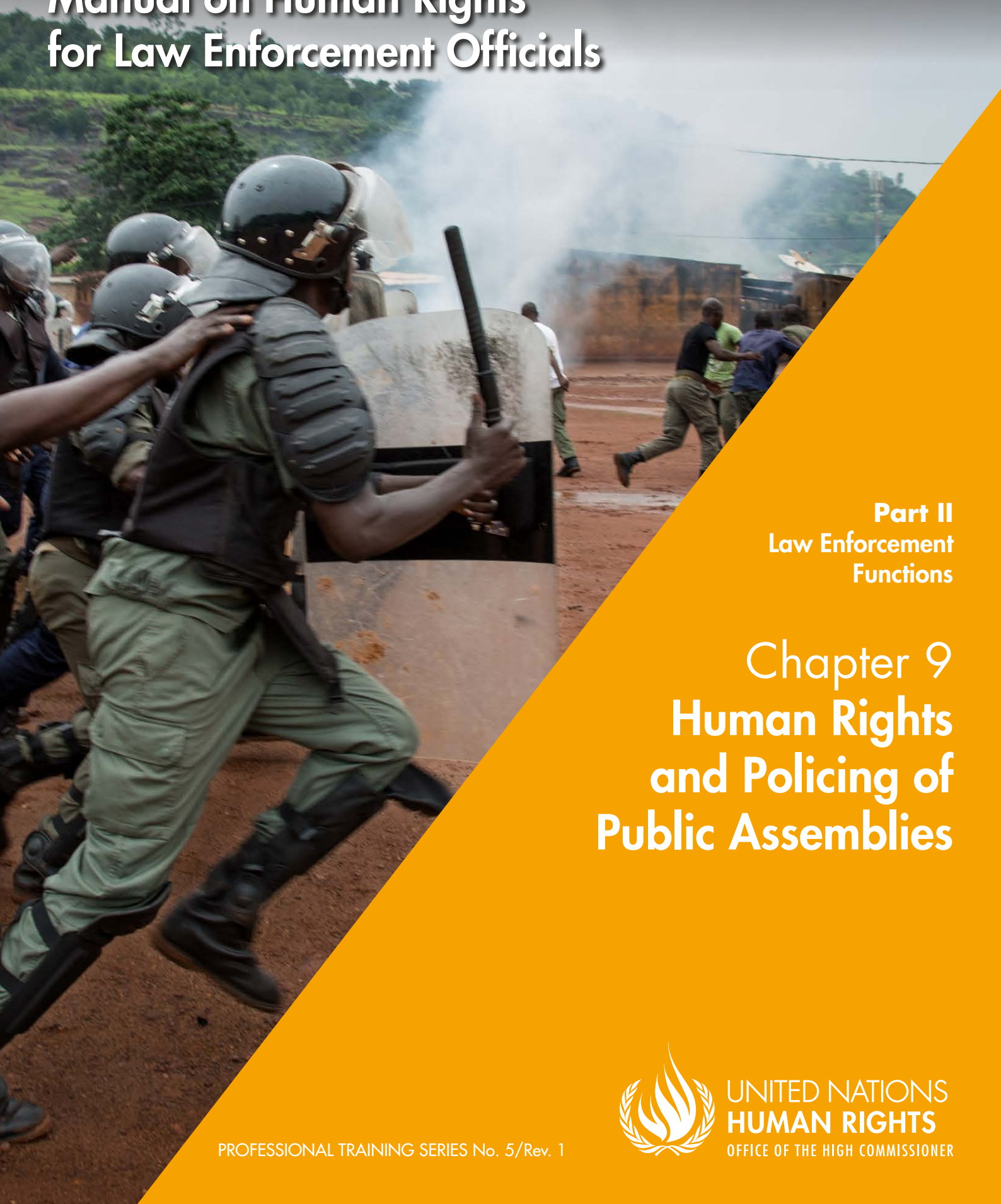


# HUMAN RIGHTS AND LAW ENFORCEMENT

## Manual on Human Rights for Law Enforcement Officials



**Part II**  
Law Enforcement  
Functions

### Chapter 9 Human Rights and Policing of Public Assemblies



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## ESSENTIAL PRINCIPLES

When considering policing of public assemblies, the following principles are of priority:

Law enforcement agencies have an obligation to facilitate the right to peaceful assembly. Allowing assemblies is the norm and any restrictions should be considered exceptions.<sup>1</sup>

The rights to freedom of peaceful assembly, freedom of opinion and expression, freedom of association and freedom of movement are guaranteed in international human rights law and must be respected by law enforcement agencies in public order management.<sup>2</sup>

Any limitations of those rights must be provided by law and be necessary in a democratic society 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.<sup>3</sup>

No unnecessary limitations to those rights may be imposed.<sup>4</sup>

Decisions to restrict the rights to freedoms of expression, peaceful assembly, association or movement require judicial oversight to safeguard against arbitrariness or discrimination.<sup>5</sup>

<sup>1</sup> Universal Declaration of Human Rights, art. 20; International Covenant on Civil and Political Rights, art. 21, Report of the Special Rapporteur on freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, *Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests*, (A/HRC/55/60, para. 14).

<sup>2</sup> Universal Declaration of Human Rights, arts. 13, 19 and 20; International Covenant on Civil and Political Rights, arts. 19, 20, 21 and 22.

<sup>3</sup> Universal Declaration of Human Rights, art. 29(2); International Covenant on Civil and Political Rights, arts. 4 and 21.

<sup>4</sup> Universal Declaration of Human Rights, arts. 13, 18, 19, 20 and 29(2); International Covenant on Civil and Political Rights, arts. 4, 12, 18, 19, 21 and 22; Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, paras. 12-14.

<sup>5</sup> Basic Principles on the Independence of the Judiciary (General Assembly resolutions 40/32 and 40/146), principles 1-7; United Nations, Commission on Human Rights, The administration of justice and the human rights of detainees: Question of human rights and states of emergency, 23 June 1997 (E/CN.4/Sub.2/1997/19).

## ESSENTIAL PRINCIPLES

Children have the right to freedom of peaceful assembly and association and should be allowed to exercise this participatory right to the greatest extent possible in a manner consistent with the evolving capacities of the child. Law enforcement officials (LEOs), parents, teachers and others, such as organizers of the assembly, must always take into account the best interests of the child, including in terms of protecting children from situations that may turn violent.<sup>6</sup>

The rights to life and freedom from torture or cruel, inhuman or degrading treatment or punishment should be guaranteed by LEOs to all persons under all circumstances and at all times.<sup>7</sup>

LEOs must always respect the right to non-discrimination when maintaining or restoring order.<sup>8</sup>

All measures for maintenance and restoration of order shall respect international human rights standards, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.<sup>9</sup>

During public order management, non-violent means shall always be attempted before the use of force is considered. LEOs must proactively de-escalate situations that may turn violent. A range of means for the differentiated use of force shall be made available.<sup>10</sup>

The use of force shall only be applied to the extent required for the performance of law enforcement duty and must not be arbitrary or abusive.<sup>11</sup>

The use of force shall always be proportional to the lawful objectives.<sup>12</sup>

Force is to be used only when strictly necessary and to the minimum extent necessary.<sup>13</sup>

All LEOs are to be trained in alternative methods to the use of force, including rights-based approaches to policing and negotiated crowd management.<sup>14</sup>

LEOs must always assess whether children, persons with disabilities or other persons in vulnerable situations are at the assembly and take necessary precautions in carrying out their duties during maintenance of public order.<sup>15</sup>

LEOs shall be held accountable for any unlawful, unnecessary, disproportionate or discriminatory actions. Superior LEOs bear command responsibility for the actions of those under their command.<sup>16</sup>

## A. INTRODUCTION

A fundamental task of any law enforcement agency is the maintenance of public order. It can be a particularly challenging situation for LEOs when individual persons or groups engage in protests or other types of display of discontent that may challenge public order. In such situations LEOs must

<sup>6</sup> Convention on the Rights of the Child, arts. 3 and 15; Code of Conduct for Law Enforcement Officials, art. 3, commentary (c).

<sup>7</sup> Universal Declaration of Human Rights, art. 29(2); International Covenant on Civil and Political Rights, art. 4(2).

<sup>8</sup> Code of Conduct for Law Enforcement Officials, art. 2, commentary.

<sup>9</sup> Universal Declaration of Human Rights, art. 29(2); International Covenant on Civil and Political Rights, art. 4.

<sup>10</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 2.

<sup>11</sup> *Ibid.*, principles 5 and 7; Code of Conduct for Law Enforcement Officials, art. 3.

<sup>12</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principles 2 and 5(a).

<sup>13</sup> *Ibid.*, principles 4 and 5.

<sup>14</sup> *Ibid.*, principles 4 and 20.

<sup>15</sup> Code of Conduct for Law Enforcement Officials, art. 2; Convention on the Rights of Persons with Disabilities, art. 4(b) and (c); Convention on the Rights of the Child, art. 3.

<sup>16</sup> Basic Principles on the Use of Force and Firearms for Law Enforcement Officials, principles 11(d) and 24. Note: This instrument refers to “superior officials”. This chapter understands “superior” officials to be interchangeable with “command” or “supervisory” officials.

carefully assess the circumstances, including any human rights-related issues. States are responsible for ensuring the rights and security of everyone within their jurisdiction, including those who express their demands or publicly display other types of discontent. The response to public assemblies in terms of legislation and procedures, including law enforcement, must conform to international human rights standards.

Participants in public assemblies have a number of protected rights, including rights to: freedom of peaceful assembly, expression, association and belief; participation in the conduct of public affairs; bodily integrity, which includes the rights to security, to be free from cruel, inhuman or degrading treatment or punishment, and to life; dignity; privacy; and an effective remedy for all human rights violations.<sup>17</sup> Even if the participants are not peaceful and thus forfeit their right to peaceful assembly, they still retain these other rights.<sup>18</sup> Protection of these rights helps to cultivate tolerant and pluralistic societies. Moreover, these rights collectively serve as a vehicle to a series of other rights and serve as essential components of any democracy by empowering people, including minority and marginalized groups who may otherwise be restricted from expressing themselves, to express their political or other opinions and engage in religious, cultural, economic, social and other activities.

LEOs must actively facilitate and protect the rights and freedoms of participants while also ensuring the rights and safety of the public. This entails protecting peaceful participants from others who may wish to interrupt them and ensuring that even spontaneous peaceful assemblies are supported, as long as they do not infringe on the rights of others. LEOs must take measures to ensure that assemblies remain peaceful, and do not induce fear, intimidation or any serious disruptions that could negatively impact on the rights of others.<sup>19</sup> This balance between rights must be carefully considered and approached by LEOs and local governance officials through transparency and impartial dialogue with all involved stakeholders. Relevant tasks and responsibilities governing the maintenance of public order for law enforcement should be provided by law and these laws should be sufficiently accessible and foreseeable and in compliance with international human rights norms.<sup>20</sup> The approach of law enforcement agencies during the policing of assemblies should be characterized by predictability and respect for human rights.

The public expects professionalism, impartiality, integrity and transparency from the law enforcement professionals present at public assemblies. Moreover, the public relies on LEOs to protect their rights. It is therefore important for LEOs to understand how to perform their functions in conformity with international human rights standards.

This chapter outlines the international and regional human rights standards relevant to policing of public assemblies, and explains the application of such standards as well as their implications in law enforcement practice. The chapter concludes with practical recommendations.

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<sup>17</sup> A/HRC/31/66, para. 8.

<sup>18</sup> *Ibid.*, para. 9.

<sup>19</sup> An example is when organizers of an assembly demand support for their activities through pressuring shopkeepers and others not associated with the assembly to close their businesses or cease their daily activities. In such circumstances, LEOs must take measures to ensure that targeted persons are not involuntarily pressured into actions that may impact on their daily livelihood or ability – in general, that they can enjoy their rights.

<sup>20</sup> Here it is important to emphasize that laws and regulations regarding responsibilities of LEOs and procedures governing maintenance of public order must be in conformity with international human rights standards. The rules should be adopted through a process of inclusive democratic debate and it is important that authorities/LEOs communicate the result of such debate to the communities they serve.



## B. INTERNATIONAL INSTRUMENTS RELEVANT TO POLICING OF PUBLIC ASSEMBLIES



### 1. Key international instruments

- Universal Declaration of Human Rights
- International Convention on the Elimination of All Forms of Racial Discrimination
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Code of Conduct for Law Enforcement Officials
- Convention on the Elimination of All Forms of Discrimination against Women
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
- Convention on the Rights of the Child
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- International Convention for the Protection of All Persons from Enforced Disappearance
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction
- Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms
- Convention on the Rights of Persons with Disabilities

### 2. Other relevant international instruments

- International Labour Organization (ILO) Conventions:
  - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
  - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
  - Workers' Representatives Convention, 1971 (No. 135)
- Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief



### 3. Regional instruments

- European Convention on Human Rights
- American Convention on Human Rights
- Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE<sup>21</sup>
- Convention on Human Rights and Fundamental Freedoms of the Commonwealth of Independent States<sup>22</sup>
- Charter of Fundamental Rights of the European Union

## C. HUMAN RIGHTS STANDARDS AND APPLICATION

### 1. Fundamental principles relevant to policing of public assemblies

LEOs tasked with maintaining public order in the context of demonstrations, marches or other forms of dissent or expression of opinions must always act in a way that is provided for by law, necessary, proportionate and non-discriminatory. In addition to the principles of *legality*, *necessity*, *proportionality and non-discrimination*, the principle of accountability must also be respected whenever LEOs engage in policing of public order situations. When policing assemblies, LEOs should apply the principle of *precaution* and ensure that human rights considerations are integrated in planning, including minimizing to the greatest extent possible the likelihood of the use of force. These principles represent core elements of international human rights instruments and guide LEOs in the challenging work of finding the balance between the rights of different persons and groups and the needs and security of a democratic society.

