

**Call for inputs from the mandate of the Special Rapporteur on the rights to freedom of peaceful assembly and of association for the development of practical tools to assist law enforcement bodies in promoting and protecting human rights in the context of peaceful protests, to be presented at the 55th session of the UN Human Rights Council**

*Implementation of UN HRC Resolution 50/21*

**Purpose:**

To inform the development of specific technical and practical tools to assist law enforcement bodies in promoting and protecting human rights while facilitating peaceful protests, as per UN Human Rights Council resolution 50/21. The tools, which will be reflective of global and regional experiences and positive practices, will be presented by the Special Rapporteur to the Human Rights Council at its 55<sup>th</sup> Session.

**Background:**

The Human Rights Council during its 50<sup>th</sup> session in June 2021, adopted resolution 50/21 mandating the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association to develop “*specific technical and practical tools to assist law enforcement in promoting and protecting human rights in the context of peaceful protests*”. The resolution, while raising deep concerns over numerous human rights violations committed by State and non-State actors in the context of peaceful protests, recognised the important role of law enforcement in promoting and protecting human rights in the context of protests.

To strengthen the capacity of and assist law enforcement bodies to enable and facilitate the promotion and protection of human rights in the context of protests, the resolution requested the Special Rapporteur to develop the said practical tools in collaboration with the United Nations Office on Drugs and Crime (UNODC) and the Office of the United Nations High Commissioner for Human Rights (OHCHR). The resolution further requested the Special Rapporteur to **engage in global and regional consultations** when developing these tools and “*to seek the views of States, other relevant entities of the United Nations Secretariat, other relevant United Nations agencies, funds and programmes, intergovernmental organizations, national human rights institutions, non-governmental organizations and other relevant stakeholders, including practitioners, such as law enforcement practitioners.*” The Special Rapporteur will present these technical and practical tools at the **55<sup>th</sup> session** of the Human Rights Council.

This request for the development of practical tools to assist the law enforcement in facilitating peaceful protests corresponds to the recommendations made by the Special Rapporteur in his report presented to the Human Rights Council at its 50<sup>th</sup> session in June 2022, on the *Protection of human rights in the context of peaceful protests during crisis situations (A/HRC/50/42)*, pursuant to resolution 44/20.

In his report, the Special Rapporteur raised the following human rights concerns in the context of protests, that were echoed by the subsequent Human Rights Council resolution 50/21: extrajudicial, summary, or arbitrary executions; arbitrary arrests and detention; enforced disappearances; torture and other cruel, inhuman or degrading treatment or punishment; violence, including sexual and gender-

based violence, in the context of protests; targeting of journalists and other media workers, monitors, lawyers, other observers, such as human rights defenders, and medical personnel while engaging in their legitimate activities during protests; excessive use of force by law enforcement and militarisation of policing of protests such as during crisis situations; as well as arbitrary and unlawful surveillance, both in physical spaces and online, of individuals engaged in peaceful protest. The resolution further highlights that women, children, youth, LGBTI persons, indigenous peoples, migrants, persons of African descent, persons belonging to minorities, persons with disabilities and other persons belonging to groups who are discriminated against and marginalized, are particularly vulnerable to unlawful police use of force while taking part in protests.

The need to provide practical tools to law enforcement in order to enable officers to better perform their important duties related to facilitating peaceful protests, in accordance with international human rights law and standards, has also been requested and supported by law enforcement practitioners from across all regions. This request was expressed during previous consultations conducted by the Special Rapporteur with law enforcement practitioners from around the world in the framework of the preparation of his report on protecting human rights in the context of peaceful protests in crisis situations, as per HRC resolution 44/20.

The Special Rapporteur will further consult closely with law enforcement practitioners in different regions when developing the said “specific technical and practical tools”, as requested by resolution 50/21. The Special Rapporteur, in collaboration with OHCHR and UNODC, is planning to hold five regional consultations with law enforcement practitioners and experts as well as with civil society activists, which will inform these practical tools.

### **Key questions and types of input sought**

The questionnaires below solicit information with a view to gathering examples of protocols, guidelines, and other tools available to law enforcement relevant for facilitation of the right to peaceful assembly, as well as positive examples of strategies, measures, and practices undertaken by law enforcement around the world in promoting and protecting human rights in the context of peaceful protests (*such as the rights to freedom of peaceful assembly, of association, freedom of expression, the right to life, freedom from torture and ill-treatment, protection from sexual and other gender-based violence, arbitrary detention, and other serious violations committed against protesters and activists in the context of protests*).

