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Office of the High Commissioner for Human Rights (OHCHR)

Research Report

Topic 3: Protecting the right to peaceful protest and demonstration.



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Contents

Introduction:.....	2
Definition of Key Terms:.....	2
Background Information:.....	3
Major Countries and Organisations Involved:.....	4
Relevant UN Resolutions:.....	5
Previous Attempts to Solve the Issue:.....	5
Possible Solutions:.....	6
Bibliography:.....	7

Introduction:

Protest is an inevitable and essential way to speak truth to power and a major part of human rights. Protests hold a significant place in history, empowering some of the most influential social movements such as the Civil Rights Movement in the United States and the cease of Apartheid South Africa. It enables individuals and groups to voice their judgement freely, demand accountability from the government and force societal change. Yet, governments and authorities keep on silencing and suppressing protests, causing for discrimination and abuse among those who wish for equality. This suppression causes for the militarization of the police, increasing the misuse of power and force which leads to many civilians to be injured. Authorities generally impose restrictions under the alibi of maintaining public order or national security in combating misinformation.

With technological advancements in the 21st century, the nature of peaceful protests have evolved into social media platforms mobilizing movements. Nonetheless, the technological novelties introduced new challenges such as disinformation campaigns and internet shutdowns during protests. It is crucial to reinforce peaceful protest and demonstration while addressing upcoming threats and issues to ensure that peaceful protests remain an effective way of democratic engagement.

Definition of Key Terms:

Peaceful Protest: Peaceful protest involves a group of people engaging in nonviolent disobedience to the government in order to achieve political change. They may take the form of marches, sit-ins, rallies or vigils. Peaceful protest is protected under the human rights law and encouraged against violence.¹

Demonstration: Demonstration in the means of protests, involves an occasion where large groups of people gather and march to display their disagreement usually in alignment with political terms or injustice that has occurred. They are often with the intention of influencing public opinion.

Civil Liberties: Civil liberties are generally identified as the guaranteed freedom of a citizen that the government commits not to abridge usually by legislation or constitution. Civil liberties help protect people from inordinate government interference or action. The most important civil liberty can be identified as the freedom to assemble and petition, get their voices heard on opinions about the current governmental system or to be able to take action and highlight issues that demand urgency.

Crackdown: Crackdown is a coordinated force by authorities or the government to suppress resistance against the law or protests. They can involve measures such as mass arrests, use of violence or prohibitive laws intended to silence social movements.

¹ "OHCHR | OHCHR and the Right of Peaceful Assembly." *OHCHR*, 2022, www.ohchr.org/en/peaceful-assembly.

Background Information:

Everyone today has the human right to freedom of peaceful assembly. Protesting is a big part of the world's history that has been used for decades as a way for those with less power to show their voice and get what they believe is right. Some of these protests are peaceful, and others more violent, some were unsuccessful and others were that have had a lasting and powerful impact on the world today. In recent years, technology has provided an effective platform to spread information and create protests internationally. However, the Global Peace Index shows a statistic concerning violent protest trends as they have risen 50% since 2008. And with this, the positive peace has decreased by 1.8% showing a clear link between violent demonstrations and peaceful ones.

Creating a violent demonstration can jeopardize the impact of said protest as people shift their attention to the violence and not the cause. It can also cause people to not support the cause as they don't like the way it is happening. Peaceful protests have however shown to be extremely impactful in past history demonstrating the unnecessary of a violent approach. In 1930², dozens of activists marched more than 240 miles to the Arabian sea to get salt in protest of the law prohibiting Indians from buying/selling salt. This led to 60 000 people being arrested that then triggered resistance from the rest of the world as such a violent response was used against a peaceful protest. Recently Greta Thunberg has led many peaceful protests against leadership's lack of action against global warming. From starting by sitting outside the Swedish parliament, she has gained immense publicity and therefore power through her peaceful protest.

