

Mandate of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association

CONSULTATION ON PEACEFUL PROTESTS IN CRISIS SITUATIONS

Global Consultations with NHRIs

Online – 2-3 December 2021 (12:00-14:00 CET)

- By the UN SR FoAA, in collaboration with GANHRI -

I. Background information

On 17 July 2020, the Human Rights Council adopted **Resolution 44/20**, on the promotion and protection of human rights in the context of peaceful protests.¹

*The Resolution reiterates the primary responsibility of States to promote and protect human rights and fundamental freedoms, including in the context of peaceful protests, and to prevent human rights violations and abuses. It calls on the States to ensure a safe and enabling environment for individuals and groups to exercise their rights to freedom of peaceful assembly, both **online and offline**; ensuring that **domestic legislation and procedures relating to the rights to freedom of peaceful assembly, are in conformity with their international human rights obligations**; to refrain from use of force and **ensure proper management of assemblies**, with particular attention to women and children in the context of peaceful protests. The Resolution calls also upon States to ensure that **all human rights are respected, protected and fulfilled also during emergencies, such as the COVID-19 pandemic**, and that their responses are in full compliance with their human rights obligations and commitments. It states that when physical assemblies are restricted, such as in times of crisis or emergency, States should **ensure access to the Internet** extending to the entirety of the global population and that it is affordable, and by fully respecting and protecting each individual's right to privacy, and to **refrain from undue restrictions such as Internet shutdowns of online censorship**. The Human Rights Council, urged States to **ensure accountability** for human rights violations and abuses through judicial or other national mechanisms, and to provide all victims with access to a remedy and redress, including in the context of peaceful protests.*

*The Resolution stressed on the **importance of documenting** human rights violations and abuses committed in the context of peaceful protests, and the **role that can be played by national human rights institutions, civil society**, including non-governmental organizations, journalists and other media workers, Internet users and human rights defenders in this regard.*

To enhance the protection of human rights in the context of peaceful protests, the Resolution called on the Special Rapporteur on the rights to freedom of peaceful assembly and of association to “**prepare a dedicated report on the protection of human rights in the context of peaceful protests during crisis situations**,” and to take account, in the course of preparing the report, of “the views of States, the Office of the High Commissioner, relevant United Nations agencies, in particular the United Nations Office on Drugs and Crime, United Nations human rights treaty bodies, regional human rights mechanisms, other relevant special

¹ HRC Resolution 44/20: [A/HRC/RES/44/20 - E - A/HRC/RES/44/20 -Desktop \(undocs.org\)](https://undocs.org/A/HRC/RES/44/20)

Mandate of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association

procedure mandate holders, national human rights institutions, non-governmental organizations and other relevant stakeholders, such as law enforcement practitioners” (para 29).

In accordance with the Resolution, the Special Rapporteur, Clément N. Voule, will present a thematic report to the 50th session of the Human Rights Council, addressing the protection of human rights in the context of peaceful protests during crisis situations.

In order to implement this mandate, the UN Special Rapporteur, in collaboration with GANHRI, is convening a global consultation with NHRIs to solicit and incorporate their views and insights from their experience in this area.

The UN SR also called for a submission of inputs, which will also be included in the analysis for the report. We will urge NHRIs who would like to provide further detailed inputs to submit input to the Questionnaire to ohchr-freeassembly@un.org by 15 December 2021.²

Crisis types:

The types of crisis situations identified for the purpose of the consultations:

1. **War and armed conflict;**
2. **Humanitarian crisis** such as famines;
3. **Narco-trafficking, gang violence and terrorism;**
4. **Natural and man-made environmental disasters** such as earthquakes, oil spills or extreme weather situations (e.g. droughts, tsunamis, hurricanes, etc.);
5. Major **environmental crisis** such as climate change
6. **Health crisis** such as the COVID-19 pandemic
7. **Economic crisis** such as an economic crash in a country (e.g. related to stock crisis, real estate crisis, etc.)
8. **Political crisis** such as a coup d'état, a major political contestation (e.g. to elections) or other political conflicts
9. Crisis related to **poverty and inequality**
10. **Crisis of systemic discrimination** against particular groups
11. **Other priority crisis (not mentioned in the list)**

Participants to the workshop will be asked to select the most relevant and impactful crisis situations in relation to peaceful protest in their environment, and to discuss how these **impact on the right to peaceful protests and protection of human rights in the context of the peaceful protests.**

² The Questionnaire can be found here: [OHCHR | Call for inputs 50th HRC session](#)

Mandate of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association

Participants are encouraged to submit answers to the crisis type questionnaire before the workshop, by **1 December**:

<https://docs.google.com/forms/d/e/1FAIpQLSdIRv0qjO7ybuZYO4n6CqxhqR6y1wEY2hfNo uLsEL7ZyybymQ/viewform>

III. GENERAL OBJECTIVES

The consultation aims at gaining the views and (field) experiences from NHRIs on how human rights could be better protected in the context of **peaceful protests** during **crisis situations**, as well as on how the role of NHRIs can be strengthened, including in monitoring, reporting and protection work in this context.

