

Safeguarding

Online Assemblies

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Introduction

Internet connectivity and use of forms of social media have become increasingly central to many aspects of organising and exercising the right to freedom of peaceful assembly over the past decade, with the mass protests in Moldova in 2009 being one of the first to be dubbed a ‘twitter revolution’¹. Over the same period, international bodies have regularly acknowledged the prominent role of the internet in contemporary life and the need to recognise that many of the core fundamental human rights apply to life and activities online as well as in the physical world.

The adoption of new digital methods of connecting with others, engaging with government, expressing views, protesting and participating in public life is changing how assemblies look, sound and feel, how they are organised and publicised, but also how they are surveilled, constrained and repressed. The range of activities involved include those that take place entirely online, which might be considered as ‘internet-based assemblies’, those where organising and participating in a physical assembly may also involve online activity, which are referred to as ‘internet-enabled assemblies’², and assemblies that involve elements of both.

This paper provides an overview of current thinking and understanding of the relationship between freedom of assembly and online activities and some of the key issues to be addressed. It aims to inform partner organisations in the ECNL Monitoring the Right to Free Assembly project³ with a view to developing a broader understanding of how assembly organisers, civil society groups and networks are using social media and the online world as part of their activism, and how both state and private sector actors are responding to such developments. It aims to increase understanding by monitoring organisations of issues related to internet-enabled and internet-based assemblies, which may inform their work on law reform and the development of standards. The paper is divided into five sections:

- I. The first section gives a summary of the most important international and regional-level human rights documents that acknowledge that new and developing technologies impact on the ways in which people gather together, and therefore the right to freedom of assembly applies online, too;
- II. The second section reviews current understanding of how the growing importance of the online sphere impacts our understanding of the right to freedom of assembly;
- III. The third section considers how use of the online sphere is continuously developing in relation to organising and planning assemblies;
- IV. The fourth section outlines some of the ways in which the exercise of the right to assemble and online activities intersect; and
- V. The fifth section looks at some of the ways in which both the state and private actors are responding to such developments.

¹ Protesters against the 2009 April parliamentary election results claimed that the elections, which saw the governing Party of Communists of the Republic of Moldova win a majority of seats, were fraudulent. Twitter and other social media played a crucial role in mobilizing and reporting on the protests. See: <https://foreignpolicy.com/2009/04/07/moldovas-twitter-revolution/>

² For “internet-enabled” and “internet -based” distinction see: J Van Laer and P Van Aelst, “Cyber-Protest and Civil Society the Internet and action repertoires in social movements” in Y Jewkes and M Yar “Handbook on Internet Crime”, William Publishing 2010: Figure 12.1 “Overview of both Internet-supported and Internet-based types of action used by social movements”

³ <http://ecnl.org/publications/monitoring-the-right-to-free-assembly-in-12-countries-2018/>

I. Online assemblies in international and regional documents

An increasing number of international bodies have made reference to the role that the internet and the online world play in contemporary life and therefore in relation to human rights and the ways that people exercise their rights. As part of this process there is a growing recognition of the relationship between the right to freedom of assembly, access to the internet and the use of social media.

The **United Nations** (UN) Human Rights Council emphasized in two successive resolutions in 2012 and 2013, the obligation of States *‘to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline.’*⁴ In 2014, the UN Human Rights Council’s Resolution on the promotion, protection and enjoyment of human rights on the internet further noted that: *‘the same rights that people have offline must also be protected online.’*⁵

Similarly, in their joint report in 2016, the UN Special Rapporteurs on freedom of assembly and of association, and on extrajudicial, summary or arbitrary executions, stated that *‘it has been recognized that human rights protections, including for freedom of assembly, may apply to analogous interactions taking place online.’*⁶

Furthermore, the 2018 Resolution of the UN General Assembly calls *‘upon all States to ensure that the same rights that individuals have offline, including the rights to freedom of expression, of peaceful assembly and of association, are also fully protected online, in accordance with human rights law’.*⁷

Similarly, a 2019 report by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association argues that *‘the freedom to access and use digital technologies for the exercise of peaceful assembly and association rights should be viewed as the rule, and the limitations as the exception’*⁸. And while the report highlighted a number of opportunities the new technologies offered to those exercising their rights, it also acknowledged that their emergence also created a number of challenges, particularly in relation to the responsibilities of both states and businesses and to the limits of legitimate interference.

