

Implementing global guidelines giving instructions on the handling of peaceful protests to prevent violent escalations

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We have recently witnessed some of the most impactful global movements amid the ongoing global pandemic. From global repercussions following the murder of George Floyd in 2020, causing the Black Lives Matter movement to expand to a worldwide scale, to the revolutionary Indian farmer protest, being the largest strike in world history, we are experiencing a time of protest all over the world. Many protests manage to remain peaceful, while others escalate into violent confrontations. Although we see all different advocates for change coming together to inspire a better world, we simultaneously witness police response disparities in different nations. In the wake of the ongoing pandemic, we are further confronted with the impact social media has on protesting and resistance regarding the organization and online action. To prevent violent escalations, we have to face the causes of violent escalations and the implementation of global guidelines for authority to handle peaceful protests to prevent escalations into violent confrontation.

Definitions of key terms

Arbitrary arrest/ detention

An arbitrary arrest is the arrest and deprivation of liberty outside the confines of nationally recognized law or international standards. Detention may be illegal without being arbitrary and vice-versa. Illegality simply means that the law has not been complied with, whereas arbitrary refers to the unjust or disproportionate nature of the detention or arrest. International law dictates arbitrary detention conditions when the grounds for arrest are illegal or authorities did not inform the victim of the reasons for their arrest. Further, when authorities did not respect the victim's procedural rights or the victim was not brought before a judge within a reasonable amount of time¹.

Freedom of association

The freedom of association is clarified in a resolution adopted by the Human Rights Council (15/2), "The rights to freedom of peaceful assembly and of association." It is further anchored in article 11 of the European Convention on Human Rights. It is defined as the freedom to associate with any group a person wishes to. This right includes joining or leaving a given group and taking collective action on behalf of its individual members. This right is commonly used in connection to employment, referring to trade unions and political parties. However, it is also closely related to the freedom of peaceful assembly and an essential aspect of the right to protest².

Freedom of opinion and expression & access to information

The Universal Declaration of Human Rights states freedom of opinion and expression & access to information for all in article 19. Article 10 of the European Convention on Human Rights outlines the freedom of opinion and expression, and access to information. This right includes expressing opinion freely through public protest and demonstrations or publications, social media, and the internet. However, this right can be limited by the need to protect national security, territorial integrity, or public safety. It can also be limited to prevent disorder or crime or the disclosure of information received in confidence, protect health or morals, and the rights and reputations of other people. Authorities must show the reasons for these restrictions to be lawful, necessary, and proportionate by the public authorities responsible³.

Non-discrimination

According to the World Health Organization, the principle of non-discrimination seeks "to guarantee that human rights are exercised without discrimination of any kind based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status such as disability, age, marital and family status, sexual orientation and gender identity, health status, place of residence, economic and social situation." In the context of protests, this is applicable in the administration of justice following protests and the handling of protesters by authorities regarding arbitrary arrest and detention, crowd control, and violence⁴.

Non-violent action

The absence of violent action, defined as intentional physical harm toward persons or property, is regarded as non-violent actions. For exact classification, Gene Sharp researched and identified 198 methods of nonviolent action, which include types of civil resistance such as but not limited to sit-ins, strikes, boycotts, rude gestures, and displaying and wearing of symbols and flags⁵.

Peaceful protest

Non-violent resistance or action in the form of protest to achieve goals is the generally accepted definition of peaceful protest. An assembly for protest can be peaceful even if it is considered unlawful under domestic law. It, therefore, can include conduct that temporarily hinders, impedes, or obstructs the activities of another party (for example, the temporary blocking of traffic). The term 'peaceful' should be interpreted to include conduct that may annoy or give offense to individuals or groups opposed to the ideas or claims that the assembly seeks to promote. A prerequisite for peaceful protest is the organizer's and participants' peaceful intentions, which are presumed unless there is convincing evidence showing an intent to incite violence. It is the authority's responsibility to prove violent intentions by the organizers of a protest. Evidence to prove violent intent does not include violence at past protests with the same organizers or participants. The organizers must be allowed to challenge any adverse inference drawn from the evidence provided⁶.

