

Impact case study (REF3b)

<p>Institution: Queen's University, Belfast</p>
<p>Unit of Assessment: 24 - Anthropology and Development Studies</p>
<p>Title of case study: Facilitating the Right to Freedom of Peaceful Assembly</p>
<p>1. Summary of the impact (indicative maximum 100 words) This case study focuses on the right to assemble and to protest through International human rights' law. It has impacted upon judicial rulings of human rights' compliant approaches to monitoring and policing peaceful protest. Sustained research with the Organisation for Security and Co-operation in Europe's Office of Democratic Institutions and Human Rights (ODIHR) has increased national and international understandings of and respect for one of the fundamental human freedoms through the development of the Guidelines on Freedom of Peaceful Assembly (Jarman et al. 2010). These guidelines are increasingly recognised as international soft law standards and they have been used by international and national human rights' organisations throughout eastern Europe and the south Caucasus including the United Nations. The beneficiaries of this research impact are governments and NGOs working across eastern Europe, the south Caucasus and central Asia. They include Amnesty International, Human Rights' Watch, Helsinki Foundation and the International Foundation for Human Rights (FIDH).</p>
<p>2. Underpinning research (indicative maximum 500 words) Jarman's research on public assemblies began in the early 1990s and was published as <i>Material Conflicts</i> (1997), winner of the Katherine Briggs Award from the Folklore Society in 1997. His research association with the Unit dates to the mid-90s, and has been sustained ever since through co-authorship and collaborative grant applications with staff members and as a Category C submission to RAE. In 1995, his research changed direction in response to growing national tensions, becoming increasingly focused on socio-legal matters of regulation and management of contested public events. Fieldwork involved personal observation at numerous public gatherings along with extensive interviews with the public and police. The research critically analysed how the right to assemble was being utilised and policed, producing recommendations that have impacted on public policy, institutional practice and understandings of the role of human rights in social transformation.</p> <p>In 1997, Jarman undertook a comparative study on the management of assemblies in ten jurisdictions: Scotland, England, Ireland, USA, Canada, South Africa, Italy, France, Israel and Palestine (funded by the Community Relations Council, £15,000). This was followed in 1998 by a comparative, two-year practical research project on the policing of demonstrations and public order in South Africa, Belgium and Northern Ireland (funded by the Police Authority for Northern Ireland, £60,000). This work focused on developing an international comparative understanding of the issues of implementing human rights and, in particular, the role of the police in this process.</p> <p>The published findings of Jarman's study of human rights and public assembly conducted in 2001 for the Northern Ireland Human Rights Commission were presented at a conference in Warsaw in 2004 organised by the Office of Democratic Institutions and Human Rights, part of the Organisation for Security and Co-operation in Europe (OSCE). He was subsequently invited by them to participate in a working group to draft guidelines on freedom of peaceful assembly. In 2007, following the publication of the Guidelines, Jarman was invited to chair the newly constituted 'Expert Panel on Freedom of Peaceful Assembly' http://www.osce.org/odihr/43618.</p> <p>Jarman's research with ODIHR has involved fieldwork and critical analysis of law and practice relating to freedom of assembly across Europe and countries of the former Soviet Union. It has highlighted issues around the use of permit systems, a lack of respect for spontaneous assemblies, excessive use of force and a lack of awareness and accountability for human rights' principles internationally. He has conducted research on human rights' violations in many countries, including, Belarus, Russia, Ukraine, Armenia, Georgia, Kazakhstan, as well as the UK, France and the USA. The research has provided an evidence base for work with human rights' groups and it has impacted upon governments and police forces by changing laws, attitudes and actions in implementing this fundamental democratic freedom.</p> <p>The initial text of the <i>Guidelines on Freedom of Peaceful Assembly</i> was published in English and Russian in 2007 and since 2008 its recommendations have been widely promoted and disseminated as a guide to best practice internationally. The book has been translated into Arabic, Armenian, French, Georgian and Romanian. A revised and extended edition was published in 2010 and a third edition is under preparation. OSCE's Head of Democratization has noted that the guidelines have 'helped shape public opinion and policy', (pers. comm.).</p>

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The research has also resulted in the development and delivery of a programme that trains human rights' groups to carry out field research to monitor, analyse and report on how freedom of assembly is being addressed in different countries. This training was initially based on ethnographic fieldwork methods developed by Jarman in Ireland, South Africa and the USA in the late 1990s, and has been revised based on his further research, in particular, in Armenia and Moldova between 2007 and 2009. In 2011, Jarman's research on managing protests was produced as a *Handbook on Monitoring Peaceful Assembly* by OSCE/ODIHR.

