

Publisher	National Legislative Bodies
Author	People's Republic of China
Publication Date	31 October 1989
Cite as	<i>Law of the People's Republic of China on Assemblies, Processions and Demonstrations</i> [], 31 October 1989, available at: http://www.refworld.org/docid/3ae6b592e.html [accessed 17 August 2013]
Comments	Adopted at the Tenth Meeting of the Standing Committee of the Seventh National People's Congress on October 31, 1989, promulgated by Order No. 20 of the President of the People's Republic of China on October 31, 1989 and effective as of the same date.
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Law of the People's Republic of China on Assemblies, Processions and Demonstrations

Chapter I General Provisions

Article 1

Pursuant to the Constitution, this Law is enacted to safeguard citizens' exercise of their right to assembly, procession and demonstration according to law and to maintain social stability and public order.

Article 2

This Law shall apply to assemblies, processions and demonstrations held within the territory of the People's Republic of China. The term "assembly" used in this Law means an activity in which people gather at a public place in the open air to express views or aspirations. The term "procession" used in this Law means an activity in which people line up for a march along a public road or across a public place in the open air to express their common aspirations. The term "demonstration" used in this Law means an activity in which people express their common aspirations, including demands, protests, support or moral support, in the manner of an assembly, a procession, a sit-in, etc., at a public place in the open air or along a public road. This Law shall not apply to recreational or sports activities, normal religious activities or traditional folk events.

Article 3

The citizens' exercise of their right to assembly, procession and demonstration shall be safeguarded by the people's governments at all levels in accordance with the provisions of this Law.

Article 4

In exercising their right to assembly, procession and demonstration, citizens must abide by the Constitution and the laws, shall not oppose the cardinal principles specified in the Constitution and shall not impair state, public or collective interests or the lawful freedoms and rights of other citizens.

Article 5

An assembly, a procession or a demonstration shall be held in a peaceful manner; no weapons, controlled cutting tools or explosives shall be carried, and no violence employed.

Article 6

The competent authorities governing assemblies, processions and demonstrations shall be the municipal public security bureau, county security bureau or municipal public security sub-bureau in the localities where the assemblies, processions and demonstrations are held; if the route of a procession or demonstration cuts through two or more districts or counties, the competent authorities thereof shall be the public security organ at the next higher level to the public security organs in such districts or counties.

Chapter II Application and Permission for Assemblies, Processions and Demonstrations

Article 7

For the holding of an assembly, a procession or a demonstration, application must be made to and permission obtained from the competent authorities in accordance with the provisions of this Law. It shall not be necessary to apply for the following activities:

- (1) celebrations or commemorative activities held by the state or by state decisions; and
- (2) assemblies held by state organs, political parties, public organizations, enterprises or institutions in accordance with law or the relevant articles of association.

Article 8

There must be a person or persons responsible for the holding of an assembly, a procession or a demonstration. For the holding of an assembly, a procession or a demonstration for which an application has to be made under this Law, the responsible person(s) must submit an application in writing to the competent authorities five days prior to the date of the activity. The application shall specify the purposes of the assembly, procession or demonstration, how it is going to be conducted, the posters and slogans to be used, the number of participants, the number of vehicles, the specifications and quantities of the sound facilities to be used, the starting and finishing time, the places (including places where the participants assemble and disperse), the route, and the name(s), occupation(s) and address(es) of the person(s) responsible for the assembly, procession or demonstration.

Article 9

After receiving an application for an assembly, a procession or a demonstration, the competent authorities shall inform the responsible person(s) in writing of their decision to grant or not to grant

permission two days prior to the date of the activity applied for. If no permission is granted, the reasons thereof shall be given. Failure to serve notice within the time limit shall be construed as the granting of permission.

If an assembly, a procession or a demonstration is truly necessitated by unexpected occurrences, a report must be made immediately to the competent authorities: upon receiving the report, the competent authorities shall immediately examine it and decide to grant or not to grant permission.

Article 10

If an application is made for an assembly, a procession or a demonstration which will press for the settlement of specific issues, the competent authorities may, after receiving the application, inform the departments or units concerned to resolve such issues through consultation with the person(s) responsible for the assembly, procession or demonstration, and may also postpone for five days the starting date specified in the application.

Article 11

If the competent authorities are of the opinion that the holding of an assembly, a procession or a demonstration at the time or place or along the route specified in the application will seriously affect traffic and public order, they may, upon or after granting permission, change the time, place or route and inform the responsible person(s) of the change in good time.

