

Forum: Human Rights Council (HRC)

Issue # 1: Measures to address government violations against the right to freedom of peaceful assembly and association.

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Position: Chair of Human Rights Council



BLUE, VICTOR J., "Protesters march against the Trump administration in midtown Manhattan on April 19. More than 700 events were planned nationwide as people turned out to speak against the administration's handling of immigration, civil liberties, and federal job cuts." The Boston Globe, Updated April 19, 2025, <https://www.bostonglobe.com/2025/04/19/nation/anti-trump-protesters-turn-out-rallies->

new-york-washington-other-cities-across-country/

Guiding Questions as you Read

Has your country been accused of violating these rights in the past?

What laws does your country have about assemblies and associations?

How do international human rights standards influence your country's approach to protecting the right to peaceful assembly and association?

How do authorities in your country manage peaceful assemblies before, during, and after they take place? Do they respect their citizens' right?

Key Terms

Freedom of peaceful
assembly
Government Violations
Suppression
Criminalization
Intimidation tactics
Citizen rights
Advocacy

Introduction

Since the adoption of the right to freedom of peaceful assembly and association in the Universal Declaration of Human Rights on December 10th, 1948, the world has witnessed a startling rise in the use of excessive violence by governmental forces to suppress, prevent, or eliminate the exercise of this fundamental right ("Universal Declaration of Human Rights"). With this rise, it has become evident how governments continue to use excessive force against peaceful protestors which leads to deaths and injuries, the use of criminalization strategies to prohibit assemblies under national law, and the use of other suppression and intimidation tactics to further violate their citizen's right to freedom of peaceful assembly (Article 19). Addressing this issue is of great significance, as without the ability to express opinions in peaceful assembly and association, citizens are stripped of a vital way to advocate for their rights, influence government decisions, and break harmful cycles with lasting solutions

for a brighter future.

Comprehension Question(s): How and why have government violations of the right to peaceful assembly and association impacted individuals, civil society, and democracy around the world?

Definition of Key Terms

Freedom of Peaceful Assembly: The right to gather peacefully to express ideas, protest, or seek mutual goals, protected by constitutional and international law ("OHCHR and the Right of Peaceful Assembly").

Government Violations: Actions by the government that neglect or infringe upon individual or group rights, such as restricting assemblies and providing no protection for participants, violating their legal obligations to respect and fulfill human rights ("OHCHR and the Right of Peaceful Assembly").

Suppression: Intentional actions taken to stop, penalize, or silence individuals or groups that express disagreement ("We've Been Defending the Right to Freedom of Expression since 1961.").

Criminalization: The act of making peaceful assembly or expression illegal through laws or methods of enforcement ("Special Rapporteur on Freedom of Peaceful Assembly and of Association").

Intimidation Tactics: Threats that are actions used to intimidate, silence, or dominate people or groups, such as assault, coercion, or harassment ("Global Analysis 2023/24").

Citizen Rights: Fundamental rights and freedoms guaranteed to individuals by their government (Nations).

Advocacy: Supporting, promoting, or defending the rights and interests of individuals or groups.

Assembly: A group of individuals that come together for a shared objective in public or private spaces (*Guidelines on Freedom of Peaceful Assembly Second Edition*).

Restrictions: A restrictive measure or condition, particularly one that is constitutional and limits or controls certain rights or freedoms ("International Covenant on Civil and Political Rights").

Protests: A public gathering to express disapproval or demand change, utilizing the right to peaceful assembly.

Non-Discrimination: Equal access to rights regardless of identity or beliefs (Nations).

Accountability: Expected or obliged to defend choices or actions that hold a person, organization, or institution accountable.

