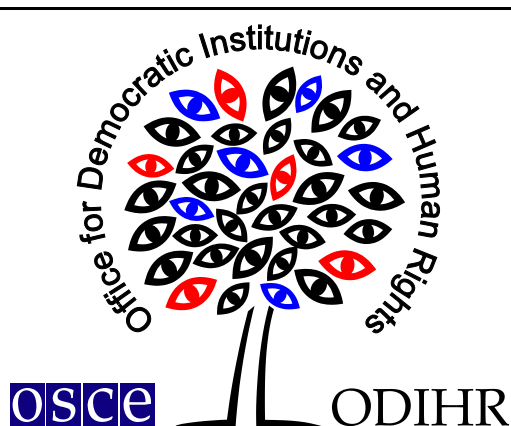


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COMMENTS

ON THE DRAFT LAW ON RALLIES, MEETINGS AND DEMONSTRATIONS OF THE REPUBLIC OF UZBEKISTAN

**based on an unofficial English translation of the Draft Law provided by the
OSCE Project Co-ordinator in Uzbekistan**

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*These Comments are also available in Russian.
However, the English version remains the only official version of the document.*

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I. INTRODUCTION

1. *On 26 July 2019, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) received a request from the OSCE Project Coordinator in Uzbekistan to review the Draft Law on Rallies, Meetings and Demonstrations of the Republic of Uzbekistan (hereinafter “Draft Law”).*
2. *On 30 July 2019, ODIHR responded to this request, confirming the Office’s readiness to prepare legal comments on the compliance of the Draft Law with OSCE commitments and international human rights standards.*
3. *The Comments were prepared in response to the above request. ODIHR conducted this assessment within its mandate.¹*

II. SCOPE OF REVIEW

4. The scope of these Comments covers only the Draft Law submitted for review. Thus limited, the Comments do not constitute a full and comprehensive review of the entire legal and institutional framework regulating the right to freedom of peaceful assembly in Uzbekistan.
5. The Comments raise key issues and provide indications of areas of concern. The ensuing recommendations are based on international and regional standards, norms and practices as well as relevant OSCE human dimension commitments. The Comments also highlight, as appropriate, good practices from other OSCE participating States in this field.
6. The Comments are based on an unofficial English translation of the Draft Law provided by the OSCE Project Coordinator in Uzbekistan, which is attached to this document as an Annex. Errors from translation may result. The Comments will also be available in Russian. However, the English version remains the only official version of the document.
7. In view of the above, ODIHR would like to make mention that this review does not prevent ODIHR from formulating additional written or oral recommendations or comments on respective legal acts or related legislation pertaining to the legal and institutional framework regulating the right to freedom of peaceful assembly in Uzbekistan in the future.

III. EXECUTIVE SUMMARY AND KEY RECOMMENDATIONS

8. Hereinafter in these Comments “public assembly” will be referred to as “Freedom of Peaceful Assembly” (FoPA), as this is the term used in international standards.

¹ The OSCE/ODIHR conducted this assessment within its mandate of the Human Dimension: OSCE participating States “confirm that they will respect each other’s right freely to choose and develop, in accordance with international human rights standards, their political, social, economic and cultural systems. In exercising this right, they will ensure that their laws, regulations, practices and policies conform with their obligations under international law”. See [OSCE Copenhagen Document](#), 29 June 1990, Part 1 par (4).

9. The intention of the drafters to enact legislation, which aims to regulate conduct of peaceful assemblies as well as commitment to align Uzbekistan national legislation with norms of international law, is welcome. It is also welcome that Article 2 of the par 2 stipulates that international obligations of Uzbekistan shall prevail if in case of conflict with national law. However, the Draft Law is generally not compliant with international human rights standards, and there are a several areas that may be considered particularly deficient in this regard. The right is most limited and there are severe and unjustified restraints on time and place, and the organizers of assemblies. The Draft Law should be reviewed and amended to provide a framework compliant with international standards for the important right of freedom of assembly.
10. In light of international human rights standards and good practices, ODIHR makes the following recommendations to further enhance the Draft Law:
 - A. to expressly include the right to FoPA in the Draft Law; [par 17]
 - B. to introduce a simpler legal definition of assemblies in line with international standards and good practices, which would cover spontaneous and simultaneous assemblies as well as counter-demonstrations, and avoiding definitions of three different types of assemblies ; [pars 18-20]
 - C. to introduce a system of notification of assemblies, not authorization, with reasonable notification period and remove the requirements to submit detailed information; [pars 21 - 30]
 - D. to remove the blanket and overbroad restrictions on venues and decide suitability on a case by case basis [pars 32 - 35]
 - E. to avoid any rules on times on when assemblies can take place and on the duration of assemblies [pars 36 - 37]
 - F. to ensure that everyone, not only citizens of Uzbekistan who reached age of majority, has the right to freedom of assembly; [pars 38 - 50]
 - G. to avoid banning people declared legally incompetent and people registered in psychiatric institutions from organizing assemblies; [par 42]
 - H. to allow non-registered associations to organize assemblies; [pars 48 - 49]
 - I. to remove provisions on organizers of assemblies to carry out core state duties; [pars 51 - 56]
 - J. to introduce a rule of general rule on risk of imminent violence for dispersing assemblies instead of a long list of situations where this can be conducted; [par 63]
 - K. to specify that what applicable legislation applies to appeals of decisions and that timely decisions on appeals must be rendered; [par 65] and
 - L. To exclude the National Guard from policing of assemblies [par 66].

Additional Recommendations, highlighted in bold, are included in the text of the Opinion.

IV. ANALYSIS AND RECOMMENDATIONS

1. International Standards and OSCE Commitments on the Right to Freedom of Peaceful Assembly

11. The right to freedom of assembly is a fundamental right in a democratic society and, like the right to freedom of expression, is one of the foundations of such a society. Thus, it should not be interpreted restrictively.² The right to freedom of peaceful assembly can help give voice to both majority and minority opinions and bring visibility to all people including marginalized or underrepresented groups. Effective protection of the right to freedom of peaceful assembly can also help foster a culture of open democracy, enable peaceful participation in public affairs,³ and invigorate dialogue on issues of public interest. This right is also instrumental in enabling the full and effective exercise of other civil, political, economic, social and cultural rights.
12. A robust body of core international and regional documents and standards governs this right, including Article 20 (1) of the Universal Declaration on Human Rights (UDHR),⁴ Articles 19 and 21 the International Covenant on Civil and Political Rights (ICCPR),⁵ Articles 10 and 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR),⁶ and Article 15 par 1 of the Convention on the Rights of the Child (CRC).⁷ The Republic of Uzbekistan is a State Party to the said ICCPR⁸ and the CRC.⁹ While Uzbekistan is not a state party to ECHR, the case law from the European Court of Human Rights may still constitute a relevant guidance on a number of issues pertaining to the exercise of the right to FoPA. The Republic of Uzbekistan is also a participating State of the OSCE, and as such committed to respecting the FoPA as stated in the Copenhagen Document, par 9.2.¹⁰ Further OSCE commitments regarding the Right to Freedom of Peaceful Assembly include the Paris 1990 Charter for a New Europe (A new era for Peace, Democracy, Peace and Unity)¹¹ and the Helsinki 2008 Statement from the Ministerial Council.¹²
13. Other useful reference documents of a declarative or recommendatory nature elaborated in various international fora contain more practical guidance regarding the interpretation of international and regional treaties, among others:

² See, for example, European Court of Human Rights (ECtHR), *Djavit An v. Turkey*, Application no. 20652/92, 20 February 2003, par 56; see also United Nations Human Rights Committee: *Belgium CCPR/C/79/Add.99*, 19 November 1998, par 23.

³ Office of the United Nations High Commissioner for Human Rights, (OHCHR), “[Report on factors that impede equal political participation and steps to overcome those challenges](#)”, UN Doc. A/HRC/27/29, 30 June 2014, par 22.

⁴ *Universal Declaration on Human Rights*, adopted by (General Assembly resolution 217 A) on 10 December 1948.

⁵ *International Covenant on Civil and Political Rights (ICCPR)*, adopted by UN General Assembly Resolution 2200A (XXI) on 16 December 1966.

⁶ *Council of Europe’s Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)*, Articles 10 and 11, signed on 4 November 1950, entered into force on 3 September 1953.

⁷ Adopted by General Assembly resolution 44/25 of 20 November 1989.

⁸ The Republic of Uzbekistan acceded to the ICCPR on 28 September 1995.

⁹ The Republic of Uzbekistan acceded to the CRC on 29 June 1994.

¹⁰ [Copenhagen Document on the Human Dimension of the Conference of Security and Cooperation in Europe \(CSCE\)](#), 29 June 1990.

¹¹ Adopted by the meeting of heads of state or government of the CSCE, 21 November 1990 (preamble).

¹² Adopted by the sixteenth Helsinki Ministerial Meeting on 4 and 5 December 2008 (p. 5).

- the joint Guidelines on Freedom of Peaceful Assembly developed by ODIHR in collaboration with the Council of Europe’s European Commission for Democracy through Law of the CoE (Venice Commission);¹³
 - the opinions of ODIHR dealing with issues pertaining to the right to freedom of peaceful assembly;¹⁴ and
 - the reports of the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association.¹⁵
14. The right to freedom of peaceful assembly covers a wide range of different public gatherings, including, planned and organized assemblies, unplanned and spontaneous assemblies, static assemblies (such as public meetings, ‘flash mobs’, sit-ins and pickets) and moving assemblies (including parades, processions, and convoys).¹⁶ There should be a presumption in favour of (peaceful) assemblies, without regulation as far as possible. Anything not expressly forbidden should be permissible. Obligation of tolerance and restraint towards peaceful assemblies in situations where legal or administrative procedures and formalities have not been followed.¹⁷ States have a positive duty to facilitate and protect the exercise of the right to freedom of peaceful assembly, which should be reflected in the legislative framework and relevant law enforcement regulations and practices.¹⁸ Pursuant to Article 21 (2) of the ICCPR, this right may only be restricted in conformity with the law, and if necessary in a democratic society, in the interests of national security, public safety, public order, the protection of health or morals or the protection of rights and freedoms of others. This means that the legal provisions covering freedom of peaceful assembly must be sufficiently clear and that imposed restrictions shall be the least intrusive means of achieving a legitimate aim.¹⁹ The drafters should also ensure that legal provisions regulating freedom of peaceful assembly do not disproportionately impact on certain persons or groups.²⁰
15. There are examples OSCE participating states national legislation clearly endorse these principles. For example, the 2008 Law on Assemblies of the Republic of Moldova as amended in 2014 refers to “the presumption in favour of organizing an assembly” as a core principle, “according to which at the examination of a prior request to hold a meeting, any doubts will be interpreted by the public authorities in favour of exercising the right to assembly” (Article 4.4). Paragraph 2 of the same Article also refers to non-discrimination, as a guiding principle “according to which the right to assembly is guaranteed to everyone, regardless of their race, nationality, ethnic origin, language, religion, gender, opinion, political affiliation, wealth, social origin or any other criteria”. See also the “objective of the” in the Law on Conducting meetings, Rallies and Demonstrations, Republic of Armenia (2008).

¹³ ODIHR/Venice Commission, *Guidelines on Freedom of Peaceful Assembly*, 2nd edition (2010).

¹⁴ Available at <<https://www.legislationline.org/odihr-documents/page/legal-reviews/topic/15/Freedom%20of%20Peaceful%20Assembly/show>>.

¹⁵ Available at <<https://www.ohchr.org/EN/Issues/AssemblyAssociation/Pages/AnnualReports.aspx>>.

