



# Joint Declaration on Protecting the rights to freedom of peaceful assembly and of association from criminalization amid intensified existential threats

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The United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association,<sup>1</sup> the Special Rapporteur on Freedom of Expression of the Inter-American Commission on Human Rights (IACHR),<sup>2</sup> the Commissioner Rapporteur for Human Rights Defenders of the IACHR,<sup>3</sup> and the Special Rapporteur on Human Rights Defenders and focal point for reprisals in Africa of the African Commission on Human and Peoples Rights (ACHPR).<sup>4</sup>

***Reiterating their Joint Declarations on Protecting the right to freedom of association in light of “Foreign Agents” / “Foreign Influence” Laws (2024), on Freedom of Peaceful Assembly and of Association and Misuse of Digital Technologies (2023), on Protecting the Right to Freedom of Peaceful Assembly in Times of Emergencies (2022); on Protecting and Supporting Civil Society At-risk (2021), and on the Right to Freedom of Peaceful Assembly and Democratic Governance (2020);***

**Reaffirming** the vital importance of unobstructed exercise of the rights to freedom of peaceful assembly and association for sustaining and protecting democracy, for achieving sustainable peace, sustainable development, climate and social justice, and for realising the full enjoyment of human rights; while recalling that democracy, development, and international peace and security and respect for all human rights and fundamental freedoms are interdependent (as emphasised in the 1993 Vienna Declaration and Programme of Action and the 2024 UN General Assembly Resolution A/RES/79/1 adopting the “Pact for the Future”);

**Further stressing** that these freedoms are prerequisites for achieving the global Sustainable Development Goals; for addressing current and future crises, including the acute climate crisis, the rising global inequalities, and armed conflicts; for ensuring emerging technology and artificial intelligence (AI) agendas are human rights-compliant; and for reversing the growing global authoritarianism that threatens and erodes democratic values and human rights; **and emphasising** the detrimental and adverse impact that undue restrictions on these rights have for realising the pressing global commitments;

<sup>1</sup> Ms Gina Romero.

<sup>2</sup> Mr. Pedro Vaca.

<sup>3</sup> Ms. Roberta Clarke.

<sup>4</sup> Hon. Rémy Ngoy Lumbu.

**Reaffirming** that these freedoms are the cornerstone of democracy, which is a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and enable their full participation in public and political life; and they are essential for expressing, fostering and protecting group identity, solidarity, and self-determination;

**Emphasising** that these rights are deeply intertwined with human dignity and the human nature to stand against repression, in solidarity with others, to strive for better lives for ourselves, our communities and the planet; and **underlining** the universality of these rights for everyone regardless of race, colour, sex, language, religion, political or other opinion, or other factors;

**Underscoring** that the full respect and protection of these freedoms, especially in times of crisis, is essential for facilitating dialogue and enabling inclusion and participation of under-represented and affected communities to seek human rights-compliant and sustainable solutions addressing communities' needs and aspirations, and prevent and overcome deepening of crisis;<sup>5</sup>

**Stressing** that these freedoms are protected under international and regional human rights law and should not be treated as a threat, but must be facilitated, and States should seek to address the legitimate demands and grievances which these collective actions are striving to resolve;

**Commending** the courage of peaceful protests, social movements, and associations, including trade unions, student movements and solidarity groups, which have mobilised globally to push back against intensifying erosion of human rights and democracy, to defend gender equality and inclusion, to ensure the right to vote and the integrity of elections during the "super election year", to push for policies to prevent the deepening climate crises, to demand an end to genocide and to, halt armed conflicts, and to advocate for just peace and accountability;

**Deeply concerned and unequivocally condemning** the global intensified repression of these freedoms, and the use of criminalization, reinforced by States' stigmatization of those exercising these rights, as a tool to suppress collective non-violent actions and solidarity urging States to uphold their human rights, humanitarian law and international refugee law obligations; and **strongly condemning** the portraying of those legitimately exercising their fundamental freedoms as "enemies", "traitors", "spies", "terrorists", "criminals" or similar, to justify and expand repressive practices, policies and laws;

