



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

December 2022

An unprecedented wave of repressions against Belarusian citizens, including leaders and members of civil society organisations, continues in Belarus; freedom of association in the country has been practically levelled. At least 757 non-commercial organisations are in the process of forced liquidation, including suits for forced liquidation submitted to courts, or have been forcibly removed from the Unified State Register of Legal Entities and Individual Entrepreneurs (USR). The number of organisations that have opted for independent liquidation is also increasing regularly, reaching 416 at the end of December. Thus, the losses in the public sector of Belarus since the post-election period of 2020 are already at least 1 173 institutionalised forms of non-commercial organisations (public associations, trade unions, foundations, non-governmental institutions, and associations). The first verdict in "special" (in absentia) proceedings was handed down. On 10 December, the Nobel Peace Prize was awarded, one of whose recipients was the imprisoned Belarusian human rights defender Ales Bialiatski, head of the Human Rights Centre Viasna.

As of 31 December 2022, 1,448 people in Belarus are recognised as political prisoners and are held in places of liberty deprivation. 40 people were recognised as political prisoners by the Belarusian human rights community during December.

Forced liquidation of non-profit organisations¹

As of 31 December 2022, according to the [monitoring](#) conducted by Lawtrend jointly with the OEEC, 757 non-profit organisations were recorded as being in the process of forced liquidation, including liquidation suits submitted to courts by the registration authorities, or 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 and foundations were taken and new suits on forced liquidation were filed. In December, the most active liquidation suits were filed by the Ministry of Justice to the Supreme Court against the national and international public associations. On the local level, the main justice department of the Hrodna Regional Executive Committee filed the largest number of

¹ The monitoring only records cases of forced liquidation and self-liquidation of non-governmental NCOs; state institutions and republican state and public organizations are not counted in the quantitative indicators. Religious organizations, consumer cooperatives and other organizational and legal forms of NCOs other than public associations, foundations, private institutions and associations are also not counted.

suits to the Hrodna regional court; suits on forced liquidation were also filed to the Homiel regional court and Brest regional court.

Decisions by non-profit organisations to self-liquidate

As of 31 December 2022, according to [the monitoring](#) conducted by Lawtrend, there were 416 non-profit organisations (public associations, foundations and institutions) for which the statutory authority or the founders have decided to liquidate.

As before, decisions to self-liquidate are made primarily due to pressure on NCO members, staff, an unfavourable legal environment, the general socio-political situation in the country, and often under pressure from the authorities on the NCO to make an appropriate decision.

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Other pressures on civil society organisations and activists.

Human rights activists - head of the Human Rights Center "Viasna", Nobel laureate 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 continue to stay in the detention centre. Lieanid Sudalenka, the head of the Homel branch of Human Rights Center "Viasna", Marfa Rabkova, the coordinator of the Volunteer Service of Human Rights Center "Viasna" and Andrei Chapiuk, the volunteer of Viasna, continue to serve their prison terms.

[According to HRC "Viasna"](#), the trial against Ales Bialiatski, Valiantsin Stefanovich and Uladzimir Labkovich, as well as Dzmitry Salauyeu, tried in special proceedings, was scheduled for 5 January 2023 at Leninski District Court of Minsk. The defendants are accused of smuggling (illegal transportation of cash in large amounts through 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 the public order under part 2 of article 342 of the Criminal Code. Bialatski, Stefanovich and Labkovich have been remanded in custody since 14 July 2021 - they face prison sentences of 7 to 12 years.

Among the actions blamed on human rights defenders, there are:

- payments of fines for some individuals who were "prosecuted based on court decisions entered into legal force for administrative offences related to the violation of public order and the established order of government in the country; other offences committed in connection with a protest against the actions of public authorities of the Republic of Belarus;

- payments of monetary compensation to such individuals for the money they have spent to pay fines;

- payments instead of some individuals "who have committed named administrative offences, of food bills in places where administrative penalties are served";

- payments for the advocates' work, "including for the defence in criminal proceedings of several individuals recognised as suspects and subsequently prosecuted as defendants in

criminal cases relating to gross violations of public order, protesting against the actions of public authorities of the Republic of Belarus".

