



**PROTECT
THE PROTEST**

GUIDELINES ON THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY

SUMMARY

**AMNESTY
INTERNATIONAL**



Amnesty International is a movement of 10 million people which mobilizes the humanity in everyone and campaigns for change so we can all enjoy our human rights.

Our vision is of a world where those in power keep their promises, respect international law and are held to account. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and individual donations.

We believe that acting in solidarity and compassion with people everywhere can change our societies for the better.

Cover photo:

*Nairobi, Kenya, 16 July, 2024.
A Protester holds a placard during an anti-government demonstration.*

© Sipa USA/Alamy Live News

Index: ACT 30/8725/2024
Original language: English

www.amnesty.org

© Amnesty International 2024

Except where otherwise noted, content in this document is licensed under a Creative Commons (attribution, non-commercial, no derivatives, international 4.0) licence.

creativecommons.org/licenses/by-nc-nd/4.0/legalcode

For more information please visit the permissions page on our website:

www.amnesty.org

Where material is attributed to a copyright owner other than Amnesty International this material is not subject to the Creative Commons licence.

First published in 2024 by Amnesty International Ltd
Peter Benenson House, 1 Easton Street, London WC1X 0DW, UK

phrp@amnesty.nl

INTRODUCTION

The right to freedom of peaceful assembly is universally recognized in all major international legal documents and treaties:

Art. 20 of the Universal Declaration of Human Rights (UDHR), Art. 21 of the International Covenant on Civil and Political Rights (ICCPR), Art. 11 of the European Convention on Human Rights (ECHR), Art. 11 of the African Charter on Human and Peoples' Rights (African Charter), Art. 24 (6) Arab Charter on Human Rights (Arab Charter), and Art. 15 of the American Convention on Human Rights (ACHR).

DEFINITION: An “assembly” is generally understood as a gathering of two or more people for a specific purpose in a public, private or online space (or a combination of these, whether indoors or outdoors). Assemblies can take many different forms (including processions, occupations and encampments) and may also be long-term. They can serve many different purposes (including entertainment, education, culture, sport and commerce). While many assemblies seek to express a message to an external audience, having such an expressive purpose is not a necessary element of an assembly.

Where the right is engaged, states have an overarching obligation to **respect and ensure**, without discrimination, the exercise of the right to freedom of peaceful assembly.

This obligation includes:

- The duty to respect the right to freedom of peaceful assembly and to abstain from doing anything that infringes on the right to freedom of peaceful assembly. Hence, the authorities should not prevent, hinder or restrict people’s rights except when it is necessary to do so (and then, within a human rights approach).
- The duty to take all measures to protect the exercise of the right to freedom of peaceful assembly against interference by other individuals or groups.
- The duty to fulfil the right to freedom of peaceful assembly through the creation of an environment in which people can actually exercise and enjoy the right to freedom of peaceful assembly in practice, in particular to *facilitate* the exercise of the right in ways that make it possible for participants to achieve their objectives.

States must put in place a legal and operational framework (alongside other measures) to comply with these obligations and to ensure that people can freely and fully enjoy the right to freedom of peaceful assembly, and they must refrain from any measures that unduly limit or restrict the exercise of the right to freedom of peaceful assembly. **The present Guidelines serve to summarize the concrete obligations states must comply with in this regard.**

NOTE: These Guidelines aim to address mainly offline assemblies. However, the online and offline worlds intersect in the exercise of the right in many respects: for instance the preparation and organization of an assembly or the sharing of information prior to, during and after an assembly often take place in online spaces and are therefore an essential part of the exercise of the right to freedom of peaceful assembly. Furthermore, where assemblies take part in online spaces, many of the aspects in the present Guidelines will be applicable as well.

METHODOLOGY AND APPROACH

Despite its worldwide recognition, the right to freedom of peaceful assembly has been threatened in law and practice across the globe. Many international institutions, bodies and mechanisms have sought to strengthen the international human rights rules and standards applicable to this right. Relevant sources include General Comments by treaty monitoring bodies, reports of UN Charter-based bodies (including the UN Human Rights Council and its special procedure mandate holders), decisions by human rights courts, thematic outputs by regional human rights bodies.

