



10

Principles

for the proper management
of assemblies

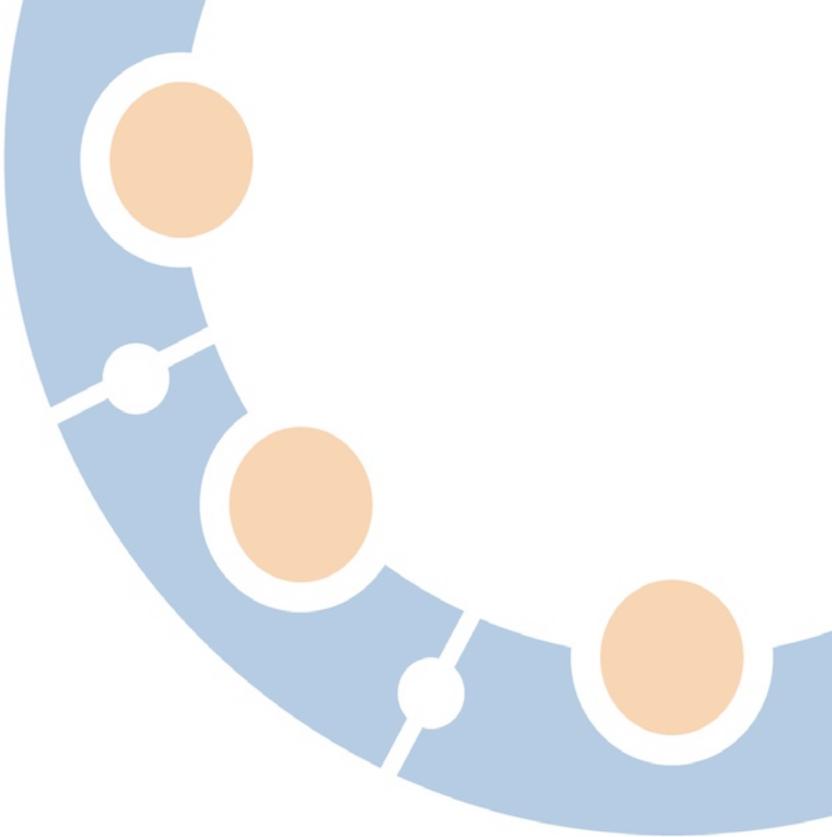


Implementation Checklist

A step-by-step checklist for monitoring implementation of the practical recommendations on the management of assemblies report by United Nations Special Rapporteurs Maina Kiai and Christof Heyns (A/HRC/31/66)



freeassembly.net
Published Sept. 2016 by
UN Special Rapporteur
Maina Kiai



Implementation Checklist

A step-by-step checklist for monitoring implementation of the practical recommendations on the management of assemblies report by United Nations Special Rapporteurs Maina Kiai and Christof Heyns (A/HRC/31/66)

Published in September 2016 by the Special Rapporteur
on the rights to freedom of peaceful assembly and of association



United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association

About the Special Rapporteurs' mandates

The special procedures of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. The system of Special Procedures is a central element of the United Nations human rights machinery and covers all human rights: civil, cultural, economic, political, and social. As of June 30, 2016, there were 42 thematic and 14 country mandates.

The mandate of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (currently Mr. Maina Kiai of Kenya) was established in October 2010 to examine, monitor, advise and publicly report on the rights to freedom of peaceful assembly and of association worldwide.

The mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions (currently Ms. Agnes Callamard of France; formerly Mr. Christof Heyns of South Africa, 2010-16) examines situations of extrajudicial, summary or arbitrary executions in all circumstances and for whatever reason throughout the world.



About Maina Kiai

Mr. Maina Kiai (Kenya) has spent the last twenty years campaigning for human rights and constitutional reform in Kenya – notably as founder and Executive Director of the unofficial Kenya Human Rights Commission, and then as Chairman of Kenya's National Human Rights Commission (2003-2008), where he won a national reputation for his courageous and effective advocacy against government corruption, in support of political reform, and against impunity following the violence that convulsed Kenya in 2008. He has served as Special Rapporteur on the rights to freedom of peaceful assembly and of association since 2011.



