



Office for Democratic Institutions
and Human Rights

Freedom of Peaceful Assembly

Monitoring, Reporting and Capacity Building

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What is an Assembly?



Definition of Assembly

“The **intentional** and temporary **presence of a number of individuals** in a **public place** for a **common expressive purpose**”

(ODIHR/CoE Guidelines, para. 16)

Why is the Right to Freedom of Peaceful Assembly important?

Essence of the Right to Freedom of Peaceful Assembly

- ❑ One of the foundations of a democratic society;
- ❑ An essential means through which individuals and CSOs can express their views, defend common interests, and hold States accountable;
- ❑ FoPA allows groups and individuals to voice their opinions in public places including:
 - minorities or underrepresented groups;
 - people excluded from access to media and power;
 - People holding unpopular ideas.

FoPA restrictions

No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

Article 21, ICCPR and Article 11, ECHR

FoPA restrictions are permissible when...

- ☐ Are imposed **in conformity with the law**;
- ☐ Are **necessary** in a democratic society;
- ☐ Are **proportionate** to the legitimate aim pursued.

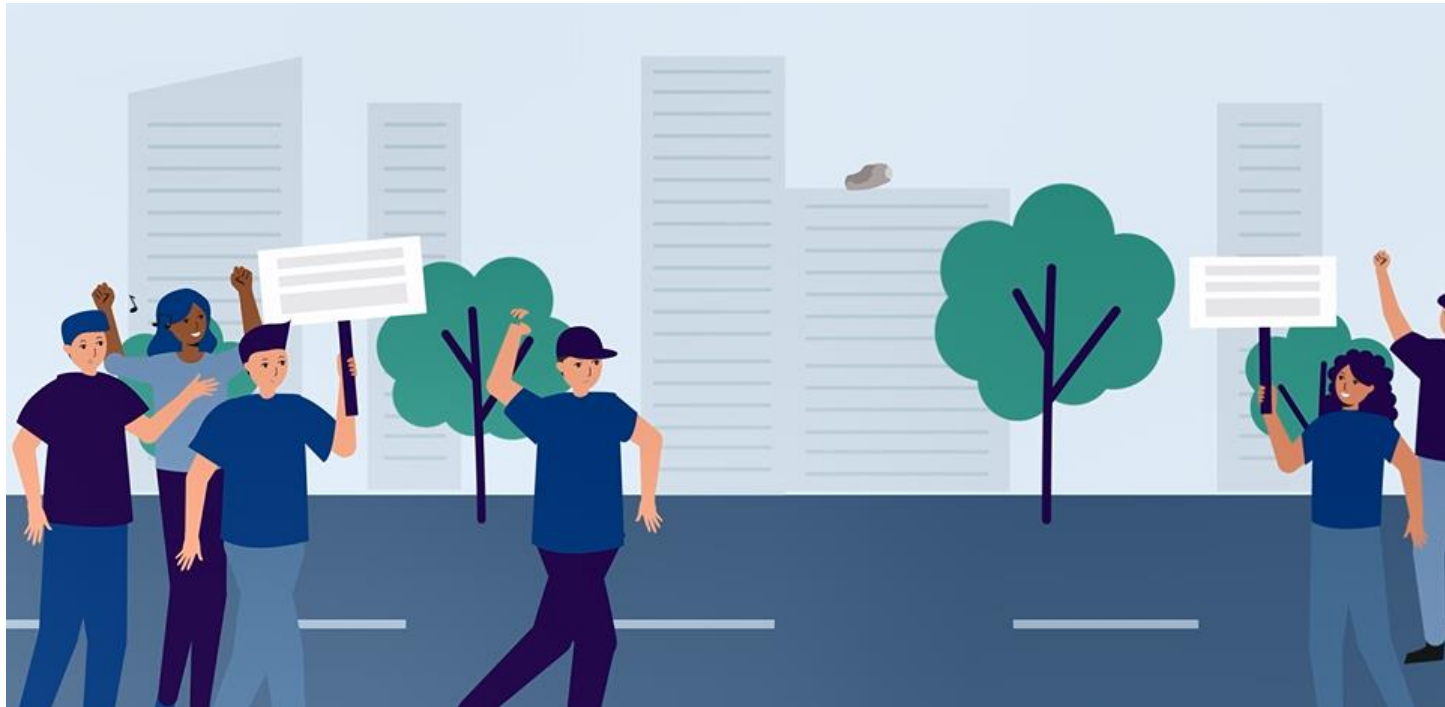
Responsibility of the State

- Negative obligation **not to interfere** with assemblies;
- Positive obligation to **protect and facilitate** assemblies in a human rights compliant manner;

The Peaceful Nature of FoPA

- Only **peaceful assemblies** are protected;
- **No right** to use force, intimidate, harass, threaten, incite to violence, or prevent others exercising their rights;
- Focus is on the **intent of the organisers**, not mere possibility of violence (presumption in favour of peaceful assemblies).

What is the difference between unlawful and violent assemblies?



Unlawful vs. violent assemblies

- ❑ **Unlawful assemblies**, e.g. when the organizer fails to notify the authorities. should nevertheless be accommodated and facilitated by law enforcement as long as they remain peaceful.
- ❑ **Violent assemblies**, e.g. instances of violent or unlawful acts by participants in otherwise peaceful protests should be **dealt with individually** and should not lead to the termination of the entire assembly.

