



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

October 2022

The practice of repression (detentions, searches, recognition of Belarusian citizens involved in terrorist and extremist activities, initiation of criminal cases for participation in extremist formations, etc.) continues in Belarus. Thus, only in one day, the Ministry of Internal Affairs recognized 625 persons as "extremists". At least 667 non-commercial organizations are in the process of forced liquidation, including applications for forced liquidation submitted to the court, or were forcibly removed from the Unified State Register of Legal Entities and Individual Entrepreneurs (USR). This monitoring period is characterised by an increase in the number of lawsuits on forced liquidation of foundations. The number of organisations, which decided on self-liquidation, also regularly increases and makes 390 organisations at the end of October. Thus, the losses in the public sector of Belarus, starting from the post-election period of 2020, amount to at least 1,057 institutionalized forms of non-commercial organizations (public associations, trade unions, foundations, non-governmental establishments and associations). A characteristic feature of this monitoring period was the inspection of public associations by the justice authorities, the issuance of written warnings to them, as well as the filing of lawsuits in court for the suspension of their activities. For the first time, a public association that according to the legislation is not liquidated is recognized as an extremist formation. Legislation aimed at civil society organizations continues to be drafted.

On 29 October Lukashenko signed the law "On denunciation by the Republic of Belarus of the Optional Protocol to the International Covenant on Civil and Political Rights". Thus, Belarus refused to recognise the competence of the UN Human Rights Committee to receive and consider complaints from individuals about the violation by the state of any of the rights provided by the International Covenant on Civil and Political Rights.

As of 31 October 2022, there were 1,353 persons recognised as political prisoners and held in places of detention in Belarus.

Forced liquidation of non-profit organisations¹

As of 31 October 2022, Lawtrend, in cooperation with the OEU, monitored 667 non-profit organisations that were in the process of forced liquidation, including liquidation suits

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

filed by the registration authorities with the court, or were forcibly removed from the Unified State Register of Legal Entities and Individual Entrepreneurs (USR).

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 the Minsk city executive committee and the Supreme Court. There were cases of liquidation suits filed by the main justice departments of the Brest city executive committee, Viciebsk regional executive committee, and Homiel regional executive committee. Typical for the current monitoring period were court suits of registration bodies for forced liquidation of the foundations. For example, lawsuits on forced liquidation were filed against the Local Foundation "Combating Alcoholism, Drug Addiction and Tobacco Addiction", the Local Charitable Foundation "Mercy", the Local Charitable Foundation "Start", the Local Foundation for Assistance to Development of Hairdressing, decorative cosmetics and aesthetics "Prosperity", Local Charity Fund for Graduates of Suvorov and Nakhimov Colleges "Saved Generation", Charity Fund for Reconstruction and Development "Call of the Heart", Local Charity Fund "Return".

The decision by non-profit organisations to self-destruct

As of 31 October 2022, Lawtrend's monitoring recorded 390 non-profit organisations (public associations, foundations and establishments) for which the statutory authority or founders had decided to liquidate. As in the past, the decision to self-liquidate is made primarily due to pressure on NPO members, employees, an unfavourable legal environment, the general socio-political situation in the country, and often under pressure from the authorities on the NPO to make the appropriate decision.

Thus, an analysis of the overall statistics of forced liquidation (liquidation) of NPOs and NPOs that have decided to liquidate themselves, shows that, from September 2020 to the present time, there are at least 1,057 fewer NPOs (public associations, including trade unions, foundations, establishments, associations) in registered status in Belarus (or will soon be as a result of court hearings).

Other pressures on civil society organisations and activists.

The autumn period of 2022 is again characterized by inspections of public associations and foundations by the registering organs, issuing warnings to them, summoning representatives of civil society organizations for talks, and forcing the exclusion of some members from the members of public associations. At the same time, passing of the check-ups by the registering organs and elimination of deficiencies indicated in the written warnings does not guarantee that these organizations won't be liquidated.

A new trend of sanctions against public associations emerged in October - suspension of their activity. Currently, this practice is typical for the main justice department of the Minsk City Executive Committee. At the moment at least 7 suits to the Minsk city court have been filed to suspend the activity of the following public associations: the public association "Ecopravo", the public association "House of Friendship of Iranians", the public sports association "Fighting Club "Fighting Style", the public association "Federation of Sailing Sports of Minsk", the "Dance and Sports League", the "City Hunting Dog Club" and the children's public association "Dance and Sports Club "Lyudmila".

