

# CSO METER

A compass to conducive  
environment and  
CSO empowerment

---

## BELARUS 2022 COUNTRY REPORT





European Center for  
Not-for-Profit Law



Funded by  
the European Union

# CSO Meter 2022: Belarus

## Country Report

Reporting period January–December 2022

European Center for Not-for-Profit Law Stichting (ECNL) is a leading European resource and research centre in the field of policies and laws affecting civil society. ECNL creates knowledge, empowers partners and helps set standards that create, protect and expand civic freedoms.

The '*CSO Meter: A Compass to Conducive Environment and CSO Empowerment*' project is implemented by ECNL and its partners: Transparency International Anticorruption Center in Armenia; MG Consulting LLC in Azerbaijan; Civil Society Institute in Georgia; Promo-LEX Association in Moldova; and the Ukrainian Center for Independent Political Research (UCIPR).

This publication was produced with the financial support of the European Union. Its contents are the sole responsibility of ECNL and do not necessarily reflect the views of the European Union.

Copyright © 2023 by ECNL Stichting. All rights reserved.

## TABLE OF

# CONTENTS

<b>ABBREVIATIONS</b>	<b>3</b>
<b>I. EXECUTIVE SUMMARY</b>	<b>4</b>
<b>II. BELARUS – IN NUMBERS</b>	<b>10</b>
<b>III. FINDINGS</b>	<b>12</b>
3.1 FREEDOM OF ASSOCIATION	12
3.2 EQUAL TREATMENT	24
3.3 ACCESS TO FUNDING	28
3.4 FREEDOM OF PEACEFUL ASSEMBLY	28
3.5 RIGHT TO PARTICIPATION IN DECISION-MAKING	41
3.6 FREEDOM OF EXPRESSION	51
3.7 RIGHT TO PRIVACY	58
3.8 STATE DUTY TO PROTECT	60
3.9 STATE SUPPORT	67
3.10 STATE-CSO COOPERATION	73
3.11 DIGITAL RIGHTS	75
<b>IV. KEY PRIORITIES</b>	<b>84</b>
<b>V. METHODOLOGY</b>	<b>86</b>
<b>VI. REFERENCES</b>	<b>88</b>

# ABBREVIATIONS & ACRONYMS

---

AML/CTF	Anti-money laundering and counter-terrorism financing
BKDP	Belarusian Congress of Democratic Trade Unions ( <i>Byelaruski kanhres demakratychnyh prafsayuzaw</i> )
BPC	Belarusian People's Congress
BRYU	Belarusian Republican Youth Union ( <i>Belorusskij respublikanskij sojuz molodeži</i> )
BYN	Belarusian Rouble
BYSOL	Belarus Solidarity Foundation
CIS	Commonwealth of Independent States
CSO	Civil society organisation
CSR	Corporate social responsibility
EaP	Eastern Partnership
ECNL	European Center for Not-for-Profit Law
EUR	Euro
FATF	Financial Action Task Force
GDP	Gross Domestic Product
GONGO	Government-organised/operated non-governmental organisation
ICCPR	International Covenant on Civil and Political Rights
ICNL	International Centre for Not-for-Profit Law
ICT	Information and communications technology
KGB RB	State Security Committee of the Republic of Belarus ( <i>Kamitet dziaŭžaŭnaj biaspieki Respubliki Belarus'</i> )
LGBTQ+	Lesbian, gay, bisexual, transgender/transsexual, queer/questioning, intersex, asexual, etc.
NCO	Non-commercial organisation
OSCE	Organization for Security and Cooperation in Europe
REP	Belarusian Radio and Electronic Industry Workers' Union
UN	United Nations
USD	United States Dollar

# I. EXECUTIVE SUMMARY

---

## Country context and important trends relevant to the civil society environment

In 2022, the state authorities in Belarus have clearly retained a repressive attitude towards any internal manifestations of opposition and persisted in their systematic human rights violations amidst an almost complete dismantling of the fundamental principles of the rule of law. However, an assessment of the scale of deviation from international standards that are measured by the CSO Meter indicators, as well as their verification, are difficult due to the closure of the country and the demolition of the human rights infrastructure and independent media inside it.

Russian military aggression against Ukraine, carried out, among other things, using Belarusian territory as a springboard for attack, has led to the deepening of Belarus' foreign-policy isolation. This situation has significantly strengthened the existing international sanctions against Belarus caused in previous years by repression of political opponents in 2020-2021 after the dubious presidential elections and the protests that followed it. It is difficult to assess the direct impact of the escalation of the Russia-Ukraine war on the civil society environment in Belarus. Civil society organisations (CSOs) inside Belarus were barely involved in any activities related to the war, and the few related humanitarian initiatives and attempts to hold protest rallies were suppressed and punished. In general, the war has become just another excuse for the Belarusian government to intensify repression against society, including CSOs, but has not become a factor that has changed the nature of the environment for CSOs.

Nevertheless, Belarus' involvement in the war has deepened the existing splits in Belarusian society, has imposed feelings of guilt on the nation, and many Belarusian CSOs that had previously relocated to Ukraine as a safer jurisdiction, have faced restrictions and have been forced to seek new safe harbours. The sanctions imposed on Belarus and its legal entities because of the war have affected CSOs more indirectly, by conditioning financial transactions and their access to banking services. The war has put considerable strain on the Belarusian media through the onus to spread propaganda and hate speech, militant rhetoric forming part of the government's war policy.

Some Belarusian CSOs based in neighbouring countries (both newly-formed ones and those that have relocated from Belarus) have joined in assisting Ukrainian forces in defending their territory against Russian aggression. In some cases, these CSOs' activities include direct recruitment and training of combatants and the collection of

ammunition and funds for warfare. The impact of this new factor on the public sector itself and on the CSO environment in general is still unclear. But it is already leading to extremely harsh new repressions within Belarus for any CSOs or persons found to have ties with the Ukrainian side.

Belarus' foreign policy isolation, actual 'iron curtain' and tough confrontations with Western countries remain the fundamental factors explaining both the rhetoric of the ruling groups and the practical policies of the state towards CSOs.

The impact of the Covid-19 pandemic and related measures on CSOs, which was already declining in 2021, almost vanished in 2022.

The conditions for monitoring CSOs inside the country have deteriorated. Many CSOs deliberately carry out their activities covertly or latently, without highlighting their activities online or in the media. CSOs are especially wary of publications in Belarusian media that are based abroad as the authorities have declared such media to be extremist and there is criminal liability for having contact with them. Other CSOs have completely ceased their activities. Official reports and statistics (often distorted, unreliable and unverifiable) have become almost the only available source of information about civil society in the country. In some cases, information from human rights reports is seen as additional evidence of guilt for participating CSOs. There have been cases in which participation in the preparation of a human rights report has led to the prosecution and imprisonment of the author.<sup>1</sup>

On the contrary, CSOs that have emigrated abroad and Belarusian organisations that are based in neighbouring countries (in, for example, Lithuania, Georgia or Poland) are active in the media, and the overall activities of Belarusian civil society are often viewed through the lens of their activities. This is the case notwithstanding the fact that such CSOs operate in far friendlier jurisdictions than Belarus and the nature of the problems that they may face regarding the legal environment is completely different from those organisations still inside Belarus. Announcements about the activities of Belarusian CSOs abroad and materials from their research, reports and monitoring make up the majority of the sources of information available for data processing about the activities of Belarusian CSOs. Thus, the gap between Belarusian CSOs inside Belarus and Belarusian CSOs that operate from abroad is growing and has become the main factor that distorts the actual state of affairs for CSOs operating inside Belarus.

---

<sup>1</sup> For example, the female human rights defender Nasta Loika is accused of "incitement of racial, national, religious or other social enmity or discord" as per Article 130, Part 3 of the Criminal Code of Belarus. These accusations are based on the fact that, in 2018, Loika contributed to a human rights report concerning state-sponsored persecution of the anarchist community in Belarus. This report provided a human rights-based assessment of the activities of law enforcement officers in Belarus. On these charges, Loika could face up to 12 years in prison. On 28 October 2022, Loika was detained and placed in pre-trial detention for several months. For more information, see: <https://www.frontlinedefenders.org/en/case/trial-date-set-woman-human-rights-defender-nasta-loika>.

In this regard, it is important to note that, from an informational standpoint, thanks to the internet, the clusters of Belarusian CSOs existing in different political and legal environments (inside the country and abroad) function within a single field of information flow about the activities of Belarusian CSOs (despite website blockages and bans inside the country). However, in this information flow, the share of information about the activities of Belarusian CSOs operating outside of Belarus is disproportionately large, while coverage of domestic activity to a great extent consists of information sanctioned by the authorities, which often distorts the reality in their favour. Independent sources of information from inside the country are miniscule in this unbalanced flow, while the key speakers and experts on the situation in Belarus most often formulate their assessments having been abroad themselves for a long time. All of the above factors create serious obstacles to verification of both information about and assessments of the environment for Belarusian CSOs in general and information about specific cases in particular.

