



Monitoring the situation of freedom of association and civil society organisations in the Republic of Belarus

September 2022

The practice of repression (detentions, searches, recognition of materials, groups as extremist and citizens as extremists, initiation of criminal cases for participation in extremist formations, recognition of Belarusian citizens involved in terrorist activities, etc.) in Belarus continues. At least 646 non-profit organisations are in the process of the forced liquidation, including applications for compulsory liquidation submitted to the court, or have been forcibly removed from the Unified State Register of Legal Entities and Individual Entrepreneurs (the USR). The number of organisations that have decided to self-liquidate is also increasing regularly and at the end of September 2022 stands at 374 organisations. Thus, the losses in the public sector of Belarus, starting from the post-election period of 2020, are already at least 1,020 institutionalized forms of non-commercial organizations (public associations, trade unions, foundations, non-governmental establishments and associations). Representatives of Belarusian civil society organizations continue to be held in places of detention, and new facts of detention and initiation of administrative and criminal cases against such representatives have been registered. In practice, the procedure of special proceedings (in absentia proceedings in criminal cases) has started to be implemented. The charges against the leaders of the Human Rights Centre "Viasna" who are imprisoned have been strengthened: they now face a sentence of 7 to 12 years.

As of 30 September 2022, 1,326 people in Belarus have been recognised as political prisoners and are being held in places of detention.

Forced liquidation of non-profit organisations¹

As of 30 September 2022, according to [the monitoring](#) conducted by Lawtrend jointly with the OEU, 646 non-profit organisations were recorded as being in the process of forced liquidation, including liquidation suits filed by the registration authorities with the court, or forcibly removed from the Unified State Register of Legal Entities and Individual Entrepreneurs (the USR). This figure is 44 organisations more than in the previous monitoring period (at the same time earlier cases of forced liquidation of public associations and establishments were also recorded).

¹ The monitoring only records cases of forced liquidation and self-liquidation of non-state NPOs, state establishments, and republican state public organisations are not counted in the quantitative indicators. Religious organisations, consumer co-operatives, and other organisational and participatory associations are also not counted.

During the monitoring period, both court decisions on the forced liquidation of public associations were taken and new suits on forced liquidation were filed. During the monitoring period, the most active bodies in the field of suits on forced liquidation were the Mainboard of justice of Minsk city executive committee and the Supreme Court. The main justice departments of Brest city executive committee, Viciebsk regional executive committee, and Homiel regional executive committee filed liquidation suits.

Decisions by non-profit organisations to self-destruct

As of 30 September 2022, according to [the monitoring](#) conducted by Lawtrend, there were 374 non-profit organisations (public associations, foundations, and establishments) to which the statutory body or founders decided to liquidate. It is by 11 organisations more than in the previous monitoring period (at the same time earlier cases of decisions on self-liquidation were also recorded). As before, the decision to self-liquidate was taken primarily due to pressure on NPO members and staff, an unfavourable legal environment, and the general socio-political situation in the country, as well as often under pressure from the authorities on NPOs to make an appropriate decision.

Thus, an analysis of the overall statistics of forcibly liquidated (being liquidated) NPOs and NPOs that have decided to liquidate themselves, shows that, from September 2020 to the present, there are at least 1,020 fewer non-profit organisations (public associations, including trade unions, foundations, establishments, associations) in registered status in Belarus (or will soon be as a result of court hearings).

Existing statistics show that currently more than 25% of NPOs that operated in a registered status in the country have already been liquidated (liquidation decisions have been made, liquidation suits filed, decisions on self-liquidation taken, excluded from the Unified State Register). Before the mass repressions, according to the official data of the Ministry of Justice just over 3000 public associations and about 200 foundations were registered. Statistics on registered establishments and associations were not and are not publicly available, however, it is obvious that the number of registered establishments is not higher than the figures given for public associations and foundations.

Pressure on civil society activists.

Human rights defenders – head of HRC "Viasna" Ales Bialiatski, member of HRC "Viasna" Council, vice-president of International Federation for Human Rights (FIDH) Valiantsin Stefanovich, lawyer and coordinator of campaign "Human Rights Defenders for Free Elections" Uladzimir Labkovich are kept in the detention center. [According to](#) the Human Rights Center "Viasna", Ales, Valiantsin, and Uladzimir are facing new charges: smuggling (illegal transportation of large sums of money across the customs border of the Eurasian Economic Union by an organized group) under part 4 of article 228 of the Criminal Code and financing of group actions that grossly violate public order under part 2 of article 342 of the Criminal Code. The human rights activists now face 7 to 12 years in prison. The old case under part 2 of article 243 of the Criminal Code (failure to pay taxes), for which Bialiatski, Stefanovich, and Labkovich spent more than a year in custody, has been dropped.

