



Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests

Summary

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This model protocol is part of a technical and practical toolkit developed by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, in collaboration with the United Nations Office on Drugs and Crime and the Office of the United Nations High Commissioner for Human Rights, pursuant to Human Rights Council resolution 50/21. The aim of this model protocol, and the toolkit, which are based on international human rights laws, standards and good practices, is to enhance the capacity and practice of law enforcement agencies to fulfil their duty to promote and protect human rights in the context of peaceful protests.

The toolkit encompasses three components, including component 1 with 'checklists' complementing the main parts of this protocol; component 2 on the use of digital technologies by law enforcement in the context of peaceful protests; and component 3 with an outline of a handbook on facilitating peaceful protests for law enforcement officials.



1 Agreement was reached to publish the present document after the standard publication date owing to circumstances beyond the submitter's control

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I Introduction



1 This model protocol is part of a technical and practical toolkit developed by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, in collaboration with the United Nations Office on Drugs and Crime and the Office of the United Nations High Commissioner for Human Rights², pursuant to Human Rights Council Resolution 50/21.³

2 The toolkit also includes three Components: Component 1 with detailed ‘checklists’ complementing the main parts of this protocol; Component 2 on the use of digital technologies by law enforcement in the context of peaceful protests; and Component 3 with an outline of a handbook on facilitating peaceful protests for law enforcement officials.⁴

3 The tools are based on existing international human rights law, standards and norms, and reflect recommendations and good practices collected during five regional consultations with law enforcement practitioners and civil society representatives; a global expert consultation on digital technologies; and a separate global consultation attended by States, law enforcement officials, civil society representatives, regional mechanisms, oversight mechanisms, and relevant experts. Written submissions were provided from States, National Human Rights Institutions, civil society and experts.

4 Provisions in this document are grounded, in particular, on the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Human Rights Committee General Comment No. 37 (2020) on the right of peaceful assembly, the Code of Conduct for Law Enforcement Officials (the Code of Conduct)⁵, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (the Basic Principles)⁶, and other guiding documents, such as the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement (the Guidance on Less-Lethal Weapons), as well as on relevant regional human rights instruments and guidance.⁷



1 Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter’s control.

2 As mandated by the HRC Resolution 50/21, the toolkit was developed in collaboration with UNODC and OHCHR. The Special Rapporteur is responsible for the produced text.

3 A/HRC/RES/50/21, para. 34

4 The handbook will be finalized by the end of 2024.

5 General Assembly resolution 34/169, Annex (1979)

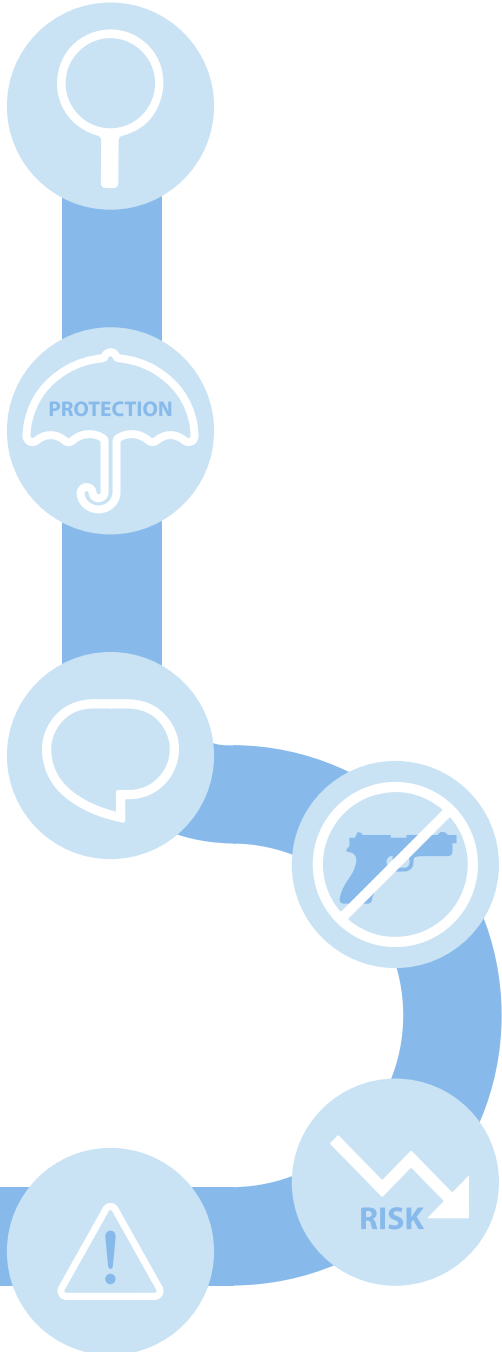
6 A/CONF.144/28/Rev1, Annex (1990)

7 See, for example, African Commission on Human and Peoples’ Rights, Guidelines on Freedom of Association and Assembly in Africa (2017) and Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa (2017); and Inter-American Commission on Human Rights, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights: Standards on the rights involved in social protest and the obligations to guide the response of the State (2019), and OSCE/ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly (2019).

II Objective and scope



- 5** This model protocol provides practical recommendations aimed at assisting States and their law enforcement agencies and officials in strengthening the required institutional capacity, rules, protocols, strategies and procedures, and fulfilling their international human rights obligations, specifically in relation to respecting, promoting and protecting human rights while facilitating a peaceful protest. It is primarily addressed at law enforcement officials, mainly those with decision-making and command powers, at strategic, tactical and operational levels, dealing with the facilitation of peaceful assemblies, particularly protests.
- 6** The toolkit can further assist States in realising their human rights obligations that require them to adopt legislative, judicial, administrative, educative and other appropriate measures, and to provide effective remedies for human rights violations.⁸ It can also serve as a useful tool for civil society and other stakeholders working towards ensuring human rights-compliant facilitation of peaceful protests by law enforcement.
- 7** “Law enforcement officials” hereafter refers to “all officers of the law, whether appointed or elected, who exercise police powers,” as defined by the Code of Conduct for Law Enforcement Officials⁹, particularly those engaged in the facilitation of protests.
- 8** This document should be read and implemented as a whole. Although the protocol focuses on peaceful protest, as requested by Human Rights Council resolution 50/21, its provisions and recommendations apply to all forms of peaceful assembly, irrespective of whether they take place outdoors, indoors or online, whether organised, spontaneous or simultaneous. Provisions in this document in no circumstances should be interpreted as to restrict the right to freedom of peaceful assembly or to infringe human rights.



⁸ CCPR/C/21/Rev.1/Add.13, paras. 6-8
⁹ General Assembly resolution 34/169, Article 1



III General principles and norms for effective facilitation of peaceful protests



A. General principles and norm

- 9** The following principles derive from international human rights law and instruments and should be upheld by all branches of government (executive, legislative and judicial), and other public and governmental authorities, at national, regional or local levels.¹⁰ Law enforcement officials should strive to uphold these principles, recognising that their law enforcement role must always be performed within a human rights framework.
- 10** The right to freedom of peaceful assembly is fundamental for enabling the full enjoyment and realization of civil, political, economic, social and cultural rights enshrined in the International Covenant on Civil and Political Rights and in the International Covenant on Economic, Social and Cultural Rights. This right is vital for upholding democracy, achieving a just and peaceful society, advancing fair development and climate justice.
- 11** Peaceful protest is an important form of the exercise of the rights to freedom of peaceful assembly, of expression and of association, and of participation in the conduct of public affairs, and is protected under these rights enshrined in the International Covenant on Civil and Political Rights, as well as in the Universal Declaration of Human Rights.¹¹
- 12** Everyone has the right to freedom of peaceful assembly without discrimination based on race, colour, ethnicity, age, sex, language, property, religion or belief, political or other opinion, national or social origin, birth, minority, indigenous or other status, disability, sexual orientation or gender identity, or other status.¹²
- 13** States and their law enforcement agencies are obliged not to impose undue restrictions or interfere with peaceful assemblies.
- 14** States and their law enforcement agencies and officials have a positive obligation to facilitate peaceful assemblies, including protests, by ensuring that those taking part can safely conduct their activities without discrimination or abuse, including from non-State actors (such as other members of the public, counterdemonstrators, armed groups, and private security providers), while respecting of participants' rights and agency and making it possible for participants to achieve their objectives.¹³
- 15** Specific, supportive and protective efforts should be made to facilitate the right to freedom of peaceful assembly of individuals or groups that may be in situations of vulnerability, have been subjected to discrimination, marginalisation or may face particular challenges in participating



