

Law of the PRC on Assemblies, Processions and Demonstrations

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Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution for the purposes of safeguarding the right of citizens to assembly, procession and demonstration according to law, maintaining social stability and public order, and ensuring the smooth progress of socialist modernization.

Article 2 — The assemblies, processions and demonstrations held within the territory of the People's Republic of China shall be governed by this Law. For the purposes of this Law, "assembly" means an activity in which people gather at an open-air public place to express their views or aspirations; "procession" means an activity in which people march in a line along a public road or across an open-air public place to express their common aspirations; and "demonstration" means an activity in which people express their common aspirations in the manner of an assembly, procession, sit-in or other means at an open-air public place or along a public road. Activities that do not require application for approval according to law, such as recreational and sports activities, normal religious activities and traditional folk activities, shall not be governed by this Law.

Article 3 — Citizens shall exercise their rights to assembly, procession and demonstration in a peaceful manner, and shall not use violence, spread rumors or engage in other illegal acts such as incitement, and

shall not compromise the interests of the state, the public or other citizens. The lawful rights and interests of citizens shall be protected by law.

Article 4 — The people's governments at various levels shall protect the rights of citizens to assembly, procession and demonstration exercised in accordance with the provisions of this Law.

Article 5 — An assembly, procession or demonstration shall be held in a peaceful and orderly manner, and shall not disturb public order or impair public security, or infringe upon the lawful rights and interests of other people.

Chapter II — Application and Approval for Assemblies, Processions and Demonstrations

Article 7 — Where an assembly, procession or demonstration is to be held, an application must be filed with the competent authority and approval must be obtained. The following activities shall not be subject to application: (1) activities held by the state for celebration, commemoration or other purposes; and (2) assemblies held by state organs, political parties, social organizations, enterprises or public institutions within the scope of their functions and powers in accordance with the provisions of laws and regulations.

Article 8 — An assembly, procession or demonstration shall have a person in charge. Where there is a need for an assembly, procession or demonstration, the person in charge shall, five days before the date of the activity, submit a written application to the competent authority, specifying the purpose, method, slogans, number of participants, vehicles, type and quantity of audio and other equipment, starting and ending time, route, and the name, occupation and address of the person in charge.

Article 9 — After receiving an application for an assembly, procession or demonstration, the competent authority shall, two days before the date of the activity, notify the person in charge in writing of its decision on whether to approve the application. Where the application is not approved, the reasons shall be stated. Where the competent authority fails to notify the applicant within the time limit, the application shall be deemed to have been approved. Where an assembly, procession or demonstration is held for the purpose of responding to an unexpected incident, the person in charge must report to the competent authority immediately; the competent authority shall make a decision immediately after receiving the report and notify the person in charge.

Article 12 — An application for an assembly, procession or demonstration shall not be approved under any of the following circumstances: (1) it opposes the cardinal principles defined in the Constitution; (2) it endangers national unity, sovereignty or territorial integrity; (3) it incites ethnic division; or (4) there is sufficient evidence to believe that the assembly, procession or demonstration that has been applied for will directly endanger public security or seriously disrupt public order.

Article 13 — Where the person in charge of an assembly, procession or demonstration is dissatisfied with the decision of the competent authority not to approve the application, he may apply to the people's government at the same level for reconsideration within three days of receiving the notice, and the people's government shall make a decision within three days of receiving the application for reconsideration.

Chapter III — Conduct of Assemblies, Processions and Demonstrations

Article 18 — The person in charge of an assembly, procession or demonstration shall be responsible for maintaining the order of the assembly, procession or demonstration, and shall strictly prevent others from joining in. The person in charge shall, when necessary, designate special personnel to assist the people's police in maintaining order. The personnel responsible for maintaining order shall wear signs of identification.

Article 19 — An assembly, procession or demonstration shall be conducted peacefully and shall not involve carrying weapons, controlled knives or explosives, and shall not involve the use of violence or the threat of violence.

Article 22 — People's police shall appear at the site of an assembly, procession or demonstration to maintain order and ensure the smooth progress of the activity. The people's police may, according to law, adopt necessary measures to maintain order at the site and ensure traffic safety.

Article 25 — An assembly, procession or demonstration shall proceed in accordance with the approved purpose, method, slogans, starting and ending time, route and location. The person in charge of the assembly, procession or demonstration must ensure that the participants strictly comply with the requirements of the approval.

Article 26 — During an assembly, procession or demonstration, the following acts shall not be committed: (1) occupying buildings, vehicles or pedestrian walkways; (2) blocking traffic; (3) disrupting the normal activities of state organs, military organs, enterprises, public institutions or social organizations; (4) occupying public property or damaging public facilities; or (5) carrying items that endanger public safety.

Chapter IV — Legal Liability

Article 28 — Where an assembly, procession or demonstration is held without approval, or fails to proceed in accordance with the approved requirements, or there is any other illegal act during the assembly, procession or demonstration, the people's police shall order it to stop. Where the order is not complied with, the people's police may adopt necessary measures to forcibly disperse the participants and may forcibly remove the person in charge or the persons directly responsible from the site. Where the participants refuse to obey and the circumstances are serious enough to constitute a crime, criminal liability shall be pursued according to law.

Article 29 — Where an assembly, procession or demonstration is held without applying for approval or without obtaining approval in accordance with the provisions of this Law, and the participants refuse to obey the order to disperse, thereby seriously disrupting public order, the person in charge of the assembly, procession or demonstration and the persons directly responsible shall be pursued for criminal liability according to law.

Article 30 — Where public security is disturbed, public or private property is damaged, or bodily injury or death is caused during an assembly, procession or demonstration, the offenders shall bear compensation liability in addition to being punished in accordance with the provisions of the Criminal Law or the Public Security Administration Punishments Law.

Article 33 — Where a citizen, in a place other than his place of residence, initiates or organizes an assembly, procession or demonstration in his place of residence, the public security authority shall have the authority to detain him or forcibly send him back to his original place.

Chapter V — Supplementary Provisions

Article 34 — Assemblies, processions and demonstrations held by foreigners within the territory of China shall be governed by the provisions of this Law. Without the approval of the competent authority, foreigners shall not participate in assemblies, processions or demonstrations held by Chinese citizens within the territory of China.

Article 35 — The public security department under the State Council may, in accordance with this Law, formulate rules for its implementation, which shall be submitted to the State Council for approval before their implementation. 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 come into force on the date of promulgation.

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