



BRATISLAVA DECLARATION

OSCE STATES SHOULD GUARANTEE THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY: TIME TO ENSURE THE KEY ROLE OF THE PUBLIC IN REBUILDING OUR DEMOCRACIES

*Adopted by the participants of the OSCE Parallel Civil Society Conference 2019
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STRESSING the importance of the right to freedom of peaceful assembly as a fundamental human right that is indispensable for effective functioning of a democratic society and is essential for public expression of one's views and opinions. Assemblies are a fundamental tool of democratic engagement; therefore, facilitating participation in peaceful assemblies helps ensure that all people in a society have the opportunity to express their needs and opinions they hold in common with others. Peaceful assemblies therefore can make a positive contribution to the development, strengthening and raising effectiveness of democratic systems and democratic processes. Assemblies, alongside elections, play a fundamental role in public participation. Assemblies contribute to conflict prevention and sustainable peace. Assemblies play an important role in the development of more just and accountable societies by giving people the opportunity to express their will or grievances, influence policy or hold governments accountable. Freedom of peaceful assembly allows individuals not only to engage with the state or other actors in the society but also enables the direct expression, promotion or protection of values or opinions, thereby fostering dialogue among different stakeholders or groups;

HIGHLIGHTING that the exercise of freedom of peaceful assembly is closely linked to other important rights and liberties. In particular, it is essential for the full enjoyment of freedom of association, freedom of movement, freedom of expression, freedom of thought, conscience, religion or belief, freedom from discrimination, the right to a safe environment, and the right to participate in the conduct of public affairs. In addition, participants in assemblies have a number of other protected rights that can be engaged by the exercise of this freedom, such as the right to bodily integrity; the right to be free from cruel, inhuman or degrading treatment or punishment; the right to life; the right to privacy and the right to an effective remedy for all human rights violations. Therefore, the proper facilitation of assemblies requires that the entire broad range of rights involved be respected, protected and fulfilled;

REITERATING that States have the responsibility to facilitate, promote and protect freedom of peaceful assembly and to ensure that national legislation, policies and practices are in compliance with international human rights law;

UNDERLINING that States must respect and ensure the right to freedom of peaceful assembly without discrimination of any kind. This includes equal and meaningful participation of women and men and equal access to information and decision-making processes;

REMINDING that everyone, including persons espousing dissenting or minority views or beliefs, must be able to express their aspirations or grievances in a peaceful manner, including through public protests, without fear of reprisals, and ensuring that no one who is engaged in protests is intimidated, harassed, injured, sexually assaulted, beaten, arbitrarily arrested and detained, tortured, subjected to enforced disappearance or killed;

DRAWING ATTENTION to the recognition by international human rights bodies that peaceful intentions must be presumed. This means that when a person exercises the right to assemble, the peacefulness of his or her intentions must be presumed, until the opposite is demonstrated. Moreover, the fact that violence occurs is not sufficient proof that it was intended by the organisers. Even if participants in an assembly are not peaceful and as a result forfeit their right to peaceful assembly, they retain all the other rights, subject to the normal limitations. No assembly should thus be considered unprotected;

SUPPORTING the position of international human rights bodies that the fact that the organisers of an assembly intend to cause hindrance or obstruction to the person or entity against which a demonstration is directed, or occupy spaces or buildings or block transport routes such as during acts of civil disobedience, does not mean their intentions are not “peaceful”. During acts of civil disobedience, violation of laws or regulations is intentional, its purpose being to draw public attention to the cause of the participants and to protest against unjust laws or policies. As long as no acts of violence are committed, law enforcement personnel should give the participants of civil disobedience acts sufficient time to express their message before the law enforcement bodies resolve to end the protest. Law enforcement personnel must treat participants of civil disobedience acts with respect and refrain from using disproportionate force;

RECALLING that according to international law, any restrictions to the right of peaceful assembly are permissible only when they are:

- imposed in conformity with the law (are based on an appropriate instrument of domestic law and meet the requirement of legality, meaning the instrument should be publicly available, clear and precise enough to prevent arbitrary interferences and allow those exercising the right to understand their duties),
- pursue a legitimate aim (national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others), and
- are necessary in a democratic society for the achievement of the aim they pursue.