¹⁰ CCPR/C/21/Rev.1/Add. para. 4

¹¹ See, for example, ICCPR Article 19 on the right to freedom of expression Article 21 on the right to freedom of peaceful assembly, Article 22 on the right to freedom of association, Article 25 on the right to participate in public affairs; UDHR Article 20 on the right to freedom of peaceful assembly.

¹² General Comment No.37 paras. 6,25

¹³ General Comment No.37, para. 24

in assemblies, such as women, children, indigenous peoples, migrants, LGBTQI+ persons, persons of African descent, persons belonging to minorities, persons with disabilities and others.

- 16** Children (persons under 18) enjoy the right to freedom of peaceful assembly on an equal footing with adults.¹⁴ Measures tailored to the specific needs and rights of children should be planned and implemented to facilitate the right of children to take part in and organise peaceful protests.¹⁵
- 17** Media workers, monitors and other observers, lawyers, human rights defenders and medical personnel contribute to the full enjoyment of the right to freedom of peaceful assembly. They should be protected and their work facilitated, even if the protest is dispersed or declared "unlawful".¹⁶ The right to freedom of peaceful assembly covers the right to monitor.¹⁷
- 18** Notification requirements in national law must never be enforced to restrict the right to freedom of peaceful assembly. Non-compliance with any notification requirement does not displace the obligation of the authorities to facilitate a protest and to protect its participants, including from violence or interference by non-State actors. National laws should not require prior authorisation for assemblies and must also enable the holding of spontaneous assemblies.¹⁸
- 19** Protest should be presumed to be peaceful (unless there is compelling evidence to the contrary), and should continue to be regarded as peaceful unless participants engage in widespread and serious violence.¹⁹
- 20** Any restriction to the right to freedom of peaceful assembly should only be imposed on a case-by-case basis, meet the strict requirements of legality, legitimacy, necessity, proportionality and non-discrimination, and be imposed for the shortest possible time.
- 21** Restrictions on exercising the right to freedom of peaceful assembly can be imposed only exceptionally in "the interests of national security; public safety; public order (ordre public); the protection of public health or morals; or the protection of the rights and freedoms of others."²⁰
- 22** Restrictions imposed in relation to prohibition of "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence"²¹ must comply with the six-part threshold set by the Rabat Plan of Action.²²
- 23** States should only consider the prohibition of a specific assembly as a measure of last resort, and only after the authorities have exhausted other less intrusive measures.²³
- 24** Any restriction should be subject to prompt, competent, independent and impartial administrative or judicial review, and those

13 General Comment No.37, para. 24

14 Convention on the Rights of the Child, Article 15

15 See for more UNICEF, Free and safe to protest: Policing assemblies involving children (2023)

16 A/HRC/50/42, para. 78(k)

17 General Comment No.37, para. 30

18 A/HRC/20/27, paras. 14,28,72

19 General Comment No.37, paras.15,17

20 Ibid. para. 41

21 ICCPR, Article 20

22 A/HRC/22/17/Add.4

23 General Comment No.37, para. 37

affected should have access to timely and effective remedies.²⁴ Blanket bans should not be imposed, as they fail to pass the test of necessity and proportionality.

25 When facilitating assemblies, law enforcement should strictly comply with the international standards on the use of force, in particular with the Basic Principles on the Use of Force and Firearms, and aim to avoid the use of force entirely. Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall minimize damage and injury, and respect and preserve human life.²⁵

26 Under no circumstance should law enforcement officials violate the absolute prohibition of torture and other ill-treatment in the context of peaceful protests, even when a protest is considered no longer peaceful. The unlawful use of force during assemblies may constitute a violation of the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment.²⁶

27 Additional efforts should be made towards fulfilling the duty to facilitate peaceful protests in times of crisis, periods of transition and during peace processes, recognising the essential role peaceful protests have in achieving inclusive and human rights-compliant crisis management, conflict resolution, and the building of sustainable peace and democracy.²⁷

28 The imposition of a state of emergency

must not be used as a pretext by States to infringe on the right to freedom of peaceful assembly and must strictly comply with international human rights law.²⁸

29 States and law enforcement officials must ensure that any response to protests prevents violations of and fully protects those rights from which no derogation is permitted, including during imposition of a state of public emergency.²⁹

30 In situations of armed conflict, including military occupation, international human rights law and international humanitarian law are complementary and mutually reinforcing, and States must comply with their applicable obligations under international human rights law (and standards) during peaceful protests, including in relation to the use of force and firearms.³⁰

31 Pursuant to the United Nations Guiding Principles on Business and Human Rights, States and private companies should ensure accountability and due diligence regarding the design, production, transfer, procurement and use of any weapons, equipment and technology used by law enforcement in the context of peaceful protests.

32 Digital technologies should not be used to categorise, profile, or remotely identify individuals (including by biometric means) during protests, as they are discriminatory and inconsistent with the law enforcement obligation to facilitate peaceful protests.³¹

24 Ibid. para. 29.

25 The Basic Principles, paras. 2, 3, 5

26 A/72/178, para. 34

27 In line with A/HRC/50/42 and A/78/246

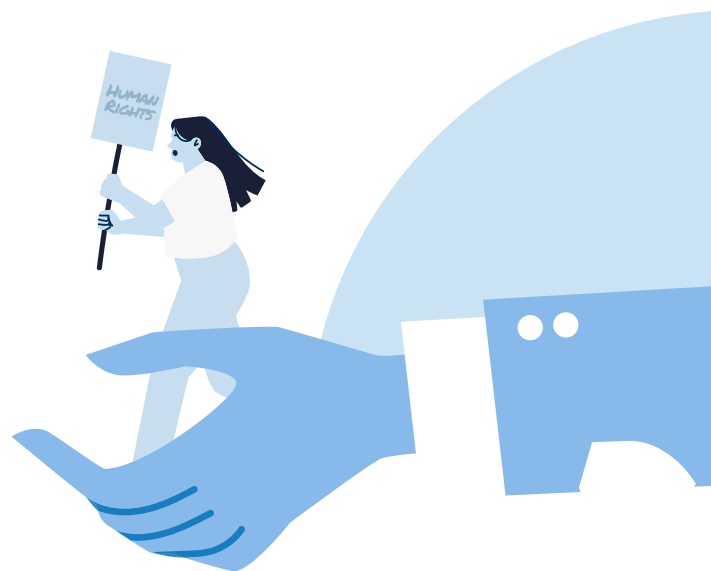
28 In line with General Comment No. 29 on Derogations during a State of Emergency; Siracusa Principles on the Limitation and Derogation Provisions in the ICCPR; Joint declaration on protecting the right to freedom of peaceful assembly in times of emergencies

29 ICCPR, Article 4(2)

30 In line with A/HRC/RES/50/21 and General comment No. 36 on the right to life

31 Ibid. para. 53(f)

- 33** In light of the pace of technological change, untested or unproven new technologies (or technologies that have evolved) should not be deployed during protests. Such technologies should be subject to full independent human rights review and technical testing, in line with international human rights standards, that must also evaluate the likely impact on individuals and groups in situations of vulnerability.