On 23 December Marfa Rabkova's husband, Vadim Zharomski was detained. Vadim was sentenced to 15 days of administrative arrest.

Other representatives of civil society organisations, such as Andrei Pachobut, a member of the Union of Poles, Tatsiana Kuzina, a member of the Council and co-founder of the school of young managers of public administration Sympa and bipart research project expert, Pavel Bialous, the cultural activist and founder of Symbal.by, Pavel Mazhejka, Hrodna activist and head of the Center for Urban Life, Viktor Fianchuk, the former head of the public association Akhova ptushak Batsyushchyny, Uladzimir Matskevich, the public figure and founder of the Flying University, Tatsiana Vadalazhskaya, the expert of the analytical group of the Agency of Humanitarian Technologies, coordinator of the Flying University, senior analyst of the Center of European Transformation.

On 14 December human rights defender Nasta Loika was sentenced for the fourth time to 15 days of administrative arrest under Article 19.1 of the Code of Administrative Offences (disorderly conduct). Loika has already spent 60 days in administrative detention uninterruptedly. After serving her fourth administrative detention, Nasta was not released and faced a criminal charge. [According to](#) Human Constanta, Loiko was charged under two articles of the Criminal Code. One of the articles is the organisation of group actions that grossly violate public order and involve manifest disobedience to lawful demands of representatives of the authorities or result in disruption of transport, enterprises, institutions or organisations, or active participation in such actions in the absence of evidence of a more serious crime (Article 342¹ of the Criminal Code).

The Minsk Regional Court passed a verdict in the case of "Civil Self-Defense Units of Belarus". Five defendants in the case were sentenced to 14 to 20 years of imprisonment.

Massive reprisals were also inflicted on activists, members of independent trade unions. [According to](#) the Belarusian Independent Trade Union, almost four dozen trade union activists and leaders of democratic trade unions are currently held in Belarusian prisons. Thus, the leaders and activists of Belarusian independent trade unions are being held in the places of liberty deprivation: chairman of the Belarusian Congress of Democratic Trade Unions Aliaksandr Yarashuk, former head of the REP Hienadz Fedynich, deputy chairman of the Belarusian Congress of Democratic Trade Unions Siarhei Antusevich, former chairman of the Belarusian Free Trade Union, former deputy chairman of the REP Mikhail Gromau, REP trade union activist Vatslau Areshka, leader of the Orsha independent REP trade union, acting chairman of the REP trade union Vasil Berasneu, employee of the office of the Belarusian Congress of Democratic Trade Unions Iryna But-Gusaim, activist, former head of the primary organization of the Free Trade Union of Metalworkers Vital Chychmarou, activist of the independent trade union Miraslau Sabchuk, activist of the Free Trade Union of Metalworkers Yanina Malash, as well as vice-chairman of the Belarusian Independent Trade Union, chairman of the primary trade union organization of Belaruskali OJSC Aliaksandr Mishuk and others.

On 26 December Minsk city court passed a verdict in the criminal case against the activists of the Belarusian Congress of Democratic Trade Unions (BCDT) - chair of the trade union Aliaksandr Yarashuk, his deputy Siarhei Antusevich and the bookkeeper Iryna But-

Husaim, detained on 19 April 2022. They were accused of actions gravely violating public order (part 1 of Article 342), while Yarashuk was also accused of calls for restrictive measures and other actions aimed at damaging the national security of the Republic of Belarus (part 3 of Article 361). Aliaksandr Yarashuk was sentenced to four years of deprivation of liberty in a general regime colony, Siarhei Antusevich was sentenced to two years of deprivation of liberty and Iryna But-Gusaim was sentenced to a year and a half of deprivation of liberty.

