

(English translation)

**The Prohibition on Face Covering Regulation  
Response to Request for Information  
from the Legal Service Division of the Legislative Council**

On the questions raised on the Prohibition on Face Covering Regulation (“the Regulation”) in the letter dated 18 October from the Legal Service Division of the Legislative Council, the Administration’s consolidated response is set out below.

**Justifications for Legislation**

2. Under section 2(1) of the Emergency Regulations Ordinance (“ERO”), on any occasion which the Chief Executive in Council may consider to be an occasion of public danger, he may make any regulations whatsoever which he may consider desirable in the public interest. In the four months from early June to early October this year, more than 400 demonstrations, processions and assemblies arising from the amendments to the Fugitive Offenders Ordinance had been staged, with a significant number of public order events ending up in outbreaks of violence. These incidents have caused injuries to more than 1 100 people. On 29 September and 1 October, violence further escalated and took place simultaneously in various districts throughout Hong Kong, Kowloon and the New Territories. Radical protesters used petrol bombs against life and property widely; viciously attacked police officers, vehicles and police stations; and heavily vandalised the Mass Transit Railway stations and government offices, etc. On 1 October alone, the Police had to fire six live rounds, effected 283 arrests and 123 people were sent to hospitals.

3. We had carefully reviewed the existing legislation in handling illegal and violent acts of radical protestors. As an occasion of public danger was present, the Chief Executive in Council made the Regulation in accordance with the above provision in ERO to prohibit the use of facial covering under certain circumstances, with a view to protecting public safety and order. In making the Regulation, the Chief Executive in Council had due regard to the fundamental rights even in times of public danger.

## **Overseas Legislation**

4. Legislation similar to the Regulation can be found in the criminal laws of other countries. The provisions of the legislation concerned and the situations to which they apply are set out at **Annex**. To our understanding, the relevant pieces of legislation were enacted pursuant to the legislative procedures of the countries concerned.

## **Section 3 of the Regulation**

### *Proportionality of section 3 of the Regulation*

5. Section 3(1) of the Regulation prohibits any person from using facial covering that is likely to prevent identification while the person is at (a) an unlawful assembly; (b) an unauthorized assembly; or (c) a public meeting that takes place according to section 7(1) of the Public Order Ordinance (“POO”) or a public procession that takes place according to section 13(1) of POO (i.e. a notifiable meeting or procession for which a letter of no objection has been issued). Under section 3(2) of the Regulation, a person who contravenes the requirement is liable to a fine at level 4 (\$25,000) and to imprisonment for one year.

6. Section 3 of the Regulation has given due consideration to the human rights guarantees in the Basic Law and the Hong Kong Bill of Rights Ordinance, including the rights of freedom of expression, peaceful assembly, privacy and freedom of religion. These rights are not absolute and may be subject to restrictions; yet such restrictions must conform to the principle of proportionality. According to case authorities of the Court of Final Appeal, the proportionality test involves the following four steps –

- (a) whether the restrictive measure pursues a legitimate aim;
- (b) if so, whether the measure is rationally connected with advancing that legitimate aim;
- (c) whether the measure is a proportionate means to pursue that aim; and
- (d) whether a reasonable balance has been struck between the

societal benefits of the measure and the inroads made into the constitutionally protected rights of the individual, asking in particular whether pursuit of the societal interest results in an unacceptably harsh burden on the individual.

7. The legitimate aim pursued by the requirements under section 3 of the Regulation in prohibiting the use of facial covering is to safeguard public safety and public order, so as to prevent further violence and riotous acts, and to restore public peace in Hong Kong.

8. The prohibition of the use of facial covering at events regulated under section 3(1) of the Regulation can strengthen the deterrence against illegal and violent acts committed by radical protestors as they conceal their identities. It will also assist the Police in law enforcement and conducting investigations. Hence, the measure is rationally connected to the legitimate aim stated in paragraph 7 above.

