

FREEDOM OF ASSOCIATION AND LEGAL ENVIRONMENT FOR CIVIL SOCIETY ORGANIZATIONS.

Review for 2022.

Belarus.

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Main trends

1. The state has practically annulled the right to freedom of association. For two years (2021-2022) at least 757 non-profit organizations were in the process of forced liquidation; at least 416 organizations decided to self-liquidate, including as a result of coercion. Thus, the losses in the public sector of Belarus, since the post-election period of 2020, are already at least 1 173 non-profit organizations (public associations, trade unions, foundations, non-governmental establishments, and associations (unions) of legal entities).

2. Other forms of pressure have continued to be applied to civil society organizations: inspections, written warnings, suspension of activities, their leadership, personnel, members, and volunteers` bringing to administrative and criminal liability, pressure on relatives and friends.

3. Repressive practices have continued to be enshrined at the legislative level. A number of regulations were included into the legislation in relation to activists fleeing the country. Those are amendments to the law on citizenship making it possible to revoke citizenship acquired by birth, the provisions on special proceedings in the criminal procedural law allowing to bring to court criminal cases against protesters and dissidents forced to leave Belarus due to politically motivated persecution, and legislation on confiscation of property.

4. The law on combating extremism, laundering of proceeds from crime, and counterterrorism has been widely used with regard to civil society organizations, their leadership, personnel, members, volunteers, and activists. The law is applied both as a basis for inspections, requesting information, blocking websites, liquidating organizations, and as a basis for criminal prosecution of people connected with civil society organizations. The law application to justify repressive practices is a vivid example of misuse of International Standards for AML/CTF for countering extremism, when an authoritarian state uses such standards and mechanisms for its own purposes.

5. In addition to public associations, establishments, and foundations faced unprecedented pressure in 2021, other non-profit organizations, in particular trade unions, also were subject to pressure (a number of independent trade unions were forcibly liquidated, at least 40 their leaders and activists are in prison). The published draft law amending the law on political parties provides for re-registration of political parties, and only two pro-government parties currently meet its criteria. Amending the law on religious organizations has been announced for 2023.

6. Under the current conditions, the trend of relocation of civil society organizations has continued (in whole or in part, at the level of a decision-making center or individual members of an organization). Civil society organizations that found themselves in new jurisdictions began to face new challenges, including the need to learn the legal framework for establishing and operating NPOs in these countries.

7. Amid mass liquidation and other pressure on civil society organizations, the state creates and supports "its own" civil society. Thus, in December, the draft law "On the

Essentials of Civil Society” was submitted to the parliament which does not change the legal status of existing NPOs in Belarus, but establishes special forms of interaction with the state within the framework of the All-Belarusian People's Assembly (ABPA) for a narrow circle of republican public associations. At the level of legal regulation and its enforcement, other favorable conditions have been created for a small number of pro-government organizations.

8. Along with general repressive practices, some draft laws have been developing which contain positive norms for civil society organizations. It is obvious that these norms are primarily developed for pro-government non-profit organizations, as well as organizations whose activities correspond to the state`s line and ideology. We are talking about the provisions to change financing of CSOs which are not registered organizations, as well as those related to organizations of special activities, in particular, environmental ones.

9. It is planned to adopt a large number of normative legal acts regulating the activities of civil society organizations in 2023, in particular the Law “On the Essentials of Civil Society”, amendments to the laws on public associations and political parties, amendments to the decree on gratuitous (sponsorship) aid, etc.

10. The intentions to harmonize Russian and Belarusian legislation in terms of CSO funding, including mutual exclusion of donations from Belarus and Russia from the concept of foreign aid, have been repeatedly stated.

11. Discrediting civil society organizations undesired by the authorities has continued both in the mass media (state newspapers and television, propaganda Telegram-channels), and by statements of officials at various levels.

1. New legal framework for Belarusian civil society organizations

New legal regulations affecting Belarusian CSOs can be classified into four groups:

- (1) Legal acts directly regulating the activities of CSOs.
- (2) Legal acts covering all legal entities and, accordingly, NPOs.
- (3) Legal acts relating to CSOs over their activity area.
- (4) Legal acts concerning the rights and legitimate interests of CSOs` leaders, personnel, and members.

The largest number of new legal acts and amendments to old ones was adopted in 2022 in the fourth group. In many ways, these acts consolidated the previously introduced repressive law enforcement practice aimed at suppressing social activity. In 2022, a number of regulations were included into the legislation in relation to civic activists fleeing the country. Those are amendments to the law on citizenship making it possible to revoke citizenship acquired by birth, the provisions on special proceedings in the criminal procedural law allowing to bring to court criminal cases against protesters and dissidents forced to leave Belarus due to politically motivated persecution, and legislation on confiscation of property.

Legal acts directly relating to establishment and operation of non-profit organizations in Belarus to be included into the first group were not adopted in Belarus in 2022. In the second and third groups, numerous legal acts were adopted in the field of licensing, taxation, accounting and financial reporting, environmental protection, social protection, etc. So, on 30

December 2022, the Law of the Republic of Belarus No. 230-Z “On Amendments to Laws on Taxation Issues” was adopted. This law makes [significant changes](#) to the taxation system, affecting the procedure, terms, amount of taxes and fees, desk audit procedure, etc. According to this law, from 1 January 2024, all non-profit organizations (with the exception of those in the process of liquidation) must file tax returns, in the event of duty to file them, exclusively in an electronic form.

1.1. Criminal liability for organizing and participating in the activities of unregistered organizations

On 4 January 2022, the Law of the Republic of Belarus No.144-Z “On Amending the Codes” was adopted, which entered into force on 22 January 2022 and re-incorporated into the criminal law the responsibility for organizing and participating in an unregistered organization (Article 193-1), having been excluded from the Criminal code in July 2019. The article covers organizing and participating in the activities of unregistered public associations, including political parties, trade unions, religious organizations, and foundations.

Under the previous version of Article 193-1, being in force from 2005 to 2019, at least 18 people were sentenced for participating in the activities of unregistered organizations, and dozens of others received official warnings from the prosecutor's office.

The wording of the new Article 193-1 is almost identical to the one of before 2019. The same punishment was restored as in the previous Article 193-1: a fine, or arrest for up to three months, or imprisonment for up to two years. The only novelty is the provision that the current Article 193-1 not to be applied in cases of applying more severe Article 423-1 of the Criminal Code relating to non-executing decisions to suspend and to liquidate the organizations deemed extremist ones.

During the year of this article being in effect, it is reliably known about two criminal cases based on it. The first case was initiated against relocated former head of the Hrodna Children's Hospice public charitable organization Olga Velichko (this is the third criminal case against her). This public association was liquidated by the decision of the Hrodna Regional Court dated 20 August 2021. According to the prosecutor's office of the Hrodna region, “this public association functioned under the distance supervision of the director, who was put on the wanted list in connection with the accusation of embezzling CBOs. At the same time, the hospice`s fosterlings suffering from serious illnesses` artworks were used for moral support of persons convicted of committing intentional crimes.”

In November, the Prosecutor's Office of the Hrodna region applied to the economic court to liquidate Klerygata LLC which allegedly operated as an unregistered public association of the Union of Poles in Belarus and initiated a criminal case. [According to the General Prosecutor's Office](#): in violation of the legislation, the business entity, besides the activities stipulated by its statute, implemented the goals and objectives of the public association which was not registered in the Republic of Belarus in the manner prescribed by the laws. The prosecutor's office brought a criminal case against the officials of the company under Article 193-1 of the Criminal Code of the Republic of Belarus for illegal organizing and participating in the activity of a public association. Representatives of the Union of Poles in

Belarus, head of its Rada (Council) Irena Valun and vice-president Renata Dziemianchuk, were subject to search.