B. Prerequisites for effective facilitation of peaceful protests

- 34** States should foster a climate that respects and promotes the right to freedom of peaceful assembly, including an enabling legal framework. All laws, regulations, guidance and policies, including those related to national security, public order, emergencies, countering terrorism and violent extremism, technology, or financial crimes, should be in line with international human rights law, must be publicly accessible, and their interpretation and application must not result in undue restrictions on freedom of peaceful assembly.
- 35** States should establish human rights-based, democratic, professional, ethical, inclusive and representative law enforcement agencies, which are independent of political pressure and are accountable and responsive to diverse individuals' and communities' needs. Diversity within law enforcement agencies should be encouraged, including by increasing women's representation, through ranks and in decision-making.³²
- 36** Victim-centred accountability measures and prompt, impartial and effective remedies should be available for all who have suffered human rights violations by law enforcement or other actors in the context of peaceful protests and shall meet the differentiated needs of victims.³³
- 37** To ensure effective accountability, States must bring those responsible, including superiors, to account for acts or omissions resulting in human rights violations in the context of protests. Law enforcement immunities, such as those related to the use of force in the context of peaceful protests, should be proscribed. Appropriate and gender-sensitive legal, institutional and policy measures should be adopted, including within the security sector, to prevent the recurrence of violations, including sexual and gender-based violence. The work of oversight bodies should be promoted, adequately resourced and supported.
- 38** Authorities should strictly refrain from deploying in the context of peaceful protests the army or any military-type units, tactics or equipment, or other units outside the official law enforcement chain of command. Any unit involved should fall under the command of law enforcement and follow the laws and regulations applying to law enforcement.³⁴

³² A/HRC/50/42, para. 52

³³ A/HRC/53/38, paras. 67, 82(h)

³⁴ General Comment No.37, para. 80.

C. Key principles for the use of digital technologies in the facilitation of protests

- 39** Any use of digital technologies to facilitate a protest should be solely aimed at enabling the right to freedom of peaceful assembly. Protests should not be seen as opportunities for surveillance or the pursuit of broader law enforcement objectives through the use of digital technologies.
- 40** Legal frameworks related to digital technologies conforming to international human rights law and standards, including data protection laws and robust regulation and oversight mechanisms, must be established and supported by practical guidance. The acquisition and use of any digital technologies in the context of protests must meet the requirements of legality, necessity and proportionality. This must be demonstrated effectively, and supported by appropriate evidence.
- 41** Internet shutdowns, surveillance on the basis of group affiliation, and the targeted use of spyware in the context of protests are incompatible with international human rights law and must not be used.³⁵



IV Broader human rights-based policing principles relevant to the facilitation of peaceful protests



42 For the effective facilitation of peaceful protests, law enforcement must be guided at all times throughout a protest cycle by their primary duty to facilitate the right to freedom of peaceful assembly, promote and protect human rights and freedoms, and by the principles of non-discrimination, precaution and accountability. Law enforcement decisions, strategies and actions should be based on the concepts of knowledge, facilitation, communication and differentiation and must aim at de-escalating and preventing tension and recourse to the use of force.

43 A culture of respect and accountability for human rights and non-discrimination should be fostered, incorporating a "zero tolerance" policy towards any abuse by law enforcement officials in the context of protests, including sexual and gender-based violence, discrimination, and torture and other ill-treatment.



A. Community-oriented policing and transparent communication

44 Communication with the public is key to explaining the role and objectives of law enforcement in relation to upcoming protest events. Law enforcement agencies should proactively develop meaningful and long-term community-oriented policing strategies and seek to establish and build trust with communities and civil society. Such communication should start well in advance of any specific protest.

45 All law enforcement interactions and communications should be carried out with honesty and transparency, and a "no surprises" approach should be applied, whereby law enforcement officials are clear and open with organizers,

participants and community members about their policing intentions and plans. Law enforcement should focus on seeking to reassure the public, recognizing that in different contexts a visible law enforcement presence may or may not provide such reassurance (and that alternative ways of providing such reassurances may be more effective). Communication strategies should include opportunities to provide feedback that can inform decision-making and enable law enforcement officials to gain a better understanding of community dynamics, grievances, protection needs, and cultural and other sensitivities, which need to be considered in the context of protests.

46 Law enforcement should:

- Conduct regular community impact assessments, which should be considered in the planning stage and during the facilitation of protests.
- Attempt to engage with communities and civil society, whose members show a reciprocal willingness to engage with law enforcement officials, through public consultation meetings and other types of community forums. Engagement must always be entirely voluntary and should be aimed at meaningful dialogue, offering opportunities to hear concerns and influence law enforcement decision-making.
- Consider prioritising advance communication and information exchange with relevant key stakeholders to establish channels for dialogue with the aim to promote preparedness, de-escalate tensions and resolve disputes. Relevant stakeholders may depend on the context, scale and type of protest(s), but potentially include National Human Rights Institutions (NHRIs), ombudspersons, National Preventive Mechanisms (NPMs) and other independent oversight bodies (those focusing, for example, on the protection of children and young people, or on privacy), civil society organizations, human rights defenders, academia, medical personnel, and business and residential communities.
- Put in place a comprehensive media strategy ensuring that officials and public messages use neutral language and avoid stigmatising or hostile rhetoric regarding a protest, organisers, participants, or other actors involved.
- Make law enforcement operations transparent to the public by making disaggregated data on law enforcement actions in the context of protests accessible. Proactively address and respond to public inquiries, media requests and reports from monitors and other relevant stakeholders concerning past and ongoing protests.

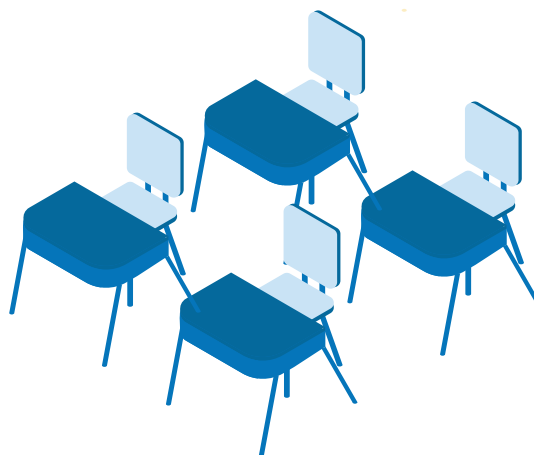
B. Training

- 47 Initial and ongoing human rights-orientated and gender-inclusive training of law enforcement officials is essential for the effective facilitation of protests. Practical and skills training should be available to all law enforcement officials involved in facilitating protests, particularly for commanding officers. Refresher courses should be required at least once a year and/or before deployment to a protest, especially when anticipating a mass protest. Mandatory testing should be implemented for officials involved in protests in accordance with appropriate proficiency standards. Officials who do not pass the test must not be involved in protest facilitation.