In addition, the split of the Belarusian CSO sector into relocated CSOs and domestic CSOs has seriously affected the financial stability of CSOs. Those civil society structures that are able to mobilise funding from abroad or in the form of crowdfunding have largely moved outside of Belarus. Domestic groups have had great difficulty in attracting financial support from donors, both as a result of government obstacles and sanctions, and because it is easier for donors to support CSOs that have relocated their activities abroad.

## Key developments in the civil society environment

The Belarusian state remains the main actor whose policies shape the landscape of civil society in the country. CSOs' advocacy efforts inside the country are minimal both in terms of the volume of activity and its meagre results (with the exception of pro-Russian bloggers and activists struggling for the intensification of repression against democratic CSOs and supporters of democracy). The impact of international human rights and political mechanisms on the civil society environment in the country is also minimal and is probably limited to monitoring. The only exception may be certain political prisoners (for example, citizens of European Union member states), but it is difficult to properly assess the significance of this exception due to the latency of the topic.

The state's legislative and practical efforts are aimed at two parallel processes for the construction of an entirely new system for the non-commercial organisation (NCO) sector:

On the one hand, the crackdown on the independent civil sector through a campaign of liquidation of CSOs and the creation of untenable conditions for their activities continues. Additionally, there is repression against CSO leaders and key managers,

including severe criminal penalties such as terms of imprisonment that exceed ten years. In 2022, Article 193<sup>1</sup> was restored to the Criminal Code of Belarus, which provides for a punishment of up to two years of imprisonment for operating an unregistered CSO (it is known that there were two criminal cases brought under this Article in 2022). Reclassification of the criminal case against the Viasna Human Rights Center from charges of tax evasion to charges of smuggling represents the high point of the financial methods used by the authorities to suppress CSOs in Belarus. This was a qualitative leap: not only were the activities of the Belarusian organisation that allegedly financed protests by paying legal fees declared unlawful (which has been practiced by the authorities since 2020), but the model of obtaining funds for activities in Belarus through a foreign CSO (in this case, the Lithuanian-based human rights organisation Pavasaris) was also criminalised. It is difficult to assess the overall scale of this repression, but it covers the entire country and now affects not just certain CSOs or groups of CSOs, but entire professional groups and social classes: book publishers and distributors, employees of information and communications technology (ICT) companies, musicians, cultural workers, teachers, doctors and others who may be reasonably or groundlessly suspected of disloyalty. The variety of repressive measures is extremely broad and ranges from interrogations and dismissals for subscriptions to 'extremist' Telegram channels to long imprisonment terms for financing and participation in 'extremist formations' or 'other assistance to extremist activity'.

On the other hand, the authorities' course is clearly aimed at the construction of 'another civil society', loyal to the authorities, which is intended to replace the liquidated independent CSOs. It is still difficult to assess the real scale and possible consequences of the *governmentalisation* of the civic space, but it is clear that there is a conscious and targeted policy in place.<sup>2</sup>

The constitutional reform of February 2022 stipulated the inclusion of the notion of *civil society* into the text of the Constitution and, as such, marked the emergence of this new paradigm of relations between the state and civil society. Furthermore, the constitutional interpretation of 'civil society' appeared not to be in line with international standards, and the new reality turned out to be far from CSOs' expectations. In order to develop this new approach further, the draft Law on the Essentials of Civil Society and amendments to the Law on Public Associations, among others, have been proposed and adopted in February 2023. In addition, there is a tendency to develop the mechanisms of competitive budgetary funding of CSOs through support for local civil initiatives (the draft law has been adopted, which

---

<sup>2</sup> The difficulty in assessing the aim of these policies is the difficulty in assessing legislative changes under different possible scenarios. For example, the introduction of state competitive funding for CSOs may not be a positive change, but part of a general policy similar to *Gleichschaltung* ('Coordination') in the first years of Nazi rule in Germany (<https://en.wikipedia.org/wiki/Gleichschaltung>).



introduces the mechanism for participatory funding of local civil initiatives) and youth initiatives (already introduced in law). This latest trend stems from the authorities' aspiration to eliminate CSO funding from foreign sources and tie all public initiatives (government-organised/operated non-governmental organisations (GONGOs), CSOs loyal to the authorities and grassroots initiatives of local communities) to state sources of funding. From a formal standpoint, this improvement of the state funding mechanisms is in line with the CSO Meter recommendations. However, in the context of overall state policies, these changes cannot be assessed as positive due to their aim to governmentalize public activity in Belarus.

The overall country score for the CSO environment in 2022 for Belarus has decreased from 2.3 in 2021 to 2.2. Also, the final average scores for Law and Practice have decreased, for Law, from 2.8 in 2021 to 2.7 and, for Practice, from 1.8 in 2021 to 1.7 in 2022.

A total of six areas (1, 3, 6, 7, 8 and 11) have registered changes in score, each illustrating a worsening in the CSO environment in the respective area.

In the Area 1 (*Freedom of Association*), deterioration at the level of law and practice is caused by the entry into force of criminal liability for activities of unregistered CSOs (Article 193<sup>1</sup> of the Criminal Code) and its practical application, including against the CSOs that were mass liquidated during the campaign of 'purges' on the public sector. This liquidation campaign, which began in 2021, continued and even intensified in 2022. It led, among other things, to the destruction of all independent trade unions and the liquidation of private lawyers' offices as a special type of CSO.

There were contradictory trends in Area 3 (*Access to Funding*), although generally these caused the overall score to deteriorate. Despite some positive legislative initiatives (especially a draft law which introduces a mechanism for participatory funding of local civil initiatives), the overall assessment is that legislation in this area has worsened, including due to the fact that many CSOs have been liquidated which obviously makes it impossible for them to access funding.

In Area 6 (*Freedom of Expression*) and Area 11 (*Digital Rights*), the general deterioration is due to the expanded application of anti-extremist legislation in order to practically silence not only CSOs, but also any alternative sources of information, including private communications online.

In general, with the exception of the developing of a public funding mechanism for CSOs (including unregistered ones), none of the recommendations outlined in previous CSO Meter reports have been implemented.

## Key priorities

- Release all individuals recognised as political prisoners and stop all politically-motivated criminal cases;
- Abolish the Law ‘on the Countering of Extremism’ and all by-laws adopted under it, including the Index of Extremist Formations;
- Cancel criminal responsibility for organising and participating in the activities of an unregistered organisation (Article 193<sup>1</sup> of the Criminal Code) and abolish the ban on the activities of public associations without registration;
- Stop the practice of forced liquidation of CSOs, cancel all court and local authorities’ decisions on forced liquidation of public associations, foundations and private institutions made in 2020-2022;
- Cease all forms of repression and discrimination against protesters, representatives of the opposition and CSOs, including mass civil and criminal prosecution, abuse of investigative powers, searches, seizures of data and communication devices, fines, arrests, the freezing of assets, and forced public disclosure in the media (including social media) of personal data during investigations or arrests;
- Carry out investigations into all deaths of protesters and other opposition representatives, bringing those guilty of murder to criminal justice, as well as thorough investigations of all allegations of torture;
- Cease all forms of pressure on CSOs, lawyers and human rights defenders, journalists, and independent media, including the state-inspired campaigns aimed at discrediting these groups in the media;
- Close and destroy the Ministry of Internal Affairs’ unified database of participants in unauthorised demonstrations (also known as the *BESporiadki* database) and its equivalents;
- Eliminate legislative possibilities and the practice of internet disruption and the blocking of websites without court decisions; and
- Cease the misuse of anti-money laundering and counter-terrorism financing (AML/CTF) legislation and investigative powers to restrict freedom of expression and freedom of thought, as well as to restrict access to funding for charities and human rights and humanitarian CSOs.

# II. BELARUS - IN NUMBERS

## Basic data

**Population:** 9,200,617 (01.01.2023)<sup>3</sup> | **GDP per capita:** 6,424.152 USD (2020)<sup>4</sup> | **Number of CSOs:** 20 trade unions; 2,544 public associations (213 international, 668 national and 1,663 local) as for 01.01.2023; 227 foundations as for 01.01.2022;<sup>5</sup> and an unknown quantity of private institutions that meet the criteria of a CSO. This number includes the several hundred CSOs for which decisions on liquidation were made during 2022 but that have not yet been excluded from the register of legal entities and have not passed all the stages of liquidation. | **CSOs per 10,000 inhabitants:** around 3.5 | **Registration fee for a CSO:** 18.5 BYN for private institutions; 185 BYN for local foundations and local public associations; 370 BYN for national and international public associations and for national and international foundations (approximately 6 EUR/64 EUR/128 EUR). Registration period is one month for public associations and foundations and one day (or a few days in practice) for institutions. | **Freedom in the World:** 8/100 (Not Free)<sup>6</sup> | **World Press Freedom Index:** 39.62 (153 out of 180 countries).<sup>7</sup>



**Country score:** 2.2 ↓  
**Legislation:** 2.7 ↓  
**Practice:** 1.7 ↓

*The scores range from 1 to 7, where 1 signifies the lowest possible score (extremely unfavourable – authoritarian - environment) and 7 signifies the highest possible score (extremely favourable environment).*

Areas	Overall	Legislation	Practice
Freedom of Association	2.3 ↓	2.8 ↓	1.8 ↓
Equal Treatment	2.7 ↓	3.1 ↓	2.2 ↓
Access to Funding	2.2 ↓	2.4 ↓	2.0
Freedom of Peaceful Assembly	1.6	1.9	1.2
Right to Participation in Decision-Making	2.7	3.1 ↓	2.2

<sup>3</sup> National Statistical Committee of the Republic of Belarus, [https://www.belstat.gov.by/ofitsialnaya-statistika/solialnaya-sfera/naselenie-i-migratsiya/naselenie/statisticheskie-izdaniya/index\\_67489/](https://www.belstat.gov.by/ofitsialnaya-statistika/solialnaya-sfera/naselenie-i-migratsiya/naselenie/statisticheskie-izdaniya/index_67489/).