About Christof Heyns

Mr. Christof Heyns (South Africa) is the director of the Institute for International and Comparative Law in Africa and Professor of Human Rights Law at the University of Pretoria, where he has also directed the Centre for Human Rights, and has engaged in wide-reaching initiatives on human rights in Africa. He has advised a number of international, regional and national entities on human rights issues. He served as UN Special Rapporteur on extrajudicial, summary or arbitrary executions from 2010-16. He was recently elected to be a member of the United Nations Human Rights Committee as from 2017.

For more information:

freeassembly@ohchr.org or info@freeassembly.net

Web: <http://freeassembly.net/> Facebook: <https://www.facebook.com/mainakiai.sr>

Twitter: https://twitter.com/MainaKiai_UNSR

Official OHCHR site: <http://www.ohchr.org/EN/Issues/AssemblyAssociation/Pages/SRFreedomAssemblyAssociationIndex.aspx>

The production of this report was generously funded by the Royal Norwegian Ministry of Foreign Affairs

Table of Contents

p2

About this checklist

p3

Guiding Principle One:
States' duty to respect and ensure rights

p5

Guiding Principle Two:
The inalienable right to take part in peaceful assemblies

p7

Guiding Principle Three: Limited restrictions on the right to peaceful assembly

p9

Guiding Principle Four:
Facilitation of the right to peaceful assembly

p11

Guiding Principle Five:
Use of force

p14

Guiding Principle Six:
The right to observe, monitor and record assemblies

p16

Guiding Principle Seven: Collection of personal information & privacy

p18

Guiding Principle Eight: Access to information

p20

Guiding Principle Nine:
Responsibilities of business enterprises

p21

Guiding Principle Ten:
State accountability

p23

Your country's assembly rights score

About this Checklist

The ability to assemble and act collectively is vital to democratic, economic, social and personal development, to the expression of ideas and to fostering engaged citizenry. Yet despite the increasingly prominent role that assemblies play in today's world, there is sometimes a lack of clear understanding of the applicable international human rights law and standards.

To provide more clarity, in 2014 the Human Rights Council requested that the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, and the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, to prepare a joint report on the proper management of assemblies. That report ([A/HRC/31/66](#)) was published in March 2016, and compiled a series of practical recommendations - based on consultations with over 100 experts and more than 50 UN Member States - for the management of assemblies.

This checklist is a companion publication to that report, designed as an easy-to-use tool to: (1) determine which practical recommendations contained in the report are already in place at the domestic level, and (2) help assess how well domestic and local authorities manage assemblies. This is an important preliminary step for actors wishing to promote the operationalization of these recommendations. A second companion document, *Using the Compilation of Practical Recommendations on the Proper Management of Assembly (A/HRC/31/66): A Guide for Civil Society* (forthcoming), offers suggestions, tools and methods for gathering relevant evidence, and achieving change in State policy and practice.

The checklist contains 100 indicators - categorized under 10 overarching principles - relating to the implementation of the recommendations made by the Special Rapporteurs. These indicators take the entire spectrum of 'managing an assembly' into account and include the activities and measures before, during and after an assembly or protest takes place. Indicators relating to relevant international standards as such, are not included but are summarised at the beginning of each section.

Users of this checklist can score their country's performance on a scale of 1 to 100 by keeping track of the number of indicators that have been implemented. Scoring boxes are included at the end of each chapter, with a final score sheet on Page 23. We invite you to Tweet us an image of your score sheet at [@MainaKiai UNSR](#) - or e-mail it to info@freassembly.net.

Guiding Principle One

“States shall respect and ensure all rights of persons participating in assemblies”

Relevant international standards (see report paragraphs 14–16):

- States must respect and ensure the rights of all individuals.
- States must respect and ensure rights without discrimination on the basis of any prohibited ground.

