

A man in a white shirt is shouting into a megaphone at a protest. He is wearing a white shirt and has a black earpiece in his left ear. The background shows a crowd of people, some holding up phones to record, and a police officer in a blue uniform on the right. The scene is outdoors in an urban setting with buildings and signs in the background.

ARTICLE 19

The Right to Protest: Principles on the protection of human rights in protests

2016

DEFENDING FREEDOM
OF EXPRESSION AND INFORMATION

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Introduction

Protests play an important part in the civil, political, economic, social and cultural life of all societies.

Historically, protests have often inspired positive social change and improved protection of human rights, and they continue to help define and protect civic space in all parts of the world. Protests encourage the development of an engaged and informed citizenry and strengthen representative democracy by enabling direct participation in public affairs. They enable individuals and groups to express dissent and grievances, to share views and opinions, to expose flaws in governance and to publicly demand that the authorities and other powerful entities rectify problems and are accountable for their actions. This is especially important for those whose interests are otherwise poorly represented or marginalised.

Yet governments around the world too often treat protests as either an inconvenience to be controlled or a threat to be extinguished.

Digital technologies offer new opportunities and challenges to protests; they are now used both as a crucial medium for enabling protests to take place and as a platform for protest. Technological advancements have also significantly enhanced the ability of governments to infringe and potentially violate human rights in protests.

The right to protest involves the exercise of numerous fundamental human rights, and is essential for securing all human rights. While important in all societies, few protests are completely free of risk of harm to others. Hence, international standards allow for restrictions on many of the human rights engaged in protests; however, these are allowed only under limited and narrowly defined circumstances. Despite existing guarantees in international human rights law, it has been widely recognised that states need greater guidance in understanding and implementing their obligations in this field.

These Principles, therefore, elaborate a set of minimum standards for the respect, protection and fulfilment of the right to protest, while promoting a clear recognition of the limited scope of permissible restrictions. They represent a progressive interpretation of international human rights standards, including the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Economic, Social and Cultural Rights*; of regional human rights standards; of accepted and evolving state practice (reflected, *inter alia*, in national laws and the judgments of national courts); and of the general principles of law recognised by the community of nations; in particular the *UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, the *UN Code of Conduct for Law Enforcement Officials*, the standards elaborated by special procedures of the UN Human Rights Council (namely the *Joint Report of Special Rapporteurs on the proper management of assemblies*), and the Organization for Security and Co-operation in Europe's *Guidelines on Freedom of Peaceful Assembly*.

These Principles also acknowledge the enduring applicability of the *Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights* (adopted in May 1984 by a group of experts) and *Use of Force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* (issued by Amnesty International in August 2015).

The Principles are intended to be used by civil society organisations, activists, human rights defenders, lawyers, judges, elected representatives, public officials and other stakeholders in their efforts to strengthen the protection of the right to protest locally, regionally and globally.

Preamble

We – individuals and organisations – who endorse and agree to these Principles

Convinced that protests constitute a fundamental pillar of democracy and complement the holding of free and fair elections;

Recalling that protests occur in all societies, as people stand up for their civil, political, economic, cultural and social rights; struggle against repression; fight against poverty; protect the environment or demand sustainable development; and thereby contribute towards progress;

Bearing in mind that participating in protests enables all people to individually and collectively express dissent and seek to influence and strengthen governments' policymaking and governing practices, as well as the actions of other powerful entities in society;

Highlighting that the right to protest embodies the exercise of a number of indivisible, interdependent and interconnected human rights, in particular the rights to freedom of expression, freedom of peaceful assembly and of association, the right to take part in the conduct of public affairs, the right to freedom of thought, conscience and religion, the right to strike, the right to take part in cultural life, as well as the rights to life, privacy, liberty and security of the person, and the right to freedom from discrimination;

Recognising that a free and independent media, and digital technologies, are essential for ensuring the public is informed about protests and their context; for facilitating and organising protests; for enabling the free flow of information between all actors concerned in protests; and for monitoring and reporting on violations;

Acknowledging that digital technologies and the Internet provide a platform for online protests;

Emphasising the invaluable role of civil society, including human rights defenders and journalists, in protests, including through their organisation and mobilisation of others, and by documenting, reporting on, and demanding accountability for violations of the rights of protesters;

Expressing our abhorrence at the brutal repression of many protests, including through the unnecessary, excessive and unlawful use of force, arbitrary detention, enforced disappearances, torture, summary executions or extrajudicial killings;

Deeply concerned by legal, policy and law enforcement measures that deter, prevent or otherwise obstruct protests, including authorisation requirements for protests; detention, harassment and intimidation; and disproportionate criminal, administrative and civil sanctions against protesters; as well as other restrictions on protesters;

Cognisant that the development of surveillance technologies and the data retention capabilities of both public authorities as well as private actors may violate the human rights of protesters and have a chilling effect on protests generally;

Desiring to demand that governments fulfil their obligation to respect, protect and facilitate the enjoyment of the right to protest without discrimination of any kind; to avoid unlawful, unjustified or unnecessary restrictions; to ensure accountability for violations; and to encourage private entities to meet their responsibilities in this regard;

Call on all appropriate bodies at international, regional, national and local levels, and on private actors, to undertake steps to promote widespread acceptance and dissemination of these Principles and give effect and practical implementation to them at all levels.

Section I: General Principles

Principle 1: Key terminology

1.1 For the purposes of these Principles,

- a) A *protest* is the individual or collective expression of oppositional, dissenting, reactive or responsive views, values or interests. As such, a protest may encompass, *inter alia*:
 - i. Individual or collective actions, as well as spontaneous or simultaneous protests in the manner, form and for the duration of one's choosing, including through the use of digital technologies;
 - ii. An individual or collective expression relating to any cause or issue;
 - iii. Actions targeting any audience, including public authorities, private entities or individuals, or the general public;
 - iv. Conduct or expression that may annoy or give offence to people who are opposed to the ideas or claims that a protest is seeking to promote, or conduct that temporarily hinders, impedes or obstructs the activities of third parties;
 - v. Actions in any location, including public or privately owned places, as well as online;
 - vi. Actions involving various degrees and methods of organising, including where there is no clear organisational structure, hierarchy or pre-determined form or duration of protest;
- b) *The right to protest* is the individual and/or collective exercise of existing and universally recognised human rights, including the rights to freedom of expression, freedom of peaceful assembly and of association, the right to take part in the conduct of public affairs, the right to freedom of thought, conscience and religion, the right to participation in cultural life, the rights to life, privacy, liberty and security of a person and the right to non-discrimination. The right to protest is also essential to securing all human rights, including economic, social and cultural rights;
- c) The term *online protest* refers to a protest as defined in Principle 1.1, but one that takes place using the internet as a tool and/or platform for the action;
- d) The term *non-violent direct action* or *civil disobedience* refers to various tactics and strategies to bring about change using methods of disruption targeted at institutions, actors or processes, through direct and peaceful means, including conscientious and deliberate violation of the law;
- e) The term *public order* refers to the sum of rules which ensure the functioning of society, or the set of fundamental principles on which society is founded, including respect for human rights;
- f) The term *law enforcement* includes any security forces exercise policing powers, especially the power of arrest, detention and use of force, for the fulfilment of their duties to enforce the law. The term also covers private security personnel that – exceptionally and explicitly – receive such powers from a competent authorities of the state and are acting on behalf of the state;
- g) The term *force* refers to any physical means deployed against an individual in order to achieve a law enforcement purpose, in particular to obtain compliance with an order;
- h) The term *less-lethal weapon* is used to describe a weapon that is designed for the use of force without causing death or a serious bodily injury, while acknowledging the inherent risk of any weapon to cause death, depending on the circumstance and manner of its use;
- i) The term *lethal weapon* or *lethal force* refers to a type of weapon or force that involves either a high likelihood of causing death (potentially lethal force) or that is used with the clear knowledge that it will lead to the loss of life (intentional lethal use of force).