3. References to the research (indicative maximum of six references)

- (1). Jarman, N. (1997) *Material Conflicts*. Oxford, Berg. (Winner of the Katherine Briggs Award from the Folklore Society, 1997)
- (2). Hamilton, M. N. Jarman and D. Bryan (2001) *Parades, Protests and Policing*. Belfast, Northern Ireland Human Rights Commission.
- (3). Jarman, N. & M. Hamilton (2009) Protecting Peaceful Protest: The OSCE/ODIHR and Freedom of Peaceful Assembly. *Journal of Human Rights in Practice* Vol.1 No.2: 208-235.
- (4). Jarman, N. et al. (2010) *Guidelines on Freedom of Peaceful Assembly*, Warsaw, OSCE.
- (5). S. Ostaf & N. Jarman (2010) *Policy Options for Improvement of Assembly: Policing Management in Moldova*. Chisinau, Resource Center for Human Rights (Credo).
- (6). Jarman, N. (2011) *Handbook on Monitoring Peaceful Assembly*. Warsaw, OSCE.

Research Grants

- [a]. 'Managing Disorder: Responding to Interface Violence'. Office of the First Minister and Deputy First Minister (OFMDFM, 1999-2002), £60,000.
- [b]. 'Nothing Happened: Public Disorder during 2003'. Northern Ireland Policing Board, £10,000.
- [c] 'Managing Disputes over Parades'. Community Relations Council (2008-09), £15,000.
- [d] 'International Standard in Policing Assemblies'. OSCE Mission to Moldova (2010), €10,000.
- [e] 'Community Attitudes to Public Order Policing'. Police Service Northern Ireland (PSNI 2012), £22,000.

4. Details of the impact (indicative maximum 750 words)

The research has had a range of international governance, human rights and legal opinion impacts. The work of evidence gathering through monitoring freedom of assembly is designed to produce outcomes that will enable wider engagement with the relevant state authorities, particularly police. It aims to have a positive impact on the way that assemblies are controlled and monitored by police and has involved the following impacts to date:

4.1 International Governance Impacts

In 2007, the ODIHR working group was transformed into a standing Expert Panel on Freedom of Peaceful Assembly which Jarman was invited to chair, initially for a five-year period. This appointment has been extended for a further five years (2012-2016). The Panel has had ongoing responsibility to promote and update the *Guidelines of Freedom of Peaceful Assembly* and to improve public and legal understandings of and respect for this human right. The initial draft of the Guidelines was co-authored by Jarman for the OSCE/ODIHR and in 2008 it was adopted by the Council of Europe's European Commission for Democracy through Law (Venice Commission). The ODIHR Expert Panel and the Venice Commission continue to work together on issues relating to freedom of assembly, particularly on joint legal Opinions, as well as further editions of the Guidelines. The Head of the Human Rights Department of OSCE has noted that, 'Mr. Jarman has strengthened ODIHR's capacity to promote freedom of peaceful assembly and contributed, also directly, to improved legal frameworks, strengthened monitoring capacity of civil society and better practice of policing assemblies in a number of OSCE participating States' [1].

