
Warsaw, 17 September 2025
Opinion-Nr: FOPA-CYP/553/2025 [TO]

URGENT OPINION ON THE LAW 151(I) OF 2025 ON PUBLIC GATHERINGS AND PARADES OF THE REPUBLIC OF CYPRUS

CYPRUS

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The Urgent Opinion was also prepared in consultation with Ms. Gina Romero, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, as part of the [Framework for Joint Action for the protection and promotion of civic space](#).

Based on an unofficial English translation of the Law.



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EXECUTIVE SUMMARY AND KEY RECOMMENDATIONS

The rights to freedom of peaceful assembly and freedom of expression have been recognized as one of the foundations of a democratic, tolerant and pluralist society in which individuals and groups with different backgrounds and beliefs can voice their opinions, gather and interact peacefully with one another. States have positive obligations to respect, protect and facilitate the exercise of these rights, without discrimination, while also avoiding unwarranted regulation in this field. Effective protection of the rights to freedom of peaceful assembly and freedom of expression can help foster a culture of open democracy, enable participation in public affairs, and invigorate dialogue on issues of public interest. Any restriction on the right to freedom of peaceful assembly must meet the strict three-part test under international human rights law, namely that it must be provided by law, serve to protect one of the legitimate aims exhaustively recognized under international law and be necessary and proportionate to reach this aim. In addition, any restrictions must be non-discriminatory. The state's positive duty to facilitate peaceful assembly should be reflected in the legislative framework and relevant practices, and when considering restrictions to reconcile this right with the rights of others or broader public interests, the state should prioritize facilitation over unnecessary or disproportionate limitations.

The new Law on Public Gatherings and Parades of Cyprus (hereinafter "the Law"), adopted in July 2025, aims to regulate the exercise of the right to peaceful assembly guaranteed under Article 21 of the Constitution. It elaborates the notification procedure, envisages the possibility of spontaneous gatherings and sets out the modalities and scope of possible restrictions, and circumstances where public gatherings or parades may be dispersed. It also imposes penalties in case of violation.

Generally, while the Law appears to strive for more communication channels between the police and the organizers to facilitate peaceful gatherings, it does not adequately reflect the state's positive obligations to protect, respect and facilitate the exercise of the right to freedom of peaceful assembly. It also contains overly broad wording of certain provisions, which may compromise legal certainty and open the door to arbitrary or disproportionate restrictions on the exercise of this right. Overall, the new Law therefore contains some provisions raising serious concerns regarding their compatibility with international human rights standards, particularly Article 21 of the International Covenant on Civil and Political Rights, Article 11 of the European Convention on Human Rights and Article 12 of the Charter of Fundamental Rights of the European Union.

In particular, several provisions of the Law regarding the responsibilities of an "organizer" are overly broad and risk placing undue burdens on individuals. While the underlying aim of these provisions may be to safeguard the peaceful character of assemblies, it is essential that any legal definitions and restrictions remain proportionate and grounded in a nuanced understanding of what constitutes a peaceful assembly. This includes recognizing that some level of disruption is

inherent to public gatherings and that isolated acts of violence by individuals should not render an entire assembly as non-peaceful within the context of the law.

Furthermore, the broadly worded and vague grounds for imposing restrictions or for allowing dispersal of an assembly, which should always be a measure of last resort, fail to comply with the strict requirements of legality, legitimacy and/or proportionality under international human rights standards. The Law also does not establish accountability mechanisms for police actions, nor does it provide avenues for legal redress in cases where such actions lack a basis in Law or are unnecessary or disproportionate.

Finally, the sanctions envisaged in the Law in case of violation are disproportionate, so should be removed or reconsidered entirely to ensure that any sanctions are proportionate to the violation. Disproportionate penalties alone violate the right to freedom of peaceful assembly, as they may deter such events and have a chilling effect on the exercise of this right.

More specifically, and in addition to what is stated above, ODIHR makes the following recommendations to ensure compliance with international human rights standards:

A. Regarding the purpose of the Law and definitions:

1. To explicitly reflect in the Law, the state's positive duty to respect, protect and facilitate all types of peaceful assemblies, of any size – without discrimination, as a guiding principle for the implementation of the Law, including with respect to relevant law enforcement regulations and practices; [paras. 30 and 38]
2. To merge the two definitions of “spontaneous” and “extraordinary” gatherings under the single, inclusive term “spontaneous gathering”, while ensuring it is broadened and clarified to avoid potential arbitrary and restrictive interpretation, including by removing the references to “prior consultation” or “specific sudden event” so as to recognize that spontaneous assemblies may be both planned and unplanned, and ensuring that it includes all gatherings held in response to current or imminent events of interest or concern, regardless of their nature; [para. 33]

B. Regarding organizers of assemblies:

1. To refine and more narrowly circumscribe the definition of an “organizer” within the Law, inter alia, by eliminating ambiguous language such as “any person who leads or otherwise organizes the event,” and by expressly determining whether the status of organizer should be formally ascribed; [para. 41]
2. To reconsider the organizers' obligations envisaged under Article 6, ensuring that such responsibilities are proportionate and do not impose undue burdens that could discourage the exercise of the right to peaceful assembly, while expressly providing that organizers shall not be held liable for the conduct of others who cause disorder; [para. 42]

C. Regarding notification requirement:

1. To include a clarification in Article 4 expressly stating that failure to comply with the notification requirement shall not impede the exercise of the right to freedom of peaceful assembly or the organization of assemblies; [para. 48]

2. To amend Article 4 to remove dual notification (i.e., to the Chief of Police and to the local government authority), while requiring only limited and necessary information, such as the date, place, and/or route of the assembly; [para. 49]
- D. Regarding powers of law-enforcement:
1. To remove from Articles 7 (4) and 10 (2) the wording implying that the conduct of an individual may render an assembly non-peaceful, while ensuring that a higher threshold of widespread and serious acts of violence is required for an assembly to be considered non-peaceful, and referring to the commission of serious or very serious offences, instead of any offence; [para. 51]
 2. To introduce legal safeguards and appeal mechanisms to ensure that discretionary powers provided for by Article 7 are used transparently, proportionately, and in line with the right to peaceful assembly; [para. 54]
- E. On restrictions:
1. To narrowly define the legal grounds for imposing restrictions on assemblies under Article 8. Terms such as “public morals”, “constitutional order”, “potential risk of criminal activity”, should be removed or more precisely formulated – only targeting circumstances where there is reasonable suspicion that one may engage in violence or otherwise criminal behaviour, while ensuring they are supported by clear evidentiary standards. The reference to the “organizer’s conduct during previous events” should also be entirely removed; [para. 61]
 2. To include specific timeframes for notifying organizers of decisions, along with clear information on available remedies. In addition, to ensure judicial oversight and affirm the state’s duty to protect and facilitate peaceful assemblies, even when they cause inconvenience or minor disruption; [para. 62]
 3. To clarify that the removal of face coverings during assemblies or parades is only possible under strictly limited and clearly defined circumstances; [para. 69]
 4. To provide explicit guarantees for the right to hold assemblies in line with the “sight and sound” principle, including to recognize peaceful assemblies as a legitimate and equal use of public space, on par with commercial activities, traffic, or other routine functions. Any restrictions on location must be justified by clear legal grounds and meet the standards of legality, legitimacy, necessity, and proportionality; [para. 71]
- F. On dispersal:
1. To revise Article 9 of the Law so that it requires authorities to first take preventive measures targeting specific individuals or small groups “posing a threat”, while ensuring that any use of force is restricted to the minimum extent necessary, following the principles of restraint, proportionality, minimization of damage and the preservation of life; [para. 76]
 2. To clarify the language of Article 9 to ensure that grounds for dispersal meet a high threshold of seriousness and are applied consistently and fairly; [para. 77]
- G. To remove the provision allowing imprisonment as a penalty for violations of provisions under the Law while ensuring any sanctions are proportionate and imposed by a court. [paras. 83-84]

These and additional recommendations are included throughout the text of this Opinion, highlighted in bold.

As part of its mandate to assist OSCE participating States in implementing their OSCE human dimension commitments, ODIHR reviews, upon request, draft and existing laws to assess their compliance with international human rights standards and OSCE commitments and provides concrete recommendations for improvement.

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I. INTRODUCTION

1. On 17 July 2025, the Chair of the Human Rights Committee of the House of Representatives of the Republic of Cyprus requested the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to provide an urgent legal opinion on the recently Law on Public Gatherings and Parades of Cyprus (hereinafter “the Law”), adopted on 10 July 2025.¹
2. On 21 July 2025, ODIHR responded to this request, confirming the Office’s readiness to prepare an urgent legal analysis on the compliance of the Law with international human rights standards and OSCE human dimension commitments.
3. Given the short timeline to prepare this legal analysis, the Urgent Opinion does not provide a detailed and exhaustive analysis of all the provisions of the Law but primarily focuses on the most concerning issues.
4. This Urgent Opinion was prepared in response to the above request. ODIHR conducted this assessment within its mandate to assist the OSCE participating States in the implementation of their OSCE human dimension commitments.²

II. SCOPE OF THE URGENT OPINION

5. The scope of this Urgent Opinion covers only the Law submitted for review. Thus limited, the Urgent Opinion does not constitute a full and comprehensive review of the entire legal and institutional framework regulating the exercise of the rights to freedom of peaceful assembly and freedom of expression in Cyprus.
6. The Urgent Opinion raises key issues and provides indications of areas of concern and is based on international and regional human rights and rule of law standards, norms and recommendations as well as relevant OSCE human dimension commitments.
7. Moreover, in accordance with the Convention on the Elimination of All Forms of Discrimination against Women³ (hereinafter “CEDAW”) and the 2004 OSCE Action Plan for the Promotion of Gender Equality⁴ and commitments to mainstream gender into OSCE activities, programmes and projects, the Urgent Opinion integrates, as appropriate, gender and diversity perspectives.
8. This Urgent Opinion is based on an unofficial English translation of the Law. Errors from translation may result. Should the Urgent Opinion be translated in another language, the English version shall prevail.
9. In view of the above, ODIHR would like to stress that this Urgent Opinion does not prevent ODIHR from formulating additional written or oral recommendations or comments on respective subject matters in Cyprus in the future.

1 See the [Law on Public Gatherings and Parades](#) (*Ο περί Δημόσιων Συγκεντρώσεων και Παρελάσεων Νόμος του 2025 (Ν. 151(Ι)/2025)*).

2 In particular, CSCE/OSCE, [Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE](#), 29 June 1990, para. 9.2; and Charter of Paris for a New Europe (1990).

3 See [UN Convention on the Elimination of All Forms of Discrimination against Women](#) (hereinafter “CEDAW”), adopted by General Assembly resolution 34/180 on 18 December 1979. The Republic of Cyprus ratified the Convention on 23 March 1995.

4 See [OSCE Action Plan for the Promotion of Gender Equality](#), adopted by Decision No. 14/04, MC.DEC/14/04 (2004), para. 32.

III. LEGAL ANALYSIS AND RECOMMENDATIONS

1. Relevant International Human Rights Standards and OSCE Human Dimension Commitments

10. The rights to freedom of peaceful assembly and freedom of expression have been recognized as an integral part of the foundations of a democratic, tolerant and pluralist society in which individuals and groups with different backgrounds and beliefs should be able to voice their opinions, gather and interact peacefully with one another. The right to freedom of peaceful assembly can also help give voice to minority opinion and bring visibility to marginalized and under-represented groups. States have a positive obligation to respect, protect and facilitate the exercise of these rights, without discrimination. Effective protection of the rights to freedom of peaceful assembly and freedom of expression can help foster a culture of open democracy, enable non-violent participation in public affairs, and invigorate dialogue on issues of public interest. Public assemblies can also help ensure the accountability of corporate entities, public bodies and government officials and thus promote good governance in accordance with the rule of law.

1.1. The Right to Freedom of Peaceful Assembly

11. The right to freedom of peaceful assembly is enshrined in Article 20 (1) of the Universal Declaration on Human Rights (UDHR),⁵ Article 21 of the International Covenant on Civil and Political Rights (ICCPR),⁶ Article 11 of the European Convention on Human Rights (ECHR),⁷ Article 15 of the Convention on the Rights of the Child (CRC),⁸ Articles 1, 21 and 29 of the UN Convention on the Rights of Persons with Disabilities⁹ and Article 12 of the EU Charter of Fundamental Rights.
12. The jurisprudence of the UN Human Rights Committee (UN HRC) as well as its General Comment No. 37 on Article 21 of the ICCPR¹⁰ also offer authoritative interpretation of the nature and scope of the right to freedom of peaceful assembly. The various reports of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association provide further useful recommendations.¹¹ The Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests and its annex with a principled-based guidance for the human-rights compliant use of digital technologies in the context of peaceful protests,¹² are tools useful to enhance the capacity and practices of law enforcement agencies to fulfil their duty to promote and protect human rights in the context of peaceful protests. The case law of the European Court of Human Rights (ECtHR) provides additional guidance for Council of Europe

⁵ See [Universal Declaration on Human Rights](#) (UDHR), adopted by General Assembly resolution 217 A on 10 December 1948.

