



**Issue:** Protecting the rights of peaceful protestors

**Forum:** General Assembly 3

**Position:** President Chair & Deputy Chair

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## Introduction

According to the UN (United Nation) and Human Rights, peaceful protests are not a threat and they have played a constructive role throughout history. They are heavily supported by the United Nations Human Rights Council (UNHRC) and the Office of The United Nations High Commissioner for Human Rights (OHCHR). Both departments work to protect and promote human rights all around the world which makes the safety and the protection of peaceful protests a matter of human rights. Common knowledge suggests that violent acts and chaos are more successful when it comes to the implementation of an idea or a change. The opinion believes that no great authority or a dictatorship will give up their power and listen to the people below them without acts of violence or casualties. However, that is a misconception. Lethality and prosecution in a protesting event cannot be justified to be “right” even if the statement was valid. Violence will devalue the main idea. One more reason why human rights support peaceful protests is, as its name implies, peace is the foundation of such events. A common goal of human rights and the UN is to achieve peace as the 17th Sustainable Development Goal intends.

## Definition of Key Terms

**Peaceful Protest:** A peaceful protest is also known as nonviolent resistance. The protests are done to express disagreement or disapproval by a statement or a demonstration without using violence or any kind of harmful act. The protests are mainly held to spread an idea and request a change. Overall, peaceful protests must take passive action to achieve the intended change.



(Women's

Rights Protests in the USA)

**Boycott:** “To engage in a concerted refusal to have dealings with (a person, a store, an organization, etc.) usually to express disapproval or to force acceptance of certain conditions” (Webster, Merriam. *Dictionary*)

**Riot:** An occasion when a large number of people behave in a noisy, violent, and uncontrolled way in public, often as a protest” (Cambridge, Dictionary)

## General Overview

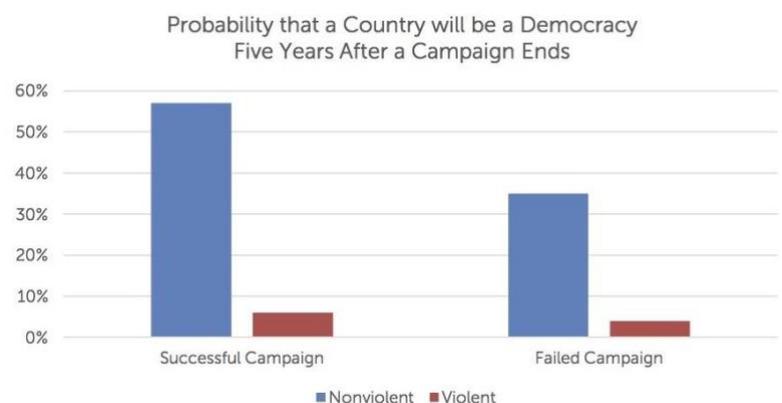
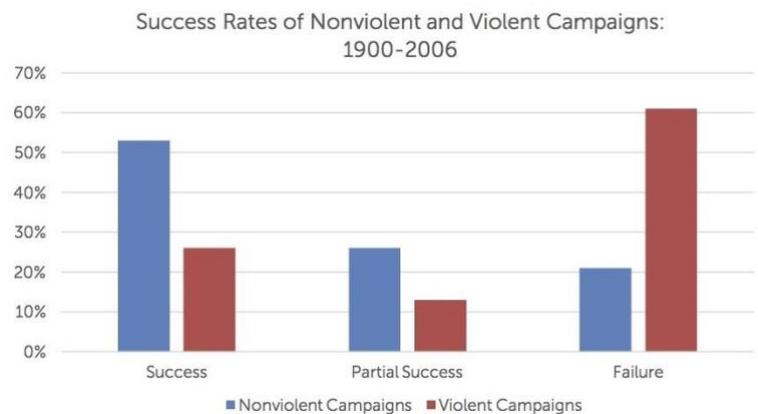
### Success of Protests

