

Law on Assemblies **Nr. 26-XVI from 22.02.2008**

CHAPTER I GENERAL PROVISIONS

Article 1. Purpose of the law

The purpose of this Law is to guarantee the exercise of the freedom of assembly by each individual, as provided in the Constitution of the Republic of Moldova and by the international treaties to which Moldova is a party.

Article 2. Object of the law

- (1) This Law regulates the procedure of organizing and holding the assemblies held outside the buildings.
- (2) This Law does not regulate organization and holding of:
 - a) religious assemblies, in the form of public worship or other traditional manifestations;
 - b) sport, cultural and artistic events and other entertainment activities;
 - c) commercial events.

Article 3. Main definitions

For the purposes of this Law:

An assembly shall mean a temporary and intentional presence of a number of individuals, who gathered together to express certain ideas or attitudes;

An assembly with a limited number of participants is an assembly where maximum 50 persons participate;

A spontaneous assembly shall mean an assembly, that has been initiated and organized as a direct and immediate response to social events, and which, in the opinion of participants, cannot be postponed, and as a result the usual notification procedure is not possible;

Simultaneous assemblies shall mean assemblies organized in the same place and time, which may or may not have the same grounds and purposes, and whose organizers may have similar, different or controversial opinions.

Article 4. Main principles

This Law applies with respect of the following principles:

- 1) Proportionality, according to which while applying any restriction on the freedom of assembly, public authorities shall observe the balance between the necessity of such a restriction in a democratic society and the exercise of the right to assembly.
- 2) non-discrimination, according to which the right to assembly is guaranteed to everyone, regardless of their race, nationality, ethnic origin, language, religion, gender, opinion, political affiliation, wealth, social origin or any other criteria;
- 3) legality, according to which as justifying reasons for prohibition or limitation of the freedom of assembly shall serve only the legal provisions, without possibility for public authorities to question the opportunity of an assembly.
- 4) presumption in favour of organizing an assembly, according to which at the examination of a prior request to hold a meeting, any doubts will be interpreted by the public authorities in favour of exercising the right to assembly.

Article 5. Place of assembly

- (1) Assemblies may be held in any place open to the public, outside the buildings or other sites closed to free access.
- (2) Assemblies may be held in a single place or the participants may move.
- (3) In case of holding some official events or repair works, at the request of the interested authorities, local public administration authority may declare temporarily closed to the public access some sites that are usually open for the unlimited access of all people.

Article 6. Assembly organisers

- (1) Organizers of assemblies may be individuals with full legal capacity, groups of persons, as well as legal entities.
- (2) Minors who have reached the age of 14, as well as persons declared disabled, may organize assemblies only together with a person vested with full legal capacity.

Article 7. Participants at the assemblies

- (1) Any person is free to actively participate or assist at an assembly.
- (2) Nobody can be compelled to participate or assist in an assembly.

Article 8. Prohibited assemblies

The following assemblies shall be prohibited when they have the purpose of:

- a) Instigation to aggression war, national, racial, ethnic or religious hatred;
- b) Instigation to public discrimination or violence;
- c) Undermining the national security or the territorial integrity of the state, perpetration of crimes, violation of public order or organization of mass riots, violation of public morality, violation of rights and freedoms of other persons or endangering their lives or health.

Article 9. Technical equipment for holding assemblies

- (1) During holding the assemblies, any graphic or sound device for expression of attitudes or ideas, any special sound amplifiers and other objects specific for an assembly may be used.
- (2) Temporary constructions may be set for the purpose of holding assemblies. In this case, organiser shall take the necessary measures in order not to create any disproportionate inconveniences to the participants or by-passers, and in order not to damage the environment, as well as shall ensure their dismantling immediately after the end of the assembly.

CHAPTER II

NOTIFICATION CONCERNING HOLDING OF AN ASSEMBLY

Article 10. Notification procedure

- (1) Any person intending to hold an assembly shall notify in writing, by a prior declaration, the authority of local public administration from the respective territorial-administrative unit, with at least five days prior to the date of the assembly.
- (2) Prior declaration shall contain the name, or (in case of a legal entity) the title of the organiser, contact data of the organiser, purpose of the assembly, date and hour the assembly starts and duration of the assembly, the route of the assembly (in case necessary), the form of organizing the assembly, an estimative number of participants, services requested from the local public administration authorities.
- (3) The local public administration authority shall register the prior declaration and issue to the organiser a stamped copy of it, which should contain the number, date and hour of registration of the declaration.

