

**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 53rd session of the Human Rights Council**

The Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément N. Voule, will dedicate his thematic report to be presented at the 53rd session of the Human Rights Council, to advancing accountability for serious human rights violations related to the exercise of the rights to freedom of peaceful assembly and of association.

The lack of accountability for serious human rights violations against activists linked to their association, as well as in the context of peaceful protests, is a worrying persistent pattern across the world. This widespread impunity has created a chilling effect for the exercise of the rights to freedom of peaceful assembly and of association, and has emboldened the perpetrators while increasing the repression and suppression of these rights.

In this context, the report aims to examine the persistent impunity for attacks and serious human rights violations committed by State and non-State actors in the context of the exercise of the rights to freedom of peaceful assembly and of association. Such serious violations include mass arrests and arbitrary detentions, enforced disappearances, torture and ill-treatment, extrajudicial executions, other unlawful killings and injuries due to the use of excessive and indiscriminate force, sexual and gender-based violence, or other types of physical violence in the context of exercising the rights to freedom of peaceful assembly and of association.

The report aims to also examine efforts undertaken by Governments to provide criminal accountability and redress for such crimes and will seek to highlight promising practices by States, civil society and the other stakeholders towards ending impunity. It will also assess how these measures meet the international standards for accountability and victims' expectations. The report will offer practical recommendations towards promoting States' obligations in ending impunity and providing accountability and redress to victims of such violations.

In this regard, the Special Rapporteur invites civil society, national human rights institutions, academics, international organizations, and other interested stakeholders to share their input on the report's theme, by responding to the annexed questions.

Submissions can be made to [hrc-sr-freeassembly@un.org](mailto:hrc-sr-freeassembly@un.org) by **6 February 2023** in English, French or Spanish. Kindly indicate in the subject of your email "Submission to 53<sup>rd</sup> HRC session report - Accountability". 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

### A. With regards to bringing accountability for serious violations related to the exercise of the right to freedom of association<sup>1</sup>

- 1) What legal framework, policies and mechanisms exist in the country you operate in, to ensure criminal accountability and redress when activists experience the above human rights violations due to exercising their right to freedom of association?
- 2) How would accountability for serious violations and the harm suffered by those exercising their rights to freedom of association look like?
- 3) What particular steps have you observed being taken by the Government, in the country you are operating in, seeking to provide accountability for cases involving the above mentioned serious human rights violations against those exercising their right to freedom of association:
  - a. What investigations, fact finding efforts, or commissions of inquiry have been set up to investigate these crimes; and which institutions were involved?
  - b. Have there been any trials and criminal prosecutions against the perpetrators of the above mentioned human rights violations related to the freedom of association? What type of serious violations the trials/prosecutions were related to; and what role have the defendant/s played in the commission of these crimes?
  - c. Please provide information about any reparations been provided to the victims and when applicable to their families – including monetary compensations, rehabilitation, restitution, and measures of satisfaction, such as public apologies? What has been the process to apply for such reparations and have these been satisfactory?
  - d. What other measures have you observed being taken by the Government/s to establish the truth about these crimes (including the circumstances of the crimes; to identify all those responsible including intellectually); and what has been the outcome of such efforts?
  - e. In your view, how the above measures meet the victims' expectations and what have been the gaps, taken into consideration the specific needs of vulnerable groups?

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<sup>1</sup> This includes the following types of serious human rights violations committed by State or non-State actors against activists when exercising their right to freedom of association – for example when activists and members of associations have been arbitrarily detained, being subjected to torture or ill-treatment; enforced disappearance, kidnapping, unlawful killing, sexual abuse; or threat to violence online and following a surveillance. This also extends to such abuses committed against family members of activists; or lawyers/HRDs defending activists subjected to the above abuses.

- 4) Kindly send us any positive examples you would like to highlight of Governments bringing accountability for cases involving serious violations against activists related to their work, including concerning victims' vulnerable positions (women, children, indigenous people, LGBTQI+ individuals).
  
- 5) What have been the main challenges - legal, political, institutional and administrative – that the country faces when trying to secure criminal accountability and redress for such crimes?
  - a. What positive steps have/should the Government take to address these challenges with the view of bringing accordingly promptly and according to the international standards to the above types of serious violations in the context of associations?
  - b. How Governments should ensure that accountability is provided for serious human rights violations related freedom of association during a state of emergency?
  
