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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT LAW
ON PUBLIC ASSEMBLIES
OF THE REPUBLIC OF ARMENIA

*Draft***Republic of Armenia
Law on Assemblies****Chapter 1. General Provisions****Article 1. The Freedom of Assembly**

1. According to Article 29 of the Constitution, everyone has the right to conduct, i.e. to organize and to participate in peaceful and unarmed assemblies.
2. The purpose of this Law is to create and uphold the conditions necessary for the exercise of the freedom of assembly enshrined in the Constitution and international treaties of the Republic of Armenia.

Article 2. Definition of Assembly

1. For purposes of this Law, an assembly is the intentional and temporary peaceful and unarmed presence of two or more individuals, not limited to a distinct circle of individuals, in a public place that is not a building or structure for a common expressive purpose.
2. An assembly is carried out by means of assembling in one place or moving from one place to another (“procession”).
3. A public place is a state-owned or community-owned open-air space (street, sidewalk, square, garden, park, etc.) to which everyone has access.

Article 3. Scope

This Law does not apply to celebrations, rites, and cultural or sports events.

Article 4. Principle of the State’s Obligation to Protect Assemblies

The state is obliged to undertake the necessary measures to protect the assembly participants from encroachments aimed at inhibit the natural course of the assembly.

Article 5. Other Principles

In exercising their authority prescribed by this Law, state government and local self-government bodies and officials shall follow the other fundamental principles of proportionality and administration in line with the Republic of Armenia Law on Fundamentals of Administration and Administrative Proceedings.

Article 6. Grounds for Restricting the Freedom of Assembly

1. The freedom of assembly may be restricted only if it is aimed at the protection of state security or the public order, the prevention of crime, or the protection of public health and morals or of the constitutional rights and freedoms of others (hereinafter, “interests of constitutional rights of others and interests of the public”).
2. It shall be prohibited to exercise the right to freedom of assembly for forcibly overthrowing the constitutional order, inciting ethnic, racial, or religious hatred, or advocating violence or war.

Article 7. The Right to Participate in Assemblies

1. Citizens of the Republic of Armenia, foreign citizens, and stateless persons have the right to participate in assemblies (hereinafter, “assembly participants”).
2. No one may compel a person to participate in any assembly.

Article 8. Restrictions on Participation in Assemblies

Persons serving in the armed forces, the police, national security or prosecution authorities, members of the constitutional court, and judges in cases prescribed by law may not participate in assemblies.

Article 9. The Assembly Organizer

1. Everyone who has the right to participate in an assembly, as well as any legal entity may be the assembly organizer.
2. Save for persons recognized as having full legal capacity in accordance with the procedure stipulated by Article 24(2) of the Civil Code of the Republic of Armenia, a person under 18 may organize an assembly only with the written consent of his or her guardian.
3. The assembly organizer is the assembly leader. If an assembly is organized by a legal entity, then the president of such entity shall be the assembly leader. The organizer may assign leadership of the assembly to another person.
4. If the duties of the assembly leader are de facto performed by another person, then the latter shall bear the rights and responsibilities stipulated by this law for the assembly leader.

Chapter 2. Assemblies Conducted with Notification

Article 10. Notification of Conducting an Assembly

To conduct an assembly, the organizer shall give written notification to the authorized body, with the exception of assemblies with up to 100 participants and of spontaneous assemblies.

Article 11. Purpose of Notification

The purpose of notification is to ensure that the state can take the measures necessary for securing the natural and peaceful course of the assembly and for protecting the constitutional rights of other persons and the interests of the public.

Article 12. The Authorized Body

The community head is the body considering the notification (hereinafter, "the Authorized Body").

Article 13. Deadline of Presenting the Notification

The notification may be presented no later than 7 and no earlier than 30 days prior to the assembly.

Article 14. Form of Presenting the Notification

The notification may be presented in person, by mail, or by e-mail.

