

Selected Notes from the Interactive Dialogue with the Special Rapporteur on Freedom of Assembly and of Association, Mr. Maina Kiai, 28 October 2014 in the General Assembly Third Committee (10.00-11.00 New York Time)

- Read the full GA [report](#)
- [Factsheet](#) summarising the report on Multilateral organizations and FoAA rights highlighting IDSN's case
- [UN press release](#) on the Interactive Dialogue
- SR [Press statement](#) on the presentation of the report
- See the [full webcast](#) of the Interactive Dialogue (Mr. Maina Kiai's presentation is first)

Presentation by Maina Kiai

Read the [full statement](#) of Mr. Maina Kiai

See the [webcast](#) of Mr. Maina Kiai's statement

- Engagement requires multilateral institutions to recognize the positive effects of civil society involvement and to refrain from closing down participation. The Financial Action Task Force, for example, has demanded that countries review “the adequacy of laws and regulations that relate to entities than can be abused for the financing of terrorism.” This call has been followed by a wave of new restrictions worldwide on funding for civil society, many of which do nothing to legitimately advance the fight against money laundering and terrorism.
- Noted that reprisals are an area of the gravest concern and that states repeatedly target organisations
- State obstruction has also hindered civil society participation in the United Nations. A classic example is the politicization of the NGO Committee, which recommends NGOs to the Economic and Social Council for consultative status.
- **I am concerned that the NGO Committee has on several occasions acted in a manner contrary to its purpose. The NGO Committee has arbitrarily deferred applications for consultative status for dozens of NGOs, several for many years. The case of the International Dalit Solidarity Network is particularly troubling. Since 2008, this NGO that focuses on caste-based discrimination has received 64 written questions from the Committee, all raised by India. It is now the longest pending application before the NGO Committee. (as written in official statement)**
- Finally, it is mind-boggling that the UN human rights system – one of the three UN pillars – receives only 3% of the regular UN budget. This inevitably hampers efforts to promote and protect the rights to freedom of peaceful assembly and of association at the multilateral level.

Interactive dialogue

Chile

- **Concerned by list of questions delaying NGO application. NGOs are penalised particularly from developing countries**
- We would like to ask what changes could be made to the **NGO committee** and how it could affect the number and profile of NGOs getting access.

Norway

- We welcome the special focus on the need to ensure the effective participation of a variety of civil society actors at the multilateral level
- **We share the concern regarding the practical and political challenges of civil society actors in participation at the multilateral level in particular related to UN accreditation. The report highlights the continued deferral for seven years of the International Dalit Solidarity Network's application for accreditation as an NGO with the UN. This is in our view unacceptable and the situation should be rectified.**
- We Share the deep concern of repeated instances of reprisals against those who engage with multilateral bodies.
- We would like to ask the SR to elaborate on what concrete measures other states and stakeholders can undertake to combat this trend.
- **Finally we welcomes the recommendations to reform the UN NGO Committee in order to prevent members states from Unwarranted blocking of accreditation applications.**

EU

- It is vital that all Member States ensure participation of Civil Society.
- **We would like to asked if you see ways for making the UN more accessible to civil society, in particular local grass-root movements dealing with marginalised groups**
- **The EU Is concerned with any act of reprisals and support actions against reprisals**

Switzerland

- Respect for rights of assembly and association at national and international levels is important to be observed.
- The Space dedicated is increasingly restricted, so how can democratic states ensure CS can play a role
- The active participation of NGOs in multilateral organisations is of great importance since Geneva is at the centre of international policy.
- Our country is bound to support HRDs from any state
- **Switzerland is particularly concerned at the large number of reprisals against NGOs who exercise rights to UN mechanisms**
- **Protection is absolutely a priority**

Azerbaijan

- Would like to thank Maina Kiai for dedicated work
- The focus on the exercise of the rights in the multilateral context is welcome
- Azerbaijan attaches great importance to the cooperation in this field and to implementation of relevant obligations
- We have been open for interaction with international partners in the further improvement of the overall HR situation in the country and has made progress in this regard.
- Since Azerbaijan started working with the Council of Europe, the organisation has become an essential interlocutor to the government to improve HR legislation and practice in Azerbaijan. During this period we have offered full cooperation to the Venice and Council of Europe, Commissioner for Human Rights, Rapporteurs, Committee for prevention of torture, CPT and the European commission against racism and intolerance.

- We will keep working in this area and we certainly remain further interested in dialogue and cooperation with SR.
- Thank you for efforts.