On the **regional level**, the Guidelines on Freedom of Association and Assembly of the African Commission on Human and Peoples’ Rights stipulate that *‘the right to assembly may be exercised in a number of ways, including through demonstrations, protests, meetings, processions, rallies, sit-ins, and funerals, through the use of online platforms, or in any other way people choose.’*⁹

4 UN Human Rights Council, Resolution 21/16 on the rights to freedom of peaceful assembly and of association, 11 October 2012, [A/HRC/RES/21/16](#), para 1; UN Human Rights Council, Resolution 24/5 on the rights to freedom of peaceful assembly and of association, 8 October 2013, [A/HRC/RES/24/5](#), para. 2.

5 UN Human Rights Council, Resolution 26/13 on the promotion, protection and enjoyment of human rights on the internet, 14 July 2014, [A/HRC/RES/26/13](#), para 1.

6 Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, 4 February 2016, [A/HRC/31/66](#), para 10.

7 UN General Assembly Resolution 73/173 on the Promotion and protection of human rights and fundamental freedoms, including the rights to peaceful assembly and freedom of association, on 17 December 2018, <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/RES/73/173&Lang=E>

8 Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association to the Human Rights Council, 17 May 2019, [A/HRC/41/41](#)

9 <https://www.achpr.org/legalinstruments/detail?id=5>

Similarly, the Inter-American Commission on Human Rights thematic report on protest and human rights states that *‘The Internet can be seen and analyzed as a means of organization or as an enabling platform for protests. In practice, it works as a means of disseminating, convening, and publicizing meetings and physical gatherings (using social networks, blogs, or forums, for instance) to be carried out in a tangible public place, expanding the boundaries of participation. The Internet also offers the possibility of organizing an online protest, providing a common meeting space, shortening distances and times, and simplifying formalities and agendas. Both settings must be protected and promoted to the extent that they contribute to the full exercise of human rights.’*¹⁰

At a European regional level, the Council of Europe 2014 Recommendation of the Committee of Ministers to Member States on a Guide to human rights for Internet users¹¹ stipulates that internet users *‘have the right to peacefully assemble and associate with others using the Internet.’* It further explains that in practice, this means that internet users have *‘the freedom to choose any website, application or other service in order to form, join, mobilise and participate in social groups and assemblies whether or not they are formally recognised by public authorities’* and that internet users *‘have the right to protest peacefully online’*.

Clarifying the scope of the right to assembly online remains a work in progress, with the preparation of the third edition of the ODIHR *Guidelines on Freedom of Peaceful Assembly* involving extensive discussion on the nature, scope and extent of freedom of assembly online, while the drafting of General Comment 37 (GC37)¹² by the UN Human Rights Committee¹³ has included consideration of **how to frame the relation between freedom of assembly and online activities**. Among the challenges faced by both pieces of work is that the relationship is still emerging and developing, so it is also necessary to interpret norms and standards accordingly.



¹⁰ <https://www.oas.org/en/iachr/reports/thematic.asp>

¹¹ CM/Rec(2014)6, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900016804d5b31>

¹² The GC37 on Article 21 of the International Covenant on Civil and Political Rights will provide an authoritative interpretation of the scope and nature of the right to freedom of peaceful assembly, and guidance for its practical enjoyment and protection. Given that such texts are only rarely revised, it is important that a GC not only addresses the current state of affairs but is also sensitive to emerging issues and challenges to human rights.

