

WHAT ARE YOUR RESPONSIBILITIES WHEN EXERCISING THE RIGHT TO PEACEFUL ASSEMBLY?

The organisers of a gathering also have an obligation to ensure that the event takes place peacefully. Therefore, the organisers should liaise with the police before and during the event, as necessary, and should also contribute to the orderly and peaceful conduct of the meeting by providing officials to assist in the management of participants.

CAN YOU BE HELD RESPONSIBLE FOR THE ACTIONS OF OTHERS?

In a demonstration, there is a need for a practice that differentiates and provides security by not holding protesters on the street responsible for the attitudes and behaviour of those who are prone to violence; individuals should only be held responsible for their own actions.

.....
Organisers should not be responsible for the actions of individual participants or for acts of violence that may occur at a gathering. According to the judgement of the European Court of Human Rights (ECtHR): Individuals should only be held responsible for their own actions. (Ezelin v. France, 1991).
.....

CAN YOU BE ARRESTED OR PROSECUTED?

'Chapter 154 criminal code' regulates the offence of unlawful assembly and stipulates imprisonment of up to one year. The ECtHR, in a judgement on the subject, interpreted these articles to cover persons who use violence and made a distinction by exempting unarmed persons who gather without opting for violence.

The Human Rights Platform strives for achieving universal standards for the Freedom of Peaceful Assembly as a fundamental democratic right in the northern part of Cyprus and to foster an environment where each individual can freely exercise this right and make their voice heard without feeling under pressure.

- To achieve this objective, The Human Rights Platform carries out awareness-raising activities through various publications and organizes activities such as trainings, panels/seminars.
- Carries out monitoring, reporting and advocacy activities on Freedom of Peaceful Assembly.
- It provides legal support and legal aid to individuals whose rights are violated in this regard.

DID YOU KNOW THAT YOU CAN CONTACT THE HUMAN RIGHTS PLATFORM'S HOTLINE AND GET SUPPORT AND/OR FREE LEGAL COUNSELLING ON VIOLATIONS OF YOUR RIGHTS?

ABOUT THE HUMAN RIGHTS PLATFORM

The Human Rights Platform struggles for an egalitarian, just, democratic and inclusive world where universal human rights and freedoms are accessible and guaranteed for everyone, protected and continuously improved through effective mechanisms.

HUMAN RIGHTS PLATFORM PROJECT

The Human Rights Platform Project aims for developing a more just, equitable, democratic and inclusive society where human rights are not only respected but cherished.

Follow us to get further information about the Human Rights Platform and the Human Rights Platform Project funded by the European Union.

Scan the QR code to access our website:



[f ihp.hrp](https://www.facebook.com/ihp.hrp) [@ ihp.hrp](https://www.instagram.com/ihp.hrp) [t ihp_hrp](https://www.twitter.com/ihp_hrp) [✉ info@ihpcy.eu](mailto:info@ihpcy.eu)



This publication was funded by the European Union. The contents of this brochure are the sole responsibility of the Human Rights Platform and do not necessarily reflect the views of the European Union.



Right to Peaceful Assembly

Informative Brochure

Freedom of peaceful assembly enables individuals to express their views, participate in decision-making processes and advocate for change, and contributes to a more inclusive and democratic society by empowering disadvantaged groups.

İnsan Hakları Platformu
Human Rights Platform



This publication was funded by the European Union. The contents of this brochure are the sole responsibility of the Human Rights Platform and do not necessarily reflect the views of the European Union.

The right to peaceful assembly is a fundamental human right that enables individuals to express their views, take collective action and peacefully protest perceived injustices and rights violations or advocate for social change. This right provides a platform for citizens to voice their concerns and contribute to the democratic process. As a crucial element of a functioning democracy, it encourages public participation, enables the exchange of different perspectives and promotes dialogue between the state and citizens. The right to assembly can be particularly important and salient in times of political tension or when citizens demand social change. It serves as an important tool for advocating change in situations where formalized mechanisms of promoting social change are lacking, and it also plays a role in ensuring that those in power are held accountable. It also provides a platform for minority groups, activists and civil society organisations to assert their rights, challenge discrimination and promote inclusion.

