

Principles and Guidelines on Protest and the Right to Information

OPEN SOCIETY JUSTICE INITIATIVE

COMMITTEE ON THE ADMINISTRATION OF JUSTICE (CAJ)

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**INFORMATION THAT THE POLICE, PROSECUTING AND OTHER DECISION-MAKING
AUTHORITIES, AND OVERSIGHT BODIES SHOULD COLLECT OR GENERATE, AND
MAKE AVAILABLE TO THE PUBLIC, CONCERNING THE MANAGEMENT OF
PROTESTS; AND PROCEDURES FOR IMPLEMENTATION AND OVERSIGHT OF
INFORMATION-RELATED RESPONSIBILITIES**

These Principles and Guidelines were developed in order to: (a) assist police, other public authorities, and police reform advocates around the world in evaluating whether the police, prosecuting and other decision-making authorities, and oversight bodies are complying with their obligations to record and make information available concerning their management of protests; and (b) enhance compliance in relation to protest rights and ensure greater public security by providing an effective tool for monitoring and improving relevant policies, practices, and oversight. These Principles and Guidelines are based on international (including regional) and national law, standards, and good practices. They were drafted by the Open Society Justice Initiative and the Committee on the Administration of Justice, in consultation with civil society groups, police professionals, and other experts around the world.

Preamble

The organizations and individuals involved in drafting the present Principles and Guidelines:

Recognizing that social protests, including street demonstrations, marches, occupations, and single person protests, have provided important avenues for the exercise of the rights to freedom of expression, peaceful assembly, association, and public participation that have strengthened democracy and contributed to improving living conditions and the enjoyment of human rights around the world; that protests have increased in recent years; and that in many jurisdictions, new restrictions are being applied that do not comport with international law and standards and do not enhance public safety or other legitimate interests that are invoked to justify them;

Affirming that people need to be able to access information held by public authorities concerning the management of protest if they are to be able to monitor the conduct of law enforcement and related bodies, and to participate fully in a democratic society;

Recalling that access to information held by public authorities—including law enforcement and oversight bodies—is a right of every person, and that states are obliged to protect this right by laws drafted with precision and with narrowly drawn exceptions, and by independent bodies that have full powers to investigate and resolve disputes concerning refusals to disclose;¹

Noting that these Principles and Guidelines are based on international and regional law and standards relating to professional policing and the rights to freedom of expression, assembly, association, public participation, and access to information held by public authorities;

Bearing in mind relevant provisions of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples' Rights (HPR), the American Convention on Human Rights, and the European Convention on Human Rights;

Further bearing in mind the Joint Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, and the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, on the proper management of assemblies;² the OSCE/ODHIR “Human Rights Handbook on Policing Assemblies” (2016); the OSCE/ODHIR “Guidelines on Freedom of Peaceful Assembly” (2nd Ed., 2010); the draft Report of the Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR) on Protest and Human Rights (February 2017); statements of the UN, IACHR, African Commission on HPR, and OSCE rapporteurs, and special experts on freedom of assembly, expression, and related themes; judgments of the European and Inter-American Courts of Human Rights; national court judgments; and norm-promoting statements of NGOs, including the Tshwane Principles

¹ See, e.g., Joint Declaration of the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression, Dec. 2004.

² UN Doc A/HRC/31/66 (4 February 2016), available in English, Spanish, and French.

on National Security and the Right to Information and Article 19's Principles on the protection of human rights in protests;

Recalling the UN Human Rights Committee's General Comment No. 34 on Article 19 (2011); the Model Inter-American Law on Access to Information; and the Model Law on Access to Information for Africa;

Recalling the UN Basic Principles for the Use of Force and Firearms by Law Enforcement Officials, and the UN Code of Conduct for Law Enforcement Officials;

Recognizing that legal protections of human rights in the protest context have become increasingly codified in recent years, with the development of international and regional jurisprudence, soft law standards, and best practices in relation to the long established rights to freedom of assembly and related matters; and that, at the same time, the right of the public to access information of public interest has ripened into an accepted norm of international law, imposing duties on public authorities to make information available to the public both proactively and in response to requests;

Further recognizing that there is a need to codify the interface between these two bodies of law, by developing law and standards concerning the categories of information that should be collected or generated and made publicly available as a tool to ensure compliance with human rights to protest, in a manner consistent with international and comparative law and best practices;

Desiring to provide practical guidance to law enforcement and other public authorities, legislative and regulatory drafters, the courts, other oversight bodies, and civil society concerning the categories of information that the police, prosecuting and other decision-making authorities, and oversight bodies should collect or generate, and make available to the public concerning the management of protests; and procedures for implementation and oversight of information-related responsibilities;

Endeavouring to elaborate Principles and Guidelines that are of universal value and applicability;

Recommend that appropriate bodies at the national, regional, and international levels take steps to disseminate and discuss these Principles and Guidelines, and endorse, adopt, and/or implement them to the extent possible, with a view to achieving progressively the full realization of the right of access to information concerning the management of protests.