⁶ See [International Covenant on Civil and Political Rights](#) (ICCPR), adopted by UN General Assembly Resolution 2200A (XXI) on 16 December 1966. The Republic of Cyprus ratified the ICCPR on 2 April 1969.

⁷ See [Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms](#), Article 11, signed on 4 November 1950, entered into force on 3 September 1953. The Republic of Cyprus ratified the ECHR on 6 October 1962.

⁸ See [UN Convention on the Rights of the Child](#) (CRC), adopted by General Assembly resolution 44/25 of 20 November 1989. The Republic of Cyprus ratified the CRC on 7 February 1991.

⁹ See [Convention on the Rights of Persons with Disabilities](#) (CRPD), adopted by General Assembly resolution 61/106 of 13 December 2006. The Republic of Cyprus ratified the CRPD on 27 March 2011.

¹⁰ See UN Human Rights Committee, [General Comment No. 37 \(2020\) on the right to peaceful assembly \(Article 21\)](#), CCPR/C/GC/37, 17 September 2020.

¹¹ All the reports are available [here](#). See in particular UN Human Rights Council, *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](#), 4 February 2016 (Joint Report of UN Special Rapporteurs (2016)).

¹² Both documents are part of a [technical and practical toolkit](#) developed by the former Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, in collaboration with the United Nations Office on Drugs and Crime and the Office of the United Nations High Commissioner for Human Rights, pursuant to Human Rights Council resolution 50/21.

- (CoE) Member States on how to ensure that their laws and policies comply with key aspects of Article 11 of the ECHR.¹³
13. OSCE participating States committed to respect the right to freedom of peaceful assembly as stated in the 1990 Copenhagen Document.¹⁴ Further OSCE commitments regarding the right to peaceful assembly also include the 1990 Charter of Paris for a New Europe¹⁵ and the Helsinki 2008 Statement from the Ministerial Council.¹⁶
 14. ODIHR and its Panel of Experts¹⁷ in consultation with the CoE European Commission for Democracy through Law (Venice Commission) have also developed joint Guidelines on Freedom of Peaceful Assembly (hereinafter “the Guidelines”),¹⁸ which are based on international and regional treaties, case-law and other documents related to the protection of human rights as well as the practice in other democratic countries adhering to the rule of law. These Guidelines provide useful guidance for developing and implementing national legislation on the right to freedom of peaceful assembly in accordance with international standards and OSCE human dimension commitments.
 15. The right to freedom of peaceful assembly complements and intersects with other civil and political rights, including the right to freedom of expression (Article 19 of the ICCPR and Article 10 of the ECHR), the right to freedom of association (Article 22 of the ICCPR and Article 11 of the ECHR), the right to participate in public affairs (Article 25 (a) of the ICCPR) and the right to vote (Article 25 (b) of the ICCPR and Article 3 of Protocol No. 1 to the ECHR). Moreover, the right to freedom of peaceful assembly may overlap with the right to manifest one’s religion or belief in community with others.¹⁹ Recognizing the interrelation and interdependence of these different rights is vital to ensuring that the right to freedom of peaceful assembly is afforded practical and effective protection.
 16. Freedom of peaceful assembly should be enjoyed, as far as possible, without (or with minimal) regulation,²⁰ unless there is a need for special protection. Moreover, states have a positive duty to respect, protect and facilitate the exercise of the right to freedom of peaceful assembly and this duty should be reflected in the legislative framework and relevant law enforcement and other regulations and practices.²¹ States must promote an enabling environment for the exercise of the right to peaceful assembly without discrimination, and should regulation be considered necessary,²² put in place a legal and institutional framework within which the right can be exercised effectively.²³ This also

13 See the [Caselaw Guide on Article 11 of the ECHR](#), prepared by the Registry of the European Court of Human Rights (ECtHR) (updated 29 February 2024).

14 CSCE/OSCE, [Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE](#), 29 June 1990, para. 9.2, whereby OSCE participating States reaffirmed that “(9.2) everyone will have the right of peaceful assembly and demonstration. Any restrictions which may be placed on the exercise of these rights will be prescribed by law and consistent with international standard”; and Charter of Paris for a New Europe (1990), where they affirmed that “without discrimination, every individual has the right to (...) freedom of association and peaceful assembly”.

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

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

17 See [ODIHR Panel of Experts on Freedom of Assembly and Association](#).

18 See [Guidelines on Freedom of Peaceful Assembly](#), ODIHR-Venice Commission, 3rd ed., adopted at the Venice Commission Session on 21-22 June 2019, and further edited as of 15 July 2020.

19 See e.g., European Court of Human Rights (ECtHR), [Barankevich v. Russia](#), no. 10519/03, 26 July 2007.

20 ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), paras. 21 and 76; UN Human Rights Committee, [General Comment No. 37 \(2020\) on the right of peaceful assembly \(article 21\)](#), paras. 8 and 23 (no unwarranted interference). However, the measures taken by the authorities and interfering with the right to freedom of peaceful assembly should always have a legal basis under domestic law and the law should be accessible to the persons concerned and formulated with sufficient precision (see ECtHR, [Vyerentsov v. Ukraine](#), no. 20372/11, 11 April 2013, para. 52).

21 See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 22.

22 In line with the principle of necessity to legislate, whereby state intervention by legislation should only take place where state action is necessary and other, non-legislative interventions are not feasible or unlikely to have a successful outcome, see ODIHR, [Guidelines on Democratic Lawmaking for Better Laws](#) (16 January 2024), Principle 4.

23 See UN Human Rights Committee, [General comment No. 37 \(2020\) on the Right of Peaceful Assembly \(Article 21\)](#), para. 24.

means that public authorities are required to remove all unnecessary legal and practical obstacles to the exercise of the right to freedom of peaceful assembly.²⁴

1.2. The Right to Freedom of Expression

17. The right to freedom of opinion and expression is enshrined in Article 19 of the UDHR²⁵ and is guaranteed by Article 19 of the ICCPR,²⁶ Article 10 of the ECHR and Article 11 of the EU Charter of Fundamental Rights.²⁷
18. The jurisprudence of the UN HRC as well as its General Comment No. 34 on Article 19 of the ICCPR also offers authoritative interpretation of the nature and scope of the right to freedom of expression and access to information.²⁸ The ECtHR case-law further serves as an important reference point, particularly for assessing the necessity and proportionality of restrictions to freedom of expression.
19. At the OSCE level, a number of commitments proclaim the right of everyone to freedom of expression and to receive and impart information, as well as the right of the media to collect, report and disseminate information, news and opinion, underlining the essential role of independent and pluralistic media.²⁹

1.3. Restrictions on the Rights to Freedom of Peaceful Assembly and Expression

20. Any restriction on the rights to freedom of peaceful assembly and expression must be compatible with the strict three-part test set out in, respectively, Article 21 of the ICCPR and Article 11 (2) of the ECHR, and Article 19 (3) of the ICCPR and Article 10 (2) of the ECHR. This test requires any restriction to be provided by law (requirement of legality), to be in pursuit of one or more of the legitimate aims listed exhaustively in the respective treaty/convention,³⁰ to be necessary in a democratic society and to respect the principle of proportionality (which *inter alia* presupposes that any imposed restriction should represent the least intrusive measure possible among those effective enough to achieve the designated objective). In addition, the restriction must be non-discriminatory

²⁴ See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 76.

²⁵ See the [Universal Declaration on Human Rights](#) (UDHR), adopted by General Assembly resolution 217 A on 10 December 1948.

²⁶ Article 19 of the ICCPR provides that “everyone shall have the right to hold opinions without interference” and that “everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

²⁷ See [Charter of Fundamental Rights of the European Union](#) (EU), OJ C 326, 26 October 2012.

²⁸ See UN Human Rights Committee, [General Comment No. 34](#) on Article 19 of the ICCPR, CCPR/C/GC/34, para. 11, where the UN Human Rights Committee further elaborates that “[f]reedom of expression is a necessary condition for the realization of the principles of transparency and accountability that are, in turn, essential for the promotion and protection of human rights” and protects “even expression that may be regarded as deeply offensive, although such expression may be restricted in accordance with the provisions of article 19, paragraph 3 and article 20.”

²⁹ See in particular OSCE, [Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE](#) (Copenhagen, 5 June-29 July 1990), which states that “[t]his right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. The exercise of this right may be subject only to such restrictions as are prescribed by law and are consistent with international standards.” The OSCE participating States also reaffirmed “the right to freedom of expression, including the right to communication and the right of the media to collect, report and disseminate information, news and opinion” in OSCE, [Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE](#), (Moscow, 3 October 1991). Moreover, in 1994, the OSCE participating States reaffirmed that “freedom of expression is a fundamental human right and a basic component of a democratic society” committing to “take as their guiding principle that they will safeguard this right” and emphasizing in this respect, that “independent and pluralistic media are essential to a free and open society and accountable systems of government”; see OSCE, [CSCE Budapest Document 1994, Towards a Genuine Partnership in a New Era](#) (Budapest, 21 December 1994), para. 36.

³⁰ For Article 21 of the ICCPR, these are 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. For Article 11 (2) of the ECHR, the aims are national security or public safety, the prevention of disorder or crime, the protection of health or morals, and the protection of the rights and freedoms of others. For Article 19 (3) of the ICCPR: “(a) for respect of the rights or reputations of others; (b) for the protection of national security or of public order (*ordre public*), or of public health or morals”; for Article 10(2) of the ECHR: “in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

(Articles 2 and 26 of the ICCPR and Article 14 of the ECHR and Protocol 12 to the ECHR).³¹

21. The grounds for restrictions listed in international instruments should not be supplemented by additional grounds in domestic legislation and should be narrowly interpreted by the authorities.³² Restrictions must be applied only for those purposes for which they were prescribed and must be directly related to the specific aim being pursued (Article 18 of the ECHR).
22. The requirement that any restrictions on assemblies be ‘prescribed by law’ not only requires that the restriction should have an explicit basis in domestic law, but also refers to the quality of the law in question.³³ Such law must be sufficiently clear and precise to enable an individual to assess whether or not his or her conduct would be in breach of the law and to foresee the likely consequences of any such breach.³⁴ This also means that the law must be formulated in terms that provide a reasonable indication as to how these provisions will be interpreted and applied.³⁵
23. The test of ‘necessary in a democratic society’ means that any restriction imposed on the rights of peaceful assembly and expression, whether set out in law or applied in practice, must meet a “pressing social need”,³⁶ be proportionate to the legitimate aim pursued and the reasons justifying it must be relevant and sufficient.³⁷ The requirement to meet a “pressing social need” also means that a restriction must be considered imperative, rather than merely ‘reasonable’ or ‘expedient’.³⁸ The means used should be proportionate to the aim pursued, which also means that where a wide range of interventions may be suitable, the least restrictive or invasive means must always be used.³⁹ In addition, restrictions must not impair the essence of the right, or be aimed at discouraging participation in assemblies or causing a chilling effect.⁴⁰ In particular, any restriction in relation to the manner of an assembly should not render the effective communication of the message of the assembly difficult or even impossible.⁴¹ As the UN Human Rights Committee emphasized, proportionality “requires a value assessment, weighing the nature and detrimental impact of the interference on the exercise of the right against the resultant benefit to one of the grounds for interfering. If the detriment outweighs the benefit, the restriction is disproportionate and thus not permissible.”⁴²

31 The Republic of Cyprus ratified the Protocol no. 12 on 30 April 2002 and it entered into force on 1 April 2005.

32 See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), paras. 28 and 130.

33 *Ibid.*, para. 98.

34 See, for example, ECtHR, [Hashman and Harrop v. the United Kingdom](#) [GC], no. 25594/94, 25 November 1999; [Gillan and Quinton v. the United Kingdom](#), no. 4158/05, 12 January 2010; [Kudrevičius and Others v Lithuania](#) [GC], no. 37553/05, 15 October 2015. See also [Guidelines on Freedom of Peaceful Assembly](#), para. 23; UN Human Rights Committee, [General comment No. 34](#) on Article 19 of the ICCPR, CCPR/C/GC/34, para. 25. See also ECtHR, [The Sunday Times v. the United Kingdom \(No. 1\)](#), no. 6538/74, paras. 48-49; and [Perinçek v. Switzerland](#) [GC], no. 27510/08, 15 October 2015, para. 131, where the Court underlined that: “A norm could not be regarded as a “law” unless it was formulated with sufficient precision to enable the person concerned to regulate his or her conduct: he or she needed to be able – if need be with appropriate advice – to foresee, to a degree that was reasonable in the circumstances, the consequences that a given action could entail. However, the Court went on to state that these consequences did not need to be foreseeable with absolute certainty, as experience showed that to be unattainable.”

