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北大法宝 > en.pkulaw.cn > Laws & Regulations Law of the People's Republic of Chi		ns and Demons	trations (200	09 Amendmen	t) [Effective]			
中华人民共和国集会游行示威法(2009)	修正) [现行有效]							
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Law of the People's Republic of China on Assemblies, Processions and Demonstrations (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				中华人民共和国集会游行示威法 (1989年10月31日第七届全国人民代表大会常务委员会第十次会议通过 1989年10月31日中华人民共和国主席令第二十				
October 31, 1989; amended according to the Desession of the 11th Standing Committee of the N	号第十	号公布 根据2009年8月27日中华人民共和国主席令第十八号第十一届全国人民代表大会常务委员会第十次会议《关于修改部分法律的决定》修正)						
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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 citizen's 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.

第一条 为了保障公民依法行使集会、<mark>游行</mark>、示威的权利,维护社会安定和公共秩序,根据宪法,制定本法。

第二条 在中华人民共和国境内举行集会、游行、威,均适用本法。本法所称集会,是指聚集于露天公共 赏大 所,发表意见、表达意愿的活动。本法所称游行,是相 共道路、露天公共场所列队行进、表达共同意愿的活动。金添cribe 法所称示威,是指在露天公共场所或者公共道路上以集会 Now 游行、静坐等方式,表达要求、抗议或者支持、声援等共同意愿的活动。文娱、体育活动,正常的宗教活动,传统的民间习俗活动,不适用本法。

Comments

第三条 公民行使集会、<mark>游行、</mark>示威的权利,各级人民政府应当依照本法规定,予以保障。

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 bureaus, county security bureaus or municipal public security sub-bureaus 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

第四条 公民在行使集会、游行、示威的权利的时候,必须遵守宪法和法律,不得反对宪法所确定的基本原则,不得损害国家的、社会的、集体的利益和其他公民的合法的自由和权利。

第五条 集会、游行、示威应当和平地进行,不得携帯 武器、管制刀具和爆炸物,不得使用暴力或者煽动使用暴 カ

第六条 集会、游行、示威的主管机关,是集会、游行、示威举行地的市、县公安局、城市公安分局;游行、示威路线经过两个以上区、县的,主管机关为所经过区、县的公安机关的共同上一级公安机关。

第二章 集会游行示威的申请和许可

第七条 举行集会、<mark>游行</mark>、示威,必须依照本法规定向主管机关提出申请并获得许可。下列活动不需申请:

- (一) 国家举行或者根据国家决定举行的庆祝、纪念等活动;
- (二) 国家机关、政党、社会团体、企业事业组织依照法律、组织章程举行的集会。

第八条 举行集会、游行、示威,必须有负责人。依照本法规定需要申请的集会、游行、示威,其负责人必须在举行日期的五日前向主管机关递交书面申请。申请书中应当载明集会、游行、示威的目的、方式、标语、口号、人数、车辆数、使用音响设备的种类与数量、起止时间、地点(包括集合地和解散地)、路线和负责人的姓名、职业、住址。

第九条 主管机关接到集会、游行、示威申请书后,应 当在申请举行日期的二日前,将许可或者不许可的决定书面 通知其负责人。不许可的,应当说明理由。逾期不通知的, 视为许可。确因突然发生的事件临时要求举行集会、游行、 示威的,必须立即报告主管机关;主管机关接到报告后,应 当立即审查决定许可或者不许可。

第十条 申请举行集会、游行、示威要求解决具体问题的,主管机关接到申请书后,可以通知有关机关或者单位同集会、游行、示威的负责人协商解决问题,并可以将申请举行的时间推迟五日。

第十一条 主管机关认为按照申请的时间、地点、路线举行集会、游行、示威,将对交通秩序和社会秩序造成严重影响的,在决定许可时或者决定许可后,可以变更举行集会、游行、示威的时间、地点、路线,并及时通知其负责

第十二条 申请举行的集会、<mark>游行</mark>、示威,有下列情形之一的,不予许可:

- (一) 反对宪法所确定的基本原则的;
- (二) 危害国家统一、主权和领土完整的;
- (三) 煽动民族分裂的;

(四) 有充分根据认定申请举行的集会、<mark>游行</mark>、示威将 危害公共安全或者严重破坏社会秩序的。

第十三条 集会、游行、示威的负责人对主管机关不许可的决定不服的,可以自接到决定通知之日起三日内,向周port级人民政府申请复议,人民政府应当自接到申请复议书之日起三日内作出决定。

第十四条 集会、游行、示威的负责人在提出申请后接 到主管机关通知前,可以撤回申请;接到主管机关许可的通

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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 Assembles, 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

知后,决定不举行集会、<mark>游行</mark>、示威的,应当及时告知主管 机关,参加人已经集合的,应当负责解散。

第十五条 公民不得在其居住地以外的城市发动、组织、参加当地公民的集会、游行、示威。

第十六条 国家机关工作人员不得组织或者参加违背有 关法律、法规规定的国家机关工作人员职责、义务的集会、 游行、示威。

第十七条 以国家机关、社会团体、企业事业组织的名义组织或者参加集会、游行、示威,必须经本单位负责人批准。

第三章 集会游行示威的举行

第十八条 对于依法举行的集会、游行、示威,主管机 关应当派出人民警察维持交通秩序和社会秩序,保障集会、 游行、示威的顺利进行。

第十九条 依法举行的集会、游行、示威,任何人不得以暴力、胁迫或者其他非法手段进行扰乱、冲击和破坏。

第二十条 为了保障依法举行的游行的行进,负责维持 交通秩序的人民警察可以临时变通执行交通规则的有关规 定

第二十一条 游行在行进中遇有不可预料的情况,不能按照许可的路线行进时,人民警察现场负责人有权改变游行队伍的行进路线。

第二十二条 集会、游行、示威在国家机关、军事机 关、广播电台、电视台、外国驻华使馆领馆等单位所在地举 行或者经过的,主管机关为了维持秩序,可以在附近设置临 时警戒线,未经人民警察许可,不得逾越。

