



FREEDOM OF ASSOCIATION AND LEGAL CONDITIONS FOR CIVIL SOCIETY ORGANISATIONS IN BELARUS.

Review Period: 2021

Key trends

1. The state has practically annulled the right to freedom of association; there is improper interference with the right to freedom of association both at the stage of establishing CSOs and at the stage of their functioning.
2. Repressive legislation relating to civil society organisations and civil activists was adopted, including the restoration of criminal liability for organising and participating in the activities of unregistered organisations.
3. In practice, there has been constant unprecedented pressure on civil society organisations and their members - administrative and criminal prosecution of civil activists; summons to law enforcement agencies, including financial control bodies; inspections; requests for information; searches in the organisations` premises and at residences of their leadership, employees, and members; blocking websites; recognizing information materials as extremist ones; forcing to make a decision on self-liquidation; mass forced liquidation, etc.
4. The state has created favorable conditions for a small number of pro-government civil society organisations, both at the level of legal regulation and at the level of its practical enforcement, while discriminating against other civil society organisations.
5. Civil society organisations have been discredited by the authorities both in the media (state newspapers and television, propaganda Telegram-channels) and through statements of officials at various levels.
6. There has been a continuing trend of forcing people to become members of pro-government public associations.

New legislation affecting Belarusian civil society organisations

In 2021, a large number of legislative acts were adopted directly relating to Belarusian civil society organisations. In the spring of 2021, a package of repressive laws was urgently adopted that significantly affects the interests of these organisations: revised edition of the Code of Administrative Offences, the Law of the Republic of Belarus “On Preventing the Rehabilitation of Nazism”, the Law of the Republic of Belarus “On Amending Laws on Countering Extremism”, the Law “On amendments to the Law of the Republic of Belarus “On Mass Events in the Republic of Belarus”, etc.¹ Amendments to the provisions of the Criminal Code on extremist activities were made several times during 2021.

Regulations related to the annual reporting of public associations and foundations, receipt and use of foreign gratuitous assistance, and the lease benefits to non-profit organisations were amended.

Legislative acts were also adopted to create more favourable conditions for specific NPOs. Thus, the Law of the Republic of Belarus dated 31 December 2021 “On the Republican Budget for 2022” provides for direct state funding on a non-competitive basis only for some pro-government NPOs: the Public Association *Union of Writers of Belarus*, the Public Association *Belarusian Republican Youth Union*. Also, this law envisages that funds from the republican budget can be allocated to public associations by the decision of the President of the Republic of Belarus. Decree of the President of the Republic of Belarus No. 521 dated 31 December 2021 extended state funding of the public association *Belarusian Republican Youth Union* until 2024. Notably, in the decree, information on these expenses is classified as “restricted”.

Legal framework for participation in decision-making changed. On 15 December 2021, a system of public inspectors of the State Control Committee (SCC) was introduced in Belarus. This is provided for by Presidential Decree No. 339 dated 10 September 2021. According to the decree, public inspectors assist in carrying out analytical and supervising activities, in the implementation of other tasks and functions assigned to the SCC bodies. The Federation of Trade Unions of Belarus, other public associations have the right to propose their members as public inspectors to the SCC bodies.

Despite the large number of legislative acts affecting the interests of NGOs have been adopted, there has no information on the further development and adoption of the important ones which were included in the plans for draft laws preparation in 2019 and 2020, such as the Law of the Republic of Belarus “On State Registration and Liquidation (termination of activities) of economic entities”, the Law of the Republic of Belarus “On amendments to the

¹ Lawtrend and Belarusian Helsinki Committee`s experts prepared an [analysis](#) of these legislative acts.

laws on the activities of political parties and other public associations”, the Law of the Republic of Belarus “On Volunteer Activities.”

Alexander Lukashenko has repeatedly stated the need for legislative regulation of civil society. Thus, in October 2021, [he said](#), at a meeting with the presidential administration, that it was necessary to adopt a law that would determine which the organisations to be counted as civil society.

Legal framework for counter extremist activity

On 14 May 2021, the Law “On Amending Laws on Countering Extremism” was signed, which entered into force on 14 June 2021.

This law significantly expanded the concept of extremism (extremist activities). In accordance with the law, there is responsibility not only for organising, preparing, and committing attacks on independence, territorial integrity, sovereignty, the foundations of the constitutional order, and public security, but also for planning these activities. Notably, these activities can be carried out, inter alia, through: (1) facilitating extremist activities, undergoing training or other preparing for participation in the activities; (2) disseminating deliberately false information about the political, economic, social, military or international situation of the Republic of Belarus, the legal status of citizens in the Republic of Belarus to discredit the Republic of Belarus; (3) insulting a state agent in connection with the performance of his official duties and discrediting public authorities and administration; (4) inciting racial, national, religious, or other social enmity or discord, political or ideological enmity or discord against any social group, including committing, for these purposes, wrongful acts against public order and public morality, the order of government, life and health, personal freedom, honour and dignity of a person, property; obstructing legal activities of state bodies, etc.

