



## **Civil Society Forum on Freedom of Assembly and Association**

**7 November 2012, Hofburg, Vienna**

**FINAL REPORT**

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## **I. EXECUTIVE SUMMARY**

With the support of the OSCE/ODIHR, the Irish OSCE Chair-in-Office organized a Supplementary Human Dimension Meeting on 8-9 November 2012 in Vienna on freedom of peaceful assembly and association. Prior to this event, the OSCE/ODIHR and the Irish Chairmanship organized a one-day Civil Society Forum on 7 November 2012. The two working sessions at the Forum reflected the topical working sessions at the SHDM by focusing on “Freedom of Association in the OSCE region: challenges and opportunities and the role of new technologies” and “Freedom of Assembly in the OSCE region: facing new challenges and examining options for dialogue and the role of new technologies”. The key points of discussion and recommendations formulated during the working sessions were presented at the respective sessions of the SHDM.

The Civil Society Forum was open to all civil society participants who had registered for the Supplementary Human Dimension Meeting, and united more than 70 civil society participants from across the OSCE region and the Mediterranean Partners for Co-operation.

## **II. SYNOPSIS OF THE SESSIONS AND RECOMMENDATIONS**

This section summarizes the discussions which took place during the opening session and the two thematic sessions and presents recommendations made by participants. The recommendations were directed towards a variety of actors, in particular: OSCE participating States, OSCE institutions and field operations, civil society actors and representatives of international organizations. They were presented at the three topical sessions of the Supplementary Human Dimension Meeting.

These recommendations have no official status and are not based on consensus. The inclusion of a recommendation in this report does not suggest that it reflects the views or policies of the OSCE. Nevertheless, these recommendations serve as useful indicators for the OSCE to reflect on how participating States are meeting their commitments related to freedom of peaceful assembly and freedom of association and their views on OSCE/ODIHR’s activities in this area.

### **OPENING SESSION**

The Forum was opened by Ambassador Eoin O’Leary representing the Chairmanship-in-Office, who stressed that freedom to assemble peacefully and to associate freely are both clearly enshrined in a number of human rights instruments, but the enjoyment of both of these rights is still being unduly limited due to overly restrictive legislation and practice. At the same time, new technologies have greatly changed the context in which these two freedoms are being exercised. The representative of the Chairmanship-in-Office also referred to the Dublin Conference on Internet Freedom held in June 2012 that aimed at discussing the application of existing OSCE commitments to the Internet and explored

current challenges to the enjoyment of fundamental rights in this context, including to freedom of expression.

In her opening speech, Ms. Snježana Bokulić, the Head of ODIHR's Human Rights Department, stressed that the Civil Society Forum provided a platform for civil society participants from the OSCE participating States and the OSCE Mediterranean Partners for Co-operation to identify common challenges, share good practices, and submit concrete recommendations to OSCE participating States and OSCE institutions on the topics under discussion, namely freedom of peaceful assembly and association. Ms. Bokulić also underlined that in the OSCE, NGOs form an integral component of the comprehensive concept of security and that participating States have committed to create an environment in which individuals can exercise their right to association, and in which freedom of peaceful assembly is guaranteed so that individuals and groups can gather and express their common views publicly. She further noted that these fundamental freedoms are essential for civil society to function properly, and constitute core elements of a democracy.

Following this speech, a short video was shown to illustrate ODIHR activities related to freedom of peaceful assembly, namely ODIHR's legislative assistance to participating States, its assembly monitoring work and capacity building projects focusing on improving the monitoring and reporting skills of NGOs. The video also presented the work of ODIHR's Panel of Experts on Freedom of Peaceful Assembly and the main tools ODIHR has developed for policymakers, legislators, and civil society, such as the ODIHR – Venice Commission Guidelines on Freedom of Peaceful Assembly and ODIHR's Handbook on Monitoring of Peaceful Assembly.

