

LAW OF THE REPUBLIC OF MOLDOVA
ON ORGANISATION AND CONDUCT OF ASSEMBLIES

as adopted on 21.07.95

Section I

ORGANISATION AND CONDUCT OF ASSEMBLIES

Chapter I

GENERAL PROVISIONS

Article 1. Objectives of this Law

The present law regulates the procedure for exercise of the right of assembly and of a constitutional right to organise and conduct meetings, demonstrations, manifestations, rallies and any other assembly of citizens.

Article 2. Definition of assembly

For the purposes of this Law “assemblies” mean meetings, demonstrations, manifestations, rallies, processions, pickets and strikes held in public places, outside of enterprises, institutions, organisations or places of work, as well as any other assemblies of citizens that are not listed in the Article 3 and not regulated by any other law.

Article 3. Assemblies not regulated by this Law

(1) This Law does not regulate the procedure for organisation and conduct of meetings held by:

- a) State and municipal authorities;
- b) churches and other religious organisations registered in accordance with the legal procedure, including religious ceremonies inside the churches, at cemeteries, in the places of worship and at other designated locations;
- c) parties, other public and political organisations, professional unions acting in accordance with their charter and rules with the aim of convoking their members inside the premises owned or rented by these entities;
- d) managers or employees of enterprises, institutions, and organisations holding meetings at the territory owned, rented or entrusted to these entities;
- e) commercial enterprises, institutions and organisations holding business or entertainment events at the designated locations and with due respect for public order and rights and freedoms of others;

f) institutions and organisations holding events in the form of sport competitions, concerts, and other cultural events at the designated locations and premises.

(2) To ensure that these events are held with due respect for the public order the organisers may contract the services of police or other bodies and agencies for public safety.

Article 4. Organisers of the assembly

The following persons are entitled to a right to organise an assembly:

- a) legally capable citizens of the Republic of Moldova over 18 years of age;
- b) parties, community-based and political organisations, enterprises, institutions, organisations, professional unions, churches and other religious organisations, non-governmental associations registered in accordance with the legal procedure.

[Paragraph b) amended by the Law N 263-XIV adopted on 24.12.98]

Article 5. Assemblies may be conducted only after the organisers have notified the local councils.

Article 6.

(1) Assemblies must be conducted peacefully, without any sort of weapon, while guaranteeing the protection of participants and the environment, without impeding the normal use of public highways, road traffic and the operation of economic undertakings and without degenerating into acts of violence capable of endangering public order and the physical integrity and life of persons or their property.

(2) The involvement of students in unauthorised assemblies by their educators or by other persons from their schools shall be forbidden.

[Paragraph 2 added by Law N 1312-XV adopted on 26.07.2002]

Article 7. Assemblies shall be prohibited when they enclose the following facts or actions:

- a) denial and defamation of the State and of the people;
- b) incitement to war, aggression, and to ethnic, racial or religious hatred;
- c) incitement to discrimination, territorial separatism, public violence;
- d) infringement of the constitutional order.

Article 8

(1) Assemblies can be conducted in squares, streets, parks and in other public places from cities, towns and villages, as well as in public buildings.

(2) It is forbidden to conduct an assembly in the buildings of the public authorities, of the local administration, of the prosecutor's office, of the courts or of companies with armed security.

(3) It is forbidden to conduct assemblies:

a) at a distance closer than fifty metres from the building of the Parliament, the residence of the President of Moldova, the seat of the Government, the Constitutional Court and the Supreme Court of Justice;

b) at a distance closer than 25 metres from the buildings of the central administration authority, of the local public administration, courts, prosecutor's offices, police, prisons and social rehabilitation institutions, military objects, railway stations, airports, hospitals, companies which use dangerous equipment and machines or diplomatic institutions.

(4) Free access to the premises of the institutions enumerated at paragraph (3) must be guaranteed.

(5) The local public administration authorities may, if the organisers agree, establish places or buildings for permanent assemblies.

Article 9. The time of the assembly is to be established by the organiser and the local council of the city, town or village.

Article 10. Restriction of right to participate in the assembly

Participation in the assembly is prohibited for persons that:

a) are in possession of arms (openly carry or have with them firearms, cold steel or items intended for inflicting bodily injuries or material damage as well as items that are not intended but can be used for these purpose); carry explosive, flammable, radioactive, poisonous, and paralyzing substances or tear gas and other items or substances that can be used for violent action and to disrupt the regular process of the assembly; have with them alcoholic beverages ; wear masks or are masked in any other way;

b) violate public order and deliberately obstruct movement of the public transport and pose threat to road safety;

c) cynically violate moral norms by their appearance or in any other way.

