



Dear Readers,

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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.

This issue of LawtrendMonitor as usual presents a review of the situation with freedom of association and the situation of civil society organizations in May 2023. The newsletter also contains new normative legal acts adopted in the Republic of Belarus concerning civil society organizations and Legislative drafting news. We give you a review of liquidating non-profit organizations in Belarus prepared by Lawtrend experts. We kindly ask public associations, including those registered in 2021-2023 in Belarus, to take part in a survey on reporting. Readers of LawtrendMonitor are invited to read updates on the Lawtrend website, a Telegram bot on job arrangement of foreign nationals in Lithuania and Georgia, and international reactions to human rights violations, in particular of freedom of association, in Belarus.

Situation of Civil Society Organizations

1. *Lawtrend* experts prepared a review of the situation of freedom of association and the legal environment for civil society organizations in Belarus in May 2023. It is available on the [Lawtrend website](#).

Legislative News

2. The Law of the Republic of Belarus of 11.05.2023 № 268-3 "On Amending Laws" amended the following laws:

- No. 1914-XII of 05.11.1992 "On Military Duty and Military Service"
- No. 354-3 of 23.06.2008 "On Granting Refugee Status, Subsidiary Protection, Asylum, and Temporary Protection in the Republic of Belarus to Foreign Citizens and Stateless Persons"
- No. 49-3 of 20.09.2009 "On the Procedure of Leaving the Republic of Belarus and Entering the Republic of Belarus for Citizens of the Republic of Belarus"
- No. 105-3 of 04.01.2010 "On the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Belarus"

In particular, Art. 7 of the Law No. 49-3 specifies and expands the list of the grounds on which the right of a citizen to leave Belarus may be temporarily restricted, as follows:



- a citizen is sued in civil or economic proceedings (decision is made by court);
- a citizen is an official of a debtor - a legal entity under the enforcement proceedings not fulfilling the requirements contained in the enforcement documents without a valid reason;
- a citizen's departure is contrary to the interests of national security (departure may be restricted for up to six months by a decision of the KGB);
- a citizen is under administrative proceedings for committing an offence against administrative order (in order to enforce a judge's decision to impose an administrative penalty in the form of a fine).

The authorities that issued a decision on restriction on leaving the country are obliged to notify a citizen about that. Someone can find out about the restrictions through the [online service](#) on the official website of the Ministry of Internal Affairs. To do this, it is necessary to register using a computer on the website, to create a personal account, and to send a request.

The main provisions entered into force on 17 May 2023.

3. On 16 May 2023, the Edict of the President of the Republic of Belarus No. 138 "On Rent and Gratuitous Use of Property" was adopted.

It establishes the procedure of leasing and granting of free use for state-owned property.

The edict approves four regulations:

[Regulation](#) on the procedure for leasing (granting of free use) of immovable property owned by the Republic of Belarus;

[Regulation](#) on the procedure for rent assessment when leasing immovable property;

[Regulation](#) on the procedure for rent assessment for leasing immovable property in markets;

[Regulation](#) on the procedure for rent assessment when leasing movable property owned by the state.

The Edict No. 138 abandoned [the Edict No. 150 of the President of the Republic of Belarus](#) of 29 March 2012 "On some issues of rent and gratuitous use of property" which determines rent preferences for non-commercial organizations.



At the same time, the new edict also stipulates that a reduction factor of 0.1 to the basic rates of rent may be applied to facilities leased by, among others:

- creative unions, their organisational structures acting as a legal entity to accommodate each workshop (creative workshop), gallery, exhibition hall, studio, creative laboratory, up to 100 square metres inclusive. The area exceeding 100 square metres is paid without applying a reduction factor. In this case, a member of the creative union can be provided with one workshop, studio, laboratory with the application of the reduction factor 0.1 for the area rented by creative unions, their organisational structures acting as a legal entity. In case of placement of several members of a creative union in one workshop, studio, laboratory, the reduction factor 0,1 is applied to 100 square metres, and the exceeding area is not subsidised;
- public associations and their organizational structures, foundations, associations, and unions in accordance with the list specified by the Council of Ministers of the Republic of Belarus (there are 23 organisations at the moment in the list, according to the decision of the Council of Ministers of the Republic of Belarus of 30 April 2013 № 327);
- non-profit organizations not engaged in entrepreneurial activities, for organising children's and youth sports sections and groups, children's theatres, studios, dance, literary and artistic groups;
- Republican state and public associations and their organizational structures;
- Trade unions (trade union associations) and their organizational structures (units).

