



The Right to Monitor Assemblies in the OSCE Region:

Experiences from the Field

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Prepared for OSCE/ODIHR by Omer Fisher.

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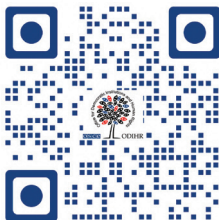
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Freedom of peaceful assembly is a cornerstone of democratic societies and a fundamental human freedom, which OSCE participating States have committed to guarantee to every individual without discrimination (e.g., [Copenhagen 1990](#), [Paris 1990](#)). Freedom of peaceful assembly is also enshrined in multiple international and regional human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

As events happening in public spaces, engaging a broad range of human rights, assemblies provide important opportunities for human rights defenders and other actors to exercise their monitoring functions. The right to monitor assemblies is part of the general human right to receive and impart information (a corollary of the right to freedom of expression), as enshrined in OSCE commitments (e.g., [Vienna 1989](#), [Copenhagen 1990](#)), as well as in other human rights instruments and standards. The importance of this right is increasingly recognized; in particular, its role in ensuring the respect for and protection of freedom of peaceful assembly, as well as the transparency and accountability of law enforcement agents and other state authorities.

In recognition of the importance of assembly monitoring, ODIHR has developed training programmes and resources for monitoring states' compliance with freedom of peaceful assembly standards. These are used across the OSCE region to support the work of human rights defenders and others. They include the *Handbook on Monitoring Freedom of Peaceful Assembly*,¹ the *Guide on Law Enforcement Equipment Most Commonly Used in the Policing*

¹ [Handbook on Monitoring Freedom of Peaceful Assembly](#), 2nd edition, OSCE/ODIHR, 11 December 2020.

*of Assemblies*² and the Independent Monitoring of Freedom of Peaceful Assembly online course.³

ODIHR regularly facilitates exchanges between civil society organizations, academia and OSCE field operations on conducting assembly monitoring. These exchanges highlight both the challenges and promising practices seen when supporting the work of assembly monitors. They have also underlined the need to collect the experiences of assembly monitors in the OSCE region more systematically, and to identify ways in which participating States can better enable their work. This report builds on these exchanges, focusing on the work of civil society actors in particular, and makes recommendations for participating States on how to facilitate the work of assembly monitors.

Approach and methodology

For the purpose of this report, assembly monitors are defined as non-participant, third party individuals or groups whose primary aim is to observe and record the actions and activities taking place at public assemblies.⁴

This report draws primarily on interviews with civil society groups and human rights defenders engaged in assembly monitoring in different OSCE participating States. ODIHR interviewed 20 people (ten women and ten men) from 16 participating States. Information

² [Guide on Law Enforcement Equipment Most Commonly Used in the Policing of Assemblies](#), OSCE/ODIHR, 2 July 2021.

³ [Independent Monitoring of Freedom of Peaceful Assembly](#), ODIHR online course.

⁴ [Guidelines on Freedom of Peaceful Assembly, 3rd edition](#), (Guidelines), ODIHR and Council of Europe's European Commission for Democracy through Law (Venice Commission), 15 July 2020, para. 204.

I. INTRODUCTION

from the interviews has been complemented by desk research, as well as other forms of consultation with relevant actors.

The publication includes a variety of examples from different countries and regions, without aiming to reference all 57 OSCE participating States. The examples given are illustrative rather than exhaustive, and they aim to share information about challenges and promising practices, rather than to single out any particular participating State.

ODIHR is grateful to all individuals and groups who, by sharing their knowledge and experiences, have contributed to this publication.

II.

Assembly monitors in international and national law

Assembly monitors in OSCE commitments and international law

The importance of monitoring freedom of peaceful assembly is highlighted in the joint ODIHR and Venice Commission *Guidelines on Freedom of Peaceful Assembly* (hereafter referred to as the Guidelines), which note that individuals and groups should be permitted to operate freely in monitoring assemblies and in exercising the right to freedom of peaceful assembly.⁵

In its General Comment on the right of peaceful assembly, the UN Human Rights Committee has recognized that “the role of journalists, human rights defenders, election monitors and others involved in monitoring or reporting on assemblies is of particular importance for the full enjoyment of the right of peaceful assembly”.⁶ The Human Rights Committee stressed that these people are entitled to protection and may not be prohibited from, or unduly limited in, exercising these functions, including with respect to monitoring the actions of law enforcement officials.⁷ The UN Human Rights Committee also noted that monitors must not face reprisals or other harassment, that their equipment must not be confiscated or damaged and that, even if an assembly is declared unlawful or is dispersed, this does not terminate the right to monitor.⁸

The UN Human Rights Committee stressed the obligation on law enforcement officials to protect journalists, monitors and observers, as well as other members of the public during assemblies.⁹ Special Procedures of the UN Human Rights Council have similarly

⁵ *Ibid.*, para. 207.

⁶ General comment No. 37 (2020) on the right of peaceful assembly (article 21), UN Human Rights Committee, CCPR/C/GC/37, 17 September 2020, para. 30.

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.*, para. 74.

emphasized the obligation of states to protect the rights of assembly monitors, including by respecting and facilitating the right to observe and monitor all aspects of an assembly.¹⁰ The protections afforded to monitors apply irrespective of whether an assembly is peaceful or whether an assembly has complied with the requisite notification requirements.¹¹

The UN Human Rights Committee highlighted that participants, journalists and monitors have the right to record law enforcement officials.¹² Similarly, according to UN Special Procedures, everyone, whether a participant, monitor or observer, shall “enjoy the right to record an assembly, which includes the right to record the law enforcement operation.”¹³ This also includes the right to record an interaction in which they are being recorded by a State agent, sometimes referred to as the right to ‘record back’.¹⁴ The confiscation, seizure and/or destruction of notes and visual or audio recording equipment without due process should be prohibited and punished.¹⁵

The Guidelines emphasize that monitors are observers, not participants of an assembly. In principle, dispersal orders directed at assembly participants should not oblige monitors to leave the area (unless their personal safety is endangered).¹⁶

¹⁰ Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, UN Human Rights Council, A/HRC/31/664, February 2016, para. 70; ODIHR/Venice Commission, [Guidelines](#), para. 207.

¹¹ UN Human Rights Council, [Joint report on the rights to freedom of peaceful assembly](#), para. 70.

¹² UN Human Rights Committee, [General comment No. 37 \(2020\)](#), para. 94.

¹³ UN Human Rights Council, [Joint report on the rights to freedom of peaceful assembly](#), para. 71.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ ODIHR/Venice Commission, [Guidelines](#), para. 208.

The above principles should be understood in conjunction with international norms and standards, which provide for an obligation on states to ensure that human rights defenders and civil society actors are protected and enjoy an enabling environment.¹⁷ As individuals promoting and striving for the protection and realization of freedom of peaceful assembly, assembly monitors should enjoy the protections afforded to human rights defenders more generally.

The status of assembly monitors in domestic law

In many OSCE participating States, assembly monitors do not enjoy any particular legal status, and their work may be facilitated (or obstructed) without any specific legal provisions that recognize their roles or activities. In contrast, provisions that protect the work of journalists, including during assemblies, are relatively more common. This is possibly because assembly monitoring, in some jurisdictions, is a more recent activity and is not as well recognized as that of journalists. Some civil society actors interviewed by ODIHR noted this lack of regulation as broadly positive, reducing the risk of overregulation of their work.¹⁸ However, others noted that the lack of any legal status increases the risk of abuse of assembly monitors and/or of law enforcement disregarding the distinction between assembly participants and monitors.¹⁹

¹⁷ The ODIHR *Guidelines on the Protection of Human Rights Defenders*, based on OSCE commitments and universally recognized human rights standards that OSCE participating States have undertaken to adhere to, elaborate in detail on such obligations. [Guidelines on the Protection of Human Rights Defenders](#), OSCE/ODIHR, 10 June 2014.

¹⁸ Interview with a civil society representative from Georgia, 26 July 2024.

¹⁹ Interviews with civil society representatives from France, 25 July 2024; Türkiye, 26 July 2024; the United Kingdom (UK), 22 July 2024; and the United States of America (USA), 23 July 2024.

