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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai

Addendum

**Responses to the questionnaire on best practices related to the rights to
freedom of peaceful assembly and of association ***

* Reproduced as received.

I. Introduction

1. On 22 November 2011, the Special Rapporteur on the rights to freedom of peaceful assembly and of association sent a questionnaire to all Member States, national human rights institutions, regional human rights mechanisms, non-governmental organizations, and other stakeholders to identify best practices that promote and protect the rights to freedom of peaceful assembly and of association. This questionnaire is reproduced in English in chapter II of the present report. A total of 87 replies were received and informed the first thematic report of the Special Rapporteur (A/HRC/20/27). The Special Rapporteur is grateful to all those who replied to his questionnaire.

2. The information submitted is available through the hyperlinks listed in chapter III of the present report. Responses received are reproduced in their entirety as received. For ease of reference the responses have been grouped by categories of senders and in the language of submission. The States are listed in alphabetical order according to their names in the English language. When non-governmental organizations making the submission expressed protection concerns or fear of reprisals and requested confidentiality, their names were not disclosed.

3. The responses have not been edited and should not be construed as reflecting the views of the Special Rapporteur.

II. Questionnaire

Questions on best practices that promote and protect the rights to freedom of peaceful assembly and of association

It would be deeply appreciated if responses were brief. Responses in bullet-points are encouraged.

Right to freedom of peaceful assembly:

1. Please a) describe positive legislative/institutional measures taken to facilitate the exercise of the right to freedom of peaceful assembly in your country; and b) provide one or more recent examples where the right to freedom of peaceful assembly in your country has been adequately enjoyed and the reasons for citing this example(s).

2. Please a) describe positive legislative/institutional measures taken to protect peaceful protesters, including against agents provocateurs and/or counter-demonstrators; and b) provide one or more examples where peaceful protesters were effectively protected.

3. Please describe measures taken to ensure that any restrictions on the free exercise of the right to freedom of peaceful assembly are in accordance with your obligations under international human rights law (proportionality test and due process guarantees). Please explain the legal status of spontaneous assemblies.

4. Please a) describe positive legislative/institutional measures taken to ensure accountability for i) arbitrary restrictions to hold assemblies; ii) arbitrary or excessive use of force by law enforcement officials against peaceful demonstrators; and iii) violence by agents provocateurs and/or counter-demonstrators; and b) provide one or more examples for each of these situations where such measures have been implemented.

5. In this context, please describe positive legislative/institutional measures taken to build and strengthen the human rights capacity of administrative and law enforcement officials in your country.

6. Please describe one or more recent examples where the right to freedom of peaceful assembly may have not been respected and the reasons for citing this example(s). In particular, please describe challenges faced in the implementation of laws, policies or programmes for the promotion and protection of the right to freedom of peaceful assembly in your country. Please provide details of any lessons learnt in that regard. Briefly evaluate, in both law and practice, the enjoyment of the right to freedom of peaceful assembly in your country, including by women, individuals facing discrimination or violence because of their sexual orientation and gender identity, as well as persons with disabilities, espousing minority or dissenting views or beliefs, and belonging to other groups at risk.

Right to freedom of association:

7. Please a) describe positive legislative/institutional measures taken to facilitate the exercise of the right to freedom of association by national and international organizations (e.g. are associations free to decide on their objectives, activities and board composition?); and b) provide one or more recent examples where the right to freedom of association has been adequately enjoyed in your country and the reasons for citing this example(s).

8. Please detail the procedures to be followed to establish an association in your country, including the legal grounds upon which an application for registration can be rejected, where applicable. Please a) describe positive legislative/institutional measures taken to ensure a non-discriminatory, expeditious, easily accessible and inexpensive registration process; and b) provide one or more examples where such measures have been implemented. Are there effective remedies in case the registration is denied or delayed? Please indicate, if available, how many people have pursued these remedies, and the result thereof. Please specify the legal status of unregistered or de facto associations.

9. Please explain the procedure available to suspend or dissolve an association in your country. Are there effective remedies in case an association suspended or dissolved? Please indicate, if available, how many people have pursued these remedies and the result thereof.

10. Please specify positive measures taken to ensure that any restrictions on the free exercise of the right to freedom of association are in accordance with your obligations under international human rights law (proportionality test and due process guarantees).

11. Please indicate under which conditions associations can receive domestic and foreign funds or resources in your country. Are there any specific limitations (including in practice) on receiving funds or resources?

