

Human Rights Council

The right to protest



Forum	Human Rights Council
Issue:	The Right to Protest
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Introduction

Protests play a major part in the development of culture, politics, and economics in all societies. Protests challenge governments by inspiring new ideas, most of which result in positive social change and the advancement of human rights. Having these issues challenged results in an engaged and informed citizenry. Yet, globally, governments tend to dismiss protesters and treat them as an inconvenience to their agenda. All citizens are backed by the Universal Declaration of Human Rights (UDHR) with the freedom of speech, opinion, and expression. When governments impose on human rights, issues emerge.

Although the right to protest is formally supported by fundamental human rights, few protests are completely or free of potential harm to others. In some circumstances, international standards restrict the human rights of civilians that engage in protests. Although there are some standing guarantees in international human rights law, recently it has become globally aware that states need to increase their understanding of how to correctly implement their obligations without harming the protester's rights.

Definition of Key Terms

Protest

A protest is an individual or collective expression of oppositional or responsive views, values or interests. This can happen through individual or collective action or expression relating to a certain cause or issue.

Non-violent direct action

The term non-violent direct action refers to a tactic of change that uses methods directed at institutions, actors or processes through direct yet peaceful



means. In some cases, this can include deliberate violations of law. With this being said, the laws that are being violated are typically unjust and need to be challenged.

Police brutality

Police brutality is a civil rights violation occurring when a member of the police force acts with excessive violence onto a civilian.

General Overview

Following is a general overview of why the public they have a right to protest and why law enforcement and the government believe they have a right to stop protests.

Public's right to protest

The right to protest is backed by numerous human rights laws such as freedom of speech, freedom of opinion and freedom of assembly. Protesting is essential for creating and maintaining democracy and it allows the public to freely express their opinion. Governments are able to maintain power through the creation of a dominant discourse that marginalizes different opinions. Through protests, people who think differently realize they are not alone. Protesting also allows the public to take control, alter the agenda and start debates. Usually, in electoral democracies, the opinions of minorities are dismissed. Protests allows minorities to speak out, and thus correct the majority rule. In the United States, a country where protests and marches have become increasingly more common with the inauguration of President Donald Trump in 2016, the first amendment of the constitution protects protesters. The first amendment states that all citizens of the United States of America have the right to assemble and petition the government. Many other western countries have laws similar to this one, such as Canada and the United Kingdom. As citizens are given this freedom, it is their duty to use it and exercise these rights. Protesting allows people's voices to be heard and their actions to be seen. With non-violent direct action, protesters allow for governmental change while maintaining peace and security.

States right to intervene



Although there is an obvious reason why people protest, there is also a very obvious reason why these protests are stopped by the government. More often than not, protests involve thousands of people gathering in public areas. This leaves large room for catastrophic danger. As governments must prioritize the safety of their citizens, governments are allowed to intervene when necessary. In most countries, and also all More Economically Developed Countries (MEDC's) police are only allowed to use force against protesters when the likelihood of injury or death becomes high. It must be noted that this can only be done after negotiation and all other measures have failed. Before force is used, two warnings must be given in at least two different languages. A reasonable time must be given to all protesters in order to ensure they have enough time to disperse. Both sides to this argument, the protesters and law enforcement, are valid and have a clear reason. Yet, this becomes an issue when the line dividing is crossed by one or both parties

The fine line

Protesting using non-violent direct action is rarely an issue. People are exercising their freedom of speech and opinion in a peaceful manner. Proper State intervention is also rarely an issue. When protests get out of hand, the state is allowed to peacefully intervene to ensure safety and security for all. The issue in the right to protest arises when either protestors use violence as a form of expression or the state wrongfully intervenes. This wrongful intervention can either occur when peaceful protests are taking place and police brutality occurs, or it can occur when the protests are not peaceful yet the methods law enforcement uses to contain these are incredibly unjust and unethical. Police brutality has grown significantly in recent years and is almost always targeted at minorities. People of color, people of the LGBTQ+ community and people with disabilities are far more vulnerable. It must be noted that when discussing solutions for the issue, the focus should not be put on banning protests or banning police intervention. Rather, an agreement should be formed between the two that allows and encourages healthy and safe protesting

Major Parties Involved

France



In October of 2018, the yellow jacket or yellow vest movement originated in France. This is a populist, grassroots revolutionary political movement for economic justice. It was fueled by rising fuel prices and a high cost of living which allowed for disproportionate tax reforms on the working and middle class. These protestors call for lower fuel taxes, an increase of the minimum wage, and the resignations of current president Emmanuel Macron among other things. These protests have wreaked havoc in France through barricades, blocking off traffic, rioting and vandalism. This a clear example of protests causing danger that require law enforcement.