As mentioned before, violent resistance is believed to be more successful than peaceful protests. However, it is factually proven that it is a misconception. In 2011, a research has been conducted by Erica Chenoweth and Marian Stephan which compared nonviolent and violent campaigns and their rates of success. The campaigns that were

recorded and used for the statistics were major civil movements, riots and outbursts with big intentions, between 1900-2006. The protests were confronting governments to seek changes within the country like the change of regime, removal of foreign occupants from the country or secession from a country. The notable events played a significant role in history. The collected data was scanned and the results showed that nonviolent resistance was twice as more effective and successful than violent movements. It also showed a vital difference in the long run as well. According to the data, the countries who followed peaceful ways and held a nonviolent campaign were more likely to become a democracy 5 years after the campaign. This proved that peaceful protests are more successful, powerful and influential both in the long run and during the campaigns.

## Major Parties Involved

ICNC (International Center on Nonviolent Conflict): ICNC is a private nonprofit foundation and it has been educating and researching on the topic of civil resistance. It has promoted nonviolent campaigns and influenced many activists by responding to the people who face oppression and injustice. ICNC does



not give political or strategic advice to the activists or assist them with their campaigns but it provides the necessary information and knowledge on civil rights movements.

**France:** France has used the state of emergency to restrict peaceful protests and the freedom to assembly. The state of emergency was implemented after the terrorist attacks in Paris, November 2015. The state of emergency directly impacted the freedom to rally and protest. Several organizations, that are associated with human rights, have stated their concerns about the new anti-terrorism law that replaced the state of emergency. The new law may hinder and violate the rights of people in France.

**Syria:** Syria is currently in a state of war and acts of terrorism are frequently seen. Before the war broke out, peaceful protests have been tried against the Assad regime. The government deployed forces against the protesters. Use of violence and massive imprisonment resulted in a major rebellion. The riots, terrorism and the government's actions have led to a civil war and now the death toll is getting higher everyday.

## Timeline of Key Events

India 8 August 1942	Quit India Movement	During World War II, Mahatma Gandhi launched the Quit India Movement. The movement hindered the British recruitment of Indians for the war. After the movement, initiators were imprisoned. Eventually, they got out and not so long after the war, independence
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		of India from Britain was granted.
The United States of America 1954 - 1968	The Civil Rights Movement	The movement led by Martin Luther King Jr. was a protest against racism and discrimination. African Americans rallied in order to gain rights that other Americans already had. In the end, the movement was a success and it is a remarkable example of nonviolent resistance.
Myanmar 08.08.1988	8888 Uprising	8888 Uprising took place in Myanmar against the dictatorship of Ne Win and demanded democracy. The revolution backfired a couple months later when military forces regained power and took control over the government using violence over the protesters. 3.000-10.000 people are believed to have died even though the government stated only 350 had lost their lives during the conflict.

<p>Sudan</p> <p>30 January 2011 – 26 October 2013</p>	<p>Protests in Sudan</p>	<p>The protests in Sudan began due to corruption, austerity, unemployment and economic problems. After South Sudan declared its independence, Sudan lost more than half of its territory with oil fields. The high levy got the public struggling and the protests began. Journalists were jailed, protesters were killed and arrested, and security forces used violence over the protesters. More than 200 people died and 2.000 were imprisoned.</p>
<p>Syria</p> <p>15 March 2011 – 28 July 2011</p>	<p>Syrian Uprising</p>	<p>The uprising was an act against President Bashar al-Assad's regime and peaceful protesters were harshly opposed by the security forces. The protests led to a massive rebellion against the Assad regime.</p>
<p>Geneva</p> <p>15.12.2011</p>	<p>Appointment of a Special Rapporteur</p>	<p>The Human Rights Council appointed a Special Rapporteur on the rights to freedom of peaceful assembly and of association, reflecting concern that peaceful protest was insufficiently protected in many countries, and that the normative content of the relevant right needed to be examined, reaffirmed, and perhaps refreshed.</p>

