

Committee: Social Humanitarian and Cultural Committee (GA3)

Issue: Safeguarding the Rights of Activists and Protesters during Worker Strikes

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Position: Co-Chair

PERSONAL INTRODUCTION

Dear Delegates,

Hi! My name is Maritella Petsa and I am a Grade 11 student in Athens College. It is my honor to serve as a co-chair in GA3, but I have the utmost happiness to welcome you all to this year's DSTMUN conference!

Being rather new to chairing it is greatly important for me to conduct a not only correct and helpful, but an inclusive and creative study guide. So, feel free to navigate through this guide so as to acquire any information you may possibly need prior to conducting your research and writing your Resolutions!

Personally, this will be my 10th overall conference but my 3rd time chairing and thus I am really excited to be part of this conference and to be able to collaborate with every and each one of you.

Why did I choose the specific topic? Simply because it is a subject that is discussed everyday but very rarely through an objective and not biased approach. The aforementioned also justifies the importance of the inclusion of the specific topic in the DSTMUN's Agenda. My goal was to create a general overview of the situation and allow all of you distinguished delegates to cultivate your own personal opinions and research your nations' policies!

The only thing I would like for you to remember is to always be yourselves and never be afraid to speak up. We would love to hear your voice! For anything you might need you can contact me in the email address: maritella.petsa9@icloud.com.

Best wishes,

Maritella Petsa

TOPIC INTRODUCTION

Despite the official recognition of the right to assemble and express one's views through protest, there in fact are still violations against the workers' right to peacefully protest. Nowadays, in a society attempting to advance and face issues of the past, it is important for a worker to be able to strike in peace so as to achieve the recognition of his/her rights, better working conditions or equal pay.

Everyone has the right to a peaceful protest, acknowledging that activism is not equivalent to violence and resistance. Despite past deviations from established guidelines, not allowing for a peaceful protest constitutes a violation of human rights.

As of today, protests occur often within the workplace, allowing for workers to express potential concerns. In recent years, there have been multiple manners via which protests have been shut down. Some of the most prominent and current examples are to be elaborated upon further in this study guide.

Protests have constituted a means of expression and seeking equality and fairness for many years now. Protesters, activists, the police and other groups in an attempt to prevail, have utilized certain not peaceful means creating environmental hazards. Thus, protests are now connected to environmental issues due to a series of inappropriate behaviors.

Worker protests are connected to this year's conference's theme: "Sustainable Climate Action: Shifting the Focus toward the Environment". The United Nations ought to safeguard the rights of activists and protesters in worker protests to maintain peace and not allow any further environmental destruction caused by humans.

According to the Universal Declaration of Human Rights every individual shall strive to promote respect for the specific rights and freedoms.¹ Everyone has a different way of speaking up and expressing his or her opinion, but all human beings share the same set of rights and freedoms. Everyone is free to act according to their own discretion and they shall be allowed to, because "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood"².

DEFINITION OF KEY TERMS

¹ "Universal Declaration of Human Rights." United Nations, www.un.org/en/about-us/universal-declaration-of-human-rights. Accessed 2 Aug. 2023.

² "Universal Declaration of Human Rights." United Nations, www.un.org/en/about-us/universal-declaration-of-human-rights. Accessed 22 July 2023.

Workers' rights

Workers' rights encompass a large array of human rights from the right to decent work and freedom of association to equal opportunity and protection against discrimination. Specific rights related to the workplace include health and safety in the workplace and the right to privacy at work, amongst many others. Given the relationship between workers, employers, and the state, worker's rights are where 'business' and 'human rights' most often intersect.³

Labor Rights

Labor rights or workers' rights are both legal rights and human rights relating to labor relations between workers and employers.⁴

Sit-down Strikes

a strike during which workers occupy their place of employment and refuse to work or allow others to work until the strike is settled.⁵

Profitability

Profitability is a measure of an organization's profit relative to its expenses.⁶

Productivity

In economics, productivity refers to how much output can be produced with a given set of inputs. Productivity increases when more output is produced with the same amount of inputs or when the same amount of output is produced with less inputs.⁷

Consensus

A general agreement, unanimity.⁸

Activism

³ "Workers' Rights." *National Action Plans on Business and Human Rights*, 6 July 2021, globalnaps.org/issue/workers-rights/.

⁴ "What Are Workers' Rights?" U.S. Department of Labor, www.dol.gov/agencies/ilab/our-work/workers-rights.

