

PROTESTING WITHOUT FEAR

A POLICY FRAMEWORK TO END
TORTURE AND ILL-TREATMENT
IN THE CONTEXT OF PROTESTS



METHODOLOGY AND ACKNOWLEDGEMENTS

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THE UNITED AGAINST TORTURE CONSORTIUM

The #UnitedAgainstTorture Consortium (UATC) brings together the Association for the Prevention of Torture ([APT](#)), the International Federation of ACATs ([FIACAT](#)), the International Rehabilitation Council for Torture Victims ([IRCT](#)), [Omega Research Foundation](#), [REDRESS](#) and the World Organisation Against Torture ([OMCT](#)).

Combining the expertise, capacity, and access to their respective networks, the UATC, through the six leading anti-torture organisations, is implementing, since June 2023, a collective programme of work to strengthen and expand the anti-torture movement.

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EXECUTIVE SUMMARY

The use of torture and other ill-treatment by law enforcement officials during protests, often used to discriminate, punish or intimidate individuals exercising their rights to freedom of expression and peaceful assembly, constitutes a deeply entrenched and growing problem. Yet, incidents of police brutality in protest contexts are rarely recognised—whether by public officials or the broader public—as violations of the right to be free from torture and other cruel, inhuman, or degrading treatment or punishment (hereinafter “other ill-treatment” or CIDTP). This lack of recognition undermines accountability, hinders the adoption of preventive measures and access to justice and allows such violations to persist with impunity.

This policy paper addresses this critical issue and aims to provide a series of legally grounded and practically oriented recommendations to State actors based on the application of the international anti-torture framework, a powerful yet underutilised tool for prevention, protection and redress. It also draws on other relevant human rights instruments notably the Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests (2024) (hereinafter “the Model Protocol”), as a key tool that provides States with practical guidance on ensuring human rights compliance in the facilitation of protests.

In particular, the paper analyses international standards on the use of force that apply in the context of protests and examines how violations of this framework can amount to acts of torture or other ill-treatment. It further assesses how the intentional use of certain less-lethal weapons to intimidate, punish, or discriminate against protesters can cause injuries that violate the absolute prohibition of torture and other ill-treatment as enshrined in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter UNCAT or UN Convention against Torture). Particular emphasis is placed on the urgent need to confront and eliminate discriminatory attitudes and practices that frequently underpin police violence in the context of protests and better protect persons at heightened risks such as women, LGBTQIA+ persons and racially marginalised groups.

The policy paper outlines essential measures that States should adopt, supported by concrete, country-specific examples of good practice. These measures include:

- Ensuring compliance with the core principles surrounding the right to freedom of peaceful assembly and adopting a human rights-based approach to the facilitation of protest, including a zero-tolerance policy towards the stigmatisation of protesters ;
- Guaranteeing that law enforcement practices during protests strictly comply with the absolute prohibition of torture and other ill-treatment ;
- Regulating the use of force according to international standards ;
- Recognising and safeguarding the role of protest monitors and strengthening other preventive measures to address the risk of torture or other ill-treatment ;
- Enhancing independent oversight and accountability mechanisms and ensuring access to justice and reparation, including rehabilitation, for people who have experienced torture and other ill-treatment in the context of protests.

1. INTRODUCTION

The right to freedom of peaceful assembly is an essential pillar of pluralistic societies. It enables the expression of political, cultural or religious opinions, beliefs or practices. These include the expression of dissenting, marginalised or minority views. Across the world, movements have emerged both to defend rights — such as those of women, Indigenous peoples, LGBTQIA+ persons, and racially or socio-economically marginalised communities— and to denounce societal problems like police violence, rising costs of living, unemployment, corruption, climate inaction, election fraud, and flaws in the justice system.

Yet, as [underscored](#) by six United Nations (UN) human rights experts in 2024, the right of peaceful assembly is among the rights significantly “*threatened by democratic regression, the rise of authoritarianism worldwide and shrinking civic spaces*”. In this context, abusive law enforcement tactics aimed at quelling protests and silencing dissent and human rights activism have become endemic.



In its 2022/23 [annual report](#), Amnesty International reported credible allegations of State forces using unlawful force against peaceful protesters in at least 85 of the 156 countries covered.

In 2024, UN experts, including the High Commissioner for Human Rights, condemned the violent repression of protests in [Bangladesh](#), [Venezuela](#), [Kenya](#), [Georgia](#), [Democratic Republic of Congo](#), [Mozambique](#), [Tanzania](#), [United States](#), and France (Non-Self-Governing Territory of [New Caledonia](#)).

During the 58th session of the Human Rights Council, the [UATC](#) denounced harsh crackdowns on protests and related trends that happened during 2024 and the early months of 2025 around the world.

In her 2025 [report](#), the Special Rapporteur on the rights to freedom of peaceful assembly and of association denounced several instances in which protests raising critical issues regarding elections were met with excessive force (paras. 60, 67 and 68).

All too often, the management of protests is characterised by violent repression and by excessive use of force. Repressive policing practices go hand in hand with the lack of training of law enforcement officials and the inappropriate use of an increasing diversity of less-lethal weapons resulting in death or severe and long-lasting or even permanent physical or psychological harm. Those impacted include protesters but also bystanders. In parallel, police forces around the globe are becoming increasingly [militarised](#) leading to inappropriate use of force and undermining democratic oversight (p. 11).

The absolute prohibition of torture and other ill-treatment is not confined to situations of deprivation of liberty, but also applies in extra-custodial settings. Indeed, allegations of torture and other ill-treatment are increasingly reported when protesters take to the streets around the world, with survivors and victims all too often prevented from accessing justice and reparation.

Grounded on the pressing need to take action, locally and globally, this paper identifies when violations of the absolute prohibition of torture and other ill-treatment occur in the context of protests and highlights urgent measures that States should take to prevent these violations, ensure access to justice and provide reparation, including rehabilitation, to victims.

2. UPHOLDING THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY AGAINST ARBITRARY RESTRICTIONS

2.1 THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY AT A GLANCE

The right to freedom of peaceful assembly is a key human right in international human rights law, enshrined in article 20 of the [Universal Declaration of Human Rights](#) and article 21 of the [International Covenant on Civil and Political Rights \(ICCPR\)](#).

This right imposes an obligation on States to respect, protect and facilitate peaceful assemblies with specific duties before, during, and after assemblies. An assembly is any organised or spontaneous gathering, which can be static or moving, for a common purpose, on matters that affect the public sphere. They may take the form of demonstrations, rallies, marches, sit-ins, parades, picket lines, and processions, among others.

Any restriction (before, during and after an assembly) should be the exception and must be adopted in accordance with the principles of legality, necessity and proportionality. Blanket bans on the holding of assemblies or the organisation of protests are presumptively disproportionate. In the same vein, assemblies should not be subject to prior authorisation procedures by the authorities.

Furthermore, the authorities have a positive obligation to protect participants in peaceful assemblies from threats and physical abuse by individuals or groups, including agent provocateurs and counterdemonstrators, who aim at disrupting assemblies or harassing those who may hold opposing opinions. This obligation is vital to guarantee the protection of ethnic or national minorities, as well as the protection of groups against whom there is a foreseeable or heightened risk of violence, as highlighted by the European Court of Human Rights (ECtHR) in [Ouranio Toxo and Others v. Greece](#) (para. 37) and [Identoba v. Georgia](#) (paras. 94 and 95). Authorities cannot rely on the purported unlawfulness of a peaceful demonstration to evade their obligations, as underlined in a [joint report](#) from 2016 by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association and the UN Special Rapporteur on extrajudicial killings (para. 23).