The case of the Hrodna Children's Hospice has not been the first case of pressure on the Union of Poles and the Polish community in Belarus in the post-election period. On 10 March, a criminal case under Art. 130(3) of the Criminal Code was brought against a group of persons for committing deliberate actions aimed at inciting hatred and hostility on the grounds of national, religious, and language affiliation, and committing deliberate actions to rehabilitate Nazism. The criminal proceeding involved numerous searches, detentions and liquidations of structures belonging to the Polish minority. Chairperson of the Union of Poles Angelika Borys and journalist and activist of the Union of Poles Andrej Pachobut were detained. Director of the Polish School Ltd. Hanna Panisheva, director of the public school of the Union of Poles in Volkovysk Maria Tsishkouskaya and head of the Lida branch of the Union of Poles in Belarus Irena Biarnackaya were also detained. The three were subsequently released from prison and taken out of Belarus.

The Hrodna Regional Court ruled to liquidate the public association *Club of Polish Folk Traditions* on 10 January 2022, the public association *Society of Polish Culture in Lida Land* on 23 March, and public association Polish Folk Choir *Lechity*. The Supreme Court ruled to liquidate the public association *Polish Scientific Society* on 20 April, the public association *Wspólnota Polaków* on 7 September, and the public association *Polska Macierz Szkolna* on 13 September.

1.2. Amendments to legislation on state support for civil society organizations

A notable trend in 2022, amid a general repressive practice and the introduction of criminal liability for organizing and participating in the activities of unregistered organizations, has been drafting a number of laws containing positive regulations. Their incorporation in the legislation has been lobbying by CSOs for a long time and, in a different situation, would have been perceived enthusiastically. A number of such norms are contained in the laws regulating specific CSOs` activities, in particular, of environmental ones. It is also about the regulations providing for changes in funding of CSOs which are not registered.

On 5 October 2022, the Law No. 205-Z “On Amending the Law of the Republic of Belarus ‘On the Fundamentals of State Youth Policy’ ” was adopted to come into force on 8 April 2023. The law enshrines, in particular, a new state youth policy direction - "state support for youth initiatives" - and transformed approaches to providing support to youth public organizations. The law establishes that state support for youth initiatives is provided to youth initiative entities annually at the expense of the state budget and other sources not prohibited by law, on a competitive basis. A coordinator of activities related to the implementation of youth initiatives is the public association *Belarusian Republican Youth Union*. At the same time, youth initiative entities may be youth public associations registered under the procedure established by law and (or) initiative groups of at least two young citizens offering to implement youth initiatives.

The possibility of state financing of unregistered initiatives is also established by the [draft law](#) “On Amending Laws on Local Governing and Self-Governing” adopted in 2022 in the first reading.

Among the novelties of the draft law's provision is a new article on the implementation of civic initiatives. According to the Program of Socio-Economic Development of Belarus for 2021-2025, approved by the Decree No. 292 of 29 July 2021, every local budget is to be drawn up taking into account civil initiatives. The draft law defines civic initiatives as measures aimed at improving the quality of life of the population in the administrative-territorial unit or a part thereof, including improvement of the territory, construction (erection, repair, reconstruction, restoration, improvement) of socially important objects, general prevention of offenses, prevention of injuries and fatalities, as well as a solution of other issues of local importance. The draft law establishes basic requirements for the initiators of civic initiatives and the content of civic initiative projects. The procedure for their competitive selection has been entrusted to the region-level councils. The financing of expenditures related to the implementation of civic initiatives is carried out based on equal participation of the republican budget and regional level budgets. Initiative (participatory) budgeting as a mechanism of involving citizens in the decisions on the choice of priorities of budget spending as well as the subsequent public control over the expenditures is widespread in the world. In this connection, the introduction of the norm on such budgeting into the legislation is progressive and it has been lobbying by civil society organizations for a long time. At the same time, neither the draft law itself nor the current emerging practice of implementation of the initiatives answer the question of how this mechanism will work in practice.

2. Rule-making initiatives regarding civil society organizations

In 2022, a number of rule-making initiatives emerged directly affecting civil society organizations. Those can be conveniently classified into two groups.

The first group includes initiatives within the framework of which draft laws have already been developed, published, and sometimes adopted in the first and/or the second reading in 2022. These are the draft laws "On the Essentials of Civil Society," "On the All-Belarusian People's Assembly," amendments to the laws on public associations and political parties, and amendments to the law on local governing and self-governing.

Drafting a lot of laws, in particular "On the Essentials of Civil Society" and "On the All-Belarusian People's Assembly" are caused by the amendment of the Constitution of the Republic of Belarus in February 2022. The constitutional reform directly affected CSOs in three aspects: the legal definition of the concept of freedom of association was changed (the new Constitution contains a narrower approach compared to the previous one to the right of everyone to associate and specifies the purpose of creating associations - realizing and implementing political, social, economic, cultural, and other interests of citizens), the scope of restrictions on freedom of association in terms of participation in political associations was changed, and the very term "civil society" was mentioned for the first time ever, but without giving a definition of this concept.

The second group includes draft laws, the adoption of which in the near future has already been announced. A presidential decree has approved [the plan for drafting legislative acts](#) for 2023. It must be taken into account that not all adopted normative legal acts are drafted and adopted in accordance with pre-approved plans. In the above plan for legislative activity, not only specific laws to be drafted are listed, but also some other unnamed laws, including

those initiated by decision of the President of the Republic of Belarus. Upon that, adoption of legal acts is not always carried out in accordance with the plan. For example, it is not uncommon for laws drafted in accordance with the plan to be withdrawn from parliament for revision and their adoption was postponed indefinitely.

According to the decree, 30 draft laws are to be prepared in 2023. There are two initiatives directed at non-profit organizations according to the plan for preparing draft legislative acts:

1. The Law of the Republic of Belarus "On Amendments to the Law of the Republic of Belarus on Freedom of Conscience and Religious Organizations". The Council of Ministers of the Republic of Belarus is responsible for the development of the draft law. The draft law is expected to be ready by June 2023 and submitted by the Council of Ministers to parliament in September 2023.

2. Revision of the Decree of the President of the Republic of Belarus No. 300 "On Provision and Use of Gratuitous (Sponsorship) Aid" of 1 July 2005. The decree is aimed at regulating relations in the sphere of receiving and using donations, including by non-commercial organizations, from Belarusian legal entities and individual entrepreneurs. The correction of this decree has been planned for a number of years, but has been postponed over and over again. It is expected that the draft decree will be submitted to the president already in February 2023. The Council of Ministers is responsible for drafting the decree.

2.1. Draft law "On the Essentials of Civil Society"

On 21 April, Lukashenko heard from minister of justice Sergei Khomenko and [set the task](#) of "fixing the concept of "civil society" at the legislative level and explaining it to people." Speaking, on June 10, at the republican seminar-conference "Actualization of methods and forms of work with the population at the local level", Alexander Lukashenko [addressed](#) again the preparation of a law on civil society and the legal status of civil society to be set forth by it which "assumes the orientation of this institution on dialogue with the power and unequivocal commitment to the traditional values and traditions of the Belarusian people, to the interests of our state. It is out of question to finance these structures from foreign sources."

In December, the draft law ["On the Essentials of Civil Society"](#) was published and adopted by the parliament in the first reading. Despite numerous statements and expectations, this law does not change the legal status of the existing NPOs in Belarus; however it imposes special forms of interaction with the state within the All-Belarusian People's Assembly (ABPA) for a narrow circle of national -level public associations. Thus, despite the official title, the subject of the draft law regulation is not civil society as a whole, but only the interaction of its certain civil society actors with the state, especially regarding the elections of civil society delegates to the ABPA.

It is envisaged that representatives of the civil society entities which are registered and have regional and Minsk city structures, being republican public associations with at least 100,000 citizens and uniting at least half of the trade unions registered in the country, may become delegates to the All-Belarusian People's Assembly. As of August 2022, these criteria were [met by](#) the Federation of Trade Unions of Belarus (over 4 million people), *Belaya Rus*

(over 188 thousand people), the Belarusian Republican Youth Union (over 380 thousand people), the Belarusian Women`s Union (140 thousand people), and the Association of Veterans (over 2 million people).

An article-by-article commentary on the draft law is [posted](#) on the *Lawtrend* website.

