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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development

## Summary of the panel discussion on the promotion and protection of human rights in the context of peaceful protests, with a particular focus on achievements and contemporary challenges

### Report of the Office of the United Nations High Commissioner for Human Rights

#### *Summary*

The present report is submitted pursuant to Human Rights Council resolution 44/20, in which the Council decided to convene, during its forty-eighth session, a panel discussion on the promotion and protection of human rights in the context of peaceful protests, with a particular focus on achievements and contemporary challenges. In the resolution, the Council also requested the Office of the United Nations High Commissioner for Human Rights to submit a summary report of the panel discussion to the Council at its fiftieth session. The present report summarizes the panel discussion, which was held on 29 September 2021.



## I. Introduction

1. Pursuant to Human Rights Council resolution 44/20, the Office of the United Nations High Commissioner for Human Rights (OHCHR) organized a panel discussion on the promotion and protection of human rights in the context of peaceful protests, with a particular focus on achievements and contemporary challenges, held during the forty-eighth session of the Council.<sup>1</sup>
2. The panel discussion was chaired and moderated by Vice-President of the Human Rights Council Yuri Borissov Sterk. Following an opening statement by the United Nations High Commissioner for Human Rights, the panel discussion was organized around the remarks of four panellists.
3. The panellists were the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule; the Hersch Lauterpacht Chair in Public International Law at the Hebrew University of Jerusalem and former Chair of the Human Rights Committee, Yuval Shany; the Secretary-General of CIVICUS: World Alliance for Citizen Participation, Lysa John; and the United Nations Police Adviser and Director of the Police Division at the Office of Rule of Law and Security Institutions, Department of Peace Operations, Luís Carrilho. During the ensuing panel discussion, contributions were made by representatives of 20 States and the European Union, one national human rights institution, three United Nations entities and five non-governmental organizations.
4. The panel discussion provided an opportunity for States, international organizations and other relevant stakeholders to take stock of progress made in respecting and ensuring human rights in the context of assemblies, with particular attention paid to existing tools and their implementation; to discuss emerging challenges and opportunities, such as the impact of new technologies and the digital space on the rights to freedom of peaceful assembly, of expression and of association; and to identify areas where further guidance and cooperation may be needed. The panel discussion was made accessible to persons with disabilities through the provision of International Sign interpretation and real-time captioning.

## II. Opening session

5. Opening the discussion, the High Commissioner stated that being able to come together to express views freely and to participate in the decisions that affect people and the planet was a universal human desire and a human right. The right to peaceful assembly stood at the core of democracy and was crucial for the achievement of other human rights. Governments needed truthful feedback about the measures they were taking, especially at a time where both the coronavirus disease (COVID-19) and the accelerating impacts of climate change exacerbated inequalities and threatened people's rights, lives and livelihoods in every country. Peaceful protests provided key insights into and information about people's real challenges and needs. The public interplay of claims, views and feedback between people and their representatives was essential to prompt and effective policymaking that was responsive to the aspiration of individuals, communities and societies as a whole.
6. Referring to Human Rights Council resolution 44/20, the High Commissioner stressed that many human rights violations often occurred in the context of peaceful protests. Those included extrajudicial or summary executions, arbitrary arrests and detention, enforced disappearances, and torture and other cruel, inhuman or degrading treatment or punishment. In its resolution 44/20, the Council referred to the criminalization of individuals and groups solely for having organized or taken part in peaceful protests or for having observed, monitored or recorded them. In some cases, those people had been identified as threats to national security. The Council also pointed to new and emerging challenges, such as unlawful or arbitrary surveillance of protesters, both in physical spaces and online, including through the use of digital tracking tools. The misuse of new technologies had prevented people's

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<sup>1</sup> The full video of the panel discussion is available at <https://media.un.org/en/asset/k1n/k1nvjg64td>.

access to information at key political moments, affecting their ability to organize and carry out assemblies.

