



20th Regular Session of the UN Human Rights Council
Item 3: Interactive Dialogue with the Special Rapporteur on the Rights to
Freedom of Peaceful Assembly and of Association, Mr. Maina Kiai

Oral Statement Delivered by Ms. Nalini Elumalai on Behalf of
Asian Forum for Human Rights and Development (FORUM-ASIA)

Thursday, 21 June 2012

Thank you, Madame President. FORUM-ASIA sincerely welcomes the first annual report of the Special Rapporteur Mr. Maina Kiai (A/HRC/20/27), which provides concrete examples of good practices, and we urge States to make full use of this practical tool in facilitating and protecting the rights to freedom of peaceful assembly and of association.

Mr. Kiai, as outlined in your joint press release made along with other Special Rapporteurs on 7 December 2011¹, severe restrictions have been imposed by the government of Malaysia through the Peaceful Assembly Act 2012. The Act prohibits among others: street protests; organisation and participation in peaceful assemblies by non-citizens; organisation of assemblies by persons below the age of 21; and participation in peaceful assemblies by children below the age of fifteen years. We further highlight that it places undue onerous responsibilities on the organizers of assemblies, contrary to your recommendation that “assembly organizers and participants should not be held responsible and liable for the violent behavior of others”. We call on the government of Malaysia to repeal the Peaceful Assembly Act 2012, and to fulfill its obligation to actively protect peaceful assemblies.

Mr. Kiai, we also draw your attention to the ongoing case of Boeung Kak Lake in Cambodia. 15 women human rights defenders and community activists were arbitrarily arrested for staging a peaceful demonstration, and subsequently prosecuted on spurious charges.² Meanwhile in India, protestors against the setting up of the Koodankulam Nuclear Power Plant in Tamil Nadu have been continuously facing threats and harassment, including warnings of arrest, sedition charges, confiscation of passports, and nullification of ration cards.³ Urgent appeals and the letters of allegation containing further details on the cases will be submitted for your necessary action.

Finally, FORUM-ASIA values your recommendations on the right to freedom of association, in particular those pertaining to the access to funding and resources. We note with regret that the government of Bangladesh did not provide a detailed response to all your concerns as contained in the addendum (A/HRC/20/27/Add.3) concerning the delay in authorizing funding for the NGO Odhikar. We are also disturbed by the proposed Foreign Donations Regulation Act 2011 in Bangladesh and the Foreign Contribution Regulation Act 2010 in India⁴, which could potentially result in tightened government controls over the establishment and activities of NGOs and associations. Thank you for your attention, Mr. Kiai and Madame President.

¹ UN Press Releases, “Malaysia: UN Rights Experts Call for the Protection of NGOs Working for Free and Fair Elections”, 7 June 2012; “New Bill Threatens Right to Peaceful Assembly with Arbitrary and Disproportional Restrictions”, 7 December 2011

² FORUM-ASIA, et al., “Cambodia: Vacate Convictions Against BKL Human Rights Defenders”, 29 May 2012

³ Chennai Solidarity Group for Koodankulam Struggle, “Report of the Jury on the Public hearing on Koodankulam and State Suppression of Democratic Rights”, 14 May 2012

⁴ FORUM-ASIA, Oral Statement, 19th Regular Session of the UN Human Rights Council, Item 3 Interactive Dialogue with the Special Rapporteur on the Situation of Human Rights Defenders, 5 March 2012