2.2. Amendments to the laws on public associations and political parties

On 30 December, the draft law "On Amending the Laws on the Activities of Political Parties and Other Public Associations" [was published](#) on the National Legal Website. Amendments to the laws on public associations and political parties have been planned since 2019: public discussions were held, and a new version of the law was introduced to parliament, but was withdrawn for revision. The amendments and additions to some provisions in the new published version of the law coincide with those of the 2019 version, however, some of them are new both in comparison with those developed in 2019 and in comparison with the current law. The draft law introduces significant changes to the current legislation on public associations and political parties. The main amendments and additions include:

- to establish and operate a republican public association, the draft law stipulates the term to have at least fifty founders (members) from all regions of the Republic of Belarus and the city of Minsk, as well as to create organizational structures of this public association in all regions and the city of Minsk. The current legislation does not require to establish organizational structures of the republican public association, and creation and operation of the whole republican public association is possible without having organizational structures;

- registered office of a public association and its organizational structures may only be located in non-residential premises;

- the excluded concepts of "territory of activity" and "object of activity" of a public association;

- possible submitting documents for the state registration of a public association or a union, amendments and/or additions to their statutes, not only by personal application or by post but also by sending an electronic document;

- in addition to extremist activities, the grounds for dissolution of a voluntary association include terrorism and other activities prohibited by law, as well as activities harmful to the State and/or public interests; the non-compliance of a voluntary association or a union with the main thrusts of domestic and foreign policy and the national security concept approved by the All-Belarusian People's Assembly;

- cases of liquidation, appeals against written warnings and refusals to register international and republican public associations are removed from the competence of the Supreme Court. The draft law suggests that claims and complaints in such cases should be considered by the regional and Minsk city courts, depending on the location of the legal address of a public association, as well as claims and complaints of local public associations.

- extending the deadline for public associations` annual reporting to the registering authority and for public reporting on expenditure and income to 31 March of the following

year. The current legislation sets a deadline of 1 March; the possibility of submitting such reports electronically is provided;

- the number of founders (members) required for the establishment and operation of political parties is increased. While the current legislation stipulates the need for at least 1,000 founders (members), the draft law stipulates the need for at least 5,000 founders (members). At the same time, at least 100 founders (members) are required from each of the regions and the city of Minsk;

- requirements for political parties to have organizational structures changed significantly: while the current legislation requires organizational structures in most regions of the country and the city of Minsk, the draft law suggests that they to be available in all regions of the Republic of Belarus and the city of Minsk, as well as district and/or city organizational structures in at least one-third of the districts and cities of region subordination of each region of the Republic of Belarus and district organizational structures in at least one third of the districts of the city of Minsk.

The draft law establishes the requirement for political parties to re-register. It stipulates that political parties having registered before the law comes into force must, within three months, submit to the Ministry of Justice the documentation required for re-registration or must decide to self-liquidate. The Ministry of Justice is entitled to re-register political parties within six months. Among the documents to be submitted for re-registration, there is information on the size of a political party with a list of its members, which contains surname, first name, patronymic (if any), date of birth, citizenship, place of residence, place of work (study), and contact telephone number of each member of the political party. Obviously, the existence of such re-registration provisions may lead to the liquidation of opposition parties in the country.

The draft law does not provide for compulsory re-registration of public associations. At the same time, it requires the public associations having registered before the law comes into force to bring their founding documents in compliance with its provisions within one year. Previous practice shows that, despite the absence of a requirement for mandatory re-registration, this requirement can serve as an additional filter for liquidation of public associations remaining in Belarus in a registered status.

2.3. Other possible legislative changes

Numerous statements by representatives of the "authorities," publications on their meetings, seminars, and other events allow making conclusions about possible legislative changes regarding civil society organizations.

Thus, there is an obvious trend towards harmonizing Belarusian and Russian legislations relating to financing CSOs, in particular, through mutual exclusion of donations from Belarus and Russia from the concept of foreign aid (although the previously voiced initiative on Belarus' reception of the Russian law on foreign agents is likely to remain unrealized). Such an initiative [was announced](#) by Russian minister of justice Konstantin Chuichenko after his meeting with Belarusian minister of justice Sergei Khomenko. According to him, an agreement was reached at the meeting to formulate certain exemptions from the restrictions existing in each of the countries (in Belarusian and Russian legislations).

At a meeting of the Parliamentary Assembly's Commission on Security and Defense, plans were announced to develop a Model Law regulating the financing of NPOs in Belarus and Russia. Also, other plans to amend the Belarusian legislation in the field of financial activities of CSOs were repeatedly voiced.

Thus, [at a meeting](#) of the public council on foreign gratuitous aid under the Department for Humanitarian Affairs of the Belarusian Presidential Executive Office, drafting a legal act to bring the Decree of the President of the Republic of Belarus No. 3 "On foreign gratuitous aid" dated 25 May 2020 in accordance with the Constitution of the Republic of Belarus was considered.

[At the seminar](#) on the exchange of experience in combating the financing of terrorism through non-profit organizations "Risk Assessment of the Non-Profit Organizations` Sector", the director for the Financial Control Department of the State Control Committee said that in the near future Belarus would conduct a national risk assessment in the field of combating money laundering and financing of terrorism and would work out solutions to optimize control over NPOs.

3. Law enforcement practice

Since August 2020, Belarusian CSOs have been facing constant pressure from the state authorities. Moreover, the pressure has been intensifying. According to a [survey](#) conducted in late 2022, CSOs most often faced the following kinds of pressure from the state: forced liquidation (65%), discrediting a CSO or its members by the pro-government media and Telegram-channels (63%), searches in a CSO's premises and/or its leadership and members' residences (54%), summons for "talks" and interrogations of CSO members (54%), criminal prosecution of CSO members (35%), inspections by financial and/or other bodies (32%), punitive penalties and additional taxes (16%), and coercion to self-liquidation (14%).

The listed forms of pressure are generally consistent with the results of a [survey](#) conducted by *Lawtrend* jointly with the OEEC and the Belarusian Helsinki Committee (BHC) in mid-2021 (approximately equal numbers of organizations participated in the 2021 and 2022 surveys). At that time, more than half of the civil society organizations that took part in the survey (61.9%) reported that a decision had been made on their forced liquidation. At the same time, the number of organizations which noted the use of searches in a CSO's premises and/or its leadership and members' residences, summons for "talks" and interrogations, and criminal prosecution of CSO members significantly increased. Coercion to relocate, impossibility of carrying out financial activities, coercion to cooperate on the part of special services, and pressure on relatives staying in Belarus were listed as forms of pressure that had not been mentioned earlier.

3.1. Interference in the activities of civil society organizations

Article 6 of the Law of the Republic of Belarus 'On Public Associations' prohibits the interference of state bodies and officials in the activities of public associations, excepting the cases provided for by the law. However, such interference in practice occurs both at the stages of NPOs' establishing and operating. At the same time, Art. 194 of the Criminal Code states that obstructing legal activities of public associations or interfering in their legal activities

resulting in a significant violation of their rights and legitimate interests is punishable by fine or deprivation of the right to hold certain positions or to engage in certain activities or up to two years of corrective labor. However, no cases of application of this article in practice are known.

Numerous cases of violation of the right to privacy concerning CSO activities have been recorded in Belarus: searches in the organizations' premises and residences of their leadership, members, personnel, and volunteers, wiretapping, hacking of email, blocking of websites, seizure of internal documentation by regulatory authorities, etc.

Mass police raids at civil society organizations and civil society activists that began in late 2020 continued in 2022. So, on 13 January 2022, after a search by the GUBOPiK (The Main Directorate for Combating Organized Crime and Corruption of the Ministry of Internal Affairs of the Republic of Belarus) officers, Daria Tsarik, a member of the *Radislava* public association's Board, [was detained](#). After the interrogation, an administrative police report was drawn up against her and she was detained for eight days. On 13 January, searches were also carried out at the homes of three more representatives of the *Radislava*'s Board and of their relatives. On 18-19 January, [searches were conducted](#) at the homes of members of the public organization Mogilev Human Rights Center which, at that time, remained the only human rights public association with a registered status. The Leninsky District Court of Mogilev fined Vladimir Kravchenko, director of the Mogilev Human Rights Center, 640 rubles under article 19.11 of the Code of Administrative Offenses for "disseminating extremist materials." On 24 February, the Mogilev Regional Court decided to liquidate this public association. Home of Vladimir Telepun, a human rights activist from the city of Mozyr, was repeatedly raided, as well as other human rights and public activists' ones.

