

THE CONFERENCE IS FUNDED FROM THE EXTRA-BUDGETARY CONTRIBUTIONS TO THE OSCE/ODIHR
OF THE NORWEGIAN AND THE AMERICAN DELEGATIONS TO THE OSCE

 <p>MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF KAZAKHSTAN</p>	 <p>OSCE OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS</p>	 <p>ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE OSCE CENTER IN ALMATY</p>	 <p>INTERNATIONAL CENTRE FOR NOT-FOR-PROFIT LAW</p>	 <p>KAZAKHSTAN INTERNATIONAL BUREAU FOR HUMAN RIGHTS AND RULE OF LAW</p>
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30- 31 March 2005
Almaty, Republic of Kazakhstan

RECOMMENDATIONS

We, the participants of "Legal Framework on the Freedom of Association and Assembly in Central Asia" Conference, representing state authorities and non-governmental organisations of the Central Asian states, as well as international organisations,

Reaffirming the commitment of all the Central Asian states to democratic development,

Reaffirming the commitment to the principle of superiority of human rights in the face of threats to national security and any other challenges of the present time,

Recognising importance of such fundamental human rights as freedom of association and peaceful assembly for the development of the strong civil society,

Taking into consideration that freedom of association and assembly are not subject to any restrictions except for those that are prescribed by law, satisfy the requirement of proportionality and foreseeability and are necessary in a democratic society,

recommend:

General recommendations:

- to comply with international human rights standards while adopting new legislative measures relating to combating terrorism, counteracting extremism and ensuring national security,
- to implement international standards pertaining to the freedom of association and assembly which are contained in the Universal Declaration on Human Rights, International Covenant on Civil and Political Rights, the International Convention on the Elimination of all Forms of Racial Discrimination, the Convention Relating to the Status of Refugees, the Convention on the Rights of the Child, the UN Declaration on the Human Rights Defenders, the Council of Europe Fundamental Principles on the Status of NGOs in Europe into national legislation of the Central Asian states with an aim of ensuring that law implementation practices fully comply with these standards,

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- to facilitate awareness raising, dissemination and application of the best international practices relating to the free exercise of freedom of association and assembly,
- to ensure transparency of all stages of the legislative procedure by means of mandatory publication in mass media of draft laws relating to freedom of association and assembly, involvement of NGO representatives in working groups on elaboration of draft laws, holding public hearings and debates,
- to recognise a need for the systematic professional training for state and law-enforcement officials that ensure free exercise of freedom of association and assembly, by providing awareness raising and training seminars and sessions,
- to inform population about their rights to freedom of association and assembly,
- to extend an invitation to visit the Central Asian states to the UN Special Representative of the Secretary General on Human Rights Defenders for the purposes of analyzing the situation on observance of freedom of association and assembly.

On freedom of association:

- to stipulate in the law a provision guaranteeing freedom of association to foreign citizens, stateless persons and minors,
- to stipulate in the law the possibility for activities of unregistered NGOs and abolish criminal and administrative responsibility for taking part in the activities of the unregistered NGOs,
- to simplify the registration procedure for those NGOs that wish to obtain the legal entity status,
- to lower to the extent possible and review a possibility of subsequent full abolition of the registration fee payable upon registration of NGOs,
- to lower to the extent possible the number of persons required by law for the purposes of founding an NGO,
- to eliminate practices of using the re-registration procedures of NGOs for the purposes of restricting freedom of association,
- to review a possibility of excluding from laws territorial restrictions on the activities of NGOs,
- to adopt measures for excluding unjustified interference into activities of NGOs on behalf of the state authorities, entitled to carry out supervision of NGOs.

On freedom of peaceful assembly:

- to stipulate in the law a provision guaranteeing freedom of peaceful assembly to foreign citizens, stateless persons and minors,

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- to analyze existing legislation in order to ensure its compliance with the presumption towards holding of peaceful assemblies,
- to ensure equal opportunities for the participation of state and other actors during organization and holding of peaceful assemblies,
- to review existing legislative provisions with the purpose of replacing the authorisation requirement with a notification procedure,
- to review existing restrictions and prohibitions on the choice of place, time and means of conducting peaceful assemblies and bring them in compliance with international standards, in particular, with the principle of proportionality,
- to create conditions for unhindered holding of peaceful assemblies and facilitate the fulfilment of this freedom by means of advance consultations between local authorities and organisers of peaceful assemblies,
- to recognise the responsibility of state authorities, including of law enforcement bodies, in ensuring safety of participants of the peaceful assemblies, in particular from persons who attempt to undermine the holding of assemblies, and to ensure interaction with organizers and other parties involved in preparation and holding of the assemblies, as well as to inform the public about the planned assemblies and measures taken for their realisation,
- to consider the possibility of introducing legislative provisions instituting monitoring and mediation for the purposes of preventing conflict situations during preparations and holding of peaceful assemblies,
- to ensure implementation of legislative provisions, providing for responsibility of state representatives in cases of creating illegitimate obstacles to the exercise of freedom of assembly.

These Recommendations are addressed to the governments and other state authorities of the Central Asian states.

Adopted in Almaty on 31 March 2005