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Human Rights Council

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Agenda item 3

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

Costa Rica, Switzerland and Turkey

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

DRAFT 1 (06.03.2012)

The Human Rights Council,

PP1 *Reaffirming* the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights, [17/120 pp1]

PP2 *Reaffirming also* that, in accordance with the Universal Declaration of Human Rights, **Member States** ~~Members~~ of the United Nations have pledged themselves 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, [17/120 pp2, minor correction]

PP3 *Recalling* Human Rights Council resolutions 12/16 of 2 October 2009 and 16/4 of 24 March 2011 on freedom of opinion and expression, Human Rights Council resolution 15/21 of 30 September 2010 on the rights to freedom of peaceful assembly and of association, and Human Rights Council decision 17/120 on the promotion and protection of human rights in the context of peaceful protests, [NEW]

PP4 *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 State's obligations under applicable international human rights instruments, [17/120 pp3]

PP5 *Recalling* 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, [NEW]

PP6 Acknowledging that participation in peaceful protests can be an important element in the full realisation of the right to freedom of assembly and association, freedom of expression and for participation in the conduct of public affairs, [NEW]

PP7 *Reaffirming* that everyone has the right to life, liberty and security of person, [NEW]

PP8 *Stressing* therefore that everyone must be able to express their grievances and aspirations through public and peaceful protests without fear of being injured, beaten, arbitrarily arrested and detained, tortured, ~~or~~ killed or subjected to enforced disappearance, [17/120, pp4 amended]

PP9 *Stressing* also that peaceful protests should not be viewed as a threat, and therefore encouraging States **where peaceful protests occur** ~~faced with peaceful protests~~ to engage in an open, inclusive and meaningful national dialogue, [17/120, pp5 amended]

PP10 *Recognizing* that national human rights institutions and civil society organizations, including non-governmental organizations, can play a useful role in facilitating continued dialogue between individuals taking part in peaceful protests and the relevant authorities [NEW],

PP11 *Recalling* that ~~when peaceful protests occur~~, States have the **responsibility obligation** 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, **abuse of criminal and civil proceedings or threats of such acts at all times, including in the context of peaceful protests**, [17/120, pp6 amended]

PP12 *Recalling* the Code of Conduct for Law Enforcement Officials of 17 December 1979 (UNGA 34/169) and the 1990 Basic Principles on the Use of Force and Firearms by Law Enforcement Officials as adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, [NEW]

1. *Recognizes* the need to reflect on the promotion and protection of human rights in the context of peaceful protests, [NEW]
2. *Welcomes* the holding of the panel discussion on the issue of the promotion and protection of human rights in the context of peaceful protests by the Human Rights Council at its eighteenth session and the active participation of States and other stakeholders, [NEW]
3. *Takes note of* the summary of the panel's deliberations prepared by the Office of the United Nations High Commissioner for Human Rights, [NEW]
4. *Acknowledges* that peaceful protests can occur in all contexts and all societies, [NEW]
5. *Recognizes* that several special procedures of the Human Rights Council and other United Nations and regional mechanisms have an important role to play in examining peaceful protests and the promotion and protection of human rights in the scope of their respective mandates, [NEW]
6. *Calls upon* States to abide by their human rights obligations under international law in creating and ensuring an environment where protests can occur in a peaceful manner, [NEW]
7. *Encourages* States to explore ways of avoiding force wherever possible during peaceful protest, and where force is absolutely necessary, to restrict the use of that force to the minimum absolutely necessary, [NEW]

8. *Requests* the Special Rapporteur on freedom of expression, the Special Rapporteur on the rights to freedom of peaceful assembly and association, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on human rights defenders and the Working Group on arbitrary detention to cooperate and to submit a thematic report to the Council at its twenty-second session on effective measures to ensure the promotion and protection of human rights in the context of peaceful protests, on the implementation of legal obligations under international human rights law and measures to prevent violations and abuses, and invites them in so doing, to seek the views of other special procedures of the Human Rights Council as appropriate and to cooperate with States and relevant partners such as treaty bodies, national human rights institutions, the United Nations High Commissioner for Human Rights, and other United Nations agencies, regional organizations and civil society organizations, [NEW]

9. *Decides* to consider the above-mentioned thematic report and possible next steps at its twenty-second session of the Human Rights Council under agenda item 3. [NEW]