¹³ <https://www.ohchr.org/EN/HRBodies/CCPR/Pages/GCArticle21.aspx>

II. Freedom of Assembly and its Manifestations Online

One of the issues being considered by the UN Human Rights Committee in its work on GC37 is the extent to which the **fundamental right to freedom of peaceful assembly can be applied to activities carried out in the online sphere**. It is one thing to assert that fundamental human rights apply equally to the online world as they do to the physical world, but it can be more challenging to describe what this might mean with any clarity. For some stakeholders, the internet and social media are primarily media for individual communication and therefore most, if not all, activities online will fall within the framework of freedom of expression. Others have argued that the internet allows primarily for different forms of association and interacting. A key question to be considered and explored thus becomes: since it has been acknowledged by international human rights actors that the same rights apply online as offline, what does an internet-based assembly actually look like?

The definition of an assembly developed for the *ODIHR Guidelines*, and widely adopted by others, states that it involves *‘the intentional and temporary presence of a number of individuals in a public place for a common expressive purpose’*.¹⁴ As such, it highlights the deliberate coming together of people in a public space to share their views with others. Most of the focus on scope and extent of the right to assemble has been on assemblies that take place in open public spaces such as roads, streets, squares and parks. However, it has been acknowledged that the right also exists to assemble in buildings and enclosed places, as well as on private property, albeit with different factors to be considered.¹⁵ For example, while the right to assemble in public spaces may be subject to legitimate and proportionate restrictions in a narrow range of circumstances, there is very limited scope for the state to regulate assemblies in enclosed spaces or in buildings, for example through notification requirements or police interventions. Similarly, assemblies held on private property highlight different issues of rights of access, rights of ownership and privacy.

International human rights standards recognise the rights of people to come together in a variety of public and private, open and enclosed spaces to discuss and propagate views and ideas as differing forms of the right to assemble.

The internet and the wider **cybersphere is one of the key contemporary places where people interact and participate in public affairs**. As a result, there have been calls to recognise the internet as the ‘public square’ of the twenty first century and the need to recognise the right of access to the internet as a fundamental human right. However, the cybersphere is also largely a privately owned space, one where people have to pay to access, and/or give their (often uninformed) consent to restrictions on forms of acceptable speech, and which may be determined by the owners of that space, rather than by the state, which is obliged by international law to respect, protect and fulfil the rights of expression, assembly and association of the individual, also against third parties.

The internet is not the same as a public street or a public square, but it is no less central to public life and should be recognised as a form of ‘place’ in the context of assemblies.

The parameters of spaces suitable and appropriate for assemblies might also be reasonably extended to online spaces. One might ask, what is the difference between

¹⁴ ODIHR Guidelines on Freedom of Peaceful Assembly (Warsaw 2010, second edition) p16, para 1.2.

¹⁵ ODIHR Guidelines on Freedom of Peaceful Assembly (Warsaw 2010, second edition) p32, paras 21-23.

people logging onto a common or shared online site to discuss, debate, plan and exchange views, and meeting in another type of public or private space? One difference may be that in traditional fora, people are co-present in the same space, whereas in cyberspace people may be very distant from each other. However, with webcams and other devices the impact of such distances can be significantly reduced.

In an increasingly globalised world, it is important for people to be able to network, plan, debate and dialogue across wide geographical spaces, to share experiences and ideas and challenge norms. Globalisation has indeed led to sharing a number of concerns which are not jurisdiction limited, such as climate change. More and more frequently, the actual target audience or **target of the message may indeed be itself wholly or partly online**: consider for example the online games industry, such as Blizzard Entertainment, which does not have a physical world presence; or Amazon, whose physical world presence is less significant than its online one. Therefore, if a protest against a company or entity with only or mainly online presence, were to reach its target audience and meet the ‘within sight and sound’ criterion, this protest would have to take place online.

It is also worth considering that in a carbon-challenged global environment being able to assemble together without moving between cities or across borders is all the more important.

Another consideration is to acknowledge that our **current understanding of the right to assemble includes the right to determine not only the ‘place’ but also the ‘time and manner’** that people might choose to come together and express themselves (albeit that the state also has some grounds to restrict the time, place and manner of assemblies) and similar parameters must also apply to internet-based assemblies. A key issue is to recognise that the internet is a different type of place and creates the potential for different ways to communicate, and therefore to assemble compared with physical space.