**Particularly concerned** that following the 2024-2025 "super election" cycle, criminalization of political and civic activism have deepened in much of the globe, as, overall, democratic governance declined and elected authorities are advancing laws and actions eroding the fundamentals of these freedoms. **Stressing** that such practices undermine the right to vote and stand for election, and **reiterating** that the will of the people should be honoured, respected and protected by States tolerating, not criminalising protected expressions of criticism and dissent;<sup>6</sup>

**Raising alarm** that these repressive practices are part of growing and expanding authoritarian practices towards these freedoms around the world, including in democratic regimes and those that have ratified human rights treaties, whereby executive power is expanded - through stigmatising rhetoric, the adoption/use of repressive and stigmatising laws and policies, creation/invoking of broad police powers, the normalisation of emergency measures, weakening of

<sup>5</sup> See:

<https://www.ohchr.org/sites/default/files/documents/issues/fassociation/2022-09-15/JointDeclarationProtectingRightFreedomInTimesEmergencies15Sept2022.pdf>.

oversight and remedy mechanisms and weaponizing judicial institutions against civic activism – aimed at consolidating power through control and curation of the public debate, excluding and silencing of independent and dissenting voices.<sup>7</sup>

**Alarmed specifically** by the growing overuse and/or misuse of broad and expansive laws and policies on countering terrorism, violent extremism, corruption, money laundering, terrorism financing, as well as related to national security, sovereignty, transparency, “foreign agents” and similar, and criminal laws; and that Governments have used such laws, inconsistent with international human rights standards, to deliberately or indiscriminately criminalize and severely punish civil society, human rights defenders, peaceful protests and solidarity activists. Such measures are instrumentalized to impose aggravated criminal charges and sentences, to justify unlawful intrusive surveillance, to increase police powers and the use of force - including abusive use of less-lethal weapons - to disperse peaceful protests.

**Further concerned** with the growing use of strategic lawsuits against public participation (SLAPPs), typically initiated by business and other non-State entities, including civil damage, defamation and trespass suits, which often have been used to curtail the work of civil society, human rights defenders and independent journalists, to drain their resources, stigmatize and criminalize them. SLAPPs have a wide chilling effect on freedoms and public participation;

**Expressing alarm** that, for their non-violent activism and protected expressions of solidarity and dissent, thousands of human rights defenders and activists have been and continue to be arbitrarily arrested and detained, often given prolonged, harsh criminal sentences without adequate due process or fair trial guarantees, with many having been deported or threatened with deportation, forced into exile, subjected to unlawful economic sanctions, and to transnational repression, while scores of associations have been dissolved and defunded – reflecting a widespread pattern of repression threatening to dismantle global civil society and silencing rights defending voices;

**Noting with concern** that these trends have been reinforced and exacerbated by growing stigmatization of civic engagement and civil society, alongside defunding campaigns and vilification of foreign aid, aid recipients and beneficiaries,<sup>8</sup> triggering smear campaigns, criminalization, intrusive raids and inspections of rights defenders and civil society associations;

**Stressing** that stigmatization, criminalization and repression, coupled with the lack of accountability for violations in the context of exercising these freedoms are creating a mutually reinforcing cycle, and deep chilling effects hindering democratic participation and eroding democratic values, creating a conducive environment for expanding authoritarianism;

**Alarmed by** the growing harmful practice of transnational repression by States extending criminalization across borders, disregarding international protections, targeting human rights defenders, activists and civil society in exile, asylum seekers and refugees, through intimidation, attacks, sexual and gender-based violence, abductions, illegal deportations, threats and harassment against family members in home countries, initiating prosecutions of activists in absentia and SLAPPs in host countries, and abuse of international law enforcement cooperation mechanisms; **and noting** that such repression is often conducted in coordination and collaboration between States and non-States actors, including government-affiliated associations, often aimed at

<sup>6</sup> See: [A/HRC/59/44](#).

<sup>7</sup> See: [A/HRC/56/50](#).

