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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

LAW
ON CONDUCTING MEETINGS, ASSEMBLIES,
RALLIES AND DEMONSTRATIONS
OF THE REPUBLIC OF ARMENIA

as would result from the draft Law
prepared in April 2008¹

¹ Document prepared by the Venice Commission Secretariat. **The amendments appear in “track changes”.** The draft Law appears in document CDL(2008)051.

ARTICLE 1 - OBJECTIVES AND SUBJECT OF REGULATION OF THE LAW

The objective of this law is to create the necessary conditions for citizens of the Republic of Armenia, foreign citizens, stateless persons (hereafter referred to as “citizens”) and legal persons to exercise their constitutional right to conduct peaceful, weaponless meetings, assemblies, rallies and demonstrations. The exercise of this right is not subject to any restriction, except in cases prescribed by the Law and which are necessary in a democratic society in the interests of national security or public safety for the prevention of disorder and crime, for the protection of health and morals, or for the protection of the rights and freedoms of others. This article does not prevent the imposition of lawful restrictions on the exercise of police and state administrations.

ARTICLE 2 - MAIN CONCEPTS USED FOR THE PURPOSES OF THE LAW

The main concepts used for the purposes of this law shall have the following meanings:

- public event : peaceful and equitable meetings, assemblies, rallies (processions) or demonstrations (including pickets) conducted in places of general public use for the purpose of expressing opinion, seeking, obtaining or disseminating information or views on economic, social, political, spiritual or other claims, problems and issues;
- meeting, assembly, demonstration : a [public] event organized on one place;
- rally : an event constituting a movement from one location to another. A rally may also be conducted with use of public transportation means;
- place of general use : an open space of state or municipal property (street, square, park, garden, land plot, etc.), where free access or presence of citizens is neither prohibited nor restricted;
- mass public event : a public event with participation of 100 or more citizens;
- non-mass public event : a public event with participation of less than 100 citizens;
- other event : celebrations, ceremonies, cultural or sport events;
- spontaneous event: a peaceful public event, which has not been announced before and has the need to respond immediately to a specific phenomenon or event.
- an object of a special importance : on object having state or strategic significance , or presenting high degree of danger, or ensuring the vital functions of the population.
- organizer : a citizen or a legal person who issues notifications or determines procedures (purpose, date and time, venue, manner or other conditions) for conducting a mass public event or any other event;
- participant in a public event (hereinafter referred to as participant) : a citizen who at the time of convention of the public event was present in the place of the public event with a purpose of taking part in the public event. Citizens present in the place of the public event during the convention of that public event for the purposes of carrying out their formal or professional or creative or any other statutory or contractual duty, as well as representatives of mass media present for the purposes of covering that public event, shall not be considered participants in the public event;
- authorized body : bodies considering notification on convention of a mass public event, i.e. community head and Yerevan Mayor for Yerevan.

ARTICLE 5 - ORGANISATION AND CONVENTION OF A PUBLIC EVENT

1. Citizen(s) or legal person(s) shall have the right to organize public events.
2. A public event may be organized and held in one or several manners stipulated by this law.
3. State or local self-governance bodies shall not infringe upon or intervene in mass public events held in accordance with the procedures stipulated by this law.
4. If a public event is organized by a juridical person, the organizer is considered to be the person who has the right to present it or the person who is authorized by the juridical person to implement the duties of the organizer.
5. In case of replacement of the organizer prior to commencement of a mass public event, the organizer shall, not later than 3 hours prior to the commencement of the public event, issue a written notification to the authorized body, its representative or a police representative, enclosing all information about the organizer required by this law.
6. A mass public event shall not commence unless one of the organizers is present.
7. The organizers of other events in places of general use, as well as the organizers of non-mass public events, have the right to conduct these events under the rules provided by the present law for conducting mass public events.