(4) Public authorities shall take the necessary measures for rendering the services requested by the organiser, which are normally rendered by the bodies in their subordination and by the enterprises administered by them.

Article 11. Declaration of holding simultaneous assemblies

(1) If more applicants submitted prior declarations regarding organization of some assemblies in the same place and time, the competent body of the local public administration authority shall organize a sitting with the participation of all applicants in order to find the adequate solution for organization of all simultaneous assemblies.

(2) If, considering the intended place for holding assembly and the estimated number of participants at the assembly, participants at the sitting reach the conclusion that it is possible to organize all simultaneous meetings, the organisers shall be given recommendations as to the portion of the territory where the assembly can be held, as well as indications to police for maintaining public order.

(3) If after the discussions between the competent authority and organisers of the assemblies, the conclusion is reached regarding the impossibility to organize all declared assemblies simultaneously in the requested place and with the estimated number of participants, the competent authority shall propose the organisers to change the hour, place or form of the assemblies. This proposal is to be made orally during the sitting for the present organizers and shall be sent in written, within maximum 24 hours since the end of the sitting, to those who did not participate.

(4) If after the discussions as stipulated in par. (3), none of the applicants accepts to change the hour, place or form of the assembly, priority shall be given to the organiser who had first submitted the prior declaration.

Article 12. Exceptions to the notification procedure

(1) In case of spontaneous assembly, notification is admissible even without respecting the conditions regarding the written format or the time limit provided in art. 10 (1); in this case it is sufficient to provide information on the date, hour and place of the meeting, purpose and organisers of the assembly, as well as services requested from the local public administration authorities.

(2) Organisers shall exercise the right to assembly as stipulated in par. (1) with good faith and shall inform the local public administration authorities about the intention to organize an assembly immediately when this intention has become known, in order to facilitate the granting of the requested services by the local public administration authorities.

(3) Local public administration authority shall take all necessary measures to ensure the secure holding of the spontaneous assembly.

(4) Local public administration authority may file lawsuits in order to challenge conditions of holding spontaneous assemblies.

(5) It is not mandatory to notify the local public administration authority through a prior declaration in case of assemblies with a limited number of participants. If organisers of such an assembly require certain services from the local public administration authorities or wish to set temporary constructions, they shall submit a prior declaration in this regard at least one working day prior to the date of the assembly.

Article 13. Notification of the public

Anyone has the right, even before submitting the prior declaration, to disseminate information regarding the organisation of the assembly, place, time, hour and its purpose or any other relevant information, to encourage the public to take part at the assembly through speeches, flyers, announcements, information campaigns, other legal methods.

CHAPTER III LIMITATION OF THE RIGHT TO ASSEMBLY

Article 14. Modification of conditions for holding assemblies and prohibition of the assemblies

(1) During the examination of a prior declaration or a request, as well as during the insurance of the public order during the assembly, public authorities shall act in order to eliminate only illicit elements of the assembly, guaranteeing, to the extent possible, the right to assembly.

(2) If, based on the prior declaration or any other information available, it results that the purposes or the format of the envisioned assembly are in contradiction with the Constitution of the Republic of Moldova or may lead to violation of the legislation, local public administration authority shall inform without delay the organiser about his/her obligations in this capacity, as well as draw his/her attention to the existing legal framework.

(3) In case local public administration authority considers it necessary for ensuring a peaceful holding of the assembly, it may recommend the organisers to modify the conditions of holding the declared assembly in what concerns the hour, place or form for holding the assembly. The organiser shall take the final decision regarding the changing of time or place or form for holding the assembly.

(4) If local public administration authorities hold convincing evidence that the envisioned assembly will be organised in violation of the provisions of article 8, it may file a lawsuit, requesting the prohibition of the respective assembly, or modification, by case, of the hour, place or form of its holding. Initiation of the lawsuit does not suspend the right to hold the assembly.

(5) The court shall examine the request for prohibition of the assembly or modification, by case, of the hour, place or form of its holding and adopts a decision within maximum three days from the date when it was submitted.

(6) The court may take one of the following decisions:

- a) prohibition of the declared assembly or modification of the hour, place or form of holding the assembly;
- b) maintaining the right to hold the assembly.

Article 15. Challenging the court decision

Any party is entitled to challenge, in maximum 3 days since the pronouncement, the court decision in conditions of article 14.

