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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

JOINT OPINION

ON THE DRAFT LAW ON PEACEFUL ASSEMBLIES

OF UKRAINE

on the basis of comments by

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Mr Hubert HAENEL (Substitute Member, France)
Mr Giorgio MALINVERNI (Member, Switzerland)
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I. Introduction

1. By a letter of 2 June 2006, the then Minister of Justice of Ukraine requested the Venice Commission and the OSCE/ODIHR to carry out a joint assessment of the Draft law on peaceful assemblies (CDL(2006)063).

2. Messrs. Grabenwarter, Haenel and Malinverni were appointed as rapporteurs for the Venice Commission. Mr David Goldberger, Professor of Law at the Ohio State University College of Law, has been contracted by the OSCE/ODIHR for the purpose of preparing comments on the Draft law under consideration. His comments have been prepared with the assistance of Ms Barbara O'Toole and Mr Robert McCarthy.

3. A meeting was held in Kiev on 19 September 2006 between representatives of the Ukrainian authorities, including Deputy Minister of Justice Mr Dmytro Kotlar, and Mr Malinverni on behalf of the Venice Commission and Mr Denis Petit, Head of the Legislative Support Unit (Democratization Department, OSCE/ODIHR), on behalf of the latter. The purpose of the meeting was to have an exchange of views on the Draft law in light of the preliminary opinions prepared by the Venice Commission and OSCE/ODIHR.

4. The present opinion, which was prepared jointly by the Venice Commission and the OSCE/ODIHR on the basis of comments drafted by the rapporteurs and expert, was adopted by the Venice Commission at its … Plenary Session (Venice, …).

5. In the preparation of the present opinion, a draft law prepared by a group of Ukrainian NGOs was also taken into account, as specifically requested by the Minister of Justice. This Opinion was prepared based on an unofficial English translation of the two drafts.

II. International standards

6. The right to peaceful assembly is guaranteed by the Ukrainian Constitution at its Article 39, which reads as follows:

> *"Citizens have the right to assemble peacefully without arms and to hold meetings, rallies, processions and demonstrations, upon notifying in advance the bodies of executive power or bodies of local self-government.*
>
> *Restrictions on the exercise of this right may be established by a court in accordance with the law and only in the interests of national security and public order, with the purpose of preventing disturbances or crimes, protecting the health of the population, or protecting the rights and freedoms of other persons."*

7. According to the preamble, the draft law under consideration aims "at securing the right to gather peacefully without arms, to hold gatherings, meetings, marches and demonstrations as guaranteed by the Constitution of Ukraine based on universal international law principle and norms."

8. The right to freedom of assembly is guaranteed by Article 11 of the European Convention on Human Rights, which reads as follows:

> *"Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.*

> *No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State".*

It is also guaranteed by Article 21 of the International Covenant on Civil and Political Rights which reads:

> *"The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others."*

9. The OSCE commitments pertaining to freedom of peaceful assembly, which are politically binding upon OSCE participating States, provide a complementary reference to the two above mentioned instruments. Paragraph 9(2) of the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990) reasserts that:

> *"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 standards."*

10. The formulation of the constitutional and international guarantee of freedom of peaceful assembly in the previously cited instruments is generally in broad terms. Further guidance on the substantive requirements arising out of these instruments may be found in the following standards as emphasized by the Venice Commission and the OSCE/ODIHR in previous opinions[1]:

- The right to freedom of peaceful assembly is a fundamental right in a democratic society and one of the foundations of such a society, and thus, should not be interpreted restrictively. As such, as all other fundamental rights and freedoms, it is a constitutional matter par excellence, which should be governed in principle primarily by the Constitution.

- As such this right covers both private meetings and meetings in public thoroughfares as well as static meetings and public processions; an assembly must be 'peaceful' if it is to be afforded the protection guaranteed in the international and regional instruments.