The keynote speaker, Mr. Yuri Dzhiblادze, President of the Center for the Development of Democracy and Human Rights from the Russian Federation, expressed his hope that the Forum discussions would enable civil society representatives to elaborate specific recommendations to the upcoming Supplementary Human Dimension Meeting. He further hoped that it would help develop advocacy strategies aimed at promoting effective implementation of the freedom of peaceful assembly and freedom of association in the OSCE region. Mr. Dzhiblادze stressed the paramount importance of these two freedoms for the effective exercise of many other civil, political, economic, social, and cultural rights, as they play a key role in this spectrum and along with freedom of expression, constitute a triangle of "vital freedoms" essential for the emergence and functioning of an effective democratic system. They thus serve as a channel for public participation and pluralism, also ensuring that minority or dissenting views or beliefs are equally expressed and respected.

Mr. Dzhiblادze noted that neither the freedom of peaceful assembly nor the freedom of association are fully enjoyed in the OSCE region and that, especially over the last two years, the situation has worsened due to legal restrictions and repressive practices. Examples raised in relation to freedom of association included difficulties in registering associations, restrictions imposed on and harassment of NGOs receiving foreign funding, and discrimination faced by NGOs advocating for minority rights, especially the rights of the LGBT community. With regard to freedom of peaceful assembly, problems include undue restrictions imposed by state authorities across the OSCE region, the use of excessive police force and preventive detention against protesters and no proper

negotiation processes between assembly organizers and state representatives on an equal footing. In this context, many governments, both established democracies and countries in transition, appeared to share more and more “worst practices” rather than best practices.

The keynote speaker also hailed ODIHR’s work in the field of freedom of assembly and called on ODIHR to compile Guidelines on Freedom of Association, similar to the ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly.

## **SESSION 1: Freedom of Association in the OSCE region: challenges and opportunities and the role of new technologies**

### ***Moderator:***

Mr. Almaz Esengeldiev, Deputy Director, Freedom House, Kyrgyz Republic

### ***Introducer:***

Ms. Diana-Olivia Hatneanu, Executive Director, Association for the Defence of Human Rights – Helsinki Committee, Romania

In her speech, Ms. Diana-Olivia Hatneanu mentioned that most of the recommendations on freedom of association developed at the 2007 SHDM on this topic are still valid today. However, some of the current challenges could be tackled through new technologies. For instance, a number of bureaucratic obstacles often prevent registration, which could be effected much easier and faster if done online. At the same time, state or alternative funding for democracy and human rights watchdog organizations is often almost non-existent, especially in EU countries. Establishing systems of online donations and creating tax incentives may help NGOs generate sufficient income to fund their activities.

Also, new technologies could help build confidence between authorities and NGOs, for e.g. through the online publication of draft government decisions and providing civil society with the opportunity to provide input and make recommendations electronically. Moreover, while new technologies provide possibilities to facilitate the exercise of certain human rights and can enhance the transparency of a state on one hand, it was noted that these technologies may pose certain threats to freedoms on the other. For example, such technologies could be misused in order to conduct inappropriate monitoring of NGO activities, collect and retain personal data on individuals or temporarily impede the work of organizations by closing down their websites. Control over the Internet could likewise mean limitations to the exercise of the freedoms of assembly and association, so that proper mechanisms to monitor and secure the implementation of these rights are urgently needed. One such mechanism could focus on safeguarding adequate implementation of respective ECtHR judgments by States; another possible mechanism could be the establishment of an international monitoring group looking into freedoms of assembly, association and expression.

At the beginning of the discussions in this working session, an EU representative reiterated the EU’s main principles on freedom of association, and called on OSCE

participating States to respect these principles. Furthermore, the EU representative informed participants about a draft Ministerial Council decision on freedom of assembly and association, which was being prepared prior to the Dublin Ministerial Council on the initiative of the EU.

During discussions, participants mentioned electronic surveillance as a method of State control, often used as an intelligence measure against "extremists"; such measures could affect the legitimate work of NGOs. In some countries, it has become a practice to use personal data submitted by founders of associations during the registration process, for such purposes.

