

ANALYSIS

Draft amendments to the Law of the Kyrgyz Republic on Peaceful Assemblies

MARCH 2026

This Analysis was prepared by the International Center for Not-for-Profit Law (ICNL) at the request of noncommercial organizations (NCOs) concerned about the content of [the draft Law of the Kyrgyz Republic "On Amendments to the Law of the Kyrgyz Republic 'On Peaceful Assemblies'"](#) (hereinafter referred to as the draft law). The purpose of the Analysis is to assess the compliance of the proposed amendments with the Constitution of the Kyrgyz Republic (KR), the KR's international human rights obligations, as well as recognized international standards and good practices.

The current [Law of the Kyrgyz Republic "On Peaceful Assemblies"](#) (hereinafter referred to as the Law on Peaceful Assemblies) establishes an important guarantee: state bodies and local governments do not have the right to determine where people may hold peaceful assemblies, nor can they dictate the routes of marches. According to the current Law, citizens¹ must decide for themselves where to hold a rally or demonstration². If authorities have serious grounds to believe that a specific assembly in a specific location poses a real threat, they may petition the court to restrict the location or route—and only the court has the authority to make such a decision.

However, the draft law completely overhauls this system by amending Articles 4, 5, 12, 14, and 15 of the Law on Peaceful Assemblies. Specifically, the draft law grants local governments the right to designate "specially designated locations" for peaceful assemblies in advance. This means that the mayor's office or *aiyl okmotu* will independently decide where in the city or village assembly is permitted, and citizens will lose the right to choose their own assembly location. Assemblies held outside

¹For the purposes of this analysis, the term "citizens" is used in a broad sense and covers all persons without exception, including foreign citizens and stateless persons located on the territory of the Kyrgyz Republic.

²In accordance with Article 12 of the Law on Peaceful Assemblies: "*Peaceful assemblies may be held throughout the territory of the Kyrgyz Republic, with the exception of [...] near (at least 100 meters) hazardous and harmful production facilities, power plants, on railways, oil pipelines and under high-voltage power lines, penitentiary facilities, state and municipal healthcare organizations, preschool institutions, preschool educational and general educational organizations.*"

designated locations will be illegal, even if they are completely peaceful and do not disturb anyone. At the same time, the draft law eliminates judicial oversight of decisions regarding the location and route of peaceful assemblies. While currently only a court can restrict the location of an assembly, after the adoption of the amendments, this will become an administrative decision by local officials, requiring neither justification in court nor the consent of the organizers.

The Analysis further considers:

- compliance of the draft law with the requirements of the KR's Constitution, including guarantees of freedom of peaceful assembly, the principle of proportionality and the right to effective judicial protection;
- compliance of the draft law with the international obligations of the KR, including [the International Covenant on Civil and Political Rights \(ICCPR\)](#), as well as the standards formulated by the UN Human Rights Committee, the OSCE/ODIHR and the Venice Commission;
- a comparative analysis of foreign practice, as provided in the justification letter to the draft law, with the aim of clarifying and more fully disclosing it.

1. CONFORMITY OF THE DRAFT LAW WITH THE KR'S CONSTITUTION

The draft law contradicts Article 39 [of the KR's Constitution](#), which guarantees everyone the right to freedom of peaceful assembly. Part 3 of Article 39 specifically protects citizens from procedural barriers: organizers are not liable for the lack of notification, failure to comply with the notification form, its content, or the filing deadline. Thus, the Constitution has made this right as protected as possible from bureaucratic obstacles. However, the draft law effectively transforms the procedure for holding peaceful assemblies into a permit-based one, since holding an assembly outside of "specially designated areas" without a separate permit would essentially be illegal.

Part 2 of Article 23 of the KR's Constitution permits restrictions on rights and freedoms under the strict condition that they be proportionate to the stated goals—that is, the restriction must not be excessive or broader than necessary. The draft law does not meet this requirement for the following reasons:

- It introduces a general restriction that applies to all gatherings without exception, although the vast majority of them do not pose any threat.
- The proposed measure is not the least restrictive – current law already allows the court to restrict the location of a specific meeting if there are genuine grounds for doing so, and this mechanism is far more accurate and fair than a blanket ban.