The practice of recognizing information products as "extremist materials" and expanding the lists of individuals, organizations, formations and individual entrepreneurs involved in extremist activity continues. Thus, at the request of the Minsk city prosecutor's office information products of Telegram channels "Viasna: Political Prisoners of Belarus" and "Prison for Life", information products of Telegram channel "Belarusforum.org" and the website "Forum of Democratic Forces", information products of "Belarusian Investigative Center z.s." posted on 19 information resources, as well as logos of Belarusian Investigative Center containing the abbreviation "BIC" and the words "Belarusian Investigative Center" related to this organization. On 4 October, the State Security Committee (KGB) decided to recognize the "SOS-BY Free Association of Belarusian Athletes" as an "extremist formation".

As of 31 October 2022, 97 entities have been added to the list of organizations, formations, and individual entrepreneurs involved in extremist activities. The list includes regional media, national online resources, Telegram channels and chat rooms, social networks, as well as civic initiatives. Thus, the list includes such civic initiatives as "Labour Movement/Expanded Round Table", solidarity foundations "By_help", including its structural subdivisions "Belarusam. pl" and "Media Solidarity Belarus", BYSOL, initiatives "Belarusian Fund of Sports Solidarity", "Forum of Democratic Forces of Belarus", "United Transitional Cabinet", youth democratic movement "Young Front", VK community named "For The Only State Language In Belarus", which promoted the use of the Belarusian language, etc.

The practice of classifying as extremist formations organizations, which were registered on the territory of the Republic of Belarus or in a foreign country, is beginning to consolidate. Thus, by the decision of the KGB of 15.07.2022 the foreign non-commercial organization Professional Union of Belarusians in Great Britain, which is territorially located in London was recognized as an extremist formation. The decision of the State Security Committee (KGB) of 12.10.2022 "On recognition of a group of citizens as an extremist formation and prohibition of its activity" classified the organization "Dapamoga", operating in the Republic of Lithuania, as an extremist formation.

On October 19, 2022 information on inclusion in the list of organizations, formations, and individual entrepreneurs involved in extremist activity was placed under item 95 of the Extremist formation "Ecodom". According to the list, this extremist formation is understood to be a group of citizens who are leaders, coordinators and participants of the public association "Ecodom" liquidated in the Republic of Belarus and who continue their activity abroad through network resources and who carry out an extremist activity. The basis for the listing was the KGB decision of 17.10.2022 "On recognizing a group of citizens as an extremist formation and banning its activity. At the same time, according to the information in the Unified State Register of Legal Entities and Individual Entrepreneurs (USR) the public association "Ecodom" was not a liquidated legal entity at the moment of the decision to recognize it as an "extremist formation" as it was not excluded from the USR. According to Article 59 (8) of the Civil Code of the Republic of Belarus, liquidation of a legal entity is considered completed and a legal entity is considered liquidated from the date when the registering body decides to make an entry in the Unified State Register of Legal Entities and Individual Entrepreneurs to exclude the legal entity from the Register.

This is the first case when a public association, which is not formally a liquidated organization on the territory of Belarus, is recognized as an extremist formation. However, it is not the first case of recognizing an active legal entity as an extremist formation. Thus, by decision of the State Security Committee of 07.04.2022 "On recognition of a group of citizens as an extremist formation and prohibition of its activity" "the Belarusian Independent Trade

Union REP" was recognized as an extremist formation. A group of citizens from among consultant, the acting chairman, members of the trade union as well as other persons of the Belarusian Independent Trade Union of Radio-Electronic Industry Workers is considered an extremist formation that carried out extremist activities. At the same time, the Supreme Court decided on the compulsory liquidation of the trade union only on 12.07.2022 and on 28.09.2022 the trade union was excluded from the Unified State Register of Legal Entities and Individual Entrepreneurs.

By recognizing organizations registered on the territory of Belarus as extremist formations, the Belarusian authorities violate the already vague and open to multiple interpretations of legislation on countering extremism. According to article 12 of the Law of the Republic of Belarus of January 4, 2007, No. 203-Z "On Counteracting Extremism", an organization registered on the territory of Belarus is considered extremist based on a court decision. According to article 18 hereunder, the decision to recognize a group of citizens as an "extremist formation" does not require a court review; a decision of the Ministry of Internal Affairs or the State Security Committee is sufficient. Citizens do not have access to information on the specific reasons for recognizing their actions as extremist. Such a simplified mechanism for declaring groups of citizens "extremist formations" jeopardizes any manifestations of self-organization and solidarity of citizens, including in response to systemic and gross violations of human rights.