In contrast to the Edict No. 150, the Edict No. 138 does not approve the list of legal entities and individual entrepreneurs to whom the real estate in state ownership, as well as that in the ownership of business associations with over 50% of the shares (stakes) in their authorized funds owned by the Republic of Belarus and (or) its administrative-territorial units are granted for gratuitous use.

The key provisions of the edict are to come into force on 20 November 2023.



4. The Resolution No. 19 of 15 May 2023 by the Ministry of Taxes and Duties of the Republic of Belarus approved the Instruction on treating organizations and individual entrepreneurs as inactive payers.

It is established that public and religious organizations (associations) and other non-profit organizations must not be considered as inactive payers.

5. On 19 May 2023, the Law dated 14 February 2023 No. 250-3 "On Essentials of the Civil Society" came into force, which actually establishes a hierarchy of non-profit organizations depending on their interaction with the state. [Commentary](#) to the law by *Lawtrend* experts is available.

Legislative drafting news

6. A draft resolution of the Ministry of Natural Resources and Environmental Protection amending the resolution of 11 January 2017 № 5 "On local environmental monitoring" was put up for [public discussion](#).

The organizer of the public discussion is the [Ministry of Natural Resources and Environmental Protection](#).

From 25 May to 5 June 2023, comments and suggestions can be made in a [special thread](#) on the Legal Forum of Belarus or sent to the organizer of the public discussion`s e-mail: an_work@minpriroda.gov.by

Liquidation of non-profit organizations: *Lawtrend`s* review

7. One of the forms of pressure on Belarusian civil society organizations in the post-election period after 2020 is a campaign on their mass liquidation. This campaign is unprecedented in its scale. Also, many non-profit organizations (NPOs), mostly regional ones, were forced to take the decision to liquidate themselves. Such a decision is made primarily due to pressure on members, employees of NPOs, the unfavorable legal environment, the general socio-political situation in the country, and often under pressure from the authorities on NPOs to make the appropriate decision.

Lawtrend experts have prepared an [overview](#) of the liquidation of NGOs in Belarus: periods of mass NGO liquidation in Belarus, their differences, and grounds for liquidation. The overview also includes an analysis of international standards and Belarusian legislation on the liquidation of CSOs.



Also, an [infographic](#) was prepared regarding the liquidation of non-profit organizations in Belarus in 2021-2023.

Public Association Reporting: *Lawtrend* Survey

8. *Lawtrend*, in cooperation with partner organizations, are conducting a [survey](#) of public associations registered in Belarus (including those in respect of which a decision on liquidation was taken in 2021-2023).

The survey concerns submission of reports and other mandatory information by public associations to various state bodies, in particular, submission of information on continuing activities, as well income received and expenses incurred to the registering body.

The survey is ongoing until the end of May 2024.

***Lawtrend* website: updates**

9. Due to the changes in the law relating to establishment and activities of public associations in Belarus, *Lawtrend* experts updated the relevant [sections](#) on the organization's website. In particular, they updated the information materials and standard documents for creation and registration of public associations and their organizational structures in Belarus.

The [informational material](#) "Foreign Financing in Belarus: Some Trends and Possible Legal Novelties" was added with the data on the amounts of the foreign gratuitous aid attracted to Belarus in 2021-2022.

Guidelines on the job arrangement of foreign citizens in Lithuania and Georgia: Telegram bot

10. We are pleased to present you a new product of *Lawtrend* - Telegram bot for foreign nationals with information on how to arrange their work in Georgia and Lithuania.

In the Telegram bot you can find answers to questions about legalization, including international protection and obtaining a residence permit, taxation, employment of individuals, registration, financing, reporting, taxation of individual entrepreneurs, commercial, and non-profit organizations.

Link to the Telegram Bot: [@guidelines_for_foreigners_bot](#)



International Reaction to Human Rights Violations, in Particular of Freedom of Association, in Belarus

11. The OSCE Fact-Finding Mission to Belarus (2023), in accordance with paragraph 12 of the Moscow Mechanism Document, prepared the [Report](#) on the Serious Threat to the OSCE Human Dimension in Belarus since 5 November 2020.

12. The international nongovernmental organization *Freedom House* published the [Report](#) "Nations in Transit 2023." The position of Belarus in the ranking of freedom has not changed compared to last year. The country scored 8 out of 100 and was classified as a non-free country.