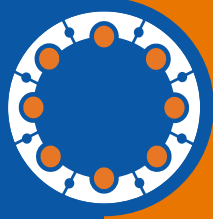


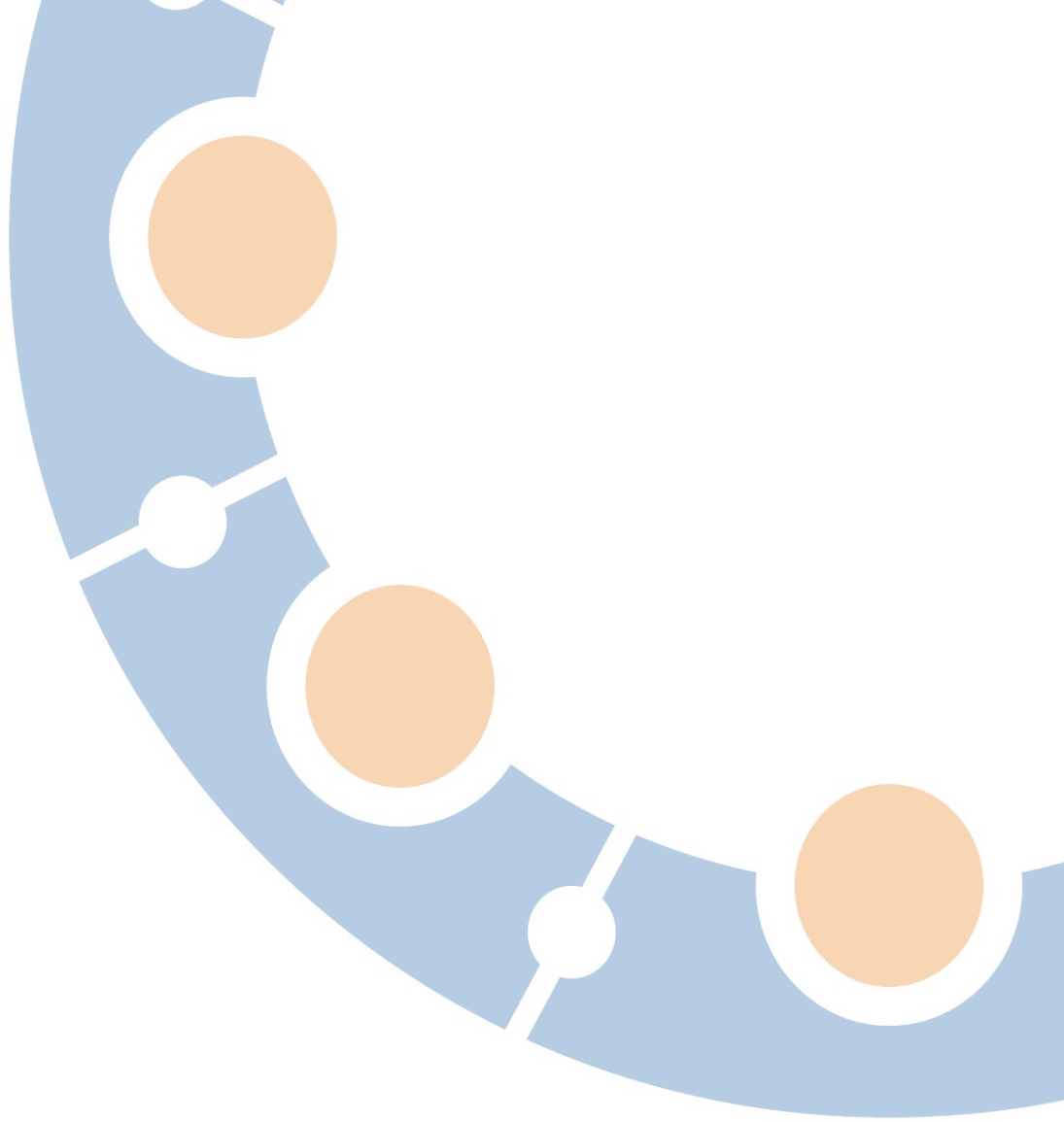
2015



The Year in Assembly & Association Rights

A report issued by United Nations Special Rapporteur Maina Kiai in January 2016





2015: The Year in Assembly and Association Rights

Published in January 2016

United Nations Special Rapporteur
On the rights to freedom of peaceful assembly and of association
<http://www.freeassembly.net>



United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association

The Special Rapporteur's mandate

The special procedures of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. The system of Special Procedures is a central element of the United Nations human rights machinery and covers all human rights: civil, cultural, economic, political, and social. As of October 1, 2015, there were 41 thematic and 14 country mandates.

The mandate of the Special Rapporteur on the rights to freedom of peaceful assembly and of association was established in October 2010 via Human Rights Council resolution 15/21 and renewed for an additional three years in September 2013 via HRC resolution 24/5. Maina Kiai took up his duties as the first Special Rapporteur on assembly and association on May 1, 2011. The Special Rapporteur on the rights to freedom of peaceful assembly and of association examines, monitors, advises and publicly reports on the freedoms of assembly and association worldwide.

Work methods include responding to individual complaints, conducting studies, providing technical assistance to governments, and engaging in public outreach and promotional activities – all with the ultimate goal of promoting and protecting the rights to freedom of peaceful assembly and of association worldwide.

About Maina Kiai

A lawyer trained at Nairobi and Harvard Universities, Maina Kiai has spent the last twenty years campaigning for human rights and constitutional reform in Kenya – notably as founder and Executive Director of the unofficial Kenya Human Rights Commission, and then as Chairman of Kenya's National Human Rights Commission (2003-2008), where he won a national reputation for his courageous and effective advocacy against government corruption, in support of political reform, and against impunity following the violence that convulsed Kenya in 2008, causing thousands of deaths.

From July 2010 to April 2011, Mr. Kiai was the Executive Director of the International Council on Human Rights Policy, a Geneva-based think-tank which produces research reports and briefing papers with policy recommendations. Mr. Kiai was also the Director of Amnesty International's Africa Programme (1999-2001), and the Africa Director of the International Human Rights Law Group (now Global Rights, 2001-2003). He held research fellowships at the Danish Institute for Human Rights (Copenhagen), the Woodrow Wilson International Center for Scholars (Washington), and the TransAfrica Forum (Washington).

Mr. Kiai has regularly been an advocate informing and educating Kenyans through various media about their human rights.

For more information, contact:

United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association

Palais des Nations

CH-1211 Geneva 10

Switzerland

Fax: + 41 22 917 9006

E-mail: freeassembly@ohchr.org or info@freeassembly.net

Web: <http://freeassembly.net/> Facebook: <https://www.facebook.com/mainakiai.sr> Twitter: https://twitter.com/MainaKiai_UNSR

Flickr: <https://www.flickr.com/photos/mainakiai/>

Official OHCHR site: <http://www.ohchr.org/EN/Issues/AssemblyAssociation/Pages/SRFreedomAssemblyAssociationIndex.aspx>



NORWEGIAN MINISTRY
OF FOREIGN AFFAIRS

*The production of this report was generously funded by the
Royal Norwegian Ministry of Foreign Affairs*

Table of Contents

I. Letter from the Special Rapporteur 2

II. 2015: The Year in Review 3

III. By the Numbers 17

IV. Thematic Reports 18

V. Country Visits 21

VI. Academic Visits 26

VII. Special Projects 30

Acknowledgments 34

Police line up to counter a
“May Day for Freddie Gray”
protest against police brutality
in Oakland, California, USA, on
May 1, 2015 (photo: [Thomas Hawk/Flickr](#))

“People may die and movements may be crushed, but humanity’s urge to come together and improve our lot in life is immortal — an unstoppable force, innate in each one of us. ”



I. Letter from the UNSR



There are any number of words that could be used to describe the contents of the report that you are about to read – inspiring, uplifting, informative, moving, even maddening.

But there is one word that cannot be used: satisfying.

That is unfortunate, because these pages are filled with stirring tales of courage, dedication and passion from activists all over the world: Burundi, the Maldives, Malaysia, Brazil, Bahrain, Venezuela, Russia and more.

Some made lonely stands for justice in the face of daunting odds. Others stood shoulder-to-shoulder to demonstrate with tens of thousands of their compatriots. And in a few cases, some of these individuals even spurred rapid, remarkable change — as was the case in Guatemala, where

protests played a key role in forcing the President to resign in the face of corruption allegations.

The problem is that far too many of these stories had the wrong ending in 2015.

One of Burundi’s leading activists, Pierre Claver Mbonimpa, narrowly escaped assassination for standing up for his beliefs; his son and son-in-law were not so lucky. Citizens who took to the street calling for an investigation into a US \$700 million corruption case against the Malaysian Prime Minister found some of their numbers arrested; yet no one implicated in the scandal has been charged. In Russia, an opposition activist was gunned down in mysterious circumstances just ahead of a large anti-government protest. And repressive new laws meant to restrict people’s ability to organize were passed — or were close to passing — in Cambodia, Uganda, Kazakhstan, Mauritania, China and Bangladesh, just to name a few.

Against this backdrop, the concept of “shrinking civic space” took its place as one of the defining human rights issues of 2015. It initially seemed an apt descriptor, but as we enter 2016, it already feels outdated.

That’s because we’re well past the point of talking about “shrinking” civic space. In many places, that space is long gone. The challenge for 2016 and beyond is not simply to reverse the trend; we are in a crisis, and we need to re-order our approaches to address this crisis and get that space back.

How? The answer is not yet clear. The traditional tools that we have used to fight for human rights — reporting, documenting, public pressure and recommendations among them — have faltered, perhaps because they stem from another era, when we still had significant space to protect. We are now in new territory, and we need new tools, new approaches, and a radical recalibration of our collective frame of mind.

And that is ultimately why there will be little satisfaction in reading this report.

What I can say is that my mandate took the message of innovation to heart in 2015, rethinking the entire concept of what a UN Special Rapporteur can and should do. You can read about some of our approaches in this report: we used litigation to inject international human rights norms into national and regional courts; we expanded our use of non-traditional communications tools; and we tried to rethink the paradigm of civil society regulation by comparing it to the legal regime governing businesses.

I can also say that I did not achieve any of this alone. This work would not have been possible without the mandate’s many collaborators: my core research and advisory team, the hundreds of activists around the world who have worked with us, and our institutional partners and donors whose support has made our work possible.

One could describe this group as informal association, a living example of exactly why the rights to freedom of peaceful assembly and of association are so important. They bring people together — peacefully and constructively — to solve problems.

And therein lies a possible answer to this riddle of reclaiming civic space. The creativity and innovation we need won’t happen in a vacuum. It is a consequence of collaboration, experimentation and conversation. It is the product, in other words, of the very same fundamental rights that we are fighting for.

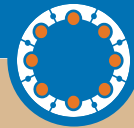
And this is ultimately why I am optimistic about our future. People may die and movements may be crushed, but humanity’s urge to come together and improve our lot in life is immortal — an unstoppable force, innate in each one of us. I am looking forward to what this force inspires in 2016, and to seeing each of us do our part in the struggle to reclaim civil society’s rightful space.

In solidarity,

January 2016 - Nairobi, Kenya



II. 2015: The Year in Review



The events of 2015 unfolded as another epic, global tug-of-war over the role that assembly and association rights play in our world today.

At certain times and in some places, they appeared inexorable — the lifeblood of citizen movements and a vehicle for the voices of ordinary people. At others, they were under siege, on the verge of going extinct.

On the one hand, the year saw an emphatic continuation of the global trend of massive protest movements. Activists in dozens of countries successfully harnessed public discontent, drew unprecedented numbers to rallies and commanded attention, both at home and abroad. The common thread was, as with 2014, people's anger over government abuse of power.

Police stand near shoes left by would-be protesters in Paris, France, on Nov. 29, 2015, prior to the COP21 environmental meetings. Demonstrators left their shoes in protest after France banned public demonstrations following terrorist attacks (photo: [Duc/Flickr](#))





People gather at Paris' Place de la République on Jan. 11, 2015, during a nationwide solidarity march that brought some 3.7 million people onto the streets. It was the largest public assembly in France's history (photo: Kelly Kline/Flickr)

Burundi exploded with anti-government protests after Pierre Nkurunziza announced he would be running for a third term that most said was illegal; conflict continued after he won that third term.

People in Brazil, Malaysia, Moldova and elsewhere took to the streets in extraordinary numbers to protest against government corruption. And in Guatemala, a similar movement succeeded in ousting the President.

The Republic of Korea, Japan, the United States of America and South Africa saw huge gatherings over social issues ranging from labor policies to militarization to police brutality to education. And Spanish activists got creative by demonstrating in the form of holograms after their government passed a law that severely restricted protests around government buildings.

Government reactions to many of these developments, however, were as emphatically brutal as in 2014 — in most cases centered around [repressing assembly rights](#) rather than [listening](#) to protesters' grievances.

In the realm of association rights, meanwhile, it became clear that the global trend of repressive NGO laws is far from over. Cambodia and Kazakhstan both passed troubling laws which threaten to snuff out independent civil society. Uganda, Bangladesh, China, Kenya, Mauritania and others were considering laws that could do the same.

Again, government responses to civil society voices were more often colored with fear than respect. In some cases, NGO laws were passed without any meaningful consultation with civil society, in stark contrast to how these same governments consider laws governing the business sector (as detailed by the Special Rapporteur in his [2015 report](#) to the General Assembly).

But there were beacons of hope: The Tunisian National Dialogue Quartet — a group of civil society organizations — was awarded the Nobel Peace Prize in October for its “decisive contribution to the building of a pluralistic democracy in Tunisia.” Such an affirmation of civil society's critical role in fostering peace and stability could not have come at a more important time.

And France saw the largest public gatherings in its history in response to terrorist attacks in January — solidarity gatherings that recalled the importance that peaceful assemblies play in uniting us, bridging our differences, and making us stronger in the face of adversity.

Then there were the stories of bravery: innumerable instances where activists stood up for their fundamental rights, went to prison, suffered physical violence, and sometimes even paid the ultimate price. Their voices were sometimes obscured by the raucous oppression that marked 2015, but they can rest assured — each of their salvos made it clear that tyranny is not part of the human condition.

These stories and more are summarized below, drawn primarily from media and civil society reports. The list of events is non-exhaustive. Inclusion does not imply any judgment or assessment on the part of the Special Rapporteur, or that he has taken

“Then there were the stories of bravery: Their voices were sometimes obscured by the raucous oppression that marked 2015, but they can rest assured — each of their salvos made it clear that tyranny is not part of the human condition.”



A wall of post-it notes with messages of support for the Hong Kong Umbrella Revolution protest movement. Protest sites were cleared in Dec. 2014, and authorities began arresting the movement's leaders in January (Photo: [lisa laible/Flickr](#))

action on these cases, unless specifically noted. Some country situations were addressed by the Special Rapporteur via direct communications with the States involved. The report containing these communications is [available on our website](#).

January

The year's largest public assemblies came less than two weeks into 2015, as an estimated **3.7 million people** — including 40 world leaders — marched throughout France in anti-terrorism rallies on Jan. 11. The demonstrations were called after Islamic extremists killed 17 people in France, in a series of attacks on the satirical weekly *Charlie Hebdo*, police officers and a kosher supermarket. French officials said the Paris gathering, which alone drew **1.6 million**, was the largest public gathering in the country's history.