ARTICLE 6 - RIGHTS AND DUTIES OF ORGANISERS OF A PUBLIC EVENT

1. The organizer shall have the right
 - 1) to choose, at his/her discretion, location and procedure for conducting a public event,
 - 2) to terminate the public event at any time,
 - 3) to request the police to expel from the venue of the public event citizens who engage in unlawful activity or violate public order,
 - 4) to create weaponless groups bearing special identification signs (hereinafter referred to as volunteer groups) that should help ensure public order and legitimacy [of the public event],
 - 5) to turn to the police for issues related to protection of public order or safety of participants of the event prior to and during convention of the public event,
 - 6) to disseminate information about the date, time, venue, purpose, procedure of the public event as well as solicit participation in that event in through the mass media and other lawful means,
 - 7) exercise rights established for participants [of public events].

2. The organizer shall

- 1) assume duties stipulated for the participants [of public events],
- 2) ensure that prior to commencement of the public events his/her first and family name is announced; should the public event be organized by a legal entity, the full title of such entity, the purpose of the [public] event, the format of the public event, as well as a estimated time of completion of the public event are announced. Should a rally be conducted in the course of the public event, the itinerary and the timing of such rally shall also be announced.
- 3) take measures aimed to ensure compliance of the participants of the public event with the legislation and requirements for protection of public order,
- 4) inform the participants of the public event on the existence of volunteer groups and their identification signs,
- 5) immediately inform the participants of the public event about demands of police representatives to stop unlawful actions or violations of public order.

ARTICLE 7 - RIGHTS AND DUTIES OF PARTICIPANTS OF A PUBLIC EVENT

1. Every citizen shall have the right to participate in public events.

Every citizen shall have the right to stop his/her participation in public events.

None shall have the right to oblige a citizen to participate in any public event.

2. Participants in a public event may have or carry pennants and other displays and use loudspeakers.

3. Every citizen shall have the right to photograph public events and record them on video or audio.

4. Participants of public events are prohibited from carrying, using, operating and applying weapons, ammunition or explosive, poisonous, flammable or any other similar items or substances that may inflict damage on life, health or property of persons.

5. Participants shall be prohibited from distributing or using alcoholic beverages during public events.

6. Participants of public events shall

- i. respect public order,
- ii. follow legitimate requests of the organizer, volunteer groups, authorized body or police representative and refrain from hindering their legitimate actions,
- iii. in the event of termination of the public event, immediately leave the venue of the public event,
- iv. refrain from inflicting damage on property, trees, bushes and green areas located in the venue of the public event,
- v. refrain from blocking free entry and exit to and from buildings, constructions and other areas in or adjacent to the venue of public event.

ARTICLE 8 - DUTIES OF AN AUTHORISED BODY AND THE POLICE

1. The authorized body shall
 - i. appoint its representative and immediately inform the organizer thereon,
 - ii. notify relevant police authority and Governor on the mass public event and its representative,
 - iii. ensure presence of its representative at the mass public event during the entire course of the mass public event.
 - iv. its actions should be guided by other fundamental principles of proportionality and administration, according to the Law of RA “On Foundations of Administration and Administrative Proceedings”.

2. The police shall
 - i. upon receipt of notification on the mass public event, appoint its representative and inform the organizer and the authorized body thereon,
 - ii. ensure presence of its representative at the mass public event during the entire course of the mass public event,
 - iii. ensure general legality of the mass public event and protection of public order,
 - iv. expel from the venue of the mass public event persons who engage in unlawful activity or violate public order,
 - v. is obliged to ensure free entry and exit to and from buildings, constructions and other areas in or adjacent to the venue of public event;
 - vi. Its actions should be guided by other fundamental principles of proportionality and administration according to the Law of RA “On Foundations of Administration and Administrative Proceedings”;
 - vii. take, in cases and according to procedures stipulated by this law, decisions on terminating a public event or other event conducted in violation of provisions of this law and demand such termination from the organizer of the public event,
 - viii. in cases and according to procedures stipulated by the law, compulsorily terminate public or other event,
 - ix. exercise other functions in conformity with the law.