- Furthermore, the draft law removes decisions regarding the location and route of peaceful assemblies from judicial control, transferring them entirely to the discretion of local officials, without any obligation to justify their choice.

Part 1 of Article 61 of the Constitution guarantees everyone the right to judicial protection of their rights and freedoms. This guarantee presupposes not only the formal possibility of appealing to the court but also the real opportunity to defend one's rights in a timely manner. The draft law undermines this guarantee by eliminating mandatory judicial review of decisions regarding the location of assemblies. As a result, local government decisions become decisive, and appeals against them may be belated and ineffective, since by the time the case is heard, the assembly may already have been disrupted or have lost its significance. Thus, the right to judicial protection becomes a formality and does not ensure the effective restoration of violated rights.

2. COMPLIANCE OF THE DRAFT LAW WITH INTERNATIONAL STANDARDS

The KR is a party to the ICCPR, as well as a member of the OSCE and the UN, which creates obligations to comply with international standards regarding freedom of peaceful assembly. Article 21 of the ICCPR permits restrictions on this right only in strictly defined cases—if they are provided by law and are truly necessary in a democratic society "*in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.*" Similar guarantees are contained in the OSCE Copenhagen Document.³An analysis shows that the draft law contradicts these standards, as well as their authoritative interpretation as enshrined in [General Comment No. 37](#) of the UN Human Rights Committee and the OSCE/ODIHR and Venice Commission [Guidelines on Freedom of Peaceful Assembly](#). Specifically, the draft law violates the following standards of the right to peaceful assembly:

THE RIGHT OF THE ORGANIZER TO CHOOSE THE LOCATION OF THE MEETING AND THE PRINCIPLE OF "SIGHT AND SOUND"

Freedom of peaceful assembly includes the organizer's right to independently choose the location, as the location determines the meaning and effectiveness of the event. International standards assume that assemblies can be held in any publicly accessible location and should not be moved to remote areas,⁴ as it is important that they remain within sight and sound of their target audience.⁵ For example, a protest against a city hall decision should be able to take place near city hall, not in a remote park; otherwise, it loses its impact.

³OSCE Copenhagen Document, 29 June 1990, paragraph 9.2.: <https://odhr.osce.org/odhr/elections/14304>.

⁴Paragraph 55 of General Comment No. 37 and paragraph 18 of the Guidelines on Freedom of Peaceful Assembly.

⁵Point 53 of General Comment No. 37.

The draft law deprives organizers of this right by transferring the choice of location to local governments through a system of "designated locations," which may be located far from the assembly's intended audience. This approach contradicts international standards and the position of the European Court of Human Rights (ECHR),⁶ which has found the practice of moving assemblies to locations where they are neither seen nor heard to be a violation, as well as the findings of the Venice Commission that such mechanisms restrict freedom of assembly.⁷

THE PRINCIPLE OF PROPORTIONALITY AND THE PROHIBITION OF BLANKET RESTRICTIONS

International standards require that any restrictions on freedom of assembly be based on an individual assessment of each case and be proportionate, rather than imposed automatically on all.⁸ For example, a single-person picket and a multi-thousand-person march objectively require different approaches, yet the draft law makes no distinction between them and effectively establishes a uniform rule for all—assemblies must be held only in "specially designated locations." This approach is considered disproportionate because it fails to take into account the actual circumstances, goals, and risks of a particular assembly. The draft law does not require local governments to justify the choice of "specially designated locations," does not establish criteria that these locations must meet, and does not stipulate the obligation to consider the objectives of a particular assembly or ensure access to the target audience, which contradicts the principle of proportionality.

REPLACEMENT OF JUDICIAL REVIEW WITH ADMINISTRATIVE DECISIONS

The current Law on Peaceful Assemblies contains a crucial procedural guarantee: authorities do not have the right to restrict (determine) the location or route of an assembly at their own discretion; this requires a court decision. The draft law eliminates this guarantee by transferring the right to determine "specially designated locations" to local governments without any court involvement.

