



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

**December 2023**

In December, a trend that has lasted all year continued in Belarus: continuous, massive repressions, some of which are completely random. Representatives of civil society organizations, activists and activists constantly face detentions, searches, summonses for interrogations and conversations, and other types of persecution. The Belarusian authorities widely use legislation on countering extremism and counter-terrorism to suppress civil activity, including constantly expanding the lists of those involved in extremist and terrorist activities. The number of liquidated non-governmental organizations in Belarus is constantly increasing. As of the end of December 2023, no less than 960 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 549 as of the end of December. Consequently, the losses in Belarus's civil sector since the post-election period of 2020 amount to no less than 1,509 institutionalized forms of non-governmental organizations, including civic associations, professional unions, political parties, foundations, non-governmental institutions, associations, and religious organizations.

As of December 31, 2023, there are 1 452 people recognized as political prisoners in Belarus, currently held in places of detention.

### **Forced liquidation of non-governmental organizations<sup>1</sup>**

As of December 31, 2023, according to [the monitoring conducted by Lawtrend](#), there have been 960 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 Entities and Individual Entrepreneurs (USR).

Liquidation lawsuits continue to be filed against organizations in a variety of areas of activity. During the monitoring period, felonological and sports organizations, professional associations and associations of scientists were submitted for forced liquidation.

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<sup>1</sup> 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.

## **Non-governmental organizations deciding on self-liquidation**

The process of NGOs independently deciding on liquidation continues. As of December 31, 2023, according to [the monitoring conducted by Lawtrend](#), there have been 549 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, and the overall socio-political situation in the country. The practice of putting pressure on specific NGOs by authorities to make an independent decision on liquidation continues.

## **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 Telegram channel "Belarusian Council of Culture", websites, a page on the social network "Odnoklassniki" of the Movement "For Freedom", a TikTok page "honestpeopleby", Facebook page of "Dzeya", pages on Instagram, Facebook, "Odnoklassniki" of the initiative "Vector of our city".

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 including ex-head of crowdfunding platforms Ulej and MolaMola Eduard Babaryka, etiquette expert, cultural expert, member of the main staff of the Coordination Council Aksana Zaretskaya, human rights activists of the Human Rights Center "Viasna" Ales Bialiatski, Valiantsin Stefanovich, Uladimir Labkovich, Dzmitry Salauey. Eduard Babaryka is also included in [the List of organizations and individuals involved in terrorist activities](#).

The BelPol association, the Facebook community "Letters of Solidarity Belarus 2020" and the "New Belarus" platform are recognized as extremist formations.

On December 27, [the Investigative Committee began the process of special proceedings](#) against Alena Zhylachkina (Zhyvahlod) - the head of the "Honest People" initiative, Aliaksandr Dabravolsky - senior adviser to Sviatlana Tikhanouskaya, Pavel Liber - the creator of the voting platform "Golos" and Pavel Marynich - the head of "Malanka Media" according to Part 2 of Art. 191 of the Criminal Code (obstruction of the exercise of electoral rights).

## **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 (listed as involved in extremist activities, sentenced to 10 years of imprisonment in a colony under high security conditions);
- Viasna Board member and FIDH Vice-President Valiantsin Stefanovich (listed as involved in extremist activities, sentenced to 9 years of imprisonment in a colony under high security conditions);
- Lawyer, coordinator of the campaign "Human Rights Defenders for Free Elections", Uladzimir Labkovich (listed as involved in extremist activities, sentenced to 7 years of imprisonment in a colony under high security conditions);
- human rights defender Nasta (Anastasiya) Loika (included in the list of persons involved in terrorist and extremist activities; sentenced to 7 years of imprisonment in a correctional colony of the general regime).

After an investigation was opened in early November against human rights activist, chairman of the Homiel branch of the Human Rights Center "Viasna" Leanid Sudalenka under another criminal case under Art. 361-4 of the Criminal Code (assistance to extremist activities), a search was carried out at his home, and a plot of land in his ownership was seized.