Protest

A protest is a collective action taken to express a shared view or criticism. These can include the expression of political, social, or cultural views to vocalize the support or opposition of a government, action, group, policy, public issue, or raise awareness. Protests are closely linked with the promotion of democracy, with the Inter-American Court expressing that it should be understood to "[correspond] not only to the exercise of a right but also to compliance with the obligation to defend democracy."

Right to life

The right to life can be found in many international legal frameworks but is most generally recognized in article 3 of the Universal Declaration of Human Rights and article 6 of the International Covenant on Civil and Political Rights. The ICCPR adds that this right "shall be protected by law" and that "no one shall be arbitrarily deprived of life." In Article 4, paragraph 2, the covenant states that exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any derogation from the person's worldwide right to life and security. These articles in international law are particularly applicable to protests in which violent escalations lead to fatalities⁷.

Right to peaceful assembly

The international standards on the right to peaceful assembly are anchored in article 20, paragraph 1 of the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights (article 21), and other international conventions and declarations. These documents recognize that everyone should enjoy the right to freedom of peaceful assembly. This right to peaceful assembly is limited through violence or threat of violence, allowing authorities to prevent gatherings that pose an immediate threat to public safety⁸.

Special rapporteur

Among the many mechanisms of the UN, a special rapporteur is a type of special procedure. They are in charge of holding inquiries into violations and intervening on specific issues of urgent situations. They study and draft a report on a country's situation regarding a human rights issue. To protect human rights, they are independent, sit individually, and cannot be appointed for more than six years⁹.

Spontaneous protest

Protests that have not been announced and registered to local authorities in advance of the event are considered spontaneous protests. Guidelines and regulations on this vary depending on the country. Some countries allow the protests despite requests to give notification, while other nations may ban them¹⁰. In Azerbaijan, for example, the report must include the name, purpose, place, and date of the event, the approximate number of participants, and if a street march is held, its proposed route, including starting location, distance, and destination, as well as the name and contact information of the organizers. However, spontaneous protests are nevertheless a legitimate form of expression of criticism¹¹.

Violent escalations

Violent escalations are the gradual change from a peaceful protest, as previously defined, to a demonstration no longer fulfilling the parameters of non-violence. The conventional definition of violence is the intentional physical damage to a person or property. This definition presumes that there are no weapons necessary to cause violent escalation. Further, there is no minimum threshold of fatalities or injuries required for a protest to be considered violent. Violent escalation can have different sources and can be initially incited through participants, organizers, or authorities¹².

The handling of peaceful protests

Protests are considered to be an essential pillar of democracy, giving citizens their right to express their grievances on an issue publicly. However, these peaceful protests can rapidly escalate into violence when handled inappropriately. Therefore, it is essential to implement a global standard on handling protests by authorities to prevent these escalations.

To determine effective strategies to prevent escalations of violence at protests, we can look at some of the causes of violence. Martin Luther King Jr. said: “a riot is the language of the unheard,” the quote expresses what research has shown as to how a deep sense of despair and helplessness that things will never change can lead to a resort to violence. When people lose their trust that their appeal to authorities through peaceful protest is not being heard, protesters will be more likely to adopt violent methods. Violent protest is perceived as less legitimate, shown by a study by the University of South Carolina, Stanford University, and the University of Toronto called “Does Violent Protest Backfire? Testing a Theory of Public Reactions to Activist Violence”. However, research also shows that this assessment changes when authority is seen as corrupt and immoral¹³.

