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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

GEORGIA

**AMENDMENTS TO THE LAW ON ASSEMBLIES
AND DEMONSTRATIONS**

(adopted on 6 February 2025)

Law of Georgia

On Amendments to the Law of Georgia "On Assemblies and Demonstration"

Article 1. The following amendment shall be made to the Law of Georgia "On Assemblies and Demonstrations" (Parliamentary Gazette, No. 33, July 31, 1997, p. 39):

1. Article 3:

a) After subparagraph "b", the following subparagraph "b¹" shall be added:

"b¹) Spontaneous assembly/demonstration – an assembly or demonstration that is held unplanned, immediately due to an important public event and which could not have been foreseen in advance;"

b) Subparagraphs "c" and "d" shall be deleted;

c) Subparagraphs "e" and "f" shall be worded as follows:

"e) "Organizer" is the initiator of an assembly or demonstration, as well as a person who leads and/or otherwise organizes the holding of an assembly or demonstration;

f) "Responsible person" means the organizer of the assembly or demonstration;

2. Paragraph 2 of Article 5 shall be worded as follows:

"2. In the case provided for in paragraph 1 of this Article, it is mandatory for the responsible person to submit an appropriate, signed notification to the executive body of the municipality in accordance with the location of the gathering or demonstration."

3. Article 8:

a) After the first paragraph, add the following paragraph 1¹:

"1¹. In the case of a spontaneous assembly/demonstration, it is permissible to submit a warning about organizing and holding an assembly or demonstration to the executive body of the municipality without observing the deadline established by paragraph 1 of this Article. In this case, the application must be submitted immediately, within a reasonable period of time, after the person responsible for the organization and holding of the assembly or demonstration becomes aware of the information about the organization/holding of the spontaneous assembly/demonstration. In such a case, the municipality may determine a different form and procedure for submitting a warning.";

b) Paragraphs 2 and 3 shall be worded as follows:

"2. The warning shall state:

- a) Form of the assembly or demonstration, purpose, place or venue, start and end time, date, estimated number of participants;
- b) The identity of the responsible person, place of residence (address), contact telephone number, date and time of filing the warning.

3. The warning must specify the form of emergency medical assistance provided during the rally by the persons responsible for the organization and conduct of the rally or demonstration.

4. Article 9:**a) After paragraph 1¹, the following paragraph 1² shall be added:**

"1². It is prohibited to hold a gathering or demonstration in a closed space/building without the prior written consent of the owner ."

b) Paragraphs 3 and 4 shall be worded as follows:

"3. It is prohibited to block building entrances, highways, bridges, tunnels, overpasses, railways, as well as to block such transport hubs determined by the municipality when holding an assembly or demonstration, the disruption of which will cause significant damage to the normal functioning of enterprises, institutions and organizations and/or significantly impede the movement of traffic flows.

4. The administrative body in whose building or in the territory adjacent to it an assembly or demonstration is held, in order to prevent the blockage of the building and disruption of the activities of the institution, is authorized to impose a restriction on the holding of the assembly or demonstration away from the building, but not more than twenty meters. The decision provided for in this paragraph shall be made in each specific case, taking into account the existing circumstances and public interest, in accordance with the procedure established by paragraph 3 of Article 2 of this Law, so that the essence of the constitutional right to assembly and demonstration is not disregarded.";

5. paragraph 2 of Article 11 shall be worded as follows:

"e) intentionally create obstacles to the movement of people or transport, including violating the requirements of Article 11¹ of this Law;"

b) After subparagraph "e", subparagraphs "f" and "g" shall be added with the following content:

"f) to set up a temporary structure if such a setup poses a threat to participants in the assembly or demonstration or other persons, prevents the police from maintaining public order and safety, disrupts the normal functioning of an enterprise, institution or organization,

and if without such a setup, the assembly or demonstration would not be substantially impeded and/or such a setup is not related to the assembly or demonstration;

g) participation in an assembly that was terminated at the request of the Ministry of Internal Affairs of Georgia in accordance with Article 13, paragraph 1 of this Law.”;

6. Article 11¹ :

a) The first paragraph shall be worded as follows :

“1. In the event of partial or complete blockage of the transport carriageway by participants in an assembly or demonstration, the Ministry of Internal Affairs of Georgia is authorized to make a decision to open the transport carriageway and/or restore traffic, if, taking into account the number of participants in the assembly or demonstration, it is otherwise possible to hold the assembly or demonstration.”;

b) Paragraph 3 shall be worded as follows:

