
Protecting Freedoms of Peaceful Assembly and of Association Under Threat by Growing Securitization and Surveillance

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The United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association;¹ the Special Rapporteur on Freedom of Expression of the Inter-American Commission on Human Rights (IACHR);² the Commissioner Rapporteur for Human Rights Defenders of the IACHR³ and the Special Rapporteur on Human Rights Defenders, and focal point on reprisals and focal point on the judicial independence in Africa of the African Commission on Human and Peoples Rights (ACHPR)⁴

Recalling and reaffirming the Joint Declarations on Protecting the rights to freedom of peaceful assembly and of association from criminalization amid intensified existential threats (2025), 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);

Underlining that democracy and security are mutually reinforcing and interdependent; and that freedoms of peaceful assembly and of association are pivotal for sustaining and building resilient democracy, tolerant society, and sustainable security and peace. Further underlining the interlinkage between restrictions on these freedoms and the erosion of democracy, the rule of law, accountability, human rights, and jeopardizing security;

Emphasizing particularly the essential role of peaceful assembly and association for enabling broader political and democratic participation, political pluralism, civic engagement, accountability and public oversight of State and corporate misconduct and abuse, providing avenues for participating in decision-making, fostering transparency, and strengthening the rule of law and democratic institutions, as well as for ensuring a healthy planet and sustainable development. These rights also play a vital role for democratic legitimacy and community trust-building, for addressing conflict root causes and defusing potential conflicts;

Deeply concerned by documented global trends involving the misuse of national security frameworks, narratives, and overly broad security measures lacking effective safeguards, independent oversight and accountability, that seriously threaten and lead to undue restrictions,

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criminalization, repression and suppression of human rights and fundamental freedoms, including the freedoms of peaceful assembly and of association;

Particularly alarmed by governments, public and law enforcement officials mischaracterizing and treating the exercise of fundamental freedoms as a threat to national security or public safety, rather than as a legitimate form of democratic participation; and **alarmed specifically** by the stigmatization and criminalization of peaceful protesters, associations,⁵ their members and supporters, through the unjustified application of labels such as “terrorists”, “extremists”, “national security enemies”, “agents of foreign influence”, or similar;

Stressing that especially vulnerable and affected are civil society activists and rights defenders, associations and assemblies expressing dissent, non-violent political opposition, LGBTIQ+ individuals and those advocating for gender and LGBTIQ+ equality, youth activists, indigenous, land and environmental activists, human rights defenders and grassroots organizations and movements, socioeconomically, ethnically or culturally marginalized populations, migrants, refugees, stateless persons and exiled activists; those challenging mainstream social and political narratives; and those in contexts of hostility, armed conflict and occupation;

Alarmed by the widespread adoption of administrative measures, policies and laws, often justified on the pretext of protecting national, public or cyber security that legalize and normalize excessive and exceptional powers, intrusive surveillance, and the introduction of expansive and broad security measures, lowering thresholds for imposition of restrictions on freedoms, for arrests, and for the use of force, including potentially unlawful lethal force, thereby undermining the principles of legality, necessity and proportionality;

Particularly alarmed by the mis/use of such vague and expansive national security and anti-terrorism legal provisions to criminalize and impose excessive sanctions for lawful and legitimate civil society work, peaceful and non-violent protest activities and protected forms of expression, including legitimate acts of solidarity, providing humanitarian assistance, the search and rescue of migrants and asylum seekers at risk, for the expression of and advocacy for gender and sexual diversity, or for legitimately acquiring and using resources, mainly of foreign assistance and funding; and to prohibit, defund, freeze assets, impose movement restrictions, travel bans, to arbitrarily arrest and detain activists, to proscribe, ban or dissolve associations, and to arbitrarily suspend or remove online sites and accounts of activists, associations or social movements (among other undue restrictions);

