

The Afghan Law on Gatherings, Strikes and Demonstrations

In light of Afghan Constitution 1964 (Official Gazette 12) Afghan President endorsed a new law, *The Law on Gatherings, Strikes and Demonstrations* on March 13, 2003 (Official Gazette 805).

The Law on Gatherings, Strikes and Demonstrations

Chapter one General Provisions

Article 1:

This law is enacted in the light of the article 32nd of Constitution 1343¹ Solar Year in order to regulate the affairs related to *The Gatherings, Strikes and Demonstrations in the country*.

Article 2:

The citizens of Afghanistan, in order to ensure their legal and peaceful goals which don't contradict the national solidarity and the provisions of the Constitution, without carrying weapons and in accordance with this law, have the rights to organize gatherings, strikes and demonstrations.

Article 3:

The following terms used throughout this law shall have the following meanings:

- 1- A "gathering" is the regular and public assembly of more than 30 persons in a stop mode at a public place to attract public opinion, in order to support or oppose specific goals in which people can participate voluntarily.
- 2- A "strike" is to refuse performing work or performing legal obligations and duties, that people go on it in order to achieve their specific goals.
- 3- A "demonstration" is a regular and public gathering in which people demonstrate their specific goals on determined routes in a marching status.
- 4- A "legal and peaceful goal" is a goal which is allowed by law to be achieved.
- 5- The "organizers" are the person or persons who guide, manage and lead the gathering, strike and demonstration.
- 6- A "public place" is the roads, squares, parks and other places in which people can freely commute.
- 7- A "private place" is a property commuting to which is suspended to the permission of its owner or proprietor.

¹ 1964

Article 4:

Participation in gatherings, demonstrations and strikes shall be volunteer; in order to ensure their individual and group goals nobody shall force people to participate in gathering, demonstration and strikes.

Article 5:

The peaceful gatherings, strikes and demonstrations are allowed in public places which are not prohibited by this law but in private places, they are suspended to the written permission of their owners and proprietors.

Chapter Two

The obligations

Article 6:

The government shall ensure the security and safety of gatherings, strikes and demonstrators.

Article 7:

In case the gatherings, strikes or demonstrations are organized through organizations, associations and individuals, the organizers and participants shall have the following obligations:

- 1- Inform the local police in writing twenty four hours prior to organize the event.
- 2- Include the purpose, time, location and route in the notice.
- 3- Observe the provisions of Constitution, the other laws and the provisions of The Universal Declaration of Human Rights.
- 4- Respect to Islam Sacred Religion and religious, national, historical, cultural traditions of the country.
- 5- Avoid insulting, threatening and fearing individuals and committing any movements against customs, security and public order.
- 6- Avoid violence, destruction and armed conflict.

Article 8:

The gathering, strike and demonstration shall not be organized in the following places and during the following times:

- 1- In the vicinity of military compounds.

- 2- In the vicinity of stocks of explosive, detonable and fiery items.
- 3- In the vicinity of hospitals, inside kindergartens, nurseries and likewise.
- 4- After sunset until sunrise. The strike is exempted from this provision.
- 5- 48 hours prior to the presidential and parliamentary elections, Great Assembly² and referendum.

Article 9:

In the event of one of the cases stipulated in articles (seven and eight) of this law; in order to disperse the gatherings, strikes and demonstrations the police will take one of the following actions:

- 1- Issuance of warning through possible means for dispersion.
- 2- Surrounding of gatherers and demonstrators and pushing them to a safe place.
- 3- Dispersion through splashing water.
- 4- To terminate and disperse the demonstration through technical obstacles.

Article 10:

In case the use of technical obstacles and other police aids don't help in terminating and dispersing the gatherings and demonstrations, police shall take action in accordance with article 22 of enforced police law.

Article 11:

In observance of article 22 of enforced police law, the security forces shall possibly avoid encountering the gatherings, strikes and demonstrators and their representatives.

Article 12:

Carrying banners, slogans and pictures shall be allowed in gatherings and demonstrations providing that they are not against the customs, security and public order.

Article 13:

The participants of gatherings, demonstrations, strikes and the individuals who lead them shall not broadcast baseless propagandas that create horror among people.

Article 14:

- (1) If it is identified that the place of gatherings, strikes and demonstrators is not safe due to security reasons; has to be evacuated, the demonstrators and their leaders will immediately evacuate the place once police order.
- (2) The abovementioned people shall be prosecuted if they reject evacuating the place after (police) prior and successive warnings.

² Loya Jirga

(3) The evacuation of place shall not prevent continuing demonstrating in another place.

Article 15:

Organizing demonstrations and gatherings in order to ensure the political, economic and social goals of foreign countries and their citizens is not allowed if they contradict the national interest and national unity of Afghanistan.

Article 16:

The citizens of foreign countries shall not participate in demonstrations.

Article 17:

The security forces shall not enter into the gatherings, strikes and ranks of demonstrators by force in order to disorder them and pave the ground for violence and conflict.

Article 18:

Using possible means of police shall never be hostile and retaliatory which results in exacerbating the situations and promoting the political and social concerns.

Article 19:

Police can announce termination of gatherings, strikes and demonstrations in following cases:

- 1- In case of carrying out violence and violent acts.
- 2- In case of attempting to carry out destructive and terrorizing acts.
- 3- In case of discovering explosive weapons.
- 4- In case of threatening people to participate in gatherings, strikes and demonstrations.

Article 20:

Any action, taken during gatherings, demonstrations and strikes resulting in a loss to public properties or the private properties of the citizens, is a crime. The one who commits will be prosecuted in addition to compensation for the perpetrator.

Article 21:

Nobody shall organize gatherings, demonstrations and strikes during state of emergency.

Article 22:

Carrying any weapons during gatherings, strikes and demonstrations is prohibited. Its carrier shall be arrested and prosecuted.

Article 23:

Whenever the gatherings, strikes and demonstrations result in overall turbulence, the security departments, after summoning the authorities, will legally take immediate actions for disposal and exclusion of abovementioned situation.

Article 24:

If the individuals who lead the gatherings, demonstrations and strikes order the demonstrators to carry out violent acts and the demonstrators carry out the aforementioned acts, they will be prosecuted according to the enforced laws.

Article 25:

- (1) The participants of gatherings, strikes and demonstrations can issue their corporate and legal demands, reflected in their resolution, to the relevant authorities.
- (2) The ministries, administrations and relevant organizations shall review the resolution mentioned in paragraph (1) of this article and shall take action to achieve their lawful demands.

Chapter Three

Final Provisions

Article 26:

The personnel of armed forces (Ministry of Defense, Ministry of Interior Affairs and General Department of National Security) shall not have the right to participate in gatherings, strikes and demonstrations.

Article 27:

When the corporate and group demands, based on which the gatherings, strikes and demonstrations have taken place, are achieved through negotiation and communication with authorities, the extension of them shall not be allowed

Article 28:

Whenever the authorities require negotiating with the representatives of the gatherings, strikes and demonstrations in order to find solution, the representatives shall have full immunity in observance of the provision of article six of this law.

Article 29:

This law shall be enforced after the date of endorsement and be published in official gazette.