Article 15. Requirements concerning the Notification

1. The following shall be specified in the notification:
 - 1) The assembly venue;
 - 2) The approximate time of the assembly beginning and end;
 - 3) The assembly purpose;
 - 4) The anticipated number of participants;
 - 5) The objects or technical means to be used for conducting the assembly;

- 6) The contemplated number of stewards;
 - 7) In case of a procession, the procession route and the timing; and
 - 8) The passport or other personal identification document data, telephone numbers, mailing address, and e-mail address of the organizers or, if the organizer and the assembly leader are different persons, then also of the assembly leader.
2. In case an assembly is organized by a legal entity, the decision of the competent body thereon shall be presented with the notification.
 3. A person under 18 shall, unless he or she have been recognized as having full legal capacity, present also the written consent of his or her guardian.
 4. The organizer shall be obliged to give immediate notice to the Authorized Body of any changes to the data specified in sub-paragraphs 2-6 and 8 of Paragraph 1 of this Article. Such changes may not alter the essence of an acknowledged assembly.
 5. If the organizer wishes to change the date specified in sub-paragraphs 1 and 7 of Paragraph 1 of this Article, then he shall be obliged to present a new notification.
 6. If the notification contains formal errors that can be corrected, then the Authorized Body shall point them out to the organizer and allow the latter to correct them; alternatively, the Authorized Body itself shall correct such mistakes with prior or post notice thereof to the organizer. If the data specified in the notification is not complete, then the Authorized Body shall recommend to the organizer to complete them.

Article 16. Logging of Notifications

Notifications presented to the Authorized Body shall be logged in a special register maintained for such purposes in the order in which notifications are received, and copies of such notifications shall be posted in the administrative building of the Authorized Body in a place accessible and visible for all. The Authorized Body shall immediately send a copy of the notification to the Police.

Article 17. Procedure of Considering the Notification

1. The Authorized Body shall consider the notification and make a decision thereon no later than 4 days prior to the assembly date.
2. The Authorized Body shall, no later than within 24 hours of logging the notification, be obliged to send it to the Police and the National Security Service for receiving their opinions on conducting the assembly.
3. The Police and the National Security Service shall, within 24 hours, present their opinions in writing to the Authorized Body.
4. The Authorized Body shall conduct a hearing:
 - 1) If either the Police or the National Security Service presented an opinion on imposing certain limitations on the assembly or prohibiting the assembly; or
 - 2) If the Authorized Body intends to impose certain limitations on the assembly or prohibit it.
5. The Authorized Body shall notify the organizers of the time and place of conducting the hearing in accordance with the procedure stipulated by Paragraphs 1 and 3 of Article 22 of this Law.
6. The Authorized Body may invite representatives of the Police and the National Security Service, as well as other persons to participate in the hearing.
7. The procedure of hearings shall be prescribed by the Authorized Body. The organizer shall be provided an effective opportunity to present his opinion.

Article 18. Proposing Conditions or Limitations on Conducting the Assembly

1. If it becomes clear from the notification presented to the Authorized Body or from other information available to the latter that the time, venue, or method of the contemplated assembly may directly lead to a disproportionate violation of the constitutional rights of other persons or of the interests of the public, then the Authorized Body may propose conditions for conducting the assembly with the aim of ensuring the peaceful and natural course of the assembly. Such conditions may concern only the time, place, or method of conducting the assembly.
2. The assembly organizer shall be given immediate notice of the conditions proposed for conducting the assembly. In case agreement on the conditions is reached, they shall be recorded and attached to the case file. In case agreement on the conditions is not reached, the Authorized Body shall decide to impose limitations on the assembly time, place, or method.
3. The limitations imposed on conducting the assembly may not distort the assembly purpose or isolate the assembly participants in time or space in a way that significantly reduces its significance and potential impact on the public audience targeted by the organizers, or in any other way result in de-facto prohibition of the assembly.
4. Conducting another assembly, including a counter-assembly, at the time and place specified in an assembly notification is per se not a ground for imposing limitations on the assembly, unless there is an imminent danger of clash between their participants. Otherwise, preference shall be given to the assembly notified earlier.

