

For over a decade, the United Nations Human Rights Council (UNHRC) has served as the international judge and protector of human rights. Numerous treaties, organizations and nations in the past have established their own standards of human rights and what they view as humane or inhumane. Different institutions have taken their own steps to protect what they recognize as human rights over the years. The actions that world superpowers took to protect those rights formed the basis of international foreign policy, although during situations such as wartime, violations of human rights were often disregarded. One of the most fundamental human rights that most countries guarantee to their citizens is the freedom of speech and the right of people residing within that nation to express themselves without government censorship. Yet, expression can come in many different forms such as through publication, speeches, rallies or protests. In the past few years, countries have seen a wave of protests set off by economic as well as political issues. Furthermore, the advent of social media and technology makes it easier than ever for large rallies to be held. The greatest issue regarding protests is that because many were not planned well, what were supposed to be peaceful protests turned violent and endangered participants and bystanders. Due to the spike in protests in recent years, it is more important than ever to seek solutions that will help maintain a safe environment during protests.

Most protests occur in developing nations where an unstable economic or political situation causes discontent among the nation's citizens. In the past decade, the advance of technology means all but the poorest in most countries have access to the news and social media, which results in the greater spread of ideas. Yet, in protests staged in countries where the situation is far from perfect, the protesters are not simply clamoring for change; they pour their emotions of frustration, anger and other versions of cholera. Emotions tend to mess up the mind

and many protesters often act irrationally, turning what was supposed to be a peaceful protests into a riot. Many times, the protesters, non-participating onlookers as well as security forces who try to quell the chaos are harmed. As a result, the talking point about the protest will not be the ideas that it was trying to spread, but the violence it caused. This leads to many associating the ideas that the group was trying to spread with violence and the general public are never informed about its goals.

A factor in the facilitation of peaceful protests that must be examined further is the use of violent force by the police to end the protests. In 2012, the Sudanese security forces used excessive force to end protests that called for the stepping down of the current government. Yet, authorities did nothing to stop the police force and in fact, the President Omar al-Bashir called the protests "foreign-backed, and threatened to respond to protesters with real jihadists" instead of as a "responsible government."¹ The Sudanese government used the protests as an excuse to utilize fear tactics to quite their political opponents, disrespecting the right of its citizens to protest peacefully. However, Sudan is not the only country that used force to crack down on violent protests in recent years. During the Egyptian Revolution, the police used torture and other inhumane forms of interrogation to try and weasel information out of the protests. Despite international condemnation, such actions continued until the fall of the Mubarak Government. In 2011, the government of Syria executed a brutal clampdown on demonstrations for a democratic

¹"Sudan: Violent Crackdown on Protesters." *Human Rights Watch*. N.p., 17 Apr. 2015. Web. 13 May 2017.

government². For the first time in their history, tanks were out on the streets and troops opened fire randomly in many towns and villages to eliminate opposition.

The three violent crackdowns that occurred in the abovementioned nations were for very similar reasons and are representative of a larger group of nations that share similar situations. Furthermore, most of the countries are third world nations and generally have an unstable economic and political situation. The majority of these nations are lead by a dictator or are a military regime and are generally not receptive to new ideas. Moreover, their governments are full of corruption and the people generally have no say. Because of improvements made in the field of technology, millennials have access to a large amount of information and informs them of the benefits of ideas that are almost non-existent in their country like capitalism or elections. However, as governments are desperate to hold onto their power and because they want to set an example for future protests, violence is often used to end protests when it is not necessary and is clearly a violation of the United Nations Declaration of Human Rights(UDHR)³.

A major issue with some protests is that although most are planned, there are some that are more spontaneous and cause issues with the site that they are holding the protest at. In nations where citizens are unhappy because of the economic, protests are unavoidable, commonplace and unpredictable. Nations should establish legislation that recognizes the right of individuals to hold spontaneous protests because it is part of their right to assembly and speech. Furthermore, law enforcement officials ought to be trained in the facilitation and management of

²Marsh, Katherine, Matthew Taylor, and Haroon Siddique. "Syria's crackdown on protesters becomes dramatically more brutal." *The Guardian*. Guardian News and Media, 25 Apr. 2011. Web. 13 May 2017.

