



ENGLISH only

Freedom of assembly, freedom of association: New challenges in Western Europe

Supplementary Human Dimension Implementation Meeting,
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Session 1,2,3

For decades, it has rightly been assumed that with regards to freedom of assembly and freedom of association, no major problems existed in the OSCE participating states west of Vienna. This was true as concerns state intervention and control, and is to a certain extent still so. However, in several states new radical movements have emerged, movements that violently interfere with the fundamental rights of other citizens, to great extent with impunity from law enforcement. In order to neutralize this undermining of fundamental freedoms, new responses are required.

The Annotated Agenda outlines the fundamental commitments of OSCE participating States:
The freedom of every person to assemble in a peaceful manner and the right to associate are intrinsic to democratic societies and expressly recognized in OSCE human dimension commitments, as well as all major international human rights instruments.

To most citizens of democratic societies, this appears self-evident. However, problems arise when radical groups take it upon themselves to decide which citizens have this right, and which do not.

In practical terms, threats, intimidation and assaults against peaceful assemblies have taken place in several European countries over the last few years. An incomplete list of examples:

- Copenhagen, Denmark, [January 10th 2009](#): A pro-Israel demonstration was disrupted by Palestinian groups shouting anti-Semitic slogans referring to mass killing of Jews.
- Bolton, England, [March 20th 2010](#): A street rally by the English Defense League against radical Islam and Shariah law was attacked by radical leftists from UAF (Unite Against Fascists). British police made 74 arrests in their effort to protect the demonstration.
- Stuttgart, Germany, [June 2nd 2011](#): A street event highlighting the plight of persecuted Christians in Africa was attacked and kept from taking place by a crowd of hundreds carrying a variety of left wing banners. German police did not protect the event effectively.
- Stuttgart, Germany, [June 4th 2011](#): The Abacco Hotel was attacked with paint and stones as their premises had been rented for an event by the German political party DIE FREIHEIT.
- Tower Hamlets, England, [September 3rd 2011](#): A planned EDL march was banned by the authorities due to political pressure. The replacement standing demonstration was harassed by extremists, who also attacked a coach leaving the event. At least 16 were arrested.
- Aarhus, Denmark, [March 31st 2012](#): A demonstration against Islamic Sharia law was

- assaulted by Antifa and immigrants group, held at bay only by a massive police effort.
- Solingen, Bonn, Germany, [May 1st & 6th 2012](#): Campaign events held by the political party Pro NRW were assaulted by Muslim groups, but proceed under heavy police protection.
- Nuremberg, Germany, [June 16th 2012](#): A street event by the political party DIE FREIHEIT got continuously harassed by opponents, aided and abetted by police passivity.
- Munich, Germany, [July 14th 2012](#): A street event held by DIE FREIHEIT got assaulted by left wing extremists, again aided by permissiveness of the German police.
- Walthamstow, England, [September 1st 2012](#): [UAF](#) leftwing extremists and Islamists [attacked a demonstration](#) held by the English Defence League. Police lost control of the situation.
- Munich, Germany, [September 11th 2012](#): A discussion about Euro-Islam was to be held at a local restaurant, but the owner was forced to cancel due to massive telephone threats.
- Malmö, Sweden, [October 27th 2012](#): Participants of a public lecture featuring Dutch MP Geert Wilders were assaulted and pelted by eggs by Antifa groups. Swedish police justified their passive attitude with a reference to the attackers also having “Freedom of expression”.

The methods employed by the radical groups does seem to have systematic objectives and follow certain patterns. In particular, these methods are worth noting:

- By means of escalating otherwise peaceful street events and political campaigns to street battles, ordinary citizens are intimidated from attending such events.
- By making intimidation and violence the norm for public events, organizers are forced to take such developments into account, rendering it significantly more difficult to organize and publicize such events, in particular for small groups with limited resources.
- By engaging in violence against street events, radical groups force the issues of their opponents out of the press, which routinely reports only of 'clashes', not of the issues that organizers of street rallies sought to highlight. This is detrimental to the democratic process.
- Intimidating and attacking unrelated supply companies and premise owners is another unlawful strategy employed by radical groups to stifle their opponents and undermine the freedom of assembly otherwise guaranteed by our laws.
- The radical groups are actively preparing for and seeking confrontation with police at these events, apparently having as a secondary aim to present themselves as victims of police brutality, in spite of these groups being the attacking part and the real source of violence.

Politically, the issues most frequently targeted by the radical groups appear to be discussions about immigration, Islam and national self-determination.

The Annotated Agenda further stresses the importance of freedom of assembly:

Peaceful protests often play an important role in expressing public concerns, reducing the risk that conflicts escalate into violence and providing an opportunity for dialogue with authorities.

On paper, the situation for freedom of association and assembly has seen no major change over the last years, but the reality in our cities is unfortunately different. Small organizations facing numerically superior violent forces in the streets are now reluctant to hold what would otherwise be low-key street events about issues that matter to them. The prospect of possibly facing street violence acts as a severe deterrent to entirely peaceful and democratic organizations, and hampers the democratic process as it has been unfolding over the last decades.

It is worth noting that current laws are usually sufficient to deal with these problems. For example,

Article 78:2 of the Constitution of Denmark makes it mandatory for the authorities to dissolve organizations working by means of violence and/or other illegal means. The problems listed in this paper can to a great extent be resolved through proper and just enforcement of existing laws.

As outlined in the Annotated Agenda, this is a *positive* obligation for participating States:

Yet the main principles underpinning this right are explicit: there should be a presumption in favor of holding assemblies, and the State has a positive obligation to protect peaceful assembly.

Further, the obligation to protect the messages of events is mentioned:

While the freedom to assemble may be subject to reasonable restrictions, these may not interfere with the message communicated by the assembly [...]

As an example of how this principle is ignored, it was openly violated by German authorities in Düren, Northrhine-Westphalia on [May 8th 2012](#), where the police protection rendered the actual event largely invisible to citizens in the streets, negating its intended purpose.

It is the recommendation of the International Civil Liberties Alliance that the OSCE participating States pay more attention to the politically motivated intimidation and violence, in order to protect freedom of association, assembly and the democratic process. Quoting the Annotated Agenda:

To support participating States in the implementation of their freedom of peaceful assembly commitments, ODIHR has monitored public assemblies in 11 OSCE participating States in 2011-2012.

ICLA recommends that OSCE institutions increase this activity:

As the problems for freedom of assembly are increasing, in particular in participating States west of Vienna, ICLA urges OSCE to significantly increase its monitoring activities in these countries. Neutral monitoring and reporting is urgently needed in order that peaceful citizens can safely exercise their right to freedom of assembly, as stipulated in OSCE principles.

ICLA recommends participating States the following:

- That public events properly registered with the authorities are always granted sufficient and neutral police protection to ensure that the events can proceed according to plan, without the organizers or participants having to fear violence prior, during or after the event.
- That law enforcement agencies increase their efforts to quickly and accurately identify the source of violence at public events, in order to actively and immediately deal with any threats, that the protected events may proceed as planned.
- That organizations participating in such events, as shown by their flags, logos et cetera, be held legally responsible for the disorder taking place under their banners.
- That threats and violence against organizers and/or their partners, suppliers etc. be treated as politically motivated and persecuted more effectively under the law.