The present Guidelines draw from a selected number of international reference documents to list in a condensed form the most important obligations that state authorities must comply with to ensure the full respect of the international human rights obligations of their country in relation to the right to freedom of peaceful assembly. These obligations cover the following 16 topics:

1. The legal framework governing the right to freedom of peaceful assembly
2. Authorization and notification
3. Restrictions and prohibitions
4. No criminalization of organizers and participants
5. State responsibilities in relation to assemblies
6. Multiple assemblies
7. Planning and preparation for the policing of assemblies
8. A human rights based policing approach
9. Police duty to protect assemblies, organizers and participants
10. Non-discrimination in policing
11. No threats, harassment or intimidation
12. Dispersal of assemblies
13. Use of force in the context of assemblies
14. Weapons
15. Monitoring of assemblies
16. Police accountability

DOMESTIC LAW MUST GUARANTEE THAT EVERYONE IS ABLE TO FULLY EXERCISE AND ENJOY THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY WITHOUT DISCRIMINATION.

- 1.1 States must establish a clear and explicit **legal basis** for the right to freedom of peaceful assembly that should be recognised in states' constitutions and/or legislation. The freedom of peaceful assembly must be treated as a human right – an entitlement, not merely a privilege.
- 1.2 Everyone should be able to effectively exercise and enjoy the right to freedom of peaceful assembly free from discrimination, and **authorities must respect, protect and facilitate the right for everyone**. State authorities must not impose discriminatory restrictions on participation in peaceful assemblies and must actively address systemic forms of discrimination that undermine the effective exercise of the right.
- 1.3 **The peacefulness of an assembly must be presumed**. The burden of proof for violent intentions by organizers or participants lies with the authorities and mere anticipation of violence, or actual violence by only a few participants, does not render an assembly non-peaceful. The right of those taking part to peacefully assemble must be respected, protected and facilitated even when others engage in acts of violence.
- 1.4 **State obligations in relation to assemblies apply to *peaceful assemblies*, not only *lawful assemblies*.**

THE LEGAL FRAMEWORK MUST ESTABLISH A PRESUMPTION IN FAVOUR OF THE HOLDING OF AN ASSEMBLY.

- 2.1 Holding an assembly must **not be subject to prior authorization** or permission.
- 2.2 A **mandatory requirement to notify** the holding of an assembly is itself already a restriction of the right to freedom of peaceful assembly **and must be established in law, and be necessary and proportionate**. Assemblies that do not present any particular challenges, such as assemblies with only very few participants, should not be subject to a notification requirement. Where states establish such a requirement, this should serve the purpose of enabling the authorities to prepare for facilitating the protest and, for example, protecting the rights and freedoms of others, or upholding public safety and/or public order. Notification should not serve or be used as a means to restrict the right to freedom of peaceful assembly. A requirement for notification should not be discriminatorily applied to target and restrict the rights of specific groups, including LGBTI persons. The notification procedure should not be designed nor in practice be implemented in a way that would turn this process into a de-facto authorization regime.
- 2.3 Where notification is required, the non-submission of prior notification should not render participation in an assembly unlawful. **Non-notification does not absolve the authorities from their obligations to facilitate and protect the assembly.**
- 2.4 Domestic legislation should provide for the possibility of **spontaneous assemblies** and explicitly exempt them from prior notification requirements.

THE LEGAL FRAMEWORK MUST RECOGNIZE THE HOLDING OF PEACEFUL ASSEMBLIES AS A RIGHT AND A FREEDOM MEANING THAT, AS A RULE, PEOPLE CAN PEACEFULLY ASSEMBLE *WHEREVER, WHENEVER, HOWEVER AND FOR WHATEVER* THEY WANT.

