

On Mass Actions in the Republic of Belarus

Law of the Republic of Belarus

No 114-Z of December 30, 1997

[New edition of the Law: the Law No. 233-Z of August 7, 2003 . Last amendments of the Law: the Law No. 166-Z of October 6, 2006]

The present Law establishes the procedure of organization and holding in the Republic of Belarus of gatherings, meetings, street rallies, demonstrations, picketing and other mass actions and is directed toward the creation of conditions for realization of constitutional rights and freedoms of people, securing the public safety and order at holding such actions on streets, squares and in other public places.

Freedom of mass actions not violating the legal order and rights of other citizens of the Republic of Belarus is guaranteed by the state.

Chapter 1. General Provisions

Article 1. Legislation of the Republic of Belarus on Mass Actions

Legislation of the Republic of Belarus on mass actions consists of Constitution of the Republic of Belarus, present Law and other acts of legislation of the Republic of Belarus.

Article 2. Main Terms Used in the Present Law and Their Definitions

For the purposes of the present Law the following main terms and definitions are used:

mass actions - a gathering, meeting, street rally, demonstration, picketing and other mass action;

other mass action - a sport, cultural or other entertaining action or religious action held in places specially designed for this purpose in open air or in a building;

gathering - a joint presence of citizens in an earlier determined place in open air or in a building in the fixed time gathered for collective discussion and solution of questions effecting their interests;

meeting - a mass presence of citizens in a certain place in open air gathered for public discussion and expression of their attitude towards actions (inaction) of persons and organizations, events of public and political life, and also for solving the problems effecting their interests;

street rally - an organized mass movement of a group of citizens on pedestrian or traffic area of a street (road), boulevard, prospect or square for the purposes of drawing attention to any problems or for public expression of their public and political moods or for a protest;

demonstration - an organized mass movement of a group of citizens on pedestrian or traffic area of a street (road), boulevard, prospect or square including the one with the usage of vehicles and other transportation means for the purposes of drawing attention to any problems or for public expression of their public and political moods or for a protest with the usage of posters, transparencies or other means;

picketing - a public expression by a citizen or by a group of citizens of public and political, group or individual and other interests or the protest (without a procession), including by a hunger-strike, on any problems with the usage or without usage of posters, transparencies and other means;

substantial harm caused to rights and legal interests of citizens, organizations or state or public interests - a failure of mass action, temporal termination of activity of organizations or violation of transport traffic, death of people, causing a severe physical injury to one or several victims;

damage of big amount - a damage for the sum exceeding ten thousands times or more the amount of a basic value established on the date of committing the offense.

Article 3. The Scope of the Present Law

The effect of the present Law is extended on the citizens of the Republic of Belarus, foreign citizens and stateless persons within their rights and freedoms provided by legislation of the Republic of Belarus.

The procedure of organization and holding of mass actions established by the present Law is not extended on:

gatherings of employees, political parties, trade unions, religious and other organizations held in building in accordance with the legislation of the Republic of Belarus and with the charters of the mentioned organizations (regulations on them);

gatherings held in accordance with legislation of the Republic of Belarus on republican and local meetings;

(Paragraph four is not given, as it has not come into force.)*

(Paragraph five is not given, as it has not come into force.)*

The procedure of organization and holding of other mass actions established by the present Law is not extended on mass actions held under the decision of state bodies on the days of state holidays and memorial dates celebrated in the Republic of Belarus.

Chapter 2. Procedure of Organization and Holding of Mass Actions

Article 4. Organizers of Mass Action

Organizers of a gathering, meeting, street rally, demonstration, picketing, in which the participation of up to 1000 people is supposed, and of other mass action regardless of number of supposed participants can be citizens of the Republic of Belarus permanently residing on its territory who have reached eighteen years of age and who have the election right and who have been mentioned in the given number in the application on holding a mass action and who have taken in writing the obligation on its organization and holding in accordance with the present Law, and also political parties, trade unions and other organizations of the Republic of Belarus registered in established order.

Only political parties, trade unions and other organizations of the Republic of Belarus can be organizers of a gathering, meeting, street rally, demonstration or picketing in which the participation of more than 1000 people is supposed.

