

Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the right to privacy; the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Ref.: AL SVK 1/2025
(Please use this reference in your reply)

5 March 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur in the field of cultural rights; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the right to privacy; Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 50/17, 55/5, 52/9, 52/4, 53/12, 55/3, 50/10 and 49/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the alleged serious deterioration of fundamental freedoms and civic space in the Slovak Republic** in recent years.

According to the information received:

On 29 October 2023, the Direction-Social Democracy party won the parliamentary elections on a platform critical of the role of non-governmental organisations (NGOs). Upon assuming office for the fourth time, the Prime Minister announced plans to label civil society entities receiving international funding as 'foreign agents'.

Subsequently, between November 2023 and February 2024, staff layoffs were reported at state-run cultural institutions such as the Slovak National Gallery, sparking protests from the art community and leading to the resignation of at least 100 employees. Several international museums decided to withdraw artworks planned for exhibition in the country due to institutional instability and doubts about the conditions for their conservation. Statements were reported from senior officials, such as the Minister of Culture who stated that "the culture of the Slovak people must be Slovak and no other," and announced plans to cut funding for artistic projects on sexual diversity¹.

¹ https://www.youtube.com/watch?v=Gli_SHs8dAc

The amendment to the Act on the Fund for the support of the arts (FPU) and the public declarations from the Minister of Culture indicating that projects for lesbian, gay, bisexual, transgender, intersex and other gender diverse (LGBTI+) people will not receive funding, have affected greatly the access of funding for specific cultural and performance projects including the ‘Drama Queer’ festival, that did not receive financial support - despite receiving positive reviews - under the justification that ‘is not as important for Slovak culture and art’ and that it ‘promotes LGBTI+ publicly’. In addition, we received information indicating that practically all projects of LGBTI+ organizations were removed from the subsidy program for disadvantaged groups.

In December 2023, the Government dissolved the Special Prosecutor’s Office, which investigated high-level corruption cases and had secured several convictions, through a fast-track legislative procedure and without a robust public consultation process, transferring its powers to the Attorney General’s Office.

That month, the Executive also presented plans to dismantle the public broadcaster (Radio and Television of Slovakia (RTVS)) and replace it with an entity under direct political control, prompting condemnations from the independent press and the first general strike in the sector. The new entity’s director general would be appointed by a Council formed by members appointed by ministers and the ruling party-controlled parliament.

Between January and April 2024, there have been several reported smear campaigns by the ruling party against critical journalists, with at least 174 stigmatizing posts on social media. Restrictions were also imposed on press access to official events and spaces, particularly affecting independent media.

Following an assassination attempt on the Prime Minister on 15 May 2024, the Government swiftly approved a package of security measures, known as the “Lex assassination”, that include severe restrictions on the right to peaceful assembly, which was passed by the Slovak Parliament on 27 June 2024. Analyses of the adopted law identify as problematic and far from international standards the provisions that prohibit demonstrations within a 50-metre radius around key state buildings, allow local authorities to deny permits for protests near the residences of certain officials, and empower them to object to gatherings where they subjectively perceive a risk of disturbing public order. Places traditionally used for civic expression, such as the squares in front of the National Assembly, are now off-limits to demonstrations.

According to reports, during the period between November 2023 and January 2024, prior to the approval of the so-called “Lex assassination”, State intelligence services reportedly selectively intercepted private communications between civil society activists who were coordinating ideas for a campaign of peaceful protests.

According to reports, between February and May 2024, both during the legislative debate on the “Lex assassination” and after its approval, a pattern of excessive use of force by police officers in the context of peaceful

demonstrations was recorded. Various sources point to cases of arbitrary detentions of protesters who had not committed acts of violence; reports of physical attacks during arrests and transfers to detention centers; procedural irregularities such as the refusal to report the reasons for the deprivation of liberty or to allow communication with family members and legal representatives; extreme overcrowding, lack of adequate medical care and other cruel, inhuman and degrading conditions of confinement. We also received information about harassment, threats and criminalization against human rights defenders who were monitoring and documenting abuses committed.

