



Monitoring of the situation with freedom of association and the status of civil society organizations in the Republic of Belarus

November 2023

The flywheel of repression in Belarus does not stop: detentions, searches, interrogations, summonses for conversations, signatures on non-disclosure, the inclusion of Belarusians in the lists of those involved in extremist and terrorist activities, and other types of persecution. The number of liquidated non-governmental organizations in Belarus is constantly increasing. As of the end of November 2023, no less than 949 NGOs are in the process of forced liquidation, either through lawsuits filed for compulsory dissolution in court or by being forcibly removed from the Unified State Register of Legal Entities and Individual Entrepreneurs (USR). The number of organizations that decided on self-liquidation is at least 532 as of the end of November. Consequently, the losses in Belarus's civil sector since the post-election period of 2020 amount to no less than 1,481 institutionalized forms of non-governmental organizations, including civic associations, professional unions, political parties, foundations, non-governmental institutions, associations, and religious organizations. Anti-extremism legislation continues to be actively used to suppress all forms of civic activity. A wave of searches in the “Coordination Council case” swept across Belarus.

As of November 30, 2023, there are 1453 people recognized as political prisoners in Belarus, currently held in places of detention.

Forced liquidation of non-governmental organizations¹

The process of forced liquidation of NGOs, which slowed down slightly in the previous monitoring period, continues in almost all regions of Belarus.

As of November 30, 2023, according to [the monitoring conducted by Lawtrend](#), there have been 949 NGOs in the process of forced liquidation, including lawsuits filed by registering authorities for liquidation or being forcibly excluded from the Unified State Register of Legal

¹ The monitoring only records cases of forced liquidation and self-liquidation of non-governmental organizations (NGOs), and quantitative data does not include government institutions or republican state-public organizations. Consumer cooperatives and other organizational and legal forms of NGOs besides public associations, foundations, private institutions, religious organizations, and associations are also not taken into account.

Entities and Individual Entrepreneurs (USR). This is 18 more NGOs than in the previous monitoring period.

Sometimes liquidation claims are filed against organizations that have decided to liquidate themselves. Thus, [according to the schedule of court hearings](#), a hearing on the case of liquidation of the Minsk public association "Association of Personnel Officers" was scheduled for November 28, 2023 (before this, the consideration of the case on the liquidation of this organization was indicated in the court hearing schedule for September 5, 2023). At the same time, [according to the Unified State Register of Legal Entities and Individual Entrepreneurs \(USR\)](#), on August 28, 2023, this organization decided to self-liquidate, and on November 17, 2023, the organization was excluded from the Unified State Register.

Non-governmental organizations deciding on self-liquidation

The process of NGOs independently deciding on liquidation continues. As of November 30, 2023, according to [the monitoring conducted by Lawtrend](#), there have been 532 NGOs (public associations, foundations, institutions, and political parties) in which the authorized body or founders have decided to liquidate.

As before, the decision on self-liquidation is primarily due to pressure on the members and employees of NGOs, an unfavourable legal environment, the overall socio-political situation in the country, and often the authorities' pressure on NGOs to make such a decision.

The usage of anti-extremism legislation as a form of pressure on organizations of the civil society

The government makes extensive use of anti-extremism legislation to suppress civic activity. The practice of recognising information products, including initiatives posted abroad, as "extremist materials", expanding the lists of citizens, organizations, formations and individual entrepreneurs involved in extremist activities, and bringing citizens to criminal responsibility for allegedly financing extremist activities: transferring donations (donations) to various foundations and organizing and participating in extremist formations, doesn't stop.

During the monitoring period, [extremist materials were replenished](#) with the YouTube channel, Telegram channel, pages on Facebook, Instagram, and VK of the "Movement for Freedom"; pages on Instagram, Twitter, Facebook, Telegram channel, Telegram bot of the Politzek.me initiative and others.

During the monitoring period, the list of citizens of the Republic of Belarus, foreign citizens and stateless persons involved in extremist activities has got representatives of civil society organizations included: human rights activist Nasta Loika and cultural figure, Hrodna activist who headed the institution "City Life Center" Pavel Mazheika. Nasta Loika is also included in [the List of organizations and individuals involved in terrorist activities](#).

Detentions and criminal proceedings continue in cases involving the transfer of donations to various allegedly extremist organizations (financing extremist activities). So, on November 20, under Part 1 of Art. 361² of the Criminal Code, [Yuryi Yurenia was sentenced to 5 years in a colony](#)

[under a high-security regime](#) for transferring non-cash money in the amount of \$1,885 from August 7, 2020, to March 24, 2021, to bank accounts “used by representatives of extremist groups.”