Political parties, trade unions and other organizations of the Republic of Belarus being organizers of the mass action appoint a person (persons) responsible for organization and holding the mass action out of member of administrative body of the political party, trade union or other organization of the Republic of Belarus. A person (persons) who have presented the documents of administrative body of the political party, trade union or other organization of the Republic of Belarus on their appointment as the person (persons) responsible for organization and holding the mass action and mentioned as such in application on holding of mass action take(s) a written obligation on its organization and holding in accordance with the present Law.

Organizers of a mass action have the right of refuse to hold it, notifying in writing the head of the local executive and administrative body or his deputy who have taken the decision on permitting to hold the mass action and notifying the participants of the mass action about it.

Article 5. Application on Holding a Mass Action

Application on holding a mass action (further - the application) is submitted by its organizer(s) to the local executive and administrative body, on the territory of which holding of the mass action is planed, if otherwise is not provided by parts two and tree of the present article.

If the mass action is planed on the territory of several administrative territorial units or the supposed number of participants exceeds 1000 persons (for gatherings, meetings, street rallies, demonstrations and picketing) or 1500 persons (for other mass actions) the application is submitted to the relevant Oblast executive committee.

In the city of Minsk the application is submitted to Minsk City Executive Committee.

The application is submitted in writing not later than 15 days before the supposed date of holding the mass action, excluding the cases of submitting the application on holding mass action that is stipulated by part 8 of article 45 of the Electoral Code of the Republic of Belarus, which is to be submitted not later than five days of the supposed data of holding mass action.

The following is indicated in the application:

purpose, kind, place of holding the mass action;

date of its holding, time of its beginning and end;

routes of movement;

supposed number of participants;

name, middle and last name of an organizer (organizers), his (their) place of residency and work (study);

measures on securing the public order and safety at holding the mass action;

measures connected with medical service, cleaning the territory after holding the mass action;

date of submitting the application.

To the application a written obligation of the organizer(s) or a person responsible for organization and holding of mass action to organize and hold the mass action is enclosed.

The application being drawn up in accordance with the part 6 of the present article shall be registered by local executive and administrative body on the day of its submission.

The term of submitting the application is calculated from the day of its registration in the local executive and administrative body.

Organizers of mass action may not be refused to accept the application, if it is drawn up in accordance with part five of the present article and is submitted in the term established by part four of the present article.

Article 6. Procedure of Consideration of the Application and Passing the Decision about It

The head of local executive and administrative body or his deputy are obliged to consider the application and not later than 5 days before the date of holding the mass action to notify in writing the organizer(s) about the decision taken. In the case of receipt of application on holding mass action that is stipulated by part 8 of article 45 of the Electoral Code of the Republic of Belarus, the head of local executive and administrative body or his/her deputy shall during three days starting with the registration of application in local executive and administrative body to inform in writing the organizer(s) of such mass action on the accepted decision.

A permission or ban to hold the mass action shall be indicated in the decision and also the motives for banning the mass action.

The decision of the head of local executive and administrative body or his deputy on permitting or banning the mass action is taken with consideration of the date, place, time of its holding, number of participants, weather conditions, payment of expenses connected with protection of public order, medical services, cleaning of the territory after holding the mass action and other circumstances influencing the securing of public safety upon the agreement with the republican state bodies (their territorial subdivisions) responsible for securing the public order and safety.

The order of payment the expenses connected with protection of public order, medical services and cleaning of the territory after holding the mass action is determined by the decision of the local executive and administrative body on the territory of which holding of the mass action is planned.

The head of the local executive and administrative body or his deputy at consideration of the application for the purposes of securing the rights and freedoms of citizens, public safety and also of normal functioning of transport and organizations has the right to change the date, place and time of its holding upon the agreement with the organizer(s).

Article 7. Appealing the Decision on Banning to Hold the Mass Action or on Changing the Date, Place and Time of Its Holding

The decision of the head of local executive and administrative body or his deputy on banning to hold the mass action or on changing the date, place and time of its holding can be appealed in court.

(Part two is not given, as it has not come into force.)*

Article 8. Preparation of a Mass Action

Preparation of a mass action is carried out by its organizer(s) and other citizens authorized by him (them).