### 2. Human rights relevant to policing of public assemblies<sup>23</sup>

The protection for peacefully expressing demands or discontent can be found in a number of codified rights, including the right to freedom of peaceful assembly and the rights to freedoms of opinion, expression, religion, assembly, association and movement. The European Court of Human Rights and the African Commission on Human and Peoples' Rights have both recognized the diverse rights that interplay to form a legal protection for peacefully expressing demands or discontent.<sup>24</sup>

#### a) The right to freedom of peaceful assembly

The right to freedom of peaceful assembly is expressed in article 20 of the Universal Declaration of Human Rights and in article 21 of the International Covenant on Civil and Political Rights, and

<sup>21</sup> The Conference on Security and Cooperation in Europe (CSCE) was renamed Organization for Security and Co-operation in Europe (OSCE) in 1995.

<sup>22</sup> Signed in Minsk (1995) by all CIS Member States, 3. I.H.R.R.1, 212.

<sup>23</sup> See also Human Rights Committee, general comment No. 37 (2020).

<sup>24</sup> ECtHR *Stankov and the United Macedonian Organisation Ilinden v. Bulgaria* (applications 29221/95 and 29225/95); African Commission on Human and Peoples' Rights, Communication No. 147/95-149/96, *Sir Dawda K. Jawara v. The Gambia*, Decision of 11 May 2000.



includes the right to plan, organize, promote and advertise the assembly.<sup>25</sup> As a general rule, LEOs should presume the peacefulness of assemblies and broadly interpret the term “peaceful”, with due regard for the manner and intent of each assembly and its organizers.<sup>26</sup>

States have a positive obligation to both facilitate and protect peaceful assemblies. This means that authorities, including law enforcement authorities, must put in place adequate mechanisms and procedures to ensure that the freedom of peaceful assembly can be enjoyed without any unnecessary bureaucratic interference or regulation. Put differently, the free exercise of this right is only possible “where an enabling and safe environment for the general public ... exists and where access to spaces for public participation is not excessively or unreasonably restricted.”<sup>27</sup> Authorities must be careful not to routinely impose restrictions that fundamentally alter the character of the assemblies, such as relocating assemblies to a less central area of a city or imposing the blanket application of legal restrictions.<sup>28</sup> Moreover, the following elements are crucial for the effective State-led facilitation of peaceful assemblies: careful collection and analysis of intelligence information; open dialogue between authorities and, where possible, assembly organizers; transparent decision-making; contingency plans; and provision of basic public services such as traffic management, medical assistance and clean-up services.<sup>29</sup>

The State’s obligation also includes facilitation and protection of any simultaneous assemblies and counter-protests.<sup>30</sup> Such assemblies should be facilitated to take place “within sight and sound of their targets” *unless* doing so would interfere with the rights of others to assemble, per article 5 of the International Covenant on Civil and Political Rights.<sup>31</sup>

Because the organization of a peaceful assembly is a right and not a privilege, it should not be subject to prior affirmative authorization from authorities, but may include prior notification procedures – subject to a proportionality assessment<sup>32</sup> – so that state authorities are better able to facilitate the exercise of the right to freedom of peaceful assembly and can exceptionally impose restrictions or prohibitions where necessary and proportional in a democratic society (see below on lawful restrictions on peaceful assembly).<sup>33</sup> Prior notification should only be required when the organizers intend to use public roads or public areas or when LEOs need to make special preparations before the protest, such as erecting stands or barriers for the safety of participants.<sup>34</sup> Notification procedures may not serve as *de facto* requests for authorization or as bases for content-based regulations.<sup>35</sup> Accordingly, spontaneous peaceful assemblies should be exempted from prior notification procedures if their organizers are unable to comply due to the unforeseeable

<sup>25</sup> A/HRC/31/66, para. 19.

<sup>26</sup> *Ibid.*, para. 18.

<sup>27</sup> *Ibid.*, para. 7.

<sup>28</sup> *Ibid.*, para. 74.

<sup>29</sup> *Ibid.*, para. 7.

<sup>30</sup> *Ibid.*, para. 24.

<sup>31</sup> *Ibid.*

<sup>32</sup> Prior notification should be required only for large meetings or meetings which may, for example, disrupt road traffic. The process for notification should not be unduly bureaucratic; for example, an appropriate requirement may be to notify, a maximum of 48 hours prior to the day, that the assembly is planned to take place.

<sup>33</sup> A/HRC/22/28, para. 11; Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai (A/HRC/20/27), para. 28; OSCE/ODIHR and Council of Europe, Guidelines on Freedom of Peaceful Assembly, paras. 113-117; Inter-American Commission on Human Rights, Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124, Part B, para. 57; A/HRC/31/66, para. 21.

<sup>34</sup> A/HRC/22/28, para. 34.

<sup>35</sup> A/HRC/31/66, para. 21.

motive or nature of the assembly.<sup>36</sup> If two notifications are submitted for the same place and time, authorities must perform a risk assessment, attempt to mitigate those risks and, if necessary, impose restrictions “through mutual agreement or, where this is not possible, through a process that does not discriminate between the proposed assemblies”.<sup>37</sup>

Restrictions on peaceful assembly can only be imposed if the restrictions are:

- ▶ **In conformity with the law:** Any restrictions must have a formal basis in law (principle of legality), which needs to be in conformity with international human rights standards. The law in itself must be accessible and its application must be foreseeable.
- ▶ **Necessary in a democratic society:** The restriction must be necessary to achieve the intended objective and it must respond to a pressing social need.<sup>38</sup> The application of the principle of necessity includes a proportionality assessment. The Human Rights Council has established: “It is not sufficient that the restrictions serve the permissible purposes; they must also be necessary to protect them. Restrictive measures must conform to the principle of proportionality; they must be appropriate to achieve their protective function; they must be the least intrusive instrument amongst those which might achieve the desired result; and they must be proportionate to the interest to be protected.”<sup>39</sup> States and law enforcement agencies, when considering whether to restrict the right to freedom of assembly, must therefore consider all available options and types of restrictions, and tailor the restriction according to the specific aims of the intervention so that it is as least restrictive as possible.<sup>40</sup>
- ▶ **In the interest of national security:** As stated in the Siracusa Principles on the Limitations and Derogation Provisions in the International Covenant on Civil and Political Rights, respect for human rights is part of *ordre public*, and notions such as national security cannot be used as a pretext for imposing vague or arbitrary limitations. The burden is on the State imposing limitations to demonstrate that such limitations are necessary, proportionate, non-discriminatory and do not impair the democratic functioning of society.<sup>41</sup> These restrictions must never be arbitrarily imposed; neither must they be imposed purely in order to meet the operational exigencies of law enforcement agencies or policymakers, nor to protect the interests of the government.
- ▶ **In the interest of public safety:** There is a certain overlap between public order and public safety concerns. Public safety is always the responsibility of the State and can never be delegated to the organizers. Particular public safety concerns might arise, for example, when assemblies are held outside daylight hours, or when moving vehicular floats form part of an assembly. In such instances, extra precautionary measures should generally be preferred to restriction.<sup>42</sup> Where there is a definite risk of violence, the least restrictive measures must be taken to ensure the safety of participants and others.<sup>43</sup> The protection of participants from attacks by others is especially crucial at election times, when ethnic and religious groups participate and when controversial opinions are at stake.

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<sup>36</sup> A/HRC/20/27, paras. 28-29.

<sup>37</sup> A/HRC/31/66, para. 28(f).

<sup>38</sup> See ECtHR case law on the standard of necessity in a democratic society.

<sup>39</sup> Human Rights Committee, general comment No. 2 (1981), para. 14.

<sup>40</sup> OSCE/ODIHR and Council of Europe, *Guidelines on Freedom of Peaceful Assembly*, para. 40.

<sup>41</sup> Seminar on effective measures and best practices to ensure the promotion and protection of human rights in the context of peaceful protests: Report of the United Nations High Commissioner for Human Rights (A/HRC/25/32), para. 32.

<sup>42</sup> OSCE/ODIHR and Council of Europe, *Guidelines on Freedom of Peaceful Assembly*, para. 74.

<sup>43</sup> A/HRC/31/66, para. 25.

- ▶ **In the interest of public order:** Public order concerns must be of a very serious nature to justify restrictions of freedom of assembly. Prohibitions or dispersals of peaceful assemblies can never be based on hypothetical risks of violence, public disorder or the presence of a hostile audience. The right to peaceful assembly protects all participants in an assembly who are not violent and have peaceful intentions. Propaganda for war or advocacy for national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence are among acts that, according to international human rights law, should be deemed to be unlawful and subsequently are not protected under the right of peaceful assembly.<sup>44</sup> It shall, however, be presumed that participants in assemblies have peaceful intentions unless there is compelling and demonstrable evidence that the organizers themselves intend, through the assembly, to use, advocate or incite imminent violence.<sup>45</sup> Because the right to freedom of peaceful assembly is held by each individual participant,<sup>46</sup> acts of sporadic violence or other acts of punishable offences committed by a small group of participants do not deprive other peaceful protestors of their right to peaceful assembly,<sup>47</sup> nor should organizers be held liable for such acts.<sup>48</sup> Individuals who commit criminal acts in the context of protests or other types of display of discontent should however be held accountable.<sup>49</sup> It is the duty of States to distinguish between peaceful and non-peaceful protesters. Any anticipated isolated outbreak of violence should be dealt with by law enforcement agencies through arrest and prosecution rather than prohibition of the assembly taking place in the first place.<sup>50</sup>
- ▶ **In the interest of public health:** In rare cases, there may be public health grounds to restrict assemblies in order to protect the health of the participants. An example could be a hunger strike that has reached a critical stage.<sup>51</sup> A restriction based on public health grounds must, however, be used very restrictively and not be used as a general reason to pre-emptively break up assemblies, even if hunger strikes are a part of the programme.<sup>52</sup>
- ▶ **In the interest of public morals:** Restrictions based on safeguarding public morals must be based on and tested against objective standards to see whether they meet a pressing need in society and are proportional. It is not enough for behaviour to be offensive in nature; it must be defined as criminal in order to be considered as a reason to restrict a peaceful assembly.<sup>53</sup>
- ▶ **Concerning the protection of rights of others:** In general, there should be a high threshold for the restriction of peaceful assemblies because of the temporary disruption it may cause others using the public space. A temporary disruption of traffic or pedestrian activity is not in itself a reason to justify restriction of the right to freedom of peaceful assembly.<sup>54</sup> Moreover, the use of public space for the purpose of peacefully assembling is as legitimate a use of public space as traffic or other forms of use, such as the operations of local businesses. Thus, each situation must be considered in the context that the protest occurs. The European Court of Human Rights in

<sup>44</sup> International Covenant on Civil and Political Rights, art. 20; ECtHR, *Ziliberg v. Moldova*, application No. 61821/00 (2004).

<sup>45</sup> OSCE/ODIHR and Council of Europe, *Guidelines on Freedom of Peaceful Assembly*, explanatory note 25.

<sup>46</sup> A/HRC/31/66, para. 20.

<sup>47</sup> A/HRC/20/27, para. 25.

<sup>48</sup> A/HRC/31/66, para. 26.

<sup>49</sup> See "UN independent expert: right of peaceful assembly is not an excuse to commit violence", UN News, 19 September 2012. Available from <https://news.un.org/en/story/2012/09/420022-un-independent-expert-right-peaceful-assembly-not-excuse-commit-violence>.

<sup>50</sup> OSCE/ODIHR and Council of Europe, *Guidelines on Freedom of Peaceful Assembly*, paras. 71-74.

<sup>51</sup> ECtHR, *Cisse v. France*, application No. 51346/99.

<sup>52</sup> OSCE/ODIHR and Council of Europe, *Guidelines on Freedom of Peaceful Assembly*, para. 76.

<sup>53</sup> *Ibid.*, para. 78.

<sup>54</sup> *Ibid.*, para. 80.

*Sergey Kuznetsov v. Russia* rejected the argument that closing public roads for demonstrations caused undue inconvenience to others. The Court stated that “any demonstration in a public place inevitably causes a certain level of disruption to ordinary life, including disruption of traffic, and that it is important for the public authorities to show a certain degree of tolerance towards peaceful gatherings if the freedom of assembly guaranteed by article 11 of the Convention is not to be deprived of all substance.”<sup>55</sup> The European Court of Justice and the Inter-American Commission on Human Rights arrived at similar conclusions.<sup>56</sup> However, in *Bukta and others v. Hungary*, the European Court of Human Rights did accept limitations to the right to freedom of movement in favour of allowing the orderly circulation of traffic as part of the legitimate effort to prevent disorder and protect the rights of others.<sup>57</sup>

As general guidance, law enforcement agencies should bear in mind that any restrictions to the right of freedom of assembly must be done in good faith and must not contradict the spirit of the International Covenant on Civil and Political Rights.<sup>58</sup> Content-based restrictions are the absolute exception. All proposed restrictions should be “put in writing, justified and communicated to the organizers, including the justification for the restriction, allowing an opportunity for the organizers to make submissions and to respond to any proposed restriction” and “communicated in a time frame prescribed by law, allowing sufficient time for an appeal – or urgent interim relief – to be completed before the proposed time of the assembly”.<sup>59</sup>

## b) Right to freedom of opinion and expression

### ▼ International Covenant on Civil and Political Rights, article 19(2)

Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

During peaceful assemblies, another associated right that should be respected is the right to freedom of opinion and expression, as delineated by article 19 of the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights. According to the International Covenant on Civil and Political Rights, the right to freedom of expression includes the “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”<sup>60</sup> The right to freedom of opinion is absolute and may not be limited in any way, while the right to freedom of expression can be subjected to certain exceptional restrictions, including situations of propaganda for war or where there is incitement to discrimination, hostility or violence.<sup>61</sup>

<sup>55</sup> ECtHR, *Sergey Kuznetsov v. Russia*, application No. 10877/04, para. 44.

