

PartnersGlobal Introduction

PartnersGlobal serves as a catalyst, helping to transform the ways in which individuals, communities, businesses, and institutions come together cooperatively for a more peaceful, inclusive, democratic, and prosperous world. The **Partners** Network is among the world's leading organizations working to enhance the future of peacebuilding, conflict transformation, and democratic change. The inputs found below were made in collaboration with Partners Kosovo, which is at the forefront of transformative peacebuilding efforts, even as civic spaces continue to shrink around them. In addition, the Movement for Social Justice in the Gambia has also provided input. Furthermore, Partners Albania has abstained from responding as this call aims to gather positive examples of protocols, strategies, measures, and practices undertaken by law enforcement to promote and protect human rights. However, they have not observed any positive developments in this regard at the local level but on the contrary, recent years have seen a shrinking of civic space. **PartnersGlobal** and its network also encourage the OHCHR to conduct further research on this topic through an analysis of professional and academic studies.

Responses

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?

In Kosovo, freedom of assembly and association is guaranteed by the Constitution and generally respected. Despite this, Partners Kosovo does not have a positive example of authorities utilizing effective strategies in policing protests. In fact, recently—May 2023—, dozens of NATO peacekeepers were injured after they were attacked by ethnic Serbs in Northern Kosovo during protests over the installation of ethnically Albanian mayors.¹

Similarly, in the Gambia, positive policing practices are almost non-existent, and civic space continues to be threatened by harmful laws and protocols. For example, currently, civilians and groups are not allowed to use a public announcement systems within any public space in the Gambia without a police permit, and it is a crime—or one can be charged with incitement—to organize a meeting meant to prepare for a protest against the state. These are just a few of many laws that are negatively impacting individuals and CSOs ability to even facilitate a peaceful protest within their own countries.

We would recommend that positive policing practices/protocols should include strong a accountability mechanism to hold law enforcement officials accountable for human rights violations, as well as human rights officials stationed at various policing institutions to more effectively ensure the protection of civilians.

¹ Edwards, Christian. "Why Did Ethnic Serbs Attack NATO Peacekeepers in Kosovo? Here's What We Know." CNN, May 30, 2023. <https://www.cnn.com/2023/05/30/europe/serbia-kosovo-nato-peacekeeper-protest-explainer-intl/index.html>.

Moreover, while we understand the public also has the responsibility to report any case where law enforcement officials are violating human rights, civilians' ability to access and/or communicate with international human rights organizations continues to be limited by the state—especially within developing nations.

1a. 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?

In Kosovo, the local inspectorate has initiated disciplinary procedures towards police officers who were allegedly involved in human rights incidents during the May 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?

In the Gambia, the Gambia Public Order Act makes peaceful assembly impossible without first acquiring.

an approval permit from the police. This has placed tremendous pressure on civil society in the country. Without this permit, it is a crime, and you are liable to be arrested, charged, and sentenced to jail if an individual or group organizes a protest. Additional protocols falling under this Act include the following:

- a. Individuals and groups are not allowed to use public announcement systems in any public space without a police permit.
- b. It is a crime, or one could be charged with incitement for organizing a preparatory meeting for an upcoming anti-government protest at a public space.
- c. In the event anybody allows any activists or organization who wants to protest against the government or hold a preparatory meeting in a private compound the owner of the space may also be arrested.

The Gambian state government also continues its practice of utilizing local authority figures throughout the country to prevent any anti-government protest from taking place. E.g., Chiefs and heads of villages will summon a community meeting to sanction anybody who allows his or her child to participate in a peaceful assembly against the government and often prohibits protest preparatory meetings from taking place within their own communities.

Additional restrictive protocols found in the Gambia include an individual's inability to march alone against the government, the state removing anti-government ads from billboards an online, and Law enforcement's current misuse of power by intimidating persons suspected of wanting to participate in any form of anti-government protest.

The following restrictive practices/ protocols are followed within the jurisdiction of the Gambian Secretary General:

- Subjecting or compelling protest leaders to sign the condition document that will hold liable in case there is a clash between the law enforcement officials and protesters.

