



Research Report Issue 2
Human Rights Committee (HRC)
Issue 2: Ensuring the rights of
protesters and protecting the
freedom of peaceful assembly
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Introduction

The right to peaceful assembly and the protection of protesters are one of the integral parts of democratic fundamentals and international human rights law. Peaceful protests allow individuals or groups from any class, background, ethnicity, or race a means to express opposition or support to change, advocate for reform, and demand accountability from various actors or organisations. Throughout the history of modern society, the assembly of protesters and demonstrations have played a decisive role in shaping political systems, advancing civil liberties, and tackling social injustices. Thus, the ability to protest without the fear of oppression is widely known to be a highly important pillar of a free and open society.

In a wider global context, protests remain to be a consistent feature in regards to political and social life, especially to reform in a States policy. Demonstrations related to climate change, labour rights, electoral reform, racial justice, and gender equality have caused millions of individuals from all aspects of life to mobilise and unite under common cause worldwide. The rise of social media and global communication in an increasingly more digitised world have rapidly amplified the scale and visibility of protests, enabling rapid organisation and garnering worldwide attention. With almost everything now being documented and stored in data centres under the bottom of the ocean, a State's actions have never been more monitored as closely as before, leaving little to no chance for a State to not be held accountable for its actions under international society. However, many States have begun to respond to this change in social interactions through the increase of digital surveillance infrastructure, internet shutdowns, and restrictions on freedom of expression in online spaces. These developments and constant shifts in power between the State and the individual have raised new challenges in the protection of protesters' rights in an ever evolving political and technological landscape.

Within the United Nations (UN) frameworks, the protection of protesters and peaceful assembly falls under several bodies, most notably being the Human Rights Committee and the Human Rights Council. Through cooperation, reports by Special Rapporteurs, and resolutions the UN has increasingly sought to promote the management of these issues and how an international response can be made into tackling these issues. Nevertheless, the effectiveness of these mechanisms are under the constant restraint on the principle of State sovereignty as well as the lack of binding power, being up to solely the State on whether or not it is to follow through with the frameworks and safeguards set up by the General Assemblies it is a part of. This has led to the international community and greater society to continue to face challenges in ensuring compliance with the already established human rights norms.

This issue calls for the careful balancing of the protection of fundamental freedoms and legitimate State interests. While States bear the responsibility of maintaining public order and safety, human rights law ensures that it is done in a humane manner, requiring that any restrictions on an individual's freedoms are done lawfully, peacefully, and are proportionate to the action taken by the individual. The Human Rights Committee therefore is tasked with examining how the frameworks which exist already can be strengthened further, how accountability from States or actors can be improved upon, and how States can enhance cooperation amongst each other to ensure that peaceful protest by an individual remains as a fundamental and effective means of expression. By addressing these challenges, international human rights law and civic spaces can remain to be safeguarded, upholding its integrity and emphasising its need in a highly complex and polarised global environment.

Definition of Key Terms

Protester movements:

Individuals or groups which publicly express opinions in regards to political, social, or economic issues. Views are most often in either support or opposition of change or a current world event.

Peaceful Assembly:

The temporary and planned gathering of individuals in a public or private space with the goal of expressing a collective opinion. It is conducted without violence and is commonly protected under international human rights law.

Freedom of Expression:

The right to receive, seek and express personal opinion or ideas of all kinds through any medium, being closely linked to the right to peaceful assembly.

Excessive Use of Force:

The application of force by a state's law enforcement that is deemed to have been unnecessary to the threat that is posed. It is most frequently a factor in a state's violation of international human rights standards.

Unjustified Arrest or Detention:

The arrest or detention of individuals which has been done without due process or legal justification. It can also be related to the arrest or detention of individuals based on discriminatory or political motives.

