

LAW OF THE REPUBLIC OF BELARUS
6 June 1996, No. 407-XIII

ON APPLICATIONS BY INDIVIDUAL PERSONS

(As formulated in the Law of the Republic of Belarus, dated 01.11.2004, No. 340-3)

This Law aims at legal regulation of the submission of applications by individual persons, including individual and collective proposals, applications and complaints, submitted to governmental authorities and other organizations (officials), as well as the consideration of proposals, applications and complaints of individuals.

Chapter 1
GENERAL PROVISIONS

Article 1. Basic notions used in this Law, and their definitions

The following basic notions and their definitions are used for the purpose of this Law:

Application, meaning individual and collective proposals, applications and complaints by individual persons (persons) to a governmental authority or another organization (official) presented verbally or in written forms;

Proposal, meaning recommendations on improving operations of governmental authorities or other organizations (officials), better legal regulation of relations in public or social domains, solution of issues related to economic, political, social and other activities of the State and society;

Application, meaning an application on the implementation of rights, freedoms and/or legal interests of an individual person (persons) not related to their violations;

Complaint, meaning the demand for reinstatement of rights, freedoms and/or legal interests of an individual person (persons), violated by actions (omissions) of officials of governmental authorities, other organizations or individuals;

Individual application, meaning an application by one person to a governmental authority or another organization (official);

Collective application, meaning an application by two or more persons to a governmental authority or another organization (official);

A **written application**, meaning an application by an individual person (persons) to a governmental authority or another organization (official) in writing;

A **verbal application**, meaning an application by an individual person (persons) presented by him/her/them during the personal meeting to an official of a governmental authority or another organization;

A **repeated application**, meaning an application by an individual person (persons) on the same issue to the same governmental authority or another organization (official);

An **anonymous application**, meaning an application by an individual person (persons) to a governmental authority or another organization (official), without indication of his/her/their surname, name or patronymic name, or data on the residence and/or study (work), or without the personal signature of the person (persons).

Article 2. Field of application of this Law

This Law applies to proposals, applications and complaints by individual persons (hereinafter the application, unless stated otherwise), with the exception of applications:

Administered through constitutional, penal, civil or economic proceedings, as well as administrative offence proceedings;

For which legislation acts of the Republic of Belarus establish a different method of application and administration by governmental authorities or other organizations (officials).

Article 3. Legislation on applications of individuals

Legislation of the Republic of Belarus on applications by individual persons includes the Constitution of the Republic of Belarus, this Law and other legislation acts of the Republic of Belarus,

Article 4. The right of individual persons to application

Individual persons (nationals) of the Republic of Belarus shall have the right to apply to governmental authorities, other organizations (officials). Foreign nationals and stateless persons located in the territory of the Republic of Belarus shall have the same right to application as other individual persons (nationals) of the Republic of Belarus within their rights and freedoms established by the legislation of the Republic of Belarus.

Individual persons shall have the right to apply to a governmental authority, another organization (official) in person or through their representative. Applications on behalf of legally incapable individuals shall be submitted by their legal representatives.

Representation of interests of individuals applying to a governmental authority or another organization (official) in cases indicated in part two of this Article shall be made on the basis of a legislation act of the Republic of Belarus, or an act of the duly authorized governmental authority or a local self-government authority, or a power of attorney made as specified by the civil legislation of the Republic of Belarus.

Article 5. Guarantees of the rights of individual persons when their applications are considered

Individual persons shall exercise their right to application on their freewill.

Exercise by individual persons of their right to application must not violate rights, freedoms and/or legal interests of other persons;

Restriction of the rights of individual persons or giving of any advantages depending on their sex, race, ethnic identity, language, religion, beliefs, social origin, property or other positions when applying to governmental authorities, other organizations (officials) shall be prohibited.

ConsultantPlus: note.

As regards the issue concerning protection of commercial secrets, see Ordinance by the Council of Ministers of the Republic of Belarus of 06.11.1992, No. 670.

ConsultantPlus: note.

The list of data making a state secret of the Republic of Belarus is approved by Edict of the President of the Republic of Belarus of 12.04.2004, No. 186.

ConsultantPlus: note.

Liability for disclosure of state secrets is specified by Articles 356, 373 and 374 of the Penal Code of the Republic of Belarus.

ConsultantPlus: note.

Liability for disclosure of commercial secrets is specified by Article 255 of the Penal Code of the Republic of Belarus

ConsultantPlus: note.

Liability for disclosure of state secrets is specified by Articles 457 and 458 of the Penal Code of the Republic of Belarus.

Officials and other staff members of governmental authorities or other organizations shall have no right to disclose private data of individuals without their consent, as well as data making state secrets, commercial and/or other secrets protected by the law that have become known to them in relation to administration of applications.

