



REPRESSION AGAINST NON-PROFIT ORGANISATIONS AND CIVIL SOCIETY ACTIVISTS INVOLVED IN SUPPORTING, PROMOTING, AND PROTECTING WOMEN'S RIGHTS AND GENDER EQUALITY IN BELARUS¹

Review for August 2020-February 2022

1. General Context of the Situation with Gender Organisations in the Republic of Belarus

Gender equality is one of the indicators of the level of democratization and civilization of society. Gender non-profit organisations play an important role in creating and promoting the gender agenda around the world. In this regard, the Convention on the Elimination of All Forms of Discrimination against Women, in Article 7, imposes on the states parties to this Convention the obligation take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, to ensure to women, on equal terms with men, the right to participate in non-governmental organizations and associations concerned with the public and political life of the country.

In Belarus, gender organisations, primarily public organisations promoting women's interests, have been actively appearing since the early 1990s. The activities of such organizations include researching and monitoring of the problems of the female social group, carrying out various information and educational programs, consulting, advocating the gender agenda, including combating violence against women, direct protecting the rights and interests of women and children, etc. As sociologist Anna Shadrina notes, 'at first, it was academic feminism associated with gender studies, then educational and humanitarian initiatives, crisis centers for women victims of violence began to appear. As a result, a fairly large part of society has formed which is able to identify forms of discrimination and resist them, to formulate and to put forward the interests of oppressed groups: women, the LGBT community, people with disabilities. That is, the soil was ripe on which a request for representing the interests and people ready to go to the authorities with this agenda could meet.' At the same time, the situation in the field of freedom of association, the legal status of non-profit organisations, and their persecution, that has been

¹ This study examines non-profit organisations that position themselves as the ones that unite women, provide them with the necessary assistance and support, as well the ones specialising in the protection of women's rights and gender equality, including the protection of the rights of such a vulnerable group as LGBTQ+. Further, for the purposes of this study, the expression "gender organisations" will be used in relation to this entire group of non-profit organisations.

steadily deteriorating in Belarus since 1999, in practice has a negative impact on the process of development of gender organisations and their influence on decision-making. This, in turn, seriously affects discrimination problems in the country.

The implementation of the right to freedom of association in Belarus for many years has been constantly criticised by the Belarusian civil society, as well as by international bodies and organisations. Thus, the Committee on the Elimination of Discrimination against Women, in its [concluding observations](#) on the eighth periodic report of Belarus, expresses its concern about reports that women human rights defenders and politically active women are frequently subjected to repression, harassment, violence, threats of sexual assault, forced institutionalization or threats of institutionalization and deprivation or threats of deprivation of their parental rights. The Committee is concerned that such alleged repressive measures may discourage the participation of women in public discourse and marginalize their voices. Furthermore, the Committee is concerned that the registration procedure for non-governmental organizations is cumbersome, lengthy and costly and involves requirements that may constitute a basis for discriminatory and arbitrary refusal of registration and result in only a small number of women's organizations being registered.

The general socio-political situation in Belarus after the 2020 elections has had an even more negative impact on the situation with gender organisations and female activists of civil society organisations. 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.

[According to a survey](#) conducted by [Lawtrend](#) in cooperation with [OEEC](#) and [BHC](#) in 2021, civil society organisations were subjected to various forms of pressure. More than half of 97 civil society organisations participated in the survey (61.9%), including gender organisations, reported that it was decided to force them to liquidate. In 33 organisations (34%), searches were conducted, 30 ones (30.9%) were inspected by the registering authority. Financial authorities requested information from 21 organisations. 22 organisations (22.7%) were audited by financial authorities, such as tax offices, the Financial Investigation Department (DFR), or the State Control Committee (SCC). 19 organisations (19.6%) received written warnings. A third of organisations (35.1%) noted other forms of pressure from the authorities, such as inspections by the Department for Humanitarian Activities under the Property Management Directorate 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 their employees for interrogations and preventive conversations; arrests of their employees; threats from security agencies; discrediting in the media; website access blocking; refusals to register projects; coercion to self-liquidation.

The increase of repression against gender organisations and female activists was also caused by the active participation of women in political and electoral processes, in the latter primarily as observers, and in protests, including mass women's marches and solidarity chains.

At present, it is quite hard to assess the real scale of repressions against gender organisations and their women representatives, as well as against all women involved in public activities. This is primarily caused by these factors:

1. Some non-profit organisations are not ready to publish facts of pressure against them. First of all, this is typical for the organisations remaining in Belarus in the status of registered organisations, which were subjected to such forms of pressure as inspections, information requests, summons for preventive and explanatory conversations with law enforcement agencies.

2. It is impossible to determine the real number of registered gender organisations in Belarus. Statistical data is published only on the number of registered public associations and foundations. The data on the number of registered non-state establishments and the nature of their activities are not publicly available. At the same time, in Belarus, establishments have been the most popular organisational and legal form of a non-profit organisation over the past 10 years, due to the relatively easy registration procedure compared to the one for public associations and foundations. Thus, among the registered non-state establishments there were the Private Social Information Establishment for Women's Support *Women's Business*, the Private Educational Establishment Centre for the Support of Women's Entrepreneurship *ProWomen By*, the Private Social Information Establishment for Women's Support *Women's House*.

The latest statistics on the number of registered public associations and foundations in the country were published as of 1 January 2021. According to [the Ministry of Justice](#), there were 3021 public associations registered, of which 227 were international, 789 republican, and 2005 local ones.

