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MONITORING METHODOLOGY FOR FREEDOM OF ASSEMBLY

2023

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The document was prepared by the Human Rights Center

Human Rights Center (HRC) was founded on December 10, 1996 in Tbilisi. The objectives of HRC are to strengthen the respect for human rights, and fundamental freedoms and to promote peace processes in Georgia.

HRC is a member of the following international networks:

- . International Federation for Human Rights (FIDH): www.fidh.org
- . World Organization Against Torture (OMCT - the SOS-Torture Network); www.omct.org
- . Human Rights House Network: www.humanrighthouse.org
- . Coalition for the International Criminal Court (CICC): www.coalitionfortheicc.org

Address:

0160, Tbilisi 11a, Gakhokidze St. III floor.

Tel: (+995 32) 237 69 50, (+995 32) 238 46 48

Email: hrc@hrc.ge

Online edition of Human Rights: www.humanrights.ge www.humanrights.ge

Website: www.hrc.ge

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Introduction

Within the project - “**Strengthening Monitoring and Advocacy Capacities for Rights in Georgia**”, the Human Rights Center monitors the assemblies and demonstrations and provides information to the public about the events developed during the protests, as well as the compliance of the actions taken by the state institutions during those protests with international standards of human rights protection.

In 2020, experts from the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) conducted a training course for monitors of the Human Rights Center on the monitoring of assemblies and demonstrations.¹ The Human Rights Center monitors the demonstrations in accordance with OSCE standards, and therefore, certain parts of the monitoring methodology are based on the guidelines for monitoring the demonstrations developed by the OSCE.

The purpose of this document is to share with the members of the civil society involved in the monitoring of demonstrations in Georgia the methodology on the basis of which the monitors of the Human Rights Center observe the ongoing assemblies and demonstrations. The document also includes information on ways to raise awareness about freedom of assembly in society and the basic guidelines on measures to be taken to ensure the safety of the monitors.

I. Monitoring of Assemblies and Demonstrations

Freedom of assembly is one of those fundamental rights that may have a decisive influence on the current political, social, and economic events in the country. Thus, in order to establish and maintain a democratic state, it is important to protect the freedom of assembly and expression at a high level, so that citizens can express their opinion openly, and publicly - both individually and collectively.

¹See: HumanRights.ge, *Training Course on Monitoring of Assemblies and Demonstrations*, 28 February 2020, available at: <https://bit.ly/2Qmse8R> [27.11.2023].

Monitoring of public assemblies by the CSOs is particularly important for identifying and documenting possible human rights violations. This, in turn, contributes to exposing rights violators, taking the necessary steps to hold them accountable, and subsequently - preventing violations. That is why the Human Rights Center observes the assemblies and demonstrations in Georgia, documents the facts that occurred during them, issues the reports to inform the public and raise awareness, and also engages in advocacy to raise the standard of protection of the right to assembly and expression.

Since monitoring of public assemblies, might in some cases be associated with certain risks, it is necessary to prepare the employees of the organization who are involved in the monitoring process; Also - developing an appropriate strategy, on the one hand, to effectively implement monitoring, and on the other hand, to ensure the safety of the monitors.

Below will be discussed the issues and practical suggestions that civil organizations and, more specifically, the monitors should consider when observing public assemblies.

II. The monitor's report

Before monitoring each public assembly, the monitors of the Human Rights Center research information about planned assembly and, through open sources, conduct research to assess potential risks associated with the assembly. The monitors get information about the time and place of the assemblies from various sources, including the media, and social networks (Facebook and others), where the organizers spread information about the planned protest. Using the same sources, it is possible to find out whether a counter-protest has been announced or not and how much confrontation between the participants of the two protests is expected.

During the monitoring process itself, the monitors of the Human Rights Center, based on a pre-prepared questionnaire, collect detailed information about the events taking place at the protest, describe the actions of the protesters and police officers, and report alleged rights violations. This and other important information are reflected in the monitor's report, which the monitors draw up upon completing the fieldwork.

The goal of such reports is to share information with the team and consolidate comprehensive information about the developments during the assemblies in a single document.

