

Human Rights Council

Background Guide 2025 - Hornet MUN

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Dear Delegates,

Welcome to the Hornet Model United Nations Conference (Hornet MUN)! We are pleased to introduce you to the United Nations Human Rights Council. This year's committee staff are: ***DIAS STAFF***. ***DIAS STAFF BACKGROUNDS***. The preparation of these materials was supported by the Secretary-General, Jenn Galinato, Under-Secretary-General for Economic and Social Affairs, Chandler Witthaus, and Under-Secretary-General for Communications and Public Information, Emilie Jocson.

The topics on the agenda for this committee are:

1. Combating Intolerance and Discrimination
2. Ensuring the Rights of Free Expression and Peaceful Assembly

This Background Guide serves as an introduction to the topics for this committee. However, it is not intended to replace individual research. We encourage you to explore your Member State's policies in depth and use the bibliography to further your knowledge on these topics. In preparation for the conference, each delegation should submit a Position Paper by ***DATE & TIME*** in accordance with the guidelines in the Position Paper Guide and the Hornet MUN Position Papers website.

Two resources, available to download from the NMUN website, serve as essential instruments in preparing for the Conference and as a reference during committee sessions:

- The NMUN Delegate Preparation Guide, which explains each step in the delegate process, from pre-conference research to the committee debate and resolution drafting processes. Please take note of the information on plagiarism, and the prohibition on pre-written working papers and resolutions.
- The NMUN Rules of Procedure, which includes the long and short form of the rules, as well as an explanatory narrative and example script of the flow of procedure.

In addition, please review the mandatory NMUN Conduct Expectations on the NMUN website. They include the conference dress code and other expectations of all attendees.

We want to emphasize that any instances of sexual harassment or discrimination based on race, gender, sexual orientation, national origin, religion, age, or disability will not be tolerated. If you have any questions concerning your preparation for this committee, please contact the Secretariat at sacstatemunclub@gmail.com.

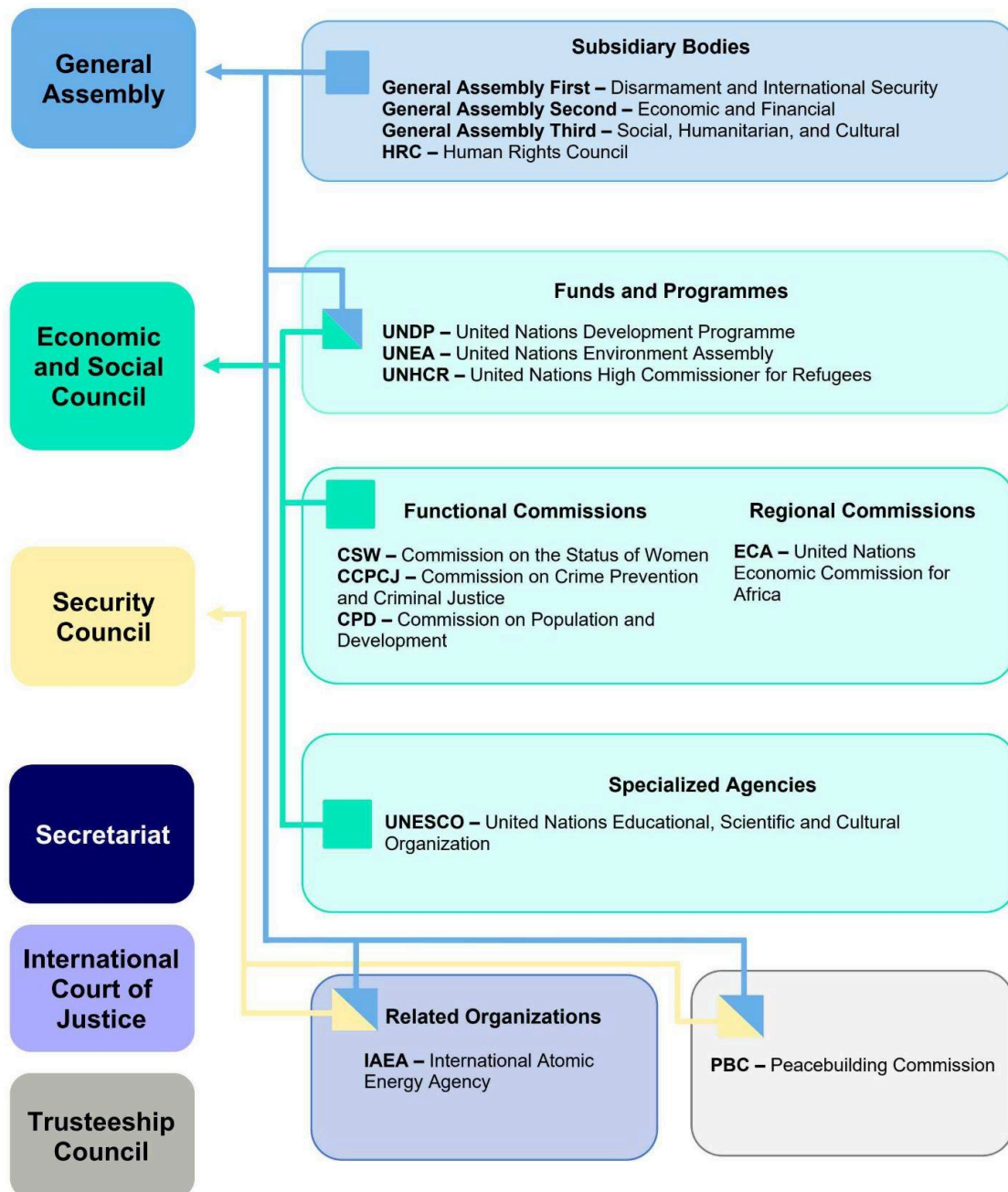
We wish you all the best in your preparations and look forward to seeing you at the Conference!

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United Nations System at Hornet MUN

This diagram illustrates the UN system simulated at Hornet MUN. It shows where each committee “sits” within the system to demonstrate the reportage and relationships between entities. Examine the diagram alongside the Committee Overview to gain a clear picture of the committee's position, purpose, and powers within the UN system.



Committee Overview

Introduction

The Human Rights Council (HRC) is the United Nations (UN) primary body responsible for issues pertaining to human rights.¹ HRC serves to promote universal respect for all human rights and fundamental freedoms, effective governance within the UN system on human rights issues, and, if necessary, provide recommendations on human rights violations.²

Mandate, Functions, and Powers

Replacing the United Nations Commission on Human Rights, HRC was established in 2006 with General Assembly resolution 60/251 on the “Human Rights Council”, with its operational structures given further detail in 2007 in Human Rights Council resolution 5/1 on “Institution-building of the UN Human Rights Council.”³ It is mandated to monitor, discuss and make recommendations on situations of human rights violations, establish international standards, and promote human rights.⁴ The UN has two forms of human rights monitoring mechanisms: treaty-based bodies and charter-based bodies.⁵ The ten treaty-based bodies monitor implementation of specific human rights treaties.⁶ In contrast, HRC is the primary charter-based body and, although its resolutions are not legally binding, it is able to monitor human rights across all UN Member States, rather than solely those which are party to specific treaties.⁷

HRC may mandate international commissions of inquiry or investigations into serious violations of human rights law.⁸ These non-judicial commissions allow violations to be recorded, reported, and ensure accountability in potential future judicial proceedings, including those held by the International Criminal Court.⁹ Commissions will also review legislative and institutional mechanisms to protect human rights and propose recommendations on how they may be strengthened.¹⁰ Separate from these commissions, Special Procedures are mechanisms that enable independent parties to report, monitor, and advise on country- specific or thematic issues

¹ United Nations, General Assembly. *Human Rights Council (A/RES/60/251)*. 2006.

² Ibid.

³ Ibid.; Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015. p. 5.

⁴ Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015.

⁵ Office of the United Nations High Commissioner for Human Rights. *Instruments & mechanisms*. 2022.

⁶ Ibid.

⁷ Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015.

⁸ Office of the United Nations High Commissioner for Human Rights. *International Commissions of Inquiry, Commissions on Human Rights, Fact-Finding missions and other Investigations*. 2022.

⁹ Office of the United Nations High Commissioner for Human Rights. *Commissions of inquiry and fact-finding missions on international human rights and humanitarian law: Guidance and practice*. 2015. p. 7.

¹⁰ Ibid. p. 7.

being considered by HRC.¹¹ Each investigation has a mandate and a mandate holder, who is typically a Special Rapporteur, an independent expert, or a working group.¹² Special Procedures generally involve field visits, thematic studies, expert consultations and regular reports to HRC, as well as to the General Assembly.¹³

The Universal Periodic Review (UPR) is one of the most important functions of HRC.¹⁴ Each Member State submits a periodic review that assesses the fulfillment of its human rights obligations.¹⁵ The full cycle of the UPR process takes around four years and includes several steps.¹⁶ At the preparation stage, information is gathered that will form the basis of the review, including national reports, stakeholder submissions, and information prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR).¹⁷ At the review stage, documents are presented at the regular sessions of the working group on the UPR.¹⁸ At the stage of adoption and consideration, each Member State provides comments and the Member State under review can offer reservations on specific issues.¹⁹ Finally, during the follow-up stage, each Member State under review shows how effectively it has acted upon the recommendations.²⁰

Whilst the following list is not exhaustive, the mandate of HRC can be summarized as:

- **HRC will generally:** mandate investigative commissions on serious violations of human rights law; serve as a forum for dialogue on human rights; initiate Special Procedures, which may encompass field visits, studies, and reports; manage the UPR processes; receive reports via the Complaint Procedure; and coordinate with non-governmental and civil society actors.²¹
- **HRC will not generally:** adopt legally binding resolutions or decisions; intervene operationally in situations of human rights violations.²²

Governance, Structure, and Membership

¹¹ Office of the United Nations High Commissioner for Human Rights. *Special Procedures*. 2022.

¹² Ibid.

¹³ Ibid.