7. The protection of human rights in the context of peaceful protests continued to be a priority for OHCHR, which had been assisting States in the implementation of their human rights obligations and had developed several sets of policy guidelines in that regard. Those included the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement, the Guidelines for States on the effective implementation of the right to participate in public affairs, and the report on the impact of new technologies on the promotion and protection of human rights in the context of assemblies, including peaceful assemblies.<sup>2</sup> Human rights monitoring bodies had produced a considerable number of decisions, recommendations and comments that could help States to implement obligations under international human rights law. The High Commissioner recalled the thematic reports of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, as well as Human Rights Committee general comments No. 36 (2018) and No. 37 (2020). Together, those general comments provided authoritative interpretations by the Committee of the international norms and standards applicable to peaceful protests.

8. The High Commissioner commended the work of journalists and other members of civil society who played an essential role in the protection and promotion of human rights in the context of peaceful protests. Often exposing themselves to significant risks, they monitored protests, amplified messages, helped to protect protesters and mobilized people in contexts of shrinking civic space.

9. In closing, the High Commissioner called upon the panel to provide recommendations on further steps. States, individually and through cooperation, could take to better respect, protect and promote human rights in the context of peaceful protests.

### **III. Summary of the panel discussion**

10. The Vice-President of the Human Rights Council opened the panel discussion and invited the panellists to make their statements.

#### **A. Contributions of panellists**

11. The Special Rapporteur on the rights to freedom of peaceful assembly and of association took stock of the progress made to protect those rights since the establishment of the mandate 10 years earlier. The implementation of the mandate contributed to strengthening the normative framework for the protection of human rights in the context of peaceful protests. The Special Rapporteur had collaborated closely with the Human Rights Council for the adoption of a number of resolutions, such as resolution 19/35 of 23 March 2012, the first Council resolution on the promotion and protection of human rights in the context of peaceful protests. Several tools, such as Human Rights Committee general comment No. 37 (2020), provided guidance on how to protect and respect human rights in the context of assemblies. He reiterated his call for States to develop a national action plan on the management of assemblies.

12. In practice, there continued to be a lack of implementation of applicable legal standards, particularly those relating to use of force in managing assemblies. The Special Rapporteur expressed concern at the increasing trend of unnecessary or disproportionate use of force by law enforcement officials, which led to human rights violations against demonstrators and those who sought to monitor and report on those events. States tended to consider peaceful assemblies as a security threat and to impose legal and other undue restrictions to prevent them from taking place. Digital technologies provided an opportunity to enhance civic space and the promotion of human rights, but those technologies had also been exploited by States and by malicious non-State actors to restrict human rights, such as in the context of peaceful protests. Technology had also been used to conduct mass

<sup>2</sup> [A/HRC/44/24](#).

surveillance and to spread disinformation and hatred, which had a negative impact on civic space globally. In his 2019 thematic report to the Human Rights Council, the Special Rapporteur had explained how, over the previous 10 years, States had used technology to silence, monitor and harass protesters and had resorted to Internet shutdowns and blocking websites before demonstrations.<sup>3</sup>

13. Facing the COVID-19 pandemic and other rising crises around the world, States had imposed further restrictions on peaceful assemblies, cementing control and cracking down on peaceful protests. States should not use the pandemic to justify resorting to unnecessary or disproportionate use of force to disperse peaceful protests or to impose disproportionate sanctions on protesters. The Special Rapporteur referred to the 10 principles that had been published in 2020 to assist States in their responses to the COVID-19 pandemic in a manner compliant with their human rights obligations.<sup>4</sup> He also expressed concern at the increasingly arbitrary interpretation of the grounds for restrictions on the right of peaceful assembly that were permitted by international human rights law. It was important to remember that peaceful protests were protected during crises and that any restrictions must be proportionate and exceptional.

14. The Special Rapporteur concluded by recalling that peaceful demonstrations were a form of democratic expression allowing people to publicly show their discontent and to urge States to take measures in response to demands. When demonstrations were not allowed or were repressed, it was a sign of an authoritarian regime, and prohibition or repression of demonstrations might lead to a deep-rooted crisis and even to armed conflict. It was therefore important for the Human Rights Council to put as a priority item on the agenda the question of the repression of demonstrations throughout the world.