- 3.1 As a rule, **there should be no restrictions on the holding of an assembly**. The possibility for the authorities to impose restrictions must be considered an exception and the burden to justify restrictions lies with the state. Any restriction must have a **basis in domestic legislation** and this must be easily accessible to the public, be formulated clearly and be foreseeable in its application. **Any restrictions must also pursue a legitimate aim, be necessary and proportionate, and non-discriminatory**. They should be done in the spirit of facilitating the right to freedom of peaceful assembly and not discourage participation in assemblies. There must be a presumption in favour of holding an assembly. The prohibition of an assembly must be the last resort, and should be considered only if no other measure can achieve the legitimate objective.
- 3.2 **The list of legitimate objectives that may justify restrictions of the right to freedom of peaceful assembly should be interpreted narrowly by states for maximum protection of the right.**
- 3.2.1 Restrictions in the interests of **national security** may only be imposed to protect the existence of a nation, its territorial integrity or political independence against an imminent and credible threat or use of force and must not be based on vague general security considerations. Calls for autonomy, demanding territorial changes or changes to the constitution do not endanger territorial integrity and cannot justify the prohibition of an assembly.
- 3.2.2 Authorities may only impose restrictions on grounds of **public safety** if the presence of the assembly participants creates a real and significant risk to the life or security of persons or a real and significant risk of serious damage to property.
- 3.2.3 Only serious disorder can justify restrictions of the right to freedom of peaceful assembly for the purpose of protecting **public order**. A certain level of disturbance of public life, including free flow of traffic, is inherent to the right to freedom of peaceful assembly, must be tolerated and cannot justify restrictions or even a prohibition of an assembly. Further, the fact that a peaceful assembly may be met with hostility by others does not necessarily justify its restriction, let alone its prohibition.

3.2.4 Restrictions on peaceful assemblies to **protect the rights and freedoms of others** who are not participating in the assembly but who may potentially be impacted by it must be the exception rather than the rule and be kept to the minimum necessary for the purpose. Members of the public must expect and tolerate some interferences with their rights in light of the importance of the right to freedom of peaceful assembly.

3.2.5 If at all, states may only in rare and exceptional cases be able to justify restrictions of the right to freedom of peaceful assembly on the basis of the protection of **public morals**.

3.2.6 States may only exceptionally impose restrictions in the interests of protecting **public health** if they are evidence-based and there is a serious threat to health. Authorities may only impose such restrictions on assemblies if other similar gatherings, such as crowds in shopping areas, concerts or sports events, are also restricted due to public health concerns. Protection of public health should not justify pre-emptive blanket bans on assemblies. Instead, any limitations imposed on assemblies must be on a case-by-case basis, and only as a measure of last resort if less restrictive means would not be sufficient to protect public health.

3.3 **States must not impose blanket prohibitions** on holding assemblies at certain times, places or in a certain manner, since they are intrinsically disproportionate and thus a violation of the right to freedom of peaceful assembly. In particular, participants must be able to hold an assembly within **sight and sound** of their target audience. Any restrictions related to the **time, place or manner** of holding an assembly must be determined on a case-by-case basis and be necessary and proportionate, and must not be applied in a discriminatory manner. Furthermore, **the prohibition of a specific assembly must be a measure of last resort**, imposed only if there is a pressing need in the concrete circumstances and when restrictions or other less intrusive measures are manifestly ineffective in achieving the objective in the given situation. Public assemblies constitute as legitimate a use of public space as any other. An assembly should never be prohibited merely for the purpose of guaranteeing the uninterrupted use of public space for routine purposes such as commercial activities or the free flow of traffic.

3.4 Restrictions and prohibitions must **not be discriminatory and must be content-neutral**, provided that the content does not constitute propaganda for war or advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, which (under international law) states are required to prohibit. The messages conveyed by an assembly or the goals it strives to achieve, even if offensive, shocking or disturbing, should not give grounds for states to impose restrictions. States must not, explicitly or implicitly, restrict peaceful assemblies which express political opposition to a government, challenge the authorities, call for changes of government, the constitution or the political system, or pursue self-determination.

- 3.5 As a rule, there is **no need to derogate** from the right to freedom of peaceful assembly even in a state of emergency.
- 3.6 States must ensure that any decision that prohibits an assembly or otherwise restricts in any way the exercise of the right to freedom of peaceful assembly is subject to **effective, timely, independent and impartial judicial review**.

04 *NO CRIMINALIZATION OF ORGANIZERS AND PARTICIPANTS*

STATES SHOULD NOT CRIMINALIZE THE ORGANIZATION AND PARTICIPATION IN PEACEFUL ASSEMBLIES.

