



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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Kiai in Geneva for final visit to Human Rights Council as Rapporteur

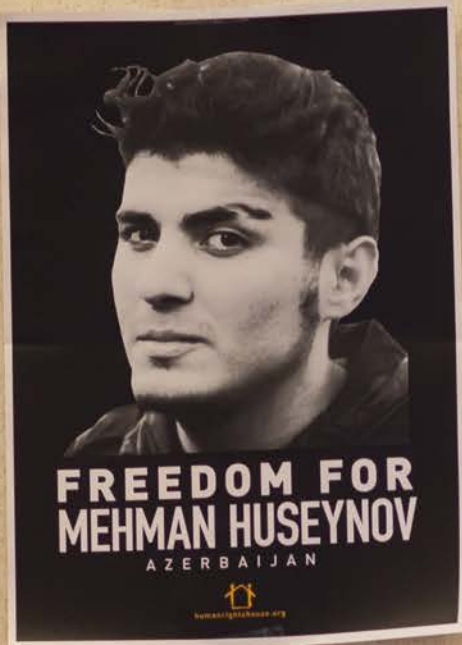
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UN expert: 'Fundamental right to strike must be preserved'

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Special Rapporteur releases annual report recapping the events of 2016

Special Rapporteur Maina Kiai speaks at an event at the US Ambassador's residence in Mbabane, Swaziland, during his academic visit to the country in February 2017



Kiai visits Geneva for final Human Rights Council session as Rapporteur

GENEVA — United Nations Special Rapporteur Maina Kiai was in Geneva March 6-10 to participate in several events surrounding the 34th Session of the UN Human Rights Council. It marked his final appearance on the margins of a Council session as Special Rapporteur.

On Monday, March 6, the Special Rapporteur moderated a side event on the rights to freedom of peaceful assembly and of association in the workplace, a follow-up to his Oct. 2016 report to the UN General Assembly. Other speakers included Kate Gilmore (United Nations Deputy High Commissioner for Human Rights), Deborah Greenfield (ILO's Deputy Director General for Policy), Raquel Gonzalez (Director of ITUC's Geneva Office) and Shawna Bader-Blau (Executive Director of the Solidarity Center).

A full video of the event is available on [CIVICUS's Facebook page](#).

The Special Rapporteur also spoke at a side-event on Tuesday, March 7, focusing on civil society and human rights defenders in Azerbaijan. The event, was organized by Human Rights House Foundation and a number of other organizations. Other panelists included Michel Forst, UN Special Rapporteur on the situation of human rights defenders, and Azerbaijani activists Emin Huseynov, Khadija Ismayilova, Gulnara Akhundova, and Necmin Kamilsoy.

Other events on the Special Rapporteur's agenda included:

- Participation in the [Global Alliance of National Human Rights Institutions Annual Conference](#).
- Participation as a panelist in the side-event "Peaceful protests 101: Exchange on the proper management of assemblies and the lawful use of force."
- Meeting with the International Labor Organization's Director General Guy Ryder, to discuss alliances between the human rights and labor movements.

Photos of all of the events are available on the [mandate's Flickr page](#).

Appointment of the next Special Rapporteur

The President of the Human Rights Council has [nominated Ms. Annalisa Ciampi \(Italy\)](#) to succeed Maina Kiai as the next Special Rapporteur on the rights to freedom of peaceful assembly and of association. Kiai's second and final term as Special Rapporteur ends on April 30, 2017.

Ciampi was selected on Feb. 15, 2017, from three finalists chosen by the Council's Consultative Group. The finalists were chosen from a pool of [more than 20 applicants](#). Ciampi is a [professor of law](#) at the University of Verona in Italy.

Kiai's successor will be formally appointed at the conclusion of the Council's 34th session in late March.

Friends bid farewell to Kiai

Friends and colleagues gathered for a reception in Geneva on March 8 to mark the end Maina Kiai's six year term as Special Rapporteur, and to celebrate his achievements.

The event featured a special appearance by Geneva-based singer OD, who performed "I can hear the streets calling" – a rap tribute to Maina Kiai and the rights to freedom of peaceful assembly and of association.

A video of the performance [can be seen here](#). A bonus video of Kiai freestyling with OD is [available here](#).

Maina Kiai speaks at a side event on Azerbaijan on the margins of the Human Rights Council in Geneva March 7, 2017. Pictured in the background: a photo of imprisoned rights defender Mehman Huseynov



Mineworkers in Ukraine (photo: Solidarity Center)

UN rights expert: 'Fundamental right to strike must be preserved'

GENEVA — Further to the Human Rights Council [side event](#) on freedoms of association and of peaceful assembly in the workplace which took place on March 6, 2017, and on the occasion of a key meeting of the International Labour Organization (ILO), the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, issued a [statement on March 9](#) recalling that the right to strike is a fundamental one enshrined in international human rights and labour law, and that its protection is necessary in ensuring just, stable and democratic societies:

“As the 329th session of the Governing Body of the ILO starts today, I wish to reiterate the utmost importance of the right to strike in democratic societies.

