

Peaceful protests Panel Summary



The 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, was organized by OHCHR during the forty-eighth session of the Council pursuant to resolution 44/20. It provided an opportunity to assess progress made in ensuring human rights in the context of assemblies, with particular attention paid to existing tools and their implementation; to discuss emerging challenges and opportunities, such as the impact of new technologies and the digital space on the rights to freedom of peaceful assembly, of expression and of association; and to identify areas where further guidance and cooperation may be needed.

helped to strengthen the normative framework for the protection of human rights in the context of peaceful protests. He also raised awareness of the use of digital technologies to silence protesters, and the unnecessary or disproportionate use of force by security forces, including in the context of the Covid-19 pandemic. He reiterated his call for States to develop a national action plan on

DISCUSSION HIGHLIGHTS

The UN High Commissioner for Human Rights pointed out that the right of peaceful assembly stood at the very core of democracy and was crucial for the achievement of other human rights. She underscored that the public interplay of claims, views and feedback between people and their representatives was essential to prompt and effective policymaking that is genuinely responsive to the aspirations societies as a whole

The protection of human rights in the context of peaceful protests continued to be a priority for OHCHR, which had been assisting States in the implementation of their human rights obligations and had developed several sets of policy guidelines in that regard. Those included the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement, the Guidelines for States on the effective implementation of the right to participate in public affairs, and the report on the impact of new technologies on the promotion and protection of human rights in the context of assemblies. Human rights



@humanrightscouncil Instagram post on the panel

bodies had produced a considerable number of decisions, and comments that could help States to implement their international obligations.

"The vital role and contributions of civil society in enabling peaceful protest must be recognised and celebrated - not impaired"
Michelle Bachelet

The Special Rapporteur on the rights to freedom of peaceful assembly and association, explained that his mandate has

the management of assemblies. Despite the clarity of the legal standards applicable and the tools to guide States, in practice there had been a persistent lack of implementation by States, in particular of the rules governing the use of force during the management of assemblies.

It was important for the Human Rights Council to put as a priority item on its agenda the repression of demonstrations throughout the world.



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Former Human Rights Committee Chair **Yuval Shany** referred to the **three general comments of the Human Rights Committee** on provisions of the International Covenant on Civil and Political Rights that were directly relevant to peaceful protests, namely general comment No. 34 (2011), general comment No. 36 (2018) and general comment No. 37 (2020).

He highlighted the use of technology as one important dimension of general comment No. 37 (2020), which applied to its use both by the organizers and participants themselves and by governmental authorities. **The protection afforded to peaceful assemblies extended to online assemblies and associated activities that took place online.**

“Measures interfering with (...) digital rights, such as internet shutdowns designed to block peaceful protests would be unlawful, unless they can be strictly justified”
Yuval Shany

States should not resort to technology that interfered with the rights of participants in peaceful protests to privacy and with their other political rights. Hence, facial

recognition technology that could de-anonymize faces in the crowd should not be used to monitor participants. **Fully autonomous lethal weapons must never be used in peaceful assemblies.**

Lysa John, Secretary-General of CIVICUS recalled that in over 100 countries, law enforcement officers had detained protesters, often on the grounds of failure to adhere to COVID-19 measures or other laws relating to peaceful assemblies. She pointed out **four key challenges** that the international community must urgently and collectively

During the discussions, speakers recognized that the right of peaceful assembly was used to claim the respect of civil, political, economic, social and cultural rights, and increasingly environmental rights. The right was important for children because it was often one of the means for children to participate in public life. They condemned the fact that protesters, human rights defenders and journalists were facing harassment, assaults and reprisals. Speakers expressed concern over the fact that some Governments had abused prerogatives during the COVID-19 pandemic and adopted laws that unduly restricted peaceful assemblies. They noted that technology and social media could be vehicles for free expression and association, but they could also be used for disseminating hatred and disinformation.

address to protect and promote the right of peaceful assembly:

- The use of **emergency laws** to stifle protests
- The use of Internet **shutdowns** and other measures to restrict access to technology
- The use of **artificial intelligence and surveillance** to threaten protesters

- The use of **financial restrictions.**

Police Adviser **Luis Carrilho** stated that good policing had to be **human rights based, gender-responsive, mindful of the needs of the most vulnerable** and controlled both by formal and informal mechanisms, the latter including the media and civil society.

Dialogue, mediation, communication -based crowd control and proactive de-escalation strategies should underpin any policy management of demonstrations.

The application of those strategies required specific skills that only specialized police training institutions could deliver. It was therefore **imperative to have the policing of assemblies performed by appropriately trained and equipped police officers.**