¹⁴ Office of the United Nations High Commissioner for Human Rights. *Universal Periodic Review*. 2022.

¹⁵ Office of the United Nations High Commissioner for Human Rights. *Working With the United Nations Human Rights Programme: A Handbook For Civil Society*. 2008. pp. 80-81.

¹⁶ Ibid. pp. 80-81

¹⁷ Ibid. pp. 80-81

¹⁸ Ibid. pp. 80-81

¹⁹ Ibid. pp. 80-81

²⁰ Ibid. pp. 80-81

²¹ Office of the United Nations High Commissioner for Human Rights. *Special Procedures*. 2022; International Justice Resource Center. *UN Human Rights Council*. n.d.

²² Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015. pp. 7, 18.

HRC is a subsidiary organ of the General Assembly and makes regular recommendations and reports, most often to the General Assembly's Third Committee.²³ It works closely with OHCHR and receives an annual report from the commissioner on ongoing situations and themes.²⁴ It is served by several sub-committees, including the Advisory Committee and various intergovernmental working groups on specific thematic areas.²⁵

The council consists of 47 Member States who are elected via a majority vote of the General Assembly through a direct and secret ballot.²⁶ Membership is based on equitable geographical distribution and a specific number of seats are designated to each geographic region.²⁷ During the first regular session of each year, HRC elects a President and four Vice Presidents to serve on its Bureau, who are responsible for the organization and procedural function of the committee.²⁸

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²³ United Nations, General Assembly. *Human Rights Council (A/RES/60/251)*. 2006.; Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015. p. 18.

²⁴ Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015. p. 7.

²⁵ Office of the United Nations High Commissioner for Human Rights. *Advisory Committee*. 2022.

²⁶ Office of the United Nations High Commissioner for Human Rights. *Membership of the Human Rights Council*. 2022.

²⁷ Ibid.

²⁸ Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015. p. 6.

Office of the United Nations High Commissioner for Human Rights. *International Commissions of Inquiry, Commissions on Human Rights, Fact-Finding missions and other Investigations*. 2022. Retrieved 18 October 2022 from: <https://www.ohchr.org/en/hr-bodies/hrc/co-is>

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1. Combating Intolerance and Discrimination

“Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”

-Universal Declaration of Human Rights²⁹

Introduction

One of the foundational principles of the United Nations (UN), codified in its founding document, is belief in the inherent equality and dignity of all human beings.³⁰ This principle has been reflected in the work of multiple UN organizations and special procedures such as the Human Rights Council (HRC), General Assembly (UNGA or GA), Office of the United Nations High Commissioner for Human Rights (OHCHR), Special Rapporteurs', and other bodies that endeavor to combat intolerance and discrimination.³¹ Rising rates of violence and discrimination based on religion or belief have presented significant challenges to the state of global human rights and social stability.³² These instances of intolerance and discrimination can manifest in a variety of ways; through negative stereotyping or stigmatization of particular communities, the encouragement or incitement of violence, and acts of outright violence against individuals and communities.³³ Organizations which try to address these issues will frequently center on freedom of religion or belief, discrimination, impacts on vulnerable groups, the intersection of religion and other beliefs with other human rights, and the roles played by both intergovernmental organizations (IGOs) and non-governmental organizations (NGOs).³⁴

A belief is a mental position which is held by an individual and considered to be accurate without validation, while religions typically combine existing cultural and belief systems to incorporate connections of spirituality; both can influence the understanding of individual and collective identity. The terms 'belief' and 'religion' also include the right to not profess or practice any religion or belief, recognizing it as part of fundamental human rights. Rights and freedoms may be used interchangeably and often intersect, but are distinct concepts; a right is an entitlement to engage in certain actions that are protected by laws, whereas freedoms are granted by rights and represent the ability for an individual to make a choice of action.

Underlying these issues of intolerance and discrimination are complex and interconnected factors such as the societal acceptance of hate, historical grievances, and structural inequalities.³⁵ The adoption of religious language and narratives to justify ideas of superiority or

²⁹ United Nations, General Assembly. *Universal Declaration of Human Rights (A/RES/217 A (III))*. 1948. p. 1.

³⁰ United Nations. *Charter Of The United Nations And Statute Of The International Court Of Justice*. 1945.

³¹ United Nations Office of the High Commissioner for Human Rights. *International Standards*. 2025.

³² Majumdar. Pew Research Center. *Government Restrictions on Religion Stayed at Peak Levels Globally in 2022*. 2024.

³³ United Nations Office of the High Commissioner for Human Rights. *Combating intolerance against persons based on religion or belief*. N.d.

³⁴ United Nations Office of the High Commissioner for Human Rights. *International Standards*. 2025.

³⁵ United Nations, Human Rights Council. *Hatred on the basis of religion or belief (A/HRC/55/47)*. 2024.

inferiority among religious and other groups has been further used to drive division and violence within societies.³⁶ Compounding factors like climate change and the restriction of individual rights also contribute to the marginalization of vulnerable communities, creating structural conditions and grievances which increase the risk of violent conflict, requiring multifaceted and context-specific approaches in order to solve these issues.³⁷ States must seek to implement impartial solutions through society-wide laws and policies promoting the principles of tolerance, protection for the rights of minority groups, and accountability.³⁸ Engaging societal actors at all levels is crucial for fostering dialogue and tolerance, and requires the inclusion of government officials, civil society groups, religious leaders or associations, and international human rights organizations.³⁹ Developing solutions to discrimination and intolerance require consideration of comprehensive strategies that uphold internationally recognized human rights related to the freedom of religion or belief; the intersection of these rights with many others makes this issue a key area of focus for the HRC in their responsibility to uphold human rights.⁴⁰

International and Regional Framework

Signed in 1945, the *Charter of the United Nations* (Charter) created the UN's structure and its associated responsibilities, forming the foundations of internationally recognized human rights.⁴¹ Article 1 of the *Charter* recognizes the connections between peaceful coexistence, the building of relationships, and mutual prosperity, with equal rights and respect for all people regardless of differences in beliefs, race, sex, language, or religion.⁴² All Member States who join the organization have legally and publicly bound themselves to these principles and have an obligation to uphold them.⁴³

The *Universal Declaration of Human Rights* (UDHR), ratified in 1948 shortly after the creation of the UN, outlines a number of rights and privileges guaranteed to all people in recognition of their basic humanity.⁴⁴ Article 2 of the *UDHR* makes clear that "Everyone is entitled to all the rights and freedoms" laid out within, "without distinction of any kind" and without regard to their location, jurisdiction or other legal status.⁴⁵ In particular, Article 18 protects the right of all individuals to have "freedom of thought, conscience and religion."⁴⁶ Included in this right is the freedom to change religion or belief, and to express their religion or belief through teaching,

³⁶ Ibid.

³⁷ United Nations High Commissioner for Refugees. *No Escape: On the Frontlines of Climate Change, Conflict and Forced Displacement*. 2024.; United Nations, General Assembly. *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/74/349)*. 2019.

³⁸ United Nations Network on Racial Discrimination and Protection of Minorities. *Guidance Note On Intersectionality, Racial Discrimination & Protection Of Minorities*. 2022.

³⁹ United Nations, Human Rights Council. *Landscape of freedom of religion or belief (A/HRC/52/38)*. 2023.

⁴⁰ United Nations Office of the High Commissioner for Human Rights. *International Standards*. 2025.

⁴¹ United Nations. *Charter Of The United Nations And Statute Of The International Court Of Justice*. 1945.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ United Nations, General Assembly. *Universal Declaration of Human Rights (A/RES/217 A (III))*. 1948. p. 5.

⁴⁵ Ibid. p. 2.

⁴⁶ Ibid. p. 5.

practice, worship and observance individually or as part of a like-minded community.⁴⁷ Furthermore, Article 19 extends this recognition of rights in relation to areas of opinion and expression, and the right to hold and share them with others.⁴⁸ The 1966 *International Covenant on Civil and Political Rights* (ICCPR) also built on progress of the *UDHR*, further codifying the protection of individuals' right to hold religious and other beliefs.⁴⁹ Article 18 details the right to be free from limitations on the right to practice religious beliefs and engage in worship, as well as freedom from coercion to engage in such practices.⁵⁰ Also included, with acknowledgement of certain health, safety, and individual-freedoms-based limitations, are the rights of parents and guardians to make decisions on providing moral and religious education to their children.⁵¹ Article 20 further reinforces this right to be free from discrimination and to practice freely by forbidding the advocacy of national, racial or religious hatred.⁵²

The *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief* (1981) reaffirms the principles of nondiscrimination and peace-oriented acceptance of all religious and belief systems, with Article 1 specifying the right to freedom of religion, thought, and conscience.⁵³ Article 2 defines this discrimination as the "distinction, exclusion, restriction or preference based on religion or belief" with the goal or result of restricting human rights or fundamental freedoms, with Article 3 recognizing it as an "affront to human dignity" and antithetical to the principles and rights of both the *Charter* and the *UDHR*.⁵⁴ Furthermore, Articles 4 and 7 require States to take steps to eliminate this discrimination through the enactment or removal of domestic legislation as is relevant to meeting these goals and respecting human rights.⁵⁵

Further frameworks implemented by the UNGA have sought to identify and combat further forms of discrimination based on other characteristics, such as the 1979 *Convention for Elimination of All Forms of Discrimination against Women* (CEDAW), which recognized the importance of achieving equality among men and women in order to realize "the potentialities of women in the service of their countries and of humanity."⁵⁶ Under *CEDAW*, States should undertake reforms to ensure non-discrimination among the sexes in domestic political, legal, educational, social, economic, employment, healthcare, and cultural realms in accordance with their human rights obligations and the principles of equality.⁵⁷ Fundamental to these goals is the adoption of legislation to prevent discrimination and exploitation based on sex, and elimination

⁴⁷ Ibid. p. 5.

⁴⁸ Ibid. p. 5.

⁴⁹ United Nations, General Assembly. *International Covenant on Civil and Political Rights* (A/RES/2200 (XXI)). 1966.