Current Situation



According to the United Nations OHCHR page 'Freedom of Assembly and of Association,' "everyone has the right to freedom of peaceful assembly and association." These rights permit individuals and groups to gather, hold meetings and protests, and express collective interests, both publicly and privately. The right is protected and incorporated into international law, such as the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR) (Council of Europe). Nations are responsible for respecting, protecting, and facilitating these rights, as well as protecting participants from violence and establishing legal, reasonable, and nondiscriminatory restrictions. Current challenges are that numerous nations have recently introduced new laws that impose stricter controls, demand prior notification or authorization, enhance penalties, and grant authorities extensive power to restrict or disperse assemblies. As a result, there is an increase in concerns regarding the commitment to international standards (Urgent Opinion on the Amendments). Currently, in Turkey, tens of thousands of people participated in peaceful mass protests across the country, but authorities have responded with a complete ban, inconsiderate use of force, arrests of participants, and pressure on social media platforms to censor content. This marked one of the most significant restrictions on the right to freedom of assembly and expression in the nation's recent history. ("Türkiye: Ensure Peaceful Assembly, Free Speech during Protests")

Major Parties Involved and Their Views

The United States

The United States, being one of the most powerful and influential countries in the world, has a strong constitutional framework surrounding the topic of freedom of peaceful assembly and association. The best example of this lies in the First Amendment of the Constitution, which states that "*Congress shall make no law... prohibiting the free exercise thereof; or abridging the freedom of speech... or the right of the people peaceably to assemble*" (Congress.gov). Nonetheless, the United States has also emphasized its belief in the greater importance of public safety compared to the right to free speech. According to ACLU, numerous reports state that this has led to the justification of "*excessive force, mass arrests, kettling, arrests of journalists, camp evictions, and permit requirements,*" which ultimately violate their citizens' right to peaceful assembly and association.

China

Historically, China has had a greatly complex and controversial background regarding its violations of the right to freedom of peaceful assembly. Specifically, the 1989 Tiananmen Square conflict stands as one of the most significant examples of government violations of this right. From April to June of that year, thousands of people gathered, especially students, demanding political reform, freedom of speech, and improvements in government actions. According to Amnesty International, these assemblies continued until June 3rd-4th when the Chinese government deployed military troops to clear the crowds, resulting in intense violence and thousands of deaths, regardless of Article 35 of the Chinese constitution stating that "Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration." ("The National People's Congress of

the People's Republic of China"). After this, the Chinese government introduced a law that requires permits and approval for protests and bans the involvement of people from multiple cities or regions to partake in the same assembly, therefore demonstrating the Chinese government's criminalization tactics to violate their citizens' human right to peaceful protest (ICNL).

India

India, being the most populous country in the world, has faced challenges when dealing with the protection of the right to peaceful assembly. Despite this, the government has implemented clear legal limitations surrounding its citizens' right to peaceful assembly. Specifically, Article 19(1)(b) of the Constitution grants the right to peaceful assembly without arms. In India, this is necessary to maintain a strong democracy as it allows citizens to express their concerns through peaceful protests and assemblies. However, "If an assembly becomes disorderly or incites violence, it no longer benefits from the protection of Article 19 (1) (b)" (Vis). This justification has been commonly used by Indian officials in attempts to avoid public criticism, with there being instances of excessive violence from police officers, even leading to 31 deaths during the anti-Citizenship Amendment Act (CAA) protests. Additionally, India placed severe online restrictions during COVID-19, including internet shutdowns and imposing bans on gatherings to further suppress peaceful assemblies.

UN Special Rapporteur on Peaceful Assembly

The UN Special Rapporteur on Peaceful Assembly is in charge of issuing reports on situations that occur related to the right to peaceful assembly and association, while also holding states accountable for violations of said right, essentially acting as a watchdog for human rights violations (Aster van Kregten).

UN Involvement

The United Nations has been actively addressing the government violations against the right to peaceful assembly and association through various approaches.

International Legal Framework: The ICCPR

In 1966, a major international human rights treaty was created and named the International Covenant on Civil and Political Rights (ICCPR). The right of peaceful assembly (Article 21) and association (Article 22) is adopted, requiring nations to respect and protect these rights, which are under international law ("International Covenant on Civil and Political Rights").