<sup>56</sup> European Court of Justice, *Eugen Schmidberger v. Republic of Austria*, Case C-112/00; Organization of American States (OAS) and Inter-American Commission on Human Rights, Report on Citizen Security and Human Rights (OEA/Ser.L/V/II. Doc. 57), para. 193.

<sup>57</sup> ECtHR, *Bukta and others v. Hungary*, application No. 25691/04.

<sup>58</sup> OSCE/ODIHR and Council of Europe, *Guidelines on Freedom of Peaceful Assembly*, para. 17.

<sup>59</sup> A/HRC/31/66, para. 36(b)-(c).

<sup>60</sup> International Covenant on Civil and Political Rights, art. 19(2).

<sup>61</sup> A/HRC/17/27, para. 25.



The use of private and secure use of communications technologies is crucial to the organization and conduct of public assemblies.<sup>62</sup> Sometimes States try to hinder assemblies by using blocking or filtering technologies to restrict access to different types of communications systems, such as mobile phones and the Internet. Such interventions risk violating State obligations to guarantee the right to freedom of expression. In order for a State to lawfully restrict the right to freedom of expression, the specific conditions must first be established by national law. The Special Rapporteur on freedom of expression has stated that “any legislation restricting the right to freedom of expression must be applied by a body which is independent of any political, commercial, or other unwarranted influences in a manner that is neither arbitrary nor discriminatory, and with adequate safeguards against abuse, including the possibility of challenge and remedy against its abusive application.”<sup>63</sup> Additionally, the restriction on the right to freedom of expression would have to fall under the lawful exceptions delineated in article 19(3) of the International Covenant on Civil and Political Rights, i.e. the purpose of the intervention must be to protect the rights or reputation of others, national security, public order, public health or morals. The intervention must further be proven to be necessary and proportional.<sup>64</sup> The requirements to consider these conditions are especially important when authorities consider closing down mobile phone systems and social media programmes. The blocking of online communications to impede the organization or publicity of an assembly rarely satisfies these requirements and, accordingly, safeguards should be put in place to prevent abuse.<sup>65</sup> The Special Rapporteur on freedom of expression and the Special Rapporteur on human rights defenders have jointly expressed concerns and called on States to not suspend websites and Internet applications, such as WhatsApp, Facebook, Twitter and 3G and 4G data services, for mobile phones and other devices in the context of protests.<sup>66</sup> The two special rapporteurs stated that the Internet and telecommunication bans had the character of collective punishments and that such restrictions had a significantly disproportionate impact on the population and not only on those engaging in the protest. They further explained that denying such access to communications in an unacceptable way disrupted the free exchange of ideas and the ability of persons to connect and associate peacefully on matters of shared concern.<sup>67</sup>

It is important to emphasize that freedom of expression is the norm and any limitations are to be considered exceptions. LEOs must facilitate the exercise of this right in any way they can. This means that LEOs must exercise a high degree of tolerance towards protestors regarding messages and banners, even those that they consider deeply offensive, as long as the threshold pursuant to the International Covenant on Civil and Political Rights is not met.<sup>68</sup>

Pluralistic societies will inevitably be confronted with a variety of political views. It is important that the State find a balance, allow for different opinions and ensure that there is space for public debate to address issues of interest and concern. LEOs play a vital role in ensuring that society

<sup>62</sup> A/HRC/31/66, para. 75.

<sup>63</sup> A/HRC/17/27, para. 24(c).

<sup>64</sup> Ibid.

<sup>65</sup> A/HRC/31/66, para. 75.

<sup>66</sup> Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the situation of human rights defenders, joint press release: “India must restore internet and social media networks in Jammu and Kashmir, say UN rights experts”, 2017, available from [www.ohchr.org/en/press-releases/2017/05/india-must-restore-internet-and-social-media-networks-jammu-and-kashmir-say#:~:text=GENEVA%20%2811%20May%202017%29%20%E2%80%93%20India%20must%20immediately,citizens%2C%20say%20two%20United%20Nations%20human%20rights%20experts](http://www.ohchr.org/en/press-releases/2017/05/india-must-restore-internet-and-social-media-networks-jammu-and-kashmir-say#:~:text=GENEVA%20%2811%20May%202017%29%20%E2%80%93%20India%20must%20immediately,citizens%2C%20say%20two%20United%20Nations%20human%20rights%20experts).

<sup>67</sup> Ibid.

<sup>68</sup> International Covenant on Civil and Political Rights, arts. 19(3) and 20; see also Human Rights Committee, general comment No. 34 (2011), paras. 22-24.

can freely debate, challenge and protest in accordance with the principles of a free and democratic society. They must do their utmost to engage in dialogue with assembly organizers and with all other relevant actors to ensure understanding of the rights and duties associated with the right to freedom of expression.

### ▼ International Covenant on Civil and Political Rights, article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- a. To take part in the conduct of public affairs, directly or through freely chosen representatives;
- b. To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- c. To have access, on general terms of equality, to public service in his country.

### c) The right to participate in public affairs

Article 25 of the International Covenant on Civil and Political Rights, as well as its interpretative general comment by the Human Rights Committee, define the obligations of States parties in connection with the right to take part in the conduct of public affairs.<sup>69</sup>

Political and public participation rights play a crucial role in the promotion of democratic governance, the rule of law, social inclusion and economic development, as well as in the advancement of all human rights.<sup>70</sup> The effective participation of individuals and groups in public affairs is a precondition for a fully functioning democracy and it has a direct relationship with and impact on the realization of human rights. The right of peaceful assembly originates directly from the right of individuals to participate in the public affairs of the State.<sup>71</sup> Peaceful protest is a form of expression that can be considered as a means of drawing attention to public affairs concerns, achieving change and exercising direct democracy.<sup>72</sup>

LEOs have an important but often challenging role in ensuring that everyone in society is able to exercise their right to participate in political processes and public affairs. Elections are especially important times for States and law enforcement agencies to ensure maximum opportunities for civil society engagement.<sup>73</sup> Space must be given for members of the public to express their views and engage in public affairs, and space for freedom of association, assembly and expression should be expanded accordingly. For many, elections offer unique opportunities to be heard, including through different types of protests. However, election times are often when the participatory rights are restricted.<sup>74</sup>

<sup>69</sup> Human Rights Committee, general comment No. 25 (1996), paras. 3-4.

<sup>70</sup> Factors that impede equal political participation and steps to overcome those challenges: Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/27/29), para. 2.

<sup>71</sup> A/HRC/25/32, para. 18.

<sup>72</sup> *Ibid.*, para. 18.

<sup>73</sup> *Ibid.*, para. 19.

<sup>74</sup> *Ibid.*, para. 18.



## d) The right to freedom of thought, conscience, religion or belief

### ▼ International Covenant on Civil and Political Rights, article 18(1)

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

An important fundamental right to consider when policing public assemblies is the right to freedom of thought, conscience, religion or belief. The Human Rights Committee in its general comment to Article 18 states:

*Article 18 distinguishes the freedom of thought, conscience, religion or belief from the freedom to manifest religion or belief. It does not permit any limitations whatsoever on the freedom of thought and conscience or on the freedom to have or adopt a religion or belief of one's choice. These freedoms are protected unconditionally, as is the right of everyone to hold opinions without interference in article 19(1).<sup>75</sup>*

The freedom to manifest one's religion or belief can, however, be restricted in certain situations. Article 18(3) of the International Covenant on Civil and Political Rights stipulates that limitations of the freedom to manifest one's religion or belief are only allowed if they are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.<sup>76</sup>

According to these standards, then, LEOs cannot prevent persons or groups from protesting just because they belong to a certain religious group. It is also important that LEOs ensure that religious gatherings and prayers are respected. LEOs should thus take special care to ensure that any actions they take in public assemblies where the contested issue is of a religious nature or participants belong to a specific religious group do not constitute unlawful interference with the participants' freedom of religion. Any restrictions must strictly be based on the International Covenant on Civil and Political Rights' conditions.

It should be noted that this right does not only apply to religious beliefs. LEOs should equally respect and protect the rights of persons who believe in non-religious issues and causes, such as pacifism and conscientious objections to military service. Indeed, the Human Rights Committee has stated that the right of everyone to have conscientious objections to military service is a legitimate exercise of the right to freedom of thought, conscience and religion.<sup>77</sup> In this respect, LEOs should interpret the spectrum of beliefs and religion as broadly as possible.

<sup>75</sup> Human Rights Committee, general comment No. 22 (1993).

<sup>76</sup> Ibid., para. 8.

<sup>77</sup> Special Rapporteur on freedom of religion or belief, *Rapporteur's Digest: Excerpts of the Reports from 1986 to 2011 by the Special Rapporteur on Freedom of Religion or Belief Arranged by Topics of the Framework for Communications* (Geneva, 2011), p. 45.

## e) The right to non-discrimination

### ▼ Universal Declaration of Human Rights, article 2

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. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

A cornerstone of policing public assembly situations and a key aspect to any human rights-based police work is respect for equality and non-discrimination. The right to equality can be found in article 1 of the Universal Declaration of Human Rights, which states, “[a]ll human beings are born free and equal”. The right to freedom from discrimination can be found in various provisions of the International Covenant on Civil and Political Rights, including articles 2, 14, 20, 25, 26 and 27. All major human rights instruments include references to the right to non-discrimination. For more details on how equality and the principle of non-discrimination can be implemented in human rights-based policing see chapter 1, “Introduction to Human Rights for Law Enforcement Officials”, chapter 3, “Law Enforcement and Non-discrimination”, chapter 4, “Law Enforcement and Democratic Policing” and chapter 19, “Law Enforcement and Human Rights in Command and Control, Management and Organization”.

Non-discrimination is an integral part of the participatory rights applicable to public assemblies. Discrimination is not a justifiable reason to limit the right to freedom of assembly, for example. The principle of non-discrimination, in the context of the right to freedom of assembly, means that the right to organize and participate in public assemblies must be guaranteed to everyone within the State’s jurisdiction without any 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 right to peaceful assembly “applies inter alia to minors, indigenous peoples, persons with disabilities, persons belonging to minority groups or other groups at risk, including those victims of discrimination because of their sexual orientation and gender identity [...], non-nationals including stateless persons, refugees or migrants, as well as associations, including unregistered groups.”<sup>78</sup> It is important to emphasize that the right to freedom of peaceful assembly, as most of the other rights in the International Covenant on Civil and Political Rights, does not only apply to citizens but to everyone within a State’s territory and jurisdiction.<sup>79</sup>

In the context of public assemblies, the principle of non-discrimination is applicable in all stages of LEO engagement, from the planning of the operation through to the end of the operation. Public assemblies are often staged by those who find no other way to make themselves heard and who may in fact be in a vulnerable position in society. LEOs must therefore be extra vigilant and play a proactive role in facilitating and protecting those groups’ rights. This makes it even more important for the law enforcement agency, as well as individual LEOs, to ensure that they control their own possible biases against different groups and individual persons. In this context it is important to note that the principle of non-discrimination requires LEOs to ensure that “assemblies in comparable circumstances do not face differential levels of restriction”.<sup>80</sup>

<sup>78</sup> A/HRC/20/27, para. 13.

<sup>79</sup> Human Rights Committee, general comment No. 31 (2004), para. 10.

<sup>80</sup> OSCE/ODIHR and Council of Europe, *Guidelines on Freedom of Peaceful Assembly*.

### 3. Human rights standards for persons at particular risk or in situations of vulnerability

#### ▼ Convention on the Rights of the Child, article 15(1)

States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

#### a) Children

There are many aspects of children's rights that are important to take into consideration when policing assemblies.<sup>81</sup> In all situations, LEOs must consider what is in the best interest of the child. It is particularly important for LEOs to be fully aware of the child's rights to freedom of association and freedom of assembly, as well as international standards in relation to the State's responsibility to protect children from harm during public assemblies.

Article 15 of the Convention on the Rights of the Child establishes the right of children to freedom of association and peaceful assembly. The Convention does not specify conditions by age but recognizes the "evolving capacities of the child",<sup>82</sup> whereby children's capacities evolve as they develop and their ability to exercise rights depends on individual development processes rather than age.<sup>83</sup> There is therefore no specific age limit for when children are allowed to start exercising their rights. Rather, it is the responsibility of the parents or legal guardian to provide direction for the child. A key aspect of evaluating children's participation in public assemblies, however, is consideration of whether the participation is based on the child's interest and free will.

In the context of public assemblies, there are often protection concerns that must be taken into account in addition to the child's developmental process. A frequent concern regarding children participating in public assemblies is that they may be forced, manipulated or even paid to take part in assemblies that further adult interests. In such situations, it is important that LEOs and children's rights agencies protect the child's right to voluntary participation and protect them from any exploitation. Any use of force against or manipulation of children to make them participate must be addressed in dialogue with parents, teachers and/or assembly organizers. LEOs, assembly organizers and parents must jointly take all possible measures aimed at protecting children participating in assemblies that may turn violent. In this context, however, it should be emphasized that even seemingly peaceful assemblies can very quickly and unexpectedly turn violent and dangerous. In some situations, there is even a concern that children may be targeted to intimidate opposing groups or even whole populations.<sup>84</sup>

LEOs, when deciding on which crowd control techniques to use, must consider the specific vulnerabilities of children during public assemblies. If children are among participants when the use of force is determined necessary, every effort must be made to first remove the children from the area. The Committee on the Rights of the Child has underlined that protection of children during

<sup>81</sup> UNICEF, *Free and safe to protest – Policing assemblies involving children*, 2023.

<sup>82</sup> Convention on the Rights of the Child, art. 5.