Article 12

No permission shall be granted for an application for an assembly, a procession or a demonstration which involves one of the following circumstances:

- (1) opposition to the cardinal principles specified in the Constitution;
- (2) harming the unity, sovereignty and territorial integrity of the state;
- (3) instigation of division among the nationalities; or
- (4) the belief, based on sufficient evidence, that the holding of the assembly, procession or demonstration that is being applied for will directly endanger public security or seriously undermine public order.

Article 13

If the person(s) responsible for an assembly, a procession or a demonstration does not accept the competent authorities' decision not to grant permission, he may apply to the people's government at the same level for reconsideration within three days of receiving the notice on the decision, and the people's government shall make a decision within three days of receiving the application for reconsideration.

Article 14

The person(s) responsible for an assembly, a procession or a demonstration may withdraw his application after submitting it and before receiving a notice of the competent authorities; if a

decision is made to call off the assembly, procession or demonstration after receipt of the competent authorities' notice on the granting of permission, the responsible person(s) concerned shall inform the competent authorities of the decision in good time and dismiss the participants if they have assembled.

Article 15

No citizens shall, in a city other than his place of residence, start, organize or participate in an assembly, a procession or a demonstration of local citizens.

Article 16

No functionary of a state organ shall organize or participate in an assembly, a procession or a demonstration which contravenes the functions and obligations of functionaries of state organs as prescribed in relevant laws and regulations.

Article 17

If anyone organizes or participates in an assembly, a procession or a demonstration in the name of a state organ, a public organization, an enterprise or an institution, he must first obtain approval from its leaders.

Chapter III The Holding of Assemblies, Processions and Demonstrations

Article 18

With respect to an assembly, a procession or a demonstration held in compliance with law, the competent authorities shall dispatch the people's police to keep traffic and public order and ensure the smooth progress of the assembly, procession or demonstration.

Article 19

An assembly, a procession or a demonstration held in compliance with law shall not be disturbed, broken into or disrupted by anybody by violence, coercion or any other illegal means.

Article 20

In order to ensure the progress of a procession held in compliance with law, the people's police responsible for keeping traffic order may temporarily exercise flexibility in their execution of the relevant provisions of traffic regulations.

Article 21

If it becomes impossible for a procession to follow the permitted route because of unexpected circumstances occurring on the way, the chief police officer present at the scene shall have the authority to change the route of the procession.

Article 22

If an assembly, a procession or a demonstration is held in or passes by places where state organs, military organs, radio stations, television stations or foreign embassies or consulates are located, the

competent authorities may, with a view to keeping order, establish temporary security lines, which shall not be crossed without permission by the people's police.

Article 23

No assembly, procession or demonstration shall be held within a peripheral distance of 10-300 metres from the following places, with the exception of those approved by the State Council or the people's governments of provinces, autonomous regions and municipalities directly under the Central Government:

- (1) premises of the Standing Committee of the National People's Congress, the State Council, the Central Military Commission, the Supreme People's Court and the Supreme People's Procuratorate;
- (2) places where state guests are staying;
- (3) important military installations; and
- (4) air harbours, railway stations and ports.

The specific peripheral distances from the places listed in the preceding paragraph shall be defined by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government.

Article 24

The time for holding an assembly, a procession or a demonstration shall be limited to 6 a.m. - 10 p.m., with the exception of those held by decision or approval of the local people's governments.

Article 25

An assembly, a procession or a demonstration shall be conducted in accordance with the purposes, manners, posters, slogans, starting and finishing time, places, routes and other matters for which permission has been granted.

The person(s) responsible for an assembly, a procession or a demonstration must assume responsibility for maintaining the order thereof and strictly guard against participation by others.

The person(s) responsible for an assembly, a procession or a demonstration shall, when necessary, appoint special personnel to assist the people's police in maintaining order. The personnel responsible for the maintenance of order shall wear identification marks.

Article 26

The holding of an assembly, a procession or a demonstration shall not contravene the regulations on public security administration and shall not involve criminal activities or the instigation of crimes.

Article 27

The people's police shall stop an assembly, a procession or a demonstration that is being held, if it involves one of the following circumstances:

- (1) failure to make an application in accordance with the provisions of this Law or to obtain permission for the application;
- (2) failure to act in accordance with the purposes, manners, posters, slogans, starting and finishing time, places and routes permitted by the competent authorities; or
- (3) the emergence, in the course of the activity, of a situation which endangers public security or seriously undermines public order.