In Egypt, meanwhile, at least **17 people were killed** in protests on Jan. 25, called to mark the anniversary of the 2011 uprising that toppled former leader Hosni Mubarak.

Days later, three activists — who were arrested outside parliament in 2013 after protesting against a law that required government authorization for public gatherings — lost their **final appeal** against three-year prison sentences. A few days after that, an Egyptian court upheld the sentences of 183 activists who were **condemned to death** over a protest that turned violent, killing 11 police officers. A group of UN experts, including Maina Kiai, issued a public statement expressing "**outrage**" at the courts' "utter disregard for the right to life."

Troubling developments also emerged in Hong Kong, as backlash from the 2014 umbrella revolution protest continued. The protest movement — which was sparked by the Chinese government's decision to limit who could stand as candidates in the 2017 elections for the city's leader — saw its sites **cleared** in December 2014. Authorities then **began** arresting the movement's **leaders** in mid-January. Protesters **returned** to Hong Kong's streets on Jan. 31, as several thousand people marched through the city to call for what one protester described as "true universal suffrage."

And in Russia, a parliamentary committee **proposed** a bill to allow authorities to ban the activities of foreign or international groups that are recognized as "posing a threat to the nation's security or defense ability."

Elsewhere: Cambodian civil society **blasted** government plans to ban NGOs from giving media interviews during election campaigns and from issuing statements that "insult" any party • **Venezuela announced** it would allow possible deadly force at protests • Witnesses say that UN peacekeepers in **Mali** killed least three people when they fired live rounds to disperse protesters • In China, **11 Tibetans** were detained in Sichuan over a land-grab protest • And in Malaysia, activist lawyer **Eric Paulsen** was freed on bail after being arrested for a Tweet, but remained under investigation for violating the Sedition Act

February

February was a month of anniversaries, with Feb. 12 marking one year since the start of major anti-governments in protests in **Venezuela** and Feb. 14 marking four years since start of protests against **Bahrain's Khalifa monarchy**. Clashes between protesters and police were reported in Bahrain. Less than two weeks earlier, a group of UN independent experts, including Maina Kiai, **called on** the Bahraini authorities to release Sheikh Ali Salman, an opposition politician who was refused

bail on charges that include inciting regime change by non-peaceful means.

Students marking anniversary commemorations in Venezuela also **clashed** with police, who reportedly outnumbered them. Less than two weeks later, police **shot and killed a teenage boy** during a protest in the restive Venezuelan city of San Cristóbal. The shooting came just days after intelligence police arrested prominent opposition politician Antonio Ledezma on charges that he was plotting a coup against the President.

Meanwhile, just weeks after the Special Rapporteur's **visit to the country**, a Kazakhstan appeals court upheld an order to **shut down ADAM bol**, an independent media outlet known for its critical articles.

In **Hungary**, thousands of people gathered outside parliament to call upon the government of Prime Minister Viktor Orban to respect its Western ties rather than look east toward Moscow. Orban's Fidesz party had edged closer to Russia and had also begun what **Amnesty International** called a "witch-hunt" against civil society groups perceived as too critical.

Also in Europe, it was announced that authorities in the United Kingdom would **investigate two police officers** who allegedly tried to recruit campaigners in Cambridge to spy on other activists. Special Rapporteur Maina Kiai highlighted the issue of police surveillance and infiltration in his **2013 report** following a visit to the UK. In 2015, he told the Guardian that the monitoring of protest groups was "raw, unvarnished intimidation and activist-busting" and said that the problems showed a pattern, going beyond the two officers under investigation.

A day later, there was better news out of the UK, as authorities backed down on a so-called "**pay to protest**" plan. The proposal would have required protest **organizers to hire** "certified stewards" to monitor protests, at a cost of £120 (approximately US \$180) per day, with one steward assigned to every 20 protesters.

As Myanmar prepared for its first free elections in 25 years, the country's Home Affairs minister **warned ominously** in mid-February that students protesting against a controversial

new National Education Law were threatening the country's stability and development. A month later, **police brutally attacked students** protesting the law, pummeling them with batons and then dragging them into trucks. Authorities said more than 120 people were arrested.

Elsewhere: Egypt **denied registration** to an NGO working on issues of abduction and forced disappearance • And Thailand's military-junta foreign minister told the Human Rights Council in Geneva that "**extreme**" human rights could lead to social collapse

March

March brought a regression for civic space in Spain, as the country's senate **voted to approve** controversial changes to the penal code and law on public security. The bill stipulated that the changes would go into effect on July 1, 2015. **Maina Kiai and other UN experts** spoke out about the laws in February, saying that they "threaten to violate individuals' fundamental rights and freedoms."

Changes to the Law on the Protection of Public Security — also known as the "gag law" — impose fines of up to 30,000 euros for "serious disturbances of public safety" near government buildings, while unauthorized protests near key infrastructure could result in fines of up to 600,000 euros.

Kiai said that "the so-called 'gag law' violates the very essence of the right to assembly since it penalizes a wide range of actions and behaviors that are essential for the exercise of this fundamental right, thus sharply limiting its exercise."

In Russia, a planned anti-government protest on March 1 **became a march of mourning**, as tens of thousands of people took to Moscow's streets to remember opposition activist Boris Nemtsov, who was **murdered** on Feb. 27.

It emerged in March that China was preparing to enact a new law **regulating the operations of foreign NGOs** in the country. A parliamentary spokeswoman **told Reuters** that the law was

120

Cost of certified stewards, per day in British pounds, that London police demanded activist groups hire to manage protests

1

Number of "certified stewards" required for every 20 protesters

10,000

Total cost, in British pounds, one group was to incur for organizing a protest. Police ultimately backtracked on their demand



A March 2014 protest in San Cristóbal, Venezuela. February marked the one year anniversary of the start of major anti-government protests in Venezuela. This photo was taken by Rafael Uzcátegui; it was a finalist in the **ICNL Global Forum** photo contest in May 2015

needed for national security reasons, but activists said the new law is part of a broader trend under President Xi Jinping's administration to rein in dissent. A draft version of the law obtained by the media allegedly bars foreign NGOs from activities that violate "Chinese society's moral customs" and bars foreign NGOs from raising money in China. One commentator said 2015 promised to bring China's [worst crackdown](#) on activists in decades.

As Thailand approached the one-year anniversary of a coup d'état that brought the military to power, the country's leader, Prayuth Chan-ocha, has said he would "[probably just execute](#)" any journalist who does not "report the truth."

Turkey passed a [tough new security law](#) on March 27, which broadened police powers and allowed the use of firearms against demonstrators.

Two civil society groups said on March 30 that at least 14,000 opposition activists had been arbitrarily arrested in Bangladesh, since the imposition of a [blanket ban on demonstrations](#) in Dhaka on Jan. 5, 2015. Another 100 had reportedly been killed.

In a more positive move, human rights defenders Bashir Suleymanli and Orkhan Eyyubzade were [released](#) from prison in Azerbaijan, after they were pardoned in a presidential amnesty. But the good news was overshadowed just a month later, when a court sentenced activists [Rasul Jafarov](#) and [Intigam Aliyev](#) to 6.5 and 7.5 years in prison respectively.

And in Australia, the State of Victoria introduced a bill to repeal the jurisdiction's restrictive "move-on" protest laws, prompting the Special Rapporteur to issue a statement [welcoming the move](#).

April

In Burundi, President Pierre Nkurunziza announced that he would run for a third term, kicking off massive [protests](#) in the capital of Bujumbura. Protesters claimed that a third term was unconstitutional and threatened a peace deal that ended the country's 12-year civil war in 2005. Two people were reportedly killed in clashes a day after the announcement. There were also widespread reports of arbitrary arrests, intimidation and closure of media outlets. As state repression escalated, a group of United Nations experts, including Maina Kiai, [condemned the violence](#) on April 30, and urged authorities to protect the rights to freedom of expression and peaceful assembly.

A series of protests also erupted across the United States of America, after an African-American man died under suspicious circumstances while in police custody in Baltimore, Maryland. Freddie Gray died on April 19, 2015, after suffering a spinal injury as he was being transported in a police van. The protests [began in Baltimore](#) and soon spread to a number of [other cities](#) throughout the United States, including Portland, Seattle, Oakland, New York and Chicago.

In Kenya, the government froze the bank accounts of two prominent human rights organizations in the country's coastal region, accusing them of supporting terrorism. The offices of the two organizations - Muslims for Human Rights ([Muhuri](#)) and [HAKI Africa](#) - were also [raided](#) as part of what the Government described as a tax audit. The moves came shortly after a [terrorist attack](#) at a University in the Kenyan city of Garissa which left 147 people dead. Civil society groups worldwide [condemned](#) the crackdown, with one calling it a "[wholly unjustifiable](#) attempt to disrupt [the organizations'] legitimate work." The Special Rapporteur is currently a board member of Muhuri.

India intensified its crackdown on civil society groups' ability to access foreign funding, freezing the accounts of a local [Greenpeace](#) chapter and [blacklisting](#) the Ford Foundation as a donor to local NGOs. By some estimates, some [9,000 NGOs](#) had seen their registrations cancelled by April for foreign funding-related issues. In late May, a court ultimately ordered the government to [unblock](#) Greenpeace's bank accounts.

In response to the new so-called "gag law" in Spain, a group of activists organized what was reputed to be the world's first ever "[protest by hologram](#)" in front of the country's parliament in Madrid on April 11.

"With the restrictions we're suffering on our freedoms of association and peaceful assembly, the last options that will be left to use in the end will be to protest through our holograms," one of the protest organizers told media.

And protests against the government kicked off in [Guatemala](#) after a UN commission formed to help the country prosecute high-impact crimes found that the vice president and others in president Otto Pérez Molina's administration had been eliminating customs tariffs in exchange for bribes.

Elsewhere: One person died and 50 were arrested after some 2,000 police [quashed](#) an anti-pollution protest by villagers in China's Inner Mongolia • Brazilians [turned out in the thousands](#) for protests demanding the impeachment of President Dilma Rousseff, who was embroiled in a corruption scandal involving the state-run oil company, Petrobras • In South Korea, police clashed with protesters over the [Sewol ferry disaster](#) • Six people were [shot and wounded in Guinea](#) on April 13 during protests against the timing of elections • A court in Turkey [acquitted](#) 26 people arrested during the 2013 Gezi Park protests and ruled that official permission is not required for peaceful demonstrations

May

Widespread protests against President Pierre Nkurunziza's decision to seek a third term [continued in Burundi](#), despite a ban on public gatherings. On May 13, a group of military leaders staged a coup d'état, which was [promptly put down](#). By May 25, the country's [civil society groups announced](#) their withdrawal from dialogue with the government following the alleged assassination of an opposition leader and attacks against protest leaders.

In Macedonia, protesters took to the streets after the opposition party aired [alleged wiretapped telephone recordings](#) of Prime Minister Nikola Gruevski and other officials plotting to cover up official responsibility for the murder of a man by police in 2011. [Rights groups said](#) Macedonian police used excessive force against the protesters on May 5, when they deployed tear



After over a year in prison, Ethiopia's Zone 9 bloggers finally released

April marked the one-year anniversary of the detention of six so-called "Zone Nine" bloggers in Ethiopia, prompting [an April 24 statement](#) from Maina Kiai and the Special Rapporteur on freedom of opinion and expression, David Kaye, who called the situation "[absolutely unacceptable](#)."

The bloggers, who used an online platform to report on social and political issues in Ethiopia, were arrested on April 25 and 26, 2014. The Federal First Instance Court of Ethiopia reportedly charged them under the 2009 Anti-Terrorism Proclamation for "working with foreign human rights organizations and inciting violence through social media to create instability in the country." Their trial has been adjourned several times.

"The continued detention of these journalists is absolutely unacceptable and particularly worrying as the country prepares to hold parliamentary elections on May 24," Kaye said in April. "The open public debate that should mark any democratic process is obviously undermined if journalists are silenced through harassment or detention."

"To comply with its obligations, Ethiopia must respect the rights to assemble peacefully and associate freely, online as well as offline, including those of people expressing dissenting views," added Kiai.

The last of the bloggers were finally released in October, after 539 days in detention and intense international pressure.

gas, water cannon and stun grenades to disperse thousands gathered in front of government buildings.

Also on May 5, the Government of China released a [second draft of a new law](#) to regulate foreign NGOs, which proposed requiring foreign organizations to submit to intrusive state oversight and control. [One civil society group](#) said that the proposed law “threatens to harm China’s interests by cutting off significant resources, expertise, and civil society support necessary to address the complex environmental, social, and development challenges facing the country.”

In Russia, President Vladimir Putin signed into law new legislation giving Russian authorities the power to shut down foreign-backed groups deemed “[undesirable](#).” The new law allows the government to close any foreign or international NGO and imposes fines and prison sentences of up to six years for violators. One analysis of the law called it Russia’s “[most draconian law yet](#).”

In related news, an anti-torture NGO in Russia was accused of “working to change state policy” and labeled a foreign agent, leading to the question: [is torture official state policy?](#)

Peru [deployed troops](#) near the Tia Maria copper mine in early May, after the deaths of a protester and a policeman. Local residents in the region have opposed the mining project since 2009.

Taking a cue from Russia, Kyrgyzstan was [considering](#) a draft law requiring foreign-funded noncommercial organizations involved in political activities to register as foreign agents.

The Kenyan Government’s harassment of two local NGOs, Muslims for Human Rights (Muhuri) and HAKI Africa, continued as the two groups were [deregistered](#) by the NGO Board on May 27.

And a court in Bahrain upheld a six-month prison sentence that was imposed on human rights activist [Nabeel Rajab](#) after he tweeted alleging that some of the Gulf Kingdom’s soldiers had defected to the Islamic State.

Elsewhere: In Istanbul, Turkey, police used tear gas and water cannons against protesters who defied a ban on [May Day protests](#) in Taksim Square; at least [140 people](#) were detained • On the same day, thousands of people took to the streets in [Male, Maldives](#), calling for the release of the country’s jailed former president Mohammed Nasheed • Angolan journalist [Rafael Marques de Morais](#) was given a six-month suspended jail sentence for allegedly defaming army generals in a book that revealed killings and torture in the country’s diamond fields • As Cambodia considered a new NGO law, Maina Kiai [reiterated his call](#) to the government to ensure that civil society had the opportunity to meaningfully contribute to the elaboration of the draft • Kiai also joined a joint statement ahead of the [International Day against Homophobia, Biphobia and Transphobia](#), calling for an end to discrimination and violence against lesbian, gay, bisexual, transgender and intersex young people and children

June

In Uganda, there was growing concern that an NGO bill proposed in May by the government was aimed at [muzzling civil society](#). One civil society activist said that the bill, in its current form, “would extinguish the very character of non-

In Uganda, there was concern that an NGO bill proposed in May by the government was aimed at muzzling civil society. One activist said that the bill “would extinguish the very character of non-governmental organizations and make them puppets of the state.”



Members of the Black Lives Matter movement stage a demonstration against police brutality in Seattle, Washington, USA, on Jan. 10, 2015. The year saw hundreds of similar protests throughout the country (photo: [scottlum/Flickr](#))

governmental organizations and make them puppets of the state.” The concern prompted a June 25 [statement from the Special Rapporteur](#), who urged Ugandan legislators to hold meaningful consultations with civil society on the bill.