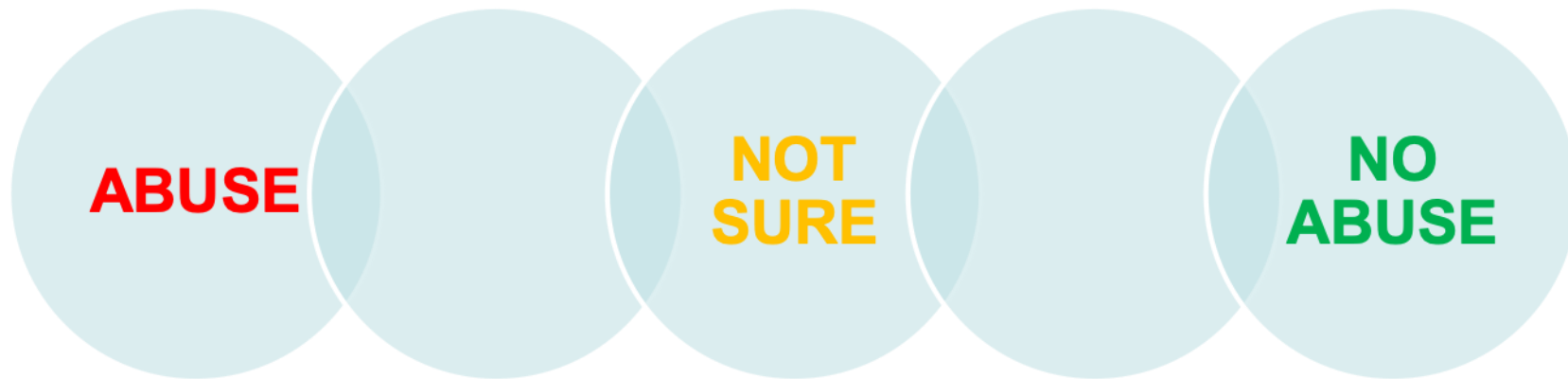
Case study exercise



Vote!

How would you assess the police reaction?

Has there been a violation of the right to assemble?



1-10





Case Study 1

1. The police decide to terminate an assembly after some people participating in the assembly got injured as a result of stones thrown by opponents who are gathered some 50 meters away.



Case Study 2

2. Police forcibly break up a spontaneous assembly that takes place in the centre of the city for five hours because it is disrupting traffic and causing problems for drivers, pedestrians and local shop owners.

Four Key Principles for dealing with crowds

Facilitation

That all police actions should be undertaken in order to facilitate assemblies

Knowledge

The requirement to build planning and decision making on the best information and intelligence

Communication

No surprises and a collaborative approach to planning

Differentiation

Crowds are not homogenous groups, deal with individual issues while facilitating the wider group

WHO is in charge? – How the structure works

POLICE COMMAND STRUCTURE



How the police plan their operations

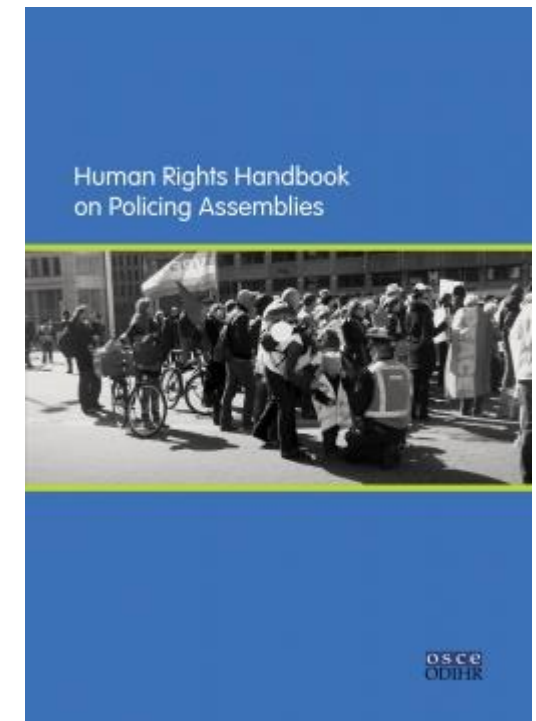
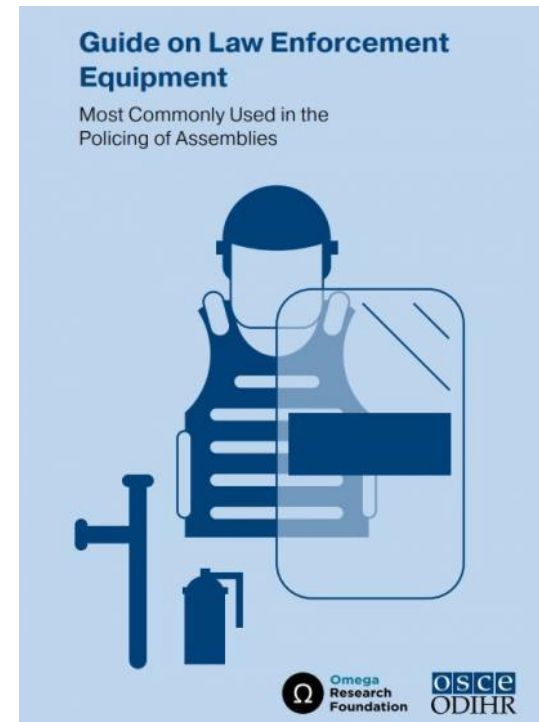
PLANNING AND DECISION MAKING



ODIHRs activities in the area of Freedom of Peaceful Assembly

- ❑ **Development of tools and setting benchmarks:** Guidelines and Handbooks
- ❑ **Monitoring:** Assembly monitoring exercises to selected OSCE participating States
- ❑ **Reporting:** Publishing the key findings and recommendations in thematic reports;
- ❑ **Capacity building:** Trainings on FoPA standards and on assembly monitoring and on human rights compliant policing of assemblies;
- ❑ **Legislative review:** reviewing draft and existing laws, in order to assess the compliance with OSCE commitments and international human rights standards on FoPA.

ODIHR FoPA toolbox



Thank you!