

D. The right to an effective remedy and accountability for human rights violations and abuses

77. States have an obligation to establish accessible and effective complaints mechanisms that are able to independently, promptly and thoroughly investigate allegations of human rights violations or abuses in order to hold those responsible accountable. This not only entails guarantees that the violation be stopped, but also that it will not be repeated in the future. Specific attention must be paid to members of the groups at risk identified in paragraph 13.

78. The Special Rapporteur considers as best practice legislation which provides for criminal and disciplinary sanctions against those who interfere with or violently disperse public assemblies through excessive use of force (e.g. Bulgaria, Burkina Faso, Colombia, Cote d'Ivoire, Cuba, Estonia, Japan, Kyrgyzstan, Portugal, Republic of Moldova, Serbia and Spain). More specifically, in Colombia, according to the law, the excessive or arbitrary use of force against peaceful demonstrators constitutes a grave breach, under the disciplinary regime for the national police. Similarly, in Portugal, a decree-law foresees sanctions against authorities who hinder the right to freedom of peaceful assembly, and article 382 of Criminal Code sets the applicable sanctions in relation to the abuse of power.

79. In this connection, the Special Rapporteur stresses the importance of police officers wearing visible identification numbers on their uniforms. As noted by the Hungarian Office of the Commissioner for Fundamental Rights, during a protest that was violently repressed in the country, many police officers could not be identified because they did not wear such identification numbers.

80. National human rights institutions, which comply with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), can also play a role in receiving and investigating allegations of human rights violations and abuses (e.g. Malaysia and Portugal). The work of these institutions should be respected and facilitated by the authorities.

81. Where the rights to freedom of peaceful assembly and of association are unduly restricted, the victim(s) should have the rights to obtain redress and to fair and adequate compensation. Once again, due attention must be paid to victims belonging to the groups most at risk in this process.