



ماعت للسلام والتنمية وحقوق الإنسان  
Maat For Peace, Development, and Human Rights

## Maat for Peace' submission on Development of practical tools to assist law enforcement bodies in promoting and protecting human rights in the context of peaceful protests

### Report Background:

States perceive protests as a threat to the governments and a potent stimulus to crises. In contrast, people believe that protests or demonstrations are vital to ensure the health of communities, as they allow different communities to raise their voices and get the world to hear their messages and contribute to the realization of the right to freedom of peaceful assembly as part of a healthy ecosystem that allows people to participate in decision-making and to develop more transparent and responsive policies. However, the alarming challenge is that protests are often perceived as an abuse of national security or public order, leading to the use of force to deter such protests.

At its fiftieth session in June 2021, the Human Rights Council adopted resolution 21/50, mandating the United Nations Special Rapporteur on the right to freedom of peaceful assembly and association to develop "specific technical and practical tools to assist law enforcement in the promotion and protection of human rights in the context of peaceful protests."

In a related context, many human rights violations are committed by law enforcement agencies during dispersing protests, such as extrajudicial executions, arbitrary arrests, enforced disappearances, torture, and other cruel, inhuman, degrading treatment or punishment. In addition, police forces use excessive force against journalists, human rights defenders, and medical workers who peacefully participate in protests. According to the reports and real facts, no State has ever dealt with the security forces wisely and humanely or fully respect the law during the protests.

Accordingly, **Maat for Peace, Development and Human Rights** seeks in this report to answer some of the questions raised in the questionnaire made by the Special Rapporteur on the right to freedom of peaceful assembly to gain insights into practical tools necessary to assist law enforcement in promoting and protecting human rights and facilitate peaceful protests and ways of developing them, in accordance with the international human rights law and standards.

### (Question 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?**



ماعت للسلام والتنمية وحقوق الإنسان  
Maat For Peace, Development, and Human Rights



**Organization in special consultative status with the Economic and Social Council since 2016**

**Headquarters:** 148 Misr Helwan El-Zyrae Road, El Matbaa Sq, Hadayek El Maadi, 4<sup>th</sup> Floor, No 41, Cairo, Egypt

**Maat Training Center:** 380 Corniche El Nil St., Gawharet El Maadi Tower, 38<sup>th</sup> Floor, Tower B, Cairo, Egypt

490 El Maadi [www.maatpeace.org](http://www.maatpeace.org)

00(20) (2) 25266026

00(20) (2) 25266019



[maat@maatpeace.org](mailto:maat@maatpeace.org)

+201226521170

Some international and regional standards are effective in ensuring respect for human rights during peaceful protests or gatherings, which human rights organizations relied on when law enforcement authorities breached it, such as Article 20 (1) of the Universal Declaration of Human Rights, article 21 of the International Covenant on Civil and Political Rights, article 15 of the Convention on the Rights of the Child, article 11 of the European Convention on Human Rights, article 15 of the American Convention on Human Rights, article 12 of the Charter of Fundamental Rights of the European Union and article 12 of the Common Independent States Convention. These treaties derive their relevance partly from the case law of their respective monitoring bodies, such as the United Nations Human Rights Commission, the European Court of Human Rights, and the Inter-American Commission on Human Rights<sup>1</sup>. We cannot provide examples of positive practices in the context of mass protests, as law enforcement forces always resort to force and violence to deter demonstrations; They are always a threat to the regime of the State.

### (Question 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?? What actions have the law enforcement authorities found to be effective in overcoming these challenges? What further measures should be taken by the authorities?**

There is a major obstacle to a country's law enforcement authorities from facilitating protests is the lack of law, protocol, or international guidance that provides law enforcement forces with practical evidence to deal with demonstrators. In addition, some demonstrators or protesters use violence or carry light weapons. Among the actions taken to overcome these challenges are using the media to warn of the non-use of force, and emphasize the peaceful of protests, using television to air protests to restrict police tendencies to resort to the use of force. The relevant authorities should conduct comprehensive training courses for the security forces to ensure the humane handling of demonstrators or protesters.

### (Question 4)

**In the context of protests in crises, which specific strategies and practices undertaken by law enforcement authorities prior to, 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 crises?**

The authorities use the national media to reduce protests and participation. Some states don't allow publishing news about protests, as law enforcement forces call demonstrators to retreat and break up gatherings using force from less lethal to intermediate weapons, in addition to spraying water and gas and beating with batons and rubber bullets. For improvements, an indicative protocol should be developed containing special articles on the protection of human rights in the context of peaceful protest, particularly during crises, articles on the use of force and the organization of force, articles on the safeguarding of protesters' rights and how to claim their rights without harm or violence and articles

---

<sup>1</sup> Guidelines on Freedom of Peaceful Assembly, publications of the Office of Democratic Institutions and Human Rights, available at the following link: <https://eipr.org/file/808/download?token=2cZqYACn>

related to accountability and to claim their rights if violated by law enforcement authorities. Restraint must also be exercised when using less lethal weapons with widespread effects, such as tear gas and water cannon, to avoid disproportionate harm. It is also unacceptable that the State authorities intentionally and indiscriminately use excessive quantities of gas in residential and vital areas or where hospitals or medical clinics are located. Moreover, firing orders should not be issued for killing; It is an indirect authorization of extrajudicial executions. An international covenant or protocol that prohibits law enforcement from making any decisions regarding using necessary measures to disperse gatherings must exist, and there are natural steps in dispersing gatherings that should be done, one of which does not involve using murder, bullets, or threats to life.