- The right to freedom of peaceful assembly is a "qualified" right. In certain circumstances, it is lawful for the state to interfere with the right. Article 11(2) ECHR expressly permits limitations provided they are "such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the

[1] CDL-AD (2003) 20; Opinion on the draft law on freedom of conscience and religious entities of Georgia; CDL (1995) 37, Avis Sur le project de loi sur le droit de réunion et manifestation de la République de Moldova; CDL-AD (2002) 27, Opinion on the law on assemblies of the Republic of Moldova; CDL(2005)048, OSCE/ODIHR Guidelines for Drafting Laws Pertaining to the Freedom of Assembly (Warsaw, December 2004); CDL-AD(2005)040, Opinion on OSCE/ODIHR Guidelines for Drafting Laws pertaining to Freedom of Assembly; CDL-AD(2004)039, Opinion on the law on conducting meetings, assemblies, rallies and demonstrations of the Republic of Armenia.

rights and freedoms of others". The wide margin of appreciation afforded to the state in their interpretation of the limiting clauses does not equate to unlimited discretion.

- Subjection to an authorisation procedure does not normally encroach upon the essence of the right. Such a procedure is in keeping with the requirements of Article 11(1), if only in order that the authorities may be in a position to ensure the peaceful nature of a meeting[2]

- The state has a positive obligation to actively protect peaceful and lawful assemblies. It may be required to intervene to secure conditions permitting the exercise of the freedom of assembly and this may require positive measures to be taken to enable lawful demonstrations to proceed peacefully. This involves arriving at a fair balance between the interests of those seeking to exercise the right of assembly and the general interests of the rest of the community.

- All restrictions on the exercise of freedom of assembly must pass the test of proportionality – meaning that the least intrusive means of achieving an objective should always be preferred – and that includes the penalties that are imposed for breaching rules that regulate the holding of assemblies. The proportionality test implies that a range of responses exist and should be considered between facilitating an event without any restriction and prohibition or termination. There ought to be a presumption in favour of the holding of peaceful assemblies.

- Fundamental rights should, insofar as possible, be allowed to be exercised without regulation, except where their exercise would pose a threat to public order and where necessity would demand state intervention. A legislative basis for any interference with fundamental rights such as the right of peaceful assembly is required by the Convention and by the Covenant. That any interference needs to be prescribed by law does not only mean that it must have a formal basis but that the scope of the restriction must be sufficiently precise so that it is possible for those potentially affected to foresee whether or not its requirements are likely to be breached by a particular course of conduct. Furthermore, regulations governing the holding of assemblies should not contain provisions that state as a rule or create an impression that all that is not forbidden is permissible, and not vice-versa. Excessively detailed regulation should be avoided.

- It is not indispensable for a State to enact a specific law on public events and assemblies, as control of such events may well be left to general policing while the rights in relation to them may be subject to general administrative law.

11. Public assemblies often involve large numbers of people gathering for a common purpose in a public place or moving through public thoroughfares. The gathering of a large number of people to participate in a public assembly poses distinctive regulatory problems, because there must be advance planning by public officials who are charged with the duty of mastering a sufficiently large number of law enforcement personnel in time to facilitate the activity and reconcile it with competing activities. This assures that they will be in place before the assembly begins to protect public order and undertake traffic control.

[2] ECHR, *Ziliberberg v. Moldova (2004).*

12. Therefore, the central purpose of a law regulating public assemblies must be to create a procedural mechanism that prevents surprise by assuring that public officials will have sufficient advance notice of a public assembly to permit a timely regulatory response. Provisions of statutes regulating public assemblies which are not necessary to this purpose and are not narrowly tailored to achieve this purpose, or which seek to achieve other purposes at the same time, usually impose unnecessary burdens on public assemblies or discourage persons from organizing or participating in them.

13. The draft law under consideration is clearly endeavouring to establish a legal framework for the exercise of freedom of peaceful assembly which is compatible with international and constitutional standards. Moreover, it may be considered liberal in its approach. Indeed, it is to be noted in the first place that demonstrations require previous *notification* and not previous *authorisation.* This notice system allows groups to proceed with public assemblies after providing written notice to public officials identifying the organizers of the activity, its purpose and the time and place that the activity will be held. A notice system is the most advanced of all approaches to the regulation of public assemblies because it minimizes the likelihood of unnecessary regulatory burdens and government censorship while also permitting appropriate regulatory action.

14. In addition, there are very few grounds in the draft law for termination of a public event; the conditions for the restriction to the exercise of this right are very well defined; the right to organise public events is strongly guaranteed.