- 4.1 Activities that are commonly observed during assemblies, such as road blockages, should not be treated as criminal offences. **There should be no sanctions for peaceful acts of civil disobedience that break a domestic law that is itself violating international human rights law and standards.** Where such peaceful acts violate a domestic law that is complying with international human rights law and standards, authorities must consider the specific circumstances of the act of civil disobedience and if restrictions or sanctions are imposed, they must be permissible under international human rights law – in particular, they must pass the three part test of being in conformity with the law, pursuing a legitimate objective, and being necessary and proportionate. If criminal or administrative sanctions are imposed, they must be commensurate with the recognizable offence committed and custodial sentences should be avoided. Authorities must give due consideration to the importance of the right to freedom of peaceful assembly and peoples' need to get their voices heard. Mere participation in a peaceful assembly that is considered unlawful under domestic law is protected and should not be treated as a criminal offence.
- 4.2 Neither organizers nor participants should be held liable for the acts of others.

AUTHORITIES MUST PROVIDE FOR AN ENVIRONMENT IN WHICH PEOPLE CAN ASSEMBLE FREELY.

It is the state's responsibility to facilitate peaceful assemblies.

- 5.1 The **responsibility for maintaining public order** and providing safety and security lies with state authorities, not with the organizers and should not be shifted towards them.
- 5.2 **Organizers should not be financially liable for the costs of an assembly.** It is part of the obligation to facilitate peaceful assemblies that state authorities provide all relevant services such as policing, cleaning and medical aid. The authorities may not request that the organizers of an assembly provide such services, nor should they impose the related costs.
- 5.3 States also have an obligation to **address underlying structural factors** that impede the enjoyment of the right to freedom of peaceful assembly by specific groups, such as intersectionally discriminated groups, and to proactively address any barriers these groups may face.

AUTHORITIES MUST ACCOMMODATE THE INTERESTS OF DIFFERENT ASSEMBLIES, INCLUDING SIMULTANEOUS ASSEMBLIES AND COUNTER-DEMONSTRATIONS.

- 6.1 **Simultaneous assemblies** intended to take place at the same time and in the same place should be facilitated as far as possible and authorities should not prioritize one of the assemblies if both can be accommodated. Only if that is not possible should the authorities find a fair, non-discriminatory and transparent solution for both assemblies, offering alternatives that still allow the message of each assembly to be effectively communicated.
- 6.2 **Counter-demonstrations** to express opposition to other assemblies must be facilitated in the same manner as the assembly they are opposing and be allowed to take place within sight and sound of the assemblies at which they are directed. However, the authorities must ensure that participants of assemblies and counter-demonstrations do not impede each other's right to freedom of peaceful assembly.

LAW ENFORCEMENT AGENCIES MUST BE DULY PREPARED FOR THE FACILITATION OF PEACEFUL ASSEMBLIES.

- 7.1 Law enforcement agencies should have policies, regulations and contingency plans in place that enable them to appropriately police assemblies and these must be formulated with a **focus on facilitation**, not just the anticipation of problems and violence.
- 7.2 Only law enforcement officials **duly trained in the facilitation of assemblies** should be deployed to public assemblies. Units exclusively trained for addressing violence should not be deployed from the beginning of an assembly but only be called-in once a situation is seriously deteriorating.
- 7.3 All law enforcement officials should have **appropriate, fit-for-purpose, equipment and weapons**. Equipment and weapons that cannot be used in a human rights compliant way or that have not been tested for their suitability in a law enforcement context should never be used.
- 7.4 A **clear chain of command** must be in place for decision making, supervision and control in the policing of assemblies and decisions taken in the context of assemblies must be traceable with clear responsibilities assigned to the respective command level to ensure accountability.
- 7.5 **Military armed forces are generally not suitable** for policing assemblies and should not be deployed to police public assemblies. If unavoidable, it must be ensured through instructions, training and appropriate equipment that they can carry out that task in full compliance with international human rights law. They should be placed under civilian command and they should be held accountable for their actions in front of ordinary (not military) jurisdiction.

LAW ENFORCEMENT AGENCIES MUST PRIORITIZE THE FACILITATION AND PROTECTION OF ASSEMBLIES.

Their approach should be driven by the concept of *Knowledge, Facilitation, Dialogue, and Distinction*.

