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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT LAW
ON THE PROCEDURE OF CONDUCTING GATHERINGS,
MEETINGS, RALLIES AND DEMONSTRATIONS

IN THE REPUBLIC OF ARMENIA

DRAFT
THE LAW OF THE REPUBLIC OF ARMENIA
ON
THE PROCEDURE OF CONDUCTING GATHERINGS, MEETINGS, RALLIES AND
DEMONSTRATIONS

ARTICLE 1. THE SUBJECT MATTER AND OBJECTIVES OF THE LAW

This law aims, while creating necessary conditions for the realization of the constitutional right of citizens to organize and conduct peaceful, unarmed gatherings, meetings, rallies and demonstrations, to ensure state and public security, public order, protection of the public health, ethics, the rights and freedoms, dignity and reputation of others.

This law defines the legal framework for organizing and conducting open, peaceful and accessible gatherings, meetings, rallies (parades), or demonstrations (including sit-down strikes) (hereinafter referred to as a public event) in areas of general public use, as well as the procedure of and conditions for conducting public events, limitations on the right to conduct those, and the rights, obligations and responsibilities of participants, as well as state and local self-government bodies.

ARTICLE 2. THE SCOPE OF THE LAW

1. The scope of this law shall cover public events organized in areas of general public use by citizens, foreign citizens, stateless persons (hereinafter referred to as citizens) or organizations or state or local self-government bodies in order to express their opinion on economic, social, political, religious or other needs, problems and issues, to seek, receive or disseminate information or ideas.

2. Citizens or organizations or state or local self-government bodies shall freely and without notification organize and conduct celebrations, rituals, cultural or sport events (hereinafter referred to as other mass events) in areas of general public use, with the exception of places defined by the Republic of Armenia Government, without violating public order and traffic regulations and the provisions of Article 9 and points 2-4 of the first part of Article 13 of this law.

Other mass events in places defined by the Republic of Armenia Government, as foreseen by this part, shall be organized or conducted with the consent of the head of the relevant community or the Mayer of Yerevan in the city of Yerevan.

3. Citizens or organizations or state or local self-government bodies shall freely and without notification organize and conduct public or other mass events in areas considered not of general public use, as long as the rights of the owner or the user of the given area, public order, traffic regulations, as well as the provisions of Article 9 and points 2-4 of the first part of Article 13 of this law are not violated.

4. Public or other mass events organized or conducted in violation of the provisions of parts three and four of this article shall be considered prohibited and subject to termination in the manner prescribed by this law.

ARTICLE 3. LEGISLATION ON PUBLIC EVENTS

Conduct of public events in the Republic of Armenia is regulated by the Republic of Armenia Constitution, this law, other legal acts adopted on the basis of the law, as well as international agreements of the Republic of Armenia.

In case of inconsistencies between the international agreements of the Republic of Armenia and the provisions prescribed by this law, the provisions of international agreements shall prevail.

ARTICLE 4. NOTIONS USED IN THE LAW

1. Gathering or meeting or demonstration – public event organized at one place in order to express one's opinion on economic, social, political, religious or other needs, problems and issues, to seek, receive or disseminate information or ideas.

2. Rally – a public event conducted via moving from one place to another. Rallies can also be conducted via transportation.

3. Mass public event – a public event conducted in a place of general public use with 100 and more participants.

4. Non-mass public event – a public event conducted in a place of general public use with less than 100 participants.

5. Place of general public use – an open space considered state or municipal property (street, square, park, public garden, plot of land, etc.), free access to or presence on which is neither prohibited nor restricted.

6. Organizer of a public event or an organizer – a fully capable citizen(citizens) or an organization (organizations) or a state or local self-government body having provided the notification for conducting a mass public event or having determined the procedure (the purpose, time, place, manner or other terms of the public event) of the non-mass public event.

7. Participant of a public event or a participant – a citizen having come to or present at the place of the public event, who purports to express his/her opinion on economic, social, political, religious or other needs, problems and issues, or to seek, receive or disseminate information or ideas.