Administrative and criminal prosecution of the leadership and members of civil society organizations, and activists.

Due to the performance of their professional activities, human rights defenders continue to serve prison sentences:

- the 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);
- 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",
- human rights defender Nasta (Anastasiya) Loika (included in the list of persons involved in terrorist and extremist activities; sentenced to seven years of imprisonment in a correctional colony of the general regime).

Concerning Leanid Sudalenka, the human rights activist, chairman of the Homiel branch of the Human Rights Center "Viasna", sentenced to three years of imprisonment in a general regime colony under Art. 342 of the Criminal Code (organization and preparation of actions that grossly violate public order or active participation in them), included in the list of persons involved in extremist activities, who fully served his sentence in July 2023 and left Belarus, a new criminal case was opened for “assistance to extremist activities” (Article 361⁴ of the Criminal Code).

Several human rights defenders were subject to administrative persecution during the monitoring period. Human rights activist Aliaksandr Vaitshchyk (Baranavichy, Brest region) was detained and sentenced to administrative arrest for a period of 15 days (but was not released after 15 days of administrative arrest). Human rights activist Uladimir Cieliapun (Mazyr, Homiel region) was also detained and was released three days after his arrest. On November 1, Homiel social activist and human rights activist Vasil Palyakou was detained and sentenced to 15 days of administrative arrest on November 3. After serving 15 days, Vasil was not released and was sentenced on November 16 to 15 days again.

In places of deprivation of liberty, other representatives of civil society organizations continue 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),

- representative of the "Green Patrol" initiative Pavel Nazdra (included in the list of individuals involved in extremist activities, sentenced to 2 years 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 ("chemistry")),
- 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 Kastsyuhova (sentenced to 10 years of imprisonment),
- co-chair of the association "Tell the Truth", and former presidential candidate Andrey Dzmitryeu (included in the list of individuals involved in extremist activities, sentenced to 1.5 years in a colony),
- founder of Symbal.by, Pavel Belavus, has been included in the lists of individuals involved in terrorist and extremist activities and has been sentenced to 13 years in a high-security correctional facility,
- art manager Uladzimir Bulauski has been included in the list of individuals involved in extremist activities and has been sentenced to 2 years in a general regime colony,
- former leader of the crowdfunding platforms Ulej and MolaMola, Eduard Babaryka, has been sentenced to 8 years in a high-security colony.
- Pavel Mazheika, a cultural figure and Hrodna activist who headed the "City Life Center," has been sentenced to six years of imprisonment in a high-security colony, included in the list of persons involved in extremist activities.

On November 28, the Supreme Court considered the appeal in the case of Eduard Babaryka (charged under Part 3 of Article 130 (inciting other social hatred), Part 6 of Article 16 and Part 1 of Article 342 (assistance in organizing actions that grossly violate public procedure) and Part 2 of Article 243 (tax evasion) of the Criminal Code. The verdict was left unchanged, and the appeal was not satisfied.

[According to Solidarity](#), an organization of trade union leaders and activists who were forced to leave Belarus, currently, there are 44 trade union activists and leaders of democratic trade unions 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).

- 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).

- Henadz Fiadynich, Head of the Independent Trade Union of Radioelectronics Industry Workers (sentenced to 9 years of imprisonment in high-security conditions, included in the list of individuals involved in extremist activities).

- Vasil Berasniew, Leader of the Orsha Independent Trade Union of Radioelectronics Industry Workers, acting Chairman of the Trade Union of Radioelectronics Industry Workers (sentenced to 9 years of imprisonment in high-security conditions, included in the list of individuals involved in extremist activities). Vasil has serious health problems.

- Vatslau Areshka, Activist of the Trade Union of Radioelectronics 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).

- Maksim Senik, Activist of the Belarusian Independent Trade Union at OJSC "Hrodna Azot" (sentenced to 4 years of imprisonment).

Mikhail Hromau, Secretary of the liquidated Free Metalworkers Union was sentenced to 2 years and 6 months of restricted freedom without placement in an open-type correctional facility (probation / "home chemistry").

Vital Chychmarou, Head of the primary trade union organization of the Free Metalworkers Union was sentenced to 3 years of restricted freedom without placement in an open-type correctional facility (probation / "home chemistry").