### (Question 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?**

We have not noted any positive measures taken by law enforcement authorities to prevent gender-based violence in the context of protests, as security forces have threatened women's and girls' lives. Women are often at the forefront of protests, so security uses violence against them to discourage others from trying to imitate them. Several reports indicate that law enforcement officials use sexual and gender-based violence as a weapon to discourage women from participating in protests, and it is one of the tactics used to intimidate and break up protests. For improvements, it is suggested that a "guide," which includes instructions on neutralizing gender-based violence in the context of spontaneous or mass protests, should be developed through the organization of training courses and workshops for law enforcement officials, training them in dealing with sexual disparities and not resorting to violence in exceptional contexts and without exposure to women, girls, lesbians or transgender persons .

### (Question 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 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**

Adherence to international treaties, such as the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance, and there are no positive examples of law enforcement practices that aim to protect protestors. The arrests are always justified, and those responsible were not held accountable in African and European States.

### (Question 7)

**What law enforcement strategies and practices undertaken by law enforcement authorities prior to, 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 organizers and communities in helping with de-escalating tension/violence in the context of protests?**

The authorities always use public figures, social platforms, and national media to marginalize protests, question protesters' intentions, de-escalate the situation or make political concessions at the expense of reducing tension or potential violence on the street. Civil society plays an important role in documenting violations during protests and demanding compensation for victims of violations. Civil society can also be effective in reducing tension by speaking on behalf of protesters, assessing demands in terms of priorities, presenting them to decision-makers, consulting them, and thus presenting them to protesters. Civil society is acting as a mediator to de-escalate tensions between protesters and the authorities, and the authorities must accept the mediation of civil society organizations to prevent and de-escalate tensions arising in the context of the protests.

**(Question 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?**

Domestic legislation should be developed for each State restricting the excessive use of force by law enforcement forces, as well as adherence to each State's international obligations and an attempt not to violate international human rights law. In addition, an independent body must be established in each State to receive complaints of human rights violations in the context of protests by law enforcement agencies. Each State must establish mechanisms commensurate with its internal economic and political situation that enjoy administrative and material independence and are supervised by the Public Prosecutor/Prosecutor to activate the supervisory role of institutions involved in receiving complaints of human rights violations by law enforcement agencies in the context of the protests.

**Recommendations:**

Maat Recommends relevant actors to work together under the banner of the United Nations and subject-matter experts, in particular the Special Rapporteur on the right to freedom of peaceful assembly and association, in order to ensure the protection of the rights of persons participating in the protests and to prevent any human rights violations. Maat concludes with a set of recommendations as follows:

**1. Governments and International Community:**

- Stop hostile rhetoric that stigmatizes peaceful protests as a threat to national security and develop ways to facilitate dialogue between protesters and relevant authorities to find the best solutions without using violence.
- Persons who were arbitrarily detained in any demonstration/protest should be released, and the victims' families who disappeared during or after it should be informed of their whereabouts.
- Harmonizing all national legislation on protests, national security, and public health with international standards, establishing clear definitions of protest, protesters' rights, and rules on the use of force against demonstrators, and not permitting the use of any measures to end the protest.

- Prohibiting unjustified use of force, issuing protocols on facilitating protests that comply with international standards on using it, and restricting the use of lethal and less lethal weapons.
- Providing training and practical workshops to law enforcement officials on how to deal with protesters, how to deal with gender disparities and respect for human rights while deterring protesters, learning strategies for de-escalation and negotiation, and ensuring full compliance with all relevant international instruments and national legislation.

## 2. Civil Society Organizations:

- The need to act as a "mediator" between protesters and the Government, to highlight the list of protesters' cases to decision-makers and policymakers, and to support investigations and prosecutions of cases of gross human rights violations.
- Ensuring victims' access to effective remedies and assisting them in obtaining appropriate reparations.

## 3. Special Rapporteur on the Right to Freedom of Peaceful Assembly and Association:

- The need for an international protocol or guideline that explains how to use force prohibits States from using it against demonstrators and strictly prohibits using lethal weapons against protesters.
- The need to establish a protocol containing jurisdiction against law enforcement officials who commit grave violations against demonstrators and are not held accountable or prosecuted for what they have done.
- The importance of developing a comprehensive strategy for protests, including all the rights to be respected by protesters, authorities, and observers before, during, and after protests, to ensure that any violation of human rights is prevented.