- 6) What guarantees of non-repetition has/should Governments implement to ensure such abuses do not reoccur – such as changes of relevant legislation, policies, practices, institutional changes, security reform?

**B. With regards to bringing accountability for serious violations related to the exercise of the right to freedom of assembly<sup>2</sup>**

- 1) What legal framework, policies and mechanisms exist in your country to ensure criminal accountability and redress for the above serious human rights violations committed in the context of assemblies?
  
- 2) Are you aware of any specific steps taken by the Government to provide accountability for cases involving the above mentioned serious human rights violations against those exercising their right to freedom of assembly, including in the context of protests?

Please explain what has been the outcome of these measures:

- a. Please provide information of any investigations, fact finding efforts, or commissions of inquiry being set up to investigate these crimes; and which institutions were involved.
- b. Please provide information of any trials and related criminal prosecutions implemented against State or non-State perpetrators responsible for these

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<sup>2</sup> This includes the following types of serious violations committed by State or non-State actors in the context of freedom of assembly – arbitrary detention (without charge, without access to due process), torture or ill-treatment by law enforcement prior, during or after an assembly or while in detention; enforced disappearance, kidnapping, unlawful killing due to the use of force by law enforcement in the context of assemblies, sexual abuse or violence; or for serious intimidation or threat to violence online and including due to surveillance. Some of these violations may be committed prior, during or after assembly; and victims may include protesters, journalists and media workers covering the assembly; monitors, medical personnel providing assistance to protesters, as well as those providing legal aid to protesters.

violations in the context of assemblies? What type of serious violations the trials/prosecutions were related to; and what role have the defendant/s plaid in the commission of these crimes?

- c. Please provide information about any reparations been provided to the victims and when applicable to their families (such as in case of victims being disappeared or killed) – including monetary compensations, rehabilitation, restitution, and measures of satisfaction, such as public apologies? What has been the process to apply for such reparations?
  - d. What other measures been taken by the Government to establish the truth about these crimes (including the circumstances of the crimes; to identify all those responsible including intellectually; and to identify any systemic failures); and what has been the outcome of such efforts?
  - e. In your view, how the above measures meet victims’ expectations and what have been the gaps, taken into consideration the specific needs of vulnerable groups?
- 3) Kindly send us any positive examples you have seen of bringing accountability for cases involving serious human rights violations, as described above, in the context of assemblies, including mass protests. Please consider examples related to providing accountability for victims in vulnerable positions (women, children, indigenous people, LGBTIQ+ individuals).
  - 4) What mechanisms exist to ensure independent and prompt accountability when force has been used in the context of protests, including when state of emergency is declared?
  - 5) What are the challenges, legal, political, institutional and administrative when trying to secure criminal accountability and redress for such crimes committed in the context of assemblies in your country?

Please provide information of any positive steps that the Government has taken to address these challenges with the view of bringing accordingly promptly and according to the international standards to the above types of serious violations in the context of assemblies.

- 6) Please provide information on what guarantees of non-repetition has the Government implemented to ensure such abuses do not reoccur – such as changes of relevant legislation, policies, practices, institutional changes, security reform?

**C. With regards to the role of other actors in bringing accountability for serious human rights violations in the context of exercising the rights to freedom of peaceful assembly and associations.**

- 1) What role have civil society, victims and victims’ representatives/associations, and social movements played in the creation, design and the implementation of accountability processes regarding serious human rights violations in the context of freedom of association and assembly?
- 2) What role have National Human Rights Institutions played/could play in the creation, design and the implementation of accountability processes regarding serious human rights violations in the context of freedom of association and assembly?

- 3) How do you see the role of regional bodies for helping your government to bring accountability for serious violations against those exercising their rights to freedom of association and peaceful assembly?
- 4) How do you see the role of the International Criminal Court (ICC) or the creation of other international tribunals (special courts) to secure accountability for mass serious human rights violations such as these committed in the context of protests in your country?
- 5) What third States can do to bring accountability under universal jurisdiction for serious violations such as torture and unlawful killings of members of associations and in the context of assemblies? What are the main challenges?