8. Authorized body – bodies – community heads, the Mayor of Yerevan in the city of Yerevan – discussing the notification about conducting mass public events in areas of general public use.

ARTICLE 5. ORGANIZATION OF A PUBLIC EVENT

1. A citizen (citizens) or an organization (organizations) or state or local self-government bodies shall be entitled to organize and conduct a public event.

2. A public event may be organized in one or more manners specified in this law.
3. State or local self-government bodies, organizations and citizens shall not be entitled to hinder or interfere in the implementation of public events conducted in the manner defined by this law, with the exception of cases prescribed by this law.
4. Given the public event is organized by an organization, the head of the executive body of the given organization shall be considered an organizer, unless the organizer's responsibility has been delegated to another person or persons.
5. Given the public event is organized by state or local self-government bodies, the heads of these bodies shall be considered organizers, unless the organizer's responsibility has been delegated to another person or persons.
6. In the event of a replacement of the organizer of a mass public event prior to its beginning by an organization or a state or local self-government body, the organizer of the mass public event shall, no later than five hours prior to the beginning of the mass public event, inform in writing the authorized body or its representative and the representative of law-enforcement bodies, providing data about the organizer as required by this law.
7. A citizen organizer having provided the notification about a mass public event may not be replaced.
8. A mass public event may not begin, given there is no organizer present, whereas, in the event of the absence of all organizers during the mass public event, the event may be terminated in accordance with the procedure prescribed by Article 14 of this law.

ARTICLE 6. THE RIGHTS AND OBLIGATIONS OF THE ORGANIZERS OF A PUBLIC EVENT

1. The organizer shall have the right:
 - a) to determine, at his/her own discretion, the place and procedure of the public event in compliance with the requirements of the Republic of Armenia legislation;
 - b) to terminate the public event at any time;
 - c) to request relevant law-enforcement bodies to provide for mandatory expulsion from the place of the public event of the participants or other citizens violating the procedure of the event, public order or legislative provisions;
 - d) to establish unarmed groups bearing identification signs from the participants of the public event (hereinafter referred to as volunteer groups) responsible for overseeing that the participants observe the procedure of the public event, public order or legislative provisions;
 - e) to turn to relevant law-enforcement bodies or authorized representatives of the authorized body with questions related to the public order and security of the participants of the event before or during the public event;
 - f) to disseminate information about the date, time, place, purposes, procedure of the organized public event, as well as to solicit the participation in the event through mass media or other means not prohibited by law.
2. The organizer shall be obligated:
 - a) to organize and conduct an authorized mass public event exclusively in accordance with the place, term and procedure defined in the notification or agreed with the authorized body, as

well as to ensure the fulfillment of other conditions for conducting the event included in the notification or agreed with the authorized body.

- b) to commence the public event and not to leave the place of the public event until the end of the event;
- c) prior to the beginning of the public event, to announce his/her name and last name (as well as the full name of the organization, if the public event is organized by an organization), the purpose, the type, as well as the approximate time of the end of the public event;
- d) Given the public event is to take different forms, all those forms and their timeframes shall also be specified;
- e) to observe and to ensure the observance of the provisions of legislation, public order and public ethics by the participants of the public event, as well as to inform the participants of the event about the presence of volunteer groups and their identification signs;
- f) to immediately inform the participants of the event about the request of the representative of a law-enforcement body to terminate the public event or to cease the violation of legislative provisions during the public event;
- g) to cease the violations of the provisions of law or to terminate the public event at the request of competent state bodies;
- h) to ensure the integrity of the property, trees, bushes and green areas in the place of the public event;
- i) to ensure free access to buildings, constructions or other working areas of state or local self-government bodies, organizations, as well as residential houses or apartments or other areas located in or adjacent to the area of the public event;
- j) not to hinder the lawful actions of competent state or local self-government bodies or officials;
- k) not to possess, carry, use, apply arms, ammunitions or explosive, poisonous, highly inflammable or other items or materials that may be hazardous to the life, health or property of persons;
- l) not to distribute alcoholic beverages to the participants of the public event or to other citizens present at the place of the public event.