Any restriction must comply with a strict test of necessity and proportionality and be subject to a competent, independent, impartial and prompt judicial review;

REITERATING that protection of the right to freedom of peaceful assembly is enshrined in a number of international human rights instruments such as Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) as well as in the jurisprudence of international human rights courts such as the European Court of Human Rights and the Inter-American Court of Human Rights;

RECALLING that OSCE participating States have committed themselves to guaranteeing freedom of peaceful assembly and facilitating peaceful assemblies. These commitments are enshrined in the 1975 Helsinki Act, the 1989 Vienna Concluding Document, the 1990 Copenhagen Document, the 1990 Charter of Paris, the 1999 Istanbul Summit Declaration, the 2004 Gender Action Plan and further commitments to gender equality, and the 2008 Helsinki Ministerial Declaration;

WELCOMING AND APPRECIATING the work of ODIHR in assisting States in implementation of their commitments in the area of freedom of assembly, including by providing legislative review in cooperation with the Council of Europe's Venice Commission and supported by input from the ODIHR Panel of Experts on Freedom of Peaceful Assembly; elaborating and upgrading, jointly with the Venice Commission, of Guidelines on Freedom of Peaceful Assembly that serve as the main benchmark and reference point for assessing compliance with international human rights standards; monitoring of public assemblies across the OSCE region and producing reports based on the results of the observation; engaging in a follow-up dialogue with States based on findings; providing capacity-building to civil society groups and NHRIs in monitoring of assemblies, including by producing a Handbook on Monitoring Freedom of Peaceful Assembly and delivering training courses; doing capacity-building for law enforcement actors on human rights-compliant policing of assemblies, including by publishing a Human Rights Handbook on Policing Assemblies, jointly with the OSCE's Strategic Police Matters Unit, developing a training curriculum on the basis of the handbook, and conducting training sessions on human rights-compliant policing of assemblies;

RECOGNISING that the scope and intensity of public protests has increased at the global level, including in many OSCE participating States. It reflects dissatisfaction of members of the public with the quality of governance, inability of governments to deliver public good, lack of public authorities' accountability, problems with the regular change of government as a result of free and fair elections, lack of access to justice, rampant corruption, lack of proper concern by states and businesses to environmental problems, failure to address the climate crisis in a fundamental, urgent and fair manner, social exclusion, poverty, lack of implementation of policies to ensure gender equality, and other concerns. Growing protests also manifest the overall decreasing trust in the work of democratic institutions; protests are more likely to happen and acquire a more confrontational character when the public lacks other legitimate channels of expressing its grievances, when it believes its voice is not heard, and when access to justice is limited;

DRAWING ATTENTION to a growing gap in policy- and decision-making between governments and the public, not only at the local and national level but also in dealing with global challenges and risks such as climate crisis, migration, growing economic disparities, conflicts, and others. We are confident that contemporary challenges cannot be addressed by governments and politicians alone; they require search for solutions jointly with communities where channels and procedures for expression, deliberation, and participation of the members of the public are effective and guaranteed in law and practice, where views and proposals of communities and groups are included in the elaboration of policies, and where the authorities are accountable to the public and are subject to civic oversight. Freedom of assembly plays a key role in this process;

NOTING that over the past several years, the situation with respect to guarantees of the exercise of the right to freedom of assembly has deteriorated in many parts of the OSCE region, both to the East and West of Vienna. In particular, protests driven by democratic aspirations in some countries have reinforced the fears of authoritarian leaders that mass demonstrations may pose a threat to their grip on power, prompting new repressive policies and measures to stifle freedom of assembly. At the same time, many governments abuse the arguments about the need to ensure national security and social stability, to combat terrorism and violent extremism, thus justifying restrictive and repressive laws and practices on

assemblies. Many restrictions and punitive measures do not meet the requirements of necessity in a democratic society and proportionality as stipulated in the international law but are aimed at intimidating members of the public and deterring them from exercising their right to freedom of peaceful assembly;

EXPRESSING concern about the lack of sufficient resources available to ODIHR that are necessary for its effective work in the area of freedom of peaceful assembly as well as the unwillingness of some participating States to invite ODIHR to observe assemblies in their country or unwillingness of other States to meaningfully follow-up on recommendations made by ODIHR in its monitoring reports after the country visits and take advantage of ODIHR tools and assistance in the area of freedom of peaceful assembly. These problems seriously hamper ODIHR's ability to fully utilise its strong expertise for assisting States in implementing their OSCE commitments to ensure the right to freedom of peaceful assembly;