<sup>4</sup> The World Bank, <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=BY>.

<sup>5</sup> Data of the Ministry of Justice of the Republic of Belarus as of 1 July 2020, [https://minjust.gov.by/directions/compare\\_coverage/](https://minjust.gov.by/directions/compare_coverage/). Unlike in previous years, in 2022 the Ministry of Justice did not publish data on the total number of foundations, nor indicators of the number of new public associations and foundations registered during 2022.

<sup>6</sup> Freedom House. 'Freedom in the World 2022', <https://freedomhouse.org/country/belarus/freedom-world/2022>.

<sup>7</sup> Reporters Without Borders. 'World Press Freedom Index 2022', <https://rsf.org/en/index>.

Freedom of Expression	1.9 ↓	2.4	1.3 ↓
Right to Privacy	2.5 ↓	3.4 ↓	1.6 ↓
State Duty to Protect	1.9 ↓	2.5 ↓	1.2 ↓
State Support	2.4	2.8	1.9
State-CSO Cooperation	2.4	2.8	2.0
Digital Rights	2.1 ↓	2.7 ↓	1.5 ↓

*The arrows indicate improvement or deterioration compared to last year's scores.*

# III. FINDINGS

---

## 3.1 Freedom of Association

Overall score per area: **2.3 /7**

Legislation: **2.8 / 7**

Practice: **1.8 /7**

In 2022, Belarus continued the practice, begun at the end of 2020, of virtually eliminating freedom of association, including the rights to freely establish, participate in, and freely withdraw from an association. The registration of new independent CSOs has been close to suspended, over a thousand CSOs are in the process of liquidation or have been liquidated and there is constant pressure on CSO members, including dozens of CSO representatives having been imprisoned.

In Belarus, foreigners are still restricted in terms of the possibilities to found associations according to the law. Criminal liability for organisation and participation in the activities of unregistered organisations has been introduced in the country and has begun to be applied in practice. At the same time, direct interference by the state into CSOs' activities are commonplace in Belarus, including under the pretext of AML/CTF legislation and the combating of extremism and terrorism.

There is excessive interference in the activities of CSOs, including interference with their statutory activities, ongoing programmes and projects. The offices of many CSOs have been sealed, law enforcement authorities have seized communications equipment, computers, documents and CSOs' bank accounts have been blocked.

Many Belarusian CSOs were forced to leave the country under severe pressure and continue their activities from abroad, often facing special restrictions in the countries they have relocated to as well. The planned amendments to the Law on Public Associations for 2023 do not solve the main problems of CSOs, but only some technical difficulties.

Deterioration in the scoring in this area recorded at the level of law and practice is due to the entry into force of criminal liability for activities within unregistered CSOs and its practical application, including against the CSOs that were mass liquidated during the campaign of 'purges' on the public sector. This liquidation campaign, which began in 2021, continued and even intensified in 2022. It led, among other things, to the destruction of all independent trade unions and the liquidation of private lawyers' offices as a special type of CSO.

### Standard I. Everyone can freely establish, join, or participate in a CSO.

The right to establish, join or participate in the activities of CSOs is significantly limited both at the legislative level and at the level of practical implementation.

The CSO sector in Belarus consists of three main legal forms: public associations, foundations, and non-profit establishments (or institutions). Besides these three, there are some other forms of non-profit organisations, including state ones. A minimum of ten citizens are needed to establish a local public association, fifty citizens are required to found a national association, and ten Belarusian citizens and three foreign citizens are required to found an international association. The institution can be established by only one person (a legal entity or a private individual), while a foundation may have one or more founders (legal entities or private individuals).

Article 36 of the Constitution of Belarus provides for the right to freedom of association. A national referendum was held on 27 February 2022, which has resulted in the introduction of amendments to the Constitution of the Republic of Belarus. The amendments have affected the issue of freedom of association, in particular, the legal substance of the notion of freedom of association and the scope of the available restrictions on participation in political associations has changed.

The ‘implementation and satisfaction of citizens’ political, social, economic, cultural and other interests’ as a purpose of establishing associations (political parties and other public associations) was added to the broad existing wording ‘everyone has the right to association’ that corresponds with international standards. This new disclaimer on purpose can be misused for restrictions the right to freedom of association for all persons because it places obstacles on establishing associations for other purposes (not “satisfaction of interests”) or to protect the interests of other people (i.e., non-members of the association).

The version of the Constitution that was in place until 2022 stipulated that judges, employees of the prosecutor’s offices and law enforcement agencies, the State Control Committee, security agencies and armed forces could not be members of political parties and other associations pursuing political goals. However, such persons were permitted to be members of public associations in general, and the law did not clearly define what constituted an ‘association pursuing political goals’ that was subject to restrictions. The new version of the Constitution has changed the character of this clause by excluding the ban on membership in ‘public associations pursuing political goals’, but has expanded the circle of those who are subject to the restriction on membership of political parties by including employees of paramilitary organisations. The restriction on membership of public associations for the head of state has been

lifted; only the restriction on his/her participation in political parties has been left in place.

In Belarus, foreigners are still forbidden from being founders of public associations.<sup>8</sup>

On 22 January 2022, the law restoring criminal liability for organising and participating in the activities of organisations without state registration came into force (Article 193<sup>1</sup> of the Criminal Code which had been abolished since July 2019). The Article applies to the activities of unregistered public associations, including political parties and trade unions, religious organisations and foundations. The content of the new Article 193<sup>1</sup> is almost identical to the Article that had been abolished in 2019 and includes the same sanctions: a money fine, or arrest for up to three months, or imprisonment for up to two years. The only difference in the re-enacted Article is the inclusion of a provision that it should not be applied in cases where the more severe Article 423<sup>1</sup> of the Criminal Code relating to non-execution of decisions to suspend and to liquidate organisations deemed 'extremist' is applied.

There are two known criminal cases that have been initiated under this Article: one against an association that continued its activities following a court decision to liquidate it, the other related to 'carrying out the activity of a public association without registration under the guise of a commercial organisation'. In June 2022, it was revealed that a criminal case under Article 193<sup>1</sup> had been initiated against Volha Vialichka, the former head of the public charitable organisation Hrodna Children's Hospice that was liquidated in August 2021 (this was now the third criminal case against her). According to the Hrodna Region Prosecutor's Office, 'this public association has functioned under the remote management of the director who was put on a wanted list due to charges of embezzlement in the hospice. At the same time, the paintings of the hospice wards suffering from severe diseases was used for moral support of individuals who were convicted of committing intentional crimes.'<sup>9</sup>

There are cases of activists being warned about the prohibition on committing actions that are subject to liability under Article 193<sup>1</sup>.

The Law 'On Public Associations' stipulates the division of public associations into three types according to the territory of their activity: international (acting in the territory of Belarus and other countries); national (acting within the territory of Belarus); and local (acting within the territory of one or several administrative and

---

<sup>8</sup> Article 2, The Law 'On Public Associations' of 4 October 1994 (with subsequent amendments), <http://law.by/document/?guid=3871&p0=V19403254e>.

<sup>9</sup> <https://prokuratura.gov.by/ru/media/novosti/nadzor-za-resheniyami-po-ugolovnym-i-grazhdanskim-delam/prodolzhali-rabotat-nesmotrya-na-reshenie-suda-o-likvidatsii-obedineniya-prokuratura-grodnenskoy-obl/>. [see the archived copy <http://web.archive.org/web/20230605205702/https://prokuratura.gov.by/ru/media/novosti/nadzor-za-resheniyami-po-ugolovnym-i-grazhdanskim-delam/prodolzhali-rabotat-nesmotrya-na-reshenie-suda-o-likvidatsii-obedineniya-prokuratura-grodnenskoy-obl/>]

territorial entities of Belarus). The law requires that charters of local public associations must contain an indication of the territory of their activity and any activity of such organisations outside the indicated territory is considered to be a violation.

Belarusian citizens are subject to involuntary membership in ‘pro-government’ public associations known as GONGOs. These include the Belarusian Republican Youth Union (BRYU), the public association ‘Belaya Rus’, the Pioneer Organisation and trade unions belonging to the Federation of Trade Unions of Belarus. There is pressure on citizens because of their membership in CSOs, as well as on CSOs because certain citizens are their members.

