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including the right to development**

Guidelines for lawyers in support of peaceful assemblies

Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association*

Summary

Lawyers and legal practitioners play a crucial role in helping to ensure full respect for the rights to freedom of peaceful assembly and access to justice. They do so by supporting organizations' and individuals' ability to comply with any procedures required by law for the exercise of the rights to freedom of peaceful assembly and of association; by working to ensure that individuals and groups are protected against violations and abuses in the context of peaceful assemblies; by holding those responsible for violations to account; by pursuing remedies for those whose human rights have been violated in the context of peaceful assemblies; and by promoting structural changes oriented towards the reform of systems which may lead to violations of the rights to freedom of assembly and association.

This report provides not only a set of key principles on the role of lawyers in upholding the rights to freedom of assembly and association but also a non-exhaustive list of practical recommendations for lawyers, aimed at supporting them in their work to provide access to justice in the context of peaceful assemblies.

The Special Rapporteur hopes that these guidelines will offer a useful practical tool for lawyers engaged in supporting peaceful assemblies, and that they will inspire new legal initiatives in this area.

* The present report is reproduced as received.



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I. Introduction

1. Lawyers and legal practitioners play a crucial role in helping to ensure full respect for the rights to freedom of peaceful assembly and access to justice. They do so by helping to ensure legal literacy; by supporting organizations' and individuals' ability to comply with any procedures required by law relative to the exercise of the rights to freedom of peaceful assembly and of association; by working to ensure that individuals and groups are protected against violations and abuses; by holding those responsible for rights violations to account; by pursuing remedies for those whose human rights have been violated in the context of assemblies; and by promoting structural changes oriented towards the reform of rights-violating systems.

2. In this addendum to his report (A/HRC/47/24) the Special Rapporteur provides a non-exhaustive list of practical recommendations for lawyers, aimed at supporting them in their work to provide access to justice in the context of peaceful assemblies. He hopes that these guidelines will offer a useful practical guide for lawyers engaged in supporting assemblies, and that they will inspire new legal initiatives in this area. In many states, major structural changes need to be undertaken in order to bring law and practice into compliance with states' human rights obligations. In this context, the Special Rapporteur emphasizes that states have the primary responsibility to ensure that the rights to freedom of peaceful assembly and access to justice are respected, protected and fulfilled, and underscores the recommendations contained in his report, which are addressed to States and relevant stakeholders, and which form primary matters in need of states' attention and action. The purposes of this addendum, in contrast, is to provide recommendations directed to lawyers, aimed at supporting them in their work before, during and after assemblies.

3. These guidelines draw on the collective experience of legal practitioners from various jurisdictions around the world, many of whom have been forced to operate in restrictive, rights-violating and sometimes threatening environments. They offer a set of concrete practical recommendations oriented towards helping lawyers plan and prepare their work in the context of assemblies, together with examples of promising practices and initiatives that provide means of addressing the challenges encountered by those providing legal aid and support to persons exercising their right to peaceful assembly.

4. Throughout, when considering lawyers' potential physical viewing and collection of information concerning assemblies, these guidelines refer to the 'observation' or 'legal observation' of assemblies. Legal observation may be understood as a form of assembly monitoring, geared towards particularly legal concerns. Lawyers and legal practitioners' ability to observe assemblies should be understood as protected by the right to freedom of peaceful assembly, in the same terms as the ability of individuals and groups to monitor assemblies more broadly.

5. These guidelines were developed in significant part through in-depth interviews and informal professional exchanges with legal practitioners from around the world, through which the Special Rapporteur has gathered insight into different practices adopted by lawyers in different jurisdictions in response to states' different approaches to assemblies, and in support of the rights to freedom of peaceful assembly and of access to justice. While several prescriptions are offered, it is important to emphasize at the beginning that these recommendations should not be understood as offering a one-size-fits-all model—every national situation is different, calling for different strategies and approaches, and the guidelines should be approached with such a recognition in mind.