On 6 September, political prisoner Marfa Rabkova, coordinator of the Viasna Human Rights Centre's volunteer service, was [sentenced](#) to 15 years in prison, while Viasna volunteer Andrei Chapyuk was sentenced to 6 years in prison.

Lieanid Sudalenka, head of Homiel branch of Human Rights Center "Viasna", continues to serve his prison term. On 24 September [it became known](#) that the Human Rights Center "Viasna" volunteer Tatsiana Lasitsa was released from the places of detention ahead of time. Tatsiana was detained in January 2021 and sentenced under Art. 342 of the Criminal Code ("Organization, active participation in group actions that grossly violate public order") to 2.5 years in a minimum security penal colony. She spent 1 year and 8 months in custody.

Other representatives of civil society organizations are also held in prison, e.g. Andrei Pochobut, a member of the Union of Poles, a member of the Council and co-founder of the Sympa school of young managers of public administration, Tatiana Kuzina, expert of the Bipart research project, Ksenia Syromolot, press secretary of the BSA, Alana Gebremariam, member of the BSA, youth activist and member of the main Steering Committee, the BSA members Yehor Kanecki, Yana Orobeiko, Kasia Budko, cultural figure and founder of Symbal.by Pavel Belous. Pavel Mozheika, Hrodna activist who was detained on 31 August and headed the Center for Urban Life, which was liquidated at the suit of the Hrodna Region Prosecutor's Office, was transferred to the pre-trial detention facility and a criminal case was initiated against him.

At least 10 leaders and activists of Belarus' independent trade unions also remain in prison: chairman of the Belarusian Congress of Democratic Trade Unions Alexander Yaroshuk, former head of the REP Gennady Fedynich, deputy chairman of the Belarusian Congress of Democratic Trade Unions Sergey Antusevich, former chairman of the Free Trade Union of Belarus, former deputy chairman of the REP Mikhail Gromov, REP activist Vatslav Oreshko, leader of Orsha Independent Trade Union, acting head of the Belarusian Republican Trade Union of Belarus.

On appeal, the verdict was upheld for an expert from the Agency for Humanitarian Technologies, the coordinator of the Flying University, who was sentenced to 2 years 6 months in prison and sentenced to an open institution for "organisation and preparation of actions that grossly violate public order or active participation in them",

Human rights activist Anastasia Loika was detained on 6 September after the sentencing of Viasna volunteer coordinator Marfa Rabkova and nine other political prisoners. Loika was charged with alleged "disorderly conduct" and sentenced to 15 days of arrest. Later it became known that Loika was re-arrested for 15 days because she allegedly started "behaving provocatively" after her release from the previous detention. Mazyr human rights defender Uladzimir Tselepun is also kept under administrative arrest. On 3 September the human rights defender was detained at his home after a search conducted there and a total of three administrative reports under part 2 of Article 19.11 of the Code on Administrative Offences were drawn up for "distribution of extremist materials".

Another pressurization of representatives of non-commercial organizations, initiatives, and religious organizations continues. For instance, an administrative report under article 24.23 of the Code on Administrative Offences "Violation of the order of organization or holding of mass events" was drawn up for one of the leaders of the Positive Movement Tatsiana Pichko, and a fine of 100 basic units (3 200 BYN) was imposed. On 13 September Sviatlana Kostenka, a volunteer of the Say Yes to Life initiative, was searched. On 18 September pastor of the New Life church Viachaslau Goncharenka was sentenced to 100 basic units of fine for holding a church meeting. On 18 September the police broke down the doors of the priest Uladzislau Bahamolnikau, after which he was detained and sentenced to 14 days of administrative arrest.

After serving 14 days he was detained again and sentenced to 15 days under Article 19.11 of the Code on Administrative Offences (distribution, production, storage, and transportation of information materials that contain calls to extremist activity or promote such activity). On 9 September the court of Pershamaiski District Court of Viciebsk tried Andrei Vashchuk, priest and rector of St. Spirit parish in Viciebsk (before that the priest had served 30 days of administrative arrest in summer and had to leave Belarus), the church of St. Spirit was searched.