You can see a list of gender organisations registered in Belarus by 15 March 2022 based on the analysis of the Unified State Register of Legal Entities and Individual Entrepreneurs in Appendix 1.²

3. Despite the ban on the activities of unregistered organisations since 1999, many initiatives, including gender ones, continued their operation in an unregistered status. Information on the number of these organisations and, in some cases, on their activities is also not publicly available. Primarily, this is due to the presence of legal responsibility for organising and participating in the activities of unregistered organisations.

² This list is based on the analysis of public information and, due to the factors described in this review (paragraph 2), may contain incomplete data. At the same time, not all organisations listed are actually operating.

4. A number of organisations that do not position themselves as gender ones implement projects and programs aimed at supporting women and developing their activities. For example, programs on women's activism were realised by the Office of European Expertise and Communication.

5. Taking into account that women constituted the majority in the public activities, such as volunteer, organisational, and social work, they were also persecuted as a result of pressure on any civil society organisations, not focusing on supporting, promoting, and protecting women's rights and gender equality. Upon that, the persecution resulted in both “direct” reprisals - imprisonment, administrative arrests, fines - and “indirect” ones - loss of work or family, forced change of place of residence, etc.

The purpose of this review is to make an initial assessment of the scale of repression against non-profit organisations involved in supporting, promoting, and protecting women's rights and gender equality in Belarus and their female representatives, as well as women activists of any civil society organisations based on publicly available information.

2. General legal framework for the activities of gender organisations in Belarus

Article 36 of the Constitution of the Republic of Belarus guarantees that everyone has the right to freedom of association. The Constitution introduces the only restriction on the exercise of this right - judges, prosecutors, officers of law enforcement agencies, of the State Control Committee, of security agencies, and military personnel must not be members of political parties and other public associations pursuing political agenda.

On 15 March 2022, the amendments to the Constitution of the Republic of Belarus came into force. Under them, the constitutional right to freedom of association is reserved for “everyone”. However, the purpose of founding associations (political parties and other public associations) is defined: implementing and satisfying the political, social, economic, cultural, and other interests of citizens.

Despite the constitutional guarantees for freedom of association for everyone, which in turn, in accordance with international standards, implies an opportunity to form and to join associations for citizens of Belarus, foreign citizens, and stateless persons without any discrimination, as well as legal entities, there have been hundreds of legal acts adopted to regulate the implementation of this right which significantly limit it. Moreover, legislation regulating the status of civil society organisations and the relevant law enforcement practice, since 1999, have been steadily aimed at worsening the situation in the field of freedom of association. The rights of associations and their members to freedom of expression, freedom of assembly, to privacy, and to access to independent courts have been significantly restricted.

The key legal acts regulating the freedom of association in the Republic of Belarus are the Civil Code of the Republic of Belarus, the Criminal Code of the Republic of Belarus, the Law of the Republic of Belarus of 4 October 1994 No. 3254-XII "On Public Associations," the Edict of the President of the Republic of Belarus of 1 July 2005 No. 302 "On some measures to regulate the activities of foundations," the Decree of the President of the Republic of Belarus of 16 January 2009 No. 1 "On state registration and liquidation (termination of activities) of business entities," the Resolution of the Ministry of Justice of the Republic of Belarus of 30 August 2005 No. 48 "On Approval of Normative Legal Acts on the Issues of Preparation and Consideration of Documents Related to the State Registration of Political Parties, Trade Unions, Other Public Associations, Their Unions (Associations), as well as State Registration and Exclusion from the State Registration Journal, Registration and Deregistration of Organisation Structures of Trade Unions." There are some ones in the area of access to financing: the Tax Code of the Republic of Belarus, the Edict of the President of the Republic of Belarus dated 1 July 2005 No. 300 "On the provision and use of gratuitous (sponsor) aid," the Decree of the President of the Republic of Belarus dated 25 May 2020 No. 3 "On foreign gratuitous aid," the Edict of the President of the Republic of Belarus dated 22 October 2003 No. 460 "On international technical assistance provided to the Republic of Belarus."

Belarus has established a ban on the activities of unregistered organisations. Art. 7 of the Law of the Republic of Belarus "On Public Associations" envisages that the activities of unregistered public associations and unions in the territory of the Republic of Belarus are prohibited. From 2005 to 2019, there was criminal liability (Article 193-1 of the Criminal Code of the Republic of Belarus) for organising and participating in the activities of unregistered political parties, other public associations, foundations, and religious organisations. In July 2019, Art. 193-1 was abolished, however, administrative responsibility (under the Code of Administrative Offences) was introduced for organising and participating in the activities of organisations without registration. Since 22 January 2022, Art. 193-1 has recriminalised organising and participating in the activities of unregistered organisations.

Registrating authorities do not publish totalled data on refusals to register public associations and foundations.

The legal procedure for registering public associations and foundations in Belarus is extremely complicated, expensive, and lengthy; it creates a very wide range of grounds for refusing to register them. There is no special registration procedure for other forms of non-profit organisations, such as establishments and associations of legal entities (with the exception of associations of public associations), and therefore they enjoy the easier registration procedure established for commercial organisations. At the same time, the organisation`s name approval procedure, which shall take priority of the registration, serves as a barrier to register objectionable establishments. Due to vagueness of the legal framework for this area, when a name of an NPO

shall indicate the nature of the activities of the organisation being created, and there is no the definition of 'nature of the activities' in the legislation, it is possible practically to refuse approval of the name of any organisation being created.

The state fee for registering establishments and associations of legal entities is low, but it is extremely high for public associations and foundations - the fee for registering a republican public association is 10 times higher than the fee for registering a commercial organisation.