In June 2024, the Freedom of Information Act was also amended, significantly increasing the costs and procedures for obtaining data from public entities.

Additionally, amidst parliamentary discussion of a bill to categorise NGOs receiving more than €5,000 annually from abroad as “foreign-supported organisations” and subject them to additional burdens,² concerns arose about the risks that such legislation could pose to the autonomy of civil society. Expert analyses warned that such rules, beyond their intended objective of transparency, often conceal discriminatory motivations to silence critical sectors through bureaucratic asphyxiation and public discredit (Council of Europe, 2024).

Finally, according to the information received, in September 2024, serious concerns arose about the possible acquisition and use of the controversial Pegasus spyware by the Slovak Information Service (SIS), which reportedly moved from testing to full operation that month. The Prime Minister’s categorical denial of the acquisition of the Pegasus system, accompanied by the announcement of future legislation to prevent its use, stands in stark contrast to detailed reports from multiple independent sources on its effective implementation.

Additionally, of particular concern is the information that legitimate private virtual communication, which included proposals for mobilization tactics generated with the help of artificial intelligence tools such as ChatGPT, were subsequently used in a decontextualized way by high-ranking government officials to make serious accusations of “destabilization” and “coup” against protesters.

In December 2024, the opposition party Progresívne Slovensko (PS) filed a lawsuit with the Constitutional Court challenging the 'Lex assassination', stating that the legislation unduly restricts the right to assembly and affects freedom of expression, and questioned the use of the accelerated legislative procedure, among others.

According to information received, in January 2025, the Ministry of the Interior publicly suggested that the SIS was monitoring non-governmental organizations, stating that the report on an alleged coup attempt was based on

² <https://rm.coe.int/expert-council-opinion-on-the-amendments-to-the-slovakia-ngos-laws-doc-/1680b3f82b>.

documentary evidence and monitoring of telephone calls.

On 4 January 2025, around 4,000 citizens demonstrated in Bratislava against the rapprochement of Slovakia's foreign policy towards the Russian Federation. A few days later, on 10 January, new mass protests took place in several Slovak cities and neighbouring countries. According to information received, the Prime Minister publicly called the protesters “agents of foreign intervention”.

On 24 January 2025, the largest mobilisation in the country’s history took place in Bratislava, with 60,000 participants, demanding, among other things, the resignation of the Prime Minister and the reaffirmation of the country's European identity. Meanwhile, accusations have been made by senior government officials reportedly based on intelligence information proving a conspiracy to overthrow the Prime Minister. However, the only information published by the Government on this subject are emails from a group of activists discussing ways to generate peaceful protests.

While the Ombudsperson monitored the protests of 25 January 2025, it has not announced plans to continue this independent monitoring work, which is worrying given the context of increasing limitations on the right to peaceful assembly. The absence of systematic monitoring by autonomous bodies makes it difficult to objectively assess the impact of these restrictions on fundamental rights.

Without prejudging the accuracy of the information presented, we would like to express our grave concern about these allegations, which cover a period of approximately one year, and reveal an extremely worrying picture of a sustained escalation of restrictions, both *de jure* and *de facto*, on the exercise of fundamental freedoms in the Slovak Republic. The patterns emerging from multiple sources point to a systematic, comprehensive and increasingly aggressive strategy to silence diverse and dissenting voices. Far from isolated incidents, the actions and omissions suggested by the information received appear to respond to political decisions taken at the highest levels through a combination of legislative, executive, judicial and coercive measures. This accumulation of regressive trends represents a challenge to Slovakia's commitment to its international obligations to respect and guarantee human rights.

The Slovak Republic has assumed a set of legally binding human rights obligations by ratifying a number of international and regional treaties over the past three decades. The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) entered into force for the Slovak Republic on 28 May 1993.

