

The Right to Free Assembly in the Balkans



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I. INTRODUCTION

The rights to assemble, demonstrate, protest and gather together in public space, are central elements of a democratic society and a means of citizens (and others) to collectively express their views, contribute to social, cultural and political discourse, and hold the authorities to account. In recent years there have been numerous high profile cycles of assemblies across the Balkan region including protests throughout Bosnia and Herzegovina during 2015; protest about the government in Bulgaria in 2013 and 2014; protests for fair elections in Montenegro in 2015; the Colourful Revolution in North Macedonia in 2016; and most recently the Justice for David campaign in Bosnia and Herzegovina in 2018 and early 2019 or the 'One of Five Million' protests in Serbia in 2018-2019.

The European Center for Not-for-Profit Law (ECNL) began a project researching the levels of protection for and enabling of the right to freedom of peaceful assembly in five countries (Bosnia and Herzegovina, Croatia, Macedonia, Montenegro and Serbia) in the Western Balkans in 2015.¹ The project was extended and expanded in 2017 to include Albania and Kosovo in the Balkan region as well as Arme-

¹ <http://ecnl.org/publications/monitoring-freedom-of-assembly-in-the-western-balkans/>

nia, Belarus, Moldova and Ukraine²; and again in 2018 to include Bulgaria.³ This summary is primarily drawn from monitoring research on freedom of assembly in the eight countries in the Balkan region that was carried out in 2017 and 2018, but it also draws upon the findings of the earlier research in this programme.

In 2016 ECNL's project summary report, *Defending the Right to Free Assembly: Assess and Act*⁴ highlighted a number of high level, overarching concerns in relation to the local political context, the protection of human rights, and institutional perceptions of the right to freedom of peaceful assembly, and in particular noted that:

- In many countries, there are worrying tendencies of decline of the democratic processes and political influence on the institutions, which in turn hinders the exercise of the freedom of peaceful assembly. The examples include direct interference with the work of the judiciary and police and misuse of position to pressure employees of public institutions.

² <http://ecnl.org/publications/monitoring-right-free-assembly-nine-countries-2017/>

³ <http://ecnl.org/publications/monitoring-the-right-to-free-assembly-in-12-countries-2018/>

⁴ http://ecnl.org/wp-content/uploads/2017/01/WBA_RR_final.pdf

- Freedom of peaceful assembly in the region is a part of the policy framework dealing with security, and less of the framework dealing with human rights or rule of law. This approach is then reflected in both the legislation and implementation, as the law enforcement frequently decides on limitations on bans based on solely security reasoning, without balancing the rights.
- In some countries, there is a general perception of assemblies as a threat to peace and stability of the state. In this ways, participants get under pressure from the institutions and the media based on stigma revolving around certain people (investigative journalists, human rights defenders, political activists and similar).

The research conducted in 2017 and 2018 built on the earlier work to consider how far the right to peaceful assemble was being respected, protected and enabled, and note any improvements or deteriorations in respect to the capacity of people to exercise their right. The research reviewed the legal framework; the administration process; the policing of assemblies; and responses by the criminal justice system, to consider how each state respected and facilitated the right to assemble. It also reviewed levels of accountability in each country in relation to the legal, administrative, policing and justice dimensions.

This report summarises the key findings in relation to each of these five themes and highlights some of the positive developments that have been identified as well as those areas where there is room for improvement if the authorities are to more closely align with best practice

and international human rights standards.⁵

Overall, all of the eight countries **noted improvements** in the situation in relation to freedom of peaceful assembly: there have been some positive developments in relation to the legal frameworks; fewer restrictions being imposed; more sensitive policing; as well as some positive interventions and oversight from the Ombudsman institutions in many countries.

However, the research identified **some areas of concern**, which need further attention. These include areas where the legislation needs to be further amended; an over bureaucratisation of the administrative procedures; high levels of responsibilities for organisers of assemblies; concerns about the levels of penalties for offences related to assemblies and the limited scope of effective public accountability.

⁵ For a summary of international human rights standards see: Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/018/13/PDF/G1601813.pdf?OpenElement> and OSCE / ODIHR and Venice Commission Guidelines on Freedom of Peaceful Assembly <https://www.osce.org/odihr/73405>



II. LEGAL FRAMEWORK

All the countries involved in the project have both Constitutional provision and legislation pertaining to freedom of assembly. In Bulgaria the legislation relating to freedom of assembly was introduced in 1990 (although subject to more recent amendments) while in Albania the current legislation was enacted in 2001. However, in other countries the legislation is more recent: the law in Croatia was amended in 2012 and in Macedonia in 2015; while new laws were introduced in both Montenegro and Serbia in 2016. There is also either an existing process or potential to review the law or introduce new legislation in Bosnia and Herzegovina, Kosovo and Montenegro.