⁵⁰ Ibid. p. 178.

⁵¹ Ibid. p. 178.

⁵² Ibid. p. 178.

⁵³ United Nations, General Assembly. *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief* (A/RES/36/55). 1981. p. 1.

⁵⁴ Ibid. p. 2.

⁵⁵ Ibid. pp. 2-3.

⁵⁶ United Nations, General Assembly. *Convention for Elimination of All Forms of Discrimination against Women* (A/RES/34/180). 1979. p. 1.

⁵⁷ Ibid.

of sex-based legal distinctions which have the “effect or purpose” of hindering enjoyment of basic freedoms and rights by all individuals.⁵⁸

The 1992 *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* (Minorities Declaration) guarantees rights of nondiscrimination and the creation of adequate opportunities of integration toward willing members of national minorities, while also recognizing their right to hold distinct cultural identities and enjoy equal access to public resources and human rights protections.⁵⁹ Articles 2 and 3 outline their right to enjoy, profess, and practice their own religion, language or cultural practices as individuals or as part of a community without discrimination or intolerance, as well as their right to participate in policy decisions of local or regional importance to them.⁶⁰

The HRC has also provided guidance to States within resolutions like 16/18, titled *Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief* (2011).⁶¹ It recognizes the hindrance on human progress that discrimination, intolerance, and violence necessarily bring, calling on States to condemn such outbursts and enhance legal protections for individuals to protect the right to hold their religion or beliefs, while also promoting interfaith, intercultural, and human rights education.⁶² The UNGA also expressed its endorsement of the HRC resolution within concurrent resolution 66/167 passed later that same year, *Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief* (2011).⁶³ This reiterated the importance of education in promoting tolerance, as well as the open public dialogue through the exchange of ideas and interfaith and intercultural beliefs at all levels can strengthen democracy, combat hatred, and is one of the best protections against intolerance.⁶⁴

The *2030 Agenda for Sustainable Development* (2030 Agenda) (2015) has been one of the most comprehensive UN campaigns aimed at creating a more peaceful, equitable, and sustainable world, with many of the encompassing goals focusing on ensuring equal conditions for prosperity across religious, ethnic, cultural, national, and other dividing lines.⁶⁵ Sustainable Development Goal (SDG) 5 (gender equality) of the *2030 Agenda* focuses on the intersectionality of gender equality and various forms of discrimination, seeking to build equal

⁵⁸ Ibid. p. 1.

⁵⁹ United Nations, General Assembly. *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* (A/RES/47/135). 1992.

⁶⁰ Ibid. p. 2.

⁶¹ United Nations, Human Rights Council. *Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief* (A/HRC/RES/16/18). 2011.

⁶² Ibid. pp. 2-3.

⁶³ United Nations, General Assembly. *Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief* (A/RES/66/167). 2011.

⁶⁴ Ibid. pp. 2-3.

⁶⁵ United Nations, General Assembly. *Transforming Our World: The 2030 Agenda for Sustainable Development* (A/RES/70/1). 2015.

economic opportunity and social acceptance for women and girls across the globe; while SDG 10 (reduced inequalities) seeks to ensure that all peoples benefit from increased opportunity and can contribute to their societies unencumbered by existing systems which perpetuate inequality with regard to “age, sex, disability, race, ethnicity, origin, religion, or economic or other factors.”⁶⁶ SDG 16 (peace, justice, and strong institutions) further promotes the adoption and strengthening of laws which enforce nondiscrimination and equitable treatment for all, and implement policies that promote respect for fundamental freedoms and increase social and political participation of all individuals.⁶⁷

Further frameworks have been adopted by multiple regional IGOs, the participation of which have been noted as crucial for tackling global issues, those of including discrimination and intolerance.⁶⁸ In 2024, the African Union (AU) adopted their *Resolution in Preparation for the AU Theme for 2025*, which recognized the need for justice for victims of racism, discrimination, xenophobia, and other human rights abuses and historical injustices, and endeavored to have their existing bodies highlight the issues and coordinate their efforts on addressing them in accordance with their theme for 2025- “Justice for Africans and People of African Descent through Reparations.”⁶⁹ The Organization of American States (OAS) has also taken steps to ensure the protection of rights, passing the *American Declaration on the Rights of Indigenous Peoples* in 2016 to acknowledge the impacts that indigenous communities have had on economic, cultural, ecological, and social development, and create an important framework for the promotion and protection of their rights.⁷⁰ Additionally, the European Union (EU) has adopted the *European Parliament Resolution on Combating Discrimination* (2023) which identifies nondiscrimination as one of the “common values of the EU” and a detriment to societies as a whole, and calls on Members to domestically implement anti-discrimination frameworks.⁷¹ The Association of Southeast Asian Nations (ASEAN) convened in 2023 to pass another such framework, the *ASEAN IIDC Jakarta Declaration*, with the goal of “[fostering] a culture of tolerance and harmony” across cultural, ethnic, and religious divides through the promotion of education, facilitation of dialogue between individuals of disparate communities, empowerment and engagement of the women and youth of society, and mutual cooperation with individual Member States and other regional and international partners on these goals.⁷²

Role of the International System

The HRC was formed as an intergovernmental body within the UN system tasked with promoting and protecting human rights through the investigation of, and deliberation on, human

⁶⁶ Ibid. pp. 20, 23.

⁶⁷ Ibid. p. 28.

⁶⁸ United Nations. *General Assembly Adopts 10 Resolutions Aimed at Shoring up Shared Response of United Nations, Regional Organizations to Complex Global Challenges* (GA/11036). 2010.

⁶⁹ African Union. *Resolution in Preparation for the AU Theme for 2025* (ACHPR/Res.616 (LXXXI)). 2024.

⁷⁰ Organization of American States. *American Declaration on the Rights of Indigenous Peoples* (AG/RES.2888 (XLVI-O/16)). 2016.

⁷¹ European Union. *European Parliament Resolution on Combating Discrimination* (2023/2582(RSP)). 2023. pp. 4-6.

⁷² Association of Southeast Asian Nations. *ASEAN IIDC Jakarta Declaration*. 2023. pp. 1, 3-4.

rights issues, and the issuing of recommendations, as well as the publication of regular reports to provide updates on the current global state of affairs within their purview.⁷³ The HRC has recognized persistent social barriers and the need for States to focus on fostering cultural-exchange and education to address issues of religious and belief intolerance and discrimination, and a rise in violence and extremism targeting individuals and groups based on cultural, religious, or belief-based differences, within resolution 6/37.⁷⁴ Their mission is supported by the cooperative efforts of the OHCHR, which provides administrative and organizational assistance for efforts to implement and uphold international human rights standards, such as helping to develop and implement tolerance-focused educational programs.⁷⁵ The GA has taken further steps to prevent intolerance and discrimination by creating issue-focused forums, such as the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) of 2001, which took place in Durban, South Africa, and resulted in adoption of the *Durban Declaration and Programme of Action* (Durban Declaration).⁷⁶ This declaration acknowledges past human atrocities and the existence of various manifestations of racism and intolerance in all countries, with the aim to encourage solidarity and international cooperation for a multilateral effort to eradicate racial discrimination, xenophobia, and related intolerances, with a focus on protecting and promoting human rights and applying gender perspectives to expose intersecting forms of discrimination.⁷⁷

The Special Rapporteur on “freedom of religion or belief” was established in 2000 by the UN Commission on Human Rights, this decision was endorsed by both the UN Economic and Social Council (ECOSOC) in 2000/261 (2000) and the GA in 55/97 (2001), and the mandate for which was extended in 2022 for another three years by the HRC in resolution 49/5 *Freedom of religion or belief*.⁷⁸ The purpose of the Special Rapporteur is to act as an independent expert on human rights issues, working to investigate, identify, and offer recommendations on barriers which impede on the right to freedom of religion or belief, as well as their intersectionality with issues of gender, through annual reports to the HRC and GA.⁷⁹ The fundamental principles under which the Special Rapporteur operates are recognition of the necessity to respect, and interdependent nature of, human rights, and the need to protect the rights of individuals to hold and practice their beliefs without fear of coercion or inhumane treatment.⁸⁰ Carrying out their mandate is typically done through communication with States regarding issues of religious or

⁷³ Office of the United Nations High Commissioner for Human Rights. *Welcome to the Human Rights Council*. 2025.; United Nations, General Assembly. *Human Rights Council (A/RES/60/251)*. 2006.; United Nations, Human Rights Council. *Institution-building of the United Nations Human Rights Council (5/1)*. 2007.

⁷⁴ United Nations, Human Rights Council. *Elimination of all forms of intolerance and of discrimination based on religion or belief (A/HRC/RES/6/37)*. 2007.

⁷⁵ United Nations Office of the High Commissioner for Human Rights. *Combating intolerance against persons based on religion or belief*. N.d.

⁷⁶ United Nations, World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. *Durban Declaration and Programme of Action*. 2001.

⁷⁷ Ibid.

⁷⁸ Office of the United Nations High Commissioner for Human Rights. *Special Rapporteur on freedom of religion or belief*. N.d.

⁷⁹ Ibid.