“Since the Government of Uganda intends to regulate the framework governing associations, the ostensible beneficiaries of the law should be key partners of the drafting process,” Kiai said, expressing serious concern that the NGO Bill may not reflect the views of the various interested parties engaged with the consultation process.

Nearby in Burundi, the crisis caused by President Pierre Nkurunziza’s decision to run for a third term continued. Elections — originally planned for June 26 — were [delayed](#) until July 15, UN-mediated talks stopped and [started](#), and the United States called upon the president to [step down](#). Meanwhile, the violence continued, with media and rights groups reports that more than [70 people](#) had been killed through late June. More than 100,000 had reportedly fled the country.

Ahead of the June 12 start of the [European Games in Baku, Azerbaijan](#), Maina Kiai and the Special Rapporteur on the situation of human rights defenders, Michel Forst, criticized the country’s “relentless prosecution and repression of prominent rights activists” and called for their immediate release.

A United States Department of Justice investigation [found](#) that police trying to control protests in Ferguson, Missouri, last year responded with an uncoordinated effort that sometimes violated assembly rights, antagonized crowds with military-style tactics and shielded officers from accountability.

On June 16, a court in Bahrain [sentenced](#) opposition leader Sheikh ‘Ali Salman to four years in prison for “inciting disobedience and hatred.” Sheikh ‘Ali Salman, who is Secretary General of the main opposition political party al-Wefaq National Islamic Society, was arrested on Dec. 28, 2014, two days after he delivered a speech calling for political reform and accountability after his re-election as party leader.


Thailand’s military junta announced it was pursuing [sedition charges](#) against a group of 14 anti-coup student activists, who were part of a small network of pro-democracy campaigners. They were detained after holding a protest at Bangkok’s Democracy Monument the previous day and faced up to seven years in prison.

Human Rights Watch said that police in [Armenia](#) used potentially excessive force to disperse a largely peaceful protest over electricity prices on June 23, raising concerns about potential human rights violations. Witnesses said that authorities used high-pressure water cannons; 25 people were reportedly injured.

On June 24, Ecuadorian authorities [threatened to dissolve](#) the civil society organization Fundamedios after accusing it of deviating “from its statutory purposes” by disseminating “alerts, messages and essays.” The government said this was evidence “of clearly political positions that attempt against the social development that is stated as the main objective” of the organization.

And in Chile, student demonstrators [took to the streets](#) four years after massive protests over education reform and other issues in 2011. They were demanding further education reforms and the replacement of the nation’s dictatorship-era constitution.

The government’s failure to dispose of accumulated garbage in Beirut spurred massive protests in Lebanon in July and August. The movement — led by a group calling itself “You Stink” — was described as a rare instance of Lebanese mobilizing without backing from any political parties and across religious lines.



A protester in Beirut, during one of the summer’s many YouStink demonstrations in Lebanon. He is wearing his shirt on his face to protect himself from tear gas fired by security forces (photo: [Victor Choueiri/Flickr](#))

Elsewhere: Kuwait was [criticized](#) after the government issued a decree that “effectively closed down the local chapter of Transparency International” • In early June, the high court in Mombasa, Kenya, [barred](#) the government from declaring the NGOs Muhuri and Haki Africa as terrorist groups, but declined to unfreeze the bank account because financial regulators were not named in the lawsuit • Pakistan ordered the international aid group [Save the Children](#) to leave saying the charity was “working against the country”

July

Spain’s new Public Security Law - aka the “gag law” — [came into force](#) on July 1, despite widespread condemnation domestically and abroad. The law restricts peaceful assemblies in front of certain government buildings, and limits monitors’ ability to photograph or film police forces, among other things.

In India, authorities [registered a case](#) against activist Teesta Setalvad for allegedly receiving funds from foreign entities without registration or prior permission from the government. Her husband Javed Anand was also named. Government agents later [raided](#) Setalvad’s home and office in Mumbai. The activist has been a vocal critic of Prime Minister Narendra Modi since the 2002 Gujarat riots, which [took place](#) during Modi’s term as Chief Minister of the western Indian state.

Ahead of Burundi’s July 21 presidential elections, a group of UN experts, including Special Rapporteur Maina Kiai, [issued a statement](#) calling for determined Security Council action to prevent the country from sliding into violent conflict.

“The world is witnessing an escalating pattern of politically motivated violence in Burundi, enabled by the country’s decades-long tradition of impunity,” the experts warned. “The absence of independent media and a climate of repression and fear to exercise civil rights and express opinions, notably by peacefully taking to the streets, have marred the recent elections and will also be defining the forthcoming

presidential elections.”

Burundi’s elections went forward as planned on July 21, with Pierre Nkurunziza [elected to his third term](#) as president. He ran effectively unopposed, after most of the opposition [boycotted](#). The [United States](#) and [United Nations](#) said the elections were not free and fair.

77

People [reportedly killed](#) during Burundi protests condemning the President’s decision to run for a third term (as of July 13, 2015)

3

Number terms the President has won after running [effectively unopposed](#) (incl. 2015, when main opposition groups [boycotted](#))

2016

Year that Burundi begins serving a [three-year term](#) on the UN Human Rights Council

Russian legislation passed [earlier in the year](#) allowed the Duma’s Federation Council to place 12 foreign NGOs on a [blacklist](#) in July, effectively banning them from carrying out activities in the country. The list included seven organizations based in the United States, two Polish organizations and three Ukrainian organizations. Another 80 domestic NGOs are [reportedly](#) registered as “foreign agents” because they accept money from foreign donors.

Cambodia’s National Assembly [passed](#) the country’s controversial Law on Associations and NGOs, despite days of protests and mounting objections from the international community. The opposition party [boycotted](#) the vote.

The bill was then sent to the Senate, prompting a July 15 [public statement](#) from the Special Rapporteur and his colleagues Michel Forst and David Kaye. Kiai urged the Senate to reject the bill as a violation of international law, adding that it “unequivocally threatens the very existence of a free and independent civil society in Cambodia.”

“Should the draft law be adopted, any group advocating for human rights, basic freedoms and good governance may be shut down and criminalized. It will ultimately have a disastrous impact on Cambodian citizens’ democratic participation in furthering the development of their country,” Kiai warned.

China implemented a [crackdown on human rights lawyers](#), detaining and interrogating more than 100 individuals in direct connection with their professional activities. Most of the lawyers are believed to have been working on human rights-related issues, in particular cases

August saw many of 2015’s largest protests movements swell around the world, including in Guatemala, Japan, Lebanon, Malaysia and Brazil. Anger over government corruption was a common theme.

A demonstrator at a Bersih4 rally in Kuala Lumpur, Malaysia, on Aug. 29, 2015. The 34-hour protest at the end of August was declared illegal by the government, but proceeded anyway (photo: [Khairil Yusof/Flickr](#))

where they represented well known political dissidents, journalists and artists.

A group of UN experts, including Maina Kiai, called on China to cease the targeted harassment and intimidation, saying that “lawyers are essential to ensure the rule of law; they need to be protected, not harassed.”

Bahrain released prominent human rights defender [Nabeel Rajab](#) for health-related reasons. Rajab, who is president of the Bahrain Centre for Human Rights, was jailed in October 2014 in connection with statements made on Twitter. His imprisonment came only months after he had completed a two-year prison sentence after calling for and participating in peaceful demonstrations.

UN experts Maina Kiai, Michel Forst and David Kaye called the release “only a half measure, given that he is still facing charges that carry up to fifteen years of imprisonment.” They called on the government to drop all charges.

A group of UN and Inter-American human rights experts, including Maina Kiai, condemned the [systematic targeting](#) of human rights defenders through a weekly TV program in Venezuela, “Con el Mazo Dando.” The program is hosted by the President of the Venezuelan National Assembly, who has used his position to make accusations against rights activists and civil society organizations.

On July 1, for example, the program singled out and made disparaging remarks against various civil society members and their organizations following their collaboration with the UN Human Rights Committee, during its review of the fourth periodic report of Venezuela in June.

“It’s high time to pull the plug on this shameful and televised harassment of rights activists in Venezuela,” the experts said.

And an estimated 60,000 people protested in Tegucigalpa, [Honduras](#), on July 4 - the sixth consecutive week they had done so. They were demanding that President Juan Orlando Hernández resign over corruption allegations.

Elsewhere: Protests against electricity price hikes [continued](#) in Yerevan, Armenia, and on July 6, police [cleared a protest](#) that had blocked a street for two weeks • Police in the Netherlands arrested about 200 people in early July for [breaching a ban](#) on public assemblies after the death of an Aruban tourist at the hands of police • Ethiopia [released](#) several imprisoned journalists in July, ahead of a visit from US President Barack Obama • A Ugandan NGO said that up to 11,500 civil society organizations faced [deregistration](#) under a draft NGO law that was being debated

August

August saw many of 2015’s largest protests movements swell around the world, including in Guatemala, Japan, Lebanon, Malaysia and Brazil. Anger over government corruption was a common theme.

There were vast demonstrations in Guatemala calling for the impeachment of President Otto Pérez Molina, who was embroiled in a major corruption scandal. A gathering in Guatemala City on Aug. 27 was [described](#) as a “diverse and peaceful crowd ranging from the indigenous poor to the well-heeled, and included many students from public and private universities.”

Kuala Lumpur also saw [massive protests](#) in August, with [demonstrators calling](#) for Prime Minister Najib Razak to resign in the face of a corruption scandal. The allegations [centered around](#) US\$700 million that was allegedly transferred from the state-owned fund 1MDB to the Prime Minister’s personal bank accounts. Three publications were also suspended by the government for reporting on the scandal.

At least 30 people were arrested at a protest calling for Najib’s resignation on [August 1](#). A larger 34-hour protest called by the so-called Bersih movement (Malay for “clean”) for late August was deemed “[illegal](#)” by the government and websites promoting it were [blocked](#), but it [proceeded nonetheless](#).

On Aug. 16, tens of thousands of demonstrators gathered across [Brazil](#), calling for the impeachment of President Dilma Rousseff. Many Brazilians blame her for a corruption scandal and the economy’s worst slump in a quarter century.

The government’s failure to dispose of accumulated garbage in Beirut brought tens of thousands of people out [onto the streets](#) in Lebanon starting in late July. The [largest](#) rallies were held in late August. The demonstrations — led by a group calling itself “You Stink” — started when the capital’s main landfill was closed. The movement was described as a rare instance of Lebanese mobilizing without backing from any political parties and across religious lines. Clashes between protesters and police on Aug. 22 left at least 15 people [injured](#).

And Japan saw a surprise protest movement [awakened](#) by the government’s move to expand the country’s military role beyond self-defense. The proposed changes in legislation would allow Japanese troops to fight abroad for the first time since World War II.

Meanwhile, Cambodia’s long-feared NGO law came into effect on Aug. 13, after it was signed by the King. One analyst [called it](#) “a profoundly sad day for rights and democracy in Cambodia.”

The Special Rapporteur spoke out on Aug. 10 against a similarly troubling [NGO bill proposed in Mauritania](#). The bill was approved by the Council of Ministers in July without public consultations and sent to Parliament in August. Among other things, the legislation provided for “strict punishments for vaguely worded provisions and would limit the scope of an association to the field of development work.”

Elections in July failed to calm the volatile situation in Burundi, as unknown assailants attacked and [attempted to kill](#) Pierre Claver Mbonimpa, one of the country’s top rights defenders. Maina Kiai endorsed an Aug. 7 statement by Special Rapporteur Michel Forst, urging the Government to protect all rights activists.



Wave of new NGO laws continues through end of 2015

The last quarter of 2015 saw three countries in three disparate regions debating — and in one case enacting — similarly repressive laws regulating civil society, vividly illustrating the scope of the repressive NGO law trend. The Special Rapporteur [spoke out publicly](#) on all three.

In the first of those three, [Uganda](#), lawmakers passed a long-debated [NGO law](#) that critics say will give authorities sweeping powers to regulate civil society and allow the government to “strangle” criticism. At the end of 2015, the law was awaiting the president’s signature.

LGBTI groups were particularly worried that the bill might be used to target them, given Uganda’s history of passing draconian anti-homosexuality legislation.

In Bangladesh, meanwhile, lawmakers were considering a draft Foreign Donations (Voluntary Activities) Regulation Act, which could severely restrict civil society organizations’ access to funding and hinder their activities.

“Unduly restricting civil society organizations’ access to resources therefore not only has a detrimental impact on freedom of association, but also deeply undermines the civil, political, economic, social and cultural rights that these organizations seek to promote and protect,” Maina Kiai said in a [Nov. 6 statement](#).

And in Kazakhstan, amendments to the Law on Non-Profit Organizations were [signed into law](#) by the President in early December. The Special Rapporteur [spoke out against the bill](#) in October, warning that it “may not only compromise the independence of associations, but challenge their very existence.”

Of particular concern, he said, was the draft law’s establishment of an “operator” with the right to allocate both governmental and non-governmental grants, including grants from international organizations, diplomatic missions or international not-for-profit organizations, to non-governmental organizations.

“By controlling the sources of funds, the draft law would limit associations’ functional autonomy and put their independence and existence at serious risk,” Kiai said in the statement.

A new NGO law in Cambodia, meanwhile, was signed into law on Aug. 13 (see main text)



Guatemalans gather in the Plaza de la Constitución in Guatemala City to demand the resignation of President Otto Pérez Molina in the face of a corruption scandal; he ultimately resigned on Sept. 3, 2015 (photo: Andrés García/Flickr)

"The attempted killing of such a highly respected activist as Mr. Mbonimpa sends a very chilling message to all members of civil society and also the entire population," Forst said.

On Aug. 13, the Baku Grave Crimes Court [sentenced Azerbaijani activists](#) Leyla and Arif Yunus to eight-and-a-half and seven years' imprisonment respectively on charges of fraud, tax evasion, and illegal entrepreneurship. They also face charges of treason.

On Aug. 20, Kiai and other UN experts issued a joint statement condemning the sentencing as "manifestly politically motivated and representative of the continuing repression of independent civil society in Azerbaijan."

Members of the [Dalit community](#) in Nepal organized protests in August against the draft of a new Constitution that they say would unduly restrict their political rights. They called on law-makers to [include them](#) in the Constitution-making process.

In the United States, a police official [revealed](#) that undercover police officers infiltrated and "took leadership roles" in protest groups in Tampa, Florida, ahead of the 2012 Republican National Convention. "They became, like, the leaders of the group," Tampa police Maj. Marc Hamlin said of the undercover officers.

In related news, it was discovered that the UK government's electronic eavesdropping agency GCHQ [spied illegally](#) on Amnesty International and that US authorities were conducting surveillance on the [Black Lives Matter](#) movement.

Elsewhere: Spain's "gag law" claimed its [first victim](#), a woman who photographed police parking a patrol vehicle in a disabled space and subsequently posted it on Facebook • Three prominent Hong Kong student leaders were charged over their roles in the pro-democracy "[Umbrella Movement](#)" of 2014 • Bolivia's president [threatened](#) to expel unfriendly NGOs who "create opposition" and "conspire" against the state • One analyst claimed that human rights groups everywhere were facing a global crackdown "[not seen in a generation.](#)"

September

After months of street protests in Guatemala, President Otto Pérez Molina [resigned](#) on Sept. 3. The president had been ensnared in a corruption scandal that implicated top officials. The move followed the parliament's decision to strip Pérez Molina of his official immunity on Sept. 1; a judge subsequently charged him with fraud, illicit association and corruption.