¹⁶ *Op. cit.* footnote 13, par 30 (2010 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly).

¹⁷ *Ibid.* par 21.

¹⁸ *Ibid.* pars 31 and 33.

¹⁹ *Ibid.* pars 35 and 39.

²⁰ *Ibid.* par 33.

2. National Legal Framework Relating to the Right to Freedom of Peaceful Assembly in the Republic of Uzbekistan

16. Article 33 of the Constitution of the Republic of Uzbekistan provides that “[c]itizens shall have the right to engage in public life by holding rallies, meetings and demonstrations in accordance with legislation of the Republic of Uzbekistan”. It further states that “[t]he bodies of authority shall have the right to suspend or ban such undertakings exclusively on the grounds of security”.
17. The Draft Law does not specifically mention or define FoPA as a right, neither it refers to the Constitution of Uzbekistan, but only implicitly spells out the right to assemble as it regulates the activities of “rallies, meetings and demonstrations” (Article 1 of the Draft Law). Uzbekistan has also recognized this right through the country’s treaty obligations. An important element in this regard is that the Draft Law grants superiority to international treaty obligations of Uzbekistan in Article 2 par 2. However, it specifies that international treaty will prevail if it establishes “the rules other than those provided for by the legislation of the Republic of Uzbekistan”. Above-mentioned international treaties establish principles and guarantee the right to FoPA but do not necessarily establish “rules” which may be directly applicable. **ODIHR recommends that the Draft Law be revised to include expressly the right to peaceful assembly as well as bring the Draft Law in compliance with the international norms, principles and applicable standards contained in the international human rights treaties ratified by Uzbekistan.**

3. Definitions

18. Article 3 (1) of the Draft Law defines the purpose of the Draft Law to regulate social activities of citizens in three forms of public assembly:
 - assembly (or rally) – mass presence of people in a certain place for public expression of the public opinion about the pressing problems on certain issues;
 - meeting – joint presence of people in a specially designated or adapted place for a collective discussion of any socially significant issues;
 - demonstration – an organized form of public activity in which public expression of public sentiment is carried out by one person or a group of people. The purpose of a demonstration is to freely express and form opinions, put forward claims on various issues of political, economic, social, cultural life of the country and foreign policy issues, as well as attract public attention on any relevant topics.
19. The definitions are rather, confusing and overlapping and do not really explain what an assembly is. The separate regulation of different forms of assemblies could in practice lead to confusion as to the type of event. Many provisions of the draft Law concerning the notification of assemblies/meetings/demonstration or their dissolution are quite similar, which creates further confusion regarding the different definitions provided in the Draft Law. Furthermore, such differentiation will not always be possible - initially static assemblies may turn into a moving march, or “demonstration”, while assemblies that appear completely peaceful at the outset may well turn into assemblies that threaten public safety. A demonstration is normally to be perceived as an intentional

activity of a number of individuals, which involves walking in mass in a publicly accessible place with “a commonly shared will or opinion”²¹; it often consists of walking in a mass march formation and either beginning with or meeting at a designated endpoint, or rally, to hear speakers etc. The definition provided in Draft Law explains demonstration as certain social activity carried out by one person or group of people practically equating demonstration with picket.

20. The OSCE/Venice Commission Guidelines on Peaceful Assembly define an assembly as: “the intentional and temporary presence of a number of individuals in a public place for a common expressive purpose”²². This definition has been recommended in several opinions on laws on assemblies.²³ Furthermore, the opinions recommend a wide definition to avoid that certain assemblies unintentionally fall outside the scope of the definition.²⁴ It would thus be simpler, and clearer, to adopt a wide definition of assemblies, which shall cover any intentional and temporary presence of a number of individuals in a public place for a common expressive purpose (this aspect should be interpreted quite broadly), static or moving, regardless of the level of prior organization, details of the purpose, or possible effects on public security. Any such assembly that is peaceful in nature should be protected by the draft Law, and by public authorities as part of their obligations under Article 21 of the ICCPR. **In line with this ODIHR recommends a simpler legal definition in line with international standards be introduced, avoiding listing many types of assemblies and to include spontaneous and simultaneous assemblies as well as counter-demonstrations.**

4. Notification/Authorization of Assemblies

21. Freedom of peaceful assembly is a right and not a privilege and as such its exercise should not be subject to prior authorization by the authorities. State authorities may put in place a system of prior notification, where the objective is to allow State authorities an opportunity to facilitate the exercise of the right, to take measures to protect public safety and/or public order and to protect the rights and freedoms of others. Any notification procedure should not function as a de facto request for authorization or as a basis for content-based regulation.²⁵ Prior notification should, therefore, only be required where its purpose is to enable the state to put in place necessary arrangements to facilitate freedom of assembly and to protect public order, public safety and the rights and freedoms of others.²⁶ A good practice in this sense can be found in Article 3 of the 1983 Spanish Organic Law regulating the Right of Assembly as amended in 2014, according to which “no meeting shall be subject to the prior authorization regime”.

²¹ See OSCE/ODIHR [Opinion on the Draft Organic Law on the Right to Peaceful Assembly of Tunisia](#) (14 May 2013), pars 26 and 34-3.

²² *Op. cit.* footnote 13, section A, par 1.2. (2010 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly).

²³ *Op. cit.* footnote 21, par 21 (2013 ODIHR Opinion on Tunisia).

²⁴ *Ibid.* par 22 and OSCE/ODIHR-Venice Commission (and others) [Joint Opinion \(CDL-AD\(2016\)30\) on two Draft Laws on Guarantees for Peaceful Assembly](#) (Ukraine), par 14.

²⁵ Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions, [Joint Report on the Proper Management of Assemblies](#), 4 February 2016, A/HRC/31/66), par 21.

²⁶ *Op. cit.* footnote 13, pars 113 and 114 (2010 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly).

22. Article 5 par 1 of the Draft Law imposes a strict system of obtaining a permit for organizing assemblies. This requirement is also extended to other forms of expressing views, such as agitation campaign, production and distribution of “visual agitation material”, which would include informational and advocacy material. This seems to go even further than obtaining permission for the actual assembly, but also preparation of materials that can be used outside the context of assemblies as well. Notification or permit requirements should be limited to time, place, and manner of an assembly but not to the otherwise lawful content of the communication. **Distribution of information about a planned assembly is a communication is protected by the rights to freedom of speech and assembly, guaranteed under Articles 19 and 21 of the ICCPR and therefore should not be regulated.** This may constitute censorship and violate the freedom of expression in Article 19 of the ICCPR and Article 10 of the ECHR.
23. **Thus, it is recommended to revise this provision.** The OSCE/ODIHR and the Venice Commission encourage states not to have an authorization/permit system, as this is more prone to abuse and place restrictions on FoPA.²⁷
24. Sources on FoPA on notification procedures clearly state that notification/permit procedures should not be very burdensome as this may discourage the organization of assemblies and subsequently mean a restriction of FoPA.²⁸
25. The required period of notice should not be unnecessarily lengthy. Any notice period should be the shortest possible while still enabling the authorities to take appropriate steps to protect and facilitate the assembly.²⁹ This is broadly consistent with the practice of many States: Malta, South Korea, Trinidad and Tobago, Turkey, and Colombia, all require at least 48 hours notice. States, which have a system of prior notification, have a longer notice period, for example Romania (3 days), Albania (3 days), Czech Republic (5 days), Georgia (5 days), and the United Kingdom and Northern Ireland (6 days).³⁰
26. By its very nature, spontaneous demonstrations cannot be subject to a lengthy system of submitting a prior notice. It has been recognized as a good practice legislation allowing the holding of spontaneous assemblies, which should be exempted of prior notification. This is the case of a number of OSCE participating states, such as Armenia, Estonia, Germany the Republic of Moldova or Slovenia.³¹ Article 44 (2) of the 2015 Armenian Constitution, ad example, states that “no notification shall be required for spontaneous assemblies”.³² In the same vein, the 2008 Law on Assemblies of the Republic of Moldova defines spontaneous assembly as “an assembly, that has been initiated and organized as a direct and immediate response to social events, and which, in the

²⁷ *Ibid.* par 118 (2010 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly).

²⁸ OSCE/ODIHR-Venice Commission, [Joint Opinion on the Draft Law on Assemblies of the Kyrgyz Republic](#), CDL-AD(2009)034, par 35 and Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies. A/HRC/31/66, par 22.

²⁹ Ideally, the notice should be 48 hours: Special Rapporteur on the rights to freedom of peaceful assembly and of association, [Report on best practices that promote and protect the rights to freedom of peaceful assembly and of association](#), 21 May 2012, (A/HRC/20/27, par 28).

³⁰ *Op. cit.* footnote 25 (Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association); Addendum of select sources and illustrative practical examples, par.9, available here: https://www.ohchr.org/Documents/Issues/FAssociation/A-HRC-31-66_Sources.doc .

³¹ *Op. cit.* footnote 29 (Special Rapporteur on the rights to freedom of peaceful assembly and of association), par. 20.

³² See [Constitution of the Republic of Armenia](#) (Adopted by referendum on July 5, 1995. Amendments to the Constitution were made by referendums on November 27, 2005 and December 6, 2015).

opinion of participants, cannot be postponed, and as a result the usual notification procedure is not possible”. The law provides for exceptions to the notification procedure in case of spontaneous assemblies and assemblies with few participants (less than 50). In the case of spontaneous assemblies, it is not necessary to observe the written form and the term, it is sufficient to provide information about the place, date, time, purpose and organizer of the assembly (Art.12.1). For assemblies with less than 50 participants, there is no need to notify the authorities (Art. 3).

27. Article 8 of the Draft Law provides rules for the application of holding an assembly. It is positive that the request can be submitted electronically or in writing as this will facilitate the process. However, in Article 8 par 2 of the Draft Law, it is stipulated that the application must be received “not later than thirty working days” before the planned assembly, no exceptions are mentioned. But assemblies may need to be organized spontaneously or on short notice to address relevant or urgent developments. International recommendations indicate that notification should be given a “few days in advance” and that the time needed for preparation should be assessed in each case.³³ Smaller assemblies may need no notification at all, as the authorities may not need to prepare.
28. Article 8 par 3 of the Draft Law provides a long list of information to be included in the application and called “regulation” which organizers and participants should follow not only when organizing an assembly but while holding it as well. Some information relates to the procedure of holding an assembly and duties and responsibilities of organizers, their personal data, other - to purpose, data and venue of the assembly, number of participants and methods of ensuring public order. Such information may not be possible for the organizers to obtain a long time in advance, in particular the number of participants and should not become ground for declaring assembly illegal. This requirement could also have a chilling effect on organizers leading to assemblies not taking place. When seen together with the requirement to apply thirty days in advance, this severely impedes the possibility of organizing assemblies. For instance, the Draft Law requires for organizers to specify forms and methods of ensuring public order and security, arrangement of medical aid, which should be an obligation of the state and not the organizers or participants. Further, the Draft also requires the organizers to submit information on intended use of posters, slogans, banners and other visual aids with indication of their content, and loudspeaker equipment during a rally, meeting and/or demonstration. The organizers should not be expected to control (and would neither be in a position to foresee) if or what type of slogans / posters participants may decide to use.
29. Furthermore, Article 9 provides very strict rules for handling the applications by the local executive authority, giving little leeway for to allow an assembly if something is not correct. Most worrying is the rule in Article 9 par 1 second indent that control of the ‘appropriateness of these actions’ in terms of security and public order. This may lead to assemblies not being authorised on vague grounds. Furthermore, there seems to a very time consuming process, as the local authority must co-ordinate with other authority, including the National Guard, Article 9 par 2.