第二十三条 在下列场所周边距离十米至三百米内,不得举行集会、游行、示威,经国务院或者省、自治区、直辖市的人民政府批准的除外:

- (一) 全国人民代表大会常务委员会、国务院、中央军事委员会、最高人民法院、最高人民检察院的所在地:
- (二) 国宾下榻处;
- (三) 重要军事设施;
- (四) 航空港、火车站和港口。前款所列场所的具体周边距离,由省、自治区、直辖市的人民政府规定。

第二十四条 举行集会、<mark>游行、</mark>示威的时间限于早六时 至晚十时,经当地人民政府决定或者批准的除外。

第二十五条 集会、游行、示威应当按照许可的目的、方式、标语、口号、起止时间、地点、路线及其他事项进行。集会、游行、示威的负责人必须负责维持集会、游行、示威的秩序,并严格防止其他人加入。集会、游行、示威的负责人在必要时,应当指定专人协助人民警察维持秩序。负责维持秩序的人员应当佩戴标志。

第二十六条 举行集会、<mark>游行</mark>、示威,不得违反治安管理法规,不得进行犯罪活动或者煽动犯罪。

第二十七条 举行集会、游行、示威,有下列情形之。 较助Scribe 的,人民警察应当予以制止:

(一) 未依照本法规定申请或者申请未获许可的;

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(二)未按照主管机关许可的目的、方式、标语、口号^{Co}超^{nents} 止时间、地点、路线进行的; (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 dismission; 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 dismission 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 Law on Public Security Administrative Punishments. 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 according to the relevant provisions 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 dismission is disobeved 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 according to the relevant provisions 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 according to the relevant provisions 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 according to the relevant provisions 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

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 Law on Public Security Administrative Punishments..

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.

(三) 在进行中出现危害公共安全或者严重破坏社会秩序情 况的。有前款所列情形之一, 不听制止的, 人民警察现场负 责人有权命令解散;拒不解散的,人民警察现场负责人有权 依照国家有关规定决定采取必要手段强行驱散,并对拒不服 从的人员强行带离现场或者立即予以拘留。参加集会、游 行、示威的人员越讨依照本法第二十二条规定设置的临时警 戒线、讲入本法第二十三条所列不得举行集会、游行、示威 的特定场所周边一定范围或者有其他违法犯罪行为的,人民 警察可以将其强行带离现场或者立即予以拘留。

第四章 法律责任

第二十八条 举行集会、游行、示威,有违反治安管理 行为的,依照治安管理处罚法有关规定予以处罚。举行集 会、游行、示威,有下列情形之一的,公安机关可以对其负 责人和直接责任人员处以警告或者十五日以下拘留:

- (一) 未依照本法规定申请或者申请未获许可的;
- (二) 未按照主管机关许可的目的、方式、标语、口号、起 止时间、地点、路线进行,不听制止的。

第二十九条 举行集会、游行、示威、有犯罪行为的、 依照刑法有关规定追究刑事责任。携带武器、管制刀具或者 爆炸物的,依照刑法有关规定追究刑事责任。未依照本法规 定申请或者申请未获许可,或者未按照主管机关许可的起止 时间、地点、路线进行,又拒不服从解散命令,严重破坏社 会秩序的,对集会、<mark>游行</mark>、示威的负责人和直接责任人员依 照刑法有关规定追究刑事责任。包围、冲击国家机关, 致使 国家机关的公务活动或者国事活动不能正常讲行的, 对集 会、游行、示威的负责人和直接责任人员依照刑法有关规定 追究刑事责任。占领公共场所、拦截车辆行人或者聚众堵塞 交通,严重破坏公共场所秩序、交通秩序的,对集会、游 行、示威的负责人和直接责任人员依照刑法有关规定追究刑 事责任.

第三十条 扰乱、冲击或者以其他方法破坏依法举行的 集会、游行、示威的,公安机关可以处以警告或者十五日以 下拘留; 情节严重, 构成犯罪的, 依照刑法有关规定追究刑 事责任。

第三十一条 当事人对公安机关依照本法第二十八条第 一款或者第三十条的规定给予的拘留处罚决定不服的。可以 自接到处罚决定通知之日起五日内, 向上一级公安机关提出 申诉,上一级公安机关应当自接到申诉之日起五日内作出裁 决;对上一级公安机关裁决不服的,可以自接到裁决通知之 日起五日内, 向人民法院提起诉讼。

第三十二条 在举行集会、游行、示威过程中,矿 私财物或者侵害他人身体造成伤亡的,除依照刑法或者法义 管理处罚法的有关规定可以予以处罚外,还应当依法别 🌋 大 偿责任。

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第三十三条 公民在本人居住地以外的城市发动、组织 当地公民的集会、<mark>游行</mark>、示威的,公安机关有权予以拘留或line 者强行谱问原地。

Comments

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.

chl 167204

第三十四条 外国人在中国境内举行集会、游行、示威,适用本法规定。外国人在中国境内未经主管机关批准不得参加中国公民举行的集会、游行、示威。

第三十五条 国务院公安部门可以根据本法制定实施条例,报国务院批准施行。省、自治区、直辖市的人民代表大会常务委员会可以根据本法制定实施办法。

第三十六条 本法自公布之日起施行。

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