⁸⁰ United Nations, Human Rights Council. *Report of the Special Rapporteur on freedom of religion or belief, Nazila Ghanea (A/HRC/58/49)*. 2025.

belief-based freedoms, visits to areas experiencing such problems to collect evidence and information, and the issuing of reports and recommendations.⁸¹

Regional IGOs also play a large role in affecting change among their members, having been recognized for their localized knowledge and the necessity of cooperation with these entities as an important pathway to addressing more context-specific issues of discrimination and intolerance within the *Durban Declaration*.⁸² One such example is the European Union's creation of the European Commission Against Racism and Intolerance in 1993.⁸³ The commission works with its Member States to monitor, report, and issue recommendations on issues of discrimination and intolerance at the structural level, with a separate body, the European Court of Human Rights, focusing on addressing individualized instances of human rights violations within its Members.⁸⁴

The roles of independent human rights organizations such as local, regional, and international NGOs is also a significant part of combating discrimination, intolerance, and religious and belief-based violence, with the importance of cooperative efforts utilizing their expertise being recognized by ECOSOC in their 1996 resolution *Consultative relationship between the United Nations and non-governmental organizations*.⁸⁵ This resolution laid out the parameters and structure of relationships between UN bodies and NGOs, as well as the process by which deliberations between the two will be established.⁸⁶ Some examples of these groups are Human Rights Watch and Amnesty International.⁸⁷ NGOs are able to work through partnerships with Member States or localized individuals and groups within communities to gather information and report on human rights violations, using their connections at the local, state, regional, and international levels to publicize emerging and ongoing issues, and work with States and IGOs to offer solutions and logistical support.⁸⁸

Distinguishing Between Freedom and Discrimination

The fundamental freedoms guaranteed as part of internationally accepted human rights have been observed to be intersectional with each other, meaning that they are recognized as interconnected in complex ways and can encompass overlapping social identities.⁸⁹ In situations where these rights are supported through State efforts to protect and ensure the exercise of these rights, individuals are able to affect positive outcomes as their widespread utilization

⁸¹ Office of the United Nations High Commissioner for Human Rights. *About the mandate- Special Rapporteur on freedom of religion or belief*. N.d.

⁸² United Nations, World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. *Durban Declaration and Programme of Action*. 2001. pp. 41-43.

⁸³ European Union. *European Commission against Racism and Intolerance*. 2022.

⁸⁴ Ibid.

⁸⁵ United Nations, Economic and Social Council. *Consultative relationship between the United Nations and non-governmental organizations (1996/31)*. 1996.

⁸⁶ Ibid.

⁸⁷ Amnesty International. *Who We Are*. 2024.; Human Rights Watch. *About Us*. 2025.

⁸⁸ Ibid.

⁸⁹ United Nations Network on Racial Discrimination and Protection of Minorities. *Guidance Note On Intersectionality, Racial Discrimination & Protection Of Minorities*. 2022. pp. 3-4.

fosters tolerance and understanding of diverse religions and beliefs.⁹⁰ However, when States do not uphold their obligations, the degradation of some of these rights can have a corrosive effect on others, creating compounding experiences of discrimination and concurrent forms of oppression; for example, racial or belief-based discrimination against members of minority communities can morph into discrimination related to their caste, becoming socially ingrained and indistinguishable.⁹¹

The freedom of an individual to hold, practice, and espouse a religious or non-religious belief of their choice is fundamental to the principles of the UN, but these rights are subject to narrow limits concerned with advocacy for hatred and the degradation or prioritization of one individual's right over another.⁹² It is essential that States have clear and unambiguous laws on what constitutes an unacceptable use of these freedoms, and maintain an independent judicial system which equally applies them when adjudicating cases related to the prohibition of speech and expression.⁹³ Furthermore, any limiting of these rights must be strictly bound by international human rights and seek to balance freedom of belief and prohibitions on incitement to hatred through careful examination of their context and circumstances, taking into account the "local conditions, history, [and] cultural and political tensions" underpinning each instance.⁹⁴ The HRC has utilized a bottom-up, multilateral consultative process in an attempt to guide stakeholders through recommendations in balancing rights and combating hatred and discrimination through adoption of the *Rabat Plan of Action* in 2011.⁹⁵ This plan proposed the implementation of a six-part test for determining criminality in instances of expression, examining the following over the course of investigation: context, speaker, intent, content and form, extent of the speech act, and likelihood or imminence.⁹⁶ Also recommended was the creation or engagement of institutions and mechanisms for the comprehensive collection of data related to instances of hatred and discrimination, in order to inform and course-correct any domestic or international policies which seek to address these issues.⁹⁷

Unfortunately, very few nations necessarily meet standards of religious freedom, as defined by the existence of selective restrictions or regulation of either minority or majority religious populations, or the imposition of religious tenets on populations as a whole.⁹⁸ This lack of State support for the principles of freedom of religion and belief can have a wide array of negative impacts on societies, particularly when combined with instances of favoritism by authorities toward specific religious groups.⁹⁹ These conditions can lead to the generation of grievances

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² United Nations, General Assembly. *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*. 1966.

⁹³ United Nations, Human Rights Council. *Report of the United Nations High Commissioner for Human Rights on the expert workshops on the prohibition of incitement to national, racial or religious hatred (A/HRC/22/17/Add.4)*. 2013. p. 4.

⁹⁴ Ibid. p. 4.

⁹⁵ Ibid. pp. 5-6.

⁹⁶ Ibid. p. 11.

⁹⁷ Ibid. p. 13.

⁹⁸ Fox. Social Compass, 68(3). *What is religious freedom and who has it?* 2021.

⁹⁹ Ibid.

and creation of inequalities among religious communities, bringing with them the erosion of tolerance, and the degradation of internal security and peace, and economic disadvantages which prevent the full empowerment and engagement of disadvantaged individuals within these populations.¹⁰⁰

Belief and Religious-Based Violence

At its 2021 46th session, the HRC adopted resolution 46/27, *Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief*, calling for Member States to pass legislation specifically aimed at prohibiting and punishing both the incitement to, and use of, violence against others for religious or belief-based reasons, further denouncing hatred, while promoting tolerance and dialogue between disparate communities.¹⁰¹ The UN has further sought to bring awareness of State's responsibilities to protect human rights, and attention to the ongoing issue of religious and belief-based violence through the adoption of resolution 73/296 (2019), designating April 22nd as the "International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief."¹⁰² Though the overall number of religious and belief-based armed conflicts around the globe are declining, similarly-motivated domestic violence toward particular individuals or communities is on the rise and can manifest in a variety of different forms, like property damage, the use or threat of force to mandate specific religious practices or adherence, and mob violence.¹⁰³ Such acts can be undertaken or encouraged through the direct participation or passive indifference of State or non-State actors, and continue to impact the lives of civilians, with outcomes including death, physical abuse, imprisonment, detention, displacement, and the destruction of personal property or religious spaces and paraphernalia.¹⁰⁴ As of 2022, religious groups have faced an increase in forms of targeting by both government and private groups or individuals, reaching a new peak of 192 out of 198 countries.¹⁰⁵ Instances of harassment by government forces were recorded in 186 States, representing an increase from 183 in 2021, while harassment by private groups or individuals took place in 164 countries, with those in 158 countries facing discriminatory action by both State and non-State actors.¹⁰⁶ Religious groups in about 73% of nations have been victims of at least one form of physical harassment, with targeted killings occurring in a full quarter of States surveyed.¹⁰⁷

The drivers of violence based on religion or belief are complex and interrelated, but can be narrowed down and largely attributed to the widespread acceptance of hateful attitudes, the

¹⁰⁰ Ibid.

¹⁰¹ United Nations, Human Rights Council. *Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief (A/HRC/RES/46/27)*. 2021.

¹⁰² United Nations. *International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief | 22 August*. N.d.

¹⁰³ Gorur et al. Stimson Center. *Violence Based on Religion or Belief*. 2021. p. 2.

¹⁰⁴ Ibid. pp. 2-4.

¹⁰⁵ Majumdar. Pew Research Center. *Government Restrictions on Religion Stayed at Peak Levels Globally in 2022*. 2024. p. 26.

¹⁰⁶ Ibid. pp. 26-27.

¹⁰⁷ Ibid. pp. 27-31.

causes of which can be diverse and are “best countered through societal steps.”¹⁰⁸ According to a 2024 report by the Special Rapporteur on “freedom of religion or belief,” hatred will typically manifest itself through ideas of groups having inherent superiority and inferiority, with speakers of such hate often presenting political and other agendas which are dissociated from actual religious teachings or practices.¹⁰⁹ These ‘pushers’ of hatred will frequently draw on historical traditions of division, conflict, or oppression by using terms of religion or belief, as well as coded language, in order to weaponize their followers against the “other”, providing the pretext to legitimize violence and discrimination against individuals who inhabit characteristics which have, correctly or not, become associated with members of the targeted community.¹¹⁰ Beyond individuals whom drive hateful attitudes, there are structural factors which can lead to the generation of grievances and conditions for violence among societal groups; these can take the forms of legal, policy, institutional, socioeconomic, or cultural frameworks which contribute to inequalities among or within communities, as well as conditions of authoritarianism, corruption, and a lack of transparency leading to an erosion of trust in public institutions.¹¹¹ One such structural condition identified in a 2019 report by the Special Rapporteur on the “rights to freedom of peaceful assembly and of association” as increasing the likelihood of societal violence is the restriction and repression of the rights to freely associate and assemble, and the general “closing” of civic spaces to forms of public expression; incentivizing “violence by reinforcing the perception that there is no viable alternative for expressing grievances and frustration.”¹¹² The Security Council has also recognized the role that religious-based intolerance and violence can play in the creation and perpetuation of terrorism, violent extremism, and armed conflicts within *Resolution 2250* (2015), with respect for the rights and freedoms of religious minorities being particularly important in halting the perpetuation of violence.¹¹³

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The wide-ranging and intersecting results of climate change are also an important factor in driving violence and intolerance which cannot be overlooked, with UN Secretary-General António Guterres saying, “We are in a race against the clock” to implement solutions as the extreme consequences of global climate change become more pronounced.¹¹⁴ Climate change acts as a “threat multiplier” on all issues, meaning that it greatly exacerbates existing challenges, deepens suffering of communities, and creates great difficulty in developing and

¹⁰⁸ United Nations, Human Rights Council. *Hatred on the basis of religion or belief (A/HRC/55/47)*. 2024. pp. 2-3.

¹⁰⁹ Ibid. pp. 3-4.

¹¹⁰ Ibid. pp. 3-4.

¹¹¹ Ibid. pp. 4-5.; United Nations Network on Racial Discrimination and Protection of Minorities. *Guidance Note On Intersectionality, Racial Discrimination & Protection Of Minorities*. 2022. p. 12.