Definitions:

The term “**management**” of protests is used to refer to all of the state's responsibilities and actions concerning protests, including respecting, protecting, promoting, and facilitating the rights to freedom of assembly, expression, association, and public participation.³

The term “**proactively publish**” means to make information available to the public without the need for a request, for instance by posting online and making available in hard copies in offices to which the public has free access.

³ See id.

The term “**protest**”⁴ is used to cover all types of activity involving an expressive assembly, including one person, *ad hoc* or spontaneous protests, long-term occupations, and all manifestations in between, including where there is no identifiable or actual organizer(s). The definition includes protests where some participants use civil disobedience or even violence.⁵

The term “**public authorities**” (or “**relevant public authorities**”) is used in this document to refer to decision-making authorities and oversight bodies. The term “**Decision-making authorities**” refers to any competent official bodies that take decisions on facilitating or imposing restrictions on the right to protest, including police and other law enforcement agencies, and executive offices and officers (e.g., prosecuting authorities, ministers, mayors, and municipal councils).⁶ The term “**Oversight bodies**” refers to all bodies with oversight of protest-related policies and activities (including, but not limited to, handling of information) of law enforcement agencies, other security services, and prosecuting and other decision-making authorities. They include bodies that provide general oversight as well as those that deal with complaints, and may be internal units, independent bodies, courts, or relevant legislative bodies.⁷

“**Public watchdogs**” include the media (broadly understood, including citizen journalists as well as the print and broadcast media), persons and NGOs that monitor protests and defend protesters (including lawyers), researchers who gather data for analysis, independent oversight bodies, and others.

⁴ These Principles focus on the right to protest rather than, e.g., freedom of assembly, because: (a) they address one-person protests, which under some definitions are not considered a form of assembly; and (b) they address that sub-set of assemblies at which participants exercise their right to freedom of expression, including self-expression, that attract heightened levels of protection. Law enforcement and related authorities have increased obligations in such contexts, not only to facilitate the assembly but also to protect the rights of participants to express themselves where and how they wish, subject only to narrow limitations necessary to safeguard the rights of others or public interests that are internationally recognized as legitimate grounds for restricting protest rights.

⁵ Even in such situations, law enforcement officers continue to be obliged to ensure that any use of force is necessary and proportionate and are under a continued duty to protect and facilitate the rights of peaceful protestors. When a minority of persons in a protest are non-peaceful, other participants retain their right to free assembly; and even those who do not act in a peaceful manner, and thus lose the protection of the right to free assembly, do not lose other human rights.

⁶ See the OSCE/ODHIR “Guidelines on Freedom of Peaceful Assembly” (2nd Ed., 2010), Guidelines 2.6 and 2.7, and Explanatory Memorandum, paras. 61-63.

⁷ Public Authorities retain responsibility for others exercising public functions on their behalf.

1. Measures to Ensure Public Access to Laws, Policies, and Information Necessary to Safeguard Protest Rights

1.1 Principle 1:

- Public authorities should make proactively available information that individuals and watchdogs need in order to be able to: (a) exercise democratic oversight of the policing of protest and promote accountability; (b) safeguard rights to freedom of assembly and expression; and (c) be aware of conduct that could result in penalties.