Similarly [large protests](#) broke out in Moldova's capital of Chisinau on Sept. 6, with crowds demanding the dissolution of the new government following corruption scandals. Organizers claimed 100,000 people attended the demonstrations, estimated as the largest ever in the former Soviet republic. The state was forced to bail out three banks in 2014, a year after [US\\$1 billion](#) vanished from their coffers. Protesters also demanded the resignation of President Nicolae Timofti. A [second wave](#) of protests took place on Sept. 13, when clashes reportedly took place between rival groups.

Demonstrations over a legislative proposal to expand Japan's military role beyond self-defense continued through early September. They culminated on Sept. 17 when some 13,000 protesters [gathered](#) outside parliament in Tokyo, delaying a

UN experts urge States to "stop erosion of democracy"

Ahead of the International Day of Democracy on Sept. 15, Maina Kiai joined fellow UN expert Alfred de Zayas in urging States to ensure greater space for civil society, so that it could take its rightful place as a key player in democracy.

Calling civil society space "essential for a true democracy," the experts noted that it is shrinking rapidly, both in countries with no democratic tradition and in ostensibly democratic countries. They also drew attention to a growing disconnect between elected officials and the people.

"We see this disconnect manifested in the recent surge of large protest movements throughout the world," they wrote. "People perceive a failure of governance and democracy, and protest is often their last resort in making themselves heard. Increasingly, governments are responding to this type of dissent with more repression, distorting the concept of democracy beyond recognition."

The UN experts noted that the erosion was caused not only by the repressive policies of some countries, but also by virtue of the increasing influence of vested interests at the expense of the public will.

"Democratic governance is being corrupted by players that are not subject to democratic controls and who use their largesse to ensure that their interests are prioritized over those of the general public," they said, citing transnational corporations as one of several examples. "Civil society must reclaim its rightful place by demanding genuine participation in governance, including decisions on peace initiatives, environmental protection and trade and investment agreements."

The full statement is [available at our website](#).



Mass meeting of South African students on Jammie Plaza, University of Cape Town Upper Campus on Oct. 22, 2015 (photo: Tony Carr/Flickr)

South Africa's universities erupted in protest in October, as students demonstrated against rising school fees and social inequality. One protest in Pretoria attracted 10,000 people — the largest student demonstration since 1976.

key vote. After a physical **altercation** broke out on the Diet floor, the bill was “**railroaded**” through an upper house panel. The bill received **final approval** on Sept. 21.

A massive influx of refugees to Europe from the Middle East, Africa and elsewhere prompted a growing wave of demonstrations on both sides of the issue in September. In **Finland**, nationalist protesters threw stones at a bus carrying refugees, while Germany faced multiple **standoffs** between anti-immigration rallies and counter-demonstrators. On Sept. 12, though, tens of thousands of people marched through London **in support of refugees**, with similar events taking place in other European capitals. Refugees also held their own demonstrations, including in **Budapest** after Hungarian officials blocked international trains carrying them to elsewhere in Europe.

In Africa, military leaders in Burkina Faso **staged a coup**, less than a year after popular protests led to the fall of long-time president Blaise Compaoré's regime. The coup leaders were **forced out** within a week, however, setting the stage for the country's elections in November.

Just months after Maina Kiai's official visit to Kazakhstan, civil society activist Ernek Narymbaev was found guilty of “organizing an unauthorized public event” in violation of a new law that regulates peaceful assemblies. This prompted a public statement from Kiai on Sept. 1, in which he called on Kazakhstan to immediately **release and drop all charges** against Narymbaev, and to end what appears to be the criminalization of peaceful protests.

“Public dissent is a hallmark of a democracy and a confident state”, the Special Rapporteur said. “Civil society actors are key players in securing sustainable human rights protection. It is essential that they can operate freely, online as well as offline.”

Ecuador **moved** to dissolve Fundamedios, a prominent civil society organization dedicated to the promotion of freedom of expression and media freedom. Authorities claimed that the group was allegedly disseminating messages with “political overtones.” A group of UN and Inter-American human rights experts spoke out against the move on Sept. 17.

“The forced dissolution of an association is a truly extreme measure, which can only be justified in the most exceptional cases, under strict compliance with the principles of legality, necessity and proportionality, and aimed at achieving a pressing need in a democratic society,” the experts said.

The government ultimately **backed off** on the dissolution threat, but the organization remains under pressure.

13,000
People who gathered outside of the Japanese parliament in September, protesting a proposal to expand Japan's military role beyond self-defense

68
Number of years that Japan's constitution has been **interpreted** to ban such military action

26
Times the Nobel Peace Prize has been awarded to **organizations** since 1901, including 2015's award to the Tunisian National Dialogue Quartet

Venezuelan opposition leader **Leopoldo López** was **sentenced** to more than 13 years in prison over a protest. A month later, the prosecutor who helped convict him claimed that the government had long **plotted** Lopez's arrest.

October

South Africa's universities **erupted in protest** during October, as students walked out to demonstrate against rising school fees and rising social inequality. At least three universities **closed** as protests grew. One protest in Pretoria attracted 10,000 people — the largest student protest since the 1976 Soweto anti-apartheid demonstration. Some protests were met with riot police equipped with tear gas and stun grenades, **media reported**.

In a resounding affirmation of the importance of civil society, the Nobel Peace Prize **was awarded** on Oct. 9 to the Tunisian National Dialogue Quartet, for its “decisive contribution to the building of a pluralistic democracy in Tunisia in the wake of the Jasmine Revolution of 2011.” The Quartet was formed in 2013 when the democratization process was threatened by political assassinations and social unrest. The Nobel Committee said the group of civil society actors “established an alternative, peaceful political process at a time when the country was on the brink of civil war. It was thus instrumental in enabling Tunisia ... to establish a constitutional system of government guaranteeing fundamental rights for the entire population.”

Some 100 people were **killed** on Oct. 10 when two bombs exploded during a peace march in Ankara, Turkey, involving the pro-Kurdish People's Democratic Party. Witnesses



and victims' families blamed the government for allegedly failing to provide security measures ahead of the rally, and said that police responding after the blast fired tear gas at grieving families who rushed there to inquire about their loved ones.

In Cambodia, two opposition members of parliament were attacked and beaten outside the National Assembly in Phnom Penh on Oct. 26, in what rights groups were calling a "well-organised, brutal" assault. The incident came after hundreds of protesters loyal to ruling party gathered to demand the resignation of the opposition's co-president, who also serves as the Assembly's deputy president. Police, "who routinely and at times violently obstruct or break up peaceful demonstrations led by the opposition, took no effective action to stop the violence," Human Rights Watch said in a statement.

Kenya's NGOs Coordination Board Chair Executive Officer Fazul Mohamed announced on Oct. 27 that 957 non-governmental organizations would be deregistered after failing to account for more than US \$250 million received from donors. Those targeted included the Kenya Human Rights Commission, one of Kenya's oldest human rights NGOs (it was also co-founded by Special Rapporteur Maina Kiai, and he currently sits on its board). NGOs claimed that the allegations were false, and that they were not even contacted by the NGO board prior to the announcement. Two days later, following a massive outcry, the directive was cancelled by then-Devolution Cabinet Secretary Anne Waiguru.

On Oct. 23, the Special Rapporteur joined other UN experts in calling for the release of the so-called "Angola 14" — a group of activists arrested in June after taking part in peaceful meetings to criticize lack of good governance in the country.

"Deprivation of liberty on the sole ground of having promoted good governance and exercised the rights to free expression and peaceful assembly may be considered arbitrary," Special Rapporteur Michel Forst said.

Elsewhere: Some 60,000 people marched against austerity measures in Manchester, United Kingdom on Oct. 4 • Four people were killed in the Republic of Congo in late October during protests against a constitutional reform that would make the president eligible for a new term • Laos said it would not host a meeting of civil society on the sidelines of an ASEAN summit next year, citing potential criticism by participants as one reason for the decision • And in an open statement published on Oct. 22, a group of United Nations human rights experts, including Maina Kiai, expressed their strong support for the efforts by governments in Latin America and the Caribbean to agree on a regional legal instrument on rights of access to information, participation, and justice in environmental matters.

November

On Nov. 4, the President of Maldives declared a state of emergency, which suspended all basic rights and gave security forces sweeping powers to arrest suspects. The order came just before a major anti-government rally was planned by the main opposition Maldivian Democratic Party. The party's leader Mohamed Nasheed, remains in jail following his conviction earlier this year under anti-terror laws.

Thousands of people poured into Afghanistan's capital of

On Nov. 4, the President of Maldives declared a state of emergency. The order came just before a major anti-government rally was planned by the main opposition Maldivian Democratic Party.



A pro-opposition protester is detained by police in Male, Maldives, during a March 13, 2015, demonstration. The country declared a state of emergency in November, just ahead of another demonstration planned by the opposition (photo: [Dying Regime/Flickr](#))

Kabul on Nov. 11 to protest over the **brutal killings** of seven members of Afghanistan's Hazara minority. About 10,000 people marched to demand justice, calling on the government to do more to ensure the nation's security or step down.

Imprisoned Azeri human rights defender Arif Yunus, who was the subject of a **public plea** from Maina Kiai in August, was **released** from jail due to his deteriorating health. A court granted the release on Nov. 12 at the request of Yunus's lawyers.

On Nov. 14, South Korean police fired tear gas and water cannons at protesters who marched through Seoul in the **largest protest** in South Korea's capital in more than seven years. An estimated 70,000 people demonstrated and over 50 were detained. The marches, organized by labor, civic and farmers' groups, brought together protesters with grievances against the government of conservative President Park Geun-hye.

Less than two weeks later, Park called for a **ban on masks** at demonstrations and warned that "terrorist elements" may infiltrate demonstrations. The President also drew parallels between masked protesters and the Islamic State in Iraq and Syria (ISIS).

France declared a state of emergency in the aftermath of a massive terrorist attack in Paris on Nov. 13. The measures meant that protests would be **banned** during the COP21 international climate talks from Nov. 30 to Dec. 11, and at least 24 activists were put under **house arrest** ahead of the conference. But activists **found other ways** to make their voices heard (and to put protesters' **shoes on the ground**).

In the latest chapter of a **long-running saga**, Greenpeace India saw its registration cancelled by the government, only to have it **reinstated** by a court in November — its sixth legal victory over the government.

The UK's Metropolitan Police issued an "**unreserved apology**" to seven women deceived into relationships with undercover officers, one of whom had a child with an officer. The police also agreed to pay compensation. The Special Rapporteur highlighted the scandal in his **2013 report** on his official visit to the UK.

A day after the UN Security Council passed a Nov. 12 resolution condemning the ongoing killings and human rights violations in Burundi, Maina Kiai and other UN independent experts **expressed outrage** at the situation and warned that the country "is going towards an unacceptable path of atrocities."

The situation soon deteriorated for civil society however, as Burundi's Minister for Internal Affairs on Nov. 23 suspended the activities of **10 NGOs**, including six human rights organizations. The move came on the heels of the government demanding that the country's banks freeze the organizations' accounts.

Brazil's Congress was considering anti-terrorism legislation, which Maina Kiai and other UN experts **warned** was too broadly drafted and ran the risk of unduly restrict fundamental freedoms.

"We fear that the definition of the crime established by the draft law may result in ambiguities and confusion as to what the State considers a terrorist offence, potentially undermining the exercise of human rights and fundamental freedoms," the independent experts said.

In Oman, state security forces **arrested and detained** Saeed Jadad, a human rights defender who met with the Special Rapporteur during his 2014 official visit to the country; the arrest came after an appeal court upheld his April 2015 conviction and one-year prison sentence for "the use of an information network (Internet) in the dissemination of material that would prejudice public order."

And Myanmar and Burkina Faso both held historic elections: the former on Nov. 8 (which resulted in a **landslide victory** for Aung San Suu Kyi's National League for Democracy party) and the latter on Nov. 29 (resulting in the election of **Roch Marc Kabore**).

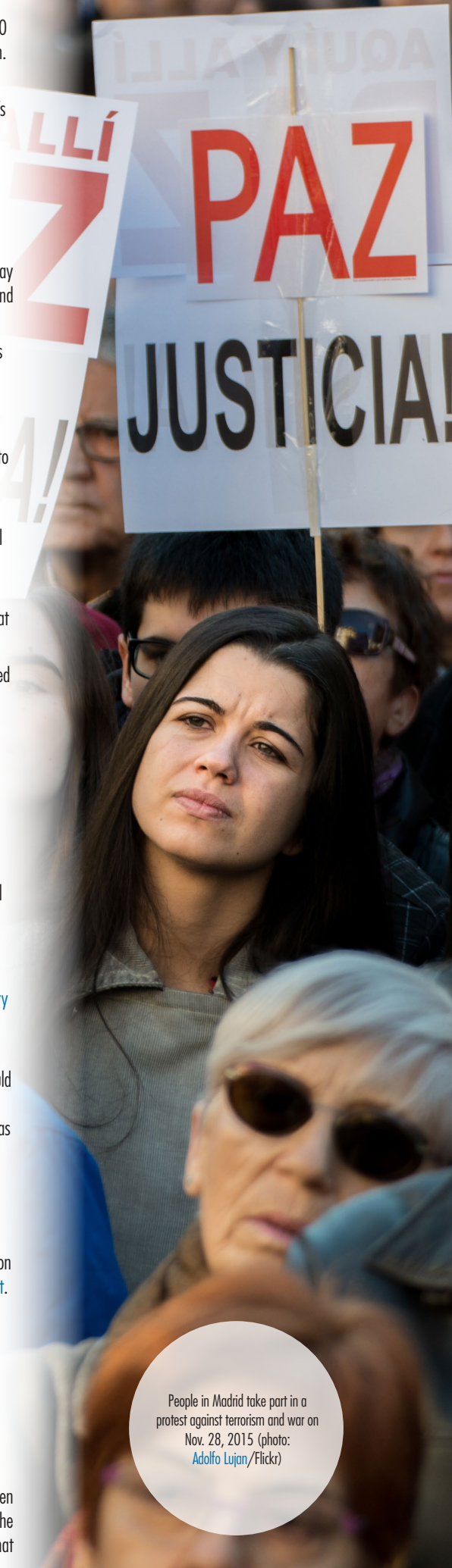
Elsewhere: Russia's Human Rights Commissioner said that Russia has too few **human rights NGOs**, and that they should be "protected, preserved and developed" • Maina Kiai joined his Special Rapporteur colleague Michel Forst in calling for **strengthened protection** of women human rights defenders promoting sexual and reproductive rights in the Americas • Russia's Prosecutor General's Office classified the Open Society Foundations as an "**undesirable**" organization, meaning the organization is banned from operating in the country

December

On Dec. 2, Kazakhstan's President **signed into law** new legislation regulating the funding of nongovernmental organizations. The law establishes a single state entity through which funding for NGOs must be channeled - a provision that the Special Rapporteur had advised against, both in his 2015 **report** on Kazakhstan, and in an **October statement**. Civil society groups and others expressed grave **disappointment** with the decision.

Malaysia's parliament hastily passed a controversial new **national security council law** in early December, which the government claims is necessary to improve coordination against security threats. The law would give the government broad powers to declare "security areas" and arrest, detain and seize property without warrant. The law was passed only two days after it was tabled, leading to criticisms from civil society and opposition MPs that there was not sufficient time to debate it. They also claim the law **concentrates too much power** in the hands of the prime minister. The senate **signed off** on the bill on Dec. 24.