15. A number of suggestions for improvement of the draft law are made hereinunder with reference to specific provisions of the draft law.

III. General observation

16. As previously stated, States may enact laws specifically dealing with freedom of assembly, without however providing excessively detailed regulations.

17. The present law is extremely detailed. Some provisions are unnecessary and should be removed.

IV. Analysis of the specific provisions

18. Article 1 § 2 of the draft law excludes from the scope of the law specific public or private gatherings. It is not clear upon which ground these distinctions are made, and most importantly, what consequences should be attached to them. In particular, it is not clear whether these exclusions should be interpreted as exempting all the meetings listed under this paragraph from the notification requirement or whether different regulations apply to them. It is noteworthy that some of the gatherings referred to under this paragraph may pose public order issues of the same amplitude as those associated with the type of assemblies covered by the proposed Law. If the purpose of the exemption is that these categories of public assemblies should receive a more favourable treatment, the exemption should be welcome. If instead the purpose if to subject them to more stringent regulations under a different regime, this would not be acceptable. At any rate, the possible different regime should be mentioned or referred to in the present Law.

19. In any event, it is not clear why only electoral meetings connected with parliamentary elections should be excluded from the scope of the Draft law, while the latter would apply to all meetings organized in connection with other types of election. If it is felt that electoral meetings require special regulations, and provided that the latter regulations do not pose further restrictions on the exercise of the right to peaceful assembly than those permissible under the instruments referred to in paragraph 9, no consideration can justify that the regulations in question do not apply to all election-related meetings (e.g. referendums, presidential elections) without exceptions.

20. The classification established in Article 2 draws distinctions between "gathering", "meeting", "march" and "demonstration" and includes a definition of a "counter-demonstration". As far as the legal implications of these definitions are concerned, there seems to be little value in establishing such definitions, apart from that of 'counter-demonstrations', which is welcome. Considering that only 'peaceful assembly" is consistently used throughout the text and that there appears to be no need to use other terms defined under Article 2, an alternative approach would be to have this glossary included in the explanatory note appended to the Law, or to modify the introductory sentence of the Article in order to reflect the fact that none of these terms, with the exception of the term "counter-demonstration", is actually used throughout the text.

21. In addition, the definitions given in Article 2 do not fully match those embodied in Article 39 of the Constitution. Unless this is due to a translation inaccuracy, this discrepancy should be rectified.

22. Finally, it would be worth considering adding to Article 2 a definition of "spontaneous assembly", which is at least as necessary as that of 'counter-demonstrations".

23. Article 3 of the draft law specifies statutory criteria for being an organizer. Instead of referring to "religious organizations" and "association of citizens" specifically, which might lead to certain ambiguities as to the entities that the choice of this terminology may or not seek to exclude, it would be advisable to resort to a more generic terminology which would cover natural persons and legal entities alike. The terms used Article 3(1) may otherwise lead to consider that private companies are prohibited from organizing public assemblies.

24. An important issue raised by Article 3 is the provision indicating that banned associations are not allowed to hold assemblies. It is not clear what the scope of this provision is, and in particular which ground may be invoked to deprive an association of citizens of its right to peaceful assembly. The provision as it stands allows a broad interpretation as its enforcement is made dependent on the terms of other laws which are not expressly referred to in the provision considered or elsewhere in the law. From the current wording, it may well be assumed that the restriction in question can be made in connection with other grounds than violation of the present law. However, it should be clear that as a general principle, content-based restrictions should not be imposed on the exercise of the right to freedom of peaceful assembly. It is essential that the same standards be applied to all peaceful assemblies irrespective of their core message and this provision be clarified or specified so that it cannot be used at the expenses of the freedom of expression in general[3].

[3] Certain types of content-based restrictions are permitted – or even required – in exceptional cases by human rights law. For instance, Article 20(2) ICCPR states that "[any] advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law". As a general rule, such restrictions require the presence of a deliberate intention to incite violence, the likelihood of imminent

25. Article 4 lists the statutory rights and duties of organizers in a way that is often problematic. For example, Paragraph 1(2) includes a provision that authorizes preparations for a public assembly such as the dissemination of leaflets, posters, and other communications. The presence of such an authorization suggests that, if the statutory language were absent, the dissemination of leaflets, posters, and other communications would be unlawful. In order to avoid any such misunderstanding, it is suggested that Paragraph 1(2) be removed.