6. This addendum, the *Guidelines for lawyers in support of peaceful assemblies*, has been made possible thanks to the active contributions and continuous guidance of numerous partners of the mandate, including academic researchers, human rights experts, and members of civil society. Special thanks go to lawyers and legal practitioners from Argentina, Azerbaijan, Brazil, Cameroon, Chile, Colombia, Democratic Republic of Congo, Egypt, Ethiopia, France, Haiti, Ivory Coast, Kazakhstan, Kenya, Lebanon, Malawi, Mali, Mexico, Niger, Nigeria, Nicaragua, Poland, Senegal, South Africa, Spain, the Gambia, the United States, Togo, Tunisia, Uganda, Uzbekistan, Venezuela and Zimbabwe, who generously

shared their experiences working in the context of assemblies and in support of the right to freedom of peaceful assembly with the Special Rapporteur.

II. Key principles

1. **Legal frameworks around freedom of peaceful assembly should be designed so that access to legal professionals is not necessary in order for individuals to fully enjoy the rights; where procedures are more complicated, states should ensure clear and accessible guidance is made freely publicly available, and should ensure that legal guidance is available to all those seeking to exercise their rights through such procedures.**
 - the special rapporteur has previously emphasized the importance of the adoption of procedures which are not unduly complicated or bureaucratic, which may prevent and deter individuals from fully exercising their rights to freedom of association and peaceful assembly, and which provide additional opportunities for the rights to be subjected to discretionary, political interference in practice.
2. **Lawyers' and legal practitioners' ability to observe, record, document, and/or report on assemblies and measures adopted in response to assemblies must be protected.**
 - Independent observation of assemblies, including by monitors, lawyers, journalists, human rights defenders and others, provides a key mechanism essential to ensuring full enjoyment of the right to freedom of peaceful assembly in practice. In this context, states must ensure that such parties, including in particular in the present context lawyers, are able to observe, record, document and report on assemblies and measures taken in response, both by refraining from limiting such persons' ability to monitor assemblies, and by protecting such persons from attacks by third parties.
3. **Legal assistance must be provided to all individuals detained and/or criminally charged in the context of assemblies.**
 - The State has an obligation to ensure, without discrimination, that all individuals detained, criminally charged or otherwise subjected to the criminal and disciplinary mechanisms of the state are provided with legal assistance, including in the form of free, publicly funded legal assistance where needed. Whatever its source, the state must ensure legal assistance is of a high quality, prompt, and confidential. Where individuals' rights have been violated, legal assistance should be oriented not only towards criminal defense and release from detention, but also towards remedies for those rights violations.
4. **Legal systems must be designed and function in a manner that ensures optimal access to justice.**
 - Access to justice is not only a matter of the provision of legal aid, but also of fair, independent, prompt and effective legal systems. Judges, prosecutors and lawyers must be free to carry out their professional duties independently and without improper interference from political actors. Equality of arms must be ensured, legal processes must be prompt, and rights-compliant legal ruling must be respected by all branches of government.
5. **Accountability must be ensured relative to all acts involving the excessive use of force.**
 - The right to freedom of peaceful assembly can be violated in numerous ways. Among the most severe violations is the use of excessive force, generally by the police or security services, in response to protests. Whenever force is deployed, there must be a prompt investigation by an independent investigative mechanism. Where excessive force is used, accountability must be ensured, and comprehensive remedies must be provided.

6. Individuals must have the ability to advance claims oriented towards systemic reform where law or policy violates human rights obligations.

- Ensuring full access to justice requires ensuring that mechanisms are available through which individuals can appeal for the reform of laws and practices that violate human rights. Such mechanisms can take numerous forms, including free and fair democratic processes, public interest litigation and the ability to bring appeals before national human rights commissions.

III. Practical recommendations

7. The following recommendations encompass several areas of best practice. Conditions, including legal standards and levels of compliance, vary dramatically across contexts; in light of this reality, the Special Rapporteur wishes to emphasize that lawyers and legal practitioners will have to consider their local circumstances carefully, such that not all recommendations may be feasible across all contexts. The Special Rapporteur also wishes to emphasize that the following recommendations in no sense constitute obligations; rather, primary responsibility for ensuring full respect, protection and fulfillment of the right to freedom of peaceful assembly rests on states.