The scope of freedom of assembly protects *peaceful* assemblies, that is, it does not protect violent actions or purposes among those who wish to assemble. Yet, for authorities to limit this right, it is not sufficient that an assembly, such as a protest or demonstration, annoys or gives offence, or even temporarily hinders, impedes or obstructs the activities of third parties, as defined by the Organisation for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) in the [Guidelines on Freedom of Peaceful Assembly](#) (para. 19). In [Bukta and others v Hungary](#), the ECtHR clarified that the disruption must go “beyond the level of the minor disturbance which is inevitably caused by an assembly in a public space” (para. 37).



The [Model Protocol](#) stresses that “[p]rotest should be presumed to be peaceful, unless there is compelling evidence to the contrary, and should continue to be regarded as peaceful, unless participants engage in widespread and serious violence” (para. 19).

That is, an assembly may only be characterised as non-peaceful if serious violence by participants is manifestly widespread within the gathering.

While human rights law recognises the right to social protest and imposes specific obligations on States, they have not consistently adopted a differential approach to protests, resulting in numerous violations of the rights of women, LGBTQIA+ individuals and racially marginalised groups among other profile at risks, affecting their ability to express, assemble, and demonstrate.

2.2 BASIC PRINCIPLES REGULATING THE USE OF FORCE IN THE CONTEXT OF ASSEMBLIES

The use of force by law enforcement during protests exists on a continuum. This continuum ranges from such minimal interventions (such as cordoning off sensitive areas or protecting vulnerable bystanders), to more coercive measures, including physical and psychological violence (such as kicking, beating, containment tactics, threats, intimidation, and insults), as well as the deployment of lethal and less-lethal weapons.

The use of force can occur at various stages of an assembly—before, during, in the margin, and after the event itself. However, the moment of greatest risk for human rights violations typically arises when tensions escalate into direct confrontations between protesters and security forces. These confrontations most often occur during attempts to disperse an assembly, especially in situations where a protest is considered “unlawful” or stops being regarded as “peaceful”.

According to the [Model Protocol](#), protests may only be dispersed on an exceptional basis, as a last resort, when every effort to resolve the disruption or risk of violence by less intrusive measures has been exhausted, “under the condition that a protest as a whole and in its entirety is no longer peaceful or there is an imminent wide-ranging threat of violence and serious injury” (para. 76).

When a protester engages in violent conduct, they forfeit their right to freedom of peaceful assembly, but they retain their other rights, including the right to be free from torture and other ill-treatment, as stated in General Comment [No. 37](#) of the Human Rights Committee (para. 9). Even when individuals engage in violent conduct, law enforcement officials must differentiate between those protesters and others who remain peaceful, with a view to avoiding disruption of the assembly to the maximum extent possible ([Model Protocol](#), paras. 74-75).

When use of force is required, it must be restricted pursuant to the following six principles, interconnected and interdependent, which regulate the use of force: legality, precaution, necessity, proportionality, non-discrimination and accountability. They are enshrined in the [Code of Conduct for Law Enforcement Officials \(1979\)](#), the [Basic Principles on the Use of Force and Firearms by Law Enforcement Officials \(1990\)](#), and the [Guidance on Less-lethal Weapons in Law Enforcement \(2020\)](#). These six principles must be observed during and in the context of protests.



According to the principle of **legality**, the use of force shall be regulated by domestic law, in accordance with international law, in a clear and accessible manner to the general public.

The **precaution** principle requires operations to be planned and conducted to avoid or at least minimise the use of force and focuses on de-escalating tensions and providing adequate warnings prior to the deployment of force as well as providing adequate training and equipment to officials.

The principle of **necessity** provides that the use of force must be necessary, with no reasonable alternative available, to achieve a lawful and legitimate objective. When reasonably necessary, only the minimum force required to achieve the objective should be used and should cease as soon as it is no longer necessary.

Proportionality means that law enforcement officials should consider the type, level and consequences to be reasonably expected from the force used. It requires a value assessment, weighing the nature and detrimental impact of the interference on the exercise of the right against the resultant benefit to one of the grounds for interfering.

The principle of **non-discrimination** stands for ensuring, in law and practice, that people are not being targeted on discriminatory grounds, such as race, ethnicity, religion, gender identity or political affiliation. It also entails taking into consideration the differentiated impacts of the use of force on individuals and taking the additional care needed as a result.

Accountability recalls the State's obligation to investigate alleged violations of human rights and ensure that officials, including those giving orders, are held individually accountable for their decisions and actions regarding the use of force. Accountability relates as well to an institutional culture within law enforcement agencies and public authorities in general.

3. APPLYING THE ANTI-TORTURE FRAMEWORK DURING PROTESTS

3.1 INCREASING INTERNATIONAL RECOGNITION OF TORTURE AND ILL-TREATMENT IN THE CONTEXT OF PROTESTS

The absolute prohibition of torture and other ill-treatment is not confined to situations of deprivation of liberty but also applies in extra-custodial settings.



As enshrined in the [Model Protocol](#):

“Under no circumstances should law enforcement officials violate the absolute prohibition of torture and other ill-treatment in the context of peaceful protests, even when a protest is considered to be no longer peaceful. The unlawful use of force during assemblies may constitute a violation of the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment” (para. 26).

That is, the right to be free from torture and other ill-treatment must be respected and protected in all contexts, notably during law enforcement actions, in protests and other interventions where use of force may be required.

While the use of force has clear limits and should be a strict exception during protests, it is observed that law enforcement practices increasingly involve a rapid and unwarranted resort to force, fostered, frequently, by a broader climate of stigmatisation towards those who take to the streets. In this context, there has been growing international recognition of instances where torture or other forms of ill-treatment have been found during protests.

UN Special Rapporteurs on torture, including Professor Manfred Nowak in [2010](#), have asserted that when law enforcement officials use force unnecessarily or in a manner disproportionate to their objective — resulting in physical or mental pain or suffering — it amounts to cruel or inhuman treatment (para. 60). In his [2017 report](#) on extra-custodial use of force, UN Special Rapporteur on torture Professor Nils Melzer underlined that any use of force by State agents exceeding what is necessary and proportionate would, in principle, amount to cruel, inhuman or degrading treatment or punishment. Further, the failure to take all precautions to minimise the risk of unnecessary or disproportionate force in the planning, preparation and conduct of law enforcement operations amounts to a breach of the State’s obligation to prevent CIDTP (para. 46).

In addition to these findings, in this same report, Nils Melzer affirmed that any intentional and purposeful extra-custodial use of force on a person under the control of the perpetrator will always amount to an aggravated form of CIDTP, that is, it will amount to torture (para. 47). More recently, the current Special Rapporteur on torture, Dr. Alice Jill Edwards, highlighted in her [report](#) to the General Assembly in 2023 that certain equipment has been misused “to torture, harm or repress political opponents or citizens exercising their rights to assemble and express themselves” (para. 86).

It is important to note that while torture and other ill-treatment are addressed in two separate articles of the UNCAT (articles 1 and 16, respectively), the UN Committee against Torture (hereinafter the Committee or CAT), in its [General Comment No. 2](#), has emphasised the indivisible, interdependent, and interrelated nature of the obligation to prevent both. Recognising that “the definitional threshold between ill-treatment and torture is often not clear,” the Committee has affirmed that the prohibition of ill-treatment is also non-derogable. Consequently, all measures required to prevent torture must equally be applied to prevent ill-treatment (para. 3).