[Article 10 amended by the Law N 822-XV adopted on 07.02.2002]

[Article 10 amended by the Law N 263-XIV adopted on 24.12.98]

[Part 2 of the Article 10 recognised unconstitutional by the Decision of the Constitutional Court N 168 of 21.02.96]

Chapter II

NOTIFICATION ON THE CONDUCT OF ASSEMBLY.

CONDUCT AND TERMINATION OF ASSEMBLY

Article 11

“(1) Not later than 15 days prior to the date of the assembly, the organiser shall send the municipal council a notice in accordance with the model set out in the annex which forms an integral part of this Law.

(2) The notice shall indicate:

- a) the name of the organiser of the assembly and the aim of the assembly;
- b) the date, starting time and finishing time of the assembly;
- c) the place of the assembly and the access and return routes;
- d) the manner in which the assembly is to take place;
- e) the approximate number of participants;
- f) the persons who are to ensure and answer for the sound conduct of the assembly;
- g) the services which the organiser of the assembly asks the Municipal Council to provide.

(3) If the situation so requires, the Municipal Council may alter certain aspects of the notification upon agreement of the organiser of the assembly.”

Article 12. Terms and procedure of consideration of the notice

(1) Local executive authorities of the city (municipal area) or village (community) shall consider the notice no later than 5 days before the scheduled date of the assembly.

(2) When considering the notice at an ordinary or extraordinary meeting the municipal council shall discuss the form, timetable, place and other conditions for the conduct of the assembly and shall take the appropriate decision.

(3) The organiser of the assembly has a right to take part in the discussion of the notice. The municipal council shall inform the organiser of the date and time of the meeting to discuss the notice.

(4) If in course of discussion the council identifies circumstances preventing the conduct of the assembly at the specified time, place or in specified manner, any suggestion regarding alternative manner, time or place of assembly shall be made only in presence of assembly organisers and police officials.

(5) If the municipal council failed to consider the notification or considered it outside of the time limit stipulated for in the paragraph 1, then the assembly shall be held on terms and conditions set forth in the notification.

(6) The municipal council can take decision on prohibition of the assembly only after consulting the police and only when there is compelling evidence leading to believe that the conduct of assembly will violate provisions of the Articles 6 and 7 leading to the serious consequences for the society.

Article 13. Decision on the manner, time and place of the assembly

(1) Pursuant to consideration of the notice, the municipal council shall decide and inform the organiser of one of the following decisions:

a) authorisation of the assembly;

b) refusal to authorise the assembly based on the provisions of the Article 12 (6).

(2) The municipal council shall issue to organiser a document of authorisation to conduct an assembly agreeing the manner, time and place of assembly (hereinafter – authorization) or a copy of decision refusing such an authorisation on the day when the decision was taken. Authorisation shall be issued in the standard format approved by the municipal council and shall list the rights and duties of the organiser, their liability for violating the law and shall spell out measures taken by the council and police to implement the provisions of the notice.

Article 14. Decision on refusal of authorisation

(1) Decision to refuse authorisation shall be justified and put in writing. It shall contain the reasons for refusal pertaining to the time, place and manner of conduct of assembly or be based on other grounds as prescribed by this Law.

(2) Organiser shall be informed about the decision on refusal of authorisation no later than 48 hours after the decision has been taken.

[Article 14 amended by the Law N 1312-XV adopted on 26.07.2002]

Article 15. Appeal against the refusal of authorisation

(1) Organiser of the assembly has a right to appeal against the refusal of authorization to a competent administrative court.

(2) The competent administrative court shall review the appeal against the refusal of authorisation within 5 days and shall take one of the following decisions:

a) reject the appeal;

b) invalidate the decision of the municipal council and oblige the council to issue an authorisation.

[Article 15 amended by the Law N 240-XV adopted on 13.06.03 and in force from 08.07.03]

[Article 16 amended by the Law N 822-XV adopted on 07.02.2002]

[Article 16 recognised unconstitutional in accordance with the Decision of the Constitutional Court N 168 issued on 21.02.96]

Article 17. Presence of officials at the assembly

Official representatives of the municipal council, police and other legal bodies responsible for ensuring compliance of assembly with legal requirements have a right to be present at the assembly. In case of violation of provisions of the Article 6 or Article 7 the organiser of the assembly shall terminate the event upon the request of these official representatives or on the organiser's own initiative.