The Main Investigation Department of the Investigative Committee, in the manner of special proceedings, [completed a preliminary investigation](#) of the criminal case against representatives and ex-participants of the recognized terrorist organization BYPOL with the structural divisions "Situation Analysis Center" and "Mobilization Plan "Peramoha". The accused were charged with 11 articles of the Criminal Code, including Article 361¹ (creation and leadership of an extremist formation, including repeatedly), and Article 361⁴ (promotion of extremist activities). It is reported that the criminal case has been transferred to the Prosecutor General for referral to court.

On November 28, another wave of searches swept across Belarus. [According to the Investigative Committee](#), investigative actions and operational search activities are being carried out against people consolidated in the Coordination Council. “Over a hundred people have been brought in as suspects in the Coordination Council case. These persons were recognized as suspects of committing crimes under Part 1 of Article 357 (conspiracy to seize state power by unconstitutional means) and Part 3 of Article 361¹ (inclusion of a person in an extremist group for the purpose of committing extremist crimes) of the Criminal Code of the Republic of Belarus. It is established that the suspects have property and real estate on the territory of our country for the purpose of subsequent seizure. Taking into account the evidence received, the issue of launching a special proceedings procedure will be considered.” As a result of the searches, there are already facts about the seizure of property.

Persecution of representatives of religious organizations continues. Thus, according to the Christian Vision, the pastor of the Christian Evangelic Church from Chashniki, Aliaksandr Plotnikau, was detained (sentenced to 10 days of administrative arrest), priest Vyachaslau Pialinak and others.

Funding for civic initiatives on a local level

On 21 October amendments to the Law of the Republic of Belarus No. 281-Z of 12 July 2023 "On amending laws on local governance and self-government" came into force, providing financing at the local level of civic initiatives. After these changes came into force in November, several decisions of local authorities were officially published, approving the procedure for implementing civic initiatives at a specific local level.

On September 22, 2023, the Mahiliou Regional Council of Deputies adopted [Decision No. 50-12 “On the implementation of civic initiatives in the Mahiliou region”](#) (published on November 2, 2023, entered into force on November 5, 2023). On November 22, a competition of civic initiatives aimed at improving the quality of life in the Mahiliou region was announced (applications are accepted from November 27 to December 8).

On September 14, 2023, the Hrodna Regional Council of Deputies adopted [Decision No. 556 “On the implementation of civic initiatives in the Hrodna region”](#) (published on November 2, 2023, entered into force on November 5, 2023). The [competition for civic initiatives in the Hrodna region was announced](#) (information about the period for accepting applications was not indicated in the announcement). At the same time, [according to state media information](#), the regional association of local Councils of Deputies received just over 40 applications from all districts of the Hrodna region and the city of Hrodna. It is expected to propose about 20 projects for implementation, for which 20 thousand rubles will be allocated (10 thousand from the regional budget and the same amount from the republican budget, and the contribution of the applicants themselves should be 10% of the project cost).

On September 26, 2023, the Brest Regional Council of Deputies adopted [Decision No. 428 “On the implementation of civic initiatives in the Brest region”](#) (published on November 9, 2023, entered into force on November 11, 2023).

On September 27, 2023, the Minsk Regional Council of Deputies adopted [Decision No. 471 “On the implementation of civic initiatives”](#) (published on November 10, 2023, entered into force on November 12, 2023). On November 16, a preliminary review of projects for the implementation of civic initiatives in the Minsk region [was announced](#) (the period for accepting projects of civic initiatives was from November 16 to November 30, 2023).

On September 27, 2023, the Homiel Regional Council of Deputies adopted [Decision No. 488 “On the procedure for implementing civic initiatives and conducting open competitive selection of projects of civic initiatives”](#) (published on November 1, 2023, came into force on November 4, 2023). On November 11, [a competition for civic initiatives was announced](#) (applications were accepted from November 15 to November 20, 2023).

It should be noted that competitions for financing civic initiatives began to be held in practice in Belarus in 2021, before the adoption of the law. The provisions for holding such competitions were developed in the absence of legislative norms regulating the general rules for their implementation. However, in 2023, for the first time, the possibility of transferring funds from the republican budget to the consolidated budgets of the regions and the budget of the city of Minsk was enshrined in the budget legislation. Law of the Republic of Belarus dated December 30, 2022 No. 231-Z “On the Republican Budget for 2023” provided for the transfer of subventions to finance expenses related to the implementation of civic initiatives in the amount of 700,000 rubles, including the Brest region - 100,000 rubles, Viciebsk region - 100,000 rubles, Homiel region - 100,000 rubles, Hrodna region - 100,000 rubles, Minsk region - 100,000 rubles, Mahiliou region - 100,000 rubles and the city of Minsk - 100,000 rubles.