In many aspects the legislation in the eight countries is broadly compliant with international standards, and in general the recent changes have led to improvements in the law. However, there are also a small number of areas where the research indicates that the legislation does not meet the expected standards. In particular this is in relation to restrictions on locations for holding assemblies; a lack of clarity in relation to spontaneous or non-notified assemblies; the responsibilities imposed on organisers; and also in relation to potential penalties that might be imposed for failing to comply with aspects of the legislation.

Restrictions on the Location

In many of the countries, the legislation provides for a blanket ban on assemblies in a broad range of specified locations including close to Parliament and government buildings, as well as close to schools, hospitals, and in national parks. In Bulgaria for example, amendments to the law in 2010 imposed a security zone around key national institutions; in Croatia, Montenegro and Serbia assemblies may be restricted close to many key government buildings, while in Bosnia and Herzegovina individual cantons may designate those locations where assemblies may be held. International standards recognise the need to find a balance between holding an assembly and the rights of others, but blanket bans are generally considered to be a disproportionate response, rather each assembly should be assessed on its merits and appropriate measures should be taken to facilitate both the assembly and the legitimate use of and access to any particular building. In many of the Balkan countries the existing legislation is thus too restrictive in ensuring that assemblies may take place in a manner that ensures that participants can effectively voice their opinions within 'sight and sound' of their target objective.

Spontaneous Assemblies

It is internationally recognised that it is important for the legal framework to provide for forms of urgent or spontaneous assemblies, which are those that take place 'in response to some occurrence, incident, other assembly or speech or where the organiser (if there is one) is unable to meet the legal deadline for prior notification'.⁶ However, the research identified that in many Balkan countries the law is currently ambiguous or lacking in relation to spontaneous assemblies. In North Macedonia spontaneous assemblies are not specifically mentioned in the law, although they are generally facilitated as there is no legal requirement for advance notification; in Bulgaria and Croatia the law is silent on such assemblies, however the research found that in Bulgaria there have been few cases where fines have been imposed on people for failure to notify and in Croatia the 'police generally allow spontaneous assemblies held without notification'; in Kosovo, Montenegro and Serbia the research found a lack of legal clarity regarding spontaneous assemblies; in Bosnia and Herzegovina the laws in Brčko District, Zenica-Doboj Canton and in Republika Srpska do not allow for spontaneous assemblies; while the Albanian law takes a unique position and states that 'when a group of people spontaneously gathers and do not infringe public order, their activity is not considered an assembly'.

There are thus a variety of different responses to the possibility of holding spontaneous assemblies, but the common feature across the region is a lack of clarity on their legal status. This leaves open the possibility that some spontaneous assemblies will be facilitated

⁶ ODIHR Guidelines (2010) para 126.

while others will be restricted; and that restrictions may be imposed in an arbitrary manner, or may be allowed due to political concerns, rather than human rights principles.

Responsibilities of an Organiser

In many of the Balkan countries the legislation imposes significant obligations on the organisers of an assembly. In particular these include a high level of responsibility for public safety and order (Bosnia and Herzegovina, North Macedonia), which according to international standards are considered to be the responsibility of the police. While it may be reasonable for organisers to utilise stewards to help to manage the assembly, an expectation that they should have a more formal responsibility for public safety and order is generally considered to be disproportionate. Imposing high levels of responsibility on organisers for maintaining order can extend to making them liable before the courts for forms of non-notified assemblies, public disorder, acts of violence and damage to property (Albania, Bosnia and Herzegovina, Bulgaria, North Macedonia). The European Court of Human Rights has argued that individuals may legally be held liable for their own actions but not for the actions of others⁷. Such a liability may serve to deter people from taking responsibility for organising assemblies and may thus act as a 'chill factor' on the right to assemble more generally.