⁵ Sit-down Strike Definition in American English - Collins Online Dictionary, www.collinsdictionary.com/us/dictionary/english/sit-down-strike. Accessed 09 Aug. 2023.

⁶ "Profitability." *Cambridge Dictionary*, dictionary.cambridge.org/dictionary/english/profitability. Accessed 3 Aug. 2023.

⁷ "Productivity: Explainer: Education." *Reserve Bank of Australia*, 4 May 2023, www.rba.gov.au/education/resources/explainers/productivity.html.

⁸ "Consensus Definition & Meaning." *Merriam-Webster*, www.merriam-webster.com/dictionary/consensus. Accessed 2 Aug. 2023.

An activist is someone who is active in campaigning for change, normally on political or social issues. Activism is the use of direct and noticeable action to achieve a result.⁹

Collective Bargaining

the system in which employees talk as a group with their employers to try to agree on matters such as pay and working conditions.¹⁰

Asylum

Asylum, in international law, the protection granted by a state to a foreign citizen against his own state. The person for whom asylum is established has no legal right to demand it, and the sheltering state has no obligation to grant it.¹¹

Violation of Human Rights

The Universal Declaration of Human Rights (UDHR) outlines the human rights that all people are entitled to such as freedom from torture, freedom of expression, and the right to seek asylum. When those rights aren't protected or blatantly disregarded, they are violated.¹²

Environmental Hazards

Environmental hazards are defined as extreme events or substances in the Earth and its ecological system that may cause adverse consequences for humans and things they value.¹³

BACKGROUND INFORMATION

Universal Declaration of Human Rights (UDHR)

⁹ "HRE and Activism - Manual for Human Rights Education with Young People - Www.Coe.Int." *Manual for Human Rights Education with Young People*, www.coe.int/en/web/compass/hre-and-activism. Accessed 8 July 2023.

¹⁰ "Collective Bargaining." Cambridge Dictionary | English Dictionary, Translations & Thesaurus, dictionary.cambridge.org/dictionary/english/collective-bargaining.

¹¹ "Asylum." *Encyclopædia Britannica*, 12 June 2023, www.britannica.com/topic/asylum.

¹² Soken-Huberty, Emmaline. "What Are Human Rights Violations?" *Human Rights Careers*, 24 Apr. 2022, www.humanrightscareers.com/issues/what-are-human-rights-violations/.

¹³ "Environmental Hazard." *Environmental Hazard - an Overview | ScienceDirect Topics*, www.sciencedirect.com/topics/agricultural-and-biological-sciences/environmental-hazard. Accessed 2 Aug. 2023.

The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights.¹⁴ Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A) as a common standard of achievements for all peoples and all nations. It sets out, for the first time, fundamental human rights to be universally protected and it has been translated into over 500 languages.¹⁵ The Universal Declaration of Human Rights is a cornerstone of freedom and equality. It allows for individuals to strive in peace while safeguarding their rights and freedoms. The UDHR consists of 30 articles each noting one or more different rights/freedoms. When discussing worker protests or protests in general, the right to freedom of peaceful assembly and association is recognized for every individual. It is necessary for everyone to be aware of their rights including the ones concerning the workplace. Thus, shutting protests down without proper justification shall not be tolerated by member states in respect to the UDHR.

Workers' Rights

The International Labor Organisation (ILO) is a specialized organization of the UN that has established a set of fundamental labor rights so as to build a universal consensus on workers' rights. The ILO Declaration on Fundamental Principles and Rights at Work was adopted on the 18th of June 1998 and has since been considered a milestone in the sector of Human Rights.¹⁶ The rights and freedoms of the above Declaration that concern worker protests include the following.

First of all, the freedom of association is a fundamental labor right. Apart from a human right, workers are entitled to engaging in assemblies in peace so as to facilitate the process of requesting and advocating change in a working environment. Secondly, the effective recognition of the right to collective bargaining is of major importance too.¹⁷ More specifically, employees through their unions are able to negotiate with employers about topics such as wages, benefits, schedules, safety policies and more. If utilized appropriately the specific right could prevent other less peaceful measures. Thirdly, it is imperative for discrimination in terms of

¹⁴ Marketing Communications: Web | University of Notre Dame. "75th Anniversary of the Universal Declaration of Human Rights." Nanovic Institute, 9 Nov. 2023, nanovic.nd.edu/events/2023/11/09/75th-anniversary-of-the-universal-declaration-of-human-rights/.

