

# WRITTEN STATEMENT BY U.S. CIVIL SOCIETY ON THE OSCE-ODIHR 'REPORT ON THE MONITORING OF FREEDOM OF PEACEFUL ASSEMBLY'

NOVEMBER 16, 2012

On November 9, 2012, a representative of the U.S. civil society delegation to the OSCE-ODIHR 'Supplementary Human Dimension Meeting on Freedom of Assembly and Association' delivered a verbal statement to the Meeting, on behalf of the organizations listed below. The verbal statement welcomed the OSCE-ODIHR Monitoring Report, stated that it contained key findings and recommendations, and supported the continuing monitoring work of the OSCE-ODIHR. This written statement supplements that verbal statement:

**1. We commend the OSCE-ODIHR for its first comprehensive Monitoring Report, published November 9, 2012.** The work of the OSCE in monitoring and reporting on assembly rights in the United States is invaluable, and the Monitoring Report contains important findings and recommendations for all states to ensure compliance with their international human rights obligations. The OSCE report highlights human rights abuses by U.S. authorities' treatment of assemblies, including the Occupy protests, such as:

- Infringement of press freedoms and the rights of journalists.
- The use of excessive police force.
- Unjustified mass arrests and kettling of protesters.

The OSCE report includes crucial recommendations to ensure the respect and promotion of the right to assembly, including:

- Protest camps and marches should be facilitated as much as possible and restricted only for a legitimate purpose and by the least intrusive means possible.
- Security concerns should not be used to disproportionately limit protesters' rights to convey messages within sight and sound of the intended audience.
- Use of force by police should strictly adhere to the principles of necessity and proportionality.
- Reports of police misconduct should be investigated promptly, thoroughly, and impartially.
- Police should receive international human rights training, and policing should emphasize de-escalation, a "no surprises" approach, and dialogue.
- Mass arrests should be avoided, and kettling only used when necessary to prevent serious damage or injury and when no other tactics are available.
- Authorities should facilitate independent monitoring and press freedoms, and ensure that monitors and journalists, including citizen journalists, are not, in the course of their work, detained by police.

**2. We have the following four recommendations:**

- All governments, including the United States, should widely disseminate the OSCE-ODIHR Monitoring Report and the OSCE Guidelines on the Freedom of Assembly to their state and local officials, to increase awareness of and respect for international human rights standards.
- The OSCE-ODIHR should continue to conduct independent monitoring of protests across the OSCE region, including in the United States. We commend those governments, including the United States, who have in the past facilitated OSCE monitoring, and we encourage them to continue to do so.
- Governments should engage in constructive dialogue with the OSCE-ODIHR during and following its monitoring work, particularly to address concerns raised about assembly rights violations and to promote government best practices.
- The OSCE-ODIHR should conduct follow-up monitoring of country practices on the right to assembly.

**3. This statement is made on behalf of:**

The Global Justice Clinic at New York University School of Law

The International Human Rights Clinic at Harvard Law School

The Walter Leitner International Human Rights Clinic at the Leitner Center for International Law and Justice at Fordham Law School

The International Human Rights and Conflict Resolution Clinic at Stanford Law School

The Center for Constitutional Rights

The American Civil Liberties Union

National Lawyers Guild, Massachusetts Chapter

The National Lawyers Guild-New York City Chapter

U.S. Human Rights Network

Human Rights Watch

Human Rights First

The AntiRepression Committee of Occupy Wall Street