As stated in my 2016 thematic report to the General Assembly (A/71/385), the right to strike has been established in international law for decades, in global and regional instruments, such as in the ILO Convention No. 87 (articles 3, 8 and 10), the International Covenant on Economic, Social and Cultural Rights (article 8), the International Covenant on Civil and Political Rights (article 22), the European Convention on Human Rights (article 11), and the American Convention on Human Rights (article 16). The right is also enshrined in the constitutions of at least 90 countries. The right to strike has in effect become customary international law.

The right to strike is also an intrinsic corollary of the fundamental right of freedom of association. It is crucial for millions of women and men around the world to assert collectively their rights in the workplace, including the right to just and favorable conditions of work, and

to work in dignity and without fear of intimidation and persecution. Moreover, protest action in relation to government social and economic policy, and against negative corporate practices, forms part of the basic civil liberties whose respect is essential for the meaningful exercise of trade union rights. This right enables them to engage with companies and governments on a more equal footing, and Member States have a positive obligation to protect this right, and a negative obligation not to interfere with its exercise.

Moreover, protecting the right to strike is not simply about States fulfilling their legal obligations. It is also about them creating democratic and equitable societies that are sustainable in the long run. The concentration of power in one sector — whether in the hands of government or business — inevitably leads to the erosion of democracy, and an increase in inequalities and marginalization with all their attendant consequences. The right to strike is a check on this concentration of power.

I deplore the various attempts made to erode the right to strike at national and multilateral levels. In this regard, I welcome the positive role played by the ILO’s Government Group in upholding workers’ right to strike by recognizing that ‘without protecting a right to strike, freedom of association, in particular the right to organize activities for the purpose of promoting and protecting workers’ interests, cannot be fully realized.’

I urge all stakeholders to ensure that the right to strike be fully preserved and respected across the globe and in all arenas”, the expert concluded.

The statement is also [available on our website](#).

Bangladesh: stop enforced disappearances

GENEVA — United Nations human rights experts, including Maina Kiai, have called on Bangladesh to act to halt an increasing number of enforced disappearances in the country.

The UN Working Group on Enforced or Involuntary Disappearances says the number of cases has risen from a few isolated cases a few years ago, to more than 40 now, and that the number is continuing to grow. Independent reports blame the Rapid Action Battalion of the Bangladesh Police for several disappearances and extra-judicial executions, notably of political opponents of the Government.

“Enforced disappearance is a heinous crime and an offence to human dignity and no circumstances whatsoever may be invoked to justify it,” the Working Group said in its Feb. 24 statement, amid reports that abductions are being frequently used by law enforcement and security agencies.

The appeal by the UN experts follows the kidnapping, allegedly by Bangladesh security forces, of three men in August last year. Hummam Quader Chowdhury, Mir Ahmed Bin Quasem and Brigadier General Abdullahil Amaan Al Azmi, were all abducted in the capital, Dhaka, in separate incidents.

All three men are linked to opposition political parties. Each of their fathers had been convicted by Bangladesh’s International Crimes Tribunal (ICT), which was set up in 2009 to investigate and prosecute suspects for crimes during the conflict in 1971. They had also worked on their fathers’ defence during the trials and had campaigned subsequently for their release.

The full statement and list of endorsing UN experts is [available on our website](#).

The world's got 99 Problems

Due process of Law isn't one of them

#37: Enforced disappearances occur when a person is abducted by the State or with the acquiescence of the State, followed by a concealment of the victim's fate. People exercising their assembly and association rights are especially at risk. Since 1980, the UN Working Group on Enforced or Involuntary Disappearances has transmitted allegations of nearly 55,000 such cases in over 100 UN Member States. Think it's time to #EndEnforcedDisappearances? So do we.

1966
2016
#Assembly4HumanRights
freemovement.net

10 Principles civil society guide: Advocate for better management of assemblies



DOWNLOAD

Click to download the civil society guide

CHECKLIST

Click to download our implementation checklist & rate your country's compliance with the recommendations

JOINT REPORT

Click to read the original March 2016 report: Joint recommendations on the management of assemblies

Civil society Guide

A handbook for using the practical recommendations on the management of assemblies report by United Nations Special Rapporteurs Maina Kiai and Christof Heyns (A/HRC/31/66)

NAIROBI - In January, Special Rapporteur Maina Kiai published the **10 Principles Civil Society Guide**, a new report designed to help civil society advance the protection and promotion of human rights in the context of assemblies domestically.

The Civil Society Guide is a companion publication to the **March 2016 Human Rights Council report** on "practical recommendations for the management of assemblies" (A/HRC/31/66), which was authored by Kiai and former Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns.