<sup>8</sup> See [A/80/219](#).

silencing civil society in multilateral spaces;

**Deeply concerned** that the growing militarization and securitization of the global political agenda, with the shift in funding from democracy, human rights, and freedoms to military capabilities amid declining democratic protections, further endangers these freedoms; and **further raising concern** of States expanding criminalization of civic activism under the pretext of security, as well as the militarization of public spaces, and the increased use of military units and equipment in the context of protests;

**Further deeply concerned** with the precarious situation of freedom of peaceful assembly and of association in territories under military occupation, and in countries transitioning to or led by military governments;

**Raising specific concern** of the arbitrary and unlawful use of surveillance technology - targeted or indiscriminate - such as spyware and cameras empowered with facial recognition and AI capabilities, which have enabled and amplified the criminalization and repression of activists through preventive and punitive detentions, in some cases enabling the arrest of activists long after their participation in protests; and that this is having a chilling effect deterring people from organising or joining peaceful protests;

**Stressing with deep concern** that the defunding and attacks weakening multilateral institutions, including the UN human rights mechanisms and regional bodies, and targeted attacks on international judicial mechanisms, are hindering the defence of civic activism from criminalization and human rights violations;

**Reiterating** that States must fully comply with their human rights obligations under the International Covenant on Civil and Political Rights, and with the Universal Declaration of Human Rights and the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms; as well as with their obligations under regional treaties, including the American Convention on Human Rights, the African Charter on Human and Peoples' Rights and its Protocols, and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

**Reiterating** the crucial role of international and regional cooperation, and multilateral institutions to address the concerns outlined and protect civic freedoms from existential threat;

**Welcoming and encouraging** efforts by the international community and regional mechanisms aimed at strengthening the normative framework for enabling, promoting and protecting the rights to freedom of peaceful assembly and association; recalling the renewal of the mandate of the UN Special Rapporteur on the rights to freedom of peaceful assembly and association, recalling the renewal of the mandate of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association through Human Rights Council Resolution 59/4, and the Human Rights Council's emphasis on facilitation of peaceful protests in Resolution 56/10; and affirming the important work done to protect those rights at the international and regional level, including through General Comment 37 issued by the Human Rights Committee; the reports by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association dedicated to protection of collective action and human solidarity facing an existential threat ([A/80/219](#)),

protection from stigmatization ([A/79/263](#)), access to resources (A/HRC/50/23 and [A/HRC/53/38/Add.4](#)); and the Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests (A/HRC/55/60) and its digital technologies component;<sup>9</sup> as well as regional guidance and recommendations - the African Commission on Human and Peoples' Rights' Guidelines on Freedom of Association and Assembly in Africa; the OSCE/ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly, the 2014 ODIHR-Venice Commission Joint Guidelines on Freedom of Association, the 2014 ODIHR Guidelines on the Protection of Human Rights Defenders; the Council of Europe's Recommendation on the legal regulation of lobbying activities in the context of public decision making; the IACHR Special Rapporteur on freedom of expression's reports on protest and human rights, and on the Right to Access to Information and National Security, and the IACHR report on Criminalization of Human Rights Defenders, and the Declaration of Inter-American Principles on the Legal Regime for the Creation, Operation, Financing and Dissolution of Civil Non-Profit Entities.

**Welcoming and encouraging** efforts by regional and international judicial bodies to clarify States' obligations under international law, as crucial for protecting activists from criminalization for their advocacy.<sup>10</sup>

**Adopt,** on 15 September 2025, the following Joint Declaration aimed at protecting from criminalization human rights defenders, civil society and activists exercising their fundamental freedoms:

## General principles:

- 1 States and their authorities must respect, protect and facilitate the exercise of the rights to freedom of peaceful assembly and of association; and must not unduly interfere with these rights.
- 2 Restrictions must be exceptional, be the least intrusive for achieving the legitimate objective, must not impair the essence of the right, and comply with the objective of facilitating the right. Restrictions must meet the strict requirements of legality, clarity, precision, and foreseeability, pursuing legitimate aims as specified in international human rights law which should be narrowly interpreted (i.e., in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of others' rights and freedoms). Any restrictions must be justified, necessary in a democratic society, proportionate, and non-discriminatory; must be case-specific, differentiated and individualised according to the specific conduct; and must be subject to independent, impartial, and prompt judicial review.
- 3 Peaceful assemblies are a legitimate use of public and other spaces; inherently they may entail disruption to ordinary life, which does not remove the protection of the right, and require a significant level of toleration and accommodation, including in times of crisis and elections. Peaceful assemblies carrying a political message must not be subject to content-based regulation and restrictions must not be imposed aimed at silencing assemblies' protected political expression.
- 4 The peaceful nature of an assembly should be presumed; an assembly is still 'peaceful' unless violence is both serious and widespread within the assembly; acts of violence must be appropriately dealt with individually and, must not be attributed to other participants or the