1.2 As for the terms *peaceful* or *non-violent*:

- a) These should always be interpreted broadly and should exclude only those instances in which there is clear and convincing evidence of intent by protesters to engage in violence against a person or property, and a high probability that they will do so;
- b) These should include the use of self-defence (of oneself or another) by protesters against unlawful acts, but the form of self-defence should be no more than is reasonably necessary in the circumstances, as the individual genuinely believed them to be;
- c) The assessment of whether protest is peaceful should take into account the fact that isolated or sporadic violence or other unlawful acts committed by others do not deprive individuals of the right to protection, as long as they remain peaceful in their own intentions or behaviour;
- d) States should acknowledge that whenever a protest ended in violence, it was due to the state's failure to effectively facilitate peaceful protest, prevent violence and engage in conflict resolution with those who were likely or intending to engage in violence.

Principle 2: State obligations on the right to protest

2.1 States have an obligation to:

- a) *Respect the right to protest*: They should not prevent, hinder or restrict the right to protest except to the extent allowed by international human rights law;
- b) *Protect the right to protest*: They should undertake reasonable steps to protect those who want to exercise their right to protest. This includes adopting measures necessary to prevent violations by third parties; and
- c) *Fulfil the right to protest*: They should establish an enabling environment for the full enjoyment of right to protest. This includes providing effective remedies for violations of all human rights embodied in the right to protest.

2.2 In their constitutional provisions (or their equivalents) and in their domestic legislation, states should recognise and give effect to the indivisible, interdependent and interconnected human rights embodied in the right to protest, in accordance with international human rights law. These should include:

- a) Rights essential to the exercise of protests, in particular:
 - i. *The right to freedom of expression*: The freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his or her choice;
 - ii. *The right to freedom of assembly*: The freedom to intentionally gather in a space for a common expressive purpose;
 - iii. *The right to freedom of association*: The freedom to associate with others, including to form and join trade unions for the protection of individual and collective interests;
 - iv. *The right to public participation*: The right of everyone to, *inter alia*, take part in the conduct of public affairs, directly or through freely chosen representatives.

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- b) Rights that are often violated when protests are repressed, in particular:
- i. *The right to life*: The right of everyone not to be arbitrarily deprived of his/her life;
 - ii. *The right to freedom from torture, inhuman and degrading treatment*: The right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment;
 - iii. *The right to privacy*: The right of everyone not to be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence, nor to unlawful attacks upon their honour and reputation; and the right to the protection of the law against such interference or attacks;
 - iv. *The right to liberty and security of the person*: The right not to be subjected to arbitrary arrest or detention and not to be deprived of his/her liberty except on such grounds and in accordance with procedures established by law.

Principle 3: Non-discrimination

- 3.1 States should guarantee in their legislation and ensure in practice that everyone can exercise their right to protest equally without discrimination based on grounds such as race, sex, ethnicity, religion or belief, disability, age, sexual orientation, gender identity, language, political or other opinion, national or social origin, nationality, property, birth or any other status.
- 3.2 The right to protest must be guaranteed to all individuals, groups, unregistered associations and legal entities, including members of minorities, nationals (citizens), non-nationals (non-citizens), stateless people, refugees, foreigners, asylum seekers, migrants, tourists and people without full legal capacity.

Principle 4: Limited scope of restrictions on the right to protest

- 4.1 The protection of internationally guaranteed human rights must apply during all protests and must be applied as a rule, while any restrictions must be applied as the exception.
- 4.2 States should ensure that derogable rights, which are integral to the right to protest, are subject to restrictions only on grounds specified in international law. In particular, no restriction on the rights to freedom of expression, assembly, association and privacy may be imposed unless the restriction:
- a) *Is prescribed by law (legality)*: Any restriction must have a formal basis in law which is accessible and formulated with sufficient precision to enable individuals to foresee whether a particular action is in breach of the law and to assess the likely consequences of any breach;
 - b) *Pursues a legitimate aim*: Any restriction must be shown by the government to have the genuine purpose and demonstrable effect of protecting a legitimate aim, either: the protection of national security, public order (*ordre public*), the protection of public health or morals, or the protection of the rights and freedoms of others. The rights to freedom of assembly and association may also be restricted to protect public safety.
 - i. *National security* may be invoked only to protect a country's existence or its territorial integrity against the use or threat of force, or its capacity to respond to the use or threat of force, whether from an external or internal source;
 - ii. *Public order* may be invoked only where protests present a genuine and sufficiently serious threat to the very functioning of society or the fundamental principles on which society is founded, such as the respect of human rights and the rule of law. Exercising the right to protest, including spontaneous, simultaneous and counter protests, should be considered an essential characteristic of public order and not a de facto threat to it, even where the protest causes inconvenience or disruption;

- iii. *Public health* may be invoked in protests only if it is evidence-based and where there is a serious threat to health. The measures must be specifically aimed at preventing disease or injury, or providing care for the sick and injured, and be simultaneously applied in the case of other activities for which people ordinarily gather;
- iii. *Public morals* may be invoked only if the restriction is demonstrably essential to the maintenance of respect for the fundamental values of the community, and while respecting the universality of human rights, the principle of non-discrimination, and the rule of law. Given the evolving nature of morality, limitations should never derive exclusively from a single tradition and should never be used to justify discriminatory practices, perpetuate prejudice or promote intolerance. A concept of public morals that excludes the notion of fundamental human rights should always be understood as contrary to its contemporary meaning;
- iii. The authorities must always strike the proper balance when restricting protests on the basis of protecting the *rights of others* – different groups or individuals involved in protests or those who live, work, or carry on business in the affected locality. The balance should always fall in favour of those asserting the right to protest, unless there is strong evidence to justify interference with that right. Such restrictions should not be invoked as a result of other people's opposition to protests or in order to limit political debate. Inconvenience or disruption alone are never reasons to restrict protests;
- iii. *Public safety* may be invoked to restrict the rights to freedom of assembly and association only against a specified and genuine danger to the life or physical integrity of people, or serious damage to their property.