The 2016 joint report was requested by the Human Rights Council in 2014 – a time when the assemblies were playing an increasingly prominent role on the world stage – to provide clarity on the applicable international human rights standards that apply in the context of assemblies. The practical recommendations in the report were developed after consultations with over 100 experts and more than 50 UN Member States.

The newly published Civil Society Guide provides suggestions, tools and inspiration to CSOs as they consider how they might push for the implementation of the practical recommendations in their own context. It is divided into four parts. Section 1 is an introduction of the practical recommendations report. Section 2 focuses on how CSOs might determine authorities' current and ongoing level of compliance with the practical recommendations. Section 3 discusses methods for gathering the evidence necessary for monitoring compliance and building advocacy arguments (including illustrative case studies, helpful further reading, as well as various tools and techniques which can be employed to gather relevant evidence and data). Lastly, Section 4 provides real-life examples of research and advocacy tactics which have been used to advance rights in the context of protests.

In October 2016, Kiai also published a separate companion report – the **10 Principles Checklist** – which invites users to determine which practical recommendations have been implemented in their countries. The Special Rapporteur continues to encourage users of the checklist to Tweet an image of their score sheet to [@MainaKiai_UNSR](https://twitter.com/MainaKiai_UNSR) – or to e-mail it to info@freeassembly.net.

THE GUIDE PROVIDES SUGGESTIONS, TOOLS AND INSPIRATION TO CIVIL SOCIETY ORGANIZATIONS AS THEY CONSIDER HOW THEY MIGHT PUSH FOR BETTER MANAGEMENT OF ASSEMBLIES IN THEIR COUNTRIES.

Pictured: Illustrations featured in the Civil Society Guide, drawn by cartoonists Ed Hall (top) and Damien Glez (right)

FACTSHEET

Haven't read the original joint report? Check out our factsheet first – a summary on one page

HUB PAGE

More info on the project to develop practical recommendations for the management of assemblies





Maina Kiai releases annual report: 2016 in assembly & association rights

NAIROBI — Special Rapporteur Maina Kiai has released his mandate's third and final annual report, "2016: The Year in Assembly & Association Rights."

The report tells the story of 2016 from the perspective of assembly and association rights and recaps the Special Rapporteur mandate's work during the year. The report also features Kiai's farewell letter (reprinted on the left), in which he reflects on his nearly six years in the mandate.

The report describes the events of 2016 "one of the most tumultuous years the world has seen since the end of the Cold War," with headline after headline bringing us news of political upheaval, war, terrorism, health crises, endemic corruption, environmental disaster, economic turmoil and more.

But there was another side to this story, the report notes, one with a much more hopeful tone: Despite its myriad troubles, 2016 was also a year where people came out in nearly unprecedented numbers in an attempt to address our problems - through organizing in their communities, through protest, through political engagement, through labor unions and more. It was, in other words, a year where assembly and association rights took center stage as a tool for fixing what appeared to be a crumbling world order.

"There is no doubt that civic space has closed dramatically in recent years, with 2016 being no exception," the report reads "But the real takeaway from 2016 is that people's desire for that space will never be extinguished."

The report is available at the following link: <http://freeassembly.net/reports/2016-year-in-review/>

Letter from the Rapporteur: Our fight isn't just about closing space; it's a 'struggle for future of democracy'

The following is adapted from the Special Rapporteur's annual report, "2016: The Year in Assembly & Association Rights," (see sidebar at right):

As my time as Special Rapporteur nears its end, I have been reflecting a great deal on my six years in the position — and just how much the world has changed since the Human Rights Council created my mandate in October 2010. Could anyone have imagined what the years 2011-17 would bring?

Back then, the rights to freedom of peaceful assembly and of association were somewhat neglected in the pantheon of our most cherished rights — known, but rarely in the headlines. In the years since, they have underpinned some of the most cataclysmic political events of the 21st century: revolutions in Tunisia, Egypt and elsewhere; mass protests that forced out leaders in Ukraine, Guatemala, Iceland, South Korea, Burkina Faso and Brazil; citizen movements in Hong Kong, Bahrain, Malaysia, the United States; and so much more.

And remarkably, all of this happened while governments everywhere were embarking upon the most comprehensive rollback of civic freedoms since the end of the Cold War: anti-NGO laws, restrictions on protests, increased militarization of police, and campaigns of violence, intimidation, stigmatization and arrests against activists, just to name a few. As Special Rapporteur, I was lucky enough to have a front row seat as these events unfolded — to witness them, to meet with the people who shaped them, and to attempt to make sense of it all.

And as my term comes to a close, one thing is clear: We are in the midst of an epic global struggle, and it is not just over assembly and association rights, or any other human right in isolation. It is about our freedom writ large — a global clash between tyranny and self-determination that could shape the course of our world for generations to come. It pits people eager for democratic participation versus leaders — fearful after seeing the just how powerful an engaged populace can be — who are just as eager to stop them.

