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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT LAW

ON MEETINGS, RALLIES AND MANIFESTATIONS
OF THE REPUBLIC OF BULGARIA

Meetings, Rallies and Manifestations Act

Chapter One

GENERAL Subject and objective

Article 1.

(1.) This Act sets out the order for the organization and holding of meetings, rallies and manifestations.

(2) The objective of this Act is to create the necessary conditions for citizens of the Republic of Bulgaria, foreign citizens, stateless persons (hereafter referred to as "citizens") to exercise their constitutional right to hold peaceful meetings, rallies and manifestations.

(3) The State shall secure the freedom of meetings, rallies and manifestations and shall take appropriate measures for the peaceful implementation thereof, in compliance with this Act.

Exception from the subject

Article 2.

This act shall not apply to cultural and sport events, weddings, family and friendly celebrations, funeral rites, religious ceremonies and the like, neither to meetings held in virtue of a separate law or another statutory instrument.

Right of organization and holding

Article 3.

(1) Meetings, rallies and manifestations can be convened, organized and held by citizens, political parties, movements and other organizations of citizens.

(2) 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 other citizens' rights and freedoms.

Expression of opinions, views and attitudes

Article 4.

(1) At meetings, rallies and manifestations the citizens may freely express their opinions, views, approval or disapproval regarding matters of political, economic, social, cultural or other nature through words, posters, models or in some other appropriate way while keeping public peace and not violating other citizens' rights.

(2) This right cannot be used for infringement of the rights and reputation of another person and for calling to forcible transformation of the constitutionally established order, for commission of crime, for instigating hostility or coercion over the person.

Free and voluntary participation

Article 5.

(1) Citizens' participation in meetings, rallies and manifestations shall be free and voluntary. Nobody may be forced to participate or not to participate therein.

(2) Citizens may not be prosecuted or punished for organizing and taking part in meetings, rallies and manifestations or for the opinions, views and attitudes in respect of the matters under Article 4 they express, unless this constitutes a crime or another breach of law.

Chapter Two

ORGANIZING AND HOLDING OF A PUBLIC EVENT

Organizing a public event

Article 6.

(1) A public event may be organized and held in one or several manners stipulated by this Act.

(2) When the public event has more than one organizer, it may commence provided at least one of the organizers is present.

Time of holding

Article 7.

(1) Meeting, rallies and manifestation may be held at any time of the day except between 22:00 and 6:00.

(2) The restriction of the previous paragraph does not apply when due to the nature of the event it can be held at any time of the day when this does not disturb the public order.

Rights and obligations of the organizers of a public event

Article 8.

(1) The organizer shall have the right:

1. to choose the venue and procedure for conducting the public event;
2. to terminate the public event at any time;
3. to request from the relevant authorities to remove from the venue of the public event citizens who engage in unlawful activity or disturb the public peace;
4. to organize volunteer groups bearing special signs which should assist in keeping the public peace and the legality of the public event. The participants in volunteer groups shall be unarmed and shall bear special identification signs;
5. to address the police authorities on matters related to keeping the public peace or the safety of the participants in the event during holding thereof;
6. to disseminate information about the date, time, venue, objective, the procedure of holding the particular public event as well as to invite for participation in the said public event, through the mass media and other lawful means;
7. to exercise the rights established for a participant in a public event.

(2) The organizer:

1. shall assume the obligations of a participant in the public event;
2. shall ensure that prior to commencement of the public event his/her first and family name is specified in the announcement; should the public event be organized by a political party, movement or other organization of citizens, the full title of the organization, the objective of the public event, its format, as well as the estimated time of completion of the public event shall be announced;
3. shall take measures aimed at securing compliance of the participants in the public event with the legislation and the requirements for protection of public peace;
4. shall inform the participants in the public event about the presence of volunteer groups and their identification signs;
5. shall immediately inform the participants in the public event about the orders of the police authorities to stop unlawful actions or violations of public order and assist in executing such orders.

Leader of the public event

Article 9.

(1) The organizers appoint a leader of the public event.

(2) Leader of the public event may be the organizer thereof, and in the event that there are more than one organizers- only one of them

(3) The leader shall open the event, preside over its course, and close the event.

Rights and obligations of the leader

Article 10.

(1) The leader shall have the rights under Article 8, paragraph 1, points 2, 3, 5 and 7 and the obligations under Article 8, paragraph 2, points 1, 3, 4 and 5.