In some participating States, broader provisions of the legal framework cover some of the activities of assembly monitors. For example, Article 6 of the Law of the Republic of Armenia on the Freedom of Assembly distinguishes between participants in assemblies and others present at the location of the assembly to perform their professional duties. Article 17 of the Law on Assemblies of the Republic of Moldova provides that anyone has the right to carry out video or audio recordings of an assembly. Such provisions are considered to have a positive effect on the ability of assembly monitors to do their work.²⁰

Formal, legal recognition of assembly monitors exists in certain laws in Bosnia and Herzegovina (BiH). This is identified as a positive practice, establishing legal clarity on the rights of assembly monitors and increasing the awareness of police officers of their role and function.²¹ Article 27 of the Law on Peaceful Assembly of the Brčko District²² recognizes the right of observers to monitor assemblies, including after their dispersal and regardless of the reasons for the assembly prohibition or dispersal. The same provision also enshrines the principle that the police and the organizers of peaceful assemblies should not restrict observers' activities during the event. However, Article 27 of the Law also requires observers to visibly identify themselves as such, limiting their ability to choose freely whether to wear such identification.²³ Similar provisions are included in the Zenica-Doboj Canton Law on Peaceful Assembly²⁴ (Article 27), as well as in newly adopted legislation

²⁰ Interviews with civil society representatives from Armenia, 22 July 2024; and Moldova, 22 July 2024.

²¹ Interview with staff of the OSCE Mission to BiH, 25 July 2024.

²² [Law on Peaceful Assembly of the Brčko District of Bosnia and Herzegovina](#), 29 July 2020, (in Bosnian).

²³ As noted by many monitoring groups interviewed by ODIHR, the choice to wear visible identification during assemblies depends on several considerations, including as they relate to the management of security risks for monitors.

²⁴ [Zenica-Doboj Canton Law on Peaceful Assembly](#), 9 June 2023 (in Bosnian).

in Una-Sana Canton, Central Bosnia Canton, West-Herzegovina Canton and Canton 10.²⁵

Elsewhere, the status of assembly monitors or legal observers²⁶ has been the subject of deliberations in policymaking and jurisprudence at the national level. In Germany, while assembly monitors do not enjoy a specific status in legislation, court decisions have helped in defining their status. These decisions include a judgement by the Federal Constitutional Court that recognized restrictions on the ability of an assembly monitor to film law enforcement agents as unconstitutional.²⁷ In France, certain provisions of the 2020 National Law Enforcement Plan (NLEP) — an instruction issued by the Ministry of Interior to guide police practices during assemblies — were annulled by the country’s highest administrative court, the Council of State, inter alia for failing to protect the rights of independent observers during assemblies.²⁸ In a ruling on a subsequent version of the NLEP,²⁹ the Council of State annulled the NLEP provision that reserves, only for journalists, the possibility of not being required to comply with a dispersal order (thus

²⁵ Una-Sana Canton [law](#); Central Bosnia Canton [law](#), West-Herzegovina Canton [law](#); and Canton 10 [law](#) (all in Bosnian).

²⁶ Some monitoring organizations use the term ‘legal observer’, for example, in the UK, France or the US. The term can imply that the observers are law students, legal workers and lawyers. However, legal background is not always a prerequisite for monitors. The term ‘legal observer’ can also indicate the focus of monitors, which on some occasions is on the interactions between law enforcement and participants in anticipation of future litigation.

²⁷ See [Federal Constitutional Court Judgement, 1 BvR 2501/13](#), 24 July 2015, (in German). See also [Stuttgart Administrative Court Decision, 1 K 2668/20](#), 10 November 2022, on the legality of an identity check of an assembly monitor. Inter alia, the court recognized the legally unobjectionable goal of demonstration observers to observe and document the events surrounding an assembly (p. 19).

²⁸ See [Council of State Judgement, No. 444849](#), 10 June 2021.

²⁹ This, apparently, did not take into consideration earlier criticism by the Council of State. See Ministry of Interior, [Schéma national du maintien de l’ordre](#) [National Law Enforcement Plan], 16 December 2021.

excluding independent observers from such protection).³⁰ At the same time, the Council of State noted that, as regards the possibility of moving freely within security lines, independent observers are not entitled to rights identical to those afforded to journalists during assemblies.³¹ Public debate and evolving jurisprudence in France have also led to discussions about possible official ‘accreditation’ for assembly monitors³² as a precondition for granting them certain protections, a proposal that has been criticized by French civil society.³³ In the UK, the latest version of the National protest operational advice — a guidance document issued by the College of Policing and National Police Chiefs’ Council — notes that the term ‘legal observer’ does not have or indicate any specific status.³⁴ The document further stresses that legal observers are not automatically entitled to be treated differently to any other person.³⁵

Overall, legal recognition of the status of assembly monitors is not always a necessary condition for their ability to observe assemblies unimpeded. Nevertheless, provisions protecting the rights of third parties during assemblies and, where they exist, recognizing the status of assembly monitors, can enable and facilitate their work. Importantly, in line with OSCE commitments

³⁰ See [Council of State Judgement, No. 461513](#), 29 December 2023.

³¹ *Ibid.*

³² See, for example, National Assembly, [Compte rendu. Commission d’enquête relative à l’état des lieux, la déontologie, les pratiques et les doctrines de maintien de l’ordre](#) [Minutes. Committee of Inquiry into the State of Affairs, Ethics, Practices and Doctrines of Law Enforcement], 28 October 2020, (in French).

³³ [Pour que la France respecte ses engagements internationaux en imposant aux forces de l’ordre de protéger les observateurs](#) [For France to Respect its International Commitments, its Police Forces Must Protect the Observers], Human Rights League, 21 July 2023, (in French).

³⁴ [National protest operational advice](#), College of Policing and National Police Chiefs’ Council August 2023, p. 27.

³⁵ *Ibid.*

and other international standards, such provisions should be part of the broader legal framework on freedom of peaceful assembly. Moreover, in no way should these provisions limit the activities of assembly monitors and the protections they enjoy to situations where they are formally ‘accredited’ by the state.

Other elements of the legislative and policy framework relevant to assembly monitoring

Since assembly monitors operate by definition in the context of public assemblies, the legal framework regulating the enjoyment of freedom of peaceful assembly directly and indirectly impacts their ability to do their work. This is also true given that, as noted above, the authorities do not always establish a clear legal distinction between assembly participants, assembly monitors and other third parties present at assemblies.

In participating States where freedom of peaceful assembly is currently severely restricted, such as in Belarus and the Russian Federation, assembly monitoring is reported as being extremely challenging or virtually impossible.³⁶ In Kazakhstan and Kyrgyzstan, the increasing restrictions on freedom of peaceful assembly imposed in recent years, both in law and in practice, are reported to have reduced the number of public assemblies observed by monitoring groups.³⁷ Assembly monitors in Kazakhstan are reportedly often able to carry out their work unimpeded. However, one monitoring organization noted that, following the unrest

³⁶ Interview with civil society representatives from Belarus, 26 July 2024. For a dataset of criminal cases related to public actions in the Russian Federation, see [According to OVD-Info, since 2015, 618 individuals have been subject to criminal cases related to public actions](#), OVD-Info, 29 May 2024.

³⁷ Interviews with civil society representatives from Kazakhstan, 13 August 2024; and Kyrgyzstan, 13 August 2024.

in January 2022, the authorities have imposed restrictions on freedom of peaceful assembly, including administrative sanctions on organizers and arrest and detention of peaceful protesters, which mean that, in practice, there are very few assemblies that can be monitored.³⁸

Aside from legal provisions and policies directly applicable to assemblies, public spaces and police actions, the work of assembly monitors is greatly affected by the legal framework that defines the environment for human rights defenders. Civil society actors interviewed by ODIHR have noted how existing provisions in Belarus and the Russian Federation³⁹ greatly limit the ability of assembly monitors to perform their human rights work. In Georgia, the recently introduced law “On Transparency of Foreign Influence”⁴⁰ has also significantly impacted the work of assembly monitors. This happens directly, through denial or withdrawal of registration and through burdensome administrative and reporting requirements imposed on civil society organizations — as well as indirectly — by stigmatizing human rights defenders as ‘foreign agents’ or members of ‘undesirable’ organizations.⁴¹

In Kyrgyzstan, a human rights group reported that the adoption of ‘foreign representatives’ legislation in April 2024 constituted a major obstacle to its work in general and to its assembly monitoring

³⁸ Interview with civil society representatives from Kazakhstan, 13 August 2024.

³⁹ Interviews with civil society representatives from Belarus, 26 July 2024; Georgia, 23 and 26 July 2024; and the Russian Federation, 2 August 2024.

