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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

LAW
ON MASS EVENTS
OF THE REPUBLIC OF BELARUS*

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LAW OF THE REPUBLIC OF BELARUS
No. 114-Z of 30 December 1997

On mass events in the Republic of Belarus

Adopted by the House of Representatives on 4 December 1997

Ratified by the Council of the Republic on 19 December 1997

Amending and supplementary acts:

Law of the Republic of Belarus No. 166-Z of 11 June 1998 (Official Gazette of the National Assembly of the Republic of Belarus, 1998, No. 25–26, art. 428) <H19800166>;

Law of the Republic of Belarus No. 233-Z of 7 August 2003 (National Register of legal acts of the Republic of Belarus, 2003, No. 93, 2/982) – new version <H10300233>;

Law of the Republic of Belarus No. 253-Z of 29 November 2003 (National Register of legal acts of the Republic of Belarus, 2003, No. 136, 2/1002) <H10300253>;

Law of the Republic of Belarus No. 166-Z of 6 October 2006 (National Register of legal acts of the Republic of Belarus, 2006, No. 166, 2/1263) <H10600166>;

Law of the Republic of Belarus No. 416-Z of 21 July 2008 (National Register of legal acts of the Republic of Belarus, 2008, No. 184, 2/1513) <H10800416>;

Law of the Republic of Belarus No. 51-Z of 9 November 2009 (National Register of legal acts of the Republic of Belarus, 2009, No. 276, 2/1603) <H10900051>;

Law of the Republic of Belarus No. 53-Z of 9 November 2009 (National Register of legal acts of the Republic of Belarus, 2009, No. 276, 2/1605) <H10900053>;

Law of the Republic of Belarus No. 99-Z of 4 January 2010 (National Register of legal acts of the Republic of Belarus, 2010, No. 5, 2/1649) <H11000099>;

Law of the Republic of Belarus No. 308-Z of 8 November 2011 (National Register of legal acts of the Republic of Belarus, 2011, No. 127, 2/1860) <H11100308>

The present Law establishes the procedure for organising and holding assemblies, rallies, marches, demonstrations, pickets and other mass events in the Republic of Belarus and is intended to create conditions for the fulfilment of citizens' constitutional rights and freedoms and the guarantee of public safety and order when such events are held on streets, in squares and in other public places.

The freedom to hold mass events that do not infringe law and order and the rights of other citizens of the Republic of Belarus shall be guaranteed by the State.

CHAPTER 1 GENERAL PROVISIONS

Article 1. Legislation of the Republic of Belarus on mass events

The legislation of the Republic of Belarus on mass events consists of the Constitution of the Republic of Belarus, the present Law and other legislative acts of the Republic of Belarus.

Article 2. Basic notions used in the present Law and their definitions

For the purposes of the present Law the following basic notions are used:

- mass event - assembly, rally, march, demonstration, picket or other mass event;
- other mass event - sporting, cultural spectacle and other entertainment event, religious event, held in places not specially intended for the purpose in the open air or indoors;
- assembly - co-presence of citizens in a previously defined place in the open air or indoors at an established time, having gathered for collective discussion and the resolving of questions affecting their interests;
- rally - mass presence of citizens in a defined place in the open air, having gathered for public discussion and expression of their views on actions/failure to take action on the part of individuals and organisations or on events in public/political life, and also for the resolving of questions affecting their interests;
- march - organised mass movement of a group of citizens along a pedestrian or carriageway section of a street/road, boulevard, avenue or square for the purpose of drawing attention to certain problems or publicly expressing their public/political sentiment or a protest;
- demonstration - organised mass movement of a group of citizens along a pedestrian or carriageway section of a street/road, boulevard, avenue or square, including with the use of automotive and other means of transport, for the purpose of drawing attention to certain problems or publicly expressing their public/political sentiment or a protest with the use of placards, banners or other means;
- picket - public expression by a citizen or a group of citizens of public/political, collective, personal or other interests or a protest (without processional movement), including by means of a hunger strike, regarding certain problems, with or without the use of placards, banners or other means. Pickets shall also be taken to include any mass co-presence of citizens in a previously defined public place (including in the open air) at an established time to carry out the aforementioned activities, which is organised (including via the Internet global computer network or other information networks) for the public expression of their societal/political interests or a protest;
- substantial damage caused to the rights and lawful interests of citizens, organisations or state or public interests - disruption of a mass event, temporary halting of the activity of organisations or a stoppage of transport movement, death of people, grievous bodily harm to one or more victims;
- large-scale damage - damage amounting to more than ten thousand times the basic unit established on the day when the offence was committed.

