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**Responding to the Risk of  
Violence at Protests**

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# Background / Context

- OSCE / ODIHR work on freedom of assembly since 2005
  - With Venice Commission and CoE
- Prepare '*Guidelines on Freedom of Peaceful Assembly*'
- Review legislation
- Training for human rights activists
- Training for police

# Fear of Protests

- Protests often seen as a challenge
  - to the state
  - for the state
- Cause disruption to daily routines
- May provoke opposition and cause offence
- Potential for disorder
- Risk of violence

# Imposing Restrictions

## State Reactions

1. Prohibitions
2. Preventive Interventions
3. Use of Force
4. Control of Social Media
5. Disproportionate Punishments

# Prohibiting Protests

- Protests banned because of risk or potential for violence
  - London August 2011
  - Paris July 2014
- ECtHR: state should take measures to enable event where possible
  - *Guner v Turkey* (2005)
  - *Ollinger v Austria* (2006)

# Preventive Interventions

- Increasing use of selective interventions
- Arresting individuals prior to event
  - *Schwabe and MG v Germany (2011)*
- Preventing people travelling to protests
  - Stopping coaches, trains, cars
  - Suspending Schengen Agreement
- Mass containment (Kettling)
  - *Austin v UK (2012)*

# Use of Force

- Militarisation of Police
  - Shows of strength / acts of deterrence
  - Ferguson, Missouri
- Active dispersal of peaceful protests
  - Gezi Park
  - Occupy protests
- ECtHR: Peaceful protests should not be dispersed, even if illegal
  - *Oya Ataman v Turkey (2007)*

# Control of Social Media

- Increasing use of social media around protests
  - Flashmobs from 2003
  - Moldova 'Twitter revolution' (April 2009)
  - Egypt (2012), Spain (2012)
- Restrictions on internet / social media
  - Ukraine: text message warnings (January 2014)
- Cat and Mouse games
  - Hong Kong (September 2014)

# Disproportionate Punishments

- Increase in fines and prison sentences
  - Russia, Belarus and Azerbaijan
- For organisers and participants
  - Active on streets or through social media
  - Whether violent or not
- Chilling effect on protests
  - Containment has similar effects

# Impact of Restrictions

- Creates culture of opposition
- Hostility to police
- Increases tensions
- Confrontation and violence expected

# Alternative Approach

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# Right to Protest

- Right to assembly is a fundamental freedom
- State responsibility to protect and facilitate
- Protest a legitimate use of public space
- Vast majority of protests remain peaceful
  - Police approaches may provoke clashes

# Policing Protests

- Police responsibility to facilitate and protect assemblies with peaceful intent
  - De-escalate tensions
- Understanding of human rights issues
  - Including rights of police officers
- Quality of training, leadership, equipment
- Ongoing dialogue
- Regular review and critical analysis

# Northern Ireland

- More than 3,500 assemblies a year
- Many are contentious
  - Some end in violence
- No event banned since 1996
- Police facilitate all assemblies