³³ *Op. cit.* footnote 13, par116 (2010 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly). See also: ECtHR, [Kuznetsov v. Russia](#) (Application no. 10877/04, judgment of 23 October 2008), the Court held (in par43), that “merely formal breaches of the notification time-limit [were] neither relevant nor a sufficient reason for imposing administrative liability”. In this case, late notification did not prevent the authorities from adequately preparing for the assembly”.

30. In line with the preceding paragraphs ODIHR recommends that a notification rather than a permit system be established. In all circumstances, the absolute deadline for applications be removed or shortened substantially to few days, while allowing exceptions for spontaneous assemblies. Requirements to submit information on banners or similar should be removed and the procedure be made less burdensome for applicants.

5. Prior Restrictions

31. In a recent decision related to Uzbekistan, the UN Human Rights Committee recalled that “the organizers of an assembly generally have the right to choose a location within sight and sound of their target audience and no restriction to this right is permissible unless if it is (a) imposed in conformity with the law; and (b) necessary in a democratic society, in the interests of national security or public safety, public order, protection of public health or morals or protection of the rights and freedoms of others. When a State party imposes restrictions with the aim of reconciling an individual’s right to assembly and the aforementioned interests of general concern, it should be guided by the objective of facilitating the right, rather than seeking unnecessary or disproportionate limitations to it. The State party is thus under the obligation to justify the limitation of the right protected by article 21 of the Covenant”.³⁴

5.1. Restrictions on venue

32. Freedom to choose the location of the assembly is often a key aspect of FoPA. The venue may be paramount for the message of the assembly to reach the target audience.³⁵ This is often described as being within “sight and sound” of the target of the assemblies. Furthermore, the daily routine often carried out at the venue can be interrupted as assemblies are also a legitimate use of this space.³⁶ The venue may also be public buildings.³⁷ Any restrictions must be necessary and proportionate.

³⁴ See UN Human Rights Committee (UN HRC), *Adelaida Kim v. Uzbekistan* (CCPR/C/122/2175/2012), par 13.4. See also UN HRC, *Poplavny v. Belarus* (CCPR/C/115/D/2019/2010), par 8.4; *Poplavny and Sudalenko v. Belarus*, par 8.5. and UN HRC, *Popova v. Russia*, Communication No. 2217/2012, par 7.3.

³⁵ *Op. cit.* footnote 13, par 3.5 (2010 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly).

³⁶ OSCE/ODIHR-Venice Commission (and others), [Joint Opinion on the Public Assembly Act in Serbia](#), CDL-AD(2010)031, par 45.

³⁷ See, for example, ECtHR, [Çiloğlu and Others v. Turkey](#) (Application no. 73333/01, judgment of 6 March 2007), par 51 (French version), in which the ECtHR noted that unlawful weekly sit-ins (every Saturday morning for over three years) of around 60 people in front of a High School in Istanbul had become an almost permanent event which disrupted traffic and clearly caused a breach of the peace. It thus found that when dispersing the assembly, the authorities had reacted appropriately afforded to States in such matters. Similarly, in ECtHR, [Cisse v. France](#) (Application no. 51346/99, judgment of 9 April 2002), pars 39-40, the evacuation of a church in Paris which a group of 200 illegal immigrants had occupied for approximately two months was held to constitute an interference (albeit justified on public health grounds, par 52) with the applicant’s right to freedom of peaceful assembly. Also worth noting is the UK case concerning ‘Aldermaston Women’s Peace Camp’ (AWPC) which, over the past 23 years, had established a camp on government owned land close to an Atomic Weapons Establishment. The women camped on the second weekend of every month during which time they held vigils, meetings and distributed leaflets. In the case of *Tabernacle v. Secretary of State for Defence* [2009], a 2007 by-law which attempted to prohibit camping in tents, caravans, trees or otherwise in ‘controlled areas’ was held to violate the appellant’s rights to freedom of expression and assembly. The court noted that the particular manner and form of this protest (the camp) had acquired symbolic significance inseparable from its message

33. Article 10 of the Draft Law stipulates that assemblies can only be held in designated places allocated by the competent local authorities jointly with the internal affairs bodies and National Guard of the Republic of Uzbekistan and provides a long list of buildings and locations venues where assemblies cannot take place, mostly public buildings, communication infrastructure, educational institutions, medical facilities, embassies and even the offices of media. Assemblies must be held at least 500 meters from these possible venues. This is clearly not compatible with the above mentioned principle of “sight and sound”, as in particular all kind of venues can be relevant for assemblies depending on their purpose.
34. In this regard, international standards consider the exclusion of entire categories of locations for the holding of assemblies, would be a manifestly disproportionate restriction and suggest that such regulation be only permitted on a case-by-case basis.³⁸ National legislations should be aligned with this approach. Article 12 of the 2012 Law on Peaceful Assemblies of Kyrgyzstan states, for example, that “peaceful assemblies may be conducted on the entire territory of the Kyrgyz Republic”. Some exceptions are listed in part 2 of the same article.³⁹
35. The ban on assemblies being held near administrative and public buildings is particularly worrying as such venues are often places where decisions affecting people’s life are made. Although the Draft Law may pursue legitimate aims at protecting public order and safety, the proposed general restrictions aimed at excluding entire categories of locations from the holding assemblies are both disproportionate and unreasonable. The decision of suitability should be made on a case by case basis, not a general ban. If these requirements to be met it will be practically impossible to hold assemblies anywhere in cities and villages as there will be no venue without public building or medical facility and educational institution at least 500 meters from these. **ODIHR recommends removing restrictions on venues.**

5.2. Restrictions on time and duration

36. Article 11 of the Draft Law only allows for assemblies to be held on weekdays between the times of 10:00 AM and 5 PM. Such a restriction is a general ban and sets a limit on timing and the duration of an assembly, and will only allow for assemblies when most people are at work. Consequently, this rule will force most assembly participants to be absent from work or take leave to be able to participate in an assembly.
37. In some cases, the protracted duration of an assembly may itself be integral to the message that the assembly is attempting to convey or to the effective expression of that message. There should therefore be no pre-determined time limit for assemblies which would imply a blanket ban on assemblies of longer duration; rather, these should be assessed individually. For instance, The ECtHR has ruled that demonstrators ought to be given sufficient opportunity to manifest their views.⁴⁰ This should include the

³⁸ See: OSCE/ODIHR-Venice Commission, [Opinion on the Amendments to the Law of the Kyrgyz Republic on the Right of Citizens to Assemble Peaceably, without Weapons, to Freely Hold Rallies and Demonstrations](#), 27 June 2008, pars 21-27.

³⁹ For a comment on this exception see *ibid.*

⁴⁰ ECtHR, [Patyi v. Hungary](#) (Application no. 5529/05, judgment of 7 October 2008), par 42; ECtHR, [Éva Molnár v. Hungary](#) (Application no. 10346/05, judgment of 7 October 2008), par. 42; and ECtHR, [Barraco v. France](#), (Application no. 31684/05, judgment of 5 March 2009, in French only), par 47. See also [Balcik and Others v. Turkey](#) (Application no. 25/02, judgment of 29 November 2007), par. 51: in finding a violation of Article 11 ECHR, the ECtHR noted “that since the rally at issue in the case began at about noon and ended with the group's arrest within half an hour at 12.30 p.m., it was “particularly struck by the authorities’ impatience in seeking to end the demonstration”.

freedom to choose the time for an assembly. Any restrictions should be taken based on an assessment of the individual case and only if there are compelling reasons as provided for in Art. 21 ICCPR. **ODIHR recommends that all rules on time and duration be removed from the Draft Law.**

5.3. Restrictions on Who Can Organize Assemblies and the Duties and Responsibilities of Organizers

38. The general principle that human rights shall be enjoyed without discrimination lies at the core of the interpretation of human rights standards. Article 26 of the ICCPR requires that States secure the enjoyment of the human rights recognized in these treaties to all individuals within their jurisdiction without discrimination.⁴¹ As such, FoPA shall be enjoyed equally by all individuals. Discrimination against organizers based on grounds such as sex, “race”, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, sexual orientation, gender, gender identity, health conditions, immigration or residency status, or any other status should be prohibited⁴² Accordingly, authorities are obliged to respect the principle of non-discrimination and have a duty not to discriminate and apply the principle of proportionality when restricting FoPA (see above in section 4).
39. Article 6 and other provisions of the Draft Law refer exclusively to “citizens” instead of “everyone” or “all individuals”. In this context it is noted, as also specified in Article 25 of the ICCPR, that certain rights may apply only to citizens, e.g., the right to take part in the conduct of public affairs, to vote and to be elected, and to access public services. On the other hand, guarantees of fundamental rights and freedoms, such as the right to freedom of peaceful assembly, should apply to everyone and not just to citizens.⁴³ This is also stated in Article 26 of the ICCPR which has an explicit ban on discrimination based on national origin (and several other grounds). The United Nations Human Rights Committee has expressly stated that non-nationals must “receive the benefit of the right of peaceful assembly”.⁴⁴
40. A number of national constitutions and legislation of most OSCE participant States specifically acknowledge that all individuals, regardless its citizenship, under a State party’s jurisdiction may enjoy the right to freedom of peaceful assembly. For example, Section 13 of the Finland Constitution, 731/1999 says that “Everyone has the right to arrange meetings and demonstrations without a permit, as well as the right to participate in them”. Article 1 of the 2007 Law on Freedom of Assembly of the Republic of Azerbaijan, states that “Everyone's freedom to assemble together with others is ensured by the Constitution of the Republic of Azerbaijan and international treaties to which the Republic of Azerbaijan is a party”. Also, Article 44.1 of the Armenian Constitution states that “everyone shall have the right to freely organize and participate in peaceful and unarmed assemblies”. In a similar vein, the 2010 Constitution of the Kyrgyz Republic establishes in Article 34.1 that: “Everyone shall have the right to freedom of peaceful assembly. No one may be forced to participate in the assembly”. Further, in a 2007 decision, the Spanish Constitutional Court declared

⁴¹ See further UN HRC, [General Comment 18: Non-Discrimination](#), 10 November 1989.

⁴² *Op. cit.* footnote 13, pars 46 and 48 (2010 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly).

⁴⁴ UN HRC, [General Comment no. 15 on the ICCPR \(The Position of Aliens under the Covenant\)](#), par 7.

void a disposition included in the law regulating the rights and status of foreigners, which conditioned the exercise of the right to FoPA of illegal immigrants to the holding of a residence permit or authorization. The High Court stated that the right of assembly is a fundamental right inherent to human dignity and that, as consequence, any distinctions in its exercise between Spaniards and foreigners, regardless of their illegal or irregular status, cannot be admitted.⁴⁵ **ODIHR recommends that the Draft Law be amended to ensure that the right to freedom of peaceful assembly is guaranteed to “everyone” and not just “citizens”.**

41. Article 6 of the Draft Law also provides that an organizer must have reached the age of eighteen years. A similar limitation is stated concerning participants of rallies, meetings and demonstrations in Article 7 of the Draft Law. In this respect, Article 15 of the UN Convention on the Rights of the Child requires State parties to recognise the rights of children to organize and participate in peaceful assemblies.⁴⁶ Thus, relevant legislation should reflect the State’s duty to facilitate the exercise of the right to freedom of peaceful assembly for children as well.⁴⁷ Moreover, when implementing such legislation, state authorities should take steps to create a conducive environment that allows children and young people to exercise this right in practice.⁴⁸ While certain restrictions may be placed on the exercise of the right of assembly by children, in view of the responsibilities on organizers or due to relevant safety concerns,⁴⁹ any such restrictions must follow the requirements set out in international human rights instruments (see par 14 *supra*).⁵⁰ In particular, when adopting any limits to the organization of or participation in a peaceful assembly by children, full account needs to be taken of the best interests of the individual child and of his/her evolving capacity.⁵¹ Public officials should be adequately trained and instructed accordingly.⁵² **In**

⁴⁵ Tribunal Constitucional. Sentencia 236/2007, de 7 de noviembre de 2007. Recurso de inconstitucionalidad 1707-2001. BOE-T-2007- 21162

⁴⁶ Article 15 of the UN CRC. See also Venice Commission, [“Report on the Protection of Children’s Rights: International Standards and Domestic Constitutions”](#), adopted by the Venice Commission at its 98th Plenary Session (Venice, 21-22 March 2014), CDL-AD(2014)005, par 145: “notwithstanding the status and rights granted to the family, children shall be addressed as rights-holders and not merely as actors who need protection”.