¹⁵ "Universal Declaration of Human Rights." United Nations, www.un.org/en/about-us/universal-declaration-of-human-rights. Accessed 2 Aug. 2023.

¹⁶ "About the Declaration (Declaration)." *International Labour Organization*, www.ilo.org/declaration/thedeclaration/lang--en/index.htm. Accessed 2 Aug. 2023.

¹⁷ "Universal Declaration of Human Rights." United Nations, www.un.org/en/about-us/universal-declaration-of-human-rights#:~:text=Drafted%20by%20representatives%20with%20different,all%20peoples%20and%20all%20nations.

employment and occupation to be eliminated as stated in a labor right. Discrimination of no kind shall be tolerated and thus any worker feeling criticized has the right to speak up and seek remedy. Finally, a safe and healthy working environment is to be provided to any and all workers in accordance to their rights. It is mandatory that all employees are safe and healthy considering situations when health insurance is not part of the equation.

Despite the UDHR and the ILO's labor rights and standards being established, violations are not rare. The freedom of association is not always granted, considering cases such as China where it is not included in the nation's constitution. Collective Bargaining is not always tolerated as obvious in the case of China where workers are not allowed to enter unions unless it is the only government-controlled one. Moreover, discrimination is evident in incidents like the strikes in Qatar where workers protested due to migrant workers not being treated equally. Finally, safe working environments and appropriate working conditions are not always ensured, as shown in countries like Algeria where workers work for 40 hours per week, with no day of rest.

Thus, workers are entitled to protest in peace when deemed necessary. Due to poor working conditions, low wages and multiple other factors, breaches or human and labor rights are being witnessed daily, completely disregarding the UDHR and ILO.

Reasons behind Worker Protests

The justification behind every protest is different, depending on the activists' concerns and needs, the time and place, the current affairs discussed and working conditions. Some of the most common reasonings behind peaceful worker protests are the following. First of all, workers resolve to strikes due to them being a means of bargaining. The fact that bargaining is a fundamental labor right in accordance to the ILO constitutes protests a legal option. When workers feel as if all the attempts to request equality and independence have been in vain, they have every right, legally, ethically and politically, to choose to protest in peace.

Secondly, workers protest to request the amelioration of working conditions since it is not uncommon for conditions to deteriorate due to profit being the main goal of corporations. In the current economy, profitability is prioritized. Although the earnings could potentially increase for a certain period of time, without an equilibrium between profitability and the workforce, there is no efficiency nor actual gain. In order for a corporation's income to increase, the velocity of production is almost imperative so as to increase productivity. As a result, workers stay occupied for longer, sustained periods of time while working faster. Their salaries are very likely to remain the same, so the wage per hour decreases.

Thirdly, wages who are not sufficient to cover the basic needs and living expenses of workers and their families could potentially lead to strikes. Protesting as well as negotiation and compromise are legal. But sometimes, it is deemed necessary for workers to demonstrate their dissatisfaction and refrain from being dependent on their employers. Finally, companies in an attempt to minimize and possibly eliminate unnecessary expenses, seem to not provide employees with an appropriate environment in terms of safety, ventilation, hygiene or temperature.

Government's Response towards Worker Protests

The possible responses governments have towards worker strikes are three. The first and least common is ignoring the situation. The majority of times, any issue will be dealt with, potentially quickly, effectively and permanently, sometimes violently, but still the protesters will be able to express their opinion and it will be heard no matter of its impact. There have been a few cases though when whatever was asked for via a peaceful protest was fully ignored and even looked down upon. One of the most prominent examples are the protests in France in February 2023, during which protesters asked for the age of retirement to not be increased. Throughout the strikes different workers complained as they felt ignored. They voiced a request and they had to take extreme measures in order to draw attention and have an impact. The legal retirement age still increased from 62 to 64.

The second potential response is violence. Certain behaviors and attitudes have been projected as the source of the adoption of violent methods to shut down protests. Injuries may occur and sometimes shields, batons and harmful gasses may be used to an excessive degree, but sometimes the situation is uncontrollable that no other available measure seem sufficient. All the above occur during times of tension, passion and anger. When someone is deprived their basic human rights, it is rather common for them to adopt a disorderly conduct. In such cases, the passion turns into stronger emotions, sometimes reaching the level of hatred and resulting in extremities. Violence nonetheless is not the solution nor the last resort.