## **Standard II. The procedure to register a CSO as a legal entity is clear, simple, quick, and inexpensive.**

The procedure to register public associations and foundations is quite complicated, burdensome and expensive. The registration period is one month and it can be extended through suspension of registration. The legislation also provides state bodies with the possibility to de facto arbitrarily refuse registration on insignificant or implausible grounds. The registration stage includes the preparation of more than a dozen documents by the applicant in accordance with numerous mandatory requirements, including using the special unique font and the right size of margins. Registration authorities do not advise on the documents’ correctness.<sup>10</sup> As a result, if they subsequently find any faults (however minor) in CSOs’ application documents they will use them as a basis to justify their refusal to register an organisation. Further, after all identified faults are eliminated and the same set of documents is re-submitted, the registration body can still reject the application again on other, different, grounds.

The requirement for CSOs, including local branches, to have a legal address in non-residential premises as its office is a serious problem for all forms of CSO. Private residential premises cannot serve as a legal address for a CSO.

Courts in Belarus are not independent and, while considering registration appeals, as well as liquidation claims, usually take the side of justice agencies.

In the situation of mass liquidation of CSOs and mass repression, the issues of registration of independent CSOs are less relevant in general. Every year fewer CSOs file applications for registration, especially when it comes to public associations. There were cases of registration of several new non-profit establishments, including

---

<sup>10</sup> Belarus Digest. 12 June 2013. ‘Setting Up an NGO in Belarus: Challenge Yourself’, <https://belarusdigest.com/story/setting-up-an-ngo-in-belarus-challenge-yourself/?pdf=1520>.



those replacing earlier forcibly-liquidated ones. There is a trend to register commercial organisations instead of CSOs.

Unlike in previous years, in 2022 the Ministry of Justice did not publish data on the total number of foundations, nor indicators of the number of new public associations and foundations registered during 2022.

However, there is no doubt that the total number of CSOs in the country has decreased by at least a quarter; this trend continues, and new organisations are rarely registered. This is evidenced even by the scant official data. The total number of registered CSOs in Belarus as of 1 January 2023 is: 20 trade unions (minus five as for the beginning of the previous year); 2,544 public associations (213 international, 668 national and 1,663 local); and an unknown number of foundations and private institutions that meet the criteria of a CSO. This number includes the several hundred CSOs for which decisions on liquidation were made during 2022 but that have not yet been excluded from the register of legal entities and have not passed all the stages of liquidation. Thus, the total number of public associations in the register decreased by 434 organisations. Those most affected were local level organisations, which lost 303 units; 117 national level organisations also disappeared, while the international level was the least affected with only 13 organisations liquidated.

In 2022, the practice of direct teleconferences for CSOs with the Ministry of Justice to discuss the provisions and practices of registration and operation of CSOs, widely used in previous years, was effectively ended. The last teleconference with the opportunity to receive a consultation with the Ministry was held in February and was the only one in 2022 (compared to 12 such teleconferences in 2021 and 11 in 2020).

### **Standard III. CSOs are free to determine their objectives and activities and operate both within and outside the country in which they were established.**

CSOs are not free to choose their goals or determine their activities and they are subject to serious interference and attacks on their activities by state bodies.

Unprecedented mass persecution, intimidation, and pressure on members of CSOs, included them being subjected to civil and criminal liability, has been recorded in Belarus. The state's repressive apparatus is deployed against the full spectrum of CSOs encompassing a diverse range of activities and including those located throughout the entirety of the Republic of Belarus or relocated abroad.

Informal organisations have become targets for prosecution under the laws on extremism and terrorism. The practice to declare groups as extremist formations (there is no need to obtain court decisions for this), activists as heads and participants of extremist formations, and information resources as extremist materials has become widespread. For example, the State Security Committee of the Republic of Belarus

(KGB RB) declared the Sport Solidarity Foundation and the Belarusian Radio and Electronic Industry Workers' Union (REP) extremist formations; the primary organisation of the Belarusian Independent Trade Union of the Hrodna Azot LLC was declared by the court to be an extremist organisation; and the websites of the Union of Poles in Belarus, *BY\_help*, Media Solidarity Belarus, and of initiatives of Belarus Solidarity Foundation (BYSOL) and their publications on social media (e.g., Telegram, Facebook, VKontakte, Instagram) were included in the List of Extremist Materials. Joining an organisation listed in the KGB RB index is a crime punishable by the long term of imprisonment established by amendments to Article 361<sup>1</sup> of the Criminal Code in 2021.

Openly conducting human rights activities is not possible in the country. On 18 and 19 January 2022, searches were conducted at the homes of the head and four members of the public association Mahileu Human Rights Center, which at that time was the only remaining human rights association with registered status. Equipment and documents were seized and the head of the organisation was interrogated. In February, the organisation was forcibly liquidated. The website of the human rights organisation 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, which was aimed at spreading destructive sentiments in society, undermining the authority of the current government and law enforcement officers'. The Ministry of Information included the Telegram channel of the Viasna Human Rights Center on the Republican List of Extremist Materials;<sup>11</sup> 21 online resources of this organisation were later also added to the List.

On 6 May, the sentence of 3 years' house arrest was delivered in the criminal case against Volha Harbunova, the human rights defender, former head and member of the board of the Public Association Radislava. The following human rights defenders remain in prison: Ales Bialiatski (2022 Nobel Peace Prize laureate and chairman of Viasna Human Rights Center),<sup>12</sup> Valiantsin Stefanovich (member of the council of Viasna Human Rights Center and vice president of the International Federation for Human Rights), Uladzimir Labkovich (lawyer and coordinator of the Human Rights Defenders for Free Elections campaign), Maria 'Marfa' Rabkova (coordinator of the volunteer service at Viasna Human Rights Center), Andrei Chapiuk (a volunteer at Viasna Human Rights Center) and Leanid Sudalenka (head of the Homel branch of

---

<sup>11</sup> 'Republican List of Extremist Materials', <http://mininform.gov.by/documents/respublikanskiy-spisok-ekstremistskikh-materialov/>.

<sup>12</sup> On 3 March 2023, Bialiatski was sentenced in Minsk to ten years in prison for 'smuggling cash' as well as 'financing actions and groups that grossly violated public order.' Stefanovich was sentenced to nine years in prison, while Labkovich received seven years, <https://www.bbc.com/news/world-europe-64833756>.

Viasna Human Rights Center). On 6 September, Marfa Rabkova was sentenced to 15 years in a penal colony<sup>13</sup> and Andrei Chapiuk to 6 years in a penal colony.

Human rights defenders who have stayed in Belarus have repeatedly been subject to searches, administrative fines and arrests.

In 2022, trade unions came under severe pressure. Repeated administrative detentions of trade union activists and searches at their homes were conducted. For example, the term of administrative detention of Volha Brytsikava, the chairwoman of the independent trade union Naftan, comprised 75 days in total. On 19 April, an unprecedented wave of searches took place at the offices and apartments of leaders and activists of Belarusian independent trade unions. As a result of the searches, personal computers, flash cards, personal documents, passports, bank cards belonging, among other things, to family members of trade union activists, SIM cards, trade union flags, digital devices and trade union documents were seized. From 19-21 April, more than 20 representatives of the independent trade union movement of Belarus were detained. At least 16 leaders and activists of Belarusian independent trade unions continued to be held in custody at the end of 2022. As a result of the lawsuits filed by the Prosecutor General, the Supreme Court passed judgements to terminate the activities of REP, the Free Trade Union of Belarus, the Free Trade Union of Metal Workers, the Belarusian Independent Trade Union of Miners, Chemists, Oil Refiners, Power Engineers, Transport Workers, Builders and Other Workers, as well as the Belarusian Congress of Democratic Trade Unions (BKDP).

On 19 May, just before liquidation, the Prosecutor General's Office requested that the Belarusian Independent Trade Union provide documents, including information about all members of the trade union. Similar requests were sent to other BKDP member organisations. In the long run, this could create legal grounds for the persecution of thousands of people who were members of these trade unions, if they are to be treated as extremist organisations or extremist formations.

Other CSO representatives are also being held in custody: Andrzej Poczubut (member of the Union of Poles), Tatsiana Kuzina (member of the council and co-founder of the SYMPA school for young public administration managers and expert of the Bipart research project), Pavel Belavus (cultural activist and Art-Siadzibe founder) and Uladzimir Matskevich (founder of the Flying University). On 31 August 2022, Pavel Mazheika, an activist from Hrodna, was detained and placed in a pre-trial detention centre. He had been the head of the institution Urban Life Center, which was liquidated in 2021 following a lawsuit filed by the Hrodna Region Prosecutor's Office. A criminal case has been initiated against him.

---

<sup>13</sup> Вясновцам Марфе — 15 лет колонии, Андрею — 6: озвучены приговоры сразу десяти политзаключенным - by the Human Rights Center "Viasna"

Public associations are deprived of the right to independently conduct entrepreneurial activities and are required to establish a separate commercial legal entity in order to do so.

