Introduction

The rights to freedom of peaceful assembly and freedom of association (“FoAA”) are cornerstones of international human rights law. The United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association (“UNSRAA”) is the United Nations (“UN”) mechanism mandated to advise on freedom of peaceful assembly and association around the world, with the aim to improve the protection and promotion of these rights. This factsheet serves as a practical guide to civil society actors on engaging with the UNSRAA. This includes outlining the role and mandate of the UNSRAA, and providing concrete steps on how to contact, and contribute to the work of, the UNSRAA.

This fact sheet is produced by the Cambodian Center for Human Rights (“CCHR”). CCHR is a non-aligned, independent non-governmental organization (“NGO”) that works to promote and protect democracy and respect for human rights throughout the Kingdom of Cambodia (“Cambodia”).

What are United Nations Special Procedures? The Special Procedures of the United Nations (“UN”) Human Rights Council are independent human rights experts with mandates to report, monitor and advise on human rights from a thematic or country-specific perspective. To this end, mandate holders are empowered to undertake country visits and send communications to states concerning alleged human rights violations. Mandate holders have different titles, including ‘special rapporteurs’, ‘independent experts’, ‘special representatives’ and ‘working groups’. At the time of writing, there are 44 thematic mandate holders and 12 country-specific mandate holders.

Role and Mandate of the UNSRAA

The UNSRAA was established in 2010 through the Human Rights Council resolution 15/21, and mandated to undertake a range of functions with the aim to promote and protect FoAA. The UNSRAA is mandated to:

1. Introduction

The rights to freedom of peaceful assembly and freedom of association (“FoAA”) are cornerstones of international human rights law. The United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association (“UNSRAA”) is the United Nations (“UN”) mechanism mandated to advise on freedom of peaceful assembly and association around the world, with the aim to improve the protection and promotion of these rights. Engaging with the UNSRAA can have a range of benefits for Cambodian civil society seeking to protect and promote FoAA rights, including drawing the attention of the UN human rights mechanisms to FoAA violations in Cambodia, raising public awareness of FoAA, and contributing to the development of international standards on FoAA. This factsheet serves as a practical guide to civil society actors on the role and mandate of, and how they can engage with, the UNSRAA.

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2. The Role and Mandate of the UNSRAA

The UNSRAA was established in 2010 through the Human Rights Council resolution 15/21, and mandated to undertake a range of functions with the aim to promote and protect FoAA. The UNSRAA is mandated to:

→ Gather all relevant information, including national practices and experiences, relating to the promotion and protection of FoAA, to study trends, developments and challenges in relation to the exercise of these rights, and to make recommendations on ways and means to ensure the protection of the FoAA;

→ To produce thematic reports considering the views of states, elaborating on the FoAA framework and best practices in the promotion and protection of FoAA;

→ To seek, receive and respond to information from governments, non-governmental organizations, and relevant stakeholders on FoAA;

→ To integrate a gender perspective throughout the work of the mandate;

→ To contribute to the provision of technical assistance or advice by the Office of the UN High Commissioner for Human Rights for FoAA;

→ To report on violations, wherever they may occur, of the rights to FoAA, as well as discrimination, threats or use of violence, harassment, persecution, intimidation or reprisals directed at persons exercising these rights;

→ Act on individual cases and alleged violations or abuses of FoAA/

The UNSRAA mandate was extended for an additional period of three years in 2013 and 2016. The current mandate holder, Mr. Clément Nyaletsossi Voule, was appointed in March 2018.

3. Benefits of engaging with UN Special Procedure Mandates

Engagement with UN Special Procedures mandate holders, including the UNSRAA, can have several useful benefits for civil society actors. These include:

- Raising public awareness of an issue, such as FoAA;
- Drawing attention to country specific occurrences, such as violations of FoAA occurring in Cambodia, to the UN human rights mechanisms;
- Compelling states such as Cambodia to justify its actions on a certain issue by reference to international human rights law;
- Contributing to domestic and international pressure on a certain issue, such as FoAA;
- Providing an opportunity to contribute to discussions on the implementation and development of human rights standards; and
- Assisting in mobilization around a certain issue.

4. How can civil society engage with the UNSRAA

As a UN human rights mechanism, a fundamental component of the UNSRAA’s mandate is to engage with individuals and civil society concerns regarding the promotion and protection of FoAA. There are a number of ways that civil society can engage with the UNSRAA, including submitting a communication and responding to calls for input to contribute to thematic reports.

1. Submit a communication

Special Procedures mechanisms can examine allegations of human rights violations and intervene directly with governments on such allegations that come from within their mandates. Mandate

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holders are empowered to receive communications from alleged victims of human rights violations and from civil society actors with direct and reliable knowledge of human rights violations. The UNSRAA examines communications directly related to violations of FoAA, and any complaint made relevant to the UNSRAA’s mandate will be directed to them.