15. Mr. Shany recalled that the right to engage in peaceful protests was an important aspect of participation in public affairs and an important building block of civic space, which was essential for the advancement of democratic societies. When peaceful protests centred around the defence of human rights, the organizers of the protests should be regarded as human rights defenders and should enjoy the special international protections associated with that status.

16. Mr. Shany referred to the three general comments of the Human Rights Committee on provisions of the International Covenant on Civil and Political Rights that were directly relevant to peaceful protests, namely general comment No. 34 (2011), general comment No. 36 (2018) and general comment No. 37 (2020). In its general comment No. 34 (2011), the Human Rights Committee emphasized the centrality of freedom of expression for the development of the person and its foundational importance for a free and democratic society, underscoring in particular the contribution of political speech to transparency, accountability and the promotion of human rights. In its general comment No. 36 (2018), the Committee dealt with, among other things, use of lethal force in crowd control situations. It required States to afford extra protections to individuals exercising their human rights, including the right of peaceful assembly, and provided guidance on the use of less-lethal weapons, instructing States to refrain from using them in crowd control situations where less harmful means were available. It also required States to protect the lives of individuals under threat, including human rights defenders. In its general comment No. 37 (2020), the Committee stated that peaceful assemblies played a critical role in allowing participants to advance ideas and aspirational goals in the public domain and to establish the extent of support for or opposition to those ideas and goals. It also noted that assemblies with a political message should enjoy a heightened level of accommodation and protection.

17. Mr. Shany stressed that the right of peaceful assembly did not cover violent assemblies, defined as those involving physical force against others that was likely to result in injury or death or serious damage to property. Isolated instances of violence did not suffice to designate an entire assembly as violent in nature. According to general comment No. 37 (2020), States were required to facilitate peaceful assemblies, protect the participants against violence or abuse by other members of the public and create an enabling environment for the

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<sup>3</sup> A/HRC/41/41.

<sup>4</sup> See <https://www.ohchr.org/EN/Issues/AssemblyAssociation/Pages/Covid19freedomAssembly.aspx>.

assembly. In the general comment, the Committee envisioned a regime of notification for future assemblies as opposed to an authorization requirement – except where authorization was granted routinely.

18. Mr. Shany highlighted other elements contained in general comment No. 37 (2020), including the protection of journalists and human rights defenders involved in monitoring and reporting on assemblies; the lack of limits on the duration of assembly or on the number of participants, except when there were justified reasons; and the fact that organizers were accountable only for their own acts or omissions and not for those of other participants. The right of peaceful assembly was not absolute; it could be limited through specific legislation and circumstances, which presented a pressing social need relating to one of the possible justifications listed in article 21 of the International Covenant on Civil and Political Rights, such as public safety or public health, and any restriction must be necessary and proportionate in nature. In the general comment, the Human Rights Committee also provided specific guidance on the policing of assemblies with a view to striking a balance between the rights of participants and the complex challenges of policing assemblies. For example, it called upon police forces to communicate in advance with the organizers of an assembly, if the latter agreed to engage in such contact; to plan the policing operation ahead; to provide participating forces with training on international standards, such as the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement; to seek to de-escalate tense situations; to use force only if necessary and against those involved in violence; and to use less-lethal weapons and lethal weapons only as a last resort, noting that lethal weapons could be used only in response to an imminent risk of death or serious injury. Incidents involving use of force in assemblies should be investigated.

19. Mr. Shany ended his statement by highlighting the use of technology as one important dimension of general comment No. 37 (2020), which applied to its use both by the organizers and participants themselves and by governmental authorities. The protection afforded to peaceful assemblies extended to online assemblies and associated activities that took place online, such as posting communications about the holding of an assembly, broadcasting assemblies online and allowing distant participation. Measures interfering with such related digital rights, such as Internet shutdowns designed to block peaceful protests, would therefore be unlawful, unless they could be strictly justified under the International Covenant on Civil and Political Rights. States should not resort to technology that interfered with the rights of participants in peaceful protests to privacy and with their other political rights. Hence, facial recognition technology that could de-anonymize faces in the crowd should not be used to surveil participants. Fully autonomous lethal weapons must never be used in peaceful assemblies.