Guidelines

- (a) Public authorities should proactively publish in accessible formats,⁸ including for persons with disabilities, and in all of the jurisdiction's official languages, and should supply upon request and free of charge:
 1. the laws, regulations, executive decrees, judicial orders, official interpretations, and other legally binding documents that can be used to facilitate or limit protests (hereafter referred to as "the legal framework");
 2. the policy documents concerning protests that bind or guide decision-makers, as well as police standard operating procedures (SOPs), training manuals (both in-service and trainee), and disciplinary codes and procedures concerning matters that may arise during protests;
 3. the types of equipment routinely used in managing assemblies, and equipment available for exceptional situations, including appropriate protective gear;
 4. information regarding the responsibilities and procedures of agencies and bodies that manage protests;
 5. information about special units that may be deployed, including military units and private security companies; and
 6. the procedures for requesting information from, submitting complaints to, and lodging appeals with, relevant public authorities, including oversight bodies.
- (b) The above-listed information should never be withheld. Authorities should routinely generate such information and draft said documents bearing in mind the public's right of access to them, and should include any operational details in separate annexes to facilitate transparency without imposing unnecessary administrative burdens. If a document includes both information that falls into any of the above categories as well as operational details, the operational details may be redacted in accordance with permissible restrictions on the right of access to information set forth in international

⁸ In jurisdictions where a significant percentage of the population communicates orally, it is good practice to make information available orally as well.

law, if necessary and proportionate to protect a legitimate interest such as public safety or crime prevention. Release of annexes containing operational details should also be subject to such a test.⁹

- (c) The legal framework, policy documents, SOPs, training manuals, and disciplinary codes and procedures should address, in particular, the following items, because missteps in these areas could result in human rights violations and/or injuries to police, protesters or by-standers, and because detailed written policies and related materials can assist in promoting compliance and effective monitoring:¹⁰
 - 1. the circumstances in which dispersal of protests or arrest of protesters are permissible;
 - 2. the permissible uses of force in various circumstances;
 - 3. the handling of counter-protests;
 - 4. the right of the media and other public watchdogs to observe and record protests;
 - 5. the use of surveillance and agents (informants and undercover officers) in a protest context; and
 - 6. any duties imposed on protestors, including any notification requirements.
- (d) Policy documents, SOPs, training manuals, and disciplinary codes and procedures (but not necessarily the legal framework itself) should, in addition to the matters noted in section (c), above, address the following topics:¹¹
 - 1. procedures for communicating with protesters, the media, and bystanders;
 - 2. use of equipment (including weapons, offensive equipment, drones, and other new technologies), and the basis for approving the acquisition of new equipment;
 - 3. handling of traffic to accommodate protests, and planning for safe and sufficient routes for dispersal of demonstrators;
 - 4. duties to document information, including as elaborated in Principles 4, 5, 6, 8, and 10;
 - 5. details of the relevant law enforcement leadership chain of command;
 - 6. procedures for handling injuries suffered by police, protesters, and bystanders; and
 - 7. protest-related criminal investigation procedures, bail criteria, interpretation of offenses, and test for prosecution.

⁹ “Operational details” that legitimately may be withheld from the public include details of plans, operations, and capabilities whose disclosure could thwart legitimate law enforcement activities.

¹⁰ For instance, written and publicly available notification requirements can help public watchdogs ensure that the requirements are not so onerous as to constitute *de facto* authorization requirements, which violate protest rights. An assessment of these documents can also determine whether any protest-related powers granted to the military or private security contractors are human rights compliant.

¹¹ The items in this sub-paragraph, while important, are more detailed than the types of information typically addressed by the legal framework, and for that reason they are listed separately from the items in sub-paragraph (c).

1.2 Principle 2:

- **Public authorities are obliged to proactively publish relevant information (as described in Principle 1); take concrete steps to ensure easy, prompt, effective, and practical access to such information; and establish procedures for the timely processing of requests for information according to clear rules.**

1.1.1 Guidelines:

- (a) Law enforcement and other public authorities that manage protests should designate information officer(s) to bear responsibility for ensuring that up-to-date information is proactively published, and for responding to requests for information. Such officers should have the necessary training and resources to fulfill these responsibilities.
- (b) Information should be accessible to the public.¹² Where several public authorities have competency over relevant documents and information, websites should make clear where such information may be found. Local police stations should be able to advise information requesters about where to find the documents and information described in these Principles; and all of the items listed in Principle 5 should be available at the local police stations responsible for particular protests.

1.3 Principle 3:

Authorities should provide reasons for any refusal to provide access to information, and should put in place procedures for appeals of refusals or failures to provide information that are easy, prompt, effective, and practical.

- (a) Public authorities that manage protests should have in place an internal mechanism to review denials of information expeditiously.
- (b) An independent, adequately funded, and accessible body—or unit of an existing, independent body—should be established or designated to receive and decide complaints about failure to disclose or proactively publish protest-related information.
- (c) This body, which could be an Information Commission or Commissioner, should have authority to review complaints and make binding orders for the timely release of information.

