



KNOW YOUR RIGHTS

INTERNATIONAL STANDARDS ON FREEDOM OF PEACEFUL ASSEMBLY!

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. – International Covenant on Civil and Political Rights, article 21.

The freedom of peaceful assembly is a fundamental human right articulated in the United Nations (UN) International Covenant on Civil and Political Rights (ICCPR), which has been [ratified by 173 countries](#). It is the right to gather in order to express collective views, and as such is a cornerstone of a free and open society.

In 2020, the UN Human Rights Committee, the body of independent experts that monitors implementation of the ICCPR by its state parties, published its interpretation of the right to freedom of peaceful assembly under ICCPR article 21 in its [General Comment No. 37](#). This General Comment details the responsibilities of states in upholding the freedom of peaceful assembly.

This guiding note sets out some of the key aspects of the right to the freedom of peaceful assembly as covered in international law, including the General Comment. It covers issues such as notification requirements, policing, restrictions and accountability for violations.

As much as possible, the below language reflects the General Comment, but for ease of use, we have slightly simplified the language, without changing the substance.

WHAT DOES THE RIGHT TO THE FREEDOM OF PEACEFUL ASSEMBLY COVER?



- People gathering for specific purposes, principally expressive ones.
- Peaceful assemblies wherever they take place: outdoors, indoors and online; in public and private spaces; or any combination of these.
- Assemblies may take many forms, including demonstrations, protests, meetings, processions, rallies, sit-ins, candlelit vigils and flash mobs.
- Assemblies are protected whether they are stationary, such as pickets, or mobile, such as processions or marches.

WHO HAS THE RIGHT TO PEACEFUL ASSEMBLY?

- Everyone has the right to peaceful assembly, citizens and non-citizens alike. It may be exercised by, for example, foreign nationals, migrants (documented or undocumented), asylum seekers, refugees and stateless persons.
- While the notion of an assembly implies that there will be more than one participant in the gathering, a single protester enjoys comparable protections under ICCPR article 19.
- Protection also extends to remote participation in, and organisation of, assemblies, for example online.

Do you lose your right to assemble if others commit violent acts? **No!**

- The violence of some participants does not render the whole assembly violent. Isolated acts of violence by some participants should not be attributed to others, the organisers or to the assembly as such.
- Mere pushing and shoving or disruption of vehicular or pedestrian movement or daily activities do not amount to violence.
- Collective civil disobedience or direct-action campaigns are permissible provided that they are non-violent.
- If an assembly does include violent participants, this does not mean the authorities can use excessive force against protesters.
- Law enforcement agencies and officers must use minimum force to prevent acts of violence or unlawfulness and firearms must never be used simply to disperse an assembly.

DO YOU NEED PERMISSION TO HOLD AN ASSEMBLY? **No!**

- Spontaneous assemblies, whether coordinated or not, are equally protected.
- Failure to notify the authorities does not make an assembly unlawful or violent by nature.

When do you have to notify the authorities about an assembly?

- Notification must not be required for spontaneous assemblies for which there is not enough time to provide notice.
- Failure to notify the authorities of an upcoming assembly, where required, does not render the act of participation in the assembly unlawful.
- Notification procedures should be transparent and not unduly bureaucratic, and their demands on organisers must be proportionate to the potential public impact of the assembly.
- Lack of notification does not absolve the authorities from the obligation, within their abilities, to facilitate the assembly and protect the participants.
- If restrictions are imposed following a notification, they should be communicated early enough to allow time for access to the courts or other mechanisms to challenge them.

CAN YOU BE DETAINED OR ARRESTED DURING A PROTEST?

- Practices of indiscriminate mass arrest prior to, during or following an assembly are arbitrary and unlawful.
- Preventative detention of targeted individuals to keep them from participating in a protest, unless in very narrow circumstances, is likely to be unlawful, especially if the detention lasts for over a few hours.

