



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

**May 2023**

The repression of Belarusian citizens, including leaders and members of civil society organizations, continues in Belarus; detentions, searches, summonses for "talks", torture in places of detention, pressure on political prisoners and activists is taking place. The campaign of "cleansing" of civil society organizations in Belarus, which, as it seemed, had to stop after the adoption of amendments to the law of the Republic of Belarus "On Public Associations", has not stopped. The facts of the decisions on forced liquidation of the NGOs and submission of new liquidation suits to courts are being constantly registered. As of the end of May 2023 at least 845 non-commercial organizations 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 self-liquidation is at least 470 at the end of May. Thus, the losses in the public sector of Belarus, starting from the post-election period of 2020, are already at least 1315 institutionalized forms of non-governmental organizations (public associations, trade unions, foundations, non-governmental establishments and associations). This is 32 organisations more than in the previous monitoring period. Prosecution of citizens for establishment, participation in, financing of allegedly extremist formations, information materials, initiatives are recognized as extremist and citizens involved in extremist activity continues. There is a further division between state-supported and independent "civil society".

As of 31 May 2023, there are 1496 persons recognised as political prisoners and held in places of detention in Belarus.

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

As of 31 May 2023, according to the [monitoring](#) conducted by Lawtrend, 845 non-governmental organisations were recorded as being in the process of forced liquidation, including liquidation suits submitted to court by registration bodies, or forcibly excluded from the Unified State Register of Legal Entities and Individual Entrepreneurs (USR). During the monitoring period

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<sup>1</sup> The monitoring only records cases of forced liquidation and self-liquidation of non-governmental NCOs; governmental establishments and national public organizations are not counted in the quantitative indicators. Religious organizations, consumer cooperatives and other organizational and legal forms of NGOs other than public associations, foundations, private establishments and associations are also not taken into account.

both court decisions on forced liquidation of public associations were passed and new suits on forced liquidation were filed. As during the previous monitoring period, the majority of liquidation suits were filed by the main justice department of Hrodna Regional Executive Committee and the Ministry of Justice. The main justice department of Hrodna Regional Executive Committee and the main justice department of Minsk City Executive Committee also filed liquidation suits against two foundations, respectively.

For the first time during the year there were cases of forced liquidation of non-state establishments: the Hrodna City Executive Committee decided to liquidate 4 NGOs of this organizational-legal form.

### **Decisions by non-governmental organizations to self-liquidate**

The process of decision-making by non-governmental organisations to liquidate themselves (during the monitoring period these were public associations and one non-state establishment) continues unabated. As of 31 May 2023, according to [the monitoring](#) conducted by Lawtrend, 470 non-commercial organizations (public associations, foundations and establishments) were registered in relation to which the statutory authority or founders took decisions on liquidation. At the same time, the highest number of decisions on the independent liquidation of non-profit organizations is recorded in the Hrodna region, which in the monitoring period became a "leader" in relation to the liquidation of NGOs, both forced and independent.

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

Thus, the analysis of the total statistics of forcibly liquidated (liquidated) NGOs and NGOs that have decided to liquidate themselves, shows that from September 2020 to the end of May 2023, there are at least 1315 fewer (or soon to be as a result of court proceedings) non-profit organisations (public associations, including trade unions, foundations, establishments, associations) in Belarus.

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

During the monitoring period the practice of forcing registered public associations (the Ministry of Justice) to expel certain citizens from their membership was recorded (this is not the first such practice, such cases have been recorded before). Sometimes it is a case of about tens of members of public associations. There is also a recorded practice of forcing a change in the status of a national public association to a local one.

In May, there were repeatedly conducted searches, detentions and summons of representatives of civil society organisations to the security bodies for "talks" fixed in Belarus. On 17 May Alena Anisim, former head of the Belarusian Language Society, was detained (sentenced to 12 days of administrative arrest).

Human rights activist [Nasta Loika](#) remains in pre-trial detention facility in connection with her professional activities ((her trial will begin on June 13). [Leanid Sudalenka](#), chair of Homiel branch of Human Rights Center Viasna (listed as involved in extremist activities, sentenced to 3

years of imprisonment in a general regime colony) and coordinator of Viasna Volunteer Service [Marfa Rabkova](#) (sentenced to 14 years and 9 months in a general regime colony, listed as involved in terrorist and extremist activities) are serving prison terms, Viasna volunteer [Andrey Chapiuk](#) (sentenced to 5 years and 9 months in a medium security prison, listed as involved in terrorist and extremist activities); Viasna chairman and Nobel laureate [Ales Bialiatski](#); Viasna Board member and FIDH Vice-President [Valiantsin Stefanovich](#); lawyer [Uladzimir Labkovich](#), coordinator of the campaign "Human Rights Defenders for Free Elections".