35 See Venice Commission, [Rule of Law Checklist](#), CDL-AD(2016)007, para. 58. In addition, see ECtHR, [The Sunday Times v. the United Kingdom \(No. 1\)](#), no. 6538/74, 26 April 1979, where the Court ruled that “the law must be formulated with sufficient precision to enable the citizen to regulate his conduct,” by being able to foresee what is reasonable and what type of consequences an action may cause.”

36 This means that a restriction must be considered imperative, rather than merely ‘reasonable’ or ‘expedient’: ECtHR, [Chassagnou v. France](#) [GC], nos. 25088/94, 28331/95 and 28443/95, 29 April 1999. “Necessary” is not synonymous with “indispensable”, neither has it the flexibility of such expressions as “admissible”, “ordinary”, “useful”, “reasonable” or “desirable”; see ECtHR, [The Sunday Times v. the United Kingdom \(No. 1\)](#), no. 6538/74, 26 April 1979, para. 59.

37 See, for example, ECtHR, [Taranenko v. Russia](#), no. 19554/05, 15 May 2014. In relation to freedom of expression, see, for example, ECtHR, [Janowski v. Poland](#) [GC], no. 25716/94, 21 January 1999, paras. 31 and 35.

38 See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 131.

39 *Ibid.*, para. 131. See e.g., ECtHR, [Perinçek v. Switzerland](#) [GC], no. 27510/08, 15 October 2015, para. 273.

40 See UN Human Rights Committee, [General comment No. 37 \(2020\) on the right of peaceful assembly \(Article 21\)](#), para. 36.

41 See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 148.

42 See UN Human Rights Committee, [General Comment No. 37 \(2020\) on the right of peaceful assembly \(Article 21\)](#), para. 40.

24. In addition, restrictions must not be discriminatory, either directly or indirectly.⁴³ Restrictions must not unjustifiably target specific types of assemblies, particularly those used for political expression or opposition or those conveying a specific message or promoting the rights of certain at-risk, marginalized or under-represented groups.⁴⁴
25. Based on the foregoing, blanket legal restrictions would generally fail the proportionality test because they do not differentiate between different ways of exercising the right to freedom of peaceful assembly and preclude any consideration of the specific circumstances of each case.⁴⁵ In addition, any restrictions on assemblies should not be based on the content of the message(s) that they seek to communicate.⁴⁶ Moreover, broad powers of public authorities and law enforcement to prohibit or disperse assemblies would not comply with the strict requirements for restrictions as underlined above.

2. Background

26. Article 21 of the Constitution of the Republic of Cyprus affirms a fundamental democratic right, stating: “[e]very person has the right to freedom of peaceful assembly.” It further clarifies that “No restrictions shall be placed on the exercise of these rights other than those prescribed by law and only to the extent that they are absolutely necessary in the interests of the security of the Republic, the constitutional order, public safety, public order, public health, public morals, or for the protection of the rights and liberties guaranteed by this Constitution to any person, regardless of whether that person participates in such assembly or belongs to such association.”
27. The new Law 151(I) on Public Gatherings and Parades was passed by the House of Representatives in mid-July 2025. It replaced previous legislation on assemblies and processions⁴⁷ and redefines how the right to freedom of peaceful assembly, as guaranteed under Article 21 of the Constitution, may be exercised.⁴⁸ Among its key provisions, the Law introduces a seven-day notification requirement for planned public gatherings or parades with more than 20 participants – that does not apply to “spontaneous” or “extraordinary” assemblies, obliges organizers to disclose their identity, and requires detailed information on the route and duration of the assemblies, and safety measures arranged by organizers. Organizers must also appoint a responsible person to liaise with the authorities. Police are granted broad powers to impose restrictions, alter routes, or even prohibit or disperse assemblies on grounds such as public safety, public order, or traffic disruption.
28. Violations of the Law carry substantial penalties, including up to three years imprisonment and/or a fine of up to EUR 10,000 for those who use or incite violence during an assembly or parade, while those who refuse, without reasonable cause, to

43 The Republic of Cyprus ratified the Protocol no. 12 on 30 April 2002 and it entered into force on 1 April 2005.

44 See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 102.

45 *Ibid.* ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 133. See also UN Human Rights Committee, [General Comment No. 37 \(2020\) on the right of peaceful assembly \(Article 21\)](#), para. 38, which states that “[b]lanket restrictions on peaceful assemblies are presumptively disproportionate”; Report of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, (Funding of associations and holding of peaceful assemblies), A/HRC/23/39, 24 April 2013, para. 63: “...blanket bans, are intrinsically disproportionate and discriminatory measures as they impact all citizens willing to exercise their right to freedom of peacefully assembly”; and Joint Report of UN Special Rapporteurs (2016), [A/HRC/31/66](#), para. 30.

46 *Ibid.* ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 133. See also ECtHR, [Primov v. Russia](#), no. 17391/06, 12 June 2014, para. 137: “The Government should not have the power to ban a demonstration because they consider that the demonstrators’ ‘message’ is wrong. It is especially so where the main target of criticism is the very same authority which has the power to authorise or deny the public gathering, as in the case at hand. Content-based restrictions on the freedom of assembly should be subjected to the most serious scrutiny by this Court”. See also UN Human Rights Committee, [General comment No. 37 \(2020\) on the right of peaceful assembly \(Article 21\)](#), para. 48, which underlines that “[c]entral to the realization of the right is the requirement that any restrictions, in principle, be content neutral, and thus not be related to the message conveyed by the assembly. 57 A contrary approach defeats the very purpose of peaceful assemblies”; and UN Human Rights Committee Views, [Nikolai Alekseev v. Russian Federation](#), U.N. Doc. CCPR/C/109/D/1873/2009, 2 December 2013, para. 9.6, which state that the restriction imposed on a person’s right to organize a public assembly on a specific subject is “one of the most serious interferences with the freedom of peaceful assembly”.

47 See the older version of [the Law](#).

48 See [the Law](#).

remove disguises or concealing items as ordered by police, and who engage in acts that are perceived to endanger the peacefulness of an assembly or lead to the commission of any offence, may face up to two years imprisonment and/or a fine of up to EUR 5,000.

3. Definitions and Purpose of the Law

29. Article 2 of the Law defines different types of assemblies, distinguishing them based on their nature, structure, and circumstances of occurrence. For the purposes of the Law, a “gathering” refers to a fixed or mobile assembly of twenty (20) or more individuals in a public space, whether on foot, in vehicles, or otherwise, held for a common purpose, particularly for joint protest, expression of opinions, formulation of requests of any kind, or decision-making, regardless of whether the written notice required under Article 4 has been submitted. Similarly, a “parade” is specifically categorized as the movement of twenty (20) or more individuals in a public space, either on foot, by vehicles, or through other means, typically held in honour of a national anniversary or other significant event. A “fixed assembly” is defined as one whose beginning, duration, and end occur in the same public space, while a “mobile assembly” involves participants, or some of them, moving along a specific route.
30. The threshold of 20 or more participants mentioned in the definition of “gathering” and “parade” implies that only assemblies beyond this threshold are regulated under the Law and that smaller gatherings (whether “fixed” or “mobile”) would not be subject to the advance notification or other requirements provided in the Law. In this respect, it is important to recall that international obligations affirm that the right of peaceful assembly protects gatherings of any size, including small groups,⁴⁹ and that protests by lone individuals are also protected under the right to freedom of expression.⁵⁰ As also provided by the Guidelines, *“defining an event as an ‘assembly’ does not, for that reason alone, justify state regulation (including prior notification). Assemblies must only be regulated to the extent that there is a pressing social need to do so within the permissible limits established in Article 11(2) ECHR and Article 21 ICCPR.”*⁵¹ In addition, the Guidelines underline the importance of reflecting the positive duty to facilitate and protect the exercise of the right to freedom of peaceful assembly in the legislative framework and relevant law enforcement regulations and practices. **The Law should emphasize, from the outset, the state’s positive duty to respect, protect and facilitate peaceful assemblies of any size** (see also para. 37 *infra*).
31. Special attention in the Law is also given to assemblies arising under urgent or unexpected circumstances. A “spontaneous gathering” is defined as one that *“takes place without prior consultation or invitation in response to a specific sudden event, making it impossible to comply with the obligations set out in Article 4”* (i.e., seven-day advance written notice). Similarly, an “extraordinary gathering” is defined as one that *“occurs due to an unforeseen event, whether current or imminent”*, which likewise prevents compliance with the procedural requirements of Article 4. Both types of assembly are exempt from the seven-day advance written notice requirement outlined in Article 4.
32. As underlined above, a wide range of different public gatherings fall within the protective scope of the right to freedom of peaceful assembly, including spontaneous assemblies and those that cause disruption to movement, temporarily obstruct traffic and/or economic activity.⁵² The presumption in favour of (peaceful) assemblies includes an

49 The ODIHR-Venice Commission [Guidelines on Freedom of Peaceful Assembly](#), para. 13, refer to an assembly defined as requiring the presence of two or more individuals.

50 The UN Human Rights Committee, [General Comment No. 37 \(2020\) on the right of peaceful assembly \(Article 21\)](#), para. 13, envisages that single protesters enjoy protection under the ICCPR.

51 See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 41.

52 See UN Human Rights Committee, [General Comment No. 37 \(2020\) on the right of peaceful assembly \(article 21\)](#), paras. 6-7, 14.

obligation of tolerance and restraint towards peaceful assemblies in situations where legal or administrative procedures and formalities have not been followed,⁵³ such as in case of spontaneous gatherings. As underlined in the Guidelines, it is important that spontaneous assemblies are recognized in law and exempted from prior notification.⁵⁴ At the same time, the distinction in Article 2 between the different definitions/categories of “spontaneous” or “extraordinary” gatherings is somewhat unclear⁵⁵ and does not appear to be well-founded, as both refer to sudden or unforeseeable or imminent events. Since the rest of the text of the Law does not differentiate between them in practice, maintaining separate definitions may not be necessary and may create some confusion, and could create a discretionary application of the norm. It is noted that the Guidelines and other international documents refer exclusively to “spontaneous assemblies”, although they do not specify how such term should be defined in domestic law. At the same time, it has been recognized that the category of spontaneous assemblies should encompass both spontaneous assemblies that are planned or organized to some extent and those that are unplanned or unorganized.⁵⁶ The absence of “planning”, “organization” or “co-ordination” should not be a necessary condition for an assembly to be categorized as “spontaneous”. In addition, other elements of the definition may also be problematic. The wording “specific sudden event” appears to establish an unduly limited definition of spontaneous gatherings. Spontaneous assemblies should not be restricted to reactions to a “specific sudden event” but should rather encompass all spontaneous gatherings in response to current or imminent events,⁵⁷ whether, for example, these are political, economic, social, cultural, or environmental, including counter-demonstrations.⁵⁸ While acknowledging that laws are inevitably couched in broad terms and may not attain absolute precision, the ‘significance’ and ‘foreseeability’ of the event may be open to different interpretations and thus could be used to deny that an assembly is “spontaneous” under the Law, so as to unduly insist on compliance with the mandatory notification.⁵⁹ The references to the impossibility to comply with the advance notice as part of the definitions should also not be interpreted as a requirement for the organizers to prove such impossibility to benefit from the exemption from the notification requirement.

33. **In light of the foregoing, it is recommended that the two definitions of “spontaneous” and “extraordinary” gatherings be merged under the single, inclusive term “spontaneous gathering”, while ensuring it is broadened and clarified to avoid potential arbitrary and restrictive interpretation, including by**

53 See ODIHR-Venice Commission, *Guidelines on Freedom of Peaceful Assembly*, para. 21. See also UN Human Rights Committee, *General comment No. 37 (2020) on the Right of Peaceful Assembly (Article 21)*, para. 44.

54 As underlined in the ODIHR-Venice Commission, *Guidelines on Freedom of Peaceful Assembly*, “[t]he need to protect spontaneous assemblies as an expected (rather than exceptional) feature of a healthy democracy has been recognized in numerous domestic laws and court decisions, [...] and should be facilitated and protected in the same way as assemblies that are planned in advance”; see *Guidelines on Freedom of Peaceful Assembly*, para. 79. See also Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, UN Doc. A/HRC/20/27, 21 May 2012, para. 91, which recommends that, “[s]pontaneous assemblies should be recognized in law, and exempted from prior notification.”

55 One difference arises from the phrase used in the definition of “spontaneous assembly”, “without prior consultation or invitation” (which does not feature in the definition of an ‘extraordinary gathering’). Additionally, it is unclear from the translated text whether there is an intended distinction between these terms based on the number of participants – a “spontaneous assembly” involving “a fixed or moving assembly of twenty or more persons” versus an “extraordinary assembly” encompassing assemblies of less than twenty persons (though the term ‘assembly’ is not separately defined in the Law).