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- c) Is *necessary and proportionate* in pursuance of a legitimate aim:
 - i. Restrictions to the right to protest should be deemed necessary only if there is a pressing social need for the restriction. The party invoking the restriction must show a direct and immediate connection between the protest and the protected interest;
 - ii. Restrictions should not be overly broad and should be the least restrictive means available in order to protect the legitimate aim. Any restriction should be shown to be compatible with democratic principles, specific and individualised to attaining the particular protective outcome and no more intrusive than other instruments capable of achieving the same restrictive result.
- 4.3 All restrictions based on prohibiting advocacy that constitutes an *incitement to violence, discrimination or hostility* (incitement) should fully comply with the following conditions:
- a) The grounds for prohibiting advocacy that constitutes incitement should include all grounds recognised under international human rights law;
 - b) The *intent* of protesters to incite others to commit acts of discrimination, hostility or violence should be considered a crucial and necessary element of incitement;
 - c) Legislation prohibiting incitement should include specific and clear reference to incitement to discrimination, hostility or violence with reference to Article 20(2) of the ICCPR and should avoid broader or less specific language;
 - d) The prohibition of incitement should conform to the three-part test of legality, legitimate aim, proportionality and necessity, as stipulated in Principle 4.2;
 - e) Criminal law penalties should be limited to the most severe forms of incitement and used only as a last resort in strictly justifiable situations, when there are no other means available which appear capable of achieving the desired protection.

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- 4.4 All measures adopted to limit protests that involve the infliction of physical harm on oneself, in particular, protests in the form of a hunger strike, should fully comply with international human rights and international humanitarian law standards, in particular, the prohibition of torture and other forms of inhuman or degrading treatment or punishment, and the right to informed consent. States should ensure that all involved medical personnel adhere to the global clinical and ethical standards for medical professionals, which are applicable in these cases. In particular, states should refrain from the use of force against those on hunger strike and should encourage trusting doctor-patient relationships, whereby individual protesters' wishes are respected, and medical personnel are able to respond to protesters' individual needs based on independent clinical assessments and adhere to their professional duties to advance protesters' well-being. Independent and impartial medical ethics bodies should consult on cases where complex issues arise.

Principle 5: State of emergency

- 5.1 States are permitted to derogate from international human rights commitments only in cases of public emergency that threaten the life of the nation; any such derogation must be officially and lawfully proclaimed in accordance with both national and international law. Hence, states should not resort to declaring a state of emergency in order to limit protests, being cognisant that protests extremely rarely give rise to circumstances that meet the threshold for legitimate derogation.
- 5.2 Any restrictions on protests in emergency situations should be of an exceptional and temporary nature and limited to those that are strictly required by the exigencies of the situation, and only when, and as long as, they are not inconsistent with the government's other obligations under international law. Even where other circumstances do permit emergency derogations, such as in the case of natural disasters or armed conflict, the possibility of restricting the right to protest in accordance with the test set out in Principle 4 should generally be sufficient to achieve the necessary aim, and no derogations should be justified by the exigencies of the situation.

Principle 6: Legal protection of the right to protest

6. States must protect the right to protest by law, including by:
- a) Ratifying and giving effect to all relevant international and regional human rights treaties, through incorporation into their domestic legislation or otherwise;
 - b) Adopting clear legal, regulatory and policy frameworks for the protection of the right to protest, in full compliance with international standards and best practice, and with the full and effective participation of civil society and other concerned stakeholders at all stages of their development;
 - c) Providing for sufficient safeguards against the violation of the right to protest and for prompt, full, and effective scrutiny of the validity of any restrictions imposed, by an independent court, tribunal or other independent adjudicatory body; and
 - d) Ensuring that effective remedies for violations of the right to protest are available, including adequate redress through criminal and civil law processes, as well as precautionary measures and non-judicial remedies such as those awarded by dedicated regulators and agencies, national human rights institutions and/or ombudspersons.

Section II: Obligation to respect the right to protest

Principle 7: Freedom to protest

- 7.1 Everyone should have the freedom to take part in protests without discrimination on any grounds, as stipulated in Principle 3.
- 7.2 There should be a presumption in favour of children enjoying and exercising their right to protest on an equal basis with adults. States should abolish requirements concerning minimum age and parental permission that limit children's or young people's right to take part in or organise protests. As such, blanket restrictions disproportionately impact the rights of children and, potentially, their parents or carers. Instead, states should recognise children's evolving capacities, the principle that children's capacities increase as they develop, and recognise the developing ability of a child to exercise their right to protest; states should also undertake additional measures to facilitate children's right to protest in accordance with the requirements set out in Principle 11.
- 7.3 There should be a presumption in favour of exercising the right to protest. States should abolish all legislation, regulations and practices that require, in law or effect, prior permission or licenses in order for protests to take place. Notification regimes for protests should only be voluntary.
- 7.4 On a practical note, in recognition of the fact that notification regimes for protests are used by some states as a means of regulating the use of public spaces, states should take immediate steps to ensure that any notification regimes currently in force conform fully with the following conditions:
- a) The purpose of any notification regime should be to enable states to put in place the necessary arrangements to facilitate protests;
 - b) Organisers should only be expected to submit a notice of intent to organise a protest, and never a request for permission to hold a protest;
 - c) Notice periods should be limited to a maximum of 48 hours before the protests are due to take place;

- d) Exceptions from the notification requirement should always be allowed for spontaneous protests where it is impractical to give advance notice. Public authorities should always be obliged to protect and facilitate spontaneous protests as long as they are peaceful in nature;
- e) Any notification regimes should also clearly stipulate:
 - i. The agency or institution responsible for receiving notifications;
 - ii. That notifications can be communicated by any means and should be limited to information about the time, place and form of the protest, and not requiring disclosure of the purpose or content of the protest;
 - iii. A specific and reasonable time period within which the responsible agency or institution is obliged to respond: in the absence of a response within the set period of time, it should be presumed that organisers can proceed in accordance with the terms notified;
 - iv. The specific processes which the authorities can follow in order to facilitate more than one protest in one location, including counter-demonstrations that may be spontaneous;
 - v. Where notifications are given for simultaneous protests, i.e. two or more protests at the same place and time, as far as possible each should be facilitated. In the absence of such a possibility, a first-come, first-served rule should be adopted, according to which the venue will be given to those who filed their notification first;
 - vi. The obligation to publicise decisions about notifications in order to ensure that the public has access to information on events taking place in public places.

Principle 8: Freedom to choose the location of protests

8. Everyone should have the freedom to choose the location of a protest, and the location chosen should be considered integral to its expressive purpose. States should ensure that protests are recognised as a legitimate use of public space, and not treated less favourably than any other uses of public space. States should therefore:
- a) Allow protests in all public places, including places that are privately owned, but are functionally public, i.e. places that are open to the public and routinely used for public purposes. When deciding whether a place that is privately owned is functionally public, the authorities should consider its nature, geographic position, and historical and actual usage;
 - b) Ensure that protests can take place within sight and sound of their object or targeted audience;
 - c) Facilitate counter-protests within sight and sound of each other, in so far as this is possible, and deploy adequate resources to that effect. They should ensure that potential disorder arising from disagreement or tension between opposing groups is not used to justify the imposition of restrictions on the protest;
 - d) Refrain from imposing restrictions on online protests. In this respect, the Internet should be considered a quasi-public place that is routinely used for public purposes.