The following shall not be considered as disclosure of data mentioned in part four of this Article: submission of written applications, received by governmental authorities, other organizations (officials), not competent to solve issues stated in such applications, to respective governmental authorities or other organizations (officials) according to part two of Article 9 of this Law, as well as request and submission of information needed for solution of issues stated in the applications.

ConsultantPlus: note.

Liability for infringement by officials upon the rights, freedoms and legal interests of an individual person related to his/her submission to governmental authorities or community associations of proposals, applications or complaints, or to criticism contained in them, or to critical remarks in other forms (persecution of people for criticism) is stipulated by Article 197 of the Penal Code of the Republic of Belarus.

It shall not be allowed to infringe upon the rights, freedoms and legal interests of individual persons and their families in related to their application to governmental authorities or other organizations (officials).

Article 6. Organization of work on consideration of applications

Heads of governmental authorities and other organizations shall be obliged to organize the work on consideration of applications as requested by this Law and other legislation acts of the Republic of

Belarus on applications by individual persons and take, within their competence, measures required for comprehensive, objective and timely consideration of applications.

Responsibility for the organization of work with applications shall be imposed on the heads of governmental authorities and other organizations.

Proceedings on applications shall be as specified by the legislation of the Republic of Belarus.

Chapter 2
PROCEDURE OF APPLICATION BY INDIVIDUAL PERSONS TO GOVERNMENTAL AUTHORITIES
AND OTHER ORGANIZATIONS (OFFICIALS).
PROCEDURE OF CONSIDERATION OF APPLICATIONS

Article 7. Requirements to written applications

A written application must contain:

The name and/or address of the governmental authority or another organization (the title, surname, name and patronymic name of the official) to which the application is submitted;

The surname, name and patronymic name of the applicant and data on his/her residence and/or work (study);

Statement of the essence of the application (proposal, application or complaint);

The personal signature of the applicant.

Written applications shall be supplemented by documents confirming the powers of the persons who apply on behalf of other persons in cases stipulated by part two of Article 4 of this Law (copies of the power of attorney, decisions of the court of law, birth certificate, a document of the governmental authority and other documents).

Written applications may also be supplemented by copies of decisions (replies) made (issued) before on applications by officials of governmental authorities or other organizations, as well as other documents needed for consideration of applications.

Written applications, not meeting the requirements indicated in parts one and two of this Article, may be left without consideration, and applicants shall be notified within five days of why their applications have not been considered. After elimination of drawbacks, individuals shall have the right to apply again to the governmental authority or other organizations (officials) as specified by this Law.

Anonymous applications shall not be considered, with the exception of applications containing data on the would-be crime, crime being committed or crime committed.

Article 8. Period of submission of applications

No period is specified as regards the submission by individual persons of proposals or applications to governmental authorities and other organizations (officials).

Complaints can be submitted by individual persons to governmental authorities or other organizations (officials) not later than three years after the day when their rights, freedoms and/or legal interests were violated, or from the day when they learned about such violation.

Officials of governmental authorities and other organizations shall have the right to reject a complaint if the period specified by part two of this Article has expired. The rejection of the complaint shall be substantiated in writing and forwarded to the applicant within five days.

When the period indicated in part two of this Article has expired due to valid reasons (a serious illness, disability, a long-term business trip or other reasons) confirmed by relevant documents submitted by the applicant, this period shall be resumed by decision of the head of the governmental authority and another organization or an official authorized by it, and the complaints shall be considered as specified by this Law.

Article 9. Procedure of consideration of written applications

Written applications, submitted to governmental authorities or other organizations (officials) in compliance with the requirements of this Law or other legislation acts of the Republic of Belarus on applications by individual persons shall be considered by officials of governmental authorities or other organizations responsible for solution of issues stated in the application.

Written applications, received by governmental authorities and other organizations (officials) which are responsible for solution of issues stated in the applications, shall be forwarded within five days to relevant governmental authorities or other organizations (officials) and the applicants shall be informed thereof, or a response shall be given on such applications within fifteen days to the applicants, explaining which governmental authorities or other organizations (officials) they should refer to.

It shall be prohibited to transfer complaints of applicants to governmental authorities or other organizations (officials) whose actions (omissions) are appealed against, with the exception of cases

when such category of applications is within the exclusive competence of such governmental authorities or other organizations (officials).

Written applications shall be considered resolved if the issues raised in such applications have been considered, the required measures taken and the applicants have been given written responses within the time period indicated in parts one and two of Article 10 of this Law.

If an applicant renounces his/her written application according to paragraph three of Article 14 of this Law, an official of the governmental authority or another organization considering such application shall make decision to terminate proceedings on this application, with the exception of cases when the application contains data on violation of rights, freedoms and/or legal interests of individual persons.