4.2 Impacts upon Human Rights' Law

The *Guidelines of Freedom of Peaceful Assembly* have been cited by the European Court of Human Rights as an authoritative source, most recently in the case of *Vyerentsov v. Ukraine* (App.No 20372/11) in April 2013; and also by the Polish Constitutional Court (case no 105/6/A/2008, in Polish). In both cases, the Guidelines provided essential research evidence of best practices and key principles of freedom of assembly. The courts made definitive rulings on the basis of the guidelines as the criteria for maintaining international legal standards. They have also been widely disseminated and cited in legal proceedings in other countries (including Belarus and Russia) to promote understanding of issues relating to freedom of assembly. As part of this process, they have been translated into Russian, French and Arabic

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(to facilitate engagement with the Arab Spring countries) and also into Armenian and Romanian. The Head of Legal and Judicial Reform Advice in Armenia has advised that Jarman 'made an important and significant contribution' to the Guidelines which were used as the foundational material for 'drafting and adopting the new Armenian Law on Freedom of Assemblies in 2011' [2].

The Guidelines were also widely cited as an authoritative source by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, in his first annual report published in 2012 (A/HRC/20/27) in which he noted the Guidelines as being, 'the most advanced set of good practices available' (see footnote 7 of his report) [3].

4.3 Impact through Legal Opinions and Human Rights' Monitoring

Jarman's research for the ODIHR Panel on Freedom of Assembly has also involved:

1. Preparing legal Opinions on draft or existing laws relating to freedom of assembly upon request from a representative of the government in the relevant country. Since 2008, Jarman has co-authored Opinions on laws for Armenia (June 2008 and December 2012); Sarajevo Canton (June 2010); Serbia (October 2010); Ukraine (October 2010 and October 2011); Kyrgyz Republic (May 2009 and December 2010); Belarus (March 2012); Poland (May 2012) and Tunisia (December 2012 and April 2013). In a number of cases, the Opinions have resulted in amendments to draft or existing laws as follows:
 - In April 2008, Jarman attended meetings with the Armenian government at which he discussed changes that had been made to the law on assemblies following large protests in March 2008. This advice resulted in a further Opinion paper to the government which, in direct response, agreed to repeal sections of the law and amend others, in particular, providing for spontaneous or non-notified assemblies which had hitherto been considered unlawful.
 - In November 2011, at a public event in Kiev, Jarman presented findings of an ODIHR Opinion on a draft law on assemblies prepared by the Ukrainian government. Partly in response to the critical Opinion, the draft law was subsequently withdrawn and a third draft law text was introduced into Parliament in July 2013.
 - Jarman's work with ODIHR on amendments to the Polish law on assemblies in May 2012 resulted in an Opinion that led to a number of changes to the draft law. These changes related to the removal of an increase in the notification period prior to gatherings taking place and clarifying the specific responsibilities and liabilities of the organiser in order to make the law compliant with international human rights' standards.
2. In 2010-11, Jarman provided support and guidance to a working group involving civil society representatives and government officials that was set up by the Armenian Ombudsman to prepare a new law on Freedom of Assembly for the Republic of Armenia. This resulted in a more liberal law which was designed to comply with European standards and which came into force in April 2011.
3. Jarman's comparative research on the monitoring of human rights in South Africa, USA and Ireland led in 2008 to the development of a research and training programme on monitoring freedom of assembly for ODIHR. Jarman has since delivered this on behalf of ODIHR to human rights' organisations in Moldova (2008); Armenia (2009); Kazakhstan (2010); Kyrgystan (2011); Georgia (2011) and Serbia (2011). Research-led training was designed to build capacity among civil society organisations and was the prelude to a period (of between six months and a year) of formal monitoring of assemblies to gather data for a subsequent report. In each country the findings of the monitoring were published in a research report, which was co-drafted by Jarman. Subsequently, the research reports were used by OSCE/ODIHR and the national partner to begin a process of engagement with the government, the police and municipal authorities as follows:
 - In Moldova, the monitoring report was used to engage with the municipal authority in the capital Chisinau to improve their understanding and respect for the law; it was also used to engage with the police as described in point 5 below.
 - In Armenia, the monitoring report provided an evidence base that was used to inform the process of preparing the current law on assemblies (as outlined in 2 above). It was also used as a means of engaging with the municipality in Yerevan and the national police. The OSCE Mission in Yerevan subsequently began a programme working with security forces

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in monitoring and policing public assemblies.

