



Strasbourg, 13 October 2025

CDL-AD(2025)037

Or. Engl.

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**OF THE COUNCIL OF EUROPE**  
**(VENICE COMMISSION)**

**ARMENIA**

**AMICUS CURIAE BRIEF**

**ON**

**THE COMPATIBILITY OF ARTICLE 236  
OF THE CRIMINAL CODE  
WITH THE EUROPEAN STANDARDS  
ON LEGAL CERTAINTY**

**Adopted by the Venice Commission  
at its 144th Plenary Session  
(Venice, 9-10 October 2025)**

**On the basis of comments by**

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Ms Regina KIENER (Member, Switzerland)  
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Opinion co-funded  
by the European Union



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## I. Introduction

1. By letter of 26 June 2025, the President of the Constitutional Court of the Republic of Armenia, Mr Arman Dilanyan, requested an *amicus curiae* brief of the Venice Commission of the Council of Europe of the Council of Europe (hereinafter the Commission) on the following question:

*“Is the wording of part 2 of Article 236 of the Criminal Code of the Republic of Armenia, specifically “materially incentivising participation in or refraining from participation in an assembly”, compatible with European standards of the principle of legal certainty?”*

2. Mr Jørgen Steen Sørensen, Ms Regina Kiener and Mr Philip Dimitrov (Venice Commission’s expert) acted as rapporteurs for this *amicus curiae* brief.

3. The *amicus curiae* brief was drafted on the basis of the rapporteurs’ comments. It was examined by the Sub-commission on fundamental rights and democratic institutions on 9 October 2025 and was subsequently adopted by the Venice Commission at its 144<sup>th</sup> Plenary Session (Venice, 9-10 October 2025).

## II. Background and scope of the amicus curiae brief

4. The Constitutional Court of the Republic of Armenia is currently considering a complaint submitted on 21 June 2024 by a number of Deputies of the National Assembly, concerning the constitutionality of part 2 of Article 236 of the Criminal Code of the Republic of Armenia, which introduced criminal responsibility for “incentivising” participation, or refraining from participation, in a public assembly. This provision was amended in 2022.

5. The Venice Commission will examine the matter submitted to it by the Constitutional Court of Armenia exclusively on the basis of European and other international standards. It is the Constitutional Court that has the final say on the binding interpretation of the Constitution and the compatibility of national laws with the Constitution.

## III. Relevant International and European standards

6. The Republic of Armenia is a party to the European Convention on Human Rights (ECHR) and Fundamental Freedoms under which the freedom of peaceful assembly is guaranteed by Article 11. The Republic of Armenia is also a State Party to the 1966 International Covenant on Civil and Political Rights (hereinafter ICCPR), which provides for the right to peaceful assembly in Article 21 as well as to the First Optional Protocol to the ICCPR, which enables individuals to petition the Human Rights Committee if they believe that their human rights, as protected under the Covenant, have been violated by the state.

7. The right to freedom of peaceful assembly involves *negative and positive obligations* for the Contracting States. This means that states must not only refrain from applying unreasonable restrictions on the right to assemble peacefully but also safeguard that right. The primary aim of Article 11 ECHR is to protect individuals against arbitrary interference by public authorities in the exercise of these rights, but there may also be positive obligations to ensure these rights are effectively enjoyed.<sup>1</sup>

8. Restrictions or bans on peaceful assemblies require justification under Article 11 paragraph 2 ECHR, requiring restrictions to be (i) *prescribed by law* (ii) *pursuing a legitimate aim* and (iii) *necessary in a democratic society, proportionate and non-discriminatory*. The legitimate aims mentioned in that provision are national security or public safety, prevention of disorder or crime, protection of health or moral and protection of the rights and freedoms of others.

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<sup>1</sup> ECtHR, Kudrevičius and Others v. Lithuania [GC], 2015, § 158; ECtHR, Djavit An v. Turkey, 2003, § 57.

9. The Guidelines on Freedom of Peaceful Assembly prepared by the Venice Commission and ODIHR<sup>2</sup> and the Venice Commission opinions and reports on freedom of assembly<sup>3</sup> provide detailed insights into the nature of freedom of assembly and its limitations, as well as the core state obligations.

