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**The Law of the Kyrgyz Republic
on Peaceful Assemblies**

LAW OF THE KYRGYZ REPUBLIC

on Peaceful Assemblies

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Section 1. General provisions

Article 1. Subject Regulated by the Present Law

1. The present Law regulates social relations linked to the implementation of the right of each person to peaceful assemblies.

Article 2. Assembly-Regulating Legislation

1. In ensuring the right to freedom of peaceful assembly, public authorities and local self-government bodies shall be guided by the Constitution of the Kyrgyz Republic, the present Law, duly enacted international treaties that the Kyrgyz Republic is a party to, as well as by universally recognized principles and norms of international law. The laws and other normative acts shall not contradict this Law.

2. Application of the right to freedom of peaceful assembly may not be subject to any limitations except for those imposed under laws to protect national security, public order, health and morals of the population or protection of the rights and freedoms of others. Limitation of the freedom of peaceful assembly shall be proportionate to the specified purposes.

3. It shall be prohibited to adopt sublaws limiting the right to freedom of peaceful assemblies.

Article 3. Terms Used in the Present Law

For the purposes of the present Law, terms used hereinafter shall have the following meanings:

1) Counter-assembly - assembly concerning the same subject, but with the purpose of expressing opposite opinion regardless of area and time of conducting these assemblies;

2) Peaceful assembly – assembly of non-violent and unarmed character;

3) Organizer of a peaceful assembly - person acting on behalf of political parties, other organizations, citizens, who initiates the peaceful assembly, performs actions aimed at preparation of the specified event, as well as managing actions of the assembly participants;

4) Simultaneous assembly - peaceful assembly conducted simultaneously with another assembly in the same area and not having the purpose of expressing an opinion different from that of participants of the other assembly;

5) Planned assembly - assembly conducted with preliminary notification;

6) Assembly – premeditated and temporary stay of number of people in the places open for public access with the purpose of attracting attention of state bodies and local self-governments, public attention, including expressing opinion on any issues;

7) Spontaneous assembly - assembly conducted without preliminary notification;

8) Assembly notification - preliminary notification of public authorities or local self-governments about the planned assembly;

9) Assembly participant – citizen of Kyrgyz Republic, foreign citizens or stateless persons participating in a peaceful assembly.

Section 2. Securing the Right to Freedom of Peaceful Assembly

Article 4. Responsibilities to Secure the Right to Freedom of Peaceful Assembly

1. Public authorities and local self-government bodies shall respect and secure the right to freedom of peaceful assemblies, without any distinction as to gender, race, language, ethnicity, religion, age, political or other beliefs, origin, property or other status, as well as any other circumstances.

2. Participation in an assembly shall be voluntary. Persons coercing to or illegally interfering with participation in an assembly shall be liable as envisaged by legislation of the Kyrgyz Republic.

3. Upon receipt of information about a planned or conducted assembly, public authorities and local self-governments shall immediately notify executive authorities of the local self-government and the interior bodies.

4. Public authorities and local self-governments to whom the requirements of the assembly participants and organizers are addressed shall receive and consider their requirements in essence, as well as notify about their decisions as stipulated by law.

5. When implementing measures to secure the right to freedom of peaceful assembly, public authorities and local self-governments shall not have the right to:

- 1) assess the appropriateness of the peaceful assemblies;
- 2) support any party in case of counter-assemblies;
- 3) set the time, place or movement routes for the peaceful assembly;
- 4) prohibit or limit the place, time and movement route of peaceful assemblies, except for cases when failure to take such measures entails violation of the rights of citizens not participating in the assembly, also for the interests of protecting national security, public order, health and morals of the population, in compliance with requirements specified by the present Law;
- 5) prevent achievement of peaceful assemblies' purposes, except for cases stipulated by the present Law;
- 6) organize and conduct counter-assemblies.

Article 5. Responsibilities of Local Self-Government Bodies

Local self-government bodies shall:

- 1) immediately notify the interior bodies on the territory of the assembly, other state stakeholders about a planned or conducted assembly;
- 2) in interaction with the interior bodies and other state bodies take measures to secure the conduct of peaceful assemblies;
- 3) interact with assembly organizers and participants to ensure conduct of peaceful assemblies;
- 4) provide for receipt of assembly notifications;
- 5) organize the work of communal and other services (emergency, fire fighting, rescue and other services) if necessary;
- 6) assist the interior bodies to prevent and prohibit consumption of alcohol, narcotics, psychotropic and other intoxicating substances;
- 7) notify issues that caused the assembly to public authorities and local self-government bodies to which the issues are addressed;
- 8) perform other responsibilities stipulated by the present Law.

