**Human Rights Council resolution 38/11 on the promotion and protection of human rights in the context of peaceful protests.**

1. **Laws, policies and programmes that have been developed to address the impact of new technologies, including information and communications technology, on human rights in the context of assemblies, including peaceful protests;**

The manner in which assemblies and peaceful protests are monitored are governed by the **Constitution of Guyana, Cap 1:01**; and **The Public Order Act, Cap 16:03**. There are no laws which prohibit the use of communications technology in the context of assemblies.

**Protection of the Freedom of assembly, association and demonstration: Article 147(1) of the Constitution of Guyana, Cap 1:01 of the Laws of Guyana** provides:

1. *Except with his or her own consent, no person shall be hindered in the enjoyment of his or her freedom of assembly, association and freedom to demonstrate peacefully, that to say, his or her right to assemble freely, to demonstrate peacefully and to associate with other persons and in particular to form or belong to political parties, trade unions or other associations for the protection of his or her interests’*

**The Public Order Act, Cap 16:03 of the Laws of Guyana:**

In **Section 2**:

“appropriate office of Police” means the member of the Police Force for the time being in charge of the Police Station nearest to the place where the meeting is to be held;

“Chief Officer of Police” means the member of the Police Forcing having chief command of the Police in the police division or police sub-division in which a meeting gathering or assembly of persons, or a march or procession as the case may be is to be held;

“meeting” means a meeting, gathering or assembly of persons held for the purpose of the discussion of matters of public interest or for the purpose of the expression of views on such matters;

“public meeting” includes any meeting in a public place and any meeting which the public or any section thereof are permitted to attend, whether on payment or otherwise”

“public place” means any highway, public park or garden, any sea beach, and any public bridge, landing-place, road, street, land, footway, square, court, alley or passage, whether a thoroughfare or not; and includes any open space to which, for the time being, the public have or are permitted to have access, whether on payment or otherwise;

“public procession” means a march or procession in a public place

Under ***section 3 of the Public Order Act***, notification must be given to the appropriate officer of Police of the intention to hold a meeting in a public place. This notification must be given at least 48 hours and not more than one month prior to the date of the meeting. Once the proper procedure is used, the appropriate authorities are then able to provide protection for the protestors. If permission is not granted by the Commissioner of Police to hold a meeting, the organiser may appeal the decision made to the Minister

Under ***section 5***, The organisers of processions (other than a funeral procession) must be granted permission in writing of the Chief Officer of Police. Again, notice of at least 48 hours prior to the procession must be given. Appeal to the decision is also applicable under this section.

**Criminal**

**The Criminal Law (Offences) Act, Cap 8:01** provides in **section 306** that …“ Everyone who takes part in any rout or in any unlawful assembly shall be guilty of a misdemeanour and liable to imprisonment for one year.”

**307.** *Everyone who takes part in any riot shall be guilty of a misdemeanour and liable to imprisonment for two years.*

While the right to protest is one that is well respected and encouraged, public order is a balancing act. The juridical principle that no right is without limits applies here. One citizen’s right to protest cannot infringe on another citizen’s right to freedom of movement and security. This is the universal legal principle regarding the limitation of rights.

1. **Effective uses of technologies as enablers of the exercise of human rights in the context of assemblies, including peaceful protests (eg. how new technologies have facilitated the organisation of assemblies, including peaceful protests);**

In Guyana, the use of technologies the scope of which includes emails, text messages, telephone calls and internet calls and media (Skype, Whatsapp etc) are freely utilized by organizers to facilitate peaceful protests and assemblies without any hindrances. These technologies aid in the swift and effective organisation of the various groups.

1. **The human rights challenges posed by interferences with the availability and use of such technologies in the context of assemblies, including peaceful protests (eg. through network disruptions, blocking of internet services or restrictions on secure and confidential communications);**

There are no interferences. Note the following provisions.

**Sections 35(1) and (4); 53(1) and (4) of the Telecommunications Act, Cap 47:02** applies.

Section 35. (1) A person engaged in the running of a public telecommunication system who otherwise than in the course of his duty-

1. Intentionally intercepts a message sent by means of that system;or
2. Where a message so sent has been intercepted, intentionally discloses to any person the contents of that message,

Shall be guilty of an offence.

Section 35(4) A person guilty of an offence under this section shall be liable-

1. On summary conviction, to a fine of fifteen thousand dollars together with imprisonment for one year; and
2. On conviction on indictment; to a fine of seventy-five thousand dollars together with imprisonment for two years.

Section 53:

1. Subject to the following provisions of this section, no information with respect to any particular business which-

a) has been obtained under or by virtue of the provisions of this Act; and

b) relates to the private affairs of any individual or to any particular business,

shall during the lifetime of that individual or so long as that business continues to be carried on, be disclosed without the consent of that individual or the person for the time being carrying on that business.

(4) Any person who discloses any information in contravention of this section shall be liable on summary conviction, to a fine of thirty thousand dollars and imprisonment for two years.

1. **The human rights challenges posed by the use of new technologies, including information and communications technology, in the context of assemblies, including peaceful protests (eg. the use of surveillance and monitoring tools by the authorities, including biometrics-based recognition technology to identify protestors).**

**The Interception of Communication Act, Cap 47:03** was passed in 2008. This Act gives the Police the authority to ‘intercept’ communications.

Under **Section 2** *“Intercept” in relation to a telecommunication, means-*

*a) Monitoring and recording of transmissions conveyed by fibre optic cable or any other form of wire line, by wireless telegraphy, voice over internet protocol, internet, satellite, and all other forms of electromagnetic or electrochemical communication to or from apparatus comprising the system;*

*b) monitoring and recording or modification of, or interference with the telecommunication system by means of which the communication is transmitted, so as to make some or all of the contents of the communication available to a person other than the sender or the intended recipient of the communication, and “interception” shall be construed accordingly;*

This legislation (***Section 2***) gives the power to the Commissioner of Police, the Chief of Staff of the Guyana Defence Force, and the Commissioner General of the Guyana Revenue Authority to apply to a judge to direct the technical officers at the telecommunication companies, namely GT&T and Digicel, to intercept the communication of a person without his/her knowledge.

Further, the Legislation provides that an application for warrant for interception (***Section 4***) must be made in order to intercept. This may be done ex parte to a Judge in Chambers authorizing the person named in the warrant.

These powers are not tailored to prevent or infringe on the Right to assemble and the fundamental freedom of expression which every citizen is entitled to.

It is however, clear that with any power or authority there is a chance of abuse. The impact of this would be the unlawful interception of person’s telecommunication for purposes other than that for public safety.

1. **The impact on Human rights of the use of new less lethal weapons and ammunition technology in the context of assemblies, including peaceful protests.**

The use of new less lethal weapons and ammunition technology would aid in dealing with the human rights of the protestors. However certain Human rights concerns would still exist as these less lethal weapons may still cause injury. Some of these weapons can be used in a manner which would be classed as torture or ill treatment.

Some non-lethal weapons such as rubber bullets have been utilised in Guyana. However, these ‘bullets’ may involve a risk as it may affect bystanders who are not violent protestors. Further, depending on the distance, it may cause excessive harm to individuals. Water cannons designed to shoot jets of water at people at varied levels of pressure. It is used to deter persons from advancing to a particular point. This can affect protesters by causing them to fall to the ground.

However, the above mentioned methods are still preferred as opposed to the use of lethal force for situations which only require the subduing of protestors.

The new administration that took office in 2015 has avoided the use of any force re protests and embraces the right to protest.