A. Before the Event – Coordination and Preparation

1. Lawyers and legal practitioners may coordinate through organized networks prior to the occurrence of an assembly

8. Legal assistance during and after protests often requires a large number of practitioners who fulfill a varied set of roles. While periods of sustained demonstration often motivate lawyers and legal practitioners to take actions in support of the right to freedom of peaceful assembly, without coordination such efforts are unlikely to be maximally effective. Centralized coordination is useful to define roles, promote maximum complementarity and information sharing, and ensure that the needs of those wishing to exercise their right to freedom of peaceful assembly are best addressed.

9. Effective coordination is facilitated where there is an organization or a coordinating body with experience playing such a role, that is able to develop and utilize connections and to bring strategic foresight to the task. This role may be played by legal offices, civil society organizations with strong relationships with assembly organizers, or bar associations. The establishment of coordination mechanisms can help to ensure that lawyers and legal organizations remain productively engaged.

10. Among other functions, lead legal organizations and coordinating bodies can help plan legal observation activities, produce and provide forms of identification for legal observers, maintain a database of lawyers willing to assist in the context of protests, determine appropriate numbers of lawyers to make themselves available for support work relative to any particular protest, collect and distribute any necessary equipment, provide trainings, and collect reports and help produce consolidated final reports, as and where desirable. Lawyers' supportive role relative to assemblies will be facilitated to the extent they take steps to inform themselves of upcoming assemblies, including by developing connections with different individuals and associations involved in assembly organization.

11. Building strong connections with leading assembly organizing individuals and associations is valuable not only in that it can help lawyers be best informed as to upcoming assemblies, but also in that it can help maximize lawyers' ability to communicate effectively with individuals whose rights are violated in the context of assemblies. In addition, such connections can provide the basis for broader coordination efforts between lawyers and other members of civil society, for instance relative to efforts oriented towards law or policy reform, as well as a means through which lawyers may obtain feedback on their activities, in order to maximize their value and effectiveness over time.

12. Among the tasks lawyers, and legal coordinating bodies in particular, may productively undertake in advance of assemblies are:

- (a) Developing relationships with assembly organizers and leaders of social movements;
- (b) Liaising with relevant authorities;
- (c) Liaising with local and national bar associations;
- (d) Liaising with international human rights mechanisms such as the Special Procedures mandate holders;
- (e) Recruiting volunteers (lawyers, paralegals, law students, etc.);
- (f) Building a database of pro-bono lawyers or lawyers involved in protecting protesters;
- (g) Establishing a means, such as a hotline, through which individuals who are arrested or subjected to other human rights violations while protesting can get in touch with legal representation.

In Mexico, civil society organizations have created a network of lawyers divided by geographical zones, which works to represent and protect assembly participants. In addition, civil society organizations work to develop connections between law students, young lawyers and social movements, in order to increase trust and maximize the potential for legal support.

In the United States, coordinating bodies of lawyers have been created in several cities, including the Community Justice Project in Miami and the Arch City Defenders in St. Louis. These groups liaise with assembly organizers, facilitate regular meetings for legal actors, and ensure feedback between assembly organizers and participants and lawyers and legal practitioners. The National Lawyers Guild plays a prominent role in supporting such efforts.

In Lebanon, an ad-hoc committee of pro-bono lawyers, known as the Lawyers Committee for the Defense of Protesters, has been created, with the aim of defending and supporting the right to protest. In addition, a hotline was created, which protesters can call if they are arrested during protests.

In South Africa, civil society has been working to bring lawyers into the legal defense cause, including by recruiting private lawyers to provide pro bono representation to persons criminally detained for protesting, by involving law students in support of the right to freedom of peaceful assembly through protester representation, and by forming the Right to Protest Group.

In France, freedom of assembly lawyers have developed close connections with trade unions, allowing for effective communication and support where necessary in support of the right to freedom of peaceful assembly.

In Colombia, a network for emergency legal assistance for protesters, the Colectivo de Abogados José Alvear Restrepo, was established, in order to better represent protestors and to attempt to produce systemic reforms oriented towards greater respect for the right to freedom of peaceful assembly,

13. In addition to the recommendations laid out above, the Special Rapporteur encourages the establishment of international platforms for lawyers working to support human rights, including the right to freedom of peaceful assembly in particular, for the purposes of expanding awareness-raising, collaboration and support.

In Turkey, the International Bar Association's Human Rights Initiative has been working to establish a platform that lawyers all over the world may access, as a means of supporting awareness raising, collaboration and activism.

