



General Assembly

Distr.: General
29 January 2014

Original: English

Human Rights Council

Twenty-fifth session

Agenda items 2 and 3

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Seminar on effective measures and best practices to ensure the promotion and protection of human rights in the context of peaceful protests

Report of the United Nations High Commissioner for Human Rights

Summary

In its resolution 22/10, the Human Rights Council invited the Office of the United Nations High Commissioner for Human Rights (OHCHR) to organize a seminar on effective measures and best practices to ensure the promotion and protection of human rights in the context of peaceful protests, and to report on the deliberations of the seminar to the Council at its twenty-fifth session. The seminar took place on 2 December 2013. The present report on the deliberations held during the seminar was prepared by OHCHR pursuant to the the Council's request.



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I. Introduction

1. In its resolution 22/10 on the promotion and protection of human rights in the context of peaceful protests, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to organize a seminar on effective measures and best practices to ensure the promotion and protection of human rights in the context of peaceful protests.
2. The seminar took place on 2 December 2013 and brought together States, relevant special procedure mandate holders, treaty body members, academic experts and civil society representatives. The discussions were structured in sessions around three themes: (a) the human rights law dimension of peaceful protest; (b) protests and participation in the conduct of public affairs; and (c) management of peaceful assemblies.
3. The present report on the deliberations held during the seminar was prepared by OHCHR pursuant to the request of the Human Rights Council in resolution 22/10.

II. Statement by the United Nations High Commissioner for Human Rights

4. In her opening statement, the United Nations High Commissioner for Human Rights recalled that December 2013 would mark the 65th anniversary of the Universal Declaration of Human Rights. One of the considerations underlying the Declaration, as stated in the preamble, was that individuals would rebel and protest if their human rights were not protected by the rule of law. Indeed, the denial of civil, cultural, economic, political and social rights, as well as of the right to development, had led to popular protests across the globe. Those protests concerned various issues, such as the relationship between those governing and those being governed, the adoption of laws, social reform, rising prices or environmental degradation.
5. The High Commissioner noted that protests were better organized and more innovative than ever, aided by new means of communication, including social media, thus raising more publicity and awareness about underlying causes. She expressed regret that in too many situations, peaceful protests were met with brutal repression, including excessive use of force, arbitrary detention, enforced disappearances, torture and even summary executions or extrajudicial killings. Restrictive laws were passed, limiting the space for peaceful protest, non-violent acts were criminalized and those exercising their rights were prosecuted and subjected to unfair trials. In addition, journalists, Internet users and human rights defenders were threatened, intimidated and harassed because of their role in documenting and denouncing human rights violations committed in the context of peaceful protests.
6. The High Commissioner recalled that States were aware of the parameters of the rights applicable to peaceful protest, as those rights were anchored in the human rights treaties they ratified. Human rights law protected the rights of people to peaceful assembly, to freedom of expression and to association, as well as to participate in the conduct of the public affairs of their country. Those rights had become the foundation stone for every free and democratic society. She added that States must ensure that national legislation complied with international human rights norms and that restrictions were exceptional and necessary for the protection of society as a whole. She further stressed that when peaceful protests occurred, States had the responsibility to promote and protect human rights and to prevent violations.

7. The High Commissioner also highlighted that, too often, women were targeted because of their participation in peaceful protests. She said that she was particularly appalled by the level of gender-based violence during some protests, when women were raped or suffered other sexual violence, including mutilation. She emphasized that those acts constituted gross human rights violations and that every person, male or female, without distinction, had a right to participate in the conduct of political and public affairs.

8. The High Commissioner also expressed concern at actions affecting the right to life. She recalled that OHCHR had recorded cases in various countries in recent years of the misuse of rubber bullets, pepper spray or tear gas fired at close range in confined spaces, causing death or serious injury to protesters. She reminded governments that they must take all necessary measures to ensure that police officers did not resort to excessive use of force when discharging their duties and that they must adhere to the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and to the Code of Conduct for Law Enforcement Officials. Finally, she underlined the importance of establishing the responsibility of State agents who unlawfully repressed peaceful protests, and emphasized that victims and their families must be able to access their right to an effective remedy and reparation when violations took place.