ARTICLE 9 - LIMITATIONS ON ORGANISING AND CONDUCTING A PUBLIC EVENT

1. Citizens in pre-trial detention or prison institutions, as well as citizens qualified by court as incapable or partially incapable, shall not have the right to organize public events. Citizens under 18 years of age not yet qualified as fully capable by procedure stipulated by law, shall have the right to organize mass public event with written permission of parents or custodians.

2. The right to organize or participate in public events shall not be granted to
 - i. employees of police and national security bodies except for cases stipulated by law,
 - ii. military officers and employees of penitentiary institutions.

3. It is prohibited to conduct public events in places less than 150 meters away from military units, defense facilities, penitentiary institutions and pre-trial detention centers.

4. Holding of a public event could be prohibited by the authorized body:

- i. on bridges, in tunnels, underground areas, hazardous buildings, construction areas, if the public security, health of participants and others are endangered;
- ii. in the proper distance away considered necessary by police for security reasons from the Residence of the President of the Republic, "Atomic Electrical Station of Armenia" CJSC, Underground Gas Repositories and bodies of their supplies, "Orbita 2" Satellite over ground Station;
- iii. If, according to credible data, the conduct of the event creates imminent danger of violence or real threat to the national security, the public order, the health and morality of society, the constitutional rights and freedoms of others or is aimed at forcibly overthrowing the constitutional order, or inflaming ethnic, racial, or religious hatred, or preaching violence or war, or may lead to mass disorder or other crimes. Such data may be considered credible, if the Police or the National Security Service adjunct to the Government of the Republic of Armenia has issued a justified official opinion on the data. In the same manner, the aforementioned bodies issue an opinion on the discontinuance of such grounds
- iv. in areas not for general use, if the rights of its disposer, matron and user are violated.
- v. The decision to prohibit the conducting of a mass public event may be appealed to court. The Court shall be obliged to render a judgment within 24 hours. The court's judgment on invalidating the decision to prohibit the conducting of a mass public event shall become effectively from the moment it is promulgated".

Supprimé : If, according to credible data, they are aimed at forcibly overthrowing the constitutional order, or inflaming ethnic, racial, or religious hatred, or preaching violence or war, or may lead to mass disorder and crime, or to undermining the national security, the public order, and the health and morality of society, or to encroachments on the constitutional rights and freedoms of others.

Supprimé : n

5. In cultural and sport complexes, public events could be restricted by the authorized bodies in order not to disrupt normal course of these events.

6. A spontaneous mass public event may not last more than six hours. Any subsequent mass event conducted on the same issue may not be deemed spontaneous and must be conducted in accordance with the notification procedure".

Supprimé : <#>In cases when mass public events have turned into mass disorder that has led to human casualties, then, in order to prevent new crimes, if other means of prevention have been exhausted, the authorized body may temporarily prohibit the conducting of mass public events until discovering the crime circumstances and the persons that committed crimes

ARTICLE 10 - NOTIFICATION ON CONDUCTING A PUBLIC EVENT

1. With the exception of spontaneous public events, Mass public events may be conducted only after notifying the authorized body in writing."

2. Citizens and legal persons shall have the right to convene non-mass public events without notification to the authorized body, provided that such events do not disrupt public order. Non- mass public events conducted in violation of the present article are considered to be forbidden and can be terminated according to the provisions of the present law on stipulated order on conducting public events.

3. Organizers submit a written notification about organization of a mass public event to the head of the community where mass public event is organized or to Mayor of Yerevan [in case the public event is held in Yerevan] not later than five working days and not earlier than twenty days prior to the convention of the event. The notification is legal and will be considered, in case it is submitted. Should the mass public event be conducted as a rally, such notification shall be submitted to authorized bodies of all areas on the route of such rally.

ARTICLE 11 - CONTENT AND PROCEDURE FOR SUBMISSION OF NOTIFICATION ON CONDUCTING MASS PUBLIC EVENT

1. Notification, signed by organizers, on conducting a mass public event shall include:

- the venue of the mass public event, possible time of beginning and end, if a rally is envisaged, then the route and the possible schedule of the rally,
- Passport details or details of any other document certifying the identity.