48 Law enforcement should:

- Ensure that officers receive adequate and continuous training in facilitating, respecting and protecting human rights in the context of peaceful protests, according to international human rights standards, reflecting 'real-world' experiences and incorporating good practices and lessons learned from past experiences.
- Establish a training curriculum which is competency-based and emphasises learning practical skills, prioritising facilitation, communication, negotiation, de-escalation and human rights-compliant crowd facilitation techniques.³⁶ Training courses should include tailored sessions on prevention of sexual and gender-based violence and on the specific needs of individuals and groups in situations of vulnerability.
- Ensure that commanders receive training on human rights-compliant decision-making.
- Include training on human rights implications of any digital technologies used in the context of protests. Officials need to understand how digital technologies work, as well as the capabilities and limitations of the respective technologies and any human rights implications, including in relation to the right to freedom of peaceful assembly.
- Include practical training³⁷ on the use of force and the authorised instruments of force in the context of protests, in line with international human rights standards.
- Ensure that officials have proficiency in using instruments of force and other equipment, as per established human rights standards, and that authorisation to use respective instruments of force or equipment is only given to those officers with such proficiency. Refresher training and re-qualification in such cases should be annual, and officers who fail to pass must have their authorisation to use such instruments of force or equipment withdrawn.
- Record types and dates of training and refreshers undertaken by each officer and/or unit so that commanders can select and deploy appropriate officers to specific protests.



³⁶ See, for example, OHCHR, Human Rights and Law Enforcement, A Manual on Human Rights Training for Law Enforcement Officials (2017)

³⁷ Ibid. Chapter 5

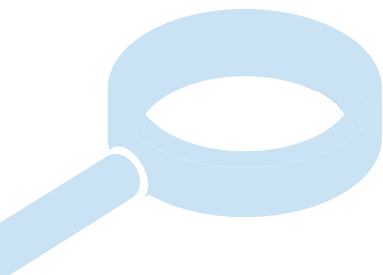
C. Accountability

49 Accountability is a core principle for the effective exercise of the right to freedom of peaceful assembly, which should underpin all stages of any law enforcement operation. To ensure effective accountability in the context of protests, law enforcement agencies should develop preventive measures and institutional and regulatory frameworks for integrity and oversight, ensure impartial and timely investigation and appropriate sanctions in cases of human rights violations, and guarantee support to victims.

50 Accountability, including command accountability, applies at all stages of the protest. Superiors should be held accountable for their decisions or if they did not take all measures in their power to prevent, suppress or report the unlawful use of force or firearms and if they knew or should have known that law enforcement officials under their command engaged in such abuses.

51 Law enforcement should:

- ➔ Ensure clear and individual identification of all officers and units involved in a protest at all times, including wearing name badges or identification numbers and displaying rank insignia, which should be visible and non-removable. In all cases, commanders should know which officer is active in which area, and the tasks and instruments of force they are responsible for.
- ➔ Develop a robust, transparent and auditable record-keeping system for all decisions, actions and orders made by commanders at all levels, including the rationale behind them.
- ➔ Develop clear guidelines on self-reporting for officials, including on the use of force and instruments of force, in line with the Basic Principles and the Guidance on Less-Lethal Weapons, describing what occurred, when, where and why. A culture of accountability and transparency should be fostered, without fear of repercussions. Measures must be taken to ensure the protection of whistle-blowers.

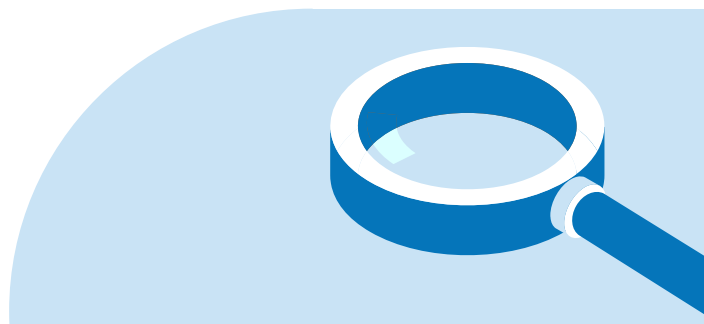


- Establish transparent lines of command with clear tasks, responsibilities and decision-making processes informed by ongoing risk assessment. Law enforcement agencies need to make sure that all orders and instructions passed through the line of command are lawful. Mechanisms and procedures should be put in place to allow officials to report and object to carry out manifestly unlawful orders.³⁸
- Retain effective command and control for all forces and units involved in facilitating protests. This also includes maintaining the overall responsibility and control for application of equipment, including any digital technologies, in operations that involve multiple partners.
- Actively cooperate with relevant authorities and oversight bodies in charge of investigations to ensure effective prosecutions and sanctions of law enforcement officials, including commanders. Those facing allegations of human rights violations should be removed from facilitating protests until the completion of an effective investigation and establishment of responsibility.
- Ensure public availability of protocols, procedures and guidance related to protests and the use of force, including detailed lists of law enforcement units, weapons and equipment used for the facilitation of protests.
- Consider establishing an independent multi-stakeholder reference group to advise law enforcement agencies on human rights protection and/or to act as a critical sounding board, especially in cases of mass protests or protests that extend over a long period of time.

52 To facilitate accountability for the use and application of digital technologies, law enforcement should ensure that the oversight mechanisms incorporate appropriate human rights safeguards.

53 Law enforcement should:

- Ensure transparent and auditable record of all pertinent decision-making concerning digital technologies.
- Ensure that retained data pertaining to the use of force and human rights violations is used solely for the purposes of investigating and prosecuting crime and is only available for those purposes. Establish a presumption of non-retention for other digital data gathered with respect to a protest.
- Develop procedures to enable protest participants to challenge the collection, analysis, storage and sharing of their data by state and non-State actors, and to call for the deletion of data, as necessary. This should include special consideration of children.



D. Law enforcement well-being

54 The safety, health and well-being of law enforcement officials is important for ensuring human rights-compliant facilitation of peaceful protests. This requires establishing an organisational environment which respects officers' dignity, and physical and moral integrity and allows them to continue to exercise their duties in a professional manner and with respect to human rights. An overworked, stressed or exhausted law enforcement official, while operating in a stressful environment, such as in case of some protests, risks making errors of judgment resulting in human rights violations. Commanders must balance operational effectiveness with the health and safety of officers, ensuring that officers' ability to carry out their duties is not compromised.

Law enforcement should:

55

- ➔ Develop guidelines, which ensure the resilience of officers and commanders. It is recommended for such guidelines to:
 - i. Secure availability of a stand-by team if officers are tired and need to rotate during a protest;
 - ii. Specify appropriate conditions for officers, including designated rest areas away from protest sites with the availability of gender-appropriate facilities;
 - iii. Detail appropriate protective equipment for officers' physical and health safety, along with weather protection equipment, hydration packs, first aid kits, and other essentials for health maintenance;
 - iv. In case of high-intensity protests, extreme weather conditions or during a pandemic, introduce more frequent rotations to manage officers' stress and fatigue;
 - v. Guarantee that officers receive adequate time off between shifts and after deployment for rest and recuperation. Additional time off may be considered if the officers show signs of cumulative stress;
 - vi. Specify fair compensation for overtime or hazard pay due to extended hours or dangerous conditions.



- Ensure immediate and appropriate medical treatment for injured officers followed by long-term medical support, whenever required. Law enforcement agencies should also extend support to families of officers who were killed, injured or experienced trauma in the context of protests.
- Provide officers who work in units that are routinely exposed to highly stressful situations with psycho-social support and relevant medical assessments (including a system where they can self-refer).
- Provide opportunities for officers to seek medical and psycho-social assistance in a confidential manner, including by police counsellors or external clinical psychologists specializing in post-traumatic stress management.



V. Before a protest: planning and preparation



56 Timely and thorough planning and preparation aimed at de-escalation and prevention are key to ensuring that law enforcement officials fulfil their duty to facilitate peaceful protests and to prevent human rights violations while protecting and promoting human rights.