26. Also, Article 4 appears to impose law enforcement responsibilities on organizers of public assemblies. Among other things, it says that organizers shall "ensure adherence to the conditions of holding a peaceful assembly," shall require participants "to respect public order," shall "maintain public order and security of people," and shall "ensure protection of plants, buildings, premises . . . and other property."

27. As a practical matter, if a few participants in a public assembly disobey the wishes of the organizer and, for example, block traffic, Article 4 apparently requires the organizer to take action to prevent this blockage. However, such duties are better assigned to law enforcement personnel, not to private citizens in their capacity as organisers. No one doubts that the organizer should do his best to address this problem by asking the disruptive persons to be cooperative, but is he required to physically move the persons or get assistance to have them moved? If there are other matters that distract his attention from the disrupters, it would appear his inaction would subject him to legal liability under Article 4. This is too great a burden on the organizer and his agents. In short, there is a duty to cooperate with police and to follow the law. However, it is the responsibility of the police to enforce the law.

28. A better approach to Article 4 would eliminate mention of formal duties of organizers beyond compliance with the notice requirement and compliance with reasonable time, place, and manner restrictions equally applicable to all participating in the assembly.

29. Article 5 § 1 of the draft law sets out the right of everyone, including foreigners, to participate in peaceful assemblies, provided that they are "legally staying" in Ukraine. There is no valid reason to exclude other categories of foreigners. A breach of the right to freedom of peaceful assembly can not be justified by reference to the fact that the applicant is an illegal immigrant. [4]

30. Article 5 lists some statutory rights and responsibilities of assembly participants. However, with the exception of the provision prohibiting participants in a public assembly from carrying weapons and other dangerous items, few of the matters specified in this Article need to be in a statute. Some create legal problems and others seem to restate legal rights and duties that presumably can be found elsewhere in the general laws of the Ukraine. Repeating established law here may have the effect of discouraging organizers and participants rather than providing guidance. Another problem posed by the enumerations in Article 5 is the requirement that participants in a public assembly obey the lawful demands of organizers. This is problematic because the commands of organizers are given the force of law. Creation of this authority interferes with the voluntary nature of the association that is the foundation

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violence, and a causal connection between that violence and the expression in question. Framing the content-based restriction in this way crucially avoids the potential restriction of assemblies on the basis of its content, where any one of these three factors is absent.

[4] See ECtHR, Cissé v. France judgment of 9 April 2002, § 50.

of public assemblies. The authority of the organizers lies in their ability to lead and persuade rather than to give orders with the force of law.

31. Article 6 contains a five-day advance notice requirement. The time-limit of 5 days for notification seems unusually long[5]. The justification of that comparatively long time is not obvious bearing in mind the strict regulation of peaceful assemblies.

32. There should be a specific exemption from any notice requirement in favour of spontaneous assemblies, which are held in response to an unexpected event. An example of this might be a large assembly in a public park in response to the unexpected death of an important national or local leader. Another example would be a public assembly held to protest the unexpected action of a foreign government insulting the dignity of the nation. It is therefore recommended that the draft law include a provision specifically permitting spontaneous assemblies and waiving the five day notice requirement under exigent circumstances.

33. In Article 8, language stating that suitable places include, but are not limited to, public streets, sidewalks, parks, public squares, and other similar locations open to the public would strengthen this provision. Similarly, Paragraph 2 seems unnecessarily broad. Rather than declaring certain areas like schools to be improper sites for assemblies, the prohibitions should be limited to those assemblies and other communicative conduct that will be disruptive of activities that regularly occur at the site. Thus, a public assembly on the sidewalk adjacent to a school, after school is adjourned for the day, should not be prohibited. Similarly, prohibitions of public speech activities near a dangerous object should be limited to those areas closed to the public, and presumably fenced in. If the area near a dangerous object is open to the public, there appears to be no reason to exclude an orderly public assembly in the same area. In general, the law should not therefore contain "blanket restrictions".