Rec. No.*	Indicator	Implemented?
17(a)	The State has ratified the International Covenant on Civil and Political Rights.	
17(a)	The State has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.	
17(a)	The State has ratified the remaining 16 core international human rights treaties.	
17(a)	The State has ratified relevant regional instruments.	
17(a)	The law establishes a positive presumption in favour of peaceful assembly.	
17(a)	The law protects rights to bodily integrity (including right to life).	
17(a)	The law protects the right to freedom of peaceful assembly.	
17(a)	The law protects the right to freedom of association.	
17(a)	The law protects the right to freedom of expression.	
17(b)	All laws relating to the management of assemblies are drafted unambiguously and are consistent with each other.	
17(b)	All laws relating to the management of assemblies are consistent with international standards.	

* Recommendation numbers refer to paragraph numbers in the full report, A/HRC/31/66

Rec. No.	Indicator	Implemented?
17(b)	Where any ambiguity exists in the drafting of laws relating to the management of assemblies, the relevant provision(s) are interpreted in favour of those wishing to exercise their right to freedom of peaceful assembly.	
17(c)	The State has an up-to-date National Action Plan to guide the implementation of the present practical recommendations and the international standards relevant to the management of assemblies.	
17(d)	The State provides the necessary support to, and sufficient oversight of, the authorities involved in the management of assemblies, at all levels of government. This includes sufficient training and necessary financial and human resources.	
17(e)	Political and other leaders have publicly recognized that there is room for differences of opinion and promote a culture of tolerance.	
Guiding Principle One: Number of indicators met (out of 15)		

TWO

Guiding Principle

“Every person has the inalienable right to take part in peaceful assemblies”

Relevant international standards (see report paragraphs 18-27):

- Assemblies should be presumed lawful, subject to the permissible limitations set out in article 21 of the ICCPR. The peacefulness of an assembly should be presumed, and a broad interpretation of the term “peaceful” should be afforded.
- The State’s obligation to facilitate and protect assemblies includes spontaneous assemblies, simultaneous assemblies and counter-protests. Assemblies, including spontaneous assemblies and counter-protests, should, as far as possible, be facilitated to take place within sight and sound of their target.
- The State’s obligation to facilitate extends to taking measures to protect those exercising their rights from violence or interference.
- Organizers should not be held responsible for the unlawful behaviour of others.
- No person should be held criminally, civilly or administratively liable for the mere act of organizing or participating in a peaceful protest.

Rec. No.	Indicator	Implemented?
28(b)	The State does not require – in law or practice – organizers to obtain prior authorization to hold an assembly.	
28(a)	Where a system of prior notification is in place, there is a presumption in favour of assemblies.	
28(a)	Where a system of prior notification is in place, narrow limits are placed on the discretion of authorities to restrict assemblies.	
28(a)	Where a system of prior notification is in place, a proportionality assessment must be made.	
28(d)	The period for lodging notification of an intended assembly is no longer than several days ideally within 48 hours.	

Rec. No.	Indicator	Implemented?
28(c)	<p>Where a system of prior notification is in place, the system is not overly bureaucratic. Considerations may include:</p> <ul style="list-style-type: none"> • Are there multiple points for lodging of notification, including outside urban areas? • Is in-person assistance to lodge a notification available? • Are the forms for lodging notification accessible, concise, and available in multiple languages? • Is it possible to lodge a notification online, as well as in person? 	
28(e)	A response from the authority to a notice is not required to complete notification or for the assembly to proceed.	
28(e)	Notification is deemed to have been completed when a notice providing sufficient information for the authority to reasonably determine the date, time and location of the assembly and, when relevant, contact details of the organizer, has been received.	
28(f)	Where notification is submitted for two or more assemblies for the same place and time, the State conducts a thorough assessment of any risks and develops strategies for their mitigation.	
28(f)	Where it becomes necessary to impose restrictions on one or more simultaneous assemblies, the State employs a process for determining those restrictions through mutual agreement or, where this is not possible, through a process that does not discriminate between the proposed assemblies.	
Guiding Principle Two: Number of indicators met (out of 10)		<div style="border: 1px solid black; width: 100%; height: 100%;"></div>

Guiding Principle Three

“Any restrictions imposed on peaceful assemblies shall comply with international human rights standards”

Relevant international standards (see report paragraphs 29-35):