● A. Engaging with protest organizers and participants

57 Some level of cooperation and efforts to establish trust with protest organizers and participants can assist in the facilitation of peaceful protests. Discussions may, for example, seek to agree on the parameters of how law enforcement can facilitate a protest so that organizers and participants can best achieve their set objectives. Where channels of communication are established with organizers, these should be transparent, accountable and build community partnership. Law enforcement should openly recognize that engagement on the part of organisers must be entirely voluntary. While it may be good practice for organizers and participants to engage in such contact, they cannot be required to do so.³⁹



58 Law enforcement should:

- ➔ Reach out to organizers, including when organizers are children, to discuss, among others, protest objectives and facilitation strategies. Law enforcement should maintain a summary record of this communication (or of the attempts to engage in such communication).
- ➔ Desist from repeat attempts to contact organizers who have made it clear that they do not wish to engage with law enforcement officials. Lack of engagement should not be used to penalise protest organizers or participants.
- ➔ Consider consulting with and involving other stakeholders in the design of strategies to facilitate a protest, recognizing that some stakeholders may be better placed to engage constructively with organizers than law enforcement officials. Such stakeholders might

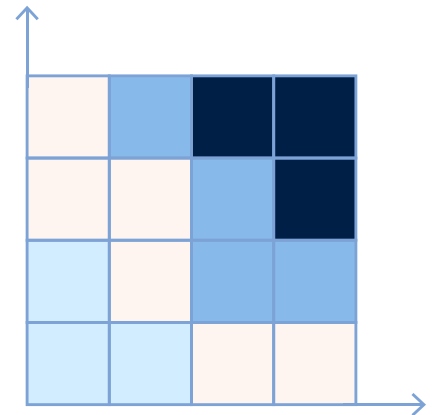
³⁹ General Comment No.37, para. 75

include relevant civil society representatives, lawyers, mediators, human rights defenders or oversight bodies.

- ➔ Designate a point of contact at the tactical command level directly involved in the facilitation of a protest to be available for ongoing communication with protest organisers. Communicate, whenever relevant, the agreements made during engagement with organizers through public channels, emphasising that organizers should not be held responsible for actions of protest participants.
- ➔ Communicate, whenever relevant, the agreements made during engagement with organizers through public channels, emphasising that organizers should not be held responsible for actions of protest participants.

● B. Planning and information gathering

59 Law enforcement agencies should continuously gather information, in strict compliance with international human rights standards, to inform the development of a strategic plan, which should include legitimate and clearly defined law enforcement objectives, type of the operation, planned tactics and tactical deployment of personnel. Law enforcement officials should also conduct a thorough evidence-based risk assessment to anticipate potential risks related to a protest and to develop concrete measures for the prevention and mitigation of those risks.⁴⁰



60 Law enforcement should:

- ➔ Put robust measures and safeguards in place to prevent human rights violations during information gathering, including the violation of privacy rights, and to prevent gathered information from being mis/used in violation of participants' rights. Any techniques used by law enforcement for gathering information relevant to a protest should be guided by appropriate human rights principles.
- ➔ Refrain from profiling individuals based on their previous organization or participation in protests, and refrain from introducing any kind of 'restriction lists' by issuing banning orders on the organisation of or participation in a protest without a legal basis, unless there is evidence of a danger of imminent violence.
- ➔ Refrain from introducing undercover operations in the context of protests, as such techniques create a deeply chilling effect and often result in human rights violations. Any undercover operations, when justified, must be authorised and constantly kept under review by judicial authority and such authority shall be provided with all relevant

⁴⁰ In line with General Comment No.37, para.52

information to enable robust scrutiny of the legality, necessity and proportionality of any such operation.⁴¹

- ➔ Consider in the planning phase the needs, risks and safety concerns of individuals and groups in situations of vulnerability, such as ensuring access to protest sites for persons with disabilities, mitigating the risks for persons belonging to minorities, including LGBTQI+ persons, engaging more female officers in the facilitation of protests mainly attended by female participants, and others.
- ➔ Hold pre-protest briefings, especially with the commanding officers to be involved in the protest, to ensure proper understanding of their role in the broader plan for effective facilitation of the protest. Officers should be reminded of law enforcement objectives, outcomes of risk assessments, the reason for a protest and its objectives, internal authorisation procedures, communication channels and any last-minute changes.
- ➔ Develop strategies for inter-agency communication with other regulatory authorities to exchange information concerning a protest and to ensure their prompt collaboration, whenever necessary.
- ➔ Adopt processes and procedures to ensure the facilitation of simultaneous protests and counterprotests, guaranteeing equal protection of rights without discrimination, favour or bias towards any of the groups.
- ➔ Develop protection strategies aimed at securing protest participants and bystanders from other actors, including counterprotesters, external threats and other violent elements, provocateurs and non-State actors.

61 While the use of digital technologies can play an important role in the planning and engagement that enable law enforcement to facilitate peaceful protests and ensure the safety of participants, it is imperative that law enforcement agencies ensure that any use of digital technologies is compliant with international human rights standards. This requires an assessment of all human rights implications, including less visible impacts, such as the creation of any chilling effects that impact the free participation and exercise of fundamental freedoms in online and offline spaces, as well as any actions that are discriminatory or bear an adverse psychological impact on individuals.

62 Law enforcement should:



⁴¹ A/HRC/31/66, para. 78f

- ➔ Ensure that the overall approach guiding any use of digital technologies in the context of protests is premised on a limiting principle to circumscribe the use of such technologies, rather than an authorising principle intended to expand their use. The request for the use of digital technologies should be evidence-based and fully justified, and the authorisation process should evaluate legality, necessity and proportionality. There should be no blanket authorisation of the use of digital technologies in information gathering or facilitation of a peaceful protest.
- ➔ Develop and implement a human rights-based approach to govern the authorisation and use of digital technologies for information gathering in the context of protests. Decisions should be made on a case-by-case basis and aligned to the specific law enforcement objective and circumstances.⁴²
- ➔ Ensure that the threshold for using digital technologies for gathering information on the evolving situation is high and that less intrusive techniques, such as constructive dialogue with organisers, are utilised wherever possible.
- ➔ Ensure that the use of digital technologies to assess the evolving situation for the purposes of facilitating protests does not lead to intelligence-gathering of peaceful protesters for unrelated law enforcement objectives.

● C. Equipment

63 All officers should be properly equipped for the role that they are being assigned to in the context of the protest. Command decisions about the type of equipment to be used should be guided by a risk assessment, recognising that the pre-emptive deployment of excessively protected and equipped officers can have a chilling effect on participants and, on occasions, raise the level of tension. In circumstances where officers are at real risk of physical attack, the provision of adequate protective equipment (such as helmets, shields, and others) is likely to decrease the requirement for the use of force. Law enforcement agencies and relevant authorities should conduct an evidence-based needs assessment before the procurement of any equipment and tools, ensuring that such process and relevant decisions are publicly transparent and that all the equipment is serviceable.⁴³

⁴² A/HRC/44/24, para. 53j(ii)

⁴³ In line with the Guidance on Less-Lethal Weapons, para.4.2



64 Law enforcement should:

- ➔ Ensure that the procurement of any equipment, including digital technologies, is contingent on the successful completion of a rigorous human rights due diligence process. This should include an examination of the potential utility of the equipment and the potential human rights implications linked to their use in the context of protests, including for individuals in situations of vulnerability and for children.
- ➔ Implement strategies to guide decisions about utilising equipment that is strictly appropriate to the situation and proportionate to the context and actual threat.
- ➔ Ensure that all equipment is logged out to individuals and uniquely marked and identifiable to assist in tracking, returning and reporting on its use.
- ➔ Ensure that equipment, including digital technologies, that meet human rights due diligence standards, is authorised for use only by appropriately trained officers..