The legal framework contains too severe requirements for the number of founders (members) necessary for forming and operating public associations: for a republican public association at least 50 founders (members) are required, and for a local public association at least 10 founders (members).

It is necessary for registering any non-profit organisation to obtain a legal address, even before the registering; it may be located exclusively in non-residential premises and may not be located at the place of residence of the founders or members of an organisation.

While considering documents for the registration of public associations, justice departments often intervene in formulating a purpose, objectives, a scope of activities, and administration structure of an organisation, guided by their subjective interpretation of the statutory provisions and their assumptions. Many public associations adjust their purposes in accordance with the recommendations of registering authorities to avoid a refusal to register. Art. 194 of the Criminal Code states that obstructing lawful activities of public associations or intervening in their lawful activities resulting in a significant violation of their rights and legitimate interests shall be punished by fine or deprivation of the right to hold certain positions or to engage in certain activities or corrective labour for up to two years. However, no cases of application of this article in practice are known.

A wide list of grounds for refusing to register a public association or a foundation allows the authorities to ban the registration to any public association or foundation, even for a minor technical reason. This makes it impossible to create public associations and foundations objectionable to the authorities. In practice, in Belarus, gender organisations were repeatedly denied registration, for example, the Public Association Women's Network *Mara*, the Public Association *Gender Partnership*, the Public Association Centre for Gender Studies *Ruzha*, etc. Among the grounds for blocking the registration have often been that equality between men and women is already enshrined in the country at the constitutional level or that only state bodies can engage in gender monitoring. Now, due to the general socio-political situation in the country, the number of independent initiatives intending to register in Belarus in any organisational and legal form has significantly decreased, despite the restoration of criminal liability for organising and participating in the activities of unregistered organisations.

Public associations and foundations can appeal against registration denials in court, but in practice the courts do not satisfy these complaints against justice departments. In addition, republican and international public associations can appeal against registration denials only to the Supreme Court in the first instance. The Supreme Court also considers, in the first instance, claims for liquidation of republican and international associations. Accordingly, they are deprived of the right to appeal.

The legislation provides for a wide range of sanctions against public associations, such as warning, suspension of activities for a certain period, liquidation by a court decision at the claim of justice departments. Liquidation of establishments and associations (with the exception of associations of public associations) can be carried out even without a court decision: for this, a decision of the registering authority is sufficient. Sanctions for the use of foreign gratuitous aid in violation of the law include both liquidating non-profit organisations and bringing their leaders to criminal liability under Art. 369-2 of the Criminal Code, which provides for punishment in the form of fine, arrest, restraint of liberty for up to three years, or imprisonment for up to two years. Serious sanctions threaten the leadership of organisations. In accordance with the criminal law provisions and law enforcement practice, a number of articles of the Criminal Code can be applied to NGO`s leadership and members, 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 the participation in extremist activities); relating to the 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 organising or holding an illegal assembly, rally, street procession, demonstration, or picketing or involving persons in the participation in these mass events), etc.

Civil society organisations are severely limited in their ability to seek, receive and use financial and other material resources to achieve their purposes, both within the country and abroad.

Under the law, gratuitous funds from “foreign donors” must be received only for the purposes listed in the Decree of the President of the Republic of Belarus dated 25 May 2020 No. 3 “On foreign gratuitous aid.” At the same time, the decree contains a very limited list of purposes for which foreign gratuitous aid may be received. Similarly, non-commercial organisations may receive grants from Belarusian organisations only for the purposes provided for by the Presidential edict No. 300 “On the Provision and Use of Gratuitous (Sponsored) Aid.” There is an exhaustive list of these purposes, and in practice it does not allow non-profit organisations receiving donations for the activities prescribed as purposes in their charters. Moreover, there are no such purposes as to support women, to promote women's rights and gender equality, etc. neither in the legislation on foreign gratuitous aid, nor in the legislation on gratuitous (sponsored)

aid. The received foreign gratuitous aid, regardless of its size, is subject to registration with a special body - the Department for Humanitarian Activities under the Property Management Directorate of the President. The law provides for a complex and cumbersome procedure for obtaining, registering, and using foreign gratuitous aid, including development of detailed plans for distribution of the aid indicating specific sub-recipients. A decision to exempt the received funds from taxes is made for each concrete amount of funds received and based on the conclusion of a state body working in the field of use of the received aid. In practice, this system of obtaining foreign gratuitous aid leads to the fact that registration can be denied for any reason, including for 'non-expediency of registration.' Thus, in 2018, the registration of foreign gratuitous aid received by the Centre for Promoting Women's Rights *Her Rights* was denied. The funds were intended for a project to combat gender labour discrimination. The reason for the refusal was that the project duplicated the activities of the Ministry of Labor and Social Protection, and Belarusian women were sufficiently protected from gender discrimination at workplaces.

The system of state support for non-profit organisations in Belarus is extremely underdeveloped and is based mainly on direct financing from the republican and local budgets for several organisations loyal to the state (in fact, they are completely controlled by the state and support the government's politics), as well as indirect support of them on a non-competitive basis. These organisations include the Belarusian Women`s Union.

Public associations are prohibited by law from engaging in autonomous entrepreneurial activities.

3. Repressive legal developments relating to civil society organisations in the period of August 2020-February 2022

Periods of making tougher repressions in connection with electoral campaigns in Belarus were almost always accompanied by adopting or amending regulatory legal acts further worsening the situation of civil society organisations. The same occurred after the 2020 presidential election. However, a characteristic feature of this period was the enshrining in legislation the unprecedented oppressive practice taking place in the country.

