

30.04

2023

LAWTRENDMONITOR



Dear Readers,

Contents:

- *Situation of civil society organizations: review in April 2023*
- *Legislative news*
- *Legislative drafting news*
- *Survey: Research of relocated Belarusian SCOs*
- *Timeline of Freedom of Association Violations*

This LawtrendMonitor traditionally provides an overview of the situation with freedom of association and the situation of civil society organizations – in April 2023. It also contains adopted in the Republic of Belarus new normative legal acts concerning civil society organizations and legislative drafting news. You can learn a chronology of violations of freedom of association (August 2020-March 2023) by *Lawtrend*. The *LawtrendMonitor* readers who represent relocated Belarusian civil society organizations are encouraged to participate in a survey conducted by *Lawtrend* and OEEC.

Situation of Civil Society Organizations

1. *Lawtrend* experts prepared an overview of the situation of freedom of association and the legal environment for civil society organizations in Belarus in April 2023. You can read it on [Lawtrend website](#).

Legislative News

2. The Law of the Republic of Belarus of 7 April 2023 No. 261-3 introduced amendments to the Law of the Republic of Belarus "On Normative Legal Acts."

The document, in accordance with the amendmended Belarusian Constitution, abolishes the issuing decrees by the president and accorded him the right to issue only edicts and orders. The decrees of the president of the Republic of Belarus issued before the entry into force of the amendments and additions to the Constitution adopted at the national referendum on 27 February 2022 shall apply until being deemed to have lost force by laws.

Decisions of the All-Belarusian People's Assembly were included in the legislation. The norms concerning the legal effect of normative legal acts were revised. The procedure for publicizing and entering into force normative and non-normative legal acts was clarified. It is stipulated that resolutions of the Plenum of the Supreme Court shall come into effect from the date of their adoption, unless another date of their entering into force is specified in these acts.

Explanations of the application of normative legal acts provided by state bodies (organizations) are to be of advisory nature. At the same time, legal

Lawtrend

is a group of professionals who work together using legal research and educational methods for the realization and effective protection of human rights and freedoms.



consequences of non-compliance with the legislation committed as a result of executing the explanations "might be fixed by legislative acts."

The main provisions of the Law entered into force on 13 April 2023.

3. The National Statistical Committee of the Republic of Belarus (Belstat)'s Resolution No. 14 of 24 March 2023 approved the Instruction on the procedure of dissemination and (or) presentation of official statistical information generated by state statistical authorities to users.

According to the document, statistical data prepared in accordance with an annual plan is disseminated to users free of charge.

The instruction specifies that statistical authorities provide official statistical information to mass media outlets at requests (in the form of press releases, statistical reviews, infographics, reports, commentaries, and other information materials).

At the same time, the document clarifies that dissemination and presentation of statistics to users may be limited when this may harm national security of the country, public order, morality, as well as rights and interests of economic entities and natural persons.

New rules on dissemination of statistical information have been in force since 5 April 2023.

4. The resolution of the Council of Ministers of the Republic of Belarus No. 84 dated 10 March 2023 "On Amendments to Resolution of the Board of the National Bank of the Republic of Belarus No. 818 of 24 December 2014" amended the Instruction on Requirements to Internal Control Rules in the Field of Prevention of Legalization of Proceeds of Crime, Financing of Terrorism, And Financing of Proliferation of Weapons of Mass Destruction in the course of banking operations.

The Instruction stipulates, in particular, that in order to limit (reduce) the risks associated with money laundering, financing of terrorist activities and financing of proliferation of weapons of mass destruction a bank shall analyze financial transactions of its customers for compliance with the bank's information about them, the purpose and nature of their activities, including for determining the source of the customer's funds to promptly identify suspicious financial transactions and for documenting them.

5. The Resolution of the Council of Ministers of the Republic of Belarus No 196 dated 22 March 2023 introduced amendments to a number of



resolutions of the Council of Ministers of the Republic of Belarus relating to the activities of non-profit organizations.

In particular, it specifies:

- template for a certificate of the head of a non-commercial organization;
- procedure for registration and recording of organizational structures of political parties and public associations;
- procedure for publishing announcements about state registration, name changes, and liquidation of political parties and public associations in mass media outlets.

The Resolution came into force on 25 March 2023.

