MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Commission
pursuant to Rule 123(2) of the Rules of Procedure
on the right to peaceful protest and the proportionate use of force
(2019/2569(RSP))

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European Parliament resolution on the right to peaceful protest and the proportionate use of force (2019/2569(RSP))

The European Parliament,

– having regard to the EU Treaties, and in particular Articles 2, 3, 4, 6 and 7 of the Treaty on European Union (TEU),

– having regard to the Charter of Fundamental Rights of the European Union (‘the Charter’),

– having regard to the European Convention on Human Rights (ECHR) and the related case-law of the European Court of Human Rights (ECtHR),

– having regard to the International Covenant on Civil and Political Rights,

– having regard to the UN Basic Principles on Use of Force and Firearms by Law Enforcement Officials,

– having regard to its resolution of 16 January 2019 on the situation of fundamental rights in the European Union¹,

– having regard to Rule 123(2) of its Rules of Procedure,

A. whereas the EU is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities; whereas these values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail;

B. whereas international human rights instruments are obligations incumbent on the Union and its Member States and must be respected;

C. whereas the rule of law is the backbone of democracy and is one of the founding principles of the EU, operating on the basis of the presumption of mutual trust that Member States uphold respect for democracy, the rule of law and fundamental rights, as enshrined in the Charter and the ECHR;

D. whereas it is essential that the EU uphold freedom of expression and information, as well as freedom of peaceful assembly and of association;

E. whereas Article 11 of the ECHR and Article 12 of the Charter state that everyone has the right to freedom of peaceful assembly and to freedom of association with others,

including the right to form and join trade unions for the protection of their interests;

F. whereas the ECHR also states that freedom of assembly ‘shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the state’, based on the criteria of proportionality and necessity;

G. whereas whenever the lawful use of force is unavoidable, law enforcement officials must exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved; whereas they should avoid damage and injury, and respect and preserve human life and physical integrity;

H. whereas Article 12 of the Charter also states that political parties at Union level contribute to expressing the political will of the citizens of the Union;

I. whereas freedom of association should be protected; whereas a vibrant civil society and pluralistic media play a vital role in promoting an open and pluralistic society and public participation in the democratic process, and in strengthening the accountability of governments;

J. whereas freedom of assembly goes hand in hand with freedom of expression, as ensured by Article 11 of the Charter and Article 10 of the ECHR, stating that everyone has the right to freedom of expression, which includes the freedom to hold opinions and to receive and impart information and ideas without interference by public authorities and regardless of frontiers;

K. whereas Article 52 of the Charter states that ‘any limitation on the exercise of the rights and freedoms recognised by this Charter must be provided for by law and respect the essence of those rights and freedoms’;

L. whereas the use of less-lethal weapons, such as the Flash-Ball and LBD 40 defence ball launchers and the GLI-F4 grenade, caused a high number of serious injuries during recent demonstrations in the EU;

1. Calls on the Member States to guarantee the right to freedom of peaceful assembly, freedom of association and freedom of expression;

2. Stresses that the right of individuals to gather with other people and make their collective voice heard is fundamental to a properly functioning democracy;

3. Condemns the use of violent and disproportionate interventions by the authorities of several Member States during protests and peaceful demonstrations; calls on the relevant authorities to ensure a transparent, impartial and effective investigation when disproportionate force has been used;

4. Urges the Member States to refrain from using disproportionate force against peaceful demonstrators;

5. Stresses that the use of weapons of any kind must remain limited and that law enforcement authorities must give priority to voluntary dispersal without the use of
Acknowledges that the police, among whom there have also been many casualties, are operating in difficult conditions, owing in particular to the hostility of some protesters, but also to an excessive workload; condemns every kind of violence against individuals or property by violent, militant protesters, who only come for a violent purpose and harm the legitimacy of peaceful protests;

Calls on Member States to provide more training for police units on crowd control techniques and the use of certain weapons; calls on the Member States to use alternative practices that have already proven to be effective in some EU countries, notably communication with demonstrators via big screens, avoiding physical contact with demonstrators as much as possible and relying on mediation officers with background training in psychology and sociology;

Encourages the Member States’ law enforcement officials to actively participate in training provided by the European Union Agency for Law Enforcement Training (CEPOL) on ‘Public order – policing of major events’; encourages the Member States to exchange best practices in this regard;

Notes that the prohibition of certain types of less-lethal weapons has been requested by the UN;

Notes that the Member States have different thresholds for the use of force and weapons; deplores the fact that EU citizens are treated very differently by law enforcement authorities and that the protection of their fundamental rights varies;

Calls on the Commission to develop additional guidelines for Member States on the use of less-lethal weapons and welcomes the decision of some Member States to suspend or ban certain types of less-lethal weapons;

Calls on the Member States to ensure that their fundamental rights obligations are respected, and that the use of force by law enforcement authorities when dealing with protests and demonstrations is always a last resort and is always lawful, proportionate and necessary;

Recalls that law enforcement policies, instructions and operations must give special consideration to those particularly vulnerable to the harmful consequences of the use of force in general, as well as the effects of specific less-lethal weapons;

Calls on the Member States to ensure that all weapons are independently assessed and trialled before being introduced onto the market and that all ongoing data on all use of force is collected so that evidence concerning use, misuse, unexpected consequences, injuries, deaths and their causes can be gathered;

Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Council of Europe, the Organisation for Security and Cooperation in Europe and the United Nations.