Questionnaires drawn up for monitors refer, among others, to the following issues:

- Chronology of events;
- The scale of the assembly and the demographics of the participants;
- Specific elements of an assembly;
- The main messages of the assembly;
- Media access and presence on the ground;
- Behaviors of police officers: Preventive activities, arrests, use of force or other police measures;
- Police weapons and recording/surveillance devices;
- Identifiability of police officers;

Alongside these and other important facts, it is important to describe in the monitor's report whether the protest was spontaneous and in what way/when the information about its organization was distributed, and the rest of the relevant circumstances.

In addition, the monitors make photo and video documentation of the events developed at the public assemblies and attach the corresponding materials to the internal report. Photos should be taken at different stages of the assembly and the chronology of events should be clearly shown on them. The monitors' reports also include links to media sources. Among them, there may be announcements, live coverage, or ex-post-prepared news packages. It is important that the information on the links is verified and monitors rely only on factually accurate sources. The presence of a media coverage component in the monitors' reports helps the monitors to obtain additional information and verify the facts.

The information collected by the monitors is further used by the analyst to provide brief monitoring reports, where possible human rights violations as well as the assessment of the compatibility of the actions of the law enforcement bodies with the legislation are also analyzed. The main problems identified during the reporting period are compiled in the summary report alongside the recommendations to relevant bodies.

III. Interviews with stakeholders

As one of the components of the methodology of monitoring the public assemblies, the Human Rights Center uses interviews with responsible persons of civil organizations, political parties and public institutions, and civil servants. The interviews are recorded on the basis of a pre-prepared questionnaire. Such interviews provide an opportunity to receive additional information provided by the participants, speakers, and organizers of public assemblies and to share their reasoned opinions; Through interviews, the organization receives information about what shortcomings were revealed in the process of planning and organizing the assembly. It is also important what answers public officials have regarding the organization of protests or alleged violations of human rights.

Interviews based on pre-developed general questionnaires provide an opportunity to more thoroughly and comprehensively assess the level of protection of freedom of assembly in the country and to highlight the problems that participants or organizers face when planning or during the assemblies.

IV. Raising awareness

Based on key findings from monitors' reports and recorded interviews with stakeholders, the Human Rights Center publishes reports for public information and advocacy. In order for the reports to fully reflect the information about specific assemblies and demonstrations, the Human Rights Center additionally requests public information from the relevant agencies. This is an important part of the methodology, which may also indicate the willingness of the relevant authorities to cooperate. If the responsible body refuses to provide public information, this is also indicated in the reports.

The Human Rights Center issues three types of reports: A brief public (ad hoc) report, an interim monitoring report, and a monitoring summary report. The specifics of each of them will be discussed below.

1. Brief public (*ad hoc*) monitoring reports

In addition to monitoring, it is important to inform the public about the monitoring findings. For this purpose, the Human Rights Center publishes brief reports and conducts an awareness-raising campaign during the monitoring process and ensures the dissemination of information on its own online platforms as well as coverage in local media by sending press releases and giving interviews to various media representatives.

Brief monitoring reports are created based on the monitors' reports and include a legal analysis of the extent to which the actions of the police during the assembly are consistent with international standards and national legislation.

In addition to the monitors' internal reports, it may be necessary to request additional public information when working on **the brief public monitoring reports**. In such a case, the organization shall send an official letter to the relevant agency to request information on the extent to which the formal aspects of the law were observed during the organization and conduct of the protest - for example, submitting a preliminary warning to the executive body of the municipality about a possible roadblock - or other details that are needed in the brief report to present complete information. If the addressee does not return the answer or refuses to provide it for a specific reason, this fact should be reflected in the monitoring report.

In order for the awareness-raising campaign to be effective, it is necessary to ensure the involvement of the media in the process. For example, in addition to publishing information about reports on the organization's official website and social networks, the Human Rights Center also ensures their distribution in local media. In particular, the media representatives - as well as the organization's partners and external stakeholders - are provided with information about the published reports in the form of press releases, after which, if there is interest from the media, the relevant employees of the center make comments for the news packages and live TV broadcasts. The media coverage component is particularly important in providing information to the public about violations or other findings that have been identified as a result of monitoring of the assemblies. This ultimately helps to raise awareness about freedom of assembly.