Finally, a positive attitude could be adopted. There have been peaceful protests when protesters and activists utilized their rights and advocated for change. Their concerns were heard and they in collaboration with governments or organizations were able to find a solution and go back to normality without having to face surplus issues in their workplace nor society as a whole. Such protests are examples of why peaceful association was established as a basic human right. One influential labor protest is the General Motors Sit-Down Strike of December 1936.¹⁸ For 44 days Michigan auto workers were protesting asking for the recognition of their

¹⁸ "Flint Sit-Down Strike." Sloan Museum and Longway Planetarium, <https://sloanlongway.org/flint-sit-down-strike/#:~:text=On%20December%2030%2C%201936%2C%20General,going%20to%20non%2Dunion%20workers.>

union, higher wages, better safety precautions and permission to speak during lunch. Their peaceful efforts were beneficial, since the company they were working for agreed to compromise and thus their union became a major United States political force. The specific protest influenced workers all around the world to do “sit-down strikes” and finally changed the workplace internationally.

Protesters’ Rights Violations

Workers could potentially protest due to a breach of their rights, but sometimes the situation escalates and thus strikes end in further violations of their fundamental human and labor rights. The aforementioned occurs when specific acts lack legal justification. The above constitutes a breach of the fundamental right to a peaceful protest, but also the right to express personal opinions in public spaces.

When a protest ceases to be peaceful and can no longer be considered a freedom of human or laborers, many rights could potentially be violated. The use of excessive violence or attempts to shut down strikes could be considered as breaches of Article 19 or Article 5 of the UDHR.¹⁹ In order for those violations to be addressed quite a few attempts to improve access to remedy have been established allowing for reports of violations. The breaches of workers’ rights also include the working conditions, the wages and their treatment in the workforce which is deemed inappropriate could be deemed as a violation of the ILO’s labor rights and standards.

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

China

Many companies closed and the economy took a downturn in China. As a result, the working conditions were deteriorated and multiple workers were left fully unpaid. Since June 2016 up to very recently protesters with the help of Shenzhen activists attempted to secure compensations, ameliorate working conditions and start getting paid normally again. The authorities in an attempt to prevent violent behaviors and contain the strikes, detained seven activists due to their inciting protests. In 2015 a total of 412 protests were noted only in the province of Guangdong, during which workers expressed their concerns and fear about the discharge of numerous laborers. It is to be noted that Chinese workers do not have the right to join or form trade unions of their choice. There is only one lawful government-controlled union: All-China Federation of Trade Unions (ACFTU). In 1982 the freedom of Chinese citizens to peacefully protest was removed from the

¹⁹ “Universal Declaration of Human Rights.” United Nations, www.un.org/en/about-us/universal-declaration-of-human-rights.

Constitution and thus workers in China have no right to protest, according to Chinese law.

France



right to strike in peace, with certain
tor. A great example of violence used
May 1, 2023. May Day allowed for
age of retirement. The legal age of
me already ongoing strikes. Workers
ent, about the financial inequalities
on making. The situation escalated
building on fire while throwing small
types of explosives including Molotov cocktails and petrol bombs in major French
cities. The police attempted to tackle the issue. They extinguished fires, cleared out
burning buildings and made 291 arrests across the whole of France. Their response
did not remain peaceful either. They utilized tear gas, wielding riot shields and batons
in order to disperse the crowd. As a result, there was the need for a medic group
who not only aided the maimed but had to perform over 2,000 tear gas
decontaminations.

Figure 1: French Protestors²⁰

United Kingdom (UK)

On June 15, 2022 a series of protests started within the UK. Activists and protesters were asking for their wages to be raised and the breaches of their fundamental rights and freedoms to be addressed. These strikes constitute a series of industrial disputes which started when the National Union of Rail, Maritime and Transport workers (RMT) decided to strike against the changes towards the salaries and working conditions. They are considered to be the most widespread industrial action of the 21st century in the UK. Trains faced many issues and delays and many citizens' everyday lives were affected. The British government decided on 10% cuts to rail operators and in an attempt to eliminate expenses on a cut in the maintenance staff. The specific protests quickly acquired a national character, but ministers failed to resolve the strike. Throughout the duration of the protests, the

²⁰ AFP, Le Monde with. "French Pension Reform: New Day of Protests Ahead of Crucial Court Ruling." Le Monde.Fr, Le Monde, 13 Apr. 2023, www.lemonde.fr/en/france/article/2023/04/13/france-prepares-for-final-day-of-pension-reform-protests-ahead-of-crucial-court-ruling_6022776_7.html.

government supported that the cuts would be beneficial for the general public and thus did not compromise with the workers. The immediate response was a change to a number of laws allowing for individuals to fill the job positions of those on strike.