If any of the circumstances specified in the preceding paragraph occurs and the instruction to stop the activity is ignored, the chief officer of the people's police present at the scene shall have the authority to order a dismissal; for those who refuse to dismiss, the chief police officer present at the scene shall have the authority to decide, in accordance with relevant state provisions, on the adoption of necessary measures to force a dismissal and to take away from the scene by force those who refuse to obey or detain them at once. If a participant in an assembly, a procession or a demonstration crosses the temporary security lines, established in accordance with the provisions of Article 22 of this Law, enters a certain peripheral space around the specific places where no assemblies, processions and demonstrations shall be held as specified in Article 23 of this Law, or commits other illegal or criminal acts, the people's police may take him away from the scene by force or detain him at once.

Chapter IV Legal Responsibility

Article 28

Those who commit acts in violation of public security administration in the process of an assembly, a procession or a demonstration shall be punished in accordance with the relevant provisions of the Regulations on Administrative Penalties for Public Security. The public security organ may punish by warning or by criminal detention of not more than 15 days the responsible person(s) and the person(s) who is directly responsible, if an assembly, a procession or a demonstration that is being held involves one of the following circumstances:

- (1) failure to make an application in accordance with the provisions of this Law or to obtain permission for the application; or
- (2) failure to act in accordance with the purposes, manners, posters, slogans, starting and finishing time, places, and routes permitted by the competent authorities, and disregard of instructions to stop acting without permission.

Article 29

Any participant in an assembly, a procession or a demonstration who commits a crime shall be investigated for criminal responsibility in accordance with the relevant provisions of the Criminal Law. Any participant in an assembly, a procession or a demonstration who carries weapons, controlled cutting tools or explosives shall be investigated for criminal responsibility by applying *mutatis mutandis* the provisions of Article 163 of the Criminal Law.

In a case where no application has been made for an assembly, a procession or a demonstration in accordance with the provisions of this Law or no permission has been granted for the application or

where it is conducted not in accordance with the starting and finishing time, places and routes permitted by the competent authorities, while the order of dismissal is disobeyed and public order seriously undermined, the person(s) responsible for, the assembly, procession or demonstration and the person(s) who is directly responsible shall be investigated for criminal responsibility in accordance with the provisions of Article 158 of the Criminal Law.

In a case where an assembly, a procession or a demonstration leads to the siege of a state organ or people breaking into it, preventing it from conducting its business or state activities normally, the person(s) responsible for the assembly, procession or demonstration and the person(s) who is directly responsible shall be investigated for criminal responsibility in accordance with the provisions of Article 158 of the Criminal Law.

In a case where an assembly, a procession or a demonstration leads to the occupation of public places, the interception of vehicles or pedestrians or the gathering of crowds to block traffic, so that order at public places and traffic order are seriously undermined, the person(s) responsible for the assembly, procession or demonstration and the person(s) who is directly responsible shall be investigated for criminal responsibility in accordance with the provisions of Article 159 of the Criminal Law.

Article 30

Those who disturb, break into or undermine by other means an assembly, a procession or a demonstration held in compliance with law may be punished by the public security organ by warning or by criminal detention of not more than 15 days; if the circumstances are serious and a crime is constituted, they shall be investigated for criminal responsibility in accordance with the relevant provisions of the Criminal Law.

Article 31

If a party refuses to accept the decision on punishment by detention made in accordance with the provisions of the second paragraph of Article 28 or Article 30 of this Law, he may appeal to the public security organ at the next higher level within five days of receiving the notice on the decision on punishment; the public security organ at the next higher level shall make a decision within five days of receiving the appeal; if the party refuses to accept the decision of the public security organ at the next higher level, he may institute proceedings in the people's court within five days of receiving the notice on the decision.

Article 32

Anyone who, in the course of an assembly, a procession or a demonstration, damages public or private property or causes injuries or deaths to others shall be liable for compensation according to law, apart from being punished in accordance with the relevant provisions of the Criminal Law or the Regulations on Administrative Penalties for Public Security.

Article 33

If a citizen, in a city other than his place of residence, starts or organizes an assembly, a procession or a demonstration by local citizens, the public security organ shall have the authority to detain him or send him back by force to his place of residence.

Chapter V Supplementary Provisions

Article 34

This Law shall apply to assemblies, processions and demonstrations held by foreigners within the territory of China.

Foreigners in the territory of China may not, without approval by the competent authorities, participate in an assembly, a procession or a demonstration held by Chinese citizens.

Article 35

The public security department under the State Council may, in accordance with this Law, formulate rules of implementation, which shall go into effect after being submitted to and approved by the State Council.

The standing committees of the people's congresses of provinces, autonomous regions and municipalities directly under the Central Government may, in accordance with this Law, formulate measures for implementation.

Article 36

This Law shall enter into force on the date of promulgation.