- Freedom of peaceful assembly is a fundamental right, and should be enjoyed without restriction to the greatest extent possible.
- Only those restrictions which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others, and are lawful, necessary, and proportionate to the aim pursued, may be applied.
- Restrictions imposed must conform to the “principle of legality,” meaning they must have a legitimate and formal basis in law, as must the mandate and powers of the restricting authority.
- Restrictions must conform to the “principle of proportionality,” meaning they must be appropriately tailored to achieve their protective function.
- Restrictions must also conform to the principle of necessity, meaning they must be the least intrusive instrument among those which might achieve the desired result.
- Restrictions on the content of assemblies may be imposed only in conformity with the legitimate limitations on rights.
- The onus of justifying a limitation rests with the authority. If any restriction is imposed there should be an option for organizers to seek judicial review and, where relevant, administrative review, that is prompt, competent, independent and impartial.

Rec. No.	Indicator	Implemented?
36(a)	Laws governing State conduct in relation to assemblies are drafted unambiguously and incorporate legality, necessity and proportionality tests.	
36(a)	Laws state clearly the body with authority and responsibility for receiving and responding to notifications.	
36(a)	The body with authority and responsibility for receiving and responding to notifications is independent of undue interference, and is not granted excessive discretion.	

Rec. No.	Indicator	Implemented?
36(a)	The criteria upon which the body with authority and responsibility for receiving and responding to notifications can impose restrictions accord with international human rights law and standards.	
36(a)	The criteria upon which the body with authority and responsibility for receiving and responding to notifications can impose restrictions are publicly available.	
36(b)	Proposed restrictions are put in writing, justified and communicated to the organizers, including the justification for the restriction.	
36(b)	Organizers are allowed to make submissions and to respond to any proposed restriction (i.e., appeal).	
36(c)	Proposed restrictions are communicated in a time frame prescribed by law, allowing sufficient time for an appeal — or urgent interim relief — to be completed before the proposed time of the assembly.	
36(d)	Laws provide organizers with access to administrative remedies.	
36(d)	Exhaustion of administrative remedies is not a prerequisite for an organizer to seek judicial review.	

Guiding Principle Three:
Number of indicators met (out of 10)



Guiding Principle Four

“States shall facilitate the exercise of the right of peaceful assembly”

Relevant international standards (see report paragraphs 37-48):

- The positive obligation of the State to ensure rights requires that authorities facilitate assemblies. States should plan properly for assemblies, ensure decision-making is transparent, and put in place contingency plans and precautionary measures.
- Law enforcement agencies and officials should take all reasonable steps to communicate with assembly organizers and/or participants regarding the policing operation and any safety or security measures.
- The State’s obligation to facilitate includes the responsibility to provide basic services, including traffic management, medical assistance and clean-up services. Organizers should not be held responsible for the provision or cost of such services.
- Law enforcement officials must be adequately trained in facilitating assemblies.
- Stop-and-search of assembly participants must not be arbitrary and must not violate the principle of non-discrimination. It must be authorized by law, necessary and proportionate.
- Intrusive pre-emptive measures must not be used unless a clear and present danger of imminent violence actually exists.
- Arrest powers must be exercised consistently with international human rights standards, including those relating to the rights to privacy, liberty, and due-process rights.
- No one may be subject to arbitrary arrest or detention. Where an arrest takes place detention conditions must meet minimum standards under international law. Detainees must be treated in a humane manner and with respect for their dignity, and shall not be subjected to torture or cruel, inhuman or degrading treatment or punishment.
- Any penalty imposed on assembly organizers or participants must not be excessive.

Rec. No.	Indicator	Implemented?
49 (a)	Law enforcement is diverse and representative of the community, including women and minority groups.	
49 (b)	The State implements consistent planning approaches for assemblies, based on assessing threat and risk and that incorporate int’l human rights laws and standards and ethics.	

