



From: Maina Kiai, UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association

To: The participants of Global Forum 2011

Date: August 21, 2011

Greetings!

I sincerely regret that I cannot be with you at the Global Forum on Civil Society Law due to family medical emergencies.

I was very much looking forward to an opportunity to discuss with you various current challenges in the area of freedom of assembly and of association.

While the recent Arab Spring excited and reminded us of the power of human aspirations for freedom—from want and for space—I am concerned that there is still a lot of work to be done before our entire world can enjoy freedom of assembly and of association, crucial and important rights for development and democracy.

In North Africa, the Arab Spring has yet to mature to a summer of bliss and sunshine, and new developments in Egypt give us cause for concern, even as we celebrate the hard work, commitment and sacrifices that have been poured into Egypt this year by the courageous citizens of that land. Today, unfortunately, civil society groups are once again under pressure in Egypt and one civil society activist just received a two-year jail sentence handed down by the military court, not civil court, for “inciting people to protest and assaulting the head of the City Council in Dakhla.” Moreover, there is concern over the recently set up commission to investigate foreign funding of civil society groups—even as the government itself is substantially reliant on foreign funding for defense and development! While no NGOs have been summoned or questions to date, there is increasing fear NGO activities will be restricted.

But it’s not just Egypt facing severe challenges to the right of freedom of assembly and association. All across the world, governments loathe to challenges by their own citizens are placing increasing barriers to the space that NGOs can and have used for their work as service providers and as voices of the voiceless. From Belarus to Malawi; from Israel to Azerbaijan; from Uganda to Ecuador; from the United Kingdom to Cambodia, and many others that you all know so well, civil society, and their ability to organize and express themselves in various ways, is facing immense obstacles. Governments are not shy to use the law to restrict NGOs or to use excessive policing methods to silence NGOs. This is clearly one of the challenges of our times.

Over the last several years, we have increasingly seen systematic violations against Freedom of Assembly and of Association. As civil society groups have become more sophisticated and effective in their advocacy efforts, many governments have also become more sophisticated in responding to their critics. UN Human Rights Council’s resolution (A/HRC/RES/15/21) on the Rights to Freedom of Peaceful Assembly and of Association was a significant statement by the international community responding to the worrying trend of increasingly restrictive environment for civil society around the world. And, I am

extremely honored to be the first Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association.

My mandate instructs me to do the following, but not limited to:

- Gather best practices and experiences, related to the promotion and protection of freedom of assembly and association;
- Report on violations;
- Work with other mechanisms of the Human Rights Council and other UN or human rights treaty bodies to respond to those violations.

I will implement my mandate by conducting a wide range of consultations with States, civil society groups, and other stakeholders in coming years. And, I would very much appreciate it if you take part in such consultations at the international, regional, and national levels. In fact, this Global Forum was meant to be my first international consultation with leading thinkers on the issues related on freedom of assembly and association. Although I cannot be with you physically, I would like to seek your input on the following questions:

- What you think are best practices on Freedom of Association and Assembly (as two distinct rights)?
- What do you think are the worst practices?
- What tools should we use at the international levels to increase the respect for these freedoms?

Please send your input to Doug Rutzen of ICNL , who will then forward your input to me. And I must express my gratitude for ICNL not only for inviting me here, but also for accepting to provide support for, and host a research fellow who would work closely with me to implement my mandate effectively. This is an important and necessary step to helping me achieve my mandate, which as you know is a voluntary position with limited support from the United Nations. I am still seeking more support for outreach and liaison activities, more research and for funds to enable us to implement comprehensive and effective regional consultations with NGOs across the world.

Finally, I wish you a fruitful discussion at the Global Forum, and look forwarding to opportunities to work with many of you in near future.

Sincerely,
Maina Kiai

United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association