10. According to the European Court of Human Rights (ECtHR) case law, the right to freedom of peaceful assembly is a fundamental right in a democratic society, and like the right to freedom of expression, it is one of the foundations of such a society. Therefore, it should not be interpreted restrictively.<sup>4</sup>

11. The principle of legal certainty is also enshrined in legal instruments to which Armenia is a party, particularly the ECHR and ICCPR. The Rule of Law checklist identifies this principle as a fundamental element of the rule of law, requiring legal norms to be formulated clearly and their application to be foreseeable. Foreseeability means not only that the law must, where possible, be proclaimed in advance of implementation and be foreseeable as to its effects: it must also be formulated with sufficient precision and clarity to enable legal subjects to regulate their conduct in conformity with it.<sup>5</sup>

#### IV. Analysis

12. Freedom of assembly is guaranteed by Article 44 of the Constitution of the Republic of Armenia, while freedom of expression is guaranteed by Article 42.

Article 236 of the Criminal Code of Armenia reads as follows:

*“Article 236. Obstructing or compelling the holding of or participation in an assembly, as well as materially incentivising participation in or refraining from participation in an assembly  
(title amended by Law HO-240-N of 09.06.2022)*

*(1) Obstructing the holding of or participation in a lawful assembly shall be punished by a fine in the amount of maximum twenty-fold, or by public works for a period of eighty to one hundred and fifty hours, or by deprivation of the right to hold certain positions or engage in certain activities for a maximum term of three years, or by restriction of liberty for a maximum term of two years, or by short-term detention for a maximum term of two months, or by imprisonment for a maximum term of two years.*

*(2) Compelling participation in a lawful or unlawful assembly through threats of violence against a person, their close relative, or associate, destruction, damage, or seizure of property, or blackmail, as well as materially incentivising participation in or refraining from participation in an assembly shall be punished by a fine in the amount of ten-fold to thirty-fold, or by public works for a period of one hundred to two hundred hours, or by deprivation of the right to hold certain positions or engage in certain activities for a term of two to five years, or by restriction of liberty for a term of one to three years, or by short-term detention for a term of one to two months, or by imprisonment for a maximum term of three years.*

*(3) An act provided for in parts 1 or 2 of this Article, committed using official or service powers or influence derived therefrom, shall be punished by imprisonment for a term of two to five years.”*

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<sup>2</sup> Venice Commission and ODIHR, Guidelines on Freedom of Peaceful Assembly prepared by the, 3<sup>rd</sup> edition, [CDL-AD\(2019\)017](#)

<sup>3</sup> See the opinions and reports of the Venice Commission in the field: those adopted up to 2014 can be found in the Compilation of Venice Commission Opinions concerning Freedom of Assembly (revised July 2014), [CDL-PI\(2014\)003](#); see also [the documents of the Venice Commission on Freedom of Assembly](#).

<sup>4</sup> ECtHR, *Djavit An v. Turkey*, 2003, § 56; ECtHR, *Kudrevičius and Others v. Lithuania* [GC], 2015, § 91.

<sup>5</sup> Venice Commission, Rule of Law checklist, [CDL-AD\(2016\)007](#), § 58.

13. Paragraph 2 of Article 236 of the Criminal Code of the Republic Armenia provides for criminal liability for individuals who:

- “compel” through threats of violence or blackmail, or
- “materially incentivise”

either participation in or refraining from participation in an assembly.

14. The Constitutional Court of Armenia has asked the Venice Commission to assess whether the most recent amendment introducing criminalisation for “materially incentivising” participation or nonparticipation meets the requirements of legal certainty as outlined by international standards.

15. The Commission stresses the importance of legal certainty, which is a core principle of the rule of law. According to the Rule of Law Checklist, legal certainty requires that laws be accessible, foreseeable, and formulated with sufficient precision to enable individuals to understand their obligations and regulate their conduct.<sup>6</sup> Legal provisions must be clear and unambiguous to avoid the risk of arbitrary application and potential abuse of power. The requirement for legal rules to be clear also follows from the principle of equal treatment under the law. Leaving too much discretion to an administrative body can mean, in substance, delegating to the executive authority (the police) the power to determine the content of the regulated (prohibited) conduct. Furthermore, such extensive discretion can upset the balance of powers in a democratic state, as it effectively delegates the power to determine the content of the regulated (prohibited) conduct to the executive authority (in the case at hand: the police).<sup>7</sup>