- 8.1 **Knowledge:** Law enforcement agencies should try to understand those who are organizing and participating in the assembly with a view to better facilitating the assembly in accordance with the interests and aims of those participating and to avoid misunderstandings or unnecessary provocations.
- 8.2 **Facilitation:** Law enforcement agencies should have a facilitative approach towards the assembly through supportive measures and the display of a degree of tolerance. Zero-tolerance approaches, for instance in response to non-violent acts of civil disobedience, must be avoided since they are counterproductive, likely to contribute to unnecessary tensions and escalation, and have a chilling effect on those taking part in the assemblies.
- 8.3 **Dialogue:** Communication and dialogue must be the preferred mode of interaction of law enforcement with assembly organizers and participants as well as other stakeholders. Communication with organizers and participants should reflect the goal of facilitation and take place in a way that enables an open and transparent two-way dialogue and not a top-down, one-sided order-like communication. Dialogue should always be voluntary on the side of organizers and participants and their refusal should not negatively impact on the willingness or the efforts of the authorities to effectively facilitate the assembly. Police should address any problems primarily through communication, de-escalation and peaceful settlement of conflicts.
- 8.4 **Distinction:** Law enforcement authorities must distinguish between people who are behaving unlawfully and / or violently and those who are not. They should not treat the entire assembly as a homogenous group.

09

POLICE DUTY TO PROTECT ASSEMBLIES, ORGANIZERS AND PARTICIPANTS

AUTHORITIES MUST PROTECT ASSEMBLY PARTICIPANTS FROM ANY HARM OR VIOLENCE FROM OTHER PEOPLE OR GROUPS WHO OPPOSE OR SEEK TO PREVENT OR DISRUPT THE ASSEMBLY.

Law enforcement agencies have a particular duty to protect – before, during and after the assembly – those who are likely to suffer from discrimination and hostility and they should fulfil this duty without any form of discrimination.

10

NON-DISCRIMINATION IN POLICING

IN THE POLICING OF ASSEMBLIES, LAW ENFORCEMENT AGENCIES MUST FULFIL THEIR DUTY NOT TO DISCRIMINATE AND REFRAIN FROM ANY DISCRIMINATORY BEHAVIOUR THROUGH ACTIONS OR OMISSIONS.

LAW ENFORCEMENT AGENCIES MUST NOT TREAT ASSEMBLIES AS A THREAT.

They must themselves refrain from any measures that are threatening, overly intrusive, harassing or may have a chilling effect on those wishing to exercise their right to freedom of peaceful assembly.

- 11.1 **The appearance** of law enforcement officials deployed must as much as possible be non-threatening to avoid a chilling effect on assembly participants as well as an unnecessary increase of tension. The number of law enforcement officials deployed should be commensurate to the situation (number of participants, level of pre-existing tensions, and the overall security situation). Any show of force, or deployment of special, often so-called “anti-riot”, forces in full body armour should only ever start once a situation has seriously deteriorated. Law enforcement officials should be individually **identifiable by their name or an individual number** assigned to them, clearly displayed and visible on their uniform as well as on their protective gear.
- 11.2 Law enforcement officials should not carry out any **stops and searches** in the context of assemblies, unless there is an objective and individualised, reasonable suspicion of a person committing a serious offence. Generalized stop-and-search activities in the context of assemblies (for instance at checkpoints established for that purpose), as well as random stops or discriminatory stops targeting specific people because of who they are, are overly intrusive, will have a chilling effect on anyone taking part in the assembly and are a violation of the right to privacy.
- 11.3 Law enforcement agencies should not use any -overt or covert- means of **mass surveillance, or other forms of unlawful surveillance**, in the context of assemblies. General surveillance of participants in an assembly is a violation of privacy and has a chilling effect, and hence also affects the enjoyment of the right to freedom of peaceful assembly. Any use of means of surveillance should be done using legitimate tools in a targeted manner and be clearly justified by a specific and concrete need to detect and prosecute a crime and without using tools that are considered by design to be incompatible with international human rights law, including for instance, 1:n facial recognition (see *Definition* below), or highly-invasive spyware. Body worn cameras should not be permanently switched on but only when a concrete situation so warrants. Video recordings should not be linked to facial recognition technologies for identification, mass, and discriminatory surveillance (1:n). Undercover police officers should not be deployed merely for the purpose of providing intelligence in the context of peaceful assemblies.