Among the adopted regulations that most affect the interests of civil society organisations, including gender ones, the following groups can be singled out:

- regulations relating to extremist activities;
- amendments to the legislation on foreign gratuitous aid;
- amendments to the legislation on public reporting of public associations and foundations;
- amendments to the legislation regarding indirect support of public associations and foundations;

- introduction of criminal liability for the organising and participating in the activities of unregistered organisations.

A number of legal acts regulating, among others, the rights of civil society organisations to freedom of assembly, to access to court, to access to legal assistance, etc. were also seriously affected.

Legislation on countering extremist activity is often applied to prosecute civil society organisations, their leadership, as well female employees and volunteers. Thus, 'implementing extremist activities' has repeatedly formed the basis both for lawsuits and decisions on forced liquidation of non-profit organisations and for initiating criminal cases against female civil society activists.

On 14 May 2021, the Law "On Amending the Laws on Countering Extremism" was signed, which entered into force on 14 June 2021. 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. The Criminal Code of the Republic of Belarus was supplemented several times during 2021 with a number of the articles relating to liability for committing acts that are defined by Belarusian legislation as extremist. So, for example, on 31 December 2021, [amendments to the Criminal Code](#) came into force, in particular Art. 361 criminalising calling for restrictive measures (sanctions).

The legal developments significantly expanded the concept of extremism (extremist activities). 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, among others, through: (1) facilitating extremist activities, undertaking 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 liberty, honour and dignity of a person, property; obstructing lawful activities of state bodies, etc.

A broad and vague definition of '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. 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 (KGB).

Under the law and the resolution, the Ministry of Internal Affairs is entitled to keep a 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.

Broad language in the law on counting extremism leads to the fact that usual activities of gender organisations - conducting studies, gender monitoring, disseminating information, including through their own websites, educating, international advocacy, etc. - can be taken outside the law and classified as extremist activities.

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." Without introducing anything new into the procedure for receiving, registering, and using foreign gratuitous aid, the decree extended the concept of "sender of foreign gratuitous aid", including "foreign anonymous donor." 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. Based on this formulation, foreign anonymous donors include any persons who did not indicate in a payment document the information that allows them to be identified and persons indicated inaccurate information. Owing to this broad formulation any anonymous donation received by a non-profit organisation might be considered as foreign gratuitous aid to be registered with the Department of Humanitarian Activities.³

On 7 December 2021, the Ministry of Justice of the Republic of Belarus adopted the Resolution No. 209 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. From 2022, 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. So, it is necessary to inform on the receipt of funds

³ More detailed analysis of the Decree is available on the Lawtrend website.
<https://www.lawtrend.org/freedom-of-association/change-zakonodatelstva-ob-inostrannoj-bezvozmezdnoj-pomoshhi>

and other property from foreign and international organisations indicating data on these organisations.⁴

Notably, for public associations, the requirement to publish reports on their activities, receiving, and spending funds was introduced for the first time in 2021 (for annual reports for 2020). This requirement appeared in October 2020 in furtherance of the relevant provisions of the Law of the Republic of Belarus “On measures to prevent the legalization of proceeds from crime, financing of terrorist activities, and financing of the proliferation of weapons of mass destruction.” The presence of this public reporting is unjustified in the legislation of the country, which severely restricts the access of a wide range of NGOs to funding and practically does not provide them with benefits and preferences. In the conditions of the current socio-political crisis in Belarus, the public reporting requirements, as expected, have become an additional factor of pressure on civil society organisations. Violation of the reporting requirements, including very minor and absurd ones, was one of the main formal reasons for making decisions on forced liquidation of public associations.

The state policy reducing the number of non-profit organisations to which the government is “loyal” has also affected the organisations receiving state support on an individual basis. Thus, in 2021, 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 March 2021, compared to the previous list, the number of non-profit organisations with rental benefits was almost halved. The list excluded such gender organisations as the Vitebsk city public association of women Ulyana and the Republican public association *Mothers Against Drugs*. At the same time, the Children's Public Association *Association of Belarusian Guides* and the Public Association *Radislava* remained on the list. On 27 December 2021, the Resolution of the Council of Ministers of the Republic of Belarus No. 761 was adopted that came into force on 30 March 2022; it once again [significantly reduced](#) the list of organisations that have rental benefits. It determined that only 23 Belarusian non-profit organisations⁵ may use the benefits. Only two pro-government organisations - the Belarusian Public Organisation of Soldiers' Mothers and the Belarusian Women's Union - remained on the list out of all women's or gender organisations.

On 4 January 2022, the Law of the Republic of Belarus No. 144-3 “On Amending the Codes” was adopted entered into force on 22 January 2022. According to this law, 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.

⁴ Ibid.

⁵ More detailed analysis of the Decree is available on the Lawtrend website.
<https://www.lawtrend.org/freedom-of-association/change-zakonodatelstva-ob-inostrannoj-bezvozmezdnjoj-pomoshhi>

The article 193-1 covers organising and participating in public associations, including political parties, trade unions, and religious organisations, as well as foundations that either were not registered in the territory of Belarus, or were forcibly liquidated by a decision came into force. These acts are punishable by fine, or arrest, or imprisonment for up to two years (excluding the cases of applying more severe [Article 423-1](#) of the Criminal Code).

4. Administrative and criminal prosecution of activists of gender and other civil society organisations

In the summer of 2020, initially administrative and then criminal prosecution of activists, including female civil society activists, began. Administrative detentions were carried out preventively as in the pre-election period, as, especially massively, in the post-election period. Notably, the trend of 2021 was the initiating of criminal cases and, in particular, detention in criminal cases following administrative arrests.