Although organizers will formally retain the ability to appeal local government decisions in court, this will not be effective. Court proceedings take time, during which the assembly may be disrupted, postponed, or held in a location that renders it meaningless. This is contrary to Article 2(3) of the ICCPR, which obligates states parties to provide effective remedies for violated rights. International standards require

⁶Lashmankin and Others v. Russia (2017):

<https://hudoc.echr.coe.int/eng#f%22fulltext%22:%22lashmankin%22,%22itemid%22:%22002-11390%22>].

⁷P.42 of the Venice Commission Opinion CDL-AD(2013)003 on Federal Law of the Russian Federation No. 65-FZ of 8 June 2012 amending the Law on Assemblies, Rallies, Demonstrations, Marches and Pickets and the Code of Administrative Offences (2013): [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2013\)003-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2013)003-e).

⁸Paragraphs 36, 38, 55 of General Comment No. 37 and paragraphs 34, 38, 40 of the Guidelines on Freedom of Peaceful Assembly.

preliminary, not subsequent, judicial review.⁹ This means that if the time required to review a complaint is such that, by the time a decision is issued, the assembly has already lost its relevance, then the right to judicial protection is considered to have been violated.

3. FOREIGN PRACTICE OF REGULATING THE RIGHT TO PEACEFUL ASSEMBLY

The supporting documentation for the draft law cites examples from foreign countries with varying approaches to regulating peaceful assemblies. However, such examples require clarification and proper interpretation, otherwise they create a misconception about the nature of these restrictions.

In particular, the assertion that Western countries grant local authorities "broad autonomy in determining the permissibility of assemblies" is incomplete. It's important to note that in European countries, authorities' discretion is typically limited by mandatory elements that transform this "discretion" into a strictly limited and controlled power:

- the burden of proof of the necessity of the restriction lies with the authorities, and not with the organizer of the peaceful assembly;
- the principle of proportionality applies: a ban is permissible only as a last resort when less restrictive measures are insufficient;
- each meeting is assessed individually, taking into account the specific circumstances;
- all decisions are subject to prompt judicial review.

Below are comments on the practices specified in the justification letter that relate to the subject of the draft law.

ITALY, DENMARK, LATVIA, ESTONIA

The draft law's justification letter states that the constitutions of Italy, Denmark, Latvia, Estonia, and several other countries provide for restrictions on public events. All of these constitutions do allow for restrictions on freedom of assembly, but in fundamentally different forms:

- The Italian Constitution (Article 17) permits bans on public gatherings only on proven security grounds, meaning that authorities are required to justify each restriction with concrete facts.¹⁰

⁹ Point 69 of General Comment No. 37. See also: ECtHR, *Bączkowski and Others v. Poland*, Application No. 1543/06, Judgment of 3 May 2007: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-80464%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-80464%22]}).

¹⁰ Article 17 of the Constitution of the Italian Republic of 27 December 1947: https://www.senato.it/documenti/repository/istituzione/costituzione_inglese.pdf.

- The Danish Constitution (paragraph 79) allows for a ban on open-air meetings only if there is a danger to public peace.¹¹
- The Constitution of Estonia (paragraph 47) guarantees the right to peaceful assembly without prior permission; restrictions are permitted only on the basis of law and solely for the purpose of protecting national security, public order, morals, the safety of participants and traffic, or preventing the spread of infections.¹²
- The Constitution of Latvia (Articles 103 and 116) guarantees freedom of pre-announced peaceful assemblies, marches, and pickets, and imposes on the state the obligation to protect them; however, restrictions on this right are permitted only on the basis of law and only for the purpose of protecting the rights of others, the democratic order of the state, public safety, welfare, and morality.¹³

In European countries, restrictions are applied selectively—to specific assemblies and only if there are real risks, with mandatory justification and the possibility of judicial review. In these countries, the basic rule is that assemblies can be held in any public space, and restrictions are permitted only in exceptional cases and require justification from the state. The proposed draft law, however, introduces the opposite logic: assemblies are initially limited to pre-determined locations, and the organizer is effectively required to justify the need to choose a different location. This approach is inconsistent with European practice.