¹² While posting materials online is useful, it is also important for local police stations to hold information and make it available, especially in areas where internet access is unreliable or not enjoyed by substantial parts of the population.

1.4 Principle 4:

- **Public authorities should devote special attention to collecting and making available information needed to protect against arbitrary or discriminatory treatment in the handling of protests.**

1.1.1 Guidelines:

- (a) Police, prosecuting authorities, other relevant decision-making authorities, and oversight bodies should, in order to create documentation needed to monitor, and protect against, arbitrary or discriminatory treatment, ensure that they have policies and systems established that oblige and enable them to:
 1. state reasons in writing for any restrictions imposed on a protest;¹³
 2. provide information on gender-specific considerations in operational decisions;
 3. provide information on positive steps to protect protestors, including children and other vulnerable groups; and
 4. collect and make publicly available statistics, disaggregated by gender, ethnicity, and any other protected ground which has been the basis for discriminatory treatment in the jurisdiction in the past, on the use of powers in relation to protests, including to stop and search, make arrests, and detain persons.¹⁴
- (b) The duty to establish systems to create such documentation increases where there has been a history of arbitrary or discriminatory treatment.

¹³ International law permits imposition of restrictions on a protest so long as the restrictions are provided by law, are strictly necessary to protect a legitimate aim, and are proportionate to the threat posed. One of these legitimate aims is protection of the “rights of others,” and in pursuit of this aim, expression that constitutes advocacy of hatred on the basis of ethnicity or other protected ground may be restricted. In order to ensure that decision-making authorities do not subjectively apply this term or others, it is especially important that authorities state reasons in writing for any restrictions on protests. It is a good practice for libraries to make this information available as part of their collections of national and local law.

¹⁴ This Principle should not be interpreted either as imposing a duty to conduct individual monitoring of persons at a protest or as granting powers to authorities to collect sensitive personal identity information other than information that is either: (a) available through officer perception (as may be the case to varying degrees of reliability regarding grounds such as age, gender, and ethnicity); or (b) volunteered by individuals. In addition, the nature of a protest relating to a protected ground (for example, relating to LGBT, migrant, national, minority, or women’s rights) should be recorded, as should the general composition of protestors if known to be or likely to be from a particular protected group. The exercise of police powers against individuals may be subject to equality monitoring requirements that are compliant with international standards balancing the rights to privacy and self-identification with duties to ensure non-discriminatory practice.

2. Before the Event—Practices and Procedures

2.1 Principle 5:

- **Public authorities should document and communicate in a timely manner to the organizers of a protest, and should supply upon request and free of charge to other members of the public, any decisions, especially those that could affect individual's rights and freedoms, taken prior to the occurrence of a protest.¹⁵**

2.1.1 GUIDELINES:

- (a) Relevant decisions (including orders and instructions) include:
 - 1. any proposed restrictions, including the justification for the restriction;
 - 2. any proposed measure to protect protesters;
 - 3. any proposed use of special or exceptional equipment, including to record a protest and/or protesters;
 - 4. the types of law enforcement units that are to be deployed or mobilized in reserve;
 - 5. the command structure for managing the protest, and the identity and contact information for a police liaison with the protesters; and
 - 6. any operating procedures that diverge from ones that are generally mandated (and which are available pursuant to Principle 1), especially concerning the use of force, surveillance, and arrest and detentions.
- (b) Where a decision is made by an individual, the identity of the individual who made the decision should also be communicated, in order to promote accountability.¹⁶
- (c) Public authorities should promote opportunities for communication and dialogue with protest organizers.¹⁷

¹⁵ Such information will not be available in advance in relation to spontaneous protests but should be subsequently accessible.

¹⁶ The name of an individual responsible for any decision may be withheld where the state can show a reasonable likelihood of harm to that or another individual from disclosure, and the identity is not already in the public domain as will be the case with senior office holders.

¹⁷ The duty of public authorities to seek to communicate with protest organizers in advance of a protest does not impose a corresponding duty on organizers to communicate with public authorities.

