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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT LAW

**ON MAKING AMENDMENTS AND ADDENDA
TO THE LAW
“ON CONDUCTING MEETINGS, ASSEMBLIES,
RALLIES AND DEMONSTRATIONS”**

OF THE REPUBLIC OF ARMENIA

(First Reading)

First Reading

Draft Law on making amendments and addenda to the Law of the Republic of Armenia “On Conducting Meetings, Assemblies, Rallies and Demonstrations”

Article 1: Article 1 of the Law.

Put an endnote after the word “create” replace the rest part of the article as with: “ No restrictions shall be placed on the exercise of these rights other than such as are prescribed by Law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

Article 2: Invalidate Articles 3 and 4 of the Law.

Article 3: Article 5 of the Law:

1) Edit part 4 as follows:

4. If a public event is organized by juridical person, the organizer is considered to be the person who has the right to present it or the person who is authorized by the juridical person to implement the duties of the organizer.

2) Add a new part 7 as follows:

7. The organizers of other events in places of general use, as well as the organizers of non-mass public events have the right to conduct these events under the rules provided by the present law for conducting mass public events.

Article 4: Invalidate paragraph 6 of part 2 of Article 6 and part 3.

Article 5: In Article 7:

Invalidate part 6.

In part 7:

1. Delete the following words “and other requirements of the law” from paragraph 1.

2. The following words “and stop other activities emanating from the public event” from paragraph 3.

3. Edit paragraph 5 as follows: “refrain from blocking free entry and exit to and from buildings, constructions and other areas in or adjacent to the venue of public event.”

Article 6: Article 8,

Complete part 1 with a new paragraph 4) its actions should be guided by other fundamental principles of proportionality and administration, according to the Law of RA “On Foundations of Administration and Administrative Proceedings”.

Part 2:

1. Edit paragraph 5 as follows:
 - 5) “is obliged to ensure free entry and exit to and from buildings, constructions and other areas in or adjacent to the venue of public event.”
2. Edit paragraph 6 as follows:
 - 6) Its actions should be guided by other fundamental principles of proportionality and administration according to the Law of RA “On Foundations of Administration and Administrative Proceedings”.

Article 7: Article 9 of the Law:

Edit paragraph 3 as follows:

3. It is prohibited to conduct public events:

- 1) On bridges, in tunnels, underground areas, hazardous buildings, construction areas, if the public security, health of participants and others are endangered,
- 2) Military units, defense facilities, penitentiary centers, pre-trial detention institutions and in areas less than 150 meters away from such areas,
- 3) In the proper distance from away considered necessary by police for security reasons from the Residence of the President of the Republic, “Atomic Electrical Station of Armenia” CJSC, Central Bank of Armenia, “Public Tele-Company of Armenia” CJSC, Underground Gas Repositories and bodies of their supplies, “Orbita 2” Satellite over ground Station.
- 4) If such events are aimed to overthrow forcibly the constitutional order, instigate national, racial or religious hatred, campaign for violence or war,
- 5) In areas not for general use, if the rights of its disposer, matron and user are violated.

To add new point 4 with the following wording:

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

Article 8: Article 10 of the Law.

1. In the second part after the word “notification” add the words “to authorized body”.
2. Delete from the second part the following words: “traffic rules or counter provisions under part 3 of Article 9 and paragraphs 2,3, and 7 of paragraph 1 of Article 13 of this law” and the last sentence.
3. Invalidate part 3.
4. In Part 4: Put an endnote after the word “Mayor of Yerevan” and delete the word “such” and add after the word “event” the following “The notification is legal and will be considered, in case it is submitted”.

Article 9: In Article 11 of the Law.

1. Edit the first part as follows:
 1. Notification, signed by organizers, on conducting a mass public event shall include:
 - the venue of the mass public event, possible time of beginning and end, if a rally is envisaged, then the rout and possible schedule of the rally,

- Passport details of the organizers, and for stateless persons, any other document certifying the identity.

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

2. Invalidate part 2 and part 3 and delete the first sentence of part 4.
3. Add the following new sentence at the end of part 5: "Copy of the notification should be sent to the relevant bodies of police".

Article 10: Article 12

1. In first part replace the words "at 12 o'clock" with "until 12 o'clock" and delete the last sentence.
2. Replace the word "notification" with the word "notifications" in the first sentence of the part 4. In the second sentence, add before the word "notification" the word "each".
3. Edit part 6 as follows: "In the result of consideration of the notification, in the absence of the circumstances referred in the Article 13, the notification about mass public event is taken into consideration. In the presence of the circumstances referred in Article 13, a decision is taken about prohibition of a mass public event".

Article 11: In Article 13 of the law:

1. Edit part 1 as follows: "In the result of the consideration of a notification, the decision taken by the authorized body according to the rule anticipated in Article 12, a mass public event could be prohibited only, when:"
2. Add in paragraph 1 of the part 1 before the word "notification" the words "After being informed about the missing".
3. Invalidate paragraph 6 of part 1.
4. Add the following sentence at the end of part 1. "the rally could be prohibited if the continuation of the rally as so long that will result in a not reasonable restriction of rights and freedoms of other people"
5. Invalidate paragraph 8 of part 1.
6. Invalidate paragraph 7 of part 1.
7. Delete in parts 4 and 5 the following words "upon a verbal request of the organizer" and the words "should there be such a possibility".
8. in part 4: replace number "7" with number "6" and add at the end "and in case of rally, other type in mentioned location, day and time as indicated in the notification".

Article 12: in Article 14 of the law:

1. Invalidate paragraph 5 of part 1 and paragraph 3 of part 3.
2. Add in paragraph 1 of part 1 after the word "notification" the following: "except the cases, when the non-mass public event is growing spontaneously to a mass public event".
3. Delete the words "organizers or participants" in paragraph 4 of part 1, replace the word "violating" with "is violated".
4. Delete the word "or" in paragraph 4 of part 1 and paragraph 2 of part 3, the following words "set forth under paragraphs 2 and 3 of this Article" from part 4.
5. Edit paragraph 2 of part 3 as follows: "the request to terminate the public event has not been implemented in within the time-frame and the continuation of it is a real threat to lives of people, health, state and public security, public order, as well as considerable property damage will be done to state, community, natural and legal persons".

Article 13: This law enters into force the 10th day after its publication.