A broad and vague definition of ‘an extremist organisation’ was also introduced. Extremist organisations include not only ones that carry out extremist activity or fund it, but also those providing other assistance to extremist activity, or recognizing the possibility to conduct extremist activities. If an organisation registered in Belarus is recognized to be an extremist one, its activity in the territory of the Republic of Belarus is prohibited and it must be liquidated on the basis of a court decision. A decision on recognizing as an extremist organisation can be taken by both the Supreme Court upon the application of the Prosecutor General, and the regional courts, the court of the City of Minsk upon the appeals of relevant prosecutors. The organisation's property may be seized. The law prohibits the use of symbols and attributes of such an organisation. Article 423-1, providing for punishment up to three-year imprisonment

for non-execution of a court decision on recognizing an organisation as extremist one, was included into the Criminal Code of the Republic of Belarus.

The law also introduced the term 'extremist formation'; its most important difference from 'extremist organisation' is that an extremist formation can be non-registered and can be recognized as extremist one extrajudicially, by the Ministry of Internal Affairs or the State Security Committee.

On 15 October 2021, the Resolution of the Council of Ministers of the Republic of Belarus No. 575 "On measures to counter extremism and rehabilitation of Nazism" came into force. In accordance with the law and the resolution, the Ministry of Internal Affairs is entrusted to maintain the list of organisations, formations, individual entrepreneurs, as well as the list of citizens of the Republic of Belarus, foreign citizens, or stateless persons involved in extremist activities.

On 31 December 2021, [amendments to the Criminal Code](#) came into force, in particular Art. 361 criminalising calling for restrictive measures (sanctions).

Legal developments regarding foreign gratuitous aid

On 8 November 2021, Alexander Lukashenko signed the Decree No. 7, entering into force on 10 February 2022, to amend the Decree No. 3 of 25 May 2020 "On foreign gratuitous aid." According to the new decree, the concepts of "sender of foreign gratuitous aid" and "foreign anonymous donor" were extended. Thus, the new decree counts citizens of the Republic of Belarus permanently staying outside the Republic of Belarus for more than 183 days during the 12 months preceding the month of providing the aid as senders of foreign gratuitous aid. The decree also contains a very broad formulation "foreign anonymous donor." Based on this formulation, foreign anonymous donors include not only persons who provide donations through non-resident banks, but also any persons who did not indicate in a payment document the information that allows them to be identified and persons indicated inaccurate information. Thus, the decree effectively classified any anonymous donation received by a non-profit organisation as foreign aid, which must be registered with the Department of Humanitarian Affairs. Moreover, owing to this broad formulation, non-profit organisations are effectively placed in the position of supervisory bodies enforced to verify information about all persons who made voluntary donations to them, although it is often technically impossible in practice.

Legal developments relating the reporting of public associations and foundations

On 7 December 2021, the Ministry of Justice of the Republic of Belarus adopted the

Resolution No. 209 “On Amending the Resolution of the Ministry of Justice of the Republic of Belarus of 30 October 2020 No. 153-1” (“On Information on the Activities of Public Associations and Foundations”).

The new resolution extended the already excessive list of information that public associations and foundations must make public. In accordance with the adopted resolution, public associations and foundations are required to publish information on all the events they held during a year, indicating the purpose and content of the event, as well as their participants, including journalists, bloggers, and social network community moderators. Requirements for information on receipt and expenditure of funds and other property were also extended. As a result, the reporting on receipt of funds and other property must contain the information on receipts from foreign and international organisations indicating data on these organisations, although it is technically impossible in practice.²

Reduction of the list of NPOs with lease benefits

The list of public associations and foundations for which a reduction factor of 0.1 to base rates to be applied for renting real estate was reduced twice in 2021.

The first time the list of NPOs with rental benefits was reduced on 30 March 2021. At that time, the list was almost halved. The list excluded, for example, such organisations as the Association of Non-Commercial Organisations to Combat the HIV/AIDS Epidemic *BelSet AntiAIDS*, the Belarusian Public Association *Rest in the Village*, the Belarusian Public Association of Those with Ostomy, the Charitable Public Association *Together for a Better Future*, the Charitable Public Association *World without Borders*, the Vitebsk City Public Women`s Association *Ulyana*, the International Public Charitable Association *See with Heart*, the International Public Association *Understanding*, the Public Association *Republican Association of Wheelchair Users*, Republican Public Association *Belarusian Association of UNESCO Clubs*, the Republican Public Association *Mothers Against Drugs*, the Republican Youth Public Association *League of Voluntary Labour of Youth*, the Belarusian Association for Assistance to Disabled Children and Young People with Disabilities.

