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04 December 2023

**To: Spanish Presidency of the EU Council
Incoming Belgian Presidency of the EU Council**

To: Vice Président Vera Jourová, Commissioner Didier Reynders

RE: Concerns over restrictions on peaceful assembly and expression, in particular against people and organisations expressing solidarity with the Palestinian people

This letter is sent by Amnesty International, European Civic Forum (ECF), CIVICUS, Civil Liberties Union for Europe (Liberties), Equinox, EuroMed Rights, European Network against Racism, as organisations working to protect, empower and defend civil society, civic space and human rights in Europe.

As a follow up to the conference on thriving civic space organised jointly by the Spanish Presidency of the EU Council and European Commission and ahead of the upcoming Citizenship report, we are writing to raise our concerns about the multiple restrictions occurring in many EU countries regarding the right to peaceful assembly.

Following the new dramatic escalation of violence in Israel and Palestine, millions of people, reflecting the full diversity of European society, exercised their fundamental right to express their concerns, opinions, demands, hope, anger and grief collectively through peaceful protests and civil disobedience, which are a crucial means of political participation. They are calling on their governments and international institutions to take responsibility and action to ensure the protection of civilians, the respect of human rights and dignity and urging the international community to act for peace and justice.

In this context, we are concerned about restrictions imposed by authorities against those who are expressing solidarity with the Palestinian people in several member states. We have documented¹ undue restrictions on the right to peaceful assembly and freedom of expression, in

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[https://civicspacewatch.eu/alert-restrictions-on-peaceful-protests-in-solidarity-with-palestinian-people-across-europe/;](https://civicspacewatch.eu/alert-restrictions-on-peaceful-protests-in-solidarity-with-palestinian-people-across-europe/)

violation of international standards. This includes disproportionate measures such as pre-emptive banning of protests on the basis of risk to “public order” and “security”, and the use of excessive force and detention of protesters in several countries including France, Germany, Greece, Poland and Hungary - as well as the conflation of legitimate criticism of Israeli authorities with antisemitism, leading to a chilling effect. Individuals have faced repercussions for speaking out, including dismissal, disciplinary action or threats of deportation if they are foreign nationals.

Muslims and people of Arab descent, Palestinians and Jewish people critical of Israel’s policies have been particularly affected. This takes place in a context where there have been worrying data and reports² which show that there has been a sharp increase in antisemitic and Islamophobic hate speech and hate crimes in several European countries, taking place both in private and in public discourse.

Recently, United Nations experts raised their concerns about the global attacks, reprisals, criminalisation and sanctions against those who publicly express solidarity with the victims of the ongoing conflict between Israel and Palestine. They reiterated that in times of war and conflict states must “uphold the universality of human rights, ensure the application of the rule of law without discrimination, and carefully avoid double standards³.”

We would like to reiterate that everyone has the right to peaceful assembly and to free speech as outlined in [international standards](#)⁴ and as recognised in Article 11 and 12 of the Charter for Fundamental rights⁵. Under international law, states have an obligation to respect and ensure peaceful protest without discrimination. Any response by the authorities to protests must be *“content neutral, and must not be based on the identity of the participants or their relationship with the authorities⁶.”*

Fears of incitement to hate, antisemitism and islamophobia are fully legitimate and should be addressed with the legal tools that ensure that perpetrators are held accountable. According to human rights standards vague definitions of “public order” and “security” must not be used as a pretext to justify overbroad restrictions. Furthermore, authorities’ actions should be aimed at removing those enacting or inciting violence in order to enable the peaceful protesters to continue exercising their right. We recall that it is in times of crisis that effective access to rights, especially civic and political rights, is crucial.

<https://civicspacewatch.eu/alert-continued-restrictions-against-the-peaceful-expression-of-solidarity-with-the-palestinian-people-continue-across-europe/>;

[The short-term impact of the conflict between Israel and Hamas on human rights in the EU | liberties.eu](#)

² <https://www.hrw.org/news/2023/10/26/israel-palestine-hostilities-affect-rights-europe>

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<https://www.ohchr.org/en/press-releases/2023/11/speaking-out-gaza-israel-must-be-allowed-un-experts>

⁴ https://treaties.un.org/doc/Treaties/1976/03/19760323%2006-17%20AM/Ch_IV_04.pdf

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>

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<https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-37-article-21-right-peaceful>

We request that you urgently address these developments which risk further limiting freedom of expression and academic freedom, peaceful assembly, at a time where civic space is already shrinking in several member states⁷, amid polarisation and increasing tensions in society.

In light of the above, we call on the Spanish Presidency and incoming Belgian Presidency of the EU Council to:

- Call on member states to implement the “Council Conclusions on the application of the EU Charter of Fundamental Rights on the role of the civic space in protecting and promoting fundamental rights in the EU”⁸, the Charter of Fundamental Rights of the European Union and their international obligations to respect human rights law on the right to peaceful assembly and freedom of expression, including in times of crisis;
- Host a structured dialogue with civil society to exchange good practices with member states on the right to peaceful assembly, freedom of association and freedom of expression. Such a dialogue must include Palestinian activists based in Europe and CSOs working in solidarity with the Palestinian people.
- Ensure concrete progress on protecting and promoting human rights and the rule of law within the EU, in particular by protecting civic space and HRDs within the EU.

We call on the European Commission to:

- Condemn, at the highest political level, unlawful restrictions on the right to freedom of peaceful assembly and expression.
- Address these restrictions on peaceful assembly in the Annual Rule of Law Cycle and make recommendations to member states to respect the right to peaceful assembly at all times, as per international law.
- Collect data and closely monitor restrictions on civic space as a direct impact of the violence in Palestine and Israel, with specific attention given to the disproportionate impact of these restrictions on racialised groups, especially Muslims and people of Arab-descent and Jewish people, and those perceived as such.
- Develop an early warning mechanism to monitor the state of civic space and civic actors in Europe. Such an alert mechanism should lead to a rapid (re)assessment of the situation allowing for timely and concrete reaction at the EU level, such as recommendations, dialogue, sanctions and emergency funding when needed, the impact of which should be regularly reviewed.
- Work with civil society to design a ‘Rapid response system’ (an EU protection mechanism, building on the existing external EU human rights defenders mechanism)⁹ that can detect and act on first signs of attacks against civil society, including a helpline, legal assistance and temporary relocation. Such a system must be run by independent civil society organisations on behalf of and financed by the EU institutions.

⁷ <https://civic-forum.eu/civic-space-report-2023-fighting-for-democratic-empowerment-and-resilience>

⁸ <https://data.consilium.europa.eu/doc/document/ST-7388-2023-INIT/en/pdf>

⁹ [ProtectDefenders.eu](https://protectdefenders.eu) - You have the right to defend rights

Signatories:

Amnesty International

CIVICUS World Alliance for Citizen Participation

Civil Liberties Union for Europe (Liberties)

Equinox: Initiative for Racial Justice

EuroMed Rights

European Civic Forum (ECF)

European Network Against Racism