



Dear Readers,

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This issue of LawtrendMonitor traditionally presents an overview of the situation of freedom of association and the situation of civil society organizations in March 2023. The newsletter also contains new legal normative acts concerning civil society organizations adopted in the Republic of Belarus and legislative news. You can learn the results of the study "Belarusian Women Human Rights Defenders and Civil Activists: Specifics of Persecution and New Conditions" conducted by *Lawtrend*. The newsletter contains an analytical brief of some tendencies and perspectives for amending law on foreign funding in Belarus, data on the number of registered public associations in the country according to the official statistics of the Ministry of Justice, and international reaction to human rights violations in Belarus, in particular, of freedom of association.

Situation of Civil Society Organizations

1. As of 31 March 2023 1474 persons were recognized as political prisoners in Belarus (during the month, the human rights community designated 44 people as political prisoners). Belarusian human rights organizations adopted the following statements for recognition as political prisoners in March 2023:

<https://spring96.org/en/news/111228>

<https://spring96.org/en/news/111192>

<https://spring96.org/en/news/111074>

<https://spring96.org/ru/news/111255>

2. A review of the situation of freedom of association and the legal environment for civil society organizations in Belarus in March 2023 can be found on the [Lawtrend website](#).

Legislative News

3. The Law of the Republic of Belarus of 9 March 2023 No. 256-3 amends the Criminal Code of the Republic of Belarus of 9 July 1999.

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In particular, Article 289-1 imposing responsibility for propaganda of terrorism and Article 375-2 imposing responsibility for violating requirements for protection of state secrets have been added to the Code.

The document stipulates that committing a number of crimes against the state - crimes against peace, public safety, public health, etc. - may be punished by a fine of 500 to 50,000 basic units.

It also stipulates that treason against the state committed by an official having a senior position or a person having the status of a serviceman is punishable by life imprisonment or the death penalty.

The Special Rapporteur on the situation of human rights in Belarus and the Special Rapporteur on extrajudicial, summary or arbitrary executions of the UN Special Procedures addressed the Belarusian government regarding the amendments to the Criminal Code that expand the use of the death penalty in the country.

The decree entered into force on 25 March 2023.

4. On 28 February 2023, The Decree of the Ministry of Justice No. 14 "On amending the decree of the Ministry of Justice No. 48 of 30 August 2005" was adopted.

The new edition contains the Instruction for the procedure for executing and considering documents related to the state registration and liquidation of political parties, other public associations, and their unions (associations).

These document forms were also updated.

The new edition of the Instruction is due to amendments to the laws "On Public Associations" and "On Political Parties" (*Lawtrend* experts' commentaries on the key amendments to the law "On Public Associations" are [available](#) on the *Lawtrend* website; in the nearest future, information and templates on establishing and registering public associations will be updated).

It has entered into force since 15 March 2023.

5. On 23 March, the Council of Ministers adopted Resolution No. 203 "On Elimination of Violations of Labor Legislation."

The Resolution approved:



- Regulation on the procedure for issuing and enforcing a claim to eliminate violations of labor legislation in relation to ensuring the payment of wages;
- Regulation on the procedure for issuing a decision on the recovery of wages and (or) other payments owed to an employee in accordance with labor legislation.

The information on non-payment or incomplete payment of wages by an employer within the prescribed period received from law enforcement or other state agencies, organizations, and individuals, as well as published in the media is the basis for the Department of State Labor Inspection's measures to confirm the fact of non-payment of wages.

The Department shall issue a claim binding for an employer to eliminate violations no later than five working days following the receipt day of documentary confirmation of the fact of wage arrears.

The claim establishes a deadline for eliminating the violation. As a rule, it does not exceed 15 working days.

If an employer fails to comply with the claim within the specified period, the Department has the right to issue a decision on the recovery of wages (no later than ten working days from the date of expiry of this period).

The Resolution will go into effect on 11 April 2023.

Legislative Drafting News

6. The draft law "On Amendments to the Law of the Republic of Belarus 'On Normative Legal Acts'" was adopted in the second reading by the House of Representatives and approved by the Council of the Republic.

