

LAW OF GEORGIA

ON ASSEMBLIES AND DEMONSTRATIONS

Chapter I - Principal Part

Article 1

The procedure for holding assemblies and demonstrations is determined by the Constitution of Georgia, treaties and international agreements of Georgia, this Law, and other normative acts of Georgia.

Law of Georgia No 3401 of 24 February 2004 - LHG I, No 5, 4.3.2004, Art. 16

Law of Georgia No 4266 of 29 December 2006 - LHG I, No 51, 31.12.2006, Art. 451

Law of Georgia No 4980 of 1 July 2011 - website, 14.7.2011

Article 2

1. This Law regulates the exercise of the right of persons recognised by the Constitution of Georgia to gather publicly, unarmed, both indoors and outdoors without prior permission.

2. The right referred to in the first paragraph of this article shall not apply to employees of the armed forces, armed law enforcement bodies, or special and paramilitary forces.

3. The restriction of the rights recognised and protected by this Law shall:

- a) be addressed to achieve the benefits protected by Article 24(4) of the Constitution of Georgia;
- b) be considered under the law;
- c) be necessary for a democratic society;
- d) be non-discriminatory;
- e) be proportionally restrictive;
- f) be such that the benefit protected by the restriction exceeds the damage caused by the restriction.

4. The organisers of assemblies or demonstrations and representatives of law enforcement bodies shall be obliged not to obstruct professional activity of journalists with identifying signs covering the assembly or demonstration. The legislation of Georgia shall determine the responsibility for unlawfully obstructing journalists in their professional activities.

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Article 3

For the purpose of this Law:

- a) assembly is an indoor or outdoor gathering of a group of citizens, a meeting in public places to express solidarity or protest;
- b) demonstration is an assembly of citizens, mass public march, and street demonstration to express solidarity or protest, or march using posters, slogans, banners and other visible means;
- c) principal is a political party, union, enterprise, institution, organisation or citizens' action group initiating an assembly or demonstration; **(Declared unconstitutional) (Decision of the Constitutional Court of Georgia No 2/482, 483, 487, 502 of 18 April 2011 - website, 27.4.2011)**
- d) trustee (representative) is a person authorised by an initiator of the assembly or demonstration;
- e) organiser is a person designated by an initiator of the assembly or demonstration to organise the action;
- f) responsible persons are a trustee and an organiser of the assembly or demonstration;
- g) authorised representative is a person designated by an executive body of a local self-government for performing tasks considered in this Law;
- h) proportionality of restriction is an appropriate restriction of benefits under Article 24(4) of the Constitution of Georgia which is the most efficient



and the least restrictive means for achieving this goal. More restrictive measures shall be taken when the benefits under Article 24(4) of the Constitution of Georgia cannot be otherwise achieved.

Decision of the Constitutional Court of Georgia No 2/482, 483, 487, 502 of 18 April 2011 - website, 27.4.2011.

Law of Georgia No 4980 of 1 July 2011 - website, 14.7.2011

Article 4 - Deleted

Law of Georgia No 4980 of 1 July 2011 - website, 14.7.2011

Article 5

1. This Law considers the necessity of submitting advance notice to an executive body of a local self-government if an assembly or demonstration is to be held on the traffic roadway or obstructs traffic, except for cases when traffic is blocked due to reasons not related to assembly or demonstration.

2. In the case referred to in the first paragraph of this Article, trustee(s) shall submit an appropriate notice for organising and holding an assembly or demonstration to an executive body of a local self-government, according to the venue for the assembly or demonstration. The notice shall be signed by persons responsible for organising and holding the assembly or demonstration.

3. Foreign citizens and/or persons under the age of 18 cannot not be persons responsible for organising and holding assemblies or demonstrations.

(Declared invalid) (Decision of the Constitutional Court of Georgia No 1//5/525 of 14 December 2012 - website, 21.12.2012)

Decision of the Constitutional Court of Georgia No 2/482, 483, 487, 502 of 18 April 2011 - website, 27.4.2011.

Law of Georgia No 4980 of 1 July 2011 - website, 14.7.2011

Decision of the Constitutional Court of Georgia No 1/5/525 of 14 December 2012 - website, 21.12.2012.