9. The prohibition of the use of facial covering in section 3 of the Regulation will not impair the very essence of the freedom of speech and freedom of peaceful assembly enjoyed by members of the public because they are still free to take part in lawful and peaceful public order events without using facial covering. Furthermore, the provisions apply only to events regulated under section 3(1) of the Regulation<sup>1</sup> and do not

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<sup>1</sup> According to POO (Cap. 245), a meeting regulated under POO does not include any gathering or assembly of persons convened or organized exclusively –

- (a) for social, recreational, cultural, academic, educational, religious or charitable purposes, or as a conference or seminar bona fide intended for the discussion of topics of a social, recreational, cultural, academic, educational, religious, charitable, professional, business or commercial character;
- (b) for the purpose of a funeral;
- (c) for the purposes of any public body; or
- (d) for the purpose of carrying out any duty or exercising any power imposed or conferred by any Ordinance.

Under section 7 of POO, a regulated public meeting does not include –

- (a) a meeting of not more than 50 persons;
- (b) a meeting in private premises (whether or not the public or any section of the public are permitted to attend) where the attendance at the meeting does not exceed 500 persons;
- (c) a meeting in any school registered or provisionally registered or exempted under the Education Ordinance (Cap. 279), or in any college registered under the Post Secondary Colleges Ordinance (Cap. 320), or in any educational establishment established by any Ordinance, if—
  - (i) the meeting is organized or approved by an accredited society or similar body of such school, college or educational establishment; and
  - (ii) the meeting is held with the consent of the management of such school, college or educational establishment in accordance with the terms of that consent,whether or not the public or any section of the public are permitted to attend.

prohibit members of the public from using facial covering if they have a reasonable excuse. Therefore, we consider that the requirements under section 3 of the Regulation are a proportionate means to achieve the legitimate aim stated in paragraph 7 above, and strike a reasonable balance between the following: on the one hand, the Government needs to deter radical protesters from engaging in illegal acts while concealing their identities to evade justice; on the other hand, the Government has to cater for members of the public who may have legitimate reasons for using facial covering.

10. Events regulated under section 3(1) of the Regulation cover meetings or processions conducted in accordance with section 7(1) and 13(1) of POO, because according to recent experience, protestors often deviate from the location or route approved by the Police, with some radical protestors resorting to violence, whereby a public meeting or public procession which is lawfully taking place can turn into an unauthorized or unlawful assembly quickly. Therefore, lawful public meetings and public processions are also included in the events regulated under section 3(1) of the Regulation so as to deter participants at the scene from engaging in violent acts, thus conducive to ensuring the peaceful conduct of the meetings and processions as well as safeguarding the rights of other participants to peaceful meetings and processions.

11. For the above reasons, we consider that interferences with the rights and freedoms of members of the public arising from section 3 of the Regulation satisfy the proportionality test.

“At”

12. The term “at” is not defined in the Regulation and should be construed according to its ordinary meaning. As evident from the public meetings or processions in the past few months, protesters often held such

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Under section 13 of POO, a regulated public procession does not include –

- (a) any public procession which is not a procession on a public highway or thoroughfare or in a public park;
- (b) any public procession consisting of not more than 30 persons;
- (c) any public procession of a nature or description specified by the Commissioner of Police by notice in the Gazette.

events without notifying the Police, or deviated from the original location or route approved by the Police; and initially peaceful and lawful meetings or processions often turned quickly into chaotic and violent unlawful assemblies. Therefore, whether a member of the public was “at” an event regulated under section 3(1) of the Regulation must be assessed based on the facts and evidence gathered in individual cases, such as the route of the procession, the number of participants, the location of participants, etc.

13. Regarding the offence under section 3(2) of the Regulation, under the common law, if the defendant can prove, on the balance of probabilities, that he or she genuinely and reasonably believed that certain circumstances existed, and that if such circumstances were established, the defendant would not be regarded as being at an event regulated under section 3(1) of the Regulation, a defence would be established for the offence under section 3(2).