³"Universal Declaration of Human Rights." *United Nations*. United Nations, n.d. Web. 13 May 2017.

counter-demonstrations wherever they take place as protesters and counter-protesters have a right to protection. Security forces need to be trained to ensure that similar assemblies are treated equally and that neither of their demonstrations are violent and cause general discourse. Also, in protests where specific protection is needed for certain groups of people, law enforcement should recognize that and protect them from any force that may be executed on them.

As the number of protests that occurred started rising around the world in the past decade, the United Nations passed several pieces of legislation that was intended to help ensure the safety of protesters during demonstrations. In 2007, the Office for Democratic Institutions and Human Rights (ODHIR) of the Organization for Security and Cooperation in Europe (OSCE) published standards on the freedom of public gathering⁴. The legislation was intended to help establish a national standard for nations within the OSCE region as the frequency of protests in the area rose. The document re-stated that the freedom of peaceful assembly is a fundamental human right that can be used by individuals or a group but also emphasized that only peaceful assemblies where no one is harmed are protected. It also stressed a state's obligation to help facilitate assembly, assemblies are a legitimate usage of public place and that generally restrictions should not be placed unless they interfere with legality or there is an imminent threat of violence.

In 2011, the United Nations appointed a special rapporteurs to examine the rights to freedom of peaceful assembly and association. Special rapporteurs are independent experts appointed by the United Nations Human Rights Council and are not officially employed by the United Nations because the position is honorary. The position was originally established on

⁴"Guidelines on Freedom of Peaceful Assembly: Second Edition." *Guidelines on Freedom of Peaceful Assembly: Second Edition* | OSCE. N.p., n.d. Web. 13 May 2017.

October 2010, when the Human Rights Council passed resolution 15/21⁵ which established the mandate of the Special Rapporteur on the rights to freedom of peaceful assembly and of association. The term is three years, renewable once and the mandate has been renewed two times, in 2013 and 2016. Currently, Ms. Annalisa Clampl⁶ serves as the special rapporteur.

As mandated by the Human Rights Council, the special rapporteur is responsible for gathering related information about the protection of the right to peaceful assembly and examine trends to determine possible challenges. Furthermore, the rapporteur will consider and recognize what he/she sees as the best solutions as well as seek, receive and receive information from states, and all other relevant institutions. It is the responsibility of the special rapporteur to report on violations of the rights of peaceful assembly or other relevant cases, to ensure that its duties do not overlap with that of other supervisory mechanisms and to work in conjunction with all other offices of the Human Rights Council. The Special Rapporteur achieves its goals by submitting annual reports to the Human Rights Council and General Assembly as well as going on fact-finding country visits, transmitting letters on alleged violations of human rights and engaging publicly on topics of worry such as through press releases.

Furthermore, there is still work to be done on the clarification of how to officially maintain order. The 1979 Code of Conduct for Law Enforcement Officials⁷ stated that security forces must only use force when strictly necessary and that they have to follow the law and that torture should not be used except in extreme circumstances such as if it threatens national

⁵"Resolution 15/21 Human Rights Council." *Human Rights Documents*. N.p., n.d. Web. 13 May 2017.

⁶"Freedom of Assembly ." *OHCHR | Freedoms of peaceful assembly and of association*. N.p., n.d. Web. 13 May 2017.

⁷"Law Enforcement Officials." *OHCHR | Code of Conduct for Law Enforcement Officials*. N.p., n.d. Web. 13 May 2017.

security. However, there is still work to be done as the code doesn't specifically state measures officers can take to maintain order and stability. In 1990, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials⁸ were passed to help establish the guidelines for security forces on the usage of weapons. However, the Basic Principles gave governments a lot of freedom on the appointment of law enforcement officials and nations that have limited funding for training programs are less likely to pay as much attention when employing security forces.

Mexico believes that citizens are entitled to the right of assembly and speech and its national government holds these rights in high regard. However, a problem that Mexico has been trying to solve is that because of the violence in certain areas, leaders or organizers of protests risk their lives when doing so. The government of Mexico believes that the lives, safety and security of its citizens is a very important issue and that those who do wish to protest a certain issue in dangerous areas should consider the risks to their safety. In many states, the leaders of crime syndicates have been captured and their organizations dismantled so that people will no longer be threatened because of their opposition against such criminals. Article 9 of Mexico's Constitution⁹ guarantees its citizens the freedom of assembly and when the government makes decision that the citizens feel are not good for them, the government will not interfere with their right to show their demonstration. In the state of Puebla, a law was passed that allowed police to use force to break up protests. However, after lawful demonstrations that showed the people's disapproval, the state repealed the law.