14. In addition to the recommendations laid out above, the Special Rapporteur encourages the establishment of international platforms for lawyers working to support human rights, including the right to freedom of peaceful assembly in particular, for the purposes of expanding awareness-raising, collaboration and support.

2. Lawyers and legal practitioners may provide trainings on standards pertaining to the right to freedom of peaceful assembly and optimal modes of representing protesters

15. Among the tasks lawyers and legal professionals may productively engage in, both in the lead-up to assemblies and at other times, is the conduct of trainings oriented towards building capacity and knowledge. Trainings may be targeted towards assembly organizers

and participants, to familiarize them with local and international legal standards relative to freedom of assembly and the policing of protests, issues they may encounter and how best to conduct themselves, from a legal point of view. In addition, lawyers, lead organizations and coordinating bodies with particular expertise dealing with legal issues pertaining to assemblies may conduct trainings for other lawyers, to help familiarize them with the issues they are likely to encounter, and the strategies that have proven most effective in the local context in response.

16. It is the state's responsibility to ensure police and other personnel are aware of and operate in compliance with human rights obligations. Where possible and practicable, lawyers may make themselves available to facilitate this process, however, including for instance by conducting trainings for police and other state personnel.

In Israel, Adalah – The Legal Center for Arab Minority Rights in Israel has conducted large, online trainings for lawyers and legal practitioners on the representation of Palestinian protestors held in police stations, demonstrating the ability to continue to conduct such activities even in the context of the Covid-19 pandemic. Among other materials, Adalah provided lawyers a sample interview form, to assist in the collection of information from detainees at police stations.

The International Bar Association's Human Rights Initiative conducts trainings for lawyers from central Asian countries, discussing and disseminating information pertaining to international human rights standards pertaining to freedom of assembly and related issues.

In France, trade union representatives and jurists have published guidelines and manuals on the rights of protestors.

In Kenya, civil society organizations have produced pocket-sized, accessible copies of the constitution, to better disseminate knowledge of rights.

In Hong Kong, Human Rights in China has organized public education events aimed at disseminating information concerning human rights principles and obligations to a diverse range of stakeholders.

3. Lawyers and legal practitioners may assist assembly organizers with any legal procedures or challenges necessary in the run up to an assembly

17. While international human rights standards indicate that obstacles should not be placed in the way of the exercise of the right to freedom of peaceful assembly, in practice many countries impose unreasonable restrictions on assemblies, or attempt to ban them altogether. In such contexts, lawyers may make themselves available in order to represent assemblies and assembly organizers by challenging such restrictions before judicial authorities in prompt proceedings in advance of the assemblies in question.

4. Lawyers and legal practitioners intending to engage in the observation of an assembly may prepare in advance, on the basis of the nature of the assembly and expected responses

18. Whenever lawyers and legal practitioners observe an assembly, it is wise to take appropriate steps in advance in preparation. Appropriate preparation will vary from context to context, and should be calibrated in relation to factors such as the size of the assembly, likely responses from the authorities or non-state actors, and the legal system pertaining to assemblies in the country in question.

19. One important step lawyers and others may take in advance of the observation of an assembly is a risks assessment. Risks assessments should include assessment of the likelihood of one or another form of violent reaction, the location or route at or along which the assembly will take place and the locations legal observers should ideally position themselves, and assessment of any particular areas where problems are expected or which might form sites of particular risk.

20. In order to promote optimal preparation, the Special Rapporteur recommends that lawyers and legal coordination bodies engaging in the observation of assemblies undertake the following steps prior to an assembly:

(a) Organize pre-assembly briefings, where possible, to provide an overview of the legal observation strategy, share the risks assessment, go through the roles and responsibilities of different parties, ensure that all the legal practitioners and lawyers involved

in the legal observation have the necessary equipment, and identify a post-event meeting point.

(b) Take part in a legal observation training, which includes information about relevant legal rules, the context in which the assembly will take place, a review of policing practices and practical information.

(c) Introduce themselves, or a representative of their group, together with their aims and objectives, to the organizers of the assembly as well as to the authorities in charge of policing the assembly, in order to develop positive relationships.