BRUSSELS, BELGIUM

Brussels has a permit-based system for holding peaceful assemblies, but organizers independently determine the location and indicate it in their application. The authorities do not designate the location of an assembly at their own discretion. Therefore, there is no system of "specially designated locations"—assemblies are permitted in most public spaces, except for those prohibited. As in the current Kyrgyz Law, there is a limited list of locations where assemblies are prohibited for objective reasons. The claim of charging a fee of "10 euros per participant" is not supported:¹⁴ filing an application in Brussels is free. Moreover, international standards clearly state that charging fees for assemblies, including security costs, is unacceptable, as it can create barriers to the exercise of the right to peaceful assembly.¹⁵

LITHUANIA

¹¹Paragraph 79 of the Constitutional Act of Denmark of 5 June 1953: <https://www.thedanishparliament.dk/-/media/sites/ft/pdf/publikationer/the-constitutional-act-of-denmark.pdf>.

¹²Paragraph 47 of the Constitution of Estonia: <https://www.riigiteataja.ee/en/eli/521052015001/consolide>.

¹³Articles 103 and 116 of the Constitution of the Republic of Latvia: <https://www.saeima.lv/en/legislative-process/constitution>.

¹⁴Official website of the City of Brussels: <https://www.brussels.be/demonstrations>.

¹⁵P. 64 Notes general order No. 37.

In Lithuania, a notification procedure for holding peaceful assemblies is in effect: organizers inform the authorities in advance but are not required to obtain permission.¹⁶ Organizers independently determine the location of the assembly based on its objectives. Some municipalities may provide so-called "permanent locations" for assemblies; however, these are auxiliary in nature and do not limit the right to hold assemblies in other public spaces.¹⁷ In other words, such locations are an additional option, not a mandatory or exclusive one. The general legislative approach is based on the freedom to choose a location and permits restrictions only in exceptional cases, where there are justified reasons.¹⁸

GERMANY

The German Constitution (Article 8) guarantees the right to assemble peacefully and unarmed without prior permission or notification; restrictions are permitted only for outdoor assemblies and only by law.¹⁹ At the federal level, this law is the Assembly and Procession Act.²⁰

The key rules are as follows: 1) the organizer determines the location and route of the assembly and only notifies the competent authority at least 48 hours in advance²¹; for spontaneous assemblies caused by current events, no notification is required at all²²; 2) the authorities have the right to impose conditions or prohibit the assembly, but only if there is an immediate threat to public safety or order²³; 3) a ban is permitted only as a last resort, which is subject to immediate judicial appeal, with the court reviewing not only the legality but also the proportionality of the restriction.²⁴

Thus, German law does not provide for a mechanism by which local authorities predetermine a list of permitted locations for all assemblies. The right to choose the location rests with the organizer, and authorities can only propose conditions (including a change of location), and only if there is a proven imminent threat.²⁵

RUSSIA, BELARUS, TÜRKIYE

The supporting document also cites examples from Russia, Belarus, and Türkiye, where authorities have designated uniform, designated locations for peaceful assemblies. It

¹⁶Laws on the Right of Peaceful Assembly Worldwide: <https://www.rightofassembly.info/country/lithuania>.

¹⁷Article 6 of the Law of the Republic of Lithuania on Assemblies of 2 December 1993 No. I -317: <https://policehumanrightsresources.org/content/uploads/2016/08/Law-on-Meetings-1993.pdf?x62992>.

¹⁸Articles 11, 12 Article 6 of the Law of the Republic of Lithuania on Assemblies.

¹⁹ Article 8 of the Basic Law of the Federal Republic of Germany: https://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html.

²⁰German Assembly Act: <https://dejure.org/gesetze/VersG/15.html>.

²¹Section 14 of the German Assembly Act.

²²Article 8(1) of the Basic Law of the Federal Republic of Germany.

²³Section 15 of the German Assembly Act.

²⁴ German Federal Ministry of the Interior and Homeland (BMI): <https://www.bmi.bund.de/EN/topics/constitution/state-order/right-of-assembly/right-of-assembly-node.html>.

²⁵Federal Constitutional Court of Germany, Brokdorf case, BVerfGE 69, 315, 1 BvR 233, 341/81, judgment of 14 May 1985: <https://law.utexas.edu/transnational/foreign-law-translations/german/case.php?id=656>.

should be noted that these countries' examples do not confirm the permissibility of the proposed restrictions; rather, they demonstrate the inherent limitations of these models.