Deeply concerned further that these exceptional measures are often adopted and implemented without democratic participation and oversight, and are further misused to undermine, evade and erode human rights safeguards, due process guarantees, and accountability, including by reversing or otherwise undermining the presumption of innocence and shifting the burden of proof, and (in some cases) granting immunity, revoking law enforcement identification or establishing presumption of lawfulness for the use of lethal force by law enforcement officials;

Further concerned by the misuse of security justifications to circumvent safeguards against intrusive or mass surveillance and to undermine human rights guardrails; to obstruct or evade compliance with protocols on proper facilitation of protest and on the legitimate use of force, of

⁵The term “associations” used through the document encompass civil society associations that can be registered or unregistered including NGOs, community-based groups, social movements, networks, and other non-state actors; may have various types of structure, leadership and level of organization; may be physical, online, digital or in hybrid form; may be temporary formed, sporadically, or long-term; and may have local, national or international and across borders membership, participation and activities.

oversight of security decision-making and actions; and to evade human rights due diligence obligations;

Reiterating serious concerns over "foreign agents/influence" or similar laws, regulations or designations, which generally fail to meet the strict requirements set by international human rights law for imposing restrictions on the right to freedom of association, and which are increasingly conflated with security frameworks and justified in the name of security, thereby reinforcing stigmatization, broadening repression, the imposition of undue restrictions and further increasing the chilling effect on civic participation and civil society's operations and access to, management and use of resources;⁶

Further alarmed by threats to civic freedoms posed by the inadequately regulated, precipitous and non-transparent development, trade, deployment and uses of surveillance technologies and crowd control weapons, often outside a human rights law framework, and without independent and adequate testing and prior human rights impact assessment, required at all stages to ensure the responsible operation of such tools and to prevent risks, and without oversight and adequate publicly-accessible protocols; and **deeply concerned** that the deployment and uses of intrusive, expansive and high-risk digital systems or crowd control weapons, some inherently incompatible with, or posing a serious threat to human rights and public freedoms, are often politically-motivated and inappropriately justified through broad security and crime prevention narratives;

Seriously alarmed by the growing normalization and spread of pervasive digital surveillance, enabled by the increased integration and the interoperability of data-driven systems and datasets, powered by AI, enabling mass and highly intrusive data processing and analysis, and the proliferation of biometric surveillance (including facial and, in some contexts, emotional recognition technology), commercial spyware and malware - which often fail to meet the requirements of necessity and proportionality. **Deeply concerned** that this involves systematic interference with peoples' rights to privacy and fundamental freedoms, while exposing an ever-greater number of people and populations to indiscriminate and intrusive surveillance, including to heightened risks of identification and of tracking, in ways that fail to pursue a legitimate aim or meet the standards of necessity and proportionality, that normalize and expand intrusive, discriminatory and predictive profiling, and that increase the risks of reprisals and persecution (pre-emptively, retrospectively or in future);

Underlining that digital surveillance tools and techniques should be treated as constituting elements of an interconnected and mutually reinforcing surveillance ecosystem, which is sustained through non-transparent relationships or alignment between States and commercial developers, corporate actors, and data-intermediaries, as documented by the UN Special Rapporteur on freedom of peaceful assembly and association in her report on digital-surveillance-induced chilling effects (A/HRC/62/45), and by the IACHR Special Rapporteur on Freedom of Expression in his report on "The Impact of Digital Surveillance on Freedom of Expression in the Americas" (OEA/Ser.L/V/II CIDH/RELE/ INF.33/25).