⁴⁰ See [Urgent Opinion on the Law “On Transparency of Foreign Influence” of Georgia](#), OSCE/ODIHR, 30 May 2024.

⁴¹ See also [Resolution adopted by the Human Rights Council on 6 July 2018. 38/11. The promotion and protection of human rights in the context of peaceful protests](#), UN Human Rights Council, A/HRC/RES/38/11, 16 July 2018, p. 3, expressing concern “at the criminalization, in all parts of the world, of individuals and groups solely for having organized, taken part in or observed, monitored or recorded peaceful protests”.

in particular.⁴² The group noted that it had recently completely stopped its monitoring, despite several years of successful and well-established public assembly monitoring work.⁴³ The group took the decision because of the significant risk that assembly monitoring, and issuing recommendations about policing assemblies, might qualify as ‘political activity’ under the new legislation, leading to extra, burdensome requirements for the organization.⁴⁴ In Türkiye, threats to introduce ‘foreign agents’ legislation have reportedly had a chilling effect on human rights defenders, including assembly monitors.⁴⁵

A specific challenge mentioned in relation to some participating States is linked to the enforcement of existing laws or the adoption of new laws that ban individuals from wearing masks or covering their faces in public places. In the US, for example, old laws banning the use of masks in public places in Ohio and other US states are now being applied, or threatened to be applied, during public protests.⁴⁶ This not only raises concern about freedom of peaceful assembly more broadly,⁴⁷ but is reported to be having a chilling effect on observers (who may need to wear masks for medical reasons).⁴⁸

⁴² Interview with a civil society representative from Kyrgyzstan, 13 August 2024.

⁴³ Interview with a civil society representative from Kyrgyzstan, 13 August 2024.

⁴⁴ Interview with civil society representatives from Kyrgyzstan, 13 August 2024. For an analysis of the recently adopted legislation, see [Analysis, Law of the Kyrgyz Republic on Amendments to the Law of the Kyrgyz Republic on Non-commercial Organizations \(also known as the Law on Foreign Representatives\)](#), International Center for Not-For-Profit Law, 4 April 2024. On an earlier version of the draft law, see also [Urgent Interim Opinion on the Draft Law on Non-Profit Non-Governmental Organizations and Draft Amendments on “Foreign Representatives”](#), ODIHR, 12 December 2022.

⁴⁵ Interview with a civil society representative from Türkiye, 26 June 2024.

⁴⁶ [States Dust Off Obscure Anti-Mask Laws to Target Pro-Palestine Protesters](#), American Civil Liberties Union, 15 May 2024; interview with a civil society representative from the USA, 23 July 2024.

⁴⁷ ODIHR/Venice Commission, [Guidelines](#), para. 153.

⁴⁸ Interview with a civil society representative from the US, 23 July 2024.

Similar concerns have been raised in France, particularly in relation to protective equipment, such as helmets, goggles and masks, which assembly monitors may use during assemblies. Monitors generally consider equipment like this as necessary for their safety.⁴⁹ Reportedly, the overly broad application of provisions that allow law enforcement officials to seize dangerous objects, has led to the seizure of monitors' protective equipment, making it impossible for them to carry out their activities (given their internal rules requiring they use protective equipment).⁵⁰ In Germany, legislation restricts the wearing of masks or other forms of disguise that may prevent the identification of individuals during assemblies.⁵¹ A monitoring group in Germany noted that this legislation is one reason why assembly monitors choose not to wear protective equipment.⁵²

In conclusion, the legal framework governing the enjoyment of freedom of peaceful assembly, and the environment in which human rights defenders operate are significant determinants of the ability of assembly monitors to perform their activities. Other provisions (on wearing masks in public spaces, or on protective equipment during assemblies) have specific effects in the domains they regulate and may create additional obstacles to effective assembly monitoring.

⁴⁹ Interview with a civil society representative from France, 25 July 2024.

⁵⁰ Interview with a civil society representative from France, 25 July 2024.

On the seizure of protective equipment of assembly participants, see also [Sainte-Soline 24-26 mars 2023. Empêcher l'accès à la piscine quel qu'en soit le coût humain](#) [Sainte-Soline 24-26 March 2023. Preventing Access to the Basin, Whatever the Human Cost], Poitou-Charentes Observatory of Public Freedoms, Paris Observatory of Public Freedoms, Gironde Observatory of Public Freedoms, Observatory 93 of Police Practices, Copernic Foundation, Human Rights League, French Lawyers' Union, Toulouse Observatory of Police Practices, p. 30.

⁵¹ See for example the [Federal Law on Assemblies and Processions](#) (Section 17a), applicable in those federal states that have not passed their own legislation.

⁵² Interview with a civil society representative from Germany, 2 August 2024.

General police practice

The principle of differentiation requires law enforcement officers to differentiate between peaceful and non-peaceful participants and other actors during assemblies.⁵³ Police practice should reflect the important role of assembly monitors in documenting events, promoting transparency and accountability in police action, including through public reporting and, where applicable, in formulating recommendations on the facilitation of assemblies. Police practice should, therefore, clearly distinguish between assembly participants and monitors. The experiences of civil society organizations interviewed by ODIHR vary in this regard. They range from recognition (at least in certain circumstances) of the role of assembly monitors by law enforcement agents, to complete lack of differentiation between assembly participants and monitors.

One situation when law enforcement agents should differentiate between monitors and assembly participants is where monitors cross police cordons or police lines established during containment (so-called ‘kettling’ or ‘corralling’) or during dispersal of assemblies. In Kazakhstan, assembly monitors have reported being able to go around police cordons and move in and out of contained areas, because they are identifiable from their vests and badges.⁵⁴ While assembly monitors in Germany generally enjoy the freedom to move and observe during assemblies, they are often prevented from crossing police cordons, especially in tense situations.⁵⁵

⁵³ [Human Rights Handbook on Policing Assemblies](#), OSCE/ODIHR, 11 March 2016, p. 37.

⁵⁴ Interviews with civil society representatives from Kazakhstan, 13 August 2024.

⁵⁵ Interview with a civil society representative from Germany, 2 August 2024. See also [Stuttgart Administrative Court Decision, 5 K 2023/20](#), 10 November 2011, which held unlawful the police identification, search and video recording of an assembly monitor (and his identity document) while he was held in a contained area and after he refused to voluntarily identify himself.

During containment, however, monitors are reportedly usually able to move in and out of the contained area.⁵⁶ Monitoring groups in France and Georgia reported that, on rare occasions, monitors were allowed to cross police cordons when they identified themselves as observers.⁵⁷ However, this did not appear to be a consistent police practice during the majority of observations; in Georgia, one human rights organization reported being generally unable to cross police lines.⁵⁸ In the UK, one monitoring organization noted that observers had difficulties both in leaving and entering contained areas (entering a contained area being required for legal observers to inform others of their rights in such a situation).⁵⁹

Some civil society organizations interviewed by ODIHR appeared to face challenges in continuing their monitoring following dispersals of assemblies. In usual police practice in Germany, assembly monitors are allowed (like journalists) to remain at their location even after a dispersal order.⁶⁰ In Kyrgyzstan, before a monitoring organization stopped its observations after the adoption of the ‘foreign representatives’ legislation, assembly monitors could remain and continue their observations after dispersal orders.⁶¹ Monitors in France reported that they can often remain at the location of the assembly, even after dispersal.⁶² However, this practice is not consistent, and monitors have also reported receiving verbal threats when attempting to document events following a dispersal.⁶³ In Georgia, while police forces are reported generally to fail to differentiate between assembly participants

⁵⁶ Interview with a civil society representative from Germany, 2 August 2024.

⁵⁷ Interviews with civil society representatives from France, 25 July 2024; and Georgia, 23 July 2024.

⁵⁸ Interview with a civil society representative from Georgia, 26 July 2024.

⁵⁹ Interview with a civil society representative from the UK, 22 July 2024.

⁶⁰ Interview with a civil society representative from Germany, 2 August 2024.

⁶¹ Interview with civil society representatives from Kyrgyzstan, 13 August 2024.

⁶² Interview with a civil society representative from France, 25 July 2024.

