

30 ARTICLES ON THE 30 ARTICLES

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AT 70: STILL WORKING TO ENSURE FREEDOM, EQUALITY AND DIGNITY FOR ALL

Article 20: Freedom of Assembly and Association

From student occupations of universities in Paris in 1968 to the Arab Spring of 2011, mass demonstrations have been the way people demand social change. Article 20 of the Universal Declaration of Human Rights (UDHR), combined with Article 19's freedom of expression, together ensure the right to gather publicly or privately and collectively express, promote, pursue and defend common interests.

To exercise the rights in Article 20, you do not have to march down the Champs-Élysées or take over your local equivalent of Egypt's Tahrir Square. Freedom of "peaceful assembly" also covers sit-ins, walk-outs, vigils, group discussions and theatre performances.

States not only have an obligation to protect peaceful assemblies, but should also take measures to facilitate them. In the context of protests and demonstrations, the UN's Basic Principles on the Use of Force and Firearms by Law Enforcement Officials contains very strict guidelines on the use of force, including that "intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life."

"The exercise of fundamental freedoms should never be considered a crime, and impunity should never be accepted."

- UN experts, on an Egyptian mass trial of 739 protestors, and the failure to investigate deaths and injuries caused by security forces.

The former UN Special Rapporteur on the rights to peaceful assembly and association, Maina Kiai, pointed out that "Participating in peaceful protests is an alternative to violence and armed force, as a means of expression and change, which we should support. It must thus be protected, and protected robustly."

Article 20 also gives us the right to form or join a group – and protects us from being compelled to join an association. Associations include trade unions, clubs, religious associations, political parties – and, increasingly today, online groups.

Social media has played a vital role in helping human rights defenders and communities to organize, voice their concerns and respond to threats. Technological innovation has also greatly helped them document human rights violations, and carry out remote monitoring and swift reporting. But on the dark side, video and on-line surveillance, on-line censorship and harassment, and incitement to violence via social

media platforms also endanger associations, and their individual members, in a variety of ways.

Civil society groups, included under Article 20's protection of the right to association, were in the forefront of securing many of the world's most significant human rights advances – such as the movements to abolish slavery and to secure the right to vote for women, as well as current movements such as those calling for an end to discrimination against people based on their sexual orientation or gender identity, and an end to sexual abuse and harassment of women.

Every day, in every part of the world, civil society contributes to the promotion, protection and advancement of human rights. This is one of the reasons why the UDHR holds the world record for the number of translations, many of which have been arranged or carried out by civil society rather than by governments. The rights and freedoms laid down in the UDHR are of fundamental importance to civil society, and their own fundamental importance to the cause of human rights is recognized in the protection granted to them under Article 20.

Successive UN High Commissioners for Human Rights have consistently underlined the vital role of civil society in defending human rights. In the words of current High Commissioner, Michelle Bachelet, without human rights defenders, “the Universal Declaration of Human Rights would be lifeless. It is the courage, the generosity of spirit, the integrity and the selflessness of human rights defenders which have kept the Universal Declaration alive. Time and again, it has been thanks to their work that States have acted in support of rights.”

However, civil society groups face a growing tide of legal restrictions on their registration, funding, and ability to speak and operate freely, often with counter-terrorism and security concerns providing justification for far-ranging constraints. But they also face threats to their security: according to UN data, at least 1,019 human rights defenders, including 127 women, were killed in 61 countries across the world from 2015 to 2017. And that is only the tip of the iceberg as many killings are not reported and countless other human rights defenders were subjected to intimidation, harassment, criminalization, arbitrary detention, torture, forced disappearance and other human rights abuses.

In a 2018 report on reprisals, UN Assistant Secretary-General Andrew Gilmour, highlighted three worrying trends: the growing tendency to label human rights defenders as "terrorists" or "criminals" in an attempt to discredit them; applying legal and administrative procedures to retaliate against them; and the abuse of accreditation and security procedures to block civil society organizations from engaging with the UN.

“When the rights of human rights defenders are violated, all of our rights are put in jeopardy – and all of us are made less safe.”

- **Former UN Secretary-General Kofi Annan.**

The global alliance of civil society organizations known as CIVICUS summed up the importance of such organizations: “When governments showed the worst of humanity, as in Myanmar, Syria and Yemen, civil society showed the best, voluntarily placing ourselves

in the firing line, doing what we could to help and exposing human rights abuses.”

A view strongly endorsed by the UN Human Rights Chief, Michelle Bachelet, who has asserted that “the expansion of human rights protection would not have been possible without national human rights institutions, civil society and human rights defenders.”

This is one in a series of articles published by the Office of the High Commissioner for Human Rights (OHCHR) to mark the 70th anniversary of adoption of the Universal Declaration of Human Rights on 10 December 1948. All rights enshrined in the UDHR are connected to each other, and all are equally important.

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