56 See UN Human Rights Committee, *General Comment No. 37 (2020) on the right of peaceful assembly (article 21)*, para. 14 states: “spontaneous assemblies, which are typically direct responses to current events, whether coordinated or not, are equally protected under article 21. Counterdemonstrations occur when one assembly takes place to express opposition to another. Both assemblies can fall within the scope of the protection of article 21.” See also, for example, ECtHR, *Barseghyan v. Armenia*, no. 17804/09, 21 September 2021, para 53. In this case, the government alleged that the assembly had not been spontaneous because it had been planned and announced one day in advance (see paras. 42 and 43). The ECtHR emphasized that it was incumbent on the authorities to examine the question of whether the assembly could fall within the category of ‘spontaneous’ gatherings and that the authorities had failed to support their contention that it was not spontaneous with objective evidence.

57 See, UN Human Rights Committee, *General Comment No. 37 (2020) on the right of peaceful assembly (article 21)*, para. 14; and ODIHR *Urgent Opinion* on the Law on Assemblies of the Republic of Moldova (2023), para. 21.

58 See ODIHR *Urgent Opinion* on the Law on Assemblies of the Republic of Moldova (2023), para. 21.

59 See also ODIHR *Urgent Opinion* on the (then draft) Amendments to the Code of Administrative Offences, the Law on Assemblies and Demonstrations, the Criminal Code, the Law on the Police and Other Laws of Georgia, para. 44.

removing the references to “prior consultation” or “specific sudden event” so as to recognize that spontaneous assemblies may be both planned and unplanned. This should include all gatherings held in response to current or imminent events of interest or concern, regardless of their nature.⁶⁰

34. In addition, given the fundamental role of freedom of peaceful assembly in a democratic society, all forms of assemblies, whether fixed, mobile, spontaneous, emergency, or organized parades, should be regarded as equally legitimate uses of public space. These uses should be on par with more routine functions such as pedestrian and vehicular traffic, commercial activity, or cultural and religious gatherings. The classifications provided in Article 2 of the Law, distinguishing between gatherings, parades, fixed and mobile assemblies, and those arising from urgent or unforeseen events, serve to clarify the nature and circumstances of different assemblies. However, such distinctions must not be used to justify unequal treatment based on the message conveyed or the type of an assembly. In this respect, for example, the definition of “parade” focuses on events that are for the purpose of “commemorating a national anniversary or other significant event” but it is not clear how such “significance” would be determined. In any case, as emphasized in the Guidelines, differential treatment is permissible only where the individuals or assemblies are in significantly different situations, or where such differentiation is objectively justified by a compelling public interest.⁶¹ It is also important to underline that counter-demonstrations opposed to the ideas or claims that an assembly is seeking to promote are also protected by the right to freedom of peaceful assembly.⁶² They should be facilitated so that they occur within ‘sight and sound’ of their target unless this physically interferes with the other assembly and gives rise to imminent violence that cannot be mitigated or prevented.⁶³
35. In addition, the Law defines “public space” to not include buildings. It is important that this provision is not interpreted as preventing peaceful assemblies in buildings that are publicly accessible. Indeed, UN HRC General Comment no. 37 specifies that “[...] *peaceful assemblies may in principle be conducted in all spaces to which the public has access or should have access*”.⁶⁴ The Guidelines also refer to “*publicly accessible spaces*” and specify that buildings and structures which are capable of accommodating the anticipated number of participants and are usually open to the public can also be regarded as legitimate locations for assemblies.⁶⁵
36. Although some provisions of the Law describe examples of circumstances where an assembly may become non-peaceful, the Law does not include **a definition of “peaceful”/ “peacefulness” and it is advisable to supplement it in this respect.** As underlined in the Guidelines, “[t]he peaceful intentions of organizers and participants in an assembly are to be presumed, unless there is convincing evidence that they themselves intend to use or incite imminent violence”.⁶⁶ In addition, the term “peaceful” should be interpreted to include conduct that may annoy or give offence to individuals or groups opposed to the ideas or claims that the assembly is seeking to promote; as well as conduct that temporarily hinders, impedes or obstructs the activities of third parties.⁶⁷ It must also be made clear that the use of violence by a small number of participants in an assembly (including the use of language inciting hatred, violence or discrimination) does

60 See UN HRC, [General comment No. 37 \(2020\) on the right of peaceful assembly \(Article 21\)](#), para.14.

61 *Ibid.*, para.14. See also ODIHR [Urgent Opinion](#) on the Law on Assemblies of the Republic of Moldova, para.31.

62 See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 22

63 *Ibid.* See also ODIHR [Urgent Interim Opinion](#) on Article I of the Draft Act on “Some Measures to Improve the Security Situation in the Slovak Republic”, para.46.

64 UN Human Rights Committee, [General comment No. 37 \(2020\) on the right of peaceful assembly \(Article 21\)](#), CCPR/C/GC/37, 17 September 2020, para. 55.

65 See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 61.

66 See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 46.

67 See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 48.

not automatically turn an otherwise peaceful assembly into a non-peaceful one.⁶⁸ Any definition should take into account these aspects. Besides, General Comment 37 indicates that ““Violence” in the context of article 21 typically entails the use by participants of physical force against others that is likely to result in injury or death, or serious damage to property. Mere pushing and shoving or disruption of vehicular or pedestrian movement or daily activities do not amount to “violence””.⁶⁹

37. According to Article 3, the purpose of the Law is to ensure the exercise of the right to peaceful assembly, while establishing constitutionally permissible regulations for its exercise. The provision underlines that these regulations should be “*absolutely necessary to protect the security of the Republic, constitutional order, public safety, public order, public health, public morals, or the constitutional rights and freedoms of others.*” In light of the above, it would be advisable **to explicitly reflect in the Law, the state’s positive duty to respect, protect and facilitate all types of peaceful assemblies, of any size – without discrimination, as a guiding principle, including with respect to relevant law enforcement regulations and practices.**

RECOMMENDATION A.

1. To explicitly reflect in the Law, the state’s positive duty to respect, protect and facilitate all types of peaceful assemblies, of any size – without discrimination, as a guiding principle for the implementation of the Law, including with respect to relevant law enforcement regulations and practices.

2. To merge the two definitions of “spontaneous” and “extraordinary” gatherings under the single, inclusive term “spontaneous gathering”, while ensuring it is broadened and clarified to avoid potential arbitrary and restrictive interpretation, including by removing the references to “prior consultation” or “specific sudden event” so as to recognize that spontaneous assemblies may be both planned and unplanned. This should include all gatherings held in response to current or imminent events of interest or concern, regardless of their nature.

4. Definition and Responsibilities of “Organizer(s)”

38. Article 2 defines an “organizer” as “*any natural or legal person organizing a gathering or parade*” including “*an association, organization, political party and union*”. According to Article 6, “*the organizer of a gathering or parade shall ensure its orderly and peaceful conduct, taking all necessary and appropriate measures to this end, shall cooperate with the local government authority within the boundaries of which it is taking place or is expected to take place, with the Police and with the Officer in Charge and shall comply with their instructions, providing his assistance for the maintenance of order and the smooth conduct of the gathering or parade.*” It is not clear if the definition of an “organizer” in Article 2 would extend to children below the age of 18. Children are entitled to organize and participate in assemblies, as affirmed by Article 15 of the Convention on the Rights of the Child.⁷⁰
39. The definition of “organizer(s)” provided by the Law is unclear and may lead to inconsistent and arbitrary interpretation by the authorities. The term “*any natural or legal*

⁶⁸ *Ibid.*

⁶⁹ UN Human Rights Committee, [General comment No. 37 \(2020\) on the right of peaceful assembly \(Article 21\)](#), CCPR/C/GC/37, 17 September 2020, para. 15.

⁷⁰ See UN Committee on the Rights of the Child, General Comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (17 April 2013), [CRC/C/GC/17](#), para. 21; and General Comment No. 21 (2017) on children in street situations (21 June 2017), [CRC/C/GC/21](#), para. 38, noting “*the importance of respecting the choice of children in street situations to associate together in public spaces, without threat to public order, to satisfy their survival and development rights (article 6), for rest, play and leisure (article 31), to create networks and organize their social life, and as a key feature of their lives in general.*”

person organizing a gathering or parade” may be understood broadly in various ways, including persons being particularly outspoken during an assembly but without having any organizational role, suddenly being attributed the label of a responsible person. In addition, this may potentially capture a wide range of people affiliated with the assembly, including, for example, those mobilizing resources, making preparations to travel to an event, and/or sharing or informing about a forthcoming assembly, however, having no overall organizational responsibility. **It is, therefore, recommended to clarify and more strictly circumscribe the definition of an “organizer” in the Law, including by defining – or cross-referencing other relevant laws that define – “any natural or legal person.”**⁷¹

40. Moreover, the Law requires from the organizer(s) certain legal obligations, such as the duty to provide advance notice (Article 4), ensuring the peaceful and orderly conduct of the gathering, cooperating with local authorities and the police, and complying with their instructions (Articles 6 and 7), which may entail liability in case of failure to fulfil such duties. The uncertainty about who qualifies as an organizer, and whether this role should be formally attributed, risks undermining the principles of legal certainty and foreseeability. Ultimately, it may discourage individuals from organizing planned, unplanned, or spontaneous assemblies, thereby exerting a chilling effect on the exercise of the right to freedom of peaceful assembly.
41. Further, while many assemblies have designated organizers, some assemblies, especially spontaneous or informally planned gatherings may lack an identifiable “organizer”, especially with the rise of social media-driven assemblies. The absence of an organizer does not diminish the protection afforded by the right to freedom of peaceful assembly to all peaceful gatherings. According to the Guidelines, public authorities should facilitate all peaceful assemblies, regardless of whether they have a formal organizer.⁷² **In this respect, consideration could be given to acknowledge in the Law that not all assemblies or demonstrations may have identifiable “organizers.” In addition, it could be further emphasized in the Law that the “organizer” serves a communication role only, without imposing undue obligations or liability.**
42. With respect to the organizer(s)’ responsibility to ensure the peaceful and orderly conduct of gatherings (Article 6), it should be noted that the organizer(s) cannot ensure that all participants at an assembly are or remain peaceful and orderly,⁷³ nor can they be held liable for the actions of individual participants or onlookers.⁷⁴ In addition, while cooperation and assistance from organizers can support the orderly conduct of assemblies, such provisions risk shifting undue responsibility onto private individuals. As underlined in the Guidelines, the state always retains the primary duty to maintain public order and safety, and the obligation to protect public safety and security and to provide adequately resourced policing arrangements should not be assigned or delegated to the organizers of an assembly.⁷⁵ Organizers should not be held liable for incidents, such as violence or property damage, caused by participants or third parties acting independently and beyond the organizer’s control.⁷⁶ Moreover, the Law states that it is

71 See [ODIHR Urgent Opinion](#) on the Amendments to the Law on Assemblies and Demonstrations, the Code of Administrative Offence and the Criminal Code of Georgia (as adopted on 6 February 2025), para.39. See also Venice Commission, [Urgent Opinion on amendments to the Code of administrative offences and the Law on assemblies and demonstrations of Georgia](#), CDL-PI(2025)004-e, 3 March 2025, para. 39.

72 See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 170.

73 *Ibid.*, paras. 138 and 165.

74 *Ibid.*, para. 224, which states that “[o]rganizers and stewards are obliged to make reasonable efforts to comply with legal requirements and to ensure that their assemblies are peaceful”, but they “should not be held liable for the failure to perform their responsibilities in cases where they are not individually responsible, e.g., where property damage or disorder, or violent acts are caused by assembly participants or onlookers acting independently”. See also Joint report of the UN Special Rapporteur (2016), [A/HRC/31/66](#), para. 26.

75 See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), paras. 138 and 165.

76 In [Frumkin v. Russia](#), no. 74568/12, the ECtHR emphasized that it is not primarily the organizer’s obligation to resolve public order issues; rather, it is the state’s obligation to engage proactively with organizers to ensure assemblies can remain peaceful and orderly.

for the organizer to “take *all* necessary and appropriate measures to this end”. This is somewhat in tension with Article 7(1) which could be understood to affirm that the obligation to ensure public order lies with the police. In any case, the ambiguity created by Article 6 in relation to the duties and responsibilities of assembly organizers may, in practice, be used to try and place unwarranted obligations onto the organizer(s) – and may also, in turn, create a chilling effect on those who wish to organize assemblies and exercise their right to freedom of peaceful assembly. These responsibilities should be balanced carefully to avoid imposing undue legal burdens on organizer(s) that could deter individuals or groups from exercising their right to freedom of peaceful assembly. Consequently, **Article 6 should be revised to clarify that while the organizer should make reasonable efforts to comply with legal requirements and to ensure that their assemblies are peaceful, they shall not be liable for the conduct of others, participants or onlookers acting independently, who cause disorder.**⁷⁷

43. Finally, with respect to spontaneous or extraordinary gatherings, Article 5 (2) provides for the police to invite participants to appoint an organizer (if circumstances permit). This undermines the very nature of many such gatherings, which may occur without prior planning or formal structure in response to sudden or unforeseen events. Imposing this obligation may lead to undue delays, discourage participation, or even render the assembly nonviable, effectively limiting the exercise of the right to freedom of peaceful assembly.