Human rights defenders - head of the Human Rights Center "Viasna" Ales Bialiatski, member of the Human Rights Center "Viasna" Board, vice-president of the International Federation for Human Rights (FIDH) Valiantsin Stefanovich, lawyer and coordinator of the campaign "Human Rights Defenders for Free Elections" Uladzimir Labkovich - are kept in the detention centre. Lieanid Sudalenka, head of the Homiel branch of Human Rights Center "Viasna", Marfa Rabkova, coordinator of the Human Rights Center "Viasna" Volunteer Service and Andrei Chapiuk, volunteer of Viasna, continue serving their prison terms.

Other representatives of civil society organizations, such as Andrey Pachobut, member of the Union of Poles, member of the Council and co-founder of the school of young managers of public administration Sympa, expert of the research project bipart Tatsiana Kuzina, press secretary of ZBU Ksenia Syramalot, member of ZBU, youth activist, member of the main structure of the Coordinating Council Alana Gebremariam, ZBU members Yahor Kanitski, Yana Arabieika, Kasia Buduk, cultural worker and founder of Symbal.by Pavel Bialous, Hrodna activist, head of the Center for Urban Life Pavel Mazheika, former head of the public association "Protection of homeland birds" Viktor Fianchuk, public figure, founder of the Flying University Uladzimir Matskevich, expert of the analytical group of the Humanitarian Technologies Agency, coordinator of the Flying University, senior analyst of the Center for European Transformation Tatsiana Vadalazhskaya.

On 4 October 2022, the KGB added Andrei Pachobut, a member of the Union of Poles, to the list of persons involved in terrorist activities, the social activist Uladzimir Matskevich, founder of the "Flying University", activists Nasta and Dzmitry Dashkevich were added to the list of citizens involved in extremist activities. Gomel human rights defenders were also included in the "extremist list" during the monitoring period. They are human rights activists from the Human Rights Center "Viasna" Leanid Sudalenka and Tatsiana Lasitsa who were convicted under part 1 and part 2 of article 342 of the Criminal Code (organization of group actions that grossly violate public order and financing of such actions). Tatsiana Lasitsa was

listed with the notation "serving her sentence", although after being in prison for 1 year and 8 months she was released on pardon.

Leaders and activists of Belarus' independent trade unions continue to be imprisoned: Alexander Yaroshuk, chairman of the Belarusian Congress of Democratic Trade Unions; Gennady Fedynich, former head of the REP; Sergey Antusevich, deputy chairman of the Belarusian Congress of Democratic Trade Unions; Mikhail Gromov, former chairman of the Free Trade Union of Belarus; Vatslav Oreshko, activist of the REP, acting chairman of the Orsha-based Independent Trade Union of Belarus, and the chairman of the Belarusian Independent Trade Union of the REP Vasily Beresnev, office worker of the Belarusian Congress of Democratic Trade Unions Irina But-Gusaim, activist, former head of the primary organisation of the Free Trade Union of Metalworkers Vitaly Chichmarev, activist of the independent trade union Miroslav Sobchuk, activist of the Free Trade Union of Metalworkers Yanina Malash, vice-chair of the Belarusian Independent Trade Union, chairman of the primary trade union organisation of Belaruskali, Aliaksandr Mishuk. [According to](#) the Belarusian Independent Trade Union, almost four dozen trade union activists and leaders of democratic trade unions are currently imprisoned.

It is known that the "trade union activists' case" has been transferred to the Minsk city prosecutor's office.

On 19 October Minsk Regional Court started the trial in the case of “the Civil Self-Defense Unit of Belarus”, which is recognized by the authorities as a terrorist organization. Five persons - Dzmitry Sasnouski, Aliaksei Glotau, Natallia Matveeva, Vadzim Gulevich and Kiryl Ashurak are under trial in the case. They are tried under a total of ten articles of the Criminal Code, including terrorism.

On 27 October the former deputy head of the public association “the Belarusian Voluntary Society for Protection of Monuments of History and Culture”, former deputy head of the public association “BPF "Revival"”, and activist of the "Movement for Freedom" Yury Mialeshekevich was detained.

