Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1947 (2013)[1]
Final version

Popular protest and challenges to freedom of assembly, media and speech

Parliamentary Assembly

1. Popular protest has erupted in many European (and non-European) countries recently. Demonstrations often occur in an unregulated manner, its participants co-ordinating with one another through social media. The right of individuals to demonstrate against their democratically elected governments is as legitimate as is the right of such governments not to change their policies in the face of protests.

2. Such demonstrations have taken place in many cities and countries in Europe in 2013. In all cases, the protests started peacefully, even if in some cases small minorities did engage in violent activity. The response by the public authorities and the action taken by law-enforcement bodies were at times disproportionate.

3. Examples of peaceful demonstrations which developed into violent clashes with the police in the last few months in Europe include:

3.1. several demonstrations against same-sex marriage staged in Paris between 24 March and 27 May 2013 ("Manif pour tous"), involving more than 2 million people, triggering the intervention of law-enforcement forces including the use of tear gas (pepper spray) on peaceful demonstrators. Four persons were injured and several hundred were arrested;

3.2. riots which took place in the suburbs of Stockholm from 20 to 24 May 2013 where people demonstrated against the killing of an immigrant by the police and against immigration and integration policies in general. No injuries were reported and the police arrested 29 people;

3.3. recently, on 31 May 2013, a peaceful demonstration organised by opponents to an urban renovation project in Istanbul led to a heavy-handed police intervention and triggered an unprecedented popular protest movement in Turkey. In dozens of Turkish towns, hundreds of thousands of people expressed their disagreement with the attitude of public authorities and took part in demonstrations. In many towns these demonstrations resulted in violent clashes with the security forces, involving the systematic use of tear gas, a water cannon and, in some cases, the firing of rubber bullets. The Parliamentary Assembly deplores the death of four people, including a police officer, and the injuries to almost 4 000 people.

4. The Assembly supports the statement of the Secretary General of the Council of Europe of 25 June 2013, and insists on the need to respect the decisions of the European Court of Human Rights on the use of force against protesters.

5. The Assembly points out that freedom of assembly and association, including unorganised and non-authorised protest, is an essential right in a democracy, safeguarded by Article 11 of the European Convention on Human Rights (ETS No. 5) and constantly upheld by the European Court of Human Rights in its case law. Any restriction of this right must be provided for by law and be necessary in a democratic society. It is for the authorities to guarantee the exercise of the right of freedom of expression and demonstration.

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1. *Assembly debate* on 27 June 2013 (25th Sitting) (see Doc. 13258, report of the Committee on Political Affairs and Democracy, rapporteur: Mr Díaz Tejera). *Text adopted by the Assembly* on 27 June 2013 (25th Sitting).

6. Therefore, in instances of popular protest, the role of law-enforcement bodies is to protect the rights of demonstrators and their freedom of association and expression, while protecting others, as well as public and private property. In so doing, they must apply clearly established standards and guidelines, upon instructions from an accountable hierarchy.

7. The Assembly deplores recent cases of excessive use of force to disperse demonstrators and reiterates its call on the authorities to ensure that police action, where necessary, remains proportionate. Referring to the position of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the case law of the European Court of Human Rights, it underlines the serious health consequences of the use of tear gas.

8. The Assembly recalls that citizens are entitled to objective and full information and that it is for the authorities to guarantee conditions conducive to the effective exercise of media freedom and freedom of expression, in accordance with the case law of the European Court of Human Rights. In particular, it underlines the need to clarify the issues of ownership and independence of the media.

9. Consequently, the Assembly urges the Council of Europe member States, where appropriate, to take the necessary measures to bring their legislation into line with Council of Europe standards and the case law of the European Court of Human Rights, including as regards freedom of expression, of the media and of assembly, and invites them to:

9.1. guarantee freedom of assembly and demonstration in accordance with the case law of the European Court of Human Rights and ensure that this freedom can be exercised in practice;

9.2. duly investigate the use of excessive or disproportionate force by members of the law-enforcement forces and impose sanctions on those responsible;

9.3. reinforce human rights training for members of the security forces, and also for judges and prosecutors, in partnership with the Council of Europe;

9.4. draw up clear instructions concerning the use of tear gas and prohibit its use in confined spaces;

9.5. ensure media freedom, put an end to harassment and arrests of journalists and the search of media premises and refrain from imposing sanctions on media outlets covering popular protests, in line with Resolution 1920 (2013) on the state of media freedom in Europe;

9.6. reform the criminal code and the code of criminal procedure, as well as anti-terrorism legislation and the administrative code, whenever the relevant legislation is not in line with Council of Europe standards and the case law of the European Court of Human Rights;

9.7. examine means of consulting the population or involving it in the management of public affairs, both at local and national levels, drawing on relevant European standards and good practices, in line with Resolution 1746 (2010) on democracy in Europe: crisis and perspectives;

9.8. refrain from putting unnecessary administrative and organisational hurdles in the way of the work of civil society organisations by subjecting them to controls, fines and penalties. Such excessive practices intensify popular discontent and may lead to further increased popular protest activity.

10. Finally, the Assembly invites the Secretary General of the Council of Europe to consider drawing up guidelines on the respect of human rights in the policing of demonstrations.