<p>Turkey</p> <p>28 May 2013 -</p> <p>30 September 2013</p>	<p>Gezi Park</p> <p>Protests</p>	<p>Gezi Park protests took place for around 3 months in Taksim, Istanbul. The government decided to demolish one of the few parks in the area and build a mall instead. People protested against the movement while the police forces started to use severe force on the protesters. 7 civilians and 1 commissioner died during the conflict.</p>
<p>18 June – 6 July 2018</p>	<p>Most Recent</p> <p>Resolution on</p> <p>Peaceful Protests</p>	<p>The Human Rights Council adopted a resolution on ‘The Promotion and protection of human rights in the context of peaceful protests’ which encouraged ‘all States to avoid using force during peaceful protests, and to ensure that, where force is absolutely necessary, no one is subject to excessive or indiscriminate use of force’.</p>

## Previous attempts to resolve the issue

ARTICLE 19 welcomes the consensus adoption of an essential new resolution on human rights and protest at the 38th Session of the UN Human Rights Council (HRC).

In a first for a UN resolution, it underscores that human rights must be protected on the Internet to enable online and offline protests, and calls for further UN guidance on this topic. It also builds

upon language to preserve the role of journalists in reporting on demonstrations, as well as elaborating additional advice to States on the proper management of assemblies to safeguard human rights in protests.

Many countries require forms of previous authorization, that, in effect, narrow the scope of peaceful protests, introducing difficult bureaucratic schemes to prevent potential protestors. Guidelines of the Organisation for Security and Cooperation in Europe and the Special Rapporteur on the rights to freedom of peaceful assembly and association recall the need for States to be vigilant in these regards.

The limited scope of the right of freedom of expression, to be seen in article 19 of the ICCPR, was lately the subject of a General Comment of the Human Rights Committee – General Comment 34. The General Comment presents a full extrapolation of each of the requirements of the restriction clause, whereby any restriction must be granted by law, be necessary and proportionate and only be for the specific purposes recognised in the clause (respect for the rights and reputation of others, protection of national security, public order, public health or morals ).

Concerning the use of force in restricting protest, the Inter-American Commission has held that States should establish administrative controls to guarantee that in public protests force is only used where required and that measures for planning, prevention, and investigation of cases in which misuse of power may have occurred should be adopted.

## Possible Solutions

A right based approach towards peaceful protests suggests that States should require that organizers provide a warning rather than seek formal authorization for peaceful protests.

The necessary for notification should also be understood as a way of assuring that

information regarding the time, place and manner of protests is properly conducted. Previous administrative requirements and procedures such as notification should not be used as a hidden obstacle to the exercise of the right to peaceful protests. Furthermore, provision should be made for the holding of a process without earlier notification in cases of involuntary reaction to a rapidly changing situation.

States have three essential obligations:

- 1) To abstain from committing violations, including by use of extreme force, against individuals practicing their rights to peaceful assembly, expression, and association.
- 2) To defend individuals from exercising these rights from abuses by non-state actors.
- 3) To fulfill these rights by taking affirmative measures to stop violations from occurring, and assuring that everyone can freely and effectively exercise them.

The state should support the right to peaceful protest by guaranteeing access to information and communication technologies, including Internet and social media. States may restrict access to websites, or control their content, only on one of the grounds for the restriction that are recognized in the ICCPR and in a way that appreciates the principles of necessity and proportionality.

Special care should be taken by police officers and other law enforcement officials to avoid using force against children, the elderly, and persons with disability, among others.

Any sexual violence against participants, and in particular against girls and women, is banned.

## Appendix/Appendices

[The Promotion and Protection of Human Rights in The Context of Peaceful Protests,25/38](#), , United Nations, General Assembly, Human Rights Council, 11 April 2014

[The Promotion and Protection of Human Rights in The Context of Peaceful Protests, 38/...](#), United Nations, General Assembly, Human Rights Council,18 June–6 July 2018

[The Art and Science of Civil Resistance: Brochure on Nonviolent Conflict](#), ICNC, 2018

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