20. Ms. John stated that CIVICUS: World Alliance for Citizen Participation had documented countless cases of violations of people's right of peaceful assembly through arbitrary restrictions that prevented assemblies from taking place, through violent or otherwise disproportionate policing of protests and through bureaucratic regulations that created barriers to the work of civil society. Since the start of the COVID-19 pandemic, her organization had recorded excessive use of force against protesters in at least 79 countries, which included the use of lethal force leading to the killing of protesters in at least 28 countries. In over 100 countries, law enforcement officers had detained protesters, often on the grounds of failure to adhere to COVID-19 measures or other laws relating to peaceful assemblies.

21. Ms. John recalled the responsibilities of States in upholding the right of peaceful assembly. According to general comment No. 37 (2020), States had positive and negative obligations regarding peaceful assemblies. In that context, she pointed out four key challenges that the international community must urgently and collectively address to protect and promote the right of peaceful assembly.

22. The first challenge was the use of emergency laws to stifle protests. During the COVID-19 pandemic, blanket bans on protests had been imposed in the name of public health. That included the stifling of assemblies in the run-up to elections under the guise of public health limitations. States had continued to curb civic freedoms without agreeing to sunset clauses that ensured the end of such emergency powers.

23. The use of Internet shutdowns and other measures to restrict access to technology was another challenge to the right of peaceful assembly. In the context of the COVID-19 pandemic, more assemblies had moved online. However, Internet shutdowns or other restrictions on Internet connectivity had been used to prevent the organization, facilitation or carrying out of assemblies online. Shutdowns had been especially deployed to target marginalized and at-risk populations and were often implemented hand in hand with other repressive tactics against protesters, facilitating human rights violations committed in the context of peaceful protests.

24. The third challenge concerned the use of artificial intelligence and surveillance to threaten protesters. With the growth in the number and type of surveillance technologies available to Governments, CIVICUS: World Alliance for Citizen Participation had witnessed an increase in the use of digitally enabled tactics to identify, harass and intimidate protesters. The role of technology companies in curtailing or enabling the right of peaceful assembly also had implications for the oversight that needed to be exercised on businesses and their compliance with human rights.

25. The use of financial restrictions was a fourth critical challenge to the right of peaceful assembly. Across countries, restrictions on garnering public support, both domestically and internationally, had been imposed on civic actors through laws, financial contributions, closures of bank accounts and other forms of reprisal or sanction.

26. Ms. John suggested some actions to address those challenges. First, she recommended that Governments ensure that all laws and regulations limiting public gatherings based on public health concerns were necessary and proportionate. The public health emergency caused by the COVID-19 pandemic must not be used as a pretext to suppress human rights. She also called upon States to ensure compliance with international frameworks that governed online freedoms by refraining from imposing online restrictions and allowing protesters to access information at all times. States must also drop charges and release all protesters and human rights defenders prosecuted for exercising their right of peaceful assembly and review their cases to prevent further harassment. In cases of unlawful denial of the right of peaceful assembly and use of excessive force, she recommended the recourse to judicial review and effective remedy, including compensation.

27. The international community must work together to foster a more consistent application of human rights standards. All instances of arbitrary arrest and use of excessive force in response to protests must be publicly condemned at the highest levels. Ms. John called for immediate and impartial investigations into such instances to be conducted with the assistance of international experts and independent civil society organizations. She lastly called for more accountability from States and non-State actors to enable the right of peaceful assembly and to protect those who exercised their rights to protest and organize assemblies.