<sup>9</sup> <https://www.ohchr.org/sites/default/files/2024-03/Toolkit-law-enforcement-Component-on-Digital-Technologies.pdf>.

<sup>10</sup> See for example the landmark advisory opinion of the International Court of Justice (ICJ) on "Obligations of States in respect of climate change" (July 2025).



entire assembly. Prohibition or dispersal of an assembly must be exceptional, only as a measure of last resort and justified in accordance with international human rights law and standards. Blanket bans are presumptively disproportionate.

- 5 As a rule, States should guarantee the right of associations to acquire legal personality, without discrimination; and should not compel associations to register in order to be allowed to exist and to operate freely. The foreign origin of an association's funding or of other benefits in kind alone does not justify differentiated treatment. Associations have the legitimate right to seek, receive and use resources - including from foreign and international sources - inherent to the right to freedom of association.
- 6 Associations are entitled to challenge policies and to promote changes to the law, and should not be prohibited, dissolved or otherwise penalized on this basis, given that both the means and the actual outcomes of such change are compatible with human rights and democratic principles. The suspension or the involuntary dissolution of an association may only be imposed exceptionally when there is a clear and imminent danger resulting in a serious violation of national law, and subject to prompt independent judicial review.
- 7 Ill-defined and/or overly broad laws cannot serve as a legal basis for restrictions. Criminal sanctions must not be based on ambiguous or overbroadly defined offences, or suppress conduct protected under these freedoms, and must be applied for an individual unlawful conduct, in a proportionate and non-discriminatory manner.
- 8 Preventive or other forms of arrest, detention or imprisonment as punishment for the legitimate exercise of these fundamental freedoms constitute arbitrary deprivation of liberty.
- 9 The use of force in dispersal of assemblies should be avoided, taking all feasible steps and considering all possible alternatives, including de-escalating tactics. In all cases, the law enforcement rules on use of force must be strictly followed. Unlawful, unnecessary and disproportionate use of force can constitute inhuman or degrading treatment or torture.

### **Measures to protect the rights to freedom of peaceful assembly and association from criminalization:**

#### **States and their authorities should:**

- 10 Refrain from treating peaceful protests and civil society seeking to engage in democratic debates and processes and rights protection – including through non-violent civil disobedience – as a threat, enemies, agents of foreign influence, or criminals, which need to be tackled, suppressed, surveilled or controlled.
- 11 Refrain from rhetoric which stigmatizes human rights defenders and dissenting voices, and from encouraging (directly or indirectly) criminalization including of foreign aid and political activism. Actively promote and ensure an environment conducive to diverse and critical views, public dialogue, inclusion and participation, supporting and respecting rights-promoting civil society and social movements as equal partners, in governance, decision-making and policy-

development, for ensuring human rights-compliant solutions addressing grievances' root causes.