¹¹² United Nations, General Assembly. *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/74/349)*. 2019. p. 11.

¹¹³ Gorur et al. Stimson Center. *Violence Based on Religion or Belief*. 2021. p. 7.

¹¹⁴ United Nations. *People, Countries Impacted by Climate Change Also Vulnerable to Terrorist Recruitment, Violence, Speakers Tell Security Council in Open Debate (SC/14728)*. 2021.

implementing solutions, with marginalized groups bearing the greatest burden.¹¹⁵ Speakers in a 2021 Security Council meeting concluded that “people and countries most vulnerable to climate change also are most vulnerable to terrorist recruitment and violence” owing to the creation of increasingly desperate conditions, societal and geo-political tensions, and instability within States and regions.¹¹⁶ The conditions for attitudes of intolerance and discrimination which fuel religious and belief-based violence, including terrorism, are created and exacerbated by climate change through more instances of extreme weather events, changing local climates, and the scarcity of natural resources; as well as having impacts on intersecting issues which compound with existing tensions like the driving of displacement and creation of refugees in areas already experiencing insecurity, and increasing threats to, and exploitation of, marginalized communities.¹¹⁷ These combined factors affecting discrimination and the targeting of “ethnic, linguistic, religious or national minorities” predominantly impact further minority or marginalized groups, with women and girls, indigenous peoples, migrants, the disabled, LGBTIQ+ individuals, and others facing exacerbated conditions among disadvantaged groups due to their status of intersecting identities.¹¹⁸

The UN has made recommendations to States in order to provide guidance on addressing the grievance-generating factors that affect societies and contribute to the creation of the conditions for hate and violence, with consideration of eight core elements being essential for applying an intersectional perspective: (1) reflexivity, (2) dignity, choice and autonomy, (3) accessibility and universal design, (4) diverse knowledge, (5) Intersecting identities, (6) relational power, (7) time and space, and (8) transformative and rights-based.¹¹⁹ Potential solutions lie in States taking the initiative to develop context-considerate and tailored policies for intervention in societal areas like education, employment, health, and criminal justice based on the existence of widespread inequalities, and the needs and concerns of its citizens, with particular consideration given to marginalized populations.¹²⁰ Furthermore, States should support, facilitate, and participate in data gathering and reporting, educational development and access, and public-awareness campaigns to bolster the voices of groups experiencing adversity and the principles of tolerance in order to foster open dialogue between communities and shift public perceptions and attitudes about both these groups and the acceptability of violence and discrimination.¹²¹ The OHCHR’s 2023 report titled “Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief”

¹¹⁵ United Nations, UN News. *Climate change recognized as ‘threat multiplier’, UN Security Council debates its impact on peace*. 2019.; United Nations High Commissioner for Refugees. *No Escape: On the Frontlines of Climate Change, Conflict and Forced Displacement*. 2024.

¹¹⁶ United Nations. *People, Countries Impacted by Climate Change Also Vulnerable to Terrorist Recruitment, Violence, Speakers Tell Security Council in Open Debate (SC/14728)*. 2021.

¹¹⁷ Ibid.; United Nations High Commissioner for Refugees. *No Escape: On the Frontlines of Climate Change, Conflict and Forced Displacement*. 2024.; United Nations, General Assembly. *Violence against women and girls, its causes and consequences (A/77/136)*. 2022.

¹¹⁸ United Nations Network on Racial Discrimination and Protection of Minorities. *Guidance Note On Intersectionality, Racial Discrimination & Protection Of Minorities*. 2022. pp. 21-22.

¹¹⁹ Ibid. pp. 28-29.

¹²⁰ Ibid. p. 34.

¹²¹ Ibid. p. 40.; United Nations, Human Rights Council. *Landscape of freedom of religion or belief (A/HRC/52/38)*. 2023. pp. 12-13.

examines the steps taken by States to implement an action plan to address forms of discrimination, the conditions of violence, and protect human rights in alignment with HRC resolution 49/31, as well as offering recommendations for potential follow-up measures to further improve implementation.¹²² An important part of the development and implementation of an action plan is the building of both government mechanisms and collaborative networks centered around open dialogue and partnership among State actors, religious organizations or individuals, community groups, and human rights organizations in pursuit of addressing areas of tension, and delivering achievable and identifiable legislative and policy outcomes which protect freedom of religion or belief, and other fundamental rights.¹²³

Conclusion

Combating intolerance and discrimination based on religion or belief necessitates a comprehensive and collaborative approach that acknowledges and respects internationally recognized human rights.¹²⁴ Foundational frameworks like the *Charter*, the *UDHR*, and the *ICCPR* laid the groundwork for global recognition of the right to religious freedom.¹²⁵ However, persistent and increasing belief-based violence and discrimination underscores the need for sustained action to address the drivers of hate.¹²⁶ States must not only enact and enforce legislation that prohibits incitement to religious hatred and violence, but also take steps to address underlying societal factors such as structural inequalities, historical grievances, and political inaccessibility and instability.¹²⁷

Furthermore, the impacts of climate change act as “threat multipliers” which exacerbate the societal conditions that lead to the spread of ideas of religious intolerance, hatred, and targeted violence, highlighting the importance of addressing environmental and structural factors, particularly among marginalized communities.¹²⁸ Initiatives and frameworks like the UN’s “International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief” and the 2001 *Durban Declaration*, as well as numerous other resolutions and reports, identify

¹²² United Nations, Human Rights Council. *Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief (A/HRC/52/79)*. 2023.

¹²³ Ibid. pp. 2-3.

¹²⁴ United Nations, Human Rights Council. *Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief (A/HRC/RES/46/27)*. 2021.

¹²⁵ United Nations, General Assembly. *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55)*. 1981.

¹²⁶ Gorur et al. Stimson Center. *Violence Based on Religion or Belief*. 2021.; Majumdar. Pew Research Center. *Government Restrictions on Religion Stayed at Peak Levels Globally in 2022*. 2024.

¹²⁷ United Nations Network on Racial Discrimination and Protection of Minorities. *Guidance Note On Intersectionality, Racial Discrimination & Protection Of Minorities*. 2022.; United Nations, Human Rights Council. *Hatred on the basis of religion or belief (A/HRC/55/47)*. 2024.

¹²⁸ United Nations, Human Rights Council. *Rights of persons belonging to religious or belief minorities in situations of conflict or insecurity (A/HRC/49/44)*. 2022.; United Nations High Commissioner for Refugees. *No Escape: On the Frontlines of Climate Change, Conflict and Forced Displacement*. 2024.; United Nations, General Assembly. *Violence against women and girls, its causes and consequences (A/77/136)*. 2022.

the importance of fostering interfaith dialogue and promoting education and respect for fundamental rights through multilateral collaborative partnerships between governments, religious institutions, community organizations, and human rights-focused groups.¹²⁹ By implementing context-specific policies, supporting educational and awareness campaigns, and engaging in open dialogue with religious and community leaders, States can encourage the creation of a legal and cultural status-quo that protects and upholds principles of tolerance, dignity, and mutual respect.¹³⁰ These efforts to build resilient societies where freedom of religion or belief is protected, are essential in ensuring that all individuals can participate in, and contribute to, their societies while living free from fear and discrimination.¹³¹

Further Research

In pursuit of further research, delegates should consider the following: How can the international community work to secure the religious and belief-based rights of migrants, displaced persons, and other marginalized groups? How can the UN support efforts to combat religious extremism while protecting religious diversity and individual rights? How can the international community work to identify areas of cooperation and develop lasting and meaningful partnerships to facilitate data gathering and sharing in furtherance of human rights protections? How can existing forums and relationships be utilized to combat intolerance and the spread of hateful attitudes, particularly in the context of climate change-fueled tensions?

¹²⁹ United Nations. *International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief | 22 August*. N.d.; United Nations, World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. *Durban Declaration and Programme of Action*. 2001.

¹³⁰ United Nations, Human Rights Council. *Report of the United Nations High Commissioner for Human Rights on the expert workshops on the prohibition of incitement to national, racial or religious hatred (A/HRC/22/17/Add.4)*. 2013.

¹³¹ United Nations, Human Rights Council. *Hatred on the basis of religion or belief (A/HRC/55/47)*. 2024.

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2. Ensuring the Rights of Free Expression and Peaceful Assembly

“Freedom of expression and the right to peaceful assembly are fundamental to society – particularly when there is sharp disagreement on major issues.”

-Volker Türk, UN High Commissioner for Human Rights¹³²

Introduction

The rights to freedom of expression and peaceful assembly are foundational pillars of open, democratic societies, allowing individuals to voice and share opinions, collectively advocate for change, and participate in public discourse and the crafting of policy.¹³³ These rights have been enshrined and reaffirmed in multiple key international conventions and agreements, including the *Charter of the United Nations* (Charter) (1945), *Universal Declaration of Human Rights* (UDHR) (1948), and the *International Covenant on Civil and Political Rights* (ICCPR) (1966).¹³⁴ These rights have been further reinforced through the adoption of regional agreements by various intergovernmental organizations (IGOs), such as the *European Convention on Human Rights* (1950) and the *American Convention on Human Rights* (1969).¹³⁵

Despite these internationally accepted protections and the obligation of States to uphold them, there has been a concerning global trend in recent years of increasing restrictions on these fundamental freedoms.¹³⁶ Governments have enacted laws and policies which have had the effect of legally curtailing the rights of free expression, speech, and assembly, with the concerns of national security or public order being used as a catch-all justification for these measures.¹³⁷ The United Nations (UN) Human Rights Council (HRC) has highlighted these issues throughout multiple resolutions, noting that such actions by governments can lead to the creation of a climate of fear and the promotion of self-censorship, ultimately undermining democratic principles and discouraging political and civil participation.¹³⁸ Special Rapporteurs' have issued reports on the misuse and overreach of emergency laws, excessive force against protesters, and the targeting of journalists and activists, emphasizing the need for accountability and adherence to internationally recognized human rights standards.¹³⁹

¹³² United Nations Office of the High Commissioner for Human Rights. *United States of America: UN Human Rights Chief troubled by law enforcement actions against protesters at universities*. 2024.