The law does not compel CSOs to coordinate their activities with government policies and administration; the authorities are de jure prohibited from interfering in the internal activities of CSOs. However, in practice, the broad powers of registration authorities to control CSOs and, especially, the restrictive measures on receipt of foreign funding, force CSOs to coordinate their plans and activities with governmental agencies. The law stipulates that the objectives for any foreign funding received by a CSO should correspond to government priorities if the CSO wishes to be exempted from taxes on foreign funding. The list of possible purposes for CSOs to obtain foreign funding was further reduced in 2021, as was the limited list of purposes for raising domestic funding.

State bodies have created obstacles to the implementation of activities aimed at providing assistance to victims of human rights violations. Among other methods, this occurs through the authorities prohibiting the collection of funds for these purposes. Criminal cases on charges of ‘financing extremism’ have been filed against those who have provided targeted financial support from abroad or from inside Belarus to Belarusians who have suffered from law enforcement brutality, beatings and torture. For example, in February 2022, the State Control Committee<sup>14</sup> opened another criminal case on financing extremist activity (under Article 361<sup>2</sup> of the Criminal Code) against Andrej Stryzhak and Aliaksei Liavonchyk, founders of the BYSOL and *BY\_help* initiatives, as well as ‘other individuals who participated in their funding’.

**Standard IV. Any sanctions imposed are clear and consistent with the principle of proportionality and are the least intrusive means to achieve the desired objective.**

The relevant legislation provides for a broad range of sanctions in respect of public associations: warnings, termination of their activities for a specified term, and liquidation by court decision on referral from the Ministry of Justice.

The forced liquidation of CSOs has been widely practiced starting from 2021. As of the end of 2022, 757 CSOs were either undergoing forced liquidation or had already been liquidated.<sup>15</sup> For two years (2021-2022), at least 416 organisations decided to self-liquidate, including as a result of coercion. Thus, the organisational losses in the public sector of Belarus, since the post-election period of 2020, are already at least

---

<sup>14</sup> Telegram channel of the State Control Committee, [https://t.me/kgk\\_oficial/580](https://t.me/kgk_oficial/580).

<sup>15</sup> Lawtrend (in Russian), <https://www.lawtrend.org/liquidation-nko>.

1,173 CSOs (public associations, trade unions, foundations, nongovernmental establishments, and associations (unions) of legal entities).<sup>16</sup>

With regard to the organisational and legal forms of these CSOs, the decisions on forced or voluntary liquidation affected: public associations (515 liquidation lawsuits are known, another 280 public associations decided to self-liquidate), foundations which can be liquidated only by the court (46 liquidation suits submitted by registering bodies and 23 submitted by their founders), establishments/institutions (184 court or registration bodies' decisions on forced liquidation and 97 decisions on self-liquidation), unions of legal entities (8 decisions on forced liquidation, 16 on self-liquidation) and trade unions (4 decisions on forced liquidation).

In general, the CSO sector has lost more than a third of its organisations in the period of a year and a half and has returned to the level of the early 2000s in terms of the number of public associations (2,000-2,500 public associations).

The government is pursuing a policy of destroying the institutional form of CSOs. Judicial hearings on the liquidation of public associations, primarily of national and international status, as well as local associations, foundations, and the representative offices of foreign non-profit organisations, are occurring on a constant basis.

There is also a trend whereby the authorities, primarily local ones, are forcing non-profit organisations to make a decision on self-liquidation.<sup>17</sup>

The most common official reasons<sup>18</sup> for the forced liquidation of public associations are:

**1) Violation of reporting requirements.** The violations may consist of minor inaccuracies in the submitted reports, non-publication of the submitted reports by the registering authority itself in connection with the submission of reports not in the prescribed form (even though the form of such reporting is not established by law), or minor non-compliance with the deadlines for submitting such reports; and

**2) Failure to provide documents at the request of the registration authority during an audit.** At the same time, many organisations did not have the opportunity to provide such documents due to their seizure during searches, the closure of their offices, or the establishment of very short deadlines for the provision of documents in large volumes.

---

<sup>16</sup> Lawtrend. 'Freedom of association and legal environment for civil society organisations, Review for 2022: Belarus', <https://www.lawtrend.org/english/freedom-of-association-and-legal-environment-for-civil-society-organisations>.

<sup>17</sup> See the updated list of self-liquidated public associations, foundations, institutions and unions of legal entities from Lawtrend: <https://docs.google.com/spreadsheets/d/1YExGoYYjKMbx4fTnT-7VY8ScY1J6lKXLrWOjuPvS-Cg/edit#gid=0>.

<sup>18</sup> Lawtrend. 'Freedom of association and legal environment for civil society organisations, Review for 2022: Belarus', <https://www.lawtrend.org/english/freedom-of-association-and-legal-environment-for-civil-society-organisations>.

Violation of the legal address requirements and failure to correct the violations that formed the basis of previous written warnings are also common reasons for liquidation.

Against the background of these formal reasons, reasons for liquidation which are not typical for the previously-established practice of liquidating CSOs in Belarus especially stand out. Such reasons include instructions or statements from law enforcement agencies that the organisation is engaged in extremist or other illegal activities. These statements are unreasonably accepted as irrefutable evidence in each case. In a number of court cases of public associations being liquidated on similar grounds, memos marked 'for official use' are found in court documents, the information in which is not available to liquidated public associations and their court representatives. The courts satisfy such cases, using excerpts from criminal cases not yet submitted to the courts as sufficient evidence for the liquidation of organisations within the framework of a civil process.

In practice, not a single case is known in which the courts took the side of a public association and did not sanction the demands for liquidation brought forth by the registration authority. Domestic and international public associations and foundations are deprived of the right to appeal against a court decision on liquidation due to the fact that the first court of appeal for this category of cases is the Supreme Court, the decisions of which come into force immediately and are not subject to appeal.

Unlike public associations, the vast majority of forcibly-liquidated institutions are liquidated according to a simplified system, without a court decision, simply by order of a law enforcement or tax authority.

#### **Standard V. The state does not interfere in internal affairs and operation of CSOs.**

Article 6 of the Law of the Republic of Belarus prohibits the interference of state bodies and officials in the activities of public associations, with the exception of cases stipulated by law. However, interference in the internal affairs of CSOs by state agencies is a common practice. At the same time, Article 194 of the Criminal Code provides for liability for obstruction of the lawful activities of public associations or interference in their lawful activities, resulting in a significant violation of their rights and legitimate interests, in the form of a fine or deprivation of the right to hold certain positions or engage in certain activities, or up to two years of corrective labour. However, cases of prosecution under this Article in practice are not known.

Interference in the internal affairs of CSOs takes a variety of forms which include wiretapping of phones and offices, searches and seizure of equipment and documents, inspections by financial and law enforcement agencies, requests for information,



coercion to coordinate educational programmes and the content of events, to change the leadership of organisations, summoning CSO members for interrogations and conversations, intimidation. The authorities are actively using the existing international approaches aimed at implementing the Financial Action Task Force (FATF) mechanisms, combating extremism and terrorism to interfere in the activities of CSOs.

The terrorist threat in Belarus has ceased to be only theoretical, according to state assessments. If the authorities' are to be believed, in 2020–2022, Belarus experienced a real outbreak of domestic terrorism, including dozens of terrorist acts (or acts of financing terrorism), incitement to terrorism, terrorist attacks, coup plots, and the Belarusian railway became the target of sabotage acts inspired from abroad by Belarusian opposition centres. For the first time, several people have been convicted of terrorism and criminal cases concerning terrorism are underway. Dozens of citizens are on the official KGB RB-published lists of people involved in terrorist activities and their bank accounts have been blocked. Persons included in the list of individuals involved in terrorist activities and who are being held in custody are deprived of the right to receive money transfers.

In August 2022, prior to a seminar to exchange experiences on combating the financing of terrorism in NCOs entitled 'Risk Assessment of the Sector of Non-Commercial Organisations', the director of the Financial Monitoring Department of the State Control Committee stated that, in the near future, Belarus would conduct a national risk assessment in the field of AML/CTF and solutions would be developed to optimise control over NCOs.<sup>19</sup>

Many Belarusian CSOs have been forced to take a decision on relocation abroad for security reasons in light of the extremely unfavourable environment in Belarus, as well as in order to continue their activities and mission (Georgia, Ukraine, Lithuania and Poland are the most popular locations for CSOs that have relocated). However, pressure continues to be exerted on the relocated organisations as well, including via criminal and tax cases. In July 2022, the 'special proceedings' notion was introduced into the Criminal Procedure Code, which allows criminal proceedings to be commenced against an accused who is outside the Republic of Belarus. Special proceedings have been launched against administrators of the Telegram channel 'Black Book of Belarus' which was declared an extremist formation, Zmicier Salauyou, a human rights defender from the Viasna Human Rights Center, and the heads of the Belarusian Sport Solidarity Foundation.