12. Please a) describe positive specific legislative/institutional measures taken to promote and ensure the participation of associations in the decision-making process in your country; and b) provide one or more recent examples where such measures have been implemented.

13. In this context, please a) describe positive specific legislative/institutional taken to build and strengthen the human rights capacity of administrative officials in charge of implementing the law in your country; and b) provide one or more recent examples where such measures have been implemented.

14. Please describe one or more recent examples where the right to freedom of association may have not been respected and the reasons for citing this example(s). In particular, please describe challenges faced in the implementation of laws, policies or

programmes for the promotion and protection of the right to freedom of association in your country. Please provide lessons learnt in that regard. Briefly evaluate, in both law and practice, the enjoyment of the right to freedom of association in your country, including by women, individuals facing discrimination or violence because of their sexual orientation and gender identity, as well as persons with disabilities, espousing minority or dissenting views or beliefs, and belonging to other groups at risk.

Cooperation with UN and regional human rights mechanisms:

15. Please indicate any cooperation your country has with the United Nations and regional human rights mechanisms aimed at maximizing the promotion and protection of the rights to freedom of peaceful assembly and of association.

III. Responses received to the questionnaire

A. Responses from Governments

Bahrain	Iraq	Qatar
Bulgaria	Japan	Republic of Moldova
Bulgaria (additional information)	Jordan	Senegal
Burkina Faso	Kyrgyzstan	Serbia
Chile	Lebanon	Slovakia
Colombia	Lithuania	Slovenia
Croatia	Mauritius	Spain
Cuba	Mexico	Sudan
Djibouti	Morocco	Suriname
Estonia	Oman	Switzerland
Germany	Paraguay	United Kingdom of Great Britain and Northern Ireland
Guatemala	Peru	United States of America
Honduras	Portugal	Uruguay

B. Responses from national human rights institutions

Austria	Mauritania	Portugal
Bulgaria	Nepal	Qatar
Côte d'Ivoire	New Zealand	Togo
Denmark	Occupied Palestinian Territory	Uganda
Hungary	Paraguay	United Republic of Tanzania

C. Responses from regional human rights mechanisms

OSCE-ODIHR Panel of Experts on Freedom of Peaceful Assembly

D. Responses from non-governmental organisations and other stakeholders

- Armenia - Helsinki Committee of Armenia
- Armenia - Open Society Institute
- Bangladesh - Ain o Salish Kendra
- Belarus - Legal Transformation Centre
- Cambodia - Cambodian League for Human Rights
- Cambodia - Cambodian League for Human Rights - Report
- Cambodia - Cambodian League for Human Rights - Commission on NGO draft law
- Cameroon - Réseau de défenseurs des droits humains de l'Afrique centrale
- Canada - BC Civil Liberties Association
- Canada - Canadian Civil Liberties Association
- Equatorial Guinea - Cooperación y desarrolló
- Finland - Kepa
- Haiti - Réseau national de défense des droits humains
- Indonesia - NGO Coalition for International
- Lao People's Democratic Republic - NGO contribution
- Libya - Human Rights Solidarity
- Malaysia - SUARAM
- Nicaragua - Coordinadora civil
- Nigeria - Entrepreneurship Development Centre
- Pakistan - Human Rights Commission
- Singapore - Think Centre
- Togo – ADET Amis des étrangers au Togo
- United Kingdom of Great Britain and Northern Ireland - International Union of Sex Workers
- United States of America - NGO contribution
- Viet Nam - Action pour la démocratie
- Zimbabwe - NGO contribution

Other geographic or thematic contributions

- Action Aid - Contribution
- Association Progressive Communication - Contribution

- AU - EU Study on Freedom of Association - 2010
 - CIVICUS - Contribution
 - EMHRN 2007 Annual Report on Freedom of Association in the EuroMed Region
 - EMHRN 2008 Annual Report on Freedom of Association in the EuroMed Region
 - EMHRN 2009 Annual Report on Freedom of Association in the EuroMed Region
 - EMHRN 2010 Annual Report on Freedom of Association in the EuroMed Region
 - EUROMIL - Contribution
 - International Commission of Jurists - Contribution
 - ITUC 2011 Annual Report
 - Report of Sr. Ponce on Freedom of Association in Latin America
 - Statewatch Report on Counter-Terrorism and Freedom of Association - 2012
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