



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

January 2023

In January 2023, an unprecedented wave of repressions against Belarusian citizens, including leaders and members of civil society organisations, including criminal proceedings against them, continues in Belarus. Pressure on civil society organisations continues, including decisions to forcibly liquidate non-commercial organisations and the filing of new liquidation suits in courts. At the end of January 2023, at least 768 non-profit organisations were in the process of forced liquidation, including applications for forced liquidation filed in court, or forcibly removed from the Unified State Register of Legal Entities and Individual Entrepreneurs (URS). The number of organisations that have opted for independent liquidation is 421 at the end of January 2023. Thus, the losses in the public sector of Belarus, starting from the post-election period of 2020, amount to at least 1,189 institutionalized forms of non-commercial organizations (public associations, trade unions, foundations, non-governmental institutions and associations). The practice of recognizing citizens' groups as "extremist formations" and information materials as extremist continues, and the list of individuals involved in extremist activities is growing. The number of cases being considered by special (in absentia) courts is increasing. Several criminal cases against representatives of civil society organizations were started at once: leaders of the Human Rights Center "Viasna" Ales Bialiatski, Valiantsin Stefanovich, Uladzimir Labkovich, Dzmitry Salauyeu, and a member of the Union of Poles Andrei Pachobut. Severe sentences were handed down against representatives of independent trade unions.

As of January, 31 2023, 1,440 people in Belarus are recognised as political prisoners and are held in prison.

### **Forced liquidation of non-profit organisations<sup>1</sup>**

As of 31 January 2023, according to the [monitoring](#) conducted by Lawtrend jointly with the OEU, 768 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 forced liquidation of public associations and foundations were taken and new lawsuits on forced liquidation were filed.

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<sup>1</sup> The monitoring only records cases of forced liquidation and self-liquidation of non-governmental NPOs; 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 NPOs other than public associations, foundations, private institutions and associations are also not counted.

## **Decision by non-profit organisations to self-liquidate**

As of 31 January 2023, Lawtrend's [monitoring](#) recorded 421 non-profit organisations (public associations, foundations and institutions) for which the statutory authority or the founders had decided to liquidate.

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

Thus, the analysis of the total statistics of forced liquidation (liquidated) NPOs and NPOs that have decided to liquidate themselves shows that from September 2020 to the end of the first month of 2023, there are at least 1189 less (or soon to be as a result of court hearings) non-profit organisations (public associations, including trade unions, foundations, institutions, associations) in Belarus.

## **Other pressures on civil society organisations and activists.**

Human rights defenders are still kept in the pre-trial detention facility: Ales Bialiatski, head of the Human Rights Center "Viasna" and Nobel laureate; Valiantsin Stefanovich, member of the Human Rights Center "Viasna", lawyer and vice-president of the International Federation for Human Rights (FIDH); Uladzimir Labkovich, lawyer and coordinator of the campaign "Human Rights Defenders for Free Elections"; human rights activist Nasta Loika. Lieanid Sudalenka, chair of Homiel branch of Human Rights Center "Viasna", Marfa Rabkova, coordinator of Volunteer Service of Human Rights Center "Viasna" and Andrei Chapiuk, volunteer of Viasna, continue to serve their prison terms.

Other representatives of civil society organisations, such as Tatsiana Kuzina, member of the Council and co-founder of the Sympa School for Young Managers of Public Administration and expert of the bipart research project; cultural activist and founder of Symbal.by Pavel Belavus, Hrodna activist and head of the Center for Urban Life Pavel Mazhejka; former head of the public association Akhova ptushak Batskaushchyny Viktor Fianchuk; public figure and founder of the Flying University Uladzimir Matskevich; expert of the analytical group of the Agency of Humanitarian Technologies, coordinator of the Flying University, senior analyst of the Center of European Transformation Tatsiana Vadalazhskaya.

Human Rights Center Viasna [reported](#) that Aksana Zaretskaya, a member of the Coordination Council and founder of the School of Business Culture and Etiquette, has been detained. A criminal case under Article 342 of the Criminal Code (organization and preparation of actions that grossly violate public order or active participation in them) was brought against her.

On 11 January the former co-chairman of the Tell the Truth movement was detained. He is charged under Article 342 part 1 of the Criminal Code with "organisation and preparation of actions grossly violating public order".