III. Overview of panel presentations and discussions

A. The human rights law dimension of peaceful protest

9. The first thematic session of the seminar focused on the human rights law dimension of peaceful protest. An expert panel composed of Yadh Ben Achour, a member of the Human Rights Committee; Michael O’Flaherty, Director of the Irish Centre for Human Rights, National University of Ireland; and Pramila Patten, Vice-Chair of the Committee on the Elimination of Discrimination against Women, analysed the legal framework for the exercise of peaceful protest. The panel was chaired by Bacre Ndiaye, Director of the Human Rights Council and Special Procedures Division, OHCHR.

10. Panellists referred to media reports regarding recent events in various countries, including Egypt, Thailand, Tunisia, Ukraine and the United Kingdom of Great Britain and Northern Ireland (more specifically, Northern Ireland) highlighting that the subject of peaceful protest was highly topical. It was suggested that the proliferation of peaceful demonstrations, including those that had led to the fall of several regimes since 2011, might illustrate a global crisis of representative democracy and a search for other forms of political participation.

11. Several rights, including the rights to freedom of expression, of peaceful assembly, to freedom of association and to take part in the conduct of public affairs, set out articles 19, 21, 22 and 25 of the International Covenant on Civil and Political Rights, formed the basis for exercising peaceful protest. Peaceful protest was described as multifaceted and an amalgam of different rights, as a supporting or instrumental freedom that went together with and facilitated the realization of other rights and freedoms. While one panellist argued that the elaboration of a specific right to peaceful protest would merit reflection, another panellist stated that the broad array of rights provided in international human rights instruments was adequate to protect the exercise of peaceful protest, also pointing out the complexity of defining a “right to peaceful protest”. It was suggested that it would be useful to convene an expert panel to discuss the international legal framework of peaceful protest.

12. It was noted that while the cluster of relevant rights might differ depending on specific circumstances, freedom of expression was essential in the context of peaceful

protests. Therefore, one panellist proposed that, when discussing the limitations on the exercise of peaceful protest, inspiration be sought from general comment No. 34 of the Human Rights Committee on the freedoms of opinion and expression set out in article 19 of the International Covenant on Civil and Political Rights. The absence of a general comment on article 21, concerning the right of peaceful assembly was also found to constitute a lacuna and it was suggested that the Human Rights Committee consider drafting a general comment on the subject, in cooperation with other treaty bodies.

13. Special attention was given to the participation of women in peaceful protests and how legal instruments could be used to better protect their rights. With reference to examples from Egypt, Guinea, the Islamic Republic of Iran and Turkey, it was highlighted that women were more vulnerable in such contexts. On several occasions, women had been subject to targeted attacks, including sexual violence and arbitrary detention. One panellist observed that actual or perceived risk of sexual and gender-based violence was a means of curtailing women's participation in public and political life and of perpetuating discrimination and exclusion. It was also highlighted that participation in peaceful protests had an empowering effect on women and helped them to overcome social barriers and make their voices heard.

14. While the Convention on the Elimination of All Forms of Discrimination against Women does not contain a specific provision on the right to peaceful assembly, it was still considered useful for the protection of women in peaceful protests. Reference was made to article 7 of the Convention, on the participation of women in political and public life, and to general recommendation No. 23 of the Committee on the Elimination of Discrimination against Women, in which it was stressed that societies that excluded women from public and political life could not be described as democratic. In addition, the broad scope of the Committee's general recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations was highlighted. The reports submitted by States pursuant to their obligations under the Convention could be used to address the issue of women and peaceful protests. Furthermore, it was noted that the participation in peaceful protest of vulnerable or marginalized groups, such as children, persons with disabilities or lesbian, gay, bisexual, transgender and intersex individuals, and the particular vulnerability of members of such groups in the context of peaceful protests, merited further attention.

15. More generally, it was noted that reflection on the exercise of peaceful protest and the possible regulation thereof should take into account the political, social, cultural and economic environment in which the protests took place. That was echoed by one State delegation with the observation that peaceful protests should be seen in the political context in which they take place, and, therefore, no uniform model could be constructed that would be applicable to all peaceful protests. In response to that observation, it was recognized that indeed each country was different and each protest unique, but that the human rights legal framework must remain a common standard. Another expert commented that ensuring respect for human rights law was particularly important when a country was in transition.

16. Finally, the important role of social media in peaceful protest was acknowledged by participants. New information and communications technologies enabled and facilitated the enjoyment of the rights to freedom of expression, peaceful assembly and association. Therefore, panellists observed, the use of social media and the Internet should be protected and facilitated in the context of peaceful protests.