21. In addition, the Special Rapporteur wishes to emphasize that legal observers should contemplate and work to prepare themselves for a variety of situations, such as changes in the weather, increases in the amount of time to be spent observing, or a lack of access to resources and facilities, as well as the potential that they may become separated from other members of the legal observation team or get caught up in a potentially dangerous situation. In this context, the Special Rapporteur recalls the 'Key Items for Monitors to Carry with Them' listed in the Handbook on Monitoring Freedom of Peaceful Assembly published by the OSCE,¹ and suggests that legal observers carry the following items with them:

(a) A form of identification and legal observer accreditation, which, ideally, includes a photograph of the legal observer.

(b) Contact phone numbers of significant persons, including other members of the legal observation team and supportive lawyers not engaged directly in observing the protest. In addition to being written down, it is optimal for these numbers to be memorized.

(c) A mobile phone.

(d) A legal observation information sheet, a notepad, pens, an audio recorder and a watch.

(e) A means of taking photos and recording videos.

(f) Comfortable clothes and footwear relative to local conditions, bearing in mind the potential for changes in the weather.

(g) Water in a plastic bottle.

(h) A first aid kit.

(i) Any necessary personal medications.

22. It is generally advisable that legal observers not have with them anything that might be regarded as a weapon, including for example a penknife, glass bottle, or steel-toe boots. In addition, it is generally a good idea to remove jewelry, particularly dangling earrings or necklaces while observing assemblies

In France, lawyers informally coordinate before protests, and circulate flyers, guidelines, alerts and recommendations for protesters. Legal teams, containing representatives of civil society as well as the ombudsperson, are often created prior to assemblies, to better represent and protect protesters' rights.

5. Lawyers and legal practitioners observing assemblies may consider the adoption of a code of conduct

23. It is not necessary to adopt a code of conduct in order to engage in legal observation. Agreement and adoption on such a code may, however, help to ensure that all legal observers are on the same page, and that there is clarity on goals, positionality, and appropriate actions in the context of subsequent observation, and can also help clarify the function of the legal observers to external parties. Such a code of conduct may, for example, indicate legal

¹ A sample code of conduct is provided by OSCE ODIHR, Handbook on Monitoring Freedom of Peaceful Assembly 45 (2011).

observers' rights-protecting function, as well as the principles of impartiality and non-interference.²

B. During the Event – Observation and Protection of Protesters

1. Lawyers and legal practitioners may consider ways to deploy themselves so as to maximize safety and efficacy

24. In most situations, legal observers will be safer and more effective if deployed in teams of at least two. While observing, legal observers should pay attention not only to the assembly but also to their teammates, to better protect their safety and wellbeing. Where practicable, less experienced legal observers may be paired with more experienced observers, to promote knowledge transfer and capacity development. Where larger legal observation teams are deployed, it will be helpful to have multiple field coordinators, responsible for different teams. When possible, legal observers may arrange to arrive in advance of the start time of the assembly, in order to familiarize themselves with their environment. One or more legal observers, as appropriate in light of the size of the legal observation team as a whole and available personnel, may also be kept on duty outside the context of the assembly, in order to be able to respond to various legal needs that may arise.

25. Functionally, legal observers may position themselves according to an understanding of the nature of the event, optimal observation points, safety concerns, and assessment of likely responses to the assembly.

2. Where practicable, lawyers and legal practitioners may consider ways of clearly and transparently identifying themselves, where the situation allows

26. In situations in which the authorities respect the legal observation of assemblies, legal observers may carry identification documents with them, clearly indicating that they are in fact legal observers, and ideally containing a photograph. The utility of such documents will be enhanced where the organizations coordinating the legal observers have been able to liaise with the authorities prior to the event, should the state be open to such engagement. Legal observers in such a context may also consider wearing bright clothing, to be more readily identifiable. In some contexts, the clear presence of legal observers alone can help deter violations.

In the United Kingdom, Black Protest Legal Support UK, established in 2020, has mobilized an extensive body of legal practitioners willing to represent protestors pro bono and to act as legal observers. By deploying legal observers to almost every Black Lives Matter protest in the UK, Black Protest Legal Support UK has been able to deter police from violating the rights of assembly organizers and participants, providing such individuals greater ability to exercise their right to freedom of peaceful assembly.