Further concerned over increased civic space hindrance and threats by intensifying digitally-mediated violence and intimidation, including digitally-mediated gender-based violence, smear campaigns, disinformation, trolling, doxxing, arbitrary internet shutdowns and social media restrictions, unduly restrictive monitoring and content moderation of social media and websites, and restrictive algorithmic design, which increasingly shape and control, by both public and private

⁶See for more details the Joint Declaration on Protecting the right to freedom of association in light of "Foreign Agents" / "Foreign Influence" Laws (2024), at <https://www.ohchr.org/sites/default/files/documents/issues/association/statements/2024-09-13-statement-sr-foaa.pdf>

actors, the spaces in which people organize, associate and assemble and their communications, expressions, activism, and their reach; and by other forms of digital manipulation and intimidation that are increasingly difficult to monitor, detect, counter and mitigate;

Underlining that misuse of AI can hinder the enjoyment of rights and freedoms, intensify unjustified surveillance, stifle expressions and activism online and offline, undermine privacy rights, amplify disinformation and stigmatization; and enable targeting of civil society, protests and movements, at unprecedented large scale, across borders and at an ever fastening pace; **particularly concerned** over the increased uses of AI in law enforcement, national security contexts, border management, emergency and military operations, where appropriate human rights safeguards, transparency, oversight and accountability are lacking, which can pose heightened risks for human rights and freedoms. **Noting with deep concern** that national security, counterterrorism and military contexts are generally exempted from data protection and other protection frameworks such as those aimed at protecting from AI-related abuses, which would provide for minimum safeguards.

Further alarmed by the growing securitization and militarization of public, civic and academic spaces, aggravated by the trends of normalisation of digital surveillance tools and less lethal weapons designed with dual civil/military capabilities for law enforcement purposes that undermine public freedoms; by the use of militarized narratives and the deployment of militarized units, techniques, strategies, and equipment for responding to non-violent protests; increasingly blurring the lines between civic and military domains, exacerbated by non-transparent relationships with private providers of military, security, and surveillance technologies;

Deeply concerned that the securitization of global agendas, transnational security collaborations undermining human rights safeguards, and repressive measures on the pretext of security, have also exposed to serious harm civil society, protesters and associations in exile, stateless persons, refugees and asylum seekers, including to arbitrary arrests and forced deportations exposing individuals to a risk of refoulement, in violation of the principle of non-refoulement; and have expanded transnational repression, by enhanced intrusive surveillance, the misuse of information sharing, of extradition and mutual legal assistance mechanisms, or security cooperations. **Further alarmed** by counterterrorism and cybercrime prevention global frameworks, lacking adequate human rights safeguards, oversight and accountability mechanisms, exacerbating these harmful risks and contributing to the expansion and potential misuse of digital surveillance and civil society repression;

Underlining that the above-mentioned patterns create a coercive and hostile environment and generate broad and long-lasting chilling effects on the exercise of fundamental freedoms, undermining the possibility to effectively enjoy these rights. **Noting particularly** that surveillance-induced chilling effects cause self-censoring, withdrawing from, or altering activities, public participation, expression, collaboration, communication or fundraising; endanger and hinder protest monitors, the watchdog function of civil society, and legal aid; stifle fundamental freedoms, civic and political participation, the formation of democratic and free civil society, and erode democracy and civic space;⁷

Stressing that surveillance-induced chilling effects on the exercise of public freedoms can simultaneously affect a range of interconnected and interdependent rights, causing compound harm, disproportionately affecting vulnerable, and marginalized groups, including individuals

⁷See <https://www.ohchr.org/en/special-procedures/sr-freedom-of-assembly-and-association/pushed-shadows>

criminalized or targeted for their activism, human rights work, or legitimate civil society activities. These harms are aggravated by the lack of adequate human-rights compliant regulations, effective oversight and accountability.

Reasserting the crucial importance of strengthening international and regional cooperation, and multilateral institutions, that are human-rights-centred, and enforce robust human rights protections and accountability, to address the concerns outlined.