<sup>83</sup> Aoife Daly, "Demonstrating positive obligations: children's rights and peaceful protest in international law", *George Washington International Law Review*, vol. 45, No. 4 (2013), p. 768.

<sup>84</sup> Report of the independent international commission of inquiry on the Syrian Arab Republic, (A/HRC/S-17/Add.1), para. 46.

public assemblies is not only the parents' responsibility. The State has an obligation to take the necessary measures to protect children in those situations.<sup>85</sup>

The Committee has further emphasized that States must educate security forces regarding the rights and special vulnerabilities of children in public assemblies.<sup>86</sup> There are many situations in which LEOs must consider the special needs and vulnerabilities of children, such as the early stages of planning policing of assemblies and possible arrests or detention of parents accompanied by children. It is especially important that LEOs understand the vulnerabilities of children in situations where a large number of children participate (for example, in protests related to education). In all situations, LEOs should consider whether certain crowd control techniques, such as using horses, may affect children disproportionately.<sup>87</sup> Teargas, for instance, is much more harmful to children than to adults and should be avoided as much as possible.

Good practices for the special consideration of children in the context of policing public assemblies include:

- ▶ Holding planning and consultative meetings with assembly organizers and agencies on children's rights when a significant number of children are expected to participate;
- ▶ Deploying special officials whose responsibility is to engage with children during the assemblies;
- ▶ Ensuring that commanding officials have all relevant information when making operational decisions that may have impact on the rights of children.

Further good practices, and other issues related to children and law enforcement, are covered in chapter 12, "Law Enforcement and the Human Rights of Children".

## b) Women

### ▼ Convention on the Elimination of All Forms of Discrimination Against Women, article 7(1)

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- a. To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- b. To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- c. To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Although women have the same rights as men during public assemblies, the reality is that female participants may be targets of human rights violations specifically because of their gender.

<sup>85</sup> Committee on the Rights of the Child, concluding observations on the Syrian Arab Republic, 2012, para. 46.

<sup>86</sup> Ibid.

<sup>87</sup> Daly, "Demonstrating positive obligations", *George Washington International Law Review*, vol. 45, No. 4 (2013), p. 801.



Unfortunately, women in many countries around the world risk being subjected during public assemblies to arbitrary detention and gender-based violence, including rape, torture and other inhumane treatment. The actual or perceived risk of gender-based violence is, in some places, also used as a means of curtailing women's participation in public and political life.<sup>88</sup> The perpetrators of these human rights violations and crimes often operate with impunity and this further entrenches the victims' multidimensional struggle for the realization of their rights. LEOs should be trained to understand that women's participation in peaceful assemblies can have an empowering effect, and can help women overcome social barriers by allowing their voices to be heard.<sup>89</sup>

The Convention on the Elimination of All Forms of Discrimination against Women does not contain a specific provision on the right to peaceful assembly, but in article 7 of the Convention it is emphasized that States must take all appropriate measures to ensure that women can freely participate in political and public life. General recommendation No. 23 (1997) of the Committee on the Elimination of Discrimination against Women stresses that societies that exclude women from public and political life cannot be described as democratic.

The Convention in practice obligates LEOs to respect women's rights during public assemblies and to put in place mechanisms that facilitate women's participation in assemblies. During public assemblies, LEOs also have a duty to protect women from violence from others.

States have an obligation to address and prioritize incidents of gender-based violence.<sup>90</sup> Senior officials of law enforcement agencies, in enforcing internal regulations and monitoring operations, must ensure that there is zero tolerance of any violence or discrimination against women by LEOs. The language and attitude of commanders when talking to, or about, women are very important in setting the tone for more junior staff, who often model the behaviour and actions of their supervisory officials. Before any public order operation, command officials must also plan for scenarios that may require special consideration of women's needs, including in the case of arresting women (possibly with children).

Good practices for the special consideration of women in the context of policing public assemblies include:

- ▶ Ensuring that all LEOs, including commanders, are vigilant during assemblies about preventing sexual assaults against women;
- ▶ Ensuring the inclusion of female LEOs in all teams. Female officials can, if necessary, search and carry out arrest and detention processing of females;
- ▶ Planning separate transports and detention facilities for women;
- ▶ Including in crowd control and public order training scenarios trainees practising a gender-sensitive approach that recognizes and addresses the special needs of women,
- ▶ Prioritizing reported or alleged violations against women in police investigations. If the alleged perpetrators are from a law enforcement agency, investigations should be carried out by independent oversight mechanisms that include female investigators.

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<sup>88</sup> A/HRC/25/32, para. 7.

<sup>89</sup> *Ibid.*, para. 14.

<sup>90</sup> A/HRC/22/28, para. 15.

### c) Persons belonging to minority groups

All persons belonging to minority groups have the equal right with others to participate in peaceful assemblies and express their views and possibly their dissent from government opinions. They also have the right to protection from third parties when they exercise these rights. Some of these groups might be protesting regularly because they are in fact being marginalized and at a particular disadvantage in society. LEOs should take into account their specific needs and vulnerabilities when policing their assemblies.

#### ▼ International Covenant on Civil and Political Rights, article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, 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 right to peaceful assembly as enshrined in article 21 of the International Covenant on Civil and Political Rights applies to all persons with no discrimination being allowed in its application, as stipulated by article 2 of the Covenant. For example, lesbian, gay, bisexual, transgender and intersex (LGBTI) persons have the same fundamental right to freedom of assembly as everyone else.<sup>91</sup> To deny the right to peaceful assembly to a person or group because they want to advocate a cause that the government does not agree with, such as the rights of LGBTI persons, amounts to one of the most serious breaches of the right to freedom of assembly.<sup>92</sup> The same is true for the freedom of expression.<sup>93</sup> This is particularly relevant in light of national laws restricting the right to freedom of assembly or freedom of expression on grounds of vague provision such as “protecting public morality”.<sup>94</sup> Unequal treatment in this regard amounts to a violation of the non-discrimination provision of article 26 of the International Covenant on Civil and Political Rights.<sup>95</sup>

However, LGBTI persons around the world still suffer from violations of their right to peaceful assembly, for example, because LEOs do not adequately protect them from violent counter-protests or because their demonstrations are not even permitted due to the lack of political will to adequately ensure their protection. LEAs need to provide sufficient protection for their assemblies, even if that might be more costly and require more planning than the policing of other assemblies. Just as when they are protecting the rights of women, senior LEOs generally set the tone regarding the treatment of LGBTI persons and other minorities. They hence have a responsibility to establish a climate of respect for diversity and human rights.

<sup>91</sup> Yogyakarta Principles, principle 20.

<sup>92</sup> Human Rights Committee, Nikolai Alekseev v. Russian Federation, communication No. 1873/2009, 25 October 2013 (CCPR/C/109/D/1873/2009), para. 9.6.

<sup>93</sup> Human Rights Committee, Irina Fedotova v. Russian Federation, communication No. 1932/2010, 31 October 2012 (CCPR/C/106/D/1932/2010), para. 10.6.

<sup>94</sup> OHCHR, Living Free and Equal, p. 122.

<sup>95</sup> CCPR/C/106/D/1932/2010, para. 10.6.

### ▼ International Covenant on Civil and Political Rights, article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

As stated above in section 2(d), “Right to freedom of thought, conscience, religion or belief”, LEOs should take special care to not interfere with a person’s freedom of religion when policing public assemblies. Religious groups, and also other minority groups, might require further consideration to ensure their protection from violent opposition, attacks and assault and thus might require a higher degree of protection.<sup>96</sup> It is also important that LEOs are aware of cultural particularities around certain assemblies so that they can adapt to the type of assembly. This is relevant because it must be ensured that all minorities can freely express their cultural and other traditions, including in the form of a traditional type of assembly or parade.

### ▼ Convention on the Rights of Persons with Disabilities, article 29

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

- a. Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others [...]

The same goes for persons with disabilities. LEOs need to ensure that they do not impede or complicate anyone’s access to a public assembly. LEOs should be educated about the possible special needs of persons with disabilities participating in public assemblies and need to take these into consideration at every stage of the operation. Good practices for special consideration of persons belonging to minority groups in the context of policing public assemblies include:

- ▶ Holding meetings with assembly organizers from minority groups to ensure that particular cultural or other concerns relevant for the assembly are well understood by the LEOs so that they can adequately prepare and carry out the policing of the assembly;
- ▶ Generally cooperating and engaging in dialogue with organizations representing minority groups to enhance understanding of special needs and vulnerabilities;
- ▶ Being prepared to protect the assembly from counter-protesters and being aware of hate speech or hate crime, making sure such instances are prevented and prosecuted impartially and effectively;
- ▶ Deploying special officials who are trained in the particularities of the relevant minority group and can facilitate communication between the group and the LEOs, for example, an official who has knowledge of sign language or of a dialect of an ethnic minority group;
- ▶ Ensuring the inclusion of LEOs belonging to minority groups in the team and potentially giving them a leading role in the policing of a relevant assembly.

<sup>96</sup> OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (Warsaw, 2016), p. 29.

## d) Human rights defenders

All persons have the right to observe, monitor and record assemblies, per the right to seek and receive information, which is protected by article 19(2) of the International Covenant on Civil and Political Rights. Monitoring in the context of public assemblies and policing includes both the act of observance and the “active collection, verification and immediate use of information to address human rights problems”.<sup>97</sup>

LEOs have a duty to facilitate human rights defender’s and independent monitors observance and reporting of assemblies before, during and after assemblies, including protests. This includes that human rights defenders and other monitors can photograph or record actions and activities at an assembly, including LEOs actions, and that such recordings are not confiscated, or destroyed without due process and that such materials may be used as evidence in relevant disciplinary, administrative or criminal proceedings.<sup>98</sup>

In situations where an assembly is dispersed, human rights defenders must be allowed to remain and observe the dispersal and the end of the assembly and any subsequent events or actions. LEOs must continue to protect, and facilitate human rights defenders work, even if the protest is dispersed or declared “unlawful”.<sup>99</sup>

In a democratic society, human rights defenders<sup>100</sup> and civil society play an important role in public assemblies. These actors must be guaranteed protection in exercising their rights as both participants in peaceful public assemblies and monitors and watchdogs. Human rights defenders also often play important roles as interlocutors, facilitating communication between LEOs and assembly leaders.



OHCHR-UN Photo

<sup>97</sup> A/HRC/31/66, para. 68.

<sup>98</sup> Human Rights Committee, general comment No. 37 [2020], para. 34, A/HRC/55/60, para. 67 (d).

<sup>99</sup> A/HRC/50/42, para. 78 (k).

<sup>100</sup> Note: Human rights defenders may be from any profession or background. Examples are journalists, trade unionists, lawyers and those working with non-governmental human rights organizations (to name a few).

### ▼ Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.
2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.
3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

States must ensure that anyone monitoring and reporting on violations and abuses that occur during public assemblies should be protected from criminalization and from threats or acts of violence, harassment, persecution, intimidation or reprisal. In fact, States and law enforcement agencies have a positive obligation to protect human rights defenders.<sup>101</sup> Special considerations must be given to the protection of women, especially women human rights defenders. All instances of violence against human rights defenders in public assemblies should be investigated and prosecuted.

The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms emphasizes that civil society and other groups shall enjoy their human rights in the context of their work, including when voicing views that are critical of policies and laws of the State, and incidents that may constitute human rights violations.<sup>102</sup>

LEOs have a duty to both respect and protect the rights of human rights defenders during public assemblies. Genuine and continuous engagement with human rights defenders by command officials is crucial. A good relationship with human rights defenders often provides LEOs with information and important channels of communication with groups that may not normally share information directly with authorities. A good relationship with human rights defenders can also provide LEOs with important suggestions for improving their efforts to fulfil their human rights responsibilities while policing public assemblies.

Good practices for engagement and protection of human rights defenders in public assemblies include:

- ▶ Incorporating the role and protection needs of human rights defenders in internal regulations, planning and operational orders, including special considerations for female human rights defenders;
- ▶ Encourage human rights defenders to wear highly visible identification and give them access to specifically designated areas or to allow access to assemblies through police lines.<sup>103</sup>

<sup>101</sup> A/HRC/22/28, para. 16.

<sup>102</sup> General Assembly resolution 53/144.

<sup>103</sup> A/HRC/55/60, para. 67 (b).

- ▶ Assigning senior LEOs with the special responsibility of being accessible to human rights defenders, especially during public assemblies. The focal points should be accessible and provide a direct link to the most senior LEO responsible for the particular operation;
- ▶ Routinely notifying human rights institutions and other relevant bodies of anticipated assemblies, giving human rights defenders access to monitor public assemblies and detention facilities and ensuring opportunities for feedback to supervisory LEOs;
- ▶ Inviting human rights defenders to law enforcement training on policing public assemblies and discussion events in order to exchange information, receive feedback on areas that need improvement, increase mutual understanding and enrich capacity-building activities.

## e) Journalists

### ▼ Resolution 25/38 on the promotion and protection of human rights in the context of peaceful protests (2014)

8. The Human Rights Council “Calls upon all States to pay particular attention to the safety of journalists and media workers covering peaceful protests, taking into account their specific role, exposure and vulnerability.

Journalists, including citizen journalists, and media workers are important human rights defenders. Independent and critical journalism is a cornerstone of a democratic society. Journalists and the media drive “the right to hold and express opinions and the right to seek, impart and receive information and ideas”, as defined in article 19 of the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.<sup>104</sup> When protests remain peaceful, journalists can play an important role in promoting and monitoring the full and effective exercise of the right to freedom of peaceful assembly. When human rights violations or abuses are committed, they can play an important role in documenting a detailed play-by-play of the protest.

