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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT LAW

ON AMENDMENTS AND SUPPLEMENTS
TO THE LAW ON ASSEMBLY AND MANIFESTATIONS

OF GEORGIA

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

1. Article 1 shall be formulated as follows:

“Article 1

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 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) Non-discriminative;

c) Proportionally restrictive;

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

2. Article 1¹ shall be added to the law:

“Article 11

The right referred to in Paragraph 1 of Article 1 does not apply to persons working in the Armed Forces, the Ministry of Internal Affairs and special authorities working in relevant services of the Ministry of Finance;

This Law establishes the obligation of prior notification of the authorities if an assemblage or manifestation is held at the transport movement places;

3. The rule of prior notification does not apply to assemblage or manifestation if they do not block roads or hinder the movement of transport. “

3. Subparagraph “h” shall be added to the article 3:

“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.”

4. Paragraph 2 of Article 4 shall be formulated as follows:

“2. During organizing or holding an assemblage or manifestation it is prohibited to appeal for subversion or violent 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 and which creates clear, direct and present danger of such act”.

5. **Article 6 shall be removed.**
6. **Article 7 shall be removed.**
7. **Article 9 shall be formulated as follows:**

“Article 9

1. The State agency, where an assemblage or a manifestation is held may limit the distance of an assemblage or a manifestation, but not exceeding the 20 meters limit from the entrance of the building.

2. A state agency takes the decision provided in paragraph 1 of this Article, on case by case bases taking into consideration the existing circumstances and public interest, by the rule stated in paragraph 2 of article 1 of this law.

3. It is prohibited to hold an Assemblage or a manifestation inside and within 20 meters from the entrance of the following buildings:

a) The Constitutional Court of Georgia, the Supreme Court of Georgia, the common courts of Georgia, the Prosecutor’s Office, the Police, penitentiary, temporary detention facilities and law enforcement bodies;

b) Railway stations, airports and ports;

4. It is prohibited to hold an Assemblage or a manifestation inside and within 100 meters from the entrance of Military units and sites;

5. It is prohibited to block an entrance of a building during an assemblage or a manifestation.”

8. **Article 11¹ Shall be formulated as follows:**

“Article 11¹

1. In case of full or partial blockage of a carriageway by the participants of an assemblage or a manifestation Local self-government or in special cases government of Georgia may take decision to restore transport movement, if an assemblage or a manifestation CAN BE held otherwise due to the number of people participating in it;

2. It is inadmissible to take the decision provided in paragraph 1 of this Article, if an assemblage or a manifestation cannot be held otherwise due to the number of people participating in it and if all the requirements set by this law is fulfilled;

3. Local self-government or in special cases government of Georgia takes the decision provided in paragraph 1 of this Article, on case by case bases taking into consideration the existing circumstance and public interest, by the rule stated in paragraph 2 of article 1 of this law;

4. Artificial blockage of a carriageway shall be prohibited unless it is necessary due to the number of people participating in an assemblage or a manifestation. It shall also be prohibited to block a carriageway with the use of vehicles, various structures and /or other objects.

5. If blockage of a carriageway is necessary due to the number of people participating in an assemblage or a manifestation, local executive self-government bodies shall be obliged to ensure the safety of the participants and to work out an alternative traffic rout.”

9. Article 13 shall be formulated as follows:*“Article 13*

1. In case of a mass violation of Article 4(2) of this Law, an assemblage or a manifestation shall cease immediately at the request of an authorized representative of the local government body.

2. Immediately upon the warning concerning violation of Articles 11 and paragraph 5 of Article 11¹ by an authorized representative of a local government body, organizer of assemblage or manifestation is obliged to appeal to the participants of the assemblage or manifestation and to take all reasonable efforts within the next 15 minutes to eradicate the violations.

3. In case of taking the decision provided in paragraph 1 of article 11¹, an organizer of assemblage or manifestation is obliged to appeal to the participants of the assemblage or manifestation and to take all reasonable efforts within the next 15 minutes after the warning in order to restore transport movement.

4. If the organizer of an assemblage or manifestation does not appeal to the participants of the assemblage or manifestation and does not take all reasonable efforts within the next 15 minutes after the warning in order to eradicate the violations mentioned in paragraph 2 of this article, he/she will be held responsible under the relevant legislation of Georgia.

5. In case of individual violation of articles 4(2), 11 and 11¹ by the participant of an assembly or a manifestation, the individual perpetrator shall be held responsible under the relevant legislation of Georgia.

6. If the organizer of an assemblage or manifestation took all reasonable efforts but could not eradicate the violations mentioned in paragraph 2 of this article, law-enforcement bodies shall take all measures provided by the legislation of Georgia in order to eradicate the violation or to break up an assembly or a manifestation and to drive away the participants.

7. Decision on breaking up an assemblage or manifestation may be appealed in the court. The latter shall adjudge on lawfulness of the decision within three working days upon receipt of an appeal”.

10. Article 2. The law shall enter into force on the 15th day of its publication.**President of Georgia****Michael Saakashvili**