



General Assembly

Distr.: Limited
19 March 2012

Original: English

Human Rights Council

Nineteenth session

Agenda item 3

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

Albania^{*}, Argentina^{*}, Austria, Belgium, Canada^{*}, Colombia^{*}, Costa Rica, Croatia^{*}, Czech Republic, Estonia^{*}, Finland^{*}, Georgia^{*}, Honduras^{*}, Hungary, Iceland^{*}, Israel^{*}, Liechtenstein^{*}, Portugal^{*}, Romania, Slovakia^{*}, Slovenia^{*}, Somalia^{*}, Spain, Switzerland, Turkey^{*} : draft resolution

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

The Human Rights Council,

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,

Reaffirming also that, in accordance 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, on the rights to freedom of peaceful assembly and of association, and decision 17/120 of 17 June 2011, on the panel on the promotion and protection of human rights in the context of peaceful protests,

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

^{*} Non-Member State of the Human Rights Council.

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,

Acknowledging 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,

Acknowledging also that peaceful protests can contribute to the full realization 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, including through public and peaceful protests without fear, and recalling in this regard that States have the responsibility to promote and protect human rights, 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, as well as to avoid the abuse of criminal and civil proceedings or threats of such acts at all times, including in the context of peaceful protests,

Stressing also 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 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,

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. *Recognizes* the need to reflect on the promotion and protection of human rights in the context of peaceful protests;

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 therein;

3. *Takes note* of the summary of the panel discussions prepared by the Office of the United Nations High Commissioner for Human Rights;¹

4. *Acknowledges* that peaceful protests can occur in all contexts and all societies;

¹ A/HRC/19/40.

5. *Calls upon* States to create and ensure an environment where protests may be conducted in a peaceful and lawful manner by enacting national legislation respecting international human rights law in this regard;

6. *Encourages* all States to explore ways of avoiding force wherever possible during peaceful protests, and where force is absolutely necessary, to restrict the use of that force to the minimum absolutely necessary;

7. *Calls upon* States, and where applicable 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 human rights and, where appropriate, international humanitarian law;

8. *Requests* the High Commissioner to prepare and submit a thematic report to the Human Rights Council, prior to its twenty-second session, on effective measures to ensure the promotion and protection of human rights in the context of peaceful protests, including the implementation of international human rights obligations and commitments, and to prevent violations and abuses;

9. *Encourages* relevant thematic special procedures mandate holders, including 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 and the Special Rapporteur on human rights defenders, to contribute to the above-mentioned thematic report;

10. *Requests* the High Commissioner, in preparing the thematic report, to draw from the experience of treaty bodies and to seek the views of States and relevant partners, such as United Nations agencies, regional organizations, national human rights institutions and civil society organizations;

11. *Decides* to consider the above-mentioned report and possible next steps at its twenty-second session under agenda item 3.