Article 3. Scope of the present Law

The present Law shall be applicable to citizens of the Republic of Belarus, foreign citizens and stateless persons within the limits of their rights and freedoms provided for in the legislation of the Republic of Belarus.

The procedure for organising and holding mass events established by the present Law shall not be applicable to:

- assemblies of worker collectives, political parties, trade unions or religious and other organisations held indoors in accordance with the legislation of the Republic of Belarus and the statutes of/regulations governing those bodies;
- assemblies held in accordance with the legislation of the Republic of Belarus on republic-wide and local assemblies;
- pickets for the purpose of gathering signatures of voters required to put forward candidates for the office of President of the Republic of Belarus or member of Parliament held in places where this is not prohibited by the local executive and administrative authorities;
- assemblies, rallies and pickets organised by candidates for the office of President of the Republic of Belarus or member of Parliament or by their authorised representatives under the procedure provided for in article 45¹ of the Electoral Code of the Republic of Belarus.

The procedure for organising and holding mass events established by the present Law shall, with the exception of paragraph 4 of article 4, paragraph 1, indents 5-8, 10 and 11 of paragraph 2, indents 4-8, 11 and 12 of paragraph 3, paragraphs 4-6 of Article 11 and indent 4 of paragraph 1 and paragraph 2 of Article 12 of the present Law, not apply to mass events held by decision of state authorities.

CHAPTER 2 PROCEDURE FOR ORGANISING AND HOLDING MASS EVENTS

Article 4. Organisers of mass events

Those eligible to organise an assembly, rally, march, demonstration or picket in which up to 1,000 people are expected to participate and any other mass event, regardless of the number of expected participants, shall be citizens of the Republic of Belarus permanently resident on its territory of 18 years of age and over and eligible to vote, designated in the capacity of organiser in the application to hold a mass event and having entered into a written undertaking that it will be organised and held in accordance with the present Law, and also duly registered political parties, trade unions and other organisations of the Republic of Belarus, with the exception of organisations of the Republic of Belarus whose activity has been suspended in accordance with legislative acts.

Only political parties, trade unions and other organisations of the Republic of Belarus may be the organisers of an assembly, rally, march, demonstration or picket in which over 1,000 people are expected to participate.

Political parties, trade unions and other organisations of the Republic of Belarus which organise a mass event shall specify the individual(s) responsible for the organisation and holding of the mass event, from among the members of the leadership body of the political party, trade union or other organisation of the Republic of Belarus. The individual(s) having submitted documents from the leadership body of the political party, trade union or other organisation of the Republic of Belarus designating them as responsible for the organisation and holding of a mass event and stated to be acting in that capacity in the application to hold the mass event, shall enter into a written undertaking that the event will be organised and held in accordance with the present Law.

Those eligible to organise mass events held by decision of state authorities shall be organisations, including state authorities, and also citizens empowered by the President of the Republic of Belarus, by the Council of Ministers of the Republic of Belarus or by local executive and administrative authorities to organise and hold such events.

The organisers of a mass event shall be entitled to refrain from holding it, having first given written notification thereof to the head of the local executive and administrative authority or their deputy who took the decision to allow the holding of the mass event, and having notified the potential participants in the mass event.

Any individuals having violated the procedure for organising or holding a mass event may not act as the organiser of a mass event for one year following the levying of an administrative fine for such a violation.