Female activists of gender organisations, as of any civil society organisations have been subjected to administrative and criminal prosecution. First of all, the repressions affected activists of human rights organisations, including those working in the fields of environmental rights and gender equality.

Due to the large number of administrative detention of civil society representatives during the period under this review, some examples will be presented.

Thus, inspections, searches, detentions of civil society activists, including femme activists, took place in Minsk on 6-7 September 2020. Among the detainees were chairperson of the NGO *Ecodom*'s Board Irina Sukhiy, *Green Portal*'s author Nasta Zakharevich, femme activist Aleksandra Kurochkina, head of the executive bureau of the *NGO Assembly* Stanislava Gusakova. On 26 September 2020, activist of the LGBT+ rights movement Victoria Biran was detained and sentenced to 15 days in jail. On 5 October 2020, Marina Dubina, director of *Ecodom*, was detained and sentenced to 13-day administrative arrest. Before this, unknown people [had tried](#) to get into Dubina's home.

On 9 October 2020, Olga Shparaga, director of the research project 'Modern Society, Ethics, and Politics,' was [detained](#) in Minsk. On the same day, director of the public education organisation, mainly concerned gender and anti-discrimination issues, the ABF Center for the Development of Effective Communication, Yulia Mitskevich, was detained near the headquarters. The women were co-organisers of the femme group of the Coordinating Council of the Belarusian opposition and were subjected to an administrative arrest for 15 days. Immediately after her release on 24 October 2020, Olga Shparaga was [informed](#) by the court that she would be arrested for more 12 days, and she had to leave the country. Mitskevich had to [announce](#) the ABF Centre for the Development of Effective Communication to terminate its work in connection with the threat

of the security forces to accuse it of extremist activities and of organising women's protests. On 10 October 2020, Svetlana Gatalskaya, an eco-activist, the Coordinating Council's member, coordinator of the movement *March, Baby*, was detained and also sentenced to 15 days in jail. Prior to that, on 3 September, Gatalskaya was summoned to the Investigative Committee for interrogation in a criminal case initiated over establishing the Coordinating Council.

On 30 October 2020, activist of the Human Rights Center *Viasna* Marina Kostilyanenko was detained. On 2 November, the Zavodskoy District Court of Minsk convicted she under two articles of the Code of Administrative Offences - 23.34 (participating in an unauthorised mass event) and 23.4 (disobeying to a lawful order or demand of an official in the exercise of his official duties). After the 15-day administrative arrest, Kostilyanenko was re-arrested for 15 days.

The practice of initiating criminal cases against members of both registered and unregistered civil society organisations in Belarus began to take shape in August 2020.⁶ On 19 August, the Prosecutor General's Office of Belarus [opened a criminal case](#) under Art. 361 of the Criminal Code over establishing the Coordinating Council of the Belarusian opposition announced on 18 August. The grounds were public calling for the seizure of state power, committing actions aimed at causing harm to national security, including using the media or the Internet. According to the Prosecutor General's Office, "creation of such bodies is not provided for by law, and their activities are unconstitutional." As part of this criminal case, members of the Praesidium of the Constitutional Court Maria Kolesnikova and Lilia Vlasova were arrested. Ex-presidential candidate Svetlana Tikhonovskaya is also the accused in this case.

On 17 September 2020, Coordinator of the *Viasna* Human Rights Centre's volunteer service Marfa Rabkova was detained. A search was conducted in her apartment; equipment, her money and belongings were seized. In November 2021, Martha said in a letter to her relatives that she would [be tried](#) under 11 articles of the Criminal Code: Art. 293(1) (organising mass riots); Art. 293(2) (preparing and deliberate creating conditions for participation in mass riots); Art. 293(3) (educating or other preparing persons for participation in mass riots, as well as financing or other material support for the activities); Art. 342(1) (organising group actions grossly violating public order); Art. 361(3) (calling for actions aimed at causing harm to the national security of the Republic of Belarus using the mass media or the global computer network Internet); Art. 361-1(1) (creating an extremist formation); Art. 285(1) (leading a criminal organisation); Art. 130(3) (inciting social discord by a group of persons); Art. 339(2) (malicious hooliganism); Art. 339(3) (particularly malicious hooliganism); Art. 341 (desecrating buildings and damaging property); Art. 218(3) (deliberate destruction or damaging another's property committed by an organised group); Art. 295-3(2) (Illegal actions in relation to objects, the damaging effect of which is based on the use

⁶ Men were also detained in the criminal cases considered in this review. However, due to the subject of this review, the cases of detention and prosecution of women to be considered.

of combustible substances, committed by a group of persons). According to these articles, Rabkova faces up to 20 years in prison.

On 12 November 2020, searches were carried out at the office of the Belarusian Students' Association (ZBS), one of the oldest youth organisations in Belarus, as well as at the residences of its leaders and activists. On the same day, ten activists of the student movement and a teacher for the Belarusian State University of Informatics and Radioelectronics were detained. The detained ZBS members were charged under Art. 342 of the Criminal Code (organising and preparing actions grossly violating public order, or actively participating in them). Then, ZBS press secretary Ksenia Syromolot, its activist and member of the Coordinating Council Alana Gebremariam, members Yegor Kanetsky, Yana Orobeiko, and Kasya Bud'ko were sentenced to two and a half years in prison.