Do you have the right to monitor a protest? **Yes!**

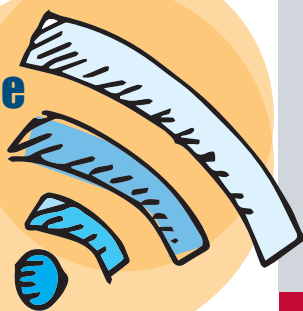
- Journalists, human rights defenders, election monitors and others involved in monitoring or reporting on assemblies may not be prohibited from, or unduly limited in, exercising their functions, including monitoring the actions of law enforcement officials.
- They must not face reprisals or other harassment, and their equipment must not be confiscated or damaged.

IS THE PLANNING AND PREPARATION OF AN ASSEMBLY COVERED BY INTERNATIONAL LAW? **Yes!**

- Participants or organisers must be allowed to mobilise resources; plan; disseminate information about an upcoming event; prepare for and travel to the event; communicate between participants leading up to and during the assembly; broadcast the assembly or broadcast from it; and leave the assembly afterwards.

Does your right to assemble apply to the online space? **Yes!**

- Associated activities that happen online or otherwise rely upon digital services are also protected.
- The state must not block or hinder internet connectivity in relation to peaceful assemblies. The same applies to geotargeted or technology-specific interference with connectivity or access to content.
- States should ensure that the activities of internet service providers and intermediaries do not unduly restrict assemblies or the privacy of assembly participants.



CAN YOU EXPRESS PROPAGANDA FOR WAR OR NATIONAL, RACIAL OR RELIGIOUS HATRED THAT CONSTITUTES INCITEMENT TO DISCRIMINATION, HOSTILITY OR VIOLENCE? **No!**

- Peaceful assemblies may not be used for propaganda for war or for advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.
- As far as possible, action should be taken in such cases against the individual perpetrators, rather than against the assembly as a whole.

Can you bring equipment to assemblies? **Yes!**

- Flags, uniforms, signs and banners are to be regarded as legitimate forms of expression that should not be restricted.
- Participants should be left to determine whether they want to use equipment such as posters, megaphones, musical instruments or other technical means, such as projection equipment, to convey their message.
- Assemblies may entail the temporary erection of structures, including sound systems, to reach their audience or otherwise achieve their purpose.

CAN THE AUTHORITIES MAKE YOU COVER THEIR COSTS? **No!**

- Requirements for participants or organisers either to arrange for or to contribute towards the costs of policing or security, medical assistance or cleaning, or other public services associated with peaceful assemblies, are generally not compatible with international law.



WHERE CAN YOU HOLD AN ASSEMBLY?



- Given the typically expressive nature of assemblies, participants must as far as possible be enabled to conduct assemblies within sight and sound of their target audience.
- Peaceful assemblies should not be relegated to remote areas where they cannot effectively capture the attention of those who are being addressed, or the general public.
- As a general rule, there can be no blanket ban on all assemblies in the capital city, in all public places except one specific location within a city or outside the city centre, or on all the streets in a city.
- Assemblies should generally be allowed to take place close to areas such as courts, parliaments, sites of historical significance or other official buildings.

CAN YOU WEAR A MASK OR DISGUISES AT A PROTEST? Yes!

- The wearing of face coverings or other disguises by assembly participants, such as hoods or masks, or the taking of other steps to participate anonymously, may form part of the expressive element of a peaceful assembly or serve to counter reprisals or to protect privacy, including in the context of new surveillance technologies.



Can the authorities prohibit an assembly?

Only as a last resort

- Where the imposition of restrictions on an assembly is deemed necessary, the authorities should first seek to apply the least intrusive measures.
- States should also consider allowing an assembly to take place and deciding afterwards whether measures should be taken regarding possible transgressions during the event, rather than imposing prior restraints in an attempt to eliminate all risks.
- Any restrictions, in principle, must be content neutral, and thus not be related to the message conveyed by the assembly.

Can the police disperse an assembly?