On 27 December 2021, the Decree of the Council of Ministers of the Republic of Belarus No. 761 “On amending the Decree of the Council of Ministers of the Republic of Belarus of 30 April 2013 No. 327”, to enter into force on 30 March 2022, was adopted. It once again [significantly reduced](#) the list of organisations that have lease benefits. It determined that only 23 Belarusian

² More detailed analysis of the Decree is available on the Lawtrend website.
<https://www.lawtrend.org/freedom-of-association/change-zakonodatelstva-ob-inostrannoj-bezvozmездnoj-pomoshhi>

non-profit organisations can use the benefits (before this, 103 NPOs were granted lease benefits; at the moment the initial Decree was adopted in 2010, there were 500 those NPOs; earlier, before the introduction of the list, all public associations had the lease benefits).³

Criminal liability for organising and participating in the activities of an unregistered organisation

On 21 December 2021, the lower house of the Belarusian parliament adopted in two readings at once [a law](#) restoring criminal liability for organising and participating in the activities of the organisations without state registration. According to this decision, the infamous article 193-1, previously criticised by Belarusian and international organisations as not meeting human rights standards and abolished in July 2019, was returned to the Criminal Code.

The article covers organising and participating in the activities of unregistered public associations, including political parties, trade unions, religious organisations, and foundations.

The content of the new article 193-1 is almost identical to the one before 2019. The same punishment was restored as in the previous edition of Article 193-1: a fine, or arrest for up to three months, or imprisonment for up to two years. The only novelty is the provision that the current Article 193-1 not to be applied in cases of applying more severe Article 423-1 of the Criminal Code relating to non-execution of decisions to suspend and to liquidate the organisations deemed extremist.

In 2011, the Venice Commission of the Council of Europe, in its [special opinion on Article 193-1 of the Criminal Code of Belarus](#), stated that ‘merely by its existence, Article 193-1 has a chilling effect on the activities of NGOs’ and that ‘the restriction is so severe that it not only restricts freedom of association but also freedom of opinion and expression to a unjustifiable degree.’

Law enforcement practice

[According to a survey](#) conducted by *Lawtrend* in cooperation with OEEK and BHC in 2021, civil society organizations were subjected to various forms of pressure. More than half of 97 civil society organizations participated in the survey (61.9%) reported that it was decided to force them to liquidate. In 33 organizations (34%), searches were conducted, 30 ones (30.9%) were inspected by the registration authority. Financial authorities requested information from 21 organizations. 22 organizations (22.7%) were audited by financial authorities, such as tax

³ More detailed analysis of the Decree is available on the Lawtrend website. <https://www.lawtrend.org/freedom-of-association/izmenenie-zakonodatelstva-ob-otchetnosti-dlya-obshhestvennyh-obedinenij-i-fondov>

offices, the Financial Investigation Department (DIR), or the State Control Committee (SCC). 19 organizations (19.6%) received written warnings. A third of organizations (35.1%) noted other forms of pressure from the authorities, such as inspections by the Department for Humanitarian Affairs of the Office of the President, by the Ministry of Emergency Situations; seizure or blockage of accounts; searches in their leadership and employees` residences; seizure of equipment, data storage devices, and documentation; office sealing; summons of employees for interrogations and preventive conversations; arrests of employees; threats from security agencies; discrediting in the media; website access blocking; refusals to register projects; coercion to self-liquidation.

Interference in the activities of civil society organizations

Article 6 of the Law of the Republic of Belarus 'On Public Associations' prohibits the interference of state bodies and officials in the activities of public associations, excepting the cases provided for by the law. Notably, 2021 has been marked by a large number of cases of improper state bodies interference in the activities of civil society organizations.

In 2021, Belarusian civil society organizations faced two unprecedented waves of searches in their leaders, employees, members, and volunteers` residences. The grounds for conducting the searches were often not explained, and protocols of seizure were not presented, despite equipment, means of communication, documentation, money, and personal belongings being seized. The first wave of searches at Belarusian human rights activists` homes and in human rights organizations headquarters were on 16 February 2021. The premises of the Belarusian Association of Journalists (BAJ) and its employees, as well as members of the REP trade union, *Viasna`*s human rights activists (including members of its Mogilev branch Aleksey Kolchin and Boris Bukhel, coordinator of the campaign *Human rights activists against the death penalty in Belarus* Andrei Poluda, leader of its Mozyr branch Vladimir Telepun, leader of its Svetlogorsk branch Elena Maslyukova and others) were raided. A search was also carried out at the home of Dmitry Solovyov, a *Viasna* human rights activist, who was detained and placed in custody in the administrative case and was subsequently released on his own recognisance. [According to the Investigative Committee](#), "within a preliminary investigation to establish the circumstances of funding protest activities, the investigators initiated searches in the organizations that position themselves as human rights ones." In total, at least 90 searches were conducted across the country.

On 14-16 July 2021, the second [wave of searches](#) affected various civil society organizations, their leadership, members, and employees. Searches were carried out in such well-known Belarusian organizations as the Human Rights Center *Viasna*, the Belarusian Association of Journalists, the Belarusian Helsinki Committee, the Center for Legal Transformation, *Names*,

the Movement *For Freedom* and many others. On 15 July 2021, those were the public associations *Tell the Truth*, the *Francišak Skaryna Belarusian Language Society*, and the *Civil Forum*. On July 16, homes of *Legal Initiative* leader Viktoria Fedorova, member of the Board of this organization Galina Ustinova, member of the organization Yevgeny Pugach, the Public Association *Ekodom* leader Marina Dubina, chair of the *Francišak Skaryna Belarusian Language Society* Alena Anisim, the Belarusian language course *Mova Nanova* manager Gleb Lobodenko, and the office of the human rights organization *TimeAct* were searched. Most of the organizations raided on 14-16 July 2021 were forcibly liquidated afterwards.

