

## **FREEDOM OF ASSOCIATION AND LEGAL STATUS OF NON-COMMERCIAL ORGANIZATIONS IN BELARUS**

**Annual review 2012**

*Legal Transformation Center*

*Assembly of Pro-Democratic NGOs of Belarus*

In 2012 opportunities for realization of the freedom of association haven't broadened in Belarus. Despite introduction of some positive norms, at the level of legal regulation there haven't been fixed any significant changes, which worsen or improve the position of non-commercial organizations (NCO). Further reformation of the legislation on public associations is planned for 2013, though. At the level of enforcement practice previous negative trends have continued and their intensity hasn't changed.

During the monitoring period the following events and trends have been the most significant:

- The article on state social order, worked out with participation of the public, which allows the state to purchase NCO services, has been included into the law "On social service".
- The draft law on alteration of the laws of the Republic of Belarus "On public associations" and "On political parties" has been published in 2012 and can be adopted in 2013. In respect of public associations it mitigates some conditions regarding requirements for registration of public associations, but it doesn't change the essence of the registration procedure on the basis of authorization-based principle, with opportunities for arbitrary refusal of registration.
- Amendments to the Electoral Code of the Republic of Belarus, which are planned to be submitted to the parliament in the autumn 2013, according to the state authorities' comments, will not vest the right to nominate candidates for elections in a part of public associations, as proposed by the Central Commission of the Republic of Belarus on Elections and Holding Republican Referenda.
- The practice of arbitrary refusals to register public associations has continued, as well as the practice of endorsing institution designations. Other obstacles in NCO activity (including deprivation of accommodation for holding events or of offices) remain widespread, as well as restrictions in attraction of financing. However, the norms of criminal responsibility for the breach of order of attracting free foreign aid, introduced in the legislation at the end of 2011, haven't been used.
- Belarusian authorities have restricted international contacts of Belarusian civil society, impeding NCO representatives to go abroad and foreign partners to visit Belarus.

### **Alteration of framework legislation**

The House of Representative adopted June 27, 2012 the Law of the Republic of Belarus “On introduction of alterations and addenda to certain laws of the Republic of Belarus on the issues of social service”, which has introduced the concept of state social order in the sphere of social service into Belarusian legislation. State social order is defined as a mechanism of drawing legal entities and individual entrepreneurs on a competitive basis in the activity on rendering social services and/or implementation of social projects for the purpose of improvement of availability and quality of social service for citizens. This new norm was introduced into the legislation as a result of continuous consultations with civil society organizations and came into force January 1, 2013. The government’s Decree of December 27, 2012 №1219 approved Regulations on the procedure of competitive tender for execution of state social order, financed by means of granting subsidies to non-governmental NCOs for rendering social services and implementation of social projects. It is determined that competitive tender is an open, public and competitive selection of executors of a state social order out of non-governmental NCOs. This decree also approved Regulations on the terms and procedure of granting subsidies to non-governmental NCOs for rendering social services and implementation of social projects. It is determined that subsidies for rendering social services are granted for reimbursement of expenses relating to direct labor costs and charges on pay-roll for employees of non-governmental NCOs. Introduction of the norm on state social order could further extend of funding sources for NCOs, which deal with rendering social services.

The Law of the Republic of Belarus of May 2, 2012 № 353-3 introduced alterations and addenda to the Law of the Republic of Belarus “On protection of consumers’ rights”. Inter alia, it is determined that public associations of consumers have the right to consult consumer on the issues of protection of his/her rights, by order of consumer address complaints to manufacturer (vendor, repair organization, etc.) for removal of abnormalities and compensation to consumer for damages, caused by these abnormalities, appeal to court with action on protection of consumer’s rights, represent and defend in court rights and legitimate interests of consumer (indeterminate circle of consumers), under the stipulation that a public association of consumers’ employee, who exercises the above-mentioned rights of this public association, has certificate of qualifying evaluation. The law also determines cases, when public association of consumers’ expenses, related to address of complaints by order of consumer to manufacturer, appeal to court with action on protection of consumer’s rights, representation and defence of rights and interests of consumer in court, will be subject to compensation by defendant.