In the wake of the Black Lives Matter protests all over the US, at least 950 instances of police brutality were recorded. Among those were more than 500 instances of police using less-lethal rounds, pepper spray, and tear gas. 60 incidents of officers using unlawful assembly to arrest protesters, 19 incidents of police being permissive to the far right and showing double standards when confronted with white supremacists, five attacks on medics, and 11 instances of kettling¹⁹. We know from decades of research into policing and crowds that violent, heavy-handed treatment from the police is a significant protest violence catalyst. Such experiences lead people to redefine their understanding of the demonstrating group’s purpose.

Ernest Coverson, Amnesty International USA’s End Gun Violence Campaign Manager, said: “The unnecessary and sometimes excessive use of force by police against protesters exhibits the very systemic racism and impunity they had taken to the streets to protest.” In many cities law enforcement confronted protesters while wearing riot gear as a first level of response, rather than in response to any particular acts of violence. Again, and again, law enforcement used physical force, chemical irritants, kinetic impact projectiles, and arbitrary arrest and detention as a first resort against largely peaceful demonstrations. In several cities, law enforcement resorted to physical force

against largely peaceful protesters to enforce hastily rolled out curfews. Between 26 May and 5 June 2020, Amnesty International documented at least six incidents of police using batons and 13 instances of the unnecessary use of kinetic impact projectiles in 13 cities across the country¹⁶. As a result of this excessive use of force by authorities, protesters resorted to violence.

Ernest Coverson further stated: "Giving law enforcement weapons of war creates an endless cycle of violence that disproportionately affects Black people. We are a society that has chosen to let law enforcement kill Black people in near-total impunity and attack protesters who peacefully exercised their right to speak up against these human rights abuses. This research shows that the police will stop at nothing to squash protesters. No one had to lose their eyesight, get sick, or forever fear the police because they wanted to say that Black lives matter. It's time to end these human rights violations once and for all."¹⁶

Social media platforms have been widely used to mobilize people online and have aided in coordinating or raising awareness for a cause. A prime example of the role social media has in protests is the Hong Kong protests. Demonstrators have remained mainly anonymous by using social media to avoid being identified and arrested by police authorities. According to media experts, tech has played a significant role in the documentation, organization, and assembly of the large-scale protests of Hong Kong. Although social media is not a new concept, now protesters are using social media to demonstrate a heightened awareness of cybersecurity and an increased understanding of how to communicate with the medium effectively¹⁷.

In 2014, the "Umbrella movement" used social media as a means to conceal identities, spread information, mobilize demonstrators and avoid detainment. But recently, tech has further been used to encourage sympathy and spread awareness by sharing police brutality videos. Instagram has served as a platform for protesters to share "visually-compelling campaign posters, slogans, as well as image/video evidence of police violence," and that has been something different from previous protests in Hong Kong. Examples are known worldwide, from police misconduct in the US to the treatment of protesters at SARS protests or authority responses in Myanmar¹⁷.

However, social media has become even more impactful through the global pandemic. Global movements such as Fridays For Future have resorted to social media to further their campaign during the pandemic. Movements like FFF found a lot of support through social gathering among young people, and the rising cases of Covid-19 have hindered these from taking place. Moritz Sommer, a researcher on protests and social movements at the DEZIM Institute in Germany, says that: "We know from our data that direct social encounters like the social dimension of protests play a huge role in motivating young people to go on the streets, and this is obviously missing when you can only meet online." But the movement was able to adapt and even claimed to have held the largest digital demonstration on 24 April. Despite these challenges, Joel Lev-Tov, a member of the media team at Fridays for Future Digital, says: "Media attention is crucial to putting pressure on government officials, because media has a much wider reach than we'll ever have."¹⁸

Particularly during the pandemic, social media plays a vital role in mobilizing people to protest while adhering to social distancing regulations. Access to the Internet has become an essential aspect of an assembly for organizers, participants, monitors, and human rights defenders. Online activism related to crowds, therefore, warrants protection, particularly during this pandemic. However, outside of the pandemic, social media plays an integral part in mobilizing large groups and spreading awareness, leaving the question of whether, even after the pandemic, social media could play an essential role in enabling peaceful protest.