⁶³ Interview with a civil society representative from France, 25 July 2024.

and monitors, monitoring groups often choose to remain at the location even after dispersal orders to ensure they can observe the ensuing events.⁶⁴ In Finland, a monitoring organization reported that, on some occasions, it was able to agree with the police on suitable locations from which monitors could observe assembly events, while in other situations, monitors were asked to move away, thus preventing them from observing and reporting on events.⁶⁵ In Armenia, assembly monitors reported being asked by police forces to move to different locations, often before or in conjunction with instances of use of force by the police.⁶⁶ In the USA, legal observers have reported being asked to disperse, alongside assembly participants, without differentiation between the two.⁶⁷ A civil society organization from Türkiye noted that police forces did not differentiate between assembly participants and monitors (as well as journalists), imposing significant challenges to the work of human rights monitors.⁶⁸ Similar problems are faced by journalists and human rights defenders in the Russian Federation, in particular during assemblies that are considered by the authorities as not authorized.⁶⁹

Recording video, photographic or audio material at assemblies is often an important component of monitoring activities. In participating States such as Germany, Kazakhstan, Moldova (also thanks to the enabling legal provisions discussed above), Poland and the USA, monitoring organizations reported that they are generally allowed to film and record events at assemblies.⁷⁰ While monitors

⁶⁴ Interview with a civil society representative from Georgia, 23 July 2024.

⁶⁵ Interview with civil society representatives from Finland, 25 July 2024.

⁶⁶ Interview with a civil society representative from Armenia, 22 July 2024.

⁶⁷ Interview with a civil society representative from the USA, 23 July 2024.

⁶⁸ Interview with a civil society representative from Türkiye, 26 June 2024.

⁶⁹ Interview with a civil society representative from the Russian Federation, 2 August 2024.

⁷⁰ Interviews with civil society representatives from Georgia, 23 July 2024; Kazakhstan, 13 August 2024; Germany, 2 August 2024; Moldova, 22 July 2024;

in Armenia have at times observed restrictions on the work of journalists, they have not experienced limitations to their own ability to record events.⁷¹ In France, assembly monitors can usually film or otherwise record events, although at times they reported that, in response, they faced intrusive filming by police officers, other forms of harassment (such as insulting gestures) or attempts by police officers to block the view of filming monitors.⁷² In Finland, there were reported cases of police officers obstructing the filming of assemblies by monitors.⁷³ In the UK, in a 2022 report on the experiences of legal observers, 78 per cent of respondents indicated they had often or extremely often experienced police attempts to restrict the activity or effectiveness of legal observers.⁷⁴ This has included blocking or restricting the view of observers during arrests. In the Russian Federation and Türkiye, law enforcement agents are reported to frequently seize the equipment used to record events during assemblies.⁷⁵

Forms of interference with assembly monitoring reported by organizations interviewed by ODIHR also include low-level

and the USA, 23 July 2024. As noted above, the legality of filming by assembly monitors of police officers was recognized by the Federal Constitutional Court in Germany. See [Federal Constitutional Court Judgement, 1 BvR 2501/13](#), 24 July 2015. Before they ceased their work, assembly monitors in Kyrgyzstan reported they could record video and photographic materials (interview with civil society representatives from Kyrgyzstan, 13 August 2024).

⁷¹ Interview with a civil society representative from Armenia, 22 July 2024.

⁷² Interview with a civil society representative from France, 25 July 2024.

⁷³ Interview with civil society representatives from Finland, 25 July 2024. See also [Mielenosoitustarkkailu Amnestynraportti 2023](#) [Observation of protests Amnesty Report 2023], Amnesty International Finland, 29 February 2024.

⁷⁴ [Protecting protest: Police Treatment of Legal Observers](#), Article 11 Trust, The Network for Police Monitoring (NETPOL), 2022, p. 23.

⁷⁵ Interview with civil society representatives from Türkiye, 26 June 2024; and the Russian Federation, 2 August 2024.

harassment by police officers, such as insults and verbal intimidation (in France, the UK and, on rare occasions, in Finland).⁷⁶ In the UK, a significant majority of legal observers reported experiencing harassment and intimidation by the police.⁷⁷ misogynistic comments have been reported as targeting women observers in particular⁷⁸ and 56 per cent of monitors surveyed in the UK reported having experienced gender-based discrimination by the police, from being patronized to sexually harassed or assaulted.⁷⁹ Reports that UK law enforcement agents use extensive surveillance and gather large volumes of video materials during assemblies, is also said to deter the work of observers.⁸⁰

In many OSCE participating States, police officers are required by law to be identifiable, with their names or identification numbers visible on their uniform or equipment. When applied, these provisions constitute important safeguards for ensuring the accountability of police during public assemblies and for enabling civil society and other actors to monitor their actions. Nevertheless, gaps or loopholes in the law, policy and practice reduce the impact of existing legislation on the identification of police officers.

⁷⁶ Interviews with civil society representatives from Finland, 25 July 2024; France, 25 July 2024; and the UK, 22 July 2024.

⁷⁷ Article 11 Trust, NETPOL, [Protecting protest](#), pp. 16 and ff.

⁷⁸ Interview with a civil society representative from the UK, 22 June 2024.

⁷⁹ Article 11 Trust, NETPOL, [Protecting protest](#), p. 18. Sexism and gender-based harassment by police officers (targeting women assembly participants) has also been reported in the Russian Federation. See for example, [Violations of the Right to Peaceful Assembly for Women and Girls in Russia from 2010 to 2020](#), OVD-Info, 24 July 2020; and [Russia on the Road to Freedom of Assembly: Challenges and Instruments for Change](#), OVD-Info, 15 February 2024.

⁸⁰ Interview with a civil society representative from the UK, 22 June 2024. Seventy per cent of legal observers reported having experienced intrusive surveillance, see Article 11 Trust, NETPOL, [Protecting protest](#), p. 16.

In Moldova, for example, police officers and Carabinieri,⁸¹ while normally identifiable, are reported as not showing names or identification numbers when wearing tactical uniforms.⁸² In Ukraine, the National Guard⁸³ is generally required to wear identification tags when carrying out public order tasks. Since the military attack by the Russian Federation in Ukraine and the ensuing imposition of martial law, members of the National Guard engaged in policing assemblies, including in locations away from the frontline, have not been required to wear visible forms of identification.⁸⁴

Elsewhere, police officers reportedly either do not wear or deliberately conceal their identification tags. Civil society organizations in Armenia, France and the Russian Federation highlighted this as a frequent problem, while civil society organizations in Finland, Georgia, Poland and the UK reported lack of individual identification as a common occurrence for certain police units or in certain specific circumstances.⁸⁵ It appears particularly acute for riot or special police forces deployed at assemblies; it is reported that they often wear masks and/or conceal their identification information at the same time as being more likely to use force during assemblies.

In summary, failure by the police to distinguish between assembly participants and monitors and, in some cases, deliberate harassment of assembly monitors, may present significant obstacles to assembly monitoring. These challenges can be made harder if police officers fail to wear visible identification tags. Conversely,

⁸¹ The Carabinieri are the national gendarmerie force in Moldova.

⁸² Interview with a civil society representative from Moldova, 22 July 2024.

⁸³ The National Guard is the national gendarmerie force in Ukraine.

⁸⁴ Interview with a civil society representative from Ukraine, 26 July 2024.

⁸⁵ Interviews with civil society organizations from Armenia, 22 July 2024; Finland, 25 July 2024; France, 25 July 2024; Georgia, 23 July 2024; Poland, 25 July 2024; the Russian Federation, 2 August 2024; and the UK, 22 June 2024.

police practice and tactics during assemblies can play a fundamental role in enabling the work of assembly monitors. Positive police practices, grounded in the distinction between assembly participants and monitors, can support the latter in carrying out their activities even when assembly participants face certain restrictions. Examples of promising practices mentioned by civil society interlocutors include: enabling assembly monitors to cross police cordons or to enter and exit confined or contained areas; the recognition by police forces that assembly monitors may normally continue their observation activities at the assembly location, even following a dispersal order; communication between police and assembly monitors that enables monitors to observe unfolding events from suitable locations; the facilitation of video, audio and photographic recording by monitors. Moreover, the consistent wearing of identification tags by police officers also facilitates monitoring and constitutes an additional human rights safeguard during assemblies.

Use of force by the police

Use of force by law enforcement agents during assemblies can constitute a significant barrier to the work of assembly monitors. This is particularly true when the use of force fails to distinguish between assembly participants and monitors or is otherwise unlawful, unnecessary, or disproportionate.