In case the mass public event is organized by juridical person, together with notification, also the decision of the competent body about the organization of the event should be enclosed.

2. Persons under 18 years of age not qualified as fully capable should also submit a written consent of their parents or custodians.

3. Should the notification be delivered in person, validity of signature of the organizer, parents or custodians shall be confirmed by an official receiving the notification or, [if the notification is delivered] otherwise, be certified by a notary.

4. Notification on conducting a mass public event submitted to authorized bodies is entered in a special journal in chronological order, and copies thereof are posted in an accessible and visible location on the premises of the authorized body. The authorizing body should send a copy of the notification to the relevant bodies of police.

ARTICLE 12 - CONSIDERATION OF NOTIFICATION ON CONDUCTING A MASS PUBLIC EVENT

1. The authorized body shall consider the notification within 72 hours of receiving it, in the order in which notifications have been received.

2. The Head of community or his/her authorized representative (in the case of Yerevan, the Mayor of Yerevan or his/her authorized representative) shall carry out consideration of notifications and take decisions [with respect thereof] on behalf of the authorized body.

3. The consideration of notifications shall be public. Consideration of notification may be attended by the organizers or not more than their three representatives. Consideration of notification shall be carried out regardless of presence of the organizers.

Consideration of notification may be attended by other persons invited by the authorized body.

4. Procedure for consideration of notifications is established by the authorized body; however, the organizer shall be fully entitled to the right to present his/her position. Participants to consideration of notifications shall have the right to speak, ask questions, answer questions, make suggestions or interventions and submit additional documents, judgments or other information. Consideration of each notification shall not take more than one hour.

5. Should the organizer submit a flawed notification, the authorized body shall, at the time of consideration of such notification, offer detailed information on such flaws to the present organizers or their representatives. If possible, the flaws shall be fixed on the spot and consideration of the notification shall continue.

Consideration of notification or decision making may be put off exclusively at the request of the organizers, if there is a need to fix the flaws identified in the notification or it is necessary to submit additional documentation. Should consideration of notification or decision making be delayed, the time frame established under para. 1 of this Article does not apply.

6. In the result of consideration of the notification, in the absence of the circumstances referred in the Article 13, the notification about mass public event is taken into consideration and the event is held in the place and time mentioned in the notification. In the presence of the circumstances referred in Article 13, a decision is taken about prohibition of a mass public event.

7. The authorized body shall immediately inform the organizers and the police on its decision taken as a result of consideration of the notification and shall post it in a specially dedicated accessible and visible spot. The decision of the authorized body shall remain posted until 18:00 hours when the mass public event mentioned in the consented notification takes place.

8. Should the authorized body not issue a decision prohibiting convention of the mass public event within 72 hours of receiving the notification, the organizers shall have the right to conduct the mass public event on terms and conditions set forth in the notification.

ARTICLE 13 - PROHIBITION TO CONDUCT A MASS PUBLIC EVENT

1. In the result of the consideration of a notification, the decision taken by the authorized body according to the rule prescribed in Article 12, a mass public event could be prohibited only, when:

- i. After being informed about the missing information, the notification is not accompanied by all documents required under Article 11 of this law, or any required information is missing,
- ii. some other mass event or other event that precludes convention of the event takes place on the mentioned date, time and location,
- iii. The grounds stipulated by Article 9 of this Law are present .

The rally could be prohibited if the continuation of the rally is so long that will result in an unreasonable restriction of rights and freedoms of other people.

2. The decision to prohibit conducting a mass public event shall contain a justified and clear explanation of the grounds whereby the mass public event is prohibited.

3. The decision to prohibit conducting a mass public event may be appealed in court. The court shall issue a verdict within 24 hours. A court verdict to invalidate the decision to prohibit conducting a mass public event enters into force from the date of issuance.