Nevertheless, during the pandemic, anti-lockdown protests have also emerged. People have taken to the street worldwide to protest lockdown restrictions, and protesters have clashed with police leading to violent escalations. In Kassel, in Germany, more than 20,000 people participated in anti-

lockdown protests. There were also confrontations between demonstrators and counter-protesters. Beforehand, federal police were brought in and eventually used water cannons and helicopters for crowd control. Various groups, most of them far-right opponents of government regulations to fight the Covid-19 pandemic, had called for protests in cities across the country. Similar protests erupted in large cities like London, Helsinki, Bucharest, and Vienna²¹. In the Netherlands, protests turned violent, resulting in more than 240 arrests after the government introduced an overnight curfew. In the coastal town of Urk, violent protesters torched a COVID-19 testing center and threw fireworks at the police.

Amidst these times of high tension and civil unrest, we strive to find solutions to how authorities should handle protests' escalations. When looking at various demonstrations and how different nations deal with violent escalations, we can find unity in handling these difficult situations to avoid causing more conflict and violence.

Major parties involved

Belarus

"Slipper uprising," June 2020

After another election win of Alexander Lukashenko on August 9th, where he first accused his opponent of having falsified the results and claimed to have won by a large margin, the first protest against the president started, followed by many cases of violence by the authorities against the protesters.

New protests began because many people were frustrated as the president of Belarus held lengthy meetings with Vladimir Putin and, therefore, appeared to strengthen Belarus and Russia's relationship. Especially young people oppose Russia while favoring closer bonds with the EU²². Protesters in the major cities of Belarus gathered to question the legitimacy of the election results from 9. August. Lukashenko won the vote for a sixth term with major oppositional candidates barred, threatened, or arrested. According to first-hand accounts by Amnesty International, the police responded with: "indiscriminate use of force, including stun grenades, against a peaceful crowd, and arbitrary arrests of individuals who were far from any protest." Hundreds were arrested in connection with the protests since they started, and at least four protesters have been confirmed dead²³.

China

Uighur unrest, 2008

In 2008, China confirmed protests by Uighur Muslims in China's northwestern region Xinjiang against Chinese rule and Tibetans rioting in the southwest. Authorities quickly suppressed Uighur demonstrations, and thousands of security officers were deployed to squash Tibetan unrest. Officials said the protest was staged by Islamic separatist groups seeking to foment a broader uprising in Xinjiang. Human rights groups say that Chinese Uighurs, like Tibetans, have fought for greater freedom to practice their religion and more autonomy from Beijing²⁴.

Germany

Coronavirus lockdown protests, April 2020

"Querdenker" is a movement that has initiated protests across the country against COVID-19 restrictions. After Protesters did not follow social distancing regulations at many of the demonstrations that took place, violence escalations surged, and officers used batons, pepper spray, and water cannons to disperse crowds²⁵.

Police brutality protests, June 2020

Protests erupted in cities all over Germany following the murder of George Floyd in the US. In cities such as Berlin, 15 000 attended; in Munich, 20 000 attended and 14 000 in Hamburg. The protests

remained mainly peaceful, some altercations erupted against officers, and in Berlin, this resulted in 93 people being arrested and 28 officers injured²⁶.

Hong Kong

Hong Kong autonomy protests, April 2019

The protests were provoked by an extradition bill that gave the Hong Kong government permission to send criminals to China. Even though the bill was later withdrawn, peaceful demonstrations continued, calling for more democracy and Hong Kong's independence from China. Since then, it came to restrictions about expression and assembly rights and several incidents where the police killed or arrested protesters, which led to even more uprising and a demand for justice²⁷.