Principle 9: Freedom to choose the form and manner of protests

- 9.1 Everyone should have the freedom to choose the form and manner of a protest, including its duration.
- 9.2 Non-violent direct action or civic disobedience actions should be considered a legitimate form of protest.
- 9.3 States should refrain from:
- a) Introducing time limits on the duration of protests in certain locations. Any time restrictions imposed must be based on an individualised assessment in accordance with the test set out in Principle 4;
 - b) Imposing blanket bans on the making and use of temporary structures and the use of tools that amplify protest messages, in particular visual or audio tools. Any restrictions must be necessary and proportionate, be based on grounds recognised under international human rights law and be the result of individualised assessments in accordance with the test set out in Principle 4;
 - c) Imposing blanket requirements on protests to be static;
 - d) Prohibiting individuals from concealing their physical identity during protests. Any limitations on anonymity in protests, both online and offline, should be justified on the basis of an individualised suspicion of a serious criminal offence and in accordance with the test set in Principle 4. In addition, they should be subject to strong procedural safeguards.

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- 9.4 Everyone should be allowed to use digital technologies in protest. States should promote and facilitate access to digital technologies, and should not restrict their use in protests. In particular:
- a) Kill-switch measures (cutting off access to the Internet and mobile telephony traffic), geo-targeted or technology-specific interference or hindering connectivity, should not be applied in response to protests as these are always a disproportionate restriction on the right to freedom of expression, and have serious repercussions beyond protests, including for the protection of other human rights;
 - b) Any restriction on the use of digital technologies, including the Internet, social media and mobile telephony, during protests should be in line with the test set out in Principle 4 and subject to strong procedural safeguards.

Principle 10: Freedom to choose the content or cause of protests

- 10.1 Everyone should have the freedom to choose the content or cause of their protest. States should ensure, in particular, that:
- a) Any restrictions are in line with the test set out in Principle 4 and subject to strong procedural safeguards;
 - b) Restrictions are never imposed on the right to protest simply on the basis of the authorities' own views on the merits of a particular protest;
 - c) Criticism of government, state officials or public bodies and institutions is never, by itself, sufficient grounds for imposing restrictions on the right to protest;
 - d) Protest that annoys or gives offence to people who are opposed to the ideas or claims that a protest is seeking to promote, or conduct that temporarily hinders, impedes or obstructs the activities of third parties, is never by itself sufficient grounds for imposing restrictions.
- 10.2 In respect of restrictions based on the prohibition against incitement, as set out in Principle 4.3., states should ensure that:
- a) Protests that are not seen to constitute incitement include, but are not limited to, those that:
 - i. Advocate non-violent change of government policy or of the government itself;
 - ii. Constitute criticism of, or insult to, the nation, the state or its symbols, the government, its agencies or public officials, or a foreign nation, state or its symbols, government, agencies or public officials or ideology;
 - iii. Constitute criticism of religions or religious doctrines, or express dissenting religious beliefs or ideas perceived as offensive;
 - iv. Merely display insignia, uniforms, emblems, music, flags or signs that are historically associated with discrimination against certain groups, unless they are intended and likely to incite imminent violence.

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- a) All incitement cases against individual protesters for their expression during protests should be assessed under a uniform incitement test, consisting of a review of all of the following elements: :
 - i. Broader societal context of the respective expression;
 - ii. The intent of the individual to incite discrimination, hostility or violence;
 - iii. The position and role of the individual, in particular whether they were in a position of authority and exercising that authority;
 - iv. The content, including the form, subject matter or style of the particular expression;
 - v. The extent or magnitude of the respective expression, in particular within the specific protest;
 - vi. The likelihood of imminent harm (that is discrimination, hostility or violence) as a result of the respective expression.

Section III: Obligation to protect the right to protest

Principle 11: State duties to facilitate the right to protest

- 11. States have a positive duty to ensure that everyone in their jurisdiction may exercise their right to protest. In particular, they should:
 - a) Affirm that human rights protections apply in all protests, even where there are individual, sporadic or widespread acts of violence, or where circumstances necessitate specific and temporary restrictions on some aspects of the right to protest;
 - b) Facilitate protests by taking reasonable and appropriate measures to enable protests to take place without participants fearing physical violence or violations of their human rights, while minimising disruption and the risk to the safety of those affected by a particular protest. States should be mindful that in some circumstances where a protest occurs in violation of applicable laws, law enforcement powers do not always have to be exercised and non-intervention might be the best approach;
 - c) Actively protect protesters, alongside other people, against any form of threats and violence by those who wish to prevent, disrupt or obstruct protests, including *agents provocateurs* and counter-demonstrators;
 - d) Ensure that groups at risk, given their particular vulnerabilities during certain protests, including women, children, members of minorities or persons with disabilities, as well as those monitoring or reporting on protests, are protected. The measures adopted in this respect, however, should not be misused to confirm harmful stereotypes, maintain discriminatory norms, values and practices, or restrict the ability of these groups to exercise their right to protest. Such measures should include, but not be limited to:
 - i. Holistic approaches to tackling discrimination against groups at risk, addressing the sources of discrimination and the comprehensive reform of applicable laws and procedures;

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- ii. Immediate means of accessing redress and protection, including legal aid, for all individuals who suffer discrimination and violence;
 - iii. Public condemnation by officials of all form of harassment and violence committed against protesters who are members of groups at risk, and an express commitment to protect and respect the right to protest of these groups;
 - iv. Effective training for all officials and law enforcement officers in non-discrimination; this should be adequately resourced and include rigorous enforcement and monitoring.

Principle 12: State duties to adopt a human rights approach to policing protests

- 12.1 In their legislation and binding law enforcement regulations, States should elaborate clear and operationally focused rules on the policing of protests and make these available to the public. Policing of protests by law enforcement agencies should be guided by the human rights principles of legality, necessity, proportionality, and non-discrimination and should comply at all times with international human rights law and standards on policing, in particular the UN Code of Conduct for Law Enforcement Officials.
- 12.2 States should prohibit the deployment of the military armed forces for the policing of protests through their constitutions and relevant legislation. In recognition of the fact that some states allow for the use of the military when they consider the police unable to handle violent protests, states should take immediate steps to ensure that the military armed forces:
 - a) May be deployed for policing protests in only extremely exceptional circumstances upon the request of the civilian authorities;
 - b) May be deployed only as a support for the ordinary police agency and are placed under the command of this agency;
 - c) Fully comply with international human rights law and standards on policing and principles on the use of force and the standards set out in these Principles;
 - d) Undergo a complete change in their operational procedures from a combative (fight-the-enemy) approach, to a law enforcement approach, including de-escalation, avoiding the use of force, changes of equipment and the correct use of equipment.