#### *Facial covering that is likely to prevent identification*

14. According to section 2 of the Regulation, “facial covering” means “a mask or any other article of any kind (including paint) that covers all or part of a person’s face”. Whether a facial covering is likely to prevent identification is an objective test to be determined based on the actual circumstances upon assessment considered to be reasonable or logical by an ordinary person under normal circumstances. The relevant considerations include the nature of the covering, the form and degree of concealment of the covering, whether the covering is likely to prevent the Police from identifying the person and affect the quality of evidence for identification in criminal proceedings, etc.

### **Section 4 of the Regulation**

#### *Defence*

15. Under section 4(1) of the Regulation, it is a defence for a person charged with an offence under section 3(2) to establish that, at the time of the alleged offence, the person had lawful authority or reasonable excuse for using a facial covering. Under section 4(2), as far as the defence is

concerned, the defendant bears only an evidential burden only but not a legal burden of proof. Section 4(3) provides that without limiting the scope of the reasonable excuse referred to in section 4(1), a person at an event regulated by section 3(1) of the Regulation had a reasonable excuse to use a facial covering that is likely to prevent identification if –

- (a) the person was engaged in a profession or employment and was using the facial covering for the physical safety of the person while performing an act or activity connected with the profession or employment;
- (b) the person was using the facial covering for religious reasons; or
- (c) the person was using the facial covering for a pre-existing medical or health reason.

16. One of the main purposes of the Regulation is to deter people from engaging in illegal and violent acts while concealing their identities: people their faces covered will generally be more prudent in considering whether their acts are lawful. To achieve this purpose effectively, we consider that in relation to the offence under section 3(2) of the Regulation, the absence of “lawful authority” and “reasonable excuse” should not form part of the elements of a charge since it is impractical for the prosecution to furnish evidence first to disprove various reasonable excuses. To so require will severely undermine the deterrent effect of the Regulation. By the same token, if it were provided that the offence under section 3(2) of the Regulation does not apply to the three circumstances referred to in section 4(3), the same issue will arise.

17. According to case authorities, three matters are involved when considering the defence of “reasonable excuse” –

- (a) the matters said to constitute reasonable excuse must be identified;
- (b) the court will then examine whether the excuse was genuine; and
- (c) the court must make an assessment of whether that excuse was

reasonable, which the court will do on an objective standard based on the particular facts of the case.

18. In considering whether an excuse was reasonable, the background of the relevant legislation shall be taken into account. The defendant has an evidential burden only with regard to the defence under section 4(2). If the defendant can furnish sufficient evidence to demonstrate that a reasonable doubt exists as to whether he or she had a “reasonable excuse”, the prosecution shall have to rebut the defendant’s excuse beyond reasonable doubt. The evidence can come from the defence (e.g. the defendant testifies in person) or from the prosecution. However, it is not adequate for the defendant to discharge his or her evidential burden if he or she only makes bald assertions. Having regard to the legislative purposes of the Regulation, it is an appropriate arrangement to provide “lawful authority” and “reasonable excuse” as a defence and impose an evidential burden, as it can help the prosecution and the court to consider evidence in a case in a focused manner. This approach conforms to the principle of the “presumption of innocence” under Article 11(1) of the Hong Kong Bill of Rights.

19. At the operational level, the Police will make inquiries during law enforcement to examine whether the excuse put forward by a suspect was reasonable before deciding whether there is any reasonable suspicion to make an arrest. In considering whether to commence prosecution, the Department of Justice will also examine all evidence in a case (including whether the suspect had a reasonable excuse) and consider whether there is a reasonable prospect of conviction before making a prosecutorial decision. If the suspect is charged, the court will also review all evidence to determine whether the excuse was genuine and reasonable.

*Religious reasons or a pre-existing medical or health reason*

20. The principles above also apply when religious reasons or a pre-existing medical or health reason referred to in section 4(3) of the Regulation is cited as a reasonable excuse. Generally speaking, the following are factors that may be considered in determining whether the person concerned had a reasonable excuse: for religious reasons, the background of the person, the type of facial covering involved, whether

the attire conformed to the religion concerned, etc.; for a pre-existing medical or health reason, the behaviour of the person concerned at the time, the person's apparent state of health, the type of facial covering involved, whether a medical certificate is available, etc.