Rec. No.	Indicator	Implemented?
49(c)	Public authorities, including law enforcement, genuinely attempt to engage with assembly organizers and/or participants of assemblies, and are able to evidence these attempts.	
49(d)	Law enforcement agencies appoint an accessible point of contact within the organization before, during and after an assembly.	
49(d)	The point of contact is trained in communication and conflict management skills and responds to security issues and police conduct as well as to substantive demands and views expressed by the participants.	
49(d)	The liaison function (including the point of contact) is separate from other policing functions.	
49(e)	Post-event debriefing mechanisms for assemblies are established permanently to facilitate learning and ensure the protection of rights.	
49(f)	Law enforcement cooperate with stewards, where organizers choose to arrange them for an assembly.	
49(f)	Authorities do not require organizers to provide stewards.	
49(g)	Intrusive anticipatory measures are not used in an assembly. Participants on their way to an assembly are not stopped, searched or arrested unless there is a clear and present danger of imminent violence.	
Guiding Principle Four: Number of indicators met (out of 10)		

• Guiding Principle Five

“Force shall not be used unless strictly unavoidable, and if applied it must be done in accordance with international human rights law”

Relevant international standards (see report paragraphs 50-66):

- States/law enforcement officials are obligated under international law to respect and protect, without discrimination, the rights of all those who participate in assemblies, as well as monitors and bystanders.
- The principle of legality requires that States develop a domestic legal framework for the use of force, especially potentially lethal force, that complies with international standards.
- The principle of precaution requires that all feasible steps be taken in planning and conducting an operation related to an assembly to avoid the use of force or, where force is unavoidable, to minimize its harmful consequences.
- Even if participants in an assembly are not peaceful and as a result forfeit their right to peaceful assembly, they retain all the other rights, subject to the normal limitations. No assembly should thus be considered unprotected.
- States must ensure that their law enforcement officials are periodically trained in and tested on the lawful use of force, and on the use of the weapons with which they are equipped.
- Equipment for law enforcement officials deployed during assemblies should include both appropriate personal protective equipment and appropriate less-lethal weapons. Equipment that cannot achieve a legitimate law enforcement objective or which present unwarranted risks should not be authorized for use.
- The use of force by law enforcement officials should be exceptional, and assemblies should ordinarily be managed with no resort to force. Use of force must comply with the principles of necessity and proportionality.
- Firearms may be used only against an imminent threat either to protect life or to prevent life-threatening injuries and, there must be no other feasible option, such as capture or the use of non-lethal force to address the threat to life.
- Firearms should never be used simply to disperse an assembly; indiscriminate firing into a crowd is always unlawful. Intentional lethal use of force is only lawful where it is strictly unavoidable to protect another life from an imminent threat.
- A clear and transparent command structure must be established to minimize the risk of violence or the use of force, and to ensure responsibility for unlawful acts or omissions by officers. Law enforcement officials must be clearly and individually identifiable, for example by displaying a nameplate or number.
- States must establish effective reporting and review procedures to address any incident in relation to an assembly during which a potentially unlawful use of force occurs.

Rec. No.	Indicator	Implemented?
67(a)	Law enforcement officials have the equipment necessary to police assemblies wherever possible without recourse to any use of force.	
67(a)	Law enforcement officials have the training and instructions necessary to police assemblies wherever possible without recourse to any use of force.	
67(b)	Approaches in the policing of assemblies emphasize de-escalation tactics based on communication, negotiation and engagement.	
67(b)	Training of law enforcement officials includes pre- and in-service instruction in both classroom and scenario-based settings.	
67(c)	Before the selection and procurement of equipment, including of less-lethal weapons, by law enforcement agencies for use in assemblies, the State subjects such equipment to a transparent and independent assessment to determine compliance with international human rights law and standards. In particular, equipment is assessed for accuracy, reliability and its ability to minimize physical and psychological harm.	
67(c)	Equipment, including less-lethal weapons, is procured only where there is sufficient capacity to train officers effectively on its proper use.	
67(d)	Specific regulations and detailed operational guidance have been developed on the use of tactical options in assemblies, including weapons, which, by design, tend to be indiscriminate, such as tear gas and water cannons.	
67(d)	Dissemination: The regulations and detailed operational guidance on the use of tactical options in assemblies are publicly disseminated.	
67(d)	Less-lethal equipment: Training for law enforcement encompasses the lawful and appropriate use of less-lethal equipment in crowds.	
67(d)	Protective equipment: Law enforcement are properly trained on its use and clearly instructed that such equipment should be used exclusively as defensive tools.	
67(d)	The State monitors the effectiveness of the training in the prevention of abuse or misuse of weapons and tactics.	
67(e)	Automatic firearms are not used in the policing of assemblies under any circumstances.	