- Law enforcement officials interrogating persons who want to protest against the State before your request for permit is processed.
- Law enforcement officers use force to terminate a peaceful protest.
- Law enforcement officers and government invite and then detain individuals for expressing their freedom of expression

In Kosovo, there is no law created to ensure **journalists' safety** during violent protests and riots, nor are there any standard operating procedures or effective risk mitigation strategies for such cases. Despite some individual contacts, cooperation and communication between law enforcement

2a. 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?

In Kosovo, a protocol to ensure journalists' safety during violent protests and riots: standard operating procedures or effective risk mitigation strategies should be put in place to improve the protection of human rights by law enforcement in the country. Contacts, cooperation, and communication between law enforcement authorities, journalists, and their representatives on a structural level are also necessary.

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?

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

In Gambia, the main obstacle for law enforcement officials in the application of the international standard is contradictory national laws enforced by the state. Other negative societal factors include the continued use of colonial laws, a lack of institutional autonomy within law enforcement entities, a lack of resources, and a lack of proper professional training among law enforcement staff.

Additionally, Partners Kosovo argues that authorities acting within a European context should review legislation and regulatory frameworks for the prevention of ill-treatment in line with European standards; revise the Standard Operational Procedures (SOPs) for the treatment of persons in police custody; Increase awareness among police officers on the revised regulatory framework and SOPs, Review PIK's internal regulatory framework, working methodology and tools to ensure independent and efficient police control; Develop PIK's Training Strategy and in-service training modules; and establish a core group of PIK trainers and train all investigators and inspectors through cascade sessions.

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)?

- a. 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?

No response given

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?

No partners are aware of such protocols

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?
 - a. 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.

N/A Responses provided are unapplicable.

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?
 - a. What have been the gaps and how these should be improved?
 - b. What is the role of civil society, protest organizers and communities in helping with de[1]escalating tension/violence in the context of protests?
 - c. How law enforcement should involve civil society and protest organizers prior, during and after protests in order to prevent and de-escalate tension arising in the context of protests?

No Response provided

8. What other measures have you found/experienced of law enforcement authorities undertaking to prevent and minimize 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 to protect protesters from non-state actors?**

No response provided

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:**
 - a. **children and youth;**
 - b. **women and girls;**
 - c. **LGBTI persons;**
 - d. **people with disabilities;**
 - e. **indigenous peoples;**
 - f. **minority groups;**
 - g. **migrants;**
 - h. **refugees and asylum seekers.**

In the Gambia, no successful/ relevant strategies have been implemented by law enforcement to meet this need. The Movement for Social Justice argues that in their quest to dissuade people from peaceful assembly, law enforcement officials deploy strategies such as the usage of riot squads and other implementing mechanisms such as the use of chemicals, weapons, and ammunition to disperse crowds. These strategies are inhuman and expose victims to health complications. Such practices should be 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.

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?**
 - a. **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?**
 - b. **How civil society can assist in strengthening this process?**

Partners Kosovo, argues for the importance of Reminding authorities to comply with strategies, policies or protocols, and measures that are in place to ensure accountability for law enforcement officials alleged of committing human rights violations. The Constitution of Kosovo provides for direct application of the European Convention on Human Rights and other international treaties, including the Framework Convention for the Protection of National Minorities (FCNM), and their priority over domestic law. In September 2020 the Kosovo Assembly enacted an amendment to the Constitution that gives direct effect to Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), thus extending the list of human rights treaties directly applicable in Kosovo.

In Gambia, our partners argue that the establishment of an independent and impartial human rights investigative institution is extremely necessary. This national human rights commission, in collaboration with civil society, members of parliament, and the national assembly should be tasked with investigating complaints against local law enforcement officials accused of committing human rights violations.

Legislative protocols intended to protect protesters, as well as special tribunals tasked with reviewing cases against law enforcement, should also be implemented within the state. Creating an accountable Law enforcement force starts by implementing policies that make them directly responsible to the people they serve. Political entities must change the ways in which they influence institutional behavior.