



FREEDOM OF ASSOCIATION AND THE STATUS OF NON-PROFIT ORGANIZATIONS IN BELARUS

Monitoring for the first quarter 2014 Period of survey: January 1 - March 31, 2014

**Legal Transformation Center
Assembly of Pro-Democratic NGOs of Belarus**

The number of non-profit organizations at the beginning of the year

In the February 2014 Ministry of Justice has published official data on the number of public association, trade unions and their organizational structures and foundations registered during 2013 and the total number of them registered by the beginning of 2014.

According to the Ministry of Justice, in 2013 there have been registered 70 new public associations (2 international, 11 national and 57 local), 1 association of public associations, 11 foundations (1 international and 10 local). During the year 2013 the number of registered public associations and foundations decreased in comparison with the years 2011 and 2012 and was the lowest since 2005. More than half of the registered public associations in 2013 have a sporty nature of the activity. According to the Center of Legal Transformation among non-profit organizations in form of institution registered during 2013 there are two that have nature of activity connecting with the protection of human rights (of men called up for military service, and of prisoners).

In total by the January 1, 2014 there are 15 political parties and 1057 party organizational structures, 37 trade unions and 23193 trade union organizations, 2521 a public association, including 231 international, 694 national and 1596 local registered in Belarus. There are 38915 organizational structures of public associations registered and on the books. 31 union (association) of the public associations, 145 foundations (14 international , 5 national and 126 local), 7 national state-public associations are registered.

Amendments to the legislation

During the monitoring period the main development affecting the issue of freedom of association was the coming into force changes and additions to the Law of the Republic of Belarus "On Public Associations" on the February 20, which were introduced by the act "On amendments and additions to certain laws of the Republic of Belarus on the activities of political parties and other public associations" of November 4, 2013. There are some positive parts of this law including one on alleviation of the criteria of regional mission of founders while creation of national public associations: the general requirements on the number of founders has not changed and it still requires 50 people to create the national public association, but if previously it was necessary to have at least 10 founders from four regions of Belarus and the city of Minsk, now the minimum number of founders is 1 from

© Legal Transformation Center, <http://lawtrend.org>

© Assembly of Pro-Democratic NGOs of Belarus, <http://belngo.info/>

four regions. The law also reduces the list of documents submitted for registration, clarifies certain issues of registration of international public associations, branches of foreign public associations and makes other technical improvements. At the same time it imposes an additional basis for the liquidation of public associations: three years running absence of annual reports to the registry required by law.

In February 2014 were legalized acts aimed at bringing to conformity scheme of associations registration with the new version of the Law “On Public Associations”.

Ministry of Justice adopted resolution № 32 “On amendments and additions to the resolution of the Ministry of Justice of the Republic of Belarus on August 30, 2005 №48” on February 3. It should be noted that this normative act establishing scheme of execution examination of documents related to the state registration of political parties, trade unions and other public associations was published only on February 20.

From the sphere of regulation of this resolution were excluded issues of registration and liquidation, getting on the books and taking off the books of organizational structures of political parties, public associations. Regarding this category of subjects were approved two separate regulations by governmental resolution, which came into force on February 20:

“The regulation of scheme of registration of the organizational structures of political parties and public associations” and “The regulation of scheme of the organizational structures of political parties and the shutdown of public associations”.

In the part of regulation of political parties according to the law “On amendments and additions to certain laws of the Republic of Belarus on the issue of political parties and other public associations operation” appeared a standard of the possible establishment of political parties by conversion of public associations (Article 10 of the Law “On Political Parties” as amended).

By the Ministry of Justice of the Republic of Belarus resolution № 19 of January 21, 2014 amended the application forms for state registration of non-profit organizations and the state registration of amendments and (or) additions to the non-profit organizations’ charters as well. These changes are relevant for new and also registered institutions and associations (unions).

According to the Presidential Decree № 55 of January 30, 2014 amends the Presidential Decree of December 17,2012 № 559 “On some issues of state support for public association “ Belarusian Republican Youth Union” - financing of “Belarusian Republican Youth Union” expenses will be continued in 2014-2015. As before, the items of expenses of “Belarusian Republican Youth Union” that are financed by the state don’t have to be published, and are intended only for official use.

On February 13, 2014 Council of Ministers introduced to the House of Representatives of the National Assembly of the Republic of Belarus a draft law of the Republic of Belarus “On amendments and additions to some laws of the Republic of Belarus”, providing amendments to the law of the Republic of Belarus “On political parties”. Amendments affect article on restriction the financing of political parties, which have been amended four times since 2003. Such frequent amendments to the legislation contradicts the response that was received December 30,2013 by the organizers of public hearings “Improving the legal conditions for the non-profit organizations’ operations” of the Commission of House of Representatives of the National Assembly of Republic of Belarus

© Legal Transformation Center, <http://lawtrend.org>

© Assembly of Pro-Democratic NGOs of Belarus, <http://belngo.info/>

for Human Rights, National Relations and Mass Media. That response reports to the initiators of hearings that “taking into consideration need to respect the principle of stability of the legal system (law of the Republic of Belarus “On amendments and additions to some laws of the Republic of Belarus on the issue of political parties and other public associations operation” is going to be entered into force in February 2014) consider further amendments to the legislation in mentioned sphere is currently unreasonable”.

Since April 1, 2014 the Council of Ministers of the Republic of Belarus Resolution of 25.03.2014 № 255 "On the establishment of the amount of the baseline values" the baseline values increased from 130 thousand to 150 thousand rubles, accordingly, increased the amount of the state duty for registration of non-profit organizations, amendments of their charters, the minimum property payment to the foundations.