On 1 July 2023, amendments to the Law 'On Physical Culture and Sports' (adopted 19 July 2022) will come into force, establishing obligatory state accreditation for

---

<sup>19</sup> BelTA news agency, <https://www.belta.by/society/view/belarus-obmenjaetsja-opytom-borby-s-finansirovaniem-terrorizma-cherez-nko-so-stranami-sng-517809-2022/>.

organisations for the right to engage in the development of sports, which will affect the interests of a quarter of all public associations existing in Belarus. The draft also provides for the introduction of reporting for sport federations to the National Olympic Committee.<sup>20</sup>

### Specific recommendations under Area 1:

- Abolish the ban on the activities of public associations without registration, set this out in the Law 'On Public Associations' and cancel criminal responsibility for organising and participating in the activities of an unregistered organisation (Article 193<sup>1</sup> of the Criminal Code);
- Stop the practice of forced liquidation of CSOs, cancel all court and local authorities' decisions on the forced liquidation of CSOs made from 2020-2022;
- Enshrine clear and distinct grounds for decisions on liquidation of NCOs by judicial means in legislation, for instance due to conduct of activity, directly banned by the Constitution or the law;
- Release all individuals recognised as political prisoners,<sup>21</sup> the review and lifting of all sentences imposed on them and pending decisions on their liability, to pay adequate compensation to all political prisoners, to stop all politically-motivated criminal cases;
- Stop the practice of state agencies interfering in the internal affairs of CSOs, both at the stage of their creation and once they are operating;
- Prosecute the persons responsible for interference in the activities of CSOs in accordance with the legally-established norms;
- Eliminate the practice of misusing the legislation on extremism and terrorism to pressure and persecute CSO representatives and their unjustified inclusion on the list of persons involved in extremist and terrorist activities;
- To abolish the Law 'On Countering Extremism' and all by-laws adopted under it, including the Index of Extremist Formations;
- Allow foreign citizens to act as founders of public associations;
- Introduce a notification procedure for registration of public associations and foundations; and
- Introduce a clear list of essential grounds for denial of registration of a CSO (for instance, objectives under its charter that are directly banned by the law, e.g. war propaganda).

<sup>20</sup> Pravo.by, <https://pravo.by/novosti/novosti-pravo-by/2022/july/70929/>.

<sup>21</sup> List of current political prisoners from Viasna Human Rights Center and guidelines on the definition of a political prisoner.



## 3.2 Equal Treatment

Overall score per area: **2.7/7**

Legislation: **3.1/7**

Practice: **2.2/7**

There is existing unequal treatment of CSOs compared to commercial entities and inequality inside the civic sector which is reflected in the score for this area. The changes in this area are due to the general socio-political situation and state policy aimed at discrediting CSOs. More favourable legislative conditions for registration and activity of businesses compared to CSOs are still maintained. At the same time, when expressing disagreement with the existing regime, both CSOs and commercial organisations become victims of the policy of persecution (closures, fines, criminal prosecution). Special conditions have been created only for specific CSOs, primarily pro-government ones. De facto, the most prominent factor of inequality for Belarusian CSOs is the gap between the organisations that moved abroad to the countries with a more CSO-friendly political and legal regime and those that stayed in Belarus and whose main activity centre is inside the country (i.e. their decision-making centre, main target group, registered legal entity, property, funding sources). However, this analysis does not consider this factor, and the environment for CSOs inside the country remains the subject of this review.

### **Standard I. The state treats all CSOs equitably with business entities.**

The law does not provide equal conditions for CSOs in comparison to commercial organisations. At the legislative level, commercial organisations have the better conditions for registration, including more favourable registration decision deadlines, clear grounds for making a decision to refuse registration, and the amount of the state fee for registration. The legislation sets the same requirements only for CSOs in the very simple form of non-profit establishments (institutions) as for commercial organisations. However, due to the social and political situation in the country, there are very few independent institutions that would file documents for registration. In practice, when seeking registration, such institutions face much greater obstacles than commercial organisations. Obstacles are also created at the stage of obtaining approvals for the names of institutions. According to the law, such names must indicate the nature of the activity undertaken by the organisation. The requirements for this are not defined at the legislative level, however, which allows for refusal to approve any proposed name, this being justified by the deemed absence of the nature of the activity in it.

Public associations are banned from independently conducting entrepreneurial activities and, for this reason, they do not have access to public procurement.

It is a serious problem for CSOs in the form of institutions and foundations that the law requires that they must have an accountant on their staff or enter into contracts

for outsourced accounting services, even if they do not have serious financial activities (for comparison, small commercial organisations with the status of ‘micro organisations’ enjoy a simplified accounting procedure).

As a result, as well as the general practice of state repression against CSOs, it is easier to establish and operate in the form of a commercial organisation than as a CSO in order to conduct certain types of socially-beneficial activity, even if its founders do not have profitmaking goals. This happens despite the fact that Belarusian legislation does not provide for the notion of ‘social entrepreneurship’. In 2022, cases of commercial organisations being established instead of non-commercial ones, even where the goals are not profitmaking, have become more frequent in Belarus.

When stipulating benefits for a broad-range of legal entities, legislation uses the terms ‘commercial organisations’ and ‘enterprises’, which excludes CSOs from being the recipients of such benefits. Some norms cannot be applied to CSOs due to such an approach (for example, the procedure for changing the owner of an institution remains unregulated and is impossible because of this in practice).

#### **Standard II. The state treats all CSOs equally with regard to their establishment, registration, and activities.**

The legislation applies a mechanism of targeted provision of benefits. The country has a system for providing financing, tax, and other benefits either to specific organisations or to organisations according to certain lists. For example, there is a list of CSOs which enjoy preferential treatment when renting state-owned premises – this list is approved by the government on the proposal of the ministries. In March 2022, an executive order of the Council of Ministers came into force, according to which this list was narrowed down to just 23 public associations (before the entry into force of this executive order, 103 CSOs were granted rental benefits; when the executive order was adopted in 2010, about 500 CSOs benefitted; and before the introduction of the list, all public associations had the right to this benefit). The Tax Code directly enumerates around twenty CSOs, providing sponsorship aid to which Belarusian business entities may enjoy tax deductions. Aid to any other organisation can be provided by a business entity only from post-tax profit and does not entail any tax deduction.

The state has created favourable conditions for a small number of pro-government CSOs, both at the level of legal regulation and at the level of its practical enforcement, while discriminating against other CSOs. Only pro-government CSOs are involved in decision-making activities. For example, only six out of 36 members of the Constitutional Commission working on the amendments to the Constitution of 2022 represented NCOs, whose activities are fully aimed at supporting the state ideology. At the same time, one of these organisations operates without being registered

(despite the fact that members of independent CSOs have faced liability for participation in unregistered organisations).

In August 2022, President Lukashenko announced the establishment of a single national foundation that would deal with charity and replace CSOs liquidated in 2021-2022.<sup>22</sup>

The policy of the state is aimed at: (i) the destruction of active CSOs in any field of activity; (ii) discrediting CSOs in the eyes of the public, including in comparison with other existing structures and organisations; and (iii) emphasizing the role of specific pro-state organisations as carriers of the values of the Belarusian state and society.

The discrediting of CSOs occurs both at the level of statements by the 'higher authorities' and in the state media. In the state media, primarily at the nationwide level, information consistently appears aimed at discrediting specific CSOs, certain members or activists of these CSOs and civil society as a whole. Official statements and the media also highlight the role of specific pro-government organisations as genuine CSOs.

As is the case every year, direct exclusive state funding of the BRYU (a GONGO) has been provided for by the laws on the state budget for 2022 (as well for 2023) as a separate article. The Law 'On the Republican Budget for 2022', proposed by the Ministry of Finance and adopted by the House of Representatives, establishes a direct subsidy from the state budget for the BRYU in the amount of more than 10 million BYN (nearly 3.9 million EUR) which means an increase in the subsidy of almost 10 per cent compared to the previous year. The law on the 2023 budget (passed in December 2022) further increased the amount of direct national budget funding for this GONGO to over 11.7 million BYN (nearly 4.3 million EUR). In addition, such GONGOs as BRYU do not lack funds from non-state sources such as businesses and enterprises, which is favourably viewed by local authorities.

In 2022 and 2023, the following state funding from the republican budget only (exclusive of local budgets) was provided via special separate budget lines:

**Table 1: State funding from the republican budget**

Name	Amount in republican budget for 2022 (BYN)	Amount in EUR (rate as of 31/12/2022)	Growth in the 2023 budget law (BYN) (%)
Public Association Union of Writers of Belarus	479,546	164,475	+65,889 (+14%)

<sup>22</sup> BelTA news agency, <https://www.belta.by/president/view/v-belarusi-planirujut-sozdat-natsionalnyj-fond-pod-patronatom-prezidenta-519956-2022/>.