### **Section 5 of the Regulation**

21. Under section 5(1) of the Regulation, section 5 applies in relation to a person in a public place who is using a facial covering that a police officer reasonably believes is likely to prevent identification. According to section 5(2), the police officer may stop the person and require the person to remove the facial covering to enable the officer to verify the identity of the person; and remove the facial covering if the person fails to comply with the requirement. According to section 5(3), a person is liable to a fine at level 3 (\$10,000) and to imprisonment for six months for failure to comply with the police officer's requirement of removing the facial covering.

#### *Power under section 5(2) and offences under section 5(3)*

22. Pursuant to section 17C of the Immigration Ordinance (Cap. 115), section 54 of the Police Force Ordinance ("PFO") (Cap. 232) and section 49 of POO, a police officer may require any member of the public to produce proof of his/her identity. The said provisions under PFO and POO require that a police officer exercises the relevant powers under the following circumstances: where the officer (a) finds the person concerned acting in a suspicious manner (section 54(1) of PFO); (b) reasonably suspects the person concerned of having committed or of being about to commit or of intending to commit any offence (section 54(2) of PFO); or (c) reasonably believes that it is necessary for the purpose of preventing, detecting or investigating any offence (section 49(1) of POO). Section 17C of the Immigration Ordinance contains no such requirements. The Ordinances above provide respectively that non-compliance with a police officer's requirement is an offence. However, they do not expressly empower a police officer to require a person to remove the person's facial covering for verifying his or her identity.



23. In view of the prevailing situation in the society and the purpose of the Regulation in deterring and reducing violent acts of persons with facial covering, section 5(2) of the Regulation empowers a police officer to stop a person and require the person to remove his or her facial covering. A police officer may exercise this power only when the officer reasonably believes that the facial covering is likely to prevent identification of the person concerned, and the officer shall ensure that the relevant actions are entirely lawful, necessary and appropriate. As to the offence under section 5(3) of the Regulation, compliance by members of the public with requirements made by police officers to remove facial coverings is pivotal to achieving the purpose of the Regulation. As such, although under the existing laws<sup>2</sup>, refusal to comply with such requirements to remove facial covering may, under certain circumstances, constitute resistance to or obstruction of police officers in the proper execution of their duties, we consider it necessary to clearly specify in the Regulation the consequences for non-compliance with a police officer's requirement so that members of the public will clearly understand the circumstances under which they will be criminally liable as well as the corresponding penalties.

24. For the offence under section 5(3) of the Regulation, the prosecution has to prove that a police officer lawfully required the defendant to remove the facial covering and the defendant knew the requirement and failed to comply. As such, section 5(3) is not a strict liability offence, and it is not necessary to provide statutory defence.

#### *The proportionality of section 5 of the Regulation*

25. The legitimate aim of section 5 of the Regulation is to enable a police officer to verify the identity of a person in a public place who is using a facial covering, so as to deter and reduce violent acts of persons with facial covering, assist in police investigation and administration of justice, prevent offenders from evading justice and protect public safety and public order. The powers conferred to police officers and the offence created under section 5 of the Regulation are rationally connected to the legitimate aim above.

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<sup>2</sup> Such as section 36(b) of the Offences against the Person Ordinance (Cap. 212), section 63 of PFO (Cap. 232) and section 23 of the Summary Offences Ordinance (Cap. 228).

26. Under section 5(2) of the Regulation, a police officer may require a person to remove his or her facial covering to verify the person's identity. If the person fails to comply with the requirement, the police officer may remove the facial coverings for the purpose of verifying the person's identity. It is worth noting that after the verification is completed, the person may put on the facial covering again. Therefore, the measure will only result in very limited interferences with the public's right to privacy protected by Article 14 of Hong Kong Bill of Rights, and have also struck a reasonable balance between the legitimate aim of protecting public safety and public order and safeguarding the public's right to privacy.