● **D. Individuals and groups in situations of vulnerability**

65 To protect and facilitate the right to freedom of peaceful assembly of individuals and groups in situations of vulnerability, which may include, women, children, indigenous peoples, migrants, persons of African descent, persons belonging to minorities, LGBTQI+ persons, persons with disabilities and others, law enforcement should:

- ➔ Develop and implement specific supportive strategies aimed at promoting and protecting the rights of individuals and groups in situations of vulnerability in the context of protests. It is recommended that such strategies include, among others:
 - i. Guidance on the use of equipment considering the disproportionate impact on these individuals and groups, as relevant;
 - ii. Protocol on prevention and provision of immediate response to harassment or attacks on these groups, including sexual and gender-based violence;
 - iii. Systems for continuous monitoring of potential threats or acts of retaliation against these groups (including information-sharing and education of the community about the prohibition of retaliation against protest participants, highlighting the specific risks faced by these groups);
 - vi. Development of a 'Missing child' plan.



- ➔ Foster communication with relevant stakeholders, including civil society organisations and community leaders, to understand the specific protection needs of such individuals and groups. Law enforcement officers should try to involve, as appropriate, representatives from the identified groups in the planning stages of a protest to ensure their perspectives are considered, including through voluntary engagement with children when a protest is organized by children and/or when children are expected to take part.
- ➔ Ensure that information about a protest and communication during a protest is available in multiple languages, including disability-inclusive language and child-friendly language, as appropriate.
- ➔ Ensure that deployed officers are trained to mitigate and respond to the specific protection needs of these groups, and dedicated rapid response teams are available to provide assistance, whenever required.
- ➔ Consider establishing specific complaint mechanisms within independent investigation units or oversight bodies, including the development of separate mechanisms for children and for victims of sexual and gender-based violence.

● E. Media workers, monitors and others involved in monitoring, reporting and legal and medical assistance

66 Law enforcement agencies have a duty to facilitate the work of independent monitors and other observers, journalists, media workers, human rights defenders and others involved in monitoring or reporting on protests, as well as of lawyers⁴⁴ and medical personnel.⁴⁵ These groups may not be prohibited from, or unduly limited in, exercising their functions, including if a protest is dispersed or declared “unlawful”.⁴⁶

67 Law enforcement should:

- ➔ Where they are willing to engage with law enforcement, establish communication channels with the identified groups to notify them of anticipated protests and to exchange any relevant information before, during and after a protest, including for the purposes of reporting any undue restrictions or violations that occurred in the context of a protest.⁴⁷
- ➔ Encourage the identified groups, whenever possible, to wear highly visible identification to facilitate their work and to ensure they can get access to specifically designated areas or to cross through police lines.



⁴⁴ See more on the role of lawyers: A/HRC/47/24/Add.3

⁴⁵ A/62/225, para. 91

⁴⁶ General Comment No.37, para. 30

⁴⁷ More can be found in the OSCE/ODIHR Handbook on Monitoring Freedom of Peaceful Assembly (2020)



- ➔ Refrain from conducting accreditation processes or requiring formal accreditation or other forms of authorization for media workers, monitors and other observers, lawyers and medical personnel, in order to access a protest site.
- ➔ Ensure that media workers, monitors and other observers are able to photograph or record actions and activities at a protest, including law-enforcement operations, and that such recordings are not confiscated, seized and/or destroyed without due process, and may be used as evidence in relevant disciplinary, administrative or criminal proceedings.⁴⁸
- ➔ Ensure that any restrictions that may be imposed on protests do not impede the ability of the identified groups to carry out their activities, including during curfews, dispersals or arrests.



VI During a protest: facilitation, restraint and de-escalation



68 Law enforcement officials must make every effort to facilitate peaceful protests in ways that respect the objectives and preferences of protest organizers and leaders by acting at all times in accordance with their obligation to respect and protect human dignity and maintain and uphold the human rights of all involved in a protest.⁴⁹ Law enforcement officials must remain neutral and impartial throughout any protest, prevent harm and protect the right to life, liberty and security of persons involved, while also fulfilling their duty to maintain public safety and social peace.⁵⁰ The deployed officers should adhere to the cross-cutting principles of participation, accountability, non-discrimination, differentiation, and attention to vulnerability and equality.

69 During a protest, law enforcement officials must protect and facilitate participants'

● A. Evidence-based risk assessment

70 Ongoing human rights-compliant collection of information can help to act in a timely manner to prevent violence or escalation and to distinguish between peaceful protesters and individuals who are involved in violence. As the event progresses and new information comes to light, the policing plan must be kept under review to ensure that tactical approaches can be adjusted where necessary.

right to freedom of expression, so that participants are able to freely voice their opinions, slogans, and chants, and display written placards, signs, banners and symbols (such as flags), or other media of expression, as long as they do not incite discrimination, hostility or violence.⁵¹ The limitation of freedom of expression must remain an exception. To determine if a statement may amount to a criminal offence and justify restrictions under article 20 of the Covenant, each of the six parts of the following higher threshold test, established by the Rabat Plan of Action, should be fulfilled, assessing: (1) the social and political context, (2) status of the speaker, (3) intent to incite the audience against a target group, (4) content and form of the speech, (5) extent of its dissemination and (6) likelihood of harm, including imminence and direct impact.⁵²

⁴⁹ The Code of Conduct, Article 2

⁵⁰ The Basic Principles

⁵¹ General Comment No.37, paras. 32,46,49,51

⁵² See A/HRC/22/17/Add.4, Appendix



71 Law enforcement should:

- Employ the least intrusive methods while gathering information, conducting assessments and collecting evidence during a protest, which should fully comply with protections against arbitrary or unlawful infringement of participants' rights.
- Ensure that any decision to utilise surveillance strategies and/or to record participants is exceptional and limited to distinct law enforcement purposes, such as directly aiding the prevention, investigation and prosecution of a specific criminal offence occurring within the context of the protests. Facial recognition technologies and other biometric systems must not be utilised to identify individuals peacefully participating in a protest.⁵³
- Apply strict law enforcement protocols to govern the collection, retention and use of data collected during a protest, in accordance with a commitment to safeguard the rights and privacy of individuals.⁵⁴
- Refrain from interpreting with suspicion any tactics utilised by an individual or group of individuals during a protest with the ostensible intention of preserving their anonymity. Individuals have a legitimate expectation for a degree of anonymity in online and offline spaces.⁵⁵

B. Differentiated and negotiated law enforcement techniques

72 Law enforcement officials must prevent and minimize any tension or violence from occurring in the context of protests through the use of timely, pre-emptive and appropriate de-escalation tactics based on the principles of communication, negotiation, community engagement, restraint and minimal use of force.



73 Law enforcement should:

- Maintain clear communication channels with all deployed officers during a protest ensuring that they have direct access to commanders' directives in order to avoid confusion, miscommunication and misconduct due to failure to provide clear and consistent communication to all protest areas.
- Engage regularly with human rights legal advisers in the command room/centre and consider making command decisions informed by their advice.
- Deploy operational commanders with the capacity to make tactical decisions on the ground to ensure alternatives to the use of force, according to the circumstances, including

⁵³ A/HRC/44/24 para. 53f

⁵⁴ Ibid. para. 53(iii)

⁵⁵ A/HRC/31/66, para. 77

by maintaining direct communication and negotiating with relevant stakeholders and protest organisers and participants. Law enforcement may consider involving trained dialogue officers for negotiations, such as Advanced Police Negotiation Teams/Liaison Teams, Dialogue Police Units or others. It is also recommended to engage, whenever relevant, trusted civil society partners to help resolve misunderstandings and de-escalate potential tensions.