Similarly, the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) has been legally binding on the Slovak State since 18 March 1992. Finally, by joining the European Union on 1 May 2004, the Slovak Republic became subject to the Charter of Fundamental Rights of the EU (CFREU), which became legally binding with the entry into force of the Treaty of Lisbon on 1 December 2009 (European Union).

If the alleged facts are confirmed and the initiatives currently under discussion materialize,³ several of the measures adopted or proposed⁴ would come into severe conflict with the obligations incumbent on the Slovak State under international and regional human rights law.

A preliminary examination of the provisions introduced by the “Lex assassination” to restrict freedom of peaceful assembly reveals several incompatibilities with the ICCPR, the European Convention on Human Rights and the principles developed in general comment No. 37 of the Human Rights Committee and the OSCE/ODIHR Guidelines. In particular:

- The general ban on protests within a 50-metre perimeter around key State buildings constitutes an excessively broad limitation, under article 21 of the ICCPR, which absolutely and permanently prevents the exercise of the right to peacefully demonstrate in relevant public spaces to express demands and claims to the authorities. Such indiscriminate exclusion does not seem to be justified by a concrete or imminent threat to security and conflicts with the principle that assemblies must be facilitated “within sight and sound of their target audience” (CCPR/C/GC/37, para. 22).
- Article 21 of the ICCPR provides grounds for potential restrictions, but any such restrictions must be narrowly drawn, must thus in principle be content neutral, not be based on the identity of the participants or their relationship with the authorities. Restrictions on exercising the right to freedom of peaceful assembly can be imposed only exceptionally in the interests of national security, public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. Authorities must be able to show that any restrictions meet the requirement of legality and are also both necessary for and proportionate to at least one of the permissible grounds for restrictions enumerated below (CCPR/C/GC/37, para. 8, 22, 36, 41).
- The obligation of local authorities to follow a notification regime which allows them to deny permits for protests in the vicinity of the residences of officials whose duties are related to the object of the demonstration, lacks necessity and proportionality, to the detriment of citizens' freedom of expression on matters of public interest, which is protected under article 19 of the ICCPR. This mechanism, which transforms freedom of assembly from a fundamental right into a privilege subject to administrative discretion, privileges the individual right of certain public servants not to be disturbed by expressions of legitimate popular discontent in the vicinity of their homes. Such an approach represents an unacceptable inversion of principles in a democratic society, where the collective right to demonstrate should prevail over the individual

³ A 'foreign agents' bill that would label and restrict NGOs with international funding, and legislative amendments that would give the Interior Ministry the power to dissolve organisations.

⁴ Such as: 1) dissolution of the Special Prosecutor's Office, 2) plans to dismantle the public broadcaster, 3) stigmatization campaigns against critical journalists, 4) passage of the "Murder Law" restricting the right of assembly, 5) amendment of the law on access to information, 6) possible acquisition of the Pegasus spyware.

convenience of public officials.

- The vagueness and wide margin of appreciation given to administrative authorities to deny assembly permits when there is a “reasonable apprehension” that clashes between participants exceeding the preventive police capacity could occur, without objective parameters to determine such “reasonableness”, opens the door to arbitrary decisions based on the expressive content of the protest or the fear of violent reactions from third parties. The risk of counter-demonstrations cannot be an excuse to prevent a peaceful assembly, and international standards demand that the police actively protect protesters in such situations, rather than dissuade them from exercising their rights.

The proposed changes to the regulatory framework for civil society organizations also raise alarm in light of the principles safeguarding freedom of association. Moves to impose stigmatizing labels on NGOs receiving international funding such as "foreign agents", subject them to disproportionate administrative burdens, and threaten to dissolve them for failure to fulfil ancillary obligations appear to constitute undue interference with their autonomous functioning and might further obstruct and stigmatize the legitimate work of human rights defenders, artists and cultural workers, activists and civil society organizations in the country. The broad scope of the label of “foreign agent” could suggest that certain activists or associations are under foreign control, disregarding and undermining the efforts for the promotion and protection of human rights, the rule of law, and human development for the benefit of Slovak society and democratic institutions, resulting in a particularly acute chilling effect of such a designation of human rights defenders, activists and civil society organizations.