Participants underlined serious challenges to the freedom of association that persist across the whole OSCE region. In some cases, NGO registration was refused due to the use of certain "banned" words in the organizations' names, or it was more complicated and time-consuming to register an association than a private company. In some participating States, unregistered associations face repression by public authorities. Associations were at times treated as "enemies" of the authorities, who were unable or not willing to see the difference between politics and advocacy, and who did not acknowledge the legitimacy of the work of NGOs in attempting to promote policy changes. The real or perceived use of government agents as "agents provocateurs" created an atmosphere of fear that also contributed to a chilling effect on potential members of associations.

Moreover, participants noted that hidden threats to freedom of association could be found in legislation that was not directly linked to the regulation of NGOs, for instance in tax legislation. Also, associations representing vulnerable or marginalised groups, such as minority communities or religious associations, could face more impediments when attempting to register. OSCE participating States were called upon to take into account the diversity of NGOs functioning across the OSCE region. Instances were reported in which activities of NGOs, in particular of those receiving foreign funding, were, merely for this reason, deliberately politicized and declared hostile by authorities. In some States, prior state authorisation is required in order to obtain funding from abroad. Also for this reason, it was noted that State funding should not be the only source of funding of NGO activities.

It was stressed that in addition to the existence of legal and practical restrictions, attention should be paid to States' justification for the purpose and necessity of restrictions on the freedom of association. For instance, national security (often cited in connection with the struggle against extremism and terrorism) is a term that is often overused and interpreted too broadly, even though both the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR) provide that this and other grounds for limiting the exercise of rights should be interpreted in a restrictive manner. Participants stated that there was a pressing need to adopt a more specific interpretation of national security, similar to the one provided in the Siracusa Principles

on the Limitation and Derogation of Provisions in the International Covenant on Civil and Political Rights.<sup>1</sup>

### **Recommendations concerning Freedom of Association**

Recognizing that civil society faces continuing challenges in fully realizing the right to freedom of association, including:

- Burdensome mandatory registration procedures;
- Intimidation of certain associations, e.g. unregistered associations, or associations receiving foreign funding;
- Discrimination of associations representing minority or marginalized groups;
- Limited means of funding to ensure sustainability;

### **Participants of the Civil Society Forum recommended to OSCE Participating States to:**

- Develop effective mechanisms to monitor and safeguard compliance of the existing regulations in the sphere of public organizations with the respective international standards pertaining to freedom of association;
- Avoid a broad margin of interpretation while imposing restrictions on freedom of association in order to protect national security;
- Establish and maintain a sustainable dialogue between the authorities and the civil society;
- Refrain from requiring associations to register and making this a pre-condition for their activities; instead, registration of associations should be undertaken on a voluntary basis and should be of a technical nature;
- Ensure that registration of non-governmental organizations is not an unduly complicated and cumbersome process and is facilitated on equal footing with the registration of other legal entities;
- Undertake measures aimed at simplifying registration procedures for non-governmental organisations, also by introducing electronic registration procedures;
- Ensure that the registration of non-governmental organisations is provided without discrimination, regardless of the association in question, including

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<sup>1</sup> United Nations, Economic and Social Council, U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities, Siracusa Principles on the Limitation and Derogation of Provisions in the International Covenant on Civil and Political Rights, Annex, UN Doc E/CN.4/1984/4 (1984).

on the grounds of sexual orientation, religious or other beliefs, types of activities, sources of funding or any other circumstances;

- Create a solid legal framework to provide sustainability for both the activities of NGOs and their institutional capacity by facilitating fund-raising, including through tax exemptions and benefits;
- Avoid creating obstacles for non-governmental organizations to receive financial support from international organizations, or using such support as an excuse to curtail activities of certain non-governmental organizations operating in the country;
- Refrain from imposing pressure on non-governmental organizations through the use and threat of disclosure of personal data that may be gathered directly by authorities during the registration process; States should only collect data relevant to the registration procedure and such data should be protected in accordance with relevant international standards;
- Acknowledge the difference between political and policy work and avoid pursuing a policy of deliberate “politicization” of the activities of non-governmental organizations, and of criticizing their public advocacy work as “political activities”;
- Acknowledge and allow for the activities of human rights defenders, including their participation in public policy analyses and decision making processes;
- Ensure that access to information held by the government is not limited, as this could have a negative impact on the activities of non-governmental organizations;
- Ensure that the dissolution of associations is a measure of last resort, and that such measures may only be imposed following a fair trial; no formalistic or blanket justification should be used to suspend or terminate activities of associations.