- 12.3 States should ensure in legislation and in practice that when policing protests, law enforcement agencies *inter alia*:
- a) Are experienced in managing protest events and are fully aware that their primary duty is to facilitate protests; this should be emphasised through all aspects of their training, planning processes, and execution and evaluation of operations;
 - b) Receive adequate training and other resources so as to be restrained and proportionate in policing protests. Training should include human rights standards and clarify the circumstances under which restrictions can be imposed; the limits of their authority; methods of understanding crowd behaviour; and the methods and skills needed in order to minimise and de-escalate conflict, such as negotiation and mediation;
 - c) Seek to establish or improve dialogue with the organisers of protests in advance, where possible, to create mutual understanding, reduce tensions, evaluate potential risks and conflict escalation and agree how best to facilitate the protest. They should also undertake voluntary debriefings with protesters after an event to assess any issues that may have arisen;
 - d) Establish clear law enforcement command structures and well-defined operational responsibilities, as well as points of contact within the law enforcement agency before, during and after protests;
 - e) Develop strategies to establish or improve communication with the public and the media before, during, and after protests to ensure an objective and balanced policing perspective of events and ensure that protesters and the public can make informed decisions;
 - f) Wear regular gear and uniforms; “riot” or special enforcement gear should be an exceptional measure, used only where strictly necessary in light of a full risk assessment and considering the potential for such equipment to be counter-productive to the de-escalation of tensions;
 - g) Clearly display numerals or other individualised identification at all times and refrain from preventing individuals from reading them during protests; any failure by individual officers to comply with this requirement should be dealt with swiftly and robustly. Plain-clothes officers should be required to identify themselves before taking any police action.

- 12.4 Decisions to disperse protests should be taken as a last resort in accordance with the principles of necessity and proportionality and should be ordered by a competent authority only if an imminent threat of violence outweighs the right to protest; in particular:
- a) Dispersals should never be ordered due to non-compliance with prior notification requirements (if such requirements exist), or failure to comply with other illegitimate prior restrictions on protest;
 - b) Isolated or sporadic acts of violence by individuals within a protest shall not justify the dispersal of a protest;
 - c) Law enforcement officers should be obliged to clearly communicate and explain orders to disperse, so as to obtain, as far as possible, the understanding and compliance of protesters; protesters must be given sufficient time to disperse before there is any recourse to coercive means.
- 12.5 Crowd-control strategies that temporarily deprive specific individuals of their freedom of movement should be used exceptionally and only if law enforcement officers have reasonable grounds to believe that the specific individuals being contained are liable to cause violence or serious disturbances elsewhere. Such strategies should only be used as a form of extremely limited and temporary crowd-control, where other means of achieving the same aim have been exhausted, and only for as long as is absolutely necessary. In the exceptional cases where containment can be deployed, the police should moderate the impact of the measure by ensuring:
- a) Easy access to information for protesters and the public regarding the reason for, anticipated duration of, and exit routes from, any police containment;
 - b) Clear signposting to basic facilities and amenities;
 - c) Immediate access to the emergency services, as well as to state and non-state providers of first aid and other forms of assistance and care;
 - d) Non-violent protesters and bystanders trapped as a result of the strategy, as well as vulnerable or distressed persons, are able to leave.

Principle 13: State duties regarding the use of force against protesters

- 13.1 States should adopt and implement a domestic legal and policy framework for the use of force by law enforcement, and ensure that all law enforcement agencies fully comply with international human rights law and standards on policing, in particular the *UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, as well as best practices in this area, such as Amnesty International's *Use of Force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*.
- 13.2 States must ensure, in domestic law and in practice, that the overall approach to policing protests should never be guided by the anticipation of violence and/or the use of force; rather, it should be guided by the principle that the use of force against protesters by law enforcement is restricted. They should explicitly provide that law enforcement can only resort to the use of force against protesters in exceptional circumstances: it should be used only against violent protesters, only when strictly necessary, and only in strict proportion to the threat of violence. The use of force will only be considered necessary where all other means of de-escalation and preventing further violence have been exhausted.
- 13.3 Law enforcement should have a range of less lethal equipment at their disposal that allows for the differentiated use of force in full respect of the principles of necessity and proportionality, and ensures that harm and injury are kept to a minimum. In particular:
- a) New law enforcement equipment should be developed and introduced only based on clearly defined operational needs and technical requirements, and not due merely to their availability on the market, with a view to reducing the amount of force used and the level of harm and injury caused;
 - b) All equipment should be subject to thorough testing and independent assessment as to its compliance with international human rights law and standards;

- c) Where the use of less-lethal weapons is unavoidable, they should never be used in a lethal manner and law enforcement officials must receive clear instructions on their deployment and on how to avoid causing serious injury and minimise harm. In particular, the use of devices that have an indiscriminate effect and a high possibility of causing harm may only be used in situations of more generalised violence for the purpose of dispersing a crowd, and only when all other means to contain the violence have failed. Devices with an indiscriminate effect may only be used when protesters and others have been warned that these devices will be used, and they have been granted an opportunity, and are able, to disperse.
- 13.4 Any deployment of less-lethal, and, in exceptional circumstances, lethal weapons, should be authorised by the highest-ranking official on the site and exercised only by fully trained law enforcement officers, and be subject to effective regulation, monitoring and control. Before using lethal and less-lethal weapons, law enforcement officials should give a clear warning of their intent to do so, with sufficient time for the warning to be observed, unless that would unduly place them or others at risk of death or serious harm or would be clearly inappropriate or pointless in the circumstances.
- 13.5 As for the deployment of lethal force by law enforcement, states must ensure that as a matter of principle, at a minimum:
- a) Law enforcement must never use lethal force, including firearms, to disperse a protest or against protesters in an indiscriminate manner as per the requirements in Principle 13.5(c);
 - b) No law enforcement operations are planned in a way that, from the outset, anticipates the possibility of the deployment of lethal force during the course of a protest. In states where law enforcement officials are usually armed, law enforcement agencies should always carefully assess whether it is appropriate for the officials in direct contact with protesters to carry their weapons;

- c) Law enforcement officials differentiate between the potentially lethal use and the intentionally lethal use of force. Intentionally lethal force can be used only in extremely exceptional cases when strictly unavoidable in order to protect life; that is, either in self-defence or in the defence of others under imminent threat of death or serious injury, or to arrest a person presenting such a danger, or to prevent his or her escape when this person presents an ongoing threat to the life that can be realised at any time, and only when less harmful means are insufficient to achieve these objectives.
- 13.6 Law enforcement officials must ensure that anyone injured or affected as a result of the use of force receives immediate assistance and medical aid at the earliest possible opportunity, and must report the incident promptly to superiors who must ensure an effective review is carried out by independent administrative or prosecutorial authorities who have the power to exercise authority where appropriate.
- 13.7 States must establish a system for monitoring the use of force, which includes a requirement that law enforcement officials report any resort to the use of force. Documentation about the use of force should be made available to the public.
- 13.8 Superior officers who either know, or should know, that officers under their command have resorted to the unlawful use of force must be responsible for any violations where they did not take all measures in their power to prevent, suppress or report excessive use of force.