Human rights organizations **warned** of a brutal ongoing **crackdown** on protesters in Ethiopia, claiming that between 40 and 75 people had been killed during recent demonstrations. The protests were sparked by a plan to expand the capital's administrative control into the Oromia region. The government said only five had been killed, and claimed that



People in Madrid take part in a protest against terrorism and war on Nov. 28, 2015 (photo: Adolfo Lujan/Flickr)

the protesters were terrorists with plans to start a revolution.

Venezuela opposition party claimed a [rare victory](#) in congressional elections on Dec. 6, giving them a legislative majority for the first time in years. Prior to the elections, opposition politician Luis Manuel Díaz was killed following a campaign rally in Guárico state and there were reports of attacks against other peaceful political events. These events led Special Rapporteurs Maina Kiai and David Kaye to issue a Dec. 4 [statement](#) urging the Venezuelan Government to guarantee security during the elections and to remove all obstacles to peaceful public participation.

Another large anti-government [protest](#) went forward in Seoul, Republic of Korea, on Dec. 5, after a court overruled a government order banning the demonstration. An estimated 30,000 people turned out. Meanwhile, 69-year-old Korean farmer [Nam-ki Baek](#) - who was knocked out by police water cannons at a Nov. 14 rally in Seoul - remained unconscious and hospitalized through December. And in a move that shocked Korean civil society, police asked prosecutors to charge Han Sang-gyun - president of the Korean Confederation of Trade Union and an organizer of the Nov. 14 rally - with [sedition](#). It was the country's first sedition charge in 29 years.

Israel's parliament was [considering](#) a law to require members of NGOs that receive more than half their funding from abroad to wear a special tag at parliamentary committee meetings. Some activists said it was a way to target left-wing NGOs, with one saying the law was "pointless, unnecessary and causes international damage to Israel."

Brazilians took to the streets en masse [yet again](#) on Dec. 13, calling for the ouster of President Dilma Rousseff. An estimated 40,000 people turned out in Sao Paulo, with smaller demonstrations taking place across the country.

Similar protests took place across [South Africa](#) on Dec. 16, with thousands of demonstrators calling for President Jacob Zuma to be sacked. The protests came partly in reaction perceived corruption and the President's removal of two successive finance ministers, which some say damaged confidence in the country's economy.

China embarked upon a [crackdown](#) on labor union leaders in Guangdong Province, arresting seven activists on criminal charges and claiming that they improperly intervened with labor disputes, disrupted public order and trampled the rights of workers. The move came as labor disputes have been [on the rise](#) in China, fueled by a slowing economy and increased layoffs. Hong Kong-based advocacy group China Labor Bulletin reported 2,741 strikes across the country in 2015, up from 1,379 in 2014.

As Burundi [lurched](#) towards possible civil war, the Human Rights Council held a special session on Dec. 17, which resulted in a unanimous resolution calling for a team of independent experts to investigate [human rights abuses](#) and to report back in March.

Special Rapporteur David Kaye issued a Dec. 16 [statement](#) - endorsed by Maina Kiai - expressing grave concern over a string of severe punishments against individuals for the holding and expressing of opinions, including human rights defenders and bloggers Raif Badawi and Mikhilif al Shammari and poet Ashraf Fayadh.

"Such attacks on freedom expression deter critical thinking, public participation, and civic engagement, the very things that are crucial to human development and democratic culture," Kaye said. "They also promote fear and intolerance which can resonate beyond the Saudi Arabian society."

"As the world struggles to fight terrible forms of violence, national authorities everywhere should avoid the targeting freedom of expression, especially against those who advocate tolerance, respect and human rights," the UN Special Rapporteur on the right to freedom of opinion and expression added.

The two key international human rights instruments - the International Covenant on Civil and Political Rights and the International Covenant on Economic Social and Cultural Rights - turned 50 years old on Dec. 16, prompting a [statement](#) from 55 independent mechanisms of the Human Rights Council to announce a year-long [campaign](#) to promote full ratification of the treaties. The ICCPR has been [ratified](#) by 168 countries (an additional seven have signed but not ratified, while 22 have taken no action); the Covenant on Economic Social and Cultural Rights has been ratified by 164 (an additional six have signed but not ratified, while 27 have taken no action).

Elsewhere: A group of UN independent experts, including Maina Kiai, [expressed grave concern](#) on Dec. 18 over continued reports that human rights defenders are being subjected to physical attacks, harassment, arrest and detention, and death threats in the Occupied Palestinian Territory, in an apparent bid by Israeli authorities and settler elements to stop their work • Thailand's military government [blocked](#) an anti-corruption protest on Dec. 7, detaining dozens of students and activists on their way to the demonstration site • Thousands of people took part in demonstrations [across Poland](#) on Dec. 19 to protest moves by the new government to neutralize the Constitutional Tribunal as a check on its power • Azeri human rights activist Leyla Yunus was [released from prison](#) on account of her deteriorating health on Dec. 10, but still faced treason charges • Houthi rebels in Yemen [shuttered](#) dozens of NGOs and detained activists affiliated with a rival political party, reports indicated • Hungarian Prime Minister Viktor Orbán [agreed](#) to end to investigations into Norwegian-funded NGOs in Hungary, ending a long-running dispute between the two countries • Despite an official ban on assemblies, activists were [permitted to gather](#) in Paris on Dec. 12, the last day of the COP21 environmental conference, to protest the outcome of the meeting • And the Guardian published a [profile of Maina Kiai](#), in which the Special Rapporteur recapped the developments of 2015.

"There is a crisis of governance across the world. A disconnect between politicians and the people," Kiai was quoted as saying. "You can see that in the number of people who vote in developed countries. The link is that people are increasingly finding they don't have any other option."



The Special Rapporteur's views in the news

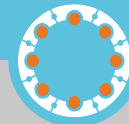
The Special Rapporteur took to the pages of newspapers and websites around the world in 2015 to promote the mandate's work and comment on assembly- and association-related issues in the news. A primary focus for the year was the interplay between business and human rights. Highlights included:

- ["The clamp-down on resourcing"](#) - an essay co-authored by Community of Democracies Secretary General Maria Leissner, published in CIVICUS's 2015 [State of Civil Society report](#), comparing how States regulate business' and civil society's ability to access resources.
- ["Cutting aid in order to support refugees will allow extremism to thrive"](#) - an op-ed for the Guardian's Global Development section urging the governments of Sweden and Norway not to cut international development aid to support the recent influx of refugees. The piece was co-authored by former Council of Europe Commissioner for Human Rights Thomas Hammarberg, former Swedish ambassador for human rights Jan Axel Nordlander, Civil Rights Defenders executive director Robert Hardt, and Norwegian Helsinki Committee secretary general Bjørn Engesland.
- ["How's the business environment in your country? Look to civil society as a barometer"](#) - an October piece for ISHR's Business and Human Rights Monitor, published to coincide with the UN Forum on Business and Human Rights. The article drew from the Special Rapporteur's 2015 report to the General Assembly, and argued that business has a stake in making sure that civil society is treated fairly and equitably.
- ["A binding international instrument on business & human rights should safeguard civic space"](#) - an opinion article for the Business and Human Rights Resource Center that argues for the implementation of a binding international treaty that imposes human rights obligations on businesses, following from the Special Rapporteur's recommendation in his [2015 report to the Human Rights Council](#).

Photo: Demonstrators at a September 2015 march in Helsinki, Finland, protesting massive cuts to overseas development aid planned by the government in 2016. The text on the paper bags says "We are ashamed" (Veikko Somerpuro/Kepp)



III. By the Numbers



Assembly & Association Rights in 2015

Protesters in Guatemala on Aug. 30, 2015, calling for the resignation of President Otto Pérez Molina in the face of a corruption scandal (photo: Andrés García/Flickr)

Number of countries, as of the end of 2015, to which Maina Kiai has made requests for official visits

58

Number of these which have responded affirmatively, including the six that he has visited

19

Number of communications alleging violations of assembly and association rights sent by the Special Rapporteur to Member States between March 1, 2014, and February 28, 2015

186

Percentage of these which Member States actually responded to

53

Percentage of communications that African states responded to, the lowest response rate among all regions

29

Percentage of the World Bank's top 50 countries for Doing Business also ranked in the top 50 of the 2014 Economist Intelligence Unit Democracy Index (which tracks civil liberties and political participation, among other things)

68

Percentage of the World Bank's top 50 that are ranked in the bottom 50 of the Democracy Index (see here for more on why the Special Rapporteur thinks when civil society does well, business does well too)

6

Percentage of the world's largest 175 "economic entities" that are corporations, according to one study published in 2012 (using GDP for nations and revenues for corporations)

63

Approximate number of countries which do not even fall into the top 175 largest economic entities

130

Number of core international human rights instruments that impose binding obligations on corporations to respect assembly and association rights (click here to see why the Special Rapporteur believes there should be more)

0

Number of days (as of Dec. 31, 2015) that Gen. Prayuth Chan-ocha has served as Thailand's head of state, following a military coup on May 22, 2014

589

Number of days that protests against the military government have been officially banned

582

Number of consecutive weeks that Guatemalans protested in front of the National Palace in Guatemala City before President Otto Pérez Molina stepped down in shadow of corruption allegations

20



IV. Thematic Reports



The Special Rapporteur delivered two thematic reports to the United Nations in 2015: one to the Human Rights Council, focusing on assembly and association rights in the context of natural resource exploitation, and another to the General Assembly comparing the enabling environments that States create for businesses and civil society.

Natural resource exploitation (Human Rights Council, 29th session)

The Special Rapporteur's fourth thematic report to the Human Rights Council was presented on June 17, and examined the role that the rights to freedom of peaceful assembly and of association play in opening space for genuine participation across the



A view of the General Assembly Hall at United Nations Headquarters in New York on Oct. 3, 2015 (photo: United Nations Photo)

spectrum of natural resource exploitation activities.

Despite — or perhaps because of — the high stakes involved in natural resource exploitation, the Special Rapporteur found that citizen engagement is notoriously difficult. Secrecy cloaks decision-making processes and outcomes; there is a lack of mechanisms through which interested parties may express their concerns; discussions are often highly technical; and, above all, the financial stakes are often massive. This opaque and lucrative environment presents ideal conditions for corruption to thrive, a challenge with which many resource-rich countries have to contend.

“Peaceful protests are banned from sites where natural resource exploitation takes place and the situation is not any better in relation to the right to freedom of association,” he noted. “Individuals and associations who express opposition to natural resource exploitation processes are vilified as ‘anti-development’, ‘unpatriotic’, and even as ‘enemies of the State.’”

The Special Rapporteur argued that disregard for civil society input is counterproductive and divisive, and “is likely contributing to an erosion of confidence in the world’s prevailing economic system.”

“The significance of civil society as a stakeholder in the context of natural resource exploitation is underestimated, misperceived and often denied by both States and businesses,” Kiai wrote in the report. “This is symptomatic of a growing disregard for a plurality of views, particularly those which champion non-economic values over economic ones.”

He noted that, in many countries, interested parties lack mechanisms to express their concerns freely, and warned that “Governments are more receptive to corporations’ positions than the needs and concerns of affected communities.”

A key part of the solution, Kiai said, is for States and corporations to fully and constructively engage with civil society in the context of natural resource exploitation. But their failure to adequately do this thus far suggests that the international community must also go one step further by enacting a new treaty binding businesses to respect fundamental human rights.

“Corporations play an outsized role in the decision-making processes about exploitation of natural resources. But they are not subject to legally binding human rights obligations,” Kiai told the UN Human Rights Council during the presentation of his report. “It is time to address this issue more robustly; corporations must not escape responsibility to safeguard human rights.”

The report is available in all six official UN languages at <http://freematerial.net/reports/natural-resources/> (where you can also find photos and video from the session, a transcript of the Special Rapporteur’s remarks, and other material related to the report). The report’s UN document number is A/HRC/29/25.

A factsheet summarizing the report is available here: <http://freematerial.net/factsheets/natural-resources/>

Comparing the enabling environments for business and civil society (General Assembly, 70th session) The Special Rapporteur’s third thematic report to the General Assembly — presented in New York on October 27 — was a comparative study of the enabling environments for businesses and associations (or more broadly, civil society). The report found that States, multilateral organizations and others overwhelmingly favor businesses, both in policy and practice. The question is: why?

The comparison of businesses and associations may seem a strange one at first glance, given their different profit motives. But the Special Rapporteur pointed out that the two sectors do share similarities, most notably that they are both non-State actors and vehicles to unite people to pursue a particular goal, whether economic, political, social, cultural or otherwise.

More to the point, civil society’s contributions to a nation’s wellbeing are just as important as those made by businesses, Kiai argued. Despite this, the business sector almost always occupies a comparative place of privilege.

“There is no compelling reason why the civil society sector should have to operate in such a hostile environment, when it is possible for States to do much more to facilitate and promote a more enabling environment, like they do for businesses,” the Special Rapporteur told the General Assembly’s Third Committee on Oct. 27. “Both sectors, after all, are equally deserving of promotion by the State, and both contribute enormously to the overall wellbeing of a nation.”

The Special Rapporteur cited a long list of policies that discriminate against civil society, and highlighted the absurdity of applying these same regulations to businesses.

In Nicaragua, for example, the granting of legal entity status to non-profit organizations requires an act of the National Assembly; starting a company is comparatively easy, with no significant State discretion. In Rwanda, foreign NGOs face a 20 per cent limit on overhead costs in programs, a level of government interference unimaginable in the commercial sector. And countries such as Egypt, Ethiopia, India and Russia, have recently tightened restrictions on associations’ access to foreign funding, while simultaneously opening up their economies to much greater commercial investment from abroad.

Civil society is also disproportionately targeted by anti-terrorism laws, faces limited access to the halls of power, and experiences exponentially higher levels of government surveillance and hostility, Kiai said.

Kiai called on States to adopt the principle of “sectoral equity” as a remedy to what he termed a “concrete, systematic and often unjustifiable differentiation in treatment of the two sectors.”

“Sectoral equity is not about treating businesses and associations identically,” the Special Rapporteur said. “Rather, it

Factsheet: Civil society’s ability to access resources

Special Rapporteur Aina Kiai’s report to the Human Rights Council, June 2013 (A/HRC/23/39)

Can any registered associations access resources?

No It is possible for States to limit the right to freedom of association by restricting access to resources. This is often done through laws that restrict the ability of associations to raise funds, receive donations, or access public services. Such restrictions are often justified on the grounds of national security or public order, but they are often disproportionate and discriminatory. (A/HRC/23/39, para. 15)

Are there any restrictions on funding personnel?

Yes It is possible for States to limit the right to freedom of association by imposing restrictions on the funding of personnel. Such restrictions are often justified on the grounds of national security or public order, but they are often disproportionate and discriminatory. (A/HRC/23/39, para. 16)

Are there any particular restrictions on funding that the Special Rapporteur was aware of?

Yes The Special Rapporteur was aware of several particular restrictions on funding, including: (i) restrictions on the funding of personnel; (ii) restrictions on the funding of activities; and (iii) restrictions on the funding of premises. (A/HRC/23/39, para. 17)

Factsheet: FoAA rights & natural resource exploitation

Special Rapporteur Aina Kiai’s report to the Human Rights Council, June 2015 (A/HRC/29/25)

Do the rights to freedom of peaceful assembly and of association apply in the context of natural resource exploitation?