ARTICLE 7. THE RIGHTS AND OBLIGATIONS OF THE PARTICIPANTS OF A PUBLIC EVENT

1. Every citizen shall have the right to participate in public events conducted in areas of general public use.

Every citizen shall have the right to terminate his/her participation in a public event.

2. Citizens shall not be obligated to participate in a public event, neither any person shall be entitled to oblige citizens to participate in a public event.

3. The participants of a public event shall have the right to possess or to carry banners, posters and other didactic materials, as well as to use microphones. The use of microphones, as well as shouting and scansion shall be prohibited in residential areas, in the surroundings of health organisations and institutions for children, as well as during the nighttime (from 10p.m. to 8a.m.).

4. Every citizen shall have the right to photograph, videotape or audiotape public events organized in areas of general public use.

5. It shall be prohibited for the participants of a public event to possess, carry, use, apply during the event arms, ammunitions or explosive, poisonous, highly inflammable or other items or materials that may be hazardous to the life, health or property of persons.
6. It shall be prohibited to distribute for use or to use alcoholic beverages during a public event.
7. The participants of a public event shall be obliged:
 - a) to observe public order and comply with the provisions of legislation and the procedure of conducting the public event;
 - b) to comply with the requirements of public ethics;
 - c) to comply with the lawful requirements of the organizer of the public event, the volunteer groups, the authorized body or the representative of a law-enforcement body;
 - d) to immediately leave the place of the public event and to terminate other activities in regard to the public event, given the public event is terminated;
 - e) not to damage the property, trees, bushes and green areas of the place of the public event;
 - f) not to hinder free access to buildings, constructions or other working areas of state or local self-government bodies, organizations, as well as residential houses or apartments or other areas located in or adjacent to the area of the public event;
 - g) not to hinder the lawful activities of competent state or local self-government bodies or officials.

ARTICLE 8. THE RIGHTS AND OBLIGATIONS OF STATE OR LOCAL SELF-GOVERNMENT BODIES

In order to ensure observance of legislative provisions, public order or security of the participants of a mass public event conducted in compliance with this law, the authorized body shall be obligated:

- a) to appoint its representative and to immediately inform the organizer of a mass public event thereof;
- b) to inform a competent law-enforcement body and a relevant community head about the mass public event and its representative;
- c) to ensure the presence of its representative at the mass public event during the entire course of it;
- d) to carry out relevant functions within its competency to ensure the natural course of the authorized mass public event;
- e) to take measures to terminate public events conducted in violation of the provisions of this law or legislative provisions;
- f) to carry out other functions directly prescribed by law.
- g) A law-enforcement body shall be obligated:
 - h) upon the receipt of a notification about a mass public event, to immediately appoint its representative and to inform the organizer of a mass public event thereof;
 - i) to ensure the presence of its representative at the mass public event during the entire course of it;
 - j) to ensure compliance with legislative provisions and observance of public order during a mass public event;
 - k) to prohibit the entry to as well as mandatory exit from the place of the mass public event of persons violating the legislative provisions and public order;
 - l) to terminate by the procedure prescribed by law public events organized or conducted in a manner violating the provisions of this law and legislative provisions;

- m) prior to the compulsory termination of a public event, to inform the organizer, about the requirement to terminate the public event, as well as to inform thereof the participants of the event not less than twice with a microphone.
- n) not to demonstrate arms, ammunitions, special coercive devices to the participants of a mass public event;
- o) to assist volunteer groups in the implementation of their lawful objectives;
- p) to ensure free access to buildings, constructions or other working areas of state or local self-government bodies, organizations, as well as residential houses or apartments or other areas located in or adjacent to the area of the public event;
- q) to carry out other functions directly prescribed by law.

