

# Freedom of association and freedom of assembly

# Key questions

- What is the meaning of freedom of association and freedom of assembly?
- What limits are placed upon these in the international rights regime and how do they relate to other rights?
- What has been the impact of the internet on opportunities to exercise freedom of association and assembly?
- What has been the impact of the internet on the relationship between these and other rights, including freedom of expression, information and privacy?
- What has been the impact of the internet on limitations to and violations of these rights?
- How should rights professionals respond to the implications of the internet for their work in these areas?

# Article 20 of the UDHR

*(1) Everyone has the right to freedom of peaceful assembly and association.*

*(2) No one may be compelled to belong to an association.*

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# Freedom of association

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Associations include a wide variety of groups, such as social clubs, as well as those involved in

An association is “any group of individuals or any legal entities brought together in order to collectively act, express, promote, pursue or defend a field of common interests” (UN Special Rapporteur on freedom of association and assembly)

# Freedom of assembly

Freedom of assembly concerns the right of people to act collectively, whether on behalf of a group to which they belong (such as a strike) or in a spontaneous gathering of otherwise unconnected individuals (such as a demonstration).

An assembly is “an intentional and temporary gathering in a private or public space for a specific purpose” (UN Special Rapporteur on freedom of association and assembly)

# Freedom of association and assembly in the ICCPR

- Article 22
- *Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.*
- Article 21
- *The right of peaceful assembly shall be recognized.*

# Limitations on freedom of association and assembly in the ICCPR

- Article 22
  - *No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.*
- Article 21
  - *No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.*

# The internet and individual association

- The internet has enabled a range of new platforms for personal and social interactions – particularly email, instant messaging and social network services (such as Facebook, LinkedIn and Twitter) – which are undertaken virtually.
- Many individuals who are online now have much more complex sets of interpersonal relationships, with larger groups of people in more locations (worldwide as well as local or national).
- They are able to conduct these relationships instantaneously, through a variety of online devices, irrespective of distance, and they are able to do so anonymously or pseudonymously.

# The internet and collective association

- The internet is now widely used as an organisational tool by associations – for recruitment, networking, publication and campaigning.
- Political organisations – of all persuasions – have found it valuable, as have other associations.

# Online associations

- Online associations are not bound by geographical boundaries in the same way as their offline counterparts, and enable looser forms of participation (including, if an association thinks it desirable, anonymous participation).
- They can be highly supportive for minorities, particularly those who face stigmatisation or victimisation in wider society, and can build momentum that supports greater inclusiveness.
- In political contexts, online associations have enabled the emergence of stronger global movements for change, and stronger linkages between domestic and diaspora political groups.

# The internet and assembly

- The internet has altered some of the ways in which physical assemblies are organised and conducted.
- The most significant of these is that people involved in assemblies can now be in constant touch with one another both individually (through mobile voice) and collectively (through group SMS, group email and social network services, using mobile phones).
- This was evident during the “Arab Spring” and other political protest, as well as in non-political assemblies.
- It has also enabled online assembly, in a variety of forms including online petitions, campaigns and crowdsourcing.

# Issues for discussion – organisation of protest

- The internet, especially the mobile internet, has made it easier to organise and micro-coordinate protests.
- SMS and Twitter are particularly effective tools for micro-coordination, alerting groups of participants to problems (such as the location of police or army units), organising snap activities or changing the time and venue of those that had been planned.
- Some internet activists have argued that hacking and DDoS attacks should be regarded as assembly. Others in the internet community consider these violations of rights and internet

# Issues for discussion - surveillance

- As well as enabling greater freedom of association and assembly, the internet has also therefore made it easier for governments and others to monitor associations which they consider undesirable.
- In different countries, this may include criminal organisations and/or political opponents.
- Many governments have sought or obtained the right to access the internet records of individuals and organisations from ISPs and online service providers. This can have a chilling effect on association and assembly.

# Issues for discussion - anonymity

- The internet makes it easier for people to associate anonymously or pseudonymously.
- Rights activists have welcomed this where it enables people to take part in online activity which opposes either their government or a non-state actor (such as a drug cartel) with less risk of arrest or retribution.
- Anonymity and pseudonymity are also used by those who seek to harm individuals or society, for example, in

# Summary

- The internet has significantly enhanced the ability of people to exercise freedom of association and assembly, as individuals, in physical and online groups.
- This has created new opportunities for members of minority groups, including ethnic and sexual minorities, to associate, and for political protest through association and assembly.
- It has also been used by groups which are hostile to minorities or to the rights of others.
- This has raised new challenges of interpretation concerning the scope of rights provisions and government powers relating to association and assembly.