The discrepancy between reports from independent sources and the Prime Minister’s denial of the acquisition of the Pegasus system, aggravated by the absence of a chairperson in the parliamentary committee overseeing the Slovak Information Service (SIS) since June 2024, raises serious questions about the transparency and effectiveness of the mechanisms for controlling intelligence activities. The acquisition of this type of surveillance technology would raise serious concerns about possible privacy violations and its potential misuse against journalists and political opponents.

In this context, the Joint Statement of regional human rights mechanisms⁵ issued in September 2024 on the protection of the right to freedom of association, signed by international human rights rapporteurs, takes on special relevance. It specifically warns of the risks that surveillance systems such as Pegasus pose to the fundamental rights of association and expression. Comparative experience shows that measures of this type, beyond their intended objective of fostering transparency, often conceal discriminatory

⁵ The United Nations Special Rapporteur on the rights of freedom of peaceful assembly and of association, the Special Rapporteur on Freedom of Expression of the InterAmerican Commission on Human Rights (IACHR), the Commissioner Rapporteur for Human Rights Defenders of the IACHR, the Special Rapporteur on Human Rights Defenders and focal point on reprisals in Africa of the African Commission on Human and Peoples' Rights (ACHPR), the Representative of Indonesia to the ASEAN Intergovernmental Commission on Human Rights (AICHR), and the OSCE Office for Democratic Institutions and Human Rights (ODIHR). <https://www.ohchr.org/sites/default/files/documents/issues/association/statements/2024-09-13-statement-sr-foaa.pdf>

motivations aimed at silencing critical sectors through strategies of bureaucratic asphyxiation and public discredit. Such initiatives would hardly pass a rigorous analysis of necessity and proportionality, constituting a potential instrument of repression that undermines the basic principles of a democratic society. The adoption and use of new surveillance technologies must always be accompanied by rigorous human rights due diligence assessment.

The significant deterioration of guarantees for press freedom, as reflected in reports of harassment of independent media, blockages in access to official information, attempts to politically capture public media, among other indicators, points to a failure to comply with the State's duties regarding the right to freedom of expression, which includes press freedom as one of its essential components, and regarding respect for cultural diversity. The vital function that the media perform in scrutinizing power and in robust debate is especially important in electoral contexts and in times of social upheaval, so allowing or encouraging reprisals against critical press at this time is particularly concerning. The reports indicating that smear campaigns have been launched by public officials and members of the ruling party against critical journalists are alarming and seriously threaten freedom of expression, including the right to a free press. The reform of the public broadcaster seems to gravely affect its independence and freedom from political interference are also a concerning development in terms of media freedom. We are also concerned about the reforms in the Access to Information Act that reportedly hinder access to information from public institutions, and we note that access to information, especially that of public interest, is a key component of the right to freedom of expression protected under international law, including article 19 ICCPR.

If verified, the malicious use of surveillance activities and the material obtained through them to promote official campaigns to discredit and intimidate dissident voices would constitute a serious violation of the right to privacy of communications and an unacceptable chilling effect on the freedoms of expression, association and assembly, and of the right to take part in cultural life. In a democratic society, the mere fact that citizens discuss and coordinate plans to exercise their right to peaceful social protest cannot under any circumstances justify their preventive criminalization by the State apparatus (CCPR/C/GC/37, para. 30).

Likewise, States have an obligation to create a safe and enabling environment for human rights defenders, including those who carry out the important work of observing and reporting on violations in contexts of social protest, refraining from any conduct that might hinder their work, and a duty to prevent, investigate and punish acts of reprisal against them (CCPR/C/GC/37, para. 74). The picture that emerges from the aforementioned reports would point to a pattern of criminalization of social protests and violent repression of peaceful assemblies by State security forces, which would imply a serious breach of the duty of facilitation and a violation of the rights to personal integrity, liberty and due process (A/HRC/26/29, para. 58-62). In particular, the reported harassment, threats and criminalization against human rights defenders who were monitoring and documenting abuses committed during protests may create a chilling effect, undermining the ability of human rights observers to conduct their legitimate work and threatening their physical safety.