There are a range of circumstances in which use of force by the police may negatively impact the ability of assembly monitors to do their work. These include situations when the use of force, or the threat of it, is so frequent during assemblies that it becomes too risky for monitors to be present at assemblies. Monitoring groups from Belarus described a situation in which, since the summer of 2020, restrictions on freedom of peaceful assembly had become so intrusive, and the use of force by the police so

frequent and heavy-handed, that it was too risky for monitors to be present.⁸⁶ Ultimately, the restrictions on freedom of peaceful assembly had made it largely impossible to hold assemblies in Belarus that were critical, or perceived to be critical, of the authorities.⁸⁷ The frequent use of force by the police, and the imposition of other restrictions on freedom of peaceful assembly, have also been reported in the Russian Federation, in particular in connection with assemblies not authorized by the authorities.⁸⁸ This not only limits the ability of journalists and others to document events during assemblies, but also significantly reduces the frequency of assemblies tolerated by the authorities.⁸⁹

In a number of participating States, assembly monitors and others reporting on events during assemblies have been negatively impacted by police use of force when it was indiscriminate and failed to differentiate between monitors and participants (and/or between peaceful and non-peaceful protesters). For example, monitoring groups in Georgia reported the use of rubber baton rounds, tear gas, water cannons and pepper spray to disperse and control crowds during recent demonstrations in the country.⁹⁰ According

⁸⁶ Interview with civil society representatives from Belarus, 26 July 2024.

⁸⁷ Interview with civil society representatives from Belarus, 26 July 2024. Severe restrictions on a range of human rights, including freedom of peaceful assembly, in the run-up to the 2020 presidential election and its aftermath have been well documented. See for example, [Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath. Report of the United Nations High Commissioner for Human Rights](#), UN Human Rights Council, A/HRC/55/61, 15 March 2024.

⁸⁸ Interview with a civil society representative from the Russian Federation, 2 August 2024.

⁸⁹ See also, for example, [Situation of human rights in the Russian Federation, Report of the Special Rapporteur on the situation of human rights in the Russian Federation, Mariana Katzarova](#), UN Human Rights Council, A/HRC/54/54, 15 September 2023, paras. 75 and ff.

⁹⁰ Interviews with a civil society representative from Georgia, 23 and 26 July 2024. The alleged use of rubber bullets during these protests was widely reported by the media, albeit reportedly denied by the Deputy Interior

to these monitoring organizations, this force was often unnecessary or disproportionate and frequently not preceded by a warning. This reportedly resulted in significant risks for assembly monitors on the ground, to the extent that one monitoring group said it preferred to monitor assemblies online in the current circumstances, via live feeds and media reports.⁹¹ Two monitoring groups from Georgia interviewed by ODIHR reported that monitors were directly affected by the use of irritant agents used indiscriminately, in particular tear gas.⁹²

Some cases of use of force by police against assembly monitors were reported in France,⁹³ where monitors are usually identifiable by their special vests and equipment. In 2020, two assembly monitors were reportedly beaten by police while observing an assembly, despite being clearly identifiable as observers.⁹⁴ In 2021, a team of assembly monitors was reportedly physically assaulted by a police officer.⁹⁵ In 2023, three assembly monitors were affected by a tear gas grenade fired in their direction, resulting in slight injuries to one of the monitors and the partial combustion of the monitors' clothes. Reportedly, the grenade was directed deliberately at the place where the monitors had taken refuge, raising concerns that they were possibly being targeted by law enforcement agents.⁹⁶

Minister. See for example, [Eyewitnesses Say Georgian Police Used Rubber Bullets In Crackdown On Protesters](#), Radio Free Europe/Radio Liberty, 2 May 2024.

⁹¹ Interview with a civil society representative from Georgia, 26 July 2024.

⁹² Interviews with a civil society representative from Georgia, 23 and 26 July 2024.

⁹³ Interview with a civil society representative from France, 25 July 2024.

⁹⁴ [Statement](#), French Lawyers' Union, Paris Federation of the Human Rights League, 17 November 2020.

⁹⁵ [Statement](#), Human Rights League, Paris Observatory of Public Freedoms, French Lawyers' Union, 3 May 2021.

⁹⁶ [Communiqué: L'équipe de l'ORLIB visée par une grenade lors d'une mission d'observation. L'incident met en lumière la nécessité de protéger les](#)

In the USA, assembly monitors have reported to ODIHR being particularly affected by police use of pepper spray on protesters.⁹⁷ There were reported instances of observers being affected by the use of such irritant agents while confined in a contained area. Cases reported to ODIHR are consistent with other reports from media and human rights organizations that highlight situations in which legal observers were affected by pepper spray, tear gas and projectiles fired by police, as well as beaten with batons. Such instances were reported particularly during the 2020 Black Lives Matter demonstrations in the USA.⁹⁸ During these protests, police were reported as having “arrested, attacked, and tear gassed” legal observers in at least a dozen cities.⁹⁹ Reported cases included those of a legal observer being shot in the face with a rubber bullet, resulting in hospitalization for concussion; a legal observer shot with a high speed impact munition by police; a legal observer who suffered multiple contusions from rubber bullets; a legal observer knocked to the ground and beaten with batons before being arrested; and several legal observers beaten with batons, punched, tear gassed and then arrested while trying to record the names of arrested protesters.¹⁰⁰ Moreover, given that legal observers in the USA are reportedly clearly identifiable, incidents like these may raise concerns about the necessity and proportionality of the force used. One monitoring group reported that the risk of

[observateurs des libertés publiques](#) [Press release: ORLIB team targeted by grenade during observation mission. Incident highlights need to protect civil liberties observers], Rennes Observatory of Public Freedoms, 30 June 2023, (in French).

⁹⁷ Interview with a civil society representative from the USA, 23 July 2024.

⁹⁸ See for example, [USA: The world is watching: Mass violations by U.S. police of Black Lives Matter protesters’ rights](#), Amnesty International, 4 August 2020, pp. 48 and ff.; [Video, photo show Cleveland police pepper spraying, shooting projectiles at legal observers during George Floyd protests](#), Cleveland.com, 4 June 2020.

⁹⁹ [Police Targeting NLG Legal Observers at Black Lives Matter Protests](#), National Lawyers Guild (NLG), 7 June 2020.

¹⁰⁰ *Ibid.*

being negatively impacted by police use of force is also a significant impediment to the recruitment and retention of observers.¹⁰¹

In the UK, pushing and shoving monitors appears to be quite common, while more severe incidents of police use of force are reported as unusual.¹⁰² One monitoring group highlighted some recent cases of use of force against assembly monitors.¹⁰³ In one case, two identifiable legal observers were reportedly injured as a result of police use of force during a demonstration. They were both apparently struck with police batons.¹⁰⁴ In another case, a legal observer, also identifiable by her vest, was reportedly knocked over by running police officers, leaving her injured and unconscious on the ground.¹⁰⁵

In Germany, a monitoring group noted that there were frequent cases of monitors being affected by police use of force (notably pepper spray); that force, however, was clearly not deliberately targeted at monitors.¹⁰⁶ In Finland, assembly monitors reported that they were affected by use of force sporadically, without significant consequences for them.¹⁰⁷ ODIHR received reports from some participating States of unnecessary or disproportionate use of force affecting journalists, rather than assembly monitors. In Armenia and Türkiye, monitoring groups reported such incidents and noted that, even when assembly monitors are not directly affected by such incidents, they indicate a failure by the police

¹⁰¹ Interview with a civil society representative from the USA, 23 July 2024.

¹⁰² Article 11 Trust, NETPOL, [Protecting protest](#), pp. 16 and ff.

¹⁰³ Interview with a civil society representative from the UK, 22 July 2024.

¹⁰⁴ [Greater Manchester Police must account for police violence against legal observers](#), NETPOL, 21 February 2024.

¹⁰⁵ [Police aggression towards Gaza march observers 'on the rise' in UK as woman says officers knocked her over](#), *The Guardian*, 2 March 2024.

¹⁰⁶ Interview with a civil society representative from Germany, 2 August 2024.

