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ECOSOC 2: Commission on Crime Prevention and Criminal Justice (CCPCJ)

Research Report

Topic 3: Working towards the universal right to peaceful protest



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Outline

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

Introduction

As the Universal Declaration of Human Rights states in article 20: Everyone has the right to freedom of peaceful assembly and association¹. This includes the right for peaceful protest. Despite this, there are a lot of examples of this right not being granted, including the current conflicts in Iran.

Definition of Key Terms

Peaceful assembly: The right to hold meetings, sit-ins, strikes, rallies, events or protests, both offline and online.

Peaceful protest: The non-violent act of saying or showing publicly that you object to something. Protests can be initiated by e.g. a belief that there is economical, political or social injustice, including protests against corruption.

The Office of the High Commissioner for Human Rights (OHCHR): The leading UN entity on human rights. Promotes and protects the full range of human rights and freedoms set out in the Universal Declaration of Human Rights.

Background Information

Peaceful protests have been used over many years as a means of creating attention to problems, and often influencing the opinion of those in power.

A famous example of a (successful) peaceful protest is the Montgomery Bus Boycott in 1955, initiated by social activist and Baptist minister Martin Luther King². It was a political and social protest campaign against the policy of racial segregation on the public transit system of Montgomery, Alabama. The protest lasted 13 months until 1956, where the United States

¹ UN, General Assembly. "Universal Declaration of Human Rights." United Nations, United Nations, 10 Dec. 1948, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

² UN, OHCHR. "OHCHR and the Right of Peaceful Assembly." OHCHR, 21 Oct. 2022, <https://www.ohchr.org/en/peaceful-assembly>.

Supreme Court declared the Alabama and Montgomery laws that segregated buses were unconstitutional. Approximately 40.000 black bus riders boycotted the buses³.

Lately, conflicts between citizens and the government in Iran has highlighted the issues of governments not respecting the right to peaceful assembly and protest. Thousands of Iranian citizens have been detained after peaceful demonstrations following the death of Mahsa Amini, who broke the country's strict hijab rules. Some of the protesters have been sentenced to death⁴. In Algeria, the Ministry of Interior ordered the dissolution of several associations on the basis of broad and vague charges of undermining the sovereignty and security of the State. In Belarus, authorities disbanded a number of registered public associations without giving prior notice, without communicating their reasons and without a court order, stating that the activities of the organisations in question did not match the goals and subject matter specified in their charters. Criminalization and penalization in this area is excessive and almost always inherently broad and vague; in addition, measures of this kind are taken for the illegitimate purpose of limiting individuals' freedoms to associate as such⁵.

Sometimes a protest starts out peacefully, but can turn into a more violent protest, and sometimes end in riots. An example is the protest held in Kazakhstan in January 2022. The protest started out peacefully, but as the police got involved, 8 policemen got killed. Afterwards it got more and more violent⁶. Another example on a recent attempt to raise awareness and change the system can be found in the numerous Black Lives Matter demonstrations, protesting against police violence and structural racism in the US. More than 2.400 demonstrations were reported in the US in 2020 and 93% of these remained peaceful⁷.

Peaceful protests can be a key factor in development of healthy and prosperous societies. Peaceful protests have already shaped numerous societies, and if allowed, they can continue to tell the government about the public opinion.

Major Countries and Organisations Involved

Iran – Currently protesters in Iran are fighting against the strict restrictions and violence the current regime has placed on its citizens.⁸

³ History.com Editors. "Montgomery Bus Boycott." History.com, A&E Television Networks, 3 Feb. 2010, <https://www.history.com/topics/black-history/montgomery-bus-boycott>.

⁴ UN, OHCHR. "Iran: Thousands Held for Peacefully Protesting Must Be Released | UN News." United Nations, United Nations, 15 Nov. 2022, <https://news.un.org/en/story/2022/11/1130627>.

⁵ General Assembly, UN. "Rights to Freedom of Peaceful Assembly and of Association Note by the Secretary-General." A/77/171, 15 July 2022, <https://undocs.org/A/77/171>.

⁶ Lohia, Vanshika. "Kazakhstan Unrest: Here's a Timeline of the Central Asian Nation's Worst Crisis." Hindustan Times, 10 Jan. 2022, <https://www.hindustantimes.com/world-news/kazakhstan-unrest-here-s-a-timeline-of-the-central-asian-nation-s-worst-crisis-101641810135989.html>.

⁷ Roudabeh Kishi, Sam Jones. "Demonstrations and Political Violence in America: New Data for Summer 2020." ACLED, 7 Sept. 2022, <https://acleddata.com/2020/09/03/demonstrations-political-violence-in-america-new-data-for-summer-2020/>.

⁸ "Iran: UN Experts Condemn Execution of Protestor, Raise Alarm about Detained Artists." *Ohchr.org*, Office of the High Commissioner Human Rights, 8 Dec. 2022, <https://www.ohchr.org/en/press-releases/2022/12/iran-un-experts-condemn-execution-protestor-raise-alarm-about-detained>.

Human Rights Watch – an international human rights organisation that investigates and reports on abuses happening in all corners of the world⁹. The organisation also focuses on protests around the world. Hopes for the universal right to peaceful protest to be enforced.

Relevant UN Resolutions

United Nations Charter

Article 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
4. To be a centre for harmonizing the actions of nations in the attainment of these common ends¹⁰

Universal Declaration of Human Rights:¹¹

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

CCPR/C/GC/37

General comment No. 37 (2020) on the right of peaceful assembly (article 21)*¹²

⁹ Human Rights Watch. “About Us.” Human Rights Watch, 25 Nov. 2022, <https://www.hrw.org/about/about-us>.

¹⁰ UN. “Chapter I: Purposes and Principles (Articles 1-2).” United Nations, United Nations, 26 June 1945, <https://www.un.org/en/about-us/un-charter/chapter-1>.

¹¹ UN, General Assembly. “Universal Declaration of Human Rights.” United Nations, United Nations, 10 Dec. 1948, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

¹² International Covenant on Civil and Political Rights, UN. “General comment No. 37 (2020) on the right of peaceful assembly (article 21)” CCPR/C/GC/37, 17 September 2020, <https://undocs.org/CCPR/C/GC/37>.

Previous Attempts to Solve the Issue

OHCHR

Engages in dialogue with Governments and civil society to seek to prevent and address the human rights violations, encourage national authorities to address the root causes of protests. In some countries, OHCHR has also been involved in protection, including by its presence, at demonstrations.

Other organisations

E.g. Human Rights Watch also work to influence and protect the right to peaceful protest.

Possible Solutions

Placing pressure on governments that fail to comply with the rights of their citizens. The idea is that nations that currently are suppressing their citizens' rights will have incentive to change their practises if they receive outside pressure.

The use of General Comment No. 37 by the UN Human Rights Committee is a comprehensive guide for protest organizers and governments. It allows easy access to the details of their right to peaceful assembly. This document educates all parties on the restrictions and specifications of this right.¹³

¹³ UN, OHCHR. "OHCHR and the Right of Peaceful Assembly." OHCHR, 21 Oct. 2022, <https://www.ohchr.org/en/peaceful-assembly>.

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