Democracy activist arrest protest, February 2021

The arresting of several pro-democracy activists has triggered new protests in Hong Kong. Protesters and foreign politicians see the arrests as another restriction of the freedom of expression by China. China's control over Hong Kong grows with the new security law, claiming it is needed to restrain the 'violent' pro-Democracy protests. They now suppress the opposition democratic party by arresting people involved in the election campaign and activists fighting for a more democratic system and justice for those arrested²⁸.

India

Migrant worker protest, April 2020

The lockdown was renewed in India, and migrant workers were looking to return to their towns. After issuing warnings, police used batons and force to disperse a crowd of more than 1000 people. The Indian government had been criticized for its handling of the Covid-19 lockdown. Videos emerged of workers walking hundreds of kilometers to get home because of nationwide transportation lockdowns²⁹.

Renewed protests started when a construction company asked workers to return to their work despite the ongoing pandemic threat. Workers refused, stating that they had not been paid since march and wanted to go home. Police de-escalated the situation, and the construction company eventually agreed to pay the workers. Two people, including an officer, were injured in the protest³⁰.

Farm bill protests, September 2020

Protests against three bills signed in September have been ongoing since November. While Prime Minister Narendra Modi called the reforms a "watershed moment" for Indian agriculture, opposition parties have termed them "anti-farmer" and likened them to a "death warrant." Angry and concerned farmer groups view the bills as unfair and exploitive. On 26 January, protests turned violent when protesters broke through police barricades, clashes broke out with police, and one protester died, and an estimated 500 police officers were injured³¹. Police hit protesters with batons and fired teargas to disperse the crowds after hundreds of thousands of farmers, many on tractors or horses, marched on the capital. Farm union leaders have condemned the violence, but iron nails, rods, barbed wire, boulders, and makeshift walls have been used to barricade the capital's borders against the protesters since early February³². With over 5 million people marching to Delhi and 250 million taking part in strikes, this is the largest organized strike in world history.

Myanmar

Coup protests, February 2021

On 1 February, a coup by Myanmar's generals started renewed political turmoil. The coup comes only a decade after the end of Myanmar's strict 49 years of military rule. The coup triggers nationwide protests. Security forces open fire on protesters and arrest hundreds while armored vehicles are deployed in main cities, and internet access is blocked³³. Protesters all over the country include teachers, lawyers, students, bank officers, and government workers. The military has

imposed restrictions, including curfews and limits to gatherings. Security forces have used water cannons, rubber bullets, and live ammunition to try to disperse protesters. On 27 March, on the deadliest day since the coup, more than 100 people were killed³⁴. It has been reported that the military does not hesitate to shoot at women or children. According to Amnesty International, authorities have committed war crimes and other human rights violations³⁵.

Nigeria

SARS protests, October 2020

#EndSARS went viral in October of 2020, but protesters in Nigeria have been protesting against police brutality for years. SARS is the Special Anti-Robbery Squad in Nigeria and has been accused of robbing, attacking, and killing people for years. Videos of police brutality and shooting went viral and gained renewed outrage sparking protests in Nigeria again. The movement eventually gained worldwide attention, and the hashtag went viral. As of Friday, 16 October, there were nearly 3.3 million tweets with 744,000 retweets of posts containing the #EndSARS hashtag³⁶. Shortly after, the Nigerian government disbanded SARS. Still, the protests continued, followed by repression by the army killing at least 12 people in the Lekki Toll Gate shooting on October 20³⁷.

Poland

Abortion rights protests, October 2020

Thousands of protesters demonstrated against a near-total ban on abortion. Opponents of the law called for a referendum on the right to abort malformed fetuses, and some protesters have announced they would block traffic nationwide. Demonstrations took place despite a government ban on public gatherings to reduce Covid-19 numbers. Riot police were later deployed as people continued to gather to strike, and military gendarmes were ordered to control crowds³⁸. NGOs accused law enforcement of excessive use of force against peaceful protesters. The country is profoundly Catholic, and protesters disrupted churches by confronting priests with obscenities and spray-painted churches. Simultaneously, far-right groups and soccer fans surrounded churches in defense, sparking confrontation amongst protesters and police. 76 people were detained in connection with the churches. Statements claimed that protesters are “being met with excessive force and violence from law enforcement officials and far-right groups” with authorities using “tear gas, pepper spray and physical assault.” Two NGOs stated that the Polish government was using Covid-19 as a pretense to repress peaceful protests³⁹.

