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Human rights bodies and mechanisms

Written submission by the United Kingdom of Great Britain and Northern Ireland: Equality and Human Rights Commission (EHRC) and the Scottish Human Rights Commission (SHRC)*

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Equality and Human Rights Commission (EHRC) and the Scottish Human Rights Commission (SHRC)**, reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

* National human rights institution with A status accreditation from the Global Alliance of National Institutions for the Promotion and Protection of Human Rights.

** Circulated as received, in the language of submission only.



Submission by the Scottish Human Rights Commission and the Equality and Human Rights Commission

Panel discussion on the promotion and protection of human rights in the context of peaceful protests, with a particular focus on achievements and contemporary challenges

Madam President,

The Commissions welcome the opportunity to contribute to this panel discussion by highlighting particular challenges related to peaceful protest and climate change, given that the UK is about to host COP26, the Conference of Parties of the UN Framework Convention on Climate Change (UNFCCC).

Freedom of assembly and the right to protest peacefully have been vital in raising awareness and support for key issues such as racial equality, women's rights, and the protection of the environment. For example, the global climate strikes organised by children and young people across the globe have played a key role in highlighting the need for urgent and serious action in response to the climate crisis. The Scottish Human Rights Commission welcomed the opportunity to provide input¹ to the Special Rapporteur on the rights to freedom of peaceful assembly and association on the subject of climate change earlier this year, and looks forward to his report.

With the impacts of climate change becoming ever visible, all eyes are turning to Glasgow, where COP26 will take place in November. It will be the largest summit the UK has ever hosted and will bring together nations from around the world to agree urgent steps to address climate change. This will be a critical moment for climate protesters and human rights defenders to highlight their concerns and seek to persuade governments to do their utmost to protect our shared environment. The Commissions urge the UK and Scottish Governments to recognise and protect their right to peacefully protest at COP26 and in the lead up to it.

COP26 will involve one of the largest police operations ever carried out in Britain, with around 10,000 officers deployed each day. Police Scotland will lead the operation, with support drawn from other forces across the UK. The Commissions welcome Police Scotland's public recognition of its obligation to take a human rights based approach to policing COP26. We call for that commitment to be fulfilled in practice at COP26 and in the lead up to it, including through meaningful and proactive discussions with those seeking to protest, ensuring the right to freedom of assembly is supported, and by striking a proportionate balance between competing interests in facilitating the right to protest.

The Equality and Human Rights Commission (EHRC) has highlighted the potential impact on the right to peaceful protest in England and Wales of the UK Government's proposed Police, Crime, Sentencing and Courts Bill. This Bill will allow conditions to be imposed on processions and assemblies where the noise generated may result in serious disruption. This new threshold is broad enough to authorise the restriction of protected forms of protest, including noisy processions, undermining the rights to freedom of expression and assembly and the protection the courts have accorded to protest which may "disturb, shock or offend others". Further to this, there is no requirement that the impacts prescribed by the Bill would occur, only that they "may" occur and "may" be "significant". The EHRC has advised the UK Government to reconsider the Bill's provisions in light of these concerns.

Dunja Mijatović, the Council of Europe High Commissioner for Human Rights, referenced EHRC's work on the Bill, calling on the UK Government to focus their "primary attention on how peaceful demonstrations, even when these cause a certain level of disruption to ordinary life or express controversial views, can best be facilitated to ensure the full protection of the exercise of the rights to freedom of expression and assembly."

¹ <https://www.scottishhumanrights.com/media/2185/call-for-inputs-to-special-rapporteur-on-freedom-of-assembly-final.pdf>.

We look forward to welcoming the international community to Scotland where we hope the parties will agree tangible, effective and lasting solutions to address the greatest contemporary challenge of our time.