Journalists can face difficult situations, sometimes in confrontation with LEOs. Journalists often suffer violations of their rights to life, liberty, security, fair trial, equality and recognition before the law, and privacy, family and the home.<sup>105</sup> These violations are unacceptable in a democratic society that is committed to respect for human rights and the rule of law. They also violate norms on the human rights of journalists, established in both treaty law and international customary law.<sup>106</sup> The United Nations General Assembly and the Human Rights Council have repeatedly called for effective actions to protect journalists.<sup>107</sup> In the words of the Special Rapporteur on freedom of opinion and expression, “An attack against a journalist is not only a violation of his or her right to impart information, but also undermines the right of individuals and society at large to seek and receive information.”<sup>108</sup>

<sup>104</sup> United Nations General Assembly, The safety of journalists and the issue of impunity: Report of the Secretary-General (A/69/268).

<sup>105</sup> The safety of journalists: Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/24/23), para. 11.

<sup>106</sup> Parts of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights are recognized as having the status of customary international law; see Human Rights Committee, general comment No. 24 (1994) and No. 29 (2001).

<sup>107</sup> See for example A/69/268, and Report of the Working Group on the Universal Periodic Review, Democratic Republic of the Congo (A/HRC/27/5).

<sup>108</sup> Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue (A/HRC/20/17), para. 94.



It is important that LEOs ensure the protection of all journalists. The meaning of “journalist” in this context is wide and should not be understood to include only accredited journalists but also citizen journalists, bloggers and others who impart information about public assemblies. The United Nations High Commissioner for Human Rights pointed out in this regard that “all individuals are entitled to the full protection of their human rights, whether the State recognizes them as ‘journalist’ or not; whether they are professional reporters or ‘citizen journalists’; whether or not they have a degree in journalism; whether they report online or offline.”<sup>109</sup> Apart from ensuring the physical safety of journalists during public assemblies, LEOs should facilitate the access of journalists to places of public protest and allow them the ability to film and conduct interviews. Confiscating or destroying notes and visual or audio recording equipment from journalists without due process is prohibited and should be punished.<sup>110</sup> LEOs must also respect the right of journalists to keep their sources and working materials confidential and protected. The Inter-American Court has emphasized the role video journalism plays in disseminating information as a form of protest, including how law enforcement agencies perform their duties in respect to human rights law.<sup>111</sup>

The Special Rapporteur on freedom of expression calls for those maintaining public order to give particular consideration to planning for the protection of female journalists. Female journalists face additional risks, such as sexual assault, mob-related sexual violence aimed against journalists covering public events, and sexual abuse in detention or captivity.<sup>112</sup> Many of these attacks are not reported, sult of powerful cultural and professional stigma.<sup>113</sup> A gender-sensitive approach is therefore crucial when considering measures to address the issue of violence against journalists.

The difficult situation of journalists is further exacerbated by a culture of impunity. Failure by law enforcement and other State authorities to undertake effective investigations and to prosecute those responsible for attacks against journalists enables new violations and abuses. Impunity also severely undermines the ability of journalists to report on similar matters in the future.<sup>114</sup>

To ensure the smooth running of the protest, it is important for LEOs to develop a comprehensive media liaison strategy. Such a strategy should include efforts to develop long-term communication channels with editors and journalists in order that LEOs can publicize public safety messages, messages aimed at community reassurance and appeals for all those who plan to engage in demonstrations or public protest to do so peacefully. Where it is anticipated that crowd violence will occur, command officials should communicate to the public via the media, to explain how their property and personal safety will be protected.

Good practices for law enforcement agencies in the protection of journalists when policing public assemblies include:

- ▶ Conducting training for both media professionals and LEOs to enhance the safety of journalists, including during public assemblies;<sup>115</sup>

<sup>109</sup> Summary of the Human Rights Council panel discussion on the safety of journalists: Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/27/35), para. 9; see also Human Rights Committee, general comment No. 34 (2011).

<sup>110</sup> A/HRC/31/66, para. 71.

<sup>111</sup> Inter-American Court of Human Rights, *Vélez Restrepo and family v. Colombia*, judgment of September 3, 2012 available from [www.corteidh.or.cr/docs/casos/articulos/seriec\\_248\\_ing%20.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_248_ing%20.pdf).

<sup>112</sup> A/HRC/20/17, para. 52.

<sup>113</sup> Lauren Wolfe, “The silencing crime: sexual violence and journalists,” CPJ special report, 7 June 2011. Available from <https://cpj.org/reports/2011/06/silencing-crime-sexual-violence-journalists.php>.

<sup>114</sup> A/HRC/20/17, para. 98.

<sup>115</sup> A/HRC/24/23, para. 28.

- ▶ Proactively engaging with journalists before, during and after the public assemblies,<sup>116</sup> including briefings where command officials explain how crowd control will be conducted and the parties agree on a code of conduct and channels of communication for LEOs and journalists;<sup>117</sup>
- ▶ Incorporating protection of journalists in protest situations in internal law enforcement regulations, planning and operational orders;<sup>118</sup>
- ▶ Establishing a safe area for journalists during public assemblies where they will be given information and will be able to observe the event;<sup>119</sup>
- ▶ Respect right for journalists to photograph and record LEO's policing of assemblies;<sup>120</sup>
- ▶ Using social media to inform journalists and the public of decisions and actions taken by the police, including that an event has been banned and participants have been asked to disperse;
- ▶ Conducting effective, prompt, thorough, independent and impartial investigations into suspected attacks against journalists. During investigations, any link between the suspected attack and the relevant journalist's professional activities should be considered. Where the evidence requires, the person allegedly responsible for the attack must be prosecuted;<sup>121</sup>
- ▶ Publicly condemning attacks against journalists;<sup>122</sup>
- ▶ Ensuring protection mechanisms for journalists and/or their family members who have been threatened. LEOs should conduct risk assessments and as necessary initiate protective measures, including police protection;<sup>123</sup>
- ▶ Arranging press conferences and public debriefing events in the wake of any major violence in order to address public anxiety and concern, and explain how LEOs follow up on the events;
- ▶ Increasing transparency, including by inviting journalists to be a part of law enforcement training on policing public assemblies and discussion events to exchange professional good practices.

#### 4. Application of standards to the use of force during policing of public assemblies

The use of force may, in certain situations, be justified and necessary for LEOs to protect themselves and/or others. The use of force by LEOs during policing of public assemblies is strictly regulated under international human rights law. More information on international standards and good practices related to the use of force is provided in chapter 5, "Human Rights and the Use of Force".

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<sup>116</sup> A/HRC/31/66, para. 72(b).

<sup>117</sup> UNESCO, *Freedom of Expression and Public Order: Training Manual* (Paris, 2015), p. 130.

<sup>118</sup> A/HRC/24/23, para. 56.

<sup>119</sup> UNESCO, *Freedom of Expression and Public Order: Training Manual*, p. 130.

<sup>120</sup> A/HRC/55/60, para. 67 (d).

<sup>121</sup> A/HRC/24/23, para. 56.

<sup>122</sup> *Ibid.*, para. 57.

<sup>123</sup> *Ibid.*, para. 27.

## 5. Application of standards related to oversight and investigations of violations during policing of public assemblies

### ▼ Basic Principles on Use of Force and Firearms by Law Enforcement Officials, article 7

Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law.

Accountability mechanisms are essential to ensure the protection of the right of peaceful assembly.

LEOs should not perceive such mechanisms as a threat to their reputation and integrity or as a limitation to their ability to perform their duties, but rather as means of ensuring that utmost professionalism is maintained and that the law enforcement agency as a whole remains accountable to the community it serves. When there are allegations that state officials have committed human rights violations, the State is obliged to investigate the allegations promptly, thoroughly, independently and impartially and to prosecute those responsible if appropriate.<sup>124</sup> Effective investigation includes: “an official investigation initiated by the State; independence from those implicated; capability of determining whether the act was justified in the circumstances; a level of promptness and reasonable expedition; and a level of public scrutiny.”<sup>125</sup> States may also grant a broad mandate to independent oversight bodies, including, for instance, the ability to investigate complaints from the public, accept referrals from police, and initiate investigations themselves, and encourage law enforcement agencies to conduct ongoing non-adversarial peer review, ideally by another law enforcement agency.<sup>126</sup> It is important that the judicial system establishes criminal responsibility for serious human rights violations.<sup>127</sup> The failure of a State to effectively investigate allegations can itself constitute a human rights violation.<sup>128</sup>

Any use of force must be documented in detail by LEOs and be reviewed by their supervisors. In this sense, the use of body-worn cameras may enhance accountability and assist LEOs in their work of internal investigations and civilian oversight, as long as the technology balances the potential intrusions into privacy.<sup>129</sup> If the use of force leads to death or injury, the incident should be investigated by an independent oversight mechanism in order to determine whether the action met the criteria of legality, necessity and proportionality.<sup>130</sup> In addition to criminal investigations and prosecution, there should also be available a range of non-judicial accountability mechanisms, such as commissions of inquiry and disciplinary boards.<sup>131</sup> These non-judicial mechanisms should

<sup>124</sup> International Covenant on Civil and Political Rights, art. 2(3); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, arts. 4, 5, 7, 12 and 13; International Convention for the Protection of All Persons from Enforced Disappearance, art. 3; Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (General Assembly resolution 60/147), para. 3; Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity, principles 1 and 9; Human Rights Committee, general comment No. 31 (2004), para. 8.

<sup>125</sup> A/HRC/31/66, para. 90.

<sup>126</sup> *Ibid.*, para. 96(d)-(e).

<sup>127</sup> Basic Principles on the Use of Force and Firearms, principle 7.

<sup>128</sup> Human Rights Committee, general comment No. 31 (2004), para. 8.

<sup>129</sup> A/HRC/31/66, para. 92.

<sup>130</sup> *Ibid.*, para. 22; see also OSCE/ODIHR and Council of Europe, *Guidelines on Freedom of Peaceful Assembly*, para. 176.

<sup>131</sup> A/HRC/25/32, para. 40.

complement, not replace, the existing criminal, public and private legal remedies in place.<sup>132</sup> The work of the civilian oversight body may also be complemented with an NHRI or ombuds office.<sup>133</sup>

In the context of policing public assemblies, law enforcement command structures need to be clearly defined. Clear and effective command structures and operational responsibilities are necessary to ensure efficient coordination between different law enforcement agencies and assembly organizers and accountability for operational law enforcement decisions.<sup>134</sup> This also includes maintaining overall control for use of equipment, including any use of digital technologies.<sup>135</sup>

## 6. Accountability, command and control, and command responsibility

The term *command and control* refers to the operational responsibility of the command official before, during and after an operation. The command official needs to be aware of his or her responsibility for the whole operation, exercise his or her supervisory powers adequately and be ready to intervene within the scope of possibilities whenever this is necessary. He or she is also responsible for intervening to stop any excessive use of force.<sup>136</sup> Moreover, in the context of policing public assemblies, it is important to recognize the responsibility inherent in the commanders' actions and orders during planning, deployment and monitoring.<sup>137</sup>

LEOs should also develop robust, transparent, and auditable systems for recording decisions and orders made by commanders at all levels and the reasons for such decisions.<sup>138</sup>

Clear identification of LEOs during policing of assemblies is important for both control and command purposes. It is important for senior LEOs to be able to identify individual LEOs during such operations. Numbers or symbols displayed on uniforms or protective helmets, apart from being for the purpose of accountability, may assist with internal organization when LEOs from different regions are deployed in joint operations.<sup>139</sup>

Law enforcement commanders have command responsibility for actions taken by officials under their command in violation of human rights, if they knew about, or should have known about, the action and failed in their duty to prevent or punish the act that led to a human rights violation.<sup>140</sup> For instance, if an incident of the use of force was not authorized by law or if in the circumstances more force than necessary was used, the responsible officer should be held accountable and face civil and or criminal liability, as well as disciplinary proceedings, for failing to prevent or punish the act.<sup>141</sup> The officer should be suspended from his or her normal duties during the investigation into the allegations. Command officials may also be held accountable if they deploy officials who are not sufficiently trained or equipped for their task or if they fail in any other way to correctly supervise their subordinates and such failure leads to a human rights violation.

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<sup>132</sup> A/HRC/31/66, para. 94.

<sup>133</sup> *Ibid.*

<sup>134</sup> OSCE/ODIHR and Council of Europe, *Guidelines on Freedom of Peaceful Assembly*, para. 151.

<sup>135</sup> A/HRC/55/60, para. 51 (e).

<sup>136</sup> *Ibid.*, para. 182.

<sup>137</sup> *Ibid.*

<sup>138</sup> A/HRC/55/60, paras. 51 (e) and (b).

<sup>139</sup> Swedish National Police Board, *Recommendations for Policing Political Manifestations in Europe: GODIAC: Good Practice for Dialogue and Communication as Strategic Principles for Policing Political Manifestations in Europe* (Stockholm, 2013), p. 45.

<sup>140</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 24.

<sup>141</sup> OSCE/ODIHR and Council of Europe, *Guidelines on Freedom of Peaceful Assembly*, para. 182.



Accountability for human rights violations not only guarantees that the violations will be addressed but also aims at ensuring that violations will not be repeated in the future. In the context of public assemblies where human rights have been violated, the victim(s) should also have the right to:

- ▶ complain and be involved in and informed of the investigation;
- ▶ obtain redress;
- ▶ obtain fair and adequate compensation.

Specific attention must be paid to victims belonging to the groups most at risk.<sup>142</sup>

See also chapter 21, “Law Enforcement and Accountability for Human Rights Violations” and chapter 18, “Law Enforcement and Protection and Redress for Victims”.

## D. IMPLICATIONS IN LAW ENFORCEMENT PRACTICE

### 1. Facilitation and management of crowds in context of assemblies

LEOs must be well prepared and use their professional skills in a proactive way to create an environment that is conducive for peaceful assemblies. When public assemblies include large crowds, it is particularly important that LEOs, as a part of the planning and preparations, consider the human rights-based approach to policing and choose tactics and operational responses that are in accordance with international human rights standards.