International Covenant on Civil and Political Rights (ICCPR):

A UN treaty adopted in 1966 which details the guarantee of fundamental civil and political rights to individuals of a UN Member State, including the right to protest and freedom of expression

Non-Governmental Organization (NGO):

NGOs are typically a non-profit group which are organised on a regional, national, or international scale to address issues that are in the public's interest. NGOs typically focus on humanitarian, social, environmental, or advocacy causes, often funded by donors, volunteers, or grants.

Background

Under international law, the right to peaceful assembly is closely tied to essential freedoms, such as the freedom of expression and freedom of association. These rights alongside others have been codified and enshrined in key international legal systems, with one of history's earliest charter of human rights being the Magna Carta; signed in 1215 by King John of England. In modern society, the most relevant human rights charters to date are currently the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR). Together, these modern legal instruments establish the obligation of states to not only refrain from the use of unjustified dispersing or interference in peaceful protests, but additionally are active frameworks used to facilitate and protect peaceful assemblies which are conducted within the law of the State. As such, a State's responsibility expands further beyond tolerance, requiring positive measures which ensures that protesters are able to safely exercise their rights.

Despite the existence and establishment of these legal safeguards however, protester rights and the protection of peaceful assembly have increasingly come under pressure in recent years. From the Hong Kong protests to the Women's Rights Movement in Iran, as well as the anti-ICE protests currently occurring in the United States, various States in different regions, political systems, and governments have begun to adopt and enforce restrictive legislation, begun the expansion of policing measures against protesters, increase measures involving force to disperse protesters, and have employed surveillance measures that heavily limit the ability and way individuals are able to protest freely without persecution. Governments and authorities often come to justify these actions under the basis of public order, national security, or public safety. While it is recognised by international law that States hold the right to impose certain restrictions on protesters under specific circumstances, concerns continue to grow amongst individuals, States, international organisations, and advocacy groups in regards to the proportion, excessiveness, and need to enforce these measures. For example, various authoritarian or corrupt states have been involved in the excessive use of force, arbitrary arrests, and systemic targeting of journalists, activists, or opposition groups in response to protests being made in the State.

The modern global framework protecting the right to protest and peaceful assembly emerged after the Second World War and its aftermath. To respond to the widespread abuse of power and violence States witnessed during the conflict, the international community sought to fully establish and codify global human rights fundamental to individuals, mainly through multilateral legal charters and instruments. The creation and adoption of the Universal Declaration of Human Rights (UDHR) in 1948 was marked as a significant step in the process of creating global human rights for every individual, with freedom of peaceful assembly and association being affirmed in article 20 of the document. Despite the UDHR not being legally binding for States to follow, it laid the foundation for following treaties which played a crucial role in shaping international standards for human rights. Some of these treaties would be drafted in the 1949 Geneva Conventions, which formed the core of modern international humanitarian law. Additionally, it ensured humane treatment during armed conflict for non-combatants, wounded soldiers, and prisoners of war.

Later on, the principles of the UDHR were legally codified in the International Covenant on Civil and Political Rights which was adopted in 1966 and entered into force in 1976. The right of peaceful assembly was guaranteed in article 21 of the ICCPR, while it also allows States the right to impose restrictions on individuals when deemed to be necessary so long as it is in the interest of national security, public safety, public order, public health, or the protection of the rights and freedom of others. While these limitations were established with the intent to provide States flexibility in regards to keeping public order, it has also created various grey zones of ambiguity which States have exploited as a means to justify excessive or unnecessary restrictions on peaceful protests. Thus, a States' interpretation of what can be constituted as a genuine and legitimate threat to public order and safety therefore became a central factor to the contention of enforcing protest rights. Furthermore, this grey zone alongside increased ideological tensions in the mid to late 20th century has led to many States, authoritarian and democratic, to impose heavy restrictions on protesters, being at its peak during the Cold War.