Article 6. Responsibilities of the Interior Bodies

The interior bodies:

- 1) immediately notify local self-governments and other public stakeholders about a planned or conducted assembly;
- 2) if necessary, interact with other public authorities in assembly-related issues;
- 3) interact with assembly organizers and participants in issues related to conduct of peaceful assemblies, including notification about measures taken to secure conduct of the peaceful assemblies;
- 4) show respect to peaceful assembly participants;
- 5) ensure unimpeded work of mass media;
- 6) demand that citizens and officials observe public order, terminate violations or actions that prevent achievement of the peaceful assembly goals and work of the interior bodies and use coercion measures envisaged by the law of Kyrgyz Republic in case of nonfulfillment of the legal requirements;
- 7) protect peaceful assembly participants and other people in the assembly area, also their property, from encroachment;
- 8) assist in provision of medical care and safe evacuation from the peaceful assembly place;
- 9) provide access for communal and other services to the peaceful assembly area;
- 10) if necessary, fulfill the procedures of cordoning, escorting peaceful assembly participants, blocking or changing routes of traffic, installing road signs;
- 11) take measures to prevent conflicts between assembly participants with participants of a counter- or simultaneous assemblies, as well as provoked disruption or other conflicts emerging from the assembly;
2. In case of counter-assemblies, interior bodies identify and ensure a safe distance between assembly and counter-assembly participants within the area of mutual visibility and audibility;
3. In case of simultaneous assemblies, the interior bodies shall identify and ensure a safe distance between participants of the assemblies;

Article 7. Restriction of Actions of the Interior Bodies

In view of the restrictions on public authority actions when implementing measures to secure a peaceful assembly, the interior bodies shall be additionally prohibited to:

- 1) take part in the peaceful assembly as its participants;
- 2) prevent peaceful assembly organizers, their representatives and participants in performing lawful actions;
- 3) take off or hide distinctive signs of an interior body officer, except for cases established by the legislation, and refuse to produce the certificate of the interior unit officer to assembly participants;
- 4) prevent assembly participants or other persons from photography or video filming of the assembly.

Article 8. Actions to Secure Conduct of a Peaceful Assembly

1. Measures to secure conduct of a peaceful assembly, including necessary procedures for cordoning, escorting the peaceful assembly participants, blocking or changing routes of traffic, installing road signs or other actions to ensure road safety, also work of communal and other services (emergency, fire fighting, rescue, sanitation and other services) shall be performed by public authorities and local government free of charge.

2. Measures to secure conduct of a peaceful assembly in cases of a notified peaceful assembly, shall include:

- 1) collection of information about the peaceful assembly purpose, peaceful assembly form or combination of different forms, peaceful assembly place and date, routes of participants movement,

peaceful assembly start and end time, anticipated number of participants, use of loud-speaker equipment or other means during the conduct of the public arrangement;

2) examine the peaceful assembly place for the purposes of providing for security and safety of peaceful assembly participants as well as other persons who occur in the peaceful assembly area, for possibilities of access for communal and other services that secure peaceful assemblies, also possibilities for safe evacuation if necessary;

3) organizational measures to be taken in order to identify the need for cordoning, escorting the peaceful assembly participants, blocking or changing routes of traffic, installing road signs;

4) assess risk factors, take additional measures to ensure safety of peaceful assembly participants and other persons, including but not limited to, installation of metal detectors, fences, the need for changing the time, place and/or route of movement of the peaceful assembly participants;

5) identify forces and means necessary to secure a peaceful assembly;

6) analyze information about other assemblies conducted at the same time, in the same area, compare the obtained information, identify necessary measures (changing the time, place of conduct and/or route of movement of participants and other) to prevent conflicts that might interfere with the conduct and purpose of peaceful assemblies;

3. Executive bodies of local self-government and the interior bodies shall document and further analyze revealed problems, actions of their officers when conducting measures to secure conduct of peaceful assemblies.

4. Executive bodies of local self-government, the interior bodies shall timely inform persons not participating in the assembly, about measures to block or change routes of traffic, provide other necessary information, including notification through mass media.