While the internet may be a site for people to assemble, other questions have been raised about the **types of activity that might be categorised within the manner of an internet-based assembly**. For example, should the right to assemble cover things such as:

- hashtag-led mobilisations¹⁶;
- online petitioning¹⁷;
- timed tweet-bombing messages¹⁸;
- website campaigns;
- hologram protests¹⁹;
- denial of service attacks (DoS attacks) or distributed denial of service attacks (DDoS attacks), wherein hackers obstruct access to websites for other users;



¹⁶ Using the linking function of the same hashtag to organize and take action.

¹⁷ A type of social activism where petitions are signed online through a form on a website. <http://theconversation.com/changing-the-world-one-online-petition-at-a-time-how-social-activism-went-mainstream-61756>

¹⁸ Posting numerous tweets with the same hashtags and other similar content, from multiple accounts, making the message a trending topic on Twitter.

¹⁹ Such as the “Ghost protest” in South Korea in February 2016 by Amnesty International, see: <https://www.amnesty.org/en/latest/campaigns/2016/03/ghosts-assemble-for-freedom-in-south-korea/> or the “Holograms for Freedom” in Spain in April 2015 (“No SomosDelitos” Platform), see: https://english.elpais.com/elpais/2015/04/14/inenglish/1429013219_604510.html

- website re-directs²⁰ or defacement²¹;
- digital counter-programming²²;
- virtual sabotage²³, and other emerging forms of protest and online activism.

Some of the questions posed relate to whether activities taking place online should be categorised as an internet-based assembly. For example, do they include a sufficient element of co-presence, or can related actions that take place at different times, both perhaps due to participants being in different time zones, be considered as a single activity or multiple activities by separate activities by different individuals?

Emerging activities also raise questions of the duration of an assembly and whether activities such as hashtag mobilisations that last for many weeks, and with sporadic or intermittent activity, or activities that appear in intervals over time rather than continuously (e.g., actions every Friday) should be considered as a single form of internet-based assembly or multiple assemblies?

Other forms of new protest activity raise questions about its peaceful nature. For example, how far should acts of online disruption, blocking websites for example, be considered as non-violent? And what are the boundaries between peaceful and non-peaceful internet-based assembly activities? Questions about the boundaries of peaceful and non-peaceful activities are frequently debated in relation to physical assemblies, but different issues arise in relation to internet-based activities, and may well prove to be as difficult to resolve.

In considering how a growing diversity of online activity relate to existing understanding of the right to freedom of assembly it is worth noting that the different examples of online activism share a number of elements that are associated with physical assemblies, including:

- Collective online expression, but where the right to freedom of expression alone does not cover the value and force of concerted communication;
- Common purpose;
- Use of shared (virtual) space to support and/or hold gatherings, sometimes without the need to meet in physical space; and
- Strong associational value, potentially leading to online movements/organisations.

The diversity of activities raises a range of other questions over which forms of activity should be considered as protected under the right to assembly and which might be better considered as forms of expression or association. Such questions are still being debated, discussed and considered and it will require a thorough debate for the parameters of the right to assemble online to be recognised.

20 This method changes the address of a website within the server so would-be visitors of the site are redirected to a site created by the perpetrator, typically to denounce the original site.

21 An attack on a website that changes its visual appearance, usually to convey a specific message.

22 Such as the #Stateofthedream postings as counterprogramming to President Trump's state of the nation address protest in January 2018: <https://thenextweb.com/politics/2018/01/27/alyssa-milano-plans-online-protest-for-trumps-state-of-the-union/>

23 Such as the spreading of malware.

III. Online Activity in Organising Assemblies

The use of digital technologies and **social media** has already transformed the potential and opportunities for organising assemblies in physical space. The increased capacity for rapid communication and networking amongst people has made it much easier to organise assemblies and bring people together. It has enabled the possibility of more discrete forms of rapid communication and planning between people to enable them to organise internet-enabled gatherings in public spaces, and to do so at short notice and without the awareness or attention of the authorities.