Welcoming and encouraging efforts by regional and international bodies to strengthen democratic resilience by protecting fundamental freedoms, and to prevent misuse of security frameworks, AI, and surveillance technologies; recalling particularly Human Rights Council Resolution on "Human rights defenders and new and emerging technologies" (58/23); and affirming the important work of the Human Rights Committee, including the development of General Comment 38 on article 22; the work of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, her reports on Chilling effects of the digital surveillance ecosystem (A/HRC/62/45, and detailed Study); on Protection of collective action and human solidarity facing an existential threat (A/80/219); on Protection from stigmatization (A/79/263); 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; as well as regional resolutions, guidance and recommendations - the African Commission on Human and Peoples' Rights' Guidelines on Freedom of Association and Assembly in Africa, the recent resolutions adopted by the ACHPR, including Resolution 569 on the Need to Protect Civic Space, Freedom of Association and Assembly in Africa, Resolution 580 on Internet Shutdowns and Elections in Africa, and Resolution 663 on the Situation of Human and People's Rights Defenders in Africa; the OSCE/ODIHR-Venice Commission Joint 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 and the ongoing update of the Guidelines; the IACHR Special Rapporteur on freedom of expression's reports on The Impact of Digital Surveillance on Freedom of Expression in the Americas (OEA/Ser.L/V/II CIDH/RELE/INF.33/25), and on the Right to Access to Information and National Security (OEA/Ser.L/V/II CIDH/RELE/INF.24/20) and on Protest and Human Rights (OEA/SER.L/V/II CIDH/RELE/INF.22/19); the Declaration of Inter-American Principles on the Legal Regime for the Creation, Operation, Financing and Dissolution of Civil Non-Profit Entities, and the Inter-American Commission on Human Rights Resolution on Organized Crime and Human Rights in the Americas (Resolution 1/26).

General principles:

Adopt, on 15 September 2026, the following Joint Declaration to protect democratic freedoms in the context to global securitization and surveillance:

States' and other stakeholders' ongoing efforts aimed at strengthening public safety and security, including national security,⁸ must be guided by and respect the following principles to protect and facilitate fundamental freedoms:

- 1** Freedoms of peaceful assembly and association must be facilitated and protected, without discrimination, including on political or other opinion, sexual or gender identity, immigration status, or any other grounds;

⁸The below General Principles particularly highlight international human rights standards pertaining to the use of "national security" and "public safety" as grounds for legitimately restricting the rights to freedom of peaceful assembly and of association, in light of the concerns raised in this Joint Declaration.

- 2 States are obliged to refrain from interfering with/restricting these rights in an unjustified or disproportionate manner; and must create an enabling environment to facilitate an effective exercise of rights and freedoms for all. This includes ensuring that laws, policies and practices are consistent with international human rights law and standards; and guaranteeing related rights - to take part in public affairs; freedom of expression; freedom of movement; the right to privacy; the right of self-determination; equality before the courts and tribunals, due process and a fair trial, protection of the right to life, the absolute prohibition of torture and other cruel, inhuman, or degrading treatment or punishment, the right to liberty and security of person; and ensuring the right to an effective remedy and reparations;
- 3 Any measure restricting these freedoms must be individually assessed and justified; prescribed by law that is clear, sufficiently precise and publicly available; and must pursue a legitimate aim; be necessary in a democratic society; proportionate to that aim; and subject to adequate judicial safeguards and effective remedies against abuse;
- 4 Invoking protection of “public safety” or “national security” as grounds for imposing restrictions must comply with the strict requirements of legality, necessity, and proportionality under international human rights law. National security may serve as a ground for restrictions only if such restrictions are necessary to protect a legitimate national security interest, namely and exclusively limited to the protection of “the existence of the nation, its territorial integrity or political independence against force or threat of force”.⁹ The need to protect public safety may justify necessary limitations if it is established that there is a real and significant “danger to the safety of persons, to their life or physical integrity, or serious damage to their property.”¹⁰ States must demonstrate that restrictions are necessary to avert a genuine and imminent, not hypothetical, danger and that less intrusive measures would be insufficient to achieve this purpose. National security or public safety must not be invoked as a pretext for imposing vague, arbitrary or disproportionate restrictions or for introducing other grounds outside the permissible limitations. Overly broad and vague provisions and exceptions such as on grounds of public safety, national security or terrorism offences that fail to provide sufficient guidance or foreseeability are incompatible with the legality principle.
- 5 Dissolution, suspension, deregistration, closure, freezing of assets or other measures that prevent an association from freely and independently operating must be exceptional, strictly necessary and proportionate, based on clear and precise legislation in compliance with international human rights law, and subject to an individualized assessment, prior notice, an impartial and independent judicial review and decision, and an effective remedy.
- 6 Restrictions must not undermine the essence of the rights. When assessing the necessity and proportionality of restrictions, due consideration should be given to their nature, severity and intersectional impact, including any foreseeable risks such as creating a chilling effect on the exercise of the rights.
- 7 The use of force, if justified as absolutely necessary, must be a last resort, when all other means of communication, negotiations and de-escalation and other less intrusive interventions have failed to achieve the legitimate law enforcement objective. Where the use of force is unavoidable, it must comply with the principles of legality, precaution, necessity, proportionality, non-discrimination, accountability, de-escalation, differentiation, be targeted, and ensure