The Council of Ministers with its Decree of May 4, 2012 approved the National program on international technical cooperation for the period of 2012-2016. This program determines national priorities in the sphere of international cooperation, as well as current and long-term needs of the Republic of Belarus in international technical assistance. The list of project proposals of the National program on international technical cooperation for the period of 2012-2016 is a part of this document. The list includes two proposals, directly announced by non-governmental non-commercial organizations, notably “Development of the effective system of palliative assistance to children in the Republic of Belarus” (public organization “Belarusian Children’s Hospice”) and “Foundation of volunteer time bank in the Republic of Belarus” (Republican youth public organization “League of Youth’s Voluntary Labour”). The proposal “Improvement of legal regulations of benevolent activity in the Republic of Belarus” was also claimed among the priority lines by the National Center of Legislation.

The government with its Decree of December 30, 2011 № 1785 fixed the baseline value at the rate of 100 000 roubles. Thereby, the amount of state fees for submission of documents for registration of NCO, property payments, required for establishment and functioning of funds, etc. almost tripled.

The Decree of the President of the Republic of Belarus № 150 “On some issues of lease and free use of property” was approved March 29, 2012. It determined a new procedure of rental fee formation: rental fee now doesn’t depend on the baseline value, a new notion of “baseline rental value” has been introduced. It has affected the interests of NCOs, which rent accommodation of state and communal forms of property. The amount of rental fee has stopped depending on the rate of baseline value, but it has resulted in the increase of the amount of rental fee for accommodation for NCO almost by half. Discounts for rental fees, as earlier, are defined for public associations and funds according to the list, approved by the government, but the legislation doesn’t determine criteria for inclusion of NCOs in this list.

The development of legislation, regulating participation of entrepreneur structures in making of state decisions, has continued. March 20, 2012 the Decree of the government № 47 was adopted, according to which draft normative legal acts on development of entrepreneurship in Belarus should be subjects to obligatory public discussion. The decree also approved the Standard regulations on public consultative (expert) council on development of entrepreneurship. Unfortunately, as earlier, these positive changes don’t affect other areas of civil society activity.

The Law of the Republic of Belarus “On introduction of alterations and addenda to the Civil Code of the Republic of Belarus and recognition of some legislative acts of the Republic of Belarus and their certain provisions on the issues of lease, pledge, establishment and functioning of financial and industrial groups as invalid” was adopted July 9, 2012. Among other alterations, this law sets forth a redrafted article 121 of the Civil Code, which regulates establishment of associations. Adoption of the redrafted article has brought an end to the existed in the legislation conflict and settled the possibility of unification of commercial organizations and NCOs within the framework of one association.

The Law of the Republic of Belarus of October 26, 2012 № 431-3 introduced alterations and addenda to the Tax Code, which came into force January 1, 2013. These alterations broadened the list of recipients of exempt from profit tax gratuitous (sponsor) aid by including the Republican Association of Wheelchair-bound Invalids, the Belarusian Association of Assistance to Handicapped Children and Young People, the Belarusian Public Association of Veterans, the Belarusian Public Association of People Having Ostomy into it. But at the same time, despite presence in the Decree of the Council of Ministers of the Republic of Belarus and the National Bank of the Republic of Belarus of February 28, 2011 № 251/6 “On the approval of measures on realization of the provisions of the Directive of the President of the Republic of Belarus of December 31, 2010 № 4” of the norm on the necessity to recognize the Decree of the President of the Republic of Belarus of July 1, 2005 № 300 “On delivery and acceptance of gratuitous (sponsor) aid” as invalid in the third quarter of 2011, this provision of legislation remained unimplemented till the end of 2012.

### **Draft laws, which affect NCO interests**

The Draft Law of the Republic of Belarus “On introduction of alterations and addenda to certain laws of the Republic of Belarus on the issues of functioning of political parties and other public associations” was published at the end of August 2012. Designing of this draft law is carried out in accordance with the plan of preparation of bills for the year 2012. July 31, 2012 the Council of

Ministers submitted the draft law to the House of Representatives of the National Assembly. Designing of the draft law, as many other draft laws in Belarus, was carried out not publicly, organizations concerned didn't have the opportunity to express their opinions of the concept of the draft law at the stage of its development.

The draft law stipulates introduction of some positive technical norms into the legislation on public associations and political parties, for example, graphic picture of organizational structures is excluded from the list of documents, required for the registration of a public association. The draft law reduces the number of founders, required for registration of certain local public associations (regional, district).

According to the draft law, in order to establish a local public association there should be not less than 10 founders, representing 2 and more administrative-territorial units of the territory, which the public association's activity will cover. Introduction of this norm into the law will significantly simplify establishment of regional and district public associations, as now the fact that there should be founders, representing the majority of administrative-territorial units, while relating village councils to administrative-territorial units, complicates establishment of local associations of this level.