In places of deprivation of liberty, other representatives of civil society organizations are also being held, for example, members of the Coordination Council [Maxim Znak](#) (included in the list of individuals involved in terrorist activities, sentenced to 10 years of imprisonment), [Marya Kalesnikava](#) (included in the list of individuals involved in terrorist activities, sentenced to 11 years of imprisonment), cultural activist and head of the establishment "City Life Center" [Pavel Mazheika](#), representative of the "Green Patrol" initiative [Pavel Nazdra](#) (included in the list of individuals involved in extremist activities, sentenced to 2 years of imprisonment), former leader of the Public Association "Akhova Ptushak Batskaushchyn" [Viktar Fianchuk](#) (included in the list of individuals involved in extremist activities, sentenced to 2 years and 6 months of imprisonment), public figure, founder of the "Flying University" [Uladzimir Matskevich](#) (included in the list of individuals involved in extremist activities, sentenced to 5 years of imprisonment), expert of the analytical group of the Agency for Humanitarian Technologies, coordinator of the "Flying University," senior analyst at the Center for European Transformation [Tatsiana Vadalazhskaya](#) (included in the list of individuals involved in extremist activities, sentenced to 2 years and 6 months of restricted freedom with placement in an open-type correctional facility ("chemiya")), member of the Council and co-founder of the School of Young Public Administration Managers Sympa, expert of the research project bipart [Tatsiana Kuzina](#) (sentenced to 10 years of imprisonment), founder and editor of the expert community website "Our Opinion," head of the expert monitoring group "Belarus in Focus" [Valeryia Kastsiuhova](#) (sentenced to 10 years of imprisonment), co-chair of the association "Tell the Truth" and former presidential candidate [Andrey Dzmitryeu](#) (sentenced to 1.5 years in a colony).

[Maksim Puchynski](#), deputy director of the Minsk Cycling Society (listed as a person involved in extremist activities), is confined to 2 years and 6 months without being sent to an open-type correctional facility ("house-chemistry").

Symbal.by founder [Pavel Belavus](#) is sentenced to 13 years in a reinforced regime colony and a fine of 500 basic units (18,500 Belarusian rubles) under part 1 of Art. art. 356 (treason against the state), art. 342 part 1 (active participation in the group actions that grossly violate the public order), art. 361 part 3 (appeals to actions aimed at damaging the national security of the Republic of Belarus), art. 361 part 1<sup>1</sup> (leadership of the extremist formation - the Belarusian Culture Board, recognized as extremist seven months after his detention). The property of Belavus was seized for a total sum of more than 50 thousand Belarusian rubles. [According to the Investigative Committee](#), "by his criminal actions Pavel Bialous has jeopardized the external and internal security of the state for ten years. For this he received more than \$150,000, 50,000 euros and 40,000 zlotys from foreign sponsors".

On May 22, the criminal case against [Eduard Babaryka](#) - the head of the two most popular crowdfunding platforms Uley and MolaMola in Belarus, which were blocked in 2020 began. Eduard is facing charges under part 3 of Art. 130 (inciting other social hatred), Part 1 of Article 293 (organization of mass riots), Part 2 of Article 235 (legalization ("laundering") of criminal proceeds) and Part 2 of Article 243 (tax evasion) of the Criminal Code. [According to BelTA](#), Babaryka, among other things, "being aware of the nature of the information posted and the purpose of its posting, by means of the " Uley " and "Mola Mola" platforms he organized the posting of the corresponding destructive projects with the mentioned information and the collection of funds from an uncertain circle of people to support the participants of the mass riots".

On 26 May an activist, art-manager [Uladzimir Bulauski](#), was sentenced to 2 years in a general regime colony under Article 342<sup>2</sup> of the Criminal Code (repeated violation of the order of organisation or holding of mass events).