27. For the above reasons, we consider that interferences with the public's rights and freedoms arising from section 5 of the Regulation satisfy the proportionality test.

### **Section 6 of the Regulation**

28. Under section 6 of the Regulation, the prosecution time limit for offences under section 3(2) and 5(3) is 12 months beginning on the date on which the offence is committed. Under section 26 of the Magistrates Ordinance (Cap. 227), in any case of an offence (other than an indictable offence), where no time is limited by any enactment for making any complaint or laying any information in respect of such offence, such complaint shall be made or such information laid within six months from the time when the matter of such complaint or information respectively arose. According to the Interpretation and General Clauses Ordinance ("IGCO") (Cap. 1), enactment has the same meaning as Ordinance, which includes any subsidiary legislation made under any Ordinance. As section 26 of the Magistrates Ordinance clearly allows other enactments to set a time limit for making any complaint or laying any information, section 6 of the Regulation does not contradict section 26 of the Magistrates Ordinance.

29. The experience of police operations shows that given the large number of offences arising from public order events and the complexity of such offences, the Police need more time to collect evidence and

conduct investigations. Taking into account the practical needs of prosecution work, the Regulation (which is an enactment according to IGCO) provides that a prosecution for an offence in the Regulation may only be started before the end of 12 months beginning on the date on which the offence is committed.

**Security Bureau**  
**October 2019**

**Overseas legislation similar to  
the Prohibition on Face Covering Regulation**

	<b>Country</b>	<b>Situation</b>	<b>Legislative provisions</b>
1.	Austria	Assemblies	<p><b><u>Assembly Law (Versammlungsgesetz 1953)</u></b><sup>3</sup></p> <p>“§9 (1) <u>Persons, who 1. Cover or hide their faces with clothing or any other objects in order to prevent being recognized in connection with the assembly, or 2. Carry objects on their body which by nature serve to prevent the ascertaining of a person’s identity, may not participate in an assembly.</u></p> <p>(2) Authorities may refrain from arresting a person as per §35(3) Administrative Penal Act 1991 regarding an infringement of para. 1, if the lawful status can be produced through the application of moderate means; §81 paras. 1 to 6 Federal Security Police Act shall apply correspondingly.</p> <p>(3) Furthermore, authorities may refrain from the enforcement of prohibitions as per para. 1 if there is no reason to suspect any danger to public order, peace and security.” (<i>emphasis added</i>)</p> <p>“§19a. Whoever participates in an assembly contrary to the prohibition in § 9 (1) and carries a weapon or any other object as per § 9a, shall be punished by an ordinary court in form of an <u>imprisonment for up to six months or a fine of up to 360 daily rates. In case of recurrence, the person shall be punished by imprisonment for up to one year or a fine of up to 360 daily rates.</u>” (<i>emphasis added</i>)</p>
2.	Canada	Riots and unlawful assemblies	<p><b><u>Preventing Persons from Concealing Their Identity during Riots and Unlawful Assemblies Act</u></b><sup>4</sup></p> <p><b>“Section 65 Punishment of Rioters</b></p> <p>(1) Every one who takes part in a riot is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.</p> <p>(2) Every person who commits an offence under subsection (1) <u>while wearing a mask or other disguise to conceal their</u></p>

<sup>3</sup> This is an unofficial English translation (Source: [https://www.legislationline.org/download/id/6363/file/Austria\\_Assembly\\_Law\\_1953\\_am2015\\_en.pdf](https://www.legislationline.org/download/id/6363/file/Austria_Assembly_Law_1953_am2015_en.pdf))  
The official legislation is available at <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000249>

<sup>4</sup> The official legislation is available at [https://laws-lois.justice.gc.ca/eng/annualstatutes/2013\\_15/page-1.html](https://laws-lois.justice.gc.ca/eng/annualstatutes/2013_15/page-1.html)