Article 5. Application to hold a mass event

The application to hold a mass event (hereinafter - application) shall be given by the organiser(s) to the local executive and administrative authority on whose territory it is planned to hold the mass event unless otherwise stipulated by the second and third paragraphs of the present article.

If the mass event is to be held on the territory of more than one administrative territorial unit or the expected number of participants exceeds 1,000 (for assemblies, rallies, marches, demonstrations and pickets) or 1,500 (for other mass events), the application shall be submitted to the corresponding *oblast* [province] executive committee.

In the city of Minsk the application shall be submitted to the Minsk municipal executive committee.

The application shall be submitted in writing no later than 15 days prior to the anticipated date for holding the mass event, except where an application is submitted to hold a mass event as provided for in paragraph 10 of Article 45 of the Electoral Code of the Republic of Belarus, in which case it shall be submitted no later than five days prior to the anticipated date for holding the mass event.

The application shall indicate:

- the purpose, type, place and source of funding of the mass event;
- the date on which it is to be held and the times at which it is to start and end;
- the route to be taken, information on means of transport (make, model, registration number of the means of transport, surname, first name, patronymic (where applicable) and place of residence/stay of the person who will be driving the means of transport) if the mass event is to take place with the use thereof;

- the expected number of participants;
- the surname, first name, patronymic (where applicable) of the organiser(s), their nationality, date of birth, place of residence and place of work/study;
- information on the use of pyrotechnic products (type, number) and naked flames if they are to be used during the mass event;
- measures to ensure public order and safety during the mass event;
- measures linked to medical services and the cleaning up of the area after the mass event;
- the date on which the application is submitted.

The application shall be accompanied by a written undertaking from the organiser(s) or individual(s) responsible for organising and holding the event regarding the organisation and holding of the mass event.

The application, drawn up in accordance with the sixth paragraph of the present article, shall be registered by the local executive and administrative authority on the day on which it is submitted.

The time limit for submitting the application shall be calculated from the date of its registration within the local executive and administrative authority.

The organisers of the mass event may not be refused receipt of their application if it is drawn up in accordance with the fifth paragraph of the present article and submitted within the time limit established by the fourth paragraph of the present article.

Article 6. Procedure for examining the application and pronouncing a decision thereon

The head of the local executive and administrative authority or their deputy shall examine the application and, no later than five days prior to the date on which the mass event is to be held, notify its organiser(s) in writing of the decision taken. In the event of receiving an application to hold a mass event as provided for in paragraph 10 of Article 45 of the Electoral Code of the Republic of Belarus, the head of the local executive and administrative authority or their deputy shall notify the organiser(s) of that event in writing of the decision taken within three days following the date of registration of the application within the local executive and administrative authority.

The decision shall indicate whether the holding of the mass event is authorised or prohibited, together with the reasons for which it is prohibited.

The decision of the head of the local executive and administrative authority or their deputy authorising or prohibiting the holding of a mass event shall be taken with due regard for the date, place, time of holding the event, the number of participants, weather conditions, payment for services to uphold public order provided by internal affairs authorities (hereinafter - public order services), expenses linked to medical services and the cleaning up of the area following the holding of the mass event, and other circumstances with implications for the guarantee of public security, in agreement with the republic-level state administration authorities/their territorial branches responsible for ensuring public order and safety.

The procedure for the payment of public order services and expenses linked to medical services and the cleaning up of the area following the holding of the mass event shall be determined by decision of the local executive and administrative authority on whose territory it is planned to hold the mass event.

For the purpose of guaranteeing the rights and freedoms of citizens, public safety and also the normal functioning of transport and organisations, the head of the local executive and administrative authority or their deputy may, when examining an application and by agreement with the organiser(s) of the mass event, change the date, place and time of that event.

Article 7. Appeal against a decision prohibiting the holding of a mass event or changing the date, place and time thereof

A decision by the head of a local executive and administrative authority or their deputy prohibiting the holding of a mass event or changing the date, place and time of such an event may be appealed against in a judicial procedure.

Article 8. Preparation of a mass event

A mass event shall be prepared by its organiser(s) and other citizens authorised by them.