EXPRESSING serious concern that legislation and practices in the area of freedom of peaceful assembly in many OSCE participating States do not accord with international human rights norms, OSCE commitments and the ODIHR/Venice Commission Guidelines on Freedom of Peaceful Assembly. In particular, we highlight the following NEGATIVE TRENDS across the OSCE region:

I. Restrictions of the right to hold and participate in assemblies

- continued implementation of procedures that de jure or de facto require government approval of holding an assembly, rather than using a notification procedure as recommended by international human rights bodies;
- refusal to approve notifications for assemblies submitted by organisations or groups critical of the government, including political opposition; often, authorities provide no legal grounds for refusal; on other occasions, they come up with trumped-up reasons of impossibility to hold an assembly in a requested locations; in many states they offer organisers unacceptable options to hold an assembly in a remote area outside of “sight and sound” of their target audiences;
- in some States, there are no legal avenues to challenge prior restrictions or conditions imposed on assemblies;
- treating any “unauthorised” assemblies as illegal, regardless of their peaceful character and whether they represent threat to public order or public security, dispersing such assemblies, often with the use of unwarranted and disproportionate force, detaining their participants in large numbers, charging them with violation of laws on assemblies and applying disproportionately harsh sanctions to the organisers and participants, including heavy financial penalties and administrative arrests;
- lack of tolerance to and refusal by the authorities to recognise the right to holding spontaneous assemblies when a deadline for notification cannot be met, treating them always as illegal and holding organisers and participants liable;
- illegitimate restrictions on location of assemblies, including blank disproportionate restrictions on holding assemblies in certain locations close to administrative buildings, or permissions to hold assemblies only in few restricted locations; major restrictions or blanket bans on holding assemblies during political events (elections, visits of leaders of foreign states, meetings of international organisations, etc.); restrictions are also applied on time and manner of assemblies;
- discrimination of members of particular groups in the exercise of their right to freedom of peaceful assembly, such as LGBT+ groups, women, foreigners (including migrants), political opposition, anti-corruption activists, environmental defenders, persons with disabilities, labour unions, land rights activists, indigenous people, and others;

- bans imposed by authorities on public assemblies organised by local dissident movements originating from another country or by dissidents in exile, under pressure of that country's government;
- systematic deprivation of the right to freedom of assembly in some States by replacing people's voices by the organisation of "official" assemblies, forcing people to participate in them or paying them to take part and transporting people to such assemblies;
- restrictions on participation of children and minors, including pressure on and intimidation of parents by applying high fines, threatening to take away their parental rights, creating problems at workplace, intimidating young people by conversations in the commissions on the affairs of minors, applying pressure on them at schools or threatening to expel them from universities;
- exerting material burden on the organisers by imposing on them responsibility to pay for "additional services" of law enforcement authorities, medical services, street cleaning, etc.;
- of particular concern is a new trend of governments encouraging submission of civil suits against organisers of assemblies based on claims of alleged material damage to or lost income of municipal or private companies close to authorities, leading to exorbitant compensations awarded by courts.

II. Restrictions during assemblies

- mass detentions of assembly participants when assembly is deemed illegal by the authorities or for alleged, even minor violations of relevant legislation;
- disproportionate and unwarranted use of force by law enforcement authorities, including during dispersal of assemblies, during transportation of the detained and in pre-trial detention centres; use of disproportionate and excessive violence happens at all of these stages and may amount to inhuman and degrading treatment and torture;
- impunity of law enforcement officers for disproportionate and excessive use of force; absence of signs allowing to identify law enforcement officers during policing of assemblies; refusal to review or satisfy complaints by law enforcement authorities and courts;
- lack of protection of assemblies by the authorities from counter-demonstrations, attacks and provocations by vigilante pro-government or other groups attacking participants of assemblies and aiming to stop them. Often, members of vigilante groups enjoy impunity or even support from and protection from law enforcement authorities;
- restrictions on independent monitoring of assemblies by NGOs, international observers, and members of the public.