74 Law enforcement officials must 'differentiate' between participants in a protest on the basis of their individual conduct in order to continue facilitating the rights of those who remain peaceful and to prevent the violence from spreading.⁵⁶ This requires dynamic decision-making and targeted and differentiated response.



75 Law enforcement should:

- ➔ Consider the deployment of appropriate techniques to de-escalate tension and violence, such as facilitation of a safe movement of the crowd, establishment of buffer zones between opposing groups, positioning of barriers or strategic positioning of officers to prevent escalation or damage, tactical withdrawal, and others.
- ➔ Identify individuals or groups who are instigating violence or engaging in violent or criminal behaviour without disrupting the peaceful majority and the protest.
- ➔ Ensure that containment tactics, such as “kettling”, are used only when it is necessary and proportionate to do so to address actual violence or an imminent threat while avoiding disproportionate restriction of protestors’ rights.⁵⁷ In such cases, law enforcement must ensure that every effort is made to identify those in need of access to food or medicine, monitors and other observers, medical personnel, individuals or groups in situations of vulnerability, including children, and those who are not violent, to help them move outside the containment area.

● C. Lawful dispersal of a protest

76 Dispersal of a protest should be exceptional and a measure of last resort, under the condition that a protest as a whole/in its entirety is no longer peaceful or there is an imminent wide threat of violence and serious injury.⁵⁸ In exceptional cases, when a peaceful protest needs to be dispersed (for

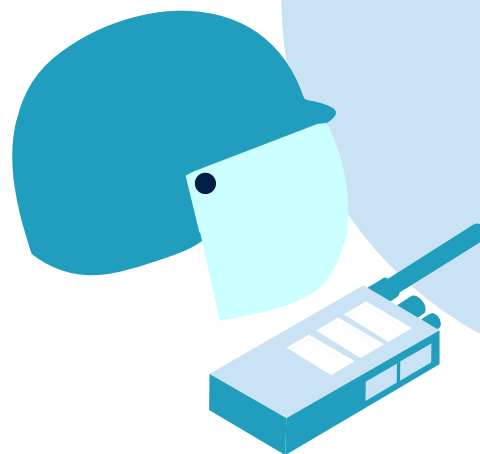
⁵⁶ General Comment No.37, paras. 17-20

⁵⁷ Ibid. para. 84

⁵⁸ Ibid. para. 85



instance, when there has been a "serious and sustained" disruption) law enforcement officials need to have the tools in place to assess the situation, including in consultation with organizers, in order to disperse the crowd without the use of force.⁵⁹ Any dispersal, however, should be authorized only when law enforcement has exhausted every effort to resolve the disruption or risk of violence by reasonable and less intrusive measures.

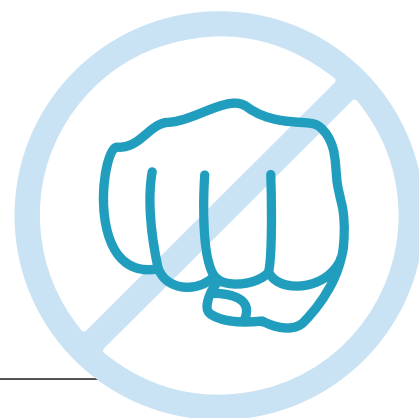


77 Law enforcement should:

- Inform participants of the decision to disperse a protest in a clear, audible and understandable manner by providing specific reasons for dispersal, instructions on how to disperse safely, and reasonable timing for voluntary dispersal. Officers need to ensure that instructions are adapted to and accessible for individuals and groups in situations of vulnerability, including for children.
- Allow monitors, media representatives and other groups involved in monitoring or reporting on the protest not to disperse so that they can freely monitor and report on the actions of law enforcement.⁶⁰
- Facilitate the work of medical personnel during dispersal by ensuring their access to the protest site to provide prompt and unobstructed assistance to those requiring assistance. Take measures to facilitate a safe and peaceful dispersal of the protest, with particular attention to the individuals and groups in situations of vulnerability, including children, providing them with additional assistance, when required.
- Consider other de-escalation and negotiation techniques if participants fail to disperse voluntarily, such as involving civil society and community leaders in negotiations on dispersal.

● D. Differentiated and proportionate police response

78 At all times, law enforcement officials must follow the principle of precaution, which requires that all feasible steps are taken, and all possible alternatives are considered, including all non-violent means, to prevent and avoid the use of force in the context of protests.⁶¹ Any decision to use force must comply with the principles of legality,



⁵⁹ Ibid.

⁶⁰ Ibid. para. 30

⁶¹ Ibid. para. 78

necessity, proportionality, precaution, non-discrimination and accountability, and be in line with relevant provisions of international human rights standards, including the Code of Conduct, the Basic Principles and the Guidance on Less-Lethal Weapons. All the law enforcement actions regarding the use of force must be pre-considered.



79 Law enforcement should:

- ➔ Apply all possible non-violent means before using force, such as, the gradual increase of the level of law enforcement presence proportionate to the context and actual threat through the deployment of additional units and adequate equipment.
- ➔ Take extra precautions to protect from harm individuals and groups in situations of vulnerability when using any force in the context of protests. This can include, for instance, giving additional considerations when using less-lethal weapons in the proximity of children, pregnant women, the elderly, persons with disabilities, persons with mental health problems and persons under the influence of drugs or alcohol.⁶²
- ➔ Consider that if mounted or canine units are used, they operate under the use of force framework. Although mounted and canine units are often considered to be less lethal mediums, there is a potential to cause serious bodily injury, harm or even death, if they are not used correctly. Such units must be deployed in a culturally sensitive manner, as even the mere presence of dogs and horses can lead to unnecessary escalation of tension.
- ➔ Ensure that only law enforcement officials who have been properly trained on the use of force and the use of relevant equipment are deployed for that purpose.
- ➔ In the case of use of force, ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment.
- ➔ Make all reasonable efforts to limit the use of and risks of less-lethal weapons with wide-area effects, such as tear gas and water cannons, which could cause a stampede or harm bystanders. Tear gas may only be used in response to widespread violence in a protest when it is not possible to contain the violence by more targeted measures against violent individuals.⁶³
- ➔ Ensure that kinetic impact projectiles, including rubber bullets, if authorised in very exceptional circumstances to protect against an imminent threat of injury or harm from a violent individual, are never fired indiscriminately into a crowd, nor especially targeted at the head or torso of an individual. The risk of bystanders must also be taken into account.⁶⁴

⁶² The Guidance on Less-Lethal Weapons, para.2.7

⁶³ Ibid. para. 6.3.4

⁶⁴ Ibid. para. 7.5.3

- Ensure that firearms or other lethal weapons are never used in the dispersal of protests, even when such protests may have become violent or partially violent. Firearms may only be used to protect against imminent threat to life of self or others, in accordance with principle 9 of the Basic Principles.

● E. Stop-and-search, arrest and detention in the context of protests

80 "Stop and search" practices,⁶⁵ detention and arrest in the context of peaceful protests must comply with all relevant international human rights standards and must not be used as a method or tactic to intimidate or impede protest participants or organizers. Law enforcement officials should never detain protesters based on their intention to organize, participate or legitimately engage in a protest. In case of lawful "stop and search", detention and arrest of protest participants and organisers, clear and transparent protocols must be followed, with special attention to ensuring non-discrimination and prevention of torture and other ill-treatment.