6. The Resolution No. 19 of the Ministry of Justice of the Republic of Belarus of 21 March 2023 amended the Resolution No. 153-1 of the Ministry of Justice of the Republic of Belarus of 30 October 2020.

In particular, in connection with the amendments to the law "On Public Associations," the terms for submitting reports to the registration body by public associations and their unions (associations) were changed. Earlier, public associations and their unions were obliged annually, by March 1st of the year following the reporting year, to bring to public knowledge, by publishing it in the mass media outlets or on their official sites or by sending to the place of registration to the Ministry of Justice, judicial bodies for further publishing on their official sites, information (reports) on their activities, as well as on the receipt and expenditure of funds and other property. Now this obligation must be fulfilled until March 31st of the year following the reporting year.

Political parties and their unions (associations) must also send the information (reports) directly to the Ministry of Justice annually, by March 31st.

At the same time, minor corrections were made to the content of information to be presented.

The Resolution came into force on 2 April 2023.

7. On 1 April 2023, pursuant to the Resolution of the National Bank of the Republic of Belarus No. 492 dated 28 December 2022 "On Additional Criterion for Identification and on Indicator of Suspicious Financial Transactions," a requirement was set forth for banks to identify natural



persons - payers who deposit cash for its subsequent crediting to the current (settlement) bank account of a natural person who is not an individual entrepreneur, for an amount equal to or exceeding 50 base units. When depositing money through a bank's cash desk, the payer shall be identified by fixing the data of identity papers.

8. Starting from 8 April 2023, the 5 April 2022 amendments to the Law of the Republic of Belarus of 7 December 2009 № 65-3 "On the Fundamentals of State Youth Policy" took effect.

The law additionally defines the procedure for state support of youth initiatives, i.e. activities and projects proposed for implementation by youth public associations and (or) initiative groups of at least two young citizens.

At the same time, the Regulation on the procedure of forming, financing, and realizing youth initiatives approved by the Resolution of the Council of Ministers of the Republic of Belarus of 31 January 2023 № 87 came into force.

9. The Resolution of the Ministry of Sports and Tourism of the Republic of Belarus of 31 March 2023 № 24 "On the Procedure for Providing Information" approved the Instructions on the procedure for providing information on their activities by federations (unions, associations) of a sport (sports) included in the register of federations (unions, associations) of a sport (sports).

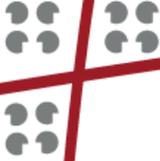
The information on the activities shall be submitted by federations to the Ministry of Sports and Tourism and the National Olympic Committee of the Republic of Belarus in electronic format or in hard copy annually not later than February 1st of the year following the reporting year, according to the form in annex.

The Resolution is to enter into force from 1 July 2023.

Legislative drafting news

10. The draft Law of the Republic of Belarus "On Amendments to the Law of the Republic of Belarus 'On the Mass Media'" was adopted in the first reading.

In particular, the draft law proposes to detail the requirements for the activities of owners of web-resources which distribute content of television and (or) radio broadcasting media outlets, to clarify the procedure for the



activities of foreign media in Belarus, and to fix the possibility of retaliatory measures against foreign media outlets and websites, their journalists.

Research of relocated Belarusian organizations: *Lawtrend* and OEEC`s survey

11. *Lawtrend* and the OEEC are conducting a new survey among relocated Belarusian civil society organizations. Hereby by the 'relocated' we mean the Belarusian CSOs identifying themselves as 'relocated,' registered and unregistered outside of Belarus, where their staff and/or members, volunteers are fully or partially located.

Nowadays, there are many questions and myths concerning such organizations, including among stakeholders interested in working with Belarus. The research aims to clarify some aspects of their activities.

In this regard, we kindly ask representatives of relocated organizations to participate in the **anonymous survey**. You can find it following the link: <https://forms.gle/3V36oeogfmiMXY677>

It will take no more than 15 minutes to answer. We are waiting for your answers **until May 18**.

The survey results will be available publicly in short form.

Timeline of Freedom of Association Violations

12. *Lawtrend* experts have updated the previously prepared [Timeline of violations of freedom of association in Belarus](#). It includes a month-by-month description of the situation with freedom of association in the country, starting in August 2020 and ending in March 2023.