ARTICLE 9. LIMITATIONS FOR CONDUCTING PUBLIC EVENTS

1. Citizens in pre-trial detention institutions or prisons, as well as citizens recognized by a court decision incapacitated or with limited capacity shall not have the right to organize public events.
2. The right to either organize or participate in public events shall not be entitled to:
 - a) the officers of police and national security service, with the exception of cases foreseen by law;
 - b) military servants, officers of criminal executive service.
3. It shall be prohibited:
 - a) to conduct gatherings, meetings and demonstrations on bridges, in tunnels, on underground sites, as well as on the safety zones of energy supplying establishments, water systems, railways, and airports;
 - b) to organize public events in the areas of deteriorating buildings and constructions or safety zones thereof or construction sites; in the working areas of state bodies;
 - c) to organize public events in the areas of military units and safety zones thereof; in the areas of establishments of defense significance, in criminal executive establishments, areas of pre-trial detention and within a 100-meter distance from such areas;
 - d) to organize public events in the areas of establishments of special state significance as determined by the Republic of Armenia Government and within a 500-meter distance from such areas;
 - e) to organize or conduct non-mass or other mass public events in the place, where at the same time an authorized mass public event or another mass event is being or is due to be conducted;
 - f) to organize or conduct public or other mass events aiming to forcibly overthrow the constitutional order, to provoke ethnic, racial, religious hatred, to propagate violence and war, as well as to fulfill other purposes prohibited by law.

ARTICLE 10. THE PROCEDURE OF CONDUCTING PUBLIC EVENTS

1. Public events may be conducted in any place, with the exception of areas prohibited by law.

Citizens or legal entities or state or local self-government bodies shall be entitled to freely and without notification conduct non-mass public events in areas of general public use without violating public order, traffic regulations, as well as the provisions of Article 9 and points 2-4 of the first part of Article 13 of this law.

Citizens or legal entities or state or local self-government bodies shall be entitled to freely and without notification conduct mass public events in areas of general public use, with the

exception of areas defined by the Republic of Armenia Government, for the purpose of pre-election or referendum agitation, without violating the procedure determined by the Central Electoral Commission of the Republic of Armenia, public order, traffic regulations, as well as the provisions of Article 9 and points 2-4 of the first part of Article 13 of this law.

2. Mass public events in areas of general public use may only be conducted after informing the authorized bodies in writing.

3. The organizers of a mass public event to be conducted in a place of general public use shall in a written form notify the relevant community head, the Mayor of Yerevan in the city of Yerevan, no later than three working days and no earlier than twenty days prior to the foreseen date of the event. Given the public event is in the form of a march, heads of all communities, through which the march is going to take place, shall be notified.

4. Notification provided in violation of the timeframes foreseen by paragraph 3 of this Article shall not be considered submitted and shall not be discussed.

ARTICLE 11. CONTENT OF THE NOTIFICATION ABOUT CONDUCTING A MASS PUBLIC EVENT

1. The notification about the conduct of a mass public event in a place of general public use shall include:

- a) the names, last names, places of residence (addresses), as well as signatures of citizens organizing the mass public event. The authenticity of signatures should be verified by a notary or the official receiving the notification;
- b) the name and location of the legal entity or state or local self-government body organizing the mass public event;
- c) the place and route (given a march is also foreseen) of the mass public event;
- d) the approximate starting and ending time of the mass public event;
- e) the approximate number of potential participants of the mass public event (optional);
- f) other data that organizers think necessary for ensuring public order and the security of the participants during the mass public event (optional).

2. The notification of a mass public event organized by an organization or a state or local self-government body shall also include:

- a) the relevant decision of the authorized body on the conduct of a mass public event;
- b) the photocopy of the organization's registration certificate;
- c) information about the head of the executive body of the organization, or the names, last names, places of residence (addresses) and signatures of appointed or elected organizers.

3. The authenticity of the documents, information and signatures specified in paragraph 2 of this article shall be verified by the seal and the signatures of the heads of the organization entity or state or local self-government body organizing the event.

4. Given the notification provided by the organizers of a mass public event is deficient, the authorized body shall, during the discussion of the notification, inform the organizers clearly specifying the deficiencies.