**To the OSCE and its structures, participants recommended that:**

- OSCE/ODIHR should set up a core group of experts and develop Guidelines on Freedom of Association, similar to the existing ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly;
- OSCE/ODIHR should develop an index on freedom of association and follow up on progress achieved in this area across the OSCE region;
- OSCE/ODIHR should set up an effective and efficient mechanism to monitor the implementation of recommendations on freedom of association that have been articulated during the annual Human Dimension Implementation Meeting and respective Supplementary Human Dimension Meetings;



- OSCE/ODIHR should draw the attention of OSCE Participating States to cases where the use of special agent provocateurs obstructed legitimate activities of associations, and urge them to minimize the use of such practices;
- OSCE/ODIHR should draw the attention of the OSCE participating States to pitfalls identified in enacted legislation that do not directly regulate associations and that may prove obstructive to the activities of non-governmental organisations;
- OSCE/ODIHR should continue to put pressure on relevant OSCE participating States with the ultimate goal of deterring them from intensifying restrictive state policy towards non-governmental organizations;
- OSCE/ODIHR should call upon OSCE Participating States to provide for effective safeguards securing adequate protection of the right to freedom of association for various vulnerable groups, including political parties, minorities, religious communities, trade unions, and others;
- OSCE/ODIHR should consider the possibility of creating a special mandate and introduce the position of an OSCE representative on freedoms of assembly and association;
- OSCE/ODIHR should express serious concerns regarding existing practices of conducting electronic/digital surveillance and gaining access to information on non-governmental organizations and their members without requisite court rulings;
- OSCE/ODIHR should draw attention to existing practices on restricting access to information and creating obstacles to the effective exercise of the right to public information by public officials, thereby impeding activities of non-governmental organisations;

**Finally, to all participants of the Civil Society Forum, participants recommended that:**

- Non-governmental organizations should develop and maintain cooperation at a regional level;
  - Non-governmental organizations should adhere to the principles of maximum transparency to avoid manipulative pressure by the state agencies;
  - Non-governmental organizations should continue to turn to courts against State practices that restrict freedom of association in a way that is in breach of international norms and standards.
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## **SESSION 2: Freedom of Assembly in the OSCE region: facing new challenges and examining options for dialogue and the role of new technologies**

### ***Moderator:***

Professor Michael Hamilton, Secretary of the ODIHR Panel of Experts on Freedom of Peaceful Assembly, Senior Lecturer, University of East Anglia, United Kingdom

### ***Introducer:***

Professor Sarah Knuckey, Adjunct Professor and Director of the Project on Extrajudicial Executions and the Initiative on Human Rights Fact-Finding at the Center for Human Rights and Global Justice, New York University, United States

In her introductory speech, Professor Sarah Knuckey touched upon the role of new technologies in organizing and mobilizing assemblies, specifically on how social media is used to organize assemblies, to communicate during the event, to increase external participation and knowledge-sharing about the event as well as to follow up on police activities. At the same time, she raised the question of equal access to such new technologies and knowledge of their use by all parts of society.

Human rights activists often use social media to monitor, record and publicize human rights violations in a quick and direct manner; there is often such a flood of information that filtering and categorizing such information can be a challenge. On the other hand, social media can also be misused by authorities to restrict or prevent assemblies, gather intelligence and generate intelligence-related responses to protests, create profiles of organizers or leaders of movements. Additionally, Professor Knuckey reiterated that other forms of restrictions of freedom of assembly are likewise being applied by public authorities, including excessive police force against participants, impeding the work of monitors and journalists, using pervasive surveillance practices, and conducting violent raids of encampments. She also mentioned unjustified closure of public space, kettling, unjustified dispersal of peaceful assemblies as well as lack of transparency related to state policies and a lack of accountability and liability on the side of public authorities.