Only in exceptional cases

- Dispersal may be resorted to if the assembly is no longer peaceful, or if there is clear evidence of an imminent threat of serious violence that cannot be reasonably addressed by more proportionate measures, such as targeted arrests.
- Conditions for ordering the dispersal of an assembly should be set out in domestic law, and only a duly authorised official may order the dispersal of a peaceful assembly.
- An assembly that remains peaceful while nevertheless causing a high level of disruption, such as the extended blocking of traffic, may be dispersed, as a rule, only if the disruption is serious and sustained.

CAN AN ASSEMBLY BE CRIMINALISED UNDER COUNTER-TERRORISM LAWS? No!

- The mere act of organising or participating in a peaceful assembly cannot be criminalised under counter-terrorism laws.

What role do the police have in facilitating an assembly?

- Only law enforcement officials trained in the policing of assemblies, including on the relevant human rights standards, should be deployed.
- States must respect and ensure the exercise of the fundamental rights of organisers and participants, while also protecting journalists, monitors and observers, medical personnel and other members of the public, as well as public and private property, from harm.
- States are obliged not to prohibit, restrict, block, disperse or disrupt peaceful assemblies without compelling justification, nor to sanction participants or organisers without legitimate cause.
- States must protect participants against possible abuse by non-state actors, such as interference or violence by other members of the public, counter demonstrators and private security providers.



IS THE USE OF LESS-LETHAL WEAPONS PERMISSIBLE?

Only with many conditions

- The authorities must ensure that all weapons, including less-lethal weapons, are subject to strict independent testing, and that officers deployed with them receive specific training, and must evaluate and monitor the impact of weapons on the rights of those affected.
- When such weapons are used, all reasonable efforts should be made to limit risks, such as causing a stampede or harming bystanders.
- Such weapons should be used only as a measure of last resort, following a verbal warning, and with adequate opportunity given for assembly participants to disperse.
- Containment ('kettling'), where law enforcement officials encircle and enclose a section of participants, may be used only where it is necessary and proportionate to do so, in order to address actual violence or an imminent threat emanating from that section.

CAN THE POLICE USE FORCE AGAINST PROTESTERS?

Only if absolutely necessary

- Police are obliged to exhaust non-violent means and to give prior warning if it becomes absolutely necessary to use force.
- As far as possible, any force used should be directed against a specific individual or group engaged in or threatening violence.
- Domestic law must not allow the use of force against participants in an assembly on a wanton, excessive or discriminatory basis.
- Clear command structures must exist to underpin accountability, as must protocols for recording and documenting events, ensuring the identification of officers and reporting any use of force.
- All use of force by law enforcement officials should be recorded and reflected promptly in a transparent report.

Can the police use firearms during an assembly?

Almost never

- Firearms are not an appropriate tool for the policing of assemblies. They must never be used simply to disperse an assembly.

CAN THE POLICE USE PLAINCLOTHES OFFICERS AT ASSEMBLIES?

Yes, but with conditions

- Any deployment of plainclothes officers in assemblies must be strictly necessary in the circumstances and such officers must never incite violence.
- Before conducting a search, making an arrest or resorting to any use of force, plainclothes officers must identify themselves to the persons concerned.

CAN PRIVATE SECURITY SERVICES BE USED AT ASSEMBLIES?

Only in exceptional circumstances

- States are ultimately responsible for law enforcement during an assembly and may delegate tasks to private security service providers only in exceptional circumstances.



Can the authorities stop and search you during an assembly? No!

- The mere fact that the authorities associate an individual with a peaceful assembly does not constitute reasonable grounds for stopping and searching them.

SHOULD THERE BE ACCOUNTABILITY FOR VIOLATIONS FOR RIGHTS COMMITTED AGAINST ASSEMBLIES?

Yes!

- States must ensure full accountability for human rights violations or abuses in the context of protests, including by investigating such violations and abuses and prosecuting the perpetrators, including in cases of sexual or gender-based violence.
- To enhance effective accountability, uniformed law enforcement officials should always display an easily recognisable form of identification during assemblies.
- Official decisions restricting the exercise of assembly rights must be open to legal challenge in a process that meets fair and public hearing requirements.