III. Restrictions after assemblies

- heavy and disproportionate sanctions on organisers and participants; of particular concern is the growing trend of criminalisation of the exercise of the right to freedom of peaceful assembly such as heavy administrative penalties for minor violations, using criminal law to convict organisers and participants on charges of organising or participating in "mass riots", sedition, violence against police officers, extremism, etc.;
- changing legislation on assemblies by making repeated administrative violations of the legislation on assemblies punishable under criminal law, thus contradicting international norms forbidding to punish anyone twice for the same offence;
- placing administrative or criminal liability directly on the organizers for the unlawful conduct of others, in contravention of international standards;
- lack of access to justice, including refusal to allow access by lawyers during detention; lack of access to information about whereabouts of the detainees, amounting to incommunicado detention, sometimes for hours and days; during trials of organisers and participants of "unauthorised" assemblies, courts often represent "a conveyor belt" of convicting participants: no equality of arms

is provided, judges assume a role of prosecution in administrative proceedings, courts automatically accept as evidence standardised copy-paste protocols of violation submitted by the police and refuse to accept evidence by the defence, including witness testimonies, video and photo recording; some states use surveillance of lawyers defending participants of assemblies and put pressure on them.

IV. Restrictions of other rights and freedoms in relation to freedom of peaceful assembly

- restriction of freedom of expression and access to information, including censorship of posters and leaflets prior to an assembly, often without any justification and conducted by unidentified representatives of authorities; forbidding distribution of information, including online, about a planned assembly before approval of the assembly is given by the authorities; blocking such prior announcements online and charging their authors with violation of legislation on assemblies; shutting down internet and mobile communications before and during assemblies to hamper organisation and participation;
- further restriction of freedom of expression and access to information by preventing professional journalists, citizen journalists, and observers from recording and covering assemblies, attacking them, damaging their equipment and detaining them;
- restriction of the right to privacy by using surveillance, photo and video recording by police officers, and face recognition technology to identify participants of assemblies and persecute them;
- restriction of freedom of movement and the right to liberty and personal integrity by preventive detention of organisers and leaders ahead of assemblies and preventive detention of participants on their way to assemblies, taking them off transport with the use of non-public databases of activists maintained by the law enforcement authorities.

CONCLUDING that rising public protests require that governments and political actors, including parties, fundamentally review their policies and practices on the functioning of the political system and democratic institutions by building effective channels for the communication of public concerns and grievances, increasing accountability of authorities, taking on board citizens' concerns, and stimulating formulation and expression of concerns of members of the public and their commitment to participation in public affairs in an open and productive way;

CALLS ON OSCE participating States to implement the following recommendations, in order to ensure effective exercise of the right to freedom of peaceful assembly:

Key provisions on legislation and practice

To amend legislation and reform practices in order to guarantee the right to freedom of assembly in accordance with international law, the OSCE/ODIHR and the Venice Commission Guidelines on Freedom of Peaceful Assemblies, as well as existing best practices. In particular, legislation and practice should:

1. Guarantee the presumption in favour of the freedom to organize and hold peaceful assemblies as well as the obligation of the authorities to facilitate peaceful assemblies and support members of the public in exercising their right to freedom of peaceful assembly;
2. Strengthen guarantees of non-discrimination in relation to the exercise of the right to freedom of peaceful assembly. All members of the public, including groups critical of the government, minority groups and groups disapproved by the majority in the society should be able to exercise their right to free assembly without hindrance or discrimination;
3. Guarantee implementation of notification-based procedures for organising peaceful assemblies;

4. Set forth the types of peaceful assemblies not requiring notification, with clear provisions regarding the number of participants and type of actions;
5. Place no limits on peaceful assemblies or other civic actions, such as flash mobs, the laying of flowers at monuments, the collective submission of petitions etc.;
6. Establish clearly defined procedures for organisers of assemblies and relevant authorities to agree on the place, time and order in which peaceful assemblies are to be carried out;
7. Establish procedures for the rapid and effective review of complaints related to refusals to approve peaceful assemblies, including through the judicial system, in time before the planned date;
8. Ensure the use of adequate means to guarantee order during assemblies, including standards of training for law enforcement personnel on alternatives to the use of force, including the peaceful resolution of conflicts, crowd psychology, methods of persuasion, negotiations, mediation and the use of technical means to limit the need to employ firearms. Forbid the use of lethal weapons and improper use of “kettling” or otherwise limiting the right to freedom of movement of participants in peaceful assemblies;
9. Follow the principle that “human rights are part of public order.” In this regard, the authorities, including those assigned to ensure public order during assemblies, should be required to act in the first instance with a view to protecting public interests and the right to freedom of peaceful assembly and, in cases in which conflict does take place, to use force only to the extent called for by the situation and in all cases to use the minimum force necessary.
10. Ensure that no one is punished for the peaceful exercise of freedom of assembly and that any sanctions for violations of reasonable rules guiding the conduct of assemblies are strictly proportional to the seriousness of the offense. Decisions to impose sanctions should be subject to judicial review in full accordance with fair trial principles.
11. Ensure unimpeded access to detention places where apprehended participants of assemblies are held, by lawyers of their choice, national human rights institutions, and representatives of national preventive mechanism;
12. Carry out prompt, effective and impartial investigations into all allegations of excessive use of force by law enforcement authorities against participants in assemblies; bring those responsible to justice; and provide adequate remedies and reparations to the victims.

