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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**DRAFT LAW**

**ON AMENDMENTS AND ALTERATIONS  
TO THE LAW OF 1998  
ON FREEDOM OF ASSEMBLY  
OF THE REPUBLIC OF AZERBAÏJAN**

**20 April 2007**

**Milli Madjlis of the Republic of Azerbaijan decides as follows:**

**I. The Law of the Republic “On freedom of assembly” (Compilation of the Legislation of the Republic of Azerbaijan, 11, article 649 of 1998; 4, article 278 of 2005) shall be amended as follows:**

1. The first sentence of paragraph 1 of Article 1 shall be amended to read as follows:

“Everyone's freedom to assemble together with others is ensured by the Constitution of the Republic of Azerbaijan and international treaties to which the Republic of Azerbaijan is a party.”

2. Article 2 shall become Article 3 and its text shall be amended to read as follows:

“Article 3. Definitions of assembly

Notion of "assembly" in the present Law means temporary gathering of some persons in a public place for certain purposes. Such an assembly may be in the forms of gathering, meeting, demonstration, street procession, and picket.”

3. Article 3 shall become Article 2 and its text shall be amended to read as follows:

“I. Freedom of assembly shall be applied in compliance with the international treaties to which the Republic of Azerbaijan is a party on the basis of the present Law.

II. The government shall ensure equality of persons during the realization of the freedom of assembly.”

4. Part two of paragraph 2 of Article 4 shall be amended to read as follows:

“Using wedding and funeral ceremonies, holiday and mourning events and religious ceremonies for organizing gatherings, meetings, demonstrations, street procession and pickets can be limited or suspended on the basis of the requirements stipulated in Articles 7 and 8 of the present Law”

5. Paragraph 2 of Article 6 shall be amended to read as follows:

“II. Persons under 18 without consent of their parents or other legal representatives as well as persons whose capability is restricted by the court decision that entered into legal force, without consent of their custodians, may not be organizers of a peaceful assembly.”

6. Paragraph 3 of Article 6 shall be deleted.

7. The last sentence of paragraph 5 of Article 6 shall be amended to read as follows:

“An assembly cannot be hold if none of the organizers is present”.

8. Paragraph 1 of Article 7 shall be amended to read as follows:

“I. No restrictions shall be placed on the exercise of the right to freedom of assembly 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.”

9. Paragraphs 3 and 4 of Article 7 shall become correspondingly paragraphs 2 and 3, paragraph 2 shall become paragraph 4 and its text shall be amended to read as follows:

“IV. Freedom of assembly provided for in paragraphs 1, 2 and 3 of this Article can be restricted in any forms including change of time and venue of an assembly”.

10. In paragraph 3 of Article 8 the words “to hold a peaceful assembly” shall be replaced by the words “holding of peaceful assembly”.

11. Subparagraph three of paragraph 3 of Article 8 shall be deleted.

12. Paragraphs IV, V, VI and VII of Article 8 shall become correspondingly V, VI, VII and VIII, and new paragraph IV shall be inserted into this Article, which shall read as follows:

“Taking into account the requirements of Article 7 of this Law, holding peaceful assembly of political content can be prohibited by the decision of the relevant body of executive power during the period of carrying out international events of state importance on days and the territories of cities and regions where they are conducted”.

13. The first sentence of paragraph 2 of Article 9 shall be amended to read as follows:

“If another event is arranged at the venue and time stipulated in a written notification of organizers of an assembly and there are sufficient grounds for assumption of a conflict between parties caused by counter-assembly, a relevant body of executive power shall provide a possibility for organizers to determine another venue and time. In the case of holding counter-assembly police authorities shall undertake relevant measures in order to provide security for participants of both assembly and counter-assembly”.

14. In paragraph III of Article 9 the words “gatherings, meetings and demonstrations” shall be replaced by the word “assemblies”, the words “shall be prohibited” shall be replaced by the words “can be prohibited”.

15. In subparagraph 1 of paragraph 3 of Article 9 the figure “300” shall be replaced by the figure “200”.

16. Part 2 of paragraph 3 of Article 9 shall be amended to read as follows:

“on bridges, in tunnels, at construction areas, and protection zones of trunk pipelines, electric wires of a tension more than 1000 V, subway, railway constrictions, defence

units, technical constrictions of water supply and sewerage systems, oil wells, water conservation zones”.

17. At part 4 of paragraph 3 of Article 9 the figure “300” shall be replaced by the figure “150”.

18. Part 5 of paragraph 3 of Article 9 shall be amended to read as follows:

“at the territory of penitentiaries, pre-trial detention and psychiatric medical institutions as well as in places located closer than 150 meters to the boundaries of these territories”.

19. In paragraph IV of Article 9 the word “shall not be held” shall be replaced by the word “can be restricted”.

20. Paragraph 6 of Article 9 shall be amended by the new sentence and its text shall read as follows:

“Upon petitions a relevant body of executive power can change the list of venue of gatherings, meetings and demonstrations”.

21. In Article 10 the figure “2” shall be replaced by the figure “3”.

22. In Article 11 the figure “3” shall be replaced by the figure “2”.

23. The first sentence of paragraph 2 of Article 12 shall be amended to read as follows:

“During an assembly, organizers shall enjoy the right to freedom of speech in accordance with the Constitution of the Republic of Azerbaijan and the international treaties to which the Republic of Azerbaijan is a party”.

24. In the second sentence of paragraph 2 of Article 12 the words “legal norms” shall be replaced by the word “treaties”.

25. In paragraph 8 of Article 12 the words “under the condition of paying for it” shall be deleted.

26. In the first sentence of paragraph 5 of Article 13 the word “lawful” shall be replaced by the words “being held in compliance with this Law”.

27. Paragraph 5 of Article 13 shall be amended by third sentence and its text shall read as follows:

“If a peaceful assembly turned into violent assembly a participant of an assembly, not committed an offence, shall not be brought to responsibility only for his attendance at the assembly.”

28. In paragraph 1 of Article 14 the words “taking into account the requirements of Article 7 of this Law” shall be added after the word “assembly”.

29. In subparagraph two of paragraph 1 of Article 14 the words “when necessary” shall be deleted.
30. The third subparagraph of paragraph 1 of Article 14 shall be amended to read as follows:

“to suspend an assembly if venue or time of this assembly, route of a street procession (venue of starting and finishing of a street procession) stipulated in a written notification was changed;”.
31. In subparagraph three of paragraph 2 of Article 14 the word “force” shall be replaced by the words “physical force”.
32. In subparagraph four of paragraph 2 of Article 14 the words “relevant force” shall be replaced by the words “physical force in compliance with the legislation of the Republic of Azerbaijan”.
33. In paragraph 3 of Article 14 the words “in compliance with the legislation of the Republic of Azerbaijan” shall be added after the words “for the purpose”, the word “relevant” shall be replaced by the word “special”.
34. Paragraph 6 of Article 14 become paragraph 7 and the new paragraph 6 shall be amended to read as follows:

“Physical force or specials means used by police officers shall be adequate to the danger occurred”.
35. The figure “I.” shall be added at the beginning of the first paragraph and the new paragraph 2 shall be added to read as follows:

“II. Responsibility of police officers for unlawful offences committed by them during discharge of their duties with regard to holding assembly, shall be regulated by the Law of the Republic of Azerbaijan “On police”.

**II. The present Law shall enter into force since the day of publishing.**