In the autumn of 2022, an entire raid took place against former activists of the Movement *For Freedom* liquidated by the authorities on 19 November 2021. Thus, on 22 November, public activist Valiantsina Bolbat was detained (sentenced to ten days of administrative arrest) after a search and seizure of equipment in Verhnyadzvinsk (Viciebsk region). On 21-22 November, searches were also conducted in other regions of Belarus in the homes of Heorhi Stankevich, Aliaksei Atroshchanka, Uladzimir Katsora, Iury Kazakevich and other activists ([according to the Human Rights Center Viasna](#) at least 13 people were persecuted).

2022 the year, in particular its second half, like 2020-2021, has been again characterized by registering bodies' inspecting public associations and foundations that remained in a registered status, issuing warnings, summoning representatives of civil society organizations for talks, and forcing them to exclude some members from public associations. Only a few organizations have not received written warnings about violation of the law based on the results of the inspections. In this case, whether or not they received written warnings, or whether or not they eliminate the violations stated in written warnings, is not a guarantee of not applying a tougher sanction, such as a forced liquidation, to a public association or foundation.

In the autumn of 2022, another sanction in relation to public associations was launched by the Main Department of Justice of the Minsk City Government - suspension of activities.

At least seven lawsuits have been filed with the Minsk City Court to suspend the activities of public associations.

Significant interference in the activities of CSOs is violating their right to receive and disseminate information, in particular, recognition of information materials and resources of CSOs as extremist and blocking CSO websites.

Thus, the website of the human rights organization *Human Constanta* was [blocked](#) by the order of the Prosecutor of Minsk. According to the Prosecutor General's Office, "inaccurate information was posted on the website in the public domain aimed at spreading destructive sentiments in society, undermining the authority of the current government, law enforcement officers." It was also decided to restrict access to the website of the human rights initiative *Journalists for Tolerance* (J4T.by/J4T.info) and to *Green Portal*, an environmental news and analytical information resource.

Belarus also blocked Patreon, a platform used, among other things, by Belarusian civil society organizations to collect donations.

3.2. Applying legislation on countering extremism and combating terrorism

The legislation on combating extremism and combating terrorism has continued actively applying as an instrument of pressure on civil society organizations and public activists. At the same time, this is often presented as following international standards in this area, in particular, as legal restrictions to prevent a threat to national security.

3.2.1. List of organizations and individuals involved in terrorist activities

The measures the Belarusian state is to take to prevent financing of terrorist activities are determined by the Law of the Republic of Belarus No.165-3 "On measures to prevent the legalization of proceeds from crime, the financing of terrorist activities, and the financing of the proliferation of weapons of mass destruction" dated 30 June 2014. One of these measures is the prohibition of financial transactions by the organizations and individuals involved in terrorist activities. The [List](#) of organizations and individuals involved in terrorist activities is maintained to determine the range of these persons and to bring it to financial entities.

Until the end of 2020, this list had included only citizens of foreign states who had been included in it on the basis of the United Nations Security Council Consolidated List. However, in late 2020, citizens of the Republic of Belarus were included in the list for the first time, and since then their number has been constantly increasing. During the two years, the State Security Committee (KGB) included 268 people in the List of organizations and individuals involved in terrorist activities in connection with their charges and convictions in Belarus, as well as four organizations. Among the individuals are members of the Coordinating Council Maxim Znak, Mariya Kalesnikava, a member of the Union of Poles, and others. The terrorist organizations include the Civil Self-Defense Units of Belarus and the *BYPOL* initiative.

Imprisoned people included in the List are deprived of the right to receive money transfers. Obviously, the inclusion in the List is carried out mainly for this purpose and serves to additionally stigmatize opponents of the current government.

3.2.2. List of citizens involved in extremist activities

In the spring of 2022, the Ministry of Internal Affairs published the [List](#) of citizens of the Republic of Belarus, foreign citizens, and stateless persons involved in extremist activities. Citizens included in the List are prohibited from engaging in activities related to the circulation of narcotic drugs, weapons, and explosives, teaching activities, publishing activities, as well as holding public positions and performing military service until cancellation of conviction and within five years after this. Financial transactions of these citizens are subject to special control in order to prevent legalization of proceeds from crime and financing of extremist activities. In practice, this List is also used to stigmatize people included in it, in particular, being in detention facilities, they must have distinctive patches.

In late December, the List contained 2263 people, including former head of the public association *Protection of Homeland Birds* Viktor Fenchuk; public figure and founder of the Flying University Uladzimir Matskevich; expert for the analytical group of the Agency for Humanitarian Technologies, coordinator of the Flying University, and senior analyst of the Center for European Transformation Tatiana Vadalazhskaya; former head, Board member of the Public Association *Radislava* Volha Harbunova; human rights activist Leanid Sudalenka; and other representatives of civil society organizations sentenced to imprisonment.

3.2.3. Recognizing information materials and resources as extremist

The practice of recognizing CSOs` information resources, including websites, social networks, Telegram-channels, chats, and others as extremist has been widely used. Thus, [the Republican list of “extremist materials”](#) includes: Telegram channel and more than 21 webresources of the Human Rights Center *Viasna*; Telegram chat *Independent Trade Union of Gomel*; the content of *Znadniemna.pl* website of the unregistered Union of Poles in Belarus; some logos, including the logos of the *Voice* Platform, ByPOL and BYSOL initiatives; “the image of the white palm of the hand on a lilac background with blue patterns and the inscription “VYASNA””; webresources of the International Center for Civic Initiatives *Our Home*; the Union Poles in Belarus` website *nadniemnemHrodna.pl*; websites of initiatives *By_help*, *Media Solidarity Belarus*, *BYSOL*, *voicesfrombelarus.com* and their publications in social networks (Telegram, Facebook, VKontakte, Instagram); website of the "platform for financing changes" *digitalsolidarity.io*, its Instagram, Facebook and mobile application in the App Store and Google Play store; social networks of the public campaign *Godna* (*godna.by*); *symbal.by*; website and social network accounts of the Belarusian Rada of Culture; content of the Telegram channels *Viasna: Political Prisoners of Belarus*, *Prison for Life*, *Belarusforum.org* and website *Forum of Democratic Forces*; content of the Belarusian Investigative Center z.s. published on 19 information resources, as well as the logos of the Belarusian Investigative Center containing the abbreviation "BIC" and the words "Belarusian Investigative Center", related to this organization the Instagram *freebelaruscenter*, the project *August2020* which posted stories of people who suffered from torture by the security forces, etc.

3.2.4. Extremist organizations and formations

As of 31 December 2022, 107 entities were included in [the List](#) of organizations, formations, individual entrepreneurs involved in extremist activities, 80 of them were included in 2022. Both webresources and associations of citizens are recognized as extremist formations.

At the same time, the practice of recognizing entities as extremist organizations has not become widespread in Belarus. The list indicates only one organization recognized as extremist - the Limited Liability Company TUT BY MEDIA.

Such associations of citizens as *Honest People*, Union of the Belarusian National Shield, *Country for Life* Foundation, Belarusian Rada of Culture, SOS-BY Free Association of Athletes of Belarus, Community of Railway Workers of Belarus, Belarusian Sports Solidarity Foundation, and others were recognized as extremist formations.

The practice of classifying as extremist formations organizations registered in the territory of the Republic of Belarus or in a foreign country began to consolidate. Thus, by the decision of the State Security Committee (KGB) of 15 July 2022 the foreign non-commercial organization Professional Union of Belarusians in Great Britain (located in London) was recognized as an extremist formation. The KGB's decision of 12 October 2022 "On recognition of a group of citizens as an extremist formation and prohibition of its activity" classified the organization *Dapamoga* operating in the Republic of Lithuania as an extremist formation.