Article 9. Rights of Peaceful Assembly Participants and Organizers

When conducting peaceful assemblies, the assembly participants shall have the right to:

1) obtain information about measures taken by public authorities and local self-government to secure a peaceful assembly;

2) obtain information about officials of public authorities or local self-government who participate in securing the peaceful assembly, including their location at the moment the information is requested, their names, family names and patronymics, position, and place of employment;

3) have unimpeded contacts with representatives of mass media;

4) use loud-speaker equipment during the peaceful assembly, not exceeding the acceptable levels of acoustic pressure and noise levels established by the legislation of the Kyrgyz Republic;

5) use different means of promotion and forms for attracting attention of public authorities, local self-government, the public, including expression of opinions on some issues, signature collection campaigns, being peaceful by their character and not pursuing unlawful goals;

6) accept and direct to public authorities and local self-government proposals, applications, claims and other forms of address;

7) conduct assemblies in any forms;

8) photograph and video film the assembly;

9) demand protection from the interior bodies in case of encroachment from other persons and ask police officers for any other assistance in the conduct of the peaceful assembly;

10) demand provision of medical assistance or assistance in safe evacuation from the peaceful assembly place;

11) demand that the interior bodies would take action in compliance with legislation of Kyrgyz Republic to stop violations or actions of persons that interfere with the purposes of the peaceful assembly;

12) carry out other actions not prohibited or restricted by laws.

Article 10. Responsibilities of Assembly Participants and Organizers

1. During a peaceful assembly, its participants and organizers shall have the responsibility to:
 - 1) comply with requirements of the present Law and ensure peaceful character of the assembly;
 - 2) fulfill lawful demands of the officials from the interior bodies, local self-government and other state bodies involved in peaceful assembly regulation;
 - 3) observe public order and the procedure for peaceful assemblies established by the organizer;
 - 4) comply with legal acts regulating issues of sanitation and hygiene;
 - 5) ensure safety of buildings, facilities, equipment, furniture, tools and another property, also vegetation at the place of the peaceful assembly;
 - 6) allow for free movement of citizens not participating in the peaceful assembly.
2. In addition to requirements listed in part 1 of the Article, peaceful assembly organizers shall:
 - 1) arrange for compliance of peaceful assembly participants with terms indicated in the notification, in case the assembly requires a notification;
 - 2) interact with the interior bodies to ensure compliance of peaceful assembly participants with public order and the agreed procedure of the assembly;
 - 3) inform peaceful assembly participants about prohibition or restriction of the assembly.
5. Assembly participants shall be prohibited to:
 - 1) carry arms, specially prepared items that can be used to harm human health and life, also to harm property;
 - 2) distribute or use alcohol, narcotics, psychotropic or other intoxicating substances.

Article 11. Peaceful Assembly Notification

1. Peaceful assembly notification shall be made by organizers in writing, no earlier than 30 days before and no later than 2 working days before conduct of the assembly. The notification may be made by sending a letter, a telegram, a teletype message, by post, facsimile, electronic mail or other communication facility or other means or other form.
2. A notification shall include information about: the organizer (name of organization and/or the individual's name, family name and patronymic) and contact data (location of the organization and/or address, telephone number of the individual), information about the place of assembly and (or) route of movement, assembly date and start/end time, purposes, approximate number of participants, any loud-speaker equipment or other means used for the peaceful assembly. The peaceful assembly organizer may include other information, also attach other documents to the notification.
3. Public authorities and local self-government shall have the right to propose change of the peaceful assembly date, place, also route of movement in case if valid information is available about conduct of other peaceful assemblies or other circumstances that may affect safety of citizens.
4. Persons notifying about a peaceful assembly shall have the right to demand, and public authorities and local self-government shall have the responsibility to provide on the same day, a written confirmation that the notification has been received.
5. A written receipt confirmation sent by local self-government or local state administration shall include information about the name of the body of local self-government or local state administration, the name, family name and patronymic of an official having received the notification, date and time of receipt.

Article 12. Place of Peaceful Assembly

1. Peaceful assemblies may be conducted on the entire territory of the Kyrgyz Republic, except for places listed in part 2 of this article.
2. For the purpose of participant safety, peaceful assemblies may not be conducted in the vicinity (less than 100 meters) of hazardous and harmful production industries, power plants, railways, oil pipelines, under high-voltage transmission lines, objects of penal system, state and

municipal public health organizations, preschool facilities, preschool education facilities, and general education facilities.

Section 3. Prohibition, Restrictions and Termination of Assemblies

Article 13. Measures Taken by Interior Bodies Against Offenders

In case of identifying persons who violate public order, commit or instigate commitment of unlawful actions that prevent achievement of the peaceful assembly purposes, internal affairs bodies shall take necessary action against these persons in compliance with the legislation, without termination of the assembly.

Article 14. Prohibition or Restriction of Assemblies

1. A decision on restriction of an assembly by time, place or route of movement or assembly prohibition shall be made by court on grounds stipulated by the present Law.