United States (US)

The USA has always been a nation actively involved in speaking up. There have been numerous protests concerning the elimination of labor right violations. One of the most prominent examples are the protests that started in Hollywood, with performers and writers attempting to reveal the truth about their very low wages.

The protests in Philadelphia and Chicago on Thursday, July 20, 2023. Actors, writers and screenwriter got together to express their opinions on the labor dispute that started in Hollywood. Performers even small cities of the United States of America (USA) got together to talk about the issues they are facing, the rights they have been deprived of, the conditions they survived in, the low wages and their treatment. An individual stepped up and stated that the majority of actors today don't make the appropriate amount to even qualify for health care. People were talking about a national problem. The protest has led to certain productions being postponed or paused, to more actors speaking up, to highlighting the difference between Hollywood actors and working-class actors. Luckily, violence has yet to be involved in the aforementioned strikes. Certain individuals though did try to shut down the protest so as for the entertainment industry to recover from the pandemic.

A series of past protests in the US showcases the benefits of peaceful association within the American workplace and workforce. On December 4, 1874 10,000 miners went on strike due to their wages being reduced. On July 14, 1877 the Great Railroad Strike began in Martinsburg, West Virginia. On July 6, 1892 steelworkers went on strike armed and with a violent attitude.

In the USA, there is a wide variety of laws and regulations depending on the State which are in order. Most importantly nevertheless, peaceful protests are protected by the United States Constitution's First Amendment.²¹

Amnesty International

Amnesty International as an organization recognizes the importance of protests in terms of facing labor rights violations. They talk about the history of strikes, the benefits, the multiple attempts and movements from the past who relied on protests and activism to succeed. In addition to the above they highlight how

²¹"The Constitution." The White House, The United States Government, 20 Jan. 2021, www.whitehouse.gov/about-the-white-house/our-government/the-constitution/#:~:text=The%20First%20Amendment%20provides%20that,the%20right%20to%20bear%20arms.

important it is to seek justice and not remaining quiet in a word where individuals or even governments are afraid of change. They finally believe in the necessity of using activism as a peaceful method of negotiation in contrast to violent police enforcement as a method of shutting down protests. Amnesty International publishes yearly reports on various situations issuing labor rights such as but not limited to the migrant workers in Qatar, United Arab Emirates (UAE) and Lebanon. They inform the general public about the situation and propose measures for the nation to ameliorate working conditions and increase wages. Through research and detailed campaigning, they have sighted abuses of labor rights worldwide.

International Labour Organization (ILO)

The ILO has developed and established a set of labor rights and standards in collaboration with the ILO's International Labour Standards Department (NORMES). The workforce internationally shall be informed about their rights so as to avoid possible violations and utilize their rights and freedoms. The Declaration on Fundamental Principles and Rights at Work was adopted in 1998 and amended in 2022 showcases the unified attempts of governments, employers, companies and organizations to advocate basic human values. These rights are the following. The freedom of association and the effective recognition of the right to collective bargaining suggests that all workers are free to engage in labor protests. The elimination of all forms of forced or compulsory labor and the effective abolition of child labor also partakes in minimizing the violations of human rights. The elimination of discrimination in respect of employment and occupation and a safe and healthy working environment both aid in decreasing the concerns and dissatisfactions of workers and thus they minimize the need to strike.

Apart from the aforementioned declaration, other documents of the ILO include the ILO Constitution which governs and safeguards the different bodies, the conference and the application of standards. In addition, there are the Standing Orders of the International Labour Conference, the 2019 ILO Centenary declaration for the Future of Work and the 2008 Declaration on social justice for a fair globalization. Finally, the ILO has had a great impact on the safeguarding of labor rights, the establishment of measures to combat violations of labor rights and has set certain principles concerning the right to strike, guaranteeing compensations if the right to strike is denied.

