Introduction on United Nations Special Procedures

Clément VOULE-Former UN SR on FOAA

Special Procedures: Who they are?

- Specific human rights mechanism establish by UNHRC through a resolution on specific human rights issue
- Thematic: 46
- Country: 14(SR Myanmar, SR Burundi, IE CAR, Belarus
- Individual: Special Rapporteur(FOAA, CT, HRD or Independent Expert(SOGI)
- Group of people: Working group (5 person)
- They are independent human rights experts appointed by UNHRC
- They are unpaid and serve for a maximum of 6 years

What they do?

In general termes the SP undertake country visits, receive communication from and engage with states or non state actors, contribute to the standard setting, awarness raising, technical advise and cooperation

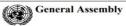
They are created through UNHRC resolution

Mandate of Special Rapporteur: Example of the UNSR FoAA

- The mandate of the UNSR on the rights to freedom of peaceful assembly and of association (FoAA) was established by the Human Rights Council in 2010 via Res. 15/21.
- The UNSR's mandate includes:
 - To gather all relevant information on FoAA rights, to study trends, developments and challenges, and to make recommendations.
 - To seek, receive and respond to information from Governments, nongovernmental organizations, relevant stakeholders and any other parties, with a view to promoting and protecting the rights to freedom of peaceful assembly and of association
 - To report on violations and draw the attention of the Council to situations of particularly serious concern
- The HRC has extended the mandate of the UNSR FoAA in September 2013 (resolution 24/5), in June 2016 (resolution 32/32) and in July 2019 (resolution 41/12).

United Nations

A/HRC/RES/15/21



6 October 2010

Original: English

Human Rights Council

teenth session

Agenda item 3
Promotion and protection of all human rights, civil political, economic, social and cultural rights,

Resolution adopted by the Human Rights Council

15/21

The rights to freedom of peaceful assembly and of association

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and other applicable human rights instruments,

Reaffirming the purposes and principles enshrined in the Charter and the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights,

Recalling that the States Members of the United Nations have pledged to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms.

Recalling also Commission on Human Rights resolution 2005/37 of 19 April 2005 and other relevant resolutions,

Reaffirming that everyone has the rights to freedom of peaceful assembly and of association and that no one may be compelled to belong to an association.

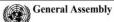
Recognizing the importance of the rights to freedom of peaceful assembly and of association to the full enjoyment of civil and political rights, and economic, social and cultural rights,

Recognizing also that the rights to freedom of peaceful assembly and of association are essential components of democracy, providing individuals with invaluable opportunities to, inter alia, express their political opinions, engage in literary and artistic pursuits and

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A HRC/RES/41/12



19 July 2019

Original: English

Human Rights Council Forty-first session 24 June–12 July 2019

Resolution adopted by the Human Rights Council on 11 July 2019

41/12. The rights to freedom of peaceful assembly and of association

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant human rights instruments.

Reaffirming Human Rights Council resolutions 15/21 of 30 September 2010, 21/16 of 27 September 2012, 24/5 of 26 September 2013 and 32/32 of 1 July 2016, and recalling Council resolutions 22/10 of 21 March 2013, 25/38 of 28 March 2014 and 26/13 of 26 June 2014 and relevant resolutions of the Commission on Human Rights,

Recalling Human Rights Council resolutions 5/1 on institution-building of the Council and 5/2 on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007,

Recognizing that the effective exercise of the rights to freedom of peaceful assembly and classication, as enthrined in the International Coverant on Civil and Policial Rights and the Universal Declaration of Human Rights, is essential for the enjoyment of other human rights and freedoms and constitutes a fundamental pillar for building a democratic society and strengthening democracy, bearing in mind that all human rights are universal, indivisible, involved to the control of the control of

Aware of the crucial importance of the active involvement of civil society in proce of governance that affect the life of people.

Taking note of the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, submitted to the Human Rights Council at its fortyfirst associan!

^{*} The resolutions and decisions adopted by the Human Rights Council will be contained in the report of the Council on its fifteenth session (A/HRC/15/60), chap. I.

Working Methods



- Submits annual reports to the Human Rights Council and the General Assembly;
- Undertakes country visits;
- Transmits urgent appeals and allegation letters to Member States on alleged violations of the rights to freedom of peaceful assembly and/or of association; and
- Engages publicly on issues of concern, including through press releases and participation in various events.

Working Methods-Communications to governments and other entities

- Reception of the information/allegations
- Cross checking: UN entities in the country, civil society, diplomatic representations and other actors

Article 6a of the code of conduct: the mandate holder shall "Always seek to establish the facts, based on objective, reliable information emanating from relevant credible sources, that they have duly cross-checked to the best extent possible"

Decision to send communication- which type of letter

Article 9 - Letters of allegation - Violations that are alleged already occurred- Reply 60 days

Article 10 - Urgent appeals – time sensitive- Response within 30 days

Loss of life, life-threatening, situations or either imminent or ongoing damage of a very grave nature to victims that cannot be addressed in a timely manner by the procedure under letters of allegation

Other Letters- Analysis of legislation- 72 hours to be made public

Working Methods- Public and Press Statements

In appropriate situations, including those of grave concern or in which a Government has repeatedly failed to provide a substantive response to communications, a Special Procedure mandate-holder may issue a press statement, other public statement or hold a press conference, either individually or jointly with other mandate-holders.

Paragraph 49 of the manual of operation

Working Methods- Elaboration of thematic reports: Process

- Call for Inputs
- Consultation: in person or online
- Drafting
- Submission
- Presentation

Examples of Thematic reports

- ▶ UN Special Rapporteur Clément N. Voule, 'Trends with regard to the exercise of the rights to freedom of peaceful assembly and of association' (2018)
- ▶ UN Special Rapporteur Clément N. Voule 'The exercise of the rights to freedom of peaceful assembly and of association in the digital age' (2019)
- ▶ UN Special Rapporteur Clément N. Voule, 'Importance of the rights to freedom of peaceful assembly and of association in advancing sustainable peace and democratic transitions' (2023)
- ▶ UN Special Rapporteur Clément N. Voule, 'Advancing accountability for serious human rights violations related to the exercise of the rights to freedom of peaceful assembly and of association' (2023)
- ▶ UN Special Rapporteur Clément N. Voule, 'Protection of human rights in the context of peaceful protests during crisis situations'
- UN Special Rapporteur Clément VOULE, 'Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests'
- Preserving the gains and pushing back against the global attack on civic space and growing authoritarianism, (2024)

Working Methods-Country visit

- Invitation
- Exchange with gvt and other stakeholders
- Presence in the country and meeting
- Preliminary observation and briefing to the authorities
- Drafting of report
- Government observation and comments- Can be made public
- Presentation of the report
- Interactive dialogue

When a State does not respond to requests for an invitation to visit, it is appropriate for a mandate-holder to remind the Government concerned, to draw the attention of the Council to the outstanding request, and to take other appropriate measures designed to promote respect for human rights. An updated table of the status of requests for country visits is maintained on the website of the OHCHR- Para 56 Manual of Operation

Examples of country visits conducted

- Armenia and Tunisia 2018
- Sri Lanka and Zimbabwe 2019
- Niger 2021
- ► Brazil 2022
- Peru and Algeria 2023
- Bosnia- Herzegovina 2024

2020- Covid pandemic- Country visits were suspended

2021-Algeria dropped the visit planned



@cvoule

Thank you!



https://www.ohchr.org/EN/Issues/AssemblyAssociation/Pages/SRFreedomAssemblyAssociationIndex.aspx



www.freeassemblyandassociation.net