⁹ The Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights, 1984.

¹⁰ Ibid.

minimization of harm and risks of injury or death; and only the minimum force necessary for achieving the legitimate law enforcement objective may be used, ensuring all precautions are taken to minimize harm including considering intersectional vulnerabilities. In compliance with the principle of proportionality, force must not be used when it will likely cause greater harm than the harm seeking to prevent, even if that means that the legitimate law enforcement objective will not be achieved. The use of force must cease as soon as it is no longer necessary.

- 8** Surveillance powers and any digital surveillance technologies, including AI systems, interfering with these freedoms must also conform with the requirements of legality, pursuing a legitimate aim, necessity, proportionality, non-discrimination, accountability, and precaution to minimise potential harm. Surveillance measures must be legitimately and exceptionally applied, limited in scope and duration – including for national security purposes; subject to human rights safeguards; and their use must be based on an accessible and precise legal framework clearly defining authorized purposes and the categories of persons targeted; must require prior judicial authorization, and adequate and independent “end-to-end” oversight, judicial safeguards and effective remedies. In advance of authorizing any surveillance measures, the range of potential harms (including those due to chilling effects) should be anticipated, duly considered, and mitigated. Any surveillance measure must be specific and duly justified in the concrete situation; as such, mass surveillance is per se incompatible with the principle of proportionality.
- 9** States have the duty to ensure a safe and enabling environment for human rights defenders and for the defence of human rights online and offline, including by addressing the negative impact of surveillance on the exercise and defence of human rights.
- 10** In the context of assemblies, including protests, the army or any military-type units, tactics or equipment or other units outside the official law enforcement chain of command, should not be deployed, as these are not suitable for policing assemblies. If absolutely unavoidable for those to be involved, all officers and units must be placed under the command of civilian law enforcement authorities, sufficiently and appropriately trained, equipped, and instructed, so they can act in full compliance with international human rights law and standards, including those related to the proper facilitation of assemblies and the human rights-based law enforcement, and must be subject to independent civilian oversight and held accountable for their actions in front of ordinary jurisdiction.
- 11** In times of public emergency threatening the life of the nation, any derogation from applicable human rights obligations, including freedoms of assembly and association, must strictly comply with the conditions established by international human rights law, including the requirements of necessity, proportionality, temporariness, non-discrimination, and effective remedy, and must respect and protect non-derogable rights. In situations of armed conflict, international human rights law and international humanitarian law apply concurrently.

Recommendations

A. States and inter-governmental bodies should:

- 12** Strengthen democratic resilience and adopt and promote a holistic human security.