On 22 December 2020, there were searches in the office of the Cultural and Educational Establishment *Journalistic Workshop Press Club* and in the homes of its managers and employees. Computers and mobile phones were seized. Six people were detained in the investigation of a criminal case, including founder Yulia Slutskaya, program director Alla Sharko, and Ksenia Lutskina, a former employee of the state broadcaster *Belteleradiocompaniya*. Yulia Slutskaya was accused of tax evasion in an especially big amount (Art. 243(2) of the Criminal Code), Sharko and Lutskina were accused as her accomplices (Art. 16(6) of the Criminal Code). On 19 August 2021, after eight months of detention, almost all the accused in this criminal case were released. However, member of the Coordinating Council Ksenia Lutskina, continues to be in a pre-trial detention centre, despite [the Prosecutor General's Office announced](#) the closure of the criminal case in connection with a plea agreement, the compensation paid for the damage (approximately 43.7 thousand US dollars) and the special criminal compensation paid.

In January 2021, the *Viasna* Human Rights Centre's volontaires Tatyana Lasitsa and Maria Tarasenko were arrested under Art. 342 of the Criminal Code (organising and preparing actions grossly violating public order, or actively participating in them). On 3 November 2021, Tatyana Lasitsa was [sentenced](#) to two years and six months in prison. A state prosecutor demanded the same sentence for Tarasenko who was released after three days on her own recognisance, as her case was separated into a separate proceeding. That is why she had to flee Belarus.

On 10 March 2021, [a criminal case was filed](#) over committing deliberate acts aimed at inciting hostility on the basis of ethnic, religious, and linguistic affiliation and rehabilitating Nazism by a group of persons under Art. 130(3) of the Criminal Code. Anna Panisheva, director of the *Polish School* Educational Public Association, was detained. In mid-March, inspections and other forms of pressure against Polish educational centres in the cities of the Brest and Grodno regions began. So, on 29 March, in Smorgon, the district prosecutor's office requested, in a letter to

director of the Polish language school Olga Budai, the information about those who were studying at the school and those who had done it earlier (their lists with personal data, copies of payment documents). At the same time, the security agencies were inspecting Polish educational centres in other cities, such as Grodno, Baranovichi, and Volkovysk. On 23 March, Anzhelika Borys, chairperson of the Union of Poles, was detained in Grodno. She was filed against a police report for organising an unauthorised mass event, the unofficial Kazyuki holiday, and then arrested for 15 days. Subsequently, she was charged under Art. 130(3) of the Criminal Code. On 25 March, after searches having been conducted, director of the public school at the Union of Poles in Volkovysk Maria Tishkovskaya and the Lida branch of the Union of Poles' leader Irena Bernatskaya were detained. Panisheva, Tishkovskaya, and Bernatskaya were released in May 2021 and taken to Poland. In late March 2022, Anzhelika Boris' preventive measure was changed to house arrest.

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, which had organised the exhibition *The Machine Breathes, But I Don't* dedicated to Belarusian doctors facing the actual challenges - COVID-19 pandemic and politicisation of the healthcare system. They were tried in an administrative case and found guilty of disobeying a lawful order of law enforcement officials. Tatiana Gatsura-Yavorskaya was fined 50 basic units. At the same time, the General Directorate to Combat Organised Crime And Corruption (GUBOPiK) of the Ministry of Internal Affairs officers [interrogated and beaten up](#) Tatiana Gatsura-Yavorskaya's husband, a well-known human rights activist Volodymyr Yavorsky, who, being citizen of Ukraine 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 a search, on 3 December 2021. Due to a police report under Article 19.1 of the Code of Administrative Offences (petty hooliganism) filed against her in the Leninsky District Police Department, she was arrested for 14 days.

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 for 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).

On 4 August 2021, searches were carried out at the residences of senior analysts at the Centre for European Transformation, experts of the analytical group of the Agency for Humanitarian Technologies Tatyana Vodolazhskaya (curator of the Flying University) and Oksana Shelest. Vodolazhskaya was detained for 10 days in a criminal case. After 10 days she

was released as a suspect under Art. 342 (1). However, on 23 March 2022, Tatyana was detained again and taken to the detention center.

On 3 September 2021, [searches were carried out](#), with seizure of equipment and documentation, at the residences of *the Green Portal*'s editor Yanina Melnikova and eco-activist Natalia Gerasimova. They both were detained for 72 hours. At the same time, the home of Irina Sukhiy, founder and member of the board of the *Ecodom* Public Association, an activist of the Belarusian anti-nuclear campaign, who had to leave Belarus earlier, was raided.

It is necessary to highlight in this review the persecution of activists of the *Radislava* Public Association, an organisation that dealt with domestic violence for many years and provided shelter to women and their children who suffered from violence. On 9 November 2021, ex-leader, the Board member of this organisation human rights femme activist Olga Gorbunova 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. On 13 January 2022, after a search by GUBOPiK officers, member of the Board of the *Radislava* Public Association Daria Tsarik [was detained](#) for eight days in the administrative case. On the same day, the homes of three more representatives of the *Radislava*'s Board and of their family members were raided.

5. Pressure on gender organisations, their forced liquidation

As previously noted, in addition to administrative and criminal prosecution of female leaders and activists of civil society organisations, including gender ones, their representatives were subjected to various forms of pressure: interference in the internal operation of the organisations, inspections, searches, sealing of offices and blocking of accounts, summons to the law enforcement agencies for preventive conversations and interrogations, compulsion to make a decision to liquidate, forced liquidation, discrediting by the authorities, etc.

On 12 September 2020, a video about the relationship between the IT company *PandaDoc* and the Centre for the Promotion of Women's Rights *Her Rights* was broadcast on the state TV (ATN "Agency of Television News"). The video released a scheme in which the company transfers money to the Centre to fund women's marches.