In the United States, legal observers coordinated by the National Lawyers Guild wear green hats so that they will be easily identifiable while observing protests, in order to make clear and distinguish their presence to all other persons present.

27. In other context, where state abuses of the right to freedom of peaceful assembly are more extreme, legal observers may have to operate discreetly. In this context, the Special Rapporteur wishes to reiterate that the ability of legal observers to operate freely is protected by the right to freedom of peaceful assembly, and that states are violating the right where they refuse to allow legal observers or take measures against them.

3. Lawyers and legal practitioners may work to maintain clear lines of communication while observing assemblies

28. Communication is often crucial in the context of assembly observation. Cellular phones provide the clearest, most readily accessible means of immediate communication in most contexts, and may be used to remain in regular touch with legal observation teams, to

² A sample code of conduct is provided by OSCE ODIHR, Handbook on Monitoring Freedom of Peaceful Assembly 35 (2011).

communicate in the case of pressing emergencies, and to upload relevant materials to secure servers. Legal observers may also consider keeping in touch via walkie-talkies, or through lines of sight. Where there are communication challenges, the deployment of multiple individuals together may become even more valuable, so as to enable individuals to move back and forth, where practicable, as and when necessary in order to communicate. Preparing and preserving clear records will also be especially important where other modes of communication are limited.

In the United States, the National Lawyers Guild, which often coordinates assembly observation, develops communication plans to be employed while assemblies are in progress.

4. Lawyers and legal practitioners will optimally be equipped with the necessary materials and equipment, take detailed notes, and take measures to ensure the preservation and security of records

29. Legal observers may carry with them a variety of recording and documentation devices, including a legal observation information sheet or sheets, a clipboard, a notepad, pens, an audio recording device, a phone and a watch.

30. Among factors legal observers may want to prepare records on are the relationship between the assembly that takes place and any conditions imposed by the authorities (whether in compliance with human rights standards or not); key statements made by speakers; the size, location and nature of official, police or security force presence, and whether or not they are appropriately individually identified; the nature of interactions between the authorities and the assembly; and any responses to the assembly, whether by counter-protesters or the authorities. In the latter context, legal observers may want to pay particular attention to any instructions issued by the authorities, the response of assembly organizers and members thereto, any arrests, the basis for those arrests, to the extent it can be determined, and any deployment of force, whether by the security forces, protesters, unidentified individuals (including agents provocateurs) or counter-protesters.

31. As stressed in the Special Rapporteur's report, lawyers and others are often subjected to extensive surveillance, whether through the direct seizure of documents or records or monitoring via surveillance technology. Despite extensive evidence of surveillance, many lawyers have yet to adopt basic technological safeguards. At times, it is not practically advisable to utilize such technologies, including where governments, in violation of human rights obligations, have criminalized their use. In such circumstances the Special Rapporteur recognizes that lawyers and others should pursue the course most practicable in their circumstances. Where such prohibitions and risks do not pertain, however, the Special Rapporteur encourages lawyers and legal practitioners to increase their use of digital security technologies, including for example by relying upon information securing applications, robust encryption and multi-factor authentication, in order to better protect their communications in general, and the data they collect while observing protests in particular.

5. Lawyers and legal practitioners may pursue a relationship with law enforcement personnel, where the situation allows

32. Where reasonable and practicable, members of legal observation teams may introduce themselves to law enforcement authorities, in order to facilitate communication during and after the assembly.

6. Lawyers and legal practitioners may make themselves available to pursue legal avenues to support assemblies in progress, where possible

33. In addition to post-assembly support, where feasible lawyers' groups may consider filing lawsuits aimed at impacting on developing situations, including for instance by filing injunctions against particular forms of state action and response to protest, or supporting protesters in their communications with local or state officials, in support of individuals' and groups' right to freedom of peaceful assembly.

In the United States, civil society groups representing protestors and supporting the rights to freedom of peaceful assembly and of expression have often provided support through prompt legal action, where

the authorities attempt to bar assemblies or impose unreasonable restrictions without good cause. This has included, for example, litigation aimed at preventing the disproportionate use of force, including in the form of tear gas.