On 19 October 2022, the public association *Ecodom* was included in the List of organizations, formations, and individual entrepreneurs involved in extremist activities as an extremist formation under item 95. According to the List, this extremist formation is understood to be a group of citizens who are leaders, coordinators, and members of the public association *Ecodom* liquidated in the Republic of Belarus and who continue their activity abroad through webresources and who carry out extremist activity. The basis for the listing was the KGB's decision of 17 October 2022 "On recognizing a group of citizens as an extremist formation and banning its activity." At the same time, according to the information from the Unified State Register of Legal Entities and Individual Entrepreneurs (USR), the public association *Ecodom* was not a liquidated legal entity at the moment of the decision to recognize it as an "extremist formation" as it was not excluded from the USR. Under Art. 59(8) of the Civil Code of the Republic of Belarus, liquidation of a legal entity is considered to have completed and a legal entity is considered to have been liquidated since the date when the registering body decides to make an entry in the Unified State Register of Legal Entities and Individual Entrepreneurs to exclude the legal entity from the Register.

This is the first case when a public association which was not formally a liquidated organization in the territory of Belarus has been recognized as an extremist formation. However, it is not the first case of recognizing an active legal entity as an extremist formation. Thus, by the decision of the State Security Committee of 4 July 2022 "On recognition of a group of citizens as an extremist formation and prohibition of its activity" the Belarusian Independent Trade Union REP was recognized as an extremist formation. A group of citizens from among consultants, the acting chairperson, and members of the trade union, as well as other persons of the Belarusian Radio-Electrical Manufacturing Workers' Trade Union were considered an extremist formation carrying out extremist activities. At the same time, the Supreme Court decided on the compulsory liquidation of the trade union just on 12 July 2022; and, on 28 September 2022, the trade union was excluded from the Unified State Register of Legal Entities and Individual Entrepreneurs.

By recognizing organizations registered in the territory of Belarus as extremist formations, the Belarusian authorities violate the already too vague and open to multiple interpretations law on countering extremism. Under Art. 12 of the Law of the Republic of Belarus of 4 January 2007 No.203-Z "On Countering Extremism," an organization registered in the territory of Belarus is considered extremist based on a court decision. Under Art. 18 of the law, a decision to recognize a group of citizens as an "extremist formation" does not require a court review; a decision of the Ministry of Internal Affairs or the State Security Committee is sufficient. Citizens do not have access to information on the specific reasons for recognizing their activities as extremist. Such a simplified mechanism for declaring groups of citizens "extremist formations" jeopardizes any manifestations of self-organization and solidarity of people, including in response to systemic and gross violations of human rights.

3.3. Administrative and criminal prosecution of representatives of civil society organizations

In 2022, administrative and criminal prosecuting representatives of civil society organizations that began in the autumn of 2020 continued.

Thus, leader of the public initiative *Alternative* Oleg Korban was detained for 15 days in the administrative case under Art. 24.3 of the Code of Administrative Offences; leader of the truckers' union Siarhei Shtoda, the *SIGNAL* art project's leader Oleg Larichev, activist of the forcibly liquidated Movement *For Freedom* Tatiana Trofimova, former chairperson of the Republican public association *Perspective*, liquidated by the Supreme Court on 7 September 2021, Alexander Shumchanka (was fined 15 basic units under Art. 19.11 of the Code of Administrative Offences for "disseminating extremist materials"), and other activists were detained. The practice of further criminal prosecution of activists subjected to administrative detention has spread.

Cases of pressure on newly emerging initiatives have also been recorded. So, in June, Alla Korolenko, a Gomel volunteer who helped to organize a holiday for refugee children from Ukraine, and photographer Sergei Lysenko were detained while disrupting the holiday by security officials. Korolenko was sentenced to seven-day administrative arrest.

Security officials published a "penitential" video with leaders of conscription assisting services. It is stated that their activities "were aimed at taking rap conscripts from serving in the army." At the same time, conscription assisting services provided legal and medical advice - they helped to undergo a full medical examination to see whether a conscript had a disease making him unfit for service and also advised on interacting with the military registration and enlistment office.

In connection with the performance of their professional activities, human rights defenders - chair of the Human Rights Center *Viasna*, Nobel laureate [Ales Bialiatski](#), member of the Human Rights Center *Viasna*'s Board, vice-president of the International Federation for Human Rights (FIDH) [Valiantsin Stefanovic](#), lawyer and coordinator of the campaign "Human Rights Defenders for Free Elections" [Uladzimir Labkovich](#) - are in pre-trial detention center. Moreover, after more than a year in prison, they have been additionally charged with smuggling (illegal moving across the customs border of the Eurasian Economic Union a large amount of cash by an organized group) under Art. 228(4) of the Criminal Code and with financing group

actions grossly violating public order under Art. 342(2) of the Criminal Code, and the previous case under Art. 243(2) of the Criminal Code (non-payment of taxes) was dropped.

Head of the Homel branch of the *Viasna* Human Rights Center [Leaniid Sudalenka](#) (sentenced to three years in a general regime penal colony), coordinator of the *Viasna*'s Volunteer Service [Marfa Rabkova](#) (sentenced to 15 years in a general regime penal colony), and *Viasna*'s volunteer [Andrei Chapiuk](#) (sentenced to six years in a penal colony with a reinforced regime) are serving their terms.

Human rights activist, volunteer of the Homel branch of the Human Rights Center *Viasna* [Tatsiana Lasitsa](#) sentenced under Art. 342(1, 2) of the Criminal Code to 30 months in a general regime colony was released by pardon after having served 20 months in prison.

On 6 May, the Sovietsky District Court of Minsk passed a sentence in the criminal case of human rights activist, former leader, the Board member of the Public Association *Radislava Volha Harbunova*. She was found guilty of organizing and preparing actions grossly violating public order (Art. 342(1) of the Criminal Code) and punished with restraint of freedom under home confinement ("domashnyaya khimiya") for a period of three years, but she was able to flee Belarus.

Human rights activist [Nasta Loika](#) was subjected to six administrative arrests in the autumn of 2022, four of them in a row. According to her statement during one of the trials, she was subjected to torture: she was hit with an electric shocker and was also left without outerwear for eight hours in the detention center courtyard; as a result, she became very ill. After having served the fourth administrative arrest and having continuously spent 60 days in jail, Loika was not released. [According to Human Constanta](#), she was charged under two articles of the Criminal Code, including Art. 342(1).

Other representatives of civil society organizations are also held in prison, particularly, members of the Coordinating Council [Maxim Znak](#), [Maryia Kalesnikava](#), and [Aksana Zaretskaya](#); member of the Union of Poles [Andrzej Poczobut](#); member of the Council and co-founder of the school of young managers of public administration *Sympa*, expert of the *bipart* research project [Tatsiana Kouzina](#); founder and website editor of the expert community *Our Opinion*, head of the *Belarus in Focus* monitoring group [Valeryia Kastsiuhova](#); cultural figure and founder of *Symbal.by* [Pavel Belavus](#); Hrodna activist who headed the *Center for Urban Life* establishment [Pavel Mazheika](#); director of the liquidated *Viartanne* Foundation [Siarhei Makarevich](#); former Deputy Chairperson of the public association Belarusian Voluntary Society for Protection of Historical and Cultural Monuments Yury Meleshkevich; *the Green Watch* initiative's representative [Pavel Nazdra](#); co-chairperson of *Tell the Truth* [Andrey Dzmitryeu](#); deputy director of the Minsk Cycling Society [Maksim Puchynski](#); former leader of the public association *Protection of Homeland Birds* [Viktar Fianchuk](#); public figure and founder of the Flying University [Uladzimir Matskevich](#); and expert for the analytical group of the Agency for Humanitarian Technologies, coordinator of the Flying University, senior analyst of the Center for European Transformation [Tatsiana Vadalazhskaya](#).