United States of America

The United States of America has had a long history with protests and police brutality because of it. Starting from the civil rights movement in the 1950s and 1960s, people of color, specifically African Americans become targeted when protesting. In the present day, this is reflected through the Black Lives Matter movement, which calls for equal rights of all races. The United States of America have also turned to online protesting, through the use of social media hashtags. This has proved successful in gaining social awareness, yet the effectiveness of it changing governmental ideas or policies.

Palestine

Protests in the Gaza strip led to the death of 40 Palestinians dead and 1,700 more injured by Israeli snipes due to gunfire, rubber bullets and tear gas. Starting in March of 2018, tens of thousands of Palestinians participated in the “March of Return.” This was a six-week-long protest that gathered Palestinians together to signify their hope for a return home. Those who reside in the Gaza Strip now believe that non-militarized political action is best because of the detrimental effects of these protests. However, the Israeli government disagrees as they have justified the use of live ammunition. This live ammunition has resulted in undeserved death of children and journalists. Protests by Palestinians are common, and almost always result in police brutality by Israeli officials.

Amnesty International

Amnesty International is a international movement and organization that lobbies with governments and companies to ensure human rights are being upheld.



Amnesty continues to educate individuals about their right to protest while also sending individuals to maintain peaceful protests. In addition, they also fight against police brutality that occurs during violent protests.

UN involvement, Relevant Resolutions, Treaties and Events

- The Promotion and Protection of Human Rights in the Context of Peaceful Protests on 24 March 16, 24 March 2016 (A/HRC/RES/31/37)
- The Promotion of the Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 19 December 2011, (A/RES/66/164)
- Violation of International Law in the Context of Large-Scale Civilian Protests in the Occupied Palestinian Territory, including East Jerusalem, 18 May 2018 (A/HRC/RES/S-28/1)

Previous Attempts to solve the Issue

Previous attempts to solve the issue are very minimal. The fact that this is such a global issue makes it hard to create regulations that will be consistently followed by all nations. The issue of sovereignty also has an effect on this as member states cannot control differing state's law enforcement. Another challenge behind this is that it puts the trust in the people to do the right thing. Even with regulations and laws present, people are still responsible for the actions that occur during the protest. It's a trust of morals to ensure that protesters will remain peaceful, and bigger trust to ensure that law enforcement will oblige correctly.

Possible Solutions

When creating solutions for this issue, it must be noted to be realistic and understand one is dealing with mass amounts of people.

To start with, the legal framework regarding the right to protest must be changed. Law enforcement should be encouraged not to carry weapons of any sort when controlling protests. Only the highest-ranking officer should be allowed to possess weapons, yet they should only be used when danger is incredibly present.



Guidelines should be strict and clear for all parties. A collaborative regulation process should be created by all member states, keeping in mind the differing perspectives and adapting because of that.

Government transparency should also be respected and maintained. If protestors alert the government beforehand, law enforcement can be prepared for possible issues as opposed to being blindsided. This will result in law enforcement that is less inclined to make rash and impulsive decisions as they are informed well in advance.

Another way to combat this issue would reduce the negative effects that occur during protesting. This can be done by reducing the vulnerabilities that minorities have. Creating an even ground for all people ensures that there will be no discrimination and nobody will be wrongfully punished. Many protests are rooted in the lack of rights for minorities, and when the same minority groups fall victim to police brutality. This creates a perpetual cycle that cannot be escaped.

Encouraging civil obedience is another way to ensure peaceful protests. If civilians maintain peace when protesting, law enforcement will be more inclined to not interfere. When protests get out of hand, property is destroyed, people are injured, and social unrest occurs, law enforcement is forced to step in. If protests never reach this point, the state should not intervene.

One thing that needs to be discussed is ensuring that all countries have a framework that allows for the right to protest, similar to the first amendment of the United States of America. If citizens are encouraged to peacefully protest against the government, there will be less of a risk that these protests will evoke danger and harm.

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Appendix or Appendices

For comprehensive information on both sides of this debate (why people should be allowed to protest and why police are allowed to intervene,) visit this website: right-to-protest.org/debate-protest-rights/why-the-right-to-protest/.