In addition to the mass searches, throughout 2021, targeted searches were conducted in civil society organizations and their representatives' residences. So, on 6 April 2021, security officials [raided](#) the apartment of *Human Constanta* team member and member of the Supervisory Board of the Office for the Rights of People with Disabilities Enira Bronitskaya and her parents' one. The official reason for the search was a criminal case over mass riots. However, according to Bronitskaya, the officials said that the true reason for their actions was the activities of the International Committee for the Investigation of Torture in Belarus. Prior to this, representatives of the Public Association *Legal Initiative* stated that, on 3 April 2021, a volunteer of the International Committee for the Investigation of Torture in Belarus, having served an administrative arrest, became a suspect in a criminal case under Part 1 of Art. 342 (Organizing and preparing actions grossly violating public order, or actively participating in them) of the Criminal Code of the Republic of Belarus. They also reported that, while detaining and searching, the volunteer was tortured in order to gain access to his computer equipment and mobile phone.

In early March 2021, the Investigative Committee of the Republic of Belarus announced the initiation of a criminal case into the activities of the Human Rights Centre *Viasna*. A wave of searches and interrogations of members of this human rights organization, journalists, and activists swept the country. Searches related to this case continued throughout 2021. So, [according to the Human Rights Center Viasna](#), on 1 December 2021 and in the following days, more than twenty volunteers' homes were raided, then the people were detained, interrogated, and forced to sign non-disclosure agreements.

Another common way of pressure on civil society organizations in 2021 was inspections by financial and registration authorities, requests for information, summons to financial control bodies and local authorities for preventive conversations, and requests for tax returns from civic activists to explain the difference between their incomes and expenses. In the winter of 2021, the Department of Financial Investigations (DFI) made an inspection of the Socio-Cultural Establishment *Kryly Khalopa Theatre*. In addition, it was inspected by the Ministry of

Emergency Situations (the Establishment was fined 20 basic units for non-compliance with fire prevention regulations); an asset and income declaration was requested from head of the cultural space, Oksana Gaiko. A number of inspections were carried out in [the Grodno Children's Hospice](#), including one by the Department of Financial Investigations; the organization was deprived of its rented premises, its medical equipment was seized, and its leader was detained. Many of the organizations that underwent such inspections were subsequently forcibly liquidated.

In May 2021, mass inspections of public associations and foundations by justice departments added to the ones by the financial control authorities: a number of non-profit organizations received requests to provide documents. The requests concerned international, republican, and regional public associations of the various kinds: the Educational Public Association *Lev Sapega Foundation*, the Belarusian Association of Journalists, the Republican Public Association *Belarusian PEN Center*, the Public Association *Ecodom*, the Educational and Social Public Association *Zveno*, the *Francišak Skaryna Belarusian Language Society*, the Public Association *The Third Sector Centre for Information Support of Public Initiatives*, the World Association of Belarusians *Bačkaŭščyna*, and many others. At the same time, judicial authorities requested a huge number of documents from public associations and foundations. The situation was aggravated by the fact that registration authorities inspections are not to be regulated by law: there is no regulation for the procedure for inspections, their timing, and timing for providing information. An analysis of the documentation required has shown that these requests for information constituted an improper interference in the activities of public associations and foundations and significantly exceeded the competence of the registration authorities. The request list from public associations and foundations contained internal documents, such as contracts with individuals and other persons, e-mails, information on donors, and lists of public associations members indicating their personal data. Despite the fact that, under the Law "On Public Associations", the registration authorities do not exercise control over financial and economic activities of public associations, a large number of the requested documents were related to financial activities of public associations, in particular, receipt and expenditure of gratuitous aid. Tellingly, these requests for information, despite the wide range of requested documents, were rarely named 'inspections' by the registration authorities. More often, the requests for documents were called 'monitoring' or 'a request for information'. So, on the website of the Minsk city government's department of justice, there have been five public associations submitted for liquidation in the second half of 2021, but only one public association was [reportedly inspected](#) during this period. Most of the public associations that had been requested for information received written warnings and were then forcibly liquidated. Notably, the decisions to issue them a written warning and to liquidate them

were made regardless of whether the public association had provided the requested documents and to what extent.

The right of public associations to disseminate information has been blocked. The common reasons for liquidation of non-profit organizations have been the dissemination of misinformation aimed at spreading destructive public sentiment, publication of calls for economic and political pressure on the country and for other actions against national security, including through websites.

