

**Call for inputs from the mandate of the Special Rapporteur on the rights to freedom of peaceful assembly and of association for his report to be presented at the 47<sup>th</sup> session of the Human Rights Council**

Over the last years, the world has faced a series of severe challenges that have translated into worldwide popular calls for more democratic governance, greater respect for human rights, increased equality, meaningful steps to combat climate change, among others. The need to strengthen assembly and association rights has remained evident. In the mandate's vision of the world in which everyone, without exception, shall be able to freely join assemblies or associations and demand to improve their lives, it is essential to secure greater accountability of State and non-State actors for violations of the rights to freedom of peaceful assembly and of association. To this end, lawyers throughout the world have stepped up to represent protesters and civil society organizations that have experienced violations of their rights to freely associate and assemble. The role played by lawyers and their associations is critical to ensure that the fundamental rights of protesters are guaranteed before, during, and after the protests. They also play an important role when associations' rights are being challenged by the authorities.

It is in this context that the Special Rapporteur will devote his next thematic report to the Human Rights Council to be presented at its 47th session in June 2021 to accountability and access to justice in the context of the rights to freedom of peaceful assembly and of association. The report will focus on the central role that lawyers can play to facilitate the realization of these fundamental freedoms. He therefore wishes to receive inputs, by responding to the annexed questions that will help enriching this upcoming report.

Submissions can be made to [freeassembly@ohchr.org](mailto:freeassembly@ohchr.org) by 30 January 2021 in English, French or Spanish. Kindly indicate in the subject of your email "Submission to 47th HRC session report". All submissions will be published on the mandate webpage on the OHCHR website, unless otherwise indicated in your submission.

### **Questions from the Special Rapporteur on the rights to freedom of peaceful assembly and of association**

1. What has the Government in your country done to ensure the right to an effective remedy, access to justice and accountability for violations and abuses of the rights to freedom of peaceful assembly and of association (FoAA), both in law and in practice? Please specify instances of the impact that the lack of effective remedy and accountability has had in the closure of civic space; as well as the impact that effective remedy and accountability has had on the opening of civic space and the broader enjoyment of FoAA.
2. Some groups face particular obstacles to their rights to FoAA and are at even greater risk of violations of such rights, due to intersecting forms of discrimination (including but not exhaustively women and girls, persons with disabilities, indigenous groups, LGBT persons, children, etc.) How has this translated into further gaps in access to justice and accountability? What are their specific situations, views and needs to ensure that these groups have access to justice and accountability?
3. How do you think the work of the Special Rapporteur can contribute to greater accountability for violations of the rights to FoAA and how can he concretely contribute to ensuring effective access to justice of persons exercising these fundamental freedoms?
  - a) Can you name measures and policies taken by a State or the UN that you think have been especially effective to ensure access to justice and accountability in the context of FoAA? Do you have any examples of good practices or strategies put forward by civil society to overcome the restrictions that individuals and organizations face in trying to access justice and accountability for violations of their rights to FoAA?
  - b) Can you share an inspiring story of how legal practitioners contributed to enjoyment of someone's right to FoAA or the access to justice and accountability of someone exercising their right to FoAA?

### **Peaceful assembly**

- A. In your opinion, which measures and policies would have to be adopted in order to remove existing obstacles in access to justice and accountability for violations of the right to freedom of peaceful assembly? For example, how could protection of this in the context of law enforcement be increased, specifically regarding deprivation of liberty and use of force? Please specify if such measures exist in law but are not being applied.

- B. In your opinion, which measures could be taken to help legal practitioners to be able to better support you or those exercising their right to freedom of peaceful assembly?
- In the context of exercising your freedom of assembly (for example, as a protester or as an organizer) have you sought the services of lawyers before, during or after assemblies?
    - o If the answer is no, please provide details regarding the reasons (for example possible barriers in legislation or economic reasons).
    - o If the answer is yes, please provide details if you sought such services in order to be able to exercise your rights, or as a consequence of exercising such rights (for example, in order to notify authorities of a protest or in case of arrest during a protest).
- C. Are there existing barriers, in law and in practice, for lawyers to be able to protect those exercising their right to freedom of peaceful assembly in your country? Are lawyers able to participate in peaceful assemblies as monitors? If the answer is yes, are they being targeted for their work? Please provide details.

### **Association**

- A. In your opinion, which measures and policies would have to be adopted to remove existing obstacles in access to justice and accountability for violations of the right to freedom of association? In particular, to increase protection in the context of appealing and reviewing decisions or inaction by the authorities or any requirements laid down in legislation, with respect to their registration, charter requirements, activities, prohibition and dissolution or penalties.
- B. In your opinion, which measures could be taken to help legal practitioners to be able to better support you or those exercising their right to freedom of association?
- In the context of exercising your freedom of association (for example, joining an organization) have you sought the services of lawyers?
    - o If the answer is no, please provide details regarding the reasons (for example possible barriers in legislation or economic reasons).
    - o If the answer is yes, please provide details if you sought such services in order to be able to exercise your rights (for example register an organization), or as a consequence of exercising such rights (for example, in order to register an organization or in the case of involuntary termination of an association).