Principle 14: State duties regarding the use of surveillance on protesters

- 14.1 The use of surveillance techniques for the indiscriminate and untargeted surveillance of protesters and the organisers of protests, both in physical spaces and through the digital sphere, should be prohibited.
- 14.2 Law enforcement can only subject individual protesters and organisers to targeted surveillance where there is a reasonable suspicion that they are engaging in, planning to engage in, or about to engage in, serious criminal activity.
- 14.3 Targeted surveillance should be conducted in accordance with the test set out in Principle 4 and each use must be approved by a court, be of limited duration, and be conducted in a manner that is appropriate to achieve the specific, legitimate aim identified. The need for surveillance must be frequently reviewed, and surveillance should cease once the purpose is no longer applicable. This requires that states should, at a minimum, establish the following before the courts and other independent adjudicatory bodies which authorise surveillance, prior to conducting surveillance:
- a) There is a high degree of probability that a serious crime or specific threat to a legitimate aim has been or will be carried out;
 - b) There is a high degree of probability that evidence which is relevant and material to a serious crime, or a specific threat to a legitimate aim, would be obtained by accessing the protected information sought;
 - c) Other less invasive measures have been exhausted or would be futile, meaning that the technique used is the least invasive option;
 - d) Information accessed will be confined to what is relevant and material to a serious crime or a specific threat to an alleged legitimate aim;
 - e) Any excess information collected will not be retained, and will instead be promptly destroyed or returned;
 - f) Information will be accessed only by the specified authority and used only for the purpose and duration for which authorisation was given.

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- 14.4 All protesters and organisers who are subject to surveillance should be notified of a decision authorising surveillance with enough time and information to enable them to challenge the decision or seek other remedies, and should have access to the materials presented in support of the application for authorisation. Delay in notification is only justified in the following circumstances:
- a) Notification would seriously jeopardise the purpose for which the surveillance is authorised, or there is an imminent risk of danger to human life;
 - b) Authorisation to delay notification is granted by an independent and impartial court, tribunal or other independent adjudicatory body; and
 - c) Affected individuals are notified as soon as the risk is lifted as determined by an independent and impartial court, tribunal or other independent adjudicatory body.
- 14.5 The obligation to give notice rests with the state; however, communications service providers should be free to notify individuals of any communications surveillance to which they are subject, either voluntarily or upon request.
- 14.6 Identifying data about protesters or organisers gained through surveillance should not be retained or shared unless it is essential for an ongoing criminal investigation or a pending prosecution.
- 14.7 While it is legitimate for the police to keep the details of particular investigations confidential, decisions about overall surveillance policies should be openly discussed. The policies and procedures for the use of surveillance technologies in protests should be explicit, written, and made public.
- 14.8 States should ensure that any decision on law enforcement officers wearing body cameras should fully consider the human rights impacts under the principles of proportionality and necessity, and take into account the circumstances of each situation. The storage and further use of recording must be regulated by law and comply with the requirements set out in these Principles.

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- 14.9 In recognition of the fact that recording and image gathering in public areas by law enforcement, Closed Circuit Television (CCTV), Unmanned Aerial Vehicles (UAV) and related technologies, which are used to monitor a variety of activities, might breach the right to protest, states should ensure that:
- a) The use of these techniques is subject to strict regulation;
 - b) All bodies using the respective technologies ensure that there is visible notice to the public informing them that they are or may be monitored;
 - c) Images of identifiable individuals captured by these technologies should not be retained or shared unless there is reasonable suspicion that the images contain evidence of criminal activity or are relevant to an ongoing investigation or a pending criminal trial;
 - d) Deployment and policy decisions surrounding these technologies should be democratically decided based on the principle of open information;
 - e) Investment in these technologies should be made only after a clear, systematic examination of the costs and benefits involved. If such technology is deployed, independent audits should be put in place to track their use.

Principle 15: State duties regarding stop and search, detention or arrests of protesters

15. No one should be arbitrarily deprived of their liberty except on such grounds and in accordance with procedures that are established by law, based on reasonable suspicion of the person having committed an offence, or when it is necessary to prevent their committing an offence or fleeing after having done so, without resorting to excessive use of force. In the context of protests:
- a) There should be no mass use of stop and search powers; any use of stop and search powers, including the searching of electronic devices, and arrests and detentions of protesters must be individualised and based on particularised facts;
 - b) All arrests, detentions and any subsequent trials should be carried out in accordance with both formal and substantive rules of domestic and international law, including the principle of non-discrimination. They should be free from arbitrariness, in that the laws and their application must be appropriate, just and foreseeable, and must comply with the due process of law, including the right to access a lawyer at all stages of judicial proceedings, the right to adequate time and facilities to challenge the decisions, and the right to cross-examine witnesses.
 - c) In circumstances where a number of individuals are being arrested based on their unlawful conduct during a protest, law enforcement officers should ensure that:
 - i. The individuals arrested were observed to have engaged in unlawful activity, as opposed to simply being in a public area near unlawful activity;
 - ii. There are workable models for transporting, booking, holding, feeding, administering to and ensuring the health and safety of large numbers of detainees, in compliance with international human rights standards;

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- ii. Any detention facilities set up specifically for large protest events should have emergency management plans created by policing entities that provide specific instructions as to what constitutes an emergency and what steps should be taken in each scenario. Every person staffing such a facility must be trained in emergency procedures, and appropriate run-throughs should be conducted to ensure the safety and security of staff and detainees.

Principle 16: State duties regarding liability and sanctions against protesters

- 16.1 Participation in a protest must never by itself be the basis of a criminal charge or for suspicion of involvement in criminal activity. Any preventative arrests must be based on a reasonable suspicion that a criminal offence is planned and is in progress to be executed.
- 16.2 Sanctions and the imposition of individual criminal and administrative liability regarding offences committed during protests must be applied in narrow and lawfully prescribed circumstances, in line with the test set in Principle 4 and upon the decision of an independent and impartial court, tribunal or other independent adjudicatory body in accordance with the rule of law.
- 16.3 Liability must always be personal, so that neither the organisers nor the protesters are subjected to sanctions of any kind on the basis of acts committed by others.
- 16.4 Organisers and protesters must never be held liable or responsible for covering the costs of the provision of adequate security and safety measures, policing and first-aid services, and the costs of cleaning up after protests. In addition, they must not be required to obtain public-liability insurance for protests.
- 16.5 States must restrict the possibility of civil law remedies being used to silence protesters and to obstruct the work of human rights defenders in protests, including strategic litigation against public participation (SLAPP). States should adopt legislation that considers SLAPP as an abuse of the judicial process which aims to restrict the legitimate exercise of the right to protest.
- 16.6 States must ensure that any legislation or practice which concerns the ability of public and private entities, in particular private companies, to seek and apply injunctions against protests, fully complies with restrictions set out in Principle 4, and also with the requirements of the due process of law. In particular, states should guarantee in their legislation and practice that:

- a) Applications for injunctions relating to protest cannot be made without notice being given to protesters;
- b) Injunctions can be granted only against identified individuals or groups and never *contra mundum*, i.e. against anyone with notice of injunction;
- c) The extent, scope and duration of injunctions should always be carefully balanced so as to give meaningful effect to the right to protest. In determining whether issuing an injunction is necessary and proportionate under Principle 4, the courts or other independent adjudicatory bodies should consider:
- i. Demonstrable evidence of a threat of actual and irreparable harm to the applicant if the injunction were not granted;
 - ii. The balance between this harm and the resulting restrictions on the right to protest as a result of granting the injunction;
 - iii. The probability of the applicant seeking the injunction to succeed on the merits of his/her claim;
 - iv. The public interest in upholding the exercise of fundamental rights and maintaining the ability of individuals to exercise their right to protest;
- d) The costs of the proceedings and legal fees do not serve as a deterrent to protesters who seek the amendment or revocation of an injunction; and
- e) There are sufficient safeguards against abuse, including compensation paid to the injured party.
- 16.7 Any restrictions on protests that take the form of non-violent direct action should be based on an individualised assessment in accordance with the test set out in Principle 4. In particular:
- a) States should recognise that some criminal offences, when applied to non-violent direct action/civil disobedience, including but not limited to aggravated trespass or squatting, have a chilling effect on the right to protest. They should be replaced by civil or administrative remedies where appropriate when relating to protest;

- b) Law enforcement should be allowed to exercise discretion in considering whether the strict application of criminal or administrative offences is an appropriate and proportionate form of restriction. Criminal law sanctions should be applied only against non-violent direct action in the most serious cases if less severe restrictions or measures could not achieve the same effect;
- c) Judicial authorities should consider the expressive nature of the conduct as a mitigating circumstance when applying sanctions;
- d) In determining the proportionality and necessity of restrictions, law enforcement and judicial authorities should employ a public interest assessment, taking into account:
 - i. The importance of upholding the exercise of fundamental rights and maintaining the ability of individuals to enjoy their right to protest;
 - ii. The non-violent manner of the expressive conduct;
 - iii. The level of disruption of the expressive conduct;
 - iv. The type of targeted entity;
 - v. The actual harm caused, with the deciding factor being not whether damage occurred, but whether it was unduly substantial. The test of substantial damage should not be one of mere embarrassment, disruption or discomfort and should be considered in context, and with regards to the type of targeted entity.
 - vi. In cases concerning the use of digital technologies for expressive purposes, law enforcement and judicial authorities should consider whether the targeted entity has any alternative means of communication and the extent to which the protest resulted in a violation of the right to freedom of expression of the targeted entity online.

Section IV: Obligation to fulfil the right to protest

Principle 17: Accountability and transparency

- 17.1 States should ensure that all decision-making processes by public authorities relating to protests are transparent, accessible and comply with international due process standards. In particular, they should ensure that the protesters receive timely notice of any regulatory decisions with justified reasons and that they have recourse to prompt and effective remedy through administrative and/or judicial review.
- 17.2 States should investigate, prosecute, and ensure accountability for human rights violations committed in the context of protests. Investigations and prosecutions must be effective, speedy and carried out by independent judicial or adjudicatory bodies, and capable of bringing perpetrators, instigators and those overseeing violations to account through criminal or disciplinary proceedings as appropriate.
- 17.3 States must ensure accessible, effective, and cost-free remedies for violations of the rights of protesters, in particular through criminal and civil law processes; they should include, *inter alia*, damages, restitution, public apologies, guarantees of non-repetition or precautionary measures, as well as remedies awarded by human rights institutions and/or ombudspersons.
- 17.4 States should ensure in their legislation and in practice that at a minimum:
 - a) Policing techniques and any use of force during protests is subject to independent, impartial and prompt review, and, where appropriate, investigation and disciplinary or criminal sanction as per Principle 17.2;
 - b) The use of policing techniques and any equipment, including digital and surveillance tools, used in policing protests, is transparent and open to public scrutiny. States should establish independent inquiries to examine, *inter alia*:

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- i. Allegations of injuries caused by the use of less-lethal weapons. Inquiries should include independent medical, scientific, and judicial experts, who study and report on the dangers of less-lethal weapons and make recommendations about the effective regulation, lawful deployment, and use of such weapons with a view to increasingly restricting their use;
 - ii. The use of any surveillance technologies, so that the public can assess the manner and frequency of their use, the justifications for and the necessity and proportionality of that use, and whether they are being used for improper or expanded purposes.

Principle 18: Free flow of information relating to protests

- 18.1 States should enable the free flow of information relating to protests, including through all types of media, so that everyone can freely impart and receive information about protests before, during and after them.
- 18.2 States should ensure in their legislation and in practice that, at a minimum:
 - a) All public authorities and law enforcement provide detailed, accurate and comprehensive information about decision-making relating to protests and policing protests. Those with an obligation to disclose information must make information available on request, within the timeframe specified by law, subject only to limited exceptions prescribed by law and that are necessary to prevent a specific, identifiable harm to legitimate interests, as set out in the test set out in Principle 4;
 - b) There is a policy of proactive disclosure of key information, including the rules and regulations governing the policing of protests, budgets and evaluation reports. This information should be made available both on and offline, in places that make it easy to locate and in formats that permit easy download and re-use of the data;
 - c) All public authorities, including law enforcement, involved in decision-making relating to protests must develop and maintain consistent records relating to their decision-making and the execution of their duties, and ensure this is accessible to public and independent scrutiny.
- 18.3 States should refrain from imposing measures that regulate or limit the free circulation of information about protests via broadcast and print media, the internet and other communications platforms; any limitations must comply with the requirements set out in Principle 4.

