



## **Supplementary Human Dimension Meeting**

# **FREEDOM OF ASSEMBLY AND ASSOCIATION**

**Vienna, 8-9 November 2012**

**Hofburg, Vienna**

## **ANNOTATED AGENDA**

The freedom of every person to assemble in a peaceful manner and the right to associate are intrinsic to democratic societies and expressly recognized in OSCE human dimension commitments<sup>1</sup> as well as all major international human rights instruments.<sup>2</sup> However, the implementation of such commitments remains a challenge throughout the OSCE region, often due to unduly restrictive legislation or practice. More recently, the rapid development of modern communication technologies has greatly changed the organization and functioning of both assemblies and associations.

This Supplementary Human Dimension Meeting (SHDM) seeks to address how the full implementation of the rights to freedom of peaceful assembly and association can be advanced and protected to promote an inclusive and diverse democratic society. It will identify the challenges faced by the OSCE participating States and discuss how they can be met, in order to ensure the full enjoyment of these freedoms. The SHDM will devote particular attention to how new technologies influence the enjoyment of the freedoms of peaceful assembly and association. The SHDM will also provide a forum for discussing those extremely limited circumstances in which the exercise of these rights may be legitimately restricted in accordance with the relevant international standards and commitments.

Additionally, the SHDM will seek to take stock of the implementation by participating States of relevant recommendations from previous human dimension events.<sup>3</sup> Discussions will also center on how the OSCE, its institutions and field operations can better assist the

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<sup>1</sup> A compilation of OSCE commitments relevant to the freedom of assembly and association can be found on the OSCE ODIHR website under: <http://www.osce.org/odihr/43546>

<sup>2</sup> See e.g. the Universal Declaration of Human Rights, Article 20 (freedom of peaceful assembly and association); International Covenant on Civil and Political Rights, Article 21 (freedom of assembly) and Article 22 (freedom of association); the European Convention on Human Rights and Fundamental Freedoms, Article 11 (freedom of assembly and association), the American Convention on Human Rights, Article 15 (right of assembly) and Article 16 (freedom of association), 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, adopted unanimously by the United Nations General Assembly (A/RES/53/144), Article 5.

<sup>3</sup> such as the annual Human Dimension Implementation Meetings and the 2007 SHDM on Freedom of Assembly, Association and Expression

participating States in the implementation of their commitments on freedom of assembly and association.

**Day 1: 8 November 2012**

**15:00 – 16:00 Opening Session**

**16:00 – 18:00 SESSION I: Freedom of Association: obstacles to the full realization of this right and ways to overcome them**

Freedom of association includes the right to join with others to collectively express, promote, pursue and defend common interests and ideals, forming one of the basic guarantees for participation in a democratic society. Various associations, including non-governmental organizations and political parties,<sup>4</sup> play an essential role in establishing a sustainable democratic environment, and ensuring active, independent and accountable public engagement in social and political affairs.

The OSCE participating States have the obligation to create an environment, including a legal framework, in which individuals can exercise their right to association, including the right to form, join and participate effectively in associations and non-governmental organizations that seek to promote and protect human rights and fundamental freedoms. However, numerous challenges in the enjoyment of the freedom of association persist throughout the OSCE region.

In a number of participating States, associations are not considered legal if they are not registered, while administrative hurdles often prevent associations from being able to register. At the same time, unclear or restrictive legislation facilitates the suspension or dissolution of associations.

Freedom of association should not be interpreted restrictively as a freedom to found and join registered civic organizations. Unregistered NGOs and informal associations should be protected and allowed to operate freely, while registration procedures should be transparent, timely and non-bureaucratic.

This session will look at the obstacles and challenges to the right to freedom of association, and assess what has been done to implement the OSCE commitments and key human rights instruments, taking into consideration recommendations of previous relevant human dimension meetings. Good practice in fostering the participation in society of a diverse range of groups will be discussed, as well as experiences from the OSCE Partners for Co-operation.

***Questions for discussion include:***

- What are particular challenges that individuals, groups and authorities face in participating States regarding implementation of the right to freedom of association?

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<sup>4</sup> In the field of political party regulation, ODIHR and the Council of Europe's Venice Commission issued Guidelines on Political Party Regulation in 2011.



these may not interfere with the message communicated by the assembly, and may only be imposed for legitimate reasons based on the principle of proportionality. This has been reiterated on numerous occasions by ODIHR and its Panel of Experts on the Freedom of Peaceful Assembly in reviews of draft and existing legislation of OSCE participating States pertaining to this right.