Rec. No.	Indicator	Implemented?
67(f)	Autonomous weapons systems that require no meaningful human control are prohibited.	
67(f)	Regulations are in place to ensure that remotely controlled force is only ever used with the greatest caution.	
67(g)	Comprehensive guidelines on the dispersal of assemblies have been developed in accordance with international human rights law and principles and are implemented.	
67(g)	Guidelines on dispersal provide practical guidance to law enforcement officials detailing the circumstances that warrant dispersal, all steps required to be taken before a decision to disperse (including de-escalation measures), and who may issue a dispersal order.	
67(g)	Guidelines on dispersal have been made public.	
67(h)	Effective systems for monitoring and reporting on the use of force have been established by the State.	
67(h)	Relevant information, including statistics on when and against whom force is used, is easily accessible to the public.	
67(i)	Effective controls are in place prohibiting the trade in policing and crowd-control equipment, including surveillance technology, where a serious risk exists that they could, in the context of assemblies, facilitate unlawful killings, torture or other cruel, inhuman or degrading treatment or punishment, or other human rights violations or abuses.	
Guiding Principle Five: Number of indicators met (out of 20)		

Six • Guiding Principle

“Every person shall enjoy the right to observe, monitor and record assemblies”

Relevant international standards (see report paragraphs 68-71):

- All persons enjoy the right to observe, and by extension monitor, assemblies.
- All persons shall enjoy the right to record an assembly, which includes the right to record the law enforcement operation. All persons also enjoy the right to record an interaction in which he or she is being recorded by a State agent. The State should protect this right.
- States have an obligation to protect the rights of assembly monitors. This includes respecting and facilitating the right to observe and monitor all aspects of an assembly, subject to the narrow permissible restrictions outlined in article 19(3) of the ICCPR.
- The State should fully investigate any human rights violation or abuse against monitors, and should pursue prosecution and provide adequate remedy.

Rec. No.	Indicator	Implemented?
72(a)	A comprehensive community engagement strategy is in place that includes programs and policies designed to build trust and communication among law enforcement officials, the media and other assembly monitors.	
72(b)	Communication: Authorities proactively engage with monitors by communicating consistently before, during and after an assembly.	
72(b)	Information distribution and access: Authorities proactively provide access and information to members of the media and other monitors.	
72(b)	Authorities consider and respond to monitors’ reports after assemblies.	
72(c)	Authorities routinely notify national human rights institutions or other relevant independent oversight bodies of anticipated assemblies and facilitate the access required for them to monitor.	

Rec. No.	Indicator	Implemented?
72(d)	Any interference with the recording of an assembly, including the seizure or damage of any equipment, is prohibited by law except pursuant to a warrant from a judge, where the judge considers that it has probative value.	

Guiding Principle Six:
Number of indicators met (out of 6)



--

Guiding Principle Seven

“The collection of personal information in relation to an assembly must not interfere impermissibly with privacy or other rights”

Relevant international standards (see report paragraphs 73-77):

- The collection and processing by authorities of personal information, such as through recording devices, closed-circuit television and undercover policing, must comply with protections against arbitrary or unlawful interference with privacy.
- Legislation and policies regulating the collection and processing of information relating to assemblies or their organizers and participants must incorporate legality, necessity and proportionality tests.
- Restrictions to online access or expression must be necessary and proportionate and applied by a body independent of any political, commercial or other unwarranted influences, and there should be adequate safeguards against abuse.

