



General Assembly

Distr.: Limited
18 March 2013

Original: English

Human Rights Council

Twenty-second session

Agenda item 3

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

Angola, Argentina, Austria, Belgium*, Bolivia (Plurinational State of)*, Bosnia and Herzegovina*, Bulgaria*, Colombia*, Costa Rica, Croatia*, Cyprus*, Czech Republic, Estonia, Finland*, France*, Georgia*, Germany, Greece*, Honduras*, Iceland*, Ireland, Liechtenstein*, Luxembourg*, Maldives, Norway*, Peru, Poland, Portugal*, Romania, Serbia*, Slovakia*, Slovenia*, Spain, State of Palestine*, Sweden*, Switzerland, Turkey*: draft resolution

22/... The promotion and protection of human rights in the context of peaceful protests

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and recalling the relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Reaffirming that, consistent with the Universal Declaration of Human Rights, States Members of the United Nations have pledged to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms for all without distinction such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling Human Rights Council resolutions 12/16 of 2 October 2009 and 16/4 of 24 March 2011, on freedom of opinion and expression, 15/21 of 30 September 2010 and 21/16 of 27 September 2012, on the rights to freedom of peaceful assembly and of association, 19/35 of 23 March 2012, on the promotion and protection of human rights in the context of peaceful protests, and 21/12 of 27 September 2012, on the safety of journalists,

* Non-Member State of the Human Rights Council.

Recalling also 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,

Recognizing that, pursuant to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination, the rights to freedom of peaceful assembly, of expression and of association are human rights guaranteed to all, while their exercise may be subject to certain restrictions, in accordance with States' obligations under applicable international human rights instruments,

Recognizing also that any such restrictions must be based in law, in accordance with States' obligations under applicable international human rights instruments, and subject to a competent, independent, impartial and prompt administrative or judicial review,

Acknowledging that peaceful protests can occur in all societies,

Acknowledging also that participation in peaceful protests can be an important form of exercising the rights to freedom of peaceful assembly, and of association, freedom of expression and of participation in the conduct of public affairs,

Recognizing, in this regard, the role that peaceful protests can play during the period of elections and the contribution they can make to the conduct of free, fair and democratic elections,

Acknowledging that peaceful protests can contribute to the full enjoyment of civil, political, economic, social and cultural rights,

Reaffirming that everyone has the right to life, liberty and security of person,

Reaffirming also that participation in public and peaceful protests should be entirely voluntary and uncoerced,

Stressing therefore that everyone must be able to express their grievances or aspirations in a peaceful manner, including through public protests without fear of reprisals or of being intimidated, harassed, injured, sexually assaulted, beaten, arbitrarily arrested and detained, tortured, killed or subjected to enforced disappearance,

Deeply concerned about acts that can amount to extrajudicial, summary or arbitrary executions committed against persons exercising their rights to freedom of peaceful assembly, of expression and of association in all regions of the world,

Expressing its concern about the number of attacks targeting journalists in the context of peaceful protests,

Stressing that peaceful protests should not be viewed as a threat, and therefore encouraging all States to engage in an open, inclusive and meaningful dialogue when dealing with peaceful protests and their causes,

Recognizing that national human rights institutions and representatives of civil society, including non-governmental organizations, can play a useful role in facilitating continued dialogue between individuals taking part in peaceful protests and the relevant authorities,

Stressing the need to ensure full accountability for human rights violations or abuses in the context of peaceful protests,

Recalling the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, as adopted at the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