On the main definitions and scope of the legal protection

- to guarantee in law, in clear and explicit terms, a presumption in favour of holding peaceful assemblies;
- to ensure that the freedom of peaceful assembly is guaranteed in law to everyone under the jurisdiction of participating States, including children and non-citizens;
- to recognise and expressly provide in the law for spontaneous assemblies where timely notification is not possible or practicable; such assemblies should be exempt from the requirement for prior notification;
- to ensure that clear and foreseeable procedures are promulgated to enable individuals to assess whether their conduct would breach the law and the consequences of doing so, to indicate clearly, among other things, the definition of various types of assemblies and the corresponding legal requirements, the body with authority and responsibility for receiving and responding to notifications or authorisations, the criteria for imposing conditions and restrictions and the consequences for failing to hold an assembly in compliance with the law;
- to ensure easy, prompt, effective and practical access to all laws, regulations, government policies and other information relevant to the exercise of the freedom of peaceful assembly.

On notification and authorisation requirements for assemblies

- to ensure that the requirements for prior notification are not applied in a way that amounts to a *de facto* requirement for prior authorization;
- to ensure that authorization/notification requirements are only imposed when necessary to facilitate the freedom of peaceful assembly or necessary to protect national security or public safety, public order, public health or morals or the rights and freedoms of others and only to the minimum extent necessary;
- to ensure that the notification process is prompt, not unduly bureaucratic, widely accessible, free of charge and that the lack of notification or infringements of the notification process does not result in automatic prohibition or dispersal of an otherwise peaceful assembly or in imprisonment or heavy fines;
- to ensure that the advance notification period is as short as possible, while still allowing the authorities sufficient time to prepare for an assembly and that the notification requirements are not unduly burdensome;
- to require that the primary regulatory body give a prompt official response to an initial notification and that the regulatory body must communicate with all state bodies involved in the regulatory process, including the relevant law-enforcement agencies;
- to ensure that the absence of an official response to a notification may not prevent an assembly from being held.

On prior restrictions on assemblies

- to ensure that any restrictions on assemblies have a basis in law and strictly adhere to the principle of proportionality, ensuring in particular that restrictions are narrowly tailored to meet the specific and legitimate aims pursued by the authorities and are necessary in a democratic society;
- to ensure that any prior restrictions on assemblies are put in writing and are justified and communicated to the organizers in the time frame prescribed by law, allowing sufficient time for an appeal or other application for urgent interim relief to be completed before the proposed time of the assembly;
- to refrain from imposing blanket restrictions on assemblies and to ensure that each assembly is assessed individually; to this end, to remove provisions from the law or from temporary measures adopted on the occasion of large summits or similar events that can result in blanket provisions banning assemblies at specific times or in specific public places, or prohibiting outright certain forms of assembly or particular types of activity within assemblies;
- to ensure that assembly participants are able to convey their message within sight and sound of their intended audience and that limitations in that regard based on security or other considerations are only imposed on an exceptional basis and in a proportionate manner;
- to ensure that, where security or other considerations may result in time, place and manner restrictions on assemblies, these are necessary under the circumstances and, whenever possible, previously discussed with the organisers of assemblies prior to the event so that suitable alternatives consistent with the sight-and-sound principle can be identified.