Penalties

There has been a trend in many countries across Europe to increase the levels of potential penalty for offences committed in relation to the organisation of, or participation in, as-

⁷ See *Ezeli v France* 14 EHRR 362 (application no 11800/85, judgement 26 April 1991).

semblies. In some cases penalties may be imposed for procedural or relatively minor issues such as organising or participating in a non-notified assembly or for refusing to obey police orders to disperse. For example, in Albania organising an assembly without permission of the authorities can lead to a one year prison sentence; in Bosnia and Herzegovina the legislation in Sarajevo Canton allows potentially high fines for organisers who do not comply with a number of required activities; in North Macedonia being part of a crowd that commits a criminal offence can lead to a three year prison sentence; while in Serbia the late notification of an assembly can lead to the dissolution of the organising body. Even if the police or the courts do not arrest, charge or convict people, the mere existence of such penalties and the potential for incurring substantial fines or prison sentences may be sufficient to deter people from participating in an assembly and therefore serve to undermine the right.

Summary

The research found that in many cases the authorities interpreted the legislation in a relatively liberal manner: most assemblies were able to take place where the organisers wished; spontaneous or non-notified assemblies were often facilitated; some flexibility was given to organisers in relation to their legal responsibilities; and penalties were not always imposed to their full extent. However, the current legislation often allows for a more restrictive interpretation of the right to assemble and remains open to be more narrowly interpreted at times of increased political tensions or increased mobilisation around opposition groups as occurred in some places in previous years. It is therefore important that legislation relating to freedom of assembly is reviewed and amended to ensure that it is fully in line with international human rights standards.







III. ADMINISTRATION OF ASSEMBLIES

While it is important to ensure that the legislation relating to freedom of assembly is in line with international human rights standards, it is also important to ensure the legislation is effectively implemented to the same principles and that the administration process is designed to ensure effective facilitation of the right to assemble and is not used to create bureaucratic obstacles to the exercise of the right. In the Balkan region the police are often the public authority with primary responsibility for matters related to freedom of assembly, but the municipal authorities also have a prominent role to play in many countries and it is important that such multiplicity of interests does not result in an excessive level of bureaucracy that serves as a chill factor for (potential) organisers.

Notification

In most cases the organisers of an assembly are required to provide advance notification to the authorities of their intention to hold a public assembly. Usually notification is made to the police, but in Bulgaria organisers have to notify to the mayor of a municipality. Notification should be a fairly simple process, but the research found that in some countries there is a lack of specificity and clarity about aspects

of the notification process, for example in Bulgaria, Kosovo and North Macedonia there is no standard notification form available, which leads to the potential for required information not being submitted. In some countries, for example Croatia and Montenegro, it is possible to submit notification to the relevant authorities online, but in others written notification must be submitted by post or by hand. In many Balkan countries the legislation covers a variety of assemblies, public events and 'other types of assembly', some of which may be required to provide notification, but others, due to their scale, or focus may not. For example, assemblies that are considered to have a political or social orientation will be required to provide notice, whereas those considered to have a religious or cultural basis may not.

Traffic

The notification process may also be made more complex by a requirement to inform multiple authorities of an intention to hold an assembly. In Bosnia and Herzegovina, for example, if the organisers plan for a march along a public road then they must also provide advance notification to the ministry responsible for roads and traffic as well as the police

Role of Municipalities

In most Balkan countries the local authorities play a secondary role to the police, but they may still have a level of responsibility both through the enactment of local legislation and through imposing rules to regulate the use of specific public spaces where assemblies may be held. Organisers may thus also be required to seek permission from the municipality, and in some cases also pay fees for some services, as well as provide notification to the police. In Albania, Bosnia and Herzegovina, Bulgaria, Croatia and Serbia the organisers must also comply with an often complex array of local by-laws that are enforced by the municipal authorities and which can make the process of notification more complex and at times confusing for the organisers. In Bulgaria, where the mayor of a municipality has the primary responsibility in relation to assemblies, different municipalities may impose different notification requirements to the national legislation and in some cases have effectively transformed the notification process into one of authorisation.

Costs

The organisers may also be expected to pay for certain services such as the police (Bosnia and Herzegovina, North Macedonia), or be required to provide (and pay for) private stewards (Bosnia and Herzegovina, Bulgaria), to the municipality (Serbia), or for the provision of medical services (Bosnia and Herzegovina), all of which may act as a deterrent to potential organisers of assemblies or might encourage people not to comply with the formal legal requirements and instead hold non-notified assemblies.

Summary

The research found that although there were few examples identified of assemblies being banned, there was scope for improvements in the administration procedures related to assemblies. The notification process, for example, is supposed to better enable the authorities to facilitate assemblies and to minimise disruption to others, it should therefore be a simple process rather than be overly bureaucratic, involving both the police and the municipal authorities. However, while in some countries, such as Croatia, Kosovo and Montenegro, the process appears to be relatively simple and straightforward, in others, such as Albania, Bosnia and Herzegovina, Bulgaria and Serbia, the process can be more complex or time consuming and may require the engagement with multiple bodies, and some of the requirements imposed on the organisers may serve as a chill factor that may encourage them to refuse to notify, which in turn could create challenges to the authorities in facilitating the right to assemble.





