



## HUMAN RIGHTS COUNCIL - 48<sup>th</sup> SESSION

Panel discussion on the promotion and protection of human rights in the context of peaceful protests, with a particular focus on achievements and contemporary challenges.

[Ms. Michelle Bachelet - United Nations High Commissioner for Human Rights:](#)

In the past few years, **mass protests across the world** have united impressive numbers of people to collectively express their grievances, their demands for change and their hopes for the future. This is a powerful reminder that being able to come together, to freely express one's views and to participate in the decisions that affect people and planet is a **universal human desire**. It is also a **human right**. A right that stands at the very **core of democracy and democratic societies**. And one that is instrumental for the achievement of other human rights.

Governments need **truthful feedback** about the measures they are taking. They need **ideas** – and **criticism** too – from the broadest possible range of people. **Peaceful protests provide key insights** into and information about people's real challenges and needs.

Despite that, many **human rights violations occur in the context of peaceful protests**. They include **extrajudicial or summary executions, arbitrary arrests and detention; enforced disappearances and torture and other cruel treatment**. **Individuals are also criminalized** for having organized or taken part in peaceful protests. In this regard, the OHCHR specifically commends the **work of journalists and other members of civil society** who play an **essential role** in the protection and promotion of human rights in the context of peaceful protests, often exposing themselves to significant risks.

[Mr. Clément Voule - Special Rapporteur on freedom of peaceful assembly and of association:](#)

Since the mandate of Special Rapporteur was established by this Council ten years ago, it has increased the attention of the international community for the need for **greater protection of these rights**. Particularly, this mandate helped to strengthen the **normative framework**, including for the **protection of human rights in the context of peaceful protests**.

Despite the clarity of the legal standards and the tools to guide States, there has been a **persistent lack of implementation by States**. There is a concerning **trend of unnecessary or disproportionate use of force by security forces**, leading to **killings, ill-treatment and arbitrary arrest of demonstrators**, and those who seek to monitor and report on peaceful protests, as well as **sexual abuse** against women protesters. The tendency of States to view peaceful protests as a **security threat** and for imposing undue **restrictions** to prevent them from taking place is also concerning. The **lack of access to justice and impunity** for human rights violations by State and non-State actors in the context of peaceful protest is also a prevalent issue.

While the **advancement of digital technologies** provides **opportunities** to enhance civic space and promote human rights, these technologies have been also exploited by States to **restrict human rights** such as in the context of peaceful protests. Technology has been used to conduct **mass surveillance** on populations and spread **disinformation and hatred**, with a negative impact on civic space globally.

In the midst of the **pandemic** States have imposed further **restrictions on peaceful assemblies**. States should not use the **health crisis as a justification** for resorting to unnecessary or disproportionate force when dispersing assemblies, nor for imposing disproportionate penalties to protesters.



Mr. Yuval Shany - Hersch Lauterpacht Chair in Public International Law at the Hebrew University of Jerusalem and former Chair of the Human Rights Committee:

In the past decade, the **Human Rights Committee** issued 3 general comments directly relevant to peaceful protests:

**General Comment 34** emphasized the **centrality of freedom of expression** for the full development of the person, and its importance in a free and democratic society, underscoring the contribution of political speech to transparency, accountability and the promotion of human rights in society.

**General Comment 36** dealt with the **use of lethal weapons in a crowd control situation**. It required States to **afford extra protections to individuals** exercising their basic rights, including the right to peaceful assembly, and provided guidance on the **use of less lethal weapons**, instructing states to refrain from using them in crowd control situations, where less harmful means are available.

**General Comment 37** is particularly relevant to today's theme. It explains that "**Peaceful assemblies can play a critical role** in allowing participants to **advance ideas** and aspirational goals in the public domain and to establish the extent of support for or opposition to those ideas and goals".

**States are required to facilitate peaceful assemblies, protect the participants** against violence or abuse by other members of the public, and create an enabling environment for the assembly

Ms. Lysa John - Secretary General of CIVICUS:

The CIVICUS Monitor have documented countless cases of **people's right to peaceful assembly being violated** in various ways – through **arbitrary restrictions, violent or disproportionate policing** of protests, and through **bureaucratic regulations** providing barriers. Since the start of the pandemic, CIVICUS recorded the excessive use of force against protesters in at least **79 countries**, which includes the **use of lethal force** leading to the **killing of protesters** in at least **28 countries**. In over **100 countries**, law enforcement officers have **detained protesters**, often on the grounds of failure to adhere to COVID-19 measures or other laws related to peaceful assemblies.