Article 10. Periods of consideration of applications

Applications shall be considered not later than one month from the day of their registration by governmental authorities or other organizations which are competent for solution of issues stated in the applications, while applications not requiring studies or verifications, not later than within fifteen days, unless the legislation acts of the Republic of Belarus establish other periods. If a special verification is needed, or if other information is required, heads of the governmental authorities or other organizations receiving the applications may extend the stated period, however, by not more than one month, and shall notify the applicants of this extension.

When it is required to forward requests to foreign states and/or international organizations, the period of consideration of applications indicated in part one of this Article may be extended up to six months by the heads of governmental authorities or other organizations which received applications, notifying also the applicants of this extension.

The periods of consideration of applications indicated in part four of Article 7, part three of Article 8 and part two of Article 9 of this Law shall be counted from the day of registration of applications by governmental authorities or other organizations.

Article 11. Personal reception of individual applicants

Governmental authorities and other organizations shall organize personal reception of individual applicants. Heads of governmental authorities or other organizations and officials authorized by them must organize personal reception of individual applicants at least once a month on the specified days and in the specified hours.

In case of verbal application, the applicant must produce a document stating his/her identity.

When the issue stated in the verbal application cannot be solved during personal reception, the application can be presented by the applicant in writing and shall be considered as specified in Article 9 of this Law.

Officials of governmental authorities or other organizations shall not be entitled to reject personal reception of applicants when they apply in relation to issues that are within the competence of such officials of governmental authorities or other organizations, as specified by this Law.

If solution of issues addressed by applicants during personal receptions is not within the competence of the governmental authorities or other organizations (officials), the relevant officials shall not consider the essence of the applications, but shall explain the applicants to which governmental authorities or other organizations (officials) they should apply so as to solve the issues stated in the applications.

Article 12. Repeated applications

Repeated applications (verbal and written), which do not state new arguments or new circumstances, shall not be considered if they include results of exhaustive verifications and the applicants have been given responses as specified by this Law. In such case, the applicants shall be informed in writing that repeated applications are not substantiated and that correspondence on this issue is terminated.

Decision on termination of proceedings on repeated applications shall be made by the heads of the governmental authorities or other organizations of officials authorized by them.

ConsultantPlus: note.

As regards the issue concerning the relations between mass media and individual persons, governmental authorities and organizations, see the Law of the Republic of Belarus, of 13.01.1995, No. 3515-XII. =

Article 13. Applications sent to mass media of the Republic of Belarus

Applications sent to mass media of the Republic of Belarus, shall be considered according to this Law and the legislation on mass media of the Republic of Belarus.

Article 14. The rights of applicants during consideration of applications

When applications are considered, individuals shall have the right to:

Learn the materials related to consideration of applications inasmuch as this does not concern the rights of other individuals and does not contradict the requirements of the legislation of the Republic of Belarus on protection of state secrets or commercial and/or other secrets protected by the law;

Renounce their written applications before governmental authorities or other organizations (officials) have made decisions on them, by sending a relevant written application to the governmental authorities or other organizations (officials);

Appeal against decisions made on their applications in higher governmental authorities and other organizations (higher officials) and/or in the court of law.

Article 15. Duties of officials of governmental authorities and other organizations while considering applications

Officials of governmental authorities or other organizations considering applications shall:

Observe the requirements specified by this Law and other legislation acts of the Republic of Belarus on applications of individual persons;

Take measures for comprehensive, objective and timely consideration of applications;

Make lawful and substantiated decisions;

Inform in writing individual persons about the decisions made by the results of consideration of written applications and provide argumentation of such decisions;

Explain the procedure of appellation against decisions made on the applications;

Ensure control over execution of decisions made on applications;

Take, within their competence, measures for restoration of violated rights, freedoms and/or legal interests of individuals;

Solve, according to the specified procedures, issues related to bringing to liability of persons found guilty of violations of rights, freedoms and/or legal interests of individual persons.

Chapter 3

LIABILITY FOR VIOLATION OF THE LEGISLATION ON APPLICATIONS BY INDIVIDUAL PERSONS

ConsultantPlus: note.

Liability for violation of the legislation on applications by individuals is specified by Article 9.13 of the Code on Administrative Offences of the Republic of Belarus.

Article 16. Liability for violation of the legislation on applications by individuals

Officials of governmental authorities and other organizations shall bear liability for violation of the legislation of the Republic of Belarus on applications by individuals as specified by the legislation acts of the Republic of Belarus.

Article 17. Costs related to consideration of applications

Governmental authorities and other organizations (officials) shall consider applications without fees.

Costs incurred by the governmental authority or another organization in relation to consideration of applications containing knowingly false data may be collected from individuals through the court of law.