Prior to receiving authorisation to hold the mass event, the organiser(s) or other individuals shall not be entitled to announce the date, place and time of the event in the media, on the Internet global computer network or on other information networks or to produce and disseminate leaflets, placards and other materials for this purpose.

Article 9. Place and time of a mass event

A mass event may be held in any place suitable for the purpose with the exception of those places indicated in the third paragraph of the present article.

Permanent locations for the holding of mass events shall be determined by the local executive and administrative authorities, as well as the locations where it shall not be permitted to hold such events, and notification shall be given thereof in the media.

The holding of mass events shall not be permitted:

- in places prohibited for such use by decisions of the corresponding local executive and administrative authorities;
- at underground train, rail, water and air transport sites;
- at a distance of less than 200 metres from the buildings used for the official residence of the President of the Republic of Belarus, the National Assembly of the Republic of Belarus, the Council of Ministers of the Republic of Belarus, pedestrian underpasses and underground train stations;
- at a distance of less than 50 metres from the buildings of the republic state administration authorities, local representative, executive and administrative authorities, diplomatic representations and consular establishments, courts, prosecution authorities, the perimeter of organisations guaranteeing defence capability, state security and the vital activities of the population (public transport, water, heating and energy utilities, pre-school education establishments and general secondary education establishments);

- at a distance of less than 100 metres from buildings of health service organisations;
- at a distance of less than 300 metres from the perimeter of nuclear installations, sites designated for the production or storage of radioactive substances and materials, including the storage of nuclear materials, spent nuclear materials and/or used radioactive waste, on the territory of those sites and within their health safety zones;
- at a distance of less than 100 metres from buildings and facilities used for the production, storage or manufacture of arms, munitions, explosives and explosive materials, or the production or storage of pyrotechnic products;
- at a distance of less than 200 metres from buildings and facilities housing organisations vested with the functions of editing television and radio broadcasting media and also television broadcasting stations and radio broadcasting stations;
- at a distance of less than 100 metres from the perimeter of hazardous production facilities where the hazardous substances listed in appendices 1 and 2 to the Law of the Republic of Belarus of 10 January 2000 "On industrial safety of hazardous production facilities" (National Register of legal acts of the Republic of Belarus, 2000, No. 8, 2/138) are received, used, processed, created, stored, transported or destroyed.

Places for the holding of mass events and also underground train, rail, water and air transport facilities that may be used by participants in mass events to arrive at/leave those events may be equipped with fixed video surveillance devices and other security equipment.

The holding of mass events five days or fewer prior to elections, a referendum and the recall of a deputy shall be permitted only in places specially designated for the holding of mass events in the open air and indoors, with the exception of mass events held by decision of the state authorities.

Assemblies, rallies, marches, demonstrations and pickets may be held from 8 am to 10 pm.

Other mass events may be held at the time indicated in the application or, if the intended time is changed by decision of the head of the local executive and administrative authority or their deputy, at the time specified in that decision.

The simultaneous holding of more than one mass event in the same place or on the same route shall be prohibited.

Article 10. Procedure for holding mass events

Mass events and also the addresses delivered by their participants shall take place at the specified time and in the designated place in accordance with the purposes indicated in the application.

The holding of mass events shall be prohibited if they pursue the aim of war propaganda or extremist activity.

The organiser(s) of the mass event or individual(s) responsible for the organisation and holding of the mass event shall be under obligation:

- to be constantly present at the mass event being held;

- to ensure compliance with the conditions and procedure for holding the mass event, the safety of citizens and the preservation of buildings, installations, means of transport and other property and also of green spaces;
- to comply with all lawful requests made by the staff of internal affairs authorities and representatives of the community exercising their duty of upholding public order, and to assist them in guaranteeing public order;
- upon discovery during the holding of the mass event of the carrying out of extremist activity by participants in the event or at the request of authorised officials of a state authority engaged in combating extremism, to immediately take steps to curtail such extremism;
- in the event of the mass event being halted, to make the event participants aware of the decision to do so;
- to bear some insignia identifying them as the organiser of the mass event being held (armband, badge etc);
- to appear before the head (or their deputy) of the corresponding local executive and administrative authority or internal affairs authority, at the invitation of the latter, to clarify questions relating to the holding of the mass event;
- to effect payment, no later than 10 days following the holding of the mass event, for public order services and expenses linked to the provision of medical services and the cleaning up of the area in accordance with the decision of the local executive and administrative authority on whose territory the mass event was held.

