



Strasbourg, 2 February 2021

**CDL-REF(2021)004**

**Opinion No. 1016 / 2020**

Engl. only

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**BELARUS**

**SELECTED ARTICLES FROM THE CODE OF ADMINISTRATIVE  
INFRINGEMENTS,  
THE LAW ON PUBLIC EVENTS AND THE CRIMINAL CODE OF  
THE REPUBLIC OF BELARUS\***

\* Unofficial translation

**REPUBLIC OF BELARUS CODE OF ADMINISTRATIVE INFRINGEMENTS****21 April 2003, no. 194-Z****Article 23.34. Infringement of the procedure for organising or holding mass events**

1. An infringement of the established procedure for holding assemblies, rallies, marches, demonstrations, pickets and other mass events committed by a participant in such events as well as public calls for the organisation or holding of assemblies, rallies, marches, demonstrations, pickets and other mass events in breach of the established procedure for organising or holding them committed by a participant in such events or another person, if there are no constituent elements of a crime in these acts, –

shall incur a caution or a fine of up to thirty reference units, or administrative detention.

2. An infringement of the established procedure for organising or holding assemblies, rallies, marches, demonstrations, pickets and other mass events or public calls for the organisation or holding of assemblies, rallies, marches, demonstrations, pickets and other mass events in breach of the established procedure for organising or holding them, if there are no constituent elements of a crime in these acts –

if committed by an organiser of such an event shall incur a fine of between twenty and forty reference units or administrative detention, or if the offender is a legal person – a fine of between twenty and one hundred reference units.

3. Acts provided for in paragraph 1 of the present article which are repeat infringements committed within one year after the imposing of an administrative penalty for the same infringements, –

shall incur a fine of between twenty and fifty reference units or administrative detention.

3<sup>1</sup>. Acts provided for in paragraph 2 of the present article which are repeat infringements committed within one year after the imposing of an administrative penalty for the same infringements, –

shall incur a fine of between twenty and fifty reference units or administrative detention, or if the offender is a legal person – a fine of between twenty and two hundred reference units.

4. Acts provided for in paragraph 1 of the present article which are committed in return for remuneration, –

shall incur a fine of between thirty and fifty reference units or administrative detention.

5. Acts provided for in paragraph 2 of the present article which are accompanied by remuneration for participation in an assembly, rally, march, demonstration or picket, –

shall incur a fine of between forty and fifty reference units or administrative detention, or if the offender is a legal person – a fine of between two hundred and fifty and five hundred reference units.

**LAW ON PUBLIC EVENTS IN BELARUS  
REPUBLIC OF BELARUS LAW no. 114-Z  
of 30 December 1997**

**On mass events in the Republic of Belarus**

*Passed by the House of Representatives on 4 December 1997  
Ratified by the Council of the Republic on 19 December 1997*

**Article 10. Procedure for organising or 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, facilities, 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 ensuring 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 stop 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 and traffic 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 specific provisions and restrictions on the holding of mass events and participation in them may be established by legislative acts of the Republic of Belarus.

Related articles:

## 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 designated 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 organisation and holding of mass events in permanent locations designated for the holding of such events shall comply with the requirements of the present Law, taking due account of the specific provisions set out in Article 9-1 of the present Law.

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;

within 50 metres of 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);

within 100 metres of buildings of health service organisations;

within 300 metres of the perimeter of nuclear facilities, 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;

within 100 metres of 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;

within 200 metres of 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;

within 100 metres of the perimeter of hazardous production facilities where the hazardous substances listed in appendices 1 and 2 to the Republic of Belarus Law 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 9-1. Holding of mass events in permanent locations designated for the holding of such events

The holding of mass events in permanent locations designated for the holding of such events by local executive and administrative authorities in accordance with the second paragraph of Article 9 of the present Law shall be on the basis of a written notification sent by the organiser(s) of the mass event to the corresponding local executive and administrative authority no later than 10 days before the proposed date of the mass event.

This notification shall be submitted in accordance with the requirements set forth in paragraphs 1-3 and 5-8 of Article 5 of the present Law. One notification shall contain information relating to one mass event.

The local executive and administrative authority shall, no later than five days before the date of the mass event, inform the organiser(s) of the mass event in writing that the mass event may not be held and preparations for it must be halted, if:

the local executive and administrative authority has previously received a notification from another applicant for the holding of a mass event in the same place and at the same time – to be indicated to the applicant having submitted the later notification;

the notification submitted does not meet the requirements of the present Law, – to be indicated to the applicant having submitted the notification in question.

The organiser(s) of the mass event may withdraw their notification, by informing the local executive and administrative authority to which the notification was sent of this in writing. In the event of the organiser(s) of a mass event withdrawing notification of it, they shall be under obligation to take steps to halt preparations for it.