On 28 October human rights defender Nasta Loika was once again detained and placed in the TDF. Once again an administrative case was brought against Loika, after which she was given 15 days of administrative arrest under Article 19.1 (disorderly conduct).

There is continuing pressure on representatives of non-profit organisations of other legal forms, initiatives and religious organisations.

During the monitoring period, private educational establishments were subjected to harsh pressure, the so-called "cleansing". For instance, the state media report that 8 public schools were closed in Belarus, and 12 more were ordered to stop their activities. According to Education Minister Andrei Ivanets, many establishments are related to "countries unfriendly to Belarus", which interfere in the upbringing of "the younger generation". On 14.10.2022 the Law of the Republic of Belarus No. 213-Z "On licensing" was adopted, according to which the most essential changes were made in the educational activity. According to Article 317, par. 3 of the law, from 21.10.2022 up to 31.12.2022 special conditions for licensing as defined in Article 314 of the law will be in force. Thus, from 21.10.2022 organizations and individual entrepreneurs carrying out educational activities and rendering services on implementation of educational programmes will have to get a license from the licensing body (Minsk City

Executive Committee, municipal (district) executive committees). Also from the new school year in Belarus, two Lithuanian (in the villages of Pelesa and Rymdyuny, Hrodna region) and two Polish (in Hrodna and Vaskovichy) schools stopped teaching in the national languages. Three of them were transferred to Belarusian or Russian language of teaching, and the Lithuanian school in Peles has been closed altogether, allegedly for violation of fire safety rules.

The authorities closed the school at the Catholic Christian Social Centre in Minsk. The Christian Social Center is a religious organization, which is subordinated to the head of the Catholic Church in Belarus. It has a chapel, living quarters for priests, and a private Catholic school. It also became known that the authorities were terminating the agreement of gratuitous use of the Red Church with the community "Roman Catholic Parish of St. Simon and St. Helen".

The provisions on special proceedings (criminal proceedings against a defendant who is outside the Republic of Belarus) introduced to the Criminal Procedure Code of Belarus continue to be implemented in practice. The General Prosecutor's Office sent the criminal case against the founders of the Sports Solidarity Foundation Aliaksandra Gerasimenia and Aliaksandr Apeikin to court. They are incriminated with calls to restrictive measures (sanctions) and other actions, aimed at causing harm to the national security of the Republic of Belarus (part 3 of article 361 of the Criminal Code). The Investigative Committee started the process of special proceedings against the representatives of the Coordination Council: Sviatlana Tikhonouskaya, Pavel Latushka, Volha Kavalkova, Maria Maroz and Siarhei Dyleuski.

Criminal cases related to the financing of "extremist activity" (Article 361-2 of the Criminal Code) continue to be opened. For instance, Aliaksandr Strugalski, chief engineer of Milkavita LLC, who, according to law enforcers, was transferring money to the BySol Foundation, was detained. Also in Homiel, Anastasiya Petrachenka was detained, who, according to pro-government Telegram channels, donated to the Belarusian Kalinouski regiment, which is fighting in Ukraine. On 27 October the trial of Minsk city court started over a citizen of Minsk Alexander Ziyazetdinov who is accused under part 1 of article 361² of the Criminal Code - financing of extremist activity expressed in transferring about \$800 to ByPOL cryptocurrency wallet.

The website of the human rights initiative "Journalists for Tolerance" - J4T.by / J4T.info was blocked in Belarus.

Normative initiatives.

The monitoring period is characterised by a large number of standard-setting initiatives for civil society organisations.

The House of Representatives has passed the first reading of the draft law "On amending laws on local government and self-government".

Among the innovations of the draft law's provision is a new article on the implementation of civic initiatives. According to the Programme of Socio-Economic Development of Belarus for 2021-2025, approved by Decree No. 292 of 29 July 2021, every local budget will be drawn up taking into account civil initiatives. The draft law defines civic initiatives as measures aimed at improving the quality of life of the population in the administrative-territorial unit or a part thereof, including improvement of the territory,

construction (erection, repair, reconstruction, restoration, improvement) of socially important objects, general prevention of offences, prevention of injuries and fatalities, as well as solution of other issues of local importance. The draft law establishes basic requirements for the initiators of civic initiatives and the content of civic initiative projects. The procedure for their competitive selection has been entrusted to the oblast-level councils.