Section II

DUTIES AND LIABILITY

Chapter III

DUTIES AND LIABILITY OF THE ORGANISER AND OF THE PARTICIPANTS OF THE ASSEMBLY

Article 18. Duties of the assembly organiser

The organiser of the assembly shall:

- a) observe the provisions of this Law and other relevant legislative provisions;
- b) appoint persons who will lead the assembly and bear responsibility for its conduct;
- c) upon agreement with the police, appoint a group of clearly identifiable persons that will take measures to safeguard public order;
- d) delineate the place of assembly by displaying visual signs and in case of a rally to take measures to delineate the occupied areas of the road;
- e) based on calculation of the expenses, make an advance payment for the services and equipment provided by the municipal council for the purposes of the assembly upon request of the organiser;
- f) determine the route to and from the place of assembly and ensure that participants follow this route, take measures to ensure that participants arrive to the place of assembly before it starts and leave it immediately after the agreed time when the event is scheduled to end;
- g) ensure that the law-enforcement officers on duty have free access to the assembly;
- h) prohibit that persons, listed in the Article 10 a), take part in the assembly.

[Article 18 amended by the Law N 822-XV adopted on 07.02.2002]

Article 19. Duties of the participants of the assembly

Assembly participants shall:

- a) observe the provisions of this Law and other relevant legislation;
- b) follow the advice of the assembly organiser, municipal council officials and police;
- c) refrain from obstructing the assembly and from soliciting others to take such action through calls, distribution of manifestos or by other means;
- d) not display or carry items and substances listed in the Article 10 a);
- e) leave the assembly upon request of the assembly organiser, municipal council officials and police.

[Article 19 amended by the Law N 822-XV adopted on 07.02.2002]

Article 20. Liability of the assembly organiser and participants

(1) Organiser and participants of the assembly acting in violation of this Law are held liable in accordance with the procedure set by the administrative or criminal law.

(2) Deliberate resistance of assembly participants to lawful requests of police officers on duty as well as threatening police officers with violence or taking violent action against them is punishable by law.

(3) When the organiser or participants of the event fail to respond in a timely manner to the order of the municipal council or police officials seeking to terminate the assembly conducted in breach of this Law, the municipal council shall take the case to local court and the Government shall address the Supreme Judicial Chamber, which within 5 days shall take one of the following decisions:

- a) grant the appeal and order for termination of the assembly ;
- b) dismiss the appeal.

Chapter IV

DUTIES AND LIABILITY OF THE MUNICIPAL COUNCIL AND POLICE OFFICIALS

Article 21. Duties and liability of the municipal council officials

(1) Municipal council officials shall create conditions for organisation and conduct of lawful assemblies, providing for safety of organisers and participants and for protection of rights and freedoms of others, ensuring national and public security, and public order, physical and moral integrity of people.

(2) Officials interfering with organisation of lawful assemblies are held liable in accordance with the existing legislation.

Article 22. Duties of the municipal councils

Municipal councils of cities (municipal territories) and villages (communities) shall:

- a) take a decision on the venue of the assembly in accordance with the Article 8 and inform the public thereon;
- b) provide for paid services and equipment upon the request from the organiser ;
- c) prohibit sale of alcohol in places of assembly or in close proximity of such places and in case of necessary prohibit sale of alcohol in all of the municipal territory until the assembly is over;
- d) take any other measures needed to ensure that the assembly is held in a peaceful and civilised manner;
- e) to return any advance payment made under the Article 18 e), if the assembly was prohibited on the grounds not covered by the Article 7 or when the organisers bear no responsibility for the prohibition.

Article 23. Duties of police officers

(1) For the purposes of safeguarding the legal order and ensuring peaceful conduct of the assembly, police officers on duty shall be guided by the Law on police and by other legislation.

(2) In case if the assembly acquires non-peaceful and uncivilized character police shall take measures to counter or stop actions interfering with public order or posing threat to life and physical integrity of citizens and law-enforcement officers or threatening to destroy or damage public or private property.

(3) Police officers shall fill out a protocol specifying the breach of law during the assembly.

Article 24. Preventive measures

When police officers are in possession of information leading to believe that participants of the assembly carry weapons, items or substances posing a threat to health or life of others, they shall inform the organiser and take decision on necessity of searching the participants of the assembly and their bags at the scene of the event in accordance with the procedure established by law.

Section III

CONCLUDING AND TRANSITIONARY PROVISIONS

Article 25

Until the Supreme Judicial Chamber is formed, in cases stipulated by the Article 20, the Government shall appeal to the Supreme Court.

Article 26

This Law enters into force on the day of its publication.

CHAIRMAN OF PARLIAMENT

Petru Luchinski

Chisinau, 21 June 1995.

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