Article 6 - Deleted

Law of Georgia No 4980 of 1 July 2011 - website, 14.7.2011

Article 7 - Deleted

Law of Georgia No 4980 of 1 July 2011 - website, 14.7.2011

Article 8

1. The notice of organising and holding an assembly or demonstration shall be submitted to an executive body of a local self-government not later than five days before it is held.

2. The notice shall include:

a) the form, purpose, venue or route, time of beginning and ending, date and possible number of participants of the assembly or demonstration

b) the principal's identity

c) identities, places of residence (addresses) and telephone numbers of responsible persons, as well as the date and time of submitting the notice.

3. The document certifying authorisation shall be attached to the notice. The form of ensuring emergency medical aid during the actions by the persons responsible for organising and holding assemblies or demonstrations shall be described in writing.

4. The notice shall be signed by the persons responsible for organising and holding assemblies or demonstrations.

5. The local self-government body shall refuse to receive the notice if:

a) the notice does not meet the requirements of the second paragraph of this article;

b) the form, time and venue for the assembly or demonstration coincides with another assembly or demonstration for which notice was submitted earlier; and/or with another mass demonstration;

c) the assembly or demonstration brings an essential threat to public safety and order, and to the constitutional rights and freedoms of other persons. **(Declared unconstitutional) (Decision of the Second Panel of Judges of the Constitutional Court of Georgia No 2/2/180-183 of 5 November 2002 - LHG IV, 19.11.2002, p.2)**



6. (Deleted - 1.7.2011, No 4980)

7. The executive body of a local self-government shall confirm the date and time of receiving a notice on a copy of the notice immediately after receiving the notice.

8. The officials receiving the notice shall be obliged to explain the requirements of this Law to persons responsible for organising and holding assemblies or demonstrations and to warn them of possible responsibilities if these requirements are not met.

9. The assembly or demonstration shall be held at the time and place and according to the purpose and route indicated in the notice.

10. The persons responsible for organising and holding assemblies or demonstrations shall be obligated to fulfil the requirements of the legislation of Georgia and the obligations under the notice.

Law of Georgia No1392 of 15 May 1998 - The Official Gazette of the Parliament of Georgia No 19-20, 30.5.1998, p.76

Decision of the Second Panel of Judges of the Constitutional Court of Georgia No 2/2/180-183 of 5 November 2002 - LHG IV, 19.11.2002, p.2

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Article 9

1. Holding of assemblies or demonstrations in the buildings listed below and on the territory within 20 metres radius from the entrances of such buildings shall not be permitted:

- a) the Prosecutor's Office, police, prisons and places of detention, law enforcement bodies
- b) railway stations, airports and ports.

2. Holding of assemblies or demonstrations shall not be permitted in military units and facilities and on the territory within 100 metres radius from their entrances.

3. Blocking the entrances of buildings, motorways and railways shall be prohibited when assemblies or demonstrations are held.

4. The administrative body, in the vicinity of the building of which an assembly or demonstration is held may impose a requirement to hold the assembly or demonstration away from the building, but not more than 20 meters away, to prevent blocking the building and interruption of the operations of the institution. The decision referred to in this article shall be taken for each specific case, considering the current circumstances and public interest, according to Article 2(3) of this Law, so that the concept of the constitutional right to hold assemblies and demonstrations is not neglected.

5. The court, in the vicinity of the building of which an assembly or demonstration is held may impose a requirement to hold the assembly or demonstration away from the building, but not more than 20 meters away, to prevent blocking the building and interruption of the operations of the institution, and to ensure the independence and impartiality of the court. The decision referred to in this article shall be taken for each specific case, considering the current circumstances and public interest, according to Article 2(3) of this Law, so that the concept of the constitutional right to hold assemblies and demonstrations is not neglected.

Law of Georgia No 4266 of 29 December 2006 - LHG I, No 51, 31.12.2006, Art. 451

Law of Georgia No 1502 of 17 July 2009 - LHG I, No 21, 3.8.2009, Art. 114

Law of Georgia No 2724 9 March 2010 - LHG I, No 12, 24.3.2010, Art. 60

Decision of the Constitutional Court of Georgia No 2/482, 483, 487, 502 of 18 April 2011 - website, 27.4.2011.