However, the draft law determines that the number of founders for establishment and functioning of certain types of public associations could be defined by special laws on the respective types of public associations. This norm could be fraught with discrimination of public associations.

According to the draft law, in the definition of "public association" the purpose, which public associations are established for, is changed. It is proposed to replace the purpose "joint exercise of civil, social, cultural and other rights" with the purpose "achievement of common aims, stated in the statute". It is obvious that such an alteration is in line with the tendencies of registration of public associations in the country, when mainly so-called "clubs of interests", such as sport, dance and other similar associations are registered.

The draft law gives the same status to the branches of international public associations, established on the territory of foreign states, as to national public associations. The draft law defines as well that branches are established in a form of republican associations, while the current law defines that such branches are established and function in the order, determined for international public associations, established on the territory of Belarus.

The draft law also introduces a new norm, that a public association can be transformed into a political party. In principle, current legislation doesn't prohibit transformation of a public association into a political party. It is obvious that this norm is especially notable in this draft law due to the discussions about possible transformation of the public association "Belaya Rus", which is the main mass organization of citizens, supporting the existing in Belarus political regime, into a political party.

In general, despite a range of positive norms in comparison with the current legislation, the draft law doesn't aim at improvement of the situation with freedom of association in the country and at introduction of provisions, furthering development of public associations, facilitation of the process of their establishment, registration and functioning. December 19, 2012 deputy chairwoman of the House of Representatives' Standing committee on human rights, national relations and media Tamara Krasouskaya reported that within the framework of preparation of the draft law first reading, examination of certain provisions of the draft law with specialists from the Ministry of Justice was taking place for the purpose of ensuring systematic approach and complexity of legal regulations of respective social relations.

The Legal Transformation Center has prepared and submitted to the state authorities, which are responsible for designing and adoption of the law, [proposals](#) on its improvement to advantage of Belarusian civil society.

After the end of the campaign of election of deputies of the House of Representatives of the National Assembly of the Republic of Belarus of the 5<sup>th</sup> convocation, the Central Commission of the Republic of Belarus on Elections and Holding Republican Referenda proposed an initiative to reform election legislation. Increase of the role of republican public associations with granting them the right to nominate candidates for deputies was denoted as one of reformation directions (today only political parties have this right and the role of public associations is limited to the opportunity to nominate their representatives to election commissions and as observers). However, the document, proposed by the Central Election Commission to the president, who is a subject of initiative, was neither published nor available to the public. Introduction of the draft law on alteration of the Election Code is planned for September 2013. However, the president's first comments, relating to the novel about granting of the right to nominate candidates for deputies to public associations, indicate that this proposal will, probably, not be included into the final text of the draft law.

### **Registration of NCOs and refusals of registration**

According to the Ministry of Justice's report, in 2012 institutions of justice registered 111 new public associations (2 international, 10 republican/national and 99 local ones). There were registered 27 new organizational structures of political parties, 405 new organizational structures of trade unions, 1588 new organizational structures of other public associations. These rates are in line with the average number of new NCOs, annually registered in Belarus lately.

As on January 1, 2013 there are 15 political parties and 1021 party organizational structures, 37 trade unions and 22971 organizational structures of trade unions, 2477 public associations (229 international, 688 republican/national and 1560 local ones) in Belarus. There are registered or are on the books 38089 organizational structures of public associations. There are registered 31 unions (association) of public associations, 139 funds (13 international, 5 republican/national and 121 local ones).

Regarding the areas of activity, in Belarus there are 626 physical culture and sports public associations; 401 benevolent public associations; 248 youth public associations, including 29 children's ones, 220 educational, cultural and leisure-time, educative public associations; 112 public associations of citizens, who class themselves as national minorities; 85 public associations of disabled war veterans and disabled workers, veterans; 84 scientific and technical public associations, 68 public associations of supporters of nature conservation, preservation of historic and cultural monuments; 49 creative public associations; 30 public associations of women and others.

February 14, 2012 the Ministry of Justice delivered the judgement to refuse registration to the Belarusian Christian Democracy Party. This was already the 6<sup>th</sup> refusal of registration to the BCD and the 4<sup>th</sup> refusal of registration to them as a political party. The organizing committee of the party submitted the appeal against the decision of the Ministry of Justice to the Supreme Court, but it was not upheld. In the autumn 2012 supporters of the party made an attempt to legalize their activity by means of registration of regional and Minsk city public associations, however, none of the organizations was registered.

