

LAW OF THE KYRGYZ REPUBLIC

“On the Right of Citizens to Assemble Peacefully, without Weapons, Freely Conduct Meetings and Demonstrations”

Adopted by the Legislative Assembly
of the Jogorku Kenesh of the Kyrgyz Republic
on June 24, 2002

This Law establishes legal grounds for organization and conducting public arrangements – assemblies, meetings and demonstrations in the Kyrgyz Republic, determines their regulation procedure, rights and obligations of government bodies, public organizations and their representatives, and citizens when organizing and carrying out the mentioned arrangements.

Chapter I. General Provisions

Article 1.

In accordance with the Constitution of the Kyrgyz Republic, this Law, international documents and agreements on human rights ratified by the Kyrgyz Republic, all government bodies shall be obliged to provide constitutional right of citizens to assemble peacefully, without weapons, freely conduct meetings and demonstrations and other public arrangements on the territory of the Kyrgyz Republic.

Limitations to exercise rights of citizens to assemble peacefully, without weapons, freely conduct meetings and demonstrations and other public arrangements on the territory of the Kyrgyz Republic, are allowed by the Constitution and laws of the Kyrgyz Republic solely to ensure rights and freedoms of other persons, public safety, and protection of the constitutional order. At the same time the essence of constitutional rights and freedoms cannot be affected.

This Law shall not apply to arrangements:

- conducted by labor collectives, trade unions, enterprises, institutions and organizations irrespective of ownership form in accordance with their charters and regulations on territories occupied by them;
- conducted by labor collectives, trade unions and other public organizations in accordance with their charters and regulations on the territory occupied by different enterprises, institutions and organizations under permission of their owner;
- conducting of which provided for by current legislation of the Kyrgyz Republic.

Article 2.

Definitions used in the Law:

Action is an activity directed on achievement of any goal.

Assembly is an action undertaken by a group of persons with the purpose of discussion and solution of different issues of common interest at a predefined place and time.

Meeting is an action undertaken by a group of persons at a predefined place and time to attract attention of public and authority to different issues, express opinions of citizens on them and adopt an appeal addressed to public and authority.

Demonstration is an action undertaken by a separate person or group of persons to express individual, collective or mass opinion of citizens on any issue of public life, disagreement or support of different decisions, activities or position of government bodies, public organizations, officials or citizens.

Demonstrations can be carried out by way of manifestations, street processions, vigil, and in other forms of public expression of individual, collective or mass opinion of citizens.

Manifestation is an action undertaken by a separate person or group of persons at a predefined place and time in the form of addressing to express citizens' opinion with the purpose of informing public and authority on their positions, disagreement or support of different decisions or activities of government bodies, public organizations, officials or citizens. Manifestation may be accompanied by advancing of participants in certain direction and route.

Street Procession is an action undertaken by a group of persons to express citizens' opinion with advancing in certain direction and route with the purpose of draw attention of government bodies, public organizations, officials or citizens to certain issues or express disagreement or support of their decisions or activities.

Vigil is an action undertaken by a separate person or group of persons in the form of expression of citizens' opinion on their disagreement or support on different decisions. Vigil is carried out by way of placing citizens at the target facility of piquet.

Hunger strike is an intentional abstention from ingestion or only from some types of food accompanied by appeal to change certain relations.

Public Safety is a status when rights and freedoms of citizens, including their health and moral principles of society, are protected from threats and attacks while conducting assemblies, meetings and demonstrations.

Significant Violations are violations under which citizens and legal entities not participating in a public arrangement while conducting assemblies, meetings and demonstrations do not have the opportunity to exercise their legal rights and interests in other place, at other time, and in a different way.

Participants of assembly, meeting and demonstration are representatives of organizations and institutions irrespective of their legal-organizational and ownership form or associations of citizens, as well as citizens attending at a public arrangement with the purpose of taking part in it, or performing activities on preparation and carrying out the mentioned arrangements.

Authorized persons – organizers of assemblies, meetings and demonstrations are persons speaking on behalf of political parties, public, trade union and other organizations, and citizens, and implementing activities directed at preparation of the mentioned arrangements as well as exercising direct control of participants' activities.

Article 3.

Citizens of the Kyrgyz Republic shall have the right to assemble peacefully, without weapons, freely conduct meetings and demonstrations on the territory of the Kyrgyz Republic without permission or notification of bodies of local state administration or local self-government:

- 1) on the land territory of common use (pavements, parks, etc.) and other outdoor public places with municipal and state form of ownership without significant violations of rights and freedoms of other citizens of the Kyrgyz Republic.
- 2) upon permission of owner or his authorized person irrespective of ownership form:
 - in enclosed spaces;
 - on land territory of legal entities and individuals.

Article 4.

Conducting of assemblies, meetings and demonstrations, as well as entertainment, sporting and other mass events, shall not be allowed under the state of emergency and martial law.

**Chapter II. Procedure of Organization
of Assemblies, Meetings and Demonstrations****Article 5.**

In all cases other than cases stipulated in Article 4 of this Law, citizens of the Kyrgyz Republic shall have the right to assemble peacefully, without weapons, freely conduct meetings and demonstrations on the territory of the Kyrgyz Republic upon permission of bodies of local state administration or local self-government.