Republican State Public Association Belarusian Republican Society for the Development of Water Transport and Passenger Safety	96,099	32,960	+14,773 (+15%)
Republican State Public Association Belarusian Physical Culture and Sports Society 'Dinamo'	8,416,658	2,886,767	+2,270,947 (+27%)
Public Association Belarusian Republican Youth Union	10,088,059	3,460,028	+1,682,729 (+16.7%)
Republican State Public Association Voluntary Society for Assistance to the Army, Aircraft and Fleet of the Republic of Belarus	9,943,445	3,410,428	+1,291,312 (+13%)

In addition, the law on the budget stipulates that exclusively state-funded public associations can receive funds from the national budget by decision of the President of the Republic of Belarus. Such an approach in legislation and in practice is completely incompatible with the principles of equality of organisations in their access to public resources.

An even greater inequality for CSOs according to their loyalty to the state is embedded in the draft Law 'On the Essentials of Civil Society', which is scheduled to be adopted in 2023. The draft Law does not introduce any changes to the existing procedures for NCO establishment, operation, funding or liquidation.<sup>23</sup> At the same time, it introduces a hierarchy and inequality between organisations, allowing special forms of interaction with state agencies for some.<sup>24</sup>

Generally in Belarus, the scope of real access to citizens' rights implementation (including the ability to exercise freedom of association as measured by the indicators outlined in the CSO Meter) depends on loyalty to the existing regime, the absence of openly-articulated oppositional views or a pro-democratic self-identity. Loyalty checks, research on private life and social connections, investigation of information sources and personal contacts often form the basis for practical decisions on sanctions, reprisals or, on the other hand, on granting preferential treatment or support.

<sup>23</sup> Belarus: Draft Law 'On the Essentials of Civil Society' on Parliament's agenda:

<https://csometer.info/updates/belarus-draft-law-essentials-civil-society-parliaments-agenda>.

<sup>24</sup> See more about this draft Law under Standard I of Area 3.5 (Right to Participation in Decision-Making).

## Specific recommendations under Area 2:

- Improve the legislation, taking into account the specifics of CSOs, providing them with the necessary benefits and preferences due to their non-profit activities, at the same time avoiding the practice of discrimination of CSOs in comparison with commercial organisations;
- Use the general term 'legal entities' in normative acts when defining benefits and preferences so that they can be dedicated to all possible forms of legal entity;
- Extend the notification procedure for registration of commercial organisations to registration of CSOs, including the possibility to submit and update constituent documents online;
- Regulate the procedure for changing the owner of an institution;
- Allow public associations to conduct entrepreneurial activities without creating a separate commercial entity;
- Stop the practice whereby CSOs are provided with targeted benefits and direct funding by naming them in the budget and tax laws; extend rental benefits to all CSOs and introduce a mechanism of state funding on the basis of competition, which all CSOs, including unregistered ones, can participate in; and
- To close and destroy the Ministry of Internal Affairs' unified database of participants in unauthorised demonstrations (also known as the *BESporiadki* database) and its equivalents.

## 3.3 Access to Funding

Overall score per area: **2.2/ 7**

Legislation: **2.4/ 7**

Practice: **2.0/ 7**

The subjective conditions for accessing CSO funding have worsened, which is reflected in the deterioration of the score in this area. Access to funding for CSOs is determined by tough legislation, sanctions for its violation, the mass liquidation of CSOs, and the forced relocation of many CSOs abroad. CSOs are not free to seek, receive, use, and dispose of funds and property. They are subject to restrictions on both receiving assistance within the country and from abroad. In Belarus, preliminary state approval is required to receive foreign funding and there are restrictions on entrepreneurial activities for CSOs. There are significant restrictions on receipt of funding from internal sources, including under the pretext of combating extremism and terrorism. There is also no publicly-available competitive system of state funding for CSOs in Belarus. At the same time, two laws were passed in 2022 that establish new mechanisms for competitive public funding for local initiatives and for youth initiatives - these are expected to become effective in the future.

The overall assessment of legislation in this area is that it has worsened, including due to the fact that many CSOs have been liquidated and this has of course made it impossible for them to access funding.

**Standard I. CSOs are free to seek, receive, and use financial and material resources for the pursuit of their objectives.**

CSOs are significantly restricted in their possibilities to seek, receive and use financial and material resources for the pursuit of their objectives. Restrictions are imposed on both foreign donations and donations from Belarusian corporate donors (both money and in-kind), while private donations from Belarusian-resident individuals are restricted to a lesser extent. The freest procedure for use relates to funds received as membership fees of public associations. Public associations do not have the right to independently conduct entrepreneurial activities. Public associations are banned from having bank accounts and keeping money abroad. There are no stimuli or benefits which encourage donations to CSOs.

State bodies have created obstacles to the implementation of activities aimed at providing assistance to victims of human rights violations, as well as other charitable purposes, for example, aid related to the war in Ukraine. Among other methods, this occurs by prohibiting the collection of funds for these purposes. Criminal cases on charges of ‘financing extremism’ have been filed against those who have provided targeted financial support to Belarusians who have suffered from law enforcement brutality, beatings and torture.

Mass liquidation of CSOs has significantly limited such CSOs’ access to resources, due also to the existing ban on the activities of unregistered organisations in Belarus. Many organisations have been forced to abandon tools for raising funds that have been developed and have recently become widespread in the country, such as raising funds through the websites of organisations (by concluding an internet acquiring agreement with a bank), or by using the AIS ‘Raschet’ system (ERIP) and others. The system of paying membership fees by members of CSOs has collapsed. Mass liquidation of CSOs, pressure on business entities, and the general atmosphere of repression in the country has significantly reduced the share of support for CSOs from business entities. Such a rapid decline in domestic funding has played a negative role in CSOs’ ability to differentiate funding sources and made them even more dependent on foreign funding.

Criminal cases have been initiated for the charitable activities of CSOs to support victims of repression and for providing gratuitous assistance in paying fines. For example, Andrei Aliaksandrau was sentenced as, according to the Investigative Committee, he was involved ‘in the criminal activities of the foreign organisation *BY\_help* [an initiative that provides assistance to the victims of repression by the Belarusian authorities], aimed at harming the national security of Belarus. The



defendants actively participated in the organisation of its work, and performed individual tasks of collecting, moving, storing and distributing funds.<sup>25</sup> For this, and other alleged crimes, Aliaksandrau was sentenced to 14 years of imprisonment.

Criminal cases are also initiated in relation to the activities of international organisations. Thus, a criminal case on charges of fraud was initiated against the leadership of the Office for the Rights of Persons with Disabilities (its head Siarhei Drazdouski and lawyer Aleh Hrableuski). The reason for the initiation of such a case was, in fact, a recommendation to several victims with and without disabilities to contact lawyers. The Office carried out its activities within a joint initiative with the United Nations (UN) in Belarus for providing assistance to persons with disabilities and other vulnerable groups. At the same time, neither Drazdouski or Hrableuski, nor the organisation itself received any funds from the UN for legal services. After restriction of their freedom for more than six months, pretrial restrictions were changed for Drazdouski and Hrableuski and they were able to leave the country. However, the criminal case against them has not been terminated so far.

There have been numerous cases of tax audits or the requirement to submit a tax declaration from civil activists to verify that the income they received corresponds to the expenses incurred (especially for volunteers of and contributors to Viasna Human Rights Center).

After searches were carried out at the offices of a significant number of CSOs, the bank accounts of many CSOs were blocked and still remain blocked.

The Law 'On measures to prevent the legalisation of criminally-obtained income, the financing of terrorist activity and the financing of proliferation of weapons of mass destruction' obliges banks to monitor whether the financial transactions of CSOs correspond with their statutory objectives. In accordance with the new edition of the Law, starting from 2021, public associations and foundations are required to publish extensive reports about their activities, income and expenses. These reports represent excessive interference in the activities of CSOs, are mandatory for all public associations and do not take into account the size of CSOs, the amount of income they receive, or other factors.

CSOs' access to funding is also severely restricted by the extended interpretation of the AML/CTF norms. Moreover, this relates to both CSOs that have stayed in the country and the relocated ones. Thus, in the countries that Belarusian CSOs have relocated to, they have significant restrictions on opening accounts (primarily in Georgia) and movement of funds. For example, a Belarusian human rights organisation *Lawtrend* registered as a Georgian CSO, has not been able to open a bank

---

<sup>25</sup> <https://sk.gov.by/ru/news-usk-gminsk-ru/view/podrobnosti-prestupnoj-dejatelnosti-rukovoditelej-i-rabotnikov-belapan-11143/> (see the archived copy <http://web.archive.org/web/20220603215216/https://sk.gov.by/ru/news-usk-gminsk-ru/view/podrobnosti-prestupnoj-dejatelnosti-rukovoditelej-i-rabotnikov-belapan-11143/>)

account in Georgia for several months because of the Belarusian origins of its founders. In Lithuania, many Belarusian CSOs are treated as international and are subject to stricter requirements for international organisations, not national ones. In Ukraine, since the beginning of the war, the accounts of Belarusian civil activists have been frozen (however, a mechanism allowing applications for unblocking of accounts has been created and is progress).