Russia

Moscow election protests, July 2019

Protests erupted in Moscow and other Russian cities after the rejection to allow the independent candidates to participate in the 2019 Moscow City Duma election. Officials disqualified about 30 people, saying they had failed to collect enough valid signatures to stand. Police in Moscow reportedly detained more than 1000 people, and demonstrators were dragged away from city hall while security forces used batons against them. At least 1,074 arrests were made at the banned rally, officials say, while monitors reported 1,127 detention. Police responded in riot gear, and reports stated protesters were bleeding while security forces were injured with pepper spray⁴⁰.

Coronavirus restrictions protest, April 2020

On April 20, hundreds gathered in Vladikavkaz to protest Covid-19 restrictions. A suspected organizer was later arrested and sentenced to two months in prison for spreading false information about Covid-19, stating that the disease didn't pose a threat and was used to control citizens⁴¹.

Aleksei Navalny arrest protests, January 2021

Protests continued across the country against the arrest of a Putin critic and political opposition figure, Alexey Navalny, and state corruption. More than 3700 people were detained at protests,

reportedly the highest number of people detained in a single day in the country. Most protesters remained peaceful, but there were some incidents of violence. However, there were numerous reports of excessive use of force, like beatings by police posted on social media. Human Rights Watch viewed video footage and photos showing police beating people with batons, pushing people to the ground, and kicking them. Police beat protesters, forcing detained people to lay face down on the floor – in some places, like Yekaterinburg, in the snow at freezing temperatures – stomped on them and dragged them towards police vehicles. Russia’s children’s ombudswoman Anna Kuznetsova confirmed that police detained at least 300 children, including 70 in Moscow and 30 in St. Petersburg. There have been several reports of isolated, violent altercations by protesters and deliberate attacks on police during the protests. Many of Navalny’s team and well-known activists, at least 60 people, were detained ahead of or on the day of the protest in different parts of Russia. Authorities used loudspeakers to highlight the restrictions because of the ongoing pandemic. Later announcing the protest was illegal and demanded protesters to leave⁴².

Turkey

Gender-based violence protest, August 2020

On August 5, 2020, protests against violence against women started, provoked by the rising number of women killed in Turkey and the suspicion of a withdrawal from the Istanbul Convention that aims to protect women from gender-based violence⁴³.

Treaty withdrawal protests, March 2021

In March 2021, citizens stirred up protests again because of the withdrawal from the Istanbul Convention, which aims to prevent violence against women. Turkey’s government argues the Treaty would ‘normalize homosexuality.’ Activists are now fighting for LGBTI+ rights and against gender-based violence⁴⁴.

United States of America

Coronavirus protests April 2020

Armed protesters gathered in Michigan’s state capitol while the governor requested to extend her powers to combat Covid-19. Police allowed several hundred protesters to enter the capitol building around 1 pm peacefully but were held back from entering the legislative chamber by state police and capitol staff. Police arrested one protester for assaulting another protester outside of the building. While there was “a little bit of pushing” by protesters inside the building, Lt Brian Oleksyk, a Michigan state police spokesman, said, “after verbally protesting for an hour, things calmed down.”⁴⁵

Police brutality protests May 2020

Black Lives Matter and anti-police brutality protests were sparked all over the US following the murder of George Floyd by police officer Derek Chauvin. The protests have been met with widespread police violence incidents, including punching, kicking, gassing, pepper-spraying, and driving vehicles at often peaceful demonstrations. Thousands have been injured, were arrested, or are suffering from life-threatening injuries. People shared videos of police violence at protests over social media, but police were not adjusting their tactics. Videos were shared of officers driving a police SUV into a crowd of protesters in New York, or a police officer was filmed violently shoving a woman to the ground. The woman was taken to a hospital and suffered a seizure and concussion. In another incident, police shot paint canisters at a woman standing on her own porch. Police further used tear gas, rubber bullets, and cars to attack and disperse crowds. Officials repeatedly attacked medical workers and journalists.