Rec. No.	Indicator	Implemented?
78(a)	The law requires that the public be notified when they are, or may be, recorded during an assembly. This may, for example, require temporary signage along the planned assembly route indicating fixed cameras, or advisories that unmanned aerial vehicles are filming.	
78(b)	Where biometric technologies, including facial recognition software, have been adopted in the context of assemblies, robust and appropriate protections of public privacy and safety have been implemented.	
78(c)	The State has developed and implemented laws and policies requiring that personal information may be collected or retained only for a lawful, legitimate law enforcement purpose.	
78(c) & (d)	Laws and policies relating to the collection and retention of personal information specify that information should be destroyed after a reasonable time period set out in law. Relevant information should however be retained where it depicts use of force, detention or arrest, or dispersal, or where it relates to the subject of a complaint; or where law enforcement, oversight authorities or the subject of the information have a reasonable suspicion that a crime or misconduct has been committed.	

Rec. No.	Indicator	Implemented?
78(e)	The State has put in place mechanisms whereby individuals can ascertain whether and, if so, what information has been stored, and be provided with access to an effective process for making complaints relating to the collection, retention and use of their personal information and that can lead to rectification or expungement.	
78(f)	Clear democratic systems of control for undercover policing have been put in place through consistent legislation, regulations and policies. These explicitly incorporate necessity and proportionality tests and set out clearly how risks of intrusion are to be assessed and managed.	
78(f)	Systems of control for undercover policing include an internal review process, as well as oversight by an independent, external body or bodies.	
78(f)	Authorization by judicial authority is required for any undercover policing activity in the context of an assembly.	
Guiding Principle Seven: Number of indicators met (out of 8)		

Eight

Guiding Principle

“Every person has the right to access information related to assemblies”

Relevant international standards (see report paragraphs 79–81):

- The public should have easy, prompt, effective and practical access to information related to assemblies. Legislation facilitating such access should be based on the principle of maximum disclosure, establishing a presumption that information is accessible, subject only to a narrow system of exceptions.
- Exceptions should apply only where there is a risk of substantial harm to the protected interest and where that harm is greater than the overall public interest in having access to the information.
- The onus should be on the public authority to demonstrate that the information falls within the scope of an exception. Its decisions must be subject to oversight and review.

Rec. No.	Indicator	Implemented?
82(a)	The State proactively disseminates key information relating to the management of assemblies, including: laws and regulations relating to the management of assemblies; information regarding the responsibilities and procedures of agencies and bodies that manage assemblies; standard operating procedures and policies, including codes of conduct, governing the policing of assemblies; the types of equipment routinely used in policing assemblies; information on the training of law enforcement officers; and information on how to access accountability processes.	
82(b)	Comprehensive legislation, for example freedom of information laws, is in place to facilitate public access to information.	
82(b)	Any legislation to facilitate public access to information is based upon the principle of maximum disclosure.	
82(b)	The State manages relevant information so that it is comprehensive and easily retrieved.	
82(b)	State authorities respond promptly and fully to all requests for information.	

Rec. No.	Indicator	Implemented?
82(c)	An effective oversight mechanism exists that has, inter alia, the power to receive and investigate complaints and to make binding orders for the release of information where it finds in favour of the applicant or complainant.	
Guiding Principle Eight: Number of indicators met (out of 6)		



Guiding Principle Nine

“Business enterprises have a responsibility to respect human rights in the context of assemblies”

Relevant international standards (see report paragraphs 83-87):

- Business enterprises have a responsibility to respect human rights, including in the context of assemblies. This requires that businesses avoid causing or contributing to adverse human rights impacts through their own activities, and address adverse human rights impacts in which they are involved.
- The rights related to assembly may require positive measures of protection even in the sphere of relations between individuals.
- Business entities should carry out human rights due diligence, and where a potential impact on assembly and related rights is identified mitigate these risks.
- States have a duty to take appropriate measures to prevent, investigate and provide effective remedies for relevant misconduct by business enterprises, and to hold to account private parties that are responsible for causing or contributing to an arbitrary deprivation of life in the State’s territory or jurisdiction.