Allegations of torture and other ill-treatment have been addressed by these international experts at the different stages of a protest, before, during, in the margin and also upon and following arrest. Indeed, the arrest, transfer to places of detention and the first moments under custody are generally [recognised](#) as the moments when individuals are at highest risk of torture and other ill-treatment as extensively reported including in the context of protest. Recently, such violations have been documented, among others, in the aftermath of the protests in [Belarus](#), following the August 2020 election, and in [Georgia](#), following the announcement of the decision to suspend negotiations for EU accession in November 2024.

3.2 IMPACT OF THE USE OF FORCE IN THE CONTEXT OF PROTESTS

The use of force can cause physical or mental pain or suffering, which may meet the threshold defined by the [UNCAT](#) and regional instruments. Some acts may leave no lasting physical marks, while others can cause [moderate and severe injuries](#) and trauma, many of them irreparable, long-lasting, or even resulting in death. Long-term psychological sequelae, such as post-traumatic stress disorder, depression and anxiety, have also been documented.

Growing use, diversification and sophistication of less-lethal weapons have been documented. Commonly used less-lethal weapons, such as rubber bullets (and other [kinetic impact projectiles](#) [KIPs]) and chemical irritants (for example irritant grenades), have been associated with thousands of [injuries](#) across the world. These include permanent disabilities, [like vision loss](#), health effects, such as respiratory distress and dermal pain, and psychological impacts, including disorientation, acute stress disorder and anxiety, as [documented](#) by The International Network of Civil Liberties Organizations (INCLO) and Physicians for Human Rights, in collaboration with Omega Research Foundation.



Various [reports](#) such as the recent one by Amnesty International and Omega, highlight severe injuries, particularly eye trauma, as a result of both excessive and unnecessary use of these weapons, documented across the globe. In [Chile](#), during the protests that erupted in October 2019, security forces fired over 100,000 rounds of “rubberised buckshot”, a weapon [listed](#) by the Special Rapporteur on torture as inherently cruel, inhuman or degrading when the ammunition fired contains multiple KIP. This led to over 400 ocular injuries, making it one of the most alarming cases of eye trauma due to KIP misuse. Other examples include over 100 protesters with eye injuries in the context of the National Strike in [Colombia](#) (2021), police shooting at least 115 people in the head and neck with KIPs in the aftermath of the murder of George Floyd in the [US](#) (2020), or the many serious injuries attributed to these weapons in [France](#).

Many of these injuries have resulted from the unlawful use of these weapons (e.g., at close range and directed at the upper part of the body), in violation of established standards governing their use and the use of force more generally. The ECtHR, in its abundant jurisprudence, has examined under article 3 of the European Convention on Human Rights (prohibition of torture and inhuman or degrading treatment), the level of suffering and impacts resulting from the use of force and weaponry in the context of demonstrations. The Court has focused on the assessment of the severity of the injuries sustained (“minimum level of severity”) and examined whether the use of force and weaponry alleged by the State was strictly necessary and proportionate to the aim sought to be achieved. The ECtHR has often addressed the use of less-lethal weapons, including chemical irritants, such as tear gas grenades or hand-held sprays. Landmark cases include [Abdullah Yaşa and Others v. Turkey](#), where such weapons were fired directly at demonstrators (para. 48), and [Ali Güneş v. Turkey](#) where chemical irritants were sprayed directly in the faces of peaceful protesters, bystanders or individuals after their apprehension (para. 43).

The use of other less-lethal weapons such as water cannons (including in cold weather), disorientation devices, acoustic weapons, and blunt force weapons has also been criticised for the significant trauma they can inflict, including fractures, head injuries, and hearing loss.

The use of less-lethal weapons can disproportionately affect certain vulnerable groups. Accordingly, both the [CAT](#) (para. 9.2) and the Inter-American Commission on Human Rights ([IACHR](#)) have urged that action protocols incorporate precautionary measures that account for the specific risks faced by these populations. The [Model Protocol](#) similarly advises law enforcement to “take extra precautions to protect from harm individuals and groups in situations of vulnerability when using any force in the context of protest” (para. 79[b]).

3.3 DELIBERATE AND INTENTIONAL ACTS

Individuals in and around protest settings often find themselves in situations of heightened vulnerability, due to power imbalance or the fact that they are [under the control](#) of security forces, which can restrict their ability to leave at will (para. 125).

Certain less-lethal weapons used widely, including ammunition containing pellets, other multiple KIPs, certain types of rubber bullets, or wide area chemical irritants, water cannon and acoustic devices, are inherently [indiscriminate](#). The indiscriminate character implies a breach of the use of force principles, as they fail to differentiate between those individuals who are engaged in violence and those who wish to assemble peacefully or passersby.

Ammunition containing multiple KIPs fulfils no legitimate law enforcement purpose that cannot be achieved through less harmful means. The decision to deploy such ammunition indicates a reckless disregard for the physical integrity of protesters. Deliberate recklessness of this nature points to an underlying intention and purpose – to instil fear among protesters, monitors and bystanders – that runs counter to the absolute prohibition of torture and other ill-treatment.

The deliberate use of force often aligns with a specific purpose. Protesters are frequently targeted as a means of intimidation, punishment, or discrimination because of who they are, the message or ideas they represent, and to dissuade others from joining future protests. In line with article 1 of the UNCAT, the identification of such purpose has supported, on occasions, the qualification of such acts as torture. For example, in [Cestaro v. Italy](#), the ECtHR

referred to the Italian Court of Cassation, which had concluded that the violence against the victim was perpetrated “for punitive purposes, for retribution, geared to causing humiliation and physical and mental suffering on the part of the victims” and later concluded that the ill-treatment suffered amounted to torture (paras. 177 and 190).

On 10 July 2024, the [Court of Justice](#) of the Economic Community of West African States found that the use of live ammunition on unarmed protesters by Nigeria established a state of fear and anxiety and psychological distress that amounted to torture and breached article 5 of the [African Charter on Human and Peoples’ Rights](#) (para. 125).

3.4 DISCRIMINATORY PRACTICES AGAINST CERTAIN MINORITY OR MARGINALISED INDIVIDUALS

The experience of persons in contact with law enforcement is shaped by the interaction of multiple factors such as gender, age, economic and social status, disability, the belonging to a particular racial or ethnic minority group, religion, sexual orientation or gender identity. Intersecting identities can increase the vulnerability and risk of protesters, to acts including stigmatisation, verbal, physical, and sexual aggression, improper use of criminal law, and legal limitations on protesting. These situations are exacerbated for those with multiple identities who are thus victims of multiple and unique forms of discrimination. The insufficiency or absence of institutional responses to protests is, among other causes, a result of a lack of intersectional perspectives.

[General Comment No. 2](#) of the CAT highlights that the “protection of certain minority or marginalized individuals or populations especially at risk of torture is a part of the obligation to prevent torture or ill-treatment” (paras. 20 and 21). Consequently, States must implement effective preventive measures to protect persons facing intersectional discrimination who face a higher risk of torture and other ill-treatment when in contact with State officials. The risk of violence during protests increases significantly for individuals who belong to groups facing historical marginalisation rooted in systemic racism, social exclusion, and heteropatriarchy. Furthermore, discrimination is recognised as one of the purposes of torture under article 1 of the UNCAT. The CAT emphasised in its [General Comment No. 2](#) on the implementation of article 2 by States parties that “the discriminatory use of mental or physical violence or abuse is an important factor in determining whether an act constitutes torture” (para. 20). In 2022, the Inter-American Court of Human Rights (IACtHR) ruled on discriminatory torture in a landmark judgment, [Azul Rojas Marín and Another v. Peru](#), dealing with discrimination on the basis of sexual orientation. The Court has developed its understanding of discriminatory torture and set new standards to protect groups at risk targeted and tortured by law enforcement officials on discriminatory grounds and developed the concept of “violence motivated by prejudice”. It ordered Peru to provide reparation to Azul Rojas Marín, including the implementation of important guarantees of non-recurrence (pp. 3 and 4).