It is no longer good enough to describe this conflict with

euphemisms such as "closing space." It is more than that. It is a struggle for the future of democracy and democratic values.

It is also likely 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 and inequality, violent extremism, and rising intolerance of "the other," just to name a few.

These problems are a legacy of the status quo that we have inherited — a status quo that is catapulting us towards obliteration, yet resisting change with all of its might. It is in everyone's interests to give people tools to shake up this status quo — and to do it peacefully, so that we can reconfigure it into something more sustainable, equitable and just. It is, in other words, a time when assembly and association rights are needed most, so people can peacefully speak out, contribute their talents and share their ideas.

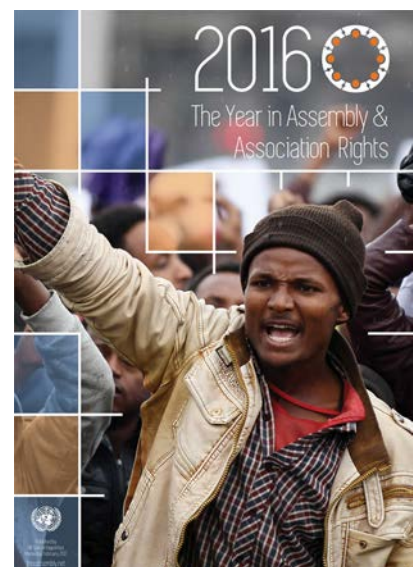
If we don't give people these tools, our world faces a dark future.

If there is one thing I have learned in my years of activism, it's that people who have no means to engage in their society also have no stake in that society, and are less likely to defend it. Inevitably some will feel emboldened to destroy it, because it no longer includes or represents them. The destruction may not come tomorrow, next week or even next year. But its potential is there, simmering and waiting to explode.

The struggle we face today is about creating a world where people do have a stake — an opportunity to build rather than destroy.

The road to achieving this world will not be easy, but I believe that it is in our grasp. I believe because I've seen personally, activist by activist, the resilience of those fighting for it. Their dedication has made it clear that humanity's hunger for freedom and a better tomorrow is insatiable. It cannot be stopped by laws, arrests or bullets. These things only delay the inevitable.

And while I may be stepping down as Special Rapporteur on April 30, 2017, rest assured that I am not stepping away from this struggle. I will be joining you — on the streets, in our communities, and in the halls of power — to ensure that we win.



Assembly & association rights: By the numbers

Scene from the Women's March on Washington, held on Jan. 21, 2017, to protest the newly-inaugurated US President, Donald Trump (photo: *Mobilus In Mobili*/Flickr)



Estimated number of people who turned out for the Jan. 21, 2017, Women's March on Washington, DC (see photo)

1,000,000

Number of "Sister Marches" held in the rest of the US and throughout the world that day

673

Estimated number of people who turned out for all of the Women's Marches globally

4,956,422

Number of parliamentary seats held by Ethiopia's ruling coalition

547

Number of seats held by Ethiopia's political opposition

0

Number of days, as of March 15, that Ethiopia has been under a state of emergency due to anti-government protests

158

Number of people killed in Guinea's capital, Conakry, in February protests sparked by a teachers' strike

5

Approximate number of environmental rights defenders killed in the Philippines since 2010, the latest being lawyer Mia Manuelita Cumba Masacariñas-Green on Feb. 15

100

Minimum wage for garment workers in Bangladesh (in dollars per month)

68

Approximate number of people employed in the garment industry in Bangladesh, most of them women

5,000,000

Number of days that the "ADHOC 5" – a group of Cambodian activists who face criminal charges in relation to their legitimate human rights work – have been detained as of March 15

322

Experts urge Kenya to end crackdown on rights groups to ensure fair elections

GENEVA — On Feb. 14, three United Nations human rights experts [called on the Government of Kenya](#) to cease its systematic crackdown on civil society groups, which has intensified in the lead-up to national elections scheduled in August.

“We are extremely alarmed at the increasing number of attacks on civil society as the elections draw closer,” said the UN Special Rapporteurs on freedoms of peaceful assembly and of association, Maina Kiai; on freedom of opinion and expression, David Kaye; and on the situation of human rights defenders, Michel Forst.

“It appears that there is a systematic and deliberate pattern to crack down on civil society groups which challenge governmental policies, educate voters, investigate human rights abuses and uncover corruption. These issues are extremely important in a democracy, and attempting to shut down the debate taking place in the civic space threatens to irreparably taint the legitimacy of the upcoming elections,” they added.

The experts’ call comes just a month after the Interior Ministry called for the closure of non-governmental organizations (NGOs) deemed to be ‘not properly licensed’. A Government circular alleged the groups had been involved in ‘nefarious activities’ and claimed they posed a serious threat to national security including money laundering, diversion of donor aid and terrorism financing.