Some of the earliest evidence of this was in the appearance of flash mobs, organized not just via telecommunications, but also social media and e-mail, in the first decade of the twenty-first century. Initially these involved people gathering for a short time as forms of public artistic or entertaining intervention, but the form was rapidly adopted for political purposes, and in particular in societies with more repressive regimes where legally sanctioned assemblies were few and far between.

While digital technologies have made it practically easier to organise an assembly, in so doing they have made regulating or controlling such activities more challenging for the state. Three specific challenges have emerged: avoiding advanced notification; not having a clear organiser; and discreet advertising of an assembly.

A requirement to provide **advance notification** has been recognised by the European Court on Human Rights and the UN Human Rights Council as a restriction on a fundamental freedom, but also as a legitimate restriction as long as the aim of notification is to better enable state authorities to provide the resources to facilitate assemblies and to reduce potential disruption.²⁴ However, in some states advance notification is used to regulate, control or prohibit assemblies. Organising and planning online can make it easier to act discretely, avoid state intrusion and ignore legal requirements to provide advance notification and avoid the potential for formal prohibition of an assembly by the state.

The use of social media platforms has made it easier to mobilise people online and bring them together in a public space without any obvious, evident or specific individual **organiser** or organisation being responsible for an internet-enabled assembly, thus further undermining attempts by the state authorities to hold particular individuals or organisations responsible.

Finally, in some countries the authorities try to limit any **advance publicity for an assembly** before it has been notified and approved by the state. Again, online connectivity has been utilised to make it easier to disseminate information about planned assemblies which avoids the state being forewarned. In the past, advertising of a forthcoming assembly had to be done by word of mouth and thus limited to a small number of people, or by putting posters up which drew the attention of the authorities. Now, it is possible to organise discretely while also mobilising large number of people without public advertising.

The use of the internet and social media has transformed the potential of people to plan, organise and publicise assemblies. Such transformations have left state authorities struggling

²⁴ Where an assembly takes place solely online, a requirement for advance notification is obsolete, in the same way that advance notification to the state is not required for meetings inside buildings or on private property as its justification (preparation by authorities, police support, road-blocks, traffic diversion etc) is simply not required.

to keep up with developments, monitor preparations and restrict assemblies in advance and may have left aspects of existing legislation, particularly provisions for advance notification, largely redundant and effectively unenforceable.

IV. Online Activities during Assemblies

Use of digital technologies, social media and online activity is now a routine feature of most assemblies as they are happening. This may include the use of social media platforms for recording, documenting and reporting on activities taking place, including in particular the role of the police and law enforcement agencies; for live streaming aspects of the assembly; and for monitoring how far the right to assemble is being facilitated or being restricted.

Such **reporting and documenting** has helped to further reduce the distinction between formal professional journalism, associated with the mainstream media, and what has been called ‘citizen journalism’, and has enabled supporters of protests and human rights activists to disseminate their activities and their observations quicker and more directly.

Social media is widely used to disseminate information in real time on activities as they unfold and without any formal editorial process. This inclusive approach to reporting in turn may help to increase awareness of protests and the nature of state responses both nationally and internationally. It may also increase the potential for holding the authorities to account for the actions as a result of an increasing amount of visual recording taking place at assemblies. An early example of this was the undermining of police accounts of the events leading up to the death of an individual at a protest in London in 2009 by the release of footage shot on a mobile by a passer-by.²⁵

Online activities during an assembly may also help **mobilise** other people to join the activity or, as a result of viewing videos or reading reports of the assembly, it may in turn lead to further assemblies being organised. This in turn serves to **blur boundaries between organising, planning and participation in assemblies**.

Social media platforms have also been used to enable people to virtually participate or contribute to the speeches through video linkages and to **connect assemblies in different locations and even in different countries broadly simultaneously** and thus increasing the potential for global forms of protest, for example in relation to the climate crisis, and thus the impact such events may have.

Participating in an assembly through social media and online platforms may also **enable people to participate** and add their voice to the views being expressed at an assembly **who might not otherwise be able to do so**. This might include people who are not close to the location of the assembly, or who are restricted from accessing the site of the assembly, or who may be unable to participate due to disability or other physical impairments or due to concerns for their safety.