RECOMMENDATION B.

1. To refine and more narrowly circumscribe the definition of an “organizer” within the Law, inter alia, by eliminating ambiguous language such as “any person who leads or otherwise organizes the event,” and by expressly determining whether, in the context of spontaneous gatherings, the status of organizer should be formally ascribed.
2. To reconsider the organizers’ obligations envisaged under Article 6, ensuring that such responsibilities are proportionate and do not impose undue burdens that could discourage the exercise of the right to peaceful assembly, while expressly providing that organizers shall not be held liable for the conduct of others who cause disorder.

5. Notification Requirement

44. According to Article 4, anyone intending to organize a peaceful assembly or parade must submit a seven-day advance written notice to the Chief of Police and to the relevant local authority where the gathering is expected to be held. The notice can be electronic or in print and must include key logistical details such as the organizer’s contact information, the purpose, timing, location or route, potential traffic or business disruptions, effects on third-party rights, and planned use of vehicles or equipment.
45. At the outset, it should be noted that any advance notice requirement for any assembly is a *de facto* interference with the right to freedom of peaceful assembly, and as such should be prescribed by law, pursue a legitimate aim, be necessary and proportionate, and non-discriminatory.⁷⁸ It is not necessary under international human rights law for domestic legislation to require advance notification of an assembly, but prior notice can enable the state to better ensure the peaceful nature of an assembly and to put in place arrangements to facilitate the event, or to protect public order, public safety and the rights and freedoms

⁷⁷ See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 224.

⁷⁸ See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 25.

of others.⁷⁹ In order to comply with international human rights standards, the procedure for providing advance notification to the public authorities should not be onerous or overly bureaucratic and the information required should be minimal (i.e., date, time, duration, location/itinerary, a brief sentence indicating the purpose of the assembly, as well as name, address and contact details of the organizer).⁸⁰ Excessively burdensome or unnecessary additional requirements can deter participation and risk undermining the right to freedom of peaceful assembly.⁸¹

46. Article 4 (1) of the Law requires the written notice to be submitted to both the Chief of Police *and* to the local government authority. It is not clear why the dual-notification is needed, or at least, why the burden of notifying both authorities should rest upon the assembly organizer. Unless the use of electronic means renders the dual-notification process light and simple, a single gateway should instead be considered (where the burden is then on the authorities to share the relevant details with other responsible agencies as necessary).
47. Article 4 (2) further establishes that the notice needs to be submitted seven days prior to the gathering or parade. The notification should include the (a) name and contact details of the organizer, (b) purpose, start and end times of the assembly or parade, (c) the place and route and (d) how this may affect traffic, operation of businesses and public services. The Article further requires that the organizer elaborate on potential impact on the rights of third parties (e), and use of vehicles, signs or other objects (f). Depending on how they are applied in practice, provisions which require organizers to assess, respectively, “*how traffic and the operation of businesses, public services and utilities may be affected*” and “*any interference with the rights of third parties*” – could impose an undue and disproportionate burden on assembly organizers. The responsibility for assessing the potential impact of an assembly on other rights should ultimately lie with the state/public authorities. While it may be reasonable to request organizers’ views about the likely effects of their assembly, insisting on a detailed or rigorous assessment could be excessive, particularly if failure to provide such information carries potential consequences or liability. In addition, the wording of the provision, depending on whether it is interpreted as providing binding rather than indicative information on the assembly, would seem to overlook the fluid nature of assemblies and the fact that notified assemblies may also evolve spontaneously in response to unforeseen events.
48. According to General Comment 37, “*notification regimes must not in practice function as authorization systems*”.⁸² The notification requirements, given the level of detail demanded, risk operating in practice as a system of prior authorization. Such an approach would not only contravene international standards but also discourage the organization of, and participation in, assemblies. Besides, the General Comment also indicates that “*a failure to notify the authorities of an upcoming assembly, where required, does not render the act of participation in the assembly unlawful (and...) lack of notification does not absolve the authorities from the obligation, within their abilities, to facilitate the assembly and to protect the participants.*”⁸³ **This safeguard must be explicitly incorporated into the law to ensure clarity, compliance with international standards, and effective protection of the right of assembly.**

79 *Ibid.* See also ECtHR, [Éva Molnár v. Hungary](#) (Application No. 10346/05) and [Berladir and Others v. Russia](#) (Application No. 34202/06).

80 See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 119. See also Report of the UN Special Rapporteur (2013), UN Doc. A/HRC/23/39, op. cit., note 56, paras. 52-53.

81 *Ibid.*, ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 119.

82 UN Human Rights Committee, [General comment No. 37 \(2020\) on the right of peaceful assembly \(Article 21\)](#), CCPR/C/GC/37, 17 September 2020, para. 73.

83 *Ibid.*, para. 72.

49. Article 4(1) appears to assume the existence of an organizer. While most assemblies have one or more individuals organizing the event, an identifiable organizer is not always part of the planning of an assembly, especially in the context of the increased use of social media which allows assemblies to be organized in a more informal manner. In accordance with the Guidelines, assemblies should be facilitated by public authorities whether they have an organizer or not.⁸⁴ Moreover, the authorities should allow flexibility in terms of the preferred organizational structure (or lack thereof).⁸⁵ Article 4, as it stands, does not make any allowance for the possibility that an assembly might not have a named organizer.⁸⁶ **This could potentially be remedied simply by adding the words: “where there is one” after “organizer”.** In addition, requiring such detailed information in the notification places an unreasonable expectation on organizers to have a detailed understanding of the right to freedom of peaceful assembly and the impact of its exercise on other human rights. Moreover, international human rights law acknowledges that peaceful assemblies may cause some disruption to daily life. **Therefore, it is recommended to amend Article 4(2) to only require limited and necessary information, such as the date, place and/or route of the assembly and tentative duration, with a clear mention that the information provided in the advance notice is indicative rather than binding.**

RECOMMENDATION C.

To include a clarification in Article 4 expressly stating that failure to comply with the notification requirement shall not impede the exercise of the right to freedom of peaceful assembly or the organization of assemblies.

To amend Article 4 to remove the dual notification requirement (to *both* the Chief of Police and local government authority) and to ensure that the prior notification requirement is not used to define or limit the full scope of an assembly, while requiring only limited and necessary information, such as the date, place, and/or route of the assembly and tentative duration.

6. Obligation and Powers of the Law-Enforcement Officials

50. According to Article 7, the police are responsible for ensuring the smooth, peaceful, and consistent preparation and conduct of assemblies or parades in accordance with the Law. The Chief of Police must appoint a Responsible Officer to maintain direct contact and continuous cooperation with the event organizer or their representative. During the event, the Officer in Charge may issue oral or written instructions or directions to participants, the public, and traffic to facilitate the orderly conduct of the gathering or parade (Article 7 (3)). Additionally, Article 7 (4) of the Law provides that “[w]here there is reasonable suspicion that an assembly or parade is likely to become non-peaceful due to the actions of a person, or that any offence is being committed or is about to be committed in the context of an assembly or parade by a person who conceals, covers, or alters their features in such a way as to render themselves unrecognizable, the Police may order that person to remove or take off the object, item, or device that makes them unidentifiable”, with the failure to comply subjecting the individual to up to two (2) years of imprisonment or a fine not exceeding EUR 5,000 or both (Article 10 (2)) (see also Sub-Section 7.1).

⁸⁴ ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 170.

⁸⁵ *Ibid.*, para. 57.

⁸⁶ See ‘Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association’, 26 July 2018, [A/HRC/38/34](#), para 82: “individuals who post calls for assemblies on social media should not be considered as organizers ...”

51. At the outset, it is important to note that the wording of Article 7 (4) is problematic as it is premised on the idea that an assembly may be rendered “non-peaceful” by the act of a single individual. As underlined in the Guidelines, “[t]he use of violence by a small number of participants in an assembly (including the use of language inciting hatred, violence or discrimination) does not automatically turn an otherwise peaceful assembly into a non-peaceful assembly [...] even if there is a real risk of an assembly resulting in disorder as a result of developments outside the control of those organising it, this by itself does not remove it from the scope of Article 11(1) ECHR”.⁸⁷ The wording of Article 7 (4) falls short of the threshold of non-peacefulness – requiring widespread and serious acts of violence, rather than isolated instances of violence, to remove an assembly from the scope of protection afforded by international instruments.⁸⁸ In addition, the phrase in Article 7 (4) “acts which ... lead to the commission of *any* offence” establishes a very low threshold. **It is recommended to remove from Article 7 (4) the wording implying that the conduct of an individual may render an assembly non-peaceful, requiring a higher threshold of widespread and serious acts of violence for an assembly to be considered non-peaceful** (see also para. 66 *infra* regarding similar wording in Article 10 (2)).
52. The relevant state authorities should ensure that the general public has easy and practical access to reliable information relating to assemblies, to relevant laws and regulations, and to the procedures and *modus operandi* of the authorities in relation to facilitating and policing assemblies. Any decision to restrict or prohibit an assembly should be based on legislation that reflects applicable standards and clearly describes the decision-making procedures. State authorities should also keep records to ensure transparency in their decision-making processes.⁸⁹
53. Any actions by law enforcement personnel to intervene and disperse an assembly, or use force, should always be applied with restraint. Where an assembly occurs in violation of applicable laws, but is otherwise peaceful, the police response should be guided by non-intervention or the de-escalation of tensions through voluntary dialogue, persuasion and negotiation.⁹⁰
54. While Article 7 appears to aim at maintaining public order, the discretion it grants to the police may raise concerns. The Article provides for the police to issue verbal or written instructions or directions to assembly participants, members of the public, and to road traffic (Article 7 (3)). Depending on their content and manner of enforcement, and legal consequences attached to non-compliance, such instructions or suggestions could prove intrusive and potentially undermine the very right to freedom of peaceful assembly they are meant to facilitate. Without clear safeguards or oversight, there is a risk that these powers could be exercised in a disproportionate or arbitrary manner, effectively deterring participation or restricting the expression of dissent. It is also questionable whether a single individual, a Responsible Officer (and subsequently a Chief of Police), can realistically take into account all relevant local circumstances and adequately balance competing rights and interests, while also ensuring the effective exercise of the right to freedom of peaceful assembly on a case-by-case basis. **It is recommended to introduce clear legal safeguards and appeal mechanisms to ensure that the discretionary powers granted under Article 7 are exercised in a manner that is transparent, proportionate, and consistent with the right to freedom of peaceful assembly.**

87 See ODIHR-Venice Commission, *Guidelines on Freedom of Peaceful Assembly*, para. 50.

88 See UN HRC, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, paras. 15-19.

89 See ODIHR-Venice Commission, *Guidelines on Freedom of Peaceful Assembly*, para. 36. See *Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests*, paras 49 to 53.

90 See OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies*, 2016, p. 30. See *Guidelines on Freedom of Peaceful Assembly*, para. 176. See UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, *Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests*, A/HRC/55/60, 2024, Chapter VI.

RECOMMENDATION D.

1. To remove from Articles 7 (4) (and Article 10 (2) the wording implying that the conduct of an individual may render an assembly non-peaceful, while ensuring that a higher threshold of widespread and serious acts of violence is required for an assembly to be considered non-peaceful, and referring to the commission of serious or very serious offences, instead of any offence.
2. To introduce legal safeguards and appeal mechanisms to ensure that discretionary powers provided for by Article 7 are used transparently, proportionately, and in line with the right to peaceful assembly.