The Kenya Human Rights Commission (KHRC) — the leading human rights NGO in the country — was also threatened with investigation, amid allegations of mismanagement and other offences. Officials have also called for the KHRC’s financial assets to be frozen.

“The authorities should not have discretion to arbitrarily shut down associations, to decide which ones can register, or to interfere in their day to day operations,” the experts said. “The right to freedom of association is a fundamental right, and like all fundamental rights, its exercise cannot be predicated upon government permission.”

Several high-level officials have publicly condemned foreign interference with the electoral process, especially through NGOs working in the field of civic education.

The experts also highlighted as an obstacle the Government’s failure to implement the country’s Public Benefit Organization (PBO) Act, which was signed on Jan. 14, 2013, and has not been gazetted. The legislation aims to provide a better enabling environment for NGOs.

“It is astonishing that four years after its passage, the PBO Act has yet to be operationalized, despite a court order directing the Government to do so,” the experts said.

The experts urged the Government to gazette the law immediately, and more generally, to improve the environment for civil society ahead of the elections.

“The right to freedom of association is critical in pre-electoral contexts, where voters bear the solemn duty of electing their representatives,” the experts said. “Voters cannot properly perform this duty when they are deprived of an environment that facilitates the exchange of ideas — including dissenting ideas.”



“THE RIGHT TO FREEDOM OF ASSOCIATION IS CRITICAL IN PRE-ELECTORAL CONTEXTS, WHERE VOTERS BEAR THE SOLEMN DUTY OF ELECTING THEIR REPRESENTATIVES. VOTERS CANNOT PROPERLY PERFORM THIS DUTY WHEN THEY ARE DEPRIVED OF AN ENVIRONMENT THAT FACILITATES THE EXCHANGE OF IDEAS – INCLUDING DISSENTING IDEAS.”

“Elections are a time when governments should give people more space — not less — to organize, voice their concerns and express their collective will,” the experts concluded. “We call on the Government of Kenya to expand this space, not to contract it.”

For more on the subject, read Special Rapporteur Kiai’s report on the exercise of the rights to freedom of peaceful assembly and of association in the context of elections: <http://freemassembly.net/reports/elections/>



Viet Nam: end detention of ‘Mother Mushroom’

GENEVA — On March 8, Maina Kiai and other UN human rights experts [urged the Government of Viet Nam](#) to immediately release a popular blogger known as Mother Mushroom, who has been detained incommunicado since October last year.

Ms. Nguyen Ngoc Nhu Quynh, a 37-year-old environmental human rights defender, is accused of spreading propaganda against the Government. The charges are linked to her online activities that were critical of the Government.

Among the issues she tackled was an incident involving the dumping of toxic chemicals in April 2016, which polluted local waters and killed a large number of fish. Quynh demanded greater governmental accountability for the environmental damage. Quynh has been blogging about human rights abuses since 2006, and she was named Civil Rights Defender of the year in 2015 by the civil society organization Civil Rights Defenders.

“We are deeply concerned that Ms. Quynh is being detained because of the exercise of her right to freedom of opinion and expression on a matter of public interest,” the experts emphasized. “We fear for her physical and psychological integrity, and denounce the violations of her fundamental right to due process, in particular her being detained incommunicado, the denial of her right to legal counsel and the banning of visits from her family.”

The experts also pointed out that Ms. Quynh has faced continuous intimidation by the Government for almost eight years.

The full statement and list of experts is [available on our website](#).



A man is detained at a protest in Burundi in April 2015 (photo: Igor Rugwiza/Flickr)

Burundi: UN experts raise alarm at growing repression of NGOs and human rights defenders

GENEVA — Maina Kiai joined a group of other United Nations human rights experts on Feb. 6 in condemning the recent ban and provisional suspension of a number of civil society organizations in Burundi, and warned about “the obstructive, restrictive and stigmatizing effect of recent legislation on NGOs, in a context of growing repression of human rights defenders.”

On Oct. 16, 2016, the Burundian authorities banned five civil society organizations. In December 2016, the Ligue ITEKA, one of the leading human rights institutions of the country, which was suspended in October as well as OLUFAD — an NGO promoting good governance and the fight against corruption — have also been barred. Another four organizations were provisionally suspended.

Following that move, the National Assembly adopted two bills in December 2016 aimed at closely controlling the action of local and international NGOs.

This new legislation compels local NGOs to obtain authorization from the Minister of the Interior for any activity and to transfer funds of foreign origin through the Central Bank. The work of foreign NGOs must comply with priorities set by the Government.

“These moves are just the latest in a series of attacks on the rights to freedom of expression and association in Burundi,” the experts said. “Disturbingly, these measures take particular aim at human rights defenders and independent civil society, and are being used to unduly obstruct and criminalize their work on broad and often fallacious grounds.”

The experts emphasized that the Government’s latest moves against civil society were especially alarming in view of the overall situation for human rights defenders in the country.