The provided inputs will be used to assist the Special Rapporteur on the rights to freedom of peaceful assembly and of association in preparing the practical tools for law enforcement as requested by the Human Rights Council resolution 50/21.

Responses received may be made publicly available on the OHCHR website unless indicated otherwise in the submission. Please clearly state in your response if you would like your submission to remain confidential.

Please send submissions to [hrc-sr-freeassembly@un.org](mailto:hrc-sr-freeassembly@un.org) as soon as possible, or by 7 April 2023 at the latest, preferably in English, French or Spanish.

### **Questionnaire**

- 1) What laws, guidance, protocols, and mechanisms or strategies/practices related to the facilitation and policing of protests did you find to be effective in ensuring human rights are respected and protected by law enforcement **before, during and after** protests?

- *Can you provide examples of positive measures and practices by law enforcement authorities that resulted in protecting human rights by law enforcement specifically in the context of spontaneous and/or mass protests?*

2) What are the gaps and which of the protocols and guidance to law enforcement, and mechanisms related to facilitation and policing of protests did you find to be restrictive, undermining human rights protection, or encouraging or facilitating human rights abusive practices by law enforcement authorities in the context of protests? How should these be improved?

- *What further guidance, protocols and measures should be put in place to improve the protection of human rights by law enforcement while facilitating protests, including spontaneous and/or mass protests?*

3) What are the main obstacles for law enforcement authorities in your country to facilitate and police protests in compliance with international human rights law and standards?

- *Which of the measures taken by the law enforcement authorities did you find to be effective in order to overcome these challenges?*
- *What further measures should be taken by the authorities?*

4) In the context of protests in crisis situations, which specific strategies and practices undertaken by law enforcement authorities **prior, during and after** protests did you find to be successful in order to ensure respect for and protection of human rights during protests in such contexts (such as during public health or security-related crisis, and/or during states of emergency)?

- *What should be improved and how? What further guidance, protocols and other measures should be developed and what main elements these should include in order to prevent any unlawful restrictions, and to promote and protect human rights when facilitating protests in crisis situations?*

5) Are you aware of any protocols for law enforcement and have you observed any positive measures taken by law enforcement authorities to prevent and protect protesters and activists from sexual and gender-based violence in the context of protests? How can these be improved?

6) What measures should be adopted by law enforcement authorities to prevent unlawful arrests and detention in the context of protests; as well as to ensure the human rights of those lawfully detained in the context of protests are respected according to the international standards, including being protected from torture and ill-treatment or sexual and gender-based violence?

- *Kindly share any positive examples of measures and practices by law enforcement to protect protesters and activists from arbitrary arrest and detention, and to protect the human rights of those lawfully detained in the context of the protest.*

7) What law enforcement strategies and practices undertaken by law enforcement authorities **prior, during and after** protests did you observe/experience to be effective for successfully de-escalating potential and actual tension/violence in the context of protests?

- *What have been the gaps and how these should be improved?*
- *What is the role of civil society, protest organisers and communities in helping with de-escalating tension/violence in the context of protests?*

- *How law enforcement should involve civil society and protest organisers **prior, during and after** protests in order to prevent and de-escalate tension arising in the context of protests?*

8) What other measures have you found/experienced of law enforcement authorities undertaking to prevent and minimise the harm to protesters, journalists and other actors involved in monitoring and/or reporting on protests, and bystanders in the context of protests; especially:

*a) in cases when the use of force may be justified as lawful; and*

*b) to protect protesters from non-state actors?*

9) What strategies, tools and techniques implemented by law enforcement authorities did you observe/experience to be successful (and which of these have been harmful and should be absolutely avoided) in order to facilitate the exercise of the right to freedom of peaceful assembly and protect the rights of groups particularly at risk in the context of protests, including:

- children and youth;
- women and girls;
- LGBTI persons;
- people with disabilities;
- indigenous peoples;
- minority groups;
- migrants;
- refugees and asylum seekers.

10) What strategies, policies or protocols, and measures should be put in place to ensure accountability for law enforcement officials alleged of committing human rights violations in the context of protests?

- *What should be done to ensure that any law enforcement oversight bodies are effective in responding to complaints about human rights violations by law enforcement in the context of protests?*
- *How civil society can assist in strengthening this process?*