²⁵ <https://www.bbc.co.uk/news/uk-10728685>

This in turn raises questions about the nature of participation: does it require physical co-presence in a single space? And can internet-based and internet-enabled assemblies serve to extend the right to participate in assemblies to a wider and more diverse range of people?

From the discussion above it can be concluded that some of these activities can enhance the voice of the assembly by extending the reach of the message beyond mere 'sight and sound'. While others serve to **fundamentally change our understanding of the notion of participation through the co-presence of people in physical space and in cyberspace**. Participating in an assembly may no-longer be limited to a shared presence in physical space but rather the assembly itself may involve differing components and forms of participation and thus our understanding of an assembly may need to become more nuanced and complex to capture them.

This, in turn, connects back to the earlier discussion on what we might understand as an assembly in the twenty-first century. The scope, potential and parameters of exercising the right to assemble are changing and expanding and this challenges our existing understanding of what we currently consider as the right to peaceful assembly and the norms of how we view an assembly or a protest. Critically, such changes also impact on how the state authorities might view the changing parameters of assembly and the legitimate grounds, scope and nature of any restrictions.



V. The State and Online Assembly

The changing nature of activities in relation to planning, organising, advertising, participating in, recording and documenting assemblies has created, or has been perceived to create, many new challenges for the state authorities in many jurisdictions. The established forms and expectations of controlling, regulating and restricting assemblies have changed. And in many cases authorities are struggling to keep up with the new context.

In the absence of any clearly defined understanding of the parameters of internet-enabled and internet-based assemblies, a diverse range of interventions and responses have been developed. This has led to something of a cat-and-mouse game between organisers, civil society actors and the state as new platforms and new forms of activity are developed, which leads to new responses and restrictions by the authorities, and then in turn counter-responses by protesters.

Fundamental to the state response to internet-enabled and internet-based assemblies has been the **development of increasing forms of monitoring and surveillance** including the monitoring of websites and social media platforms to keep tabs on plans for future assemblies and who is involved in the planning and preparation. Such forms of surveillance may in turn lead to organisers moving to encrypted platforms and counter-responses by the state to gather intelligence.

Increasingly, the police follow social media sites to gather information about plans for holding assemblies, but their monitoring of the internet and social media may also be more intrusive. Some state responses raise fundamental questions over such matters as the rights to privacy. There is an ongoing debate about the scope of the right to privacy while participating in a public assembly, and the right to wear masks and similar, but what about **the rights to privacy to participate in an online assembly?**

The state authorities are already using and extending their surveillance capacity to monitor who is attending an assembly by accessing data from mobile phones in the vicinity. In Ukraine, for example, during the Maidan protests in 2014, such forms of data gathering enabled the authorities to send a text message to all phones in the neighbourhood of the Maidan informing people that they were participating in a mass riot.²⁶

Artificial intelligence is also being used to track assembly participants, including facial recognition tools or, in the recent 2019 protests in Hong Kong, tracking the electronic chips in personal ID cards. Furthermore, algorithms are being used by the authorities to assess and gather information about twitter post exchanges during an assembly and to predict where violence is 'likely' to break out²⁷.

As well as forms of surveillance the authorities may also choose to **shut down access to the internet** in response to protests or in response to attempts to organise them. There have been a growing number of instances where access to the internet has been restricted or stopped in response to protests or mass mobilisations. Among recent examples, in 2019 the authorities in India closed down all internet access in Kashmir and they often also impose local internet shutdowns in response to protests elsewhere in the country; while in Iran the authorities have developed technology that closes down international internet links while maintaining access

²⁶ <https://www.theguardian.com/world/2014/jan/21/ukraine-unrest-text-messages-protesters-mass-riot>

²⁷ Read ECNL blog on rights-based Artificial Intelligence: <http://ecnl.org/when-law-meets-tech-a-call-for-rights-based-ai/>

within the country.

