

Item 3: Interactive dialogue on the report of the Special Rapporteur on the right to freedom of peaceful assembly and of association on promoting and protecting human rights in the context of peaceful protests

55th Session Human Rights Council, 6 March 2024

Agenda Item 3, Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

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Islamic Human Rights Commission (IHRC) is a not-for-profit campaign, research and advocacy organisation founded and based in the United Kingdom. It was set up in 1997 and works for redress of human rights violations and a better understanding of rights and norms across confessional, ethnic, national, political and other boundaries.

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Since the escalation of hostilities between Palestine and Israel on the 7th of October 2023, the governments of United Kingdom, France and Germany have reached an alarming level of repression against protests, peaceful assemblies and dissent in support of Palestinians, through the use of illegal bans, intimidation, harassment and arrests. Such criminalization of Pro-Palestine supporters and organizations remains the most frequently used way to suppress public gatherings and actors, often by inciting law enforcement agencies against them.

According to the Human Rights Council Resolutions 7/36, the national governments are urged to recognize the exercise of the universally-recognized freedom of opinion, expression, association and peaceful assembly, as applicable under articles 19-22 of International Covenant on Political Rights and articles 18- 20 of Universal Declaration of Human Rights, as one of the essential foundations of a democratic society. Furthermore, the Human Rights Council Resolution 24/5 has protected “the right of everyone to hold opinions without interference, as well as the right to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of their choice, and the intrinsically linked rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs.”

Yet, the current reality is very different from the ideals and values and commitments so far expressed. In France, most of the peaceful protest have been banned by blanket ban, without qualification, or with no limits or definition of places, standing clearly outside the bounds of international human rights requirements. In Germany, it is sufficient to bring into the street the slogan “Stop the genocide in Gaza” to be arrested. In the UK, a pro-Palestine march in central London chanting "from the river to the sea, Palestine will be free" has been banned by considering the slogan anti-Semitic. Islamic vigils in support of the victims of the conflict have been brutally repressed in all these countries. Most of the bans are therefore unjustifiable, and simply apply to basic acts such as fundraising, the display of the Palestinian flag, the wearing of the Palestinian keffiyeh, displaying stickers and patches with inscriptions such as ‘free Palestine’ or a map of Israel in the colours of Palestine (white, red, black, green), and chanting the “Free Free Palestine” slogan.

IHRC considers that the repeated accusations by these governments that any form of criticism against Israeli foreign policy and action in the Occupied Territory is essentially anti-Semitic constitute a pretext to further restrict freedom of expression and association. IHRC also believes that, although the distinction between the two is self-evident and well documented, the conflation of anti-Semitism and anti-Zionism by states is clearly dangerous and malicious, with serious implications for a more toxic environment of hate, a stronger polarization of public opinion, and the resulting criminalization of dissenting views and the impairment of citizenry’s political membership.