Even though competitions have been held in practice not for the first time, several issues related to the implementation of civic initiatives have not been resolved at the legislative level. For example, issues of taxation of individuals acting on behalf of unregistered civic initiatives. Neither at the legislative nor at the practical level have the issues of public control over all stages associated with the submission of applications and the implementation of initiatives been resolved; questions arise regarding the openness of information about the collection of proposals and the deadlines for their collection, etc.

Such competitions can become a good basis for self-organization and self-realization of citizens at the local level. At the same time, in a situation of mass repression and suppression of civic activity, this mechanism can act as an additional tool for collecting information about activists. As we already indicated in the monitoring for the previous period, it is also characteristic that the introduction into the legislation of the norm on the implementation and possibility of financing civic initiatives, including unregistered ones, took place against the background of the ban on the activities of unregistered organizations in Belarus and the return of criminal liability for the organization and participation in the activities of unregistered organizations. On 13 August 2005, the Ministry of Justice of the Republic of Belarus adopted Resolution No. 49 "On Some Issues of Establishment of Public Associations and their Unions (Associations)". It follows from the explanation of the Ministry of Justice that various "movements", "civic initiatives", "coalitions", etc., which are public associations or unions of public associations, created in the republic, should be registered by the established procedure. All established public associations and

their unions (associations), including those established in the form of "movements", "civic initiatives", "coalitions", etc., must undergo state registration by the procedure provided for state registration of public associations and their unions (associations).

Rulemaking

1On November 20, [Decree of the President of the Republic of Belarus of May 16, 2023, No. 138 “On the lease and free use of property”](#) came into force, [which adjusts the procedure for using](#) state-owned property and the property of business companies with more than 50% of shares (shares in the authorized capital) in state ownership, and the procedure for determining the amount of rent when leasing it.

Decree No. 138 also cancelled [the Decree of the President of the Republic of Belarus of March 29, 2012, No. 150 “On some issues of rent and free use of property.”](#) which previously determined rental benefits for non-profit organizations, as well as a list of organizations to which state-owned premises can be provided for free use. With the entry into force of Decree No. 138 and the adoption of several regulations in its development, these issues are regulated by other norms of legislation.

Thus, Decree No. 138, in particular, establishes the provision of a reduction factor of 0.1 to the base rental rate for areas leased:

- public associations and their organizational structures, funds, associations and unions by the list determined by the Council of Ministers of the Republic of Belarus (currently 23 organizations are included in the list);

- non-profit organizations that don't carry out entrepreneurial activities, for the organization of children's and youth sports sections and groups, children's theatres, studios, dance, literary and artistic groups;

- trade unions (associations of trade unions), their organizational structures (divisions).

In the development of Decree No. 138, resolutions of the Council of Ministers were adopted: [dated October 24, 2023, No. 726 “On the establishment of additional reducing factors to the base rent rate”](#) and [dated November 17, 2023, No. 787 “On measures to implement the Decree of the President of the Republic of Belarus dated 16 May 2023 No. 138”](#) (came into force on November 20, 2023).

In particular, Resolution No. 787 defines a list of state bodies and organizations, local executive and administrative bodies, legal entities and individual entrepreneurs to which state-owned real estate is transferred for free use.

Thus, according to the resolution, among the public associations to which state-owned real estate can be provided for free use, the following organizations are designated:

- Public association “Belarusian Republican Youth Union” and its organizational structures – for the placement of management staff, as well as the implementation of statutory activities financed from the budget;

- Public association “Belarusian Republican Union of Lawyers” – to house libraries;
- Public association “Belarusian Republican Pioneer Organization” and its organizational structures – to accommodate governing bodies;
- Public association “Union of Writers of Belarus” – to house its board, regional and Minsk city branches of this public association – to house their councils;
- Belarusian Public Association of Veterans – to house the management apparatus of the Republican Council, councils of veterans of its organizational structures, endowed with the rights of a legal entity, and conduct plenums, conferences, and meetings;
- Republican public association “Belarusian Children's Fund”;
- Public association “Military Patriotic Club “Poisk”;
- Republican public association "Belarusian Red Cross Society" – for holding events within the framework of the month of the Red Cross, carried out under the program approved by the republican public association "Belarusian Red Cross Society" together with the relevant government bodies and other organizations (stadiums, parks and other objects of social and cultural significance);
- Public association "Belarusian Women's Union".

Resolution No. 726 defines a list of religious organizations for which, when determining the amount of rent, an additional reduction factor of 0.1 is established in addition to the base rent rate.