⁴⁷ *Op. cit.* footnote 13, par 57 (2010 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly).

⁴⁸ Special Representative of the Secretary General on the situation of human rights defenders, [Report to General Assembly on ‘The right to protest in the context of freedom of assembly’](#), A/62/225, 13 August 2007, par 101(b). See also ECtHR, [Christian Democratic People’s Party v. Moldova](#) (Application no. 28793/02, judgment of 14 February 2006), par 74.

⁴⁹ *Ibid.* See also OSCE/ODIHR and Venice Commission, [Joint Opinion on the Order of Organizing and Conducting Peaceful Events of Ukraine](#), CDL-AD(2009)052, 14 December 2009, par 29.

⁵⁰ The CRC Committee has, for instance, expressed concern about legislation that sets the minimum age for forming an organizational committee for indoor meetings at 19 years (CRC/C/TUR/CO/2-3, 20 July 2012, pars 38-39), as well as about the failure to reflect the principle of the best interests of the child as a primary consideration in all legislative and policy matters including in the area of peaceful assembly (CRC/C/GBR/CO/4, 20 October 2008, par 26). See also UN Special Rapporteur Special Rapporteur on the rights to freedom of peaceful assembly and of association, [Report on Threats to the Rights to Freedom of Peaceful Assembly and of Association for Groups Most at Risk](#) (2014), A/HRC/26/29, pars 23-24.

⁵¹ See Article 3 par 1 of the UN CRC which states that, “[i]n all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.” See also Article 5 of the UN CRC which states that, “States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.”

⁵² Special Representative of the Secretary-General on Human Rights Defenders, [Report on the right to protest in the context of freedom of assembly](#), A/62/225, 13 August 2007, par 101 (a) (ii). See also *Castle and Others v. Commissioner of Police for the Metropolis* [2011] EWHC 2317 (Admin), pars 51 and 73 with respect to the special duty to bear in mind the need to safeguard and promote the welfare of children (although in the present case the court

light of the above, the legal drafters should reconsider such age limitation in Articles 6 and 7 and discuss modalities to facilitate the exercise of the right to freedom of peaceful assembly by children, as organizers (and participants).

42. Article 6 states that organizers cannot be a “person declared by court legally incompetent” or a “person registered with psychiatric institutions or drug treatment centres”. Uzbekistan has signed, though not yet ratified the UN Convention on the Rights of Persons with Disabilities (UN CRPD),⁵³ which is thus not legally binding on Uzbekistan. At the same time, in principle, pursuant to Article 18 of the Vienna Convention on the Law of Treaties,⁵⁴ “a state is obliged to refrain from acts which would defeat the purpose of a treaty when [...] it has signed the treaty”. Hence, the provisions of the Draft Law should not be in flagrant contradiction with the provisions of the UN CRPD, thus defeating the very purpose of this Convention and being in violation of Article 18 of the Vienna Convention on the Law of Treaties.
43. Furthermore, it is underscored that the UN CRPD emphasizes the need to “promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities”,⁵⁵ while ensuring that they are treated as equal before and under the law (Article 5 of the UN CRPD). Additionally, Article 12 of the UN CRPD reaffirms that “persons with disabilities have the right to recognition everywhere as persons before the law” and shall “enjoy legal capacity on an equal basis with others in all aspects of life”. State parties to the UN CRPD shall also ensure that persons with disabilities can effectively and fully participate in public life on an equal basis with others (Article 29 of the UN CRPD), while facilitating their full inclusion and participation in the community (Article 19 of the UN CRPD). The CRPD Committee specifically calls on States to “recognize persons with disabilities as persons before the law, having legal personality and legal capacity in all aspects of life, on an equal basis with others”.⁵⁶ The Committee also acknowledged that a prohibition or restriction on the exercise of their human rights and fundamental freedoms on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability, within the meaning of Article 2 of the UN CRPD.⁵⁷
44. Other international documents provide that “[e]very person with a mental illness shall have the right to exercise all civil, political, economic, social and cultural rights as recognized in the International Covenant on Civil and Political Rights, and in other relevant instruments”.⁵⁸ In principle, policies should accommodate the specific needs of persons with disabilities, and support their capacity to exercise their rights to freedom of peaceful assembly, insofar as this may reasonably be expected and does not impose a disproportionate burden on state authorities.⁵⁹

found that the respective police officer was not in breach of his duties in that respect, or in any of this other public law duties).

⁵³ UN General Assembly, [Convention on the Rights of Persons with Disabilities](#) (UN CRPD), A/RES/61/106, 24 January 2007. The Republic of Uzbekistan signed the Convention on 27 February 2009.

⁵⁴ [Vienna Convention on the Law of Treaties](#), signed on 23 May 1969 and entered into force in 1980. Uzbekistan acceded to this Convention on 12 July 1995.

⁵⁵ Article 1 of the UN CRPD.

⁵⁶ UN HRC, [General comment No. 1 on Article 12: Equal recognition before the law](#) (2014), par 50(a).

⁵⁷ CRPD Committee, [Zsolt Buidosó v. Hungary](#), Communication No. 4/2011, 16 October 2013, par 9.4.

⁵⁸ Principle 1(5), [UN Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care](#), UN GA Res 46/119.

⁵⁹ See e.g., *op. cit.* footnote 50, pars 34 and 40 (2014 Report of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/26/29)).

45. While it goes beyond the scope of this legal review to assess the system of incapacitation in force in Uzbekistan and whether it is discriminatory on persons with disabilities, it must be emphasized that, in principle, no one should be at any time deprived of their legal capacity due to their disability.⁶⁰ However, a recent report published by the UN notes that “[m]ental and intellectual disability is routinely cited as reason to remove legal capacity” in Uzbekistan⁶¹. Routinely depriving persons with disabilities of their legal capacity, based on a perceived or actual intellectual disability, and consequently depriving them of the exercise of certain human rights and fundamental freedoms, as is the case regarding the FoPA in the Draft Law, defeats the very purpose of the Convention and therefore can lead to flagrant violations of the UN CRPD. More generally, the fact to deprive persons registered with psychiatric institutions of the possibility to be an organizer of a peaceful assembly also runs counter to Articles 12, 19 and 29 of the Convention.
46. As to the deprivation of their right to organize assemblies for persons registered in drug treatment centres, this could amount to a discrimination on the basis of a health condition, which could fall under the prohibition of discrimination based on “other status” stated in Article 26 of the ICCPR. In that respect, recommendations at the international level specifically call upon states to “repeal legislation that facilitates stigma and discrimination of people who use drugs”.⁶² **Consequently, it is recommended that in Article 6 of the Draft Law the ban on “persons declared by court legally incompetent” and those “registered with psychiatric institutions or drug treatment centres” to be organizers of peaceful assemblies be removed.**
47. Article 6 of the Draft Law similarly places a ban on organizing assemblies for “a person who is a leader or a member of a non-governmental non-commercial organization liquidated or not registered on the territory of the republic, and whose activities are suspended or prohibited in accordance with the procedure established by law”. This is highly problematic as FoPA *per se* does not presume any prior organizational structure on the part of those who are leaders, co-ordinators, organizers or participants in an assembly.
48. The right to freedom of peaceful assembly can be enjoyed and exercised by individuals and groups (informal or *ad hoc*), legal entities and corporate bodies, and unregistered or registered associations, including trade unions, political parties and religious groups.⁶³ It is important to reiterate that unregistered associations benefit from the protection conferred by Article 22 of the ICCPR, as well as by other international and regional instruments that reaffirm the freedom of association.⁶⁴ Accordingly, the mere fact that

⁶⁰ See e.g., *op. cit.* footnote 50 UN Special Rapporteur on the rights to freedom of peaceful assembly and of association), [Report to the UN Human Rights Council \(Threats to the rights to freedom of peaceful assembly and of association for groups most at risk\)](#), UN Doc. A/HRC/26/29, 14 April 2014, par 70.

⁶¹ UN in Uzbekistan, [Situation Analysis on Children and Adults with Disabilities in Uzbekistan – Brief Report](#) (2019), page 21.

⁶² See Joint United Nations Programme on HIV/AIDS (UNAIDS), [Report on Health, Human Rights and People who Use Drugs](#) (2016), page 41.

⁶³ In relation to associations and legal entities, see [Hyde Park and Others v. Moldova \(Nos. 5 and 6\)](#), Application nos. 6991/08 and 15084/08, 14 September 2010, par 32: ‘... ‘the Court considers it well-established in its case-law that associations can be victims of an interference with the right to freedom of peaceful assembly.’ Regarding trade unions, see [Özbent and others v. Turkey](#), Applications nos. 56395/08 and 58241/08, 9 June 2015 (only in French), pars 48-50. See also ODIHR/Venice Commission, [Joint Guidelines on Freedom of Association](#) (2015), par 19; OSCE/ODIHR and Venice Commission, [Guidelines on Political Party Regulation](#) (Warsaw: ODIHR, 2011) par 11.

⁶⁴ *Op. cit.* footnote 29 (UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, [Report to the UN Human Rights Council \(Best practices that promote and protect the rights to freedom of peaceful assembly and of association\)](#).) par 96.

an association is not registered should not prevent it from exercising its right to freedom of peaceful assembly. **Hence, the reference to “not registered” should be removed from Article 6.**

49. Regarding liquidation and suspension of non-commercial organizations, it must be emphasized that prohibition or dissolution of an association should always be a measure of last resort, such as when an association has engaged in conduct that creates an imminent threat of violence or other grave violation of the law, and may only occur following a decision by an independent and impartial court.⁶⁵ Similarly, any suspension of the activities of an association can still only be justified by the threat that the association in question poses to democracy.⁶⁶ It is not mentioned who should decide that the work of such organizations is prohibited. In that case there should also be reference to a clear legal procedure and on what legal grounds an organization/association may be prohibited. A better approach would be to ban assemblies in situations when they have a clear violent intent or the assembly is used to destroy the rights of others,⁶⁷ provided that such ban is worded in line with international human rights standards.
50. Article 12 of the Draft Law stipulates that after submitting an application and receiving permission to hold a rally, meeting and/or demonstration the organizer and other citizens will have the right to conduct a preliminary “agitation campaign” among citizens within three days before the planned public activity. Consequently, neither the organizer(s) nor other people could disseminate information about the planned assembly before the term stipulated in the Draft Law. This would make difficult to properly inform the public about the purpose, time and venue of the event and organize it effectively, and is a form of censorship in line with what is mentioned in par 22 *supra*. Given the presumption in favour of (peaceful) assemblies organizers have the right to announce an assembly taking place ahead of time, both on and offline.⁶⁸ And they should have sufficient time to do so. **Thus, it is recommended to revise this provision under Article 12.**
51. The responsibility to maintain law and order lies with the authorities as this is core state obligation.⁶⁹ In principle, States have a positive duty to facilitate and protect the exercise of the right to freedom of peaceful assembly, which should be reflected in the legislative framework and relevant law enforcement regulations and practices.⁷⁰
52. Some provisions of the Draft Law actually impose duties and responsibilities on organizers of assemblies that constitute core state obligations. For instance, Article 6 par 3 of the Draft Law places the responsibility of removing from the rally, meeting or demonstration, assembly participants who do not obey legal requirements of the organizer, representatives of the local executive authorities and internal affairs bodies. In principle, organizers should make reasonable efforts to comply with legal

⁶⁵ ODIHR/Venice Commission, [Joint Guidelines on Freedom of Association](#) (2015), pars 35, 244 and 255.