2. Territorial units of the interior bodies and local self-governments of the assembly territory shall also have the right to make a decision to prohibit or restrict only a specific assembly by time, place or route of movement on grounds stipulated by the present Law. Legality and justification of assembly restriction or prohibition decisions made by a local self-government or an interior body shall be subject to consideration by court that the decision making body shall notify within 24 hours after the decision is made.

3. An application for prohibiting or restricting an assembly shall be considered by court within 24 hours from the time of its submittal.

4. The burden of proof for the grounds to prohibit or restrict an assembly shall be with the applicant.

5. Any doubts in the grounds to prohibit or restrict an assembly shall be for the implementation of the right to peaceful assemblies.

6. A court decision prohibiting or restricting an assembly may be appealed in a higher court within 24 hours after passing judgment. Appeals against court decisions prohibiting restricting an assembly shall be considered by higher courts within 24 hours after their submittal. Decisions of higher courts shall enter into force on the date they are made.

7. Court prohibition or restriction decision shall be notified to assembly organizers and participants by local self-government and the interior bodies verbally and in writing within 24 hours after the decision is made.

8. In case a prohibition or restriction decision is made, local self-government and the interior bodies shall notify the organizers and participants verbally and in writing immediately after the decision is made.

Article 15. Grounds for Assembly Restriction or Prohibition

1. A decision to restrict an assembly in time, place or route of movement shall be made under circumstances posing a real threat to the safety of assembly participants or other citizens in specified locations. Public authorities and local self-government shall inform assembly organizers and participants about reasons of the assembly limitation.

2. A decision to prohibit an assembly shall be made in cases when the assembly purposes are unlawful, including;

- war propaganda,
- promotion of ethnic, racial or religious hatred, gender-based on another social superiority, posing instigation to discrimination, hostility or violence;
- calls for violation of national security, public order, rights and freedoms of others;

- conduct of a counter-assembly with the purpose of wrecking another peaceful assembly.

Article 16. Assembly Restriction and Termination Procedure

1. An assembly on which a prohibition decision is made shall be terminated.
2. Actions to limit and terminate an assembly shall be taken jointly by public authorities and local self-government, with preliminary notification of assembly organizers and participants at the place of assembly, provision of necessary time to withdraw from the place of assembly in case of assembly termination or to change the place, time or route of the assembly in case of assembly limitation.
3. Armed Forces of the Kyrgyz Republic shall be prohibited to participate in actions for assembly limitation or termination.

Article 17. Use of Force for Assembly Termination

1. Use of force for assembly termination shall be an extreme measure.
2. It shall be prohibited to use physical force, including special methods of hand-to-hand fighting, means at hand, special means and arms, if an assembly with illegitimate purposes does not resort to violence or use of arms.
3. Force shall be used for assembly termination, including cases of mass riots that require extreme action, in view of the requirements of the present Law and as stipulated by legislation.
4. In case of termination of assembly using force the internal bodies make up a protocol indicating the reasons for using such actions that shall be immediately submitted to court for settlement of question on legality and well-foundedness of using force. Non-compliance or improper execution of the present requirement entails invalidation of termination of assembly using force.

Article 18. Liability

1. Persons guilty of violating norms of the present Law shall be held liable as stipulated by legislation of the Kyrgyz Republic.

Section 4. Final Provisions

Article 19. Enactment of the present Law

1. The present Law shall be published in mass media.
2. From the date the present Law comes into force, the following Laws shall be deemed invalid:
 - Law of the Kyrgyz Republic on the Right of Citizens to Assemble Peacefully, without Weapons, Freely Conduct Meetings and Demonstrations #120 as of July 23, 2002 (the Vedomosti of Jogorku Kenesh of Kyrgyz Republic, 2002, #9, p.408);
 - Law of the Kyrgyz Republic on Introducing Changes and Amendments to the Law of the Kyrgyz Republic on the Right of Citizens to Assemble Peacefully, without Weapons, Freely Conduct Meetings and Demonstrations (the Vedomosti of Jogorku Kenesh of Kyrgyz Republic, 2008, #7, p.656).
3. The Government of the Kyrgyz Republic shall within a period of three months draft and submit for consideration to the Jogorku Kenesh of Kyrgyz Republic draft laws:
 - 1) aimed to bring legislation in compliance with the present Law;

2) following from provisions of the present Law.

President of the Kyrgyz Republic A.Atambaev

Enacted by Jogorku Kenesh
of Kyrgyz Republic as of April 12, 2012