DEFINITION: 1:n facial recognition involves the widespread and bulk monitoring, collection, storage and analysis of biometrics-based identification data at scale. Facial recognition uses existing cameras in combination with new software and commercial databases to track individuals. This software is built by companies using millions of images taken for instance from social media, drivers' license registries and other databases, without people's prior knowledge or consent. These tools often claim to be able to identify and track individuals irrespective of time of day and in any urban environment when paired up with a CCTV camera network. 1:n refers to the fact that for identification purposes the picture of a person is run through a wider database containing many pictures (in opposition to the individual matching 1:1 of a person's pictures with their identity document for instance during a passport check).

- 11.4 Arbitrary arrests are prohibited at all times**, and law enforcement officials may not arrest a person when there is no intention to carry out judicial proceedings, or carry out mass arrests of a large number of people without regard to their individual involvement, or not, in unlawful behaviour. And even if not arbitrary, **the arrest of a person interferes with their right to participate in an assembly and should only take place when unavoidable**. Non-violent acts of civil disobedience for instance could easily be addressed at a later stage and not during the assembly. As a rule, no one should be preventively detained with a view to impede their participation in an assembly. Any arrest must be carried out in a human rights compliant manner and in full respect of fundamental judicial guarantees.
- 11.5** The police tactic of **containment, "kettling", must be avoided** and should, if at all, only be carried out as an exceptional measure to contain a few violent individuals with a view to avoid having to disperse the entire assembly. It should only take place for a short period of time, people not involved in violence should be allowed to leave and those kept must be provided with access to medical or sanitary facilities and be protected from any hazards, such as harsh weather conditions.

12 *DISPERSAL OF ASSEMBLIES*

AUTHORITIES MAY ONLY RESORT TO THE DISPERSAL OF AN ASSEMBLY AS LAST RESORT.

The dispersal of an assembly may only be carried out when there is a pressing need and when all other means have failed to achieve a legitimate objective. As a rule, authorities should not disperse a peaceful assembly. Non-violent acts of civil disobedience that block public roads or disrupt traffic should not be dispersed or prohibited solely on the basis of the disruption they cause. In case of violence, police should first focus on violent individuals and prevent violence from spreading, instead of dispersing the entire assembly. Participants must be given the opportunity to disperse voluntarily without the use of force by police.

13

USE OF FORCE IN THE CONTEXT OF ASSEMBLIES

THE USE OF FORCE MUST BE A LAST RESORT.

- 13.1 **Any use of force must comply with the principles of legality, necessity and proportionality and non-discrimination.** And authorities must take all available precautionary measures to avoid the need to use of force and to limit the level of harm in case that force is used.
- 13.2 As a rule, force must **not** be directed **against peaceful protesters**. The use of force for the purpose of punishment is prohibited at all times.
- 13.3 Police should first use **non-violent means** and attempt to de-escalate a situation. If the use of force is unavoidable, they must warn people about their intention to resort to the use of force.
- 13.4 In the use of force police must as much as possible **target the individuals engaged in violent behaviour** only.
- 13.5 Any use of force must be **reported** and anyone injured or harmed must be provided with **medical assistance**.

14 WEAPONS

IN THE USE OF ANY WEAPON, LAW ENFORCEMENT OFFICIALS MUST MINIMIZE HARM AND INJURY AND THEY MAY NOT CAUSE ANY HARM GREATER THAN THE HARM THAT NEEDS TO BE PREVENTED.