Communications can cover a range of issues, including individual cases, general human rights trends, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights law and standards. Civil society actors can also play a preventative role by providing mandate holders with information on new laws, policies and practices which, if passed or come into effect, may result in human rights violations.

In general, civil society actors should provide clear, credible and detailed information concerning alleged human rights violations. Please see below on what to include in a communication.7

Communications should be submitted using the following form: https://spsubmission.ohchr.org/. Alternatively, submissions can be emailed to: urgent-action@ohchr.org.

What to include in a communication:8

For the complaint to be addressed, the following information must be included:

1. Identification of the alleged victim(s);
2. Identification of the alleged perpetrators (if known);
3. Identification of the person(s) or organization(s) submitting the communication;
4. Date, place and detailed description of the circumstances of the incident(s) or violation;
5. Any actions taken by relevant authorities to remedy the situation;
6. Any other information which may further clarify the context of the violations;
7. Clear indications of whether the alleged victims or representatives consent for their names to be disclosed in the communications, or appear in a UN Human Rights public report.

What will the UNSRAA do with this information?

Depending on the content of the communication, the UNSRAA can make a decision to intervene or take action on the communication. This could include:9

1. Taking an urgent action
2. Writing a letter of allegation
3. Making a public statement
4. Including the information provided in their annual or thematic report

Urgent actions are appeals sent to states from the UN mandate holder when the alleged violation is time sensitive and involves loss of life or ongoing damage to victims, generally requesting a response.

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7 For further information on how to submit a communication, and what to submit, please see: OHCHR, ‘Communications’, https://www.ohchr.org/EN/HRBodies/SP/Pages/Communications.aspx.
9 Ibid.
from states within 30 days. If it is not urgent, a letter of allegation may be sent communicating the information and requesting clarification from the state on the human rights situation within 60 days.

2. **Respond to calls for input to contribute to reports**

As with other Special Procedures, the UNSRAA is required to submit an annual report to the UN Human Rights Council and General Assembly covering the activities relating to their mandate, containing recommendations and providing suggestions on ways to better promote and protect FoAA. In addition, the UNSRAA sometimes provides thematic reports as well, such as their 2019 report, ‘Interlinkages between closing civil society space, poverty, national policy, and the exercise of the rights of FoAA’. To receive information for these reports, the UNSRAA circulates questionnaires on specific topics seeking input from civil society actors, which can be found on the UNSRAA website under the ‘Calls for input’ section. All civil society actors can complete these to contribute to reports of the UNSRAA. It is worth noting that these calls for input usually have strict word limits and due dates, which will be published on the website. Responses to calls for input can be emailed directly to the UNSRAA at freeassembly@ohchr.org.

3. **Other ways to engage with the UNSRAA**

In addition to the avenues of engagement mentioned above, civil society actors can engage with the UNSRAA and their work in other informal ways:

> Email the UNSRAA directly, to raise FoAA issues or seek further information on ways to engage;

> **Country visits**: advocate to the Royal Government of Cambodia to accept requests from the UNSRAA to conduct a country visit;

> The UNSRAA regularly organizes seminars, webinars and consultations on topics relevant to their mandate that civil society can participate in;

> Invite the UNSRAA to participate in one of your initiatives or events.

5. **Conclusion**

As outlined above in Section 3, engaging with UN Special Procedures mechanisms, including the UNSRAA, has a range of benefits for civil society actors working to promote and protect human rights. Cambodia faces a range of challenges in the protection and promotion of FoAA, and CCHR encourages civil society actors to use this factsheet to engage and work with the UNSRAA for the benefit of protecting FoAA rights across the country.

For more information, please contact CCHR’s Advocacy Director, Mr. Soun Yuthyia by phone at +855 (0) 88 81 42 783 or email at yuthyia@cchrcambodia.org.

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10 These annual reports can be found here: [https://www.ohchr.org/EN/Issues/AssemblyAssociation/Pages/AnnualReports.aspx](https://www.ohchr.org/EN/Issues/AssemblyAssociation/Pages/AnnualReports.aspx).


12 Calls for input are found here: [www.ohchr.org/EN/Issues/AssemblyAssociation/Pages/SRFreedomAssemblyAssociationIndex.aspx](https://www.ohchr.org/EN/Issues/AssemblyAssociation/Pages/SRFreedomAssemblyAssociationIndex.aspx).

13 You can find current events hosted by the UNSRAA on the same webpage as above, under ‘Activities’.

14 For more information on FoAA in Cambodia, see CCHR (n. 12).