IV. POLICING OF ASSEMBLIES

In contrast to the earlier research, the more recent studies did not identify any specific problems related to the policing of assemblies during 2017 and 2018. Rather interviewees often commented that the standard of policing had improved over recent years, with fewer contentious assemblies and less aggressive forms of policing. In Bulgaria, Croatia, Kosovo and North Macedonia, in particular, the organisers of assemblies commented that the police were usually willing to engage in dialogue with the organisers of assemblies to address problems or resolve any potential issues and aimed to facilitate assemblies if they had been notified.

Use of Force

The 2016 summary report of the assembly monitoring project in the Western Balkans highlighted a number of problems in relation to the use of force by police during protests, with examples cited of aggressive response to protests in Bosnia and Herzegovina, North Macedonia and Montenegro. A relatively small number of examples of use of force by the police were noted in Bosnia and Herzegovina in the 2017 country report in protests organised by women in Kruščica and Gračanica; and again in 2018 in relation to protests by military veterans in Tuzla and Sarajevo, and in response

to the Justice for David protests in Banja Luka. Issues relating to the use of force by the police at assemblies therefore must remain an area of underlying, if not immediate, concern.

Surveillance

There were also some concerns about the use of surveillance of protests and about the potential presence and role of undercover police officers. In Serbia concern was expressed both at the unannounced use of high tech cameras and the recent acquisition of facial recognition software, while in Bosnia and Herzegovina and North Macedonia some interviewees voiced concerns about the role of undercover police officers. In both cases the research noted that these concerns were unsubstantiated, but they do highlight a concern about police techniques and an underlying suspicion of the police as an institution.

Equality

In Bosnia and Herzegovina and Bulgaria the local LGBT organisations highlighted concerns about their lack of confidence in the police. In Bosnia and Herzegovina the concerns were primarily in relation to additional administrative restrictions in the holding of LGBT events and in Bulgaria they were largely focused on



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failure to provide appropriate levels of protection when LGBT events faced right wing opposition.

Media and Monitors

In most countries in the Balkan region it was reported that journalists and human rights monitors were able to attend, document and report on assemblies without any restrictions. However, the research identified some problems in both Bosnia and Herzegovina and North Macedonia during the research period. Although the media were generally able to report on assemblies in Bosnia, some journalists were attacked by participants when covering a veteran's protest in Sarajevo in October 2018, and journalists also faced hostility in Banja Luka because of their coverage of the Justice for David campaign. Similar problems have identified in North Macedonia where it

was reported that on at least twelve occasions journalists had been attacked while reporting at assemblies during 2016 and 2017. In all of these examples the journalists faced problems from participants rather than the police, but it remains the responsibility of the police to ensure that the media can report in safety.

Police Training

The research generally found that in spite of improvements, and perhaps due to tensions and use of force at protests in the recent past, there was still a need to consolidate the positive changes in the policing of assemblies. It was therefore recommended that the police undergo regular or further training in relation to all aspects of the policing of assemblies, and in particular in relation to consolidating the use of dialogue and ensuring that any use of force remains proportionate.

Police Accountability

In most countries it was recorded that police officers wore a form of individual identification on their uniform, which is recognised as an important factor for public accountability, it was also noted that in Montenegro plans were in place to improve the current arrangements. However, there were a number of concerns about the overall effectiveness of processes for holding individual police officers to account. For example, in Bosnia and Herzegovina cases involving police accountability related to actions at protests appeared to move very slowly; in Bulgaria holding police officers to account for actions at assemblies was considered to be 'almost impossible'; in Montenegro a police commander convicted of an offence related to use of force at an assembly received a minimal sentence that would enable him to resume his police career after completing his prison sentence; while in Serbia there appeared to be no effective way to hold the police to account for restrictions on assemblies organised by the Falun Dafa organisation.

Summary

The research found that in general the policing of assemblies had improved in recent years. Positive developments included a willingness by the police to engage in dialogue with organisers before and during assemblies; and few cases where concerns were raised about police use of force. However, it should be cautioned that in most countries there had not been the types of large scale protests that had been seen in previous years, and the response by the police in Republika Srpska to the Justice for David campaign in December 2018 illustrates that use of force may remain as a core feature of protest policing. Researchers in most countries considered that the police needed more and better training in the policing of assemblies, and they also raised concerns about the effectiveness of existing procedures and mechanisms for holding the police publicly to account.