Role of the OHCHR

Apart from this treaty, the Office of the High Commissioner for Human Rights (OHCHR) has a directive to promote and protect the right to peaceful assembly. This means that they monitor and report on how protests are controlled, including the use of force and human rights violations, while dealing with deeper economic, cultural, and social problems to stop future abuses. They work with governments, civil society, and law enforcement to advocate peaceful participatory solutions, foster accountability, and encourage dialogue. Occasionally, they even provide protection or monitor arrests related to protests ("OHCHR and the Right of Peaceful Assembly").

The Special Rapporteur on Freedom of Assembly and Association

Additionally, the Special Rapporteur on the rights to freedom of peaceful assembly and association is an expert appointed by the United Nations Human Rights Council. The current one is Ms. Gina Romero, and her role consists of supporting and conserving the rights of individuals to peacefully gather and form associations like protests, unions, or

NGOs. She also looks into issues around the world, reports violations, advises governments, and assists in the creation of policies and procedures that protect these essential rights ("Special Rapporteur on Freedom of Peaceful Assembly and of Association").

Timeline of Events

Date	Description of Event
1948	The Universal Declaration of Human Rights (UDHR) ratified the right to freedom of peaceful assembly and association in article 20(1) as a universal human right. This was the creation of an international standard, leading to global recognition and protection of the right to freedom of peaceful assembly.
1973-1990	Chile was ruled under a military dictatorship by Augusto Pinochet. According to the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, "During that period, over 30,000 individuals were killed, forcibly disappeared, imprisoned and/or tortured.". The harsh events that occurred during the Pinochet dictatorship left a long-lasting legacy of fear and weakened democratic institutions in Chile. Furthermore, this was one of the first times that such brutal repressions of protests were witnessed by the world, setting global perceptions of government violations of the right to peaceful assembly.
1989	From April to June of 1989, thousands of Chinese students gathered in Tiananmen Square, Beijing, to protest and criticize the government's

actions, advocating for their rights and improvement in the governmental system. However, they were met with violent suppression by Chinese forces, including the use of live ammunition and tanks. Today, the total death toll remains unknown due to the extreme government censorship surrounding the topic (Amnesty International). This event set the tone for China's way of violently and unfairly handling situations in which their citizens have peacefully assembled, demonstrating how they resort to violating their rights to peaceful assembly and association, and setting an example of how nations discreetly handle such events while avoiding global accountability.

2010 The United Nations Human Rights Council officially established the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, which is given the task of monitoring nations and reporting governmental violations against the right (OHCHR). The formation of the UN Special Rapporteur on the rights to freedom of peaceful assembly and association has proven to be effective in not only holding governments accountable for violating their citizens' human rights but also as a way to promote governmental reform, leading to the growth and development of nations.

2020 During the COVID-19 Pandemic, countries were forced to take measures that limited public gatherings, including peaceful protests. However, many countries abused this circumstance, as they took violent measures to suppress peaceful assemblies with the use of excessive force (HRC). These events during the pandemic crisis led to the further use of militarization,

arbitrary detentions, and excessive force against protestors all around the world (HRC).

2023-2024 According to Amnesty International, countries such as the UK, Germany, and Georgia have recently adopted new laws that increase the severity of penalties against protest-related offenses and allow for the increased use of police officers to ban or separate assemblies (Amnesty International). These laws have mixed effects on the global issue of government violations against the right to freedom of peaceful assembly and association, as on one hand, they may pose a threat when it comes to officials incorrectly disallowing peaceful protests, while on the other hand, they create true legal frameworks to limit the potential consequences of allowing peaceful protests to possibly escalate.

Past International Action

Adoption of the Universal Declaration of Human Rights (UDHR) in 1948 and the International Covenant on Civil and Political Rights (ICCPR) in 1966

The adoption of the UDHR and ICCPR in 1948 and 1966 was the first time that the right to freedom of peaceful assembly was internationally recognized as both a human and a political right. In the UDHR, article 20(1) establishes this human right when it states, "Everyone has the right to freedom of peaceful assembly and association." Similarly, the ICCPR provides a strong international legal framework surrounding this right, when it mentions in article 21 that, "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society" (United

Nations).