Kenya

Lithuania

- Remain concerned that some states continue to hamper participating and target individuals and groups
- Also concerned about GONGO's
- **Noted with concern that the Committee on NGOs has on several occasions acted in a manner contrary to ECOSOC resolution. Could you elaborate on the ideas to reform the Committee in order to prevent states from unilaterally blocking NGOs by continuously sending questions.**

Ireland

- **Fully share concern about reprisals against organisations**
- Could you highlight example of good practices put in place

USA

- **Strongly support SR's call for reform of the Committee on NGOs to prevent Member States from blocking accreditation applications by posing perpetual questions and blocking consensus.**
- **For our part, the US will continue to use our seat on this committee to promote CS organisations ability to participate in the UN systems.**
- **We also contend reprisals against representatives of CS organisations aimed to participate in the NGO Committee or other multilateral mechanisms.**
- **Special Rapporteur, do you intend to take any coordinated efforts with the SRs on freedom of expression and or the situation of HRDs?**

Bahrain

- We thank the SR for being here with us today and for the opportunity to make the following remarks
- We would like to remind that In Bahrain, rights to FoAA are guaranteed in the constitution
- The restrictions placed on the FoAA are limited to where such gatherings cannot be held as sensitive areas like hospitals, airports and certain vital areas in the capital
- No permits are required for gatherings and marches, but notifications must be made to the authorities related to the time of such gatherings
- Mr. SR, it is only when the assemblies seize to be peaceful and end in violent behaviour ranging from attacking passer-by with Molotov cocktails and burning tires and blocking roads that such gatherings must be dealt with by the law enforcement. Such violent behaviour threatens public order and infringes on the public freedom and the rights of others to basic liberties
- And all action taken against perpetrators of such violations and those that incite such violent behaviours are dealt with within the parameter of the law.
- The report at hand carries several inaccuracies and error regarding the kingdom which are taken from a single source. We would like to stress the importance of engagement with concerned countries on the process to avoid such inaccuracies

- The kingdom of Bahrain does not prohibit freedom of expression and association in accordance with the law and in any form.

Russia

- We carefully studied the report of SR and unfortunately, we would like to note that the SR again has gone beyond his mandate set down by the HRC and has allowed himself to make some inaccuracies.
- We would like to recall that FoAA are not an absolute and it is subject to some restrictions in line with national legislation
- While we recognise and we think it is important for participation of CS in the larger society and in the activities of international organizations, we would like to note that the UN functions based on the charter and according to the charter it is an intergovernmental organisation and such a format sets out the modalities for participation of NGOs
- We would also like to note that any format of the UN where participation of NGOs is allowed, NGOs regularly violate the rules of procedure and some of their work has a negative impact on the UN bodies
- Madame chair, the recommendations of the SR as regards to the functioning of certain organisations is also doubtful. We would recommend a constructive cooperation with governments in order to promote the rights to FoAA. These are issues that directly are not within the mandate of the SR. Thank you

Latvia

- Noted shrinking space for CS. It is worrisome that legal restrictions are placed on CS
- **Particularly concerned about reprisal against groups at UN and HR bodies,**
- Have you envisaged any future activities for this

Brazil

- Recognised to act on reprisals.

China

- China attaches great importance to guaranteeing the rights to FoAA
- With regards to the Chinese HRD mentioned, I want to point out here that she was dealt with according to law because she has violated the law of China. While she was taken ill, she was treated in hospital and her rights were guaranteed. Thank you Madame Chair.

Response of Maina Kiai

- This report is covering CS very broadly, not about NGOs alone, it is about the diversity of CS voice, social movement and grass-roots in particular, and if it means that they are facilitated to come and speak then this should be done.
- It is very clear that the reason for why there are problems at the international level is because of increasing shrinking space at domestic levels across many countries.
- The Only way to expand space for CS to speak and to be heard at multinational level is to have a commitment to expanding space on the ground at the domestic level.
- **In terms of changing and reforming the UN committee**

- **Clearly it is unacceptable and it is wrong and unfair that one NGO is given 64 questions by one country. That is clearly an obstacle being put. I would suggest for example that we put a limit on questions that a country can ask an NGO that is seeking accreditation so then the process can go forward. Maybe 3-5 questions maximum, so states then can ask most relevant and once those are answered, the process could move on.**
- **Secondly in terms of reforming the NGO Committee, also putting a time limit; It is absolutely unfair that an NGO can apply since 2008 and up to date it has not received accreditation, that is a span of 6 years, that is not right in any way form or shape. So, I think there are many easy ways in which it can be reformed and it is up to the states to start that reform and reforming the NGO committee as a first step.**
- Last thing, is an appeal to states here to look at funding for OHCHR and the human rights system, it is absolutely strange that up to today a pillar of the UN is only receiving 3 % of the budget. That shows how much the UN and the member states value human rights. If there was ever a time to increase that funding, It is now. 3% no matter what amount is a very strong indicator about the position of human rights within the UN system and I think is something all member states should look at and critically ask themselves if this is how they want to proceed with one pillar. Or maybe it's time to say that human rights is not a pillar of the UN and instead of pretending it is one then maybe just scrap it as a pillar and focus on what is supposed to be the pillars for the UN system.