Throughout the Cold War, individualistic freedoms such as the right to peaceful assembly was frequently suppressed by States under the grounds of ideological security. In both Western and Eastern blocs, State governments imposed heavy restrictions on demonstrations or personal

expression perceived as threats to political stability, frequently framing them as acts of subversion or foreign interference. One of the most notable instances of an individual's freedom of expression being curtailed was the Red Scare in the United States during the 1940s and 50s, where Cold War tensions from the Soviet Union alongside a heavy anti communist push in the US at the time led to mass anti-radical hysteria.

Following the end of the Cold War, the international political landscape experienced a large shift marked by an increase in political liberties as well as renewed demands by individuals for change and reform. The late 20th and early 21st centuries saw the rise of mass demonstrations aiming to address and advocate for reform on issues such as economic inequality, regime, labor rights, and government corruption. Many eastern States in Europe near the end of the Cold War fell or were heavily changed due to the large-scale protests occurring in the State, including the former Soviet Union itself. One of the most relevant post-Cold War examples of this trend would be the Arab Spring, a collection of protests that began in the late 2000s and early 2010s across various Middle Eastern and Arab States. While these movements demonstrated the power of protests and peaceful assembly to be able to mobilise individuals to unite against oppression, as well as being successful in States such as Tunisia with the abdication of its President at the time, many were met with repression, including the use of force, mass detentions, and emergency laws. There was a wide variety of outcomes to these protests, ranging from minor reform, large-scale regime changes, and prolonged instability marked by violent crackdowns, highlighting the risks protesters face even when peacefully exercising recognised rights enshrined by international law.

In the 21st century, the nature of a state's response to protests as well as how protests were conducted as a whole evolved significantly. The introduction of social media and its widespread use alongside rapid advancements in technology has allowed protests to change with it, transforming how they're organised, communicated, and documented, even allowing people from home to advocate for a cause happening thousands of kilometres away. Online platforms such as X, Instagram, and TikTok have enabled individuals to mobilise rapidly, establishing international solidarity, and real-time reporting of demonstrations, holding States accountable for any action taken against protesters. However, as protests also evolved with the times, so did

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certain governments methods in handling them. Governments now more than ever rely heavily on digital surveillance to track individuals, using infrastructure such as facial recognition technologies, or implementing widespread internet shutdowns and restrictions on online communication in order to monitor, deter, or disrupt protests. These measures have raised significant concerns by advocacy groups such as Amnesty International regarding the infringement on an individual's privacy and freedom of expression.

Despite this, a State which abuses its power through these measures often comes to face the consequences. A recent case would be the peaceful protests turned riots in Nepal during 2025, where the government's internet shutdown alongside following outrage by the Nepalese people regarding long-standing corruption in the States' regime led to widescale protests, alongside the storming of the Presidential office, burning of parliament, and many government officials alleged to be corrupt even fleeing by helicopter. Protesters then used the popular social media site Discord to elect an interim President, with the country currently stabilising. This demonstrates how unity amongst the people can win even against State censorship, highlighting the importance of addressing a State's abuse of power for the international community. At the same time however, many States have begun to introduce and adopt various legal frameworks regulating protests, including requiring permits, restrictions on protest locations, and the definition of unlawful assembly being broadened. Despite States often justifying these new legislations as necessary for the maintenance of public order or the prevention of internal instability, various critics argue that these laws are applied selectively, and are aimed at targeting specific political opponents, minority groups, or individuals. Therefore, the line between legitimate regulation by a State and repression has thus been highly contested, making the protection of peaceful assembly a highly relevant and pressing issue.

The international community continues to attempt at addressing and combatting these challenges, particularly through efforts made by the UN and human rights bodies such as the Red Cross. The Human Rights Committee, which oversees how States follow and implement the ICCPR, issued General Comment No. 37 to further clarify that States are obligated to protect the right to peaceful assembly. Including this, the General Comment also provides guidance on what could be a permissible scope of restrictions made against protests, how law enforcement use force, and

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the responsibility States bear to ensure protests remain peaceful, rather than only tolerate or even cracking down on them. Additionally, the Human Rights Council in the UN and Special Rapporteurs have frequently documented any violations States have made in regards to international human rights and its frameworks, alongside providing recommendations to the State in strengthening compliance with international standards.

