

Forum: Human Rights Council**Student Officer(s): Ina Choe, Parami MacArthur, Minh Hoi Tran Khuat****TOPIC (2): The question of the protection of the right to protest****[Link to Libguide](#)****I. Introduction to the Topic**

The right to protest enables individuals and organisations to join together, express their concerns, and participate in demonstrations in favour of social, political, or economic change. By influencing policy and decision-making processes, encouraging communication and holding governments/international organisations responsible for addressing effects of societal change, it is an example of multilateral diplomacy. It is based on the fundamental ideas of freedom of assembly, association, and expression and is a fundamental part of democratic societies. The international standards that the United Nations and regional organisations, such as the African Commission on Human and Peoples' Rights, have adopted to define the right to freedom of expression, association, and assembly—principles that are protected by multiple international human rights instruments—as the key foundations of the right to protest. The right to peaceful assembly and association is specifically acknowledged as a fundamental human right in the 1948 Universal Declaration of Human Rights, which was adopted by the United Nations General Assembly. In a similar vein, the International Covenant on Civil and Political Rights upholds the freedom of peaceful assembly and highlights its essential function in democracies.

II. Definition of Key Terms & Concepts**Right of Peaceful Assembly**

The right of individuals to gather peacefully & express their opinions collectively, often exercised through public protests, demonstrations, or rallies; recognized by international human rights instruments, such as the Universal Declaration of Human Rights (UDHR), and the International Covenant on Civil and Political Rights (ICCPR). It serves as a vehicle for the exercise of many other rights guaranteed under international law.

Civil Disobedience

A form of protest where individuals deliberately & nonviolently breach certain laws & regulations to challenge 'perceived' injustice or express disapproval against the state.

Legal Protection

Laws and standards set in place by the state to protect protestors regarding discrimination, repression, or unjust treatment.

Judicial Review

The protection of the right to protest relies heavily on the courts. Through the judicial review process, individuals or groups whose rights to protest have been violated can seek arbitration. Courts can evaluate the legitimacy and constitutionality of government acts. A court may issue prohibitions, request solutions, or declare actions taken by the government to be unconstitutional if it determines that they have violated the rights of individuals or groups to protest.

III. Key Stakeholders

Office of the United Nations High Commissioner for Human Rights (OHCHR)

The [OHCHR](#) is the leading body of the UN that aims to promote human rights & represents the world's commitment to the universal agreement of protecting human rights since December of 1993. Its role in the right of a peaceful assembly is to report, monitor, and conduct measures taken for the management of protests, specifically overseeing the impact of use of force & potential human rights violations. Depending on the situation, occasionally the OHCHR has also been involved in protection at demonstrations & following up on cases of individuals who have been harmed, detained or arrested in relation to protests.

Human Rights Watch (HRW)

Founded in 1978, the [HRW](#) is a nongovernmental, nonprofit organisation that advocates for the protection of human rights and collects research worldwide on human rights abuses & situations. Specifically, the Human Rights Watch organisation investigates a number of issues, including women's rights, LGBTQ+ rights, civil & political rights, freedom of expression, and the rights of marginalised populations worldwide—striving to ensure that human rights are respected, protected, and upheld for individuals and groups, regardless of social status, religion, ethnicity, or sexuality.

Front Line Defenders (FLD)

The [FLD](#) aims to strengthen the safety and defence of human rights advocates and organisations that have been at risk since 2001. At the global, regional, and local levels, FLD offers support through grants, capacity building, visibility, networking, and advocacy. It is also the recipient of the 2018 United Nations Human Rights Prize. In addition to its regional field staff in the Americas, Asia, Africa, Europe & Central Asia, and the Middle East, Front Line Defenders also maintains an EU Office in Brussels and its headquarters in Dublin.

IV. Key Issues including Background Information

Some countries do not have full rights to a peaceful protest

Many nation-states do not encourage the rights to a peaceful protest and/or are not respected—including India, China, Indonesia, Pakistan, Russia, Bangladesh & Nigeria. Delegates firmly want to take this into account when lobbying and merging & their overall country's stance on this specific issue. Respect for the right of peaceful protest is the exception rather than the rule of law. Member-states may want to

address this and should consider creating a resolution regarding the protection of protesters against the police/hard-power.

Social Movements in Lower Economically Developed Countries

Social movements are formed by groups & individuals that often share identity markers—they feel marginalised by existing government attitudes, policies, practices or inaction. In less economically developed countries, they generally do not have as well developed political & economic systems to react to & manage social movements the same way that is found in more economically developed countries. As a result, claims made by social movements and demonstrators are often unmet or incompletely met. Therefore, there is a greater likelihood of social movements coming into contact with state-violence or resorting to violent means themselves to achieve goals.

Immigration Related Risks

For non-citizens, participating in demonstrations can impact interactions with immigration officials and, in some cases, lead to arrest & potential deportation. Arrest and criminal proceedings can have consequences for immigration status, particularly for undocumented individuals.

V. Timeline of Resolutions, Treaties, and Events

Date	Description of event
1791	The First Amendment to the U.S Constitution was ratified & guaranteed the right to freedom of speech, assembly, and petition.
1950	The European Convention on Human Rights was signed in Rome (Italy) by 12 member states of the Council of Europe. Specifically, in Article 9, it enunciates the “right to freedom of thought, conscience, and religion.”
1969	StoneWall Uprising: series of demonstrations that took place in Greenwich Village near New York City. This was a turning point in the LGBTQ+ rights movement and played a pivotal role in driving legal and societal reforms for LGBTQ+ individuals.
1993	The United Nations General Assembly established The Office of the High Commissioner for Human Rights through its resolution 48/14.