If the monitoring of non-governmental organizations is confirmed in investigations into an alleged coup attempt, it would be consistent with a deliberate and systematic official policy of harassing organized civil society and closing spaces for legitimate dissent. It is particularly worrying that these actions were initiated even before the eventual approval of the proposed regulations, which seems to indicate an intention to send a dissuasive message regarding the continuation of the monitoring and advocacy work of NGOs. Also alarming is the apparent lack of action by the competent bodies to prevent and sanction this selective persecution, which could indicate a certain tolerance or even coordination of these abuses by state authorities. The combination of legal, administrative, financial and factual pressures aimed at restricting the autonomy of critical organizations is manifestly incompatible with freedom of association (A/HRC/56/50, pars. 22, 25, 32).

We are further concerned at the reports of cases of arbitrary detentions of protesters who had committed no acts of violence as well as reports of violations of due process and fair trial rights, which may violate the obligations of your Excellency's Government under articles 9 and 14 of the ICCPR.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please explain in detail how the "Lex assassination" complies with the international standards for guaranteeing the rights to freedom of peaceful assembly, association, and expression and the right to privacy.
3. Please provide information on the guidelines and protocols that guide the actions of security forces in the context of peaceful assemblies, as well as the internal disciplinary and independent oversight mechanisms used to effectively investigate and punish police abuses.
4. Please explain what specific measures your Excellency's Government will take to investigate the allegations received regarding the persecution and intimidation of activists, human rights defenders and journalists, including smear campaigns, threats and harassment, or legal charges, and to guarantee the full enjoyment of the right to freedom of expression in line with international law.
5. Please provide information on the regulatory framework governing intelligence services' surveillance powers, including human rights assessment, the external controls and independent judicial authorities in place to prevent overreach and politically motivated persecution, and

specific safeguards (existing or potential) to prevent the use of advanced surveillance tools against NGOs and other associations, journalists and political opponents.

6. Please provide detailed information on the effective remedies and reparation actions that will be offered to those who consider themselves to have been victims of: abusive layoffs, irregular raids on the headquarters of organizations (including confiscations of work equipment and others), illegal espionage, as well as any other victims associated with the allegations of human rights violations contained in this letter, including persons who were subjected to inhuman and degrading treatment.
7. In relation to the above-mentioned draft law on “foreign-supported organisations”, please provide detailed information on the analyses carried out to ensure that the legislative proposal fully complies with international standards on freedom of association. In particular, we would greatly appreciate the conclusions of the impact assessments carried out to ensure that the planned administrative requirements do not impose disproportionate burdens that hinder the independent work of the covered civil society organisations, as well as the safeguards incorporated to prevent any discriminatory application of the proposed measures against entities that express critical views towards government policies.
8. Please provide a specific analysis of how the draft law on “foreign-supported organisations”, which is a legislation that can be typified as 'foreign agents law' aligns with international standards, especially the right to freedom of association. Please include information on legal analyses with a human rights approach and parameters that justify focusing controls exclusively on associations, especially NGOs, with external funding.
9. Please indicate the measures taken to ensure that the amendment of the Access to Information Act does not entail unnecessary restrictions or obstacles in public access to information from public institutions.
10. Please indicate the measures taken to ensure the full independence and freedom from political interference of the public broadcaster and cultural institutions.
11. Please provide information on measures taken by your Excellency’s Government to ensure that human rights defenders and civil society organizations are able to carry out their legitimate and peaceful work freely in an enabling and safe environment, without any fear of judicial harassment, reprisals or intimidation of any kind, including through the investigation of any of the alleged violations enumerated in this communication.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations. Specifically, we call on the authorities to stop the stigmatization, surveillance, persecution and restriction of the work of NGOs, other civil society and associations, including political parties. We further request your Excellency's Government to stop the use of malicious surveillance work to curtail dissent.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

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Annex

Reference to international human rights law

In connection with above alleged facts and concerns, I would like to draw the attention of your Excellency's Government to the rights to freedom of opinion and expression, peaceful assembly, and association as set forth in articles 17, 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR).