“The situation for human rights defenders has been dramatically deteriorating for more than a year and a half,” they noted. “Those who have not yet left the country fear for their life and are under relentless intimidation, threat of arbitrary detention, torture and enforced disappearance.”

The full statement is available on our website in [English](#) and [French](#).

UN expert concerned about recurring violence against demonstrators in Belarus

GENEVA — Belarus is being urged by a UN human rights expert to stop acts of violence and harassment against demonstrators and to respect freedom of peaceful assembly.

The March 14 appeal came from the Special Rapporteur on human rights in Belarus, Miklós Haraszti, and follows reports of mass arrests and intimidation of activists protesting against the presidential decree “On the Prevention of Social Dependence”, also referred to as the “anti-parasitism” law.

The statement was endorsed by Maina Kiai, Sètondji Roland Adjovi (the Chairperson-Rapporteur of the UN Working Group on Arbitrary Detention), and Michel Forst (Special Rapporteur on the situation of human rights defenders).

The order by President Lukashenko allows fines to be imposed on anyone who does not work more than 183 days and is not declared officially unemployed. As implementation began last month, thousands of Belarusians have taken to the streets in protest.

Haraszti described the decree as “an arbitrary and cruel measure”, estimated to affect more than 470,000 Belarusians. “These people are not only singled out and stamped as ‘society’s parasites’, but they are subjected to substantial fines amounting to the equivalent of USD250, or about two thirds of the average monthly wage in Belarus.”



Following demonstrations held for several weeks in many parts of the country, the President has reportedly suspended the collection of the fines for this year. However, he also stressed that he does not rescind the decree. Additionally, he has vowed that there will be a “tough reaction” against organizers of dissent, and instructed his interior minister to ensure “perfect order” in the country.

Haraszti said: “I am closely following the situation, as there are credible reports of arrest of at least 70 individuals who were peacefully demonstrating against the decree, as well as of 18 journalists who were covering the events.

“I am particularly vigilant because of the Government’s well-known history of over-reacting to public discord. Demonstrations in

2010 were responded to by massive violence and arbitrary arrests, which at that time prompted the international community to create the mandate I have been holding for five years now.

“The recurring pattern in the authorities’ violent response makes the situation volatile enough for it to degenerate. The danger of escalation has already partly materialized as several opposition leaders, Anatol Liabedzka and Vital Rymasheuski in particular, have been sentenced to detention for two weeks”, Haraszti stressed.

The full press release is [available on freeassembly.net](#).

Special Rapporteur news in brief:

February - March 2017



Maina Kiai performs an assembly and association rights themed rap song with the singer OD during his farewell party in Geneva, Switzerland, on March 8, 2017. For videos of the rap, see the mandate's [YouTube page](#)

Academic visits to Swaziland and Zimbabwe

Special Rapporteur Kiai made academic visits to Swaziland on Feb. 20-21 and Zimbabwe on Feb. 23-24, where he met with a variety of stakeholders and learned more about the challenges facing civil society in these countries.

High on the agenda in Swaziland was the pending adoption of several new laws, including the Public Order Bill. [Some](#) have warned that the current version of the bill places disproportionate restrictions on the right to freedom of assembly. Kiai also met with labor leaders, NGOs, lawyers, opposition political leaders and members of the government. On Feb. 21, he gave a lecture on assembly and association rights at an event held at the US Ambassador's residence. Photos of the Swaziland visit are [available here](#).

In Zimbabwe, Kiai met with a broad range of civil society, including lawyers, grassroots social activists, labor leaders, diplomats and donors. He also met with [Pastor Evan Mawarire](#), who was recently arrested for his involvement in the #ThisFlag Protest Movement. Photos of the visit are [available here](#).

Wrap-up consultation for the Special Rapporteur's litigation project

The Special Rapporteur convened a workshop near Mombasa, Kenya, on Feb. 6-7 to look back on his long-running [litigation project](#), which was started in 2014 to encourage the application of international FOAA law norms at the domestic and regional levels.

The consultation brought together some 20 lawyers from around the world, many of whom had teamed up with the mandate to work on cases. From 2015 to 2017, the Special Rapporteur filed six amicus briefs in pending cases around the world. He also submitted two formal legal analyses to governments and one intervention letter to a court in Kazakhstan. There are plans to submit more briefs before Kiai's mandate ends on April 30. The Special Rapporteur also plans to publish an online digest compiling key assembly and association cases later in 2017. Photos of the litigation consultation are available on the [mandate's Flickr page](#).

Kazakhstan: Authorities Heading in Wrong Direction on Labor Rights

Maina Kiai authored a [March 14 op-ed in Eurasianet](#), condemning recent actions by the government of Kazakhstan to suppress independent trade unions in the country.

Kiai drew particular attention to a court decision in January to shut down the Confederation of Independent Trade Unions of Kazakhstan, one of the most outspoken and important labor groups in the country. The government is also pursuing criminal charges against the Confederation's president, Larisa Kharkova, with whom Kiai met during his [2015 official visit](#)

[to the country](#).