Rec. No.	Indicator	Implemented?
88(a)	The State protects individuals from interference with their rights in the context of assemblies by business enterprises, including by taking steps to comply with the responsibilities elucidated in the Guiding Principles on Business and Human Rights.	<input type="checkbox"/>
88(b)	Where privately owned spaces are open to the general public and serve a similar function as public spaces, they are treated as a public space for the purposes of the rights to freedom of assembly and expression.	<input type="checkbox"/>
88(c)	The State has introduced protections for assembly organizers and participants from civil lawsuits brought frivolously, or with the purpose of chilling public participation.	<input type="checkbox"/>
Guiding Principle Nine: Number of indicators met (out of 3)		<input type="text" value="0"/>

Guiding Principle Ten

“The State and its organs shall be held accountable for their actions in relation to assemblies”

Relevant international standards (see report paragraphs 89-95):

- The State bears an obligation to provide to those whose rights have been violated in the context of an assembly an adequate, effective and prompt remedy determined by a competent authority having the power to enforce remedies.
- States must investigate any allegations of violations in the context of assemblies promptly and effectively through bodies that are independent and impartial.
- Liability should extend to officers with command control where they have failed to exercise effective command and control.
- Prosecutors should carry out their functions impartially and without discrimination, and should give due attention to prosecuting crimes committed by public officials.
- Defendants should be brought before an ordinary court or tribunal, and shall be availed of the fair trial protections guaranteed under international law.
- The State shall provide reparation to victims for acts or omissions which can be attributed to the State and constitute gross violations of international human rights law or serious violations of international humanitarian law.

Rec. No.	Indicator	Implemented?
96(a)	Law enforcement officials do not have immunity from criminal or civil liability for cases of misconduct, in law or practice.	
96(b)	The State has established and funds additional levels of non-judicial oversight, including an effective internal investigations process.	
96(b)	The State has established and funds a statutory independent police oversight body.	
96(b)	Where there is reason to believe a crime has been committed, the matter is immediately referred by non-judicial oversight mechanisms to the prosecuting authority for proper and full investigation.	

Rec. No.	Indicator	Implemented?
96(c)	A law enforcement officer who is under investigation, external or internal, may not be redeployed into the field until the investigation is complete and the officer is cleared of wrongdoing.	
96(d)	The State has granted a broad mandate to an independent oversight body that possesses all competence and powers for effective protection of rights in the context of assemblies.	
96(d)	The independent oversight body has a mandate to investigate complaints from the public, to accept referrals from police and to initiate investigations itself where it is in the public interest to do so.	
96(d)	The independent oversight body investigates all cases of use of force by law enforcement.	
96(d)	The oversight body has full investigative powers that are not restricted in law or practice.	
96(d)	The independent oversight body deals with complaints in an objective, fair and prompt fashion, according to clear criteria.	
96(e)	Law enforcement agencies conduct ongoing non-adversarial peer review of policing operations, if possible by another law enforcement agency.	
96(f)	The State has considered the potential of information and communication technologies, such as body-worn cameras, in contributing towards accountability for violations by law enforcement personnel in the context of assemblies.	
Guiding Principle Ten: Number of indicators met (out of 12)		

Your country's assembly rights Score



Country name: _____ Date scored: _____

Scored by (optional): _____

Guiding Principle One:
Duty to respect (out of 15 points)

Guiding Principle Six:
Monitoring (out of 6 points)

Guiding Principle Two:
Inalienable right (out of 10 points)

Guiding Principle Seven:
Privacy (out of 8 points)

Guiding Principle Three:
Limited restrictions (out of 10 points)

Guiding Principle Eight:
Information access (out of 6 points)

Guiding Principle Four:
Facilitation (out of 10 points)

Guiding Principle Nine:
Businesses (out of 3 points)

Guiding Principle Five:
Use of force (out of 20 points)

Guiding Principle Ten:
Accountability (out of 12 points)

Total:
(out of 100 possible points)



United Nations Special Rapporteur

On the rights to freedom of peaceful assembly and of association

freeassembly.net • facebook.com/mainakiai • twitter.com/MainaKiai_UNSR • flickr.com/photos/mainakiai • ohchr.org
info@freeassembly.net • freeassembly@ohchr.org