In most cases, no action was taken against the officers utilizing this force, and the ACLU and Black Lives Matter filed several lawsuits. “Across the country, law enforcement armed with military weaponry are responding with violence to people who are protesting police brutality,” said the

ACLU's Ben Wizner. "The first amendment right to protest is under attack, and we will not let this go unanswered."⁴⁶

Capitol riots January 2021

On 6 January 2021, Trump's supporters breached the US Capitol after Trump urged his supporters to fight against the electoral votes' ceremonial counting to confirm US President Biden. Rioters were confronted with overwhelmed security forces, and one woman was shot, and three others died due to medical emergencies. At least 52 people were arrested that day, and the FBI is still searching for participants based on photo and video evidence. The riot was met with less police force than previous Black Lives Matter protests. Tear gas was deployed, but it's not clear whether by protesters or police. Lawmakers and congressional leaders were evacuated from the building. An official said the DC National Guard was not anticipating being used to protect federal facilities. The Trump administration had decided earlier that it would be the task of civilian law enforcement. There were multiple reports of pipe bombs, but all bombs were detonated safely. A curfew was later imposed for the night, and Trump eventually told protesters to go home⁴⁷.

Relevant UN documents

While aiming to find a uniform solution to this issue, we can look at past UN solutions and documents tackling this issue.

Special rapporteur on the standards on the rights involved in social protest and the obligations to guide the response of the State

<http://www.oas.org/en/iachr/expression/publications/Protesta/ProtestHumanRights.pdf>

The rights to freedom of peaceful assembly and of association by the Human Rights Council

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/166/98/PDF/G1016698.pdf?OpenElement>

Annual report of the United Nations High Commissioner for Human Rights on the effective measures and best practices to ensure the promotion and protection of human rights in the context of peaceful protests

<https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.28.pdf>

Academy briefing by the Academy of Geneva on the facilitating of peaceful protests

<https://www.geneva-academy.ch/joomlatools-files/docman-files/Facilitating%20Peaceful%20Protests%20.pdf>

The Universal Declaration of Human Rights

<https://www.un.org/sites/un2.un.org/files/udhr.pdf>

The European Convention on Human Rights (ECHR) protects the human rights of people in countries that belong to the Council of Europe (in particular, article 10 and 11 are relevant to our topic)

https://www.echr.coe.int/documents/convention_eng.pdf

This covenant recognizes the inherent dignity of each individual and undertakes to promote conditions within states to allow the enjoyment of civil and political rights (in particular, article 19 and 21 are relevant to our topic)

<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

<https://www.ohchr.org/en/professionalinterest/pages/useofforceandfirearms.aspx>

The Promotion and Protection of Human Rights in the Context of Peaceful Protests: Submission to the Office of the High Commissioner for Human Rights by the Association for Progressive Communications

<https://www.ohchr.org/Documents/Issues/RuleOfLaw/PeacefulProtest/CSOs/association-for-progressive-communication.pdf>

Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

<https://www.ohchr.org/EN/Issues/Torture/SRTorture/Pages/SRTortureIndex.aspx>

Previous and possible solutions

The academy briefing on “Facilitating Peaceful Protests” by the Geneva Academy recommends a special training of law enforcement officials on crowd facilitation and human rights: “They should be familiar with human rights principles and human rights law, aware of the circumstances in which restrictions on assembly may be imposed, and understand clearly the limits of their authority, notably with regard to the use of force. Training should include real-life scenarios, including instructions on use of force and ‘less-lethal’ weapons in the context of protests, to ensure that, when use of force is absolutely necessary, it is also appropriately targeted and proportionate to the circumstances.” They further highlight how human rights’ continuous protection must remain officials’ priority while responding to violent escalation. If the situation allows it, violent individuals should be removed from the crowd, allowing the peaceful protest to continue. Delegates may seek to declare a universal standard of education on de-escalation of protest crowds for law enforcement to undergo.