ARTICLE 12. DISCUSSION OF THE NOTIFICATION ABOUT CONDUCTING A MASS PUBLIC EVENT

1. The authorized body shall discuss notifications about conducting a mass public event in a place of general public use at 12 p.m. on the next working day after receiving those, in the order of their receipt.

The discussion of notifications shall be public, whereas the organizers, no more than three representatives including specialists, experts, representatives of the authorized body or other persons invited by the former, shall be entitled to participate in the discussion and shall have the right to make a speech, ask questions, give answers to posed questions, make recommendations or interventions, present additional documents, conclusions or other information.

The chair of the discussion shall determine the procedure of the discussion of the notification, however the organizer shall be fully entitled to present his/her point of view. The discussion of notifications shall not last for more than an hour.

The discussion of the notification may be postponed only with the request of the organizers, given it is necessary to make corrections in the notification or other documents attached to it or to present additional documents. In the event of postponement of the discussion of the notification or the relevant decision, the three-hour period specified in part 2 of this article shall take effect after the beginning of the new discussion or the continuation of the discussion or after the relevant decision is made.

The authorized body shall with no delay inform the organizers, relevant law-enforcement bodies about its decision, as well as post it in an accessible and visible place specifically designated by the authorized body for that purpose.

2. Given the notification about a mass public event is not discussed or the mass public event is not prohibited by the decision of the authorized body within the period specified in part 1 of this article and 3 hours after it, the organizers shall have the right to conduct a mass public event consistent with the terms specified in the notification.

If the deadline for the discussion of the notification specified in this part is not met due to the discussion of other notifications submitted prior to it, the three-hour period specified in this part shall take effect after the discussions of notifications received prior to it are completed, however the discussion of the notification shall not be postponed until the next day.

3. Discussions of notifications shall be conducted by the head of the community or the person authorized by him/her, or the Mayor of Yerevan in the city of Yerevan or the person authorized by him/her.

4. The discussion of a notification shall result in a decision by the discussing person either to prohibit the conduct of the event or to accept the notification.

5. The authorized body shall be obligated to appoint an authorized representative for cooperating with the organizers at the place of the mass public event, supervising the lawfulness of the conduct of the event, as well as for solving other issues stipulated by this law.

ARTICLE 13. PROHIBITION ON CONDUCTING A MASS PUBLIC EVENT

1. The authorized body shall make a decision to reject the notification about and to prohibit the conduct of a mass public event, given:
 - a) the notification does not include the mandatory information and documents prescribed by Article 11 of this law;
 - b) another mass public or another mass event is going to be conducted on the specified day, time and place, in accordance with the provisions of this law;
 - c) the conduct of a mass public event on the date, time and place specified in the notification may cause an eminent threat to the life, health or property of other persons;
 - d) the mass public event is to be conducted in a place prohibited by law;
 - e) in accordance with the law, the organizers of the public event do not have the right to make a request for conducting it;
 - f) the march to be conducted will paralyze the traffic of the given residential area or international highways.
 - g) on the same day and at the same time in the neighboring area or within immediate proximity to the place of the public event to be conducted another authorized public event organized by an opposing party is to take place, where confrontation may be unavoidable;
 - h) The authorized body shall not make a decision to prohibit the conduct of a mass public event on any other ground.
2. The decision on prohibiting a mass public event shall precisely and clearly specify the grounds for prohibiting the conduct of a mass public event.
3. The decision on prohibiting the conduct of a mass public event shall be submitted to the organizers or shall be sent to them by post to the address specified in the notification.
4. The decision on prohibiting the conduct of a mass public event may be repealed to the court, and the court shall hear the case within a day. The decision on recognizing the decision on prohibiting the conduct of a mass public event invalid and out of force shall take effect upon publication.
5. Given the violation of the provision defined in the first point of the first part of this article has served as basis for the authorized body to reject the conduct of a mass public event, the discussion of the notification shall, upon the request of the organizers, be deferred, but for no more than two hours to allow the organizers to present relevant information and documents.