B. Protests and the right to participate in the conduct of public affairs

17. The second session of the seminar dealt with the role of protests as means for individuals and groups to participate in the conduct of public affairs. The session was chaired by Nathalie Prouvez, Chief of the Rule of Law and Democracy Section, OHCHR,

and included the following panellists: Maina Kiai, Special Rapporteur on the rights to freedom of peaceful assembly and of association; Michael Hamilton, Senior Lecturer in Public Protest Law, University of East Anglia, United Kingdom, and Secretary of the Panel of Experts on Freedom of Peaceful Assembly of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe; and Hina Jilani, Advocate at the Supreme Court of Pakistan and former Special Representative of the Secretary-General on the situation of human rights defenders.

18. The panellists referred to the right of peaceful assembly as one of the foundation stones of democracy and as stemming directly from the right of individuals to participate in the public affairs of their State. It was noted that peaceful protests thrived when there was a strong culture of respect for human rights, the rule of law and accountability. As peaceful protest engages a cluster of rights, attention has to be given to the essence of the freedoms that need to be protected. Peaceful protests were described as an alternative to violence and as a form of expression which could be considered as a means of drawing attention to public affairs concerns and achieving change, and as a way of exercising direct democracy. Protests can also act as a barometer for a government to know how it is performing. Peaceful protests should therefore not be seen as a threat and should be facilitated rather than restricted. In response to the observation that the right to peaceful assembly should also be considered as a responsibility, and the exercise of that right limited, one of the panellists stressed that while it was important to remember that rights also came with responsibilities, it should not be at the expense of the exercise of those rights. Another expert stressed that, where the law allowed for limitations on freedom of peaceful assembly, any such limitation had to be implemented taking into account the general welfare in a democratic society.

19. The panellists observed that elections were an important time in the life of a State and that they provided an opportunity for civil society engagement. During that critical time, space should be given for society to express its views and engage in public affairs, and space for freedom of association and assembly should be expanded. However, it was precisely at that time that the freedoms of association and assembly were often restricted. The panellists further stressed that participation in political affairs and public life started with elections, but did not end there. What happens between elections is just as essential for the right to participate in public affairs.

20. One of the panellists observed that important normative standards and principles are set out in the Declaration on human rights defenders, in particular in articles 6 and 12. The Declaration also emphasizes that peaceful protest goes beyond supporting and strengthening representative democracies. The panellist recalled that peaceful protests were a means of asserting fundamental freedoms and human rights. Even under democratic rule, peaceful protests were tools that exposed flaws in governance, publicly demanding that the relevant authorities rectify such flaws, especially if they might result in the denial of human rights. Another expert pointed out that freedom of assembly should not be viewed merely as an adjunct to representative politics, but rather as a way of challenging the conventional modes of civic activity. Emphasis was also placed on the importance of the exercise of peaceful protest by young people as a means of enhancing their political participation in the public life of their State. As such, student protests could represent a form of social investment, enabling young people to learn and express their interest in public affairs. Finally, it was highlighted that peaceful protests were particularly important for minorities as a way of expressing and making visible their concerns.

21. In that context, it was noted that peaceful protest could be exercised by individuals, groups or associations. In addition, as recent events had shown, peaceful protests were not limited to the confines of national interests, but could address issues of regional and

international concern, for instance extraterritorial targeted killings or the rights of fishermen held in detention for crossing maritime boundaries.

22. Panellists recalled that the exercise of peaceful protest should be given prominence and protection. Domestic legislation and policies should ensure that mechanisms are in place to: (i) facilitate protests; (ii) hold accountable those who violate the various human rights protecting the exercise of peaceful protests; and (iii) provide reparations for the victims of such violations. Tolerance and non-discrimination are key elements in this context. Participants in peaceful protests should be granted protection regardless of whether the government or a majority agrees with the subject of the protest.

23. Referring to potential challenges posed by peaceful protests and the policing thereof, panellists discussed the extent to which it might be necessary to regulate peaceful protest. It was noted that regulation might be needed in the light of specific challenges, such as the management of conflicting protests or the impact of protests on the commercial sector and on non-protesters, as well as for the assessment of police behaviour in the context of peaceful protests. Given those challenges and potentially conflicting interests, it was stated that there was a legitimate space for a domestic regulatory framework for protests. In that context, the importance of respecting the international legal framework at the domestic level was stressed. Fair, non-discriminatory and rights-based regulatory frameworks would be more likely to receive broad community acceptance.