Before the permission to hold the mass action is received, its organizer(s) and also other persons do not have the right to announce in mass media the date, place and time of its holding, prepare and distribute the leaflets, posters and other materials for this purpose.

Article 9. Place and Time of Holding a Mass Action

A mass action can be held in any places suitable for this purpose except for the places mentioned in part three of the present article.

Permanent places for holding mass actions and also places, where their holding is prohibited, can be determined by the local executive and administrative bodies, with announcing about it in mass media.

Holding of mass actions is not allowed:

in places, the usage of which for such purposes is prohibited by the decisions of the relevant local executive and administrative bodies;

on underground railroad objects, railroad, water and air transport;

on the distance less than 200 meters from buildings of residence of the President of the Republic of Belarus, National Assembly of the Republic of Belarus, Council of Ministers of the Republic of Belarus, Television and Radio Center, pedestrian subways and metro stations;

on the distance less than 50 meters from the building of republican state bodies, local representative, executive and administrative bodies, diplomatic missions and consular establishments, courts, prosecution bodies, territories of organizations securing defense, state

security and life of population (public transport, water, heat and energy supply, hospitals, clinics, child nursery establishments and schools).

Holding mass five or less days before elections, referendum or recall of a deputy is allowed only in places specially designed for holding mass actions in open air or in buildings except for mass actions held under the decision of state bodies.

Gatherings, meetings, street rallies, demonstrations and picketing can be held from 8 to 22 o'clock.

Other mass actions can be held at time mentioned in the application, but if the time of its holding has been changed by the decision of the head of the local executive and administrative body or his deputy - at the time determined in the given decision.

Article 10. The Procedure of Holding Mass Actions

Mass Actions, and also speeches of their participants are held in certain times and in a fixed place in accordance with the purposes mentioned in the application.

Holding the mass actions is prohibited, if the purposes of their holding is a change of constitutional order by force or propaganda of war, social, national, religious or race hostility.

Organizer(s) of the mass action or the person(s) responsible for organization and holding the mass action are obliged:

to be constantly present at the mass action held;

to provide observance of conditions and order of holding the mass action, safety of citizens, safety of buildings, constructions, vehicles and other property and also of green plants;

to carry out all legal requirements of employees of internal affairs bodies and representatives of public, carrying out the duties on securing the public order and to assist them in securing the public order;

in case of termination of the held mass action, to inform the participants about it;

to have a differential sign of an organizer of mass action held (arm-band, badge, etc.);

to appear under the invitation of the head (his deputy) of the relevant local executive and administrative body or internal affairs body for specifying the questions connected with holding the mass action;

to make the payment of expenses connected with protection of public order, medical service and cleaning of the territory in accordance with the decision of local executive and administrative body, on territory of which the mass action was held, not later than 10 days after holding the mass action.

The local executive and administrative body can additionally regulate the order of holding the mass action with the consideration of local conditions and requirements of the present Law.

Limitations on holding the mass actions and participation in them can be established by legislative acts of the Republic of Belarus.

Article 11. Observance of Public Order at Holding of Mass Actions

At holding a mass action its participants shall observe the public order and shall fulfill all legal requirements of the organizers of the mass action being held, requirements of the employees of internal affairs bodies and representatives of public fulfilling the duties on protection of public order.

At the course of the gathering, meeting, street rally, demonstration or picketing it is prohibited to their organizers and participants to:

to impede the traffic of vehicles and pedestrians;

to create obstacles for uninterrupted functioning of organizations;

to set tents or other temporal structures;

to influence in any form on employees of militia for the purposes to impede their fulfillment of service duties, and also on representatives of public fulfilling the duties on protection of public order;

to have cold steel, fire, gas or other weapon, explosives and ammunition, their imitators or casts, and also specially produced or equipped articles the usage of which can threaten life and health of people or can cause material damage to citizens and organizations;

to use posters, transparencies and other means containing calls for change of constitutional order by force or propagandizing war, social, national, religious or race hostility humiliating the honor and dignity of a person;

to act by the methods creating the threat to public safety, life and health of participants of the mentioned mass actions or of other persons, or to hide their faces under masks;

to use flags and pennants not registered in the established order and also the emblems, symbols, posters and transparencies the content of which is directed to causing damage to constitutional order and public order or to rights and legal interests of citizens.