7. General Restrictions

55. Article 8 outlines the process and criteria under which the Chief of Police may impose restrictions on a planned assembly or parade. If, after assessing all relevant circumstances, the Chief determines that restrictions may be necessary “*to protect public safety, constitutional order, public health, morals, or the rights and freedoms of others,*” the Chief of Police shall convene a meeting with the event organizer and the relevant local authority or a request for their views in writing. It is important that participation in the meeting or consultation is interpreted as being entirely voluntary and non-attendance on their part should not of itself negatively impact on the assembly (and any decision of the authorities in relation to it). Indeed, as underlined in the Guidelines, dialogue and other forms of co-operation between organizers of an assembly and the relevant state authorities or other involvement in prior negotiations on the part of the organizers should be entirely voluntary.⁹¹ Based on this input, the Chief may issue a reasoned decision imposing specific restrictions, provided they are strictly necessary and proportionate to the objective pursued (Article 8 (3)).
56. Positively, Article 8 establishes that any restrictions on assembly must be “*strictly necessary in the interest of the security of the Republic, constitutional order, public safety, public order, public health, public morals, or the protection of the constitutionally guaranteed rights and freedoms of any person*”. These grounds largely mirror those in Articles 21 of the ICCPR and 11 (2) of the ECHR, which allow for restrictions on the freedom of assembly under similar conditions.
57. However, concerns arise with respect to the inclusion of broad and vaguely defined aims, which risk arbitrary interpretation unless strictly and narrowly construed. For instance, the term “public morals” is inherently vague and subjective, lacking a universally accepted definition. Its application often depends on fluctuating societal norms, which can differ significantly across time, place, and culture. This opens the door to potential abuse, where authorities may invoke “public morals” to suppress unpopular or dissenting views, or prohibit or disperse assemblies and other forms of public expression supporting or raising awareness of the rights of minorities or under-represented groups.⁹² Similarly, the term “constitutional order” requires clarification. Advocating for constitutional change through peaceful means is a legitimate exercise of the freedoms of peaceful assembly and expression and should not, in itself, be grounds for restriction. Restrictions

⁹¹ See ODIHR-Venice Commission [Guidelines on Freedom of Peaceful Assembly](#), para. 124. See also UN HRC, [General comment No. 37](#) (2020) on the right of peaceful assembly (Article 21), para. 75, which notes that “*Relevant law enforcement agencies should as far as possible work towards establishing channels for communication and dialogue between the various parties involved in assemblies, before and during the assembly, aimed at promoting preparedness, de-escalating tensions and resolving disputes*”, although underlining that organizers and participants cannot be required to engage in such contacts. See [Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests](#) paras 57 and 58.

⁹² See UN HRC, [General comment No. 37](#) (2020) on the right of peaceful assembly (Article 21), para. 46. See also ODIHR-Venice Commission [Guidelines on Freedom of Peaceful Assembly](#), para. 106.

may only be justified where an assembly explicitly calls for or incites violent efforts to overthrow the constitutional order.⁹³

58. Moreover, the inclusion of provisions aimed at protecting the rights of third parties, regardless of whether they are directly involved in or affected by an assembly, can be problematic. If interpreted too broadly, such clauses could unjustifiably prioritize the general convenience or comfort of bystanders over the fundamental right to peacefully assemble, thereby undermining the very essence of that right.
59. Similarly, terms such as “the potential risk of criminal activity” and “the organizer’s conduct during previous events” are overly broad and prone to subjective assessment. As noted in the Guidelines, preventive interventions should not be based exclusively on such factors as membership of an organization, previous activities that the individual may have been involved in, or mere general suspicion that someone may commit an offence.⁹⁴ Without clear evidentiary thresholds or defined parameters, the terms used in Article 8 (4) may enable preemptive restrictions based on speculative or past behaviour, rather than present, concrete threats. This not only weakens legal predictability but may also serve as a deterrent to organize peaceful demonstrations.
60. The presumption in favour of (peaceful) assemblies, including assemblies which might cause inconvenience to the public and/or disruption of others, includes an obligation of tolerance and restraint towards peaceful assemblies in situations where legal or administrative procedures and formalities have not been followed.⁹⁵ The ECtHR has made clear that the manner of an assembly, in itself, may constitute a form of political expression and has held that peaceful assemblies can constitute expressions of opinion within the meaning of Article 10 of the ECHR.⁹⁶ Organizers of an assembly should be able to decide upon, without undue state interference, the modalities that will help them maximize the reach of the event and effectively communicate their message.⁹⁷
61. While acknowledging that absolute precision is not possible and that many laws are inevitably couched in terms which, to a greater or lesser extent, are broad and whose interpretation and application are questions of practice,⁹⁸ laws must be sufficiently clear and precise to enable an individual to assess whether or not his or her conduct would be in breach of the law and to foresee the likely consequences of any such breach.⁹⁹ This also means that the law must be formulated in terms that provide a reasonable indication as to how these provisions will be interpreted and applied.¹⁰⁰ Overall, the above-mentioned provisions could infringe upon the right to peacefully assemble and protest by giving law enforcement broad discretion to intervene, impose restrictions, dissolve

93 See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 108. See also ODIHR [Urgent Opinion](#) on the Amendments to the Law on Assemblies and Demonstrations, the Code of Administrative Offence and the Criminal Code of Georgia (as adopted on 6 February 2025), para. 80. See also ODIHR-Venice Commission, [Joint Opinion](#) on The Act of Public Assembly of Canton Sarajevo, Bosnia and Herzegovina, 2010, para. 50.

94 See ODIHR-Venice Commission [Guidelines on Freedom of Peaceful Assembly](#), para. 140.

95 See [Guidelines on Freedom of Peaceful Assembly](#), para. 21.

96 The ECtHR has held that: “[t]he protection of personal opinions, secured by Article 10, is one of the objectives of freedom of peaceful assembly as enshrined in Article 11 [of the ECHR]”, see ECtHR, [Ezelin v. France](#), no. 11800/85, 26 April 1991, para. 37.

97 See [Guidelines on Freedom of Peaceful Assembly](#), para. 146.

98 See, for example, ECtHR, [Kudrevičius and Others v. Lithuania](#) [GC], no. 37553/05, 15 October 2015, para. 109. See also ECtHR, [Perinçek v. Switzerland](#) [GC], no. 27510/08, 15 October 2015, para. 131, where the Court underlined that: “A norm could not be regarded as a ‘law’ unless it was formulated with sufficient precision to enable the person concerned to regulate his or her conduct: he or she needed to be able – if need be with appropriate advice – to foresee, to a degree that was reasonable in the circumstances, the consequences that a given action could entail. However, the Court went on to state that these consequences did not need to be foreseeable with absolute certainty, as experience showed that to be unattainable.”

99 See, for example, ECtHR, [Hashman and Harrup v. the United Kingdom](#) [GC], no. 25594/94, 25 November 1999; [Gillan and Quinton v. the United Kingdom](#), no. 4158/05, 12 January 2010; [Kudrevičius and Others v. Lithuania](#) [GC], no. 37553/05, 15 October 2015. See also [Guidelines on Freedom of Peaceful Assembly](#), para. 23; UN HRC, [General comment No. 34](#) on Article 19 of the ICCPR, CCPR/C/GC/34, para. 25. See also ECtHR, [The Sunday Times v. the United Kingdom \(No. 1\)](#), no. 6538/74, paras. 48-49; and [Perinçek v. Switzerland](#) [GC], no. 27510/08, 15 October 2015, para. 131.

100 See e.g., Venice Commission, [Rule of Law Checklist](#), CDL-AD(2016)007, para. 58. In addition, see ECtHR, [The Sunday Times v. the United Kingdom \(No. 1\)](#), no. 6538/74, where the Court ruled that “the law must be formulated with sufficient precision to enable the citizen to regulate his conduct,” by being able to foresee what is reasonable and what type of consequences an action may cause.”

protests, and potentially impose penalties for minor violations. **It is recommended that the legal grounds for imposing restrictions on assemblies under Article 8 be clarified and narrowly defined to prevent arbitrary interpretation. Terms such as “public morals”, “constitutional order”, “potential risk of criminal activity”, should be removed or more precisely formulated – only targeting circumstances where there is reasonable suspicion that one may engage in violence or otherwise criminal behaviour, while ensuring they are supported by clear evidentiary standards. The reference to the “organizer’s conduct during previous events” should also be entirely removed.**

62. In addition, the Law provides limited procedural clarity. Article 8 (2) (b) mandates that the Chief’s decision must be promptly communicated to the local authority and the organizer, in either electronic or hard copy form. This is a positive element of procedural transparency and ensures that restrictions are not imposed without the affected parties being properly notified. However, the Law omits essential procedural guarantees, such as clear timelines for notification and response, as well as accessible avenues for timely legal redress. As provided by the Guidelines, “[t]hose seeking to exercise the right to freedom of peaceful assembly should have recourse to a prompt and effective remedy against decisions disproportionately, arbitrarily or illegally restricting or prohibiting assemblies. Where assemblies are prevented or unreasonably restricted due to potentially unlawful inaction or negligence by the administrative authorities, the organizers or representatives of the assembly should be able to initiate direct legal action in courts or tribunals.”¹⁰¹ **It is recommended to amend the Law to include specific timeframes for notifying organizers of decisions, along with clear information on available remedies. Additionally, to ensure full compliance with international human rights standards, the Law should provide for judicial oversight, and explicitly affirm the state’s obligation to protect and facilitate peaceful assemblies, including those that may cause inconvenience or minor disruption.**
63. Article 8 (4) sets out a non-exhaustive list of factors that the police may take into account when deciding whether or not to impose restrictions. There is a strong and undue emphasis on risk emanating from the assembly, whereas there is no express reference to the presumption of peacefulness.¹⁰² More specifically, in making this decision, the Chief must take into account several factors, including the estimated number of participants, location, purpose, duration, timing, impact on others, and the use of vehicles, signs, or equipment (Article 8 (4)). The restrictions that may be imposed can concern the route, timing, duration, or location of the event, the use of only part of the road or public open space, the restriction of access to certain public areas, and measures to avoid obstruction of traffic or access to public services, utilities, or hospitals (Article 8(5)). As noted above, inferences based solely on the occurrence of violence at previous assemblies involving the same organizers (Article 8(4)(e)) are insufficient¹⁰³ to rebut the presumption of peacefulness. An assembly organizer must also be given an opportunity to challenge any such adverse inferences.¹⁰⁴ In addition, while Article 8 (5) sets out a non-exhaustive list of the type of restrictions that could possibly be imposed (and which, in every application, shall be scrutinized for compliance with the three-part test), it lists as one possible

101 See [Guidelines on Freedom of Peaceful Assembly](#), para. 125. See also [General comment No. 37 \(2020\) on the right of peaceful assembly \(Article 21\)](#), para. 69. See also UN Human Rights Council Resolution [A/HRC/RES/50/21](#), The promotion and protection of human rights in the context of peaceful protests.

102 See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 21; and [General comment No. 37 \(2020\) on the right of peaceful assembly \(Article 21\)](#), para. 17: “... there is a presumption in favour of considering assemblies to be peaceful.”

103 See ODIHR-Venice Commission [Guidelines on Freedom of Peaceful Assembly](#), para. 49, which provides: “When seeking to assess and prove the intentions of an assembly organizer, non-peaceful intentions cannot be inferred merely from the occurrence of violence at past events with the same organizer and/or a significant number of the same participants. An organizer must also be given an opportunity to challenge any adverse inferences drawn from such evidence – for example, by showing that they have taken bona fide measures to avoid violence”.

104 See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 49.

restriction: “non-interference with traffic”. While it is of course a possibility that restrictions on particular assemblies may seek to limit interference with traffic in particular locations, the inclusion here of “non-interference with traffic” as a general type of restriction risks unduly suggesting that assemblies should, as a rule, not interfere with traffic, thus elevating and giving undue prominence to the free flow of vehicular or pedestrian traffic, without also expressly recognizing that the facilitation of an assembly may precisely require the redirection of traffic since assemblies are an equally legitimate use of public space.¹⁰⁵

64. While some of these considerations are legitimate, using them too narrowly or rigidly could result in unjustified limitations on the right of peaceful assembly. Balancing the right to peacefully assemble and the rights of others should always aim at ensuring that assemblies may proceed, unless they impose unnecessary and disproportionate burdens on others.¹⁰⁶ When read together (paragraphs 4 and 5 of Article 8), there is a risk they could be interpreted in ways that unduly restrict the expressive nature of assemblies.

7.1. Restrictions on Face Covering

65. Article 7 (4) provides that, where there is reasonable suspicion that an assembly or parade is likely to become non-peaceful due to the actions of an individual, or that an offense is being or is about to be committed by a person who conceals, covers, or alters their features in a way that makes them unrecognizable, the Police may order that individual to remove or discard the object, item, or device that conceals their identity. This is further elaborated in Article 10 (2), which makes it an offence to refuse (without reasonable cause) to follow a police order to remove a face covering in the circumstances set out in Article 7 (4) - when the individual concerned also “*engages in such acts which are likely to render the assembly or parade non-peaceful or lead to the commission of any offence*”.
66. The wording of Article 10 (2) raises the same concerns as those raised above with respect to Article 7 (4) since it implies that an assembly may be rendered “non-peaceful” by the act of a single individual and it establishes a very low alternative threshold for the imposition of criminal liability for refusing to follow an Article 7 (4) order issued by the police (see Section 6). It is therefore recommended **to remove from Article 10 (2) the wording implying that the conduct of an individual may render an assembly non-peaceful, requiring a higher threshold of widespread and serious acts of violence for an assembly to be considered non-peaceful, and referring to the commission of serious or very serious offences.**
67. It is worth recalling that the wearing of masks, face coverings, disguises, or any other items intended to conceal identity at assemblies for expressive purposes is a form of communication protected by the rights to freedom of speech and of peaceful assembly.¹⁰⁷ As also underlined in the Guidelines, there should be “*no blanket or routine restrictions on the wearing of masks and face-coverings*”.¹⁰⁸ The wearing of masks, objects or other face coverings at a peaceful assembly should not be prohibited where there is no demonstrable evidence of imminent violence.¹⁰⁹ In addition, the Guidelines underlined

105 See, e.g., UN Human Rights Committee, [General comment No. 37 \(2020\) on the right of peaceful assembly \(Article 21\)](#), paras. 24 and 47. See also, ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#) (3rd edition) paras. 48 and 62, where it is emphasized that “An assembly can be ‘peaceful’ even if it is ‘unlawful’ under domestic law.⁶⁰ In this regard, it is especially important to emphasize that the concept of ‘peaceful’ may include conduct that temporarily hinders, impedes or obstructs the activities of third parties, for example by temporarily blocking traffic.”

