



Resolution 2116 (2016)¹

Urgent need to prevent human rights violations during peaceful protests

Parliamentary Assembly

1. The Parliamentary Assembly stresses the value of peaceful protests as a manifestation of the civic space and a vehicle for the voices of ordinary people. The huge peaceful gatherings which took place in Paris and elsewhere after the January 2015 terrorist attacks show how peaceful protests unite people in the face of adversity. Protests are often a last resort for citizens to make themselves heard; restricting this right or using violence against peaceful protesters erodes democracy.
2. The Assembly reaffirms that “freedom of assembly and association, including unorganised and non-authorised protest, is an essential right in a democracy, safeguarded by Article 11 of the European Convention on Human Rights (ETS No. 5) and constantly upheld by the European Court of Human Rights in its case law” ([Resolution 1947 \(2013\)](#) on popular protest and challenges to freedom of assembly, media and speech).
3. According to the European Convention on Human Rights (the Convention), any restriction on the right to peaceful assembly should be prescribed by law and only be necessary in a democratic society as part of the pursuit of the legitimate purposes laid down in Article 11.2.
4. The Assembly encourages member States to make use of the existing international instruments designed to protect and promote freedom of assembly, and also to regulate the use of force by law-enforcement agencies, including the Guidelines on Freedom of Peaceful Assembly drafted jointly by the European Commission for Democracy through Law (the Venice Commission) and the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR), drawing on examples from national legislation and the case law of the European Court of Human Rights to illustrate the various legislative options.
5. The Assembly notes that, in certain member States of the Council of Europe, there have been serious impediments to a full realisation of the freedom of assembly. In particular, it is worried about the frequent use of excessive force against peaceful demonstrators, including the systematic and inappropriate use of tear gas and other “less-lethal” weapons.
6. The Assembly also notes with concern the recent legal restrictions placed on the right to freedom of assembly in different member States: in Turkey, with the adoption in March 2015 of the Security Bill which extends the powers of the police to use firearms; in Spain, with the adoption in March 2015 of the law on citizen’s security, which institutes heavy fines against organisers of spontaneous protests; and, in the Russian Federation, with an amendment to the law on public gatherings which permits the detention of any person participating in an unauthorised public assembly. The Assembly is also worried about the lack of legislation on freedom of assembly in certain countries (for instance in Ukraine, where there is no legislation with respect to a procedure for holding demonstrations).

1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 27 May 2016 (see [Doc. 14060](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Ms Ermira Mehmeti Devaja).*



7. In light of the above, the Assembly calls on the member States to:
- 7.1. safeguard the right to freedom of peaceful assembly enshrined in Article 11 of the Convention as well as other human rights, including in the context of “spontaneous”, non-notified demonstrations;
 - 7.2. review existing legislation with a view to bringing it into conformity with international human rights instruments regarding the right to freedom of peaceful assembly, by making use of the expertise of the Venice Commission, if need be;
 - 7.3. regulate the use of tear gas and other “less-lethal” weapons more strictly in order to include more adequate and effective safeguards to minimise the risk of death and injury resulting from their use and abuse and from avoidable accidents;
 - 7.4. fully implement the judgments of the European Court of Human Rights related to freedom of assembly;
 - 7.5. adopt and implement a human rights-based approach to policing protests, in particular by organising human rights training for members of law-enforcement forces;
 - 7.6. refrain from banning any protests, except for the legitimate reasons enumerated in Article 11.2 of the Convention;
 - 7.7. refrain from placing people in administrative detention in order to prevent them from participating in peaceful protests;
 - 7.8. improve the identification system for law-enforcement officials, especially riot police, in order to render them accountable for their actions;
 - 7.9. effectively investigate and adequately penalise all instances of ill-treatment committed by law-enforcement officials in order to combat and eradicate impunity, including the responsibility of the officials in charge of the command, control and supervision of the police operation in question;
 - 7.10. ensure that information concerning legislation and regulations guiding the police’s actions regarding peaceful protests is accessible to the public;
 - 7.11. fully respect the right to freedom of expression of journalists covering the protests, and protect medical staff providing assistance to protesters.