At all stages of the process of policing an assembly, the concepts of knowledge, communication, facilitation and differentiation should guide the way.<sup>143</sup>

- ▶ **Knowledge:** It is of paramount importance that LEOs policing an assembly have sound knowledge of the group or groups participating in the assembly, their motivations, goals, tactics, cultural and other particularities, history and elements with special symbolic meaning. Thus, LEOs can also be aware of what police action might be perceived by the group as particularly threatening, offensive or provocative and might lead to conflict.<sup>144</sup> It may also help to evaluate and distinguish symbolic acts or civil disobedience from criminal and violent acts.<sup>145</sup> A good structure of knowledge transmission from senior officers to junior officers should be in place.<sup>146</sup>
- ▶ **Communication:** “No surprises” is the key term in regard to communication in the context of policing assemblies.<sup>147</sup> Lines of dialogue between LEOs and participants, at different levels and functions, should be established and kept open at all stages of the assembly. There should be regular contact in order to avoid misunderstandings, tensions and unexpected behaviour from either side. LEOs need to be approachable and communicate respectfully through a variety of channels, such as direct spoken communication, portable speakers, social media and non-verbal communication. LEOs should be able to communicate in different languages, including sign language when this is relevant to a particular assembly. It is good practice to develop a

<sup>142</sup> A/HRC/22/28, para. 19, Stephen Reicher and others, “An integrated approach to crowd psychology and public order policing”, *Policing: An International Journal of Police Strategies & Management*, vol. 27, No. 4 (2004).

<sup>143</sup> Swedish National Police Board, *Recommendations for Policing Political Manifestations in Europe*, p. 36ff.

<sup>144</sup> OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies*, p. 25.

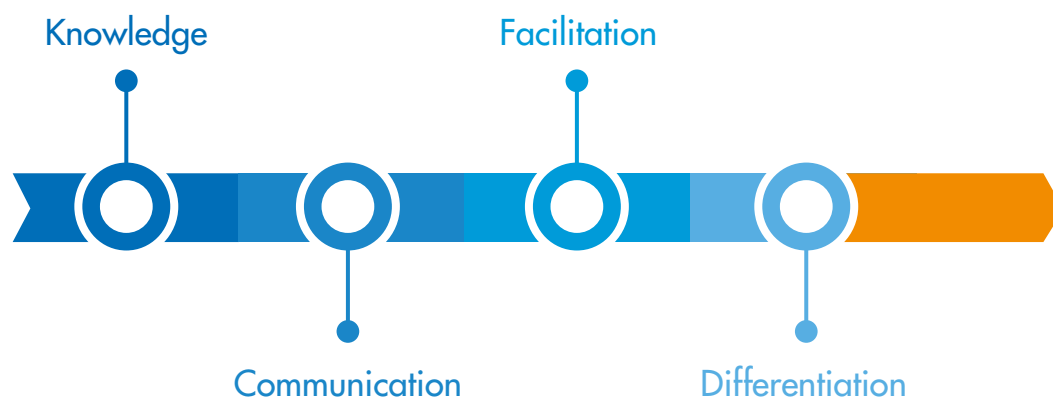
<sup>145</sup> Swedish National Police Board, *Recommendations for Policing Political Manifestations in Europe*, p. 36.

<sup>146</sup> OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies*, pp. 84-85.

<sup>147</sup> OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies*, p. 26 and p. 87.

comprehensive communication strategy, including pre-event consultations with business and residential communities, effective use of information leaflets, dedicated law enforcement websites and social media sites with event-specific information, etc.<sup>148</sup> It is also important to continue good communication with all organizers with post-event debriefing discussions. This kind of interaction helps all involved to learn from each other and build long-term relationships and trust for the future.<sup>149</sup>

- ▶ **Facilitation:** LEOs should see themselves as facilitators of a public assembly rather than purely as protectors of the public order. This should be kept in mind at all stages, such as when preparing for the policing of an assembly, choosing equipment, appointing specific LEOs to the team, or interacting with participants. The entire operation should be carried out in the spirit of facilitating people's right to freedom of assembly, thus requiring respectful and open communication and behaviour that aims to prevent violence. In this context, it is important to identify the organizers' goals and to consider how best to organize the policing of the assembly in such a way that the goals can be met. It is important for LEOs to be creative in finding positive ways of meeting the organizers' aims.<sup>150</sup> The facilitation approach is especially important when policing assemblies that may possibly be turning violent and/or when LEOs need to impose limits on the crowd. A clear explanation from LEOs as to why they need to enforce limits on the participants and the alternative means to meet their aims can make the difference between escalation and de-escalation.<sup>151</sup>
- ▶ **Differentiation:** LEOs should be aware of the diversity of participants to avoid treating them as if they were all the same and potentially dangerous. LEOs should differentiate between participants on the basis of their behaviour rather than the group they belong to. Indiscriminate intervention has to be avoided. Differentiation also refers to LEOs' preparedness and flexibility to adjust their approach and tactics to the behaviour of the individual assembly participant. Such flexibility requires skills and training in when and how to escalate and de-escalate police interventions.<sup>152</sup>



<sup>148</sup> Swedish National Police Board, Recommendations for Policing Political Manifestations in Europe, p. 38.

<sup>149</sup> Ibid.

<sup>150</sup> Swedish National Police Board, Recommendations for Policing Political Manifestations in Europe, p. 41.

<sup>151</sup> Stephen Reicher and others, "An integrated approach to crowd psychology and public order policing", p. 567.

<sup>152</sup> Ibid., p. 43.



## 2. Negotiated crowd management approach to policing assemblies

By facilitating an assembly using a “negotiated crowd management approach”, LEOs integrate important elements of the human rights-based approach, including legality, participation, transparency and accountability. According to this method, LEOs approach policing assemblies as a way to protect and facilitate rights, rather than to restrict and focus on limiting protests. LEOs must proactively work towards helping to diffuse tension and preventing dangerous escalations of the situation, through interaction and dialogue. However, such engagement should never be used as a pretext to request the dispersal or the cancellation of the assembly.<sup>153</sup>

LEOs must be open, transparent and accountable to the public in all their actions. A key aspect of this approach is close interaction and open dialogue between local authorities, LEOs and the community. Some have formalized this approach as a “safety triangle” during demonstrations, based on continuous communication and interaction between organizers of the assembly, local authorities and law enforcement. This practice aims to avert risks and ensure cooperation and smooth management of the assembly.<sup>154</sup> It should be acknowledged that some level of management might still be required, given the potentially conflicting interests of the different groups involved and for LEOs to be able to plan and prepare for the multiple challenges that might arise. But the fundamental elements of participation and transparency are crucial in complying with international human rights standards and good practices.<sup>155</sup> This will also be the most effective way to maintain peace and order and to avoid police contributing to public disorder and an escalation of tension and violence by having taken a repressive approach. It is good practice for organizers of assemblies to appoint volunteers who act as “stewards”, who help keep the event orderly and see that participants follow the directives of organizers and officials. However, it is important that this role remains voluntary. Such volunteers should receive training and know how to deal with conflict in order to be able to avert any potential conflicts or escalations in tension,<sup>156</sup> but they should not have any policing functions nor replace the police in their responsibilities.

Protocols should be established, in accordance with international human rights norms and standards, that include clear guidance on when and under what circumstances LEOs can use force, firearms, less-lethal weapons, stop and search persons before, during or after assemblies, and arrest or detain persons in connection with public assemblies.<sup>157</sup> The participation of a person in a peaceful assembly does not make a search of that person justifiable. Because stop-and-search tactics risk infringing the rights to liberty, bodily security and privacy, their use must fulfil the principles of legality, necessity, proportionality and non-discrimination.<sup>158</sup> All established protocols should be made public.

For a negotiated crowd management approach to work, it is important that LEOs and assembly organizers engage with each other in an open manner with a view to finding common solutions to concerns raised by either. It is good practice for organizers of bigger events to liaise with local LEOs beforehand and share information on where they plan to march, demonstrate or protest. For such an arrangement to work effectively, there must be mutual trust between the organizers and LEOs, and willingness to work towards finding solutions among all actors.

<sup>153</sup> A/HRC/25/32, para. 28.

<sup>154</sup> A/HRC/22/28, para. 24.

<sup>155</sup> A/HRC/25/32, para. 31.

<sup>156</sup> UNODC and OHCHR, *Resource Book on the Use of Force and Firearms in Law Enforcement*, p. 96.

<sup>157</sup> OSCE/ODIHR and Council of Europe, *Guidelines on Freedom of Peaceful Assembly*, para. 161.

<sup>158</sup> A/HRC/31/66, para. 43.

LEOs tasked with organizing the security of public assemblies will need to consider the impact of an assembly on such matters as traffic flow and essential services, and wider issues of public safety and the normal functioning of the apparatus of the State. To do this effectively and efficiently, they must have the assistance and cooperation of the event organizers and the community. LEOs must always communicate clearly the decisions and actions they are taking. Social media have proven to be an effective way of communicating such messages. LEOs should ensure that they have assigned roles and responsibilities to use social media as a tool for proactive and positive messaging.

To avoid situations in which there is an absence of or breakdown in trust between the community and law enforcement, community-policing approaches should be included in long-term public safety strategies. In the short term, crowd aggression and violence can be diffused by LEOs adopting non-confrontational conflict-resolution measures, whereby LEOs seek to de-escalate tensions by communicating directly with assembly organizers. LEOs can work with community leaders to reorientate a crowd to participate in peaceful protest when a situation otherwise threatens to escalate.

When violent protests do occur and property is damaged and/or people are attacked or injured, it is important that law enforcement commanders communicate with the public in the immediate aftermath to provide messages of public reassurance and regain the trust and confidence of the local community.

Law enforcement agencies should after assemblies ensure to debrief internally, with government partners, with assembly organizers and external monitors regarding lessons learned with a view to identify what went well and what can be improved in the future. Any internal policy and or training implications needs to be communicated to responsible departments. In debriefings, LEOs need to be transparent regarding any shortcomings in their handling of the situation, and include clear messaging through their accountability mechanisms to rectify the situation.

### 3. Use of targeted arrests and detention when policing assemblies

In some situations, LEOs have used arrest as a tactic for crowd control and protection, including the arrest of violent participants or persons in the crowd with a history of committing violent acts. Targeted arrests can, however, be highly problematic under international human rights law, if such arrests do not respect the principle of legality. According to international human rights law, no one can be arrested or detained *without specific legal justification*. Arresting assembly participants in order to prevent or punish the exercise of their right to freedom of peaceful assembly may violate international law, for instance, if the charges are spurious, unreasonable or lack proportionality.<sup>159</sup> Such arrests also run the risk of infringing on rights to privacy, liberty and due process.<sup>160</sup> Preventive detention in particular can only be used restrictively where a clear and present danger actually exists<sup>161</sup> and it must be placed under judicial control. And mass arrests are most likely to be disproportionate in any case. The Special Rapporteur on the rights to freedom of assembly and association has expressed serious concern regarding pre-emptive measures, such as mass or targeted arrests, noting that violent intentions should not be presumed peremptorily and that such measures are neither necessary nor proportional.<sup>162</sup>

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<sup>159</sup> A/HRC/31/66, para. 44.

<sup>160</sup> *Ibid.*, para. 45.

<sup>161</sup> *Ibid.*, para. 45.

<sup>162</sup> A/HRC/23/39, paras. 41-42.



Similarly, curfews may not be used as a tool to unduly restrict the rights to peaceful assembly. Curfews are exceptional measures that strictly must comply with the principles of legality, necessity, and proportionality.

LEOs must understand and *differentiate* between the different groupings that form an assembly. It is important to conduct analysis to ensure that LEOs participating in managing the assembly understand how different groups may act and react. LEOs must observe and, if necessary, take action against persons on the basis of what they do rather than which group they belong to.<sup>163</sup> In this context, it is important to note that LEOs policing assemblies are bound by the same principles and standards as during any arrest or detention. See also chapter 6, “Human Rights and Arrest” and chapter 7, “Human Rights and Detention”.

#### 4. Use of mounted and canine units during crowd control

Mounted and canine units are often regarded as important resources for LEOs policing public assemblies. It is important, however, to consider the limitations and risks of using police dogs and horses during crowd control situations. The use of mounted and canine units must be considered under the use-of-force framework, including the principles of legality, proportionality, necessity, and non-discrimination.<sup>164</sup> Although mounted and canine units are often considered to be a less-lethal medium, it is important to recognize that, if they are not used correctly, there is potential to cause serious bodily injury, harm or even death. Even the mere presence of dogs and horses can lead to unnecessary escalation of tension.

The use of dogs, or “K-9 units”, in crowd control situations is often considered an effective deterrent by crowds. However, the use of dogs as a use of force in crowd control situations raises several concerns from a human rights perspective. Dogs are unique in their tendency very often to inflict permanent and serious injuries. In fact, in some police jurisdictions dog bites are the leading cause of injury in public order situations, exceeding all injuries from other forms of less-lethal force.<sup>165</sup> In some law enforcement agencies the use of dogs in use-of-force situations has been found to increase the risk of injury by almost 40 times compared with other, less-lethal methods.<sup>166</sup> Furthermore, some studies show that one in five persons seeking medical treatment after being bitten by a police dog had major medical complications, including vascular injuries, as a result of the dog bite.<sup>167</sup>

It is also important for canine units to be deployed in a culturally sensitive manner. LEOs must appreciate the differing views on dogs held by persons from various cultures and faiths. In some cultures, dogs are considered to be unclean. This is particularly important to consider when deploying canine units to assemblies organized by certain religious or cultural groups. A balance between operational requirements and cultural aspects must be made, of course, and often other means of crowd control can be considered instead.

<sup>163</sup> UNODC and OHCHR, *Resource Book on the Use of Force and Firearms in Law Enforcement*, p. 97.

