

The Right to Freedom of Peaceful Assembly

Best Practices Fact Sheet



Should I need a permit to hold a peaceful assembly?

No

The right to freedom of peaceful assembly does not require the issuance of a permit to hold an assembly ([A/68/299](#), p 10, para 24). At most, authorities may require *notification* for large assemblies or for assemblies where a certain degree of disruption is anticipated ([A/HRC/23/39](#), p 15, para 52). Organizers should be able to notify the designated primary authority of the holding of a peaceful assembly in the simplest and fastest way, by filling, for instance, a clear and concise form, available in the main local language(s) spoken in the country, preferably online to avoid uncertainties and possible delays in postage ([A/HRC/23/39](#), p 15, para 53). This procedure should be free of charge, and once notification has been given, the authorities should expeditiously provide a receipt acknowledging that timely notification has been submitted ([A/HRC/23/39](#), p16, para 57-58).

Does the right to freedom of peaceful assembly apply to me?

Yes

It doesn't matter who you are. Article 21 of the [International Covenant on Civil and Political Rights \(ICCPR\)](#) recognizes that the right to freedom of peaceful assembly should be enjoyed by *everyone*, as provided for by article 2 of the [Covenant](#) and resolutions [15/21](#), [21/16](#) and [24/5](#) of the Human Rights Council. In resolution [24/5](#), the Council reminded States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote those rights ([A/HRC/26/29](#), p 9, para 22).

Does the State have any obligation to promote assembly rights?

Yes

The State has a positive obligation to facilitate peaceful assemblies ([A/HRC/20/27](#), p 8, para. 27). This includes the protection of participants of peaceful assemblies from individuals or groups of individuals, including agents provocateurs and counter-demonstrators, who aim at disrupting or dispersing such assemblies. Such individuals include those belonging to the State apparatus or working on its behalf ([A/HRC/20/27](#), p 10, para 33).

Does the the right to freedom of peaceful assembly apply online?

Yes

States have an obligation to respect and fully protect assembly rights online as well as offline ([HRC Resolution 24/5](#)). The Internet, in particular social media, and other information and communication technology, are essential tools to facilitate peaceful assemblies in the real world. People also have the right to assemble in virtual spaces, to gather online in order to express their opinions ([HRC Resolution 21/16](#)). All States should ensure that Internet access is maintained at all times, including during times of political unrest ([A/HRC/17/27](#), para. 79). Any determination to block online content must be undertaken by a competent judicial authority or a body which is independent of any political, commercial, or other unwarranted influences ([A/HRC/20/27](#), p 9-10, para 32).

Is the right to peaceful assembly unlimited?

No

The right to freedom of peaceful assembly is not an absolute right ([ICCPR](#), art. 4). It "can be subject to certain restrictions, which are prescribed by law and 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" ([HRC Resolution 15/21](#), OP 4). But these restrictions are the exception, not the rule. Any restrictions must not impair the essence of the right, must be prescribed by law and must be proportionate and "necessary in a democratic society" ([A/HRC/20/27](#), p 6, para 16). Certain restrictions, such as blanket bans on assemblies, are intrinsically disproportionate and discriminatory and should be limited unless they are strictly necessary and proportionate ([A/68/299](#), p 10, para 25). Prohibition should be a measure of last resort. Restrictions must still allow demonstrations to take place within "sight and sound" of its object and target audience - not, for example, forced to the outskirts of the city or in a specific square, where its impact will be muted ([A/HRC/20/27](#), p 11, para 40).

Should authorities facilitate third-party monitors and journalists at assemblies?

Yes

Human rights defenders, journalists and monitors should be allowed - and indeed encouraged - to operate freely in the context of freedom of assembly so as to provide an impartial and objective account, including a factual record of the conduct of demonstrators and law enforcement ([A/HRC/20/27](#), p 13, para 48).

What is an assembly?

An "assembly" is an intentional and temporary gathering in a private or public space for a specific purpose. It includes demonstrations, inside meetings, strikes, processions, rallies or even sits-in. Assemblies play a vibrant role in mobilizing the population and formulating grievances and aspirations, facilitating the celebration of events and, importantly, influencing States' public policy ([A/HRC/20/27](#), p 7, para. 24).

What types of assemblies are protected under international law?

International human rights law only protects assemblies that are peaceful, i.e. those that are not violent, and where participants have peaceful intentions. Peacefulness, however, should be presumed by authorities. ([A/HRC/20/27](#), p 8, para. 25)

Why is the right to freedom of peaceful assembly so important?

The right to freedom of peaceful assembly is among the most important human rights we possess. It is one of the core rights - along with freedom of association - designed to protect peoples' ability to come together and work for the common good. It is a vehicle for the exercise of many other civil, cultural, economic, political and social rights ([A/HRC/20/27](#), p 5, para 12). The right to freedom of peaceful assembly also plays a decisive role in the emergence and existence of effective democratic systems as they are a channel allowing for dialogue, pluralism, tolerance and broadmindedness, where minority or dissenting views or beliefs are respected ([A/HRC/20/27](#), p 20, para 84).

Are spontaneous assemblies permissible?