The Investigative Committee [completed the investigation of](#) the criminal case against Ilya Shapatkouski, one of the leaders of the platform "Honest People", which was declared "extremist" by the Belarusian authorities. Shapatkousky was charged under part 1 of article 357 (other actions committed with the purpose to seize state power in an unconstitutional way) of

the Criminal Code of the Republic of Belarus. The materials have been handed over to the prosecutor for forwarding to court.

In January, several criminal cases against representatives of civil society organisations began in court.

On 5 January the trial on "Viasna case" started in Leninski District Court of Minsk. Chairman of the Human Rights Centre "Viasna" and Nobel laureate Ales Bialiatski, his deputy Valiantsin Stefanovich, coordinator of the campaign "Human Rights Defenders for Free Elections" Uladzimir Labkovich and Dzmitry Salauyeu, who had to leave Belarus in absentia, are tried under part 4 of article 228 ("smuggling by organized group") and part 2 of article 342 of the Criminal Code ("financing of group actions that grossly violate public order").

On 16 January, the criminal case against prominent Hrodna-based journalist and member of the Union of Poles in Belarus Andrei Pachobut started. The trial was repeatedly postponed: at first the trial was scheduled for November 28th, then - for January 9th, later - for January 16th, 2023. Pachobut is accused of calling for restrictive actions, aimed to harm the national security of the Republic of Belarus (Part 3, Article 361 of the Criminal Code), as well as of inciting other social hatred and discord (Part 3, Article 130 of the Criminal Code).

It is known that the Minsk city court will hear the case against the political scientist, founder and editor of the expert community website "Our View", editor and author of the Belarus Yearbook, head of the expert group for monitoring "Belarus in Focus" Valeria Kastiuhova, detained on 30 June 2021, co-founder of Sympa School for Young Managers of Public Administration, expert of the research project bipart Tatsiana Kuzina, detained on 29 June 2021. Depending on their roles, they are charged under three articles of the Criminal Code: Article 357 part 1 (aiding acts committed with the aim of seizing power), Article 361 part 3 (calls for actions aimed at harming national security) and Article 130 part 3 (inciting other social discord).

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. For instance, the leaders and activists of the Belarusian independent trade unions: Aliaksandr Yarashuk, chairman of the Belarusian Congress of Democratic Trade Unions, Hienadz Fedynich, former head of the REP, Siarhei Antusevich, deputy chairman of the Belarusian Congress of Democratic Trade Unions, Mikhail Hromau, former chairman of the Free Trade Union of Belarus, Vatslau Areshka, activist of the REP trade union, acting head of the Orsha independent trade union of the Belarusian Independent Trade Union and acting head of the trade union of Belarus, are held in custody.

On 5 January 2023 Minsk city court passed a verdict in the criminal case against the leaders of the Belarusian independent trade unions, political prisoners - the former head of the Independent trade union of radioelectronic industry - REP Hienadz Fedynich, the leader of Orsha independent trade union REP Vasil Berasniew, the acting chairman of REP trade union and the activist of REP trade union Vatslau Areshka. The court qualified their actions as calls to restrictive measures, aimed at causing harm to the national security of the Republic of Belarus (part 3 of article 361 of the Criminal Code), incitement of other social enmity and discord (part 3 of article 130), establishment of extremist formation or participation in it (part 1 and part 3 of

article 3611 of the Criminal Code). Hienadz Fedynich, 66, and Vasil Berasnieu, 73, were sentenced to 9 years' imprisonment in a strengthened regime; Vatslau Areshka, 68, was sentenced to 8 years' imprisonment in a general regime.

Belarusian human rights organisations have adopted [a statement](#) demanding the annulment of sentences and the release of independent trade union leaders.

In Belarus, the practice of hearing criminal cases in "special proceedings" (where people who are abroad can be criminally prosecuted) continues. Information about the defendants included in the "List of persons in respect of whom special proceedings have been initiated and who are summoned to a criminal prosecution body" is published on [the official website](#) of the Investigative Committee (IC). Currently, there are already 18 persons on the list.

On 17 January, the trial in absentia of the Coordination Council members Sviatlana Tsikhanouskaya, Pavel Latushka, Volha Kavalkova, Marya Maroz and Siarhei Dylevski started.

