



GOOD PRACTICE FOR LAW ENFORCEMENT OFFICIALS POLICING DEMONSTRATIONS

Governments and law enforcement authorities, in particular, must ensure that everyone within their territories can enjoy their human right to peaceful assembly, and that the rights to life and to be free from torture and other ill-treatment are respected at all times. The UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials must be the guiding principles underpinning all operations before, during and after demonstrations. Law enforcement officials should:

FACILITATE peaceful public assemblies.

- It is the legitimate right of people to carry their opinion to the streets. Public assemblies should not be considered as the “enemy”. The command hierarchy must convey a clear message to law enforcement officials that their task is to facilitate and not to restrict a peaceful public assembly. This must be clearly understood by all law enforcement officials taking part in the management of the assembly.
- In the policing of assemblies that are unlawful but non-violent, law enforcement officers must avoid the use of force. If it is unavoidable, for example to secure their safety and the safety of others, they must use the minimum necessary and comply with the UN Basic Principles.

PROTECT peaceful public assemblies, including against violent individuals or smaller groups.

- Minor violations of the law, such as billposting, littering, minor damage to property caused by a large group of people gathering together, may lead to investigation and eventual individual liability. However, in view of the importance of the right to freedom of assembly, this should not lead to a decision to disperse an assembly.
- The decision to disperse an assembly should be taken in line with the principles of necessity and proportionality, only when there are no other means available to protect public order from an imminent risk of violence.
- Where a small minority tries to turn a peaceful assembly into a violent one, law enforcement officials should protect the peaceful protesters and not use the violent acts of a few as a pretext to restrict or impede the exercise of fundamental rights of a majority.

DE-ESCALATE tense or violent situations.

- Communication with organizers and demonstrators before and during the operation should aim to create mutual understanding and prevent violence. Where outbreaks of violence are highly probable – for instance in the context of sensitive anniversaries or linked to the public outcry against austerity measures – communication with organizers and demonstrators becomes even more important, in order to reduce tension and to avoid unnecessary confrontation. Law enforcement officials and organizers should look together for ways to prevent violence or to stop it quickly as soon as it breaks out.

FACILITATE/PROTECT

- When a (lawful) decision has been taken to disperse an assembly, the order to disperse must be clearly communicated and explained, to obtain, as far as possible, the understanding and compliance of the demonstrators. Sufficient time must be given to disperse.

USE police powers only for lawful aims.

- Force should not be used to punish the (presumed or alleged) non-compliance with an order nor simply for the participation in an assembly.
- Arrest and detention should be carried out only in accordance with procedures established by law. They should not be used as means to prevent peaceful participation in a public assembly nor as a means of punishment for participation.

MINIMIZE damage, preserve and respect life and protect uninvolved people. Use force only to the extent necessary, and only when non- or less-violent means have failed or are unlikely to achieve the legitimate objective.

- Firearms or shotguns should never be used for the purpose of dispersing a crowd.
- Batons and similar impact equipment should not be used on people who are unthreatening and non-aggressive. Where baton use is unavoidable, law enforcement officers must have clear orders to avoid causing serious injury and that vital parts of the body are excluded as target zones.
- The type of equipment used to disperse an assembly must be carefully considered and used only when necessary, proportional and lawful. Policing and security equipment – such as rubber bullets, tear gas and stun grenades, often described as “less-lethal” weapons – can result in serious injury and even death. Chemical irritants, such as tear gas, should not be used where people are confined in an area and not in a way that can cause lasting harm (such as at too close range, or directly aimed at people’s faces).
- Clear orders should be given to all law enforcement officers that medical assistance to anyone injured must be provided without delay.

BE ACCOUNTABLE to the public and to the judiciary for all operations.

- Any use of force during a public assembly should be subject to review, and where appropriate, investigation and disciplinary or criminal sanction.
- Complaints against police must be effectively and impartially investigated, and where appropriate, subject to disciplinary or criminal sanction.
- Law enforcement officials should be identifiable during public order operations (either through name or number tags).
Enforceable orders