106 See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), paras. 83 and 143.

107 *Ibid.* para. 153. See also UN HRC, [General comment No. 37 \(2020\) on the right of peaceful assembly \(Article 21\)](#), para. 60.

108 See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 153.

109 See also UN HRC, [General comment No. 37 \(2020\) on the right of peaceful assembly \(Article 21\)](#), para. 60, which states that “[t]he anonymity of participants should be allowed unless their conduct presents reasonable grounds for arrest, or there are other similarly compelling reasons, such as the fact that the face covering forms part of a symbol that is, exceptionally, restricted for the reasons referred to above [...]. The use of disguises should not in itself be deemed to signify violent intent.”

that an individual should not be required to remove a mask unless their conduct creates *probable cause* for arrest and the face covering prevents their identification.¹¹⁰ While the referenced Article criminalizes refusal to remove face covering in defiance of a police order under specific circumstances (where there is “reasonable suspicion”), Article 10 (2) unduly shifts the burden of proof onto an individual to have to prove ‘reasonable cause’ for concealing/altering their identity such that they are unrecognizable. Carrying of objects that are or could be viewed as weapons or of protective equipment such as gas masks or helmets is not necessarily sufficient to deem those participants’ conduct violent. That has to be determined on a case-by-case basis, dependent on, among other considerations, domestic regulation on the carrying of weapons (especially firearms), local cultural practices, whether there is evidence of violent intent, and the risk of violence presented by the presence of such objects.¹¹¹

68. The standard of “reasonable suspicion” should be interpreted to mean objectively reasonable in the circumstance and should be applied with caution to prevent arbitrary or discriminatory enforcement.¹¹² Any restriction must be narrowly tailored, applied on a case-by-case basis, and grounded in specific and demonstrable risks, not broad or speculative concerns.¹¹³
69. **It is recommended that the request to remove, or the prohibition of, face coverings during assemblies or parades should only be possible under strictly limited and clearly defined circumstances, for instance in case of demonstrable evidence of imminent violence or when the specific conduct of an organizer or participant creates probable cause for arrest and the face covering directly hinders their identification.**

7.2. Restrictions on Location

70. Article 8 (5), outlining restrictions which the Chief of Police may impose, when read together with the definition of public space in Article 2, raises concerns about the potential for unduly limiting the spaces where assemblies and parades may occur, particularly through prohibiting access to buildings and restricting gatherings solely to narrowly defined public areas. While this may not be the intention of the Law, its broad language and lack of clear safeguards against misinterpretation create a risk of overly restrictive application, potentially exceeding the Law’s original purpose.
71. A core component of the right to freedom of peaceful assembly is the ability of the assembly participants to choose the place where they can best communicate their message to their desired audience.¹¹⁴ The freedom to choose the location of the assembly is a key aspect of the exercise of this right, and states have the duty to facilitate assemblies at the organizer’s preferred location and within ‘sight and sound’ of the intended audience unless compelling reasons (that conform with the permissible justifications for imposing limitations under Article 21 of the ICCPR or Article 11(2) of the ECHR) necessitate a

110 See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 153.

111 See UN Human Rights Committee, [General comment No. 37 \(2020\) on the right of peaceful assembly \(Article 21\)](#), para. 20.

112 Article 26 of the ICCPR and both Article 14 of the ECHR and Protocol 12 to the ECHR require that states secure the enjoyment of the human rights recognized in these treaties to all individuals within their jurisdiction, without discrimination on any ground. See [Guidelines on Freedom of Peaceful Assembly](#), para. 101 and references cited therein. See further UN Human Rights Committee, [CCPR General Comment 18: Non-Discrimination](#), 10 November 1989. See also in particular, ECtHR, [Idetoba and Others v. Georgia](#), no. 73235/12, 12 May 2015, para. 93.

113 See ODIHR [Urgent Opinion](#) on the Amendments to the Law on Assemblies and Demonstrations, the Code of Administrative Offence and the Criminal Code of Georgia (as adopted on 6 February 2025), para. 70.

114 See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 147. See also, for example, UN HRC, [Turchenyak et al. v. Belarus](#), [CCPR/C/108/D/1948/2010](#) and Corr.1, 24 July 2013, para. 7.4: “The organizers of an assembly generally have the right to choose a location within sight and sound of their target audience.” See also e.g., ECtHR, [Sáska v. Hungary](#), no. 58050/08, 27 November 2012, para. 21. See also ODIHR [Urgent Interim Opinion](#) on Article I of the Draft Act on “Some Measures to Improve the Security Situation in the Slovak Republic”, 25 June 2024, para. 25.

change of venue.¹¹⁵ The venue may indeed be paramount for the message of the assembly to reach the target audience. In addition, given the importance of freedom of peaceful 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.¹¹⁶ In any case, also taking into account the above considerations, any restrictions with respect to the location of an assembly must comply with the strict test of legality, legitimacy, necessity and proportionality as well as non-discrimination provided under international instruments. **It is recommended that the Law explicitly guarantees the right to hold assemblies in line with the “sight and sound” principle.¹¹⁷ This includes recognizing peaceful assemblies as a legitimate and equal use of public space, on par with commercial activities, traffic, or other routine functions. Any restrictions on location must be justified by clear legal grounds and meet the standards of legality, legitimacy, necessity, and proportionality.**

RECOMMENDATION E.

1. To clarify and narrowly define the legal grounds for imposing restrictions on assemblies under Article 8. Terms such as “public morals”, “constitutional order”, “potential risk of criminal activity”, should be removed or more precisely formulated – only targeting circumstances where there is reasonable suspicion that one may engage in violence or otherwise criminal behaviour, while ensuring they are supported by clear evidentiary standards. The reference to the “organizer’s conduct during previous events” should also be entirely removed.
2. To amend the Law to include specific timeframes for notifying organizers of decisions, along with clear information on available remedies. In addition, ensure judicial oversight and affirm the state’s duty to protect and facilitate peaceful assemblies, even when they cause inconvenience or minor disruption.
3. To clarify that the removal of face coverings during assemblies or parades should only be possible under strictly limited and clearly defined circumstances, for instance in case of demonstrable evidence of imminent violence or when the specific conduct of an organizer or participant creates probable cause for arrest and the face covering directly hinders their identification.
4. To provide explicit guarantees for the right to hold assemblies in line with the “sight and sound” principle, including to recognize peaceful assemblies as a legitimate and equal use of public space, on par with commercial activities, traffic, or other routine functions. Any restrictions on location must be justified by clear legal grounds and meet the standards of legality, legitimacy, necessity, and proportionality.

8. Dispersal of Assemblies

72. According to Article 9, an assembly or parade already underway may be dispersed by the Chief of Police if, based on information from the Responsible Officer, it is determined that: (a) the event ceases to be peaceful, such as becoming violent through participant actions like incitement, attacks, or use of weapons or dangerous objects; (b) the event violates restrictions set in Article 8 and poses risks to national security, constitutional

115 See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 82.

116 See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), paras. 22 and 62.

117 *Ibid.*, para. 147

order, public safety, health, morals, or the rights and freedoms of individuals; or (c) there is a risk of bodily harm to people or damage to public or private property.

73. In addition, when grounds for dispersal under (b) and (c) exist, the Chief of Police must first give a reasonable warning to participants, informing them that dispersal will follow if they do not comply. If they fail to comply, a dispersal order is issued and communicated. Participants are then given a reasonable time to leave voluntarily. If they do not disperse, the Police may use necessary measures to disperse, after a clear warning, unless urgent action is needed to prevent immediate harm (Article 9 (3)).
74. Under international law, an interference with an assembly involving its disruption or dispersal should be a measure of last resort.¹¹⁸ Dispersal should not be permissible unless the assembly is no longer peaceful, when there is clear evidence of an imminent threat of serious violence that cannot be reasonably addressed by more proportionate measures (such as targeted arrests or the prosecution of individual demonstrators after the assembly), or where an assembly would otherwise be unlawful because it violates applicable criminal law and constitutes a serious violation of the rights of others, under circumstances in which prosecutions of demonstrators after the assembly is not a safer and more practicable alternative.¹¹⁹ Only in exceptional cases may an assembly be dispersed, when this is deemed necessary and proportionate in the interests of public order or health, depending on the size, location and circumstances of an assembly.¹²⁰ The ECtHR has made clear that a decision to disperse an assembly must be justified by relevant and sufficient reasons¹²¹ and the non-compliance of the assembly with the formal requirements for holding it is not sufficient for its dispersal.¹²² An interference with an assembly involving its disruption, dispersal or the arrest of participants can only be justified on specific and stated substantive grounds, such as serious risks provided for by law¹²³ and only after the participants had been given sufficient opportunity to manifest their views.¹²⁴ In all cases, the law enforcement rules on use of force that should be compliant with international human rights standards must be strictly followed.
75. In case of Article 9, the emphasis on these grounds seems to provide a sound basis for dispersal decisions, requiring the Chief of Police to act only when clear, potentially “serious threats” arise. This framework implies that dispersal is not arbitrary but based on specific, justified concerns. However, a peaceful assembly that causes a high level of disruption may, as a rule, only be dispersed if the disruption is both serious and sustained. This high cumulative threshold implies that dispersal is not justified where the disruption is only serious (but not sustained), or sustained (but not serious). Any police intervention or use of force must always be exercised with restraint. In instances where an assembly breaches applicable laws but remains peaceful, the appropriate police response should prioritize non-intervention or the de-escalation of tensions through voluntary dialogue, persuasion, and negotiation.¹²⁵
76. The current wording risks implying that isolated acts of violence or the presence of individuals carrying weapons could render an entire assembly violent. Such an interpretation would clearly result in disproportionate restrictions. Declaring an entire

118 See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), paras. 29 and 179.

119 See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), paras. 29 and 179.

120 See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 179. See also UN HRC, [General comment No. 37 \(2020\) on the right of peaceful assembly \(Article 21\)](#), para. 85.

121 See ECtHR, [Ibrahimov and Others v. Azerbaijan](#), nos. 69234/11, 69252/11 and 69335/11, 11 February 2016; [Laguna Guzman v. Spain](#), no. 41462/17, 6 October 2020.