However, enforcement still remains to be limited. State cooperation, reporting, and peer review remain to rely heavily on the State, as well as the enforcement of international human rights law in the first place. Due to the principle of State sovereignty, States aren't legally obliged to follow any framework or legislation made by international bodies such as the UN, with mutual trust between States being a driving factor that charters such as the UDHR are followed in the first place. As a result, accountability for abuses remain limited and are frequently inconsistent, particularly in States with authoritarian regimes.

Overall, the central challenge in addressing the rights of protesters and right to peaceful assembly lie between balancing a State's legitimacy while still ensuring that fundamental individualistic freedoms are protected. Protesters play a significant role in a State's politics and stability, and with enough hard power can even change the most authoritarian of regimes. It's up to the Human Rights Committee to ensure that frameworks are upheld, States are held accountable, and introduce potentially new methods or guidance States can implement in regards to the protection of protesters and right to peaceful assembly.

Major Countries and Organizations Involved

United States of America (USA):

Formally supports the freedom to protest as well as the freedom of expression enshrined in human rights law, but has recently faced criticism under its current administration over its policing tactics through bodies such as ICE, its use of surveillance, and the use of force during large-scale protests.

People's Republic of China (PRC):

Maintains strict control on protests and public demonstrations under the guise of national security and social stability. China has also been cited to commonly repress protests, particularly in regions such as Hong Kong.

Iran:

Widely criticized for its violent crackdowns and mass arrests of demonstrators, as well its use of surveillance and restrictions on freedom of expression in its State.

Russian Federation:

Frequently crackdown on protests made against the state and have been involved in various human rights investigations in regards to the protection of protestors. Are known to also survey and monitor its State individuals, similarly to China.

European Union (EU):

The EU generally promotes and is supportive of protester rights and the protection of peaceful assembly, however some Member States in the union have spoken out against this and have adopted more restrictive protest laws in recent years.

Amnesty International & Human Rights Watch:

NGOs which openly advocate for various human rights, as well as condemning States in violation of them. Are known to document and publish abuses made by states against protesters and advocate for stronger international safeguards

Possible Solutions

Due to the nature of this issue, multiple solutions can be presented and have been in the past. However, with the current global contexts, global cooperation and ensured enforcement of the continued protection of protesters and its frameworks must be ensured. Some potential solutions could be:

Strengthening international legal standards:

By establishing stronger, more focused legal standards on protester rights and the right to peaceful assembly, States can more clearly be aware of what can be deemed as acceptable restrictions as well as how to effectively manage and assess gatherings. These standards can include updated UN guidelines on how force, surveillance, policing and other aspects are used and enforced, ensuring that they continue to align or are aligned with human rights principles.

Improving accountability mechanisms:

By improving accountability mechanism UN bodies such as the Human Rights Council and Human Rights Committee could expand on aspects such as reporting requirements, further support for investigations made independently into abuses of power made by states in relation to protests, as well as suggesting the use of sanctions or diplomatic consequences by States towards States which are frequent violators

Emphasising Capacity-Building:

Providing training and resources to a State's law enforcement on managing protests, assessing when a peaceful protest turns violent, de-escalation techniques which can be used, as well as ensuring human rights law are made aware of could be factors which can cause the reduction of violence or violent activities during protests

Increased co-operation with NGOs:

Co-operation with NGOs can help ensure that States don't cross the line of violating human rights law as well as providing a way States can make sure protesters voices are heard, not repressed. States could potentially be encouraged to establish dialogue between NGOs such as Amnesty international and the relevant groups within a State (law enforcement, protest

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organisers, governments) in order to protect public safety and prevent violence, while still protecting fundamental human rights.

Overall, the path to solving this issue is many, but cooperation amongst States is required in order to properly address, assess, and tackle what can be done in order to make demonstrations a more safe and peaceful means to expression.

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