On decision-making and review of notifications

- to ensure that the regulation of assemblies is conducted in a transparent manner, giving organizers timely notice of prompt regulatory decisions with justified reasons and recourse to a prompt and effective remedy through administrative and judicial review;
- to ensure that any restriction placed on an assembly is communicated in a timely manner in writing to the assembly organizers, including a detailed explanation of the reasons behind each restriction;

- to ensure that appropriate time limits are set for each stage in the regulatory process that enable organisers to respond to and/or challenge any proposed restrictions in an expedited appeal procedure so that assembly organizers are not compelled to accept, and are able to challenge in court, the substance of any restriction before the date of the assembly.

On the role of the organiser

- to ensure that assembly organisers are not held responsible for the maintenance of public order, which would essentially ask them to replace law-enforcement bodies, and that assembly organizers and participants are not held liable for the unlawful conduct of other people;
- to ensure that the role of assembly organisers is limited to making reasonable efforts to meet legal requirements for assemblies, which include making reasonable efforts to ensure that their assemblies are peaceful and that lawful instructions by law-enforcement officials are obeyed;
- to ensure that insurance requirements, fees to cover the costs of clean-up after assemblies or costs of other public services (policing and medical services) are not imposed on assembly organisers;
- to ensure that any sanctions applied against organisers who fail to comply with legal requirements for assemblies are proportionate. Where there is no genuine criminal activity punishable by other laws, a violation of these requirements should be addressed by fines of a proportionate amount, allowing for the imposition of minor sanctions where the offence is of a minor nature;
- to ensure that laws related to public assemblies do not contain vague and broadly defined offences that confer excessive discretion upon law-enforcement officials or that enable the imposition of excessive and disproportionate sanctions on protesters.

On policing assemblies that do not comply with formal legal requirements

- to ensure that peaceful assemblies are not dispersed merely because they do not comply with formal legal requirements for assemblies; such assemblies should still be facilitated by police and other competent authorities;
- to ensure that police restrictions on such peaceful assemblies are only imposed on grounds that are legitimate and necessary under OSCE commitments and international human rights law, to protect national security or public safety, public order, public health or morals or the rights and freedoms of others, and only in a proportionate manner.

On the use of force, firearms, detention and containment, as well as dispersals of assemblies

- to ensure that rules on the use of force, including the circumstances in which force may be used, by law enforcement officials policing assemblies are established in line with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and made publicly accessible;
- to ensure that the use of force by law enforcement officials during assemblies strictly adheres to the principles of necessity and proportionality and is consistent with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- to ensure that assembly policing tactics and training emphasise prevention of the use of force and de-escalation based on communication, negotiation and dialogue;
- to develop and make public comprehensive guidelines on the dispersal of assemblies in accordance with international human rights law and principles detailing the following: 1) the circumstances that warrant dispersal; 2) all steps required to be taken before a decision to disperse (including de-escalation measures); 3) the individual or individuals who may issue a dispersal order; and 4) the preference for voluntary dispersal before resorting to any use of force;
- to ensure that assembly participants are only detained when there are legitimate grounds for the deprivation of liberty and without excessive use of force during arrests;

- to provide training for law-enforcement officials on facilitating the enjoyment of the right to freedom of peaceful assembly with a strong emphasis on human rights–compliant planning and preparation, crowd management measures consistent with OSCE commitments and human rights standards, and to consider enlisting ODIHR’s support in this regard;
- to ensure diversity and equality among law enforcement personnel policing assemblies;
- to ensure that law enforcement officials are adequately trained, resourced and equipped (including with less-lethal technologies) so as to best enable differentiated and proportionate use of force in the context of policing assemblies.

On photographing and video recording of assemblies by law-enforcement personnel

- to legally regulate the permissible purpose and basic conditions for overt filming and photography at public assemblies, as well as the related human rights guarantees;
- to develop and publish a detailed policy relating to the use of overt filming/photography at public assemblies, including a description of the purposes of such activities and the circumstances in which they may take place, as well as procedures and policies for the retention and processing of the resulting data, and to limit retention to the purpose of the recording and to ensure the deletion of data once it is no longer relevant for the purpose for which it was originally captured;
- to ensure that law-enforcement authorities always inform the public when they are, or may be, recording photographic and video materials during an assembly and about the collection, use and retention of the data;
- to ensure that regulations on the use of facial recognition technologies are developed and made publicly available;
- to put in place mechanisms whereby individuals can ascertain whether information has been stored – and, if so, what information – and whereby they are provided with access to an effective process for making complaints or seeking redress relating to the collection, retention and use of their personal information.