Race and ethnicity, such as for Afro-descendant populations, play a significant role in determining the [risk of violence faced during protests](#) (para. 33). Afro-descendants are more likely to encounter police violence and arbitrary detention in protest settings. In [Colombia](#), during the 2021 National Strike, multiple reports documented disproportionate use of force against Afro-descendant protesters, as well as racial profiling and arbitrary detentions (para. 51). Similarly, following the 2020 Black Lives Matter protests in the United States, [UN experts](#) condemned discriminatory police practices targeting Black protesters and journalists, highlighting a pattern of excessive force and arbitrary arrests.

Sexual violence—including verbal abuse, threats of rape, groping, sexual harassment, forced nudity, and rape—remains a prevalent issue in the context of protests. It is particularly used by law enforcement before, during, and after demonstrations to repress, humiliate, punish, deter, silence, provoke fear and demobilise women and LGBTQIA+ individuals. This violence is often accompanied by the reinforcement of harmful stereotypes, increasing victims' vulnerability and fuelling a structural fear that discourages participation in public life. In recent years, such cases have been reported in [Bangladesh](#), [Sudan](#), [Tunisia](#), [Colombia](#), [Mexico](#), [Iran](#) and [Georgia](#).

Transgender women and lesbians are particularly at risk, frequently subjected to threats of 'corrective' rape and other forms of violence tied to their activism and identities. The significant daily violence they endure discourages them from exercising their right to demonstrate. As a result, many are rendered effectively unseen, excluded from public space due to the threat of violence and the lack of accountability for such abuses.

As [noted](#) by the UN Independent Expert on Sexual Orientation and Gender Identity, restrictions on protest based on sexual orientation and gender identity seek to eliminate vulnerable minorities from the public eye and are often coupled with antagonistic political language (para. 19).

The [Model Protocol](#) calls for law enforcement to adopt targeted protection strategies, encourage dialogue, ensure the presence of specially trained and diverse officers, deploy rapid response teams and establish accessible, independent complaint mechanisms for survivors of sexual and gender-based violence (paras. 51 and 52).

Young people, especially those from impoverished neighbourhoods or rural areas, also face an increased risk of police violence, as they are more likely to be viewed with suspicion or stigmatised as troublemakers during protests. UN experts together with the Secretary General's Envoy on Youth have [raised concerns](#) about the growing repression of youth-led movements advocating for democracy and human rights. By way of example, youth-led solidarity protests for Gaza and Palestine have faced significant repression worldwide. As a recent example, on 8 March 2025 (International Women's Day), in Berlin (Germany), police reportedly used [excessive force](#) against a demonstration of solidarity with Palestinian women.

4. STATE OBLIGATIONS AND GOOD PRACTICES AT THE NATIONAL LEVEL

The above developed findings underscore the critical need for strict adherence to international standards governing the use of force by law enforcement, particularly in protest settings, to prevent injuries and uphold the absolute prohibition of torture and other ill-treatment. In this section, key State obligations are addressed, along with good practice examples.

4.1. PREVENTION AND PROTECTION

States have the legal obligation under the UNCAT to take legislative, administrative, and judicial measures to prevent torture and other ill-treatment.

Adequate and accessible laws and regulations

As part of their obligation to uphold the absolute prohibition of torture and other ill-treatment, States must incorporate international standards on torture prevention and use of force into domestic legislation and regulations. This is key to ensuring effective prevention of torture and other ill-treatment in the context of assemblies.

To prevent underreporting leading to impunity, it is essential that, in conformity with [General Comment No.2](#) (para.6) of the CAT, States criminalise torture and ill-treatment as independent and distinct offences, reflecting their gravity and providing appropriate penalties.

On the regulation of the use of force, the CAT has [recommended](#) to “revise laws and policies regarding public order policing and the use of force, including lethal force, by law enforcement officials in order to ensure that all policing laws, policies and guidelines are consistent with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials” (para. 31 [d]). Similar recommendations were regularly addressed by the CAT including concerning [Thailand \(2024\)](#), [Colombia \(2023\)](#), [Denmark \(2015\)](#), and [Australia \(2014\)](#). It is equally paramount, according to the [Committee](#), to regulate the use of firearms and weaponry, adopt and review use of force regulations, procedures and controls, to ensure that force is not used indiscriminately, unnecessarily, excessively, and against individuals most at risk, such as children, persons with disabilities, and pregnant people.

The ECtHR and the IACtHR have also stressed the importance of the existence of appropriate legal frameworks ([Cestaro v. Italy](#) [para. 243] and [Montero-Aranguren et al. v. Venezuela](#) [para. 75]) and safeguards surrounding the proper use of force ([Abdullah Yaşa and Others v. Turkey](#) [para. 43]), including specific less-lethal weapons and equipment ([Geylani and Others v. Türkiye](#) [para. 84]), particularly in the context of mass demonstrations ([Cruz Sanchez et al. v. Peru](#) [para. 260]).

Such regulation should include [banning](#) the trade, production and use of weapons that are inherently abusive, as well as to establish comprehensive and effective human rights-based controls on the production, trade and use of other kinds of weapons and equipment that may have a human rights-compliant law enforcement use. A recent [study](#) by the Special Rapporteur on torture, Dr. Alice Edwards, presented an overview of items and goods that should be prohibited or ought to be regulated at national and international levels, and called for the development of an international torture-free trade instrument.

Importantly, regulations on the use of force, weapons, and equipment applicable in public demonstrations cannot be secret or inaccessible to the public, as it hinders oversight of adherence to internal norms and, hence, accountability. In this sense, the [Model Protocol](#) underlines that it is key to “[e]nsure the public availability of protocols, procedures and guidance related to protests and the use of force, including detailed lists of law enforcement units, weapons and equipment used for the facilitation of protests” (para.51 [g]).



Good practices

In **England and Wales**, the College of Policing is responsible for developing guidelines called '[Authorised Professional Practice](#)' (APP), which police officers are expected to follow. These are often used by oversight bodies and in public inquiries and judicial proceedings. APP topics include 'Armed policing', which includes guidance on the use of certain less-lethal weapons and 'Public order public safety' among other things. Much of the content of these guidelines is accessible to the public via the College of Policing website. Although some of the guidelines should be strengthened, the publication of this guidance is a good practice. Further information on laws on police use of force around the world can be found on the interactive [policing law website](#).

The **Pan African Parliament** adopted a [model law](#) for policing in 2019, which includes a comprehensive schedule for public order policing.

Human rights-based approach in the facilitation of assemblies

There is a significant gap between international standards on the facilitation and protection of assemblies and regulations and practices at the domestic level. The policing of assemblies is all too often interpreted as a strategy to manage and control a public threat rather than a public service to respect and enable the exercise of human rights. The social control approach is also reflected in how policing strategies, including in the context of protests, have the greatest impact on those affected by multiple levels of marginalisation, precarity, and vulnerability (for example migrants and undocumented workers, caste, linguistic and racial minorities, women, Indigenous peoples, children, and LGBTQIA+ people) and face intersectional discrimination.