Through this research and report, the SR FoAA aims at changing the perceptions of States and other actors that often perceive protests as a threat to national security or stability. The SR would aim to demonstrate through examples that protests are in fact a positive peaceful tool of solving crisis, strengthening democracy, and are important for peace-building and conflict prevention.

IV. EXPECTED RESULTS:

- A.** To identify the main challenges, restrictions and human rights violations committed in the context of protests in crisis situations, including challenges for NHRIs to protect rights through monitoring and reporting in this context.
- B.** To collect specific examples of good/promising practices of how human rights could be protected in the context of peaceful protests in crisis situations (taking into account the duty of States to protect, enable and respect this right, but also the role of other relevant non-state actors).
- C.** To identify examples of actions taken by NHRIs to protect human rights during protests in different crisis.
- D.** To collect examples of how peaceful protests have contributed to solving a crisis, strengthen democratic institutions, human rights and justice.
- E.** To identify recommendations to States and NHRIs on ensuring protection of human rights in the context of peaceful protests in crisis situations.
- F.** **Gender perspective** of challenges, restrictions, recommendations etc will be highlighted.

V. MODALITIES

The consultations will be held online in a format encouraging proactive interactions, and contributions from all participants, including experience sharing through working groups.

Interpretation will be provided in English, French and Spanish languages.

Mandate of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association

Session 1: Open Discussion (highlighting the context/main issues)

The consultations will start with a general discussion on the impact of the identified by participants crisis **on peaceful protests** and the impact on the enjoyment of human rights during protests in these crisis.

Questions to explore:

- How the crisis you observed/experience in your environment, **have impacted on the freedom to hold peaceful protests?**
- What types of measures have you observed or do you have knowledge of being taken **by States** in response to such crisis situations, that impact on the enjoyment of human rights during protests? (such as security laws/emergency laws/ant-terrorism laws, laws to respond to public health crisis such as COVID-19 pandemic; management of protests prior, during and after of protests; online restrictions, etc)
- Have you observed certain types of protests/protesters that have faced additional restrictions/violations (such as protests organized by or highlighting issue related to by women, minority groups, refugees, vulnerable groups, etc)

Session 2: Working groups (detailed discussions)

The participants will be divided into groups, according to the translation needs. Each group will discuss the below question from the point of view of their own experience of specific crisis in their environment which they have identified as impacting peaceful protests and in which context human rights violations have been committed.

- Each group will discuss in more depth the specific challenges and impacts of upholding and protecting the right to peaceful assembly in the selected crisis, considering the roles of the bellow **actors to restrict the right to freedom of assembly** in the crisis:
 - National authorities
 - Law enforcement/Other security forces
 - Non-state actors (companies, armed groups, etc)
 - Courts and judiciary (to impose restrictions, for ensuring accountability)
 - Social media
 - Others?
- Discuss what restrictions NHRIs have faced/are facing in monitoring, documenting, reporting and protection against human rights violations in the context of peaceful protests during crisis.

Mandate of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association

- Participants will discuss and note experiences of good practices by States, if any, to protect human rights during protests in crisis. Also good practice by NHRIs to protect human rights in the context of peaceful protests in different crisis (COVID, security, armed conflict etc)
- Discuss examples of how protests may have helped to solve crisis/deescalated political/social tensions in the country.
- Make recommendations, taking into consideration the gender aspects, on strengthening protection of human rights during protests in crisis; and on the support to NHRIs to ensure better protection of human rights in these contexts.

The results will be presented by one rapporteur selected by each group and will be discussed in plenary.

Session 3: Open discussion (recommendations)

An open discussion with NHRIs to discuss specific recommendations to the Governments, international community, non-state actors, technology companies, media etc **to enhance protection of human rights during peaceful protests in crisis contexts.**

NHRIs will also identify how their work/support as NHRIs can be strengthened to enhance monitoring and protecting human rights during protests in crisis.



Mandate of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association