⁶⁶ *Ibid.* par 255.

⁶⁷ ECtHR, [Hyde Park and others v. Moldova](#) (Application no. 45095/06, judgement 31 March 2009), par 26: “The Court finds it unacceptable from the standpoint of Article 11 of the Convention that an interference with the right to freedom of assembly could be justified simply on the basis of the authorities’ own view of the merits of a particular protest”.

⁶⁸ See UN Human Rights Committee Views (on the merits): [Tulzhenkova v. Belarus](#) (1226/03) 26 October 2011, CCPR/C/103/D/1838/2008, par 9.3. The Committee stated its view that the circulation of publicity for an upcoming assembly cannot legitimately be penalized in the absence of a “specific indication of what dangers would have been created by the early distribution of the information.”

⁶⁹ *Op. cit.* footnote 13, par 31 (2010 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly).

⁷⁰ *Ibid.*, Guiding Principle 2.2. (2010 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly).

requirements and to ensure that their assemblies are peaceful.⁷¹ However, imposing too much responsibility on the organizers of assemblies turns them into law enforcement personnel undertaking matters of state responsibility and may have a chilling effect on them, which can lead to assemblies not taking place.⁷² Furthermore, if an assembly degenerates into serious public disorder, it is the responsibility of the state, not the organizer, representative or event stewards, to limit the damage caused.⁷³ **Hence, the requirement that the organizers remove certain participants from the assembly restricts the organizers' right to freedom of peaceful assembly and should be deleted.**

53. Moreover, Article 6 par 4 of the Draft Law requires organizers to “ensure the safety of green spaces, premises, buildings, constructions, structures, equipment, furniture, inventory and other property at the venue of a rally, meeting and/or demonstration, take measures to curb the obstruction of road traffic”. According to the 2010 Guidelines on Freedom of Peaceful Assembly, the organizers of assemblies should not be held liable where property damage, disorder or violent acts are caused by assembly participants or onlookers acting independently.⁷⁴ In particular, an organizer should not be liable for the actions of individual participants, unless, for example, he or she explicitly incited them to commit such acts (in this case the organizer would be responsible for her or his own actions (incitement), but not for the action of individual participants).⁷⁵ Imposing too much responsibility on the organizers of assemblies may also have a chilling effect on them,⁷⁶ again leading to assemblies not taking place. **Consequently, the obligation imposed by the Draft Law on organizers to ensure the safety of various places, assets and buildings appears excessive and should be reconsidered.**
54. Article 6 par 4 of the Draft Law also contemplates the situation where the organizer would be required to “suspend a rally, meeting and/or demonstration or stop it if the participants commit unlawful actions, as well as at the legal request of representatives of local executive bodies, internal affairs bodies and units of the National Guard of the Republic of Uzbekistan”. This also turns organizers into law enforcement personnel undertaking matters of state responsibility, which again may have the said chilling effect on them. Violations of the legislation and even the use of violence or disruptive behaviour by a small number of participants in an assembly does not automatically turn an otherwise peaceful assembly into a non-peaceful assembly, which should be terminated.⁷⁷ Law enforcement officials must differentiate between peaceful and non-peaceful participants since only those who themselves take part in violence forfeit the legal guarantee of their right to assemble.⁷⁸ Any state intervention should target

⁷¹ *Op. cit* footnote 25, par 26 (Joint UN Special Rapporteur Report (A/HRC/31/66)).

⁷² *Op. cit.* footnote 13, par 197 (2010 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly).

⁷³ See e.g., OSCE/ODIHR, [Comments on the draft law on Public Assembly in the Federation of Bosnia and Herzegovina](#) (24 April 2018), par 68.

⁷⁴ *Op. cit* footnote 25, par 26 (Joint UN Special rapporteur report (A/HRC/31/66)).

⁷⁵ See, for example, Republic of Latvia Constitutional Court, *Judgment in the matter No. 2006-03-0106* (23 November 2006), at par34.4 (English translation): “If too great a responsibility before the activity, during it or even after the activity is laid on the organizer of the activity ... then at other time these persons will abstain from using their rights, fearing the potential punishment and additional responsibilities.”; see also *NAACP v. Claiborne Hardware*, 458 U. S. 886, 922-932 (1982).

⁷⁶ *Op. cit.* footnote 13, Guiding Principle 5.7 and par 197 (2010 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly).

⁷⁷ *Ibid.* pars 25 and 164 (2010 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly).

⁷⁸ *Ibid.* pars 159 and 167 (2010 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly). See [Solomou and Others v. Turkey](#) (Application no. 36832/97, judgment of 24 June 2008), where the Court found a violation of Article 2 in relation to the shooting of an unarmed demonstrator. The Turkish government argued that the use of force by the Turkish-Cypriot police was justified under Article 2(2) of the ECHR. In rejecting this argument,

individual wrongdoers, rather than all participants more generally.⁷⁹ In principle, international standards provide that even if there is a real risk of an assembly resulting in disorder because of developments outside the control of those organizing it, this does not automatically remove it from the scope of Article 11(1) of the ECHR.⁸⁰ Isolated incidents of sporadic violence, even if committed by participants in the course of a demonstration, are by themselves insufficient to justify extensive restrictions, including suspension or dissolution, of assemblies and their peaceful participants.⁸¹ Hence, dispersal of an assembly should be a measure of last resort, only to be considered when a less restrictive response would not achieve the purpose pursued by the authorities in safeguarding other relevant interests.⁸²

55. Legislators should clearly follow this approach when drafting national laws and implementing regulations. A good example is Article 9.2 of the 2001 Law on Demonstrations in Albania, according to which “The police officer responsible for assisting and observing the conduct of the demonstration may order a group of persons to leave the demonstration, if he thinks that the risk is avoided with the leaving of this group of persons who are hindering the normal conduct of the demonstration”. **In light of the above, it is recommended the provision under Article 6 of the Draft Law pertaining to the suspension of assemblies due to unlawful actions of participants be reconsidered.**
56. Article 21 of the Draft Law places the responsibility for “harm/damage” inflicted by the participants during the assembly with the organizer. It is important to underscore that individuals should only be held responsible for his/her own actions.⁸³ Liability for organizers will only exist where they have personally and intentionally incited, caused or participated in actual damage or disorder.⁸⁴ The organizers should not be liable for the actions of individual participants or for the actions of non-participants or *agents provocateurs*; instead, there should be individual liability for any individual who personally commits an offence or fails to carry out the lawful directions of law-enforcement officials.⁸⁵ Consequently, the organizers cannot be responsible for actions of individual participants. In this aspect, it is positive, that individual responsibility for

however, the Court regarded it to be of critical importance that, despite the fact that some demonstrators were armed with iron bars, Mr. Solomou himself was not armed and behaved in a peaceful manner.

⁷⁹ *Ibid.* pars 159 and 167 (2010 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly).

⁸⁰ *Ibid.* pars 71 and 159 (2010 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly). See also ECtHR, *Schwabe and M.G. v. Germany* (Application nos. 8080/08 and 8577/08, judgment of 1 December 2011), par 103; and *Taranenko v. Russia* (Application no. 19554/05, judgment of 15 May 2014), par 66.

⁸¹ *Ibid.* pars 71 and 159 (2010 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly). See also *Annenkov and Others v. Russia* (Application no. 31475/10, judgment of 25 July 2017), pars 98, and 124-6).

⁸² *Ibid.* pars 104 and 165 (2010 OSCE/ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly).

⁸³ See for example, ECtHR, *Ezelin v. France* (Application no. 11800/85, judgment 26 April 1991), par. 53: “The Court considers, however, that the freedom to take part in a peaceful assembly in this instance a demonstration that had not been prohibited is of such importance that it cannot be restricted in any way, even for an *avocat*, so long as the person concerned does not himself commit any reprehensible act on such an occasion”

⁸⁴ *Op. cit.* footnote 13, Guiding Principle 5.7 and pars 197-198 (2010 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly). See e.g., ECtHR, *Ezelin v. France* (Application no. 11800/85, judgment of 26 April 1991), par 53, where the Court found that even though the applicant had not disassociated himself from criminal acts committed during an assembly, he had not committed any of these acts himself; the imposition of the administrative fine against him was thus not necessary in a democratic society; and ECtHR, *Sergey Kuznetsov v. Russia* (Application no. 10877/04, judgment of 23 October 2008), pars 43-48.

⁸⁵ *Ibid.* Guiding Principle 5.7 (2010 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly). See, for example, Republic of Latvia Constitutional Court, *Judgment in the matter No. 2006-03-0106* (23 November 2006), at par 34.4 (English translation): “If too great a responsibility before the activity, during it or even after the activity is laid on the organiser of the activity ... then at other time these persons will abstain from using their rights, fearing the potential punishment and additional responsibilities.”; see also *NAACP v. Claiborne Hardware*, 458 U. S. 886, 922-932 (1982).

illegal acts is established in article 20 of the Draft Law. **ODIHR recommends Article 21 of the Draft Law be redrafted to remove liability for harm/damage and include a reference to the said Article 20.**

5.4. Restrictions Imposed on Participants to Rallies, Meetings and Demonstrations

57. Article 15 par 2 and Article 16 par 1 of the Draft Law stipulates the “right” of internal affairs bodies and National Guard to organize personal searches of participants attending the venue of public assembly. Such course of action is not in line with international recommendations. Assembly participants should not be stopped, searched or detained *en route* to an assembly unless there is clear and objective evidence of imminent violence or other serious crime. The State should not intervene to prevent individuals from participating in an assembly, either by detaining them in advance, or by restricting access to the site of the assembly via physical or administrative obstacles, simply on the grounds of the possible commission of an offence. Unless a clear and present danger of imminent violence or of another crime exists, law enforcement officials should not intervene to stop, search and/or detain protesters *en route* to an assembly if there is no reason to believe that those participants are going to participate in the violence or crime.⁸⁶ The reason for the stopping, searching or detaining a participant should be particular to the person and not merely based on the fact that he or she is participating in an assembly. Exceptionally, in cases where there is evidence of probable violence, including evidence that a significant proportion of assembly participants may be armed, police control points may be set up on the way to assembly locations where participants may be searched for weapons.⁸⁷ **It is recommended that the provisions of the Draft Law as well as operating procedures outline the strict criteria for conducting searches in such situations.**
58. Article 15 par 3 and Article 16 par 1 of the Draft Law entitled internal affairs bodies and National Guard to the rights to prohibit admission of persons to the venue of a rally, meeting and/or demonstration, in case of exceeding the maximum occupancy rate of the territory (premises). It is unclear what criteria will be used to calculate “maximum occupancy rate” and how it applies to marches and demonstrations. **It is recommended these provisions of the Draft Law be deleted on the grounds that they are vague and overbroad and therefore lead to arbitrary law enforcement.**
59. Article 6 par 5 and Article 7 par 4 of the Draft Law prohibits the use by organizers and participants of “vehicles at the venue of a rally, meeting and/or demonstration”. It is unclear what the drafters means under the use of vehicles. Vehicles could be used as a platform for speakers or to carry participants. Public safety concerns may arise when the presence or conduct of assembly participants creates a significant and imminent danger of physical injury for other participants, public authorities, or passers-by or of

⁸⁶ *Ibid.* par 154 and footnote 63 (2010 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly). A violation of Article 11 ECHR was found in the ECtHR case of [Nisbet Özdemir v. Turkey](#) (Application no. 23143/04, judgment of 19 January 2010, only in French), where the applicant was arrested while on her way to an unauthorised demonstration to protest against the possible intervention of US forces in Iraq. See also the facts of [Gasparyan v. Armenia](#) (No.2), Application no. 22571/05, 16 June 2009; *R (on the application by Laporte) (FC) v. Chief Constable of Gloucestershire* [2006] HL 55; and the Report by the U.N. Special Representative of the Secretary-General on the Situation of Human Rights Defenders, [Human Rights Defenders: Note by the Secretary-General](#) U.N. Doc. A/61/312, 5 September 2006. See also *McCarthy v. Barrett*, 804 F. Supp. 2d 1126, 1135-1138 (W.D. Wash. 2011) (finding that the implementation of a ban preventing demonstrators from entering a protest zone violates freedom of speech and association).