¹⁰⁷ Interviews with civil society representatives from Finland, 25 July 2024; and Ukraine, 26 July 2024.

to differentiate between participants and other parties at assemblies, which may similarly impact monitors.¹⁰⁸

In BiH, Moldova and Poland, monitoring organizations did not report any instances of use of force affecting assembly monitors.¹⁰⁹

With respect to police use of force, some monitoring organizations noted differences in how women and men were affected. Monitoring organizations in Armenia, France, Georgia and the Russian Federation reported, at times, a perceived lower level of police physical violence against women assembly participants (and assembly monitors) compared to men.¹¹⁰ Women assembly monitors, conversely, may be targeted more often by verbal aggression and harassment.¹¹¹

In conclusion, unlawful, unnecessary and disproportionate use of force during the policing of assemblies (in particular when combined with a failure to differentiate between assembly participants and assembly monitors) and deliberate use of force against assembly monitors, constitute significant impediments to effective assembly monitoring. It also deters individual monitors and monitoring groups from carrying out their activities. Ensuring that force is generally not used during assemblies and, when unavoidable,

¹⁰⁸ Interviews with civil society representatives from Armenia, 22 July 2024; and Türkiye, 26 June 2024. See also (for example), [Armenian law enforcement obstruct journalists covering protest in Yerevan](#), Committee to Protect Journalists (CPJ), 5 May 2022; [Istanbul police obstruct, tear gas, shoot at reporters during May Day march in Turkey](#), CPJ, 2 May 2024.

¹⁰⁹ Interviews with civil society representatives from Moldova, 22 July 2024; and Poland, 25 July 2024; interview with staff of the OSCE Mission to BiH, 25 July 2024.

¹¹⁰ Interviews with civil society representatives from Armenia, 22 July 2024; France, 25 July 2024; Georgia, 23 July 2024; and the Russian Federation, 2 August 2024.

¹¹¹ Interview with a civil society representative from France, 25 July 2024.

is only applied according to the principles of lawfulness, necessity and proportionality, is a key precondition for establishing an environment conducive to assembly monitoring.

Detention of assembly monitors

Monitoring organizations from Armenia, BiH, Finland, Georgia, Germany, Kazakhstan, Moldova, Poland and Ukraine reported no recent cases of detentions of assembly monitors.¹¹² A monitoring organization in Finland reported occasional threats of arrest by the police, during monitoring.¹¹³ Very frequent threats of arrest were reported in the UK,¹¹⁴ where 75 per cent of the legal observers surveyed identified the implicit or explicit threat of arrest as routine.¹¹⁵

Actual detentions of assembly monitors are rarer, in the UK and elsewhere. Five percent of legal observers surveyed in the UK reported having been arrested while volunteering.¹¹⁶ In France, a very small number of cases of detention of assembly monitors were reported to ODIHR. One monitoring group reported that, in 2021, an assembly monitor was detained during a demonstration, taken to a police station and strip searched, threatened and intimidated, allegedly in connection with his use of protective equipment. Reportedly, he was later released without charge.¹¹⁷

¹¹² Interviews with civil society representatives from Armenia, 22 July 2024; Finland, 25 July 2024; Georgia, 23 and 26 July 2024; Germany, 2 August 2024; Kazakhstan, 12 August 2024; Moldova, 22 July 2024; and Poland, 25 July 2024; interview with staff of the OSCE Mission to BiH, 25 July 2024.

¹¹³ Interview with civil society representatives from Finland, 25 July 2024.

¹¹⁴ Interview with a civil society representative from the UK, 22 June 2024.

¹¹⁵ Article 11 Trust, NETPOL, [Protecting protest](#), pp. 16 and 21.

¹¹⁶ *Ibid.*, p. 16.

¹¹⁷ Interview with a civil society representative from France, 25 July 2024. See also, [Point Droit. Les Fouilles et Interpellations Preventives. «Un Casque pour Les Arrêter Tous»](#) [Point of Law. Preventive Stops and Searches.

The brief detention of an assembly monitor was reported in Kyrgyzstan in 2023. He was allegedly released without charge following the intervention of the head of the monitoring organization.¹¹⁸

Some detentions of legal observers during assemblies were reported in the USA. As is the case with use of force affecting legal observers, a number of arrests of monitors were reported during the Black Lives Matter demonstrations. Multiple legal observers in various cities in the USA were reportedly detained for monitoring protests after the start of curfews imposed by the authorities.¹¹⁹ They were then reportedly charged with offences such as disorderly conduct, resisting arrest and breaking curfew.¹²⁰ Other sporadic cases of arrests of assembly monitors have also been reported during more recent demonstrations.¹²¹

In Türkiye, while the monitoring of assemblies is not practiced systematically by human rights organizations, human rights defenders have reportedly been detained during assemblies,¹²² including during Pride events.¹²³ Detentions like these have a chilling effect on (potential) assembly monitors¹²⁴ and are reportedly part of a broader set of police tactics that raise a wide range of concerns about freedom of peaceful assembly.

«A Helmet to Arrest Them All»), Human Rights League, Paris Observatory of Public Freedoms, French Lawyers' Union, no date.

¹¹⁸ Interview with a civil society representative from Kyrgyzstan, 13 August 2024.

¹¹⁹ NLG, [Police Targeting NLG Legal Observers at Black Lives Matter Protests](#), 7 June 2020.

¹²⁰ *Ibid.*

¹²¹ Interview with a civil society representative from the USA, 23 July 2024; [NLG Condemns Atlanta Arrests on March 5](#), NLG, 7 March 2023.

¹²² Interview with a civil society representative from Türkiye, 26 June 2024.

¹²³ See for example, [Turkey: Mass Detentions at Pride Marches](#), Human Rights Watch, 27 June 2023.

¹²⁴ Interview with a civil society representative from Türkiye, 26 June 2024.

As noted above, in Belarus and the Russian Federation in recent years, human rights organizations have reported increasing and severe restrictions on the enjoyment of freedom of peaceful assembly. These restrictions have been imposed, inter alia, through the detention of peaceful protesters and journalists during assemblies. The significant risk of detention, and of subsequent administrative or criminal charges in connection with participation in peaceful assemblies, is one important factor reportedly reducing the size, frequency and duration of assemblies tolerated by the authorities.¹²⁵ This risk also makes it impossible, or extremely challenging, for human rights organizations to monitor assemblies.

In summary, as with the use of force by police, the detention of assembly monitors, either from direct targeting or from the failure to differentiate between assembly monitors and other actors, creates significant obstacles for civil society organizations in their monitoring work and deters both individuals and organizations from monitoring assemblies. Assembly monitors should not be subjected to arbitrary arrests or unlawful detention in the context of their work and, as emphasized in the Guidelines, law enforcement agencies should, in principle, avoid mass arrests, which are frequently considered to be arbitrary under international human rights law and contrary to the presumption of innocence.¹²⁶

¹²⁵ Interviews with civil society representatives from Belarus, 26 July 2024; and the Russian Federation, 2 August 2024.

¹²⁶ ODIHR/Venice Commission, [Guidelines](#), para. 218.

IV.

Other obstacles and enablers for monitoring assemblies in practice

Interaction with and violence by assembly participants

Some monitoring groups are invited to observe by assembly organizers and/or engage with them as part of their observation activities. In most cases, monitoring groups did not report any significant challenges in relation to their interaction with assembly participants, even in the presence of opposing demonstration and counter-demonstrations. In some cases, monitoring groups reported that they took measures to manage the risks to their monitors when observing assemblies from groups who might be hostile to the work of human rights or assembly monitors. This was generally reported as being sufficient to address any challenges.

A human rights organization from Kyrgyzstan reported a passive attitude and lack of response by the police during attacks by violent counter-protesters against peaceful demonstrators which, in one case, also affected one assembly monitor. This was noted as a challenge for monitors and, more broadly, for the enjoyment of freedom of peaceful assembly.¹²⁷

Engagement and cooperation with the authorities

A number of civil society organizations interviewed by ODIHR noted that they do not usually inform the authorities of their intention to monitor assemblies. Reasons cited include the risk that informing the authorities may undermine trust between monitors and assembly organizers and participants, the fact that the authorities do not differentiate between monitors and participants (thus rendering prior coordination useless), a preference to carry out monitoring unannounced to render it more effective, or

¹²⁷ Interview with civil society representatives from Kyrgyzstan, 13 August 2024.

simply the lack of an identified need to inform the authorities of monitoring plans.

Some monitoring organizations inform the competent authorities at the inception of a series of monitoring missions¹²⁸ or more regularly (for example, before all, or most, monitoring deployments).¹²⁹ In some cases, assembly monitors introduce themselves to police commanders on the ground at the beginning of assemblies.¹³⁰ A Ukrainian human rights organization noted that, while it normally monitors assemblies unannounced, on occasion it participates in meetings with the authorities before more complex or challenging assemblies.¹³¹ A monitoring organization from Kazakhstan highlighted that it frequently notifies the national and regional police bodies, as well as city authorities about its monitoring plans in advance of assemblies.¹³² Belarusian human rights defenders noted that, until they were forced to stop their monitoring operations in August 2020, they regularly informed the authorities of their monitoring plans.¹³³

Where monitoring organizations choose to inform the authorities before their observations, this often does not result in a specific response (beyond the occasional, simple acknowledgment). One human rights organization in Poland reported that, police authorities sometimes replied with an offer of assistance following

¹²⁸ Interview with a civil society representative from Moldova, 22 July 2024.