24. Panellists warned, however, that overregulating peaceful protest could also have the potential to fundamentally undermine the right to peaceful assembly. During the discussion, one State delegation pointed out that national legislation on the management of every aspect of assembly was not always necessary. Where it was deemed necessary to regulate, it was considered important to involve the rights holders, including protestors, counter-protestors, and others concerned, in the process of developing legislation, to ensure general acceptance. In that context, it was repeated that an expert panel discussion on the existing international and domestic legal framework for peaceful protest would be useful.

25. Cases where States use counter-terrorism legislation to restrict the enjoyment of freedom of peaceful assembly were also mentioned in the discussion. Examples were given of cases involving the arrest and trial of individuals protesting against land eviction or lack of drinking water, under the guise of maintaining public security. While it was acknowledged that States had a duty to ensure security and *ordre public*, including when peaceful protests took place, any such measures must respect the provisions of human rights law. Panellists stressed that more attention should be given to the negative obligation incumbent upon States not to interfere with the exercise of fundamental freedoms.

26. It was also noted that legislation was not always suited to addressing different types of protest that could take place in a country. One panellist gave the examples of the Critical Mass bicycle rides in the United Kingdom, the spontaneous walk-to-work protest in Uganda, the clapping protest in Belarus, the “kiss-in” protest in Morocco or the “standing-still” protests in Egypt and Turkey, which had been characterized by the absence of identified organizers or formal organization. National legislation requiring prior notification or the identification of an organizer was thus not suitable for those types of protest. It was therefore suggested that the preconceived idea that assemblies must have specific characteristics or a certain amount of organization, at the expense of spontaneity, should be reconsidered. In the debate on that subject, attention was drawn to the distinction between authorized and non-authorized assembly.

27. Panellists insisted that there must be space and opportunity for spontaneous assembly for the purpose of protest. Concern was expressed regarding domestic laws that specifically prescribed dispersal as a response to non-authorized assemblies and at the fact

that, in some cases, the organizers or those participating in non-authorized assemblies could be held criminally liable.

28. State authorities were advised to engage in discussions with organizers prior to protests, but were warned that such engagement should never be used as a pretext to request the dispersal or the cancellation of the assembly. One panellist suggested that State authorities should develop ground rules to ensure that dialogue and negotiations were carried out in good faith. During the discussion, one State representative offered examples of its national legislation and experience, in a spirit of sharing and exchanging good practices. Another State delegation commented that the panel discussion could have benefited from the presence of representatives of actors involved in regulating peaceful protests in practice, such as public clerks or other State representatives, and proposed discussions with such actors as a way forward.

29. Finally, one of the panellists raised the issue of access to private space for the purpose of protest. According to case law in some countries, a protest taking place on privately owned property, for example an airport or business premises, could constitute a legitimate exercise of the right of peaceful assembly, albeit under certain conditions. The panellist argued that, given the increasing privatization of public places, the issue merited further reflection. It was also argued that non-State actors, such as private companies, had the responsibility to respect the right of peaceful assembly.

C. Management of peaceful assemblies

30. In the third thematic session of the seminar, the challenges in relation to the management of peaceful assemblies and protests were explored in greater detail. The panel for the session was chaired by Mona Rishmawi, Chief of the Rule of Law, Equality and Non-Discrimination Branch, OHCHR, and comprised the following panellists: Christof Heyns, Special Rapporteur on extrajudicial, summary or arbitrary executions; Stuart Casey-Maslen, Head of Research, Geneva Academy of International Humanitarian Law and Human Rights; and Luciana Pol, Coordinator on issues of violence and security, Centro de Estudios Legales y Sociales, Argentina.

31. While the focus was on the issue of the use of force in the management of assemblies and protests, the panellists first briefly recalled that States should facilitate peaceful protest as a form of expression and participation in the public affairs of the State. They also acknowledged that some level of regulation and management of peaceful assemblies might be required, given the potentially conflicting interests and other challenges that might arise in the context of a demonstration. It was highlighted that, while respect for the right to life was essential in the context of the management of peaceful assemblies, other human rights, such as the right to dignity, retained their importance, especially when a demonstration became violent.