On 4 November 2021, the websites of several Belarus` public associations, to which were decided to be forcibly liquidated, have been blocked:

- zbsb.org (the World Association of Belarusians *Bačkaŭščyna*)
- perspektyva.org (*Perspective*)
- penbelarus.org (*Belarusian PEN Centre*)
- lit-bel.org (the Union of Belarusian Writers)
- baj.by (the Belarusian Association of Journalists)
- ecohome-ngo.by (*Ecodom*)
- icomos-belarus.by (Belarusian ICOMOS Committee)

Administrative and criminal prosecution

In 2021, the trend of administrative and criminal prosecution of representatives of civil society organizations, which began in the fall of 2020, continued. At the same time, a new trend of 2021 was the initiation of criminal cases after administrative arrests. For example, a criminal case under Art. 342 of the Criminal Code of the Republic of Belarus (organizing and preparing actions grossly violating public order, or actively participating in them) was initiated against cultural figure, [founder of *symbal.by* and Art Shadziba Pavel Belous](#), after three his administrative arrests; his residence was searched and his equipment was seized; he was placed in detention and [recognized a political prisoner](#).

[At least two cases](#) of bringing to administrative responsibility for organizing and participating in the activities of an unregistered organization were recorded: in relation to the initiator of the charity project *lozhyk* established to pay food packages for victims of repression and also in relation to leader of *the Belaruskaliy* strike committee Anatoly Bokun.

During the monitoring period, criminal cases were initiated against representatives of a number of civil society organizations, such as the Office for the Rights of People with Disabilities, the *Viasna* Human Rights Centre, the Belarus` Press Club, the Union of Poles in Belarus, SIMPA, the Public Association *Radislava*, etc.

In accordance with the criminal law provisions and law enforcement practice, a number of articles of the Criminal Code can be applied to the leadership and members of CSOs, primarily those relating to extremist activity, such as Art. 361-1 (creating an extremist formation or participating in it), Art. 361-2 (funding extremist activities), Art. 361-4 (assisting to extremist activities), Art. 361-5 (training or other preparing for participation in extremist activities); relating to tax law, in particular Art. 243 (taxes, fees evasion) and Art. 243-1 (evasion of the duties of a tax agent to transfer taxes, fees); relating to the legislation on mass events, in particular Art. 369-3 (public calling for organizing or holding an illegal assembly, rally, street procession, demonstration, or picketing or involving persons in the participation in these mass events), etc.

On 21 January 2021, information appeared on the website of the State Control Committee that the Department of Financial Investigations of the State Control Committee (DFI KCC) was conducting an audit, under the procedure prescribed by the Code for Criminal Procedure of the Republic of Belarus, against employees of the Educational Human Rights Establishment *Office for the Rights of People with Disabilities* and other persons relating to alleged misappropriation funds, in the period from 2020 to the present, received by the establishment as charitable contributions and international aid for the purpose to provide assistance to citizens of the Republic of Belarus with disabilities. Leader of the organization Sergei Drozdovsky and its lawyer Oleg Grablevsky were taken to the DFI. Documentation and all equipment were seized from the office of the organization. A search was also carried out at the organization's accountant Tatyana Krishtal's home, whose equipment was also seized; unknown people tried to get into the apartment of former deputy leader of the organization Mikhail Matskevich.

On 2 February 2021, representatives of the Office for the Rights of People with Disabilities were resummoned, after interrogation on 21 January 2021, to the Department of Financial Investigations of the State Control Committee, where, according to their statement, they were being subjected to cruel and degrading treatment for seven hours. They made public in the media the circumstances of the treatment, and the next day they were detained, in fact for providing legal assistance and contributing to finding lawyers in cooperation with the UN Office in Belarus. The lawyer of the Office was placed into custody, and its leader under house arrest. They were both charged under Art. 209 (part 2) of the Criminal Code (Fraud committed by a group of persons). The issue of the criminal prosecution of the representatives of the Office for the Rights of Persons with Disabilities was raised in the UN Secretary General's autumn report. In response, on 12 October 2021, the Belarusian Foreign Ministry [issued a statement](#) on the misuse of funds by the staff of the UN Office in Belarus. On 31 July 2021, Sergei Drozdovsky and Oleg Grablevsky were released under personal guaranty, and then had to

flee from the Republic of Belarus. [According to Sergei Drozdovsky](#), the Investigative Committee "is conducting another investigation into the activities of the Office itself and its financial component."

On 10 March 2021, [a criminal case was initiated](#) under Art. 130(3) of the Criminal Code over deliberate actions aimed at inciting hostility as of national, religious, linguistic affiliation and deliberate actions to rehabilitate Nazism committed by a group of persons. Investigation started in the Polish educational centres in Brest, Grodno, Baranovichi, and Volkovysk. On 23 March 2021, Anzhelika Borys, chairperson of the Union of Poles in Belarus, was detained in Grodno. A police report was filed against her for organizing an unauthorised mass event, the unofficial Kazyuki holiday, and then she was arrested for 15 days. Later, it became known that she was charged under Art. 130(3) of the Criminal Code for inciting hatred and rehabilitating Nazism; she was placed in custody. On 25 March 2021, journalist and member of the Union Andrei Pochobut was detained in Grodno and also charged under Art. 130(3) of the Criminal Code. Anna Panisheva, Maria Tishkovskaya, and Irena Bernatskaya, arrested after searches in the framework of the same criminal case, were subsequently released and went to Poland.