⁸"Use of Force and Firearms." *OHCHR | Basic Principles on the Use of Force and Firearms*. N.p., n.d. Web. 13 May 2017.

⁹"Constitution of Mexico." *Wikipedia*. Wikimedia Foundation, 09 May 2017. Web. 13 May 2017.

Given that Mexico experienced 17,909 protests in Mexico city alone during a three year span from 2009 to 2012¹⁰, it has experience with dealing with protests and has also identified some of the major problems that are associated with peaceful protests. When demonstrations occur and police or security forces arrive to try and maintain order but the protesters start getting aggressive. The police are now faced with a dilemma: either to protect the infrastructure and order or to stand back. If the police choose to maintain order, they are accused of repressing the rights of the citizens and being oppressive. However, if they choose to step back, infrastructure is damaged and expensive costs are incurred. In Congress, there is currently a Public Demonstrations Law that is currently on the table. It makes some important points such as notification required prior to demonstration so that it does not affect bystanders, a certain time schedule to not affect traffic, the prohibition of insults and threats to avoid aggression and the presence of human rights personnel in demonstrations. This law is expected to benefit the Mexican state and has the potential to help many other nations.

To begin with, in order to ensure that police forces know how to appropriately deal with acts of aggression by protesters, the delegate of Mexico suggests the implementation of an international training program that will act as a subbody of the Human Rights Council. In this program, the people in charge of training security forces in nations that have high protest occurrence rates will be invited to learn about methods to help prevent conflicts between protesters and the police. Furthermore, the attendees will learn how to properly prevent their actions from being too aggressive and inviting the very violence that they are trying to prevent.

¹⁰"Mexico: Is Freedom of Violent Assembly and Association a Human Right?" *FutureChallenges Mexico Is Freedom of Violent Assembly and Association a Human Right Comments*. N.p., n.d. Web. 13 May 2017.

The people invited will be expected to convey the information and skills they absorbed during the program to new and existing members of their national police and security forces. Also, they are encouraged to help gather feedback on the program in order to try and improve it. Nations will be invited based on the frequency of protests in their nation or if the nation openly requests an invitation because it is unable to cope with protests occurring within its nation. Should a nation request further supervision, trained members of the training program will travel to the nation's training centers and other locations to help implement the program.

An extension to this program will be the training of specifically trained human rights advisory personnel who will be based in willing nations. These personnel will be stationed at various locations with a high frequency of protests to monitor them and ensure that human rights violations do not occur. After each protest that the advisory personnel has supervised, he/she will write a report to the United Nations documenting the general plot of the demonstration and any violations of human rights. Individual nations may offer their own police forces to be trained, however, after the completion of their training, the officer will no longer be a part of the nation's police force and will officially be a UN serviced staff member.

In addition, the delegate of Mexico believes that in order to foster international cooperation to help nations as a group share ideas on the facilitation of protests. Although each nation is different, they may be suffering from the same issues so the database will allow them to share solutions on the facilitation of protests and the measures that were taken by the country. Furthermore, through the database, countries with similar issues will be encouraged to hold international forums where representatives of nations will be invited for conferences on what actions should be taken. A nation will be admitted to the database should it allow the United

Nations to create an office for the human rights advisory personnel mentioned in the above paragraph.

Finally, each nation should establish its own individual protocol for the staging of a peaceful protest in order to ensure that demonstrations do not interfere with the lives of everyday citizens. This method is not to say that spontaneous protests are illegal and should be banned; the right to spontaneous protest is a fundamental human right. However, organized protests are generally larger in scale so the government may need time to prepare the proper police forces, human rights supervisors and other personnel needed to ensure the peace. Furthermore, it must be established that members of protests are responsible for restraining their fellow members and that if they cause damage to infrastructure, they must pay the necessary fines. In addition, the protocol will contain the specific information for each nation on advised behavior towards security forces to ensure that everyone is given proper respect in order to prevent the incitement of aggression. This protocol will be established in conjunction with the United Nations Human Rights Council to guarantee that human rights are not violated within.

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