



HUMAN RIGHTS COUNCIL - 47th SESSION

Item 3: Interactive dialogue with the Special Rapporteur on the rights to freedom of peaceful assembly and of association – 1 July 2021

Mr Clément Voule – United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association

Peaceful protests have resumed in many countries. This is unavoidable. People are taking to the streets to voice their discontent. Yet, the way many governments are responding to these protests is extremely concerning. The **misuse of state of emergencies decrees and other covid-related regulations to restrict** the rights to freedom of peaceful assembly and association has become too common. This “**securitized**” **approach to the pandemic** cannot be justified.

Report “Access to justice as an integral element of the protection of the rights to freedom of peaceful assembly and of association [A/HRC/47/24](#)

Where the rights of freedom of peaceful assembly and of association are unduly restricted, States have the obligation to **ensure those responsible are held accountable** and that the victims can obtain redress and fair and adequate compensation.

As the report explains, it is essential to guarantee **access to justice in the context of peaceful protests**. Thousands of people are killed, injured and sexually assaulted every year as a result of the excessive use of force by **law enforcement officials** around the world. These acts remain **largely in impunity**.

A hindered access to justice in the context of peaceful protests not only infringes the rights of the victims, but has an overall **chilling effect on society, discourages participation in assemblies**, and contributes to the dangerous trend of **closing of civic space**.

The report highlights the threats to accessing justice prior, during and after peaceful protests. This includes **barriers to access to appeal mechanisms** prohibiting assemblies; **immunity** against prosecution to law enforcement officials for **crimes committed while on duty**; the use of the military and private parties to police assemblies; **hindered access to lawyers** immediately after the arrest of protesters; and **denial of access to police full files** and documentation. To address these concerns, the report provides key recommendations to States, such as:

- Automatic and prompt **review process when force is used** at an assembly.
- States must guarantee immediate **access to legal assistance** of choice to protesters.
- **Violations and abuses** of the rights to freedom of peaceful assembly and of association should be systematically, promptly, exhaustively, and independently **investigated**.

Addendum report “Guidelines for lawyers in support of peaceful assemblies” [A/HRC/47/24/Add.3](#)

Lawyers and legal practitioners play an **essential role** in helping to ensure full respect for the rights to freedom of peaceful assembly and access to justice. They do so by **supporting organizations** and individuals’ ability to comply with any procedures required by law relative to the exercise of the rights to freedom of peaceful assembly and of association; by working to ensure that individuals and groups are **protected against violations**; by holding those responsible for rights violations to **account**.

Threats and harassment against lawyers that support peaceful protests as well as regarding surveillance and interference of lawyer-client communications are very **concerning trends**. The Guidelines aim to **help lawyers around the world** to better support peaceful protesters and the governments to ensure lawyers have an enabling environment to do so.



Addendum report “Ending Internet shutdowns: a path forward” [A/HRC/47/24/Add.2](#)

In the digital era, accountability for human rights violations in the context of peaceful protests faces another challenge: The rise of **internet shutdowns**. The number of governments imposing internet shutdowns during mass demonstrations **continues to grow**. Shutdowns are lasting longer and have increased in sophistication, targeting social media and applications most used by protesters.

Shutdowns are not only **disproportionate** by default. They are imposed for manifestly **illegitimate reasons**, for example, **covering the human rights abuses** carried out during peaceful protests. Internet shutdowns do not only **violate human rights**. They also **threaten sustainable development** and economic growth. When States implement these shutdowns, they **lose millions in revenue**.

INTERACTIVE DIALOGUE (Full recording here on UN WEB TV [PART 1](#) ; [PART 2](#))

A majority of delegations joined the Special Rapporteur’s affirmation that **access to justice was a fundamental component of the rights to freedom of peaceful assembly and of association**. Delegations also agreed with the Special Rapporteur, stating that **impunity was unacceptable and accountability fundamental** during human rights violations in peaceful protests.

Several states have expressed concerns about the **use of restrictive measures** by other states **in the context of COVID**, hindering the **freedoms of civil society** (Czech Republic on behalf of Group of States, Libya, Switzerland, United States of America, Ireland, Pakistan, France, Luxembourg, United Kingdom).

Some States **reaffirmed their support for the mandate of Special Rapporteur** (Lithuania on behalf of Nordic-Baltic countries, European Union, Indonesia, Switzerland, United States of America, Romania).

Delegations also emphasized the **central role of lawyers to protect peaceful protesters** and were concerned about the **threats faced by lawyers during peaceful protests** (United Nations Development Program UNDP, France, Luxembourg, Israel, Timor-Leste, Barbados).

Some States underlined the importance of **enhancing States’ capacity to train governments official** to manage protests while respecting human rights (Iraq, Armenia, Indonesia, UNDP, International Development Law organization).

Some States reminded that the **Special Rapporteur should abide by the code of conduct** and not interfere in internal affairs of States (Cuba, China, Venezuela, Belarus, Azerbaijan).

Delegations that took the floor during the Interactive Dialogue (57 delegations)

Czech Republic (on behalf of a group of States), Lithuania (on behalf of Nordic-Baltic countries), European Union, Russian Federation (on behalf of a Group of States), Liechtenstein, UNICEF, UNDP, Libya, France, Indonesia, Luxembourg, Israel, Iraq, Armenia, Switzerland, Cuba, China, India, Maldives, Morocco, Lebanon, Venezuela, USA, Egypt, Kenya, Germany, Nepal, Botswana, South Africa, Romania, Sudan, Ireland, Pakistan, Timor Leste, United Kingdom, Ukraine, Mauritania, Niger, Philippines, International Development Law Association, Poland, Tunisia, Malawi, South Sudan, Uruguay, Belarus, Colombia, Kazakhstan, Cameroon, Barbados, Vanuatu, Cambodia, Iran, Chad, Algeria, Azerbaijan, Bolivia.

10 NGOs took the floor during the Interactive Dialogue:

Réseau Européen pour l'Égalité des Langues, Child Rights Connect, RIDH, Colombian Commission of Jurists, Right Livelihood Award, Article 19, Peace Brigades International, Asian Forum, Freedom Now, Association for Progressive Communications,

- Imposition of internet shutdowns in **Iran, India, Colombia, Ecuador** and **Cuba**.
- Obstacles to **children's access to justice and effective remedies**.
- Killings, harassment and denial of access to justice for **peaceful protesters in Southeast Asia**.
- **Internet shutdowns** and **criminalization of protests** and State violence in **Colombia**.
- **Restrictions** on right to peaceful protest in **Mexico, Guatemala, Nicaragua, and Tajikistan**.
- **Repression** of peaceful protest in **Catalonia** by **Spain** and in **West-Sahara** by **Morocco**.