Article 19. Prohibition of Conducting Assemblies

1. Conducting an assembly shall be prohibited by the Authorized Body, if:
 1. It is proven, as a result of the consideration of the notification, that the assembly purpose is to forcibly overthrow the constitutional order, to incite ethnic, racial, or religious hatred, or to advocate violence or war;
 2. If the assembly organizer does not have the right to organize an assembly by virtue of Article 9 of this Law;
 - 3) If the assembly is conducted at such a distance from the residence of the President of the Republic, the National Assembly, or the Government, or from courts, which threatens their natural activities; or
 - 4) If the assembly is conducted at such a distance from the “Nuclear Power Station of Armenia” CJSC, from the underground storage facility of natural gas and its support structures, or from the “Orbita 2” ground satellite station, which threatens their security.
2. The Authorized Body shall prohibit the assembly, if the imminent threat to the constitutional rights of other persons or to the interests of the public cannot be prevented by means of the limitations stipulated by Paragraph 2 of Article 18 of this Law.

Article 20. Acts of the Authorized Body concerning the Notification

1. If the grounds mentioned in Articles 18 and 19 hereof are absent, then the Authorized Body shall acknowledge the notification of conducting an assembly.
2. If the grounds mentioned in Paragraph 2 of Article 18 hereof are present, the Authorized Body shall make a decision on conducting the assembly subject to the limitations set by the Authorized Body.
3. If the grounds mentioned in Article 19 hereof are present, the Authorized Body shall make a decision on prohibiting the assembly.

4. If the Authorized Body does not make either of the decisions stipulated by Paragraphs 2 or 3 of this Article during the time period stipulated by Paragraph 1 of Article 17 of this Law, then the organizer shall have the right to conduct the assembly on the conditions mentioned in the notification presented to the Authorized Body.

Article 21. Informing about Acknowledging the Notification

The Authorized Body shall immediately inform the organizers and the Police about acknowledging the notification, and shall post a note thereon in the administrative building of the Authorized Body in a place accessible and visible for all.

Article 22. Coming into Effect of Decisions of the Authorized Body

1. The Authorized Body shall immediately inform the organizers and the Police about making the decisions mentioned in Paragraphs 2 and 3 of Article 20 of this Law, and shall post such decisions in the administrative building of the Authorized Body in a place accessible and visible for all. The decision of the Authorized Body shall remain posted at the appropriate place until the day following the assembly. The decision of the Authorized Body shall come into effect after the moment of posting it in the building of the Administrative Body.

2. The Authorized Body shall immediately deliver the decision to the organizers by registered mail, with confirmation of receipt, or by means of delivery to the organizer in person.

3. In case of having the organizer's telephone or fax numbers or e-mail, the Authorized Body shall inform the organizer of making its decision by at least one of such means of communication.

Article 23. Appealing the Act of the Authorized Body concerning the Notification

The act of the Authorized Body concerning conducting the assembly may be appealed in court within a three-day period of the decision coming into effect or of posting information about acknowledging the notification.

Chapter 3. Assemblies with up to 100 Participants, Spontaneous Assemblies, and Urgent Assemblies (Assemblies without Notification)

Article 24. Right to Assemblies with up to 100 Participants

If the organizer is of the opinion that no more than 100 participants will take part in the assembly, then the organizer shall not be obliged to present notification in advance.

Article 25. Procedure of Conducting Assemblies with up to 100 Participants

Assemblies without notification shall be subject to the provisions enshrined in Chapter 4 of this Law.

Article 26. Definition of Spontaneous and Urgent Assemblies

A spontaneous assembly is one that is conducted with the aim of reacting to an event immediately ("spontaneous assembly") or within a short period of time ("urgent assembly"), provided that such aim cannot be attained in case of following the timeline for presenting a notification.

Article 27. Procedure of Conducting a Spontaneous Assembly

1. If a spontaneous assembly has a de-facto organizer, then the latter shall be obliged to inform the Authorized Body thereof as soon as reasonably possible.
2. The organizer of an urgent assembly shall inform the Authorized Body of making the decision to conduct an assembly immediately after such decision is made.
3. Spontaneous and urgent assemblies may not last longer than six hours.