November 29, 2012 the Supreme Court of the Republic of Belarus as an appeal instance left the decision to refuse registration to the BPF Party Hrodna regional organization, which has been unsuccessfully attempting to be registered for the last several years, without changes. The court didn't consider the arguments of the appeal against refusal of registration, such as the facts that the registering body hadn't had legal causes for refusal of registration, all the documents submitted for registration had met the requirements of the legislation, and submission of the requested by the registering body additional information (including translation of the lists of the governing body and places of employment of the organization members into Russian) had been extralegal.

In the summer 2012 the Belarusian Communist Party of Labour got the 4<sup>th</sup> refusal of registration from the Ministry of Justice. Later the organization lodged the appeal against the decision of the registering body, but September 2012 the Supreme Court recognized the decision on refusal of registration to the party as justified. New political parties haven't been registered since 2000, despite annual attempts to be registered.

The practice of refusal of registration is still actively used in respect of public associations. In addition, the alarming trend is the fact that a public association's intention to go in for educational activity is introduced into practice as the reason for refusal of registration, as it is treated as a breach of the Code of the Republic of Belarus on Education (came into force September 1, 2011). Such a reason for refusal was used in the case of the Public Association "Land Association of Litvins", which in 2012 faced refusal of registration for the third time. According to the statute of the organization, which is being created, there has been planned to hold trainings as one of the methods of activity. In the registering body's opinion, all trainings relate to educational programs and can be conducted only by educational institutions. Such a stance was confirmed by the Supreme Court's decision on the Public Association "Land Association of Litvins" appeal against the decision to refuse registration to it. Thereby, there is a threat of delegalization of educational activity for not only newly-created NCOs, but also for hundreds of already existing NCOs, which set educational tasks for themselves.

August 17, 2012 the Ministry of Justice decided to refuse registration to the International Creative Public Association "KinoMost" because of violations of the requirements for establishment of an international public association and breach of the procedural order of execution of the documents, which provide evidence of existence of the legal address of the organization, which is being established.

In Belarus the legislation establishes the most favourable regime for registration of such organizational and legal forms of NCOs as institutions, associations and consumers' cooperative societies, which are registered due to application principle (registering bodies register organizations on the basis of the submitted documents against the legislation-established list without checking their content). However, before submission of the documents for registration, founders should have the designation of the stated organization approved. At the end of 2010 the practice of selective concurrence of the designations of institutions was launched (in some cases founders got refusals of approval of more than 40 proposed designations), the practice continued in 2012. In particular, the Minsk City Executive Committee decided to refuse to approve the designation of the Educational Institution "Right to Convictions", because this designation contains features of a public association (it means of another organizational legal form of NCO), and the usage of the proposed designation contradicts public interests and principles of humanness and morale. April 2012 the founder of the institution attempted to appeal against the registering body's refusal to approve the designation. However, in court's opinion, appeals against refusals to approve a designation could be lodged only to the Ministry of Justice, and the

decision couldn't be disputed in court (consequently, in case of obstacles in establishment of an institution at the stage of concurrence of a designation, a founder can't lodge an appeal against this wrong act of a registering body to court). The Educational Institution "Shegomedconsult" managed to have its designation approved and to be registered, after lodging appeals against numerous refusals to approve the designation to the Ministry of Justice.

In practice, an individual, who wants to register an institution, is discriminated, while endorsing a designation, in comparison with commercial organizations. When a commercial organization is established, its name is approved at the moment of submission of an application, while approval of an institutional designation takes place much later, it can take even 2 weeks.

One of the toughest conflicts regarding exercise of the right to freedom of association became an attempt to establish a primary organizational structure of the Belarusian Independent Trade Union at the mining enterprise "Granit" in Mikashevichi town. At the end of December 2011 more than 200 workers of "Granit" withdrew from the organization of the controlled by the state Federation of Trade Unions of Belarus, functioning on the enterprise, and claimed that they were going to establish an organizational structure of the Belarusian Independent Trade Union. In order to be registered as a primary trade union organization, they needed to get a legal address, however, the enterprise administration not only refused to provide accommodation to them, but also dismissed the leaders of the trade union organization (later court recognized these dismissals as legitimate).