2. Interim and summary monitoring reports

Based on all the different components of the methodology that have been reviewed above, the Human Rights Center prepares one interim and one summary report in each reporting year, which it publishes and introduces to the public.

In the process of preparing both reports, the role of the analyst is important, who reports and analyzes the monitors' report after each public assembly. His/her functions also include the analysis of public information requested from agencies, recorded interviews with various actors, information obtained from the media, and other open sources. Based on all this, he/she prepares interim and summary reports of the monitoring of assemblies, the purpose of which is to inform the public and, subsequently, to advocate with the representatives of public agencies, which contributes to raising the quality of protection of freedom of assembly in the country.

Both reports reflect the main findings that emerged during the reporting period. For example, whether the facts of the use of disproportionate force by the police or procedural violations were recorded, and whether the actions of the law enforcement agencies were consistent with international human rights standards and national legislation. In addition, the analytical part of the summary and interim reports includes the information that the monitors obtained as a result of the meetings and interviews with relevant actors.

It is important that interim and summary reports also include recommendations to relevant authorities: Depending on the type of violation and who is responsible for responding to the violation, recommendations should be addressed to a specific, identifiable addressee. It is desirable that such recommendations are as specific as possible.

To disseminate information about the main findings of the summary report, the Human Rights Center is holding a presentation to which members of civil society, representatives of government bodies, journalists, and other interested parties are invited.

V. Advocacy: Meetings with public officials

The methodology developed by the Human Rights Center also includes meetings with employees of public institutions. The meetings are aimed at sharing and advocating the monitoring results to various agencies and decision-makers in order to raise the standard of protection of the right to assembly.

In order for the recommendations developed based on the results of the monitoring findings to reach the addressees effectively and to take them into account in the processes of public policy creation or law-making, it is necessary to have a dialogue with the relevant state agencies and try to establish cooperation with them.

VI. Safety rules for the monitors

It is necessary for the civil organizations involved in the monitoring of the assemblies to ensure the preliminary training of the employees who will be directly engaged in the fieldwork. The monitors need to be supported not only before the start of their work, but it shall be a continuous process and should also include the readiness of the organization in case of need for assistance both directly during the protests and after their completion.

Below are practical suggestions for ensuring the physical, digital, and psycho-social safety of the monitors, which also represent part of the monitoring methodology.

a. Physical Security

Risks related to physical safety can greatly affect both the effective exercise of freedom of assembly and the ability to monitor the protests. If the monitors do not have information in advance on the measures that can be taken to insure the risks, their work process may be hindered.

In order to ensure the physical safety of the monitors, a large part of the preparatory work needs to be done in advance, because the rest of the activities largely depend on the actual circumstances of each assembly and the dynamics of the ongoing events. For example, it is necessary to calculate the risks in advance, before the monitors start working on observing a specific protest.

The monitors' safety will be greatly influenced by their analytical skills as well as their psychological readiness and risk assessment skills. The physical readiness of the monitors should

also be considered - if the monitors have health problems that could put them in danger at the assembly - especially when special means are being used (for example - tear gas, pepper spray, water cannons, etc.), it is better that they do not observe such protests where there is a risk of using such means. If there is such a risk, it is inadmissible to send a monitor with a chronic lung disease, asthma, or other similar health problems to the assembly.

In addition to physical readiness, the monitors must also be psychologically prepared for the events that may develop during the course of the protests. At the same time, they should be aware of their own role - they are not there to participate in the assembly, but to observe. Accordingly, they must avoid standing next to those participants of the protest who are characterized by aggressive behavior. This may equate them with the participants of the protest, which is expected to be used by the police to make administrative arrests. Accordingly, the monitors must distance themselves from such participants of the protests or from the so-called provocateurs.

Risks may also come from counter-protesters, since the monitors, as employees of the human rights organizations, may become targets of violence by violent groups. Accordingly, it is necessary to seek information (including from online sources) on whether and/or by whom counter-protests are planned in order to assess the risks of escalation of violence. Those members of the monitoring team who are not directly present at the assembly must observe from the outside to be able to assess the risks that are not visible to the monitor. If it becomes necessary to evacuate the monitor due to the existence of a high risk of violence, the organization must be ready to provide any type of assistance to ensure the employee's physical safety. In this regard, communication with law enforcement may be helpful, but in some cases - when they are unwilling to cooperate - the opposite outcome is also expected.