It is crucial that high-level public officials avoid and actively counter [stigmatising narratives](#) against protesters and civil society, which permeate into law enforcement and judicial institutions. Such narratives and discourses increase the risk of intimidating and heavy-handed attitudes against protesters.



In her [report](#) from 2024, the Special Rapporteur on the rights to freedom of peaceful assembly and of association recommended States to:

“Incorporate measures to prevent stigmatisation into law enforcement protocols and guidance, including the adoption of the Model Protocol and its components, and integrate stigmatisation prevention strategies into training for law enforcement, in particular for those in commanding roles” (para. 117 [d]).

For the effective facilitation of protests, specific human rights training programmes – including operational training - integrating gender, ethnic and racial diversity, should be developed for those designing and executing law enforcement operations ahead of public demonstrations. Those programmes should include a specific component on the prevention of torture, ill-treatment, and unnecessary and excessive use of force.

The effectiveness of training programmes should be systematically assessed based on quantitative and qualitative indicators, including data on the use of force in protest. Specific indicators should include incidents involving unnecessary or excessive use of force documented by the police and independent protest monitors.



The [ACHPR Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa](#) set out a list of topics this training must cover, including the normative framework for the right to assemble, communication skills, techniques in minimising conflict, the lawful use of force and firearms, and the safety and protection of persons and groups who are particularly at risk from limitations on their right to assemble freely, due to their status or an intersection of one or more statuses, among other reasons.

In addition, increasing diversity in police forces is an important step in gaining the trust of the community and can contribute to a shift in discriminatory attitudes and culture. Officers should come from different backgrounds, including age, gender, racial, cultural, and economic considerations, to balance entrenched discrimination. Diversity should be built into recruitment policies and must be accompanied by retention and progression initiatives, and data on the recruitment, retention, and progression of minority officers should be gathered and tracked. In addition, a zero-tolerance policy for discriminatory language and actions should be established and enforced, through corrective and disciplinary measures.

Need to adopt communication, negotiation, and de-escalation mechanisms

States and law enforcement should strive to respect and facilitate the right of assembly, pursuant to their international obligations. As emphasised in the [Model Protocol](#), “[l]aw enforcement decisions, strategies and actions should be based on the concepts of knowledge, facilitation, communication and differentiation and must be aimed at de-escalating and preventing tension and recourse to the use of force” (para. 42). When law enforcement authorities adopt such an approach, protests become safer for both participants and officials and the risk of torture and other ill-treatment is lowered.

Dialogue, mediation, negotiation and other forms of communication between police and protest organisers and participants, as well as other stakeholders, through all stages of a protest, are key in any facilitation approach strategy. Communication before, during, and after an assembly can prevent the escalation of tensions and conflict, reducing the risk of violence on all sides. That being said, any dialogue on the part of protest organisers should be voluntary, and the existence or lack thereof of such dialogue should not be used to justify or impose any restriction.



As set out in the OSCE/ODIHR [*Handbook on Monitoring Freedom of Peaceful Assembly*](#) “Generally, the overall policing approach should be driven by communication, seeking to prevent conflicts from occurring through dialogue and mediation, as well as to de-escalate and peacefully settle any conflicts that do occur” (p. 48). Whenever communication breaks down, the re-introduction of lines of communication, the use of dialogue and forms of mediation or reassurance should be the norm.

As outlined by the [*IACHR*](#), creating spaces for communication and dialogue—before, during, and after demonstrations—is essential for State authorities to engage with protesters, coordinate protest activities, and manage public security operations in ways that help prevent conflict (paras. 182 and 183).

In some jurisdictions, specialised officers or units trained in communication, mediation and de-escalation are deployed to act as liaison points with organisers both before and during protests. These officers are unarmed and easily identifiable. The presence of specialist officers does not absolve other officers from their duty to communicate respectfully and professionally with protesters.

In many countries, however, dialogue or communication mechanisms between law enforcement and organisers are conspicuous by their absence. As a result, the use of force is employed without seizing the opportunities for de-escalation or setting mechanisms for genuine channels of communication with protesters.

The behaviour and actions of law enforcement officials can significantly impact crowd dynamics and either facilitate or hinder dialogue. According to the [*Human Rights Handbook on Policing Assemblies*](#), “[a] confrontational policing style that restricts movement, deploys riot geared police, etc., can lead to tensions and possible escalation and violence, even though an assembly may start peacefully” (p. 57).

Ultimately, when protests are dispersed through the use of force or the deployment of specific weapons, protesters are often not warned or notified in advance. If there are warnings issued, law enforcement officers are often not well enough equipped to deliver the message effectively (e.g., with megaphones) to disperse or move, which could prevent injuries or even deaths.



Good practice

In **Colombia**, protest organisers and protest monitors have taken part in meetings of the Unified Command Post (*Puesto de Mando Unificado*, PMU) at different phases, including during the planning and preparation of operations. The PMUs are a platform for dialogue and coordination between all concerned State entities (Ministry of Interior,

national police, Public Prosecutor's Office, Attorney General's Office, Ombudsman and fire department) prior to, during and after assemblies, particularly in the context of protests foreseen to be large or violent. This platform has ensured collaboration between police commanders, the National Network of Civil Society Commissions of Verification and Intervention in the framework of social mobilisation and State-led human rights mechanisms, including *Procuraduría* and *Defensoría del Pueblo*.

The [Manual](#) adopted by the National Police of Colombia to regulate actions to protect the right to freedom of assembly and the use of force in the context of public assemblies reaffirms the primacy of dialogue and introduces specific mechanisms within law enforcement units intervening in assemblies, such as “dialogue teams” or *Policía de Diálogo* (article 10). The Manual develops specific provisions on how these teams will be in charge of promoting dialogue and mediation with protest organisers. Yet, these officers will have to be trained and skilled in facilitating dialogue, negotiation and mediation skills.

It is worth highlighting that if organisers choose to liaise with law enforcement prior to protests, law enforcement should act in good faith and treat these meetings as an opportunity to facilitate protest, build trust and de-escalate tension, not to gather intelligence with the aim of preventing protests.

Stop and search, arrest and deprivation of liberty in the context of protests

Stop-and-search, arrest, and detention practices in the context of protests and assemblies raise significant concerns when misused to discourage or repress the legitimate exercise of the right to freedom of peaceful assembly. The misuse of these powers may expose individuals to arbitrary deprivation of liberty, discrimination, and an increased risk of torture and other ill-treatment.

Stop-and-search practices, in particular, when conducted without appropriate legal and procedural safeguards, carry an elevated risk of ill-treatment. As these measures often take place without the full set of safeguards that apply to arrest or detention, heightened vigilance is required to ensure their compliance with international human rights law. Law enforcement authorities must ensure that stop-and-search powers are exercised strictly within the framework of legality, necessity, proportionality, and non-discrimination, that their use is [justified and recorded](#) (para. 81 [a]) and that they are never used as a tool of intimidation or repression. Specific attention must be given to preventing racial or ethnic profiling and other forms of bias while safeguarding the dignity, safety, and rights of all protesters, particularly those belonging to at-risk or marginalised groups.

Beyond the stop-and-search stage, the risk of torture and other ill-treatment is particularly acute at the time of arrest, transfer, and the initial stages of police custody. In line with international law, including the UNCAT, States have an obligation to implement effective legal and procedural safeguards from the very outset of deprivation of liberty.