In particular, it fixes the status of the All-Belarusian People's Assembly as the subject of legislative initiative and defines that decisions of the All-Belarusian People's Assembly adopted on the issues stipulated in the amended February 2022 version of the Constitution of the Republic of Belarus (paragraphs 1, 2, 8 and 11 of Article 89-3) are included in the legislation.

It is also envisaged to exclude from the law the provisions on adoption of new decrees of the President of the Republic of Belarus (Presidential edicts remain). The mechanism of termination and suspension of decrees of the President of the Republic of Belarus is set forth (their invalidation is made



by laws, while suspension is made by laws and Presidential edicts of the Republic of Belarus).

7. The Ministry of Antimonopoly Regulation and Trade of the Republic of Belarus announced a large-scale work on amending the Law of the Republic of Belarus of 09.01.2002 № 90-3 "On the Protection of Consumers' Rights" from 2024.

Ministry of Justice statistics

8. According to information from the Ministry of Justice, as of 1 January 2023 there were 15 registered political parties and 1 172 party organizations, 20 trade unions (15 republican, 1 territorial and 4 organization-based trade unions) and 28 272 trade union organizations, 2 544 public associations (213 international, 668 national and 1 663 local) and 45 706 organization-based public associations, 44 union-based public associations and 7 national public associations.

Compared to the previous year, according to official statistics, there are 434 fewer public associations (as of 1 January 2022, 2 978 public associations were registered, according to the Ministry of Justice).

There are also five fewer trade unions (the number of national trade unions was reduced from 20 to 15 due to the liquidation of all independent trade unions). The number of political parties has remained unchanged.

Unlike in previous years, the statistics do not provide information on the number of registered foundations (foundations were also subject to mass liquidation in 2021-2022), nor on the total number of public associations registered in 2022.

Information about the number of non-state institutions and associations of legal entities registered in the country is not provided in the statistics of the Ministry of Justice. It has not been available in Belarus for many years.

A more detailed commentary on the statistics of registered NPOs in Belarus can be found in the March 2023 Lawtrend review.

Lawtrend`s study: Belarusian Women Human Rights Defenders and Civil Activists: Specifics of Persecution and New Conditions

9. The Lawtrend's experts prepared [research](#) «Belarusian Women Human Rights Defenders and Civil Activists: Specifics of Persecution and New Conditions».



Lawtrend conducted this research to identify the specifics of persecution of women human rights defenders and civil activists in Belarus in the context of their exercise of civil rights in the aftermath of the 2020 presidential elections. This should allow to identify and analyze the specific risks, challenges, and restrictions they face in order to understand and take into account how women involved in civic activism suffer in the broader contexts of violence and discrimination in Belarus, and in turn to contribute to better developing strategies and mechanisms to protect and support Belarusian women human rights defenders and civil activists.

Foreign funding in Belarus: some trends and legal perspectives.

Lawtrend experts prepared an [analytical brief](#) of some trends and possible legal novelties in access to foreign funding in Belarus. The review also includes a list of international technical assistance programs and projects approved in Belarus in 2021-2022.

International reaction to human rights violations, in particular of freedom of association, in Belarus

11. On 17 March, [the report](#) of the UN High Commissioner for Human Rights "Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath" was published.

The report is submitted pursuant to resolution 49/26 of the Human Rights Council, at its fifty-second session, and covers developments in Belarus from 1 May 2020, in the run-up to the 2020 presidential election, to 31 December 2022. It is based on a detailed analysis of 207 interviews with victims and witnesses, representatives of non-governmental organizations, journalists, lawyers, and medical workers.

There are sufficient grounds to believe that systematic, massive and gross human rights violations have been committing in Belarus and that some of the violations may also amount to crimes against humanity, the report states.

The report was presented on 22 March during the 52nd session of the UN Human Rights Council.

12. For the third time, member states of the Organization for Security and Cooperation in Europe (OSCE) launched the Moscow Mechanism to assess the human rights situation in Belarus.



The statement was signed by 38 countries: Albania, Austria, Belgium, Bulgaria, Canada, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, the United Kingdom and the United States of America.

The joint statement refers to the 22 March 2023 report of the UN High Commissioner for Human Rights.