- 12** Ensure an enabling national legal and policy framework and application that facilitates the exercise of the rights to freedom of peaceful assembly and of association, in compliance with international human rights law, providing effective safeguards against criminalizing protected conduct in a democratic society, by:
- a** Repealing provisions requiring authorization for establishing an association and/or for holding a peaceful assembly. Recognising that mandatory requirements interfere with the rights to peaceful assembly and association, ensure, in relation to registration requirements for association, that the right to set up formal and informal associations is guaranteed and that the lack of registration alone is not used as a basis for banning or dissolving an association or to criminalize those affiliated. With regards to mandatory notification requirements for assemblies, ensure that the lack of notification is not used as a basis for criminalising and dispersing a peaceful assembly and/or for arresting and imposing criminal sanctions on participants or organizers.
  - b** Recognising the inherently disruptive nature of peaceful assemblies, including non-violent acts of civil disobedience. Providing protection for such acts under the rights of peaceful assembly, of freedom of opinion and of expression, and the right to freedom of thought and conscience which is non-derogable even in a state of emergency.
  - c** Recognising and guaranteeing the right of associations to seek, access and manage funding, including funding from foreign or international sources, free from undue restrictions and criminalization:
    - Refrain from adopting, or repeal “foreign agent”-like laws, regulations and provisions and those with similar scope and effect which - intentionally or unintentionally - lead to stigmatizing and criminalizing civil society actors, on the grounds of receiving or using foreign funding, and are prohibiting them from legitimately engaging in political and democratic processes or advocacy, and that are granting authorities extensive monitoring powers and broad discretion to regulate and dissolve associations.<sup>11</sup>
    - Ensure that any restrictions on access to resources from abroad (or from foreign or international sources) are prescribed by law, pursue a legitimate aim in conformity with the specific permissible grounds of limitations set out in the relevant international standards, and be necessary in a democratic society and proportionate to the pursued legitimate aim.
    - Refrain from conflating “foreign agent”-like laws with other legal frameworks such as national security, anti-terrorism, countering the financing of terrorism and anti-money laundering, which could result in unjustified and aggravated criminal sanctions and broad powers over civil society.
  - d** Refraining from adopting, repealing, or amending broad laws, policies and regulations - related to protection of national security, public order, for ensuring transparency, countering terrorism, violent extremism, hate speech, financial crimes, cybercrimes, human trafficking, or other crimes. Ensuring these include sufficiently precise and non-discriminatory definitions and are narrowly applied in conformity with international human rights law, as necessary and proportionate, and are not applied to discourage, curtail or criminalise individuals and groups exercising their fundamental freedoms, including accessing financial resources.

<sup>11</sup> See for more detailed recommendations the Joint Declaration of 2024, on Protecting the right to freedom of association in light of “Foreign Agents”/ “Foreign Influence” Laws:  
<https://www.ohchr.org/sites/default/files/documents/issues/association/statements/2024-09-13-statement-sr-foaa.pdf>.

**e** Preventing the unjustified and overbroad use of anti-terrorism laws:

- Ensure “terrorist act” definitions are in line with the international “best practice”, and specifically exclude non-violent acts – such as of advocacy, protest, dissent or industrial action - where they do not cause death or serious bodily injury.<sup>12</sup> Ensure definitions of terrorism financing and other forms of support and membership are not overly broad and vague.
- Legitimate activities protected under the exercise of the rights to freedom of expression, association and peaceful assembly, including in armed conflict zones, must not be construed as support of terrorism or financing of terrorism. Terrorism should not be legally conflated with other categories of offences, which should be dealt under ordinary criminal law.
- Ensure any designation of “terrorist” individuals or organizations is justified and in full compliance with the requirements of due process and judicial protection under international human rights law. Ensuring the right to apply for de-listing, that delisting applications are reviewed within a reasonable time, with decisions subject to independent judicial review; and provide reparation for any wrongful listing.<sup>13</sup>

**f** Ensuring financial laws (Anti-Money Laundering and Countering the Financing of Terrorism (AML/CFT) and anti-corruption frameworks) fully comply with international human rights standards, are not overly broad in scope, and do not impose blanket ‘high-risk’ designations on all civil society organisations, and that include specific safeguards to prevent misuse for criminalizing, unduly pressuring, or intimidating civil society, or to target activists critical of the government or political opposition. Specific attention should be paid to preventing the misuse of AML/CFT frameworks against Indigenous peoples’ organisations, environmental defenders, and women’s groups, who are often disproportionately targeted.

- Ensuring transparency obligations and AML/CFT laws, regulations and practices fully comply with the requirement for a risk-based approach, to avoid negative human rights impact. This should ensure such measures are not based on overbroad and ill-defined risk perceptions, and that are carefully tailored, necessary, and proportionate to empirically identified, differentiated, and current risk, and do not impose undue restrictions over the entire civil society sector.<sup>14</sup> Transparency obligations must not undermine the presumption of legality of civil society funding; and civil society should be involved in the risk assessments.
- Any audit investigations must be justified, initiated on the basis of sufficient grounds and subject to judicial oversight. Charges must be based on sufficient evidence, and not lead to, arbitrary funds freezing and/or arbitrary arrest or detention.