At the course of other mass actions it is prohibited to their organizers and participants:

to impede the traffic of vehicles and pedestrians;

to create obstacles for uninterrupted functioning of organizations;

to influence in any form on employees of militia for the purposes to impede the fulfillment of their service duties, and also on representatives of public fulfilling the duties on protection of public order;

to have cold steel, fire, gas or other weapon, explosives and ammunition, and also specially produced or equipped articles the usage of which can threaten life and health of people or cause material damage to citizens and organizations;

to have imitators and casts of cold steel, fire, gas or other weapon, explosives and ammunition (except for theatrical or creative collectives at the course of their performances);

to use posters, transparencies and other means containing calls for change of constitutional order by force or propaganda of war, social, national, religious or race hostility humiliating honor and dignity of a person;

to act by means creating the threat to public safety, life and health of participant of the mentioned mass action or other persons;

to use emblems, symbols, posters, transparencies and other means the content of which is directed to causing damage to constitutional order and public order or rights and legal interests of citizens;

to use flags and pennants not registered in the established order (except for theatrical or other creative collectives at the course of their performances);

to carry out the sale of alcohol drinks and beer in place of holding such actions and within the radius of 500 meters of adjacent territories.

The sale of alcohol drinks and beer in places of holding other mass actions and within the radius of 500 meters of adjacent territories is prohibited for the period of holding such mass actions also to the organizations and persons not being their organizers and participants except for the sale of alcohol drinks and beer in organizations (restaurants, cafes, etc) having the right to sale them in accordance with the legislation of the Republic of Belarus for the celebration and ritual actions planned earlier.

Article 12. Termination of Mass Action

A mass action and also preparation to it shall be terminated under the demand of the head (his deputy) of the relevant local executive and administrative body, body of internal affairs, organizer(s) of the mentioned mass action in cases:

if there has been no application submitted or the decision on banning to hold the mass action has been taken;

if provisions of articles 9-11 of the present Law are infringed;

of appearance of the threat to life and health of citizens.

In case of refusal of participants of mass action to fulfill the demand of the head (his deputy) of the relevant executive and administrative body, internal affairs body, organizer(s) or person(s) responsible for organization and holding of the mass action to stop mass action, the bodies of internal affairs in accordance with legislation of the Republic of Belarus take necessary measures on termination of mass action.

Article 13. Non-interference of State Bodies and Other Organizations and Also of Citizens in Holding Mass Actions

State bodies, political parties, trade unions and other organizations and also citizens have no right to interfere and impede holding the mass actions held with observance of the requirements of the present Law and other acts of legislation of the Republic of Belarus.

Article 14. Applications of Participants of Mass Actions

Submitting and consideration of applications taken by the participants of mass actions are carried out in accordance with the Law of the Republic of Belarus of June 6, 1996 "On Appeals of Citizens".

Chapter 3. Liability for Violation of Legislation of the Republic of Belarus on Mass Actions

Article 15. Liability for Violation of the Established Procedure of Organization and (or) Holding of Mass Actions

Persons having violated the procedure of organization and (or) holding of mass actions established by the present Law, bear responsibility in accordance with legislation of the Republic of Belarus.

Political parties, trade unions and other organizations whose authorized persons have not secured the proper order of organization and (or) holding of the gathering, meeting, street rally, demonstration and picketing, that have caused damage of big amount or substantial harm to rights and legal interests of citizens, organizations or state or public interests, can be liquidated in the established order for a single violation of legislation of the Republic of Belarus on mass actions.

Article 16. Compensation of Harm

Harm caused by organizers and participants of the mass action to the state, citizens and organizations at the course of mass action, is subject to compensation in order established by legislation of the Republic of Belarus.

*Paragraphs four and five article 3, parts five and ten article 5, part two article 7 of the new edition of the Law of the Republic of Belarus "On Gatherings, Meetings, Street Rallies, Demonstrations and Picketing" have not come into force in accordance with part eight article 100 of the Constitution of the Republic of Belarus.