The organisers of assemblies, rallies, marches, demonstrations or pickets shall be prohibited from incentivising citizens to participate in them for material reward.

The procedure for holding mass events in areas in which immovable tangible historical/cultural heritage assets and their surrounding zone are located shall be determined by the local executive and administrative authorities.

The procedure for holding mass events at transport infrastructure sites used for public transport and not included in the list of places in which the holding of mass events is prohibited in accordance with the third paragraph of Article 9 of the present Law shall be determined with due regard for the requirements of the present Law as well as the requirements for ensuring the safety of transport and the safety of passers-by provided for in the legislation of the Republic of Belarus.

The local executive and administrative authority may further regulate the procedure for holding mass events, taking due account of local conditions and the requirements of the present Law.

Other characteristics and restrictions on the holding of mass events and participation in them may be established by legislative acts of the Republic of Belarus.

Article 11. Respect for public order during the holding of mass events

During the holding of a mass event its participants shall respect public order and comply with all lawful requests of the organisers of the mass event being held, staff of internal affairs authorities and representatives of the community exercising their duty of upholding public order.

During the holding of an assembly, rally, march, demonstration or picket the organisers and participants shall not:

- hamper the movement of means of transport and pedestrians;
- create hindrances to the continuous running of organisations;
- set up tents or other temporary facilities;
- act in any way whatsoever upon staff of internal affairs authorities with the aim of preventing them from fulfilling their duties or on representatives of communities exercising their duty of upholding public order;
- have about their person cold arms, firearms, gas-sprays or other weapons, explosives and munitions or imitations and replicas thereof or specially manufactured or adapted items which may be used to threaten the life and health of people or cause material damage to citizens and organisations;
- engage in war propaganda or extremist activity, including with the use of placards, banners or other means;
- employ methods creating a threat to public security, the lives and health of participants in those events or other persons or mask their faces;
- use flags or pennants that are not registered under the established procedure, or emblems, symbols, placards and banners whose content is aimed at undermining public order or the rights and lawful interests of citizens;
- commit any actions infringing the established procedure for the organisation and holding of the mass event or incite others to engage in such actions by any methods;
- participate in the mass event in a state of inebriation or a state resulting from the use of narcotics, psychotropic substances, toxic substances or other drugs;
- sell alcoholic drinks and beer in the places where the aforementioned events are held or within a 500-metre radius of them.

During the holding of other mass events their organisers and participants shall not:

- hamper the movement of means of transport and pedestrians;
- create hindrances to the continuous running of organisations;
- act in any way whatsoever upon staff of internal affairs authorities with the aim of preventing them from fulfilling their duties or on representatives of communities exercising their duty of upholding public order;
- have about their person cold arms, firearms, gas-sprays or other weapons, explosives and munitions or specially manufactured or adapted items which may be used to threaten the life and health of people or cause material damage to citizens and organisations (except at certain types of sporting events in which they are to be used);
- have about their person imitations and replicas of cold arms, firearms, gas-sprays or other weapons, explosives and munitions (except in the case of theatre and other artistic groups during their performances);

- engage in war propaganda or extremist activity, including with the use of placards, banners or other means;
- employ methods creating a threat to public security, the lives and health of participants in those events or other persons;
- use emblems, symbols, placards and banners whose content is aimed at undermining public order or the rights and lawful interests of citizens;
- use flags or pennants that are not registered under the established procedure (except in the case of theatre and other artistic groups during their performances);
- commit any actions infringing the established procedure for the organisation and holding of the mass event or incite others to engage in such actions by any methods;
- participate in the mass event in a state of inebriation or a state resulting from the use of narcotics, psychotropic substances, toxic substances or other drugs;
- sell alcoholic drinks and beer in the places where the aforementioned events are held or within a 500-metre radius of them.