On 26 May the Supreme Court considered and upheld the appeal of political prisoner [Andrey Pachobut](#), the member of the Union of Poles (listed as involved in terrorist activities). Pachobut was sentenced to 8 years of imprisonment under Article 361 (calls to actions aimed at harming the national security of the Republic of Belarus) and Article 130 of the Criminal Code (incitement of racial, national, religious or other social hatred).

[According to](#) the Belarusian Independent Trade Union, currently, nearly four dozen trade union activists and leaders of democratic trade unions are imprisoned in Belarus. Thus, leaders and activists of Belarusian independent trade unions are being held in places of detention:

- [Aliaksandr Yarashuk](#), Chairman of the Belarusian Congress of Democratic Trade Unions (sentenced to 4 years of imprisonment, included in the list of individuals involved in extremist activities).
- [Siarhei Antusevich](#), Deputy Chairman of the Belarusian Congress of Democratic Trade Unions (sentenced to 2 years of imprisonment, included in the list of individuals involved in extremist activities).
- [Iryna But-Husaim](#), Accountant (sentenced to 1.5 years of imprisonment, included in the list of individuals involved in extremist activities).
- [Andrey Khanevich](#), Chairman of the primary organization of the Belarusian Independent Trade Union at OJSC "Hrodna Azot" (included in the list of individuals involved in extremist activities, sentenced to 5 years of imprisonment).
- [Aliaksandr Mishuk](#), Chairman of the Independent Trade Union at "Belaruskali" (included in the list of individuals involved in terrorist activities and extremist activities, sentenced to 2 years and 6 months of imprisonment).
- [Yanina Malash](#), Activist of the Free Metalworkers Union (included in the list of individuals involved in extremist activities, sentenced to 1.5 years of imprisonment).
- [Henadz Fiadynich](#), Head of the Independent Trade Union of Radioelectronic Industry Workers (sentenced to 9 years of imprisonment in high-security conditions, included in the list of individuals involved in extremist activities).

- [Vasil Berasnieu](#), Leader of the Orsha Independent Trade Union of Radioelectronic Industry Workers, acting Chairman of the Trade Union of Radioelectronic Industry Workers (sentenced to 9 years of imprisonment in high-security conditions, included in the list of individuals involved in extremist activities).
- [Vatslau Areshka](#), Activist of the Trade Union of Radioelectronic Industry Workers (sentenced to 8 years of imprisonment, included in the list of individuals involved in extremist activities).
- [Artsiom Zharnak](#), Chairman of the primary trade union organization of the Free Metalworkers Union at MAZ (included in the list of individuals involved in terrorist activities, sentenced to 4 years of imprisonment).
- [Mikhail Hromau](#), Secretary of the liquidated Free Metalworkers Union (sentenced to 2 years and 6 months of restricted freedom without placement in an open-type correctional facility).
- [Vital Chychmarou](#), Head of the primary trade union organization of the Free Metalworkers Union (sentenced to 3 years of restricted freedom without placement in an open-type correctional facility).

The practice of recognising information products, including initiatives posted abroad, as "extremist materials", expanding the lists of citizens, organisations, formations and individual entrepreneurs involved in extremist activities, initiating criminal proceedings for setting up "extremist formations" and participating in them, and financing extremist activities has not stopped.

Thus, during the monitoring period human rights defenders [Marfa \(Marya\) Rabkova](#) and [Andrey Chapiuk](#) (previously included in the list of persons involved in terrorist activities), activists of the independent trade union REP [Henadz Fiadynich](#), [Vasil Berasnieu](#) and [Vatslau Areshka](#) were included to [the List](#) of citizens of the Republic of Belarus, foreign citizens or stateless persons involved in extremist activities.

Extremist materials include resources created both in Belarus and abroad, including the Telegram chat "Valantsyorskaya Sluzhba PC "Viasna", the "Viasna" page on the photo-hosting platform Flickr, 7 Telegram chats and channels, the Instagram account vias nabrest, the community "cbshelp" of the "Center for Belarusian Solidarity", the website and social networks of the "Community of Belarusian Railways", and the "Belarusian Youth Hub in Warsaw". The practice of recognizing diaspora internet resources as extremist materials is being spread, for example, Telegram channels such as "Belarusians Abroad", "Information, Events, Actions for Belarusians in Wroclaw", and "Belarusians in Georgia / BY in Georgia" have been recognized as extremist. The practice of attributing extremist formations to foreign organizations continues. For instance, by the decision of the KGB dated 16.05.2023 "On recognizing a group of citizens as an extremist formation and prohibiting its activities," the "Fundacja 'Reka Wielkiej Pomocy'" was recognized as an extremist formation.

