



44th Session of the Human Rights Council

Report of the Item 3 ID with the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association

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Introduction

On 9 and 10 July 2020, at the 44th session of the Human Rights Council, an interactive dialogue was held with the Special Rapporteur on the promotion and protection of the right to peaceful assembly. The Special Rapporteur presented his report (A/HRC/44/50), which had three addendums, including a country specific report regarding his visit to Sri Lanka (A/HRC/44/50/ADD.1), a country specific report regarding his visit to Zimbabwe (A/HRC/44/50/ADD.2), and a report regarding the comments by Zimbabwe concerning the Special Rapporteur's visit and report (A/HRC/44/49/ADD.3).

The following is a summary of the Special Rapporteur's report, the pertinent discussions that took place at the interactive dialogue, and a discussion on GICJ's position. For the purposes of this paper, GICJ will apply its analysis with a specific focus on the current situation in Iraq.

The Significance of the Special Rapporteur's Report

The Item 3 interactive dialogue with Special Rapporteur on the rights to freedom of peaceful assembly and of association revolved around the issues detailed in his report. The Special Rapporteur, Mr. Clément Nyaletsossi Voule, highlighted the importance of protecting the rights of peaceful assembly and of association globally, as stated in Council resolution 15/21.

The Special Rapporteur asserted in his report that there are growing trends of laws and actions that unjustly restrict people's ability to exercise their natural rights to freedom of peaceful assembly and of association. While most constitutions around the globe recognize these rights, many countries violate their constitutions by enacting severely restrictive domestic laws and practices.

Figure 1: Special Rapporteur Recommendations



The Interactive Dialogue

The interactive dialogue began with the Special Rapporteur's opening statement. The Special Rapporteur emphasized the importance of peaceful assembly because in this decade, people assembling peacefully has led to democratic transitions, better rights for women and girls, and various other much needed policy changes. The Special Rapporteur continued to highlight the power of peaceful assembly by citing the global influence the Black Lives Matter Movement has had. He stated that the movement demonstrated how injustice in one part of the world can trigger change in other parts of the world. As the Special Rapporteur asserted, during the last

decade, the rights of association and assembly have been essential for building partnerships for a better world.

Black Lives Matter Protest in the U.S.A



However, as the Special Rapporteur noted, these rights have faced obstacles over the last decade. He stated that the world should take advantage of the COVID-19 pandemic to affect positive change in the future and to build back a better world. He made it clear that the Coronavirus pandemic is not a pretext to violate individuals' rights to freedom of association and peaceful assembly.

After the Special Rapporteur spoke, various States and other entities voiced their stances. The States and Groups of States that participated in the interactive dialogue were Saudi Arabia, Sri Lanka, Zimbabwe, the Czech Republic (on behalf of a Group of Countries), Burkina Faso (on behalf of the African Group), Lithuania, the European Union, the State of Palestine, France,

Cuba, Austria, Montenegro, Ireland, Armenia, Tunisia, Venezuela (Bolivarian Republic of), India, Philippines, Spain, Jordan, Indonesia, Botswana, Iraq, New Zealand, Netherlands, Belgium, Pakistan, Sudan, Egypt, Maldives, Nepal, the United Kingdom of Great Britain and Northern Ireland, Switzerland, Georgia, Ecuador, Ukraine, Niger, Myanmar, Chile, South Sudan, Kyrgyzstan, Iran (Islamic Republic of), Namibia, Russian Federation, and Costa Rica.

There following three key points were emphasized by States during this meeting: (1) States must respect individuals' right to peacefully assemble because in the past, peaceful demonstrations have caused positive policy changes that better honor human rights; (2) States not must, under any circumstances, employ violence on peaceful demonstrators because doing so violates international law; (3) The COVID-19 pandemic should not serve as a pretext for governments to hinder people's right to assemble peacefully as long as demonstrators are adhering with the World Health Organization's recommendations to stay safe during the pandemic.

There were several impactful joint statements representing various groups which were immensely significant and comprehensive.

The Czech Republic spoke on behalf of a group of countries located all over the world. In its statement, the group emphasized that peaceful assembly is essential for all human rights to be fulfilled. This is accurate because without the right to peaceful assembly, individuals cannot exercise such rights as freedom of speech, freedom of expression, and freedom of association.

Burkina Faso spoke for The African Group, highlighting the importance of a strong civil society for a resilient State and asserting that the right to peaceful assembly must be upheld in all circumstances.

Similarly, Lithuania spoke on behalf of the Nordic-Baltic Countries and avowed that the rights to peaceful assembly and associate are fundamental freedoms and indispensable pillars of democracies. Therefore, they must be respected both online and offline in order to expand civil society's space.

The EU condemned the excessive use of pressure, such as violence, on peaceful protesters, the stigmatization against civil society and surveillance of digital space. The EU then urged Member States to respond to these violations and warned that some States have been using indiscriminate force and have been stigmatizing civil society in an unjust manner.

The United Kingdom of Great Britain and Northern Ireland asserted that governments' restrictions on their people can exacerbate the marginalization of some of the most vulnerable populations. The United Kingdom also argued that especially during the current pandemic, States should allow their people to freely voice their concerns so that governments can meet the needs of people.

In his final remarks, the Special Rapporteur ended the interactive dialogue by reiterating his call for UN Member States to embrace civic space to generate trust among citizens and expressed his belief that States should not use the COVID-19 pandemic as a pretext to eliminate the rights of citizens.

GICJ Position

Geneva International Centre for Justice (GICJ) considers that it is especially imperative that States respect their people's ability to peacefully assemble and associate freely as these rights are interrelated and interdependent with democracy. A State cannot be democratic if it does not respect these essential human rights. Also, a State cannot be deemed to be adhering to international law and the stipulations of the United Nations' Universal Declaration of Human Rights if it fails to promote its people's ability to exercise their rights to peacefully assemble and associate.

GICJ considers that Iraq is a clear example of a country that has, on multiple accounts, violated individuals' and organizations' right to peacefully assemble. Iraqi officials have, on multiple occasions, attempted to stop peaceful protests targeted against the government by firing tear gas and live ammunition at demonstrators. The Iraqi government is also guilty of partnering

with various militias to carry out enforced disappearances of protesters, journalists, and other members of civil society who speak out against the regime. They have further permitted these enforced disappearances to continue with entrenched impunity as nothing is being done to ascertain the whereabouts and circumstances of the disappeared. Iraqi authorities are abandoning Iraq's constitution, which clearly asserts that Iraqi authorities must honor the rights to freedom of assembly and expression.

Iraq Protests

Iraqis deserve liberty and a government that protects them. The UN must help the people of Iraq and honor its commitment to help marginalized people achieve their rights. UN Member States can help the Iraqi people by acknowledging the guilt of the Iraqi government, by urging the UN Assistance



Mission for Iraq and the UN as a whole to condemn the Iraqi government's abuses toward its people, and by calling for external action, such as an International Tribunal, to investigate and prosecute the human rights violations that the Iraqi people have endured since 2003. It is only through these actions that Iraq can move closer toward becoming a true democratic, just, and peaceful State.

GICJ considers that the interactive dialogue was successful in informing States how they can better protect their people's right to freedom of peaceful assembly and association. Our hope is that all States present take the Special Rapporteur's recommendations seriously in order to act in accordance with international law and the Universal Declaration of Human Rights. We recognize that many States in attendance violate their people's right to freedom of peaceful

assembly and association, so we urge those states to do better. For those States that refuse to comply and continue to violate these rights, their governments must be held accountable.

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