32. The management of assemblies must remain within the framework of human rights law and must not result in acts such as arbitrary deprivation of life, arbitrary detention, disappearances, torture, cruel and inhuman treatment, or discrimination against certain individuals on any ground, such as political opinion, religious affiliation or gender. While it was acknowledged that States might impose limitations on the enjoyment of the right to peaceful assembly, such limitations must always be interpreted in favour of that right. As stated in the Siracusa Principles on the Limitations and Derogation Provisions in the International Covenant on Civil and Political Rights, respect for human rights is part of *ordre public*, and notions such as national security cannot be used as a pretext for imposing vague or arbitrary limitations. The burden is upon the State imposing limitations to demonstrate that such limitations are necessary, proportionate, non-discriminatory and do not impair the democratic functioning of society.

33. Panellists noted that the primary concern for ensuring respect for the right to life and other human rights in the context of peaceful protests should be *avoidance* of the use of force. The appropriate management of demonstrations would therefore require the use of various techniques to prevent violence and, in turn, avoid a violent response to incidents. Because the presumption must always be in favour of the exercise of the freedom of assembly, States should seek to find strategies that would encourage de-escalation of violence, for example by engaging in a good-faith dialogue with protesters.

34. Panellists also underscored the importance for State actors to understand group dynamics in their efforts to manage assemblies, since approaching an assembly as a homogenous entity was likely to lead to confrontational strategies. For example, necessary and proportionate use of force, as a last resort to protect life, should only be directed at specific individuals who had turned violent and not at the crowd as a whole. If crowds needed to be dispersed, non-violent means should be sought at all times, such as requesting individuals concerned to disperse, isolating pockets of crowds, splitting them, blocking access, providing safe channels of exit, and so on. One panellist also noted that there was often an inner logic and specific dynamic within law enforcement groups, which needed to be understood. The importance of good communication within law enforcement organizations, as well as between law enforcement officials and demonstrators, was stressed. More generally, in that context, the representative of a non-governmental organization observed that it was also important to examine the role that law enforcement officials played in public spaces, and how their behaviour could make a crowd turn violent against them, or conversely, how they could pacify a situation.

35. More generally, panellists expressed concern about the use of the terms “peaceful” and “non-peaceful” to describe an assembly or demonstration. In many demonstrations, the majority of the participating crowd remained peaceful, and labelling the demonstration as “non-peaceful”, thereby justifying repressive responses by the State, might be problematic and lead to insufficient protection for those participating in the demonstration and who were not violent. One panellist encouraged States to stop perceiving peaceful protests as a threat; such a change in mindset would be an important step towards ensuring that protests were conducted peacefully.

36. Ensuring that law enforcement officials were in possession of modern, appropriate and non-lethal equipment, such as water cannons and protective gear, was considered a key element in preventing violence and violations of rights. It was also noted by several panellists, however, that the inappropriate use of less lethal weapons, such as tear gas, might still lead to violations. Examples of cases of police brutality against demonstrators were given, such as the use of toxic chemical aerosols and the excessive and inappropriate use of tear gas, which had in some cases resulted in death by suffocation. The panellists were unanimous that guidance was needed on that issue. More specifically, they suggested that practical and operationally focused guidelines should be devised on appropriate ways and means to facilitate peaceful protest, including with respect to assemblies that involved acts of violence, and on the type of weapons, methods and tactics being used. A participant observed in that context that firearms were designed to kill and were therefore not a suitable tool for managing or dispersing an assembly, and that their use to disperse an assembly was clearly illegal under international human rights law. The participant also noted that firearms did not contribute to restoring peace and security, rather the opposite.

37. Particular reference was made to principle 9 of the 1990 Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which states:

“law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to

achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.”

A peaceful assembly could clearly not be considered to be such a threat. Necessity, proportionality and accountability were repeatedly referred to as principles that underpinned the use of force under human rights law. In that context, it was again noted that so-called “less lethal” weapons, such as tear gas and rubber bullets, had been used indiscriminately against protesters.

38. A worrying trend discussed by one panellist was old legislation in certain countries dating from colonial times, but also more recent domestic laws, that allowed police to use a level and type of force clearly prohibited under human rights law, going as far as specifically allowing the use of firearms to disperse peaceful assemblies purely on the grounds that they had not been authorized. It was suggested that more specific instructions about the concrete meaning of the principle of proportionality with regard to police action in the context of demonstrations needed to be developed. Police forces too frequently go from waiting and watching, and sometimes being the target of insults and aggression by demonstrators, to violently and indiscriminately attacking the crowd. The need to put in place guidance regarding different types of responses, allowing for a measured and graduated response to different situations, was highlighted.