### **Foreign funding**

Despite the fact that many non-governmental organisations remaining in Belarus in registered status are now actually unable to register foreign donation projects, the Department for

Humanitarian Activities of the Presidential Administration is actively working to disseminate information about its involvement. Thus, back in April, the department [held](#) a seminar on development and implementation of international projects for heads and chairmen of Minsk city structures of national NGOs. There is an obvious focus on attracting foreign donations to the country by state structures. Thus, [on May 17 in Hrodna region](#) was held a seminar-meeting "On the work of state institutions on attraction of foreign donations" (similar events were held by the department more than once in the second half of 2022).

However, there is no available information on the amount of foreign donations attracted to Belarus in the first half of 2023. Foreign funding, including that received by Belarusian state bodies and organisations, has not been a transparent process in Belarus for many years.

Some information about the amount of foreign donations attracted in 2022 (obviously, this does not include international technical assistance, for which the Ministry of Economy is responsible for implementation) [is available](#) on the MFA website. According to the Department of Humanitarian Affairs, in 2022 registered foreign donations from the US amounted to 17.36 million dollars (55.8 per cent of the 2021 level). At the end of 2022, the US came in second place among donor countries, only slightly behind Russia. The US share of total humanitarian aid in 2022 was 19.86 per cent (30.38 per cent in 2021). According [to](#) the Department of Humanitarian Affairs, in 2021 Belarus attracted \$102 million in foreign donations. Thus, in 2022, the amount of foreign donations attracted in the country was about \$87 million. At the same time, the head of the Department of Humanitarian Affairs of the Presidential Administration of the Republic of Belarus noted that the priority task for 2022 was to more actively attract foreign donations from government agencies.

### **The creation by the state of "its own" civil society.**

On 2 May the Ministry of Justice registered the Belaya Rus party. The party [positions](#) itself as "an association of Lukashenka's supporters that seeks to preserve and develop his ideas and principles of building a sovereign Belarusian state".

After the amendments to the law on political parties enter into force on 4 February 2023, the other political parties are to submit within three months the documents for re-registration to the Ministry of Justice. Parties which have not re-registered in three months and have not decided to liquidate themselves will be subject to liquidation on the basis of the suits of the Supreme Court filed by the Ministry of Justice. The parties must meet the new criteria: the presence in the party of at least five thousand adult citizens of the Republic of Belarus permanently residing in Belarus; the presence of organizational structures of the party in each region and the city of Minsk; the representation of party members in each of these territorial units must be at least one hundred people, and district and city organizational structures must be established in at least one third of the districts of each region and the city of Minsk. As of 1 January 2023, only two pro-state parties met these criteria. Currently, two political parties are known to have applied for re-registration: The Liberal Democratic Party of Belarus [submitted](#) documents for re-registration on 3 May and the Communist Party of Belarus [on 11 May](#).

Since May 19, 2023, the Law of 14.02.2023, No. 250-Z "On the foundations of the civil society" came into force, which in fact established a hierarchy of non-governmental organizations depending on their interaction with the state:

1) civil society actors (national public associations and trade unions) with special relations with the state;

2) membership-based forms of NGOs classified as civil society actors, whose activities correspond to the list of tasks of interaction between state bodies and civil society established by law;

3) other NGOs not classified as civil society actors (please, see the [article-by-article comment](#) of Lawtrend experts to the law).

Pursuant to this law, the Ministry of Justice [has decided](#) to classify the following public associations and trade union associations as civil society actors entitled to interact with public authorities (organisations) in special forms:

1. The Belaya Rus republican public association;
2. The Belarusian Public Association of Veterans;
3. The Belarusian Republican Youth Union (BRSM) public association;
4. The Belarusian Women's Union public association;
5. Federation of Trade Unions of Belarus.

On 24 May 2023, the official Instagram account of the Belarusian State University (BSU) Faculty of Law published a video where a student of the BSU Faculty of Law "confessed" to spreading "discrediting information against the administration of the Faculty of Law, as well as information discrediting the BRSM of the Faculty of Law".

Against the background of the creation of "its own civil society", the practice of discrediting independent civil society organisations in pro-governmental TG channels, media, [such as](#) the newspaper of the presidential administration, Belarus Segodnya, continues.