According to research carried out in North Macedonia, as part of the ECNL *Monitoring the Right to Free Assembly* project, it was claimed that Facebook pages linked to protests had disappeared, and that mobile network coverage has been suspended in the area where a protest was taking place to prevent people from accessing social media.²⁸ Turkey has also imposed restrictions on accessing the internet during protests, while Turkish President Erdoğan in turn had cause to complain to the German authorities when he was prevented from using an online connection like to speak to participants at a rally in Germany in 2016.²⁹

In a number of other contexts, the **state authorities have accused people who have liked or forwarded posts about forthcoming assemblies, or blogged about an assembly, as being an organiser or a participant** and therefore being liable for prosecution. For example, in Serbia it has reported that the authorities have used Facebook posts as evidence to charge people with the organisation of non-notified assemblies.³⁰ Discussion is also ongoing in terms of collaboration between internet service providers and the authorities, where authorities request information on users from their private accounts.

These examples highlight emerging ways in which the state is responding to a changing context in which accessing the internet and social media has challenged and confused to established norms of regulating and restricting the right to freedom of assembly.



28 See page 33 of Macedonia country report at <http://ecnl.org/publications/monitoring-the-right-to-free-assembly-in-12-countries-2018/>

29 <https://www.theguardian.com/world/2016/jul/31/erdogan-supporters-cologne-germany-turkish-rally>

30 See pages 22-23 of Serbia country report at <http://ecnl.org/publications/monitoring-the-right-to-free-assembly-in-12-countries-2018/>

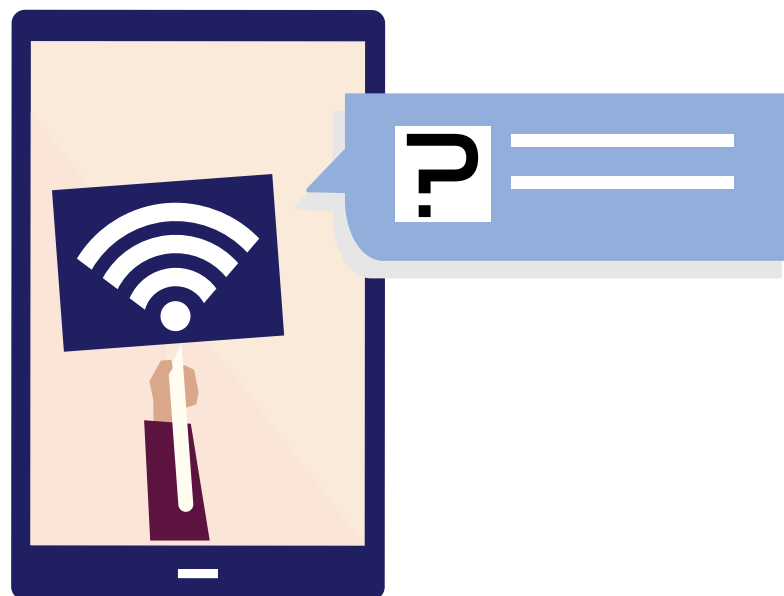
Summary

The nature and scope for assembling and organising assemblies has changed considerably in recent years with increasing access to the internet and an even more diverse range of social media platforms. It is therefore critical to distinguish between three separate types of assembly:

1. Internet – enabled assemblies: Those taking place in physical spaces but facilitated or extended by new technologies (in particular by the Internet);
2. Internet – based assemblies: Those that take place entirely within the virtual sphere; and
3. Assemblies that encompass elements of both.

While these changes have created opportunities for civil society actors and assembly organisers, they have also created uncertainties for others. Key human rights authorities remain uncertain about how far the right to peaceful assembly should extend to and embrace the online world, while state authorities are often challenged about how to respond to the changing context in a proportionate and legitimate manner.

This increasing uncertainty is likely to continue over the next few years. States are likely to explore new forms of surveillance and novel means of constraint; increasing attention will be focused on the roles and responsibilities of technology companies and social media platforms in provision of a public good; while organisers and participants in assemblies will adopt new technologies and adapt existing ones. Human rights observers will have to try to monitor the changing practices as they help to clarify the boundaries of new forms of activity, contribute to understanding developments and help develop standards for the enablement and protection of the right to peaceful assembly.



 #right2freeassembly

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