Mikhail Kavalkou, the chairman of the trade union organization of the Belarus Free Trade Union on the Bobruisk Plant of Tractor Parts and Units, claimed about pressure on him from the enterprise administration side. In particular, on the initiative of the employer, the action on early termination of the agreement on free usage of the provided premises was submitted to court, which can result into liquidation of the trade union organization.

### **Responsibility for activity of unregistered organizations**

In 2012 the practice of rendition of warnings about possible criminal responsibility under the Article 193<sup>1</sup> of the Criminal Code "Illegal organization of activity of a public association, religious organization or fund or participation in their activity". Members of unregistered religious communities were main targets of such warnings, and warnings were issued both by prosecutor's office and the KGB. Appeals against such warnings in court were not successful.

In particular, November 18, 2012 the KGB warned Aliaksej Tiulkou, a member of the Belarusian Christian Democracy Party from Osipovichi town, about possible criminal responsibility under the Article 193<sup>1</sup> of the Criminal Code. October 22, 2012 Aleh Aksionau, an activist of the same party, was warned about possible criminal responsibility for activity within the framework of the unregistered party, as well put on preventive register in the KGB. Appeals against the actions of the local KGB in higher instances and in court were not successful.

May 16, 2012 the Minsk city department of the Investigative Committee reported about institution of a criminal action under Part 2 of Article 193 of the Criminal Code (organization or guidance of a public association, religious organization, which infringes on personality, rights or duties of citizens) against Aleh Karpovich. "Investigation has established that in 2010 Mr. Karpovich founded and headed a public association, called by him "Autonomous National Bolsheviks" (ANB), whose activity was conjugated with violence against citizens, infliction of bodily injuries to them, open theft of their

private belongings and money. State registration of the “ANB” in accordance with the established procedure was not held. Starting from the moment of establishment of the organization till February of the current year, the suspect was carrying out organizational and executive functions, ruling over the activity of the “ANB” members on the territory of the capital and other regions, using Internet resources, as well as by means of private meetings, talks and gatherings of the members of the association. He organized a range of actions, at which he together with followers did compulsive actions against representatives of youth sub-cultures, informal movements and sexual minorities, other citizens,” – said Mr. A. Herasimau, a representative of the Investigative Committee. Later Mr. Karpovich, on the basis of all the committed crimes (including acts, specified in Part 2 of Article 193), was sentenced to 3 years of deprivation of liberty. This case was the second occurrence of the institution of a criminal action under the Article 193 of the Criminal Code and the first case of conviction of a person under this Article (as opposed to Article 193<sup>1</sup>, corpus delicti under Article 193 stipulates responsibility for only those actions within a public association, which are conjugated with violence or other infringes on rights, freedoms and legitimate interests of citizens).

A new method of pressure on unregistered organizations was used in Baranavichi town in respect of Mikalai Charnavus, the leader of the public association of Ukrainians “Kobzar”, which is being established and which was refused registration in 2011. February 10, 2012 the Baranavichi Town Court found him guilty of commitment of breach of law under Article 23.39 of the Code of Administrative Violations “Arbitrariness”. The court recognized as a breach of law the fact that Mikalai Charnavus signed his applications to the Town Executive Committee for allocation of the premises to the Ukrainian diaspora for registration of the public association “Kobzar” as the chairman of the organization (he had been elected the chairman at the constituent assembly). However, later the decision of the court of first instance was annulled by the Brest Regional Court for the reason of procedural infringements.

### **Letters of caution, liquidation and suspension of the activity of NCOs**

In 2012 the Minsk City Court examined the case on liquidation of the Youth Public Association “Focus-Group” (the statement of claim on liquidation was submitted by the Department of Justice of the Minsk City Executive Committee, which had been the registering body). However, the Minsk City Court granted a two-months respite of liquidation of the association for removal of law violations. As a result of non-fulfilment of the actions, stated in the decision on respite of liquidation, the organization was liquidated.

May 16, 2012 the Supreme Court left the Ministry of Justice’s decision on the issue of warning to the public association “Christian Business Initiative”. This public association is headed by Georgiy Dmitruk, the co-chairman of the Belarusian Christian Democracy party, which is being established. One of the reasons for the warning was the fact that the letterhead of the organization doesn’t meet official standards of record keeping; another reason was the organization’s failure to provide annual report on its activity in 2011.