- 14.1 Law enforcement agencies should equip their personnel with a range of less lethal weapons to respond to the various situations they may encounter. They need to have **specific, publicly accessible rules and regulations in place for each weapon** in accordance with the level of harm, including unwarranted risks, involved with the use of that specific weapon. Weapons may only be used in case of violence – **never against peaceful protesters** or against people only passively resisting any orders. The use of any weapon must be preceded by a warning and people must be given sufficient time to comply with the order.
- 14.2 Striking weapons, “**batons**”, may only be used in a **targeted response to violent people** or a threat of imminent violence. The purpose should be to make the person stop the violent behaviour through the pain inflicted but not to injure the person severely. So-called “baton charges”, with police running after people to hit whoever gets within reach, are an unlawful use of force and must be prohibited.
- 14.3 **Kinetic Impact Projectiles (KIPs)** may only be used in an **individualized response against persons who are involved in serious violence against other persons** and pose an immediate risk of considerable injury or death. The purpose should be to make the person stop the violent behaviour through the pain inflicted but not to injure the person severely. They may never be fired randomly at a crowd, and they should be aimed at the lower part of the body to avoid serious injuries for instance to the eyes.
- 14.4 Wide-area chemical irritants, “**tear gas**”, may only be used **in case of widespread violence against persons** that cannot be addressed anymore by targeting violent individuals alone. Isolated acts of violence do not justify the use of tear gas, since it has by nature an indiscriminate effect, likely to affect bystanders and peaceful protesters alike. The use of tear gas for the dispersal of peaceful protesters must be prohibited. The purpose should be to make people disperse and it should never be used in enclosed areas where people cannot disperse. Tear gas canisters should never be fired directly at people. Only thoroughly tested and approved chemical irritants should be used, with clear instructions when and how to use them.

- 14.5 Smaller, mostly hand-held chemical irritants, “**pepper spray**”, may only be used in **self-defence or defence of others** against persons who pose an imminent threat of injury to another person. The purpose should be to make the person stop the violent behaviour through the pain inflicted, but not to injure the person severely.
- 14.6 **Water cannons** in high-pressure mode may only be used **in case of widespread violence against persons** that cannot be addressed anymore by targeting violent individuals alone. In such circumstances, the deployment of water cannon must be limited to the **purpose of implementing an order to disperse**. Isolated acts of violence do not justify such a use of water cannons, since it has a high risk of affecting bystanders and peaceful protesters alike. In high-pressure mode, police should never target people at close range or aim directly at people’s heads or faces. Water cannons may never be used or aimed at individuals who are restrained or unable to move.
- 14.7 Law enforcement officials deployed in public assemblies should not be equipped with projectile electric shock weapons (**PESWs**, also known as “**Tasers**”). These are **not suitable weapons for public order situations** that are extremely volatile, making it difficult to carefully target precisely the person presenting a serious threat, and implying a high risk of leading to an escalation of violence.
- 14.8 **Horses** should only be deployed with great care and **only for logistical purposes** (for instance allowing for a better overview, facilitating law enforcement movements or as a physical barrier), but not as a weapon.
- 14.9 **As a rule, dogs should not be used as a weapon in public assemblies.**
- 14.10 **Firearms** are not a tactical tool for the management of assemblies: they may only be used as a last resort **against an individualized threat of danger to another life** and only when there is no risk to other people who are not presenting such a serious risk, including bystanders. It is prohibited at all times to fire randomly at a crowd. **Automatic firearms should not be used** in the policing of assemblies under any circumstances.

THE DUTY OF LAW ENFORCEMENT AGENCIES TO FACILITATE AND PROTECT EXTENDS TO THOSE WHO ARE MONITORING THE ASSEMBLY, SUCH AS JOURNALISTS OR ANY OTHER OBSERVERS.

Monitors must be given unhindered access to the assembly and be able to document the assembly without interference.

- 15.1** Authorities must ensure that **everyone has access to and can share information about an assembly prior, during and after the event** – this is an essential element of the assembly as such and must be equally protected as the assembly itself. Authorities should not cut off access to the internet in reaction to assemblies and they must facilitate the monitoring of assemblies. **Everyone has the right to observe, monitor and report on assemblies**, not just formally accredited journalists. Monitors must be given unhindered access to the assembly site, regardless, whether the assembly is considered lawful, unlawful, peaceful or non-peaceful and must be able to carry out the monitoring without interference. This includes the right to digitally record and photograph at assemblies, in particular to record the actions of law enforcement officials. Related equipment may not be confiscated, damaged or destroyed.
- 15.2** **Dispersal of an assembly does not terminate the right to monitor** and law enforcement officials should not interfere with the monitoring merely because of the assembly being dispersed.
- 15.3** **Journalists, monitors and other observers must be protected against attacks and violence.**

AUTHORITIES MUST ENSURE APPROPRIATE OVERSIGHT OVER HOW AN ASSEMBLY IS POLICED AND ENSURE FULL ACCOUNTABILITY FOR ANY HUMAN RIGHTS VIOLATIONS THAT MAY HAVE OCCURRED.