(2) Termination of the public event by the leader shall be made under the terms and procedure of this Act.

Rights and obligations of the participants in a public event

Article 11.

(1) Every citizen shall have the right:

1. to participate in a public event;
2. to stop his/her participation in a public event;

(2) The participants in the public event shall be obliged:

1. to respect the public order;
2. to comply with the legitimate orders of the organizer, the volunteer groups, the representative of the competent authority or the relevant police authorities and shall not hinder the fulfilment of their legitimate actions,
3. in the event of termination of the public event, to immediately leave the venue of the public event;
4. not to inflict damages on property, trees, bushes and green areas located in the venue of the public event;
5. not to block the free entry and exit to and from buildings, constructions and other areas in or adjacent to the venue of public event.

(3) Participants of public events shall be prohibited:

1. from carrying, using, operating and applying weapons, ammunitions or explosives, poisonous, flammable or any other similar items or substances that may endanger the life, health or property of persons;
2. from distributing or using alcoholic beverages, narcotic or other psychotropic substances during the public event;
3. mask themselves in order not to be recognized.

Obligations of the competent authority

Article 12. The competent authority shall:

1. appoint its representative and immediately inform the organizer thereof;
2. notify the director of the relevant regional directorate at the Ministry of Interior about the public event, the organizers thereof and its representative;
3. ensure presence of its representative at the public event during the entire course of the public event;
4. in the cases and according to the procedures stipulated in this Act, make a decision for the termination of the public event.

Obligations of bodies of the Ministry of Interior

Article 13. The director of the relevant regional directorate at the Ministry of Interior shall:

1. upon receipt of the notification of the public event, orders for the presence of the relevant police authorities and informs the organizer thereof;
2. ensure presence of the relevant police authorities at the public event during its entire course;
7. in the cases and according to the procedures stipulated by this Act, terminate the public event.

Chapter three

RESTRICTIONS ON ORGANISING AND CONDUCTING A PUBLIC EVENT

Limitation of the freedom to organize and conduct a public event

Article 14.

(1) Restriction of the freedom of a public event, provided for in Article 3, paragraph 2 should be proportionate to the targeted objectives. In order to reach the goal such restriction should not exceed the necessary and sufficient limits.

(2) Measures taken for restriction of the freedom of event provided for in Article 3, paragraph 2 should be indispensable for reaching the goal which was the cause for imposing the restrictions.

(3) Freedom of organizing and conducting a public event may be restricted in any form including change of time, venue and route of the assembly, but only for the purposes prescribed by Article 3, paragraph 2.

Change of the time and venue of the public event

Article 15.

(1) Where the time and the venue of the public event or the chosen route of the manifestation create conditions for violating the public peace or the safety of the road traffic, the competent authority may - 48 hours at the latest after receiving the notification - propose a change of the time and venue of the public event. The proposal for the change shall be immediately advised to the organizer and the director of the relevant regional directorate at the Ministry of Interior.

(2) The place and the chosen route proposed by the competent authority shall meet the requirements of the organizer, as well as with regard to the possibility of participation of an estimated number of participants, provided the notification contains such information. The proposed place should be as close as possible to the place specified in the notification.

(3) If, according to the conditions and order of the Act, another event is arranged at the venue and time indicated in the written notification of the organizers and there are sufficient grounds for assumption of a conflict between the parties caused by the latter event, the competent authority shall propose the organizers of the latter event to determine another venue and time. A written notification about the changed place and time shall be forwarded to the competent authority no later than 3 days prior to the new date for conducting the event.

(4) In case of simultaneous holding, relevant police authorities shall undertake necessary measures in order to assure security for the participants of events.

Prohibition to conduct a public event

Article 16.

(1) Holding of a public event shall be prohibited by the competent authority if, according to undisputable data, the conduct of the event shall:

1. create imminent risk of violence;
2. create real threat to the national security, the public order, the health and morality of society, the life and health of people, the constitutional rights and freedoms of others;
3. its purpose is to forcibly overthrow the constitutional order;
4. inflame ethnic, racial, or religious hatred;
5. it preaches violence or war;
6. may lead to mass disorder or cause a substantial material harm to the State;
7. when the notification has been submitted after the stipulated by this Act period.

(2) The competent authority may prohibit the public event also in case that the organizer has not indicated sufficient measures for ensuring the order, the protection of the lives and health of participants and other persons, the protection of the property, the public traffic safety, the protection of the environment.