The BCDT unites several independent trade unions. It includes the Free Trade Union of Belarus (FTUB), the Free Trade Union of Metalworkers (FTUM), the Belarusian Trade Union of Radioelectronics Workers (REP) and the Belarusian Independent Trade Union (BIT). On 18 July 2022, the BCDT was forcibly liquidated by the Supreme Court.

On 25 November Minsk City Court started the hearing of the criminal case against the leaders of the Belarusian independent trade unions, political prisoners - former head of the Independent Trade Union of Radio-Electronics Industry - REP Hienadz Fedynich, leader of Orsha independent trade union REP, acting chairman of the trade union REP Vasil Berasneu and activist of the trade union REP Vatslau Areshka. They are accused of calling for restrictive measures, aimed at causing harm to the national security of the Republic of Belarus (part 3 of article 361 of the Criminal Code), instigating other social enmity and discord (part 3 of article 130), creating an extremist formation or participating in it (part 1 and part 3 of article 361¹ of the Criminal Code). On December 27, the verdict on the case was to have been passed. However, instead of the expected verdict, the judge announced that due to newly discovered circumstances, the activists' trial was postponed, while the deadline for the postponement was not specified.

The practice of recognition of information products as "extremist materials", expansion of the lists of citizens, organizations, formations, individual entrepreneurs involved in extremist activity, initiation of criminal cases for the creation of "extremist formations" and participation in them continues. Thus, on December 1st, the Minsk Central district court recognized the Telegram channel of the United Transitional Cabinet of Belarus as "extremist". The YouTube channel "Belarusian Investigative Center" was recognized as "extremist material".

On 9 December, the Investigative Committee initiated and combined criminal cases in one proceeding for the establishment of or participation in an extremist group against Valery Sakhashchyk, Sviatlana Tikhonouskaya, Aliaksandr Azarau and others. [According to the Ministry of Internal Affairs](#), more than 200 persons from among the so-called diasporas are being checked in a criminal case and operational work continues to identify persons involved in extremist initiatives. The case concerns the alleged creation in Poland and Lithuania of a paramilitary extremist formation, the "Paspalitaye Ruchenne" and its structural units, the "kharugwy". According to the Ministry of Internal Affairs, these formations, acting together with the extremist formations BYPOL, the Peramoha mobilization plan and the United Transitional Cabinet, are allegedly working to organize attacks on the territorial integrity, sovereignty, foundations of the constitutional system and public security of the Republic of Belarus.

Consideration of the first criminal cases within the framework of "special proceedings" (when people who are abroad can be criminally prosecuted) has begun in Belarus. The first trial in absentia started on 12 December in Minsk city court in the case of "Black Book of Belarus", involving five people who are abroad - Yanina Sazanovich, Zmitser Navosha, Daniil

Bahdanovich, Valerya Zaniamonskaya and Volha Vysotskaya. They are charged under two articles of the Criminal Code: part 3 of Article 130 (incitement of other social hatred) and part 3 of Article 203-1 (illegal actions to personal data). The Black Book of Belarus is recognized as extremist material, the KGB included the defendants in the case on the "terrorist list".

On 26 December 2022, Minsk City Court announced the first verdict in the special proceedings. The former head of the Belarusian Sports Solidarity Foundation (BSSF) Aliaksandra Gerasimenia was sentenced to 12 years of liberty deprivation in a general regime, the executive director of the foundation Aliaksandr Apeikin was sentenced to 12 years of liberty deprivation in a reinforced regime. Gerasimenia and Apeikin were found guilty under part 2 of article 361 ("Calls for restrictive measures (sanctions) and other actions aimed at harming the national security of the Republic of Belarus"). [According to](#) the pro-governmental media, by the materials of the criminal case, Gerasimenia and Apeikin are accused of creating an unregistered association "Belarusian Sports Solidarity Foundation" (recognized as extremist in Belarus). From August 2020 to 20 May 2022, they disseminated false information via the Internet about the events that took place in Belarus after the 2020 elections. The defendants also appealed to various states, foreign and international organizations to impose sanctions on the NOC of Belarus and other sports organizations. The accused will be jointly charged with the property damage: in favour of the Belarusian Federation of Modern Pentathlon - in the amount of slightly over 22 thousand Belarusian rubles, the State Institution Belsportobespecheniye – 571 300 Belarusian rubles, the Belarusian Federation of Cycling - over 86 thousand Belarusian rubles. Aliaksandra Gerasimenia's property has been seized.