4. Should the authorized body find during the consideration of notification that there are grounds to prohibit conducting a mass public event pursuant to paragraph 2 or last paragraph of part 1 of this Article, the authorized body shall offer to the organizer other dates (in the place and at the time specified in the notification) and other hours (in the place and on the date specified in the notification) for conducting a mass public event or other conditions concerning the form of the event

5. Should the authorized body find during consideration of the notification that there are sufficient grounds to prohibit conducting a mass public event in accordance with Paragraph 3, Sub-Paragraphs 4(2) and 4(4), and Paragraph 5 of Article 9 of this Law, the authorized body shall offer to the organizer another place for conducting the mass public event (on the date and time specified in the notification).

Another place proposed by the authorized body shall meet reasonable requirements of the organizer, specifically with regard to possibility of participation of an estimated number of participants, provided the notification contains such information. Proposed places should not include areas outside the selected community and, in the case of Yerevan, areas outside selected districts. The proposed place shall be as close as possible to the place specified in the notification.

6. Any other date, time or place for conducting a mass public event may be identified subject to mutual consent of the authorized body and the organizer.

7. Should the organizers consent to any of proposals of the authorized body under paras. 4 thru 6 of this Article, the authorized body and the organizers shall prepare a protocol that empowers the organizers to conduct a mass public event.

ARTICLE 14 - BASES AND PROCEDURE FOR TERMINATION OF A PUBLIC EVENT

1. Police representatives shall have the right to take a decision with regard to terminating a public event, establishing reasonable time-frame for such termination and requesting the organizers to terminate the public event if :

- i. a mass public event is conducted without notification;
- ii. a spontaneous mass public event continues for more than six hours.
- iii. a mass public event is prohibited,
- iv. notwithstanding a warning by a police representative, the public event or other events continue in full or in part in locations referred to under para. 3 of Article 9 of this law or considerably deviate from the itinerary or schedule of the rally,
- v. notwithstanding a warning by a police representative, public order and requirements of the law are violated and, by doing so, life and health of persons, national security, public safety and public order are jeopardized, or a substantial material harm to the state, community, physical or legal persons is threatened to be caused.

2. Upon receiving the warning referred to under para. 1 of this Article, the organizer shall immediately announce the termination of the event and take measures for the termination of the public event within the time-frame established by a police representative.

3. The police shall have the right to compulsorily terminate the public event, provided, solely and exclusively, that :

1) the request to terminate [the public event] made in a manner prescribed by this Article is not immediately announced by the organizer to the participants, or

2) the request to terminate the public event has not been implemented within the defined time-frame and the continuation of it is a real threat to lives of people, health, state and public security, public order, as well as considerable property damage will be done to state, community, natural and legal persons.

Prior to compulsory termination of the public event, the police representative shall no less than twice inform the participants through a loudspeaker about the request to terminate the public event within a reasonable time-frame. Should the public event be not terminated within such time-frame, the police shall have the right to terminate the event by means established by the law.

4. The procedure for terminating a public event set forth under paras. 2 and 3 of this Article shall not apply in the event of an outbreak of mass disturbances in the place of conducting the public event that calls for appropriate emergency measures.

ARTICLE 15 - LIABILITY FOR VIOLATING PROVISIONS OF THE LAW

1. The state or the community shall compensate any material loss caused to organizers and participants of the public event due to the unlawful prohibition or unlawful termination thereof by their respective bodies or official representatives.

Official representatives of state or local self-governance bodies shall bear liability for unlawful hindrance, interference in or termination of a public event.

2. Organizers of a public event conducted in violation of provisions of this law or organizers and participants failing to comply with requirements for termination thereof shall be liable by law.

3. A citizen or a legal person organizing or conducting a public event in violation of provisions of this law shall be considered as the organizer for the purposes of this article.

ARTICLE 16 - FINAL PROVISIONS

The entry of this law into force invalidates provisions 1 and 2 of a Decree No. 1289-XI of Presidium of Supreme Council of Republic of Armenia "On Liability for Violating Procedures Established for Organizing and Conducting Meetings, Assemblies, Street Rallies and Demonstrations " dated 29 July 1988 and Decree N 9306-XI of USSR Supreme Council Presidium "On Procedures for Organizing and Conducting Assemblies, Meetings, Rallies and Demonstrations in USSR" dated 28 July 1988.