

MELIK BAGHDASARYAN

OSCE/ODIHR Panel of Experts on the Freedom of Assembly

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The ODIHR Panel of Experts on Freedom of Peaceful Assembly was established in 2006 and consists of ten independent experts from OSCE participating States, selected on the basis of their expertise, experience, integrity and objectivity.

An assembly is the intentional and temporary presence of a number of individuals in a public place that is not a building or structure for a common expressive purpose. Only peaceful assemblies are protected. An assembly should be deemed peaceful if its organizers have peaceful intentions.

ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly

The Panel advises and consults with ODIHR on the promotion of freedom of peaceful assembly in the OSCE area.

Freedom of Assembly Commitments and Standards

OSCE Commitments

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. — *Copenhagen Document 1990*

International Covenant on Civil and Political Rights, Article 21

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.

European Convention on Human Rights, Article 11

1. 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.
2. 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.

Alexander Vashkevich (left) and David Goldberger, members of the Panel, speak at a roundtable in Belgrade, Serbia



Activities of the Panel

The ODIHR Panel of Experts on Freedom of Assembly developed the *Guidelines on Freedom of Peaceful Assembly*, which were issued in March 2007 and endorsed by the European Commission for Democracy through Law of the Council of Europe (Venice Commission) in June 2008.

The Guidelines demarcate a clear minimum baseline in relation to the standards regarding freedom of peaceful assembly enshrined in international and regional human rights treaties, looking also at the jurisprudence of European Court of Human Rights and the evolving state practice.

The Guidelines also provide examples of good practices — measures that have proven successful in a number of jurisdictions or that have demonstrably helped ensure that the freedom of assembly enjoys adequate protection. The Guidelines are available in English, Russian and Armenian at: http://www.osce.org/odihhr/item_11_23835.html

The ODIHR Panel of Experts on Freedom of Assembly, upon request, **reviews draft legislation** of OSCE participating States pertaining to freedom of assembly. Usually produced in co-operation with the Venice Commission, these reviews analyze draft laws in terms of their compatibility with relevant international and regional standards and OSCE commitments. They also draw upon relevant case law and international good practice relating to the regulation of public assemblies. These reviews can be accessed at: <http://www.legislationline.org/topics/topic/15>

ODIHR draws on the Panel's experience and expertise in conducting **capacity-building training for human rights defenders** to improve their knowledge of standards on freedom of assembly and skills in monitoring and reporting on freedom of assembly issues, with a view to engaging in a dialogue with national authorities on ways to strengthen the protection and promotion of freedom of assembly at both the national and local levels. As of 2009, capacity-building training of this type had been provided in Armenia, Kazakhstan and Moldova.

General information about issues related to freedom of assembly, including examples of legislation from different OSCE participating States, can be found at: <http://www.legislationline.org>

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The ODIHR Panel of Experts on Freedom of Assembly at a Panel meeting in Warsaw, Poland, in June 2009.

- Neil Jarman, Chairperson (*United Kingdom*)
- Michael Hamilton (*United Kingdom*)
- Nina Belyaeva (*Russian Federation*)
- Thomas Bull (*Sweden*)
- David Goldberger (*United States of America*)
- Muatar S. Khaidarova (*Tajikistan*)
- Serghei Ostaf (*Moldova*)
- Vardan Poghosyan (*Armenia*)
- Alexander Vashkevich (*Belarus*)
- Yevgeniy A. Zhovtis (*Kazakhstan*)