The criminal case against the members of the Coordinating Council - Sviatlana Tsikhanouskaya, Marya Maroz, Pavel Latushka, Volha Kavalkova and Siarhei Dyleuski - has been sent to court. The case will also be considered within the framework of "special proceedings".

Patreon, a platform used, among others, by Belarusian civil society organisations to collect donations, was blocked in Belarus.

Discrediting civil society organisations.

The practice of discrediting civil society organisations in the pro-governmental media continues. The presidential administration's newspaper "Belarus. Today" published several articles discrediting independent non-profit organisations. For example, [The disappointment of the fugitives is so great that there is no way to hide it](#), [Paying tribute to the enemy is useful](#), [Understanding how he works is necessary](#), [A spy network disguised as human rights volunteers were uncovered by officers of the Interior Ministry's Main Directorate for Combating Organized Crime and Corruption](#). In response to the latest article, human rights organisation Human Constanta issued [a statement](#).

Discrediting civil society organisations in the pro-government media and Telegram channels is a constant tool of pressure against them, along with "legal mechanisms": forced liquidation, forcing to liquidation, checks, summons for interviews and interrogations, administrative and criminal charges against organisation members, searches, seizure of documentation and equipment, seizure of accounts, etc.

Normative initiatives.

The draft law to amend the law from 01.08.2002 No 136-Z "On citizenship of the Republic of Belarus", which provides for the possibility of deprivation of citizenship of Belarusians staying outside the country, was adopted by the parliament at once in two readings.

The draft law establishes a citizen's obligation to inform in writing or electronically the internal affairs authorities or the diplomatic service of the receipt of citizenship or a foreign residence permit or other document conferring rights to benefits and other advantages.

The draft law also establishes the possibility of a loss of Belarusian citizenship, including by birth, due to the presence of a valid court sentence confirming a person's participation in extremist activities or causing grave harm to the interests of the country, if such person is outside the country. The law defines the offences under the relevant articles of the Criminal Code, including establishing or participating in an extremist formation (Article 361 of the Criminal Code), the commission of which may lead to the loss of citizenship, as well as the powers of the President to take such decisions on the proposal of the Citizenship Commission.

On 12 December 2022, Belarus published a draft law on the foundations of civil society, submitted by the Council of Ministers to parliament. The draft law was adopted by parliament in its first reading. The development of this draft law had been announced in 2021, including by the "top political leadership of the country". However, the direct preparation of the document was related to the results of the constitutional amendment, when in February 2022 the new edition of the Constitution of Belarus for the first time mentioned civil society as one of the subjects sending delegates to the All-Belarusian People's Assembly (a new representative body that stands above the system of separation of powers and "defines strategic directions of society and state development").

This draft law in general does not change the legal status of existing NCOs in Belarus, nor does it introduce changes to the existing system of non-commercial organisations, the procedure of their establishment, activities, financing and liquidation. At the same time, it establishes a hierarchy of organisations which will have access to special forms of interaction with state bodies. It establishes a narrow circle of republican public associations and trade union associations with special forms of interaction with the state within the framework of the All-Belarusian People's Assembly (APA). Thus, despite its name, the subject matter of this draft law is not civil society as a whole, but only the interaction of some of its subjects with the state, especially in the framework of the election of delegates to the All-Belarusian People's Assembly from civil society.

The Union State should do away with unnecessary restrictions on foreign funding of non-profit organisations, [stated](#) Russian Justice Minister Konstantin Chuichenko told reporters after a meeting with Belarusian Justice Minister Sergei Khomenko. According to him, an agreement was reached at the meeting to form certain exemptions from those restrictions that are in force in each of the countries (Belarusian and Russian legislation).

