

PERMANENT MISSION OF INDIA TO THE UN, GENEVA

HUMAN RIGHTS COUNCIL
18TH SESSION (12-30 Sept 2011)

Panel Discussion on the promotion and protection of human rights in
the context of peaceful protests.

(13 Sept 2011)

Statement by India

Madame President,

We thank His Excellency the President of Maldives, the High Commissioner for Human Rights and the distinguished panelists for their presentations on this complex and very current issue.

2. The Father of our nation, Mahatma Gandhi is admired as a great advocate and practitioner of non-violent protests. The right to freedom of speech and expression, assembly, association or union, is one of the fundamental freedoms guaranteed under Article 19 of the Indian constitution. The freedom of peaceful assembly protects the right of groups to meet together in order to exchange ideas and information, to hold a peaceful protest, to strike and to publicly express their views. This freedom is thus closely related to the freedom of expression. In this case however, ideas are collectively expressed.

3. When human rights are collectively exercised through widespread demonstrations, there are some who may be determined to make other uses of the platform of peaceful protestors. A group with an entirely different agenda than the protestors could emerge and transform the protest into a violent one. States then, have to draw a fine line between prevention of violence and the extent of restriction and freedom afforded to citizens.

4. While the principal responsibility of ensuring an environment of security and peaceful co-existence lies with the States, we need to reflect on how all stakeholders including civil society can effectively prevent protestors who are exercising their own rights from violating the rights of others and that of their own. We must be mindful that democratic and non-violent norms within the institutions of the government can to a large extent fetter the temptation to pursue repressive measures in times of peaceful protests.

5. As a democracy, India has afforded official and legitimate channels for espousing and organizing dissent. It will continue to focus on the role of democratic governance as an effective guarantor of human rights.