Restrictions on the location of assembly envisaged by the Law are vague and abstract, not subject to proportionality. Existing limitations on the location of an assembly are in conflict with international standards, and it is recommended by the Venice Commission and the OSCE/ODIHR report on Monitoring of Freedom of Peaceful Assembly\(^1\) that no blanket bans on the location of public assemblies should exist.\(^2\) Blanket restrictions, such as prohibiting all assemblies at specific locations, are not in accordance with the principle of proportionality.

The site and time of assemblies should not be restricted for specific locations and time. The Venice Commission explicitly stipulates that the burden of proof for restrictions on time and place for holding a particular assembly lies on the state (responsible bodies), and that restrictions need to be proportional to the situation.
Decisions on banning public assemblies are issued by authorities without legal reasoning, regardless of who is organizing the assembly.

The law stipulates a cumulative fine for not complying with relevant legal requirements of a legal entity, the responsible person in the legal entity and organizers or leaders of assembly, which affects the deterrence of organizing public assemblies.

Article 6 of the European Convention on Human Rights states that the right to a reasoned decision is rooted in a more general principle embodied in the Convention, which protects an individual from arbitrariness; the domestic decision should contain reasons that are sufficient to reply to the essential aspects of the party’s factual and legal – substantive or procedural – argument.

The liability of organizers should be reassessed and revised in the law, in accordance with the international standards and law should be amended to change disproportionate fines for organizers of assembly.

Such obligations on the organizers do not correspond with international standards and represent a disproportionate interference with the freedom of assembly. The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association states: “Assembly organizers and participants should not be considered responsible (or held liable) for the unlawful conduct of others... [and, together with] assembly stewards, should not be made responsible for the maintenance of public order.”

The law should be amended to include procedural rules for protection of freedom of assembly both in administrative procedure and administrative dispute.
Politically sensitive assemblies scheduled at the same time (i.e. demonstration and a counterdemonstration) are usually both banned, without legal reasoning, regardless of the goals and messages of the organizers, citing security risks.

Such actions by the police constitute a violation of international human rights standards. The fact that peaceful assembly could be misused by third persons as a pretext for violence does not give the state the right to ban peaceful assemblies.

The police should be well educated on the legislative framework and the restrictions it allows. Police should always put in place appropriate measures to ensure that all assemblies and counter-demonstrations can take place as desired by the organisers.

4. European Court for Human Rights (Ruiz Torija v. Spain, §§29-30)

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