34. Article 8 § 3 should specify whether the obligation to secure free access is imposed on the authorities or on the organisers. In general, such duties are better assigned to law enforcement personnel, although organizers should be under an obligation to cooperate. It might be worth considering a provision stating as a general principle an obligation of co-operation between law enforcement officers and organizers while avoiding diluting the primary responsibility of law enforcement officers in the maintenance of public order or removing it from them.

35. It is not clear why Article 9, which covers the means for publicizing the assembly before it occurs, is needed. Its language appears to address issues already covered in Article 4. And its presence implies that the activities addressed would be unlawful if Article 9 were not included in the proposed statute. In addition, Article 9, paragraph 3 prohibits speech "offending or humiliating human and a citizen's honour and decency". This language is too broad and could open the way to broader restrictions than those permissible under international law. As previously noted, it should be clear as a general principle that content-based restrictions cannot be imposed on the exercise of the right to freedom of peaceful assembly. It is essential that the same standards be applied to all peaceful assemblies

[5] For example, in Austria the notice must be given 24 hours before, and in Germany 48 hours before the planned time of the demonstration.

irrespective of their core message. It is therefore recommended that this Article be reconsidered.

36. Article 10 § 2 of the draft law prohibits the financing of an assembly by foreign states and foreign legal entities, and state-owned enterprises, institutions and organisations. This ground, which is not reflected in Article 19, poses problems in two respects. First, in a system which is about the giving of information through prior notice as opposed to the securing of approval, it is not clear how information on the sources of funding may be collected. Article 7 does not contain any requirement that the source of funding be indicated in the notification. Second, there is lack of clarity in the terminology used: prohibiting 'state-owned enterprises, institutions and organizations' from funding public assemblies means that in practice they cannot be organizers of public assemblies or at least may seriously undermine their capacity to organize such events. It is not clear what motivations are behind this prohibition. These observations need to be read in conjunction with the comment made under paragraph 19 of the present opinion. In any case, there ought to be more clarity as to which entities are specifically covered by the terms "institutions and organizations", which meaning can be extremely broad.

37. Article 14 addresses the grounds and procedure for terminating a public assembly. The language of the Article is critically important and needs careful attention. The authority to terminate a public assembly provided for in Paragraphs 1 and 2 of this article is overly broad and needs to be narrowed. According to the current provisions, the government regulator may terminate the assembly for any violation of the public order during the assembly, no matter how trivial the violation. A sounder approach is to confine the authority to terminate to those circumstances in which a significant number of participants engage in a substantial violation of public order and there is no reasonable likelihood that voluntary cessation of the substantial violation can be accomplished by means of communication with violators or, if that fails, arrest of the particular persons engaged in the violation of public order. Before termination of the entire assembly for a substantial, irremediable violation, the Article should require that law enforcement officials make every reasonable effort to maintain public order and, where appropriate, by asking organizers to directly address those participants not complying with the law.

38. In addition, where law enforcement officials present at the assembly determine that the assembly must be terminated because of actual or imminent violations of public order that are substantial, notice of termination should be given both by organizers and by police to all participants in a manner assuring that all present are informed of the termination. Thus, it is recommended that there be a supplement to the requirement of Paragraph 4 that written instructions of termination should be given by law enforcement officers to organizers, who are obliged to carry out these instructions. In addition, the law enforcement officer in charge or her agent should also give oral notification of termination to assure that all participants are aware of the termination. As noted in the prior paragraph, this recommendation assumes that, where feasible, there will be appropriate coordination and cooperation between the organizers and law enforcement officials with respect to termination.

39. A specific reference to the principle of proportionality as it applies to the use of force by law-enforcement authorities is recommended. International standards require that law enforcement officials should use force only as a last resort, in proportion to the aim pursued, and in a way that minimizes damage and injury[6].

40. As concerns civil liability, Article 15 states that imposition of material losses and failure to comply with the law creates legal and financial liability. It is not clear in which way the liability imposed on any 'person who caused material losses' as stipulated under Article 15 needs to be mentioned in a special law applicable to public assemblies. Nothing in its wording suggests that it is specifically related to damages caused in the context of a public assembly. Therefore, it is not clear why such a responsibility which obviously applies to any material loss, did it occur or not on the occasion of a public assembly, needs to be restated in the context of the present Law.