CHAPTER IV HOLDING OF ASSEMBLIES

Article 16. The manner of holding the assemblies

(1) The assemblies shall be held only in a peaceful manner.

(2) The organiser shall ensure the access to buildings.

(3) During the assembly, it is forbidden to hold weapons, explosives, any other forbidden substances or other objects that can endanger people's health or life.

(4) In case of the assemblies held between the hours 23.00 and 07.00, it is forbidden to use sound devices or any sound amplification equipment.

Article 17. Registration of assemblies

(1) Any person may register the assemblies on audio or video devices.

(2) Access of the press to the assemblies shall be ensured by the organisers of the assembly and public authorities.

Article 18. Duties of the organiser

(1) The organiser of the assembly shall have the following duties:

a) to hold the assemblies only in the form, at the place and within the period mentioned in the prior declaration and shall not allow any significant deviations from these conditions;

b) to designate a coordinator of the assembly and to provide his/her name to the local public administration authorities within a reasonable time.

(2) Organiser may set his/her own body responsible for maintaining the public order during holding the assembly, whose members shall bear distinctive signs in order to be easily identified.

Article 19. Duties of participants

(1) Participants at the assembly shall have the following duties:

a) to respect legislation, public order and legitimate requests of the organiser

b) to abstain from actions that would impede holding of the assembly and from instigation to such actions

c) to leave the assembly at the request of the organiser, and/or of the representative of the local public administration authority or police, in conditions envisaged by art. 21 and 22.

Article 20. Rights and obligations of local public administration authorities

(1) Local public administration authorities shall have the following duties:

a) to create all conditions for peaceful holding of assemblies

b) to designate a person responsible for the legal holding of the assembly and provide the name and contact data of this person to the organiser and police.

(2) Local public administration authority may prohibit, during holding the assembly, commercialising and consuming of alcoholic beverages at the place of holding the assembly, and/or in its immediate proximity.

(3) Local public administration authorities may not request fees for rendering of services for holding of assemblies, which are, normally rendered by the bodies in their subordination and by the enterprises administered by them.

Article 21. Ensuring the public order. Ceasing of the assembly

(1) If during the holding of the assembly, some participants violate the public order or the provisions of article 8, the organiser, or in case of necessity together with police, shall remove them.

(2) If during the holding of the assembly, the actions are taken that seriously violate the provisions of article 8, the representative of the local public administration authority shall request the organiser to immediately cease the assembly. This is an exceptional measure, which can be used only if other measures are not sufficient to ensure legal holding of an assembly.

(3) The lack of the prior declaration is not a reason for ceasing the assembly.

Article 22. Forced Dispersal of an assembly

(1) If the organiser of the assembly does not comply with the request of the representative of local public administration authority or is not able to cease the assembly, the representative in question shall ask the participants to diffuse.

(2) If the participants in an assembly do not leave the place of the assembly at the request of the representative of the local public administration authority, police will warn the participants about the possibility of using special means and about forced dispersal of

the assembly, providing reasonable term to comply to this request, after which police will repeat the request to disperse the participants.

- (3) If after the repeated request to disperse, the participants at the assembly do not leave the place of the assembly, at the request of the representative of local public administration authority, police will carry out legal means to disperse the meeting.
- (4) In case of forceful dispersal of the assembly, police shall prepare minutes, where they shall indicate the reason and ground of dispersal.

CHAPTER V LIABILITY FOR VIOLATION OF THIS LAW

Article 23. Liability of organisers and participants

- (1) Upon the case, participants may be subjected to civil, administrative or criminal liability, for their actions, in compliance with the legislation.
- (2) The organiser may be held administratively liable for holding an assembly without submitting a prior declaration as provided by the present law or for holding the assembly contrary to the provisions of the declaration.
- (3) The organiser shall be held liable for the actions of participants only if it is proved in court that the participants acted upon the calling or instigation from the organiser.

CHAPTER VI FINAL AND TRANSITORY PROVISIONS

Article 24.

- (1) With the coming into force of the present Law, the Law No. 560-XIII of 21 July, 1995 on Organizing and Holding of Assemblies shall be annulled.
- (2) Until the elaboration of special normative acts, the actions envisaged in art. 2, par. (2) shall take place in conformity with this law. In case of commercial actions, local public administration authorities are entitled to gather fees for rendering the requested services by the organisers.
- (3) The Government shall submit to the Parliament, within 6 months, the proposals on bringing the legislation in force in compliance with the provisions of this law.