“3. The Ministry of Internal Affairs of Georgia shall make the decision provided for in paragraph 1 of this Article in each specific case, taking into account the existing circumstances and public interest, in accordance with the procedure established by paragraph 3 of Article 2 of this Law.”;

c) Paragraph 5 shall be worded as follows:

“5. In case of necessity to block the roadway due to the number of participants in the assembly or demonstration, the Ministry of Internal Affairs of Georgia is obliged to ensure their safety and determine an alternative route for transport.”;

7. The first paragraph of Article 11² shall be worded as follows:

“1. The Ministry of Internal Affairs of Georgia shall be obliged to maintain a balance between the freedom of assembly or demonstration and the rights of persons who live, work, and engage in entrepreneurial activity in the places where the assembly or demonstration is taking place. The said persons shall not be prevented from continuing their activities.”;

8. Article 13:

a) Paragraphs 1-3 shall be worded as follows:

“1. In the event of a mass violation of the requirements of paragraph 1 and subparagraphs "a" - "c" of paragraph 2 of Article 11 of this Law, the assembly or demonstration shall be terminated immediately upon request of the Ministry of Internal Affairs of Georgia. In the event of failure to terminate the assembly or demonstration, law enforcement agencies shall use measures provided for by international law and Georgian legislation to terminate the assembly or demonstration and disperse its participants.

2. Within 15 minutes of the notification of an authorized employee of the Ministry of Internal Affairs of Georgia about a non-mass violation of the requirements of paragraph 1 and subparagraphs “a”–“c” of paragraph 2 of Article 11 of this Law, as well as a violation of the requirements of subparagraph “d” and paragraph 3 of paragraph 2 of Article 11 of the same Law, the organizer is obliged to call on the participants of the assembly or demonstration to eliminate the violation and take all reasonable actions.

3. In case of violation of the requirements of subparagraphs “e” and “f” of paragraph 2 of Article 11 of this Law and/or the decision provided for in paragraph 1 of Article 11¹ of this Law, within the nearest 15 minutes after the warning, the organizer is obliged to call on the participants of the assembly or demonstration and take all reasonable actions to open the roadway, restore the movement of vehicles and/or dismantle the temporary structure, and after receiving the relevant warning, the owner, legal owner of the temporary structure or the relevant participant of the assembly or demonstration is obliged to dismantle the temporary structure.

b) Paragraph 6 shall be worded as follows:

"6. If the organizer has not fulfilled the obligation established by paragraphs 2 and 3 of this Article or has fulfilled it but failed to eliminate the violation within a reasonable period of time, as well as if the owner, legal owner of the temporary structure or the relevant participant in the assembly or demonstration has not dismantled the temporary structure within a reasonable period of time, law enforcement agencies shall apply measures provided for by international law and Georgian legislation to eliminate the violation, open the roadway, restore traffic and/or dismantle the temporary structure."

c) Paragraph 8 shall be worded as follows:

"8. In the event of a public gathering and/or demonstration in violation of the requirement established by paragraph 6 of Article 9 of this Law, an authorized employee of the Ministry of Internal Affairs of Georgia shall explain to the participants of this gathering/demonstration the unlawful nature of the said gathering/demonstration and shall demand its termination. If the gathering/demonstration is not terminated within 15 minutes of this demand, the law enforcement agency shall use the measures provided for by the legislation of Georgia to terminate it."

9. Article 14 shall be worded as follows:

"Article 14"

"1. The Ministry of Internal Affairs of Georgia is authorized to prohibit the holding of a gathering or demonstration if there is clear data verified by the police, according to which the holding of the gathering or demonstration poses an immediate threat to the constitutional order, the life and health of citizens. The Ministry of Internal Affairs of Georgia is also authorized to prohibit the holding of a public gathering and/or demonstration if there is clear data verified by the police, according to which it is expected that this gathering and/or demonstration will be directed towards the promotion of a person's belonging to no biological sex and/or belonging to a sex different from his/her biological sex, relations expressed as a sign of sexual orientation between representatives of the same biological

sex, or incest. For the purposes of this paragraph, the term “promotion” shall be defined in accordance with the Law of Georgia “On Family Values and Protection of Minors”.

2. The decision of the Ministry of Internal Affairs of Georgia to prohibit a gathering or demonstration may be appealed to the court, which shall make a final decision within 2 working days.

Article 2. This law shall enter into force upon publication.

President of Georgia

Mikheil Kavelashvili

Tbilisi,

6 February 2025

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