3. Day of the Event—Recording and Provision of Information

3.1 PRINCIPLE 6:

- **Public authorities responsible for the management of a protest should accurately record, retain, and make promptly available information about decisions made and actions taken during and following a protest on matters relevant to human rights compliance.**

GUIDELINES:

- (a) Public authorities should record and make available, as soon as practicable during and following a protest, accurate information concerning:
 1. any restrictions on the protest imposed immediately before or during the protest and not previously recorded, and the reasons for them;
 2. measures taken to facilitate the protest and/or protect protestors, including in the context of counter-protests;
 3. warnings of any potential police tactical escalation, including use of force;
 4. numbers of persons arrested, detained, or otherwise subjected to deprivation of liberty; their location; charges or other reasons for detention; and the method, process, and officer responsible for their transit;
 5. number of persons otherwise identified for further investigation and for civil or administrative sanctions; and
 6. aggregated statistical information, as accurate as possible (with supporting documentation where available), about the number and nature of injuries (to law enforcement, protesters, and by-standers), use of force, use of powers, and deployment of equipment.¹⁸
- (b) Public authorities should record, and preserve for a reasonable time for purposes of any possible investigation,¹⁹ any video footage, radio or other communications among police, and between police and other relevant public authorities during a protest.

¹⁸ This Principle calls on authorities to record and provide “accurate” information. While the accuracy of information is important at all stages of protest management, this Principle, recognizing that accuracy in recording and communicating information may pose special challenges during the course of a protest, nonetheless emphasizes the obligation to make a special effort given that people—police, protesters, and observers—are making decisions in real time based on the information that could affect individual rights.

¹⁹ Police authorities often claim that they cannot publish information about injuries to non-public personnel because they do not have direct access to the information. Nonetheless, it is incumbent on relevant public authorities to make an effort to do so—for example, by contacting the health authorities, protest organizers, or any individuals who published information about injuries—because accurate information about injuries is crucial to designing necessary and proportionate policies concerning the management of protests.

- (c) Detained persons from the moment when they are first deprived of their liberty have the right to have a third party notified of their detention, to be expressly informed of their rights without delay, and for their names and places of detention, and the identity of those responsible for their detention, to be kept in registers readily available and accessible to their relatives and representatives.²⁰

3.2 Principle 7:

- **On the day of a protest, law enforcement officers should take steps necessary to identify contact points, make themselves identifiable, and communicate clearly and in a non-threatening manner, in order to keep protesters, monitors, media personnel, and bystanders well informed. These measures are necessary so that protesters and others at the protest site can protect their rights and physical security, and also to inform post-event accountability.**

GUIDELINES:

- (a) Law enforcement authorities should identify the contact point within deployed officers as a communication channel for protesters and the media, and should make available in real time the name(s) of officer(s) who hold command responsibility, especially regarding making decisions about use of force.
- (b) Law enforcement officers should be identifiable through the display of a clearly visible number or name on their helmet or uniform.
- (c) Law enforcement officers managing a protest should take steps to communicate clearly with protesters, media personnel, other observers, and any by-standers during all phases of an operation, and should not use language or gestures that could reasonably be perceived as intimidating or insulting.

3.3 Principle 8:

- **Law enforcement authorities should record the equipment made available, deployed, or used at the protest, and any actual use of force and by whom. This information is necessary in order to be able to assess the proportionality of the response, and properly conduct any investigations and/or accountability procedures.**

3.3.1 GUIDELINES:

²⁰ Records should generally be preserved for at least six months, or for the length of time provided in national law for the initiation of a complaint, whichever is longer.

- (a) Law enforcement authorities should record the equipment—including vehicles, firearms and ammunition—deployed or available to law enforcement personnel involved in managing a protest, and should state any reasons for the issuance and/or use of non-standard equipment.
- (b) Law enforcement authorities should make a written record of any use of force by an officer as soon after the use of force as practicable.

3.4 Principle 9:

- **Law enforcement authorities should facilitate access by public watchdogs and respect their right to record events, in order to promote both the accuracy and credibility of information concerning what transpires at a protest.**

GUIDELINES:

- (a) The operational framework for facilitating a protest should include provisions to ensure that public watchdogs that so desire are able to observe and record the protest.²¹
- (b) Recordings made during a protest, whatever their form, and tools or devices used to make them, should never be seized, and recordings should never be destroyed, by the authorities, except in accordance with a procedure set out in law and where necessary and proportionate for a legitimate purpose.²²

4. After the Protest—Post-Operational Accountability

4.1 Principle 10:

- **Public authorities should publish reports about particular protests, especially where force was used, as soon as practicable, and should publish information at least annually, in sufficient detail to be able to track trends concerning the management of protests that could impact the rights of protesters and others, for purposes of future planning and accountability**

²¹ For the legal and police framework regarding rights of public watchdogs to observe and record, *see* Guideline 1(c).