October 9, 2012 the Minsk City Commercial Court delivered the judgement on liquidation of the Informational and Educational Institution “Platform”, which dealt with protection of prisoners’ rights and monitoring of the penitentiary system. Tax inspectorate asked to liquidate the organization, because it had violated the date of submission of the tax report and hadn’t reported about the change of its seat. However, Andrei Bandarenka, the director of the “Platform”, insisted that such claims were

groundless, because, for example, tax declarations had been submitted on time, but they had been “lost” in the tax inspectorate. State organs paid special attention to the organization over a period of June – September 2012. June 21, 2012 Andrei Bandarenka, the director of the organization, was summoned to the Minsk City Prosecutor’s Office, where he was issued a warning for impeachment of the Republic of Belarus (Article 369<sup>1</sup> of the Criminal Code). The reason for such a warning was the organization’s appeal to the International Ice Hockey Federation with the call not to hold the Ice Hockey World Championship 2014 on the territory of the Republic of Belarus, until all political prisoners are released and repressions against civil society activists are stopped. In July 2012 the organization was brought to administrative responsibility supposedly for late submission of the declaration on profit tax (according to the legislation, non-commercial organizations are not obliged to submit declarations on profit tax due to the absence of the taxation object). In August, 2012 the organization got a fine for failure to report about change of its seat to the tax organ (leaders of the organization insisted that the organization hadn’t changed its seat and was situated at the old address). November 13, 2012 the Minsk City Commercial Court examined the appeal against the decision to liquidate the Informational and Educational Institution “Platform” and because of the absence of the organization representatives left it unsatisfied. Activists of the liquidated NCO plan to continue its program activity within the framework of the already registered new institution “Platform Innovation”.

December 2012 the Supreme Court at the action of the Ministry of Justice delivered the judgement to suspend the activity of the Republican Public Association “Free Will” for a term of 2 months. The court considered usage of unregistered symbols (picture on an envelope), drawbacks in the design of letter forms and other similar violations as reasons for the suspension of activity.

### **Obstructions of NCO activity**

In the course of February, 2012 the state media conducted a propaganda campaign against independent NCOs and their leaders. Besides materials against Ales Bialiatski, the leader of the Human Right Center “Viasna”, the authorities chose the Belarusian Association of Journalists and its leader Janna Litvina as attack targets.

Repudiations of lease contracts on the eve of events, held by non-commercial organizations, for the purpose of their disruption has become a practice in the Republic of Belarus for the last several years.

In a period under review there were rejections to demise premises for holding of several events, initiated by non-commercial organizations and civil activists, both in Minsk and in regional towns. May, 2012, on the eve of the event, the Minsk International Educational Center named after Johannes Rau, one of whose co-founders is the Minsk City Executive Committee, refused to demise its premises for holding of the Congress of Non-Governmental Organizations, organized by the Assembly of Pro-Democratic NGOs of Belarus. As a result, the Assembly had to postpone the Congress and held it June 16-17 in other premises.

May 20, 2012 the Republican Human Rights and Educational Public Association “Movement “For Freedom” celebrated the 5<sup>th</sup> anniversary of its establishment. It was planned to hold a special meeting on weekend on the territory of a recreation center near Minsk. However, 3 days before the event, administration of the recreation center dissolved the contract unilaterally.

June 25, 2012 the director of the Open Cultural Platform “Art-Siadziba” received a letter on anticipatory repudiation of the lease contract from the owner of the premises. On the initiative of the

lessor, the organization had to leave the premises in the building of the “Horizont” plant. At the end of September, 2012 the organization announced that it had managed to sign the lease contract of new premises. However, September 27, the day before the opening of the new office, on the initiative of the Ministry of Emergency Situations, the premises were placed under a seal and the lessor initiated repudiation of the already signed lease contract. December 6, 2012 similar repudiation of the lease contract happened again on the eve of the opening of “Art-Siadziba” new premises.

Nevertheless, May 18, 2012 the Belarusian Association of Journalists managed to hold its Congress. March 18, 2012 the Congress of the Belarusian Social-Democratic Party (Hramada) took place. March 31, 2012 the United Civil Party held its Congress.