<sup>164</sup> A/HRC/55/60, para. 79 (c).

<sup>165</sup> Douglas King, *Moving To Minimum Force: Police Dogs and Public Safety in British Columbia*, (Vancouver, Pivot Legal Society, 2014).

<sup>166</sup> U.S. Department of Justice, *Police Use of Force, Tasers and Other Less-Lethal Weapons*, Research in Brief, 2011, available from [www.ncjrs.gov/pdffiles1/nij/232215.pdf](http://www.ncjrs.gov/pdffiles1/nij/232215.pdf).

<sup>167</sup> H. R. Hutson et al., “Law enforcement K-9 dog bites: injuries, complications and trends”, *Annals of Emergency Medicine*, vol. 29, No. 5 (May 1997), pp. 637-642.

The use of horses is another tactical option that is often used in managing crowds. The use of horses offers unparalleled advantages to monitoring and controlling crowds due to their height and body mass advantage. From a human rights point of view, however, horses may be used as a tool for dispersals, kettling and targeted arrest situations. The use of horses in those situations has similar challenges to the use of dogs as it relates to the use-of-force framework. A rider does not have full control of the whole body of a horse and is not at all times able to instantly correct the level of force used. The correct use of mounted units is thus very much dependent on deployment in the right situations and correct assessment of how the crowd will react. For security and safety reasons, horses should not be used in close proximity to barriers. It is also important that, if horses are used for dispersal of crowds, escape routes for the crowd have been clearly identified and communicated.

Mounted LEOs must consider persons, such as pregnant women, children or disabled persons, who may have limited abilities to move in a crowd. It is therefore of paramount importance that LEOs clearly communicate with the crowd before deploying a mounted unit into a crowd, in order to give sufficient warning and time for the crowd to react. Some argue that the use of horses should be used restrictively or not at all, due to the fear it causes among participants of assemblies and the risk of causing panic and/or unnecessarily provoking participants.<sup>168</sup>

## 5. Use of less-lethal weapons and equipment for crowd control<sup>169</sup>

In some situations, LEOs are forced to use different types of weapons or equipment, ranging from simple wooden batons to sophisticated electronic devices that incapacitate the target, in order to control a crowd and protect themselves or others. The availability of less-lethal weapons and equipment can enable LEOs to restrain themselves from using firearms and abide by the principle of a differentiated approach to use of force. However, the former Special Rapporteur on extrajudicial, summary or arbitrary executions has noted with concern that the development of less-lethal weapons has become an industry: “the problem is that in some cases ‘less-lethal weapons’ are indeed lethal and can lead to serious injuries. The risks will be dependent on the type of weapon, the context of its use, and the vulnerabilities of the victim or victims”.<sup>170</sup> On this issue, his successor has stressed that “whenever the principles of necessity and proportionality are not respected in the context of crowd control, any death caused by law enforcement officials is considered an extrajudicial execution”.<sup>171</sup>

Water cannons can be classified as such equipment. While they can be used to facilitate assembly rights, for example by securing a demonstration by way of their deterrent effect on disruptive elements in the crowd, they can also be used against participants of an assembly, in which case they can become very dangerous and a threat to human rights. The Special Rapporteur on the rights to freedom of peaceful assembly and of association voiced his concern about the improper use of water cannons. The Special Rapporteur emphasized that water cannons should never be applied indiscriminately, never be used against peaceful protestors and never in such a way that the use itself results in an escalation of tensions.<sup>172</sup>

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<sup>168</sup> A/HRC/22/28, para. 53.

<sup>169</sup> See also Office of the United Nations High Commissioner for Human Rights. *United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement*, New York and Geneva, 2020. Available from [www.ohchr.org/Documents/HRBodies/CCPR/LLW\\_Guidance.pdf](http://www.ohchr.org/Documents/HRBodies/CCPR/LLW_Guidance.pdf).

<sup>170</sup> A/HRC/26/36, paras. 103-104.

<sup>171</sup> OHCHR, “Ethiopia: UN experts call for international commission to help investigate systematic violence against protesters,” 10 October 2016, available from [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20663&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20663&LangID=E).

<sup>172</sup> OHCHR, “South Korea: UN rights expert calls for independent investigation into lethal use of water cannon,” 28 September 2016, available from [www.ohchr.org/en/2016/09/south-korea-un-rights-expert-calls-independent-investigation-lethal-use-water-cannon](http://www.ohchr.org/en/2016/09/south-korea-un-rights-expert-calls-independent-investigation-lethal-use-water-cannon).



It is very important that there are clear and accessible national laws and internal regulations for which, how and when different weapons, ammunitions and equipment can be used in crowd control situations, in accordance with international human rights standards. Weapons that by their nature have an indiscriminate effect on violent and peaceful protesters and bystanders alike should only be used if violence is so widespread that it is no longer possible to deal with violent persons.<sup>173</sup> Some types of weapons and ammunition are clearly prohibited in international law for use in crowd control, such as spiked batons, ammunition firing multiple projectiles, such as or pellet ammunition or “bird shots”, and chemical agents with lethal or long-lasting effects. The Human Rights Council has recommended that States conduct thorough, independent and scientific testing of less-lethal weapons for crowd control,<sup>174</sup> the results of which should inform national and internal regulations. States and law enforcement agencies should continuously review the ethical dimensions associated with the use of new technologies and use of force. The standards expressed in the Basic Principles on Use of Force and Firearms by Law Enforcement Officials apply equally to all types of crowd control techniques, weapons and equipment, from new technologies to more traditional ones such as batons, teargas, drones, dogs, horses and water cannons.<sup>175</sup>

LEOs need to be well trained and aware of the correct use of all available equipment that may be used in crowd control situations. Command and supervisory officials, similarly, need to be well informed and must supervise LEOs to ensure appropriate use of equipment. Before every operation, command and supervisory officials must give clear instructions on which equipment can be used and in which situations. It is furthermore the responsibility of law enforcement agencies to establish that everybody deployed has the appropriate training and understanding of the use of such weapons and tools in the specific situation at hand.

## 6. Strategies of crowd control that rely on containment (kettling)

Kettling is the confinement and cordoning of persons carried out by LEOs on the grounds of public order, often for a prolonged period of time. From a human rights perspective, kettling and similar tactics are highly problematic, as they tend to be indiscriminate, failing to distinguish between participants and non-participants in an assembly and between peaceful and violent assemblies. Such policies involve detaining persons against their will in a confined space for long periods of time, often with the associated risk of being squeezed tightly for an extended period of time<sup>176</sup> and restricted from accessing medical services, toilets and other necessities such as warm clothing, food and water. Not only do such policies risk infringing basic rights, but this type of containment may cause panic among the targeted persons and lead to uncontrolled reactions and even injuries to them and the LEOs involved.

The Special Rapporteur on the rights of freedom of assembly and association has stated that kettling, as a law enforcement tactic while policing assemblies, “is intrinsically detrimental to the exercise of the right to freedom of peaceful assembly, due to its indiscriminate and disproportionate nature”.<sup>177</sup> The Special Rapporteur highlighted that it has a chilling effect on the right to peaceful assembly

<sup>173</sup> International, *Use of Force*, guideline 7(h) and section 7.4.2(b).

<sup>174</sup> Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, Report of the Secretary-General (A/HRC/25/38), para. 15.

<sup>175</sup> OSCE/ODIHR and Council of Europe, *Guidelines on Freedom of Peaceful Assembly*, para. 176.

<sup>176</sup> Mark Townsend and Shiv Malik, “Kettle tactics risk Hillsborough-style tragedy – doctor”, *The Guardian*, 19 December 2010. Available from [www.guardian.co.uk/uk/2010/dec/19/police-kettle-risk-crush-hillsborough](http://www.guardian.co.uk/uk/2010/dec/19/police-kettle-risk-crush-hillsborough).

<sup>177</sup> Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai (A/HRC/23/39), para. 37.

and association, in that potential protestors in many cases refrained from exercising their right due to fear of being kettled.<sup>178</sup> The Special Rapporteur therefore has recommended that States using kettling should cease this practice.<sup>179</sup>

The OSCE Guidelines on Freedom of Peaceful Assembly state: “While it is undoubtedly the case that allowing some individuals to cross a police line while, at the same time, preventing others from doing so can exacerbate tensions, an absolute cordon permitting no egress from a particular area potentially violates individual rights to liberty and freedom of movement.”<sup>180</sup>

The European Court of Human Rights noted in *Austin & Others v. the United Kingdom* that, although it did not in this particular case find kettling to have been a violation of human rights, crowd control techniques could violate the European Convention on Human Rights. The Court stressed that the circumstances of each case, including the police tactics used, must be examined. It further stated that crowd control techniques must not be used to discourage or prevent public assemblies.<sup>181</sup>

It is recommended that law enforcement agencies in general refrain from using kettling as a crowd control technique. Only in exceptional situations, as a last resort, in which the purpose of the containment is to contain ongoing violence, in order to allow the rest of an assembly to proceed peacefully, could this type of containment be considered, together with the following strict mitigatory measures:

- ▶ Ensuring that kettling is only used in exceptional situations, as a last resort, when no other less intrusive means is possible;
- ▶ In orders and planning emphasizing the purpose and objective of the containment as well as good and unacceptable types of behaviour during kettling operations;
- ▶ Releasing the cordon as soon as possible;
- ▶ Assessing whether there are any individual persons who are particularly vulnerable in the given conditions or in distress and ensuring their extraction from the containment;
- ▶ Ensuring that journalists in possession of press cards and human rights defenders conducting monitoring functions should be released from the containment area, unless their behaviour justifies their containment;<sup>182</sup>
- ▶ Ensuring that those who are subjected to the confinement are continuously informed of the reason and expected process for release of the cordon. Good practices include using megaphones and also social media such as Twitter and Facebook for this purpose;
- ▶ Ensuring that those contained can access toilets and water and, if the containment continues for a prolonged period of time, considering issues related to food and shelter from the environment;
- ▶ Ensuring that any person who is accidentally caught in the containment is allowed to leave;
- ▶ Monitoring any unjustified use of force towards those inside the confinement, such as unjustified striking with batons, kicking or hitting. Any LEO engaged in such behaviour must immediately be disciplined and held accountable.

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<sup>178</sup> *Ibid.*, para. 38.

<sup>179</sup> *Ibid.*, para. 93.

<sup>180</sup> OSCE/ODIHR and Council of Europe, *Guidelines on Freedom of Peaceful Assembly*, para. 160.

<sup>181</sup> ECtHR, *Austin and Others v. the United Kingdom* (application Nos. 39692/09, 40713/09 and 41008/09).

<sup>182</sup> UNODC and OHCHR, *Resource Book on the Use of Force and Firearms in Law Enforcement*, p. 103.



## 7. Use of armed forces for policing assemblies

Armed forces should generally not be deployed in the context of assemblies except in exceptional circumstances and if necessary, only to support law enforcement. In such exceptional situations, the deployment of armed forces should be limited in time, deployed personnel must follow laws and regulations applicable to law enforcement, and they must operate under strict civilian command and control. The armed forces must receive law enforcement equipment for the task and be trained in relevant law enforcement tactics and approaches.<sup>183</sup>

## 8. Use of undercover policing in assemblies

While the collection of intelligence by law enforcement agencies is vital to the proper management of public assemblies, any collection of participants' information must comply with protections against arbitrary or unlawful infringement of the rights, including the right to privacy, of all those affected.<sup>184</sup> Accordingly, the use of undercover officers for collecting intelligence can be problematic, as there is a high risk that it will be intrusive and violate basic human rights. Undercover policing in relation to assemblies should only be allowed if “reasonable grounds exist to suspect that a serious criminal act is likely to be committed”, it is the only way to secure the needed information and the information's value justifies the intrusion.<sup>185</sup>

In the context of undercover policing, States must institute “clear democratic systems of control – through consistent legislation, regulations and policies” that incorporate the principles of necessity and proportionality, and clearly delineate how to assess and manage whether the use of undercover policing is appropriate given the risks of intrusion.<sup>186</sup> Such systems of control should include internal review procedures and an independent, external accountability mechanism. Moreover, all undercover policing activities during public assemblies should be authorized and kept under continual review by a judicial authority.<sup>187</sup>

## 9. Dispersal of assemblies

The dispersal of an assembly should only be a measure of last resort and conducted in accordance with the lawful restrictions as expressed in the International Covenant on Civil and Political Rights and other applicable human rights instruments.<sup>188</sup> Dispersing assemblies risks violating the rights to freedom of expression, peaceful assembly and bodily integrity, and also risks escalating tensions between participants and LEOs.<sup>189</sup> The European Court of Human Rights affirmed that the dispersal of spontaneously organized peaceful demonstrations could be a violation of the right to peaceful assembly. The Court declared that “in special circumstances when an immediate response, in the form of a demonstration to a political event might be justified, a decision to disband the ensuing, peaceful assembly solely because of the absence of the requisite prior notice, without any illegal conducts by the participants, amounts to a disproportionate restriction on freedom of peaceful

<sup>183</sup> Human Rights Committee, general comment No. 37 (2020), para. 80, A/HRC/55/60, para. 38.

<sup>184</sup> A/HRC/31/66, para. 73.

<sup>185</sup> *Ibid.*, para. 77.

<sup>186</sup> *Ibid.*, para. 78(f).

<sup>187</sup> *Ibid.*, A/HRC/55/60, para. 60 (c).

<sup>188</sup> A/HRC/25/32, para. 13.