"The right to form and join independent trade unions is a central component of the right to freedom of association," Kiai writes in the piece. "Indeed, this right is also critical in creating democratic, stable and just societies. A nation cannot call itself democratic when it sweeps social conflicts under the rug; our differences must be constructively aired, debated and confronted. These differences may not always be resolved to everyone's satisfaction, but refusing to even acknowledge them is a sign of a failing system."

Other news

- Special Rapporteur Kiai is scheduled to present testimony to the US Congress' [Tom Lantos Human Rights Commission](#) on March 21 in Washington, DC. The hearing will focus on the subject of closing space for civil society around the world. While in Washington, Kiai will also give a public lecture at Georgetown University on March 15 titled "International Human Rights in Crisis: A New Opportunity to Rebuild Democratic Values?"

- OpenGlobalRights published an op-ed by the Special Rapporteur which argued that some donors' rigid approach to funding civil society risked undermining the work of rights organizations. The Jan. 17 piece, titled "[From funding projects to funding struggles: Reimagining the role of donors](#)," urged donors to be creative and flexible in how they support the promotion of human rights.

- Kiai comments on controversy over UN agency's anti-protest directive: Staff at the World Food Program were [allegedly told](#) by the agency's ethics office on Jan. 19 that it would be "inappropriate" for them to join Women's Marches planned around the world on Jan. 21. Maina Kiai condemned the directive in an interview [published on Feb. 13](#), saying that the UN "cannot afford to be neutral when it comes to human rights." The WFP's Executive Director later said that she had "no objection" to staff taking part in the marches in their personal capacity.

- The Special Rapporteur also conducted a wide-ranging interview with the Groundtruth Project in January, covering topics ranging from the Women's March on Washington to the role of assembly and association rights in the context of elections to the United States under President Donald Trump.

"I've got my eye on the United States," Kiai says in the article. "The US is crucial because of its historic role in the evolution and exercise of human rights globally. It is a place we are watching very, very closely."

The full article is [available here](#).

World briefing:

Assembly & association rights in the news

United States of America

The inauguration of Donald Trump as President sparked a months-long wave of protests, the likes of which have not been seen in the United States for decades. The largest demonstration was held in Washington, DC, on Jan. 21, when an **estimated 1 million people** turned out for the Women's March on Washington. Organizers said that the total number of people marching worldwide – in hundreds of cities – topped 5 million.

Days later, the President's executive order banning people from some Muslim majority countries from entering the US **sparked** a new set of protests, as well as **spontaneous** demonstrations at **airports** enforcing the new rules. The **American Civil Liberties Union** ultimately won a court order temporarily suspending implementation of the order. The next two months also saw protests by **teachers** against Trump's nominee for secretary of education, a "**day without immigrants**" strike, a "**day without a woman**" walkout on March 8, and even dissent from US **diplomats**. Protests against Trump **also spread** to other **countries**. In response, by late February, Republican lawmakers in at least 18 US states had **proposed** legislation to curb assembly rights (follow ICNL's **US Protest Law Tracker** for the latest).

In North Dakota, meanwhile, a nearly year-long protest against the Dakota Access Pipeline **came to an end** after Trump signed an **executive order** authorizing the project to proceed.

Hungary

Hungary was **considering** a legislative proposal requiring NGOs to declare sources of foreign funding. NGOs which fail to disclose the funding would face suspension. It would be the first European Union country to introduce such a measure. Statements made by Hungarian politicians pushing the bill prompted a statement from two Council of Europe officials, who expressed "**regret**" at the stigmatization of NGOs. Separately, a **Hungarian official** said the government would also crack down on all George Soros funded NGOs in the country.

Romania

Tens of thousands of people **took to the streets** in Bucharest, Romania, on Feb. 1 to protest against an ordinance that decriminalized some offences, including official misconduct. Critics