Some participants stressed that any peaceful assembly should take place without the necessity to gain permission from the authorities and that this principle should be introduced not only *de jure*, but also *de facto*, through the review of laws and practices of administrative bodies and law enforcement agencies. In order to address the pressing need for increased cooperation between NGOs to monitor assemblies, certain participants proposed the creation of a coordinating body that would also accumulate and analyze the results of such monitoring.

One of the participants noted that the use of cellular phones and cell phone cameras during assemblies should be promoted and not restricted because this helps gather first hand evidence which can then be introduced/shown immediately to the public through the Internet. Other participants underlined that in certain jurisdictions it is problematic to use

evidence obtained through new technologies in criminal investigations and court proceedings; on the contrary, such evidence is often considered to be unauthorized footage, and therefore inadmissible.

It was also pointed out that panels of experts such as ODIHR's Panel of Experts on Freedom of Peaceful Assembly should have a possibility to participate in relevant activities under the UN system. In addition, ODIHR was called on to explore the possibilities to expand the role of its Panel of Experts on Peaceful Assembly so that it could submit *amicus curiae* briefs during court proceedings pertaining to freedom of assembly at the national level as well as participate in probes into incidents taking place during assemblies in the OSCE participating States by providing expert opinions. Experts within various international and inter-governmental organizations were called upon to enhance coordination of their work. The ODIHR-Venice Commission Guidelines should further articulate and elaborate on spontaneous assemblies, as well as on the problem of *agents provocateurs*, namely state agents who provoke peaceful protesters into violent acts leading to the latter being detained and charged with grave offences, such as terrorism.

Participants noted that the Internet has significantly changed how freedom of assembly is being exercised and facilitated, with some pointing out that in the last decade, a number of positive developments have been witnessed, with authorities using new technologies not only for surveillance, but also for providing services, for monitoring purposes, or to obtain public feedback. However, some negative aspects included abuse of social media by the police by disseminating false information regarding upcoming assemblies in attempts to influence the holding of such assemblies. States were also reportedly still inclined to view social media as a potential threat to the State rather than as a useful tool.

At the same time, it was noted that at times, the Internet and social media appeared to be the only source of information, in particular in situations where mass media outlets were under the complete control of a State. Participating States were called upon to take affirmative steps to enhance the accountability of the police for abuses and admit records documenting law enforcement measures/ actions in court. Throughout the session, numerous reports were heard about cases where assembly participants faced administrative liability despite evidence exonerating them, as courts would automatically take the side of the police.

Some participants underscored the ongoing tendencies in a number of OSCE participating States to introduce more restrictive regulation of freedom of assembly, which at times appeared to be neither proportionate nor legitimate. The limitations that authorities may impose on new technologies should be narrow and clearly set out in law; in this context, participants criticized attempts to introduce vague amendments to criminal legislation directly related to the use of new technologies in the context of (organizing) assemblies.

Negotiations before or during protests between organizers and law enforcement bodies were considered to have both positive and potentially problematic aspects. One concern raised was based on the fact that the police could not be neutral in such negotiations, as it was at the same time the body restricting assemblies in practice. Thus, independent and impartial oversight of the negotiation process may be required and the burden of proof

should always be on the State to prove the legitimacy and proportionality of the proposed restrictions. Participants also stressed that specific police actions were used in the context of assemblies without due judicial oversight. Some participating States were trying to criminalize protests.

Participants stressed that participating States should keep in mind that the use of non-lethal means to manage or disperse assemblies could also be problematic if applied unprofessionally or all too frequently.