C. After the Event – Defense of Protesters

1. Lawyers and legal practitioners may confer following the conclusion of an observation

34. Following any legal observation, it is good practice for observers to leave together, in their teams, and meet up at the agreed post-assembly meeting spot. Where they cannot do so, they should inform their colleagues of such, to ensure their location and wellbeing is accounted for. At their post-assembly meeting, legal observers may debrief, reporting on what they have observed, and assessing the most pressing issues for follow-up.

2. Lawyers and legal practitioners may contribute to reporting following assemblies

35. Reporting responsibilities will optimally be undertaken in the period immediately following assemblies, in order to ensure recollections are as fresh and accurate as possible, and to have maximum impact. It is good practice for reports compiled by individual observers, whether legal observers or other monitors, to be sent to team leaders and coordinators, who can produce a final report and assign personnel to follow-up activities. Lawyers and legal practitioners may contribute to the final report by providing details on local and international standards, as well as on the manner in which local law and practice violate international human rights obligations. Social media provides a valuable medium for the communication of information concerning assemblies.

36. Lawyers, legal practitioners and other assembly monitors may also consider establishing associations, oriented towards systematic observation of assemblies and reporting on the measures adopted, in order to better track state practice and exert pressure for systemic reform. They may also consider developing relationships with universities, which may be able to offer another locus from which the right to freedom of assembly may be tracked and violations reported.

In France, a federation of observatories of police practice, the Observatoire des Pratiques Policières, has been established, in order to help better coordinate the collection, exchange and dissemination of information concerning police action in the context of protests.

In Russia, organizations such as OVD-Russia and the Memorial Human Rights Center have created a web service that allows for the collection of information concerning violations of the right to freedom of peaceful assembly. Among other things, the aim is to facilitate complaints to international courts and rights bodies.

In Spain, the University of Barcelona has developed an alert mechanism that monitors assemblies and reports on the excessive use of force, illegal arrests and other rights violations and irregularities that occur in the context of protests in Catalonia.

3. Lawyers and legal practitioners may provide representation oriented to ensuring the release of the wrongfully detained and the defense of the criminally accused following assemblies

37. A key function for lawyers and legal practitioners in the aftermath of protests is representation of the detained together with those whose rights have otherwise been violated. To facilitate representation, lawyers and legal practitioners may be deployed to follow up on any incidents recorded, to provide representation and to conduct jail visits to meet any individuals known to be detained, whether that knowledge is obtained through legal observation, contact with assembly organizers, participants or family members of the detained, though visits to detention centers, where such visits are practicable and effective, or otherwise.

38. It is good practice for lead legal organizations and coordinating bodies to do everything they can to facilitate representation of detainees. Examples of manners in which they may do so include establishing a hotline which those detained or otherwise criminally charged or their representatives may call; distributing cards with contact information to

assembly participants in advance, where helpful and feasible; or creating a mobile app, through which protestors can contact lawyers. Lawyers may also consider establishing bail funds in advance, where bail is an available means of removing detainees from pretrial detention. Lawyers may also consider coordinating their efforts on behalf of assembly participants when representing them, in order to maximize resources and share best practices.

4. Lawyers and legal practitioners may provide representation oriented towards ensuring remedies for those whose rights have been violated in the context of protests

39. In addition to representing the detained, both in proceedings aimed at their release and at their defense from criminal charges, lawyers and legal practitioners may represent those whose rights have been violated in the context of assemblies, with the aim of ensuring they are provided with appropriate remedies. In addition to providing justice and a form of restitution to those whose rights have been violated, such representation will hopefully provide extra pressure on the state and state actors not to violate rights in future.

5. Lawyers and legal practitioners may take actions oriented towards systemic, rights-based reforms

40. Lawyers and legal practitioners may challenge actions taken by states in the context of their response to assemblies through legal challenges aimed at the alteration of rights-violating law and policy. Such challenges may take place on the national level, by legislative or judicial avenues as appropriate and available, as well as on the international level, for instance through appeals to regional or United Nations human rights mechanisms. These challenges may be directly attached to claims on behalf of individuals whose rights have been violated in the context of an assembly, or they may come through separate, dedicated initiatives.

In the United States, South Korea and elsewhere, lawyers and civil society organizations work to educate members of the public on state law and policy, and to support progressive amendments to legislation relating to assemblies.