Chapter 4. The Course of an Assembly

Article 28. The Assembly Beginning and End

Before the assembly begins, the assembly leader shall communicate his name and surname, or, if the assembly is organized by a legal entity, then also the full name of the legal entity, the assembly purpose, and the approximate time of the assembly end. If the assembly will include a procession, then the procession route and timetable shall be publicized.

Article 29. The Course of a Nighttime Assembly

Assemblies conducted in areas adjacent to residential buildings between 10pm and 6am may not be accompanied with noise or light signals disturbing the rest of persons.

Article 30. Responsibilities of Assembly Participants

1. An assembly participant shall be obliged:
 1. Not to carry during the assembly weapons or objects used as weapons;
 2. To carry out the instructions of the assembly leader and stewards on maintaining rule and order;
 3. To refrain from actions aimed at inhibiting the natural course of the assembly;
 4. To leave the assembly venue immediately in case of being removed from the assembly;
 5. To leave the assembly venue immediately in case of the assembly being terminated; and
 6. Not to obstruct the free access to buildings, structures, and other premises located at the assembly venue or adjacent to it.

Article 31. Rights and Responsibilities of the Assembly Leader

1. The assembly leader:
 1. Shall determine the course of the assembly, in particular give the floor to speakers and determine the sequence of their speeches;
 2. Shall be obliged to be present at the assembly and to be accessible for the Police representative;
 3. Shall be obliged to take the necessary measures during the assembly for ensuring the natural course of the assembly, namely by means of appeals to prevent violent actions by the assembly participants, to refrain from violence, and to separate from participants ready to use force;
 4. Shall have the right to request Police officers forcibly to remove from the assembly venue the citizens that disturb the peaceful and natural course of the assembly;
 5. Shall be obliged to inform the assembly participants immediately of the demands of Police servants on ensuring the peaceful and natural course of the assembly; and
 6. Shall have the right at any time to declare that the assembly has ended.
2. The assembly leader has the right to use the help of the necessary number of adult stewards. Stewards shall carry white signs. Other signs shall not be permitted.

Article 32. Powers of the Police during Assemblies

1. The Police:

1. Shall be obliged, immediately after receiving information on an assembly, designate its representative and inform the organizer and the Authorized Body thereof;

2. Shall be obliged to ensure the presence of its representative at the assembly;

3. Shall be obliged to remove from the assembly venue persons that disturb the natural course of the assembly; and

4. Shall be obliged to ensure free access to buildings, structures, and other premises located at the assembly venue or adjacent to it.

2. If the assembly is conducted in violation of the notification requirements enshrined in Chapter 2 of this Law, then the Police shall be obliged to inform that the assembly is unlawful and that they may be held liable. If the assembly is peaceful, then the Police shall be obliged to facilitate the assembly.

Article 33. Terminating the Assembly

1. The Police may terminate an assembly only if there is no other possibility of preventing imminent threat to the constitutional rights of other persons or to interests of the public.

2. The Police shall address the demand to terminate the assembly to the assembly leader, who shall be obliged to inform the assembly participants thereof immediately.

3. In the absence of the assembly leader or the failure of the latter to fulfill the demand of the Police, the representative of the Police shall at least twice demand by loudspeaker that the participants terminate the assembly, setting a reasonable time period for doing so. At the same time, the Police representative shall warn the assembly participants of his power to disperse the assembly, including by use of special means, in case of failure to terminate the assembly voluntarily during the set time period.

4. The procedure of assembly termination stipulated by Paragraphs 2 and 3 of this Article shall not apply to the cases in which mass disorder has started at the assembly venue, which necessitates the implementation of urgent measures to address the situation.

Article 34. Dispersal of Assemblies

In case of the failure to terminate the assembly voluntarily during the time period stipulated by Paragraph 3 of Article 33 of this Law, the Police shall disperse the assembly.

Chapter 5. Final and Transitory Provisions