### **Recommendations concerning Freedom of Peaceful Assembly**

Recognizing that civil society faces continuing challenges in its attempts to fully realize the right to freedom of peaceful assembly, including:

- burdensome permit requirements;
- unjustified closure of public spaces;
- intimidation of those organizing and participating in protest actions;
- kettling and other preventive policing strategies;
- arbitrary, selective and discriminatory law enforcement practices;
- the excessive use of force against peaceful demonstrators, violent raids of encampments and the unjustified dispersal of assemblies;
- pervasive surveillance of those seeking to enjoy their freedom of peaceful assembly;
- obstruction of monitoring activities by civil society actors, human rights defenders and journalists;
- a lack of transparency with regard to policing policies;
- the imposition of disproportionate sanctions on protesters; and an
- absence of effective accountability mechanisms where human rights violations have occurred.

Recognizing also that liaising, co-ordination or negotiation between assembly organizers and the relevant authorities *may* facilitate a proportionate response by the State in ways that best accommodate competing interests, but also noting the potential for such prior negotiation processes to exert a significant chilling effect on the enjoyment of freedom of assembly;

Emphasizing the fundamental principle that peaceful assemblies should be facilitated *without* regulation wherever possible;

Recognizing the importance of new and developing technologies and social media to enabling the full enjoyment and effective protection of the right to freedom of peaceful assembly by:

- supplementing mainstream media sources;
- enabling the co-ordination and logistical planning of assemblies;

- facilitating the sharing of information and networking among civil society actors and human rights defenders;
- monitoring the response of state authorities to freedom of peaceful assembly, including real-time streaming and dissemination of police actions and court proceedings, and the tracking, recording and publication of human rights violations;
- providing enhanced opportunities for state authorities to communicate with those exercising their right to freedom of peaceful assembly;
- using new technologies to help hold state authorities accountable – including both law enforcement and judicial authorities – where their conduct falls short of their obligations in international human rights law.

Mindful also of the potential for these same technologies and media to be used in a manner which is detrimental to the full enjoyment and effective protection of the right to freedom of peaceful assembly, including through the proliferation of surveillance strategies deployed by State authorities:

**Participants recommend to OSCE Participating States that they:**

- Do not seek to legitimize restrictive or repressive practices by referring to bad practices in other States (sometimes in old democracies), but rather aspire to good practices that are in full compliance with international human rights law and the ODIHR-Venice Commission *Guidelines on Freedom of Peaceful Assembly*;
- Implement in full the judgments of the European Court of Human Rights and the recommendations or views of the UN Human Rights Committee;
- Do not employ preventive policing strategies that serve to deter the free enjoyment of the exercise of freedom of assembly;
- Facilitate peaceful spontaneous assemblies;
- Ensure that the principle of facilitating assemblies within sight and sound of their intended audience is fully respected;
- Seek to explain and communicate to organizers of assemblies the reasons and grounds for any restrictions prior to such assemblies, so as to provide the opportunity for appeal in advance of the notified date of the assembly;
- Work to ensure that national courts undertake more probing factual inquiries into the declared aim and purpose of any restriction, rather than merely deferring to the opinion of law enforcement or public safety officials;
- Facilitate the work of the OSCE in monitoring freedom of assembly;
- Seek ways to protect and facilitate new types and forms of protest, and create an enabling environment for the exercise of the right to assemble;
- Refrain from introducing laws that criminalize assemblies and expression by way of vague and broadly defined offences, which confer excessive discretion upon law

enforcement officials, or which enable the imposition of excessive and disproportionate sanctions on protesters;