**g** Ensuring legal systems protect those who exercise their rights to freedom of peaceful assembly and of association, including within the climate justice activism, from criminalization by corporations and other public and private entities, including from initiating SLAPPs.

- Repeal criminal defamation provisions; and enact anti-SLAPP legislation, authorizing early dismissal of such lawsuits and protecting civil society actors against legal harassment.

**h** Repealing provisions imposing undue restrictions on protected expressions under the right to freedom of expression and of opinion and the right to defend rights; and respect, protect and facilitate public freedoms on an equal basis for all persons regardless of their objective, given it is legitimate under international standards.

<sup>12</sup> See model definition of the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, A/HRC/16/51, para. 28; and UN Security Council's Counter-Terrorism Committee Executive Directorate, CTED Analytical Brief: A commentary on the codification of the terrorism offence: [https://www.un.org/securitycouncil/ctc/sites/www.un.org/securitycouncil.ctc/files/un\\_cted\\_-\\_analytical\\_brief\\_-\\_criminalization\\_of\\_terrorist\\_offences\\_1.pdf](https://www.un.org/securitycouncil/ctc/sites/www.un.org/securitycouncil.ctc/files/un_cted_-_analytical_brief_-_criminalization_of_terrorist_offences_1.pdf).



- Repeal prohibitions on advocacy in favour of gender equality and/or the rights of LGBTQI people;
- Ensure “hate speech” norms, laws and regulations, are in line with international human rights law and protections under freedom of expression, including by providing for the requirement that for any hate speech / advocacy to hatred to be criminalised it must amount to incitement which is likely to result in discrimination, hostility or violence; and to prevent from criminalising legitimate protest and activism.
- Any decision to prohibit acts or expressions on the grounds of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, such as in the context of protest, must be on a case-by-case and individual basis, considering international legal standards, and the contextual analysis required by the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.
- Respecting that a critical political opinion, including expressions of political opposition to government policies or practices, are legitimate forms of political expression that should not be prohibited or criminalized, and must be facilitated.<sup>15</sup>

**13** Strengthen human rights capacity, independent oversight and accountability of law enforcement and other security institutions.

**14** Respect and ensure the independence and impartiality of judicial institutions, and safeguard them from undue political or other influence and pressure, so they can protect the rights of all, ensuring fair judicial proceedings and protection from judicial repression.

**15** Refrain from a narrow approach to security that seeks to control and curtail freedoms, and incorporate in law, policy and practice a human security-centred approach, that treats the respect and protection of democratic freedoms as its essential elements.

**16** Adopt, revise, and make publicly available protocols, guidance and procedures for law enforcement officials applicable in the context of protest, ensuring their compliance with international human rights standards, including the obligation to facilitate and protect the right to freedom of peaceful assembly.

- Refrain from adopting and repeal provisions that grant wide discretion to law enforcement officials for imposing restrictions on fundamental freedoms, and with regards to the use of force, arrests, and the use of surveillance.

**17** Ensure law enforcement officials engaged in facilitation of protests are appropriately trained in human rights protection, and in avoiding the use of force through negotiations, communications, and de-escalation; and in human rights-compliant use of technology; and have the required wide-range of appropriate equipment, including adequate protective equipment.

<sup>13</sup> See A/HRC/16/51, para. 35.

<sup>14</sup> See A/HRC/53/38/Add.4.

<sup>15</sup> See A/79/319, para 85.