These are just two examples of hundreds that have led to rights and other enforcements that are still here today. Just the right to vote for black people and women would not be accessible if it wasn't for protests. Protesting is important for us as a species to move forward and evolve, however, it is important that it brings more peace and not violence or war.³

Another significant event has occurred in Myanmar⁴, with the 2021 coup leading to violent crackdowns on peaceful protests against the government, resulting in mass casualties and arrests. Similarly, in Belarus, the 2020 protests against disputed election results were met with brutal force, including the mass use of rubber bullets and arbitrary detentions.⁵ Though most protests and demonstrations are led to be peaceful and non-violent by demonstrators, governments and opposing forces tend to suppress this voice with the significant use of violence and weaponry, which obstructs one of the essential rights of free speech.

² Pletcher, Kenneth. "Salt March". Encyclopedia Britannica, 25 Oct. 2024, <https://www.britannica.com/event/Salt-March>. Accessed 13 January 2025.

³ Gavin, Jerome. "The Power of Peaceful Protests." *Vision of Humanity*, 7 Nov. 2022

⁴ "How Can the Myanmar Military Coup Be Overturned? | Global Witness." *Global Witness*, www.globalwitness.org/en/blog/three-months-military-coup-what-should-international-community-do-support-people-myanmar/?gad_source=1&gclid=Cj0KCQiAkJO8BhCGARIsAMkswyhhRo6Xf7DtpFXrnr5tjNwpELzI_K9gsdwG96COUB2Uy wXsU1HKAIQaAlk_EALw_wcB.

⁵ "Belarus: Unprecedented Crackdown." *Human Rights Watch*, 13 Jan. 2021, www.hrw.org/news/2021/01/13/belarus-unprecedented-crackdown.

Major Countries and Organizations Involved:

United States of America: The United States is famously known for its constitutional protection of free speech and assembly as stated in the First Amendment, contributing to non-violent, peaceful protest efforts. Yet, there still remain situations that concern peaceful demonstration, such as the Black Lives Matter, George Floyd demonstrations where excessive use of force and violence was seen by police. Though there are many legal frameworks and actions taken opposing violence, the implementation of them often varies across states.

France: Protests have become a common pillar of the French political terms with the 1789 French Revolution which had protested the extreme conditions citizens had to endure, leading to the fall of monarchy. However, in the 21st century, France still reports excessive use of violence by police and the implementation of excessive laws concerning peaceful protests. The most recent movement of the Yellow Vests has reported over 100 arrests and many cases of violence.

China: China is reported to have one of the most strict control over public protests. The Chinese government has taken extreme measures such as group arrests, widespread surveillance, and the implementation of restrictive legal frameworks such as the National Security Law. Protests in Hong Kong, Tibet and Xinjiang have been ceased through violence and extreme suppression, causing peaceful protest rights to be unrecognized. Though the international community heavily criticizes China for its extreme legislations on this matter, China justifies its actions as a necessary step for maintaining national security.

South Africa: The apartheid is deeply connected to the history of protest in South Africa. The apartheid⁶ regime has led to racial segregation and caused many protests from the 1940s until the early 1990s. The opposition against the apartheid regime has called for peaceful demonstrations in South Africa, becoming an important part of its history. However, the actions taken by the government against protests are still recorded to have many excessive uses of force and violence. The issue still remains a concern in South Africa.

Amnesty International: The global NGO is established for the monitoring and reporting of violations against peaceful protest rights. Amnesty International advocates for the protection of activists, holds authorities or governments accountable for the abuse of citizens and encourages stronger international legislation regarding peaceful protest and demonstration rights.

Human Rights Watch: The Human Rights Watch NGO aims to document abuses against protesters and heavily pressures governments to endorse international standards in support of the achievement of peaceful protest environments. Additionally, it serves detailed reports on the treatment of protestors, offering recommendations to prevent violations to protest rights.

⁶ The Editors of Encyclopedia Britannica. "Apartheid." *Encyclopædia Britannica*, 3 Dec. 2018, www.britannica.com/topic/apartheid.