Yes

Spontaneous assemblies should be recognized in law, and exempted from prior notification ([A/HRC/20/27](#), p 9, para 29). Concerns about the free flow of traffic - whether during planned or spontaneous assemblies - should not automatically take precedence over freedom of peaceful assembly. The State has a duty to design operating plans and procedures to facilitate the exercise of the right of assembly, including rerouting pedestrian and vehicular traffic ([A/HRC/20/27](#), p 9, para. 41).

Can assembly organizers be held liable for the actions of others or be forced to pay for facilitating their gathering?

No

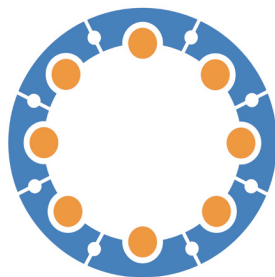
Organizers should not incur any financial charges for the provision of public services during an assembly (such as policing, medical services and other health and safety measures) ([A/HRC/20/27](#), p 9, para 31). Nor should they be held responsible or liable for the unlawful conduct of others, or be held responsible for the maintenance of public order.

Similarly, should organizers fail to notify authorities of their event, the event should not be automatically dissolved simply and organizers should not be subject to criminal or administrative sanctions resulting in fines or imprisonment ([A/HRC/20/27](#), p 9, para. 29). The use of stewards appointed by the organizers of an assembly - i.e. persons who provide assistance to them by informing and orienting the public during the event - should also be encouraged (though not required). Stewards should be clearly identifiable and properly trained, and should not be held liable for the violent behavior of others ([A/HRC/20/27](#), p 9, para 31).

Can general 'public security' concerns legitimize the use of deadly force?

No

The pretext of maintaining public security cannot be invoked to violate the right to life ([A/HRC/20/27](#), p 10, para. 35). The only circumstances warranting the use of firearms, including during demonstrations, is the imminent threat of death or serious injury (Id., citing [A/HRC/17/28](#), para. 60). The right to life (art. 3 of the [Universal Declaration of Human Rights](#) and art. 6 of the [ICCPR](#)) and the right to be free from torture or cruel, inhuman or degrading treatment or punishment (art. 5 of the [Declaration](#) and art. 7 of the [ICCPR](#)) should be the overarching principles governing the policing of public assemblies. Deadly force should only be used when strictly unavoidable and when less extreme measures are insufficient to achieve the intended objective of protecting life (see [Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#), art. 12-14).



Core International Standards

[International Covenant on Civil and Political Rights](#), Article 21:

"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."

See also:

- [Universal Declaration of Human Rights](#): Article 20
- [International Convention on the Elimination of All Forms of Racial Discrimination](#): article 5(ix) [assembly rights apply to all, without distinction as to race, colour, or national or ethnic origin, to equality before the law]
- [Convention on the Rights of the Child](#): article 15 [assembly rights apply equally to children]
- [Convention on the Rights of Persons with Disabilities](#): article 29 [persons with disabilities entitled to political rights equal to others]
- [Declaration on Human Rights Defenders](#) (Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms): article 5

Key regional standards:

- [African Charter on Human and Peoples' Rights](#): Article 11
- [African Charter on the Rights and Welfare of the Child](#): Article 8 [assembly rights apply equally to children]
- [American Declaration on the Rights and Duties of Man](#): article 21
 - [American Convention on Human Rights](#): article 15
 - [European Convention on Human Rights](#): article 11
- [Charter of Fundamental Rights of the European Union](#): article 12

Is sporadic violence a proper rationale for shutting down a protest?

No

The peacefulness of assemblies should be presumed ([A/HRC/20/27](#), p 8, para. 25). Individuals do not cease to enjoy the right to peaceful assembly as a result of sporadic violence or other punishable acts committed by others if the individual in question remains peaceful in his or her own intentions or behavior ([A/HRC/20/27](#), p 8, para. 25). Sporadic violence does not make the entire assembly non-peaceful.

Are simultaneous demonstrations and counter demonstrations permissible?

Yes

In the case of simultaneous assemblies at the same place and time, all events should be allowed, protected and facilitated, whenever possible ([A/HRC/20/27](#), p 9, para 30). This is particularly crucial for counter-demonstrations, which aim at expressing discontent with the message of other assemblies. Such demonstrations should take place, but should not dissuade participants of the other assemblies from exercising their right to freedom of peaceful assembly.

Can authorities place special limits on assembly rights during election periods?

No

Electoral periods are a unique moment in the life of a nation to confirm, and even strengthen, democratic principles. In times of elections, States should make greater efforts to facilitate and protect the exercise of assembly rights. Genuine elections cannot be achieved if the right to freedom of peaceful assembly is curtailed ([A/68/299](#), p 20, para 56). Elections should never be seen as a pretext for States to unduly restrict the right to freedom of peaceful assembly. In fact, given the importance of the right to freedom of peaceful assembly in the context of elections, the threshold for imposing certain restrictions – such as blanket bans – should be higher than usual ([A/68/299](#), p 10, para 25).

Am I entitled to an effective remedy if my assembly rights are violated?

Yes

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, including those related to assembly rights ([A/HRC/20/27](#), p 19, para 77). Where the right to freedom of peaceful assembly is unduly restricted, the victim(s) should have the rights to obtain redress and to fair and adequate compensation ([A/HRC/20/27](#), p 19, para 81). The law should also provide for criminal and disciplinary sanctions against those who interfere with or violently disperse public assemblies ([A/HRC/20/27](#), p 19, para 78).