- Ensure that liability for any violence that occurs is not imposed on those who participate in assemblies by reason of their mere participation unless there is demonstrable and concrete evidence of their individual involvement in violent activity;
- Ensure that any prior requirements imposed on those who seek to exercise their right to freedom of peaceful assembly are neither onerous nor bureaucratic;
- Ensure that those exercising their right to assemble are not coerced into negotiating with the authorities; that their participation in any such process is entirely optional and voluntary; and that failure to co-operate with the authorities is not of itself relied upon as grounds for imposing restrictions on freedom of assembly;
- Prioritize efforts to improve the effectiveness of democratic oversight of the policing and security sector, taking into consideration existing international guidance in this area (including the UN Handbook on Police Accountability, Oversight and Integrity, and the OSCE Guidebook on Democratic Policing);
- Ensure that law enforcement agencies are adequately trained, resourced and equipped (including with non-lethal technologies) so as to best enable proportionate measures;
- Ensure unimpeded access to Internet and mobile technologies;
- Ensure that any limitations on such communication technologies are both narrowly tailored in domestic law and in full compliance with international human rights law;
- Prohibit interferences with the use of cellular phones or cellular phone cameras in public places and refrain from deploying blocking or jamming technologies or from otherwise interfering with the ability of civil society actors and human rights defenders to monitor, record and document police activity;
- Expressly recognize and guarantee the right of civil society actors to monitor, record and document the policing of protest activities;
- Ensure that the sharing of information about an upcoming assembly via social media is not of itself construed as conclusive evidence that a person is an ‘organizer’ of an assembly or that they are otherwise responsible for any unlawful activity or violence that later occurs;
- Review procedural and evidential rules in domestic law to ensure that any relevant footage gathered by civil society and human rights defenders is admissible in any administrative, criminal and civil proceedings relating to freedom of assembly;
- Ensure that the powers of state agencies to engage in investigative surveillance, or any other form of protest surveillance activity, are narrowly circumscribed in national law, that any deployment of surveillance technologies is strictly proportionate and fully justified in pursuit of a legitimate aim;
- Ensure that there is prior and independent oversight of any decision to deploy covert surveillance;

- Require law enforcement agencies to publish their policies on the surveillance of protest activities and that these documents further detail policies regarding the use, retention, disclosure and destruction of any data and intelligence gathered, ensuring that these policies fully respect the right to private and family life;
- Ensure that clear and distinctive roles are maintained between police, intelligence agencies and security services;
- Refrain from deploying agents provocateurs and from disseminating false information through social media.

**To the OSCE and its structures, participants recommended that:**

- The legislative support activities of the OSCE/ODIHR focus not only on laws explicitly governing freedom of peaceful assembly, but also on the wider legal framework to ensure that other laws and regulations do not cumulatively impose excessive burdens on those exercising their right to assemble;
- The OSCE consider ways in which it might respond to requests from civil society and other domestic institutions for legal review or other activities, not only to requests from States;
- The OSCE work with the Council of Europe Committee of Ministers and with participating States to encourage, support and ensure the full implementation of the judgments of the European Court of Human Rights in relation to freedom of assembly;
- The OSCE develop a tool on the policing of assemblies;
- The OSCE/ODIHR Panel of Experts on Freedom of Peaceful Assembly co-ordinate and work with the UN Special Rapporteurs on Freedom of Peaceful Assembly and Association, and the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression;
- The OSCE/ODIHR Panel of Experts on Freedom of Peaceful Assembly consider further the issue of leaderless, non-hierarchical, anonymous assemblies as well as the issue of encampments, semi-permanent and permanent assemblies (and the understanding of ‘temporariness’);
- The OSCE/ODIHR Panel of Experts on Freedom of Peaceful Assembly consider further the practices within OSCE Participating States regarding notification and the negotiation of conditions for exercising the right to freedom of peaceful assembly;
- The OSCE harness and draw upon expertise in relation to new and developing technologies and social media – as used by both state authorities and by protesters – and consider the creation of a mechanism to monitor limitations imposed by States on the use of such technologies and media;
- The OSCE further elaborate on standards and principles governing police surveillance and intelligence gathering.

**Finally, to the Civil Society Forum, participants recommended that:**

- The members of the Civil Society Forum consider ways of improving co-ordination between NGOs, potentially with a view to establishing *ad hoc* expert groups to monitor and respond to particular events and violations of human rights;
- Individuals and groups should explore the full range of social media options that might be utilized either to help co-ordinate and plan assemblies, or to widely disseminate information concerning the state's response to such assemblies, noting in particular that some popular forms of social media have begun charging for 'promoted posts' that reach a certain threshold number of followers.