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- a** Adopt a holistic inclusive security approach that integrates human and democratic security, setting upholding human rights, democratic freedoms and the rule of law as the baseline, essential for ensuring sustainable security and building democratic resilience.
 - b** Protect, respect and strengthen democratic institutions and judicial independence. Ensure security and emergency powers and measures are subject to effective democratic and judicial oversight, and meet the requirements of legitimate aim, legality, necessity and proportionality.
 - c** Ensure transparency regarding the grounds for imposing restrictive national security measures, and when declaring a state of emergency, including of the underlying information warranting these exceptional measures; and respond promptly and as a matter of priority to requests for access to information on these matters.
 - d** Ensure that national, regional and global security strategies, legal frameworks and their implementation, and practices—including those addressing national security, cyber security, terrorism, and malicious foreign influence—strictly comply with international human rights law, international humanitarian law, and international refugee law. Provide strong safeguards against abuse or misuse, including, by: i) ensuring these do not exert chilling effects unduly restricting public freedoms; and do not promote or contribute to stigmatization, unjust criminalization or other forms of intimidation, abuse or repression of civil society or political dissent; ii) adopting narrow, clear and precise definitions, and removing overbroad or blanket security exceptions; iii) strengthening judicial guarantees and safeguards to prevent unlawful use of force and to limit surveillance powers.
 - e** Mandate and institutionalize meaningful and broad multidisciplinary consultations during the preparation, implementation and evaluation of security laws, policies, strategies, and budgeting, ensuring outcomes are reflected in decision-making. Ensure safe and meaningful participation of diverse, formal and informal, civil society actors, including marginalized communities, women, and youth.
 - f** Ensure transnational security collaborations, including data sharing, mutual legal assistance and extraditions, are obliged to conduct regular robust human rights due diligence and risk assessment, to guarantee human rights protections including privacy rights, to ensure non-refoulement guarantees, and are subjected to independent oversight.
- 13** Promote and ensure an enabling and inclusive civic space.
- a** Respect and actively promote, protect and facilitate the exercise of the rights to freedoms of peaceful assembly and of association, and freedom of expression, for all without discrimination (including on political or other opinion, sexual or gender identity, immigration status, or any other grounds), recognizing the vital role of these freedoms and of vibrant civil society for democracy and sustainable security.
 - b** Cease invoking public safety or national security as a pretext for imposing undue, arbitrary and/or disproportionate restrictions on freedoms, or to stigmatize, unjustly criminalize or repress civil society actors, associations, assemblies, or individuals due to their gender identity, political or dissenting opinion, or on other grounds.
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- c** Review and as necessary bring in line with international human rights standards, all laws, regulations and administrative practices to ensure these do not subject associations, including human rights organisations, to prior authorization, excessive or discriminating registration or licensing requirements, to criminalisation such as for not having a legal status or on the grounds of receiving or using foreign funding, to disproportionate fees, or to arbitrary or excessive reporting obligations, stigmatizing registers or labelling, intrusive funding controls or vague security-based grounds for suspension or dissolution.
 - d** Protect civil society activists and human rights defenders, associations, peaceful assembly organizers, participants and supporters (including those in exile, asylum seekers, refugees and migrants) as well as assembly monitors and journalists, from intimidation, stigmatization, delegitimization, vilification and smear campaigns, digital violence, surveillance, and other abuse or reprisals for exercising their rights, regardless if these acts originate from authorities, public figures or private actors, including private companies.
 - e** Protect youth-led and digitally organized/mediated movements from arbitrary arrest or detention, prosecution, surveillance, online harassment and reprisals for exercising their rights to freedom of expression, of association, of peaceful assembly and for participating in political and public life, including where they engage in political processes or advocate for peace, social justice, economic opportunity, environmental protection and public accountability.
 - f** Prevent surveillance from being used for political repression, censorship of dissent, or for targeting and persecuting rights defenders, civil society associations, their members or associates, or movements, or for directly or indirectly chilling freedoms. Deployment of surveillance technology must be always subject to clear, evidence-based human rights impact assessments, data protection, rigorous legal human rights-based frameworks, and public oversight.
- 14** Refrain from securitizing civic space, and respect, protect and facilitate the exercise of fundamental freedoms.
- a** Revise and align law enforcement protocols, strategies, authorization procedures, and institutional capacities to comply with States' international obligations to respect, protect, and facilitate the exercise of the right to freedom of peaceful assembly. Ensure protocols, preparedness, equipment and responses to assemblies, are fully compliant with international human rights law, and applicable requirements of legitimate aim, legality, necessity, proportionality, precaution, de-escalation, restraint and minimisation of harm, as well as standards on communication and engagement with assembly organisers and participants, and with international standards on the use of force, particularly the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, while respecting the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment.
 - b** Ensure initial and ongoing appropriate, practical, realistic and skill-oriented law enforcement training in protecting human rights and facilitating the exercise of fundamental freedoms in line with international human rights law and standards; and that only officers adequately trained and equipped are deployed to assemblies.