On 30 November, having served their terms (2.5 years of imprisonment in a general regime penal colony) in full, convicted members of the Association of Belarusian students

(ZBS) [Yahor Kanetski](#), [Yana Arabeika](#), [Kasia Budzko](#), [Ksenia Syramalot](#), and member of the opposition Coordinating Council [Alana Gebremariam](#) were released.

Some of representatives of civil society organizations being in jail have already been sentenced to various terms of imprisonment. For example, volunteers of *the Country for Life* Foundation: [Anton Stasheuski](#) and [Maryna Dubrouskaya](#) were sentenced accordingly to eight years in a colony with a reinforced regime (Art. 357(1) of the Criminal Code - conspiracy to seize state power in an unconstitutional way) and 1.5 years in a standard regime colony (Art. 342(2) of the Criminal Code - educating and training people to participate in actions grossly violating public order, as well as their financing or other material support). [Maryna Kisialevich](#), an activist of *the Mothers-328* movement, was sentenced to four years of restraint of liberty and sent to an open-type correctional facility under two defamatory articles of the Criminal Code - Art. 368(2) (insulting the president) and Art. 367(2) (slander against the president). Public figure, creator of the Flying University [Uladzimir Matskevich](#) was sentenced to five years' imprisonment in a colony with a reinforced regime for organizing and preparing actions grossly violating public order (Art. 342(1) of the Criminal Code), creating an extremist formation (Art. 361-1(1) of the Criminal Code), and insulting the president (Art. 368(1) of the Criminal Code).

Five people involved in the case over the informal organization *Civil Self-Defense Detachments of Belarus* were sentenced to from 13 to 20 years in prison.

Art. 361-1(1) of the Criminal Code (creating an extremist group or participating in it) has become an increasingly common ground for criminal prosecution. Initiating cases related to financing of extremist activities have also been spreading (Art. 361-2 of the Criminal Code).

Thus, the State Control Committee initiated one more criminal case on financing extremist activities against founders of the *BYSOL* and *BY_Help* initiatives, Andrei Strizhak and Aleksey Leonchik, as well as “other persons who participated in their financing.” [According to the State Control Committee](#), the Department of Financial Investigations established the facts of financing extremist formations *BYSOL/Belarus solidarity foundation* and *BY_help* by collecting and providing funds to ensure their extremist activities. The Minsk City Court sentenced [Aliaksandr Ziyazetdzinau](#) to three years in a general regime colony for transferring 0.2 ether (about \$800) to a *BYPOL* cryptocurrency wallet in May 2021 over ‘financing the activities of an extremist formation.’

In general, [according to the Human Rights Center Viasna](#), at least 83 people were convicted, by the end of the year, for establishing an extremist formation, leading it, joining it in order to commit extremist crimes, providing or collecting funds for them, and otherwise assisting in extremist activities.

In 2022, almost immediately after the adoption at the legislative level, initiating the first criminal cases under the procedure of “special proceedings” (where people being abroad can be held criminally liable) was launched. By the end of 2022, special proceedings were being in progress against 17 people, two of them are ex-leaders of the Belarusian Sports Solidarity Foundation (BSSF) Aleksandra Gerasimonia (she was sentenced to 12 years in a general regime colony, and her property was seized) and executive director of the Foundation Aleksandr

Opeikin (he was sentenced to 12 years in a colony with a reinforced regime) have already been convicted.

3.4. Pressure on independent trade unions

In 2022, there was severe unprecedented pressure on Belarusian independent trade unions: pressing on members, including threats of dismissal, in order to force them to leave the union; summoning for “preventive talks;” forcing to join a pro-government organization - the Federation of Trade Unions of Belarus; raiding and detaining trade union activists; bringing them to administrative and criminal liability; liquidating trade union structures, and their recognizing as extremist. Illegal installing covert video cameras and listening devices in trade union offices has spread.

On 24 February, a search was conducted in the office of the Free Metal Workers` Trade Union in Minsk, and equipment, leadership and personnel`s communication tools were seized. Deputy chairpersons of the trade union, Igor Komlik and Aleksandr Yevdokimchik, were detained.

On 25 March, the house of the former leader, activist of the Brest region branch of the Belarusian Radio-Electrical Manufacturing Workers` Trade Union (REP) [Zinaida Mikhniuk](#), as well as the Brest office of the trade union, were raided. She was detained, then found guilty of insulting the president (Art. 368 of the Criminal Code) and sentenced to two years in a general regime colony.

On 19 April, an unprecedented wave of searches took place in the headquarters and leaders and activists` apartments of Belarusian independent trade unions. The searches were conducted in the headquarter of the Belarusian Congress of Democratic Trade Unions (BCDP) and the headquarters of its affiliates - the Belarusian Free Trade Union (SPB), the Free Metal Workers' Trade Union (SPM), the Belarusian Radio-Electrical Manufacturing Workers` Trade Union (REP) in Minsk and regions, as well as in the houses of the trade unions leaders and activists. As a result of this, personal computers, flash cards, personal documents, passports, bank cards, including ones of family members of the trade union activists, SIM cards, trade union flags, digital devices, and trade union documentation were seized.

On 25 May, security officials searched the headquarters of the Belarusian Independent Trade Union in the city of Salihorsk. Mobile phones and other devices were seized from the trade union members, taking non-disclosure agreements. The union's primary organization of employees of Belaruskali, as well as the house of its chairperson were raided, the man was subsequently detained. A search was also carried out in the union`s offices at the 2nd and 1st mining departments of Belaruskali.

After the searches, there were mass detentions of trade union leaders and activists. According to the Belarusian Independent Trade Union, almost four dozen democratic trade unions` members were kept in Belarusian prisons. Some of them have already been convicted. On 15 November, the Minsk regional court sentenced political prisoner [Aliaksandr Mishuk](#) under Art. 361(1) of the Criminal Code (calling for restrictive measures (sanctions) and other actions aimed at harming the national security of the Republic of Belarus) to two years and six months of imprisonment in a general regime penal colony. The prosecutor's office blamed

Mishuk for his speech to the workers of Belaruskali "with the purpose of establishing a strike committee." On the same day, the Maskouski District Court of Minsk sentenced activist of the Free Metal Workers` Trade Union [Yanina Malash](#) to a year and a half of imprisonment for grossly violating public order (Art. 342 of the Criminal Code).

On 16 November, the Hrodna Regional Court sentenced the chairperson of the primary organization of the Belarusian Independent Trade Union at Hrodna Azot OJSC [Andrei Khanevich](#) to five years in prison. Khanevich was charged under two articles of the Criminal Code of the Republic of Belarus – "Discrediting the Republic of Belarus" (Article 369-1) and "Abetting in extremist activity" (Article 361-4).

On 27 November, the Piershamaiski District Court of Minsk sentenced Mikhail Hromau, secretary of the Free Metal Workers` Trade Union liquidated by the authorities. Hromau was found guilty of organizing and preparing actions grossly violating public order or actively participating in these actions (Art. 342(1) of the Criminal Code) and sentenced to two years and six months of restraint of freedom under home confinement (so called "domashnyaya khimiya" - "home chemistry").

On 25 November, the Minsk City Court started the hearing of the criminal case against the leaders of the Belarusian independent trade unions, political prisoners - former head of the REP [Hienadz Fiadynich](#), leader of the Orsha REP branch, acting chairperson of the trade union [Vasil Berasneu](#) and REP`s activist [Vatslau Areshka](#). They were charged with calling for restrictive measures aimed at causing harm to the national security of the Republic of Belarus (Art. 361(3) of the Criminal Code), inciting social hatred and enmity (Art. 130(3) of the Criminal Code), and establishing an extremist formation or participating in it (361-1(1, 3) of the Criminal Code).