28. The United Nations Police Adviser and Director of the Police Division at the Office of Rule of Law and Security Institutions recalled that, since the first deployment of the United Nations police in the Congo over 60 years earlier, United Nations police had significantly grown in numbers, mandates and responsibilities. Currently, the mission of the United Nations police was to enhance international peace and security by supporting Member States in conflict, post-conflict and crisis situations. Its goal was to realize effective, efficient, representative, responsive and accountable police services that served and protected the population. The United Nations police built and supported or, where mandated, acted as a substitute for national police capacity to prevent and detect crime, protect life and property, and maintain order and safety in adherence to the rule of law and international human rights principles. He stressed that every United Nations police officer was a human rights officer.

29. The United Nations police collaborated with Member States and other partners, including OHCHR, and had developed the Strategic Guidance Framework for International Policing. The framework was aimed at enhancing the effectiveness of United Nations policing through more consistent, harmonized approaches to the provision of public safety services, to police reform and to support for host State police services. The primary focus of the United Nations police, when deployed for public order management, was to facilitate the population's exercise of fundamental rights without disturbance or unjustified hindrance. Dialogue, mediation, communication-based crowd control and proactive de-escalation

strategies should underpin any policy management of demonstrations. The application of those strategies required specific skills that only specialized police training institutions could deliver. It was therefore imperative to have the policing of assemblies and other public gatherings performed by appropriately trained and equipped police officers.

30. The United Nations Police Adviser and Director of the Police Division at the Office of Rule of Law and Security Institutions concluded by stressing the importance of the present discussion to advancing policing that was human rights based, people centred, gender responsive and respectful of diversity.

## **B. Interactive discussion**

31. During the plenary discussion, interventions were made by representatives of Armenia, Colombia, Costa Rica, Cuba, India, Indonesia, Iraq, Israel, Lithuania (on behalf of the Nordic-Baltic countries),<sup>5</sup> Luxembourg, Malawi, Mauritania, Montenegro, Poland, South Africa, Switzerland (on behalf of a group of States),<sup>6</sup> Togo, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Vanuatu and the European Union (on behalf of a group of States).

32. Representatives of the National Human Rights Council (Morocco) and of the following United Nations entities and non-governmental organizations also spoke: United Nations Children's Fund (UNICEF), United Nations Development Programme, United Nations Educational, Scientific and Cultural Organization, Advocates for Human Rights, Cairo Institute for Human Rights Studies, Centro de Estudios Legales y Sociales (on behalf of several non-governmental organizations), Child Rights Connect (on behalf of several non-governmental organizations) and Global Institute for Water, Environment and Health.<sup>7</sup>

33. Statements by representatives of the following member States were not delivered owing to a lack of time: China, Czechia, Egypt, Haiti, Nepal, Pakistan, Philippines, Russian Federation, Tunisia and Viet Nam. For the same reason, statements were not delivered by the Conselho Federal da Ordem dos Advogados do Brasil or the Organization of American States.<sup>8</sup>

### **Ensuring democratic and inclusive societies through the exercise of the right of peaceful assembly**

34. Speakers recognized that the right of peaceful assembly, online and offline, was indispensable to democratic governance and inclusive societies. Peaceful protests contributed to the full enjoyment of civil, political, economic, social and cultural rights. The right of peaceful assembly was a fundamental human right that allowed individuals to collectively express their views and therefore contribute to improving the society they lived in and it was essential to the creation of an environment that fostered an active civil society. Authorities should therefore listen to protesters' grievances. The right of peaceful assembly could only be fully exercised if other related rights, such as the rights to freedom of opinion and expression and to freedom of association, were also protected.

35. The right of peaceful assembly was intrinsic to human nature and was a vital avenue for people to exercise their freedoms, discuss issues, protest against government measures and participate in policy formulation. Protesters contributed to spurring a sound democratic debate, to inclusive public participation and to hold Governments accountable for their acts or omissions. The right of peaceful assembly was used to claim the respect of civil, political, economic, social and cultural rights, and increasingly environmental rights. For individuals in vulnerable situations, protests might be the only available way to make their demands

<sup>5</sup> Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden.