- 16.1** States should have a **pre-established mechanism of oversight** to assess the lawfulness of policing throughout the entire assembly. An investigation should be mandatory in all instances when there was violence, when police resorted to the use of force, and when there were people injured or otherwise harmed during the assembly. This should also include a **review of the overall policing approach, as well as related policies and instructions** and also serve as an effective lessons-learned process. Law enforcement officials should have nameplates or individually assigned numbers visibly displayed on their uniform or riot gear to allow for individual identification and accountability.
- 16.2** States must ensure that anybody whose human rights have been affected as a result of the policing of an assembly has the possibility to have such interference reviewed by a judicial authority. **Full accountability must be ensured for any human rights** violation that may have occurred, including criminal and/or disciplinary sanctions against responsible law enforcement officials, as well as reparation and rehabilitation for victims. Accountability must involve not only the immediately acting law enforcement officials, but also any **commanding or superior officer**: for any unlawful orders they may have given, for any failure to stop or prevent human rights violations by law enforcement officials under their command or control, as well as for any failure to take required precautionary measures in the operational planning.



A vigil in Brussels, featuring pictures of the disappeared, to express solidarity with the Saturday Mothers, ahead of their 1000th vigil. Saturday Mothers/People are relatives of victims of enforced disappearances, who have been prevented from organizing peaceful assemblies in Istanbul's Galatasaray Square, a place of symbolic importance to the group.

© Amnesty International



POLICE AND HUMAN RIGHTS PROGRAMME

Amnesty The Netherlands' Police and Human Rights Programme aims to increase the knowledge and understanding of police and policing within the Amnesty movement and the wider human rights community in order to be more effective when dealing with the police or police-related issues. We also seek to promote human rights in policing, in the belief that only human rights-compliant policing is good and effective policing. Through our work and publications – including these Guidelines – the Police and Human Rights Programme constantly seeks to demonstrate that it is both possible and essential to implement human rights law and standards in everyday policing practice.

Do you want to know more?

- Have a look at our [webpage](#)
- Follow the [Police and Human rights course](#) on Amnesty's Academy
- Find all relevant publications on our [Police and Human Rights resources database](#)
- Contact us via: phrp@amnesty.nl



AMNESTY'S PROTECT THE PROTEST CAMPAIGN

Through our [Protect the Protest](#) campaign, Amnesty International is working to expose when the right to protest is violated and to support movements around the world as they strive for positive change. Our goal is to enable all people to take peaceful action and exercise their right to protest safely and without repercussions, and we are doing so by challenging attacks on peaceful protest, acting in solidarity with those targeted and supporting the causes of social movements pushing for human rights change.

The campaign calls on governments to send a clear message that protesters should be protected and to remove unnecessary barriers and restrictions on peaceful protest.

GUIDELINES ON THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY

Peaceful assemblies have been the driving force behind some of the most powerful social movements, exposing injustice and abuse, demanding accountability and inspiring people to keep hoping for a better future.

The full enjoyment of the right to freedom of peaceful assembly is intrinsically linked to other human rights that must also be respected and protected: The rights to freedom of expression and of association, the rights to privacy, life, liberty and security of person, and the rights to be free from arbitrary arrest and detention, from any forms of discrimination and from torture or other ill-treatment or punishment.

Unfortunately, these precious rights are under attack. Governments and others in power are constantly finding new ways to stifle protest and silence critical voices. Global trends towards militarisation of police, increased use of force by police at protests, and shrinking civic space mean that it is becoming increasingly difficult to stay safe while making your voice heard.

Many international institutions and mechanisms have worked towards strengthening the international human rights rules and standards that apply to these rights. For example General Comments by treaty monitoring bodies, reports of UN Charter-based bodies, including the UN Human Rights Council and its special procedure mandate holders, decisions by human rights courts, and thematic outputs by regional human rights bodies.

These guidelines provide a condensed overview of the key obligations that government authorities must fulfil to ensure they comply with their country's international human rights obligations relating to the right to freedom of peaceful assembly and other related human rights.

Index: ACT 30/8725/2024
November 2024

[amnesty.org](https://www.amnesty.org)

AMNESTY
INTERNATIONAL