¹²⁹ Interviews with civil society representatives from Finland, 25 July 2024; Kazakhstan, 12 August 2024; and Poland, 25 July 2024; interview with staff of the OSCE Mission to BiH, 25 July 2024.

¹³⁰ Interview with a civil society representative from France, 25 July 2024. Before they ceased their work, assembly monitors in Kyrgyzstan reported they would regularly introduce themselves to the police commander on the ground (interview with civil society representatives from Kyrgyzstan, 13 August 2024).

¹³¹ Interview with a civil society representative from Ukraine, 26 July 2024.

¹³² Interview with civil society representatives from Kazakhstan, 12 August 2024.

¹³³ Interview with civil society representatives from Belarus, 26 July 2024.

notification of planned monitoring.¹³⁴ In Kazakhstan, a monitoring group reported that, in recent years, its notifications about monitoring plans were followed by positive responses from the competent authorities. This regular communication has reportedly contributed to the growing recognition of the role of monitors during assemblies in recent years.¹³⁵ Belarusian human rights organizations reported that their prior notification of their intention to monitor assemblies — when such activities were still feasible — may have made it less likely that the police would detain monitors during or after assemblies.¹³⁶ Conversely in France, attempts by a monitoring team to introduce themselves to the law enforcement commanders on the ground were reportedly met at times with the immediate seizure of the monitors' protective equipment.¹³⁷ This made it impossible for the monitoring team to observe assemblies as planned.

Many monitoring organizations interviewed by ODIHR stated that they use their monitoring findings to formulate recommendations on improving police practices during assemblies and, when possible, to engage with the authorities. Monitoring can also generate evidence for use in court proceedings and as a deterrent against police misconduct.

Of those organizations that choose to engage with the authorities on their monitoring findings, some reported a genuine, regular dialogue between monitoring groups, police and other state authorities, while others obtained more limited or zero response. In Moldova, the authorities have reportedly acknowledged that assembly monitoring and the ensuing recommendations have contributed to

¹³⁴ Interview with a civil society representative from Poland, 25 July 2024.

¹³⁵ Interview with civil society representatives from Kazakhstan, 12 August 2024.

¹³⁶ Interview with civil society representatives from Belarus, 26 July 2024.

¹³⁷ Interview with a civil society representative from France, 25 July 2024.

evolving police practice.¹³⁸ In Ukraine, certain elements of the police structure (e.g., the dialogue police) have reportedly been more open and receptive to monitoring recommendations.¹³⁹ In Finland, meetings are regularly held to exchange views on monitoring findings (although doubts were raised about whether these meetings actually led to improvements in the policing of assemblies).¹⁴⁰ In Germany and Kazakhstan, even in the absence of regular dialogue between police and monitoring groups, some improvements in police practice, or changes in police training, were noted.¹⁴¹ These may be due to the implementation of recommendations from monitoring groups. The OSCE Mission to BiH reported that there is positive dialogue with the local authorities on freedom of peaceful assembly, especially before complex and potentially contentious assemblies, also grounded in the assembly monitoring the Mission performs.¹⁴² The monitoring findings are used, in particular, during the Mission's training for the authorities.

Communication and engagement with the authorities before, during and after monitoring should be entirely voluntary, based on the overall approach and case-by-case considerations of monitoring teams and organizations. Where groups or individuals choose to communicate and engage with the authorities before (or during) assembly monitoring, this should be taken as an opportunity to facilitate and enable their work. For example, it may mean that the police officers facilitating assemblies are more aware and better

¹³⁸ Interview with a civil society representative from Moldova, 22 July 2024.

¹³⁹ Interview with a civil society representative from Ukraine, 26 July 2024.

The dialogue police are made up of specialized units focusing on de-escalation and communication during public events.

¹⁴⁰ Interview with civil society representatives from Finland, 25 July 2024.

¹⁴¹ Interview with civil society representatives from Germany, 2 August 2024; and Kazakhstan, 12 August 2024. It should be noted that the absence of regular dialogue between the monitoring group in Germany interviewed by ODIHR and police authorities is the result of a deliberate choice of the monitoring group.

¹⁴² Interview with staff of the OSCE Mission to BiH, 25 July 2024.

prepared to enable the work of monitors as well as possible. It should not lead to the imposition of any undue restrictions on their work, such as seizing their equipment, protective or otherwise.

When monitors make reports of their observation findings, these can be the basis for dialogue about how well the state is meeting its obligations to respect, protect and facilitate freedom of peaceful assembly.¹⁴³ Monitoring groups may be open to discussing their recommendations with police and other state authorities. In this case, the authorities should seek opportunities for regular and meaningful dialogue with monitoring organizations, with a view to improving how they facilitate peaceful assemblies.

Public perception of assembly monitors

Public perception and media portrayal of assembly monitors varies significantly across participating States. In some cases, the work of assembly monitors is acknowledged and mentioned in media reports, generally with neutral and factual coverage. Some monitoring groups have also highlighted instances where the media has played a role in amplifying their messages on issues such as police violence or freedom of peaceful assembly.

In other contexts, including those in which media freedoms are significantly restricted online and offline, media reporting on the work of assembly monitors is minimal or absent. For example, a human rights organization working in the Russian Federation highlighted that reporting on the domestic human rights situation has virtually disappeared from official media since the 2022 military attack by the Russian Federation in Ukraine. This has made it increasingly challenging for human rights groups to rely on the media to spread their messages, including on issues related to

¹⁴³ ODIHR/Venice Commission, [Guidelines](#), para. 212.

the freedom of peaceful assembly.¹⁴⁴ A monitoring organization in Kazakhstan reported the complete absence of media coverage of its assembly monitoring work.¹⁴⁵

In some participating States, the work of assembly monitors and of human rights organizations more broadly has been the target of significant negative media attention. In Belarus, monitoring organizations reported a sustained campaign in 2021, aimed at discrediting civil society and portraying their activities as being influenced by foreign entities.¹⁴⁶ This campaign has reportedly become less intense recently, likely due to the discontinuation of the work of monitoring and human rights groups in the country.

In Türkiye, the mainstream media are reported as often portraying human rights defenders in a negative light, aligning them with undesirable elements, such as ‘extremist’ organizations.¹⁴⁷ This negative depiction shapes public understanding and can undermine the legitimacy of assembly monitors in the eyes of the public. In Kyrgyzstan, a human rights organization engaged in assembly monitoring has reported to ODIHR attempts to discredit its work in the media, as well as similar efforts to discredit the work of other civil society organizations.¹⁴⁸

In summary, while some monitoring groups benefit from neutral or supportive media coverage, others face challenges from the stigmatization or discreditation of human rights defenders more broadly.

¹⁴⁴ Interview with a civil society representative from the Russian Federation, 2 August 2024.

¹⁴⁵ Interview with civil society representatives from Kazakhstan, 12 August 2024.

¹⁴⁶ Interview with civil society representatives from Belarus, 26 July 2024.

¹⁴⁷ Interview with a civil society representative from Türkiye, 26 June 2024.

¹⁴⁸ Interview with a civil society representative from Kyrgyzstan, 13 August 2024.

Monitoring public assemblies by civil society actors is an increasingly well-established practice, whose importance is recognized by a number of participating States. The preparation of this report has underlined the key role played by assembly monitors in protecting human rights in the context of public assemblies. Some monitoring groups interviewed by ODIHR also stressed how their work has contributed in various ways to the improvement of police practice during assemblies.

The legal and practical recognition of monitors during assemblies varies across jurisdictions. In some contexts, legal provisions afford specific protections to some of the activities carried out by monitors. In many cases, the monitors' legal position is determined by the broader legal and policy framework relevant to freedom of peaceful assembly, the policing of assemblies, and the overall environment in which civil society and human rights defenders operate. The recognition of monitors by police forces in practice is also significantly influenced by the law enforcement bodies' degree of awareness, acceptance and, at times, established and regular communication with monitoring groups.