On 16 February 2021, the first wave of searches took place in civil society organisations and at the residences of their members. They affected Belarusian female human rights defenders and civic activists, in particular head of the Svetlogorsk branch of the Human Rights Centre *Viasna* Elena Maslyukova, press secretary for the Barys Zvozhskau Belarusian House of Human Rights Evgenia Porashchenko, lawyer of the Belarusian Association of Journalists Christina Richter,

Viasna`s human rights activist Natalia Satsunkevich, and Vitebsk human rights activist Irina Tretyakova.

On 6 April 2021, security officials [raided](#) the apartment of *Human Constanta* team member, member of the Supervisory Board of the Office for the Rights of People with Disabilities Enira Bronitskaya as well as her parents` one. On 7 April, she was interrogated as a witness in the Investigative Committee. The official reason for the search was a criminal case over mass riots. However, according to the officials conducting the search, the true reason for their action was the activities of the International Committee for the Investigation of Torture in Belarus.

In May 2021, justice departments began inspecting the documentation of public associations and foundations. Despite the fact that the Belarusian law prohibits the interference of state bodies in the activities of public associations, the official requests include a huge number of documents, including internal documents, such as contracts, emails, information on donors, lists of members indicating their personal data. Also, despite the fact that, under the Law of the Republic of Belarus "On Public Associations," registering authorities do not exercise control over the financial and economic activities of public associations, a large number of requested documents were related to the financial activities of public associations, in particular, receiving and spending gratuitous aid. Most public associations requested for information received written warnings, and a lot of them were forcibly liquidated. A decision to issue a written warning or to liquidate has not depended on whether a public association had provided the requested documents and to what extent. Notably, many public associations were deprived of the opportunity to submit the requested documentation to the justice departments due to the searches having been carried out in their offices, with seizure of documents, and following sealing of the premises. However, the justice departments while issuing written warnings for the failure to submit documentation, as well as the courts while considering claims for liquidation based on those written warnings have not taken this into account. A number of gender organisations went through the inspections by the registering authority, the written warnings, and liquidation, for example, the International Public Association *Gender Perspectives*.

On 14-16 July 2021, the second [wave of searches](#) affected various civil society organisations, their leadership and members, including gender organisations` activists. On 14 July, law enforcement officials raided the premises of the International Public Association *Gender Perspectives*, the Office of European Expertise and Communication dealing with, among other things, women's activism and support for women, as well as at the residences of female activists Tamara Matskevich (Association of the Belarusian School), director of the human rights organisation Centre for Legal Transformation (*Lawtrend*) Olga Smolyanko, director of the Social and Charitable Establishment for Support of Infrastructural Socially Significant Projects *ImenaMedia* Ekaterina Sergeeva, founder of the IMENA platform Ekaterina Sinyuk, chairperson of the board of the POST educational centre Sofia Emelyanova (the book *Women Are Going out*

of Control was seized from her), director of the SYMPA/BIPART School of Public Administration Managers Natalia Ryabova. Nina Labkovich, director of the *Angels Band* investors' association, as well as human rights activists Elena Laptенок, Marina Borisova and Evgenia Babaeva were detained for 72 hours in a criminal case. On 16 July, the premises of leader of *Legal Initiative* Viktoria Fedorova, member of the Board of this organisation Galina Ustinova, leader of the Public Association *Ecodom* Marina Dubina, and chairperson of the Francišak Skaryna Belarusian Language Society Alena Anisim were raided.

On 5 October 2021, the Financial Investigation Department of the State Control Committee (DFI)'s officers [searched](#) the home of human rights activist Tatyana Revyako. Then, she was taken for interrogation to the DFI and the Investigative Committee departments. Earlier, Revyako's residence had already been searched on 12 August 2020.

From the beginning of 2021, there were target liquidations of non-profit organisations. Thus, in June 2021, the Ministry of Justice of the Republic of Belarus [filed](#) an application with the Supreme Court of the Republic of Belarus to liquidate the Belarusian Association of Women Lawyers. From mid-July 2021, a mass liquidation of non-profit organisations registered in the form of public associations, foundations, and establishments began in Belarus. As of 15 March 2022, 382 non-profit organisations [have been known](#) which were forcibly liquidated or were in the process of forced liquidation. Among them there are organisations whose activities are aimed at supporting women, protecting their rights, and solving problems of gender equality. They include the Public Association *Women's Club CLEO*, the Belarusian Association of Women Lawyers, the Public Association *Women's Independent Democratic Movement*, the Public Association *Women for the Revival of the Naroch Territory*, the Social and Educational Establishment *Centre for Personal Development of Women*, the Borisov Women's Social Public Association *Province*, the Public Association *Vitebsk Women's Club*, the Private Social and Information Establishment *Centre for the Promotion of Women's Rights (Her Rights)*, the Public Association *Radislava*, the Private Cultural and Educational Establishment *Gender Answer*, the International Public Association *Gender Perspectives*, the Social Information Establishment for Supporting Projects in the Sphere of Gender Equality *OUTLAUD*, and also an organisation dealing with women's activism and support for women as one of its activities - the Office of European Expertise and Communication.

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

(1) Non-providing or fractional providing the documents listed in the registering authority's written request (or failure to eliminate this violation after a written warning).

(2) Violating the reporting requirement introduced in 2020 as part of counter terrorism and money laundering. In this case, the grounds could 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 a legal address of an organisation.

(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.

Unlike the three first 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. Thus, the [grounds for the liquidation](#) of the Centre for the Promotion of Women's Rights was "posting on the organisation's website untrue information aimed at spreading destructive sentiments in society, publishing calls for economic and political pressure on the country and other actions to harm national security." The Borisov women's social public association *Province* was forcibly liquidated in connection with its "carrying out of extremist activities or propaganda of war."

