



Oral Statement Delivered Under Item 3:

Clustered interactive dialogue with the Special Rapporteur on the rights to freedom of peaceful assembly and of association, and the Special Rapporteur on the right to education

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Mr. President,

First, the ACLU commends outgoing special rapporteur Maina Kiai on his excellent report on his visit to the United States. We also wish Ms. Ciampi success in her work and look forward to supporting her mandate as she develops a concrete plan of action. We hope she will build on the tremendous work that has been completed by her predecessor, and will continue to closely collaborate with civil society groups and address increasing threats to the shrinking of civic space and especially the impact on indigenous, minority, migrant and other marginalized communities.

The report of the Special Rapporteur paints an accurate picture of the reality of the rights to peaceful assembly and association in the United States, and especially the historic context for the obstacles to their full and equal enjoyment

Over the past few years, the United States has witnessed an unprecedented number of people taking to the streets to protest a number of issues: the police killings of unarmed Black men and women, extraction projects infringing on the fundamental rights of indigenous peoples, a water contamination crisis in Flint, Michigan, presidential travel and immigration bans targeting Muslims and refugees, ramping up abusive immigration enforcement including mass deportation and the construction of a wall on the U.S.-Mexico border, and threats to women's rights.

Instead of celebrating these protests as demonstrations of American values cherishing freedom and a representative democracy where people can come

together, voice their dissent, and fight for change, several states have decided to crack down. In State Legislatures across the country, there have been proposed bills – at least 29 – that seek to criminalize protest or even put the lives of protestors in danger. Often, these bills are dressed up in language about public safety or the “right to drive”; their effect, however, is singular: chilling protest and the right to freedom of peaceful assembly.

Mr. President,

The militarization of American policing has long been a problem, even before the protests in Ferguson and Standing Rock when the issue captured national headlines. We strongly agree with concerns raised by the Special Rapporteur, including his important reminder about the militarized response of police to legitimate protests: “Protesters are not war enemies and should never be treated as such. It is ill advised to use military equipment to manage activities so fundamental to democratic societies.”

Unfortunately, the current Department of Justice and Civil Rights Division, under the direction of Attorney General Jeff Sessions, has demonstrated a deep hostility towards police accountability and reform. Even the limited actions taken by the Obama administration to curtail the militarization of American policing are in real jeopardy.

We wish to pose the following question to Ms. Ciampi: what are your plans to continue the work of the mandate in the area of management of assemblies and especially your plans to look into the use of militarized policing, less-lethal weapons and private security contractors to suppress the rights to freedom of peaceful assembly and association.

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