¹³³ United Nations, Human Rights Committee. *General comment No. 34 (CCPR/C/GC/34)*. 2011.

¹³⁴ United Nations, General Assembly. *Universal Declaration of Human Rights (A/RES/217 A (III))*. 1948.; United Nations, General Assembly. *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*. 1966.

¹³⁵ Council of Europe. *European Convention on Human Rights (4.XI.)*. 1950.; Organization of American States. *American Convention on Human Rights*. 1969.

¹³⁶ United Nations Educational, Scientific and Cultural Organization. *Journalism Is a Public Good: World Trends in Freedom of Expression and Media Development, Global Report 2021/2022*. 2022.

¹³⁷ Ibid.

¹³⁸ United Nations, Human Rights Committee. *General Comment No.37 (CCPR/C/GC/37)*. 2020.; United Nations, Human Rights Committee. *Freedom of opinion and expression (A/HRC/RES/50/15)*. 2022.; United Nations, Human Rights Council. *Protection of human rights in the context of peaceful protests during crisis situations (A/HRC/50/42)*. 2022.

¹³⁹ United Nations, Human Rights Council. *Protection of human rights in the context of peaceful protests during crisis situations (A/HRC/50/42)*. 2022.; United Nations, Human Rights Council. *Report of the*

In the digital age, these challenges have been compounded by the unrestricted use of surveillance technologies, which can stifle dissent and the expression of politically unpopular opinions.¹⁴⁰ The UN has advocated for the use of context-specific and balanced legal approaches that encourage and protect fundamental freedoms while also addressing legitimate public policy and societal concerns.¹⁴¹ This includes ensuring that restrictions are lawful, necessary, and proportionate, and that individuals can safely exercise their rights both online and offline, without fear of retaliation or censorship.¹⁴² As threats to these fundamental freedoms persist, it is necessary for Member States to reaffirm their commitment to upholding human rights, including the rights to free expression and peaceful assembly.¹⁴³

International and Regional Framework

Fundamental human rights were first internationally recognized through the adoption of the *UDHR* in 1948, within which the most basic rights and freedoms for all individuals are laid out and viewed as a common standard for just and peaceful societies.¹⁴⁴ The rights of individuals to the freedom of peaceful assembly and association, as well as the right to have freedom of opinion and expression without interference and to exchange information and ideas through any form of media, are encompassed in Articles 19 and 20 of the *UDHR*.¹⁴⁵ These ideals are expected to be upheld by all Member States within the UN, and are legally binding for signatories of the *UDHR*.¹⁴⁶

The 1966 *ICCPR* is a landmark framework passed by the General Assembly (UNGA or GA) which seeks to expand upon the principles and rights recognized in both the *Charter* and the *UDHR*.¹⁴⁷ Article 19 expands on the rights to expression and thought, holding that all individuals hold the right to their own opinions and to express them through seeking, receiving, and imparting information and ideas through their choice of media with only narrow exceptions made for the protection of the rights of others and public interests under the non-prejudicial application

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/HRC/35/22). 2017.

¹⁴⁰ United Nations, Human Rights Committee. *Freedom of opinion and expression (A/HRC/RES/50/15)*. 2022.; United Nations Office of the High Commissioner for Human Rights. *UN expert welcomes landmark protection for online assembly*. 2020.

¹⁴¹ United Nations, Human Rights Committee. *General Comment No.37 (CCPR/C/GC/37)*. 2020.; United Nations, Human Rights Committee. *General comment No. 34 (CCPR/C/GC/34)*. 2011.

¹⁴² United Nations, Human Rights Committee. *Freedom of opinion and expression (A/HRC/RES/50/15)*. 2022.

¹⁴³ United Nations, Human Rights Council. *Protection of human rights in the context of peaceful protests during crisis situations (A/HRC/50/42)*. 2022.

¹⁴⁴ United Nations, General Assembly. *Universal Declaration of Human Rights (A/RES/217 A (III))*. 1948.

¹⁴⁵ *Ibid.* p. 5.

¹⁴⁶ *Ibid.*

¹⁴⁷ United Nations, General Assembly. *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*. 1966.

of law.¹⁴⁸ Articles 21 and 22 further enshrine the right to peaceful assembly and to freedom of association with others within those same parameters.¹⁴⁹

The Sustainable Development Goals (SDGs) laid out within the *2030 Agenda for Sustainable Development* (2030 Agenda) (2015) are a robust set of commitments that States should aim to meet, with the goal of ensuring a livable and equitable world by the year 2030.¹⁵⁰ Among these goals are key targets which directly link the issues of sustainable development and freedom of expression, such as the indicators comprising target 10 of SDG 16 (promoting peaceful and inclusive societies); 16.10.1 and 16.10.2, which focus on the safety of journalists and other public advocates, and laws concerning public access to information respectively.¹⁵¹ Focusing on human rights in the context of sustainable development is essential for ensuring that efforts to make societies sustainable are “just, inclusive, and transformational” by allowing the voices of all people to be informed, voiced, and considered over the course of policymaking.¹⁵² Furthermore, the existing digital gap is a key barrier to the awareness and engagement of an estimated 2.7 billion people who do not have internet access as of 2022, with affordability and infrastructure being the main issues.¹⁵³ Allowing policy to be shaped by the people directly affected through inclusion and participation by communities, protecting the free-flow of information, ideas, and criticism, keeps these sustainability efforts accountable and transparent, making any societal changes more likely to be successful in the long-term.¹⁵⁴

Other frameworks on human rights have been adopted by regional organizations, such as the Council of Europe’s *European Convention on Human Rights* (ECHR), adopted in 1950.¹⁵⁵ Articles 9, 10, and 11 of the *ECHR* specifically list the right to freedom of expression, of thought, conscience and religion, and of assembly and association, and seeks to provide legal protections of these rights, and subjects signatories to the scrutiny of the European Court of Human Rights in order to uphold these human rights standards, with certain restrictions deemed “necessary in a democratic society.”¹⁵⁶ Further comprehensive standards were adopted by the Organization of American States within the 1969 *American Convention on Human Rights* (ACHR).¹⁵⁷ Article 12 of the *ACHR* covers the fundamental right to freedom of conscience and religion, encompassing the right to manifest them in accordance with an individual’s beliefs, while Article 13 covers freedom of thought and expression, and their expression through any medium, with limited exceptions made for both.¹⁵⁸ Articles 15 and 16 protect the rights to peaceful assembly and free association respectively, ensuring that individuals are not legally

¹⁴⁸ Ibid. p. 11.

¹⁴⁹ Ibid. pp. 11-12.

¹⁵⁰ United Nations, General Assembly. *Transforming Our World: The 2030 Agenda for Sustainable Development* (A/RES/70/1). 2015.

¹⁵¹ United Nations, Human Rights Council. *Sustainable development and freedom of expression: why voice matters* (A/HRC/53/25). 2023. p. 4.

¹⁵² Ibid. p. 4.

¹⁵³ Ibid. pp. 9-10.

¹⁵⁴ Ibid. p. 12.

¹⁵⁵ Council of Europe. *European Convention on Human Rights* (4.XI.). 1950.

¹⁵⁶ Ibid. pp. 6, 11-12.

¹⁵⁷ Organization of American States. *American Convention on Human Rights*. 1969.

¹⁵⁸ Ibid. pp. 23-24.

restricted from coming together in advocacy of a common cause, irrespective of “ideological, religious, political, economic, labor, social, cultural, sports, or other purposes.”¹⁵⁹

Role of the International System

The UN’s HRC is responsible for the general supervision, advocacy for, and reporting on issues of human rights.¹⁶⁰ They have discussed the state and importance of protecting fundamental rights relating to freedom of assembly, and of expression and opinion, and have noted connections between a failure to ensure these rights and domestic repression of marginalized individuals and groups, as well as the responsibility of States to facilitate the exercise of these rights in accordance with their human rights obligations.¹⁶¹ In particular, HRC’s 2020 *General Comment No.37* has recognized the right of individuals and groups to engage in the peaceful advocacy of their opinions, regardless of their status as citizens or non-citizens, without behaviour by state or non-state actors which would constitute the creation of a “chilling effect” for their rights.¹⁶² Whereas resolution 50/15, adopted in 2022, has called on States to protect the rights of individuals to advocate and communicate their opinions both online and offline through digital media education efforts, and to acknowledge and strengthen their commitments to the rights of journalists, other media workers, and human rights defenders to perform their functions in safety and be free from legal or physical threats to the free-flow of information.¹⁶³

The HRC also utilizes their special procedures to appoint and direct a Special Rapporteur in the investigation and protection of human rights to gain a more in-depth analysis of emerging and ongoing issues, as was done with resolution 15/21 in 2010 and 4/1993/L.48 in 1993 to create the Special Rapporteurs’ on “freedom of peaceful assembly and of association” and on “freedom of opinion and expression” respectively.¹⁶⁴ Furthermore, the Office of the High Commissioner for Human Rights (OHCHR), whose mandate necessarily includes promoting and protecting human rights, works to safeguard the right of peaceful assembly through their efforts to monitor and report on state responses to protests, and providing early warning and prevention of protests by coordinating with governments and civil society organizations to address their underlying causes and grievances.¹⁶⁵

Over 5,000 NGOs currently hold consultative status within the UN and, by leveraging their expertise in conjunction with various UN’s organs to bring awareness to issues within their

¹⁵⁹ Ibid. p. 25.

¹⁶⁰ Office of the United Nations High Commissioner for Human Rights. *Welcome to the Human Rights Council*. 2025.

¹⁶¹ United Nations, Human Rights Committee. *General Comment No.37 (CCPR/C/GC/37)*. 2020.; United Nations, Human Rights Committee. *Freedom of opinion and expression (A/HRC/RES/50/15)*. 2022.