Key [safeguards](#) against torture and other ill-treatment in the first hours after arrest, especially in the context of the repression of protest actions, include transfer to an official place of detention where the arrest is duly registered, access to a lawyer, the right to inform a family member or trusted person, and the right to an independent medical examination

(para. 5). These measures are crucial to deter torture and other ill-treatment, reduce the risk of incommunicado detention and enforced disappearance, document any signs of ill-treatment and ensure accountability. These safeguards have been further detailed in the [Model Protocol](#) (para. 81).

In addition, law enforcement authorities should apply the [Principles on Effective Interviewing for Investigations and Information Gathering \(known as the Méndez Principles\)](#) – which provide practical guidance for conducting interviews, including of individuals arrested during protest, in a manner that is consistent with the absolute prohibition of torture and other ill-treatment. The Méndez Principles provide concrete guidance for the use of non-coercive, rapport-based interviewing methods, in combination with legal and procedural safeguards. Importantly, they also address the need for enhanced protections during questioning and specific measures to safeguard persons in situations of heightened vulnerability, including those at risk of sexual and gender-based violence. Risk assessments should be conducted to identify individual needs related to gender, gender identity or expression, sexual orientation, and other factors, ensuring that interview practices uphold non-discrimination and prevent compelled self-incrimination.

4.2. MONITORING

The right to freedom of assembly [encompasses](#) the observation, monitoring and reporting of assemblies. An essential component of monitoring public assemblies, particularly protests, is the independent observation and documentation of excessive use of force and [equipment](#) by law enforcement that threaten the safety and integrity of protesters and bystanders.

The role of monitors, including National Human Rights Institutions (NHRIs), National Preventive Mechanisms (NPMs), civil society organisations, human rights defenders, and media workers, among others, is crucial to promote access to information and accountability mechanisms.

From an anti-torture perspective, monitoring is also indispensable to identify risk factors for torture and other ill-treatment, as well as patterns of unlawful behaviour, allowing the identification of gaps and reform areas.

The presence of [monitors](#) can also serve as a deterrent to violent behaviour by law enforcement, “by helping to ensure that the police and other State authorities act in the most appropriate manner in a public setting” (p. 12).

Despite their vital and legitimate role, protest monitors and others covering protests like journalists have been increasingly targeted with unlawful force and arbitrary arrests in the context of their monitoring activities. Furthermore, in a number of countries, there is legislation that bans or has attempted to ban the monitoring of policing during assemblies.

For example, during the 2020 Black Lives Matter protests in the United States, Amnesty International [documented](#) instances of excessive use of force against and arbitrary arrests of legal observers as they monitored protests. The human rights organisation also denounced cases where journalists sustained serious injuries from kinetic impact projectiles and were arrested and detained without proper access to medical care.

Thus, it is paramount to strengthen the safeguards to guarantee their safety and the effectiveness of their independent monitoring role. This was already emphasised by the Special Rapporteur on human rights defenders in her [2007 report](#) in where she called on States to “(i)[a]llow human rights defenders to operate freely in the context of freedom of assembly to enable them to perform their monitoring role; (ii) [g]rant media access to assemblies to facilitate independent coverage” (para. 101).



As stated by UN experts from the [Human Rights Committee](#), those involved in monitoring and reporting on assemblies:

“[M]ay not be prohibited from, or unduly limited in, exercising these functions, including with respect to monitoring the actions of law enforcement officials. They must not face reprisals or other harassment, and their equipment must not be confiscated or damaged. Even if an assembly is declared unlawful or is dispersed, that does not terminate the right to monitor” (para. 30).

The African Commission on Human and Peoples Rights emphasise in their [Guidelines on the Policing of Assemblies in Africa](#) “[t]he right to monitor the observance of human rights in a given society includes the right to engage in active observation of an assembly and to collect, verify, and use information related to the assembly. All persons have the right to seek and receive information and to freedom of expression and enjoy the right to observe and independently monitor public assemblies without fear of reprisal. This includes civil society organisations, human rights defenders, monitors, journalists and other media workers” (para. 8.6).

Monitoring by National Preventive Mechanisms and other oversight bodies

NHRIs, ombudspersons, NPMs, and other independent oversight bodies have a vital mandate to monitor the conduct of law enforcement authorities during assemblies. States should guarantee the independence, accessibility, and operational capacity of these bodies, as well as ensure that law enforcement authorities fully cooperate with them during the monitoring of protests and public order management operations.

The UN Subcommittee on Prevention of Torture (SPT), in its first [General Comment on article 4](#) of the Optional Protocol to the UN Convention against Torture (OPCAT) in 2024, has affirmed that NPMs should continue to visit “public demonstrations; and any gatherings where police practices such as kettling” may be carried out (para. 53). Their mandate to visit places of deprivation of liberty allows them to ensure continuity in monitoring when demonstrators are arrested and placed under police custody. Therefore, NPMs can play an important role in the monitoring of protests and other public assemblies, particularly in situations where individuals may be subjected to containment tactics or otherwise prevented from acting or leaving freely.



Good practices

A number of NPMs have started to monitor the use of force in extra-custodial settings, particularly in the framework of protests and demonstrations.

The NPM in **Argentina** has issued detailed [guidelines](#) and reports to guide oversight before, during, and after protests, while several local preventive mechanisms, including those in Salta and Buenos Aires, have monitored police conduct during demonstrations. Similar practices have also been carried out by NPMs in [Bolivia](#), Paraguay, [Peru](#) and [Panama](#).

In **Austria**, the ‘Preventive Human Rights Monitoring’ undertaken by the Austrian Ombudsman Board (AOB), which hosts the NPM, [monitors](#) the application of “coercive measures” including during demonstrations, among a wide array of police operations.

Following a wave of arrests and violence during demonstrations at the beginning of 2021, the NPM in **Tunisia** undertook to monitor demonstrations and other political or social protests. According to the Tunisian NPM, this form of monitoring is part of the so-called “indirect” prevention, reducing risk factors for torture and ill-treatment. To this end, the NPM deploys its members to observe the facilitation and management of the demonstration, documents arrests made during and afterwards, and visits the centres where protestors are subsequently brought.

Monitoring by civil society organisations

It is equally critical to recognise, respect, protect and promote civil society participation in the monitoring, documentation and oversight of law enforcement operations in the context of protests. Networks of monitors across the globe have proven to be an efficient tool to de-escalate tensions, ensure the effective facilitation of assemblies and build trust among participants and law enforcement bodies. Civil society monitors are also a crucial safeguard to prevent excessive use of force and arbitrary arrests.



Good practices

In **Spain**, CSO networks composed of human rights monitors created in Barcelona ([#SomosDefensores](#)) and more recently in Madrid and Granada have been crucial to prevent human rights violations, document abuses and pursue accountability in the context of assemblies. These networks are not affiliated with the organisers of the protests, and their role is the monitoring of the policing of assemblies. They wear a distinctive vest to be easily identifiable. Monitors inform the police in advance when a specific protest has been chosen to deploy an observation team.

In **Colombia**, Decree 003, 2021, recognises and regulates the existence of *Comisiones de verificación*, commissions composed of civil society observers in charge of the monitoring of the promotion and protection of human rights during assemblies. In order to generate greater coordination and dialogue with the authorities in charge of guaranteeing peaceful demonstrations and protests, the members of these Commissions must be identified by means of a visible badge. As part of their activities, verification commissions may, among others: observe, dialogue and mediate in the context of the exercise of the right to assembly, sit in the coordination tables (*mesas de coordinación*) prior, during and after assemblies to participate in the design of police operations and verify in real time the development of demonstrations.

