

Everything You Should Know About **FREE ASSEMBLY**

WHAT IS ASSEMBLY?

Free assembly is the **presence** of individuals in a public place for a common expressive purpose. Free assembly is often conflated with free speech, but this diminishes many of its unique protections, including the time, place, and manner in which these rights can be exercised.

The freedom of peaceful assembly is established as a human right in Article 20 of the Universal Declaration of Human Rights. Most national constitutions commit to honor and protect free assembly, including the First Amendment to the U.S. Constitution.

ABOUT ASSEMBLY

1 THE STATE IS OBLIGATED TO PROTECT AND FACILITATE ASSEMBLIES.

- » All levels of government are obligated to support the exercise of human rights.
- » For free assembly, this means allowing organizers and protesters to dictate the terms of their public assembly and to make provisions such as medical support, security, and such.

2 WHEN, WHERE AND HOW A PROTEST IS HELD IS PROTECTED EXPRESSION.

- » Protesters have the right to be seen and heard by their intended audience in any peaceful manner at their discretion.
- » Rallies may not be relocated or marches rerouted without agreement from organizers.
- » Masks, signage or controversial behaviors (burning flags) may not be outlawed.

3 DISRUPTION IS NOT VIOLENCE.

- » Disruption is a part of a vibrant democracy. Indeed, the United States was founded on disruptive colonial-era “riots”.
- » A manner of protest that creates a public disruption should be regarded by authorities as peaceful and treated as such.

4 PROTESTS DON'T NEED PERMISSION.

- » Many local governments require permits or charge fees, reducing a human right to a privilege.
- » Organizers should—but are not obligated to—notify authorities of their public assembly for protection and facilitation.
- » There is no such thing as an illegal or unlawful assembly.

5 FORCE AND DISPERSAL MUST BE A LAST RESORT.

- » If some protesters turn to violence or destruction of property, peaceful protesters maintain the right to free assembly. Authorities must distinguish between peaceful and violent protesters.
- » An order to disperse or the use of force may only be used after all other methods of maintaining safety have been exhausted.

DID YOU KNOW?

1 PUBLIC ASSEMBLIES GRANT POWER TO THE POWERLESS.

- » Democracy thrives on a variety of opinions and ideas, but the voices of the disenfranchised and marginalized struggle to break through.
- » Public assemblies bring attention to their concerns and force leaders and members of the public to take a stance.
- » Therefore, women, racial and religious minorities, and those seeking equality and fairness are often the groups who hold public assemblies.

2 IT'S HARDER TO FIND PLACES TO PROTEST.

- » As Main Streets are replaced by suburbs and public squares by malls, public forums are vanishing from our communities.
- » The space that is left is increasingly privatized, commercialized, militarized, or otherwise designated as off-limits to protest—even the steps of state capitals.

3 STATE AND LOCAL GOVERNMENTS ARE CRIMINALIZING AND PUNISHING ASSEMBLIES.

- » Legal protections have eroded over time, meaning that protests are increasingly restricted and met with violence from authorities and counter-protesters.
- » Governments are introducing bills that criminalize civic participation. Some states are even introducing bills that indemnify motorists for hitting protesters with their vehicles.
- » These restrictions reinforce misconceptions that protesting is “trouble” and fewer people participate.

4 POLICE ARE LOOKING AND ACTING MORE LIKE THE MILITARY.

- » Military-grade equipment, armored vehicles and militaristic behaviors (like using military drill commands) are increasingly a part of police responses to public assemblies.
- » Militarized police are more commonly deployed against people of color.

5 NON-LETHAL WEAPONS ARE STILL WEAPONS.

- » “Non-lethal” weapons like rubber bullets can do permanent bodily damage and have killed people.
- » Tear gas and sound weapons do indiscriminate harm. The elderly, the young, pregnant women, and people with medical conditions cannot be protected.

BECAUSE MANY U.S. LAWS AND PRACTICES GOVERNING ASSEMBLIES ARE INCONSISTENT WITH INTERNATIONAL HUMAN RIGHTS STANDARDS, THIS DOCUMENT IS FOR INFORMATIONAL PURPOSES ONLY AND NOT FOR THE PURPOSE OF PROVIDING LEGAL ADVICE.

If you feel your human rights have been violated:

- Comply with the directions of authorities.
- If you are arrested, remain calm and ask for an attorney.
- Keep evidence to document your experience.
- Contact the Article 20 Network at myrights@a20n.org or another civil rights organization for support.