Apprehensions, that the Belarusian Slavic Committee would be evicted from its office, were not realized. The organization’s office in Minsk was placed under a seal by the Minsk City Commercial Court, but later the claims were withdrawn and the eviction was suspended. January 2012 the Ministry of Justice registered new legal addresses of the BPF Party and the public association BPF “Revival”, which are Charnysheuskaga street 3. March 2012 the Main Department of Justice of the Minsk City Executive Committee registered the change of seats of Minsk city structures of these associations. July 26, 2011 the BPF Party was officially evicted from its central office on Masherava pr. 8, which it had been renting since 1992. The initiator of the eviction was the Housing Repair and Maintenance Association of the Savetski district of Minsk, which explained its reluctance to prolong the lease by the necessity to further use the premises “for its own needs”.

June 27, 2012 the investigation officer and 3 representatives of riot squad came to the office, rented by the unrecognized by authorities Union of Poles, with a search warrant. It was stated in the warrant that in the office there could be literature, which contains anti-state calls. The mentioned premises are officially rented by Andzej Pochobut, the chairman of the Council of the Union of Poles of Belarus, who at that time was in investigative isolation ward on a charge of “libeling the President of Belarus”. The materials, posted by the journalist in his blog, figured in the case as materials of charge. February 8, 2012 militiamen in masks knocked out the windows and broke in the house, where for many years, on Wednesdays, meetings of the unregistered “Litvin Club” had been held. 32 participants of the event were detained, 2 of them were under-age, and conveyed to the Minsk Maskouski District Department of Interior Affairs.

Pressure on the Human Rights Center “Viasna” continued, whose leader Ales Bialiatski is imprisoned by the court’s sentence for nonpayment of taxes from the amounts, which were received as donations for human rights activity and assistance to the victims of political repressions. In 2012 the inventory of property was held in the office of organization, which is Ales Bialiatski’s private property and is subject to confiscation due to the court’s decision. Despite the fact the imprisonment of Ales Bialiatski is a subject of tough criticism from the side of human rights community, the authorities confiscated the office of the Human Rights Center “Viasna”, which was covered by the criminal sentence on confiscation of the condemned human rights activist’s property. Law enforcement officers placed the office of the organization under a seal.

April 2012 Ales Bialiatski, the leader of the Human Rights Center “Viasna”, got refusal to honour his supervisory complaint. March 29, 2012 the Minsk Pershamaiski District Court, under the civil action of the Pershamaiski District Tax Inspectorate, additionally charged Ales Bialiatski with 140 000 000 roubles of fine for late payment of indebtedness. However, the paid off in January amount due to the sentence was inflation-indexed and as a result was more than doubled. Neither Ales Bialiatski’s

colleagues, nor his family knew anything about this lawsuit. Neither the advocate, nor Ales Bialiatski himself were present at the examination of the civil case in court.

In the period of parliamentary elections there were cases of seizure of the printed materials, prepared by initiatives “Human Rights Activists For Free Elections” and “For Fair Elections”, as well as detentions of observers and arrests of agitators for boycott of elections. August 30-31, 2012 activists, administrators of the social networks communities “We are sick of this Lukashenko”, “Lyapis Trubetskoi – Free Concert in Minsk” were detained. They were Raman Pratasevich, Andrei Tkachou, Aleh Shmaruk and others, some of their flats were searched. September 6, 2012 flats of 4 anarchists were searched in Brest. The reason for searches was an explosive device model, which had been found already on February 8, 2012. The searches resulted in seizure of system units and portable memory carriers, as well as summons to the KGB for examination.

In the period under review a positive fact was cancellation of the punitive sanction against the Institution “Mahileu Youth Center” for failure to submit the tax declaration. The head of the Institution “Mahileu Youth Center” was brought to administrative responsibility for failure to submit the tax declaration in violation of the Article 63 of the Tax Code of the Republic of Belarus, which stipulates that tax declarations are to be submitted by taxpayers, if there are objects of taxation. The organization appealed against the lawless financial claims of the tax inspectorate, and its appeal was honoured.

The practice of state target support of public associations, established on the initiative of the state and supporting the current political regime, continues in Belarus. This practice is of a pronounced discriminative character against the absolute majority of NCOs, which are deprived of the opportunity on equal terms to purport for receiving financing within the framework of open tenders. In particular, the Public Association “Belarusian Republican Union of Youth” (“BRSM”) enjoys unprecedented financial and other types of support from the authorities, and the support is provided on uncompetitive basis. The Decree of the President of the Republic of Belarus of December 17, 2012 №559 “On some issues of state support of the Public Association “Belarusian Republican Union of Youth” stipulated, that members of the Public Association “Belarusian Republican Union of Youth”, who are elected to its governing bodies, are included into the boards of the Ministry of Information, the Ministry of Culture, the Ministry of Education, the Ministry of Agriculture and Food, the Ministry of Sport and Tourism, the Ministry of Labour and Social Security. The decree also stipulates financing of the expenses of the public association in 2013, including everyday maintenance of the territorial committees of the PA “BRSM” at the expense of respective local budgets (earlier financing was at the expense of the republican budget of Belarus). It is significant, that as earlier certain provisions of the decree regarding financing are not subjects to publication and are restricted.