	Country	Situation	Legislative provisions
			<p><u>identity without lawful excuse</u> is guilty of an indictable offence and liable to <u>imprisonment for a term not exceeding 10 years.</u>” (<i>emphasis added</i>)</p> <p><b>“Section 66 Punishment for unlawful assembly</b></p> <p>(1) Every one who is a member of an unlawful assembly is guilty of an offence punishable on summary conviction.</p> <p>(2) Every person who commits an offence under subsection (1) <u>while wearing a mask or other disguise to conceal their identity without lawful excuse</u> is guilty of</p> <p>(a) an indictable offence and liable to <u>imprisonment for a term not exceeding five years</u>; or</p> <p>(b) an offence punishable on summary conviction.” (<i>emphasis added</i>)</p>
3.	Denmark	Meetings, gatherings, processions, etc.	<p><b><u>The Penal Code (Straffeloven)</u></b><sup>5</sup></p> <p><b>“§134b</b> (1) <u>Any person who, in connection with meetings, gatherings, processions or similar, moves about with the face entirely or partially covered with a hood, a mask, paint or similar in a manner, which is likely to prevent identification, shall be liable to a fine or to imprisonment for any term not exceeding six months.</u></p> <p>(2) The same penalty shall apply to any person who in a public place possesses objects, which must be considered intended for covering up the face under the circumstances as described in Subsection (1).</p> <p>(3) The prohibitions of Subsections (1) and (2) do not apply to covering of the face, which is undertaken to protect against the weather, or which serves other creditable purpose.” (<i>emphasis added</i>)</p>
4.	France	Public space	<p><u>Act prohibiting the concealment of the face in public space</u><sup>6</sup></p> <p><b>“Article 1</b></p> <p><u>No one may, in the public space, wear an outfit intended to conceal his face.</u></p>

<sup>5</sup> This is an unofficial English translation (Source: [https://www.legislationline.org/download/id/6372/file/Denmark\\_Criminal\\_Code\\_am2005\\_en.pdf](https://www.legislationline.org/download/id/6372/file/Denmark_Criminal_Code_am2005_en.pdf)). The official legislation is available at <https://www.retsinformation.dk/Forms/R0710.aspx?id=164192>

<sup>6</sup> This is an unofficial English translation (Source: [https://www.legislationline.org/download/id/6619/file/France\\_act\\_prohibiting\\_concealing\\_face\\_2010\\_en.pdf](https://www.legislationline.org/download/id/6619/file/France_act_prohibiting_concealing_face_2010_en.pdf)). The official legislation is available at <http://www.assemblee-nationale.fr/13/ta/ta0524.asp>

	Country	Situation	Legislative provisions
			<p><b>Article 2</b></p> <p>I. - For the purposes of Article 1, the public space consists of public roads as well as places open to the public or assigned to a public service.</p> <p>II. - The prohibition provided for in section 1 does not apply if the dress is prescribed or authorized by legislative or regulatory provisions, if it is justified by health reasons or professional reasons, or if it falls within the setting of sports practices, parties or artistic or traditional events.</p> <p><b>Article 3</b></p> <p>Failure to comply with the prohibition laid down in Article 1 is punishable by the <u>fine laid down for second-class infringements</u>.</p> <p>The obligation to <u>complete the citizenship course</u> mentioned in 8 ° of Article 131-16 of the Penal Code may be pronounced at the same time or instead of the penalty of fine.</p> <p>...” (<i>emphasis added</i>)</p>
		Disruptions to public order committed or risk of them being committed in the surroundings of a demonstration on public roads	<p><b><u>Criminal Code</u></b><sup>7</sup></p> <p>“Article 431-9-1 Is punished with <u>one year of imprisonment and 15 000 € fine</u> the fact for a person, <u>within or in the immediate surroundings of a demonstration on the public road, during or after which troubles in public order are committed or risk being committed, to deliberately conceal all or part of his face for no legitimate reason.</u>” (<i>emphasis added</i>)</p>
5.	Germany	Public open-air assemblies, meetings or events, or being on the way to such events	<p><b><u>Assembly Act (Gesetz über Versammlungen und Aufzüge (Versammlungsgesetz))</u></b><sup>8</sup></p> <p>“§17a (1) It is prohibited <u>during public open-air assemblies, meetings or other public open-air events or on the way there</u> to carry defensive weapons or objects that are suitable to be used as defensive weapons, and according to the circumstances, intended to ward off measures by law enforcement officers.</p>