On the accountability of law-enforcement personnel

- to establish accessible and effective accountability mechanisms that are able to independently, promptly and thoroughly investigate allegations of human rights violations or abuses by law enforcement officials in the context of policing assemblies;
- to promptly, impartially and effectively investigate any allegations of abuse or violation of protesters’ rights by law enforcement officials, and, in the absence of an express complaint, whenever there are reasonable grounds to believe that such an abuse or rights violation has taken place, the investigation must be capable of identifying and bringing to justice those responsible, with penalties commensurate with the gravity of the violation;
- to ensure that those who violate and/or abuse the rights of individuals to freedom of peaceful assembly are held fully accountable;
- to this end, to ensure that law-enforcement officers are easily and clearly identifiable at all times while policing assemblies (including when wearing protective or other special gear);
- to facilitate the work of independent national human rights institutions (NHRIs) to receive and investigate allegations of human rights violations and abuses in the context of assemblies and to monitor the implementation of the right to freedom of peaceful assembly.

On access and restrictions for media and independent monitors

- to recognise and raise awareness about the important contribution of independent monitoring to the full enjoyment of the freedom of peaceful assembly;

- to facilitate the independent monitoring of, and reporting on, the facilitation of assemblies and protection of the freedom of peaceful assembly by international and local observers, including by:
 - refraining from imposing unnecessary or disproportionate restrictions on assembly-monitoring activities and ensuring that any restrictions that may be imposed on monitored assemblies do not limit the ability of monitors to carry out their activities without impediments and to observe all aspects of an assembly, such as during dispersals or arrests;
 - ensuring that assembly monitors are able to photograph or otherwise record actions and activities at public assemblies, including law enforcement operations or individual law enforcement officials, and that such video or audio recordings may not be confiscated, seized and/or destroyed without due process and may be used as evidence in relevant disciplinary, administrative or criminal proceedings;
 - demonstrating willingness on the part of the state authorities to engage with monitors before, during and after an assembly, where such engagement is sought, and to give due consideration to the findings and recommendations resulting from their assessment of the facilitation of assemblies so as to inform institutional learning and, more broadly, in the drafting of legislation and policies affecting the enjoyment of freedom of peaceful assembly;
 - facilitating information gathering by NHRIs or other relevant independent oversight or monitoring bodies or civil society organizations working in the area of freedom of assembly about any anticipated assembly;
- to ensure that both traditional and citizen journalists are able to provide coverage of public assemblies, including the actions of law-enforcement personnel, without official hindrance.

CALLS on OSCE participating States to facilitate ODIHR's work on freedom of assembly, including by:

- contributing extra-budgetary funding to ensure that ODIHR has sufficient resources that are necessary for pursuing effective work in the area of freedom of peaceful assembly;
- issuing a standing invitation to ODIHR to carry out independent assembly monitoring in their country and to observe assemblies there on the basis of ODIHR's established methodology, without prejudice to ODIHR's responsibility to select the events to be monitored; such a step would represent good practice of leading other States by example;
- meaningfully engaging with ODIHR with a view to giving due consideration to its assembly monitoring findings and to implementing its recommendations;
- supporting ODIHR in building the capacity of civil society organisations, NHRIs and OSCE field operations regarding the independent monitoring of public assemblies based on ODIHR's established observation methodology and in raising awareness among state bodies and authorities about how to effectively facilitate the work of independent assembly monitors.

CALLS on OSCE/ODIHR

- to actively promote its Guidelines on Freedom of Peaceful Assembly and work towards their integration into national legislation and practice in participating States;
- to expand its programme of monitoring assemblies in participating States;
- to expand the activities of the OSCE/ODIHR Expert Panel on freedom of assembly and involve civil society groups from the OSCE region in promotion of the Guidelines and monitoring their implementation;
- to engage in regular cooperation with the UN Special Rapporteur on Freedom of Assembly and of Association and the Commissioner for Human Rights of the Council of Europe, including through the establishment of a joint working group on freedom of assembly.

CALLS on all OSCE institutions and executive bodies, in accordance with their mandate, to actively assist participating States in improving their legal and policy framework and effectively implementing their commitments for the protection and promotion of the right to freedom of peaceful assembly.

OFFERS civil society cooperation in designing and implementing these laws, policies and practical approaches to ensure effective implementation of OSCE commitments on freedom of peaceful assembly.