On 26 December, the Minsk city court passed a sentence in the criminal case against activists of the Belarusian Congress of Democratic Trade Unions (BCDTU) - chair of the trade union [Aliaksandr Yarashuk](#), his deputy [Siarhei Antusevich](#), and the bookkeeper [Iryna But-Husaim](#) detained on 19 April 2022. They were accused of grossly violating public order under Art. 342(1) of the Criminal Code, and Yarashuk was also accused of calling for restrictive measures and other actions aimed at harming the national security of the Republic of Belarus under Art. 361(3). Aliaksandr Yarashuk was sentenced to four-year imprisonment in a general regime colony, Siarhei Antusevich was sentenced to two-year one, and Iryna But-Gusaim was sentenced to a year and a half of imprisonment.

In addition to searches and criminal prosecution relating trade unions and their activists, other pressure measures, similar to ones against other CSOs, have been used: administrative arrests (for example, Olga Britikova, head of the independent trade union *Naftan*, and Maksim Pazniakou, acting chairperson of the Belarusian Congress of Democratic Trade Unions (BCDTU) were repeatedly detained and subjected to administrative arrests during the year), summons to talks by security officials, discrediting in the media, recognition of structures as extremist, and forced liquidation.

Thus, the Brest REP regional branch was excluded from the register of trade union structures registered in the region. On 7 April 2022, the State Security Committee decided to recognize the REP as an extremist organization and to ban its activities. On 25 April, by

decision of the Mozyr City Government, the activities of the Independent Trade Union at the Mozyr Oil Refinery were terminated. On 19 May, the prosecutor's office requested the Belarusian Independent Trade Union (BNP)'s documentation, including data on the trade union members. Similar requests were sent to other BCDTU affiliates. The Hrodna Regional Court [recognized](#) the JSC Hrodna Azot workers' primary organization of the Belarusian Independent Trade Union as extremist, prohibiting the activities of this organization until its liquidation (it is interesting that this structure is not included in the list of extremist organizations and formations). [According to the prosecutor's office](#) of the Hrodna region, the court decision was based on the fact that the activities of the organization "contradicted the requirements of the law and were associated with dissemination of extremist materials." A closed Telegram chat of the Hrodna Azot's independent trade union was recognized as extremist.

At the suits of the Prosecutor General, the Supreme Court issued decisions to terminate the activities of the "Byelaruski" Free Trade Union, the Free Metal Workers' Trade Union, Belarusian independent trade union of mining, chemical, oil refining, energy, transport, construction, and other workers, the Belarusian Radio-Electrical Manufacturing Workers' Trade Union, as well as the Belarusian Congress of Democratic Trade Unions (association of trade unions).

[According to the Prosecutor General's Office](#), it was established during the trial that "instead of protecting the labor and socio-economic rights of the trade union members, preventing illegal strikes, downtime, escalation in society, the leaders and a number of members of these trade unions took an active part in destructive activities, mass events violating public order, disseminated the extremist content. Criminal cases were initiated over all the facts of their illegal activities, and adverse governmental action was taken."

In addition to the traditional law provisions recently applied in practice to forcibly liquidate non-profit organizations, some such decisions in relation to trade unions have been based on foreign gratuitous aid legislation.

Prior to this, on 11 July, the Belarus 1 TV channel showed a film in which it was alleged that leaders of independent trade unions received funds from abroad without registering them with the Department for Humanitarian Activities of the Belarusian Presidential Executive Office. It should be noted that, in the spring of 2022, trade union representatives were brought to administrative responsibility for violating the procedure for using foreign gratuitous aid (Article 24.14 of the Code of Administrative Offenses), for example, the head of the Free Metal Workers' Trade Union.

In response to the crackdown against the trade unions, the International Labor Organization has launched a procedure under Article 33 of ILO Constitution, which states "In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Inquiry, or in the decision of the International Court of Justice, as the case may be, the Governing Body may recommend to the Conference such action as it may deem wise and expedient to secure compliance therewith." The decision was adopted by the Governing Body of the International Labor Organization on 8 November 2022, under Article 33 of the ILO Constitution, over the systematic violation of the fundamental rights of workers in Belarus. Any action that would compel the Government of

Belarus to comply with international standards could be taken. By March 2023, the ILO should elaborate on appropriate measures against the Belarusian authorities and adopt them at the International Labor Conference in June.

3.5. Pressure on other non-profit organizations

During the monitoring period, private educational establishments were subjected to harsh pressure, the so-called "cleanup". For instance, the state media have reported that eight public schools were closed in Belarus, and 12 more were ordered to stop their activities. According to education minister Andrei Ivanets, many establishments have been related to "countries unfriendly to Belarus," which interfere in the upbringing of "the younger generation." On 14 October 2022, the Law of the Republic of Belarus No. 213-Z "On licensing" was adopted, according to which too essential changes were made in the educational activity. According to Art. 317(3) of the law, from 21 October 2022 up to 31 December 2022 special conditions for licensing as defined in Art. 314 of the law must be in force. Thus, from 21 October 2022, organizations and individual entrepreneurs carrying out educational activities and rendering services on implementation of educational programs had to get a license from the licensing body (Minsk City Government, municipal (district) governments). Also [from the new school year](#) in Belarus, two Lithuanian (in the villages of Pelesa and Rymdiuny, Hrodna region) and two Polish (in Hrodna and Vaskovichy) schools stopped teaching in the national languages. Three of them were transferred to Belarusian or Russian language of teaching, and the Lithuanian school in Pelesa has been closed altogether, allegedly for violating fire safety rules. The authorities closed a school at the Catholic Christian Social Center in Minsk. The Christian Social Center is a religious organization subordinate to the head of the Catholic Church in Belarus. It has a chapel, living quarters for priests, and a private Catholic school. It also [became known](#) that the authorities were terminating the agreement of gratuitous use of the Red Church with the community "Roman Catholic Parish of St. Simon and St. Alena."

With regard to other non-profit organizations, pressure was rather exerted on their members. So, in July 2022, after searches, leaders of the United Civil Party [Mikalai Kazlou](#) (who had previously been repeatedly subjected to administrative arrests and imprisonment), [Antanina Kavaliova](#), [Aksana Aliakseyeva](#), and [Artur Smaliakou](#) were detained. On 1 November, the Pervomaisky District Court of Minsk sentenced Kavaliova to a year of imprisonment in a general regime penal colony, Alekseev to one and a half years, Smolyakov to two years, and Kazlou to two years and six months under Art. 342 of the Criminal Code (organizing and preparing actions grossly violating public order, or actively participating in them); Kazlou was additionally charged under Art. 407 (disclosing data of an inquiry, preliminary investigation, or closed court session).

Representatives of religious denominations were repeatedly detained as well. For example, pastor of the Minsk Evangelical Church *New Testament* Filipp Ivanov and senior priest of the Holy Spirit Church in Vitebsk Andrei Vashchuk were detained. Dmitry Podlobko, a priest of the *Living Faith* Full Gospel Christian Church in Homel, was fined 20 basic units under Art. 24.23 of the Code of Administrative Offenses. The court deemed conducting water baptism without permission an unauthorized mass event. Orthodox priest Vladislav Bogomolnikov, who held a service in remembrance of the dead Roman Bondarenko, spent seven administrative arrests in a row at Akrestsina detention center (more than 100 days). Then,

he was charged under Art. 342 of the Criminal Code and, subsequently, released on his own recognizance. Municipal Unitary Enterprise *Minsk Spadchyna* rescinded the contract of gratuitous use with the community "Roman Catholic parish of St. Simon and St. Alena" (Red Church).

Obviously, in 2023, political parties, due to the amended law on political parties and the established strict requirements for re-registration, might also fall under the rink of repression, like establishments. In connection with the amendments to the law on freedom of conscience and religious organizations announced in the plan for legislative activity for 2023, the situation of religious organizations might also change.

4. Liquidation of civil society organizations

Whilst repression and restriction of space for freedom of peaceful assembly and freedom of speech have become a conscious policy of the state in relation to civil society as a whole, a liquidation campaign has become a special sanction for NPOs.

As of 31 December 2022, according to the [monitoring](#) by *Lawtrend* and OEEC, 757 non-profit organizations (associations, trade unions, foundations and non-governmental establishments) were being in the process of forced liquidation, including by the lawsuits filed by registering bodies to the court and by forcible exclusion from the Unified State Register of Legal Entities and Individual Entrepreneurs, were recorded.