Yes The rights to freedom of peaceful assembly and of association apply in the context of natural resource exploitation. These rights are essential for the exercise of other rights, such as the right to a fair trial, the right to a public hearing, and the right to a fair and equitable trial. (A/HRC/29/25, para. 1)

Can States be held responsible for violations of these rights?

Yes States can be held responsible for violations of these rights. This is the case when the State has failed to take the necessary steps to prevent, investigate, and punish such violations, or to provide redress to the victims. (A/HRC/29/25, para. 2)

Can States be held responsible for violations of these rights by private actors?

Yes States can be held responsible for violations of these rights by private actors. This is the case when the State has failed to take the necessary steps to prevent, investigate, and punish such violations, or to provide redress to the victims. (A/HRC/29/25, para. 3)

Factsheet: Comparing treatment of businesses & associations

Special Rapporteur Aina Kiai’s report to the General Assembly, October 2015 (A/70/266)

Do States have a positive obligation to create the best possible enabling environment for civil society?

Yes States have a positive obligation to create the best possible enabling environment for civil society. This is the case when the State has failed to take the necessary steps to prevent, investigate, and punish such violations, or to provide redress to the victims. (A/70/266, para. 1)

Do States impose different rules for associations and businesses regarding access to resources?

Yes States impose different rules for associations and businesses regarding access to resources. This is the case when the State has failed to take the necessary steps to prevent, investigate, and punish such violations, or to provide redress to the victims. (A/70/266, para. 2)

Do States impose different rules for associations and businesses regarding access to funding?

Yes States impose different rules for associations and businesses regarding access to funding. This is the case when the State has failed to take the necessary steps to prevent, investigate, and punish such violations, or to provide redress to the victims. (A/70/266, para. 3)

New additions to the UNSR’s factsheet series

The Special Rapporteur continued the expansion of his popular factsheet series in 2015, which condense lengthy and technical UN reports into a two-page, plain-language format.

In 2015, new factsheets were added on the subjects of:

- **Assembly and association rights in the context of natural resource exploitation** (Summarizing Kiai’s 2015 report to the Human Rights Council)
- **“Sectoral equity”** (Summarizing Kiai’s 2015 report to the General Assembly, which compared the typically uneven enabling environments for businesses and civil society)
- **Oman** (summarizing the report on Kiai’s official visit to the country in 2014)
- **Kazakhstan** (summarizing the report on Kiai’s official visit to the country in 2015)
- **Civil society’s ability to access resources** (summarizing Kiai’s 2013 report to the Human Rights Council)

All of the Special Rapporteur’s factsheets can be viewed at the following link: <http://freematerial.net/factsheets/>

“The significance of civil society as a stakeholder in the context of natural resource exploitation is underestimated, misperceived and often denied by both States and businesses. This is symptomatic of a growing disregard for a plurality of views, particularly those which champion non-economic values over economic ones.”

Maina Kiai in his 2015 report to the Human Rights Council

implies a fair, transparent and impartial approach in which the regulation of each sector is grounded in international law, standards and norms.”

The UN expert said he was optimistic about the prospects of States’ elevating their treatment of civil society because this goal ultimately serves the business community’s interests as well.

“The presence of a robust, vocal and critical civil society sector guarantees, almost without exception, that a State also possesses a good business environment,” Kiai said. “The rule of law is stronger, transparency is greater and markets are less tainted by corruption. In other words, when civil society does well, business does well too. This is not a fanciful hypothesis or wishful thinking. It is an undeniable fact.”

The report’s document number is A/70/266; it is available in all six official UN languages at <http://freemassembly.net/reports/sectoral-equity/> (where you can also find photos and video from the session, a transcript of the Special Rapporteur’s remarks, and other material related to the report).

A factsheet summarizing the report is available here: <http://freemassembly.net/factsheets/sectoral-equity/>

Observations on communications report (Human Rights Council, 29th session)

As part of their official duties, UN Special Rapporteurs regularly send “communications” to national governments when allegations of serious human rights abuses arise. These communications raise concerns about specific human rights issues, lay out the information that the UN has received concerning the issues, and request further information from the State. Communications are often signed by multiple Special Rapporteurs or UN experts, depending on the subject of the allegation(s). States are invited to respond, but not all choose to do so.



Demonstrators at the New York City People’s Climate March, which took place on Sept. 21, 2014, and drew an estimated 400,000 people (photo: Annette Bernhardt/Flickr)

Communications and replies are initially confidential, but are released once a year alongside the Special Rapporteur’s observations on both. The Special Rapporteur’s most recent communications report (A/HRC/29/25/Add.3) - covering the period between March 1, 2014, and Feb. 28, 2015 - was presented at the 29th Session of the Human Rights Council in June and is available at: <http://freemassembly.net/reports/communications-2014-15/>

For ease of reference, communications and replies have been extracted and organized by country on freemassembly.net. Each country’s communications can be accessed via the website’s [country page](#) by clicking the country’s name and then “reports.”

Looking ahead to 2016

In 2015, the Special Rapporteur will again present one report at the 32nd session of Human Rights Council in June, and another at the 71st session of the General Assembly in October.

The report to the Human Rights Council will focus on how fundamentalism and intolerance can impact the rights to freedom of peaceful assembly and of association. Kiai convened an [expert consultation](#) on this subject from Dec. 10-11, 2015, at the RFK Center for Human Rights in Florence, Italy. The subject for Kiai’s report to the General Assembly has yet to be determined. An expert consultation for the report will be convened sometime in the first half of 2016.

In addition, Maina Kiai and his colleague Christof Heyns, Special Rapporteur on extrajudicial, summary or arbitrary executions, will present a specially mandated report to the Human Rights Council’s 31st session in March, outlining practical [recommendations on the management of peaceful protests](#). You can read more about the project in Section VII of this report, on special projects.

V. Country Visits



Special Rapporteurs working on thematic mandates are charged with monitoring the rights situation in all 193 UN Member States – a difficult task given that it is impossible to visit each of these countries regularly. By virtue of necessity, mandate holders often rely on information from governments, civil society and other stakeholders in order to make their assessments.

Official country visits present the opportunity to take a more direct approach, by observing human rights situations firsthand.

Upon the invitation from a Member State's government, Special Rapporteurs travel to conduct an in-country fact-finding mission to meet with stakeholders, perform their own research, and formulate an in-depth

The Special Rapporteur tours Chile's Museum of Memory and Human Rights in the capital Santiago on Sept. 30, 2015





The Special Rapporteur meets with Serik Kudebayev, Head of the Almaty city Interior Department, on Jan. 19, 2015, during his official visit to Kazakhstan

assessment of the situation on the ground. These assessments are then presented in the form of official reports, which are submitted to the Human Rights Council.

To date, the Special Rapporteur has received **invitations to visit** from 19 countries, not including countries which have extended standing invitations; he has visited six of those countries.

In 2015, the Special Rapporteur conducted two official country visits: **Kazakhstan**, on Jan. 19-27, and **Chile**, on Sept. 21-30. His report on Kazakhstan was presented to the Human Rights Council at its 29th session in June 2015 (as was the report on his Sept. 2014 mission to **Oman**). The Chile report will be presented to the Council at its 32nd session in June 2016.

Kazakhstan (Jan. 19-27)

The former Soviet Republic of Kazakhstan has made “admirable progress” since independence 23 years ago, but the Government too often uses “stability” as an excuse to wrongfully curtail assembly and association rights, **the Special Rapporteur said** after visiting the country in January.

Using “stability” to justify suppression of rights is “misguided,” Kiai said, and could actually breed instability.

“The best guarantor of stability is ensuring that all people living in Kazakhstan fully enjoy their rights as endorsed by the Government through its voluntary ratification of international human rights law,” he said. “It is, in fact, in the Government’s interest to allow freedom of peaceful assembly as a safety valve that protects against more serious turmoil in society. People who are not allowed to air their grievances peacefully are more likely to air them violently, or find succor in extremist ideologies.”

The Special Rapporteur said that he found limited space for the expression of dissenting views in Kazakhstan, with authorities taking the approach of “rule by law,” rather than “rule of law.”

“Indeed it was remarkable that in many of the meetings I had with Government officials, the emphasis was on the restrictions to the rights rather than the rights themselves,” Kiai said. “This is a misconstruction of human rights, where the focus must be on facilitating and enjoying the right first and

foremost, before restrictions which need to be interpreted narrowly.”

The Government’s approach to regulating peaceful assemblies was one of the most pressing issues Kiai identified. The right is guaranteed by Kazakhstan’s Constitution, but all peaceful assemblies must be authorized by local authorities, and even then, are limited to specific, government-designated sites.

The Special Rapporteur said that authorities justified restrictions by citing traffic issues and concerns that assemblies are disruptive and harm “the rights of others.” These are legitimate concerns, the expert said, but should not supersede the right to freedom of peaceful assembly.

Kiai also documented a series of serious impediments to the right to freedom of association. The law regulating the establishment of political parties, for example, imposes onerous obligations prior to registration, including high initial membership requirements and extensive documentation. The Special Rapporteur also raised concerns that the executive branch has responsibility to register political parties – entities that will ultimately compete with it for power.

The political association Alga! was denied registration after seven years of trying to register as a political party, ostensibly because membership of the party was never certified by authorities.

Kiai also raised the specter of reprisals after a Jan. 23 incident in Aktau, in which unknown persons were seen photographing the Special Rapporteur’s civil society contacts “in a manner commonly associated with secret police surveillance.” He reported the incident to police, who later produced a suspect, along with a written “confession,” though Kiai said that the suspect was unequivocally not the same person who was taking photographs.

“The authorities must ensure the safety of all the individuals I met with and guarantee that they will not be subjected to any form of reprisals – including threats, harassment, punishment or judicial proceedings,” he said.

In his final report, the Special Rapporteur also warned against the adoption of a

1
Number of approved, designated sites in the city of Almaty, Kazakhstan, where peaceful assemblies can take place

8
Approximate number of kilometers between this site and the city’s center and main government buildings

40,000
Number of cases of police abuse reported in Chile between 1990-2011, according to INDH

1.5%
Percentage of these cases in which perpetrators were sanctioned

“Chile has made enormous strides since its return to democracy 25 years ago. However, there are still remnants of yesteryear that have no place in the Chile of today. The ghost of this era looms particularly large over the security sector ... and their function in policing social conflicts and assemblies.”

Maina Kiai after his visit to the Republic of Chile in September 2015



Mapuche activist Juana Calfunao meets with the Special Rapporteur in Temuco, Chile, on Sept. 24, 2015

proposed law to establish a centralized entity to allocate and monitor all grants to public associations. Kiai warned that giving a government body the responsibility to allocate all grants — public and private — to public associations risked undermining the sector.

Despite this warning, the Senate adopted the law in October, prompting a public statement from the Special Rapporteur. The president then signed by bill in December, making it the law of the land.

During his nine-day mission, which included visits to Almaty, Astana and Aktau, Kiai met State officials, members of the judiciary and of Parliament, members of civil society, and the diplomatic community.

He also visited Zhanaozen, where clashes between police and protesters in 2011 led to the deaths of at least 14 people. Kiai noted that there was “conflicting information” about the event, and urged that the government to allow an independent international inquiry.

Kiai’s report on Kazakhstan was presented to the Human Rights Council at its 29th session in June 2015. It is available — along with the government’s response, statement, photos from the mission and more — at <http://freeassembly.net/reports/kazakhstan/>. The report’s UN document number is A/HRC/29/25/Add.2.

Chile (Sept. 21-30)

The Special Rapporteur concluded his visit to Chile on Sept. 30 by noting that the country has made “enormous strides” since its return to democracy 25 years ago, but that it still retains “vestiges of dictatorship” detrimental to the freedom of peaceful assembly.

Chile transitioned to democracy in 1990, after 17 years of military dictatorship under Gen. Augusto Pinochet.

“The ghost of this era looms particularly large over the security sector, chiefly the police — and specifically the Special Forces — and their function in policing social conflicts and assemblies,” Kiai said, noting that these “remnants of yesteryear ... have no place in the Chile of today.”

The expert expressed particular concern about Chile’s practical management of protests. During his visit, he was informed of numerous and varied examples of violations perpetrated by police during protests, including excessive force and harassment of activists.

A particularly disturbing example, he said, was the July 2015 killing of Nelson Quichillao, a copper mine worker who was shot dead by Special Forces in the town of El Salvador during a labor protest. Authorities claim the demonstration was not entirely peaceful, but Kiai noted that “individuals retain at all times their rights to life and physical integrity, even if they become violent during protests, and it is the State’s duty to safeguard these rights.”

He also recalled a September 2015 case, where police used excessive force to clear a peaceful occupation of a government building by indigenous Mapuche activists in Temuco, who were protesting perceived injustices regarding land rights.

Kiai drew attention to multiple reports — from both civil society and Government — that agents provocateurs frequently disrupt otherwise peaceful protests by students

and workers, causing violence and property damage. Authorities then use this disruption to justify the wholesale use of force against all protesters.

“The presence of a few people engaging in violence in and around a protest does not authorize police to brand the entire protest violent. Rather, the violent elements should be extracted from the protest and dealt with in accordance with the rule of law,” he stated.

“In fact, the persistent failure in dealing with these few violent people raises questions about the reasons for inaction by the police, as these violent protesters mar the image and effectiveness of public protests,” the expert said.

The independent expert also highlighted several areas of Chile’s legal framework in need of urgent reform, including regulations on the authorization of peaceful assemblies. While the Chilean Constitution recognizes the right to peaceful assembly, its exercise is unduly restricted by Supreme Decree 1086, which allows local officials to prevent or dissolve assemblies that were not previously authorized by authorities.

“Best practice dictates that States may, at most, require prior notification for peaceful assemblies, not authorization,” Kiai said, urging the Government of Chile to repeal Supreme Decree 1086 immediately.

The Special Rapporteur also raised concerns over the use of identification checks by the police, a practice that pending legislation may soon enshrine as law. He said that the practice of stopping individuals at random — without specific evidence of a crime — has the potential to chill the exercise of the right to peaceful assembly.

In November, he published a detailed legal analysis warning that the proposed bill on identity checks may violate international law: <http://freeassembly.net/rapporteurpressnews/chile-identity-bill/>

Kiai found fewer serious issues regarding the protection of the right to freedom of association in Chile, and commended the State for its efforts to uphold this right.

However, he urged the authorities to do more to promote association rights, including by increasing support and resources to the civil society sector, and to place more value on civil society’s input in policy decisions.

During his 10-day visit, Kiai met State officials, members of the judiciary and of Parliament, members of civil society, and the diplomatic community. His visit included stops in Santiago, Temuco, Copiapó, El Salvador and Valparaíso.

The Special Rapporteur will present a final report on his visit to the Human Rights Council during its 32nd session in June 2016. The Special Rapporteur’s statement, *photos from the mission*, and other Chile-related information can be found at the following link: <http://freeassembly.net/reports/chile>. When released, the report will be available at the same link.

Oman (Sept. 8-13, 2014)

The Special Rapporteur visited Oman in September 2014, but presented his *final report* on the visit during 2015, at the Human Rights Council’s 29th session in June.