The practice of recognition of information products as "extremist materials", expansion of lists of citizens, organizations, formations, individual entrepreneurs involved in extremist activity, initiation of criminal cases for establishment of "extremist formations" and participation in them does not stop. Thus, the initiative "People's Anti-Crisis Department" was recognized as an "extremist formation", and on January 25, the Ministry of Internal Affairs recognized the "Community of Railwaymen of Belarus" as an "extremist formation".

Information portal dev.by [reported](#) On 9 January, the management of one major IT company received lists of employees who had donated to BYPOL and BYSOL funds, suggesting they attend a "conversation" at the State Security Committee.

### **Discrediting civil society organisations.**

The practice of discrediting civil society organisations in the pro-government media continues unabated. Discrediting civil society organisations in the pro-government media and Telegram-channels is a permanent tool of pressure on 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.

Thus, the newspaper of the presidential administration "Belarus.Segodnya" [published](#) a discrediting article concerning the leaders of the forcibly liquidated public association "Radislava". A discrediting article was also [published](#) in relation to the human rights defenders of the Human Rights Centre "Viasna", against whom a criminal case is currently pending in court.

### **Standard-setting initiatives, new legislation.**

A presidential decree has approved [the plan for drafting legislative acts for 2023](#). According to the decree, 30 draft laws are to be prepared in 2023. There are two initiatives directly aimed at non-profit organisations according to the plan for preparing draft legislative acts:

1. The Law of the Republic of Belarus "On Amendments to the Law of the Republic of Belarus on Freedom of Conscience and Religious Organisations". According to the plan,

the law will be amended taking into account the practice of its application, bringing it in line with the Constitution of the Republic of Belarus. The Council of Ministers of the Republic of Belarus is responsible for the preparation of the draft law. The draft law is expected to be ready by June 20223 and submitted by the Council of Ministers to parliament in September 2023.

2. Decree of the President of the Republic of Belarus "On Amendments to the Decree of the President of the Republic of Belarus" (correction of the Decree of the President of the Republic of Belarus from 1 July 2005 No. 300 "On Provision and Use of Gratuitous (Sponsorship) Aid"). The correction of this decree has been planned for a number of years, but has been postponed over and over again. The decree is aimed at regulating relations in the sphere of receiving and using donations, including by non-commercial organizations, from Belarusian legal entities and individual entrepreneurs. It is expected that the draft decree will be submitted to the president already in February 2023. The Council of Ministers is responsible for drafting the decree.

Work is expected to continue in 2023 on the adoption of laws drafted or passed in first reading in 2022. In particular, the law "On amending the laws on the activities of political parties and other public associations" (the draft [is published](#) on the National Legal Internet Portal, a brief analysis of the draft law [is available](#) on the Lawtrend website), the law "On the foundations of civil society" (the draft [is published](#) on the National Legal Internet Portal, an analysis of the draft law [is available](#) on the Lawtrend website), [the law](#) "On amending laws on local government and self-government", which provides an article on implementation of civil initiatives and the procedure for their financing

As of 31 January 2023, the draft laws "On amending the laws on the activities of political parties and other public associations" had been adopted by Parliament in two readings, and "On the foundations of civil society" had been adopted by Parliament and approved by the Council of the Republic.

The Law of the Republic of Belarus of 03.01.2023 No. 240-Z "On Forfeiture of Property" regulates the procedure of forfeiture of objects of title located on the territory of the Republic of Belarus from those who commit unfriendly actions against Belarusian legal or natural persons of foreign states, persons from foreign states as well as persons affiliated with them. At the same time, the law does not define the notion of "unfriendly actions".

The Law of the Republic of Belarus of 05.01.2023 No. 242-Z "On amendments to the Law of the Republic of Belarus "On Citizenship of the Republic of Belarus" extended the grounds for the loss of citizenship of the Republic of Belarus. It provides for the possibility for a person to lose the Belarusian citizenship acquired by birth in connection with the presence of a sentence of a Belarusian court which has entered into legal force, confirming the participation of this person in extremist activities or causing serious harm to the interests of the country, if this person is outside the country. The law obliges citizens 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 benefits and other privileges to inform the internal affairs agencies or diplomatic service agencies about it within 3 months after receiving the respective documents. The main provisions of the law come into force on 11.07.2023.