Given the discussion of the notification reveals grounds for prohibiting the conduct of a public event based on the provisions specified in points 2, 3, 4, 6 and 7 of the first part of this law, the authorized body, upon the request of the organizer, shall be obligated to suggest to the organizers other places (on the day and hour specified in the notification), other days (in the place and at the time specified in the notification) and other hours (in the place and on the day specified in the notification) for conducting the mass public event.

The suggested places shall meet the requirements specified by the organizers, in particular the same participation level should be ensured, given there is information about the number of participants in the notification. No places outside the community, or the municipal community in the city of Yerevan, shall be suggested by the organizers, whereas proposed places should be close to the place proposed by the organizers.

The proposed time of the day should be the same as proposed by the organizers or there may be up to a two-hour difference.

The authorized body may suggest conducting the mass public event within two days subsequent to the date proposed by the organizers.

Given the mutual consent of the authorized body and the organizers, another day, place or hour not arising from the provisions of this part shall be decided for the given mass public event during or after the discussion of the notification.

In the event of acceptance of one of the suggestions of the authorized body specified in this part, the participants shall, during the working day of the authorized body, submit a written notification to the latter at least one day prior to the foreseen public event, which serves as basis for conducting a mass public event in compliance with the terms and conditions suggested by the authorized body and accepted by the organizers.

ARTICLE 14. TERMINATION OF A PUBLIC EVENT

1. An authorized body or its representative or a representative of a law-enforcement body shall have the right to require the organizers of a public event to terminate it, given:

- a) the mass public event has been organized or is being conducted without a notification;
- b) the organization of the mass public event has been prohibited by the decision of the authorized body;
- c) the organizers or participants of a public event continue to violate the provisions of the law or the route of the march after a prior warning by an authorized person or a relevant authorized representative of a relevant authorized state body as foreseen by law;
- d) the conduct or the continuation of a public event may cause an eminent threat to the life, health, safety of persons or may cause substantial material damage to the state, the community, physical persons or organizations.

2. An authorized body or its representative or a representative of a law-enforcement body having identified violations prescribed by the first part of this article shall with no delay, prior to the compulsory termination of the public event, warn the organizers of the public event and request them to terminate the public event.

3. Upon the receipt of the request prescribed by the second part of this law, the organizers of a public event shall be obligated to announce its termination and to take measures for the termination of the public event.

4. In the event of noncompliance with the request to terminate a public event made in the manner prescribed by this law or in the event of the absence of the organizer from the site of the public event, the representative of law-enforcement bodies shall, prior to the compulsory termination of the public event, be obliged at least twice to inform with a microphone the participants of the public event about the termination of the public event, after which, in the event of non-termination of the public event, the representatives of law-enforcement bodies shall be entitled to compulsorily terminate the event in the procedure specified and manner prescribed by the law.

ARTICLE 15. LIABILITY FOR VIOLATIONS OF THE PROVISIONS OF THE LAW

1. The State or the community shall be obligated to compensate for the damage incurred by the organizers due to the unlawful termination or prohibition of the public event by the bodies or the officials of the former.

Officials of state or local self-government bodies shall be subject to criminal or administrative liability foreseen by law for unlawfully impeding, interfering in or terminating a public event.

2. Organizers or participants of public events conducted in violation of the provisions of this law or organizers failing to comply with the requirements of terminating it shall be subject to liability foreseen by law.

3. The organizers or participants of a public event shall bear material liability foreseen by law for having caused any damage to other persons.

ARTICLE 16. FINAL PROVISIONS

Points 1 and 2 of the Republic of Armenia Supreme Council Presidium Decree N 1289-XI "On Liabilities for Violations of the Determined Procedure of Organizing and Conducting Gatherings, Meetings, Rallies and Demonstrations" dated 29 July 1988, as well as the ASSR Supreme Council Presidium Decree 9306-XI "On the Procedure of Organizing and Conducting Gatherings, Meetings, Street Rallies and Demonstrations in the USSR" dated 29 July 1988 shall become invalid.