Principle 19: Monitoring of and reporting on protests

- 19.1 States should allow and actively facilitate reporting on, and the independent monitoring of, protests by all media and independent observers, without imposing undue limitations on their activities and without official hindrance, as far as is possible, and without geographical restrictions.”
- 19.2 States should ensure that no individuals documenting police actions and human rights violations during protests are specifically targeted because of covering and reporting on protests. Wilful attempts to confiscate, damage or break related equipment, printed material, footage, audio, visual and other recordings should be a criminal offence and those responsible should be held accountable.
- 19.3 The photographing or video recording of the policing of protests and related activities by the media, observers, protesters and other third parties should not be prevented, and any requirement to surrender film or digitally recorded images or footage to law enforcement agencies should be subject to prior judicial scrutiny.
- 19.4 States should establish programmes to allow designated and trained independent observers to gain access to protests for the purposes of observing, documenting and reporting on the protests. They should also be permitted to remain in the vicinity of protests following the issuing of dispersal orders and be granted access to detention facilities, unless there are exigent circumstances.
- 19.5 In order to ensure the independent coverage and monitoring of protests by the media and independent observers, states should, at the very least:
- a) Refrain from imposing accreditation requirements on the media in order for them to be allowed to cover protests;
 - b) Guarantee as extensively as possible the safety of journalists, media workers and observers, including using special protection measures. The need to guarantee safety, however, should not be used as a pretext to unnecessarily limit their rights, in particular their rights to freedom of expression, freedom of movement and access to information;
 - c) Fully respect the right of the protection of sources in relation to protests; any restrictions should be subject to the narrow limitations set out under international law;

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- d) Ensure that journalists and independent observers are not arrested and detained by law enforcement officers as a result of their lack of credentials; nor should they be arrested as a result of their failure to leave an area once a dispersal order is given unless their presence would unduly interfere with police action;
 - e) Make the role, function, responsibilities and rights of the media and observers an integral part of the training curriculum for law-enforcement officers whose duties include the policing of protests.

Section V: Other actors

Principle 20: Other actors

- 20.1 Organisers of protests should, where possible and without any coercion, establish relationships of cooperation and partnership with relevant authorities and with law enforcement officials in planning the course of the protests. In cases where public space needs to be booked or where large numbers are expected, organisers should comply with voluntary notifications procedures.
- 20.2 On voluntary basis, organisers should consider designating individuals with whom the authorities can liaise in order to facilitate the protests, and deploy clearly identifiable stewards to help facilitate the holding of protests and ensure compliance with any lawfully imposed restrictions.
- 20.3 Journalists and independent observers should identify themselves clearly as such, while the identification methods should be applied broadly and indiscriminately. Journalists and independent observers should report accurately on events in compliance with ethical journalism standards and ethical standards on the monitoring of protests.
- 20.4 The methods of identification for journalists and independent observers should be clearly recognisable by law enforcement agencies and other actors, preferably agreed through an open and consultative process between law enforcement agencies, journalist unions and civil society.

Background

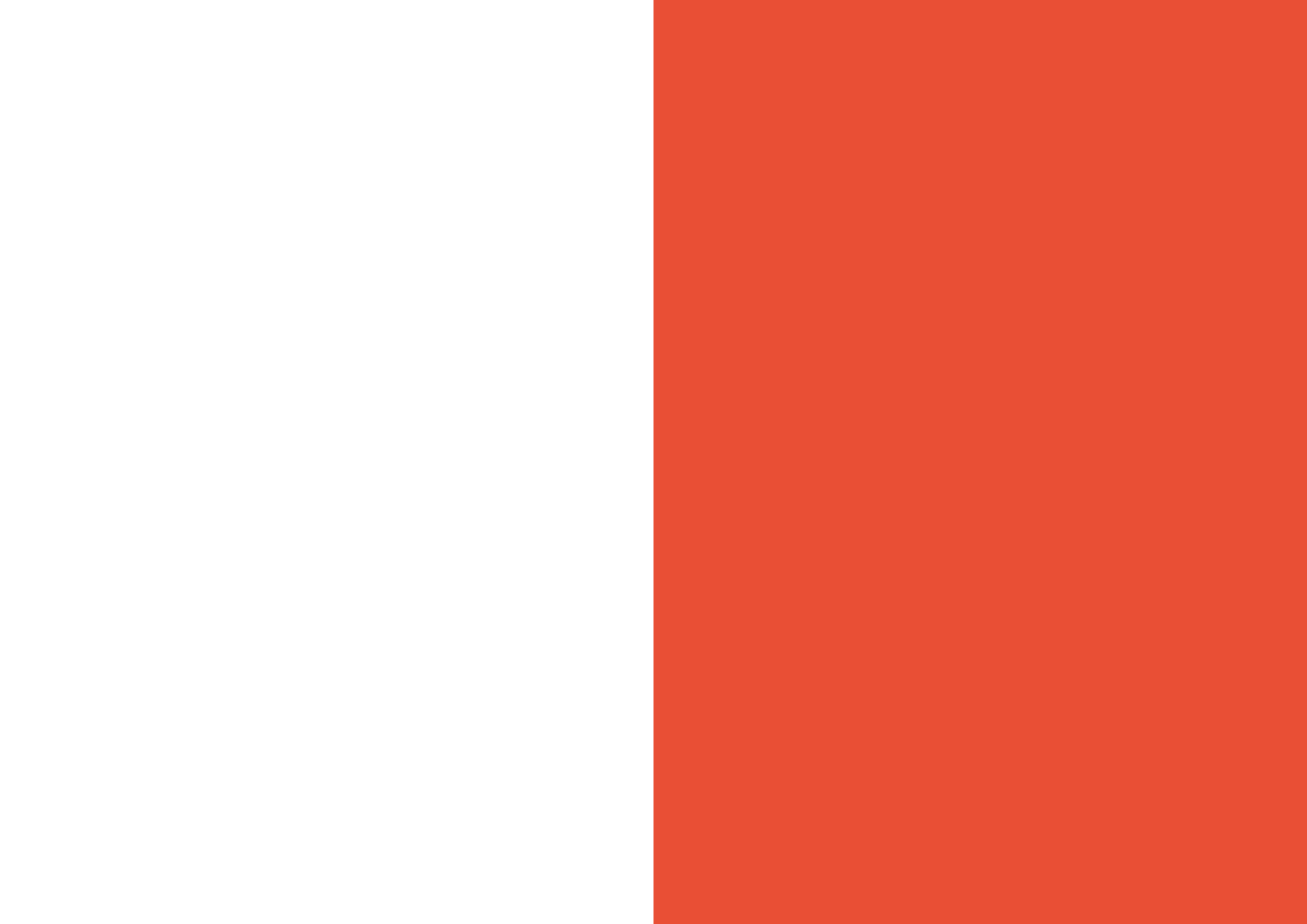
The Right to Protest Principles are part of ARTICLE 19's International Standards Series, an ongoing effort to elaborate in greater detail the implications of protecting and promoting the right to freedom of expression in different thematic areas.

They are the result of a process of study, analysis and consultations, drawing on the extensive experience and work of ARTICLE 19's regional offices and partner organisations in many countries around the world. An original draft of the Principles was elaborated following the first meeting of experts in London on 15 and 16 May 2014.

Following this meeting and further consultations, ARTICLE 19 drafted the Consultative Version of the Principles in several languages; these were launched at the UN Human Rights Council session in June 2015 and were available for comment and discussion on the Right2Protest website during the period June to November 2015. Civil society organisations, activists, policy makers, academics, media and all other stakeholders were invited to feedback on the draft, and the final version of the Principles was produced on basis of these consultations.

ARTICLE 19 appreciates the input and support of all the individuals and organisations that contributed to the development of these Principles.

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**DEFENDING FREEDOM
OF EXPRESSION AND INFORMATION**

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