(3) No public event may be held:

1. within the marked zone around the buildings of the National Assembly, the Presidency and the Council of Ministers;
2. in close proximity to military and other facilities related to the national security;
3. in close proximity to court buildings and other premises of the bodies of the Judiciary, of the Ministry of Defence, medical establishments and prisons;
4. on republican roads, road facilities and road accessories, tunnels and bridges according to the Roads Act.

(4) The zones under paragraph 3, p. 1 shall be defined with an order of the Mayor of Sofia Municipality in coordination with the Director of the Sofia Directorate of the Ministry of Interior upon proposal respectively of the secretaries general of the National Assembly, of the President and of the Council of Ministers.

(5) The zones under paragraph 3, p. 2 and p. 3 shall be defined with an order of the mayor of the respective municipality, in coordination with the Director of the Regional Directorate of the Ministry of Interior.

(6) When a meeting, rally or manifestation is held in a populated place, participant cannot use animals.

**“Taking measures under Article 4 (1) of Council Regulation (EC) No 2679/98
of 7 December 1998 on the functioning of the internal market
in relation to the free movement of goods among the Member States**

Article 17.

(1) If the competent authority establishes that holding of the public event creates obstacles to the free movement of goods within the meaning of Council Regulation (EC) No 2679/98 it shall be obliged to take measures in compliance with Article 4 (1) of the Regulation and to inform the Minister of Economy and Energy of the obstacles that occurs and the measures taken.

(2) The Minister of Economy and Energy shall organize the fulfilment of the obligations with regard to the exchange of information with the European Commission provided for in Regulation (EC) No 2679/98.”

Notification

Article 18.

(1) A public event may be conducted only after notifying the competent authority in writing.

(2) Organizers shall submit a written notification about organization of the public event to the competent authority not later than five working days and not earlier than twenty days prior to the holding of the event. The notification submitted within this time limit shall be subject to consideration. When the organizers are more than one, the notification shall be jointly submitted.

(3) Should the public event be conducted in the form of manifestation, such notification shall be submitted to the competent authorities of all areas on the route of such manifestation.

Content and procedure for submission of notification

Article 19.

(1) The notification on conducting a public event, signed by the organizers, shall include:

1. the venue of the public event, possible time of beginning and end, and if a manifestation is envisaged, the route and the possible schedule of the manifestation;

2. forename, patronymic and surname, exact address and Civil ID Number of the organizer.

(2) In case the public event is organized by a political party, movement or other organization of citizens, together with the notification, also the decision of its relevant body concerning the organization of the event should be enclosed.

(3) Notification on conducting public event which has been submitted to the competent authorities shall be entered in a special journal in chronological order.

(4) The competent authority shall forward a copy of the notification to the director of the relevant regional directorate at the Ministry of Interior.

Consideration of the notification

Article 20.

(1) The competent authority shall consider the notification within 48 hours of receiving it, in the order in which notifications have been received.

(2) The competent authority shall immediately inform the organizers and the director of the relevant regional directorate at the Ministry of Interior about holding of the public event or the prohibition ordered thereon.

(3) Should the competent authority fails to issue a decision prohibiting holding of the public event within the time limit under paragraph 1, the organizers shall have the right to conduct the public event in the time and under the terms and conditions set forth in the notification.

(4) The prohibition shall be imposed by way of a substantiated order of the competent authority within the time limit under paragraph 1.

(5) The organizer of the public event shall be entitled to appeal against the order under paragraph 4 before the respective administrative court within 3 days after the receipt thereof. The appeal shall not stop the enforcement of the order. The court shall render its decision within 24 hours. The court decision shall be announced forthwith and shall be final.

Grounds and procedure for termination

Article 21.

(1) The competent authority terminates the public event and immediately notifies the director of the relevant regional directorate of the Ministry of Interior if:

1. the event diverts substantially from the route and schedule
2. there is a natural disaster
3. there is a fire or industrial breakdown

(2) The director of the relevant regional directorate of the Ministry of Interior shall terminate the event and immediately notify the relevant authority if:

1. the public event is conducted without notification;
2. a prohibition order has been issued regarding the public event;
3. participants in the event violate the public order and the requirements of the law and, as a result thereof, the life and health of persons, the national security and public order are jeopardized, or there is a risk for substantial material harm to the state, community, physical or legal persons to be inflicted;
4. there is a risk of a terrorist act, as a result of which the life and health of people are jeopardized;
5. the competent body does not act under Article 21 paragraph 1 and the public order is disturbed;
6. notwithstanding an issued order under Article 21 paragraph 1, the participants do not leave and the public order is disturbed.