The provisions on special proceedings (criminal proceedings against an accused person who is outside the Republic of Belarus) recently introduced into the Code of Criminal Procedure of Belarus have started to be implemented in practice. The Investigative Committee started the process of special proceedings against the administrators of the group "Black Book of Belarus", recognized as an extremist formation. On September 28th it became known that special proceedings were initiated against participants and administrators of Human Rights Center "Viasna" who, according to the statement of the IC, "carried out financing of protest activity in Belarus" and "Nexta" who "coordinated the protest extremist and terrorist activity in the country". Also, according to the IC, materials to initiate special proceedings against the leaders and participants of the "Belarusian Foundation for Sports Solidarity," who "appealed to foreign governments and international organizations to boycott several sports events in Belarus and prevent our athletes to compete. Soon, the investigation will consider the issue of initiating special proceedings against the leaders and participants of the Coordination Council, who "with the purpose of seizing power unconstitutionally, created an extremist formation and called for sanctions and other illegal actions, aimed at causing harm to the national security of Belarus. Information about the defendants in the "List of persons subject to special proceedings, called for the prosecution," is published [on the official website](#) of the Investigative Committee (IC). Thus, special proceedings were initiated in respect of Dmitry Solovyov, human rights defender and representative of the Viasna human rights centre. He is charged with part 4 of Article 228 of the Criminal Code (unlawful use of force). 4 of Article 228 of the Criminal Code (illegal transportation of large sums of money across the customs border of the European Economic Union by an organized group) and part 2 of Article 342 of the Criminal Code (other preparation of persons to participate in group actions that grossly violate the public order, financing and material support of such activities in the absence of signs of a more serious crime).

The practice of recognizing information materials, resources, organizations, and groups as extremist has not stopped. Thus, the website and social networks of the "Belarusian Rada of Culture" were included in the Republican List of Extremist Materials. Before that, in June, the Ministry of Internal Affairs recognized the project of "Belaruskaya Rada of Culture" as an "extremist formation.

The Ministry of Information of Belarus has restricted access to Green Portal, an information resource that produces and disseminates news and analytical information from the environmental and conservation fields.

Normative initiatives.

[A draft law](#) "On Amendments to the Law of the Republic of Belarus "On Citizenship of the Republic of Belarus" has been posted on the national legal Internet portal of the Republic of Belarus. The draft law stipulates that a citizen of the Republic of Belarus who has reached the age of 18 may be deprived of such citizenship in connection with the presence of a valid sentence of a court of the Republic of Belarus confirming this person's participation in extremist

activities or causing grave harm to the interests of the Republic, even if this person is outside the Republic of Belarus. After the law enters into force in its published form (which requires the adoption of the law by the Parliament in two readings, its approval by the Council of the Republic, signing by the President, official publication, its entry into force 6 months after the official publication), the following innovations will be introduced into the current legislation

1) It will be possible to deprive citizenship of the Republic of Belarus by conviction for acts under 55 articles of the Criminal Code (at present, citizenship can be deprived under 24 articles of the Criminal Code).

Among such actions that provide criminal liability, there are calls for restrictive measures (sanctions), other actions aimed at harming the national security of the Republic of Belarus; establishment of extremist formation or participation in it; financing of extremist activity; facilitation of extremist activity; education or other training for participation in extremist activity, etc. These articles are currently used most frequently to put pressure on representatives of Belarusian civil society organizations and activists and to prosecute them.

2) citizenship of the Republic of Belarus may be withdrawn not only from citizens who have acquired such citizenship by admission but also from citizens who acquired such citizenship by birth.

A separate draft law stipulates that citizenship of the Republic of Belarus can be withdrawn from citizens located outside the Republic of Belarus, which is particularly relevant after the provisions on special proceedings were introduced into the Code of Criminal Procedure.

The draft law also stipulates that citizens of the Republic of Belarus who have acquired citizenship of a foreign state or who have received a residence permit or other document of a foreign state entitling them to privileges and other benefits must inform the internal affairs bodies or diplomatic service agencies about it within three months of receiving the respective documents under the procedure determined by the Ministry of Internal Affairs together with the Ministry of Foreign Affairs.

The director of the National Centre for Legislation and Legal Research, Vadzim Ipatau, commented on some provisions of the draft law on the activities of political parties and other public associations prepared for broadcast by the ONT TV channel. [According to him](#), this draft law stipulates that the number of parties must be no less than 3,000 people.

On 2 September, Natalya Kochanova, chairman of the republic's council, held [a meeting](#) to discuss the draft laws "On Civil Society" and "On Amendments to the Laws on the Activities of Political Parties and Other Public Associations". As a result of the meeting, it was proposed that these documents should once again be submitted for consideration by the Expert Council.

At a meeting of the House of Representatives Council on 19 September, House Speaker Vladimir Andreichenko [said](#) that key laws regulating the work of the authorities, the development of the country's party system, and civil society should be adopted by the end of this year.

Other trends in the sphere of Belarusian civil society.

The practice of discrediting civil society organisations, their representatives, and partners in the media continues. Thus, the presidential administration's newspaper Belarus Today (SB) [published](#) another series of articles aimed at discrediting civil society organisations.

The trend of "governmentalisation" of civil society in Belarus continues. Against the background of the discrediting of independent civil society organizations, there is propaganda and distribution of information about the activity of some particular pro-state organizations, including those that act in an unregistered status (for example, the Youth Parliament). Clubs, councils, and other structures are created in educational establishments, under the authorities, etc. For example, 140 councils of elderly citizens [have been set up](#) under executive committees throughout the country.