There are 4 key challenges that the international community must urgently and collectively address in this regard: 1) The use of **emergency laws to stifle protest**; 2) The use of **internet shutdowns** and other measures to restrict access to **technologies**; 3) The **use of Artificial Intelligence & Surveillance** to threaten protesters; 4) The use of **financial restrictions** on civic actors.

What actions can be taken? 1) Governments to ensure that all laws and regulations limiting public gatherings based on public health concerns are **necessary and proportionate**. 2) States must drop charges and **release all protesters** and human rights defenders prosecuted for exercising their right to the freedom of peaceful assembly. 3) The international community must **work together** to foster a more consistent application of **human rights standards**.

Commissioner Luís Carrilho - United Nations Police Adviser:

The mission of the **UN Police** is to enhance international peace and security by supporting Member States in conflict, post-conflict, and crisis situations. To that end, it builds and supports or, where mandated, act as a substitute or partial substitute for host-State police capacity **to prevent and detect crime**, protect life and property, and maintain order and safety, in **adherence to international human rights principles**. Thereby **every United Nations Police officer is a human rights officer**.

When deployed, the United Nations Police's primary focus in public order management is to facilitate the **population's exercise of fundamental rights without disturbance** or unjustified hindrance and to **reconcile the right to peaceful assembly with public safety**.



## COMMENTS BY STATES AND CIVIL SOCIETY

### Delegations that took the floor during the Interactive Dialogue (24 statements)

UN member States: European Union, Lithuania on behalf of Nordic Baltic States, Switzerland on behalf of a group of States, Armenia, Costa Rica, United States, Poland, United Kingdom, Malawi, Colombia, Israel, Iraq, Vanuatu, Indonesia, Luxembourg, Montenegro, South Africa, Mauritania, Togo, Cuba, India.

UN Agencies: UNICEF, UNESCO, UNDP.

Delegations taking the floor mostly agreed with what the panellists shared during the debate. States emphasized the **importance of peaceful assembly**, a right **indispensable in democratic societies**, central to **freedom of expression and democracy**.

Delegations were concerned about the current **trend of repression against peaceful assemblies** around the world. States deplored the **use of force**, often **disproportionate**, and the human rights violations occurring during peaceful protests, including, **loss of lives, arbitrary arrests, torture, sexual violence** and **harassment** of human rights defenders, journalists and media workers.

Delegations also expressed their concerns over the **use of COVID-19 as a pretext to repress, restrict and suppress** peaceful assemblies around the world. They agreed with the Special Rapporteur that **States should not use the health crisis as a justification** or a pretext to restrict freedom of assembly.

The **United States** denounced crackdowns against peaceful protests in **Cuba, Nicaragua** and **Afghanistan**. **Vanuatu** denounced the violation of the right to peaceful assembly of the people of **West Papua**. **Indonesia** rejected this accusation. **Cuba** denounced the institutional violence perpetrated in the **United States** against protestors.

**UNICEF** mentioned the situation of **child protestors** who are in particular danger during protests. **UNESCO** denounced the **killings of journalists** in peaceful protests around the world in recent years.

### 1 NHRI and 5 NGOs took the floor during the Interactive Dialogue:

NHRI: National Council of Human Rights of Morocco.

NGOs: Advocates for Human Rights, Centro de Estudios Legales y Sociales, Cairo Institute for Human Rights Studies, Child Rights Connect, Global Institute for Water Environment and Health.

The National Council of Human Rights of Morocco stated that **social media were positive** for freedom of expression **but also a danger** because it could spread hatred and discrimination.

*Advocates for Human Rights* was concerned about the misuse of new technologies to violate human rights of protestors. They mentioned cases in **DRC, Togo**, but also use of force by the police in the **United States** and use of new technologies by **Ethiopia** to monitor diaspora protests outside borders.

The *Centre de Estudios Legales y Sociales* expressed concerns over the repression of peaceful protests around the world, including in **Colombia, West Papua, United States, Israel, South Africa** and **Russia**.

The *Cairo Institute for Human Rights Studies* denounced the crackdown on peaceful protest, the **"Hirak movement"**, in **Algeria** and mentioned cases of individuals detained and prosecuted.

*Child Rights Connect* exposed the **situation of child protestors**, often targeted during protests and facing the same barriers that adults face.

The *Global Institute for Water Environment and health* denounced **extrajudicial killings** targeting **peaceful protesters in Libya** and urged the authorities to create a safe environment for protestors.

Watch the full Panel Discussion on [UN WebTV](#)