Office of the United Nations High Commissioner for Human Rights (OHCHR)

The OHCHR recognizes the right of everyone to freedom of a peaceful assembly, whether that is a meeting or protest. They connect the specific freedom to the right of self-expression as well as they believe that it constitutes the cornerstone of multiple other fundamental human and labor rights. They have aided in the

adoption of certain resolutions by the UN General Assembly, such as but not limited to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The OHCHR develops guidance and training on the implementation of the UN Guiding Principles on Business and Human Rights. They act as the secretariat for Human Rights Mechanisms like the Working Group on Business and Human Rights and the intergovernmental group developing a business and human rights treaty. In addition, they partake in many initiatives. The Accountability and Remedy Project (ARP) and the Business and Human Rights (BHR) Peer earning Project are only a few of the OHCHR's priorities.

BLOCS EXPECTED

Bloc 1

All nations whose constitution recognizes the right to peacefully protest should be in Bloc 1. This alliance contains states who have established laws or regulations so as to create a safe environment for workers to strike.

Bloc 2

All nations whose constitution does not recognize the right to protest in peace should be in Bloc 1. Member states that do not allow for labor strike shall remain in this alliance.

TIMELINE OF EVENTS

Date	Description of event
4th December 1874	10,000 miners went on strike due to their wages being reduced
14th July 1877	The Great Railroad Strike began in Martinsburg, West Virginia
6th July 1892	Steelworkers went on strike armed and with a violent attitude in the US
December 1936	General Motors Sit-Down Strike takes place
10th December 1948	The UDHR was proclaimed by the UN

September 1982	The freedom of Chinese citizens to peacefully protest was removed from the Constitution
18th June 1998	The ILO adopted the ILO Declaration on Fundamental Principles and Rights at Work
10 th June 2008	The Declaration on social justice for a fair globalization by the ILO was adopted
6th October 2010	The A/HRC/RES/15/21 was adopted by the UN
2014	The OHCHR established the ARP
2015	A total of 412 protests were noted only in the province of Guangdong
June 2016	Labor Protests began in China
24 th October 2019	ILO Centenary declaration for the Future of Work was adopted
23rd July 2020	The A/HRC/RES/44/15 was adopted by the HRC
15th June 2022	A series of UK protests began
February 2023	Labor Protests in France due to the increase of the age of retirement
20th July 2023	Protests in Philadelphia and Chicago about the working conditions and wages of performers take place

RELEVANT RESOLUTIONS, TREATIES AND EVENTS

A/HRC/RES/15/21: The rights to freedom of peaceful assembly and association²²

²² Human Rights Documents, ap.ohchr.org/documents/dpage_e.aspx?si=A%2FHRC%2FRES%2F15%2F21.

The resolution 15/21 was adopted by the Human Rights Council (HRC) on the 6th October 2010 establish the mandate of Special Rapporteur on the rights to freedom of peaceful assembly and of association. The current mandate holder is Clément Nyaletsossi VOULE. The specific resolution acknowledges and accepts the fundamental human and labor right to freedom of a peaceful assembly so as for individuals including workers to enjoy their civil, labor and political rights to their full potential. The aim of the mandate is to make recommendations in terms of promoting and protecting labor rights, to receive reports on violations and discrimination in the workplace and to gather and share information on issues relating to peaceful assembly. The mandate has been highly beneficial offering support, aid and resources to strategic litigation and various courts. It is able to address new emerging issues, currently being occupied with the right to peaceful assembly by the HRC.

United Nations Charter, Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression (Articles 39-51)²³

The specific articles of the UN charter address the violations of human rights which could potentially lead to safety hazards of individuals more specifically workers. There have been many cases when violations of human or labor rights have been documented and reported. In other cases, rights were breached with no consequences. Violations of fundamental rights and freedoms could be the reason behind a peaceful assembly. According to Article 39, the Security Council (SC) will determine whether there is any threat to the peace and act accordingly. Thus, the UN recognizes such acts of aggression and supports the need to act responsibly and peacefully via assemblies such as but not limited to protests. The United Nations Charter has been utilized repeatedly to deal with multifarious issues, including violations of human and labor rights. The specific articles have been very successful in terms of determining acts of aggression and separating them from protesting in peace.