¹⁶² United Nations, Human Rights Committee. *General Comment No.37 (CCPR/C/GC/37)*. 2020. pp. 2-3.

¹⁶³ United Nations, Human Rights Committee. *Freedom of opinion and expression (A/HRC/RES/50/15)*. 2022. pp. 3-4.

¹⁶⁴ Office of the United Nations High Commissioner for Human Rights. *Special Rapporteur on freedom of peaceful assembly and of association*. N.d.; Office of the United Nations High Commissioner for Human Rights. *Special Rapporteur on freedom of opinion and expression*. N.d.

¹⁶⁵ Office of the United Nations High Commissioner for Human Rights. *OHCHR and the right of peaceful assembly*. N.d.

purview, play a large role in the protection and exercise of human rights and fundamental freedoms to address.¹⁶⁶ Some examples of these NGOs are Amnesty International and Greenpeace, which work to expose restrictions by States on various rights, including the right to peaceful assembly and public expression, and engage in legal action and advocacy at the local, state, and international levels in order to affect change.¹⁶⁷ Furthermore, Greenpeace has published materials for individuals to educate them about their rights and provide guidance on protest tactics, and maintaining their digital and physical security against police forces in the US and abroad.¹⁶⁸ Amnesty International has also released a set of guidelines aimed at providing governments with a condensed set of their responsibilities under international human rights obligations relating to the right to public expression, peaceful assembly, and other human rights.¹⁶⁹

What Constitutes Peaceful Assembly?

Under international human rights law, the right of peaceful assembly is recognized as a fundamental part of participatory governance and pluralism, allowing individuals to collectively express solidarity with like-minded individuals and advocate for their views in an effort to peacefully shape their societies.¹⁷⁰ Beyond its importance as a direct method of enacting change, the ability to peacefully assemble is a key method of ensuring the realization of other economic, social, and cultural rights by creating opportunities to address grievances and have greater inclusion in governance, with this right being particularly vital for marginalized individuals and groups.¹⁷¹ Additionally, examining the intersection of the modern use of digital technologies and the right to peaceful assembly has resulted in the accepted scope of this right being extended to encompass online activities, recognizing that governments should question the expanding nature of digital surveillance and take no steps to hinder internet connectivity as it relates to fundamental rights.¹⁷² States are obligated to remain in accordance with internationally recognized human rights standards when codifying or encouraging this right, as well as in their reaction to its exercise by any individuals or groups.¹⁷³ The ability of all people to enjoy and exercise these human rights are understood to be inalienable, interdependent, and essential to fulfilling the ideals of the *UDHR* and in ultimately achieving universal freedom from want and fear.¹⁷⁴ However, there are limited exceptions for the restriction of this right recognized as necessary for the protection and functioning of a democratic society; they must conform with

¹⁶⁶ United Nations. *The UN and Civil Society*. N.d.

¹⁶⁷ Amnesty International. *Peaceful assembly and protecting the right to protest: An interview with Dr Anja Bienert*. 2024.; Greenpeace. *Legal Unit*. N.d.

¹⁶⁸ Greenpeace. *Toolkit: Protest safety tips from Greenpeace*. N.d.

¹⁶⁹ Amnesty International. *Guidelines on the right to freedom of peaceful assembly (ACT 30/8426/2024)*. 2024.

¹⁷⁰ United Nations, Human Rights Committee. *General Comment No.37 (CCPR/C/GC/37)*. 2020. p. 1.

¹⁷¹ *Ibid.*

¹⁷² *Ibid.* p. 6.; United Nations Office of the High Commissioner for Human Rights. *UN expert welcomes landmark protection for online assembly*. 2020.

¹⁷³ United Nations, Human Rights Council. *The rights to freedom of peaceful assembly and of association (A/HRC/RES/15/21)*. 2010. p. 2.

¹⁷⁴ United Nations, General Assembly. *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*. 1966. pp. 172-173.

universally-applied and just laws, and imposed only in clear service of the common “interest of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others” and may not be misconstrued in service of circumventing other established human rights protections.¹⁷⁵

The OHCHR has expressed its concern about an increase in “heavy-handed” responses against individuals and groups who engage in peaceful protest actions, as well as the arrest of students and threat of further legal or academic consequences of exercising their rights.¹⁷⁶ In reference to campus protests within the United States, the High Commissioner has stressed that while hateful rhetoric and calls for violence are unacceptable, the use of indiscriminate measures against all protesters due to the actions or viewpoints of a few are troubling, adding that any management of protests “by universities and law enforcement need to be guided by human rights law” and protect the rights of all individuals to engage in vibrant debate.¹⁷⁷

The Special Rapporteur on “the rights to freedom of peaceful assembly and of association” issued the 2022 report *Protection of human rights in the context of peaceful protests during crisis situations* examining the global state of impediments to human rights within the context of peaceful protest.¹⁷⁸ This report highlighted many shortfalls of States in their respect for these fundamental human rights, particularly in their use of emergency laws and other legal restrictions, militarized and unlawful excessive responses by authorities, targeted violence and exploitation of vulnerable groups, unjust detention and punishments, the use of technology to dissuade dissent, and the targeting of observers and medical personnel.¹⁷⁹ This report goes on to note that protest actions in times of armed conflict are regulated by both international human rights and humanitarian law, and that instances of excessive or lethal force in these contexts may constitute war crimes or crimes against humanity.¹⁸⁰ The Special Rapporteur’s report issued recommendations for States to comply with their human rights obligations to protect and respect the right of peaceful assembly through the implementation of a human rights-based approach in all responsive actions, the adoption of legislation to protect individuals’ ability online or offline to exercise their rights and to prevent legal or physical retaliation against both protesters and those offering facilitative support, and ensuring accountability in instances where these rights are violated by State or non-State actors.¹⁸¹

A 2022 report by the NGO CIVICUS determined that the right of peaceful assembly has experienced concentrated attacks and setbacks across the globe, with efforts by States to discourage and disrupt protests, as well as the use of detention, prosecution, violence, and

¹⁷⁵ Ibid. p. 178.

¹⁷⁶ United Nations Office of the High Commissioner for Human Rights. *United States of America: UN Human Rights Chief troubled by law enforcement actions against protesters at universities*. 2024.

¹⁷⁷ Ibid.; United Nations, UN News. *Gaza protests: UN rights chief flags ‘disproportionate’ police action on US campuses*. 2024.

¹⁷⁸ United Nations, Human Rights Council. *Protection of human rights in the context of peaceful protests during crisis situations (A/HRC/50/42)*. 2022.

¹⁷⁹ Ibid.

¹⁸⁰ Ibid. p. 14.

¹⁸¹ Ibid. pp. 16-19.

excessive or even deadly force to break up peaceful demonstrations.¹⁸² Further noting that States with ‘closed’ civic spaces, as defined by the existence of severe restrictions to, and serious consequences of, the right to peaceful assembly, experience significantly less civic engagement and public displays of dissent, with protest actions being comparatively more widespread in countries with a more ‘open’ civic environment.¹⁸³ Amnesty International has also reported on a degradation of the right of peaceful assembly in 2024, specifically among 21 European nations, citing widespread issues of excessive force by law-enforcement against protesters, the use of facial recognition and other mass surveillance methods without the implementation of safeguards, harmful rhetoric by authorities aimed at protesters, and targeted legislation and criminalization of various forms of protest resulting in viewpoint discrimination and a ‘chilling effect’ with concerns of “national security” and “public order” being used as a pretext to constrain peaceful dissent.¹⁸⁴ They end their report by insisting that “Europe must wholly rethink their approach...” instead facilitating protests and undertaking legal reforms to repeal repressive laws and ensure compatibility with international human rights obligations.¹⁸⁵

Threats to Public Expression and Reverberating Effects

The UN has formally recognized that the right to public expression is exercised in a wide variety of forms, including written or verbal communications, images, objects or art, symbolic actions, legal action, being expressed through lots of media such as books, newspapers, pamphlets, posters, banners, video or digital media, and internet-based channels of both expression and dissemination of information.¹⁸⁶ However, despite international recognition of the importance of these rights to the existence of free and participatory governance, there has been a worrying decline in the global state of freedom of expression, with a 2021 report by the human rights organization Article 19 indicating that the overall state of these freedoms have reached their lowest point in a decade.¹⁸⁷ Turmoil brought on by the COVID-19 pandemic was used by many States to justify the restriction of free expression and protest, with the adoption of some 57 laws on free speech and 147 laws on protest.¹⁸⁸ The report also categorizes the state of free expression in about 85 countries as being “restricted”, “highly restricted” or “in crisis”, encompassing about 73% of the world’s population- nearly 6 billion people.¹⁸⁹ These statistics represent a steep increase of about 72 million people living under the conditions of increasingly restricted rights between 2019 and 2020 alone, with only a single country making significant advances in access to these rights during that same time.¹⁹⁰ Progress towards meeting the targets of rights-related SDG 16 (peace, justice, and strong institutions) has also seen setbacks, despite some positive developments, like a total of 140 States adopting laws guaranteeing

¹⁸² CIVICUS. *Global Assessment On Protest Rights 2022*. 2022. p. 4.

¹⁸³ Ibid. p. 5.

¹⁸⁴ Amnesty International. *Europe: Sweeping pattern of systematic attacks and restrictions undermine peaceful protest*. 2024.

¹⁸⁵ Ibid.

¹⁸⁶ United Nations, Human Rights Committee. *General comment No. 34 (CCPR/C/GC/34)*. 2011.

¹⁸⁷ Article 19. *The Global Expression Report: 2021*. 2021. p. 22.

¹⁸⁸ Ibid. p. 32.

¹⁸⁹ Ibid. p. 23.