<sup>7</sup> This is an unofficial English translation. The official legislation is available at <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000038358582&categorieLien=id>

<sup>8</sup> This is an unofficial English translation. The official legislation is available at [https://www.gesetze-im-internet.de/versammlg/\\_17a.html](https://www.gesetze-im-internet.de/versammlg/_17a.html)

	Country	Situation	Legislative provisions
			<p>(2) It is also prohibited</p> <ol style="list-style-type: none"> <li>1. <u>To participate in such events in an outfit that is suitable and, according to the circumstances, intended to prevent identification or to cover the way to such events in such an outfit.</u></li> <li>2. To carry objects that are suitable and, according to the circumstances, intended to prevent identification during such events or on the way there.</li> </ol> <p>...</p> <p>(4) The competent authority can impose orders to enforce the prohibition of sections 1 and 2. More specifically, it can exclude persons contravening these prohibitions from the event.” <i>(emphasis added)</i></p> <p>“§27 (2) Anyone who... 2., contravening §17a Section 2 No. 1, participates in such events in an outfit that is suitable and, according to the circumstances, intended to prevent identification or covers the way to such events in such an outfit... will be punished with <u>imprisonment of up to one year or fined.</u>” <i>(emphasis added)</i></p>
6.	Norway	Demonstrations, processions, meetings, stands, etc. in a public place	<p><b><u>Police Act (Lov om politiet (Politiloven))<sup>9</sup></u></b></p> <p>“<b>Section 11 Events in public places etc.</b> Anyone wishing to <u>use a public place for a demonstration, procession, meeting, stand or the like</u> shall notify the police accordingly well in advance. Furthermore, pursuant to section 14 of the Act, a bylaw may be laid down containing rules requiring an application to be submitted for certain events in public places or requiring notification of events which are generally accessible to the public.</p> <p>...</p> <p><u>Participants in an event as mentioned in the first paragraph are prohibited from wearing masks, except participants in plays, carnivals or the like.</u></p> <p>...” <i>(emphasis added)</i></p> <p>“<b>Section 30 Penalties</b> <u>Fines or imprisonment not exceeding 3 months</u> will be handed</p>

<sup>9</sup> This is an unofficial English translation (Source: <https://app.uio.no/ub/ujur/oversatte-lover/data/lov-19950804-053-eng.pdf>). The official legislation is available at <https://lovdata.no/dokument/NL/lov/1995-08-04-53>

	Country	Situation	Legislative provisions
			<p>down to any person who wilfully or through negligence</p> <p>(1) ...</p> <p>(2) ...</p> <p>(3) fails to abide by the obligation to report pursuant to section 11 first paragraph, breaches the prohibition in section 11 fifth paragraph or conditions set pursuant to section 11 fourth or seventh paragraph</p> <p>(4) ...</p> <p>(5) ...</p> <p>or is accessory thereto, unless the contravention falls within a severer penal provision.” (<i>emphasis added</i>)</p>
7.	Spain	Public roads or in places where the requirement to verify identity was made by the authority	<p><b><u>Organic Law 4/2015, of March 30, on the protection of public safety (Ley Orgánica 4/2015, de 30 de marzo, de protección de la seguridad ciudadana)</u></b><sup>10</sup></p> <p><b>“Article 16. Identification of persons</b></p> <p>(1) In fulfilling their functions of criminal investigation and prevention, as well as for the sanction of criminal and administrative offenses, agents of Law Enforcement Forces and Agencies may require the identification of persons in the following cases:</p> <p>(a) When there are indications that they have been able to participate in the commission of an infraction.</p> <p>(b) When, in view of concurrent circumstances, it is considered reasonably necessary to prove their identity to prevent the commission of a crime.</p> <p><u>In these cases, the agents may carry out the necessary checks on public roads or in the place where the identification requirement was made, including the identification of persons whose face is not totally or partially visible by using any type of garment or object that cover, prevent or hinder identification, when necessary for the purposes indicated.</u></p> <p>In the practice of identification, the principles of proportionality, equal treatment and non-discrimination based on birth, nationality, racial or ethnic origin, sex, religion or belief, age, disability, sexual orientation or identity, opinion or any other personal or social condition or circumstances shall be strictly respected.</p> <p>...</p>