- 2010-2011 Arab Spring Protests: Series of protests throughout several countries in the Middle East & North Africa. The demonstrations were driven by demands of the removal of authoritarian rule and demanding the recognition of social justice. Long-standing authoritarian leaders were overthrown in countries such as Tunisia and Egypt. However the protests turned into long-lasting wars in Yemen, Syria, and Libya.
- 1990s Anti-nuclear Protests in Japan: After the 1986 Chernobyl disaster, Japanese citizens protested against the building of new nuclear power plants and the overall use of nuclear power.
- 1998 Reformasi movement in Indonesia: Under President Suharto's administration, there was a rise in movements throughout Indonesia to call for his resignation due to political corruption . Following the Asian Financial Crisis, the movement gained traction—which eventually got him fired from office.
- 2014 Boko Haram Nigeria Protests: Boko Haram is an extremist group based in Nigeria. These protests aimed to bring attention to the situation of the kidnapped girls, demand their safe return, and demand that the insurgency come to an end. The hashtag #BringBackOurGirls went viral and started trending around the world as a show of support for the families and girls.
- 2020 Black Lives Matter Movement: Social & political movement that highlights the racism and human rights abuses endured by black people. During the 2020 protests, mass demonstrators lacked protection & endured physical violence from police forces with tear gas, rubber bullets, batons & pepper spray.

VI. Possible Challenges & Solutions

Some countries do not have full rights to a peaceful protest

In order to advance human rights and the value of peaceful assembly, delegates are advised to discuss solutions with member-states that do not have full rights to a peaceful protest. Supplying resources and legal support to civil society organisations and activists in these nations can help them advocate for change and defend human rights. Combining these initiatives will increase the likelihood of advocating changes to laws, increasing public awareness, and possibly helping in the creation of a more welcoming and civil environment for peaceful demonstrations. In addition, member-states may want to address this and should consider creating a resolution regarding the protection of protesters.

Social Movements in Lower Economically Developed Countries

Delegates should consider promoting inclusive governance, giving socio economic development top priority, and putting in place channels for respectful discourse and conflict resolution that take into account the concerns of marginalised groups.

Immigration Related Risks

Delegates should consider implementing laws protecting noncitizens' rights and safety into place in order to mitigate the risks related to immigration and protest participation. This can be accomplished by creating policies and procedures in resolutions that immigration officers must follow when they come across participants in nonviolent protests, guaranteeing that their immigration status will not be immediately compromised. Furthermore, long-term solutions to reduce the risks connected to immigration status and involvement in protests can be found in comprehensive immigration reform that tackles the difficulties faced by undocumented people and provides a path to legal status.

VII. Recommendations for Resolution Writing including Research

A low income country that faces various social, economic & political challenges—such as corruption, limited resources, high poverty, and governance issues—might view this issue as a high risk. Delegates representing these countries want to consider implementing adjustments in the current legal framework that *explicitly* guarantees the protection of the right to protest. The Chairs highly encourage the use of clear and unambiguous language when addressing alterations in an already standing legal framework.

A more economically developed country generally has stronger legal frameworks and institutions. When writing the resolutions, delegates of these countries should consider aiding lesser economically developed countries in the resolution. Delegates with a higher income country can offer support in areas associated with protest management; discuss understanding of crowd control strategies, educate law enforcement officers about human rights norms and procedures, and provide a solution to guarantee the proportionate use of force during demonstrations.

Member-states with authoritarian governments typically prioritise control and stability beyond personal liberties. They frequently use repressive tactics like sending security forces to disperse demonstrations, using excessive force, detaining and arresting activists, and enforcing strict laws and regulations that restrict or prohibit protests. Protesters are portrayed as threats to national security by state-run media sources. Delegates with an authoritarian state should be opposing the issue of the protection of the right to protest.

In each delegate's research and resolution, the Chairs highly encourage the full use of this chair report & the UNISMUN LibGuide sources. This will provide each delegate with a detailed and well-rounded understanding of the topic. This will further aid the content in your resolution and the overall writing quality. Note that when writing your resolutions, adhere to the standard UNISMUN format. Clearly articulate the issue, proposed solutions and desired outcomes. Avoid vague statements & ambiguity.

VIII. Bibliography

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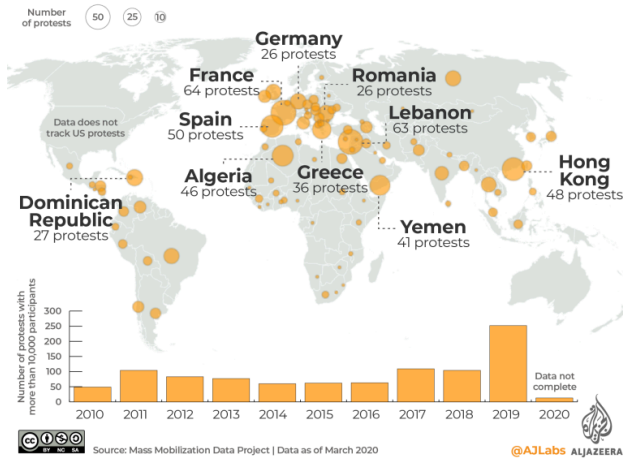
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IX: Additional Resources

PROTESTS

Protests on the rise

Between **2010 and 2020**, there were at least **900 protests** around the world with more than **10,000 participants**.



A map of countries around the world with protests on the rise (Haddad)



“A Lebanese woman holds up a sign demanding that the country's ruling elites pay up on the sixth day of protests in Zouk Mosbeh, north of Beirut, on Tuesday.” (Wamsley)