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

In October 2010, the Human Rights Council ratified resolution 15/21, officially establishing the UN Special Rapporteur on the rights to freedom of peaceful assembly and association (OHCHR), given the responsibility to issue reports and monitor how governments around the world deal with this right. In the official resolution document of the Human Rights Council Fifteenth Session, clause 5 states that the council "Decides to appoint, for three years, a special rapporteur on the rights to freedom of peaceful assembly and of association whose tasks will include: (a) To gather all relevant information, including national practices and experiences, relating to the protection of the rights to freedom of peaceful assembly and of association... and to make recommendations on ways and means to ensure the promotion and protection of the rights to freedom of peaceful assembly and of association" (Human Rights Council) Essentially, appointing a special rapporteur with the task of observing and helping governments to protect their citizens' right to peaceful assembly.

Possible Solutions

Freedom of peaceful assembly and association is a complex topic, and there are a number of potential modifications and improvements that might prevent and stop violations against this right. Individuals should be able to gather and express their opinions and protests without being worried about being abused or mistreated by the government authorities.

Aligning National Laws with Human Rights

To protect this vital right, one approach could be to make legal reforms, meaning that a nation's law should match international human rights standards, ensuring people's rights are protected by both global and local standards.

Independent Oversight Groups

Another way to protect people's rights during protests is by creating independent oversight groups. This means setting up teams that are not part of the police or government to watch and review how police behave during protests. These groups will help make sure that everyone is treated fairly. The independent group would look into the complaint made about the police being too violent during a protest and make sure the right actions are taken.

Training Authorities to Protect Rights

Also, providing training for authorities on human rights and peaceful crowd management to further prevent any violations towards participants.

Equal Treatment for Victims

It's also critical that all victims are treated equally and have the chance to report what they experienced, have it properly investigated, and get justice if their rights were violated.

Sharing Data to Learn from Each Other

Transparent data collection on government responses would promote accountability. Sharing this information between countries through international cooperation can be beneficial for learning what strategies worked, what strategies weren't as effective, and

why.

Sustainable Development Goal (SDG)

Of the 17 Sustainable Development Goals (SDGs), this particular issue connects the most to SDG 16: Peace, Justice, and Strong Institutions. This SDG aims to promote peaceful and inclusive societies for the sustainable development of nations by providing justice for all people, regardless of their backgrounds (United Nations). It directly correlates to this issue as the right to freedom of peaceful assembly and association is an essential component of a stable democracy; therefore is a vital right to protect for a strong institution that thrives on peace and justice. Furthermore, since this right is internationally recognized and included in both the UDHR and ICCPR, states have obligations to respect and protect this right, while also ensuring environments free from violence, threats, intimidation, or unjust restrictions that may prevent their citizens from fulfilling their rights and criminalize peaceful protests.

Useful Links for Research (Appendix)

In the appendix, chairs provide delegates with useful links to use during their research as additional support.

<https://www.ohchr.org/en/topic/freedom-assembly-and-association>

Source A: A comprehensive overview that includes reports, resolutions, and legal analysis to help you understand the international framework and updates on the issue.

<https://civicus.org/documents/ENG.KNOWYOURRIGHTS.pdf>

Source B: A simple guide that summarizes international standards and state obligations.

<https://www.amnesty.org/en/latest/research/>

Source C: Provides reviews of abuses, surveillance, excessive force, and more in all countries.

<https://www.ohchr.org/en/special-procedures/sr-freedom-of-assembly-and-association>

Source D: This source will help to understand how the UN monitors violations, the standards governments are expected to follow, and how individual countries are doing regarding the issue.

<https://www.youtube.com/watch?v=i7AsWX5QHzi>

Source E: A video that explains how governments worldwide restrict protests using violent measures, actions, and surveillance.

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