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- c** Refrain from imposing internet shutdowns, disruptions of communications networks or arbitrary restrictions on digital platforms, including during elections, protests, public emergencies or periods of political tension. Any exceptional measure affecting communications must be strictly lawful, necessary, proportionate, time-bound, transparent and subject to independent oversight.
 - d** Mandate and conduct regular and rigorous human rights due diligence processes regarding the design, production, trade, transfer, procurement and use of any weapons, equipment and technology, including surveillance technologies (such as biometrics and geo-location technologies), employed for public security or law enforcement purposes. Ensure these processes involve broad stakeholders including diverse civil society, are evidence-based, assess and adequately address actual and foreseeable adverse human rights impacts, including on the exercise of freedoms of peaceful assembly and association, addressing also potential chilling effects, and examine compounded or disproportionate harm, considering intersectional gravity.
 - e** Make mandatory and conduct regular due diligence processes to evaluate the surveillance ecosystem, prior to the deployment of new technologies, and when contexts change, considering the fast development of new technologies and growing intrusive surveillance and potentially coercive capabilities.
 - f** Prior deployment of any equipment or technology for law enforcement purposes or impacting public freedoms, ensure their proper evaluation and independent testing to prevent risks and demonstrate human rights-compliance, necessity and proportionality for achieving the legitimate objective.
 - g** Prohibit the use of security equipment and surveillance technologies that do not meet human rights law requirements or that pose unacceptable human rights risks. This includes highly intrusive measures such as the application of spyware technologies, which are lacking technical safeguards to limit functions to specific, necessary, and proportionate surveillance objectives or whose use cannot be independently audited. Spyware is inherently incompatible with human rights standards.
 - h** Ban the transfer and use of high-risk weapons (including less lethal weapons), technologies and products implicated directly or indirectly in the commission of serious human rights violations, including when there is a risk of these being employed for such purposes. Support the adoption of an international treaty prohibiting the trade, manufacture, and use of tools and equipment that inflict torture and to regulate their use by law enforcement and other public authorities.
 - i** Strictly refrain from deploying militarized units, techniques, or equipment, including militarized surveillance technologies, in the context of peaceful assembly and association rights. These may only be deployed in extraordinary, exceptional circumstances, where absolutely necessary and proportionate, on a restricted and temporary basis, and in accordance with international human rights law; if their deployment is justified as absolutely necessary in support of law enforcement intervention in the context of assemblies, they must strictly comply with human rights law and with human-rights based law enforcement standards. Law-enforcement operations must remain at all times under civilian command and be subject to effective independent civilian oversight and accountability.
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j Protect data relating to civilian activism and civil society activities from being used for military purposes; and respect and protect civilian digital systems in armed conflict in line with international human rights and international humanitarian law. Adopt, and ensure data protection laws also apply to military authorities and to the private sector, including for the gathering, uses or transfer of data for security, law enforcement or military purposes.