16. Legal certainty is not least relevant when assessing the proportionality and necessity of restrictions on freedom of assembly, ensuring that individuals are aware of the consequences of their actions. Proportionality is of particular importance if there are sanctions imposed. Any restrictions on the right to freedom of peaceful assembly, whether set out in law or applied in practice, must be both necessary in a democratic society to achieve a legitimate aim, and proportionate to such an aim. The least intrusive means of achieving a legitimate aim should always be given preference.<sup>8</sup>

17. Restricting the right to peaceful assembly does not necessarily amount to an outright ban, either legal or de facto; it can also take the form of various measures imposed by the authorities.<sup>9</sup> The term “restrictions” in Article 11 (2) ECHR must be interpreted as including both measures taken before or during a gathering and those, such as punitive measures, taken afterwards.<sup>10</sup> For example, a prior ban can have a deterrent effect on individuals intending to participate in a rally, thereby constituting an interference, even if the rally subsequently proceeds without hindrance from the authorities.<sup>11</sup>

18. Part 2 of paragraph 2 of Article 236 of the Criminal Code of Republic of Armenia does not introduce criminal sanctions for the *participants* of an assembly who have been incentivised (either positively or negatively). While the right not to be compelled to participate in an assembly can be inferred from the case law of the European Court of Human Rights, which in the context of freedom of association underlines that the notion of a freedom implies some measure of freedom of choice as to its exercise,<sup>12</sup> as far as the Venice Commission knows there is no specific case-law regarding the so-called “paid participation” (or non-participation) in an assembly.

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<sup>6</sup> Venice Commission, Rule of Law checklist, [CDL-AD\(2016\)007](#), paragraphs 57-59.

<sup>7</sup> Venice Commission [CDL-AD\(2021\)004](#) Spain - Opinion on the Citizens' Security Law, paragraph 23.

<sup>8</sup> Venice Commission & OSCE/ODIHR, Guidelines on Freedom of Peaceful Assembly (2nd ed., 2019), [CDL-AD\(2019\)017](#), paragraph 29; see also paragraphs 131–132 on necessity, proportionality and prohibition as last resort. Venice Commission.

<sup>9</sup> ECtHR, Kudrevičius and Others v. Lithuania [GC], 2015, § 100.

<sup>10</sup> ECtHR, Ezélin v. France, 1991, § 39.

<sup>11</sup> ECtHR, Bączkowski and Others v. Poland, 2007, § 66-68.

<sup>12</sup> ECtHR, Sørensen and Rasmussen v. Denmark [GC], 2006, § 54; Novikova and Others v. Russia, 2016, § 91.

19. In light of the fact that Article 11 ECHR provides protection to individual participants and the persons organising an assembly<sup>13</sup>, the first question to be considered is whether everyone participating in the assembly should be protected by Article 11 ECHR, despite receiving benefits. Although participation in assemblies should always be voluntary and never be forced (directly or indirectly),<sup>14</sup> the Venice Commission's answer to this question is affirmative; it is not the state's role to assess the personal motivations behind the exercise of human rights. Whether a person protests out of conviction, solidarity, or because they have been paid or incentivised, they are still engaging in an act of assembly. Receiving benefits does not inherently remove a protest's political, social or expressive nature. Human rights protection is an objective one; it covers the act of assembling itself while not touching upon the subjective reasons behind it. It would be a threat to the exercise of freedom of assembly if the authorities could decide which are the assemblies whose participants deserve protection based on intent.

20. However, the scenarios under paragraph 2 of Article 236 of the Criminal Code of the Republic of Armenia need to be assessed separately. On the one hand criminalisation of the use of threat of violence could also be considered as an implementation of the positive obligation of the state to protect the citizens against being forced to participate in an assembly. In its jurisprudence related to Article 11 ECHR, the European Court of Human Rights confirmed that Article 11 extends not only to negative interference but also to state obligations to prevent indirect methods of coercion or deterrence, even via private actors.<sup>15</sup> On the other hand, the criminalisation of materially incentivising participation in or refraining from participation does not seem to amount to implementation of a positive obligation; punishing an organiser of an assembly under the pretext that participants were materially incentivised directly interferes with the right to freedom of assembly. The provision under consideration must be considered in terms of its compliance with the requirements of foreseeability and proportionality.