Where in law, policy or practice the authorities acknowledge and respect the specific roles and functions of assembly monitors, this recognition serves as a significant enabler for their work. Conversely, environments that restrict the enjoyment of fundamental freedoms and the activities of human rights defenders, create substantial barriers to the work of assembly monitors. Impediments may arise from restrictions on freedom of peaceful assembly and from restrictions imposed on human rights defenders (for example in the form of 'foreign agent' or similar legislation). In some cases, new legislation and policies that impose severe limitations on the activities of human rights defenders have led to the discontinuation of assembly monitoring efforts.

Interaction between police and assembly monitors is another critical area highlighted by virtually all monitoring groups interviewed by ODIHR. In some situations, law enforcement agencies are reported to facilitate or enable the monitors' work, imposing no or minimal restrictions on their activities. In other contexts, monitors face substantial barriers, including physical restrictions that prevent them from accessing key areas or monitoring events after dispersal orders. Additionally, there are reports of limitations on monitors' ability to record events, alongside instances of police harassment, use of force and detentions, all of which have negatively impacted the work of assembly monitors. Notably, most cases of detention and use of force reported to ODIHR appear to result from indiscriminate police tactics that fail to distinguish between monitors and assembly participants. The application of the principle of differentiation in the policing of assemblies, along with police use of force that is limited to the minimum extent necessary and adheres to the principle of legality and proportionality, are crucial factors that enable the effective work of assembly monitors.

In addition to their interactions with law enforcement, the work of assembly monitors is shaped by their engagement and dialogue with assembly participants and state authorities, as well as by the broader public perception of their work. The vast majority of monitoring groups report positive or neutral interactions with assembly participants or organizers, with only rare instances of hostility or threats. The potential for productive dialogue and engagement with the authorities was noted by some monitoring groups as an important aspect enabling their work. Where monitoring organizations have chosen to and succeeded in establishing communication channels with law enforcement and other state bodies, this has often led to improvements in the operational environment for monitors, including better recognition of their role and, sometimes, adjustments to police practices. Such engagement, when voluntarily chosen by monitoring groups and enabled by a constructive

response from police and other state bodies, can facilitate a more collaborative approach, ultimately contributing to the protection of human rights and the promotion of peaceful assembly. Regrettably, some monitoring organizations reported that their attempts to reach out to state bodies to discuss their monitoring work and recommendations received no or only a limited response.

Finally, public and media perceptions of assembly monitors vary. In some contexts, the media offer supportive coverage and opportunities to convey messages and recommendations from monitoring groups. In other situations, the media engage in negative portrayals that seek to discredit or stigmatize human rights defenders, including assembly monitors. In such scenarios, assembly monitors and their organizations face additional threats which limit their work and may act as deterrents to the recruitment and retention of assembly monitors.

Key recommendations

In order to address some of the challenges experienced by assembly monitoring groups and individuals, and to establish an enabling environment for their work, the following key recommendations to participating States are presented.

- As part of the legal framework on freedom of peaceful assembly, in line with OSCE commitments and other international human rights standards, consider adopting legislation that recognizes the status of assembly monitors, protects their rights to carry out assembly monitoring unimpeded and provides for the obligation on state bodies to facilitate their activities.
- Where no legislation on the status of assembly monitors exists, provide clear policy guidance to police and other state authorities (for example in the form of police standard operating

procedures), which recognizes the role of assembly monitors and protects their rights to carry out assembly monitoring unimpeded and provides for the obligation on state bodies to facilitate their activities.

- Ensure that the recognition and protections afforded to assembly monitors in law, policy and practice are not conditional upon any state-granted ‘accreditation’ or similar status, and that they are afforded irrespective of whether an assembly has complied with the requisite notification or other legal requirements, or whether it is peaceful or not.¹⁴⁹
- Review the domestic legal framework and practice relevant to human rights defenders, including assembly monitors and their activities, for its compliance with international human rights standards, amending or repealing any legislation that imposes undue restrictions on their activities. The review should cover ‘foreign agent’ and similar legislation, where this exists.
- Ensure that state institutions and officials refrain from engaging in smear campaigns, negative portrayals or the stigmatization (including based on gender or perceived sexual orientation) of human rights defenders, including assembly monitors and their work.¹⁵⁰
- Ensure that all police officers during assemblies are trained on and are aware of the role of assembly monitors and of their

¹⁴⁹ ODIHR/Venice Commission, [Guidelines](#), para 207. UN Human Rights Committee, [General comment No. 37 \(2020\)](#), para. 30. See also, [Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests](#). Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, UN Human Rights Council, A/HRC/55/60, 31 January 2024, para. 67.

¹⁵⁰ ODIHR, [Guidelines on the Protection of Human Rights Defenders](#), para. 37.

rights and protections, including as part of their training on human rights and gender sensitivity.

- Engage proactively with assembly monitors by notifying them of anticipated assemblies and exchanging information before, during and after assemblies, including for the purposes of reporting any undue restrictions or violations that occurred.¹⁵¹ Communication and engagement with the authorities should be voluntary and in no way considered a requirement for any ‘accreditation’ process or similar scheme for granting full protection to the rights of assembly monitors.
- Ensure that law enforcement officials on the ground are aware of the presence and role of monitors, providing monitoring groups access to data and information, considering and responding to monitors’ reports and recommendations after assemblies,¹⁵² and engaging in constructive dialogue when this is sought by monitoring organizations.
- Ensure that force is not used during assemblies as a general rule. When unavoidable, it should be applied strictly following the principles of lawfulness, necessity and proportionality. Police use of force and other interventions should differentiate between assembly participants and monitors, ensuring, in particular, that monitors are not affected by any use of force.
- Refrain from mass arrests during assemblies and ensure that assembly monitors are not subjected to arbitrary arrest or unlawful detention in the context of their activities.

¹⁵¹ UN Human Rights Council, [Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests](#), para. 67.

¹⁵² UN Human Rights Council, [Joint report on the rights to freedom of peaceful assembly](#), para. 72.

- Ensure that assembly monitors can operate in the context of assemblies free of any form of harassment, threats (including threat of arrest) and intimidation, including based on their gender or perceived sexual orientation.

- Ensure that any existing or future legislation that imposes restrictions on the use of masks and face coverings does not impose blanket or routine prohibitions on the wearing of masks and face-coverings during assemblies,¹⁵³ and that any such legislation is not used to impose undue restrictions on the legitimate work of assembly monitors, for example, by prohibiting their use of protective equipment or masks required for medical reasons.

- Ensure that, as a rule, dispersal orders directed at assembly participants do not oblige monitors to leave the area, unless (exceptionally) their personal safety is endangered or their continued physical presence will significantly hinder or obstruct law enforcement officers in doing their work.¹⁵⁴ In such cases, monitors should be given clear instructions and sufficient time to disperse and should be directed to a safe location from which they can continue to observe the event.¹⁵⁵

- Ensure that assembly monitors, using audio and video digital devices, can record events at assemblies, including the actions of law enforcement officials. Monitors should only be required to surrender digitally recorded images to law enforcement agencies if this is set out in a court order.¹⁵⁶

¹⁵³ ODIHR/Venice Commission, [Guidelines](#), para 153.

¹⁵⁴ *Ibid.*, para. 208.

¹⁵⁵ *Ibid.*

¹⁵⁶ ODIHR/Venice Commission, [Guidelines](#), para. 211.

V. CONCLUSIONS AND KEY RECOMMENDATIONS

- Ensure that recordings of events at assemblies are permitted as evidence in disciplinary, administrative or criminal proceedings,¹⁵⁷ in particular to ensure accountability for any violations committed by law enforcement officials.
- Ensure that, as a rule, assembly monitors can cross police lines and move freely, including inside and outside contained areas, unless (exceptionally) their personal safety is endangered.
- Ensure that assembly monitors are protected during assemblies from violence (including gender-based violence), harm or any attempts to interfere with their activities by assembly participants, counter-demonstrators or other third parties.
- Ensure that, in law and in practice, all law enforcement personnel, including anti-riot and special police, visibly display some form of identification on their uniform and/or headgear during assemblies¹⁵⁸ as a way to facilitate the monitoring of law enforcement agents' actions.

¹⁵⁷ UN Human Rights Council, [Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests](#), para. 67.

¹⁵⁸ ODIHR/Venice Commission, [Guidelines](#), para. 159; UN Human Rights Committee, [General comment No. 37 \(2020\)](#), para. 89.

