

Date of update: 11th of January, 2023

BELARUS: Draft amendments to laws on public associations and political parties published monitoring and scoring timeline and instructions

New measures proposed in the bill would negatively affect public associations and significantly complicate conditions for opposition parties.

The most significant negative changes the [draft law](#) can bring for public associations are the following:

- National-level public associations are required to have separate branches in all regions of Belarus and in the city of Minsk (that is at least 7 branches, each must have a legal address and be registered as a separate entity by local justice departments);
- A bright-line norm is introduced that a public association or its branch can have a legal address in non-residential premises (office buildings) only (as of now, the legislation provides for an exception - it is possible to have a legal address in a detached private house with the consent of all residents);
- In addition to the rights of public associations, a new section on their obligations is proposed. These obligations are phrased quite generally e.g. “*the obligation to comply with the Constitution*”);
- A new ground for forced liquidation of public associations is introduced, which is of clearly political character – due to “*non-compliance of a political party’s or an association’s activities with the main directions of the domestic and foreign policies, the concept of national security that are adopted by the All-Belarusian People’s Assembly*”.

The positive norms introduced in the draft law mostly relate to clarification of the technical issues, in respect of which the law enforcement practices have earlier created ambiguities or possibilities of dual interpretation:

- The restriction on the territory of activity for local-level public associations is lifted, they will have the opportunity to work on the entire territory of the country;
- The possibility to file documents for registration of public associations and their branches, as well as annual activity reports online is enshrined;
- The term for filing reports on the reporting year is extended by 1 month (the deadline for filing and publishing reports is moved from March 1 to March 31);
- The clear list of documents that can serve as a confirmation of the presence of legal addresses for organisations is set out;
- The requirement to lay down “*object of activity*” in a public association’s charter, along with aims, objectives and methods of activity, is lifted (this notion was introduced by the requirements of the law of 2005 and since then it has failed to acquire any precise common meaning, which created difficulties for public associations in practice);
- It is proposed to refer the issues of appeals against denials of registration, warnings, liquidations of national-level organisations and other decisions of the Ministry of Justice to the jurisdiction of the Minsk City Court, which are currently being tried in the Supreme Court (this will allow filing appeals against the decisions on such cases);
- The “*board of trustees*” notion as a separate body that can be established is introduced for public associations;
- It will no longer be required to provide a copy an international organisation’s registration certificate for registration of its branches in Belarus, a copy of the charter will be enough now;
- The right of public associations to participate in the work of advisory and public councils established under state agencies is enshrined;
- Introduced possibility to establish organisational entities of public associations based on principles other than the territorial one (for example, this will make it

possible to establish cells at enterprises or universities without ties to specific administrative-territorial units);

- The term for filing the information about changes to the membership of associations' elected bodies is extended from 10 days to 1 month;
- The possibility for public associations to receive funds for performance of works within social contracting-laid out in more details, but at the same time, the ban on independent entrepreneurial activity by public associations is not lifted.

As for political parties, almost all the above-mentioned changes affect them as well, however new severe restrictions are also introduced:

- It is proposed to increase the minimum number of founders or members required for registration and activity of a political party **from 1000 to 5000 people** and each region and the city of Minsk must be represented by at least 100 people;
- The number of local branches required for existence of a political party is also increased – while now it is enough to have regional branches only in the majority of regions and in the capital city of Minsk, the draft law stipulates that it will be required to have such branches in all regions, as well as district and city branches in at least 1/3 districts and cities of regional subordination in each region of Belarus and capital city of Minsk (of the 15 parties registered in Belarus, only two strongly pro-government ones - the Communist Party of Belarus and the Republican Party of Labour and Justice - now meet this requirement, none of the opposition parties has such a number of registered local branches);
- The bans on the receipt of funding by political parties are laid out in more details and expanded; the upper limit for donations from one donor (organisation or citizen) is introduced in the amount of 1000 base amounts* per year (about 13 000 euro), as well as the ban on funding of political parties by citizens who were outside Belarus for more than 183 days per year;
- The ban on political party membership is introduced for citizens of Belarus who permanently reside outside the country.

Political parties will be given only 3 months to prepare and file documents for re-registration after the law will be passed. They will be required to provide extensive documentation, including the list of all party members with indication of their names, places of residence, places of work and date of birth. The Ministry of Justice will be able to file lawsuits to the Supreme Court on liquidation of political parties which will fail re-registration.

*The «base amount» is a unit approved by the Government of Belarus, which is used to calculate various tariffs, duties and other payments. From 01.01. 2023, the base amount is 37 Belarusian rubles (BYN). On 10/01/2023, the official exchange rate of the Belarusian ruble against the euro is 1 EUR = 2,8918 BYN. So, 1000 base amounts is $37 \times 1000 = 37000 \text{BYN}$ =