The financing of expenditures related to the implementation of civic initiatives is carried out based on equal participation of the republican budget and the budgets at the regional level.

Initiative (participatory) budgeting as a mechanism of involving citizens in the decisions on the choice of priorities of budget spending as well as the subsequent public control over the expenditures is widespread in the world. In this connection, the introduction of the norm on such budgeting into the legislation is progressive and it has been lobbied by civil society organisations for a long time. At the same time, neither the draft law itself nor the current emerging practice of implementation of the initiatives answers the question of how this mechanism will work in practice now. For example, it is not clear from the draft law how the initiative group will be able to exercise public control over the progress of the work, etc.

Two draft laws important to civil society organisations - a draft law "On the All-Belarusian People's Assembly" and a draft law "On Amending the Electoral Code of the Republic of Belarus" - have been submitted for public discussion at the Belarus Legal Forum from 24 October to 2 November 2022.

The Draft Law of the Republic of Belarus "On the All-Belarusian People's Assembly" (APA) contains a separate article (Art. 10) on the election of APA delegates from civil society. According to this article, the APA delegates from civil society are representatives of civil society subjects participating in the election of APA delegates. The conditions and procedure for the participation of civil society actors in the election of APA delegates are defined in the Electoral Code of the Republic of Belarus, the law on civil society and other laws. The maximum number of civil society delegates to the APA is 400.

A separate section is added to the Electoral Code, which defines the procedure for electing APA delegates from local councils of deputies and civil society. The draft changes the system of electoral commissions in connection with the forthcoming single voting day. Thus, the draft law stipulates that the list of civil society actors who have the right to elect APA delegates under the law shall be compiled by the Ministry of Justice. This list shall be published no later than five days in the printed media, posted on the official website of the Ministry of Justice, and sent to the Central Commission, along with copies of the statutes of the civil society actors included in the list. A citizen of the Republic of Belarus, having the right to vote, permanently residing on the territory of the Republic of Belarus and being a member of a civil society subject (organization, being a part of a civil society subject), having the right to elect delegates of the APA under the law, may be a candidate for delegates of the APA from civil society. Citizens who, under the law, have no right to hold positions of civil servants in state bodies and other state organizations due to their criminal record, as well as those who have citizenship (nationality) of another state and (or) documents of foreign states, providing rights to benefits and advantages in connection with political, religious views or national affiliation, cannot be nominated as candidates to APA delegates from civil society. The right to nominate candidates to the APA delegates from civil society belongs to the regional and Minsk city organisational structures of civil society actors.

The draft law on civil society has not yet been published. According to the chairman of the House of Representatives, V.V. Andreichenko, this draft law should have been submitted to parliament back in May.

On 21 October, a meeting of the Public Council on Foreign Gratuitous Aid was held under the Humanitarian Aid Department of the Presidential Administration of the Republic of Belarus. The council discussed, among other issues, the drafting of a normative legal act to bring the presidential decree No. 3 of May 25 2020 "On Foreign Gratuitous Aid" into line with the Constitution of the Republic of Belarus.

A meeting of the Parliamentary Assembly's Security and Defence Commission was held on 26 October. Among the issues addressed at the meeting was the legislative regulation of activities to counteract foreign interference through foreign-funded non-profit organizations. At the meeting, plans were announced to develop a Model Law regulating the funding of NPOs in Belarus and Russia.

Other trends in the sphere of Belarusian civil society.

Despite the constant discrediting of independent civil society organisations receiving foreign funding in pro-government media and TV channels, the donors of such aid and the system of foreign funding itself, additional measures are being taken in Belarus to attract such foreign funding. In particular, the Department of humanitarian affairs of the Presidential Administration of the Republic of Belarus is actively explaining the issues of attracting foreign financing. For instance, the Department together with the Minsk Region Executive Committee conducted a training seminar with the activists of the Berezin district, during which they discussed the issues of attracting foreign donations to the Berezin district, development and implementation of humanitarian projects. A district seminar meeting was held in the administration of the Central district of Minsk. Attraction, registration and targeted use of foreign donations, as well as preparation and implementation of humanitarian projects, were also discussed at the seminar. On 20 October 2022, a Conference on the Implementation of the Small Grants Programme of the Global Environment Facility of the United Nations Development Programme in the Republic of Belarus (GEF/UNDP) took place in Minsk with the participation of the Department representatives.