Freedom of Peaceful Assembly is recognised and regulated by international conventions such as Article 20 of the Declaration of Human Rights; Article 21 of the International Covenant on Civil and Political Rights (ICCPR); Article 8 of the International Covenant on Economic, Social and Cultural Rights (ICESCR); Article 11 of the Council of Europe Convention on Human Rights; the OSCE Office for Democratic Institutions and Human Rights and the Venice Commission of the Council of Europe. In the northern part of Cyprus, this right is recognised and regulated under article 32 of the 'constitution', titled 'The Right to Assembly and Demonstration'.

SCOPE OF THE RIGHT TO PEACEFUL ASSEMBLY

According to international standards, the principle of non-discrimination and equality applies to all, excluding no one, and provides an opportunity for individuals, regardless of their power, wealth or status, to express their views and opinions publicly, regardless of whether they contradict the prevailing and dominant views in society.

The various forms of freedom of assembly encompass assembly, demonstration, strike, rally, march and protest. Assemblies can take the form of static assemblies, such as mass actions, rallies, sit-ins, strikes and flash mobs; mobile assemblies, such as parades, marches and processions; and combinations of these, as well as convoys or mass bicycle rides. These can take the form of pre-planned or short marches and actions of 2-3 hours or strikes that can last for days.

According to international standards and the 'constitution', this right recognises the right to assembly or to demonstrate without the need for prior authorization, while remaining unarmed and non-violent.

WHAT ARE THE RESTRICTIONS ON THE RIGHT TO PEACEFUL ASSEMBLY?

It is important to note that the freedom of peaceful assembly is not absolute and may be subject to certain restrictions to protect public safety, national security and the rights of others. However, these restrictions must be necessary and proportionate in a democratic society. Restrictions should only be within the scope set out above and clearly prescribed in law. Restrictions must not be unduly vague or give the authorities excessive discretion.

The right to peaceful assembly, when exercised through demonstrations, inherently entails temporary disruptions to activities such as vehicle and pedestrian traffic, business operations, and temporary inconveniences to the public. According to the judgement of the European Court of Human Rights (ECtHR): Public meetings, demonstrations and marches may temporarily interfere with or disrupt routine daily activities. (Oya Ataman v. Turkey, 2007, para. 38)

MAIN PRACTICES RELATED TO THE FREEDOM OF PEACEFUL ASSEMBLY WITHIN THE SCOPE OF LOCAL 'REGULATIONS'

Individuals or groups who will organise an action using the right to peaceful assembly submit a petition to the 'district governor's office' of the region where the action will take place, according to the relevant local 'regulations' and practices. If a sound system and/or a platform is to be installed at the protest site, the relevant 'district governor's office' shall be informed about environmental noise issues. The 'police' is also notified for reasons such as the regulation of traffic and the protection of protesters.

WHAT IS THE ROLE OF THE POLICE?

The police have both a duty of facilitation and the power to intervene in demonstrations organised within the scope of the right to freedom of peaceful assembly, but solely when it is deemed necessary in a democratic society, carried out in a proportional manner, and predetermined by law. In order to fulfil these duties effectively and in line with international standards, police officers need to be trained in human rights and crowd management principles and practices. It is also very important that there are clear provisions in the legislation on this issue. Police should also protect participants from interference or violence by non-state actors, such as other members of the community or counter-demonstrators. They should not impose undue burdens on organisers or participants in peaceful assemblies.

As per the ruling of the European Court of Human Rights (ECtHR): The court emphasised the responsibility to take measures to protect activists who exercise their right to freedom of peaceful assembly from aggressive actions by third parties. (Ouranio Toxo and Others v. Greece, 2005, para. 43)