Law of Georgia No 4980 of 1 July 2011 - website, 14.7.2011

Article 10

1. To ensure public order, normal operation of state and public bodies, enterprises, institutions and organisations and transport, executive bodies of local self-government may, within three days after receipt of notice, discuss the appropriateness of changing the venue and time of holding an assembly or demonstration in the presence of the persons responsible for the organisation and holding of the assemblies and demonstrations, and may give them a written recommendation on the subject, if:

- a) the assembly or demonstration poses a real threat to the normal operations of an enterprise, institution or organisation;
- b) another action (the notice of which has been submitted earlier to an executive body of a local self-government) is planned in the same venue and at the same time.

2. An executive body of a local self-government shall designate an authorised representative within the period referred to in the first paragraph of this article and inform the persons in writing that are responsible for organising and holding an assembly or demonstration.

Law of Georgia No1392 of 15 May 1998 - The Official Gazette of the Parliament of Georgia No 19-20, 30.5.1998, p.76

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Article 11

1. During the assembly or demonstration it shall be prohibited to call for the overthrow or change of the constitutional order of Georgia by force, for the encroachment of independence and territorial integrity of the country, as well as to call for actions that are intended to propagate war or violence and that incite national, regional, religious or social hostility and pose obvious, direct and essential threat to actions considered in this article.

2. The participants of an assembly or demonstration shall be prohibited:

a) to carry fire arms, explosive, flammable and radioactive substances, or cold weapons;

b) to carry such items or substances that are or may be used to injure the life and health of participants of the assembly or demonstration, or other persons;

c) to have tear and nerve gases and/or toxic substances;

d) to have alcoholic drinks;

e) to deliberately block traffic, as well as to violate the requirements of Article 11¹ of this Law.

3. During an assembly or demonstration it shall be prohibited to block, visually distort, damage and/or otherwise spoil buildings and structures of historical, archaeological, architectural and/or scientific significance, as well as monuments and memorials.

Law of Georgia No 1392 of 15 May 1998 - The Official Gazette of the Parliament of Georgia No 19-20, 30.5.1998, p.76

Law of Georgia No 1502 of 17 July 2009 - LHG I, No 21, 3.8.2009, Art. 114

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Article 11¹

1. When participants of an assembly or demonstration fully or partially block the traffic roadway, the executive body of local self-government may take a decision to unblock the traffic roadway and/or restore traffic, if it is possible to hold the assembly or demonstration otherwise considering the number of participants. When the executive body of local self-government does not or cannot exercise the powers under this paragraph, the Government of Georgia may take a decision to unblock the traffic roadway and/or restore traffic.

2. The decision referred to in the first paragraph of this article shall not be taken if it is impossible to hold the assembly or demonstration otherwise considering the number of participants, and if all the rules defined in this Law are observed.

3. The executive body of local self-government and the Government of Georgia shall take a decision referred to in the first paragraph of this article for each specific case considering current circumstances and public interest, according to the procedures defined in Article 2(3) of this Law.

4. It shall be prohibited to artificially block the traffic roadway unless it is required because of the number of participants of the assembly or demonstration. Also, it shall be prohibited to block the traffic roadway by cars, various structures and/or items.

5. When it is necessary to block the traffic roadway due to the number of participants of an assembly or demonstration, executive bodies of local self-government shall be obligated to ensure the security of participants of the assembly or demonstration and specify alternative traffic routes.

Law of Georgia No 1502 of 17 July 2009 - LHG I, No 21, 3.8.2009, Art. 114

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Article 11²

1. The executive body of the appropriate local self-government shall be obligated to maintain a balance between the freedom of assembly or demonstration and the rights of persons living, working or carrying out entrepreneurial activities in places where an assembly or demonstration is held. These persons shall not be interrupted in carrying out their activities.

2. For maintaining the balance referred to in the first paragraph of this article, a restriction on time and place may be imposed according to the procedures defined in Article 2(3) of this Law and alternative options may be offered.

3. The restriction on time and place referred to in the second paragraph of this article may be imposed in the case of two separate assemblies or demonstrations.