- In Kyrgyzstan, the monitoring report fed into (a) the wider process of reforming the law on assemblies and (b) enabling the OSCE Mission in Bishkek to work with civil society groups to increase awareness of how this fundamental freedom was being respected.
4. In 2011 and 2012, Jarman's work impacted directly on capacity building. He involved members of ODIHR staff in his research protocols and practices enabling them to lead their own research programme in relation to two specific types of assembly: Pride events and global summits. This has resulted in an ODIHR report *Monitoring of Freedom of Peaceful Assembly in Selected OSCE Participating States (May 2011 – June 2012)*. ODIHR has used the findings of this report to inform their engagement with selected states and, in particular, with the police (see point 7 below). Further research-based training of ODIHR staff in March 2013 was undertaken to support a second cycle of assembly monitoring which began in May 2013.
 5. In Moldova, the research reports produced by the monitoring of assemblies began a process of engagement with the police which resulted in a 2010 research and training project on public order policing run by CREDO, a Moldovan human rights organisation, and on which Jarman acted as expert consultant.
 6. In Armenia, Jarman's research undertaken on monitoring with the police was adopted by the OSCE Mission in Armenia from 2009, which employed a former UK police officer to develop a training programme in order to address some of the issues raised by the research.
 7. Jarman's overall research on monitoring led to a further OSCE/ODIHR programme initiative to produce a *Handbook on Policing Public Assemblies* in March 2013. Jarman is a member of the project advisory group. This guidance for police commanders is designed to enable them to police assemblies under human rights' compliant procedures.

4.4 Impacts on UN Special Rapporteur Reporting

Research on freedom of assembly has led to changes in international legal facilitation and judicial rulings through advice given to UN Special Rapporteurs, as follows:

1. In 2011, Jarman provided advice and assistance to the Special Rapporteur on extrajudicial, summary or arbitrary executions, South Africa for the latter's annual report to the United Nations which focused on the use of force during public assemblies, (UN Report: A/HRC/17/28). Jarman's research was acknowledged in footnote 5 of the report [4].
2. In November 2012, Jarman was invited to Kenya to meet the Special Rapporteur on the rights to freedom of peaceful assembly and association to discuss and help frame issues to be included in his 2013 annual report (UN Report A/HRC/23/39). The Rapporteur noted that, 'The work that he and his colleagues do in the OSCE is clearly cutting edge' [5].
3. In January 2013, Jarman facilitated a number of meetings for the Kenyan Special Rapporteur on the rights to freedom of peaceful assembly and of association as part of the latter's country visit to the UK. For example, this included arranging meetings with members of local communities to ensure that their views and concerns were reflected in his report (UN Report A/HRC/23/39/Add.1) following outbreaks of violence in a range of cities in the UK. In his first report to the Human Rights Council in 2012, the Special Rapporteur noted that these were 'the most advanced' Guidelines available for consultation [5].
4. Nationally, the Guidelines have been used by organisations and political leaders in their efforts to resolve disputes over public assembly. For example, in 2013, the Police Service of Northern Ireland used the Guidelines in their management of the protests around the G8 summit. The Guidelines have also been cited by The UK's Joint Committee on Human Rights in their report *Demonstrating Respect for Rights* (2008-09) and by The Equality and Human Rights Commission in the *Human Rights Review 2012*.

5. Sources to corroborate the impact (indicative maximum of 10 references)

- [1]. Head of Human Rights Department, OSCE/ODIHR, Warsaw, Poland.
- [2]. Team Leader of GIZ, 'Legal and Judicial Reform Advice in South Caucasus Program', Yerevan, South Armenia.
- [3]. http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27_en.pdf
- [4]. UN Special Rapporteur on extrajudicial, summary or arbitrary executions, South Africa
- [5]. UN Special Rapporteur on the rights to freedom of peaceful assembly, Nairobi, Kenya.
- [6]. Co- Chair of the Co-ordinating Council of the International Youth Human Rights Movement.