⁸⁷ *Ibid.* par 161 (2010 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly).

damage to property. Examples include cases where moving vehicles form part of an assembly and may pose dangers for individuals at an assembly... In such instances, extra precautionary measures should generally be preferred over more extensive restrictions on the assembly itself. **ODIHR recommends the prohibitions mentioned in Article 6 par 5 and Article 7 par 4 be reconsidered, or at a minimum, such a limitation should only apply when there is a significant and imminent danger of physical injury for other participants, public authorities, passers-by or of damage to property.**

60. Article 7 par 3 of the Draft Law prohibits the use by participants of “means of disguise and other objects that make it difficult to visually establish their identity”. **In principle, there should be no blanket or routine restrictions on the wearing of masks and face-coverings.**⁸⁸ Indeed, wearing masks and face coverings at assemblies for expressive purposes is a form of communication protected by the rights to freedom of speech and assembly.⁸⁹ This may occur in order to express particular viewpoints or religious beliefs or to protect an assembly participant from retaliation.⁹⁰ The wearing of masks or other face coverings at a peaceful assembly should not be prohibited so long as the mask or costume is not worn for the purpose of preventing the identification of a person whose conduct creates probable cause for arrest and so long as the mask does not create a clear and present danger of imminent unlawful conduct.⁹¹ Moreover, an individual should not be required to remove a mask unless his/her conduct creates probable cause for arrest and the face covering prevents his/her identification.⁹² **Subsequently, the prohibition in Article 7 par 3 on means of disguise and concealing identity should be reconsidered, or at a minimum, such a limitation should only apply when there is demonstrable evidence of imminent violence.**
61. Article 7 par 3 also provides that participants shall not “obstruct the movement of vehicles and pedestrians”. Given the importance of freedom of assembly in a democratic society, assemblies should be regarded as an equally legitimate use of public space as other, more routine uses of such space, such as commercial activity or pedestrian and vehicular traffic.⁹³ Hence, temporary disruption of vehicular or

⁸⁸ *Op. cit.* footnote 13, par 98 (2010 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly).

⁸⁹ *Ibid.* par 98.

⁹⁰ See also Report of the UN Special Rapporteur (2014), A/HRC/26/29, 14 April 2014, *op. cit.*, note 50, pars 32-33. For a discussion of this issue, see also Network for Policing Monitoring, 22 May 2015, [“Why Cover up? The need for Protest Anonymity”](#).

⁹¹ *Op. cit.* footnote 13, par 98 (2010 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly).

⁹² See, for example, the Polish Constitutional Court judgment of 10 July 2004 (Kp 1/04); *Ku Klux Klan v. Kerik*, 356 F.3d 197 (2d Cir. 2004) (upholds an anti-mask statute where use of masks had no expressive value); *Ryan v. Cnty. of DuPage*, 45 F.3d 1090 (7th Cir. 1995) (upholds the prohibition of the use of masks where the mask implied intimidation). However, see *City of Dayton v. Esrati*, 125 Ohio App. 3d 60, 707 N.E.2d 1140 (1997) (overturning a conviction for wearing a “ninja” mask at a government commission meeting because the prosecution was based on the purely expressive nature of the conduct).

⁹³ *Op. cit.* footnote 13, Guiding Principle 3.2 and par 20 (2010 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly). “In a democratic society urban space is not only a field of movement, but also a space for participation”; Spanish Constitutional Court, judgment STC 193/2011 of 12 December 2011 [English translation]. Cf. EU Court of Justice, *Eugen Schmidberger, Internationale Transporte und Planzuge v. Republik Osterreich* (C-112/00, judgment of 12 June 2003). In *Patyi and Others v. Hungary*, Application No 35127/08, 17 January 2008, pars 42-43, the Court rejected the Hungarian government’s arguments relating to potential disruption to traffic and public transport. Similarly, in *Körtvélyessy v. Hungary* Application No 7871/10, 4 April 2016, par 29, the Court concluded “that the authorities, when issuing the prohibition on the demonstration and relying on traffic considerations alone, failed to strike a fair balance between the rights of those wishing to exercise their freedom of assembly and those others whose freedom of movement may have been frustrated temporarily, if at all.” See also, *Hague v. CIO*, 307 U.S. 496, 515 (1939). For further argument against the prioritization of vehicular traffic over freedom of assembly, see Nicholas Blomley, “Civil Rights Meets Civil engineering: Urban Public Space and Traffic Logic” *Canadian Journal of Law and Society* Vol.22 No.2 2007 55-72. See also, Inter-American Commission on Human Rights, “Report of the

pedestrian traffic is not of itself a legitimate reason to impose restrictions on an assembly.⁹⁴ **ODIHR recommends this restriction be reconsidered or modified.**

6. Assembly Prohibition, Suspension, Termination and Dispersal

62. Article 4 par 2 provides that it shall be prohibited to hold rallies, meetings and/or demonstrations in an attempt to forcibly overthrow the constitutional order, to incite national, racial or religious hatred, to promote violence and war, and to discredit state bodies. Any restrictions imposed on assemblies must have a formal basis in law and be based on one or more of the legitimate grounds prescribed by relevant international and regional human rights instruments: national security, public safety, public order, the protection of public health or morals, and the protection of the rights and freedoms of others. These grounds should not be supplemented by additional grounds in domestic legislation and should be narrowly interpreted by the authorities.⁹⁵ Any restrictions on assemblies should not be based on the content of the message(s) that they seek to communicate within the limits set by Articles 19 and 21 of the ICCPR. Restrictions must not be justified simply on the basis of the authorities' own disagreement with the merits of a particular protest – and so both criticism of government policies or ideas contesting the established order by non-violent means are deserving of protection.⁹⁶ Article 21 of the ICCPR allows for restrictions that are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. While it is reasonable to impose restriction with respect to demonstrations aiming at forcible overthrow of the constitutional order, or inciting hatred and promoting violence, “discrediting state bodies” is not a legitimate ground for restriction on assemblies. **It is therefore recommended to revise Article 4 par 2 from the Draft Law in line with ICCPR article 21.**
63. Article 17 of the Draft Law has a long list of situations when assemblies can be prohibited, suspended or terminated. It includes “circumstances endangering the health of participants and other persons (intention to go on a hunger strike, blocking roads, as well as other actions related to immoral acts and other offenses); violating the rights and freedoms of other individuals and legal entities during rallies, meetings and/or demonstrations; non-compliance with the rules of rallies, meetings and/or demonstrations”. The positive element of the article is that the obligation is placed with the government bodies and not the organizers. On the other hand, the list is broad and some definitions are rather vague. Instead of having a long list, the Draft Law should narrow the possibility of dispersal to situations where there is an imminent risk of

Office of the Special Rapporteur for Freedom of Expression”, 2008, par 70: “Naturally, strikes, road blockages, the occupation of public space, and even the disturbances that might occur during social protests can cause annoyances or even harm that it is necessary to prevent and repair. Nevertheless, disproportionate restrictions to protest, in particular in cases of groups that have no other way to express themselves publicly, seriously jeopardize the right to freedom of expression. The Office of the Special Rapporteur is therefore concerned about the existence of criminal provisions that make criminal offenses out of the mere participation in a protest, road blockages (at any time and of any kind) or acts of disorder that in reality, in and of themselves, do not adversely affect legally protected interests such as the life or liberty of individuals.”

⁹⁴ *Op. cit.* footnote 13, par 80 (2010 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly).

⁹⁵ *Ibid.* par 28 (2019 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly).

⁹⁶ *Ibid.* par 28 (2019 ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly). As the ECtHR stated in *Ozgur Gundem v. Turkey* (Application No. 23144/93, 16 Mars 2000, par 43): Genuine, effective exercise of the freedom of expression does not depend merely on the State's duty not to interfere, but may require positive measures of protection, even in the sphere of relations between individuals.

danger and violence, as not all violations of the law will justify a termination and dispersal. The principle of proportionality applies also in this context and this should be emphasised in the law. Article 17 of the Draft Law may describe situations when termination/dispersal is justified, but must be assessed in each situation and not be an automatic reason to discontinue an assembly. It is generally accepted that dispersal of assemblies should be a measure of last resort, as it severely curtails FoPA. Furthermore, dispersal may increase tensions and the risk of escalating the situation. The reasons for dispersing assemblies should be narrowed down to situations when there is a threat to public safety or danger of imminent violence that cannot be contained otherwise. Law enforcement authorities should not disperse assemblies unless they have taken measures to protect the assembly and there is still a risk of imminent violence.⁹⁷

Therefore, it is recommended that a general rule on risk of imminent violence be formulated instead.

64. When deciding to terminate an assembly, voluntary dispersal must be given the priority. Participants must be asked to disperse and be given sufficient time to do so.⁹⁸ In accordance with the principle of proportionality, use of force remains a last resort and use of force likely to cause injury may only take place in order to prevent harm at least of a similar degree. Use of force likely to cause more than negligible injury may not be used to simply obtain compliance with an order or to obtain mere passive resistance. Art. 17 of the Draft law requires authorities to “take all necessary measures to terminate” an assembly. This does not provide for any steps to be taken, nor does it subject the measures to the principle of proportionality. The vagueness and broadness of the provision bears a considerable risk for excessive measures, including excessive use of force. **Therefore, it is recommended to reformulate Art. 17 par 6 in line with international standards.**

7. Right to an Effective Remedy

65. Those exercising, or seeking to exercise the right to freedom of peaceful assembly should have recourse to an effective remedy against decisions disproportionately, arbitrarily or illegally restricting or prohibiting assemblies. This includes being able to access independent and impartial administrative and judicial appeals mechanisms.⁹⁹ It is positive that decisions and inaction of authorities regarding assemblies can be appealed to a higher authority, as Article 19 of the Draft Law provides for, even if there is a need to clarify appeals procedures. Furthermore, no guarantee that the appeal will be dealt with on time is stipulated. **It is recommended that applicable legislation applies to appeals of decisions be specified in the Draft Law as well as the requirement that timely decisions must be rendered.**

⁹⁷ See OSCE/ODIHR, [Comments on the Draft Law on Public Assembly in the Federation of Bosnia and Herzegovina](#), FOA-BiH/323/2018, 24 April 2018, par 54.