Another form of pressure against non-profit organisations in Belarus that appeared in the period of post-election mass repressions was coercing them, primarily by local authorities, to make a decision on self-liquidation. From September 2020 to 15 March 2022, according to the analysis of official sources of information, at least 239 non-profit organisations having taken a decision on self-liquidation were [recorded](#), for example the Women's League *For Survival*. Based on the poll results, it can be concluded that non-profit organisations most often made a decision to self-liquidate due to: (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) the authorities' direct actions against an organisation.

6. Interaction with government agencies. Unequal operating conditions

Many non-profit organisations that promote the gender agenda, deal with combating domestic violence, etc. traditionally collaborated with government agencies. However, as a result of mass repression and violence, some of these organisations dropped it. In particular, in August 2020, the International Public Association *Gender Perspectives* [informed](#) the Ministry of Internal Affairs of Belarus on the suspension of joint activities in the field of preventing domestic violence for an indefinite period.

At the same time, the state policy is aimed at the destruction of objectionable non-profit organisations, some of which have been participating in joint activities, their discrediting in the media and propaganda channels. The "authorities" create and promote 'their own civil society.' Thus, Belarus established the National Council on Gender Policy under the Council of Ministers

of the Republic of Belarus (Resolution of the Council of Ministers of the Republic of Belarus dated 30 June 2012 No. 613 “On Approval of the Regulations on the National Council on Gender Policy under the Council of Ministers of the Republic of Belarus and its composition”). As of 3 June 2020, it included, in addition to representatives of the state sector, the independent gender organisations` members - chairperson of the Board of the International Public Association *Gender Perspectives* Irina Alkhovka, co-chair of the public association *Women's Independent Democratic Movement* Lyudmila Petina, and General Secretary of the Belarusian Association of Young Christian Women Olga Yanchuk. By 21 December 2021, the National Council has already been composed of only one public association`s representatives, the pro-governmental Belarusian Union of Women.

Amid the pressure against a number of civil society organisations, including gender ones, prioritising of the certain organisations promoting the government's agenda has occurred at the level of statements of representatives of ‘the highest authorities.’ So, on 1 October 2021, at a meeting with the presidential administration, Alexander Lukashenko [said](#), “What is civil society in Belarus? The time has come to adopt a law and to prescribe that our civil society is not NGOs, NCOs and other rubbish. And that we have public organisations. And just write down which ones. That we have trade unions, the Belarusian Republican Youth Union, that we have veterans`, women's organisations. Those who showed themselves as a real civil society. They are massive and they are the pillars of our society’. On 1 December 2021, Lukashenko [signed](#) a resolution declaring gratitude to the Belarusian Women's Union for a significant contribution to the development of the women's movement, charitable activities, promoting the role of women in the socio-political, socio-economic, cultural life of the country and strengthening civil society in the Republic Belarus.

7. Needs of Gender Organisations

The surveys conducted among civil society organisations, including gender ones, have shown that many of them were forced to relocate in whole or in part. Some organisations continue to work in Belarus, including in a registered status. The trend of registering non-profit organisations abroad, which began in the middle of the 2000s, received a boost. Some of the previously operating organizations, whose agenda had not contain issues of anti-discrimination, human rights, and gender equality, revised their activities purposes and strategies and supplemented them with these directions. Among the needs of civil society organisations, including gender ones, security, long-term support, strategic and organisational development, information and advisory assistance, maintenance of networks and coalitions, with organisations of various kinds included, take centre stage. It is essential that gender organisations continue their work due to their vast expertise. Considering that a large percentage of active members of civil society organisations are women activists, it is imperative that they do not drop their social activities.

Conclusions

1. In Belarus, the right to freedom of association has been practically annulled; there is improper governments` s interference with the right to freedom of association both at the stage of establishing CSOs and at the stage of their functioning. The authorities can refuse to register any objectionable gender organisation, including one that aims to promote the ideas of anti-discrimination, under false pretenses, such as that the legislation enshrines the equality of men and women. Any organisation can be liquidated the same way, while due to the complete dependence of the judiciary on the executive, claims of the justice departments on liquidation are satisfied, and appealing against the decisions on liquidation is not effective.

2. Since 1999, the legal framework for civil society organisations, including gender ones, has been systematically deteriorating. To the date, a number of repressive acts of legislation relating to civil society organisations and civic activists have been developed and adopted, including restoring 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 activists; recognizing information materials as extremist ones; forcing to make a decision on self-liquidation; mass forced liquidation, etc. The repressions affected a number of gender organisations, female activists of the ones and of other civil society organisations. Due to the fact that women are in the majority in the Belarusian civil society, they have been affected on a large scale. Notably, both direct and indirect reprisals affected female activists, such as firing, losing work in case of working for non-profit organisations, separating from the family due to their own relocation or forced departure/deportation of their family members.

4. The state has created favorable conditions for a small number of pro-government civil society organisations, including gender ones, in particular the Belarusian Women`s Union, both at the level of legal regulation and at the level of its practical enforcement, while discriminating against other civil society organisations. 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.

5. Due to the repressions, a large number of women activists were forced to leave the Republic of Belarus and to seek residence in other countries. Some of those activists continue their social activities, and some of them, primarily due to welfare reasons, have to look for other employment opportunities. It is extremely important to preserve the potential of gender organisations and their female activists, as well as of other civil society organisations. At the same

time, it is necessary to take into account special needs of women activists, such as those related to the existence of minor children.