

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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GREECE: BLANKET BAN ON PUBLIC ASSEMBLIES MUST BE URGENTLY REVOKED

Amnesty International is profoundly concerned over the decision of the Greek authorities to issue a blanket ban on public assemblies for four days and urgently calls on the authorities to revoke it as it constitutes a disproportionate restriction to the rights to freedom of expression and peaceful assembly.

Nils Muižnieks, Amnesty International's Regional Director for Europe said: 'The decision of the Greek authorities to issue a blanket ban on all public assemblies across the country is disproportionate and violates Greece's obligations under international human rights law. Restrictions to the right of peaceful assembly to curb the pandemic are permissible but must meet the principles of strict necessity and proportionality. Governments do not have carte blanche to restrict human rights, even during these difficult times'.

The blanket ban has been ordered by the Head of the Greek Police, and was published on 14 November. The order prohibits all public outdoor assemblies of four or more individuals across the country between 15 and 18 November 2020, which means the demonstrations to commemorate the 1973 Polytechnic student uprising against the military junta in Greece on 17 November will be banned. The decision invokes the need to contain the spread of COVID-19 and the protection of public health as the grounds for this restriction. It imposes hefty fines for organizers of such assemblies (3,000 to 5,000 euros) and participants (300 euros).

'The Greek authorities must urgently revoke this ban that constitutes a serious interference with the rights to freedom of expression and peaceful assembly. The pandemic must not be used as a pretext to silence critical voices or to erode human rights', noted Nils Muižnieks.

BACKGROUND

The sharp rise of COVID-19 cases in the past few weeks has led to a strict lockdown in Greece since 7 November 2020. As a response, the authorities introduced increased restrictions, including a curfew between 9 pm and 5 am around the country. The recent controversial ban on assemblies has drawn criticism by civil society, judges and political parties and has been challenged before Greece's Council of State as unconstitutional. A decision is anticipated today.

Under international human rights law, restrictions can be lawfully placed on the right to freedom of peaceful assembly in order to protect public health. However, such restrictions must be subject to strict criteria and limitations and meet the principles of necessity and proportionality. As a rule, there should be no blanket bans on assemblies. Each assembly should be assessed on a case by case basis, and restrictions must be imposed only to the extent necessary and proportionate to achieve a legitimate end.

In response to the COVID-19-pandemic, any restriction of assemblies must be based on the objective to protect public health and must be effective in achieving the objective to protect public health. Restrictions must be time-limited and regularly reviewed as to their necessity and proportionality. Further, there must be no less-restrictive measures available to achieve the same objective. Complete prohibition of a specific assembly must remain the last resort. Other measures must be contemplated as much as possible, including measures to limit the number of participants, ensure the distance between each participant, wearing of masks, informing the public and controlling access routes in order to avoid mass-afflux of bystanders, negotiating with organizers on an appropriate time or place for the assembly in order to limit the risk of transmission, among others. Even within the range of these possible measures, authorities are duty bound to choose the least restricting ones that would still allow the assembly to effectively convey its message.

International human rights law also requires that impediments on people being able to protest collectively in public as a result of public health measures are applied consistently in comparison to other movements and activities which people are still allowed to carry on with, giving due weight to the importance of the right to freedom of peaceful assembly and the increased need of people to jointly raise their voices in particularly difficult times.

In September 2020, Amnesty International raised concerns about COVID-19 being used as smokescreen to introduce a blanket ban on protests in France.¹

¹ <https://www.amnesty.org/en/latest/news/2020/09/will-our-right-to-protest-ever-be-fully-returned/>.