⁹⁸ See *Op.cit.* footnote 25 Joint Report of the UN Special Rapporteurs (2016), A/HRC/31/66, par 63: “Only governmental authorities or high-ranking officers with sufficient and accurate information of the situation unfolding on the ground should have the authority to order dispersal. If dispersal is deemed necessary, the assembly and participants should be clearly and audibly informed, and should also be given reasonable time to disperse voluntarily. Only if participants then fail to disperse may law enforcement officials intervene further.”

⁹⁹ OSCE/ODIHR-Venice Commission, [Joint Opinion on the Draft Law on Peaceful Assemblies in the Kyrgyz Republic](#), CDL-AD(2010)050, par 8.

8. Other Comments

66. Articles 10 and 16 of the Draft Law entitles not only local executive bodies and internal affairs bodies but also units of the National Guard of Uzbekistan to allocate venues of rallies, meetings and demonstrations and to prohibit, suspend, terminate or disperse assemblies. The National Guard is a military unit and has a specific functions dealing with terrorist and extremist threats, maintenance of the public order, national security. Assemblies should always be policed by regular law enforcement personnel, and not by members of the armed forces (including military police) who are not trained for such tasks, so as to avoid a possible escalation of violence.¹⁰⁰ **Therefore it is recommended the National Guard be excluded from policing of assemblies.**

[END OF TEXT]

¹⁰⁰ See [Budapest 1994 \(Decisions: IV. Code of Conduct on Politico-Military Aspects of Security\)](#), par 37: “The participating States will not use armed forces to limit the peaceful and lawful exercise of their human and civil rights by persons as individuals or as representatives of groups nor to deprive them of their national, religious, cultural, linguistic or ethnic identity”.

ANNEX

Draft Law of the Republic of Uzbekistan on Rallies, Meetings and Demonstrations

Draft

THE LAW

OF THE REPUBLIC OF UZBEKISTAN

On rallies, meetings and demonstrations

Adopted by the Legislative Chamber on _____

Approved by the Senate on _____

Article 1. Purpose of this Law

The purpose of this Law shall be to regulate relations in the field of social activities of citizens of the Republic of Uzbekistan in the form of rallies, meetings and/or demonstrations.

Article 2. The legislation of the Republic of Uzbekistan on rallies, meetings and demonstrations

The legislation on rallies, meetings and demonstrations shall consist of this Law and other legislative acts.

If an international treaty of the Republic of Uzbekistan establishes the rules other than those provided for by the legislation of the Republic of Uzbekistan on rallies, meetings and demonstrations, the rules of the international treaty shall apply.

The procedure for organizing and holding rallies, meetings and demonstrations by political parties, public and religious associations shall be established by legislative acts of the Republic of Uzbekistan.

Article 3. Basic Concepts

The basic concepts used in this Law shall have the following meanings:

rally – mass presence of people in a certain place for public expression of the public opinion about the pressing problems on certain issues;

meeting – joint presence of people in a specially designated or adapted place for a collective discussion of any socially significant issues;

demonstration – an organized form of public activity in which public expression of public sentiment is carried out by one person or a group of people. The purpose of a demonstration is to freely express and form opinions, put forward claims on various issues of political, economic, social, cultural life of the country and foreign policy issues, as well as attract public attention on any relevant topics.

Article 4. Principles of holding rallies, meetings and/or demonstrations

Holding rallies, meetings and/or demonstrations shall be based on the principles of prioritizing the rights, freedoms and legitimate interests of citizens, legality, voluntariness of participation in them, publicity, openness and holding them on a peaceful basis.

It shall be prohibited to hold rallies, meetings and/or demonstrations in an attempt to forcibly overthrow the constitutional order, to incite national, racial or religious hatred, to promote violence and war, and to discredit state bodies.

Article 5. Organizing rallies, meetings and/or demonstrations

Organizing rallies, meetings and/or demonstrations shall include:

- applying for permission to hold rallies, meetings and/or demonstrations;
- conducting an agitation campaign;
- producing and distributing visual agitation materials;
- other actions that do not contradict the legislation, carried out to prepare and hold rallies, meetings and/or demonstrations.

Article 6. Organizer of a rally, a meeting and/or a demonstration

An organizer of a rally, a meeting and/or a demonstration (hereinafter – the organizer) may be one or more citizens of the Republic of Uzbekistan who have reached the age of eighteen years and assume full responsibility for ensuring compliance with the rules for holding rallies, meetings and/or demonstrations in accordance with this Law.

The organizer can not be:

- a person declared by court legally incompetent ;
- a person registered with psychiatric institutions or drug treatment centres;
- a person sentenced to imprisonment;
- a foreign citizen or stateless person;
- a person who is a leader or member of a non-governmental non-commercial organization liquidated or not registered on the territory of the republic, and whose activities are suspended or prohibited in accordance with the procedure established by law.

The organizer shall have the right to:

- organize and hold rallies, meetings and/or demonstrations in accordance with official permission of local executive authorities;
- conduct a preliminary agitation campaign;
- authorize individual participants to perform administrative functions in organizing and holding them;
- use loudspeaker equipment, audio-video installations and other equipment not prohibited by law during a rally, meeting and/or demonstration.

The organizer shall:

- apply to the local executive authority for permission to hold a rally, meeting and/or demonstration, together with the rules of their holding in accordance with Article 8 of this Law;
- when obtaining permission, ensure compliance with the conditions of a rally, meeting and/or demonstration, specified in the rules of their holding or modified as a result of the examination by the local executive authority;
- demand from the participants of a rally, meeting and/or demonstration observance of public order, the rules of their holding, and perform the duties provided for by the third part of Article 7 of this Law; take measures to remove, from the venue of a rally, meeting and/or demonstration, the participants who do not obey the legal requirements of the organizer, representatives of the local executive authorities and internal affairs bodies;
- provide full cooperation to representatives of local executive authorities, internal affairs bodies and units of the National Guard of the Republic of Uzbekistan, meeting all their legal requirements, in ensuring public order and security of citizens during a rally, meeting and/or demonstration;

- suspend a rally, meeting and/or demonstration or stop it if the participants commit unlawful actions, as well as at the legal request of representatives of local executive bodies, internal affairs bodies and units of the National Guard of the Republic of Uzbekistan;
- ensure the safety of green spaces, premises, buildings, constructions, structures, equipment, furniture, inventory and other property at the venue of a rally, meeting and/or demonstration, take measures to curb the obstruction of road traffic;
- have a clear distinctive sign of the organizer;
- do not commit illegal actions and do not to encourage participants to commit such actions.

The organizer shall not have the right to:

- use vehicles at the venue of a rally, meeting and/or demonstration;
- hold a rally, a meeting and/or a demonstration, if an application for permission to hold it was not submitted (or was not submitted within the prescribed period) or no official permission was obtained to hold it.

Article 7. Participants of rallies, meetings and/or demonstrations

Participants of a rally, meeting and/or demonstration shall be adult citizens of the Republic of Uzbekistan reached 18 years.

Participants of a rally, meeting and/or demonstration shall have the right to:

- in the absence of the organizer, independently apply for a permission to hold a rally, meeting and/or demonstration;
- take part in the discussion and decision-making, other collective actions in accordance with the objectives of a rally, meeting and/or demonstration;
- use various symbols and other means to publicly express collective or individual opinion, as well as means of agitation not prohibited by the legislation of the Republic of Uzbekistan during a rally, meeting and/or demonstration;
- adopt and submit resolutions, demands and other appeals of citizens to local executive authorities, self-government bodies of citizens, public associations, international and other bodies and organizations.

During a rally, meeting and/or demonstration, its participants shall:

- observe the public order and the rules to hold a rally, meeting and/or demonstration;
- comply with the legal requirements of representatives of local executive authorities, internal affairs bodies, units of the National Guard of the Republic of Uzbekistan and the organizer;
- use no means of disguise and other objects that make it difficult to visually establish their identity;
- have on hand no firearms, ammunition, explosives or explosive devices (including improvised), piercing or cutting objects, other objects that can be used as weapons, inflammable, combustible, corrosive, potent, poisonous substances, pyrotechnic products, radioactive materials other substances, objects and products, the use of which can lead to a threat to life and harm to human health, negative impact on the environment;
- drink (use) no alcohol, psychotropic or other substances that affect the intellectual-volitional activity of a person;
- not obstruct the movement of vehicles and pedestrians.

Participants shall not have the right to use vehicles at the venues of a rally, meeting and/ or demonstration.

Article 8. Obtaining permission to hold rallies, meetings and/or demonstrations

To hold a rally, meeting and/or demonstration, an appropriate application for permission shall be submitted to the local executive authority.

An application for permission to hold a rally, meeting and/or demonstration shall be submitted by its organizer or by one or several participants to the local executive authority, in writing or electronically, within thirty working days before the day of this public activity.

The rules to hold a rally, meeting and/or demonstration shall be attached to the application and shall include the following:

- form of public activity (rally, meeting and/or demonstration);
- purpose of a rally, meeting and/or demonstration;
- venue (venues) of a rally, meeting and/or demonstration, routes of movement of its participants;
- date, start and end time of a rally, meeting and/or demonstration;
- estimated number of participants of a rally, meeting and/or demonstration;
- forms and methods of ensuring public order and security, arrangement of medical aid;
- intended use of posters, slogans, banners and other visual aids with indication of their content, and loudspeaker equipment during a rally, meeting and/or demonstration;
- full name of the organizer(s), as well as active participants, information about their respective place of residence or stay and telephone number;
- sources of funding for organizing and holding rallies, meetings and/or demonstrations.

An application for permission to hold a rally, meeting and/or demonstration shall be signed by the organizer, and in his/her absence, by one or several participants.

Article 9. Consideration of an application for permission to hold rallies, meetings and/or demonstrations; issuing a permission

When considering applications for permission to hold rallies, meetings and/or demonstrations, the local executive authority shall examine:

- compliance of the rules of holding with the requirements of this Law, including a venue, time and dates of holding, personal data of the organizer and active participants, used means of public expression of opinion;
- appropriateness of these actions for reasons of security and public order, as well as the presence of the objectives of the violent overthrow of the constitutional order, incitement of national, racial or religious hatred, promotion of violence and war, and discrediting of state bodies.

Based on the results of the examination, the local executive authority shall coordinate a decision on issuing a permit with the territorial internal affairs body and units of the National Guard of the Republic of Uzbekistan, as well as with the involved bodies and agencies.

In case of inconsistency of the rules for holding rallies, meetings and/or demonstrations with the requirements of this Law, as well as with ensuring security and public order, and for other justified reasons received from one or several involved bodies and agencies, the local executive authority shall decide on refusal of issuing a permission and send a response letter to the applicant with a reasonable refusal message.

In certain cases, the local executive authority shall have the right to decide to provide permission to hold rallies, meetings and/or demonstrations, subject to changes or exceptions to the rules and shall send a response letter with appropriate justification.

A response letter to the applicant with a notice of permission to hold rallies, meetings and/or demonstrations shall be at the same time an official permission for these actions.

Article 10. Venue of rallies, meetings and/or demonstrations

Rallies, meetings and/or demonstrations shall be held only in specially designated places allocated by the local executive authority, in coordination with the territorial internal affairs body, units of the National Guard of the Republic of Uzbekistan, as well as involved bodies and agencies.