Article 17 of the ICCPR provides that no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on honour and reputation, and that everyone has the right to protection of the law against such interference or attacks. Further, in its general comment No. 16, the Human Rights Committee asserted that surveillance, whether electronic or otherwise, should ordinarily be prohibited, noting that States parties are under a duty not to engage in interferences inconsistent with article 17.

Article 19 of the ICCPR guarantees the right to freedom of opinion without interference and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media.” This right applies online as well as offline, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The Committee states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output. The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (paragraph 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat” (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed. In this regard, the Human Rights Committee stated that the restrictions must be “the least intrusive instrument among those which might achieve their protective function”. (CCPR/C/GC/34, para. 34).

In addition, any restriction on expression or information that a Government seeks to justify on grounds of national security and counter-terrorism must have the genuine purpose and demonstrable effect of protecting a legitimate national security interest (general comment No. 34). We stress that counter-terrorism legislation with penal sanctions should not be misused against individuals peacefully exercising their rights to freedom of expression and freedom of association and peaceful assembly, including to suppress peaceful minority groups and their members (see general comment No. 34).

Article 21 of the ICCPR protects the right to peaceful assembly. The Human Rights Committee has confirmed that article 21 “protects peaceful assemblies wherever they take place: outdoors, indoors and online; in public and private spaces; or a combination thereof. Such assemblies may take many forms, including demonstrations, protests, meetings, processions, rallies, sit-ins, candlelit vigils and flash mobs” ([CCPR/C/GC/37](#), para. 6). Restrictions on peaceful assemblies must not be used, explicitly or implicitly, to provide expression of political opposition to a government, challenges to authority, including calls for democratic changes of government, the constitution or the political system, or the pursuit of self-determination. (CCPR/C/MDG/CO/4, para. 51). They should not be used to prohibit insults to the honor and reputation of officials or State organs” (CCPR/C/GC/37, para. 49).

Human rights standards require States not only to have negative obligations to abstain from arbitrary interference, but also positive duties to create favourable conditions for the enjoyment of fundamental freedoms. This entails the duty to prevent and punish acts by individuals that threaten the integrity and security of those who exercise the rights of assembly, association and peaceful and legitimate expression. The deficiencies in the response to the multiple reported incidents of violence and intimidation against protesters and civil society organisations trigger international responsibility for failure to exercise due diligence to protect.

We also recall that article 22 of the ICCPR protects the right to freedom of association, including the rights of everyone to associate with others and to pursue common interests. Freedom of association is closely linked to the rights to freedom of expression and to peaceful assembly and is of fundamental importance to the functioning of democratic societies. These rights can only be restricted in very specific circumstances, where the restrictions serve a legitimate public purpose as recognized by international standards and are necessary and proportionate for achieving that purpose.

Authoritative oversight bodies have developed specific standards to interpret the scope of these fundamental freedoms. The UN Human Rights Committee, in its general comment No. 37 on the right to peaceful assembly, emphasizes that limitations “should be the exception, rather than the rule” and that the electoral context “does not justify additional restrictions” (2020, paras. 36, 49). For its part, the Special Rapporteur on the rights to freedom of peaceful assembly and of association has stressed that “the ability [of associations] to access remedies is an integral and vital part of the right to freedom of association” (Human Rights Council, 2013, para. 8). Similarly, the Joint Guidelines of the European Commission on Democracy through Law (Venice Commission) and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) indicate that

"restrictions [on freedom of assembly] must never affect the essence of the right" (2010, para. 35).