<sup>6</sup> Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Ecuador, Estonia, Finland, Greece, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, New Zealand, Norway, Panama, Paraguay, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Switzerland.

<sup>7</sup> Statements received by the secretariat are available on the Human Rights Council extranet.

<sup>8</sup> Statements received by the secretariat are available on the Human Rights Council extranet.

heard. The right of peaceful assembly must always be exercised peacefully. Concerns were raised about protests that limited the movement of persons or threatened the rights to life, health and food. The right of peaceful assembly was not absolute and could be subjected to certain restrictions under international law.

36. The right of peaceful assembly was important for children because it was often one of the means for children to participate in public life. States were reminded to fulfil their obligations to both facilitate the exercise of that right by children and protect children as they exercised it. That included providing children with information on their right of peaceful assembly and on how to best protect themselves and seek protection when needed. It also included taking into account children's special status when planning and implementing crowd control techniques and building the capacity of law enforcement and other relevant officials on how to best design and implement plans to manage the presence of children in assemblies. There was a need for additional guidance on that issue.

37. Peaceful protests had been on the Human Rights Council's agenda for over 10 years. During that period, significant progress had been achieved. Different stakeholders had carried out extensive work to further develop the international framework for protecting and promoting human rights in the context of peaceful protests, including the development of comprehensive guidelines and tools to assist States in meeting their obligations. Looking back on a decade of achievements for human rights in the context of peaceful protests, there was evidence of significant progress. The contribution of peaceful protests to the development and strengthening of democratic systems and processes around the world was undeniable.

#### **Persistent challenges in the effective implementation of the right of peaceful assembly**

38. Speakers acknowledged that peaceful assemblies were often dispersed by unlawful, unnecessary and disproportionate force, and peaceful protesters criminalized. Protesters were increasingly subjected to forms of oppression, including excessive use of force, arbitrary detention, torture and disappearance. They condemned the fact that protesters, human rights defenders and journalists were facing harassment, including judicial harassment, assaults and reprisals. In certain contexts, taking part in peaceful assembly represented considerable risks, including for women and individuals who might be in a vulnerable situation, such as children and people of African descent. During demonstrations, human rights defenders and journalists were under constant pressure, and it was the State's responsibility to protect them. Hundreds of journalists throughout the world had been attacked, intimidated, arrested and placed under surveillance. During the previous five years, more than 10 journalists had been killed during demonstrations and 125 attacks on journalists in 65 countries had been recorded. Women journalists had been deliberately targeted and attacked because of their gender. Unfortunately, in the majority of cases, impunity was the norm.

39. The unprecedented COVID-19 pandemic challenged human rights in many ways. The pandemic negatively affected fundamental freedoms but also revealed the potential for strong and inclusive civic engagement, which could be digitally translated as populations mobilized online. Nevertheless, speakers expressed their deep concern over the fact that some Governments had abused prerogatives during the COVID-19 pandemic and adopted laws that unduly restricted peaceful assemblies, which had resulted in the further shrinking of civic space. When physical assemblies were restricted due to emergencies, it was all the more necessary to ensure unhindered access to the Internet for everyone. While international law allowed for restrictions on the rights of peaceful assembly and on freedom of movement in order to protect public health, those restrictions must be provided for by law, necessary, proportionate, time-limited and subject to regular review to ensure they remained necessary.

#### **New technologies and peaceful protests**

40. Speakers noted that new technologies enabled people to protest peacefully through effective mobilization, networking and sharing of information. Social media had enormous public mobilization potential and could expose violations of human rights, including during peaceful assemblies, in real time. Social networks had become platforms for consultation and action where public policies were discussed. At the same time, the same digital technologies that allowed civil society to organize protests and share information were also being used for



repression. The misuse of new technologies, for example, through unlawful surveillance, had a chilling effect on the exercise of the right of peaceful assembly. Concerns were expressed about the use of facial recognition technologies against demonstrators.