In its opinion on the Russian Federation Law on Assemblies,²⁶ the Venice Commission stated that the provision regarding "specially designated places" as the primary venues for assemblies would hinder, rather than facilitate, the exercise of the right to freedom of assembly and is therefore incompatible with international standards. The ECHR, in the case of *Lashmankin and Others v. Russia*, stated that an assembly cannot be moved to a location where it is neither visible nor audible to those it is addressed to.²⁷ Such a practice deprives the assembly of its purpose and violates Article 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Court also emphasized that the right to freedom of assembly includes the right of organizers to independently determine the time, place, and procedure of the event, and that autonomy in these matters is a crucial element of freedom of assembly. In other words, the Russian experience does not demonstrate acceptable practice, but rather a specific example of how the system of "specially designated places" leads to a violation of the right to peaceful assembly.

Belarus and Türkiye confirm the same conclusion. The UN Human Rights Committee expressed concern that in Belarus there are numerous unjustified obstacles to peaceful assemblies, including the requirement that they be held only in specially authorized locations.²⁸ Regarding Türkiye, the ECHR's data confirms the systemic nature of problems with freedom of expression and peaceful assembly. According to statistics for 2024, Türkiye remains the leader among Council of Europe states in both the number of complaints and the total number of violations found, including on freedom of peaceful assembly.²⁹ These figures have been consistent for many years.³⁰

Thus, the examples of these countries reflect not positive practices, but models that international bodies have consistently criticized. Referring to them does not justify the

²⁶Venice Commission, Opinion CDL-AD(2013)003 on Federal Law of the Russian Federation No. 65-FZ of 8 June 2012 amending the Law on Assemblies, Meetings, Demonstrations, Marches and Picketing and the Code of Administrative Offences, adopted on 11 March 2013: [https://www.venice.coe.int/WebForms/documents/default.aspx?pdffile=CDL-AD\(2013\)003-e](https://www.venice.coe.int/WebForms/documents/default.aspx?pdffile=CDL-AD(2013)003-e).

²⁷*Lashmankin and Others v. Russia* (2017), para. 405: [https://hudoc.echr.coe.int/eng#f%22itemid%22:\[%22001-170857%22\]](https://hudoc.echr.coe.int/eng#f%22itemid%22:[%22001-170857%22])

²⁸ Item 51-53 of the Concluding observations on the fifth periodic report of Belarus (2018): <https://docs.un.org/ru/CCPR/C/BLR/CO/5>.

²⁹Türkiye leads Europe in the number of cases before the ECHR: 67 of 73 decisions found violations // Nordic Monitor: <https://nordicmonitor.com/2025/02/turkey-leads-europe-in-pending-human-rights-applications-with-67-out-of-73-rulings-found-in-violation-at-top-rights-court/>.

³⁰ Türkiye ranks first in violations of freedom of expression – annual statistics of the ECHR // Bianet: <https://bianet.org/haber/turkey-ranks-first-in-violations-of-freedom-of-expression-show-annual-ecthr-statistics-256797>.

draft law; on the contrary, it demonstrates the risks and negative consequences of the proposed approach.

Conclusion

Freedom of peaceful assembly serves as a "safety valve," allowing public opinion to be expressed peacefully and in a controlled manner. It fosters trust in government institutions, enhances the legitimacy of decisions, and maintains a country's positive international reputation. Conversely, excessive restrictions create the risk of escalating social tensions.

An analysis shows that the proposed draft law is inconsistent with the KR's Constitution of and the state's international human rights obligations. The proposed system of "specially designated locations" undermines the effectiveness and purpose of assemblies. The draft law creates risks of arbitrary application: there are no clear criteria for determining such locations, decisions are exempt from judicial review, and their application may be discriminatory against certain organizations or social movements.

A comparative analysis confirms that in democratic legal systems, restrictions on freedom of assembly are applied exclusively on a case-by-case basis and subject to prompt judicial review. Models similar to the proposed one have been consistently criticized by international bodies as incompatible with the right to freedom of peaceful assembly.

In this regard, the adoption of the draft law in its current version will create the risk of systemic violations of the right to peaceful assembly in the KR and will lead to a reduction in the level of legal guarantees already achieved.