Similarly, the use of identification signs for monitors may, in some cases, be recommended. However, at a time when police officers or protesters are hostile to human rights organizations, such signs may make monitors a potential target of an attack. Therefore, if an organization decides to provide identification signs to the monitors, they must be easy to remove at any time.

A specific location of the monitor in the territory of the assembly may be another factor creating a risk related to physical safety. In particular, if the monitors stand in dark places or in front of the police cordon line during the observation, it is more likely that they will be in danger. It is desirable that the monitors stand not in the middle of the rally or directly in front of the police officers, but

at a distance, where they are less threatened and, at the same time, are able to observe the ongoing activities. It should also be noted that there is a risk of injury from being caught in a stampede, which is another reason why monitors should avoid locations where a large number of protesters are concentrated.

Due to unexpected changes in circumstances, the initial plan may not work: for example, if the protest is held in front of the Parliament of Georgia, Chitadze Street may be considered as an exit, but it is possible for this or another exit to be blocked by the police or counter-protesters (or, for example, maybe they were gathered at the Kashveti Church), in which case it will be necessary to draw up an alternative plan on the spot, depending on the existing situation in each specific case.

Among other threats, there may also be pickpocketing, or the risk of losing personal belongings. Therefore, it is preferable that the monitors do not have expensive items on them (for example, jewelry, laptops, etc.); Cell phones should be kept in a pocket of clothing where there is less chance of losing them. Also, it is recommended, if you have them on you, to keep your phone, documents, and wallet in a waterproof bag, where they won't get wet from rain or from the use of water cannons. The monitors, as well as other participants of the protest, should not have such substances and objects with them, which are prohibited from having during the assemblies according to the legislation of Georgia (for example, cold weapons, pepper spray, etc.).

As for the equipment needed for the monitors during the field work - it is recommended that they carry both a basic first aid kit and appropriate equipment that will help them to protect themselves from special means used by the law enforcement officers or to minimize the negative effects on their health. However, the equipment should not be so heavy that the monitor feels uncomfortable due to the extra weight. In addition, it is desirable that the equipment does not attract too much attention from policemen and other participants of the protest.

Organizations should provide the monitors with information in advance about the possible consequences of the use of various special means by law enforcement officers, and what equipment will be useful to minimize the damage caused by each of these special means.

b. Digital Security

In addition to physical safety, the monitors must be informed about digital security before starting their work. This includes, among other things, information management, secure ways of communication, and general rules related to mobile phone usage to ensure cyber-security.

It is risky to have a Face ID or fingerprint lock on the mobile phones when the monitors are arrested during the assembly and their phones end up in the hands of the police officers. In such a case, even if the mobile is locked, it can be easily unlocked using Face ID or fingerprint. Therefore, personal data, communication, and any type of other information become available to third parties. Due to this danger, it is better to put a password to lock the screen of a mobile phone.

c. Psycho-social Security

Events during the monitoring of assemblies and demonstrations can have a stressful effect on the people directly observing them. This means not only the stress resulting from the use of special means by the police but also the negative emotions that the monitors may develop due to the feeling of vagueness, and unpreparedness for the job. Therefore, taking care of the psycho-social safety of the monitors starts not after monitoring the assembly, but before starting the fieldwork.

In particular, civil organizations must make sure that monitors understand their function, role, and place in a particular public assembly. If the monitors do not feel comfortable with a specific assembly, performing such work can be damaging both to them - emotionally, and - to the employing organization.

In order for the monitors to be able to fully perform their assigned duties, it is necessary to conduct preliminary training and provide them with information, including on such issues that they themselves will have to pay attention to during the assembly.

To create a sense of security among the monitors, it is best to pair them in groups of two (if one of the monitors is relatively inexperienced, he/she may be paired with a more experienced monitor). In addition, monitors must be sure that the organization they represent is ready to support them at any time - for example, if they are arrested.

In this regard, it is especially important that the monitors have the phone number of one specific employee of the organization who is not present at the public assembly and who will be able to

help them. Information should be constantly exchanged between the monitors and the head of the monitoring team so that an appropriate response from the organization is possible.