On 26 March 2021, a criminal case under Art. 130(3) of the Criminal Code was also filed against leader of the Establishment *Centre for City Life* Pavel Mozheiko, artist Ales Pushkin, and others. According to the prosecutor's office, the reason for it was the demonstrating, on 19 March 2021, a portrait of Yevgeny Zhykhar, 'a unit leader of policemen and other traitors collaborated with German fascists, with a machine gun on his shoulder' at an exhibition of paintings by Ales Pushkin. Later, Pavel Mozheiko was released as "there were no grounds for detention."

On 5 April 2021, the *Zveno* Public Association was raided, as well as homes of human rights activist Tatiana Gatsura-Yavorskaya, activists Natalya Trenina and Yulia Semenchenko. Five activists were detained who were related to the exhibition *The Machine Breathes, But I Don't* dedicated to Belarusian doctors facing the actual challenges - COVID-19 pandemic and politicization of the healthcare system. All the five were tried in an administrative case and found guilty of disobeying a lawful order or a demand from law enforcement officials. At the same time, the General Directorate to Combat Organized Crime And Corruption (GUBOPiK) of the Ministry of Internal Affairs officers [interrogated and beat up](#) Tatiana Gatsura-Yavorskaya's husband, a well-known human rights activist citizen of Ukraine Volodymyr Yavorsky, who, under the threat of deportation, had to leave Belarus with an entry ban for ten years. Later, Gatsura-Yavorskaya was detained in a criminal case and released after nine days [without charge](#). Yulia Semenchenko was [detained](#) again by GUBOPiK officers after the search on 3 December 2021. After a police report under Article 19.1 of the Code of Administrative

Offences (petty hooliganism) was filed against her in the Leninsky District Police Department, she was arrested for 14 days.

In April 2021, [the Minsk Department of the Investigative Committee](#) opened a criminal case in relation to Aleksei Leonchik and Andrei Strizhak, co-founders of *BY_help* and *BYSOL* initiatives. The investigators allegedly revealed the facts of their transferring money through other persons to use them in the criminal activities of A. Aleksandrov and I. Zlobina, the accused a criminal under Parts 1 and 2 of Art. 342 of the Criminal Code of the Republic of Belarus. After that, this money was used to pay fines for administrative offences of participants in unauthorised mass events. The Investigative Committee noted, this "criminal activity was carried out on a systematic basis." Aleksey Leonchik and Andrey Strizhak were charged under Part 2 of Art. 342 (Other training persons for participation in group actions grossly violating public order) and Art. 361-2 (Funding the activities of an extremist group) of the Criminal Code of the Republic of Belarus. They were also put on the international wanted list. People who received money from the *BY_help* initiative after the 2020 August protests were massively summoned for interrogations to the Investigative Committee and DFI as witnesses in the criminal case.

On 28 June 2021, Tatyana Kuzina, a member of the Council and co-founder of the School of Young Managers for Public Administration *Sympa*, an expert of the *Bipart* research project, was detained. She [was charged](#) under Art. 357(1) (conspiracy or other actions committed with the aim of seizing or holding state power in an unconstitutional way) and Art. 361(3) (calling for action aimed at causing harm to the national security of the Republic of Belarus using the media or the Internet).

After raids on 14 July 2021, [leaders](#) of the Human Rights Center *Viasna* [were detained](#) and, on 16 July, placed in custody, that is Chairperson Ales Byalyatsky, the Board member Valentin Stefanovich, lawyer, coordinator of the campaign *Human Rights Defenders for Free Elections* Vladimir Labkovich, as well as his wife, executive director for the investor association Nina Labkovich (released ten days later). Several other members of the organisation, Alena Laptinok, Sergei Sys, Viktor Sazonov, Oleg Matskevich, Andrei Poluda, Alexander Kaputsky, and Yevgenia Babayeva were detained for various periods. Ales Bialiatski, Valentin Stefanovich, and Vladimir Labkovich are currently being held in jail. The grounds for bringing them to criminal responsibility was the fact that they led an unregistered organisation. The accusation was based on the fact that *Viasna* continued its activities in the territory of the Republic of Belarus after its liquidation in 2003 by the decision of the Supreme Court, including providing work and services with paying material reward. According to a prosecutor, the leadership of *Viasna*, without having registered the organisation, concealed from the tax

authorities the information about the payments made and avoided recognizing the organisation as a tax agent. Notably, in 2007, the UN Human Rights Committee deemed that, with the dissolution of the human rights centre *Viasna*, the Belarusian authorities violated the right to freedom of association. Several attempts to register the organisation resulted in official denials.

Other *Viasna*'s activists are also kept in detention, including volunteer service coordinator Marfa Rabkova [charged](#) under 11 articles of the Criminal Code, volunteer Andrei Chepyuk [charged](#) under two articles of the Criminal Code. Chairperson of its Gomel branch Leonid Sudalenko and volunteer Tatyana Lasitsa [were sentenced](#) respectively to three years and two and a half years of imprisonment in a general regime penal colony under Art. 342 of the Criminal Code (Organizing and preparing actions grossly violating public order, or actively participating in them).