<sup>189</sup> A/HRC/31/66, para. 61.

assembly”.<sup>190</sup> In many cases, the dispersal of an assembly may create more problems and public disorder than solutions for law enforcement agencies, and may be much more costly both in terms of undermining police – community relations and in terms of the costs of additional deployments, arrests and detentions.<sup>191</sup>

LEOs should have clear guidelines on circumstances that warrant the dispersal of an assembly and who has the authority to issue a dispersal order.<sup>192</sup> Before dispersal of an assembly, LEOs must take all reasonable measures to facilitate the assembly, including protecting participants from threats of violence from within and outside the assembly. This might entail identifying violent persons and isolating them from the rest of the assembly.<sup>193</sup>

If dispersal is determined to be necessary, the participants must be properly informed and given sufficient time to disperse voluntarily. If force has to be used, it must only be used on an exceptional basis and in accordance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.<sup>194</sup> Firearms should never be used to disperse a crowd. Dispersal of an assembly should, if possible, first be attempted through non-violent means, including dialogue with the participants, requesting particular persons concerned to disperse, isolating pockets of the crowd, splitting the crowd up, blocking access and providing safe channels of exit.<sup>195</sup> If the use of force is legitimate, it must follow all the steps required by the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, including clear communication, warnings and a graduated use of force (see chapter 5, “Human Rights and the Use of Force”).

## 10. Law enforcement training for policing of public assemblies

States have the obligation to ensure that LEOs are sufficiently trained and equipped, particularly concerning crowd control techniques and international human rights norms and standards. Beyond understanding applicable legal frameworks, management of public assemblies also requires knowledge of crowd behaviour, adequate equipment – including a range of less-lethal options for the use of force – and appropriate training of LEOs, including in a human rights-based approach. The latter plays an important role in ensuring that responses to public assemblies do not lead to escalated violence and human rights violations, including loss of life.<sup>196</sup>

Training courses should be practical, and skills oriented and enable LEOs to act in a way that avoids any escalation of violence and minimizes tensions and conflict. For LEOs to be effective, it is important that they are well trained in behavioural skills such as communication, mediation and negotiation.<sup>197</sup> Good practice in this area includes training LEOs, local government officials and civil society representatives to jointly take part in relevant sessions and joint exercises. These kinds of exercises have proved to be effective in improving communication and understanding among the different actors involved during public assemblies. Sufficient training is particularly important as it relates to effective planning, oversight, and accountability.

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<sup>190</sup> ECtHR, *Bukta and others v. Hungary* (application No. 25691/04).

<sup>191</sup> OSCE/ODIHR and Council of Europe, *Guidelines on Freedom of Peaceful Assembly*, para. 153.

<sup>192</sup> *Ibid.*, para. 165.

<sup>193</sup> A/HRC/31/66, para. 61.

<sup>194</sup> A/HRC/22/28, para. 13.

<sup>195</sup> A/HRC/25/32, para. 34.

<sup>196</sup> *Ibid.*, paras. 17 and 23.

<sup>197</sup> *Ibid.*, para. 147.



Training programs for LEOs should be based on a competency-based curriculum that emphasizes practical skills in how to facilitate assemblies, including prevention of sexual and gender-based violence. Specific training should ensure capacity of commanders in human rights-compliant-decision-making.<sup>198</sup>

All training must comply with the Code of Conduct for Law Enforcement Officials and the Basic Guidelines on Use of Force and Firearms by Law Enforcement Officials. Training programmes regarding policing of assemblies should be continuously reviewed to incorporate lessons learned and relevant policies and internal regulations should subsequently be updated and circulated widely.<sup>199</sup>

## E. PRACTICAL RECOMMENDATIONS

### 1. All law enforcement officials deployed on operational duties

- ☑ Take responsibility for acquiring and developing professional knowledge and understanding of human rights law and how that law applies to public assemblies.
- ☑ Bring to the immediate attention of a supervisor concerns about performing public order duties, including if there is a lack of sufficient training, so that shortcomings or concerns can be suitably addressed in advance.
- ☑ Proactively engage with organizers of public assemblies with a view to facilitating the event.
- ☑ Where it is necessary to disperse a crowd, communicate the decision, give time for the crowd to follow instructions and make every effort to leave the crowd with a clear and obvious corridor out of the area.
- ☑ Refrain from employing tactics that may provoke protestors.
- ☑ Apply crowd control techniques that minimize the need for the use of force.
- ☑ Always display a calm, polite, professional and non-threatening/non-hostile attitude.

### 2. Command and supervisory officials

- ☑ Support the development of policies on policing public assemblies. Those policies should include law enforcement approaches to combating violent disorder and spontaneous assemblies. Ensure that those policies have been subject to wide consultation by stakeholders and that the measures included have been rigorously assessed to confirm that they are fully compliant with international human rights norms and standards.
- ☑ Ensure that officials under your command have up-to-date authorizations for the use of firearms, as well as of less-lethal options.
- ☑ Emphasize the importance of facilitating peaceful public assemblies, even when the occurrence of such assemblies places pressure on police resources. The rights to freedom of assembly, expression, speech and free movement are enshrined in international human rights law and these rights must be protected and respected at all times, regardless of the political situation.
- ☑ Make proactive efforts to publicize the right to freedom of assembly and the duty of LEOs to facilitate assemblies. Actively seek to encourage and reassure all communities, including minority communities, that may participate in public assemblies or otherwise be affected by them.

<sup>198</sup> A/HRC/55/60, para. 48.

<sup>199</sup> *Ibid.*, para. 178.

- ☑ Place particular focus on the need to provide a restrained and proportionate response to any incident and do not allow any LEO to overreact or to resort to the use of force before other de-escalation measures have been tried and failed.
- ☑ Organize post-event debriefings of LEOs as a standard practice. Debriefings should address human rights aspects, such as health and safety, cooperation with human rights defenders and journalists, impact on and relationship with the affected community, operational planning, command and decision-making, tactics and future training needs.









### 3. Law enforcement agencies

- ☑ Develop detailed clear standing orders for policing of public assemblies that are:
  - ▶ Fully compliant with all national and international human rights standards, including:
    - establishing strict procedures for the use of force, including less-lethal weapons;
    - establishing procedures for proactive engagement and cooperation with local government authorities and organizers of public assemblies;
    - establishing detailed guidelines for procedures to de-escalate tension;
    - ensuring a robust process for the internal and external investigation of every incident involving alleged excessive use of force. Allegations of serious human rights violations and/or the use of firearms, or when the use of force results in death or serious injury, should be investigated by an independent oversight mechanism;
  - ▶ Disseminated to all LEOs;
  - ▶ Enforced;
  - ▶ Reviewed on a regular basis.
- ☑ Ensure that all LEOs likely to be deployed on public order duties have received an appropriate level of training to enable them to deal effectively and appropriately with any situation that they are likely to be confronted with. Such training must include instruction in the applicable legal framework. Command officials should be held accountable if they deploy officials who are not sufficiently trained or equipped for their task.
- ☑ Provide in-service training in policing public assemblies, particularly on:
  - ▶ international human rights standards related to the use of force, command and control procedures;
  - ▶ the use of force;
  - ▶ the use of less-lethal methods for controlling violent protests, including the use of shields, defensive vests, helmets and less-lethal instruments;
  - ▶ human rights-compliant arrest procedures in public order situations;
  - ▶ conflict management, negotiation, mediation and de-escalation techniques;
  - ▶ treatment of persons at particular risk or in situations of vulnerability.
- ☑ Ensure that all LEOs involved in policing public assemblies are clearly and individually identifiable by wearing nametags or numbers. LEOs in command on public order duties should always give their names and contact information on request.
- ☑ Ensure that there are clear command structures and well-defined operational responsibilities established, including across the different law enforcement and security agencies involved in a particular public order management operation.



## F. LEARN MORE

-  African Commission on Human and Peoples' Rights. *Policing Assemblies in Africa: Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa*. Banjul, 2017. Available from <https://achpr.au.int/en/soft-law/guidelines-policing-assemblies-law-enforcement-officials-africa>.
-  Amnesty International. *Use of Force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*. Amsterdam, 2015. Available from [www.amnestyusa.org/reports/use-of-force-guidelines-for-implementation-of-the-un-basic-principles-on-the-use-of-force-and-firearms-by-law-enforcement-officials/](http://www.amnestyusa.org/reports/use-of-force-guidelines-for-implementation-of-the-un-basic-principles-on-the-use-of-force-and-firearms-by-law-enforcement-officials/).
-  Amnesty International and Omega Research Foundation. *The Human Rights Impact of Less Lethal Weapons and Other Law Enforcement Equipment*. London: Amnesty International, 2015. Available from [www.amnesty.org/download/Documents/ACT3013052015ENGLISH.PDF](http://www.amnesty.org/download/Documents/ACT3013052015ENGLISH.PDF).
-  Haar, Rohini J. and Iacopino, Vincent. *Lethal in Disguise: The Health Consequences of Crowd-Control Weapons*. Network of Civil Liberties Organizations and Physicians for Human Rights, 2016. Available from [www.aclu.org/sites/default/files/field\\_document/lethal\\_in\\_disguise\\_inclo\\_single\\_page.pdf](http://www.aclu.org/sites/default/files/field_document/lethal_in_disguise_inclo_single_page.pdf).
-  King, Douglas. *Moving to Minimum Force: Police Dogs and Public Safety in British Columbia*. Vancouver: Pivot Legal Society, 2014. Available from [https://d3n8a8pro7vhm.cloudfront.net/pivotlegal/mailings/361/attachments/original/Moving\\_to\\_Minimum\\_Force\\_web.pdf](https://d3n8a8pro7vhm.cloudfront.net/pivotlegal/mailings/361/attachments/original/Moving_to_Minimum_Force_web.pdf).
-  Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights. *Human Rights Handbook on Policing Assemblies*. Warsaw, 2016. Available from [www.osce.org/odihr/226981?download=true](http://www.osce.org/odihr/226981?download=true).
-  Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights, Panel of Experts on the Freedom of Assembly, and the Council of Europe's Commission for Democracy through Law (Venice Commission). *Guidelines on Freedom of Peaceful Assembly*. 2nd ed. Warsaw: OSCE/ODIHR, 2010. Available from [www.osce.org/odihr/73405](http://www.osce.org/odihr/73405).
-  Reicher, Stephen and others. An integrated approach to crowd psychology and public order policing. *Policing: An International Journal of Police Strategies & Management*, vol. 27, No. 4 (2004), pp. 558-572.
-  Sweden, Swedish National Police Board. Recommendations for Policing Political Manifestations in Europe: GODIAC: *Good Practice for Dialogue and Communication as Strategic Principles for Policing Political Manifestations in Europe*. Stockholm, 2013. Available from <https://docslib.org/doc/1830562/godiac-good-practice-for-dialogue-and-communication-as-strategic-principles-for-policing-political-manifestations-in-europe>.
-  Toprak, Sadik. Riot control agents: Improve knowledge to improve safety, 15 December 2011. Available from [www.sipri.org/commentary/essay/2011/riot-control-agents-improve-knowledge-improve-safety](http://www.sipri.org/commentary/essay/2011/riot-control-agents-improve-knowledge-improve-safety).
-  United Nations Educational, Scientific and Cultural Organization. *Freedom of Expression and Public Order: Training Manual*. Paris, 2015. Available from <http://unesdoc.unesco.org/images/0023/002313/231305e.pdf>.
-  United Nations, Human Rights Committee, general comment No. 37 (2020).

-  United Nations, Office of the High Commissioner for Human Rights. *United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement*, New York and Geneva, 2020. Available from [www.ohchr.org/Documents/HRBodies/CCPR/LLW\\_Guidance.pdf](http://www.ohchr.org/Documents/HRBodies/CCPR/LLW_Guidance.pdf).
-  United Nations, The Special Rapporteur on the rights to freedom of peaceful assembly and of association, Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime. *Practical toolkit for law enforcement officials to promote and protect human rights in the context of peaceful protests*, Geneva, 2024.
-  Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests.
-  Action-oriented checklists for law enforcement officials.
-  A principled-based guidance for the human rights compliant use of digital technologies in the context of peaceful protests.
-  A handbook for law enforcement officials on the promotion and protection of human rights in the Context of Peaceful Protests.
-  The toolkit is available from [www.ohchr.org/en/documents/tools-and-resources/practical-toolkit-law-enforcement-officials-promote-and-protect-human](http://www.ohchr.org/en/documents/tools-and-resources/practical-toolkit-law-enforcement-officials-promote-and-protect-human).
-  Unuvar, Umit, and others. Demonstration control agents: Evaluation of 64 cases after massive use in Istanbul. *American Journal of Forensic Medicine and Pathology*, vol. 34, No. 2 (June 2013), pp. 150-154.

# HUMAN RIGHTS AND LAW ENFORCEMENT

## Manual on Human Rights for Law Enforcement Officials

The *Manual on Human Rights for Law Enforcement Officials* forms part of the revised “Human Rights and Law Enforcement Guidance and Training Package”. Following the success of the previous edition, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has revised and restructured the Manual to provide updated guidance on how to operationalize human rights norms and standards in law enforcement.

The revised Manual provides practical guidance for law enforcement trainers, officials and government representatives involved in ensuring effective and human rights-compliant institutions with staff who have the skills, knowledge and attitudes to respect, protect and fulfil human rights. The Manual comprehensively sets out important human rights norms and standards for law enforcement officials and explains how these officials can apply these standards for the effective performance of their functions. It also outlines recommendations for senior officers and law enforcement institutions to put in place an institutional structure that allows law enforcement officials to effectively apply the standards and good practices in the Manual. While each chapter has been made available separately, links with other chapters are highlighted throughout. A full reading of the Manual is thus recommended for a comprehensive understanding of how human rights can be used as a positive tool for modern and professional law enforcement institutions that carry out their duties for and within the communities. This Manual has been tailored to the everyday needs of law enforcement officials. The content is adaptable for integration in training activities at all levels of law enforcement and in policies and oversight mechanisms. The Manual may, however, be of wider use and application by regional organizations, national human rights institutions, non-governmental organizations and others.



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