

KNOW YOUR RIGHTS INITIATIVE E.V.

Right to assembly

Authors:

Michael Rapp, Linda Schuster, Tim Henningsen



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/WHAT IS AN ASSEMBLY?

Any gathering of at least two people who participate in the formation of public opinion.

Only gatherings to which everyone has free access. Counterdemonstrations are also subject to the same rules.

For assemblies that do not take place in the open air, other rules than those presented here apply in some cases.

/LEGAL BASIS FOR POLICE ACTIONS

Bavarian Assembly Act (BayVersG)

Police Tasks Act (PAG);

Applies only on exception, if it is the only remaining means to avoid having to disperse the assembly. This means that during an assembly, the police are principally not allowed to carry out checks on people or make arrests, for example.

Assemblies are protected by the **fundamental right to freedom of assembly** (Art. 8 Basic Law).

The same laws apply to German and foreign citizens.

/BEFORE THE ASSEMBLY: REGISTRATION?

An **open-air** assembly must be registered with the authorities (Munich District Office) 48 hours in advance.

If it is not registered, the assembly may still take place, but the organizer has committed an administrative offence (Art. 21 I No. 7 BayVersG) (up to €3,000 fine).

Exception: Urgent or spontaneous assemblies (i.e., those that arise at short notice due to their occasion) do not have to be registered.

/RESTRICTION, DISSOLUTION, BAN

For the authorities or police to ban/restrict/dissolve an assembly, there must be an **imminent danger to public safety or order**.

This means that damage (especially violations of the law) is to be expected with a **high degree of probability**.

Before the assembly (after registration), the authority must send a **written and justified notice for this**.

During the assembly, a **verbal order** by the authority/police is also sufficient.

The authorities must always choose the **mildest means** to eliminate the danger.

In addition, the police can exclude individual persons who significantly disturb order **from the assembly**.

/EXAMPLES OF DANGERS TO PUBLIC SAFETY/ORDER

Danger to life and limb of people (e.g., due to the use of **pyrotechnics or violent confrontations**).

Criminal offences (e.g., incitement of the people, insult)

Endangering **road traffic** (only in exceptional cases of emergencies, e.g., an imminent traffic collapse; lesser restrictions are to be accepted at gatherings)

Impairment of moral sensibilities through aggressive, provocative and intimidating behavior.

/STANDARD POLICE MEASURES (ACCORDING TO THE PAG) IN THE CONTEXT OF ASSEMBLIES

Again: **During** an assembly, the police may take measures against participants under the PAG **law only in absolutely exceptional cases**.

Measures according to the PAG law are therefore only possible against bystanders, **after the dissolution of the assembly or the exclusion of the individual(s)**.

These measures include **expulsion, search of the person, confiscation of property and detention**.

/DISGUISES (MASKS) AND PROTECTIVE WEAPONS

Disguises (masks) and protective weapons are prohibited at meetings and **on the way to meetings**.

Disguises/masks are defined as clothing that prevents recognition of the person.

Protective weapons are not only weapons in the strict sense, but all objects that serve as defense (because they can also be used to ward off police enforcement measures).

Disguises/protective weapons justify the exclusion of a person from the assembly.

/PHOTOS/VIDEO RECORDINGS BY AND OF THE POLICE

Anyone who is not the subject of a police action may in **principle film/photograph it** if they do not disturb the action.

However, the **publication** of the recordings is **not automatically permitted!**

Notice: Sound recordings of words not spoken in public are not allowed! When the police speak to individuals, the words spoken are not considered public.

The confiscation of mobile phones/cameras is only possible according to the provisions of the Code of Criminal Procedure; the following applies: always expressly object/submit complaint!

The police may film at a meeting if there is a concrete danger (see above).



Note: The Know Your Rights Initiative e.V. is a student and non-profit association. All content published by us is carefully checked by experts, but it does not replace legal advice from a qualified lawyer.

CONTACT

info@kyrimunich.com
kyrimunich.com