<sup>10</sup> This is an unofficial English translation. The official legislation is available at <https://www.boe.es/eli/es/lo/2015/03/30/4/dof/spa/pdf>



	Country	Situation	Legislative provisions
			<p>(5) In cases of resistance or refusal to provide identification proof or cooperate in the verification or identification practices, the provisions of the Criminal Code, the Criminal Procedure Law and, where appropriate, this Law.” (<i>emphasis added</i>)</p> <p><b>“Article 39. Sanctions</b></p> <p>1. <u>Very serious infractions shall be sanctioned with a fine of 30,001 to 600,000 euros; the serious, with a fine of 601 to 30,000 euros, and the minor, with a fine of 100 to 600 euros.</u></p> <p>In accordance with the provisions of article 33.2, the sections corresponding to the maximum, average and minimum grades of the fines provided for by the commission of serious and very serious infractions shall be the following:</p> <ul style="list-style-type: none"> <li>(a) For very serious infractions, the minimum grade will include a fine of 30,001 to 220,000 euros; the average grade, from 220,001 to 410,000 euros, and the maximum grade, from 410,001 to 600,000 euros.</li> <li>(b) For serious offenses, the minimum grade shall include a fine of 601 to 10,400; the average grade, from 10,401 to 20,200 euros, and the maximum grade, from 20,201 to 30,000 euros.</li> </ul> <p>...”(<i>emphasis added</i>)</p>
8.	Sweden	Public meetings in a public place, with disturbance or an immediate danger of such disturbance	<p><b><u>Act (2005: 900) on the prohibition of masking in certain cases (Lag (2005:900) om förbud mot maskering i vissa fall)</u></b><sup>11</sup></p> <p><b>“Section 1</b></p> <p><u>Anyone who attends a public meeting in a public place according to the Ordinance Act (1993: 1617), which constitutes demonstration or otherwise held for deliberation, opinion or information in public or private affairs, may not fully or partially cover the face in a way that makes it more difficult identification, if there is a disturbance at the meeting of the general order or an immediate danger to such interference.</u> The same applies to those who participate in a public place in one public assembly, which does not constitute a public gathering or public gathering event according to the Ordinance Act, concerning the public assembly through its conduct disrupts public order or constitutes one immediate danger to this.</p>

<sup>11</sup> This is an unofficial English translation. The official legislation is available at <http://rkrattsbaser.gov.se/sfst?bet=2005:900>

	Country	Situation	Legislative provisions
			<p>The prohibition does not apply to those who cover the face for religious reasons. Nor does it apply to the extent that participants in a general meeting, as referred to in the first paragraph, supported by Chapter 2. Section 11a of the Ordinance Act has been granted permission to cover in whole or in part face.</p> <p><b>Section 2</b>  Anyone who intentionally violates Section 1, first paragraph shall sentenced to <u>a fine or imprisonment for a maximum of six months</u>.  In no small case shall anyone be held liable.</p> <p><b>Section 3</b>  Property used to cover the face in case of crime according to this law may be declared forfeit, if necessary to prevent crime or if there are other specific reasons for it.” (<i>emphasis added</i>)</p>