122 See ECtHR Article 11 Guide, para. 83.

123 See ECtHR, [Navalnyy v. Russia](#) [GC], nos. 29580/12 and 4 others, 15 November 2018.

124 See ECtHR, [Éva Molnár v. Hungary](#), no. 10346/05, 7 October 2008.

125 See ODIHR-Venice Commission, [Guidelines on Freedom of Peaceful Assembly](#), para. 176. See also OSCE/ODIHR, [Human Rights Handbook on Policing Assemblies](#), 2016, p. 30. See ODIHR [Urgent Opinion](#) on the Amendments to the Law on Assemblies and Demonstrations, the Code of Administrative Offence and the Criminal Code of Georgia (as adopted on 6 February 2025), para. 79.

assembly violent based on the actions of a few individuals fails to recognize the high threshold at which an assembly as a whole (rather than merely individual participants) may be regarded as non-peaceful. As the UN Human Rights Committee has emphasized, an assembly ceases to be peaceful only if violence is “widespread and serious”¹²⁶ and “manifestly widespread within the assembly”.¹²⁷ Moreover, while firecrackers can pose a risk of minor injury, equating them with explosives such as bombs, as suggested in Article 9 (1) (a) overstates their threat and may lead to excessive or unjustified restrictions. Similarly, Article 9 (1) (b) permits dissolution if there is “a risk of physical harm to any person or damage to public or private property,” which is overly broad and disproportionate. **Instead of resorting to dispersal, the Article should require authorities to first take preventive measures targeting specific individuals or small groups posing a threat (in line with the principle of differentiation). These measures could include isolating or removing violent individuals and taking other appropriate police actions to preserve the peaceful character of the assembly; any use of force should be restricted to the minimum extent necessary, following the principles of restraint, proportionality, minimization of damage and the preservation of life.**¹²⁸ The police should also aim to consider any specific issues relating to dispersal that may disproportionately impact the safety of women, children or people with disabilities.¹²⁹

77. In addition, as underlined above, certain of the grounds for dispersal or prohibition in paragraph (b) – such as “morals” or “constitutional order” – appear unduly broad and vague, which may lead to arbitrary interpretation and application in practice (see paras. 54-55 above). This could raise questions about how consistently or fairly these grounds are applied in practice would not reach the high threshold of seriousness that may justify dispersal. **It is recommended to clarify and narrow the language in paragraph (b) to reduce vagueness and prevent arbitrary interpretation, ensuring that grounds for dispersal meet a high threshold of seriousness and are applied consistently and fairly.**
78. Furthermore, Article 9(3) requires that once a dispersal order is issued, participants must be given a “reasonable time” to voluntarily leave before police can use necessary measures; however, the phrase “reasonable time” is inherently vague and does not specify a fixed duration or clear criteria for what constitutes reasonable. This ambiguity has both advantages and drawbacks: it allows the police flexibility to consider the specific circumstances, such as crowd size, location, and potential risks, but it also risks inconsistent application or disputes over whether sufficient time was given, potentially raising legal or human rights concerns. Additionally, while the requirement to give a clear warning before dispersal aims to balance enforcement with fair notice, the absence of precise parameters means the process depends heavily on subjective judgment calls of a person in charge. **It is recommended to revise Article 9 to clearly define how “reasonable time” should be measured and specify the factors that should influence its determination, in order to limit excessive discretion by the Chief of Police and the Responsible Officer. Moreover, warnings should be both audible and accessible to persons with different types of disabilities.**

126 See UN HRC, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, para. 15.

127 See UN HRC, *General comment No. 37 (2020) on the right of peaceful assembly (Article 21)*, para. 19.

128 See *UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990)*.

129 See OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies*, 2016, p. 98.

RECOMMENDATION F.

1. To revise Article 9 of the Law so that it requires authorities to first take preventive measures targeting specific individuals or small groups “posing a threat”, such as isolating or removing violent individuals and taking other appropriate actions to preserve the peaceful character of the assembly. At the same time ensuring that any use of force is restricted to the minimum extent necessary, following the principles of restraint, proportionality, minimization of damage and the preservation of life.
2. To clarify the language of Article 9 to ensure that grounds for dispersal meet a high threshold of seriousness and are applied consistently and fairly.

9. Sanctions

79. Article 10 establishes two criminal offences related to public assemblies and parades. First, it criminalizes any act of violence or incitement to violence intended to disrupt the peaceful nature of an assembly, punishable by up to three years’ imprisonment, a fine of up to EUR 10,000, or both. Second, it penalizes individuals who, without reasonable cause, refuse to comply with a police order to remove items concealing their identity, where such refusal is linked to actions that may render the assembly non-peaceful or lead to an offence. This offence carries a penalty of up to two years’ imprisonment, a fine of up to EUR 5,000, or both, “upon conviction”. It further adds that *“the burden of proof for demonstrating reasonable cause for the use of any object, item, or device that renders a person unrecognizable or alters their features in such a way that they cannot be identified lies with that person.”*
80. The Guidelines make clear that penalties for minor offences that do not threaten to cause or result in significant harm to public order or to the rights and freedoms of others should accordingly be low and the same as minor offences unrelated to assemblies.¹³⁰
81. Any sanction or punishment should be based on a law that complies with the principle of legality and foreseeability of legislation, and that is sufficiently clear.¹³¹ Where criminal or administrative sanctions are imposed on participants of a peaceful assembly for their unlawful conduct, such sanctions must be necessary, proportionate, non-discriminatory in nature and must not be based on ambiguous or overbroad offences.¹³² Further, the nature and severity of penalties, including those imposed for conduct involving a degree of disturbance of public order,¹³³ is a relevant factor when assessing the necessity and proportionality of particular restrictions.¹³⁴ Even short periods of detention will directly affect participants’ right to assemble, their liberty of movement (Article 12 of the ICCPR and Article 2 of Protocol 4, ECHR), and may amount to a deprivation of liberty under Article 9 of the ICCPR and Article 5 of the ECHR (the right to liberty and security of person).¹³⁵ Detention should thus be used only if there is a pressing need to prevent the commission of serious criminal offences and where an arrest is absolutely necessary.¹³⁶ The UN HRC has stated that *“[a]rrest or detention as punishment for the legitimate*

¹³⁰ See ODIHR-Venice Commission, *Guidelines on Freedom of Peaceful Assembly*, para. 222.

¹³¹ See *Guidelines on Freedom of Peaceful Assembly*, para. 221.

¹³² See UN HRC, *General comment No. 37* (2020) on the right of peaceful assembly (Article 21), para. 67. See also ODIHR-Venice Commission *Guidelines on Freedom of Peaceful Assembly*, para. 222;

¹³³ See e.g., ECtHR, *Ekmekçi and Others v. Turkey*, no. 10613/10, 8 March 2022.

¹³⁴ See ECtHR, *Peradze and Others v. Georgia*, no. 5631/16, 15 December 2022, para. 35 and *Kotov v. Russia*, nos. 49282/19 and 50346/19, 26 November 2024, para. 58; and ECtHR, *Chernega and Others v. Ukraine*, no. 74768/10, 18 June 2019, para. 221.

¹³⁵ See further, UN HRC, *General Comment No. 35 (2014) on liberty and security of person*, CCPR/C/GC/35, 16 December 2014; *Brega and Others v. Moldova*, Application No 61485, 24 January 2012, paras. 37–44.

¹³⁶ See *Guidelines on Freedom of Peaceful Assembly*, para. 220 and references therein.

exercise of the rights as guaranteed by the Covenant is arbitrary, including [in cases involving] freedom of assembly.”¹³⁷

82. In this respect, the sanctions envisaged by Article 10 appear excessive. Penalties for minor offences that do not threaten to cause or result in significant harm to public order or to the rights and freedoms of others should accordingly be low and the same as minor offences unrelated to assemblies. In cases involving minor administrative violations, it may be inappropriate to impose any sanction or penalty at all on assembly participants and organizers.¹³⁸ Such sanctions could thus constitute a violation of the freedom of peaceful assembly.¹³⁹
83. Moreover, the possibility of imposing up to two years of imprisonment for violations related to face covering, for disobeying a lawful order from law enforcement, when such actions are peaceful and non-violent, constitutes a disproportionate interference with individuals’ rights to freedom of peaceful assembly and personal liberty.¹⁴⁰ A penalty of up to EUR 5,000 is disproportionate for conduct that forms part of the exercise of an individual’s right to freedom of expression. **In light of the foregoing, it is recommended that the provision allowing detention be removed. Fines should be reconsidered and adjusted to reflect a more proportionate and reasonable amount, consistent with existing legislation.**
84. Article 10 (2) also unduly shifts the burden of proof onto the individual, requiring them to demonstrate “reasonable cause” for concealing or altering their identity to the point of being unrecognizable. In addition, the Law does not clearly indicate whether due process is guaranteed in such decisions. If administrative or criminal detention is imposed not by a court but by executive authorities, this raises concerns. Such a practice risks enabling mass arrests, which are generally deemed arbitrary under international human rights law and contrary to the presumption of innocence.¹⁴¹ In any case, prompt judicial supervision of the lawfulness of the detention, in accordance with Article 9 (4) of the ICCPR and Article 5 (4) of the ECHR should be ensured. **Article 10 should be revised to ensure that sanctions are only imposed by a court order.**

RECOMMENDATION G.

To remove the provision allowing imprisonment as a penalty for violations of provisions under the Law, while ensuring any sanctions are proportionate and imposed by a court.

10. Process of Developing and Adopting the Law

85. The Law was tabled in early July 2025 and passed by the House of Representatives on 10 July. As reported, there were no meaningful consultations, especially with representatives of civil society. The importance of inclusive lawmaking process should be highlighted. In paragraph 5.8 of the 1990 OSCE Copenhagen Document, OSCE participating States have committed to ensure that legislation will be adopted at the end

¹³⁷ UN HRC, [General Comment No. 35 \(2014\) on liberty and security of person](#), CCPR/C/GC/35, 16 December 2014, para. 17.

¹³⁸ See ECtHR, [Kudrevičius and Others v. Lithuania](#) [GC], no. 37553/05, 15 October 2015, para. 149: “At the same time, the freedom to take part in a peaceful assembly is of such importance that a person cannot be subject to a sanction – even one at the lower end of the scale of disciplinary penalties – for participation in a demonstration which has not been prohibited, so long as that person does not himself commit any reprehensible act on such an occasion”, citing ECtHR, [Ezelin v. France](#), no. 11800/85, 26 April 1991, para. 53. The Court has held that this is true also when the demonstration results in damage or other disorder (see [Taranenko v. Russia](#), no. 19554/05, 15 May 2014, para. 88).

¹³⁹ See ECtHR, [Gün and Others v. Turkey](#), no. 8029/07, 18 June 2013, paras. 82-84; see also UN HRC, [General comment No. 37](#) (2020) on the right of peaceful assembly (Article 21), para. 67.

¹⁴⁰ Venice Commission, [Urgent Opinion on amendments to the Code of administrative offences and the Law on assemblies and demonstrations of Georgia](#), CDL-PI(2025)004-e, 3 March 2025, para. 47.

¹⁴¹ See [Guidelines on Freedom of Peaceful Assembly](#), para. 218 and references therein.

of a public procedure.¹⁴² Moreover, key commitments specify that “[l]egislation will be formulated and adopted as the result of an open process reflecting the will of the people, either directly or through their elected representatives”.¹⁴³ The *ODIHR Guidelines on Democratic Lawmaking for Better Laws* underline the importance of evidence-based, open, transparent and inclusive lawmaking process.¹⁴⁴

86. Effective consultations in the drafting of laws, as outlined in the relevant OSCE commitments, need to be inclusive, involving both the general public and stakeholders with a particular interest in the subject matter of the draft legislation, in this case civil society organizations in particular. Sufficient time should also be provided to ensure that the consultation process is meaningful, allowing adequate time to stakeholders to prepare and submit recommendations on draft throughout the legislative process.¹⁴⁵ Moreover, as underlined in *ODIHR Guidelines on Democratic Lawmaking for Better Laws*, accelerated legislative procedure “should be used rarely and only in exceptional cases of genuine urgency to pass a specific law, as the process entails a lack of legislative planning and less or no time for in-depth consultations on draft laws, nor for adequate parliamentary scrutiny.”¹⁴⁶ The Guidelines further state that “[t]he legal framework should define precisely and narrowly the circumstances in which fast-track procedures may be applied and should require proper justification” and “[a]ccelerated lawmaking procedures should only be possible if they are based on a formal request submitted in accordance with the relevant legislation”. They should not be applied to introduce important and/or wide-ranging reforms, such as legislation significantly impacting the exercise of human rights and fundamental freedoms.

In light of the above, **the public authorities should have ensured that the development of the Law be preceded by a proper impact assessment and subjected to inclusive, extensive, effective and meaningful consultations throughout the legislative process, including with representatives of various political parties, academia, civil society organizations, which should enable equal opportunities for women and men to participate.** According to the principles stated above, such consultations should take place in a timely manner, at all stages of the lawmaking process. As a principle, accelerated legislative procedure should not be used to pass such types of legislation. As an important element of good lawmaking, a consistent monitoring and evaluation system on the implementation of legislation should also be put in place that would efficiently evaluate the operation and effectiveness of the draft laws, once adopted.¹⁴⁷

[END OF TEXT]

¹⁴² See *1990 OSCE Copenhagen Document*, para. 5.8.

¹⁴³ See *1991 OSCE Moscow Document*, para. 18.1.

¹⁴⁴ See *ODIHR Guidelines on Democratic Lawmaking for Better Laws* (January 2024), in particular Principles 5, 6, 7 and 12. See also *Venice Commission, Rule of Law Checklist*, CDL-AD(2016)007, Part II.A.5.

¹⁴⁵ See *ODIHR Guidelines on Democratic Lawmaking for Better Laws* (January 2024), paras. 169-170. See also ODIHR, *Assessment of the Legislative Process in Georgia* (30 January 2015), paras. 33-34. See also ODIHR, *Guidelines on the Protection of Human Rights Defenders* (2014), Section II, Sub-Section G on the Right to Participate in Public Affairs.

¹⁴⁶ See ODIHR, *Guidelines on Democratic Lawmaking for Better Laws* (16 January 2024), Principle 11.

¹⁴⁷ See *ODIHR Guidelines on Democratic Lawmaking for Better Laws* (January 2024), para. 23.