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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**LAW ON AMENDMENTS AND SUPPLEMENTS
TO THE LAW ON ASSEMBLY AND MANIFESTATIONS
OF GEORGIA**

ADOPTED ON 1st JULY 2011

**Law of Georgia on Amendments and Supplements
to the Law of Georgia on Assembly and Manifestations**

Article 1. The following amendments and supplements shall be made to the Law of Georgia on Assembly and Manifestations (Messenger of the Parliament of Georgia, 33, 31 July, 1997, page 39):

1. Article 1 and 2 shall be formulated as follows:

“Article 1

The rule of conducting assembly and manifestations is defined by the Georgian Constitution, international treaties, this law and other legislative normative acts of Georgia.

Article 2

1. This law regulates relations arising from exercise of the constitutional right to gather without a prior permission publicly and unarmed, both indoors and outdoors.

2. The right referred to in Paragraph 1 of this Article does not apply to the employees of the armed forces, armed law enforcement bodies, paramilitary and special facilities.

3. The action which restricts the rights recognized and protected by this law shall be:

a) Directly intended for the fulfillment of values protected by Article 24, paragraph 4 of the constitution of Georgia;

b) Prescribed by law;

c) Necessary in a democratic society;

d) Non-discriminative;

e) Proportionally restrictive;

f) The good protected by the restriction should exceed the damage caused by it.

4. Organizers of an assembly or a manifestation and law enforcement bodies are obliged not to hinder the professional activities of journalist with identifier mark, who cover an assembly or a manifestation. The responsibility for an illegal obstruction of journalist’s professional activities is determined by the Georgian legislation.”

2. Article 3:

a) In the first sentence the words "under this law" shall be changed with the words "for the purposes of this law";

b) Paragraph “g” shall be formulated as follows:

“g) “Authorized Representative” is an official appointed by a local self-government’s executive body to exercise functions of this Law.”;

c) Subparagraph “h” shall be added to the article:

“h) “Proportionality of a restriction” – restriction in line with the values protected by Article 24, paragraph 4 of the constitution of Georgia, if it is the most effective and the least restrictive for the achievement of the aim. Application of the stricter norms shall take place only when it is otherwise impossible to achieve the values protected by Article 24, paragraph 4 of the constitution of Georgia.“

3. Article 4 shall be deleted.

4. Article 5 shall be formulated as follows:

“Article 5

1. This Law establishes the obligation of prior notification of the authorities if an assembly or manifestation is held at the transport movement place or hinders transport movement, except the cases when transport movement is already blocked for some other reason;
2. In cases provided for in Paragraph 1 of this Article, in order to organize and hold an assembly or a manifestation, trustee/trustees must submit a prior notification to a local government's executive body according to the place of holding the planned action. The notification shall be signed by the persons responsible for organizing and holding an assembly or a manifestation;
3. Responsible persons shall not be the citizens of other countries or/and persons under 18 years of age.”

5. Article 6 and 7 shall be deleted.

6. Article 8:

a) Paragraph 1 shall be formulated as follows:

“1. A notification on organizing and holding an assembly or a manifestation shall be submitted to a local self-government's executive body at least 5 days prior to a scheduled date of the event.

b) Paragraph 6 shall be deleted.

c) Paragraph 7 shall be formulated as follows:

“7. As soon as a local self-government's executive body receives a notification, it shall confirm the date and time of receipt of the notification on its copy.”

d) Paragraph 9 and 10 shall be added to the article:

“9. An assembly or a manifestation must be held at the place and time indicated in the notification, in accordance with route and purposes specified therein.

10. Participants and persons responsible for organizing and holding an assembly or manifestation shall comply with the requirements under this Law and obligations assumed in the notification.”

7. Articles 9, 10 and 11 shall be formulated as follows:

“Article 9

1. It is prohibited to hold an Assembly or a manifestation inside and within 20 meters from the entrance of the following buildings:
 - a) The Prosecutor's Office, Police, penitentiary, temporary detention facilities and law enforcement bodies;
 - b) Railway stations, airports and ports;
2. It is prohibited to hold an Assembly or a manifestation inside and within 100 meters from the entrance of Military units and sites;
3. It is prohibited to block railways, highways or an entrance of buildings during an assembly or a manifestation;
4. An administrative body, where an assembly or a manifestation is held, in order to avoid blocking of the building and hindering institution's activities, is entitled to impose restrictions on the place of holding an assembly or a manifestation, but not exceeding the 20 meters from the entrance of the building. An administrative body takes the decision provided in this paragraph, case by case bases taking into consideration the existing circumstance and public interest, by the rule stated in paragraph 3 of article 2 of this law, so that essence of the constitutional right of assembly and manifestation should not be disregarded.
5. A court, where an assembly or a manifestation is held, in order to avoid blocking of the building, hindering institution's activities and to ensure the independence and impartiality of the court, is entitled to impose restrictions on the place of

holding an assembly or a manifestation, but not exceeding the 20 meters from the entrance of the building. Court takes the decision provided in this paragraph, case by case bases taking into consideration the existing circumstance and public interest, by the rule stated in paragraph 3 of article 2 of this law, so that essence of the constitutional right of assembly and manifestation should not be disregarded.

Article 10

1. To maintain public order and ensure normal functioning of governmental and public bodies, enterprises, institutions, and public transport, a local self-government's executive body may, within three days upon receipt of a notification and in the presence of responsible persons, consider whether it would be appropriate to change the place and date of an assembly or manifestation and give a written recommendation to the responsible persons, if:
 - a) the assembly or manifestation creates a real threat to the normal functioning of enterprises, institutions and organizations;
 - b) Other assembly or manifestation (on which local self-government's executive body was notified earlier) is scheduled to take place at the same time and at the same place.
2. Within the term specified in Paragraph 1 of this Article, a local self-government's executive body shall assign its authorized representative and notify persons responsible for organizing and holding an assemblage or manifestation thereon.