41. As concerns criminal liability, for the sake of legal certainty and foreseeability, it would be advisable that Article 16 indicate the penalties incurred by the offence or include a reference to the relevant legislation where these penalties are provided for. Otherwise, inclusion of references to unspecified liability in the proposed law is likely to be intimidating and to discourage the organization of and participation in peaceful public assemblies.

42. Article 17 states the existence of guarantees to the right to freedom of assembly. Of particular note is Paragraph 2 of the Article that states, among other things, that organizers cannot prevent participants from expressing their views in a way that does not disrupt public order. It is not clear what this paragraph purports to achieve. It may well be interpreted as encouraging counter-demonstrations emerging in the course of an assembly from within the latter assembly. By the same token, it may be perceived as providing room for agents provocateurs whose motivations are specifically to create a situation which may ultimately give sufficient ground for law enforcement officials to terminate an assembly. If some persons participate in an assembly who intentionally communicate a message that differs from or conflicts with the message of the assembly, those persons are interfering with the rights of the organizers and the other participants who are present to communicate the assembly's primary message. Under this circumstance, uncooperative and uninvited dissident participants can be asked to leave the assembly and conduct their own counterdemonstration separately. It is therefore recommended that the reference to organizers and other individuals in Paragraph 2 be deleted.

43. Paragraph 3 requires appropriate government officials to consider and decide any matter that is proposed by a public assembly. The need for such a requirement is not clear. The purpose of a public assembly is to make a persuasive statement, and the audience is free to listen and be persuaded, or not, as it chooses. A provision compelling official consideration and response burdens the conduct of public officials, who may be part of the assembly's intended audience. Such officials have a duty to conduct their official activities pursuant to the laws of the jurisdiction. There is no reason for officials of public or private entities to formally address an issue posed by a public assembly that they believe to be ill advised or unreasonable. (Article 10 of the NGO draft public assembly law which accompanied the Ministry of Justice Draft contains a similar, if stronger, provision which is subject to the same criticism.) The problems with Article 17, paragraph 3 are underscored by the fact that the

[6] On these matters, one may usefully refer to UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, in particular Principles 13 and 14. [http://www.unhchr.ch/html/menu3/b/h_comp43.htm]

officials to whom a message is targeted may not be present at the assembly to hear it. Paragraph 3 would appear to require that these absent officials be presented with a written petition notifying them of the proposals supported by the assembly that they are required by law to address.

44. Article 19 sets forth the circumstances in which freedom of assembly may be restricted by a court. The appeal procedure against possible negative decisions of the authorities should be spelled out more clearly. The need for courts to deal with requests for prohibition of an assembly by way of priority should be added.

45. Paragraph 2 of Article 19 is formulated in too vague terms, hardly compatible with Article 15 ECHR. Paragraph 3 appears to be too categorical, in the absence of further criteria.

46. Article 20 of the draft law prohibits assemblies "whose purpose runs contrary to the Constitution of Ukraine". This formulation is ambiguous. It is of the essence of democracy to allow diverse political projects to be proposed an debated, even those that call into question the way a State is organized[7]. Therefore, a peaceful assembly organized in support of changes to the constitution cannot be banned or terminated on the sole ground of its political demand or message. Conversely, an assembly, which message is to incite people to use violence or break the rules of democracy can be legitimately banned or terminated. It is recommended that the formulation used in Article 20 be changed to reflect this crucial distinction so that it cannot be misinterpreted by law enforcement officials and open the way to possible abuse in respect of assemblies expressing political opinions opposed to the government in place.

V. Conclusions

47. The draft law under consideration is clearly endeavouring to establish a legal framework for the exercise of freedom of peaceful assembly which is compatible with international standards. Moreover, it may be considered liberal in its approach and generally complies with the European standards on freedom of peaceful assembly.

48. The law is however excessively detailed. A certain number of amendments are nonetheless considered necessary in order to achieve full clarity and full compliance with the relevant standards.

[7] ECHR, *Freedom and Democracy Party (Ozdep) v. Turkey (1999).*