We further recall that article 9 of the UDHR and article 9 of the ICCPR prohibit arbitrary detentions. Specifically, article 9 of the ICCPR provides that no one shall be deprived of his or her liberty (unless it is in accordance with appropriate laws), and that anyone who is arrested shall be brought promptly before a judge or officer authorized by law to exercise judicial power, and that anyone arrested shall be entitled to trial within a reasonable time. Article 9 (2) of the ICCPR specifically provides that anyone arrested must be informed of the reasons for the arrest at the time of the arrest, and promptly informed of any charges against him or her.

In accordance with general comment no. 35 and the jurisprudence of the Working Group on Arbitrary Detention, deprivation of liberty resulting from the exercise of the rights or freedoms guaranteed by the ICCPR, including the rights to freedom of expression and freedom of association and peaceful assembly, is considered arbitrary. The Working Group on Arbitrary Detention has also concluded that being a human rights defender is a protected status under article 26 of the ICCPR, finding that deprivation of liberty due to a person's status as a human rights defender is discriminatory and therefore arbitrary.

We further recall that article 10 of the UDHR and article 14 of the ICCPR enshrine the right to a fair trial. In particular, article 14 (3) of the ICCPR guarantees the right to be informed promptly and in detail in a language which the person arrested understands of the nature and cause of the charge against him or her. As stated by the Human Rights Committee, this right "is the first of the minimum guarantees in criminal proceedings of article 14" (general comment no. 32, para. 31). Further, article 14 (3) provides that accused persons must have adequate time and facilities for the preparation of their defense and to communicate with counsel of their own choosing. The right to legal assistance at all times is inherent to the right to liberty and security of the person and to the right to a fair and public hearing by a competent, independent and impartial tribunal established by law, enshrined in articles 3, 9, 10 and 11(1) of the UDHR and article 14 of the ICCPR. The Human Rights Committee has explained that the "availability or absence of legal assistance often determines whether or not a person can access the relevant proceedings or participate in them in a meaningful way" (para. 10).

We also wish to remind your Excellency's Government of the principle of legal certainty under article 15(1) of the ICCPR which requires that criminal laws be sufficiently precise so that it is clear what types of behaviour and conduct constitute a criminal offence and the legal consequences of committing such an offence. This principle recognizes and seeks to prevent ill-defined and/or overly broad laws which are open to arbitrary application and abuse, to target civil society on political or other unjustified grounds.⁶

We also would like to draw the attention of your Excellency's Government to the Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, otherwise known as the UN Declaration on Human Rights

⁶ [A/70/371](#), para. 46(b).

Defenders, which was adopted by consensus at the UN General Assembly in 1998. In particular, we would like to highlight articles 1 and 2 of the Declaration, which state that everyone, individually and in association with others, has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms and that each State has a prime responsibility and duty to promote, protect and implement all human rights and fundamental freedoms. Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- Article 5(b), which reiterates the right to form, join and participate in non-governmental organizations, associations or groups.
- Article 6(b) and (c), which states the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights.
- Article 13(b) and (c), which reiterates the right to solicit, receive, and utilize resources for the purpose of peacefully promoting and protecting human rights and fundamental freedom.

Under articles 1 and 2 of the Universal Declaration of Human Rights ("UDHR"), "all human beings are born free and equal in dignity and rights", and "everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".

The United Nations High Commissioner marked the International Day against Homophobia, Biphobia, and Transphobia in May 2024 with a [statement](#) reaffirming that "The persistence of gender inequality and a lack of understanding of sexual and gender diversities drive prejudice in culture and discrimination in laws and policies in a range of country contexts. Challenging historic exclusion and more contemporary regressions by breaking stereotypes and ensuring civil society's access to financial resources, including laws, policies and practices that impede such access is a must for the global human rights agenda. Traditional beliefs and practices must not be invoked to deny equal rights."