### **Limitations of opportunities for international contacts**

In 2012 Belarusian authorities initiated introduction of bans on exits from the territory of Belarus for opposition politicians and civil society actors. In particular, the chairman of the Belarusian Helsinki Committee Aleh Hulak, the chairwoman of the Belarusian Association of Journalists Janna Litvina, deputy chairman of the liquidated in 2003, but continuing its activity Human Rights Center “Viasna” Valiantsin Stefanovich, the head of the human rights organization “Platform” Andrei Bandarenka were banned to leave the territory of the country. July 12, 2012 Viktor Karniaenka, one of the coordinators of interior election observation, was banned to go abroad; he headed for Vienna to participate in the conference on the issues of election legislation (later it turned out that the reason for refusal of exit

from the country was “an error in computer base”). In the course of the election campaign it was repeatedly reported, that representatives of international organizations, including observers of the ODIHR OSCE mission, got refusals of issue of visas for entry to Belarus. However, in the period of July-September, 2012 several civil activists, who hadn’t been permitted to travel abroad from the Republic of Belarus for almost half a year, were allowed to exit from the territory of the country (including the head of the Belarusian Association of Journalist Janna Litvina, the head of the Belarusian Helsinki Committee Aleh Hulak, deputy chairman of the Human Rights Center “Viasna” Valiantsin Stefanovich, editor of the “Nasha Niva” newspaper Andrei Dynko). As in the case of Viktor Karniaenka, it was figured out in the course of investigation, that in the majority of cases the mentioned people had been included into the travel ban lists by mistake, because of “fails and errors in computer data base”.

The case of Aliaksei Pikulik, the director of the registered in Lithuania Belarusian Institute for Strategic Studies, is especially notable in this connection. In April his passport was withdrawn, the reason for that was suspicion, that “the passport is forged”. However, its inspection lasted for more than 3 months, which deprived the political scientist of the opportunity to lecture at the University of Saint Petersburg. Aliaksei Pikulik faced administrative arrest on a charge of disorderly conduct, on the basis of perjuries of militiamen and obvious misjudgement of court.

### **Special attention of tax inspectorate towards NCO leaders**

September 2012 the activity of tax inspectorate on checking tax payments in respect of leaders of a range of human rights NCOs livened up. The Homel Savetski District Tax Inspectorate required Leanid Sudalenka, a representative of the organization “Legal Initiative”, to submit tax declaration for the last 5 years. Also his wife and son were asked to submit income and property declarations; the son is now serving in the army. Representatives of the leadership of the Belarusian Helsinki Committee, the Belarusian Institute for Strategic Studies, the International Consortium “EuroBelarus”, the Public Association “Ecodom” and other organizations went through tax audit.

September 21, 2012 the tax inspectorate required an income statement for the period of 2004-2010 from Tatsiana Raviaka, who is a member of the Council of the Human Rights Center “Viasna” and the president of the Belarusian Human Rights House. Audit of income didn’t reveal any violations, relating to concealment of income, in the submitted by Tatsiana Raviaka documents. However, in the process of the audit it was found out, that the data from the criminal case of Ales Bialiatski, the leader of the Human Rights Center “Viasna”, were submitted to the tax organ. Tatsiana Raviaka was questioned about the amounts, which figured in Ales Bialiatski’s criminal case and which Ales Bialiatski had allegedly transferred to her, twice (November 20, 2012 and November 27, 2012). Tatsiana Raviaka was asked to answer the questions, relating to existence of accounts in Lithuanian bank, purposes for their opening, character of funds transferred on them. The tax inspectorate stated, that it would examine the information, got from Mr. Bialiatski’s case, and as a result would make a decision, whether the funds, which had allegedly been transferred to Tatsiana Raviaka, would be reckoned as her private income, which wasn’t declared and taxes from which were not paid. Tax examinations were also conducted in respect of Aleh Vouchak, the head of the organization “Legal Assistance to Population”.