15 Address the accountability gap and end impunity.

a Adopt, strengthen and enforce legislation to ensure transparency, oversight and accountability regarding the design, production, testing, trade, transfer, procurement, and use of equipment and technologies for law enforcement purposes; and of collaborations with companies. Consistent with their human rights obligations under freedom of expression including the right to access to information, States must proactively and promptly make publicly accessible such information considering its importance for public interest. Broad or vague national security exceptions must not be invoked to circumvent these.

b Establish independent oversight mechanisms, including data protection authorities with remedial power, and robust human rights-compliant legal frameworks to effectively regulate and ensure accountability related to the use of AI, spyware and other surveillance technologies, adequately addressing technologies' capabilities, and ensuring judicial safeguards, accessible and effective remedies, and reparations for human rights violations and harms including for those related to surveillance-induced chilling effects.

c a) Prevent unaccountable surveillance: i) Ensuring laws and regulations restrict surveillance powers in line with international human rights standards, independent judicial approval and oversight; ii) Ensuring AI systems, implemented by public authorities and law enforcement, are transparently used and deployed, and subject to effective human oversight and control without exceptions;

d Make mandatory the maintenance of protocols ensuring a transparent and traceable record of law enforcement authorities' decision-making, orders and all relevant actions through the entire chain of command during the protest cycle, including in relation to the deployment/use of surveillance techniques and technologies (including those applied for identification, geolocation/location-tracking, and the monitoring and control of internet traffic), and any other related measures which affect the exercise of the right to freedom of peaceful assembly, association, expression and public participation.

e Require companies and financial institutions involved in surveillance or law enforcement technologies to implement comprehensive human rights due diligence, to respect human rights, and cooperate fully with judicial proceedings and orders.

f States should establish clear legal frameworks providing effective protection for their nationals and other persons on their territory targeted by foreign surveillance operations and protect against related extraterritorial risks and abuses against civil society, human rights defenders, and peaceful protesters. States must also ensure that their own surveillance activities comply with international human rights law regardless of where these take place.

- g** Ensure independent, effective, accessible, and adequately resourced mechanisms for providing prompt accountability and reparations for victims of law enforcement and surveillance-related human rights abuses. Security measures must not justify or provide for law enforcement immunity or undermine due process rights and access to an effective remedy.
- h** Remedies should include the destruction of unlawfully collected data. Protocols should be adopted for proactively informing targeted individuals when surveillance technologies are deactivated or are no longer used against them, including clear information about what data was collected, how it was used, which authorities or parties it was shared with, and steps being taken to delete or anonymize the collected information.

B. Businesses (involved in the production and trade of AI, surveillance and other technologies, social media platforms, and weapon manufacturers), in line with the UN Guiding Principles on Business and Human Rights, should:

- 16** Implement stringent human rights due diligence across the full life cycle of their products and services; considering chilling effects. Ensure interdisciplinary third party and independent audits, and the meaningful engagement of diverse civil society.
- 17** Ensure surveillance technologies, services, and equipment for law enforcement purposes are designed, produced and supplied in a manner consistent with the corporate responsibility to respect human rights, in line with international human rights law and standards, including on facilitating freedoms online and offline.
- 18** Refrain from facilitating or otherwise contributing to undue interferences and restrictions on freedoms, stigmatization, unlawful surveillance, digital violence, repression, discrimination, or transnational repression against civil society actors. Refrain from misusing security or commercial secrecy frameworks to initiate or contribute to strategic lawsuits against public participation (SLAPPs), including against whistle-blowers, human rights defenders, or non-violent protesters challenging companies' trade or conduct, or demanding accountability and transparency for their operations and collaborations.
- 19** Refrain from selling weapons, including less lethal weapons (that can account for torture and other ill-treatment), surveillance or other high-risk technologies or products, when there are considerable or foreseeable risks that the products may be used to commit or facilitate serious human rights violations or abuses and where such risks cannot be adequately prevented or mitigated.

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