity of voices possible.
- (2) Continue to support the Secretary General’s recently-instituted “Rights Up Front” policy. The Special Rapporteur welcomes this policy and hopes it has a positive impact on the United Nations’ promotion of human rights.
- (3) Promote human rights in all UN work and to understand that all staff and agency actions, policy and work often has a profound impact on the human rights landscape – even if these staff and agencies are not working directly on human rights.

Full recommendations are available at p 26-30, paras 86-91