Kiai *told the Council* that Oman has made tremendous strides in the field of economic development, but that significant human rights challenges remain.

Omani law guarantees the right to peaceful assembly only to Omani citizens, for example, which runs contrary to international law. Non-citizens make up approximately 30 percent of Oman’s population. In addition, laws relating to the holding of peaceful assemblies do not clearly and explicitly establish a presumption in favor of holding assemblies.

A sunset view near the Sultan Qaboos Port in Muscat, during the Special Rapporteur’s official visit to Oman in September 2014

Kiai also said he received reports of authorities hacking emails and social media accounts; repeatedly summoning activists to meet with intelligence officers; and kidnapping members of civil society for secret and prolonged interrogations.

Laws on associations, meanwhile, make it “virtually impossible to establish a legal association without Government consent, cooperation and control,” he noted. The Law requires mandatory registration of associations; restricts the types of associations, their objectives and geographical location; bans political parties; affords unbridled discretion to authorities responsible for registration processes; and mandates intrusive interventions by Government officials in the operation of associations.

The UN expert also told the Council that he was “dismayed” by alleged reprisals against some civil society members who met with him during the mission. In January, Kiai and other UN Special Rapporteurs **singled out the case of Saeed Jadad** — a civil society activist from Salalah who was imprisoned after meeting with Kiai — and called for his release.

“This is not the first time that I have been informed about acts of reprisals against Mr.

Jadad following my official visit to Oman in September 2014,” the Special Rapporteur wrote in the statement. “Mr. Jadad has been repeatedly detained since Dec. 10 and I am worried that he was arrested for having met with me during my visit.”

Kiai’s report on Oman is available at the following link, along with the government’s response, **photos from the mission** and more: <http://freeassembly.net/reports/oman>. The report’s UN document number is A/HRC/29/25/Add.1.

Looking to 2016

Two official country missions have been confirmed for 2016: **The Republic of Korea** (Jan. 20-29) and **the United States of America** (July). Kiai also has pending invitations from Kenya, Malawi, Azerbaijan, Tunisia, Honduras, Hungary, Kyrgyzstan, Guatemala, Syria, Maldives and Turkey. Potential dates for these missions have yet to be determined.

The Special Rapporteur also has outstanding requests to visit nearly 40 other countries. For the current status of all country invitations, please see our “Country Invitation Status” page on our website: <http://freeassembly.net/country-info/country-invitation-status/>

A member of a copper mine workers union meets with the Special Rapporteur in El Salvador, Chile, on Sept. 26, 2015





VI. Academic & other visits



Country visits are not the only way that Special Rapporteurs learn about the human rights situation in UN Member States. They can also conduct academic visits and other unofficial trips, which allow them to explore country contexts without the structure imposed by a formal mission.

These visits sometimes take the shape of a mini fact-finding mission — a sort of abbreviated country visit without an official report at the end. But more often they simply involve attending a conferences, giving a public lecture, meeting informally with government officials, or speaking with civil society.

Special Rapporteur Maina Kiai has prioritized such travels, using every opportunity to meet

A protester during a 2012 demonstration in Phnom Penh, Cambodia. The Special Rapporteur made his second academic visit to the country in as many years on Nov. 7-9, 2015
(photo: LICADHO)



with local civil society, promote key messages, raise awareness of the mandate's work, and listen to what people are saying on the ground. In 2015 alone, he made dozens of international trips to more than 15 countries, where he participated in conferences, workshops and other events.

Cambodia: A return following passage of a controversial NGO law

The Special Rapporteur traveled to Cambodia on an academic visit Nov. 7-9, 2015, his second such visit to the country since 2014.

The government has imposed severe restrictions on the rights to freedom of peaceful assembly and association since disputed elections in 2013. Kiai has twice requested that the Government of Cambodia invite him for an official visit, but has yet to receive a positive response. Following months of massive post-election protests in 2013-14, the Government instituted a broad crackdown on public demonstrations, including a total ban on assemblies for a period. A political compromise in 2014 led demonstrations to die down somewhat, but other troubling signs developed.

In August 2015, the long-discussed *Law on Associations and Nongovernmental Organizations (LANGO)* came into effect, imposing mandatory registration on civil society organizations and giving the government broad power to regulate them. In a July statement, the Special Rapporteur *blasted* the government for failing to provide "meaningful and transparent consultation with civil society throughout the drafting process." Despite repeated requests, the Government failed to publicly release a draft of the law until after it was submitted to the National Assembly.

Kiai returned to Cambodia in part to assess the impact of LANGO. Civil society told him that although there had been no direct attempts from the government in Phnom Penh to abuse the law so far, there have been some troubling signs.

"I received reports that associations in the provinces have faced restrictions from local authorities that require them to register under LANGO's provisions in order to convene assemblies," he said. "The law is already restrictive enough; the uncertainty that we're seeing now around its implementation is not helping. Instead it's contributing to what is already a very disempowering environment."

Kiai's academic visit also focused on gathering information on the potential impact of Cambodia's draft law on trade unions — the text of which the Government has been reluctant to share publicly.

"This is a law that potentially affects every adult Cambodian — they should have avenue for involvement," Kiai said after the visit, referring to the lack of public consultations on the draft. "The government should be actively facilitating and encouraging this involvement. That's their obligation under international law."

Kiai also examined the situation of political parties in Cambodia, noting that just a few weeks prior to his visit, two opposition members of parliament were *attacked* and beaten outside the National Assembly in Phnom Penh. Rights groups called the incident a "*well-organized, brutal*" assault. Just prior to that, a violent mob gathered outside the house of the opposition party's vice president, reportedly throwing stones. In both cases, witnesses said that police failed to intervene.

ICNL Global Forum & WMD World Assembly: civil society's premier global gatherings

The Special Rapporteur was on hand for two of 2015's most important global civil society meetings: The International Center for Not-for-Profit Law's *Global Forum* in May, and the World Movement for Democracy's 8th *World Assembly* in November.



International Center for Not-for-Profit Law CEO Doug Rutzen speaks during the closing plenary session of ICNL's Global Forum in Stockholm on May 12, 2015



Participants listen during an expert meeting convened by the Special Rapporteur at the RFK Center for Human Rights in Florence, Italy, on Dec. 10, 2015

The ICNL event — billed as “a one-of-a-kind platform bringing together leading thinkers with the aim of assessing where civil society stands — and how to make it stand taller” — was held in Stockholm, Sweden on May 10-12, 2015. The Forum opened with video welcome messages from US President *Barack Obama* and UN Secretary General *Ban-Ki Moon*. The Special Rapporteur participated in several seminars, and held his own session to promote his project with Special Rapporteur *Christof Heyns* to produce recommendations on the management of peaceful assemblies.

While in Stockholm, Kiai also convened an expert meeting to help him prepare his October 2015 UN General Assembly report, which compared the enabling environments that States create for businesses and civil society.

The World Movement for Democracy held its Global Assembly on Nov. 1-4, 2015, in Seoul, Republic of Korea, which brought together some 450 democracy activists, practitioners, scholars and donors from more than 100 countries. The Assembly’s theme was “Empowering Civil Society for Democracy and Its Renewal.”

Kiai served as a panelist for the Assembly’s opening plenary session, which was titled “Understanding the Global Assault on Democracy.” His mandate also organized a workshop that drew on participants’ expertise to help his mandate improve communications tools and reach a wider audience.

Geneva: Launch of ‘landmark’ freedom of association guidelines on sidelines of HRC session

United Nations Special Rapporteur *Maina Kiai* traveled to Geneva in March to participate in several events on the margins of the 28th Session of the UN Human Rights Council, including the launch of landmark joint guidelines on the right to freedom of association.

The guidelines — which were developed by the Organization for Security and Co-operation in Europe’s Office for Democratic Institutions and Human Rights (OSCE-ODIHR) and the Venice Commission — are the first of their kind in the field of association rights. They were adopted and released in December 2014, and officially launched on March 5, 2015.

The guidelines offer advice and expertise on how to legislate on freedom of association-related matters in a manner consistent with international human rights standards and OSCE commitments. They reflect evolving good state practices, and are intended to enhance awareness of the right to freedom of association.

“International treaties merely set out broad frameworks to protect our rights — and by their nature they don’t get into the everyday nuts and bolts of exactly what the rights look like on the ground,” Kiai said before the event. “That’s why these guidelines are so critical. They fill in the gaps, and help flesh out exactly what the right to freedom of association entails.”

OSCE-ODIHR released similar guidelines on the right to freedom of peaceful assembly in 2010. At the time, Kiai called them “the most advanced set of good practices available,” and cited them extensively in his 2012 report on best practices for assembly and association rights. The assembly guidelines are also available via ODIHR’s website.

While in Geneva, Kiai also participated in a panel discussion exploring how multilateral institutions can ensure greater citizen participation. His counterparts on the panel included *Jane Connors* of OHCHR and *Neil Buhne* of UNDP. Photos of the Special Rapporteur’s events in Geneva are available via the mandate’s Flickr page.

“This is a law that potentially affects every adult Cambodian — they should have avenue for involvement. The government should be actively facilitating and encouraging this involvement. That’s their obligation under international law.”

Maina Kiai on Cambodia’s draft trade union law, following his academic visit to the country in November 2015



Emilio Álvarez Icaza, Executive Secretary of the Inter-American Commission on Human Rights, speaks during an expert consultation convened by the Special Rapporteur in Stockholm, Sweden, on May 13, 2015

Other notable events

- **Stockholm Defenders' Days:** The Special Rapporteur was in Stockholm, Sweden, on April 7-10 to deliver a keynote address at the annual Defenders' Days meeting, which is one of the world's most important annual conferences on human rights. The event, which is organized by Civil Rights Defenders, hosted over 160 human rights defenders from 35 countries.

- Kiai was back in Stockholm in October, to attend **Stockholm Civil Society Week**, an annual event organized by Sida and the Swedish Ministry of Foreign Affairs. The meeting centered on a series of events aimed at improving understanding of and support to civil society and featured hundreds of guests from CSOs, governments, academia and the private sector. The Special Rapporteur gave the keynote address at the event's opening plenary session, and spoke on the topic of "Civic Space in the World Today." (A recap story is [available here](#) in Swedish)

- The Special Rapporteur went to Sedona, Arizona, in late April to participate in the McCain Institute's third annual **Sedona Forum** in late April. The event is the Institute's annual, high-level, invitation-only gathering of national and international leaders that seeks to bring together diverse experts discuss approaches and solutions to real-world problems. Guests included former British Prime Minister Tony Blair.

- **31st Annual InterAction Forum:** The Special Rapporteur joined InterAction, the largest US alliance of NGOs, for its 31st annual Forum in Washington, D.C. on June 24. Kiai was invited to speak on a panel discussing the closing of civic space. He was joined at the event by Ben Rhodes and William Easterly, among others.

- **Inter-American Commission on Human Rights (IACHR):** The Special Rapporteur continued to foster cooperation between his mandate and the IACHR, which is the regional body responsible promoting and protecting human rights in the American hemisphere. He met with representatives of the IACHR in Washington in July, and used the trip as an opportunity to speak at an event on human rights in the context of natural resource exploitation – which was the subject of Kiai's 2015 report to the Human Rights Council.

- **Human Rights House for 20th anniversary:** Kiai traveled to Oslo, Norway, in September to take part in **Human Rights House Network's** 20th anniversary celebration. The Network is a community of human rights defenders working for more than 100 independent organizations operating in 16 Human Rights Houses in 13 countries. The Special Rapporteur participated in a panel discussion on Sept. 9 titled "the way forward for human rights," which explored how human rights defenders will confront the realities of an increasingly hostile political environment. Video of the panel is available [via YouTube](#).

- The Special Rapporteur closed out the year by attending the **17th European Union-NGO Human Rights Forum** in Brussels in December. The theme for 2015 was "Protecting and Promoting Civil Society Space." A week later, he was at the RFK Center for Human Rights in Florence, Italy, to convene an **expert meeting on fundamentalism** and its effect on assembly and association rights - the subject of his June 2016 report to the Human Rights Council.

VII. Special Projects



Space for civic and democratic engagement has been rapidly shrinking worldwide in recent years.

According to [one report](#), more than 60 countries have proposed or passed over 120 laws restricting freedom of assembly or the foreign funding and activities of civil society organizations (CSOs) in the past three years. [Another report](#) points to substantial limitations on the core civil society freedoms of expression, association and peaceful assembly in 96 countries.

Indeed the trend towards shrinking space is so common and has spread to so many countries that it risks becoming the new norm. We are on the precipice of an era where countries will be bold in their repression, leaving ordinary

Police at an Oct. 25, 2015, protest in Cologne, Germany. Special Rapporteurs Maina Kiai and Christof Heyns are currently working on a joint project to develop practical recommendations for the management of peaceful assemblies (photo: Kelly Kline/Flickr)

people meek in asserting their rights.

Unfortunately, it is also clear that many of the traditional tools used by civil society, activists and the international community are not working to combat the trend of shrinking civic space. Reporting, documenting, technical assistance, public pressure, guidelines and declarations issued by multilateral institutions such as the United Nations — none of these have been particularly effective in reversing the overall drift towards repression. The trend has simply continued, if not accelerated.

One possible reason for these failures is that our current approaches stem from another era, when civil society could still talk about protecting civic space. But what do activists do when that space is already gone? How do we get it back?

There is no clear answer, but it is clear that it will require thinking outside the box.

To that end, the Special Rapporteur has embarked on a trio new of new projects in the past two years that stretch the conventional bounds of his mandate — each focusing on promoting and protecting assembly and association rights in a unique way.

Litigating assembly and association rights: Cases on Bolivia, Mexico and Azerbaijan

The Special Rapporteur recognizes the importance of involving all arms of government in strengthening human rights protections — including the judiciary. When courts function properly, they can shine a light on repression, ensure accountability, and issue strong rulings that command societal change.

Courts also serve as a venue in which regional and international human rights norms can be injected into mainstream domestic law. But this sometimes requires a push — judges may not always be familiar with the law beyond their jurisdiction. The *Special Rapporteur's litigation project* is trying to ensure that they are, by filing amicus curiae briefs in key cases dealing with assembly and association rights.

The project kicked off in late 2014, and produced its first three formal interventions in 2015.

Bolivia: A challenge to NGO regulations

The Special Rapporteur's first intervention came via an amicus curiae brief filed before the *Constitutional Court of Bolivia* in May. The case concerned the country's controversial law on legal personality, and its implementing Supreme Decree.

In a nutshell, the two provisions place severe restrictions on civil society organizations' ability to obtain and maintain legal personality. The law itself stipulates that the statutes of certain NGOs and foundations must declare their contribution to "economic and social development" in order to secure legal personality. The Supreme Decree, meanwhile, allows the government to revoke that legal personality if associations fail to "comply with sector policies and/or norms" — a vague and subjective term.

Bolivia's Defensor del Pueblo filed a petition with the Constitutional Court of Bolivia in 2014, challenging the two provisions as unconstitutional. The Special Rapporteur's brief argued that they also breach the international right to freedom of association.

"By requiring associations to demonstrate their contribution to economic and social development, the law limits the entitlement to legal personality and the autonomy to freely choose activities, whether they contribute to economic and

"Requiring authorization (for assemblies) turns the right into a privilege to be dispensed by authorities. Authorization regimes shift the burden to organizers or participants to challenge a refusal, instead of placing the burden on authorities to justify the restrictions they wish to impose."