V. CRIMINALIZATION OF PROTESTS

It was noted above that the legislation in a number of the Balkan countries allows for disproportionate fines for offences related to organising or participating in an assembly, and which, even if they are not imposed, may serve to act as a deterrent or 'chill factor'. An indiscriminate use of arrests at assemblies may also serve to deter participation in assemblies. Concerns about such chill factors were particularly cited by the researchers in Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia.

Criminal Charges

In most of the countries assembly related offences were generally linked to acts of violence or public disorder, but one area of concern that was noted was the prosecution and conviction of people simply for organising or participating in assemblies that were considered to be illegal due to a failure to notify the authorities. In Albania, Montenegro and Serbia a number of cases were reported where people had been fined for such minor offences. In Bosnia and Herzegovina a number of people associated with the Justice for David campaign were arrested and charged with various criminal offences related to the protests, with at least one person sent to prison for peaceful, if disrupt-

tive, activities but which would not have been considered a violation under international standards.

Social Media

It was acknowledged that social media was being increasingly used to organise and publicise assemblies, as well as to disseminate information about and during the assembly and how it was treated afterwards. In most countries no restrictions were imposed on social media usage related to assemblies. However, some people interviewed in North Macedonia claimed that on occasion there had been interference with Facebook and access to the internet, while in Serbia it was reported that the authorities had used Facebook posts as evidence to charge people with the organisation of non-notified assemblies.

Penalties

There does not appear to be any clear evidence of the authorities systematically imposing excessively high fines on those convicted of assembly related offences. However, there were some exceptions. In Albania fines of nearly €500 have been imposed on some people for 'participation in an illegal gathering' and in Serbia it was reported that one person had been charged and fined on numerous oc-

casions and accruing a total fine of €2,500,000, while another person was sent to prison for unpaid fines related to protest activity.

Respect for Judiciary

A number of people interviewed as part of the research commented that there was little respect for the judiciary in their country, which was not seen as fair or impartial. In Albania the judiciary was widely considered to be corrupt but it was noted that there was currently a comprehensive evaluation process of the judiciary and which it was hoped would improve the situation. In some countries the law was seen to move very slowly, which undermined confidence in the justice system: for example in Serbia this had resulted in many charges being dropped due to the cases exceeding the two year statute of limitations. In North Macedonia the research found that none of those who had been charged with protest related offences been acquitted, perhaps reinforcing a sense that the judiciary was not independent; whereas in Montenegro, a majority of those charged were found not guilty, raising questions about the political motivation for charges being brought in the first place. In both countries fewer than half the population expressed any degree of trust in the judiciary.

Summary

In a number of Balkan countries concerns were raised about the fairness and quality of justice for people charged with offences related to public assemblies.



In particular there were concerns about fines being imposed for administrative offences such as failure to notify an assembly or for participating in an illegal assembly. Although there were relatively few cases where the courts were used in response to activities related to assemblies, there was a generalised lack of confidence in the quality and independence of the judicial system.



Photo credit: Vanja Stokić



VI. ACCOUNTABILITY

A number of the concerns that were raised related to issues of trust in institutions; a belief in fairness and consistency of practice; whether there was an opportunity to complain or appeal; and to have that complaint heard in a fair and timely manner. All these are elements of a broader process of public accountability that is central to any open and democratic society.

This review has already noted some concerns about the limits of effective accountability of police officers in relation to their actions in policing assemblies and of the impartiality of the judicial system, as well as some problems that sections of the media have experienced in reporting at assemblies in some countries.

It is therefore important to consider how levels of public accountability may be increased, as part of a wider process of sustaining an effective democracy, but also to enable the right to public participation and to ensure effective protection for the right to peaceful assembly. In part this could be done through ensuring effective consultation on changes to legislation; in publishing accurate data on assemblies; and in ensuring there are strong and independent institutions to hold the authorities publicly to account.

Consultation

It is considered good practice to consult with a range of key stakeholders when making changes to legislation and offer them the opportunity to contribute to the nature and scope of any reforms. In some cases governments have sought the opinion of international bodies, such as the OSCE / ODIHR and the Venice Commission, when drafting new legislation, but at the same time they may be unwilling to engage with local civil society and seek their views on proposed changes. Governments should be encouraged to engage more with local civil society, which often has extensive practical experience in such matters, when reviewing legislation, as this may lead to a better quality law, as well as help build greater levels of trust between sectors within society.