²² For instance, seizure of a recording device or record could be justifiable in order to secure evidence of the commission of an offense; or, if the protester is arrested, to maintain the safety or order of a detention facility. Destruction could be justified where copies have been retained for a proscribed period.

GUIDELINES:

- (a) Authorities should publish any after-action or evaluation reports about particular protests as soon as practicable, as well as the results of any judicial or prosecutorial investigations, once concluded.
- (b) Law enforcement authorities should publish accurate information at least on an annual basis, sufficiently disaggregated so as to be able to track data that is protest-related, including about the following:
 - 1. training;
 - 2. equipment;
 - 3. budgets and actual expenditures;
 - 4. number of, and reasons for, arrests;
 - 5. nature of charges filed and the outcomes of prosecutions;
 - 6. number of administrative or civil sanctions or procedures;
 - 7. the use of force; and
 - 8. number and nature of injuries sustained by the police and members of the public.
- (c) In addition, in order to create documentation needed to monitor, and protect against, arbitrary or discriminatory treatment, law enforcement authorities should collect and make publicly available statistics, disaggregated by gender, ethnicity, and other relevant, protected grounds, concerning information listed in sub-sections (b) 4, 5, and 6, above.²³
- (d) Relevant public authorities, preferably a responsible oversight body (such as one responsible for deciding complaints about notification requirements) – should annually publish information about notifications and their outcomes in the jurisdiction for which the authorities exercise oversight, including:
 - 1. the number of notifications;
 - 2. the number of assemblies for which restrictions were imposed on a protest in advance of the protest, disaggregated to reflect the number of different sorts of restrictions;
 - 3. the number of assemblies, if any, that were banned; and
 - 4. the reasons for restrictions.
- (e) Bodies responsible for receiving complaints (internal and external) about misconduct by law enforcement officers should publish accurate information at least on an annual basis, sufficiently disaggregated so as to be able to track data that is protest-related, including:
 - 1. the number and nature of complaints filed that are protest-related;

²³ The duty to disaggregate information that is protest-related is all the more important in jurisdictions that in recent years have experienced protests that resulted in deaths, injuries, arrests, significant deployment of police resources, or unjustified interference with the rights to freedom of assembly or expression. The duty also encompasses the information gathered in accordance with the stipulations of Principle 4b on non-discrimination.

2. the number that were investigated;
3. the number of officers who were disciplined, and the nature of the discipline;
and
- (f) other outcomes of investigations, including the reasons for dismissals.

4.2 Principle 11:

- **Public authorities should supply any other information needed to assess compliance with relevant international human rights standards.**

GUIDELINES

- (a) Public authorities should supply upon request any additional information needed to be able to assess compliance by the police and other public authorities with relevant international and national laws, standards, and policies related to protest rights.²⁴
- (b) Such information should be supplied for no more than the actual cost of reproduction and postage and, preferably, free of charge.²⁵

5. Concluding Principles

5.1 Principle 12:

- **Dissemination of information about a protest may not be criminalized or punished in any way.**²⁶

²⁴ The duty to provide information that is required to assess compliance with human rights standards is tied to the principle that such information be made accessible free of charge, either online or in person. It is recognized that there are circumstances where reasonable charges could be levied for postage or copying of documents.

²⁵ No charge should be imposed for the time needed to search for information, review for possible redaction, and deliver the information, given that the information is sought in order to protect a human right.

²⁶ Given that this Principle concerns freedom of expression, it is subject to the provisions of article 20(2) of the ICCPR, which provides that “[a]ny advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”

5.2 Principle 13:

- **Nothing flowing from these Principles and Guidelines, in particular concerning the right to access information needed to assess human rights compliance, should be interpreted as in any way endorsing practices that compromise compliance with international human rights law or standards.²⁷**

5.3 Principle 14:

- **Nothing in these Principles and Guidelines should be interpreted as restricting or limiting any right to information or to freedom of assembly recognized under any provisions of international, regional, or national laws or standards.**

²⁷ For example, protecting the right to seek information regarding the use of covert officers within protests does not endorse the use of such officers in such a context. The seeking of information is undertaken to ascertain whether actions or policies are human rights compliant and does not endorse or legitimize them.