Relevant UN Resolutions:

Universal Declaration of Human Rights (UDHR): The UDHR is a pivotal document in the history of human rights as it establishes a common and ideal standard for fundamental needs and rights. Article 20 guarantees the right to peaceful assembly and association as the document is intended to give the principal freedom of opinion and expression without the fear of repression. It emphasizes that all human rights are universal and must be protected without discrimination, holding states accountable in a situation of violation.⁷

International Covenant on Civil and Political Rights (ICCPR): Articles 21 and 22 of ICCPR provides the legal framework for protecting the right to peaceful assembly. These articles outline and highlight that any restrictions must meet strict criteria of necessity ensuring that they do not undermine human rights. The document includes a binding obligatory framework that state parties are to respect, protect and fulfill, advocating for a peaceful atmosphere in demonstrations and protests.⁸

Resolution 25/38 (2014): The resolution specifically calls on states to promote and protect the rights of individuals in peaceful protests and prevent any human rights violations during assemblies by urging countries to refrain from suppression and use of excessive force, as well as underlining the importance of communication which is a significant measure regarding the issue. Member states such as the United States of America, France and the United Kingdom have signed yet states such as China and the Russian Federation have voted against the resolution, showcasing their state on the issue.⁹

Previous Attempts To Solve the Issue:

Special Rapporteurs: The UN has appointed many rapporteurs in the past to focus on the rights to freedom of peaceful assembly. The experts have been given the tasks to monitor and analyze global actions regarding peaceful protests. They have given detailed reports showcasing violations, practices and recommendations allowing for improvement. The rapporteurs have additionally engaged with nations to address significant cases of abuse, forcing accountability and urging governments to align with international standards.

Regional Frameworks: Organizations have developed policies and frameworks to protect the right to peaceful protest within their domestic jurisdictions. For instance the European Convention on Human Rights guarantees the freedom of assembly. The European Court of Human Rights has arbitrated various cases related to demonstration rights. Similarly, the

⁷ United Nations. "Universal Declaration of Human Rights | United Nations." *United Nations*, www.un.org/en/about-us/universal-declaration-of-human-rights.

⁸ *International Covenant on Civil and Political Rights*. OHCHR, 1996, www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights.

⁹ Human Rights Council. "Resolution Adopted by the Human Rights Council." *United Nations*, 2014, p. 2, freeassembly.net/wp-content/uploads/2015/03/UNO-Resolution-Human-Rights-2014_EN.pdf.

African Charter on Human and Peoples' Rights has suggested the significance of peaceful assembly addressing violations. These regional motives have created solutions specific to culture and politics, yet they face difficulties in empowering the frameworks.

NGO Advocacy: Non-governmental organizations such as Amnesty International and Human Rights Watch propose the importance of raising awareness about violations of peaceful protest rights. NGOs have conducted investigations, published reports and advocated for policy changes at both national and international rates to contribute to battling against this issue.

Possible Solutions:

There are multiple solutions that the UN could put into place to protect the right to peaceful protest. Here are some examples:

Strengthening international norms; by adopting resolutions, clarifying guidelines and expanding treaties the UN can prevent any misconceptions or other confusions when regulating protests.

Monitoring and reporting; the UN can establish monitoring mechanisms that can report on protests and warning systems that further monitor the level of the protest.

Diplomatic pressure; it can be useful for the UN to use its power to place pressure on governments and other powerful bodies. If they are successful with this they can encourage governments to protect these peaceful protests and hold those accountable who violate the placed restrictions. They can also encourage law enforcement training and how to deal with violated rules. They can also use sanctions and other means to forcefully encourage this.

Advocacy and Awareness; using campaigns and other means of education to promote awareness on peaceful protests and how they can be effective for democracy and human rights.

Access to dialogue; Organising forums to discuss challenges and solutions related to protests and involve non-state parties to be in on these discussions. Having a clear dialogue between governments and society can help prevent protests as a whole.

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