21. As pointed out by the UN Human Rights Committee, Article 21 of ICCPR protects participants not only while and where an assembly is ongoing. It also covers associated activities conducted by individuals or groups outside the immediate context of the gathering, but which are integral to making the exercise meaningful. The obligations of States parties thus extend to actions such as the mobilisation of resources by participants or organisers; planning; the dissemination of information about an upcoming event; the preparation for and travel to the event; the communication between participants leading up to and during the assembly; the broadcasting of or from the assembly; and leaving the assembly afterwards. These activities may, like participation in the assembly itself, be subject to restrictions, but these must be narrowly drawn. Moreover, no individual should face harassment or face other reprisals as a result of their presence at or affiliation with a peaceful assembly.<sup>16</sup>

22 To recall, any interference or ban on peaceful assemblies require justification under Article 11 (2) of the ECHR: restrictions to *(i) be prescribed by law (ii) pursue a legitimate aim and (iii) be necessary in a democratic society, proportionate and non-discriminatory*.

#### **A. Prescribed by law**

23. The expression "prescribed by law" requires not only that the impugned measure have a legal basis in domestic law, but also that the law in question be accessible and foreseeable to the person concerned.<sup>17</sup> In order to meet the qualitative requirements, domestic law must provide a degree of legal protection against arbitrary interference by public authorities with the rights guaranteed by the Convention. In matters affecting fundamental rights, it would contradict the rule of law — one of the fundamental principles of a democratic society, as enshrined in the

<sup>13</sup> ECHR, *Djavit An v. Turkey*, no. 20652/92, §56; *Barraco v. France*, no. 31684/05, §41.

<sup>14</sup> Venice Commission / ODIHR, Guidelines on the right to peaceful assembly, [CDL-AD\(2019\)017](#) paragraph 52.

<sup>15</sup> ECtHR, *Wilson, National Union of Journalists and Others v. The United Kingdom*, 2002, § 48.

<sup>16</sup> UN CCPR/C/GC/37, 2020, paragraph 33.

<sup>17</sup> ECtHR, *Kudrevičius and Others v. Lithuania* [GC], 2015, § 108-110.

Convention — for legal discretion granted to the executive to be expressed as unfettered power. Consequently, the law must clearly define the scope of any such discretion and how it is exercised.<sup>18</sup>

24. From the conclusion that “paid participation” is protected under Article 11 follows in the Commission’s view that the organisers of events who provide material incentives should not be prevented from doing so, which criminalisation clearly aims to do, at least to the extent that these incentives are directly related to making participation possible or easier. Part 2 of Article 236, therefore, should clearly exclude the prohibition of any such material incentives.

25. Logistics support, such as transporting protesters, providing meals or accommodation, or covering costs for keynote speakers, is a standard part of organising a peaceful assembly. However, under vague laws, these logistical contributions could be construed as violations of the law, leading to prosecution and depriving peaceful assemblies of the necessary logistics and funding. This effectively undermines the practical exercise of the right to assemble.

26. Against this backdrop, in the Commission’s view it is questionable whether part 2 of paragraph 2 of Article 236 provides sufficient protection against arbitrary interference and whether citizens can anticipate what behaviour might provoke such action. This situation may also cause a “chilling effect” on citizens to freely exercise their right to organise peaceful assemblies (demonstrations, rallies or private meetings).

## **B. Legitimate aim**

27. An interference with the right to freedom of peaceful assembly will constitute a breach of Article 11 ECHR unless it pursues one or more legitimate aims under paragraph 2. The permitted purposes are national security or public safety; prevention of disorder or crime; protection of health or morals; protection of the rights and freedoms of others.

28. When examining whether restrictions on the rights and freedoms guaranteed by the ECHR can be considered “necessary in a democratic society” the Contracting States enjoy a certain but not unlimited margin of appreciation.<sup>19</sup> The measure in question must address a “pressing social need” and be proportionate to the “legitimate aim”. The reasons given by the national authorities to justify the measure must be “relevant and sufficient”. National authorities must apply standards that conform to the principles set out in Article 11 ECHR and base their decisions on an acceptable assessment of the relevant facts. The proportionality principle demands that a balance be struck between the requirements of the purposes listed in paragraph 2, and the free expression of opinions by word, gesture or even silence of persons assembled in streets or other public places.<sup>20</sup>

29. The Venice Commission and ODIHR Guidelines on Freedom of Peaceful Assembly state that “the practice of encouraged participation in assemblies (for example, where organisers provide free transport to an event to would-be participants) should not be subject to legal regulation unless the provision of such incentives would contravene laws imposing proportionate limits on campaign financing”.<sup>21</sup> This suggests that states may have the power to regulate paid participation in assemblies, but primarily in the context of electoral campaign financing. In the context of electoral campaigns, regulating coercion and incentivisation ensures fair political competition. Otherwise, well-funded groups, political parties or foreign states could outspend grassroots movements, thereby silencing all other political actors.