The sale of alcoholic drinks and beer in the places where other mass events are held and within a 500-metre radius of them shall be prohibited for the 2 hours preceding the start and for the duration of the event also for organisations and individuals who are not event organisers and participants, except in the case of sales of alcoholic drinks and beer within organisations (restaurants, cafes etc) which are entitled to trade therein under the legislation of the Republic of Belarus, for pre-planned formal and ceremonial events.

The organisers of mass events, staff of internal affairs authorities and representatives of the community exercising their duty of upholding public order shall be entitled to:

- cordon off the area in which a mass event is being held by engineering and technical means, take photographs and make audio and video recordings of mass event participants and operate an access control system;
- demand that citizens leave the place in which a mass event is being held if they violate public order or the requirements stipulated by the present Law;
- halt admissions to the place in which the mass event is being held in view of the capacity of that place.

Staff of internal affairs authorities shall be entitled in the exercise of their duty of upholding public order to carry out body searches of citizens and inspect items in their possession, including with the help of technical and special means. Body searches of citizens shall be carried out by a person of the same sex as the person searched. In the event of a citizen refusing a body search or the inspection of items in their possession, they shall not be admitted to the place in which the mass event is being held.

The procedure for organising interaction between the law enforcement agencies, the organisers of mass events and representatives of the community exercising their duty of upholding public order with regard to questions of upholding public order and ensuring public safety during the holding of mass events shall be determined by the Council of Ministers of the Republic of Belarus.

Article 12. Halting of a mass event

A mass event and also preparations for it shall be halted at the demand of the head/deputy head of the corresponding local executive and administrative authority, an internal affairs authority, the organiser(s) of the aforementioned event or individual(s) responsible for organising and holding the mass event in cases where:

- an application for the holding of a mass event was not submitted or a decision prohibiting the holding of that event was taken;
- Articles 9-11 of the present Law were violated;
- any danger for the lives or health of citizens arises.

In the event of a refusal by the participants in a mass event to comply with the demand of the head/deputy head of the corresponding local executive and administrative authority, an internal affairs authority, the organiser(s) of the aforementioned event or individual(s) responsible for organising and holding the mass event that the event be halted, the necessary steps to halt the mass event shall be taken by the internal affairs authorities in accordance with the legislation of the Republic of Belarus.

Article 13. Non-interference of state authorities and other organisations, and also citizens, in the holding of mass events

State authorities, political parties, trade unions and other organisations and also citizens shall not be entitled to interfere with or prevent the holding of mass events carried out in compliance with the requirements of the present Law and other legislative acts of the Republic of Belarus.

Article 14. Statements of participants in mass events

The submitting and examination of statements adopted by participants in mass events shall take place in accordance with the legislation of the Republic of Belarus governing addresses, appeals and petitions issued by citizens and legal entities.

CHAPTER 3
LIABILITY FOR VIOLATING THE LEGISLATION OF THE REPUBLIC OF BELARUS ON
MASS EVENTS

Article 15. Liability for violating the established procedure for organising and/or holding mass events

Persons having violated the procedure for organising and/or holding mass events established by the present Law shall bear liability under the legislative acts of the Republic of Belarus.

Political parties, trade unions and other organisations whose leaders have failed to ensure that assemblies, rallies, marches, demonstrations and pickets having caused large-scale damage or substantial damage to the rights and lawful interests of citizens, organisations or state or public interests were organised and/or held under the appropriate procedure may be wound up under the established procedure for a single violation of the legislation of the Republic of Belarus on mass events.

Article 16. Compensation for damage

The damage caused by a mass event's organisers and participants to the State, citizens and organisations during the holding of the mass event shall be compensated for under the procedure established by the legislation of the Republic of Belarus.

President of the Republic of Belarus