In accordance with Part 2 of Article 1 of this Law, citizens may not be granted permission solely on the following grounds:

- significant violations of human rights;
- probability of complete blocking of passageways to dwelling houses, work and study places, public facilities, and absence of alternative approaches and by-pass highways;
- impossibility to change a route, schedule, and routine of public traffic flow, and, in this connection, necessity of its blocking;
- places of conducting meetings and processions are located at a distance of less than 100 meters from schools, infant schools and hospitals.

Article 6.

Organizer (organizers) shall submit to bodies of local state administration or local self-government no later than 10 days prior to the date of public arrangement conduct an application to carry out free, peaceful, without weapons, assemblies of citizens, demonstrations, meetings, vigil, and manifestations in cases stipulated in this Law.

The application shall include:

- organizer's (organizers') last and first names, patronymic, year and place of birth, place of residence and work (study);
- purpose, form, place, date and time, marching routes, supposed number of participants, time of beginning and closing of the arrangement;
- availability of technical facilities;
- date of application submission;
- organizer's (organizers') signature.

The application shall be considered by bodies of local state administration or local self-government no later than 3 working days from the date of its receipt.

Article 7.

Permission by bodies of local state administration or local self-government or rejection of conducting assemblies of citizens, meetings, demonstrations, hunger strikes, manifestations, vigil and other public arrangements shall be drawn up in the form of act. The act shall be provided to the applicant in person in the established order no later than 7 working days prior to the date of public arrangement conduct stated in the application.

The act on rejection shall include without fail:

- possible violations of rights and freedoms of citizens not participating in the arrangement;
- extent of violation of their rights and freedoms;
- groups of citizens and rights violated;
- duration of violation of rights and freedoms of citizens in time and space;
- completeness for consideration of other options for reducing violations of citizens' rights and freedoms;
- duration of restoration of citizens' violated rights and freedoms after the public arrangement;
- probability of complete blocking of passageways, and absence of alternative approaches and by-pass highways;
- extent and nature of possible damage caused to other citizens and organizations irrespective of ownership form;
- economic consequences of change in schedule and routes of public traffic flow;

- actual damage suffered from change in work routine of public traffic.

The act shall include without fail on the basis of which laws, normative legal acts, formal documents and information, protocols, references, conclusions, reports, including those of law enforcement authorities and national security service, the above mentioned circumstances have been identified.

Other time and/or place of public arrangement conduct shall be proposed without fail in the act on rejection.

Decision of bodies of local state administration or local self-government on rejection of public arrangement conduct, drawn up in the form of act, is subject to court appeal, and shall be considered by the court within 24 hours if less than 48 hours remains before planned public arrangement conduct.

Officials shall bear criminal and administrative responsibility for illegal rejection in the order established by the legislation of the Kyrgyz Republic.

Article 8.

Assemblies of citizens, meetings, demonstrations, manifestations, vigil in any form shall be stopped at the request of representatives of bodies of local state administration or local self-government if:

- 1) either organizer (organizers) or participants of public arrangement have violated requirements of this Law;
- 2) there is a real threat to life, health and safety of citizens, as well as property of legal entities and individuals;
- 3) there is a call by speakers to a violent change of the constitutional order.

If claims to stop the public arrangement is ignored, the responsible representative of bodies of local state administration or local self-government, and bodies of internal affairs shall take measures to stop the mass action in accordance with the current legislation and draw up proper documentation of violations of the legislation of the Kyrgyz Republic.

Use of physical force and special facilities to stop public arrangements shall be allowed only if participants act violently towards details of militia that ensure law and order; to suppress violations of public order, mass disorders and activities disturbing the work of traffic, communication, enterprises, institutions and organizations; and to release illegally occupied buildings, premises, constructions, vehicles, and lands.

Article 9.

Mass media shall have the right to send their employees to public arrangements. Mass media employees shall have the right to use technical facilities for recording and enlightening the public arrangement on the basis of providing identification cards of mass media employees.

Article 10.

Foreign nationals and stateless persons permanently and legally residing on the territory of the Kyrgyz Republic, shall have the right to assemble peacefully, without weapons, freely conduct meetings and demonstrations on the territory of the Kyrgyz Republic.

Foreign nationals and stateless persons shall bear responsibility equal to citizens of the Kyrgyz Republic for violating this Law.

Article 11.

Persons violated requirements of this Law shall bear responsibility in the order established by the legislation of the Kyrgyz Republic.

Persons caused material or any other damage during public arrangement conduct, shall have to provide reimbursement, and are subject to call to account in the order established by the legislation of the Kyrgyz Republic.

Article 12.

This Law shall come into force from the date of its publication.

The Decree of the USSR Supreme Council' Presidium "On Procedure of Organization and Conduct of Assemblies, Meetings, Street Processions and Demonstrations in the USSR" of July 28, 1988, # 9306-XI shall be deemed invalid.

The Government of the Kyrgyz Republic shall bring its normative legal acts in conformity with this Law within 3-month period.

President of the Kyrgyz Republic

Askar Akaev

Bishkek, Government House
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