In **South Africa**, the [Right to Protest](#) (R2P) is a coalition of organisations dedicated to advancing the constitutional right to protest, as entrenched in Section 17 of the Constitution. Based at the Centre for Applied Legal Studies at the University of the Witwatersrand, R2P operates nationally, providing legal support and assistance to protesters. The project has a dedicated toll-free hotline that protesters can use to obtain legal advice. The project also provides communities around the country with workshops informing them of their right to protest and legal procedures that need to be followed in exercising this right.

4.3. ACCOUNTABILITY

States need to create a culture of accountability and respect for human rights within law enforcement agencies. This imperative aligns with Human Rights Council resolution [A/HRC/RES/46/15](#), adopted on 23 March 2021, which urges States to promote a “culture of accountability” within law enforcement institutions (para. 18).

That is, any excessive or arbitrary use of force needs to be investigated, and officials involved, including those who gave the orders, held accountable for their decisions and actions and punished in a manner that is proportionate to the gravity of their acts (arts. 12 and 13 of the UNCAT).

Integration of international standards on investigations

The CAT regularly urges States under its review procedure to investigate allegations of excessive use of force, in the context of protests as seen in the reviews of [Benin](#), [Colombia](#), [France](#) and [Thailand](#).

In her [report](#) from 2023, the Special Rapporteur on torture emphasised that investigations should be “independent, impartial and subject to public scrutiny” and “that the competent authorities act with diligence and expediency and that victims are involved” (para. 61). These principles are further elaborated in international standards such as the [Istanbul Protocol](#), formally known as the *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment* and the [Minnesota Protocol](#), formally known as the *Minnesota Protocol on the Investigation of Potentially Unlawful Death*. It is crucial to integrate these international standards into legal frameworks to ensure effective documentation and investigation, and foster accountability for torture, ill-treatment, and arbitrary deprivation of liberty, particularly in the context of protests.

Securing their implementation within national and international legal systems is vital to safeguard fundamental rights and prevent impunity, ensuring that all incidents of abuse during protests are thoroughly investigated and perpetrators are held accountable.

The use of the Istanbul Protocol and the IRCT's protest [toolkit](#) for recording testimonies and documenting injuries has been a pillar for establishing patterns and practices of abuse and injury that prove the existence of official government policies encouraging not only the systematic perpetration of torture and other ill-treatment against protesters, but even prescribing how it should be carried out.

For instance, in **Belarus**, through documentation and analysis methodologies applying the Istanbul Protocol, distinct injury patterns common among protesters being held at 13 different detention facilities across 8 cities were established. The distinct pattern of injuries [proved](#) that similar methods of abuse were systematically being applied in all of the 13 detention facilities surveyed, which could only occur through the application of government policies and orders.

In **Georgia**, the protest toolkit was employed by local NGOs, after receiving training and revising it to fit local contexts, in the documentation of more than 100 cases. The protest toolkit provides a way of recording testimony and injuries that is suitable for systematic analyses and forensic interpretation. This enabled NGOs to [refute](#) the government's claims that protesters were injured during violent confrontations with the security forces. Instead, the documented injury patterns were inconsistent with fights, but highly consistent with being beaten while restrained (with arms held behind the back or when the person is face down on the floor).

Independent complaints and investigative mechanisms

A [resolution](#) adopted by the UN Human Rights Council in 2021 "calls upon States to put in place clear reporting and independent complaint procedures, such as an external police oversight mechanism, for instances or suspicion of torture or other cruel, inhuman or degrading treatment or punishment" (para. 18).

The importance of transparent reporting procedures and independent oversight mechanisms cannot be overstated. Effective investigations into misconduct and abuses require impartiality (art. 12 of the UNCAT), which can only be ensured if there is no institutional or hierarchical relationship between the investigative body and the suspected perpetrators. Independent oversight bodies also play a critical role in guaranteeing accountability and preventing conflicts of interest, ensuring that investigations are conducted thoroughly and without undue influence from those being investigated.

However, the reality around the globe presents a stark contrast to international standards. The absence of accountability remains one of the key barriers to meaningful progress in the prevention and eradication of police brutality, particularly in the context of protests and other assemblies.

A myriad of legal, institutional, and practical obstacles hinder effective independent investigation and the victims' right to truth, justice, and reparation, including rehabilitation and guarantees of non-repetition. Impunity, in turn, serves as a critical breeding ground for the persistence of the "blue code of silence", or the failure to report misconduct within law enforcement bodies.

There are good practices showing the way towards the culture of accountability and building public trust.

In a [2021 report](#), Open Society Foundations provided recommendations and highlighted best practices to ensure the independence of investigative bodies, both legally and in practice. The Special Rapporteur on extrajudicial, summary or arbitrary executions also [identified](#) key elements to ensure the independence of oversight mechanisms including their legal basis, reporting mechanisms, institutional location, budget allocation, independent investigative powers, adequate staffing and leadership independence (paras. 51-60).



Good practices

Jamaica's Independent Commission of Investigations ([INDECOM](#)), established in 2010, investigates actions by any State agents, including the police, army (if acting jointly with the police), or correctional officers, that result in death or injury to persons or the abuse of the rights of persons. The Act establishing INDECOM provides that it should not be subjected to the direction or control of any other person or authority, and the removal of the Commissioner is strictly limited to the adoption of a resolution of both houses of Parliament. INDECOM operates a hotline to receive complaints, including anonymous ones, which should trigger investigations. It attends all relevant crime scenes, has its own forensic unit, and can lay charges against State agents who obstruct investigation.

The Special Investigations Unit (SIU) in Ontario (**Canada**) was set up to investigate incidents of criminal conduct by an official which led to death, serious injury, discharge of a firearm at or sexual assault of a person. The [Special Investigations Unit Act](#) clearly establishes that the SIU has priority over any other police force investigating such incidents (art. 18).

Chile's National Human Rights Institute (INDH) played a key role in documenting and seeking accountability for human rights violations in the framework of the 2019-2020 [mass protests](#), known as the "social uprising". It deployed observers nationwide, filed over [3000](#) legal actions—including cases of torture and sexual violence—and provided legal support to victims. While judicial progress has been limited, and the number of persons convicted is [small](#) (para. 25), the INDH's efforts have been crucial in promoting accountability and advocating for institutional reform.

Identification of police officers

A common obstacle is the impossibility to identify police officers involved in abusive policing, despite international standards indicating the duty to wear visible identification. This lack of identification can hinder the investigations into allegations of torture and other ill-treatment and the accountability of the responsible officers.

The European Committee for the Prevention of Torture (CPT) has [underlined](#) that the wearing of visible identification numbers or names on law enforcement uniforms represents a key

safeguard against ill-treatment and the fight against impunity (para. 21). In the same vein, the CAT often reminds States that they should pass legislation and enforce requirements for every officer on duty to wear visible identification (para. 40).

A development at the domestic level is the use of body worn video cameras (BWC) to increase oversight and accountability during policing in general, but for protests particularly. The adoption of BWC by police continues to increase in many jurisdictions. Such technology is by no means a panacea, and there are many factors that influence the outcome of its use. Concerns include the failure to switch cameras on, or switching them off during use of force incidents, the deliberate or accidental loss of footage, the length of time audiovisual materials may be stored for and the possible chilling effect on assembly participants (see, for instance, [misuse](#) reported in England and Wales). Nonetheless, the use of body-worn cameras has been considered and recommended by international anti-torture bodies as an effective means of preventing violations of the right to life and the right to be free from torture and other ill-treatment.