¹⁹⁰ Ibid. p. 27.

public access to information, an increase of 35 nations over the past 9 years.¹⁹¹ These setbacks have manifested in the form of dramatic increases in the number of journalists and media workers killed in combat zones, and a doubling in the rates of enforced disappearances.¹⁹²

The Special Rapporteur on “freedom of opinion and expression” has remarked in a 2024 report on threats to freedom of expression, that “the conflict in Gaza has unleashed a global crisis of freedom of expression.”¹⁹³ Further noting that various governments have reacted to large-scale demonstrations against the conflict by imposing laws that criminalize certain forms of expression under the guise of national security, public order, and even anti-discrimination, and have had the effect of suppressing dissenting opinions and limiting open debate, particularly in the context of politically unpopular speech.¹⁹⁴ Furthermore, while international human rights laws obliges States to prohibit “incitement to discrimination, hostility or violence,” advocacy of hatred alone is not sufficient, and the application of any laws which criminalize speech must carefully analyze the context, content, intent, and actual harm of each instance.¹⁹⁵ A previous report by the Special Rapporteur in 2017 has also highlighted the suppression of speech and criminalization of expression in digital contexts, mentioning the obligation to respect and protect the human rights of individuals by both States and digital providers; an issue which has only become more prevalent and which should be subject to the same level of scrutiny as other forms of expression.¹⁹⁶ Further concern for threats to the global state of freedom of expression have been voiced by the HRC in relation to violations of humanitarian law resulting from the war in Ukraine.¹⁹⁷ These concerns have encompassed recognition and condemnation of rampant human rights abuses and violations of international humanitarian law, such as limiting the protections of human rights for individuals, restricting access to the internet and other forms of communication, and targeting of civilian areas; prompting calls for the appointment of an international independent commission for the purposes of investigation, documentation, and ultimately ensuring accountability.¹⁹⁸ ...

A fundamental part of the right to free expression is recognized within international human rights agreements as including the rights of journalists to report on and disseminate information, as well as the right to be free from threats or retaliation for their efforts.¹⁹⁹ While overall killings of journalists by both state and non-state actors have decreased over time, this decrease has

¹⁹¹ United Nations, Department of Economic and Social Affairs. *Sustainable Development, Goal 16 - Progress and Info*. 2024.

¹⁹² Ibid.

¹⁹³ United Nations, General Assembly. *Global threats to freedom of expression arising from the conflict in Gaza (A/79/319)*. 2024. p. 3.

¹⁹⁴ Ibid. p. 3

¹⁹⁵ Ibid. p. 4.

¹⁹⁶ United Nations, Human Rights Council. *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/HRC/35/22)*. 2017. pp. 13-20.

¹⁹⁷ United Nations, Human Rights Council. *Situation of human rights in Ukraine stemming from the Russian aggression (A/HRC/RES/49/1)*. 2022.

¹⁹⁸ Ibid. pp. 3-4.

¹⁹⁹ United Nations, General Assembly. *The safety of journalists and the issue of impunity (A/RES/74/157)*. 2019.

correlated with a comparable increase in the rates of their imprisonment.²⁰⁰ Furthermore, the United Nations Educational, Scientific and Cultural Organization (UNESCO) has reported that as of 2020, a full 58% of global cases in which a journalist was killed over the last 15 years remain unresolved, with the highest level of impunity remaining in the Arab region, with an astounding 98% of cases being unresolved.²⁰¹ These statistics do not account for the ongoing conflict in the occupied Palestinian territories nor the war in Ukraine, the former of which has constituted the deadliest conflict in the modern age for journalists and other media workers, with the targeting and detention of these individuals being both illegal under international humanitarian law and an “egregious form of censorship.”²⁰² Journalists working in States which do not have robust laws and enforcement mechanisms to protect their rights, continue to be victims of “non-lethal physical attacks, kidnapping, arbitrary detention, threats, harassment offline and online, and retaliation against family members.”²⁰³ The rise of reliance on digital technologies among both journalists and the public has also presented new threats such as spyware, surveillance, and other digital attacks which can seriously restrict, compromise, and intimidate journalists and their sources.²⁰⁴ Compounding the issue is a severe lack of knowledge and access to protective digital countermeasures, as well as a failure to act on the part of internet companies and media organizations, ultimately leaving individual journalists to fend for themselves.²⁰⁵ In addition to their right to engage in reporting, journalists provide an essential ‘public good’ in their provision of access to non-exclusive information and facts which are necessary in a free and open society.²⁰⁶ A further issue facing journalism is... It’s essential for States to take concerted legislative and policy efforts to both protect and facilitate the rights of journalists to engage in the unencumbered and open gathering and sharing of information, free from in-person or digital efforts to discourage their reporting, fear of retaliation by either State or non-State actors, and with the ability to remain independent and viable as a service, in line with the idea that “information is a public good...and as a public good, it needs public support.”²⁰⁷

Beyond the negative impacts on inclusive governance and levels of participation in policymaking that results from the suppression of human rights related to public expression, the Special Rapporteur on “peaceful assembly and of association” reported in 2019 that further outcomes manifest themselves within other areas of society, including stability and development.²⁰⁸ The report revealed a link between a ‘closed’ civic environment and both poor economic results for individuals, and a loss of revenue by States.²⁰⁹ These rights-restrictive environments negatively

²⁰⁰ United Nations Educational, Scientific and Cultural Organization. *Journalism Is a Public Good: World Trends in Freedom of Expression and Media Development, Global Report 2021/2022*. 2022. pp. 93-94.

²⁰¹ Ibid. p. 90.

²⁰² United Nations, General Assembly. *Global threats to freedom of expression arising from the conflict in Gaza (A/79/319)*. 2024. pp. 5-6.; Human Rights Council. *Situation of human rights in Ukraine stemming from the Russian aggression (A/HRC/RES/49/1)*. 2022. p. 2.

²⁰³ United Nations Educational, Scientific and Cultural Organization. *Journalism Is a Public Good: World Trends in Freedom of Expression and Media Development, Global Report 2021/2022*. 2022. p. 92.

²⁰⁴ Ibid. p. 96.

²⁰⁵ Ibid. p. 96

²⁰⁶ Ibid. pp. 18-21.

²⁰⁷ Ibid. pp. 20, 81.

²⁰⁸ United Nations, General Assembly. *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/74/349)*. 2019. p. 3.

²⁰⁹ Ibid. p. 12.

contribute to issues of poverty reduction, economic inclusion, and sustainable growth, particularly for vulnerable populations, through the inability to hold leaders accountable to the public, leading to missed economic opportunity, lost income and taxes, degradation of economic trust, instability, and slowdown in civil society engagement fueling unemployment.²¹⁰ The risk of violent conflict is also increased by the restriction of expression-related rights, owing to the suppression or criminalization of marginalized individuals or movements, and a lack of viable alternatives for the expression of grievances and frustration.²¹¹ Overall development is also reliant on the ability for individuals and communities, especially the economically disadvantaged and marginalized, to express their views and have their voices included in decisions which directly affect them, as it enables them to overcome critical obstacles to development goals and encourages them to become active participants, rather than passive, or even unwilling, recipients.²¹² Taking steps to codify and protect the right to free expression within societies is positive for all individuals, ensuring higher quality and sustainable development initiatives are locally supported, and empowering them to work cooperatively in improving and contributing to their local economies and civil societies through the facilitation of other rights related to achievement of multiple SDGs, such as those focused on economic inequality, public health, education, water, and a clean environment.²¹³

Conclusion

Based on the fundamental principles of the *Charter*, the *UDHR*, the *ICCPR*, and many other foundational documents, it has been well established that the right to freedom of expression and assembly are basic human rights.²¹⁴ The gradual erosion of rights related to free expression and peaceful assembly seen across various States pose a significant threat to democratic principles and human rights globally.²¹⁵ As highlighted by various UN reports and Special Rapporteurs, the disregard and suppression of these fundamental rights not only stifles individual viewpoints and empowerment, particularly for marginalized populations, but also undermines societal progress in areas such as education and development, and prevents accountability and equal access for leadership positions.²¹⁶ Addressing these challenges requires a multifaceted approach that understands the intersectionality of human rights with various aspects of society, as well as commitments, partnerships, and support from Member States, civil society organizations, NGOs, IGOs, and others in the international community to upholding these rights.²¹⁷ This

²¹⁰ Ibid. p. 12.

²¹¹ Ibid. p. 11.

²¹² United Nations, Human Rights Council. *Sustainable development and freedom of expression: why voice matters (A/HRC/53/25)*. 2023. p. 3.

²¹³ Ibid. p. 3.

²¹⁴ United Nations, Human Rights Committee. *General comment No. 34 (CCPR/C/GC/34)*. 2011.; United Nations, Human Rights Committee. *General Comment No.37 (CCPR/C/GC/37)*. 2020.

²¹⁵ United Nations, General Assembly. *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/74/349)*. 2019.

²¹⁶ Ibid.; United Nations, Human Rights Council. *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/HRC/35/22)*. 2017.

²¹⁷ United Nations, Human Rights Council. *Protection of human rights in the context of peaceful protests during crisis situations (A/HRC/50/42)*. 2022.; Amnesty International. *Guidelines on the right to freedom of peaceful assembly (ACT 30/8426/2024)*. 2024.

involves revising or repealing repressive laws, ensuring accountability for violations of these rights, fostering environments where individuals can freely express their views and assemble without fear of retaliation, and facilitating the exercise of these rights.²¹⁸ By taking these steps and others, States can work towards bringing themselves into alignment with international human rights and humanitarian law, and ensure their ability to achieve sustainable development through the building of more inclusive, transparent, and resilient societies.²¹⁹

Further Research

In pursuit of further research, delegates should consider the following: How can the international community work to ensure the rights of assembly and expression for underserved populations? How can the HRC utilize existing forums and encourage collaboration with other UN bodies, NGOs, and IGOs to combat the global decline in protections for the rights of assembly and expression? With the rise of AI and other digital technologies, what effect will this have on the rights of assembly and expression, and how can we ensure that human rights are protected?

²¹⁸ United Nations, General Assembly. *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/74/349)*. 2019.

²¹⁹ Ibid.; United Nations, Human Rights Council. *Sustainable development and freedom of expression: why voice matters (A/HRC/53/25)*. 2023.

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