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<sup>18</sup> ECtHR, *Navalnyy v. Russia* [GC], 2018, § 115; Venice Commission, Rule of Law checklist, [CDL-AD\(2016\)007](#), II.C..

<sup>19</sup> ECtHR, *Barraco v. France*, 2009, § 42.

<sup>20</sup> ECtHR, *Kudrevičius and Others v. Lithuania* [GC], 2015, § 142-144.

<sup>21</sup> [CDL-AD\(2019\)017](#), 2019, paragraph 52.



30. The legal norm may aim to: i) protect citizens' *freedom to participate in assemblies*, thereby enabling the state to fulfil its positive obligation to protect freedoms of assembly and expression; ii) *uphold democratic integrity* by preventing the manipulation of civil society's "genuine voice" in the public interest in knowing who is behind a protest and their motives; iii) *prevent foreign influence*; iv) *prevent specific groups*, including students, public sector workers and people on low incomes, *from facing undue pressure* to participate in order to keep their jobs or receive benefits; v) *maintain public order and safety*, as paid mass mobilisations (or rumours thereof) can escalate unrest or artificially inflate numbers, leading to disproportionate law enforcement and clashes with counter-protesters.

These objectives can be invoked as legitimate grounds for restricting the freedom of association only in relation to the pursuit of the legitimate aims mentioned in Article 11(2) ECHR.

31. In this context, the phenomenon of paid mass mobilisation and "paid protesters" alleging that participants had been coerced or financially compelled to participate in an assembly, is not new, especially in the context of elections.<sup>22</sup> The said phenomenon might relate to undue foreign and domestic influence, including from individuals known as oligarchs. In its opinions relating to "de-oligarchisation", the Commission emphasised that the risk of private individuals having significant influence over a country's economic, political and public life without transparency, legitimacy or accountability may exist in virtually any country. As noted in those Opinions, preventing the undue, non-transparent influence of individuals on political, economic and public life is certainly a priority for any state wishing to establish a democratic system governed by the rule of law and respectful of human rights.<sup>23</sup>

32. Overall, the Commission takes the view that it may be considered as legitimate for a state to address the matter whether undue incentivisation has compelled or hindered attendance at an assembly. However, apart from pursuing a legitimate aim under Article 11(2) ECHR any such regulation must be "necessary in a democratic society", meaning it must strike a "fair balance" between the public interest and the protection of fundamental individual rights. The necessity requirement may vary depending on the type of assembly.

33. The Joint Guidelines on Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes by the Venice Commission and the ODIHR could be used as guidance<sup>24</sup>. Although the Joint Guidelines focus on the misuse of administrative resources in electoral processes, some of their principles could be applied more generally, especially those relating to transparency.

### **C. Proportionality ("necessary in a democratic society")**

34. The measure in question must address a "pressing social need" and be proportionate to the "legitimate aim". The reasons given by the national authorities to justify the measure must be "relevant and sufficient". National authorities must apply standards that conform to the principles set out in Article 11 ECHR and base their decisions on an acceptable assessment of the relevant facts. The proportionality principle demands that a balance be struck between the requirements of the purposes listed in paragraph 2, and the free expression of opinions by word, gesture, or even silence, of persons assembled in streets or other public places.<sup>25</sup>

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<sup>22</sup> [Elections to the Yerevan Council of Elders 2023](#)

<sup>23</sup> Venice Commission Final Opinion Republic of Moldova (de-oligarchisation), [CDL-AD\(2023\)019](#), Venice Commission Opinion on Ukraine (Oligarchs) [CDL-AD\(2023\)018](#), Venice Commission Opinion Georgia - Final Opinion on the draft law on de-oligarchisation, [CDL-AD\(2023\)017](#)

<sup>24</sup> The Joint Guidelines on Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes by the Venice Commission and the ODIHR could be used as guidance, [CDL-AD\(2016\)004](#).

<sup>25</sup> ECtHR, Kudrevičius and Others v. Lithuania [GC], 2015, § 142-144.