On 13 December, [during a meeting](#) on amendments to certain laws to bring them in line with the new Constitution, Lukashenko said that "only those parties whose activities correspond to the basic principles of domestic and foreign policy should work in the country's political field".

On 30 December, the text of the draft law "On amending the laws on the activities of political parties and other public associations" [was published](#) on the website of the National Legal Internet Portal. Amendments to the laws on public associations and political parties have been planned since 2019: public discussions were held, a new version of the law was introduced to parliament, but was withdrawn due to the need for revision. And now there is a new version of the amendments and additions to the laws on public associations and political parties. In some provisions, the changes and amendments are the same as the 2019 version, but some of the changes and amendments have a new character compared to those developed at that time and compared to the current legislation. The Draft Law introduces some significant changes to the current legislation on public associations and political parties.

The main changes and additions include:

- to establish and operate a republican public association, the draft law stipulates the necessity to have at least fifty founders (members) from all regions of the Republic of Belarus and the city of Minsk, as well as to create organizational structures of this public association in all regions and the city of Minsk. The current legislation does not require the creation of organizational structures of the republican public association, by which creation and activity of the whole republican public association is possible without having organizational structures;

- the registered office of a public association and its organisational structures may only be located in non-residential premises;

- the exclusion of the concepts of "territory of activity" and "object of activity" of a public association;

- the possibility of submitting documents for the state registration of a public association or a union, amendments and/or additions to their statutes, not only by personal application or by post but also by sending an electronic document;

- in addition to extremist activities, the grounds for the dissolution of a voluntary association include terrorism and other acts prohibited by law, as well as activities harmful to the State and/or public interests; the non-compliance of a voluntary association or a union with the main thrusts of domestic and foreign policy and the national security concept approved by the All-Belarusian People's Assembly.

- cases of liquidation, appeals against written warnings, and refusals to register international and republican public associations are removed from the competence of the Supreme Court. The draft law suggests that claims and complaints in such cases will be considered by the regional and Minsk city courts, depending on the location of the legal address of the public association, as well as claims and complaints of local public associations.

- extends the deadline for public associations to submit annual reports to the registering authority and for public reporting on expenditure and income to 31 March of the following year. The current legislation sets a deadline of 1 March. The possibility of submitting such reports electronically is provided;

- the number of founders (members) required for the establishment and operation of political parties is increased. While the current legislation stipulates the need for at least 1,000 founders (members), the draft law stipulates the need for at least 5,000 founders (members). At

the same time, at least 100 founders (members) are required from each of the regions and the city of Minsk;

- the requirements for political parties to have organisational structures change significantly: while the current legislation requires organisational structures in most regions of the Republic and the city of Minsk, the draft law suggests that they should be available in all regions of the Republic of Belarus and the city of Minsk, as well as district and/or city organisational structures in at least one-third of the regions and cities of regional subordination of each region of the Republic of Belarus and district organisational structures in at least one-third of the city of Minsk

The draft law establishes the need for the re-registration of political parties. It stipulates that political parties registered before the law came into force are required to ensure within three months that they submit to the Ministry of Justice the documents required for re-registration or decide to liquidate. The Ministry of Justice is required to re-register political parties within six months. Among the documents to be submitted for re-registration, there is information on the size of a political party with a list of members of the political party, which contains the surname, first name, patronymic (if any), date of birth, citizenship, place of residence, place of work (study), contact telephone number of each member of the political party. Obviously, the existence of such re-registration provisions may lead to the liquidation of opposition parties in the country.

The draft law does not provide for compulsory re-registration of public associations. At the same time, it requires public associations, which were registered before the law came into force, to bring their founding documents in compliance with it within one year. Previous practice shows that despite the absence of a requirement for mandatory re-registration, such a requirement can serve as an additional filter for the liquidation of the public associations remaining in Belarus in their registered status.