81 Law enforcement should:

- Ensure that law enforcement officials have the rationale for "stop-and-search" powers relevant to a protest, such as, for instance, on the basis of intelligence that participants plan to engage in violence or a crime, taking into account the actual circumstances and risks. Each use of the procedure in this case must be justified and recorded.
- Consider engaging with relevant oversight bodies to agree on protocols which may allow for arrested protest participants to be accompanied during detention.
- Put in place appropriate measures that consider the rights, needs and protections of individuals and groups in situations of vulnerability during detention.
- In exceptional cases when protest participants are detained, law enforcement agencies need to ensure that:
 - i. All aspects of arrest and detention are conducted in a lawful manner and that detention facilities comply with international human rights standards (considering requirements to separate men and women, to ensure that counter-protestors are

⁶⁵ General Comment No.37, para. 83

not brought to the same location and, where it may be necessary to detain children (as a last resort), that they are not held alongside adults);⁶⁶

ii. The right to access a lawyer and the right to have someone informed of an individual's detention is guaranteed;

iii. Detained persons are released or brought before a judicial authority within a legal timeframe;

iv. Access to medical treatment/exam is provided;

v. Access to mechanisms to report any abuse or misconduct is established;

- ➔ Record disaggregated information on the arrests and detention to identify and address any patterns of discrimination and ensure that the rights of those arrested are protected throughout the legal process. Regularly updated records of detained protest participants should be accessible to families, oversight bodies and other relevant stakeholders.
- ➔ Guarantee that any investigation and interviewing⁶⁷ of protest participants and organizers are conducted with full respect for human rights, ensuring protection from torture and other cruel, inhuman or degrading treatment or punishment, and providing access to independent complaints mechanisms and effective remedies.

⁶⁶ See United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), A/RES/70/175

⁶⁷ In line with Méndez Principles on Effective Interviewing for Investigations and Information Gathering (2021)

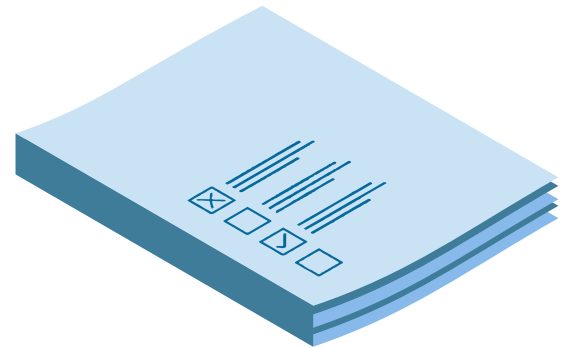


VII After a protest: reporting and investigation



● A. Return and evaluation of equipment

82 When returning equipment, law enforcement agencies should verify inventory against pre-event records to ensure the same amount of equipment, including weapons, is returned after a protest and any use is duly recorded and reported. Any mismatch in the number of returned items must be promptly investigated, according to established disciplinary and other independent oversight procedures.



83 Law enforcement should:

- ➔ Verify all returned equipment and document any use or damage (including the use of less lethal weapons and digital technologies).
- ➔ Ensure that in circumstances where it is evident that the equipment has been used (for instance, ammunition depleted or the officer returns fewer of the items than they were issued), this triggers the expectation for some notification about the circumstances in which the equipment was used (including specific time and justification).

● B. Debriefing and reporting

84 Law enforcement agencies should conduct debriefings following a protest to review and evaluate the law enforcement operation, any operational or logistical errors and possible human rights impacts of applied tactics. It is recommended to involve all officers who took part in the facilitation of the protest, regardless of their rank. In case of human rights violations, it is recommended to put together a publicly accessible 'lessons learned' report aimed at the improvement of institutional processes, capacities and facilitation tactics of future protests. Law enforcement agencies should ensure that the recommendations from debriefing



and ‘lessons learned’ reports feed back into the next protest operation and the planning phase.

85 Law enforcement should:

- Hold various types of debriefs after a protest, including “hot” (or immediate), formal, thematic and multi-agency debriefs. It is also recommended to share feedback from debriefs with protest organizers, community members and other relevant stakeholders, including oversight bodies.
- In case of human rights violations, prepare a ‘lessons learned’ report with feedback from all levels of command structure and external stakeholders.
- Share the results of debriefs and the ‘lessons learned’ report with all the commanders, training units, relevant agencies, and the public. If required, law enforcement agencies may then consider changing any relevant policy, guideline or training aspect.

86 Where any allegations or suspicion exist of misuse of authority, force and other misconduct, leading to human rights violations in the context of protests, such as torture and other ill-treatment, including sexual and gender-based violence, law enforcement agencies should ensure that self-reporting is completed by officers who were deployed at the time of the incident and were in the vicinity of the incident. Law enforcement officials should understand that accurate reporting is not punitive but a means to ensure integrity and professionalism, and to improve trust in and legitimacy of the police service.



87 Law enforcement should:

- Promote individual and credible self-reporting that is based on clear guidelines and procedures, including a standardized form. As a good practice, officers should not collaborate when filing the reports.
- Regularly analyse self-reported data to detect patterns in use of force and non-compliance with standards and instances of unlawful use of force. The procedures should be in place to investigate and ensure accountability for all instances of unlawful use of force. Law enforcement agencies should also implement reforms and address training needs where patterns of non-compliance are evident.

● C. Investigations following a protest

88 An impartial, thorough and prompt investigation⁶⁸ should be conducted in case of any allegation or reasonable suspicion of unlawful use of force or other abuse or act that may amount to torture or other ill-treatment, including sexual or gender-based violence, in the context of protests.⁶⁹ Any incident of injury or death resulting from the use of force or firearms should automatically be reported and investigated via an effective and independent oversight system. Intentional and negligent action or inaction should be investigated across the chain of command. Investigations and adjudications related to protests should be carried out by civilian institutions and not military or other special courts.



89 Law enforcement should:

- ➔ Establish a robust procedure for the independent gathering, storage and preservation of evidence, including digital evidence. For protests where the use of force and human rights violations are reported, any relevant evidence or information should be retained and made available to internal and external oversight bodies, civil society organisations, victims and their representatives, to facilitate the attribution of responsibility and measures of accountability.
- ➔ Handle all the internal investigation reports with the utmost sensitivity to protect the privacy and rights of all involved, especially children and victims of sexual and gender-based violence, and hand them over to independent oversight mechanisms, investigative bodies and prosecutions.
- ➔ Involve, consult and update victims and their representatives throughout the investigation processes, including on investigative strategies, and refrain from invoking national security grounds for concealing evidence from victims and their representatives.
- ➔ Follow the obligation of compliance and transparency in communication with relevant independent oversight bodies, including in relation to their requests.
- ➔ Make public any reports and findings of investigations on the use of force, deaths, injuries and other incidents that occurred in the context of protests.

⁶⁸ See The Minnesota Protocol on the investigation of potentially unlawful death (United Nations publication, Sales No. E.17.XIV.3)

⁶⁹ General Comment No.37, para. 90

● D. Penalties and fines in the context of protests

90 Law enforcement agencies and other relevant bodies, including the prosecution and judiciary, must ensure that charges brought against those lawfully detained in the context of protests are consistent with legal standards and proportionate to the nature and severity of the alleged offence. Charges carrying disproportionately harsh penalties would violate the right to freedom of peaceful assembly and other relevant rights, and have a chilling effect on public participation in future protests.⁷⁰



91 Law enforcement should:

- ➔ Refrain from criminalizing protest organizers for not fully complying with the requirement of notification or with other conditions imposed on a protest during the notification process, as well as for actions conducted by other participants.

- ➔ Refrain from sanctioning children or their families or guardians for their (children's) participation in a peaceful protest.

70 General Comment No.37, para. 71



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