To support participating States in the implementation of their freedom of peaceful assembly commitments, ODIHR has monitored public assemblies in 11 OSCE participating States in 2011-2012. A thematic report including the monitoring results and highlighting emerging trends, good practices and challenges in facilitating and policing public events throughout the OSCE area, will be launched on the margins of this SHDM.

This session will seek to identify key obstacles and newly emerging challenges to the full exercise of the right to freedom of assembly, discuss current trends across the OSCE region and existing good practices developed in the OSCE participating States as well as the OSCE Partners for Co-operation.

***Questions for discussion include:***

- How have participating States implemented the relevant recommendations from previous OSCE human dimension meetings? What should the OSCE participating States do to further promote the effective exercise of the freedom of peaceful assembly?
- How can the OSCE and other international organizations assist the participating States in promoting the exercise of the freedom of peaceful assembly?
- What impact do legal and regulatory frameworks have on the enjoyment of this freedom, and are they in line with OSCE commitments and relevant international standards? In particular, do penalties for violation of public assembly laws follow the principle of proportionality?
- What challenges do assembly organizers face in the OSCE region and how can they be tackled? How can the right to an effective remedy for undue State interference with the exercise of the right to peaceful assembly be ensured?
- What policing practices have been developed to uphold the exercise of freedom of assembly for participants in all peaceful assemblies, whether notified or not? How do State responses to peaceful protest, including by the police, either facilitate further dialogue or trigger potential tension?
- How can dialogue between groups seeking to exercise the right to freedom of assembly and the authorities be promoted? How can such dialogue reduce the risk of violence and help to facilitate the exercise of the right to peaceful assembly?
- To what extent should OSCE participating States facilitate peaceful protests involving the establishment of camps, tents or other semi-permanent structures?
- How can independent monitoring contribute to the effective enjoyment of freedom of assembly and how can participating States facilitate such monitoring?
- How can the right to an effective remedy for undue State interference with the exercise of the right to peaceful assembly be ensured?

**12:00 – 14:00**            **Lunch**

**14:00 – 16:00**            **SESSION III: Freedom of Peaceful Assembly and Association:  
the role of new technologies**

New information and communication technologies have profound effects on the realization of human rights and freedoms. The Internet has reduced barriers for forming, joining and participating in all forms of associations, such as NGOs and political parties. The costs of outreach to new (potential) members have been lowered and geographical barriers have been reduced. Active participation in associations has been made easier through online activity, reducing travel and participation costs. Many traditional activities of political parties, NGOs and other associations are or will be exercised online in the future. These activities include registering, collecting signatures, fundraising, making and accepting donations, joining associations, and participating in policy discussions and decision-making processes. New technologies increase transparency and accessibility of all forms of associations, but also lead to an increased need for data protection and privacy rights.

The events of the so-called “Arab Spring” or “Occupy movements” clearly displayed the powerful impact new technologies can have on the organization of protests. Social network tools were used extensively by these movements to exchange information, organize demonstrators, document events, and broadcast these to the world. As in the case of associations, new technologies have also had a dramatic impact on the organisation and management of assemblies, reducing financial and geographical barriers, and providing tools for direct global communication, affecting international public opinion and decision making. New technologies also facilitate the organization of alternative forms of assemblies (such as clapping or silent protests). While many States continue to impose disproportionate sanctions on organizers of public assemblies for their failure to comply with legal requirements for assemblies, new social network tools greatly facilitate the organization of assemblies, making it more difficult to identify organizers.

Finally, developments in recent years have demonstrated that authorities may use new information and communication technologies not only to facilitate but also to monitor, impede, or interfere with the exercise of the rights to freedom of association and peaceful assembly. This session will seek to identify newly emerging technological challenges to the full exercise of the freedoms of peaceful assembly and association, as well as opportunities to ensure that technology is used, by all actors involved, to promote the enjoyment of these freedoms across the OSCE region.

***Questions for discussion include:***

- How do new technologies, including social media, change the organization and format of associations and assemblies?

- Are there any particular challenges associated with the development of new technologies, including social media, in relation to the exercise of freedom of association and assembly? What impact does the increasing use of the Internet have on these rights?
- How can participating States respond to the challenges and opportunities offered by new technologies to promote the full implementation of freedoms of assembly and association in line with OSCE commitments?
- Are there any particular measures, including legislative measures that should be adopted to reflect the impact of new technologies on the enjoyment of human rights and, in light of this, to enable/facilitate their use for the exercise of the freedoms of peaceful assembly and association?

**16:00 – 16:30**

**Break**

**16:30 – 17:30**

**Closing Session**

Reports by the Moderators of the Working Sessions

**17:30**

**Closing of the meeting**