In the event of the organiser(s) of a mass event withdrawing their notification or the local executive and administrative authority informing them that the mass event may not be held and preparations for it must be halted and information regarding the time and place of the intended event having been previously made public by the organiser(s), the organiser(s) shall be under obligation to disseminate information in the same form to the effect that the mass event in question will not be held.

Payment for public order services and expenses linked to the provision of medical services and the cleaning up of the area after the mass event was held shall be made under the procedure established in accordance with the fourth paragraph of Article 6 of the present Law.

For further information:

[https://kodeksy-by.com/zakon\\_rb\\_o\\_massovyh\\_meropriyatiyah/9-1.htm](https://kodeksy-by.com/zakon_rb_o_massovyh_meropriyatiyah/9-1.htm)

**CRIMINAL CODE**  
**(adopted on 9 July 1999, as amended up to 11 November 2019)**

**CRIMINAL CODE OF THE REPUBLIC OF BELARUS**  
**9 July 1999, no. 275-Z**

**Article 293. Mass disturbances**

1. The organisation of mass disturbances accompanied by physical violence, pogroms, arson, destruction of property or armed resistance to representatives of public authority, – shall be punishable by imprisonment of between five and 15 years.

2. Participation in mass disturbances entailing the direct committing of the acts listed in paragraph 1 of the present article, – shall be punishable by deprivation of liberty of between three and eight years.

3. The training or other preparation of individuals for participation in mass disturbances which are accompanied by the committing of the acts listed in paragraph 1 of the present article, and also the funding of or provision of other material support for such activity – shall be punishable by detention or deprivation of liberty for up to 3 years.

**Article 341. Defilement of structures and destruction of property**

The defilement of buildings or other facilities with contemptuous slogans or images and the destruction of property on public transport or in other public places, if there are no constituent elements of a more serious crime –

shall be punishable by community service, or a fine, or detention.

**Article 342. Organisation and preparation of acts seriously disrupting public order, or active participation in them**

1. The organisation of group acts seriously disrupting public order and associated with flagrant disobedience of the lawful requests of representatives of authority or causing disruption to the work of transport services, companies, institutions or organisations, or active participation in such acts, if there are no constituent elements of a more serious crime –

shall be punishable by a fine, or detention, or supervised release for up to three years, or deprivation of liberty for the same period.

2. The training or other preparation of individuals for participation in group acts seriously disrupting public order, and also the funding of or provision of other material support for such activity, if there are no constituent elements of a more serious crime –

shall be punishable by detention or deprivation of liberty for up to two years.

**Article 361. Calls for acts intended to harm the national security of the Republic of Belarus**

1. Public calls to seize state power or violently overthrow the constitutional order of the Republic of Belarus or overthrow the State or commit an act of terrorism or sabotage or commit other acts intended to harm the national security of the Republic of Belarus or the dissemination of material containing such calls, –

shall be punishable by detention or deprivation of liberty for up to three years.

2. Calls addressed to a foreign State or international organisation to commit acts intended to harm the national security of the Republic of Belarus or the dissemination of material containing such calls, if there are no constituent elements of a more serious crime – shall be punishable by detention or deprivation of liberty for up to three years.

3. The acts provided for in paragraphs 1 and 2 of the present article, if committed through the use of media or the Internet global computer network, , – shall be punishable by deprivation of liberty for between two and five years.

**Article 363. Resisting staff of internal affairs authorities or other persons upholding public order**

1. Resisting staff of internal affairs authorities or other persons fulfilling their duty of upholding public order –

shall be punishable by corrective labour for up to two years, or detention, or supervised release for up to three years or deprivation of liberty for up to two years.

2. The same act, when associated with the use of violence or the threat of the use of violence or the forcing of those staff by means of violence or threat of violence to commit blatantly unlawful acts –

shall be punishable by supervised release for up to five years or deprivation of liberty for the same period.

**Article 364. Violence or the threat of violence against staff of internal affairs authorities**

Violence or the threat of violence against staff of internal affairs authorities or members of their family with a view to preventing their lawful activity or forcing them to alter the nature of that activity or as revenge for them fulfilling their duties –

shall be punishable by detention, or supervised release for up to five years, or deprivation of liberty for up to six years.

**Article 368. Insulting the President of the Republic of Belarus**

1. Publicly insulting the President of the Republic of Belarus –

shall be punishable by a fine, or corrective labour for up to two years, or detention, or supervised release for up to two years, or deprivation of liberty for the same period.

2. The same act, when committed by an individual previously convicted of criminal insult or defamation, or associated with an accusation of committing a serious or particularly serious crime, –

shall be punishable by a fine, or corrective labour for up to two years, or supervised release for up to three years, or deprivation of liberty for the same period.

**Article 370. Desecration of state symbols**

the desecration of the national state emblem of the Republic of Belarus, the state flag of the Republic of Belarus or the national anthem of the Republic of Belarus –

shall be punishable by community service, or a fine, or corrective labour for up to two years, or detention, or supervised release for up to one year.