

On 8 October 2020, the Knesset (Parliamentary Chamber of Israel) submitted request 4525 to the ECPRD network. The request sought out information about restrictions on freedom of movement, outdoor gatherings and the right to demonstrate in the context of the ongoing Covid-19 pandemic. It also asked whether data had been collected and published regarding infection rates resulting from demonstrations, protests or outdoor gatherings. The request received 23 replies from national Parliaments and Chambers, from 20 countries, including 3 non-EU countries (Canada, Norway and the UK).

The survey demonstrated that *all* countries have imposed some restrictions on freedom of movement or the right of assembly in the context of the pandemic. The nature and timing of restrictions did (and continues to) vary from country to country. On the whole, these restrictions have resulted in limitations placed on the possibility and right of public demonstration.

Are demonstrations a special case?

Despite the generalisation of some form of restriction, a major difference which emerges between countries is whether the restrictions applied to demonstrations and political protests were the same as those for other public gatherings or not.

In a number of countries, **demonstrations and protests were subject to the same rules and restrictions as any other public gathering**. This is the case of Belgium (March – June), Bulgaria, Cyprus, Estonia, Finland, France (March – July, demonstrations were completely banned), Germany (March – April), Hungary, Ireland, Israel, Portugal, Spain (March-April), Sweden. Most countries in this category simply outlined their restrictions on public gatherings without explicit reference to demonstrations or protests, using a general term throughout. Finland made a distinction between ‘public events’ and ‘public meetings’, but with the same restrictions applied to both.

In other countries, **demonstrations, protests or assemblies were subject to specific rules, different from the ones governing private or non-political gatherings in public**. This is true of Austria, Belgium (since June), Czech Republic, France (since July), Germany (since April), Latvia, Netherlands, Norway, Poland, Spain (from April onwards), the UK. This was more or less formal depending on countries: for instance, Canada and the UK indicated a ‘tolerance’ policy towards demonstrations during the pandemic, which meant that on top of planned exceptions designed to protect freedom of assembly, enforcement of rules was more lenient for political protests.

A different approach

In most countries, specific rules for demonstrations and assemblies were adopted with a view to allowing them to take place despite the health situation. **A notable exception to this was France**, where in addition to very restrictive lockdown measures, demonstrations were explicitly banned by government decree of 23 March 2020. The government attempted to prolong this ban in a new decree which was suspended by a judicial decision of the *Conseil d’État* on 6 July.

Common restrictions on demonstrations

This table provides an overview of restrictions placed on demonstrations and assemblies, focusing on countries, which have adopted specific rules for these.

Number of participants limited	Mandatory permit to hold a demonstration	Mandatory safety measures: wearing a mask or maintaining social distance
Belgium (400), Canada (in most provinces), Czech Republic (500), Finland (50), France (5,00), Germany (5,000 in state of Berlin), Latvia (3,000 outdoors), Poland (150), Sweden (150)	Belgium (permit requests assessed using a special corona-time model), Netherlands, Poland (notification mandatory), Sweden (has become more restrictive).	Austria, Belgium, Canada, Cyprus, Czech Republic, Finland, France, Germany, Latvia, Netherlands, Poland.

Judicial involvement in France and Germany

In at least two cases (France and Germany), dispute over restrictions on the freedom of assembly ended up in court, and were settled by the judiciary. In their judgements, **both courts focused their ruling on the principle of proportionality** to overturn government-imposed limitations on demonstrations. The German Federal Constitutional Court ruled that a blanket ban was incompatible with the Basic Law, and that authorities should decide on a case-by-case basis in accordance with the principle of proportionality (15 April). The French *Conseil d'État* ruled on 6 July that the ban on demonstrations gathering more than ten persons was no longer proportionate to the health emergency, and formulated alternative, softer restrictions (see summary table).

Evolution of restrictions over time

In a number of surveyed countries, the restrictions placed on demonstrations and assemblies have been relaxed over time. This is notably the case in Belgium, France, Germany and Spain, which have all transitioned from imposing the same restrictions on all public gatherings to adopting demonstration-specific rules allowing them to take place in some capacity between last April and July.

Data regarding infection rates resulting from demonstrations

Most of the countries surveyed indicated that they did not have available data regarding infection rates resulting from demonstrations, protests or outdoor gatherings. The reasons for this varied. Some countries indicated that they had not collected such data (Austria, Belgium and a majority of others). Canada said that no link had been found between infection rates and demonstrations, referring to news sources. Norway said that few people had been infected as a result from public gatherings, but did not give further detail. The Czech Republic suggested that the lack of data was due to few demonstrations having been held in that period.

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