**18** Strictly refrain from authorising/carrying out unlawful and/or unnecessary arrests, detention and prosecution for those exercising their rights and freedoms. If there are legitimate grounds for arrests, detention and prosecution, ensure that investigations, arrests, trial procedures, and sanctions, are human rights compliant, legitimate, necessary, proportionate and do not generate a chilling effect on the rights of peaceful assembly and association:

- Strictly refrain from imposing additional grounds for criminalization of associations and civil society, such as on the broad grounds of protecting state sovereignty, enhancing transparency, or in the interest of foreign policy.
- Refrain from conducting preventive detentions and from arresting or detaining persons for exercising their fundamental freedoms, and from carrying out indiscriminate mass arrests.
- Release unconditionally and drop all charges against those prosecuted and detained, including in deportation centres, for exercising their fundamental freedoms, or under “foreign agent” laws.
- Refrain from conducting intrusive investigations, surveillance, and/or prohibiting, dissolving, stigmatizing, or criminalizing associations simply because they receive and use foreign funding to participate in matters of political and public debate, including when they promote rights-based amendments to the legal or constitutional order and carry out their legitimate work in the context of elections.
- Refrain from conflating legal regimes and invoking aggravated criminal offences, leading to unnecessary and disproportionate sanctions for protected protest conduct, such as acts of civil disobedience.
- Ensure access to prompt legal assistance and aid, to enable civil society groups and individuals to adequately defend themselves.
- Ensure sanctions, if justified, are the least intrusive, imposed individually and according to the involvement in the specific unlawful conduct, and not based on association or used as collective punishment; that sanctions are proportionate to the gravity of the unlawful conduct, non-discriminatory and are not based on broadly defined offences or laws inconsistent with international human rights; and do not generate a chilling effect.
- Refrain from imposing criminal sanctions for non-violent offences, such as peaceful acts of civil disobedience which break a law. Alternative to arrests should be sought for non-violent offences.
- Provide law enforcement involved in facilitation of protests, clear guidance and instructions, in compliance with international human rights standards, aimed at protecting activists from unlawful and arbitrary arrests, and from acts of unlawful use of force, sexual and gender based abuse and discriminatory conduct during arrests; and ensuring protection of children’s rights.
- Respect and ensure fair trial standards, refrain from holding mass trials, and ensure trials are held promptly by impartial, independent and civilian courts; activists and protesters must not be tried in military or specialised courts, which inherently lack fair trial guarantees.

**19** Refrain from using immigration or citizenship laws to prevent, punish or dissuade participants in political activism and solidarity; and refrain from subjecting them to rendition, unlawful deportation or extradition, or transfer to locations where they will face criminal sanctions, imprisonment or abuse for exercising their freedoms.



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**20** Protect individuals and groups from transnational repression due to criminalization for exercising their freedoms:

- Develop, and regularly review, in consultation with civil society, human rights defenders, lawyers, communities at risk and victims, comprehensive policies and adequately resourced coherent cross-institutional strategies and mechanisms for early warning and rapid response - to effectively monitor, detect, prevent, respond, and protect those at risks and victims, tailored to intersectional risks/threats and needs;
- Ensure law enforcement, judicial, and immigration officials are sensitized and trained in detecting and responding to protect from transnational repression.

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**21** Conduct human rights-centered, transparent and inclusive impact and risk assessment prior to changing, adopting, and throughout the implementation of laws affecting fundamental freedoms, and develop early warning systems for assessing, preventing and timely responding to direct and indirect harm/restrictions and chilling effects.

- Ensure meaningful, broad, diverse and intersectional participation of civil society and affected communities. Strictly refrain from passing legislation through expedited procedures, thereby completely sidelining and cancelling the requirement for a public debate and wide consultation.

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**22** Ensure accountability and that all violations are investigated and that victims have access to prompt and effective remedy, including full reparation for violations, including for unjustified criminalization, unlawful arrests and detention, the use of unlawful force or other abuses, unlawful peaceful protest bans or dispersals or dissolution of associations.

- Ensure timely access to recourse to judicial and other remedies concerning criminalization and related restrictions, with the possibility for an appeal, ensuring the process itself does not jeopardize the exercise of fundamental freedoms.
- Promptly revise and amend as necessary legal, institutional and policy measures, including security sector reforms, to guarantee no repetition of unlawful criminalization and associated repression.
- Ensure accountability and reparations for serious human rights violations experienced by human rights defenders and activists through criminalization processes. The process should address root causes and historical discrimination and injustices.
- Reparations should address differentiated and specific individual and community harm, and restore the rights and dignity of those affected.