(3) The termination of the public event is done with a reasoned written order.

(4) The organizer of the event immediately notifies the participants and takes action for enforcing the order.

(5) In the case of termination of the public event participants shall immediately disperse.

(6) In the cases the order under paragraph 1 is not obliged by the organizer and the participants, the competent authority can request for the assistance of the police authorities in taking measures within their powers under the Law on the Ministry of Interior.

(7) The termination order may be appealed within three days from the receipt of the order before the respective administrative court. The appeal shall not stop the enforcement of the order. The court shall issue a ruling within three days following the filing of the complaint. The decision of the court shall be announced forthwith and shall be final.

Security guarding and filming

Article 22.

(1) In the case where there is a serious danger of breaching the public peace, the competent authority may request guarding thereof by the relevant police bodies.

(2) Under the conditions of paragraph 1, the competent authority may order filming of the event.

(3) The organizer of the public event shall be informed of the measures taken under paragraphs 1 and 2.

Responsibility

Article 23.

Each organizer or participant is responsible for the damage that he/she wilfully caused during the course of the public event.

Chapter four

ADMINISTRATIVE AND PENAL PROVISIONS

Responsibility for violating the prohibition for holding of a public event

Article 24.

An official who, in breach of Article 16, admits the holding of a public event shall be sanctioned with fine of BGN 1000 to BGN 3000, provided that the act does not constitute a crime.

Responsibility for violating other provisions of the law

Article 25.

A person who violates other provisions of this law shall be sanctioned with fine of BGN 500 to BGN 1500 provided that the act does not constitute a crime.

Establishment of violations and punishment

Article 26.

(1) The acts establishing violations under Article 24 shall be drawn up by officials authorized by the director of the relevant regional directorate of the Ministry of Interior, while acts establishing violations under Article 25 shall be drawn by officials authorized by the mayor of the municipality.

(2) Penal decrees with regard to the violations under Article 24 shall be issued by the Director of the Security Police Directorate General or by the director of the respective regional directorate of the Ministry of Interior, and with regard to violations under Article 25 – by the mayor of the respective municipality.

Establishment of violations, issuance, appeal and enforcement of penal decrees

Article 27.

Establishment of violations, issuance, appeal and enforcement of penal decrees shall be made under the procedure set forth in the Administrative Violations and Sanctions Act.

Additional provision

§ 1. The main terms used in this Act shall have the following meaning:

1. public event - peaceful meetings, rallies, manifestations and other similar public events which are held in places of general public use for the purpose of expressing opinions, views or disapproval regarding matters of political, economic, social, cultural or other nature;
2. meeting, rally – public event organised in one place;
3. manifestation – public event constituting movement from one place to another;
4. 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;
5. organizer - a citizen or a legal person who issues notifications or determines procedures (the objective, date and time, venue, manner or other conditions) for conducting a public event;
6. participant in a public event (hereinafter referred to as participant) - a citizen who at the time of conduction of the public event is present in the place of the public event with the purpose of taking part therein.
7. competent authority – the authority that considers the notification on convention of a public event, i.e. the mayor of the community where the public event is organized.

TRANSITIONAL AND FINAL PROVISIONS

§ 2.

(1) Written notifications filed prior to the entry in force of this Act shall be examined by the authority with which they were filed. The refusals shall be subject to appeal under the terms and procedure set forth in this Act.

(2) Refusals for which a ruling has been issued prior to the entry in force of this Act and for which the time-limit for appeal has not expired shall be subject to appeal under the procedure set forth in this Act.

(3) Cases pending before the regional courts shall be dealt with under the current procedure.

§ 3. The Meetings, Rallies and Manifestations Act (published in SG No. 10 of 2 February 1990, am. No. 11 of 29 January 1998) shall be repealed.

§ 4. The words “Article 12, paragraph 3 and Article 13, paragraph 1” of Article 174a, paragraph 2 of the Criminal Code shall be replaced by “Article 20, paragraph 4 and Article 21, paragraph 3”.

§ 5. The implementation of this act shall be assigned to the mayors of municipalities and the Minister of Interior.