In general, the sector has lost more than a third of NPOs in a year and a half and has returned to the level of the early 2000s in terms of quantitative indicators (2-2.5 thousand public associations). It is not possible to give a more accurate figure of the NPOs remaining in a registered status due to the fact that the statistics of registered non-governmental establishments and associations is not publicly available information. Characteristically, as of mid-February 2023, the Ministry of Justice has not published official statistics on registered public associations and foundations.

The obvious increase in the number of non-profit organizations decided to self-liquidate, which also began in 2021, continues. First of all, this trend directly affects local organizations in various areas of activity, primarily social organizations. At the same time, a decision on self-liquidation is made by an NPO primarily due to pressure on its members and personnel, unfavorable legal environment, general socio-political situation in the country, and also often under targeted pressure from the authorities to make the decision.

As of 31 December 2022, according to the *Lawtrend* monitoring, 416 non-profit organizations (public associations, foundations, and establishments) were recorded in respect of which the body authorized by the charter or their founders had made a decision to self-liquidate.

Thus, an analysis of the general statistics of forcibly liquidated (being liquidated) NPOs and NPOs decided to self-liquidate shows that, from September 2020 by the end of 2022, the number of NPOs in the registered status in Belarus has decreased (or, in the near future, will decrease as a result of court trials) by at least 1173 ones (public associations, including trade unions, foundations, establishments, and associations).

With regard to the organizational and legal forms of NPOs, the decision on forced or voluntary liquidation was [made](#) by: public associations (515 liquidation lawsuits are known, another 280 public associations decided to self-liquidate), foundations which must be liquidated only by court (46 liquidation suits submitted by registering bodies and 23 ones submitted by their founders themselves), establishments (184 court or registering bodies decisions on forced liquidation and 97 decisions on self-liquidation), associations (unions) of legal entities, including trade unions (8 decisions on forced liquidation, 16 ones on self-liquidation), and trade unions (4 decisions on forced liquidation).

In the regional dimension, the "cleanup" affected all regions of the country, although Minsk's share prevails due to disproportionate development of the sector: the majority of international and republican NPOs and almost all of the other most important NPOs of Belarus are registered in the capital.

In general, the most frequent grounds for liquidation of NPOs as follows:

- Failure to submit or improper submission of reports to the registering body;
- Incomplete or untimely submission of documents requested from an organization during the May and July 2021 inspections (including those concerning its local branches and lists of members)
- Claims for confirmation of the legal address of an organization or its local organizational structures;
- Failure to eliminate violations which afforded a written warning or suspension of the organization's activity (however, written warnings were not always issued by judicial departments - sometimes liquidation suits were filed at once);
- In some cases, cooperation with unregistered umbrella structures, associations of civil society organizations: the National Platform of the Eastern Partnership Civil Society Forum, the Assembly of Democratic NPOs (although these structures are registered legal entities outside of Belarus), was a ground for liquidation.

This group of grounds for liquidation can be called "usual." A number of these grounds were used in previous "waves of liquidations" and were based on the previous repressive legislation for NPOs.

Many NPOs have encountered other grounds for liquidation that had not been used before in Belarusian law enforcement practice.

The first group of these grounds is law enforcement bodies` communication stating that an NPO is engaged in extremist or other illegal activities. The communication is unreasonably accepted as irrefutable evidence for liquidation. A number of court suits to liquidate NPOs were based on letters from [GUBOPIK](#) (the Main Directorate for Combating Organized Crime and Corruption of the Ministry of Internal Affairs of the Republic of Belarus) and DFR (the Department of Financial Investigations of the State Control Committee of [the Republic of Belarus](#)), but the reasons for the organization's activities to be considered extremist remained unknown, since the letters had been classified as "for Official Use Only."

Another distinctive feature of the 2021-2022 campaign to delegitimize NPOs is the criminal charges brought against their leaders and activists for alleged extremist activities, participation in protests, etc.

The second group of grounds is connected with mass inspections of public associations and foundations by registering bodies. As a result of numerous raids, seizure of equipment and documentation, and sealing offices by the law enforcement bodies, the organizations' leadership was not able to submit the documentation required by the registering bodies and, then, by courts for inspection. The facts of failure to provide documentation at the request of the registering body, despite having submitted written statements on why it had been impossible to provide it, were repeatedly made the basis of liquidation suits.

In a number of cases the reason for liquidation was a violation of reporting requirements introduced for public associations in 2020, within the framework of combating terrorism and money laundering, that represented excessive interference in the NPO activities. The grounds for this could be minor violations such as minor delays in the submission of reports or violations of the procedure for publishing such reports. Liquidation on this ground is a vivid example of misapplication of International Standards for AML/CTF where an authoritarian state uses the standards and mechanisms for its own purposes.

Many NPOs are still unable to complete the liquidation process, despite the fact that decisions on forced liquidation of some of them have been made more than a year ago. This situation is caused by a number of factors:

(1) Documentation of many organizations seized during searches are still in law enforcement agencies (despite recorded cases of NPO documentation being transferred from law enforcement agencies to tax authorities for audition);

(2) Mass relocation of the leadership and members of a NPO, inability to represent a liquidated NPO in Belarus (absence of representatives, refusals of liquidators, etc.);

(3) Undeveloped and vague legislation. This problem is of several levels. First, according to the statutes of most public associations, only a body that made a decision to liquidate an organization is entitled to establish a liquidation commission, to which all powers to carry out activities related to liquidation are transferred after the liquidation decision. This provision complies with the ones of the Civil Code of the Republic of Belarus, but is not observed by registering bodies. In response to requests from forcibly liquidated public associations, they offer to create a liquidation commission either by representatives of the organization or by its governing body. Thus, forcibly liquidated organizations are placed, by the authorities, in the situation of involuntarily violating the law. Secondly, the law does not answer a number of questions about transferring property after a liquidation decision, primarily acquired from foreign gratuitous aid or international technical assistance.

Another trend is also observed, where the authorities, in violation of the law, exclude NPOs that have not passed the process of liquidation from the USR. For example, independent trade unions and a number of public associations that had not created a liquidation commission and had not taken any actions to complete the liquidation process were excluded from the USR.

5. Discrediting civil society organizations by the authorities and creating “their own” civil society.

Discrediting civil society organizations in the pro-government media and Telegram channels is a constant tool of pressure against them along with “legal mechanisms” - forced liquidation, forced self-liquidation, inspections, summons for ‘talks’ and interrogations, administrative and criminal liability of members, searches, seizure of documentation and equipment, seizure of accounts, etc. The Belarusian “authorities” of various levels have implemented a targeted policy to discredit civil society organizations, including by their public statements.

Particularly, the presidential administration’s newspaper *Belarus Segodnya* (SB) has been [publishing](#) a series of articles aimed at discrediting civil society organizations.

The trend of "nationalization" of civil society in Belarus has continued. Against the background of the discrediting of independent civil society organizations, there has been disseminating propaganda messages on the activities of some specific pro-government organizations, including those operating in an unregistered status (for example, the Youth Parliament). Clubs, councils, and other structures have been created in educational establishments, government agencies, and so on. Thus, 140 senior citizen’s councils have been [established](#) under local governments throughout the country.

The Law of the Republic of Belarus No. 231-3 “On the State Budget for 2023” dated 30 December 2022 provides for spending funds specifically on three public associations: the Union of Writers of Belarus, the Republican Committee of the Belarusian Red Cross Society, and the Belarusian Republican Youth Union. Traditionally, the law stipulates that funds from the state budget can be allocated to public associations by decision of the president. Similar expenses of regional, city, and district budgets are provided for by decisions of local authorities. For example, the decision of the Minsk City Council of Deputies of 22 December 2022 № 439 "On the budget of the city of Minsk for 2023" budget funds for the Minsk city organization of the public association Belarusian Republican Youth Union and the Minsk city branch of the public association Union of Writers of Belarus.