



**Intervention by Bürgerbewegung Pax Europa
Supplementary Human Dimension Meeting
Freedom of Peaceful Assembly and Association**

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Session II

Non-Discrimination and the Freedoms of Peaceful Assembly

Are we already losing our freedom of assembly?

It is with significant concern that Bürgerbewegung Pax Europa has followed the developments in freedom of assembly in several OSCE pS' over the last decade. Propaganda from extremist groups, violent street confrontations and lacklustre enforcement of relevant laws is leading us to the conclusion that freedom of assembly is under severe pressure, as compared to a decade or two ago.

As mention, this is a problem in several OSCE pS'. Examples from Sweden, Denmark, Great Britain, Germany, Austria and more show that in particular left wing extremist, and to some extent Islamist, groups, are granted undue opportunities for intimidation, threats and open violence against public manifestations held by groups they disagree with. This is leading to a hardening of the environment for public manifestations, discouraging participation by the average citizen, and

creates undue security challenges for organizers of fully democratic and peaceful public events.

There are many examples of organized terrorism against peaceful assemblies:

- In Sweden, members of the extremist group Revolutionäre Fronten has committed several acts of political violence, assaulting public events and individuals for political reasons. The perpetrators have been convicted of no less than 12 years of jail time for their politically motivated offenses.

(<http://www.uriasposten.net/archives/60545> (Danish article))

- In Denmark, similar (though less openly violent) groups repeatedly intimidate and assault public events. One such case was on February 23rd 2013, when AFA sought to attack a demonstration held in support of the Jews in Denmark, who face increasing harassment by Islamists.

(<http://jyllands-posten.dk/indland/article5217735.ece> (Danish article))

- In England, the group Unite Against Fascism repeatedly used classical fascist street intimidation tactics in order to intimidate, scare and assault peaceful rallies held by the English Defence League.

- In Germany, similar groups framing themselves as "Anti-fascists" have – frequently successfully – blocked street events held by PEGIDA, a group protesting increasing Islamic influence in Germany. Thus, the so-called 'anti-fascists' deprive their opponents of a fundamental right in a democratic society, that of citizens assembling peacefully in order to express their concerns and opinions.

(<http://www.welt.de/politik/deutschland/article134925030/Pegida-und-Antifa-Szenen-einer-Konfrontation.html> (German article))

This is a problem with several aspects. One of them is that when public events face threats of attack from extremist groups, the threatened events frequently find themselves in difficult situations due to demands made by police authorities. Police in several countries apply a variety of methods to diminish the visibility of the threatened events, an approach that is at odds with fundamental OSCE principles for freedom of assembly. These methods include police doing the following:

- Ordering events to be held in locations far from the city centers, where not many will see them. As an example, the weekly Danish 'For Freedom', organized by Nicolai Sennels, has a blanket denial of their request to walk in the heart of Copenhagen, due to the risk of attacks from extremist groups.

- Protecting events with so intense police protection that the message of the event becomes invisible. This practice is explicitly prohibited in OSCE commitments, yet it takes place in Germany and other OSCE pS' nonetheless. Pro Köln was subject to this during their May 2012 street events.

- Declaring that protection cannot be provided, due to the expected threats being too overwhelming

for the police to handle, forcing the organizers to entirely cancel the event. This happened, for example, when BPE had organized a "Support Israel" event in Stuttgart, June 2011.

Another problem is that of 'counter-demonstrations, which in many cases serve as rallying points for radical activists intending to physically assault the primary demonstration. One such case was the demonstration for democracy and against Sharia in Århus, Denmark on March 31st 2012, where hundreds of participants from the counter-demonstration laid siege on the main demonstration. Effective police effort prevented almost all direct assaults on the demonstration, but the situation was far from what is desirable in a democracy, namely that unarmed citizens have the right to assemble and express their concerns without having to fear being assaulted.

While the people organizing such counter-demonstrations have an equal right to assemble and express their differing views, they do not have the right to intimidate, threaten and assault the primary demonstration. Freedom of assembly means the freedom to peacefully express a variety of views, not freedom to provoke street battles or destroy events of others.

This regretfully happened to our event in support of persecuted Christians in the Middle East, held in Stuttgart, June 2011 (related to the "Support Israel" event mentioned above). While it was possible to hold a few brief speeches, the assault by hundreds marching under waving banners entirely destroyed the original intention of music and speeches in support of persecuted Christians.

The topic of counter-demonstrations is intricate, for at first glance, they would seem to be protected by the freedom of assembly principle we are working to uphold. However, if such events are used to attack the freedom of others to assemble peacefully, they are no longer protected by this principle, and can be considered by the authorities as attempts to undermine this freedom. The currently established principle that counter-demonstrations are to be permitted near the demonstration they are against is problematic, for this increases tension, anger and confrontation, and decreases the chances of having what really matters, peaceful assemblies expressing citizens' concerns.

Another difficulty arising from permitting counter-demonstrations to be held close to and visible by the primary demonstration is that it can make identifying the source of violence difficult. A counter-demonstration intended to intimidate and provoke the primary demonstration can cause tempers to flare on both sides, setting the scene for unneeded violent clashes and scaring ordinary citizens from participating in street assemblies in the future.

If the result of threatening counter-demonstrations is that less muscular citizens refrain from participating in public assemblies, freedom of assembly has taken real damage. Thus, there is a need to protect the primary demonstrations not only against actual violence, but also against threats and intimidations that make public rallies seem fit for muscular, fighting types only. Freedom of assembly must be for everyone, weak or strong, singers as well as fighters.

It is the opinion of Bürgerbewegung Pax Europa that this principle should be reconsidered, in order to restore the right to peaceful assembly currently under threat.

BPE thus recommends:

- That so-called 'counter-demonstrations' be prevented from becoming rallying points for initiating street battles, for example by not permitting them to be held near the initial demonstration.
- That police and intelligence organizations make an effective and unbiased effort to identify precisely which groups promote threatening and violent behavior, and which do not.
- That police and other relevant authorities radically improve the efforts to protect peaceful assemblies, including any that promote controversial or unpopular opinions.
- That police authorities take effective measures to ensure that so-called 'counter-demonstrations' are not used as rallying points to initiate street battles.