Special Rapporteur Maina Kiai, in a third party intervention filed with Ghent University's Human Rights Centre before the European Court of Human Rights

A man at a TIPNIS protest in La Paz Bolivia, on Oct. 19, 2011 (photo: Szymon Kochanski/Flickr)



social development or not,” Kiai wrote in the brief. “The question naturally arises what types of associations and activities contribute to economic and social development. For example, can human rights organizations or NGOs striving for minority rights or opposing a government policy still obtain legal personality?”

He further noted that the Supreme Decree’s requirement that associations comply with “sectoral policies and/or norms” fails to meet “the three core conditions in international law for the imposition of restrictions on the right to freedom of association.” Namely, he wrote in the brief, they “are vague and open to broad interpretation”; they failed to pursue a legitimate aim as required by the ICCPR; and they are not necessary in a democratic society.

The full amicus brief is available on our website in both [English](#) and [Spanish](#). A decision in the case is tentatively expected in early 2016.

Mexico: Special Rapporteur weighs in on constitutionality of protest laws

The Special Rapporteur filed a second amicus brief before the [Supreme Court of Mexico in August](#), joining a case that challenged the constitutionality of Articles 212, 213 and 214 of Mexico City’s Mobility Law. The Special Rapporteur argued that the three provisions also impose impermissible restrictions on the right to freedom of peaceful assembly as it is interpreted in international law.

Article 212, for example, requires that the organizers notify authorities 48 hours in advance of a planned public assembly and indicate the “perfectly legitimate objective” of the event. Although the 48-hour notification rule is acceptable under international law, requiring organizers to state a “legitimate objective” is not, as it may allow for arbitrary interpretation by authorities, the Special Rapporteur noted.

Articles 213 and 214 of the law concern the use of roads for public assemblies. The former prohibits demonstrators from using “primary roads with continuous circulation” except momentarily; the latter states that authorities can take the necessary measures to avoid a blockage of such primary roads.

The Special Rapporteur argued that it is unlikely that a complete ban on accessing “primary roads with continuous circulation” would comply with the International Covenant on Civil and Political Rights, which requires that restrictions on assembly rights be defined in law, pursue a legitimate aim, and be proportional to that legitimate aim.

“A total ban is necessarily not the least restrictive measure available to the State . . . In addition, the definition of ‘primary roads with continuous circulation,’ potentially encompasses almost every road in Mexico City,” Kiai wrote.

The full amicus brief is available on our website in [English](#) and [Spanish](#). A decision in the case is expected sometime in 2016.

Azerbaijan: A key case on assembly rights before the European Court of Human Rights

In his third case of 2015, the Special Rapporteur joined with Ghent University’s Human Rights Centre to file a third party intervention in four proceedings before the [European Court of Human Rights](#).

The cases, *Mahammad Majidli v. Azerbaijan (no. 3)* and *three other applications*, concern the exercise of the right to freedom of peaceful assembly in Azerbaijan. At issue is the Court’s interpretation of Article 11 of the European Convention on Human Rights, which enshrines the right to freedom of peaceful assembly.

The submission from the Special Rapporteur and the [Human Rights Centre](#), calls upon the Court to clarify its jurisprudence on the right to freedom of assembly and to establish “clear and strong protective standards.”

“States are increasingly limiting the right to freedom of assembly using justifications such as ‘unauthorized assemblies’ or ‘unlawful assemblies’ with consequent measures such as administrative and criminal sanctions,” the authors write.

The brief focuses on the need to clarify legal notions that are abused by states to “criminalize” participation in peaceful assemblies. It also looks at the role of plain clothed police officers in the management of assemblies and shares general observations on assembly rights in Azerbaijan, based on the Special Rapporteur’s work and recent developments in the country.

A core legal argument of the intervention is centered on “authorization regimes” for assemblies, in which gatherings can be deemed illegal if they are not pre-approved by authorities.

“Requiring authorization turns the right into a privilege to be dispensed by authorities,” the authors write. “Authorization regimes shift the burden to organizers or participants to challenge a refusal, instead of placing the burden on authorities to justify the restrictions they wish to impose.”

The full amicus brief is available on our website in [English](#). A decision in the European Court cases is expected in 2016.

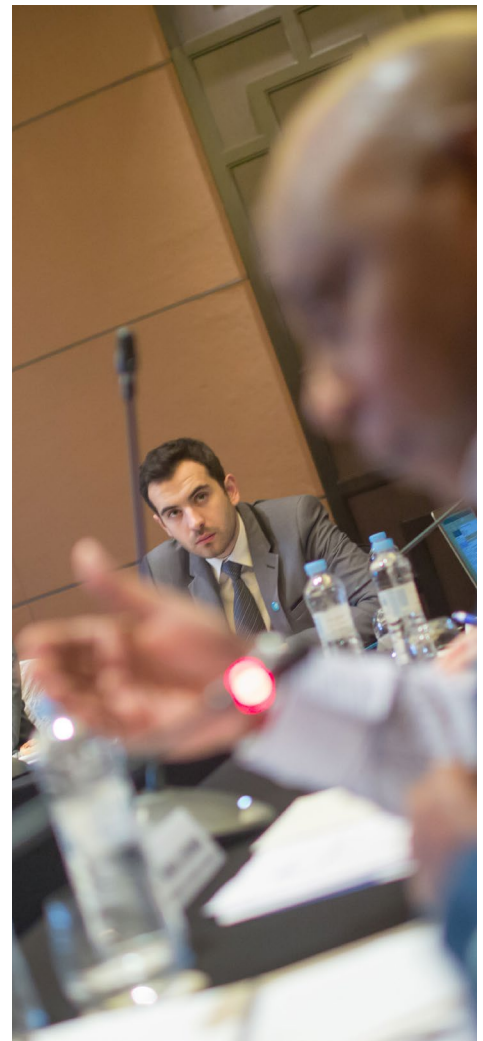
For more on the project — or to suggest a case — please see the Special Rapporteur’s litigation hub page: <http://freeassembly.net/litigation/>

Civil society’s access to resources: A joint project with the Community of Democracies

Civil society’s rapidly declining ability to access resources — human, material and financial — has been a preoccupation of the mandate from day one, but particularly since the publication of Maina Kiai’s report on the subject in June 2013 (A/HRC/23/39).

The report detailed the increasing restrictions that civil society organizations worldwide have faced in attempting to solicit, receive and utilize resources, particularly from abroad. Unfortunately, the situation has not improved.

In 2014, the mandate launched a [joint project with the Community of Democracies](#) focusing on protecting civic space and civil society’s access to resources. The project aims at enhancing space for civil society in general, with a special focus on the



Kiai tells Asia activists civil society needs new tactics to reverse shrinking space

SEOUL, REPUBLIC OF KOREA — Civil society and donors must pursue “new tactics and strategies” if they hope to reverse the trend of shrinking civic space, Special Rapporteur Maina Kiai told a gathering of activists in Seoul on Nov. 5.

The comments came during a consultation with civil society from the Asia-Pacific region on civic space and civil society’s ability to access resources. It was convened as part of the Special Rapporteur’s joint project on civic space with the Community of Democracies, and attended by nearly 20 civil society leaders from 14 countries across the region.

“Governments have been clever” at conjuring new ways to restrict the operations of critical organizations, especially those working on human rights, he said. “The old methods aren’t working. Maybe it’s time for us to think of new ways to push this agenda. We need to think outside the box.”

Participants said that restrictions on civic space in Asia have accelerated in recent years, with governments taking escalating measures to silencing dissenting voices. They also emphasized that donor policies sometimes unwittingly contribute to the restriction of civic space. In some countries, for example, donors urged “engagement” with the government, even for organizations performing watchdog functions. Others said that donors required aid recipients be registered legal entities — which is not always an option in more repressive countries.

Photos of the consultation are available on the mandate’s [Flickr page](#).



Special Rapporteurs Christof Heyns (L) and Maina Kiai convene a meeting of UN Member States in Geneva on June 15, 2015, to discuss their compilation of practical recommendations on for the proper management of assemblies

right to access resources. The ultimate goal is to spur action from the United Nations and its member States, reaffirming that the ability to access resources is inherently part of the right to freedom of association.

“Across the world, governments are moving rapidly to squeeze civil society out of its rightful place in the public sphere,” Kiai said at the [launch of the project](#) in 2014. “Many of them see civil society as a competitor, challenging their authority. And they are attacking from all angles, including trying to cut off their ability to seek, receive and utilize resources.”

The centerpiece of the project is a series of regional dialogues led by UN Special Rapporteur Maina Kiai and members of his team, conducted with the participation of local and regional civil society groups. The meetings aim to disseminate key messages in Kiai’s report, and to hear the challenges that activists are facing in their home countries. Separate consultations are also taking place with governments in each region, to help build support for civil society’s ability to access resources.

In 2015, the Special Rapporteur participated in two such consultations: One for the [Latin America region](#) in Santiago, Chile, and another for the [Asia-Pacific region](#) in Seoul, South Korea. The government portion of the Asia meeting will be held in Seoul in January 2016, followed by a final meeting for the Middle East/North Africa region, bringing the consultation phase of the project to a close. For more on the project, see our civic space hub page: <http://freeassembly.net/civicspace/>. Also be sure to check out our factsheet summarizing [three general principles](#) on protecting civic space and the right to access resources (available in English, Spanish and French).

Practical recommendations on the proper management of assemblies – a joint project with Special Rapporteur Christof Heyns

The international human rights framework is made up of an extensive – and sometimes dense – series of conventions, declarations, resolutions, guidelines and more. These instruments are crucial, but one thing they rarely do is give practical guidance on day-to-day details.

What exactly should a state’s law on assembly notification say, for example? When is the use of force appropriate? Can authorities place limits on the time, place or manner that protests are conducted?

In an attempt to help answer questions like these, the Human Rights Council adopted [resolution 25/38](#) in March 2014, which requested Maina Kiai and Christof Heyns, the Special Rapporteur on extrajudicial, summary or arbitrary executions, to prepare “a compilation of [practical recommendations](#) for the proper management of assemblies based on best practices and lessons learned.”

“Assemblies are not a novel phenomenon – people taking to the street has played an important role in shaping our world and the development of the human rights system,” Heyns said. “Assemblies present opportunities as well as challenges, depending on how they are managed by everyone involved. These recommendations provide us with an opportunity to ensure the better management of assemblies and thus the protection of the rights of all involved.”

A core element of the project is crowdsourcing, taking the issues to a range of stakeholders and looking for answers from United Nations experts, governments, multilaterals, civil society, law enforcement officials, the general public and others. The two UN experts conducted five consultations with various stakeholders throughout 2015: Four regional meetings (the Americas, Africa, Asia and Europe), and one meeting with the project’s advisory panel near the end of the year. They also held two consultations with UN member states and solicited written input via a questionnaire.

The recommendations will be presented to the Council at its thirty-first session in March 2016. Follow the project here: <http://freeassembly.net/peacefulprotests/>

“Assemblies present opportunities as well as challenges, depending on how they are managed by everyone involved. These recommendations provide us with an opportunity to ensure the better management of assemblies and thus the protection of the rights of all involved.”

Special Rapporteur Christof Heyns, on his joint project with Maina Kiai to develop practical recommendations for the management of assemblies

Acknowledgements

This report would be incomplete without acknowledging the individuals, civil society organizations, governments, donors and others who contributed to the mandate's work in 2015. Their input, hard work, creativity, vision and dedication has been indispensable, and it is this vast network of contributors who have truly made this mandate what it is.

The list of key players is too long to list on this page, but the following deserve special mention for their exemplary contributions:

- My talented and dedicated team, which over the course of the year included: Guillaume Pfeiffé, Waruguru Kaguongo, Jeff Vize, Heidy Rombouts, Marissa Storozum, Thibaut Guillet, Federica Donati, Karen Blanc, Eleanor Jenkin, Zahra Ahmed, Antoine Ledoux, Hassan T. Kurdi and Phyliss Alomba. These individuals are the core of the mandate, providing political and legal advice, supporting the drafting of reports, organizing country visits, undertaking research, and directing our communications and outreach work.

- Each of the photographers (too numerous to be named) whose pictures have been used in this report, on our website, in our newsletters, and elsewhere. These individuals have either allowed their photos to be used by the mandate free of charge or have made their photos available for free use under a Creative Commons License. Their excellent work has helped illustrate the events of 2015 in a way that makes assembly and association rights accessible, intimate and immediate.

- The mandate's seemingly infinite stable of local, regional and international experts on every human rights subject under the sun. There are far too many to list in this category, but those who made particularly important contributions in 2015 include: Ryota Jonen, Doug Rutzen, Lilly Ching Soto, Karin Fällman, Kathleen Hardy, Franceso Lembo, Patrice Lenormand, Florian Irminger, Maria Leissner, Nick Opiyo, Shawna Bader-Blau, Frank La Rue, Andy Galindo, Feliciano Reyna, Henri Tiphagne, Don Deya, Monika Mehta, Andrew Khoo, Naly Pilorge, Bergljot Hovland, Sandra Colliver, Anselmo Lee, Barbara Fontana, Mandeep Tiwana, Renate Bloem, all of the participants in the consultations we convened to prepare my 2015-16 thematic reports to the Human Rights Council and General Assembly, and the advisory panel for the upcoming recommendations on the proper management of assemblies, to be presented to the Human Rights Council in 2016.

- My fellow UN Special Procedures mandate holders, particularly Christof Heyns, the Special Rapporteur on extrajudicial, summary or arbitrary executions; David Kaye, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Michel Forst, the Special Rapporteur on the situation of human rights defenders.

- The generous donors and institutions who contributed resources - directly or indirectly - to the mandate, especially: the Norwegian Ministry of Foreign Affairs, the World Movement for Democracy, the International Center for Not-for-Profit Law, the Swedish International Development Cooperation Agency (Sida), the Government of Switzerland and the Community of Democracies. The support of these institutions has been indispensable.

- Our other institutional partners, who have been key in linking us with local, regional and international networks, including: CIVICUS, the International Service for Human Rights, Article 19, FORUM-ASIA, LICADHO, INDH Chile, East and Horn of Africa Human Rights Defenders Project, American Bar Association Center for Human Rights, the RFK Center for Human Rights, Inter-American Commission on Human Rights, Brot für die Welt (Bread for the World), Fundación Construir, Open Society Justice Initiative, the Human Rights Centre at Ghent University, Civil Rights Defenders; Human Rights House Foundation and InformAction.

- The Member States who have engaged with the mandate, whether through country visits, meetings, formal communications, the submission of information for the mandate's reports, support and even through open contention. The United Nations system is based upon engagement, and I sincerely appreciate the efforts of Member State governments, even when we may not see eye-to-eye.

With gratitude,



I express my sincerest thanks to each one of you — your work was crucial in helping the mandate accomplish what it did in 2015, and it will be just important in 2016.



Clockwise from top right, the Special Rapporteur with: Thibaut Guillet, Maria Leissner, Maryam al-Khawaja, John Liu and Guillaume Pfeiffé.



United Nations Special Rapporteur

On the rights to freedom of peaceful assembly and of association

freeassembly.net • facebook.com/mainakiai.sr • twitter.com/MainaKiai_UNSR • flickr.com/photos/mainakiai • ohchr.org
info@freeassembly.net • freeassembly@ohchr.org