A/HRC/RES/44/15: Business and human rights: the Working Group on the issue of human rights and transnational corporations and other business enterprises, and improving accountability and access to remedy²⁴

Apart from the Accountability and Remedy Project (ARP), there have been other attempts to improve and increase access to remedy after violations of human or labor rights. Resolution 44/15 is one of those attempts concerning business and human rights. It aims at improving accountability and determining in a more efficient manner when and whether violations occur. The specific resolution was adopted by

²³ "Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression (Articles 39-51)." United Nations, www.un.org/en/about-us/un-charter/chapter-7.

²⁴ "UN Official Documents." United Nations, www.un.org/en/delegate/page/un-official-documents.

the Human Rights Council (HRC) on the 23rd of July 2020 and is still in order. Up to today, it has been beneficial and successful in terms of handling violations and providing access to remedy for all workers. If its aims are achieved the number of strikes is expected to decrease due to workers acquiring access to other resources and being able to express their concerns freely without the need to peacefully assemble.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

The European Union (EU) Charter of Fundamental Rights

The EU has officially recognized the freedom of assembly and association at all levels as long as the situation remains peaceful. All of the above can be found in the EU charter of Fundamental Rights. Despite the EU's attempts, conventions and charters breaches have not decreased greatly in number nor has the situation been ameliorated. Thus, the attempts were not successful and there is still room for amendments and new actions.

The North Atlantic Treaty Organisation (NATO) on labor protests

The NATO has also attempted to create a safe environment for labor protests. An example is the response of NATO soldiers in Kosovo to Serbian soldiers. More specifically the NATO sent a peace-making mission in Kosovo which was able to condemn and decrease the violence. NATO soldiers were maimed and quite a few killed. The attempt was successful to a certain degree since the violence itself decreased but the individuals who were able to accomplish that lost their own lives because other people did not respect boundaries and turned what was supposed to be a peaceful assembly to a violent dispute.

Accountability and Remedy Project (ARP)

In 2014 the OHCHR established the ARP in order to ensure accountability and access to remedy in cases of violations of labor rights. In terms of the United Nations Guiding Principles on Business and Human Rights (UNGPs) access to remedy is recognized for every breach of any fundamental human right. While also implementing the UN "Protect, Respect and Remedy" Framework, the ARP aims to strengthen access to remedy. The first three phases of the project have already ended, while the fourth commenced in 2020 and has not yet finished. Phase 1 focused on judicial mechanisms, phase 2 on state-states and non-judicial

mechanisms, phase 3 on non-state-based and grievance mechanisms, while the 4th one is an attempt to enhance accessibility, dissemination and implementation of findings. A report has been published for each phase showcasing the outcomes and findings. The past phases seem to have been successful since some of their findings and recommendations have been incorporated into policies and have sparked other researches.

POSSIBLE SOLUTIONS

Nations Reviewing and Adjusting Their Security Procedures

Nations as in governments should review their security procedures so as to ensure the safety of protesters and activists during peaceful assemblies, but also to establish a legal framework that does not allow for any individual, organization or force to violently enforce themselves and shut down any peaceful assembly. A nation's or corporation's security procedures consist of steps and tasks necessary to ensure security and safety in daily operations. Every nation should include protests to such operations and thus develop the appropriate security measures and legislation.

Cooperation With Non-Governmental Organizations

Nations shall be asked to cooperate with certain NGOs so as to establish the necessary legal frameworks for workers to not be afraid to engage in protests or generally exercise their rights and freedoms. Collaboration with NGOs requires clear lines of communication, roles and responsibilities so as to be successful. Governments can create partnerships with NGOs to focus resources, amend constitutions or frameworks and act globally in terms of safeguarding the rights of protesters.

Governments Shall Remove Barriers to Peaceful Protests

Nations should attempt to create a safe environment for peaceful assembly despite any past responses to said cases. Safeguarding the rights of labor protesters shall not be in the hands of the UN but within a nation's reach. It is very important for police forces to support protests and provide protection to activists not constitute a threat to them. Creating a supportive framework for workers and protesters as well as raising awareness about the issue, the society can be sensibilized and the government may be pressured to react. Potential barriers to peaceful protests may include past events, regulations or even a nation's constitution.

Penalizing Violations of Protesters' Rights

Any individual, organization or government shall have to face appropriate consequences for breaching the rights of protesters in labor. The penalties could be chosen by each nation depending on multiple factors including government type and

the violation. In accordance to the severity of the violation, the penalties could vary from compensations and financial sanctions, to imprisonment. Breaches of human rights shall be directed to Court and under no circumstances may they be overlooked.

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