

## HUMAN RIGHTS COUNCIL – 55th SESSION

### Interactive dialogue on the report of the Special Rapporteur on the right to freedom of peaceful assembly and of association, on promoting and protecting human rights in the context of peaceful protests

06 March 2024

**Mr. Clement Nyaletsossi Voule, Special Rapporteur on the rights to freedom of peaceful assembly and of association**, presented the Model Protocol for law enforcement, to promote and protect human rights in the context of peaceful protests. The **Model Protocol and its supplementary tools** were developed in collaboration with the UNODC and the OHCHR, along with consultations with civil society, practitioner and others. In total, six regional consultations were organized in Chile, Lebanon, Kenya, Australia, Bangkok, Kuala Lumpur and Malaysia to address the pressing threat of humanity today, facilitate peaceful protests, not suppress them, and stop war and end grave human rights violation.

He reported that in many countries peaceful protests continue to be mischaracterized as a threat to national security or public order and are often suppressed and harshly repressed. Every year hundreds of protesters are injured, killed, tortured or subject to other serious human rights violations often due to the excessive use of force. The misuse of emerging technology in the context of peaceful protests has provided another layer of restriction which is today implemented in many countries.

The SR informed the Council that in order to assist states and law enforcement in fulfilling their obligation, the **Model Protocol** is supplemented by several technical components. These practical tools translate existing international human rights law and standard into practice and reflect good practice gathering from across the world. Indeed, the Model Protocol and its supplementary documents are designed around specific requirements including precaution and alternative measure aimed at avoiding the use of force and human rights abuses; accountability and commander responsibility which ensure impartial and timely investigation and appropriate sanction in case of human rights violation; and human rights compliant policy which seeks to establish and build with communities, a trust with communities and civil society. The digital technology component provides specific guidance to law enforcement on using digital technology in a human rights compliant manner which appropriates human rights safeguard in place in the context of protests. The Model Protocol can be used to **monitor Member States' compliance** with the international human rights obligation relevant to the context of peaceful protests and for advancing accountability.

In conclusion, he informed the Council about the round table between **Libyan civic society and relevant authority** aiming at creating a space for dialogue for development of a legal framework protecting the right to association in line with international human rights law and standard.

### Interactive dialogue

47 country delegations took the floor during the interactive dialogue. **The majority of the countries** expressed appreciation to the SR's report and work, for the commendable efforts in developing the toolkit to assist law enforcement officials in promoting and protecting human rights in the context of peaceful protests. This initiative can play an important role in promoting and protecting human rights within the context of peaceful protests. However, as **Luxembourg** considered, the violent repression of demonstrations unfortunately remains a reality in many countries. In this regard, **Switzerland** was concerned about the tendency to view protests as threats to national security. This encourages acts of violence by law enforcement against peaceful demonstrators, cutoffs of Internet access or the targeted use of spyware that are incompatible with international human rights law. Accountability is

a core principle for the effective exercise of the right to freedom of peaceful assembly, which should underpin all stages of any law enforcement operation, added **Malawi, Among others, Armenia, Togo, The Philippines, Colombia, Venezuela, South Africa, and Cameroon** reported to the Council national laws, initiatives, and good practices regarding the right. The **UK** agreed that both the government and law enforcement have a duty to uphold the human rights of all individuals, including when facilitating assemblies, as well as the policing of protests must be proportionate, protecting the right to protest whilst also having a duty to maintain public safety and peace.

Conversely, the **Russian Federation** considered the Model Protocol largely controversial and contradictory: the recommendations of treaty bodies, which are not legally binding and are not supported by many countries, are presented as a kind of “imperative” for law enforcement officers. Therefore, such comments are the private opinion of experts and cannot impose on states any obligations in addition to those that they assumed upon joining the relevant international treaty.

**The State of Palestine** stressed that peaceful protests for advocating for human rights and rights movements should be facilitated rather than restricted or criminalised. Called for an end to the international crimes against Palestinians. **Iraq and Egypt** condemned the brutal crimes committed by the occupying power against the Palestinian people, and the violence practiced by Israeli forces against peaceful demonstrators in the West Bank, which led to the many dead and wounded. **Israel**, supporting peaceful protests, noted that recently assemblies are no longer peaceful. Jewish people around the world, in major cities, on university campuses, have lost their right to personal security and safety, at the expense of hateful protests.

The Model Protocol was welcomed by **NGOs**, due to the increasing number of protests worldwide. Security forces frequently threaten, intimidate, employ unlawful force, arbitrarily arrest, and detain people who protest. They raised concerns over situation in *Senegal, Thailand, Kenya, Qatar, Iraq, China (Tibetans), and Bahrain*, to list a few.

**UNICEF** commended the SR’s consideration of children’s distinct rights in the Protocol: specific needs and rights of children should be planned and implemented to facilitate the right of children to take part in and organize peaceful protests. It referred the recent UNICEF’s report on on policing assemblies involving children. It expressed deep concern regarding the continued human rights violations suffered by children participating in peaceful protests, owing to discrimination, unlawful use of force, reprisals, violence, arrest, or detention.

Delegations that took the floor during the Interactive dialogue (47 country delegations):

*Poland (on behalf of the Lublin Triangle), EU, Estonia, Costa Rica (on behalf of the group of friends on R2P), Czechia (on behalf of the core group of the resolution on the right to freedom of peaceful assembly and of association), Costa Rica, Libya, Luxembourg, Switzerland, Georgia, US, Armenia, Cameroon, Malawi, Colombia, Indonesia, Iraq, Russian Federation, Philippines, Togo, Maldives, South Africa, Romania, Peru, Cuba, Venezuela, Chile, China, Tunisia, Iran, UK, Paraguay, State of Palestine, Lebanon, Albania, Honduras, India, Cambodia, Israel, Tanzania, Türkiye, Egypt, Sudan, Algeria, France, Afghanistan, Morocco.*

NHRIs and NGOs that took the floor during the Interactive dialogue (10):

Article 19 - International Centre Against Censorship, The, Gulf Centre for Human Rights (GCHR) Limited, Helsinki Foundation for Human Rights, Youth parliament for SDG, Association for the prevention of torture, Right Livelihood Award Foundation, International Human Rights Internship Program, Rawsam Human Development Center, Franciscans International, Centro de Estudios Legales y Sociales (CELS) Asociación Civil.

International organizations: UNICEF.

To watch the full meeting refer to the UN WEB TV, [Part 1](#) and [Part 2](#).