Article 11

1. During organizing or holding an assembly or manifestation it is prohibited to appeal for subversion or forced change of the constitutional order of Georgia, infringement of independence or violation of the territorial integrity of the country, or to make appeals which constitute propaganda of war and violence and trigger a national, ethnical, religious or social confrontation, which creates clear, direct and present danger of such act.
2. Participants of an assembly or manifestation are prohibited:
 - a) To have fire-arms, explosives, inflammables, radioactive or side-arms with them;
 - b) To have objects or substances, that is exploited or might be exploited to cause serious injury or death of participants or other persons.
 - c) To have tear gas, paralyzing and poisonous substances or alcoholic beverages with them;
 - d) To have alcoholic drinks with them;
 - e) Deliberately hindering the transport movement, including violation of the requirements of Article 11¹ of this Law.
3. During an assembly or a manifestation defacing, damaging, or otherwise mistreating monuments, memorials, or other buildings that have historic, archeological, architectural, or scientific significance, is prohibited.”

8. Article 11¹ shall be formulated as follows:

“Article 11¹

1. In case of full or partial blockage of a transport movement place by the participants of an assembly or a manifestation a local self-government's executive body may take decision to restore transport movement, if an assembly or a manifestation can be held otherwise due to the number of people participating in it. When a local government's executive body is not implementing or is not able to implement this provision, the Government of Georgia may take decision on restoring transport movement.
2. It is inadmissible to take the decision provided in paragraph 1 of this Article, if an assembly or a manifestation cannot be held otherwise due to the number of people participating in it and all the requirements set by this law is fulfilled;
3. Local self-government's executive body or government of Georgia takes the decision provided in paragraph 1 of this Article, case by case corresponding the existing circumstance and public interest, by the rule stated in paragraph 3 of article 2 of this law;
4. Artificial blockage of a transport movement place is prohibited unless it is necessary due to the number of people participating in an assembly or a manifestation. It shall also be prohibited to block a transport movement place using vehicles, various structures and /or other objects.
5. If blockage of a transport movement place is necessary due to the number of people participating in an assembly or a manifestation, local executive self-government's executive bodies are obliged to ensure the safety of the participants and to work out an alternative traffic rout."

9. Article 11² shall be added to the law as it follows:

"Article 11²

1. A local self-government's executive body has a duty to strike a proper balance between the important freedom to a peacefully assembly or a manifestation and the competing rights of those who live, work, shop, trade and carry on business in the locality affected by an assembly or a manifestation. These persons shall not be interrupted in carrying out their activities.
2. In order to protect a proper balance, restriction on time and place may be imposed, by the rule stated in paragraph 3 of article 2 of this law, however reasonable alternatives should be offered.
3. Restrictions on time and place provided in paragraph 2 of this article also may be imposed in case if two simultaneous meeting of manifestation takes place.
4. Restrictions provided in paragraph 2 of this article, shall not be imposed, if rights of the persons stated in paragraph 1 of this article is limited for a short period of time."

10. Article 12:

a) Paragraph 1 shall be formulated as follows:

- "1. Local self-government's executive bodies shall ensure adequate conditions for holding an assembly or a manifestation and work out alternative transport rout;"

b) Paragraph 3 shall be deleted.

11. Article 13 shall be formulated as follows:

“Article 13

1. In case of a massive violation of requirements of paragraph 1 and subparagraph “a”, “b”, “c” of paragraph 2 of article 11, an assembly or a manifestation must cease immediately at the request of an authorized representative of the local self-government’s executive body. If an assembly or a manifestation is not ceased at the request, law enforcement bodies shall use measures prescribed by the international law and Georgian legislation in order to cease an assembly or a manifestation and disperse its participant.
2. In case of NOT massive violation of requirement of paragraph 1 and subparagraph “a”, “b”, “c” of paragraph 2, and violation of subparagraph “d” of paragraph 2 and paragraph 3 of Article 11, organizer of an assembly or a manifestation is obliged to appeal to the participants of the assembly or manifestation and to take all reasonable efforts to eradicate the violations within the next 15 minutes after the warning about violation by authorized representative.
3. In case of violation of subparagraph “e” of paragraph 2 of article 11 and/or in case when the decision, provided in paragraph 1 of article 11¹ is taken, an organizer of assembly or manifestation is obliged to appeal to the participants of the assembly or manifestation and to take all reasonable efforts within the next 15 minutes after the warning by authorized representative, in order to restore transport movement.
4. If the organizer of an assembly or manifestation does not appeal to the participants of the assembly or manifestation and does not take all reasonable efforts within the next 15 minutes after the warning in order to eradicate the violations provided in paragraph 2 and 3 of this article, he/she will be held responsible under the relevant Georgian legislation.
5. For individual violation of the requirements of article 11 by the participant of an assembly or a manifestation, the individual perpetrator shall be held responsible under the relevant Georgian legislation.
6. If an organizer of an assembly or manifestation did not fulfilled or fulfilled all obligations provided in paragraph 2 and 3 of this article, but could not eradicate the violations, law-enforcement bodies shall take all measures prescribed by Georgian legislation and international law in order to eradicate the violation or restore transport movement.
7. Decision on breaking up an assemblage or manifestation may be appealed in the court. Each instance of court shall discuss the appeal within 3 working days.”

14. The words “local government” of Article 14 shall be changed with “local self-governments executive body”.**Article 2. The law shall enter into force upon its publication.**