Good practice

In São Paulo (**Brazil**), the introduction of BWCs in 2021 through the Keen Eye Program (Olho Vivo) has been a key step in leveraging technology to improve police accountability and reduce excessive force. The roll-out of BWCs prompted significant reductions in deaths arising from police operations. As a result, numerous civil society groups have [demanded](#) its introduction elsewhere. Regrettably, this positive trend has seen a reversal in 2023 and 2024. [Reports](#) attribute this regression to the weakening of oversight mechanisms and political will, among other reasons, reinforcing the fact that for BWCs to be effective, strong policies and rigorous oversight are essential.

Command officers must also be held responsible if they knew, or should have known, that law enforcement officials under their command resorted to the unlawful use of force or firearms, and they did not take all the measures to prevent, suppress, or investigate such intervention. Thus, irrespective of the identity of individual officers being known, commanding officers may nonetheless be held accountable.



Good practice

In October 2024, a criminal investigation was initiated against three police commanders involved in the political repression of protests in 2019 in **Chile** in line with international and Chilean law. The launch of such investigations represented a milestone for Chile and an opportunity to hold accountable those in command.

Addressing stigmatisation and reprisals

While article 13 of the UNCAT enshrines the right to complain and be protected “against all ill-treatment or intimidation as a consequence of his complaint or any evidence given”, in practice, victims can rarely complain against police misconduct in safe conditions without fearing reprisals. Threats and retaliation acts against victims, their relatives, and their lawyers can include multiple forms of harassment.

When it comes to individuals who report torture and other ill-treatment as a result of repressive actions against a protest, judicial harassment, including the imposition of baseless criminal charges, is widespread in numerous countries. Justice operators frequently align themselves with the executive branch and law enforcement officials, adopting the same ‘stigmatising’ narrative described by the Special Rapporteur on the right to freedom of assembly in a recent [report](#). Stigmatising rhetoric and practices contribute to a context where victims are discouraged from coming forward and which gives abuse the appearance of legitimacy.

During and after the 2019 protests against India’s Anti-Citizenship, the Uttar Pradesh police circulated posters with pictures of individuals who had “allegedly” participated in the protests, publishing their addresses and names and labelling them “guilty” before any court process had occurred, a tactic used to [intimidate](#) both the individuals and their communities to inhibit the reporting of abuses (para. 4.9).

4.4 REPARATION

Survivors and victims of torture, including those targeted in the context of protests, have a right to adequate reparation (art. 14 of the UNCAT). This [includes](#) rehabilitation, restitution, satisfaction, compensation, and non-repetition measures (pp. 20 - 25).

These reparation measures must be provided in accordance with the standards developed by the CAT, in particular its [General Comment No. 3](#), and those within the [UN Basic Principles and Guidelines](#) on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

To be effective, reparation must be accessible, adequate, comprehensive, holistic, non-discriminatory, delivered promptly, [survivor-centred](#), and sustainable. Reparation measures should be tailored to address the distinct experiences and needs of survivors, reflecting the specific harm they have suffered. To ensure reparation is truly responsive and adequate, the effective and meaningful participation of survivors in the design and implementation of reparation processes is essential. Throughout these processes, survivors’ safety, security, and privacy must be protected, and the principle of do no harm must be upheld to prevent re-traumatisation and build trust.

In the context of protests and peaceful assemblies, the importance of providing comprehensive reparation to victims and survivors of torture was affirmed by the IACtHR in the case [Women Victims of Sexual Torture in Atenco v. Mexico](#) (para. 366). On 4 May 2006, police officers intervened as informal vendors attempted to sell flowers on unauthorised property. As the confrontation escalated, according to the IACHR, law enforcement engaged in the “indiscriminate and excessive use of force against anyone they assumed to be a protester.” Eleven women were detained and were subjected to different forms of sexual violence by

several agents; seven of the women were raped. The Court awarded several reparation measures, including rehabilitation through medical treatment and psychological care; satisfaction measures such as public apologies by State authorities; and guarantees of non-repetition, including training for law enforcement on gender sensitivity and the appropriate use of force. It also required the State to allocate resources to strengthen the Mechanism to Monitor Cases of Sexual Torture against Women, established in 2015.

Another example that illustrates reparation measures being awarded to survivors of torture in the context of protests is the Marikana case in South Africa. In 2012, police opened fire with live ammunition on a crowd of striking miners at a platinum mine, killing 34 and injuring more than 70. In 2023—over a decade later—the South African government paid 330 million ZAR in “constitutional damages” to the families of the victims. Although this represents a rare instance of financial compensation being [paid](#), no police officers have been held [accountable](#) for the killings, and many claims are still pending, highlighting ongoing delays and serious gaps in justice and accountability.



Good Practice

Survivor-led initiatives like [MOCAO \(Colombia\)](#)—established by victims of eye injuries inflicted by police, particularly during protests—play a vital role in demanding accountability, reparation, and guarantees of non-repetition. Through collective organisation and mobilisation, survivors have become powerful actors against State violence. In MOCAO’s case, their sustained advocacy has been instrumental in pushing for the adoption of more thorough and human rights-compliant policing regulations.

5. KEY RECOMMENDATIONS

This policy paper urges States to take immediate and effective measures to safeguard the right to be free from torture and other ill-treatment in the context of protests and other assemblies. The UATC calls on them to:

1. Recognise the essential role of freedom of peaceful assembly and the importance of enabling protests as a legitimate vehicle for public expression, democracy and social change and adopt a human rights-based approach to the facilitation of protests, ensuring the implementation of the Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests (2024) and other relevant international guidelines;
2. Acknowledge and address torture or other ill-treatment before, during and after protests and other assemblies, and uphold the absolute prohibition of torture and other ill-treatment at all times in these contexts;
3. Adopt an intersectional perspective in legislative, judicial and administrative processes that protect the right to freedom of peaceful assembly, condemning the stigmatisation of and discriminatory attitudes against protesters, and ensuring that officials engaging in such practices face appropriate sanctions;
4. Adopt and publish adequate and accessible laws and regulations on the prohibition of torture and other ill-treatment, and the use of force, ban the trade, production and use of weapons that are inherently abusive and establish comprehensive and effective controls;
5. Ensure law enforcement officials wear visible identification at all times to guarantee accountability, and provide human rights training programmes for law enforcement personnel involved in the facilitation of protests and other assemblies, with clear indicators to assess effectiveness;
6. Implement all legal and procedural safeguards from the moment of arrest and throughout deprivation of liberty, and ensure that any questioning is carried out in compliance with the Méndez Principles, to prevent torture and other ill-treatment;
7. Recognise and protect assembly monitors and observers, including human rights defenders, civil society organisations, and journalists, guaranteeing that they can conduct preventive monitoring and documentation work free from intimidation or harm;
8. Ensure that national preventive mechanisms and national human rights institutions are adequately resourced to prevent human rights violations in protest settings, including through effective monitoring and ensure the full cooperation from law enforcement in the fulfilment of their functions;

9. Guarantee that individuals who have experienced torture or other ill-treatment during protests and other assemblies have unrestricted access to independent and impartial investigative mechanisms. Criminalise and prevent any acts of retaliation, intimidation, or reprisal against those who file complaints or participate in investigations;
10. Ensure that all allegations of torture and other ill-treatment in the context of protest and other assemblies are investigated independently, promptly, and effectively, in accordance with standards set for by the Istanbul Protocol;
11. Ensure that suspicious deaths in the context of assemblies are investigated according to the Minnesota Protocol;
12. Hold perpetrators accountable through sanctions proportionate to the gravity of their acts;
13. Provide comprehensive reparation to victims and survivors, ensuring their meaningful participation in the design and implementation of measures to guarantee they are effective and adequate to their needs.



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