4. The restriction considered in the second paragraph of this article shall not be applied if the rights of persons referred to in the first paragraph of this article are restricted for a short period of time.

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Article 12

1. Executive bodies of local self-government shall be obliged to ensure appropriate conditions for organising and holding assemblies or demonstrations and specify alternative traffic routes.
2. State institutions, officials and citizens may not obstruct the organisation and holding of assemblies or demonstrations under the procedures defined in this Law, as well as the expression of opinions by citizens.
3. (Deleted - 1.7.2011, No 4980)

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Article 13

1. If requirements of Article 11(1) and (2)(a-c) of this Law are massively violated, the assembly or demonstration shall be terminated immediately upon request of an authorised representative. If the assembly or demonstration is not terminated, law enforcement bodies shall take measures under international law and the legislation of Georgia to terminate the assembly or demonstration and disperse the participants.
2. Within 15 minutes after being warned by an authorised representative that requirements of Article 11(1) and (2)(a-c) of this Law are not massively violated, and that requirements under Article 11(2)(d) and (3) of the same Law are violated, the organiser shall be obligated to call on the participants of the assembly or demonstration to take all reasonable measures to eliminate the violations.
3. If the requirement of Article 11(2)(e) is violated and/or the decision referred to in Article 11¹(1) is taken, the organiser, within 15 minutes after being warned, shall be obliged to call on the participants of the assembly or demonstration to take all reasonable measures to unblock the traffic roadway and/or restore traffic.
4. If the organiser fails to call on the participants of the assembly or demonstration to take all reasonable measures to eliminate violations under the second and third paragraphs of this article within 15 minutes after being warned, he/she shall be held responsible under the legislation of Georgia.
5. A participant of assembly or demonstration shall be held responsible under the legislation of Georgia if he/she individually violates the requirements of Article 11 of this Law.
6. If the organiser does not fulfil the obligations defined in the second and third paragraphs of this article or if he/she has fulfilled the obligations but failed to eliminate the violation in a reasonable period of time, law enforcement bodies shall take measures under international law and the legislation of Georgia to eliminate violations, unblock the traffic roadway and/or restore traffic.
7. The decision to terminate an assembly or demonstration may be appealed in court, which within three working days shall consider the legitimacy of the decision in each instance, according to procedures defined in the legislation of Georgia.

Law of Georgia No 1502 of 17 July 2009 - LHG I, No 21, 3.8.2009, Art. 114

Decision of the Constitutional Court of Georgia No 2/482, 483, 487, 502 of 18 April 2011 - website, 27.4.2011.

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Article 14

1. An executive body of self-government may not allow holding assembly or demonstration if there are evident data verified by the Police that the holding of the assembly or demonstration may pose a direct threat to constitutional order, or the life and health of citizens. The authorised representative shall take a decision on this matter. **(Declared unconstitutional) (Decision of the Second Panel of Judges of the Constitutional Court of Georgia No 2/2/180-183 of 5 November 2002 - LHG IV, 19.11.2002, p.2)**
2. The decision of an executive body of local self-government regarding the prohibition of holding assembly or demonstration may be appealed in court, which shall make a final decision within two working days.

Decision of the Second Panel of Judges of the Constitutional Court of Georgia No 2/2/180-183 of 5 November 2002 - LHG IV, 19.11.2002, p.2

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Article 15

The damage caused to the state, organisation and citizens during the holding of assemblies or demonstrations shall be compensated according to the procedures defined in legislation.

Article 16

The persons violating the procedures for organising and holding assemblies or demonstrations defined in this Law shall be held responsible under the legislation of Georgia.



Chapter II - Final provisions

Article 17

This Law shall enter into force on the 15th day after its promulgation.

Article 18

Due to adoption of this Law, the Resolution of the State Council of the Republic of Georgia of 15 June 1992 on the Procedure for Organising and Holding Meetings, Demonstrations and Other Actions Carrying Political Character in the Republic of Georgia shall be declared invalid (Collection of Normative Acts of the State Council of the Republic of Georgia, volume I, 1995, Art. 76).

President of Georgia

Eduard Shevardnadze

Tbilisi

12 June 1997

No 763– IIS