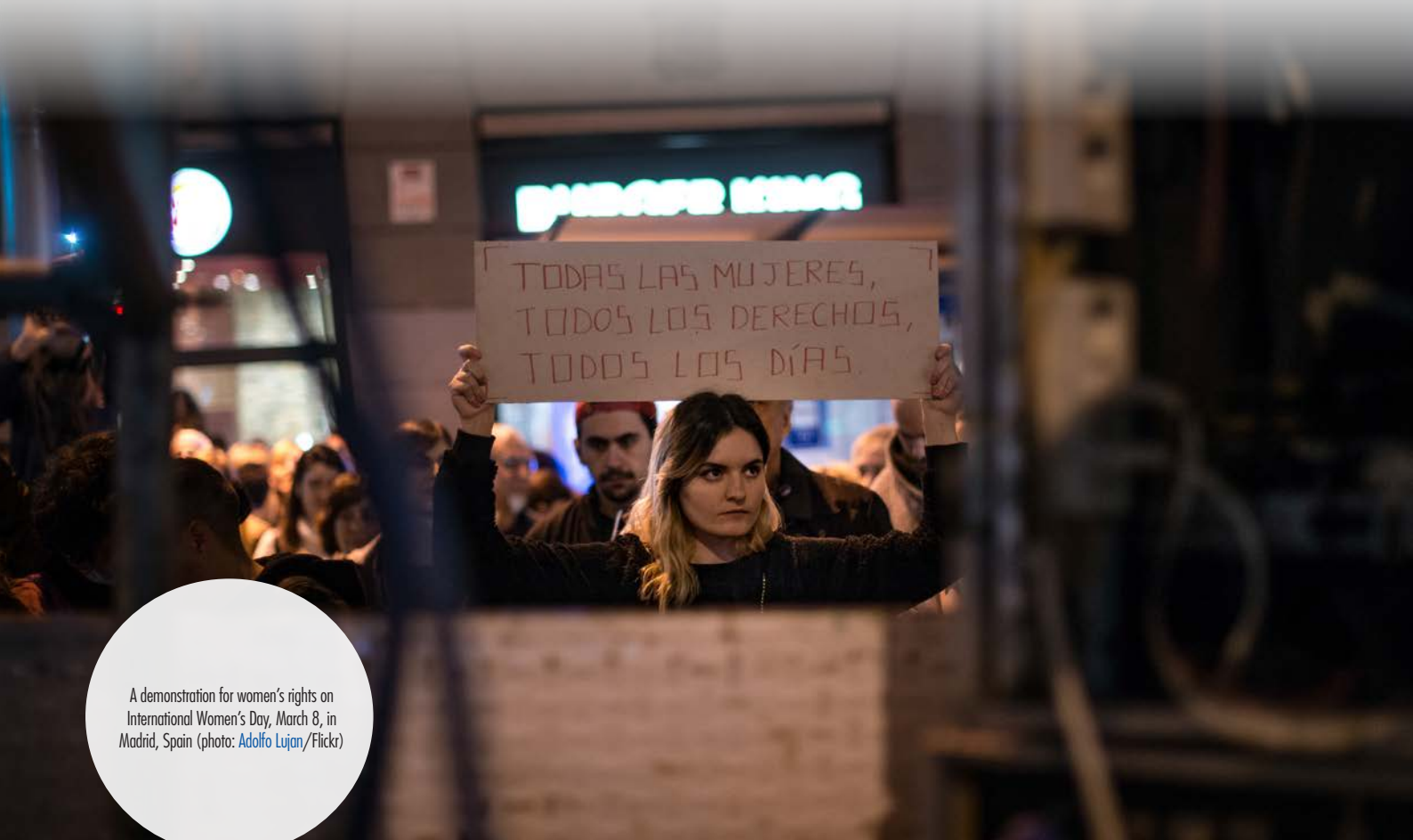
said that the measure could reverse the country's fight against corruption. After protests **surged**, the government agreed to **withdraw** the measure.

Cambodia

Cambodia's parliament passed a new law enabling the **dissolution of political parties** deemed to be a threat to national security – without a clear definition of what might constitute such a threat. Longtime opposition party leader Sam Rainsy stepped down from his post just days before the vote. Meanwhile, two protest monitors who were beaten by para-police during a 2016 demonstration were **summonsed as suspects** – rather than victims – in the case, despite the brutal attack being caught on video. And on Feb. 23, another group of para-police **attacked supporters of imprisoned activist Tep Vanny**. The group had gathered outside the court building where she was facing trial on charges that she attacked para-police during a demonstration in 2013. Vanny was convicted and sentenced to 2.5 years in prison.

Elsewhere

China's controversial new law on foreign NGO – in force since Jan. 1 – was heavily impacting and hindering operations by NGOs in the country, **according to one report** • Swiss police arrested **32 pro-Tibet activists** who were protesting against a visit by Chinese President Xi Jinping in Bern on Jan. 16 • Labor groups warned of an escalating crackdown on garment workers, union leaders and worker rights activists in **Bangladesh** in January • Amnesty International **issued a report** on the "disturbing Orwellian trend sweeping across Europe, where states' growing unchecked powers to tackle terrorism are trampling freedoms" • A court in Kazakhstan banned the **Confederation of Independent Trade Unions** and three affiliated organizations • At least **13 people were killed** when a suicide bomber attacked a protest by hundreds of pharmacists in Lahore, Pakistan on Feb. 13 • Russia's Supreme Court ordered the release of **activist Ildar Dadin**, who was the first person to be convicted under the country's draconian "repeat offender" anti-protest laws • A Kenyan judge ordered the **jailing of officials** from the country's national doctors' union amid a strike sparked by the government's failure to honor a deal it signed with the union in 2013



A demonstration for women's rights on International Women's Day, March 8, in Madrid, Spain (photo: Adolfo Lujan/Flickr)