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**23** Recognise, respect, protect and facilitate the right to monitor assemblies and law enforcement actions. Facilitate the work of civil society, human rights defenders and media when observing, monitoring or reporting on assemblies, and the work of legal and medical personnel. In line with international standards, ensure that media personnel and assembly observers are not criminalised, arrested or sanctioned for their work, including if an assembly is declared unlawful or is dispersed.

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**24** Prohibit the use of arbitrary and indiscriminate mass surveillance, including facial recognition technologies, against those exercising their rights to freedom of peaceful assembly and of association, and provide clear robust safeguards to prevent such uses and protect victims:

- Adopt specific, detailed, guidance and procedures ensuring transparent and accountable decision-making, and specifying the circumstances and legitimate grounds for granting authorization for the use of digital technology in the context of peaceful protest or targeting civil society actors. Ensure any decision is duly recorded, justified on case-by-case bases, according to the requirements of legality, necessity, proportionality and non-discrimination, and considering chilling effects;
- Ensure independent external oversight and accountability; and specific, transparent and victim-oriented supportive complaints and remedy mechanisms enabling individuals, including children, to ascertain and challenge information held about them, including by non-State actors.
- Ensure robust safeguards and clear protocols for the examination, use, storage, transmission, erasure and destruction of data - subjected to independent oversight. Prohibit the acceptance in court as evidence of data obtained through unlawful surveillance of civil society activists.
- Conduct regular inclusive impact assessments on fundamental freedoms due the use of technology for law enforcement purposes; and adopt relevant legal, policy and procedural amendments.

**Businesses, technology, media and social media companies should:**

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**25** Strengthen, in consultation with broad civil society actors, human rights due diligence in line with their duties under international human rights standards, including the United Nations Guiding Principles on Business and Human Rights, ensuring that business activities, including the production, trade and use of technology, do not intentionally or unintentionally contribute to enabling criminalization, unlawful surveillance and repression (including of transnational repression) of civil society, peaceful protesters, political, environmental and other activists. Refrain from initiating or contributing to SLAPPs such as those related to non-violent protest actions.

**International community should:**

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**26** Ensure international and regional frameworks and instruments on transparency, countering corruption, money laundering, or terrorism, explicitly state that these must not be misused to unduly restrict or criminalise those exercising their fundamental freedoms, and reinforce safeguards against such misuse.

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**27** Refrain from encouraging, adopting and enforcing, domestically or on a regional level, and revise any regulations which risk resulting in intended or unintended criminalization of civil society and civic activism, including with respect to foreign funding.

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**28** The Financial Action Task Force (FATF) and relevant regional bodies tasked with enforcing global AML/CFT standards (such as MONEYVAL and others) are encouraged to: **i)** ensure States adequately implement FATF amended Recommendation 8 for preventing misuse; **ii)** accelerate State compliance reviews (even outside the regular review calendar) to address continuing misuse/unintended consequences criminalizing civil society; **iii)** provide further guidance on other recommendations affecting civil society, including setting up a specific task force addressing the impact on civic space due to the misuse of banking-related recommendations.

**29** Strengthen international and regional coordination and collaboration to prevent and protect from criminalization and repression, including transnational repression, civil society, activists and rights grassroot movements: **i)** strengthen regional/global early warning and response mechanisms; and prevent political exploitation of extradition agreements/processes; **ii)** support the meaningful and safe inclusion of civil society in multilateral discussion to ensure decisions, policy and regulations respect and enable civic freedoms; **iii)** address and counter emerging technology-enabled criminalization and surveillance; and support the development and implementation of a global human rights-based regulatory framework, in consultation with civil society, for the use of emerging technologies, including on spyware and artificial intelligence.

**The United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Gina Romero**

**The Special Rapporteur on Freedom of Expression of the Inter-American Commission on Human Rights (IACHR), Pedro Vaca Villareal**

**The Commissioner Rapporteur for Human Rights Defenders of the IACHR, Roberta Clarke**

**The Special Rapporteur on Human Rights Defenders and Focal Point for Reprisals in Africa of the African Commission on Human and Peoples' Rights (ACHPR), Rémy Ngoy Lumbu**