

ACHPR/Res.281 (LV) 2014 : Resolution on the Right to Peaceful Demonstrations

The African Commission on Human and Peoples' Rights (the Commission) meeting at its 55th Ordinary Session held from 28 April to 12 May 2014, in Luanda, Angola;

Recalling its mandate to promote and ensure the protection of human and peoples' rights in the African Charter on Human and Peoples' Rights (the African Charter);

Considering the rights and freedoms guaranteed in Articles 4, 5, 6, 7 and 9 of the African Charter on Human and Peoples' Rights;

Further Considering the provisions of the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials providing for conditions in which force may lawfully be used without violating human rights;

Concerned with the mass and arbitrary arrests and the continued detention of several people following peaceful demonstrations, with several reports of torture and ill-treatment in police stations;

Concerned also with the excessive use of force, live ammunition and tear gas to disperse peaceful demonstrators;

Concerned with the increasing level of sexual violence against female protesters, including cases of rape and sexual assaults in some countries;

Condemns serious restrictions imposed by some states to fundamental rights and freedoms specifically freedom of expression and the rights to information and peaceful demonstration;

Condemns the arbitrary arrests and detentions and killings of peaceful demonstrators;

Calls on States Parties:

- To refrain from conducting arbitrary arrests and detentions of demonstrators and calls for their immediate release;
- To refrain from disproportionate use of force against demonstrators whilst fully complying with international standards on the use of force and firearms by law enforcement officials;

- To Conduct impartial and independent investigations into all human rights violations to ensure that all perpetrators are held accountable;
- To protect peaceful protesters regardless of their political affiliation, and/or sex;
- to fully abide by their regional and international obligations to respect fundamental rights and freedoms;
- Uphold the right to a fair trial before an independent ordinary court of law and put an end to arbitrary arrests and detentions and to the use of special courts, including military tribunals for civilians;
- Ensure that any legislation governing the exercise of fundamental human rights fully complies with the relevant regional and international standards;

Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples' Rights in Luanda, Angola, 28 April to 12 May 2014