A criminal case under Parts 1 and 2 of Art. 361-4 of the Criminal Code (assistance to extremist activities) was opened against Hrodna human rights activist Uladzimir Khilmanovich (located outside Belarus).

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 (included in the list of individuals involved in terrorist and extremist activities, 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 Kastsuhova (included in the list of individuals involved in extremist activities, 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 (included in the lists of individuals involved in terrorist and extremist activities and sentenced to 13 years in a high-security correctional facility),
- art manager Uladzimir Bulauski (included in the list of individuals involved in extremist activities and sentenced to 2 years in a general regime colony),
- former leader of the crowdfunding platforms Ulej and MolaMola, Eduard Babaryka (included in the list of individuals involved in extremist and terrorist activities, sentenced to 8 years in a high-security colony),
- Pavel Mazheika, a cultural figure and Hrodna activist who headed the "City Life Center" (sentenced to 6 years of imprisonment in a high-security colony, included in the list of individuals involved in extremist activities).

[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").

In mid-December, a series of searches and arrests took place at Polish language schools and activists of the Polish minority in Belarus. This is far from the first recorded fact of pressure on the Polish minority in Belarus. Thus, a raid on Polish educational centers took place in March 2021, at which time a number of activists of the Union of Poles were detained. Member of the Union of Poles Andrey Pachobut was included in the list of individuals involved in terrorist activities and sentenced to 8 years in prison. Of the 11 national, cultural and educational NGOs of Poles registered in Belarus, after the start of mass liquidation in 2021, there are currently only 2 left: the Public Association "Polish Community" and the pro-government Union of Poles in Belarus. In relation to 6 organizations, a decision was made on forced liquidation, and 3 decided on self-liquidation.

The mass liquidation significantly affected not only the associations of Poles. So, for the period 2021-2023, at least 4 national NGOs of Lithuanians were forcibly liquidated, in relation to one of which - the international public organization "Club "Gervečiai" - the decision on forced liquidation was made on December 9; In relation to at least 4 Lithuanian organizations, a decision was made to self-liquidate. The following were also liquidated: International Public Organization of Armenians "Urartu", Public Association "Brest Regional Jewish Association "Aliya", Public Association "Polack Jewish Cultural Center", Public Association "Jewish Educational Program", Public Association "Belarusian Society of Germans "German House" etc.

### **Rulemaking**

The Law of the Republic of Belarus of December 13, 2023 No. 318-Z "On Amendments to Laws on Social Services and Social Payments", including the new edition, sets out the Law "On Social Services". The law establishes that non-governmental non-profit organizations, in

accordance with their goals as defined by the charter, in the field of social services can take part, inter alia, in the provision of social services, including within the framework of the state social order, financed by providing subsidies to non-governmental non-profit organizations for the provision of social services and the implementation of social projects; improving legislation and practical activities in the provision of social services; research activities, etc. The new version of the law, like the current one, contains general rules on the mechanism of the state social decree.

Licensing is being introduced for non-governmental legal entities and individual entrepreneurs who provide residential social services to the elderly and disabled (the norm comes into force on July 1, 2024). The license will be issued by local authorities at the location of the social service facility. The deadline for obtaining a license is until October 1, 2024. After this date, activities to provide social services providing accommodation for the elderly and people with disabilities without a license are prohibited.

Decree of the President of the Republic of Belarus dated November 28, 2023 No. 380 [approved the plan for the preparation of draft legislative acts for 2024](#). The decree plans to amend the law “On the Rights of the Child”, the Code on Education, the development of a Code on Health Care and the concept of an Environmental Code. At the same time, the decree does not provide for the preparation of new legislative acts that would directly regulate the creation and activities of non-profit organizations. It is characteristic that the decree of the President of the Republic of Belarus “On the plan for preparing draft legislative acts for 2023” included the development of a decree correcting the norms of the Decree of the President of the Republic of Belarus of July 1, 2005 No. 300 “On the provision and use of gratuitous (sponsorship) assistance.” However, to date, no public information has been posted about the preparation of this decree; no changes have been made to the decree on gratuitous (sponsorship) assistance in 2023.