Practice in the sphere of registration of non-profit organizations

During the monitoring period were found out and fixed refusals to register public associations. In particular, there was a refusal to register public association “Veterans of Chernobyl” made by the decision of the Main Department of Justice of Minsk City Executive Committee № 3 of February 28, 2014, February 14 the same Department of Justice refused to register the public association “Society of extreme expeditions’ support and prevention of emergencies “Polus”. In these two cases, the reasons for refusal to register were claims to the documents those were given by creating organizations to confirm their legal addresses. Registries noted as a violation absence of documents confirming ownership of the premises (there is no article in the legislation about obligatory giving of this kind of documents). It should be noted that the legislation does not contain clear schemes of the content of the documents confirming the legal address, and in many ways the requirements for them are determined only by the practice of registries.

In January, there was a refusal to register Educational public association “Brest Christian Democrats”, made by the decision of the Main Department of Justice of Brest Regional Executive Committee (claims of the registries were on the fact that the name and nature of the activity of the organization indicates that it belongs to religious organizations, while there are multitude of secular public organizations having in their names the word “Christian” in Belarus). There was a refusal to register public associations “Modern Look”, made by the decision of the Ministry of Justice of February 21, 2014 denied the registration of (claims related to registration list of founders).

At the moment, one public association announced its intention to create a political party by conversion of public association according to the legislation: at the VIII special session of the Public Association “Belarusian Slavic Committee” it was decided to transform the public association into of the same name party. Further, the originators of this party claimed that as a result of checking the list of founders they (founders) came under pressure at their workplaces with the aim to make them to refuse to create a party. Thus, the practice of creating parties by conversion of public association reserve all opportunities for restrictive actions of registries, and probably won’t be different from the old-established mechanism of creation of political parties (in Belarus since 2000, when it was registered Conservative Cristian Party of Belarusian People’s Front, none of the fifteen attempts to create a political party wasn’t successful).

The provided by amendments to the legislation centralized character of publishing advertisements about registration of the new public organizations in the appendix to the "Justice Belarus" magazine hasn't led to any difficulties for the newly created organizations.

There was created separate section with information about the scheme of publication of advertisements in the print edition, were given examples of application forms and details of payment at the web-site of this magazine. In this case, the new scheme of the publication looks more orderly and clear than the earlier scheme of publication of advertisements in the newspaper "Republic" and regional editions.

List of newly registered non-profit organizations

During the period of monitoring were registered 22 public associations (most of them have a sporty nature of the activity), 1 foundation and 14 private institutions (excluding private educational institutions).

Public associations:

1. Public association "Belarusian alliance of dancing sport"
2. Brest city public association "Football club "Volga"
3. Gomel city youth public association "Sport-dance club "Dancer"
Международное общественное объединение "Взаимопонимание и помощь"
4. International public association "Vzaimoponimanie i pomosch"
5. Sport public association "Football club "Torpedo" (Minsk)
6. Gomel city public association "City without traffic accidents"
7. Mogilev charitable public association "Nadezda"
8. Public association "Club of dramatic and variety art lovers "Zolotaya maska" (Brest)
9. Youth public association "Federation of Brazilian jujitsu, valetudo and luta-livre" (Minsk)
10. Luninentsk public association "Mini-football sports club "Bazar"
11. Vitebsk public association of table tennis lovers "Antey"
12. Public association "Football club "Kletsk" (Minsk region)
13. Republican public association "Belarusian club of carravaners and tourists travelling by car"
14. Youth public association "Club of cycling and tourism "VeloSlonim"
15. Public association "Vitebsk regional federation of sport-dance"
16. Public association "Club of intellectual communication lovers" (Mogilev)
17. Gomel city youth public association of martial arts "Peresvet"
18. Public association "Sport athletic club Ayaks" (Grodno region)
19. Minsk historical and cultural public association "Grazhinya"

20. Public association “Borisov association of Irish dance”
21. Baranovichy city public association motorcycle club “Western region”
22. Public association of animal protection “Cat in the window” (Minsk)

Foundations:

Local charity foundation “Our Koreletchina”

Institutions:

1. Private informational and consulting institution “Our region”
2. Institution “Center of social dance”
3. Private sport institution “International center of extreme sports”
4. Private social institution “Center of support families and children”
5. Educational and training institution “Center “Meditatsia i pravo”
6. Institution of financial mediation “Fortedena”
7. Scientific and consulting institution “Time for business”
8. Informational and consulting institution “Business logic”
9. Informational and educational institution “Pension case”
10. Social and educational institution “Center of support cancer patients “Vo imia zhizni”
11. Social and cultural institution “Center of initiatives”
12. Informational and training institution “Effective management of building”
13. Institution of nature protection “Ecological sphere”
14. Private consulting and informational institution “Family life and health protection”

Restriction on operations of unregistered organizations

In January Pinsk coordinator of the organizing committee of the party “Belarusian Christian Democracy” Sergei Sukhoverkhov received a notification from public prosecutor's office for operations of unregistered organization with warning of possible institution of criminal proceedings against him for such operations.

January 31 Schuchinsk district executive committee insisted on closing of social institution of benefactor Alexei Shchedrov because of violation of sanitary norms. In 2013 there was commenced a case against Shchedrov under the article 193¹ of the Criminal code (illegal organization of operations of public association, religious organization or foundations or participation in their operations) for the operations of unregistered public association. However, in September 2013, prosecution of the benefactor stopped because he registered a social association “Believe in yourself” legalizing by that its operations. Now shelter for homeless organized by Alexei Shchedrov is again under threat of closing.