Further, the “Basic Principles on the Use of Force and Firearms by Law Enforcement Officials” may provide a basis as to the generally accepted use of force on demonstrations by law enforcement. When aiming to set an international standard applicable to protests, delegates should expand on these regulations, for example, by requiring a global standard of police identification. This requirement would ban plainclothes or undercover officers or informants from being placed in a crowd. This would avoid confusion and rising tensions between law enforcement and protesters.

The Inter-American Commission on Human Rights has identified a list of best practices for avoiding arbitrary life deprivation during protests.

- Implement effective mechanisms to prohibit the use of lethal force in the context of public demonstrations.
- Implement an ammunition registration and control system.
- Implement a communications records system to monitor operational orders, and identify who issued them and who carried them out.
- Promote visible markings that personally identify police agents who participate in public law enforcement operations.
- Promote communication and dialogue opportunities with the organizers of demonstrations before they occur; appoint liaison officers to coordinate during protest activities and law enforcement operations to prevent conflict situations from arising.
- Appoint political officials responsible for law enforcement operations during marches, particularly during scheduled protests or prolonged social conflicts, or where potential risks to the demonstrators’ or others’ rights can be anticipated.
- Instruct such officials to supervise field operations and ensure strict compliance with norms governing the use of force and police conduct.
- Establish administrative sanctions for law enforcement personnel who commit abuses or acts of violence; involve independent investigators and victims.

Questions to consider

While looking for solutions to this issue, we must consider different aspects that have an essential impact.

- How can vulnerable persons (for example, underage persons and disabled persons) at protests be protected?
- Should protests with different causes be treated differently?
- How is social media used in organizing and coordinating gatherings affecting the freedom of peaceful assembly and the freedom of expression?
- How are unprofessional and biased media reporting and fake news affecting the freedom of peaceful assembly?
- How do other factors surrounding the actual protest impact the likelihood of violent escalations, and how can these factors be addressed beforehand to decrease the possibility of violent escalation?
- How is Covid-19 affecting the freedom of peaceful assembly, and how can nations respond to this?

Amidst a global pandemic, we are experiencing various protests and movements for social justice and change. Farmers organized the world's largest strike in history, protesting against exploitative bills, the Black Lives Matter organization fighting for racial justice, and women in Poland standing up for reproductive rights. But the recent influences of social media and the pandemic have forever changed the way activists protest for their rights. Online campaigns have achieved global reach, and awareness is raised by sharing videos of police violence. While we witness advocates for change, we are simultaneously faced with law enforcement's disturbing response at many protests. Officers drive cars into crowds, use batons to disperse crowds, and open fire on unarmed peaceful protesters. However, the issue is rooted even deeper than this and demands for nations to recognize the reasons why protesters turn violent after repeated patterns of suppression and dismissal by authorities. So in an effort to find a global consensus on guidelines to the handling of peaceful protests, nations have many steps to take that most promote the protection of all inherent basic human rights.

Further reading

An overview of countries protests since 2017

<https://carnegieendowment.org/publications/interactive/protest-tracker#>

Special rapporteur on the standards on the rights involved in social protest and the obligations to guide the response of the State

<http://www.oas.org/en/iachr/expression/publications/Protesta/ProtestHumanRights.pdf>

Annual report of the United Nations High Commissioner for Human Rights on the effective measures and best practices to ensure the promotion and protection of human rights in the context of peaceful protests

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