On 4 August 2021, after a search, Belarusian philosopher and methodologist, public and political figure, one of the founders of *the Flying University* and the *EuroBelarus Consortium* Vladimir Matskevich was detained. He [was charged](#) under Art. 342 of the Criminal Code (Organising and preparing actions grossly violating public order, or actively participating in them). The same day, after a search, Tatyana Vodolazhskaya, a senior analyst at *the Centre for European Transformation*, an expert of the analytical group for *the Agency for Humanitarian Technologies*, curator of *the Flying University*, was detained for ten days in a criminal case. The residence of Oksana Shelest, a senior analyst at *the Centre for European Transformation*, an expert of the analytical group for *the Agency for Humanitarian Technologies*, and public person Vlad Velichko was raided as well.

On 9 November 2021, Olga Gorbunova, a women's rights activist, former leader and then a member of the Board of the *Radislava* Public Association, who has been dealing with assistance to domestic violence victims for many years, was detained. She [was charged](#) under Art. 293(1) (Organising riots), Art. 293(2) (Participating in riots), Art. 293(3) (Training or other preparing persons for the participation in mass riots, or funding this activity), and Art. 342 (Organising and preparing actions grossly violating public order, or actively participating in them) of the Criminal Code.

Liquidation of non-profit organisations

Since the beginning of the year, there have been some cases of liquidation of non-profit organisations. On 26 January 2021, the Minsk Region Court decided to liquidate *the New Castalia* Educational Public Association.

In late April, the Grodno prosecutor's office [filed a lawsuit](#) to the economic court to liquidate *the Centre for City Life*, the founder of which is Pavel Mazheiko charged under Art. 130(3) of the Criminal Code (Inciting racial, national, religious or other social enmity or discord, rehabilitating Nazism committed by a group of persons). Earlier, another regional NPO [was liquidated](#), a Charitable Establishment *Poleskaya Dobrota* providing charitable assistance to victims of repression. In May and June 2021, the Ministry of Justice of the Republic of Belarus [filed applications](#) to the Supreme Court of the Republic of Belarus to liquidate the Republican Public Association *Analytical Centre Strategy* and the Belarusian Association of Women Lawyers.

As of the end of July 2021, it became known from the Unified State Register of Legal Entities and Individual Entrepreneurs that more than 50 establishments in Minsk and regions were decided to forcibly liquidate. Subsequently, a wave of the liquidations swept across Belarus. The reason for the forced liquidation of most establishments was the inconsistency of their activities with the goals and subject of activities specified in their charters. For this reason, establishments are liquidated extrajudicially, under a simplified procedure. In fact, only one establishment out of all ones, the Centre for City Life, was liquidated by the court decision. In most cases, founders of the establishments have not even known which specific activities “ had not corresponded to the goals and subject of activities specified in the Charter,” since the registration authorities have not considered it necessary to inform them, even after their relevant written requests.

Some of the liquidated establishments have learned the grounds for their liquidation only from information published in the state media, on websites or in telegram channels of the state bodies, such as prosecutor's offices. For example, the Brest prosecutor's office [provided information](#) on the grounds for the liquidation of six establishments in Brest, that is the Educational Social and Information Establishment *EQUALITY and JUSTICE*, the Cultural and Educational Establishment *Brestskiy Aasis*, the Cultural and Educational Establishment *European Brama*, the Information and Consulting Establishment *Propus Agency*, the Private Educational Social and Information Establishment *For Your City*, the Information and Consulting Establishment *Dziedzic Regional Development Agency*. The grounds for their liquidation were, in particular, carrying out the activities increasing tension in society, contributing to creation of an atmosphere of distrust to the competent state bodies, encouraging aggression, and posting on social networks information aimed at inciting hatred on the basis of professional status, videos promoting among citizens an approving attitude towards unlawful activities. On 3 August 2021, the press service of the General Prosecutor's Office [reported](#) that, on the proposal of the Minsk City Prosecutor's Office, the Main Department of Justice of the Minsk City Government liquidated four human rights

establishments, such as the *Human Constanta* Consulting Centre on Current International Practices and Their Implementation in Law, the Centre for the Promotion of Women's Rights, the Office for Rights of People with Disabilities and the Centre for Legal Transformation. The reasons for this were posting on their websites misinformation aimed at spreading destructive sentiment in society, publishing calls for economic and political pressure on the country and for other actions to harm national security.

Simultaneously with the liquidation of establishments, it became known that lawsuits had been filed for forced liquidation of a number of the oldest and largest Belarus` public associations and foundations, such as the Belarusian Association of Journalists, the Public Association *Ecodom*, the Belarusian PEN Center, the Belarusian Helsinki Committee, the Francišak Skaryna Belarusian Language Society, the World Association of Belarusians *Bačkaŭščyna*, the Belarusian School Society, the Union of Belarusian Writers, the Gomel Youth Local History Public Association *Talaka*, the Foundation *Dobra* managing the competition of social projects *Social Weekend*, and others. Since July 2021, litigations have been going on throughout the country to liquidate public associations and foundations of various kinds (sports, social, cultural, educational, environmental, etc.).