In order to ensure security, it shall be prohibited to allocate places for holding rallies, meetings and/or demonstrations, located at a distance of up to 500 meters from the following facilities and territories:

- administrative buildings of public authorities and administration, local executive authorities, law enforcement agencies, paramilitary, especially important and categorized facilities;
- buildings of foreign diplomatic missions and international organizations;
- buildings of courts and penitentiary facilities;
- buildings, structures and territories related to the air, rail, water and automobile transport systems;
- territories related to border areas and special types of protection;
- buildings and territories occupied by social facilities (educational, medical, children's and other institutions);
- burial sites and territories of religious organizations;
- buildings occupied by mass media;
- monuments of history and culture;
- buildings and territories belonging to private property.

When allocating places directly located on the territories of facilities that are historical and cultural monuments, permission to hold rallies, meetings and/or demonstrations shall be agreed with the Ministry of Culture of the Republic of Uzbekistan, taking into account the features of the facilities and requirements of this Law.

Article 11. Time of rallies, meetings and/or demonstrations

Rallies, meetings and/or demonstrations shall be permitted only on weekdays and shall not begin earlier than 10.00 and end later than 17.00.

Article 12. Preliminary agitation campaign

After submitting an application and receiving permission to hold a rally, meeting and/or demonstration the organizer and other citizens shall have the right to conduct a preliminary agitation campaign among citizens within three days before the planned public activity, informing them of the venue(s), time, purpose of a rally, meeting and/or demonstration and giving them other information related to the preparation and holding of this activity, as well as to encourage citizens and their associations to take part in the upcoming rally, meeting and/or demonstration.

Preliminary agitation campaign may be carried out using mass media, verbal appeals and announcements.

It shall be prohibited to conduct preliminary agitation campaign in forms that insult and degrade the dignity of individuals and legal entities.

In case of refusal to hold a rally, meeting and/or demonstration, the organizer shall be obliged to take appropriate measures to stop the preliminary agitation campaign and inform citizens about the decision, as well as notify the local executive authority that an application for permission on this public activity was submitted to.

Article 13. Logistical support for rallies, meetings and/or demonstrations

The logistical support for organizing and holding rallies, meetings and/or demonstrations shall be provided by its organizer and participants at their own expense, as well as using other sources not prohibited by the legislation.

It shall not be permitted to finance and provide property for organizing and holding rallies, meetings and/or demonstrations by foreign states, international, foreign non-governmental and non-commercial organizations, or by other persons on their behalf.

It shall be prohibited to attract citizens to rallies, meetings and/or demonstrations for material remuneration.

Article 14. Rights and obligations of the local executive authorities

For citizens to hold rallies, meetings and/or demonstrations by decision of the local executive authority, a place shall be allocated territorially, taking into account the requirements set forth in Article 10 of this Law.

After receiving an application for permission to hold a rally, meeting and/or demonstration the local executive authorities shall:

- examine the application and the attached rules for holding a rally, meeting and/or demonstration, make a decision agreed with the authorities specified in Article 9 of this Law to permit, prohibit or change the conditions for holding a rally, meeting and/or demonstration in accordance with this Law, as well as send the applicant a corresponding response letter in time, in accordance with the legislation on the appeals of individuals and legal entities;
- depending on the form of public activity and the number of its participants, appoint its authorized representative in order to assist the organizer in carrying out this form of public activity in accordance with the requirements of this Law.

Local executive authorities shall have the right to:

- require the organizer and/or active participants to observe the order of organizing and holding a rally, meeting and/or demonstration;
- issue a permission (or prohibit) to hold a rally, meeting and/or demonstration in accordance with the requirements of this Law, make a decision to suspend or stop a rally, meeting and/or demonstration for legitimate security reasons provided for by this Law.

When holding a rally, meeting and/or demonstration, local executive authorities shall be obliged to:

- attend a rally, meeting and/or demonstration;
- assist the organizer and/or active participants in holding a rally, meeting and/or demonstration;
- ensure, together with the internal affairs bodies, units of the National Guard of the Republic of Uzbekistan, as well as the organizer and/or active participants, public order and the safety of persons, as well as the observance of legality in its holding.

Article 15. Rights and obligations of the internal affairs bodies

The head of the internal affairs bodies responsible for the territory (premises) where a rally, meeting and/or demonstration is planned, shall appoint a representative of the internal affairs body and provide the necessary forces and means to ensure public order and the security of individuals and legal entities during a rally, meeting and/or demonstration, as well as their suspension or termination in case of violating the requirements of this Law.

The internal affairs bodies shall have the right to:

- organize a personal search of participants at the entrance to the venue of a rally, meeting and/or demonstration in order to detect prohibited objects;
- require the organizer and/or participants to observe the order of organizing and holding a rally, meeting and/or demonstration;
- prohibit admission of persons to the venue of a rally, meeting and/or demonstration, in case of exceeding the maximum occupancy rate of the territory (premises);

- remove from the venue of a rally, meeting and/or demonstration persons who do not fulfil the legal requirements of the organizer at the request of the organizer;
- take measures to stop a rally, meeting and/or demonstration in relation to violators of law and order in accordance with the legislation, if the requirements of this Law are not complied with, as well as when public safety is threatened and other circumstances have arisen that adversely affect the social and political situation.

The internal affairs bodies shall be obliged to:

- consider the decisions of the local executive authority to permit, prohibit or change the conditions for holding a rally, meeting and/or demonstration;
- organize an inspection of the territory of a rally, meeting and/or demonstration in order to identify explosive substances and other prohibited objects;
- assist the organizer and/or active participants in holding a rally, meeting and/or demonstration, within the scope of their competence;
- ensure, together with the representative of the local executive authority, units of the National Guard of the Republic of Uzbekistan, as well as the organizer and/or active participants, public order and safety, as well as the observance of legality in its holding.

Article 16. Rights and obligations of the units of the National Guard of the Republic of Uzbekistan

The units of the National Guard of the Republic of Uzbekistan shall have the right to:

- assist in organizing a personal search of participants at the entrance to the venue of rallies, meetings and/or demonstrations in order to detect prohibited objects;
- require the organizer and/or participants to observe the order of organizing and holding rallies, meetings and/or demonstrations;
- prohibit admission of persons to the venue of rallies, meetings and/or demonstrations, in case of exceeding the maximum occupancy rate of the territory (premises);
- provide full assistance to the internal affairs bodies in terminating rallies, meetings and/or demonstrations, and take measures against violators of law and order in accordance with the legislation, in case of non-observance of the requirements of this Law, as well as in case of a threat to public security and other circumstances that have a negative impact on the social and political situation.

The units of the National Guard of the Republic of Uzbekistan shall be obliged to:

- consider the decisions of the local executive authority to permit, prohibit or change the conditions for holding a rally, meeting and/or demonstration;
- ensure security and public order during a rally, meeting and/or demonstration, as well as compliance with law at the time of their holding, together with the internal affairs bodies and other involved bodies and agencies;
- assist the organizer and/or active participants in holding a rally, meeting and/or demonstration, within the scope of their competence.

Article 17. Grounds and procedure for prohibiting, suspending or terminating rallies, meetings and/or demonstrations

Government bodies shall have the right to prohibit, suspend or terminate rallies, meetings and/or demonstrations on the basis of justified security considerations.

The grounds for prohibiting rallies, meetings and/or demonstrations shall be non-compliance of the rules of a rally, meeting and/or demonstration with the requirements of this Law.

The grounds for suspending rallies, meetings and/or demonstrations shall be as follows:

- facts of violating public order by participants during rallies, meetings and/or demonstrations;
- circumstances endangering the health of participants and other persons (intention to go on a hunger strike, blocking roads, as well as other actions related to immoral acts and other offenses);
- violating the rights and freedoms of other individuals and legal entities during rallies, meetings and/or demonstrations;
- non-compliance with the rules of rallies, meetings and/or demonstrations.

The grounds for terminating rallies, meetings and/or demonstrations shall be as follows:

- endangering the life and health of individuals and their property, as well as other circumstances unacceptable for ensuring safety;
- unlawful actions committed by the organizer and participants and intentional violating the requirements of this Law regarding the order of holding rallies, meetings and/or demonstrations;
- failure to comply with the requirements for elimination of violations referred to in part three of this article;
- other emergency situations and circumstances that create a real threat to the security of society, as well as the property of individuals and legal entities.

In the event a decision is made to suspend or terminate a rally, meeting and/or demonstration, representatives of local executive authorities, internal affairs bodies or the National Guard of the Republic of Uzbekistan shall instruct the organizer or participants (in the absence of the organizer) to suspend/terminate a rally, meeting and/or demonstration justifying the reason for its suspension or termination, setting the time to fulfil this instruction.

In case of non-compliance with the instruction to suspend or terminate a rally, meeting and/or demonstration the internal affairs bodies, together with the units of the National Guard of the Republic of Uzbekistan, shall take the necessary measures to terminate a rally, meeting and/or demonstration, while acting in accordance with the legislation.

In the event of mass riots, pogroms, arsons, damage or destruction of property and other cases requiring emergency action, the termination of rallies, meetings and/or demonstrations shall be carried out in accordance with the legislation establishing the procedure for terminating such situations.

Failure to comply with the legal requirements of a representative of government bodies, expressed in disobedience (resistance) to them by the organizer and participants, shall entail liability provided for by the legislation.

Article 18. Providing conditions for rallies, meetings and/or demonstrations

The organizer, officials and other persons shall not have the right to prevent participants of rallies, meetings and/or demonstrations from expressing their opinions in a manner that does not endanger security and without violating public order and the rules of rallies, meetings and/or demonstrations.

Local state bodies, internal affairs bodies, units of the National Guard of the Republic of Uzbekistan and involved bodies and agencies, to whom the appeals being the reasons for public activity are addressed, shall consider them on their merits and take the necessary decisions on them in accordance with the procedure established by the legislation.

To ensure the holding of rallies, meetings and/or demonstrations, the maintenance of public order, traffic control, sanitary and medical services shall be provided free of charge.

Article 19. Appealing decisions and actions (inaction) of the executive authorities and other involved bodies

Decisions and actions (inaction) of the executive authorities and other involved bodies, concerning the organizing and holding of rallies, meetings and/or demonstrations by citizens, shall be appealed to higher bodies or directly to the court in accordance with the procedure established by the legislation.

Article 20. Responsibility for violation of the legislation on rallies, meetings and demonstrations

Persons guilty of violating the legislation on rallies, meetings and demonstrations shall be held responsible in accordance with the established procedure.

Article 21. Compensation for the harm caused during rallies, meetings and/or demonstrations

Harm caused by the organizers and participants of rallies, meetings and/or demonstrations to the state, individuals, legal entities, and organizations during public activity shall be compensated in accordance with the procedure established by the legislation.

Article 22. Ensuring execution, communication, explanation of the essence and meaning of this Law

The Cabinet of Ministers of the Republic of Uzbekistan and other involved ministries, agencies and organizations shall ensure the execution of this Law, its communication to the executors, and explanation of its essence and meaning to the population.

Article 23. Bringing the legislation in line with this Law

The Cabinet of Ministers of the Republic of Uzbekistan shall:

- bring the Government decisions in line with this Law;
- ensure that state administration bodies review and abolish their regulations that contradict this Law.

Article 24. Entry into force of this Law

This Law shall enter into force from the date of its official publication.

The President of the Republic of Uzbekistan

Sh. Mirziyoyev