Data on Assemblies

The provision of accurate data on the number of assemblies being notified, the numbers that might be restricted or banned; as well as data related to police interventions, arrests and similar can also underpin public accountability relating to the right to assembly. At present regular information on assemblies is not wide-

ly available in an easy and accessible manner across the region. In Croatia and Kosovo some data is published by the Ministry of the Interior or Internal Affairs; but in Albania, Bosnia and Herzegovina, Bulgaria, Montenegro and North Macedonia such data is only available on submission of freedom of information request or similar; and in Serbia data does not appear to be readily available.

Ombudsman

One means of improving standards and levels of accountability in relation to freedom of assembly is through a broader engagement of the office of the Ombudsman or National Human Rights Institution in each of the various countries. In many places the Ombudsman has already taken an interest in the issue: in Albania the Ombudsman has intervened in two cases after assemblies had been banned; in Bosnia and Herzegovina the Ombudsperson has issued recommendations in three cases related to freedom of assembly; in Croatia the Ombudsman intervened in relation to assemblies held near hospitals; in North Macedonia the Ombudsman intervened in five cases in 2017 in relation to the policing of assemblies; while in Montenegro the Ombudsman intervened to secure the prosecution of a police officer for actions related to an assembly.

There have been concerns raised about the impartiality or effectiveness of the Ombudsman Institution in some countries, and questions

have also been posed about whether the relevant authorities subsequently responded to any recommendations that were made, but in most countries the Ombudsman does appear to be an institution that can highlight limitations in relation to the facilitation of the right to freedom of peaceful assembly and hold the authorities publicly to account.

Summary

There is a need to increase the level of public accountability in relation to all aspects of freedom of assembly, including more inclusive consultation in relation to drafting or amending legislation; making data publicly available on the number of assemblies taking place and any restrictions imposed on them; in opportunities to effectively appeal against bans or restrictions on assemblies; and to ensure police officers can be held independently to account. In many countries the Ombudsman or National Human Rights Institution has either already investigated some issues or is well placed to take on such a role and is thus well placed to play a more prominent role in ensuring the right to peaceful assembly is protected and enabled in Balkan countries.





VII.

RECOMMENDATIONS

The following recommendations are based on the findings presented in the various reports based on research coordinated by ECNL and carried out in eight Balkan countries (Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Kosovo, Montenegro, North Macedonia and Serbia) between 2016 and 2018. The recommendations are designed to highlight a range of issues that appear to be common to some or all of the eight Balkan countries and are designed to build on existing legal structures and good practice to better ensure that the right to freedom of peaceful assembly is fully protected.

- 1. Legislation:** Governments should ensure that all legislation relating to freedom of assembly conforms to international human rights standards as elaborated in the ODIHR Guidelines on Freedom of Peaceful Assembly. In particular, the governments should review existing law relating to spontaneous assemblies; the requirements imposed on organisers; blanket restrictions on locations where assemblies might be held; and the levels of penalties and punishments that might be imposed on organisers and participants.
- 2. Consultation:** Governments should consult with all key stakeholders, including civil society organisations, when drafting or amending legislation relating to freedom of peaceful assembly.
- 3. Notification:** The relevant authorities should review their procedures for advance notification of assemblies to simplify and streamline the procedure for organisers and to ensure that they only have to engage with a single body while planning an assembly.
- 4. Municipal Authorities:** Local authorities should review their by-laws, regulations and practices relating to assemblies, to ensure they are compliant with international human rights standards and with national standards and practices.
- 5. Dialogue and Engagement:** The police should develop and extend their existing practices in relation to working with organisers of assemblies and to ensure that any problems can be addressed without recourse to use of force.
- 6. Police Training:** The relevant authorities should ensure that police are appropriately trained and equipped to enable them to

facilitate peaceful assemblies safely and to international human rights standards.

7. **Media:** The police should ensure that they can provide adequate protection for media and journalists, and also for human rights observers, while they are monitoring and reporting at assemblies.
8. **Penalties:** The relevant authorities should ensure that penalties imposed on people for non-violent offences committed in relation to assemblies are proportionate to the offence.
9. **Accountability:** The Ombudsman Institutions should monitor developments in relation to freedom of peaceful assembly and intervene where appropriate to hold the government and other authorities effectively to account.



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 **#right2freeassembly**

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