1. *Takes note with appreciation* of the thematic report of the United Nations High Commissioner for Human Rights on effective measures and best practices to ensure the promotion and protection of human rights in the context of peaceful protests,¹ submitted in accordance with Human Rights Council resolution 19/35;
2. *Recalls* that States have the responsibility, including in the context of peaceful protests, to promote and protect human rights and to prevent human rights violations, in particular extrajudicial, summary or arbitrary executions, arbitrary arrest and detention, enforced disappearances, and torture and other cruel, inhuman or degrading treatment or punishment, and calls upon States to avoid the abuse of criminal and civil proceedings or threats of such acts at all times;
3. *Urges* States to facilitate peaceful protests by providing protestors with access to public space and protecting them, where necessary, against any forms of threats, and underlines the role of local authorities in this regard;
4. *Calls upon* States to promote a safe and enabling environment for individuals and groups to exercise their rights to freedom of peaceful assembly, of expression and of association, including by ensuring that their domestic legislation and procedures related to the rights to freedom of peaceful assembly, of expression and of association are in conformity with their international human rights obligations and commitments;
5. *Underlines* the role that communication between protestors, local authorities and police can play in the proper management of assemblies such as peaceful protests, including protests that are spontaneous, simultaneous, unauthorized or restricted;
6. *Urges* States to pay particular attention to the safety of women and their protection from gender-based violence, including sexual assault in the context of peaceful protests;
7. *Calls upon* all States to avoid using force during peaceful protests, and to ensure that, where force is absolutely necessary, no one is subject to excessive or indiscriminate use of force;
8. *Calls upon* States, as a matter of priority, to ensure that their domestic legislation and procedures are consistent with their international obligations and commitments in relation to the use of force by law enforcement officials, in particular applicable principles of law enforcement such as the principles of necessity and proportionality, bearing in mind that lethal force may only be used to protect against an imminent threat to life and that it may not be used merely to disperse a gathering;
9. *Also calls upon* States to investigate any death or injury committed during protests, including those resulting from the discharge of firearms or the use of non-lethal weapons by law enforcement officials;
10. *Further calls upon* States and, where applicable, the relevant governmental authorities to ensure adequate training of law enforcement officials and military personnel and to promote adequate training for private personnel acting on behalf of a State, including in international human rights law and, where appropriate, international humanitarian law;
11. *Encourages* States to make protective equipment and non-lethal weapons available to their law enforcement officials and to refrain from using lethal force during peaceful protests, while pursuing efforts to regulate and establish protocols for the use of non-lethal weapons;

¹ A/HRC/22/28.

12. *Underlines* the necessity to address the management of assemblies, such as peaceful protests, so as to contribute to their peaceful conduct, and to prevent loss of life of, and injuries to, protestors, bystanders, those monitoring such protests, and law enforcement officials, as well as any human rights violations or abuses;

13. *Recognizes* the key role played by national human rights institutions, civil society, including non-governmental organizations, journalists, writers and other media workers, Internet users and human rights defenders, and other relevant stakeholders, in documenting human rights violations or abuses committed in the context of peaceful protests;

14. *Urges* States to ensure that national mechanisms, based on law in conformity with their international human rights obligations and commitments, can ensure oversight and accountability for human rights violations and abuses, including in the context of peaceful protests;

15. *Also urges* States to ensure that victims of human rights violations and abuses have, through existing national mechanisms, access to a remedy and that they obtain redress, including in the context of peaceful protests;

16. *Acknowledges* the importance of international cooperation in support of national efforts for the promotion and protection of human rights and fundamental freedoms, in order to raise the capacities of law enforcement agencies to deal with peaceful protests in a manner that conforms with their international human rights obligations and commitments;

17. *Requests* the Office of the High Commissioner:

(a) To organize, before the twenty-fifth session of the Human Rights Council, a seminar on effective measures and best practices to ensure the promotion and protection of human rights in the context of peaceful protests, with the participation of States, relevant Human Rights Council special procedures, members of the treaty bodies and other stakeholders, including academic experts and civil society representatives, with the aim of building upon the above-cited report of the High Commissioner and other related work of the Council;

(b) To prepare a report on the deliberations held during the seminar and to submit it to the Human Rights Council at its twenty-fifth session;

18. *Decides* to continue its consideration of this topic at its twenty-fifth session under agenda item 3.