35. Part 2 of paragraph 2 of Article 236 of Criminal Code of Armenia provides for penalties like imprisonment (up to 3 years) or deprivation of rights (up to 5 years) for materially incentivising participation (or non-participation). In the Court's case law, the nature and severity of the penalties imposed are factors to be considered when assessing the proportionality of an interference in relation to the aim pursued.<sup>26</sup> When considering the proportionality of the measure account must be taken of its “*chilling effect*”.<sup>27</sup> According to the Venice Commission / ODIHR guidelines on the right to peaceful assembly, “penalties imposed for conduct occurring in the context of an assembly must be necessary and proportionate, since unnecessary or disproportionately harsh sanctions for behaviour during assemblies could inhibit the holding of such events and have a chilling effect that may prevent participants from attending. Such sanctions may constitute an indirect violation of the freedom of peaceful assembly”.<sup>28</sup>

36. The terms used in part 2 of paragraph 2 of Article 236 of the Criminal Code of the Republic of Armenia to determine penalties are open to interpretation and ambiguous (see above). Depending on the specific situation, these penalties may be proportionate or disproportionate. If the law does not clearly define what constitutes a punishable act, this allows for broad and subjective interpretation by courts and law enforcement. The range of penalties: imprisonment (up to three years) or deprivation of rights (up to five years), is significant and can be applied inconsistently. This makes it difficult for citizens, NGOs, political parties and activists to determine what conduct is lawful versus criminal, making compliance unpredictable. It is also difficult for the police and other authorities to apply the law consistently and in accordance with human rights; this raises the danger of disproportionate sanctions being imposed.

## V. Conclusions

37. By letter of 26 June 2025, the President of the Constitutional Court of the Republic of Armenia, Mr Arman Dilanyan, requested an *amicus curiae brief* of the Venice Commission on the following question:

*“Is the wording of part 2 of Article 236 of the Criminal Code of the Republic of Armenia, specifically “materially incentivising participation in or refraining from participation in an assembly” compatible with European standards of the principle of legal certainty?”*

38. When answering the question, the Commission has primarily referred to international and European standards regarding freedom of assembly, mainly the ECHR and the case-law of the European Court of Human Rights, the ICCPR, and the texts of the general documents adopted by the Venice Commission, such as the Rule of Law Checklist, the Joint Guidelines on Freedom of Peaceful Assembly and the Joint Guidelines for preventing and responding to the misuse of administrative resources during electoral processes, and its country-specific opinions.

39. The Commission recalls that any regulation pertaining to freedom of assembly must strike a balance so as not to interfere with or impose undue pressure, which could constitute a violation of the right to freedom of assembly. Any interference with the right to freedom of assembly must be proportionate to a legitimate aim. This is particularly important when introducing blanket bans.

40. The Commission further notes that legal certainty is essential for the confidence in the judicial system and the rule of law. This requires that legal rules are clear and precise and aim at ensuring that situations and legal relationships remain foreseeable.

41. In the case of part 2 of Article 236 (2) of the Armenian Criminal Code, the term “materially incentivising” is not formulated with sufficient precision to enable those potentially affected to

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<sup>26</sup> ECtHR, Kudrevičius and Others v. Lithuania [GC], 2015, § 146.

<sup>27</sup> ECtHR, Christian Democratic People's Party v. Moldova, 2006, § 77.

<sup>28</sup> [CDL-AD\(2019\)017](#), 2019, paragraph 36.

understand their rights and obligations and thus regulate their conduct accordingly. A legal provision must be clear and unambiguous to avoid the risk of arbitrary application. The use of this ambiguous term could result in activities commonly associated with the organisation of peaceful assemblies, such as transport and organisational costs, being erroneously classified as criminal offences, thereby infringing the right to freedom of assembly. These activities should therefore be excluded from the scope of Article 236.

42. On the other hand, to the extent that a provision aims to require transparency in the material incentivisation of participation in assemblies by third parties different from the organisers, the Commission believes that it is for the Constitutional Court to assess whether criminal sanctions are necessary and proportionate to this aim, and whether their severity is proportionate, or whether other administrative measures would suffice.

43. The Commission hopes that its considerations will be useful to the Constitutional Court of the Republic of Armenia when considering the constitutionality of the disputed provision of the Criminal Code.

44. The Venice Commission remains at the disposal of the Constitutional Court of the Republic of Armenia for further assistance in this matter.