41. The growing trend of Internet shutdowns and misuse of technologies ahead of critical democratic moments, such as elections and protests, was particularly concerning. A free, open and secure Internet was fundamental for promoting human rights. Speakers echoed the Human Rights Council's concern about the use of Internet shutdowns<sup>9</sup> and measures to limit the ability to organize, facilitate and conduct assemblies and to prevent individuals from accessing or sharing information during key political moments.

42. It was necessary to protect the use of such technologies due to the central role they had in facilitating the exercise of human rights. Technology and social media could be vehicles for free expression and association, but they could also be used for disseminating hatred and disinformation. Speakers referred to the increase in the spread of incitement to discrimination, hostility or violence.

#### IV. Concluding remarks

43. After the interactive discussion, the Vice-President of the Human Rights Council gave the panellists the opportunity to make concluding remarks.

44. The Special Rapporteur on the rights to freedom of peaceful assembly and of association noted that there was general agreement that the right of peaceful assembly was a fundamental right that had to be respected and protected. However, the key challenge was the implementation of that right at the national level. He considered it essential for States to amend legislation that prevented human rights defenders from using information and communications technology and that facilitated online surveillance, as such legislation hindered the work of human rights defenders and civil society organizations. In particular, laws relating to surveillance and facial recognition should be amended, as they were an infringement of the right to privacy of protesters. He referred participants to the 10 principles for action on COVID-19 and the right of peaceful assembly, which stressed the need for States not to use COVID-19 as an excuse to restrict civic space. He recalled the crucial importance of accountability for violations of human rights in the context of peaceful assemblies to prevent further violations and indicated his intention to continue to work on that subject.

45. Mr. Shany stated that Governments should regard assemblies not as a luxury, but as an essential feature of democratic life. In that regard, COVID-19 should not be used as an excuse to excessively and unnecessarily limit the right of assembly. Some good practices had been developed around the world for Governments that were able to adopt closely tailored measures that facilitated the right of peaceful assembly during times of pandemic without taking excessive or unnecessary health risks.

46. With regard to online assemblies, it was increasingly difficult to distinguish between online and offline assemblies, and the protections that were afforded to offline assemblies should also apply to online assemblies. In relation to hate speech, the approach of the authorities to peaceful assemblies and any restrictions imposed must be content neutral. At the same time, in paragraph 50 of its general comment No. 37 (2020), the Human Rights Committee stipulated that peaceful assemblies could not be used for advocacy of national, racial or religious hatred that constituted incitement to discrimination, hostility or violence.

47. Ms. John stressed the importance of implementation on the ground of existing international standards governing the right of peaceful assembly, such as the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. She called for the lifting of restrictions on the right of peaceful assembly imposed because of the COVID-19 pandemic as soon as the public health emergency ended. She referred to the role of the private sector in peaceful protests and the need for the Human Rights Council to exercise oversight relating to the human rights responsibilities of business enterprises.

<sup>9</sup> See Human Rights Council resolution 44/20.

48. Ms. John referred to the urgent need for an immediate and impartial investigation into all instances of arbitrary arrest and use of excessive force by security forces in the context of protests, noting that a significant number of protesters around the world were women, children and young people who participated in and led existing and emerging social movements. States must drop charges and release protesters detained for exercising their right of peaceful assembly. In concluding, she asked for financial and bureaucratic sanctions imposed on civil society to be removed and requested States to play a role in supporting and resourcing grass-roots movements as part of their role as enablers of public participation and civic freedoms.

49. The United Nations Police Adviser and Director of the Police Division at the Office of Rule of Law and Security Institutions noted that the police should play an important role in the promotion and protection of human rights in the context of peaceful protests. Any police officer could be an actor of change for the promotion and protection of human rights. Good policing was always human rights based, people centred, gender responsive and mindful of the needs of the most vulnerable. Regarding accountability, police officers should be controlled both by formal and informal mechanisms, the latter including the media and civil society organizations.

50. Following the concluding remarks, the Vice-President of the Human Rights Council closed the discussion.

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