The reasons for lawsuits to liquidate public associations and foundations can be conveniently classified into four groups:

(1) Non-providing or fractional providing the documents required by the registration authority in a written request (or failure to eliminate this violation after a written warning). Notably, in most cases, both registration authorities and courts have ignored communications from non-profit organisations on the impossibility of providing a huge number of documents within a too short time frame and their requests for a delay, as well as NGOs` communications on the impossibility to provide documents due to searches and seizures or their keeping in the sealed offices.

(2) Violating the reporting requirement introduced since 2020 as part of counter terrorism and money laundering that is improper interference in the activities of non-profit organizations. In this case, the grounds have been able to be such insignificant violations as a slight delay in submitting reports.

(3) Other minor violations of the law, for example, related to the placement of legal addresses of a public association or its organisational structures, a slight change in frequency of convening meetings of a supreme body.

(4) Carrying out extremist activities by an organisation or its leadership or its members, including disseminating information that discredits the Republic of Belarus, organising actions aimed at funding protests, and organising actions grossly violating public order. At the same time, many public associations have been liquidated on the basis of directions or departmental information from law enforcement agencies (GUBOPik, DFI, etc.). In documents of the cases in court of some public associations liquidated on similar grounds, there has been departmental information marked “restricted”, which has not been available to the associations. Unlike the first three reasons, such a serious reason as conducting extremist activities has been used as a ground for the forced liquidation for the first time in Belarus.

The recent practice of forced liquidation of public associations in Belarus has not been based on the law and charters of public associations. According to charters of the majority of public associations, only the body that made a decision on liquidation can establish a liquidation commission, to which, after the decision on liquidation was made, all the powers to carry out actions related to liquidation shall be delegated. This norm complies with the provisions of the Civil Code of the Republic of Belarus. However, while many public associations were being liquidated, liquidation commissions were not established by the body that decided on liquidation. The registering authorities, replying to the requests from the public associations, proposed to establish a liquidation commission to representatives of the organisation, or to its governing body, or to its supreme body. Thus, the organisations forcibly liquidated have been pushed by the authorities to violate the law.

The very process of liquidation of NPOs has been also complicated by the fact that some of them simply could not be liquidated, due to the fact that their documentation was taken away as a result of raids, for example by the Investigative Committee, or they did not have access to their documents due to their premises were sealed.

As of 1 January 2022, according to [the data of the monitoring](#) conducted by *Lawtrend* together with the OEEC, 306 Belarus` non-profit organisations were in the process of forced liquidation either through litigation, or through compulsory exclusion from the Unified State Register of Legal Entities or Individual Entrepreneurs.

There was an obvious increase in the number of non-profit organisations that made a voluntary decision to liquidate. First of all, this trend directly affects local organisations of various kinds, primarily social ones. Notably, NGOs most often made a decision on their liquidation due to these pressure factors: (1) general socio-political situation in the country; (2) potential threats, pressure, and forced liquidation in the future, taking into account the situation with activists and NGOs in Belarus; (3) directly the authorities` actions against an organisation. By 1

January 2022, 186 cases of the adoption of a decision on self-liquidation by non-profit organisations [were recorded](#), based on the analysis of official information sources for the period of September 2020-December 2021.

Discrediting civil society organisations by the authorities

The Belarusian authorities have pursued a deliberate policy of discrediting civil society organisations in the media, for example, the newspaper of the presidential administration *Belarus Segodnya* published a number of articles aimed at discrediting civil society organisations.

There has been a constant discrediting of civil society organisations through official statements at various levels.

In April 2021, minister of foreign affairs of Belarus Vladimir Makei [announced](#) future destroying civil society in the event of strengthening sanctions, at a [meeting](#) on optimising the Belarusian foreign establishments network and on topical issues of foreign policy; Alexander Lukashenko ordered to deal with “all dubious associations and establishments,” as well as foundations.

On 30 July 2021, at a [meeting](#) with local authorities activists on the current socio-political situation, he said that the growth in the number of non-profit organisations has been a marker of preparing ‘colour revolutions.’ They have acted according to someone's political interests under the guise of charity and socially important projects. He said that, as a result of the measures taken, 185 destructive structures posing a potential threat to national security were revealed, including a representative office of a foreign non-profit organisation, 71 republican and local public associations, and 113 establishments.

In an interview with a BBC correspondent, Alexander Lukashenko, asked about the mass liquidation of NGOs in the country, [answered](#), “We will cut out all the bastards you funded. Ah, you feel concerned that we destroyed your structures, NPOs, NGOs, and others funded by you [...] those enjoyed your assistance receiving funding from you, and we crushed here some of yours, those you saw here in Minsk; if we didn't liquidate someone, then we will liquidate them in soon.”

In December 2021, at a meeting on countering sanctions, Lukashenko [said](#) that the NGOs liquidated in Belarus would never be re-established. At the same time, according to him, any foundations and organisations can exist in the country, provided that they are engaged in “a concrete business for the good of the motherland.”