39. Panellists further called for strengthened accountability of law enforcement officials for their management of assemblies and protests, especially where force had been used. It was argued that a well-trained and well-equipped police force that understood that it would be held accountable for the use of excessive or indiscriminate force would be less prone to commit human rights violations. One panellist pointed out that a strong human rights culture within the police force, and more generally a strong rule of law in the country, were conducive to opening the space for peaceful protests and to human rights compliant policing, in particular because such an environment would ensure accountability for non-peaceful incidents, whether committed by protestors or by security forces.

40. A recommendation was therefore made to States to strengthen the rule of law and to foster a strong human rights culture within their security forces. With regard to accountability, reference was made to establishing criminal responsibility, but also to the important role of non-judicial accountability mechanisms, such as commissions of inquiry or disciplinary boards. Mechanisms of accountability are essential means of protecting the exercise of peaceful protest. The right to remedy and reparation is key when violations of rights take place and provide a guarantee of non-repetition.

IV. Main observations and recommendations

41. The many instances of peaceful protest taking place around the world illustrate the emergence of protest as an important means of exercising direct and participatory democracy. States must ensure that all sectors of society can exercise their human rights without discrimination or fear of violence when participating in peaceful protests.

42. States should not perceive peaceful protests as a threat, but should allow space for and facilitate such activity. Peaceful protests can act as a barometer for a government with regard to its performance. They also constitute an essential tool for the people, in particular individuals belonging to marginalized groups, minorities and youth, to bring their concerns regarding the conduct of public affairs to the attention of the State and to achieve change. The particular vulnerability of some groups in the context of peaceful protests and the need to guarantee the possibility of their engagement in such protests merit further research and analysis.

43. The exercise of peaceful protest is closely linked to or is a component of multiple rights, including the rights to freedom of expression, peaceful assembly, freedom of association and the right to take part in the conduct of public affairs, as provided for in, inter alia, articles 19, 21, 22 and 25 of the International Covenant on Civil and Political Rights and in article 7 of the Convention on the Elimination of All Forms of Discrimination Against Women.

44. The Human Rights Committee may wish to consider drafting a general comment on the right of peaceful assembly set out in article 21 of the International Covenant on Civil and Political Rights. An expert discussion on the international legal framework for issues arising from peaceful protest may also constitute a next step in the process of defining the human rights law dimensions of peaceful protest. A strong human rights culture and strong rule of law are important prerequisites for the protection of rights during peaceful protests, and are conducive to opening the space for peaceful protests and to human rights compliant management and policing of such protests, in particular because such an environment fosters accountability. In this regard, States should ensure that effective accountability mechanisms are in place and that remedies and reparation are provided to victims of human rights violations in the context of peaceful protest.

45. The regulation of peaceful protests through domestic legislation may be legitimate in the light of the potential challenges they pose, such as the management of conflicting protests or their impact on non-protesters and bystanders. Such regulation, however, should fully comply with international human rights norms and standards. In particular, any regulatory framework should be fair, non-discriminatory, rights based and elaborated after wide consultations with all stakeholders. While it is acknowledged that States have a positive obligation to ensure security and *ordre public*, including when peaceful protests take place, it should not affect their obligation not to interfere with the exercise of fundamental freedoms.

46. Understanding group dynamics and maintaining open lines of communication between law enforcement officials and demonstrators is essential for the adequate management of peaceful protests. States must ensure respect for the right to life, as well as other relevant human rights, in the context of peaceful protests.

47. In managing peaceful demonstrations, the primary concern should be prevention of violence and of the use of force by law enforcement officials. Necessity, proportionality, non-discrimination and accountability are key principles that underpin the use of force for the management of peaceful assemblies. In order to prevent violence and violations of rights, law enforcement officials should be equipped with protective gear and non-lethal weapons. However, since the use of such equipment and weapons can also lead to abuse, guidance on the measured and proportionate use of non-lethal weapons for the management of assemblies is needed.

48. More generally, in order to prevent the commission of human rights violations during protests, States should develop practical and operationally focused guidelines on the appropriate types of weapons, methods and tactics to be used to facilitate and manage peaceful protests, including with respect to assemblies during which acts of violence occur.

49. The Human Rights Council and all relevant stakeholders are encouraged to continue exploring these issues and help in recording best practices to ensure the promotion and protection of human rights in the context of peaceful protests, as well as to provide guidance in the matter.