Belarusian CSOs that have relocated to Georgia advocate for improving the environment for civil society activities and access to resources in countries where Belarusian CSOs are located. The Forum of Belarusian Civil Society Activists that has relocated to Georgia calls for the promotion of the ‘removal of barriers in the creation and activities of NCOs (registration of organisations, opening of accounts), preventing abuse of AML/CTF regulations and compliance requirements, [and] open discussion of solving issues of CSOs’ resource access and their financial activities with key stakeholders, including banking institutions.’<sup>26</sup>

The split of the Belarusian civil society sector into relocated and domestic CSOs has seriously affected the financial stability of CSOs. Those civil society structures that are able to mobilize funding from abroad or in the form of crowdfunding have largely moved outside of Belarus. Domestic groups have had great difficulty in attracting financial support from donors, both as a result of government obstacles and sanctions, and because it is easier for donors to support CSOs that have relocated their activities abroad. In 2022, the government of Belarus submitted a draft law to the National Assembly which introduces a mechanism for participatory funding of local civil initiatives. This important step in the development of public funding for civil society, however, is based on a ‘passive’ model: while citizens will be able to propose projects for funding, these will however be selected by local authorities without a popular vote. In October 2022, the House of Representatives adopted on its first reading the draft Law ‘On Amendments to the Laws on Local Governance and Self-Governance’, which creates a permanent legal mechanism for financial support of civil initiatives established to resolve issues of local importance. A number of Belarusian CSOs involved in local development issues have for many years been advocating for the introduction of this legal mechanism for public funding of civil society (for example, one of the main proponents was the Lev Sapieha Foundation, which had been operating for 30 years and was liquidated in 2021). According to Belarus’ Social and Economic Development Programme for 2021–2025 (approved by Edict No. 292 of 29 July 2021), each local budget will be formed with due account for the expenses to support civil society initiatives. In order to implement this programme provision, the government has developed this draft law.

---

<sup>26</sup> Recommendations for donors, adopted by the Forum of Belarusian Civil Society Activists relocated to Georgia (17–19 June 2022).



The new law introduces a new Article 36<sup>1</sup> ('Implementation of civil initiatives') into the Law 'On Local Governance and Self-Governance in the Republic of Belarus'.

Associations of local councils, already established in all regions in the form of NCO, are entrusted with coordinating activities related to the implementation of civil initiatives. These associations of self-government bodies are created in the spirit of Article 10 of the European Charter of Local Self-Government, signed by member states of the Council of Europe, but not by Belarus itself.

This proposed model does not allow direct voting by residents of the territory for certain projects submitted to the competition, contrary to normal practice in other countries already implementing participatory budgeting.

The budget for 2023, adopted in December 2022,<sup>27</sup> allocates 700,000 BYN (240,000 EUR) from the national budget to support local initiatives (to this amount will be added a contribution from local budgets and contributions from applicants or co-sponsors). Calls for support for local initiatives have already been announced for the beginning of 2023 in all regions of the country.

Government Decision No. 87 of 31 January 2023 approved the Regulation on the Procedure of Formation, Financing and Implementation of Youth Initiatives. The Regulation will enter into force on 8 April 2023, at the same time as the amendments to the law 'On the Fundamentals of State Youth Policy', which legalised these youth initiatives. The youth initiatives will be supported from the state budget on a competitive basis. At the same time, the following definitions are given:

- '**youth initiatives** - activities and projects aimed at the implementation of state youth policy, proposed for implementation by the subjects of youth initiatives'; and
- '**subjects of youth initiatives** - youth public associations, registered in accordance with the established legislation, and (or) initiative groups consisting of at least two young citizens, proposing the implementation of youth initiatives.'

It is noteworthy that unregistered youth groups will also be able to apply for this form of state support.

Along with the expansion of state funding mechanisms for CSOs, there is a process of consolidation and *governmentalisation* of the actors that play a role in the space of the remaining legal CSOs. The difficulty in assessing the aim of these policies is the difficulty in assessing legislative changes under different possible scenarios. For example, the introduction of state competitive funding for CSOs may not be a positive

---

<sup>27</sup> The Law 'On the Republican Budget for 2023' of 30 December 2022.

change, but part of a general policy similar to *Gleichschaltung* (Coordination) in the first years of Nazi rule in 1930s Germany.<sup>28</sup>

The President of Belarus, Aleksander Lukashenko, has announced the establishment of a single charitable foundation. According to him, this foundation will replace CSOs that have been closed down in Belarus over the past two years. While announcing the idea to establish the charitable foundation, he stated: 'I know that many large and small foundations moved out from Belarus. We simply evicted some of them, because you know what they were doing – they tried to stage a coup with foreign money. Naturally, the pure and sincere people who want to be involved in charity work will gladly be involved in this foundation.'<sup>29</sup> According to civil society representatives, the foundation will aim to perform the same charity functions as previously dissolved CSOs, but will operate 'under the auspices' of President Lukashenko.

**Standard II. There is no distinction in the treatment of financial and material resources from foreign and international sources compared to domestic ones.**

Foreign funding received by CSOs may be classified as foreign gratuitous aid or international technical aid. Both of these types of funding require preliminary approval by the state for the use of the received funds. In practice, it is often difficult to designate a foreign grant to one or the other regime because the wording in the legislation is not precise. Regardless of the amount, the foreign gratuitous aid received by CSOs is subject to obligatory preliminary registration with the Department for Humanitarian Affairs of the Presidential Administration. The legislation stipulates a difficult and burdensome procedure for the receipt, registration and use of foreign gratuitous aid by CSOs, including detailed plans for allocation of aid and burdensome reporting. The Decree of the President<sup>30</sup> defines a list of objectives that foreign gratuitous aid can be used for. However, even if a grant is received for the objectives stipulated by the Decree, the state body may refuse to register foreign aid. Donations from Belarusian citizens residing abroad are considered to be foreign donations and are subject to restrictions.

According to the Department for Humanitarian Affairs, in 2022 Belarus received 87.41 million USD in foreign gratuitous aid (Russia and the United States are leaders in the list of donor countries). This is lower than in 2021 (102 million USD) and 2020 (91.04 million USD).<sup>31</sup> At the same time, CSOs point out increased difficulties with the

---

<sup>28</sup> <https://en.wikipedia.org/wiki/Gleichschaltung>.

<sup>29</sup> BelTA news agency, <https://www.belta.by/president/view/v-belarusi-planirujut-sozdat-natsionalnyj-fond-pod-patronatom-prezidenta-519956-2022/>.

<sup>30</sup> Decree of the President No. 3 'On foreign gratuitous aid' of 25 May 2020, with amendment from 8 November 2021, <https://www.pravo.by/document/?guid=12551&p0=Pd1500005&p1=1>.

<sup>31</sup> Embassy of the Republic of Belarus in the USA, <https://usa.mfa.gov.by/ru/embassy/news/e427e3032c6ebb49.html>.

registration of foreign grants at the Department for Humanitarian Affairs, without which it is impossible to use the received funds legally.

The legislation effectively classified any donation received by a CSO by bank transfer without full details of the sender (or with fictional or doubtful details) as ‘foreign anonymous aid’ which must be registered with the Department for Humanitarian Affairs. Because of the vague wording of the Decree on Foreign Aid, CSOs are effectively placed in the position of supervisory bodies required to verify information about all persons who make voluntary donations to them, although this is often technically impossible in practice.<sup>32</sup>

In Belarus, there is a permissive principle of registration of foreign gratuitous aid. In practice, access to foreign aid for CSOs is much more difficult. The body that decides on the registration of foreign gratuitous aid, the Department for Humanitarian Affairs, refuses to register the foreign aid received by most CSOs. In the spring of 2022, representatives of trade unions were brought to administrative responsibility for violating the procedure for using foreign gratuitous aid (Article 24.14 of the Code of Administrative Offences), for example, the head of the Free Trade Union of Metal Workers.

Reporting introduced in accordance with AML/CTF legislation requires that CSOs must indicate not only the amount of foreign donations, but also give information about each donor of foreign resources and the exact amounts received from them.

After the elimination of the national-level crowdfunding platforms in 2020-2022, these mechanisms have still not regained their scale of operations for CSOs. Moreover, in December 2022, the international crowdfunding platform Patreon was blocked for access from Belarus by decision of the Ministry of Information.<sup>33</sup>

Stigmatisation and criticism regarding CSOs that receive foreign funding is still prevalent in Belarus. Public newspapers and TV constantly publish and broadcast materials that libel CSOs receiving foreign funding, specific activists, and donors.

### Specific recommendations under Area 3:

- Abolish the restrictive list of objectives for which CSOs can receive foreign gratuitous aid or sponsor aid from internal resources;
- Move from an authorisation-based system for registration of foreign aid to a notification-based system; simplify the conceptual construct and provide

<sup>32</sup> Lawtrend. ‘Freedom of association and legal environment for civil society organisations, Review for 2022: Belarus’, <https://www.lawtrend.org/english/freedom-of-association-and-legal-environment-for-civil-society-organisations>.

<sup>33</sup> Being stripped of traditional fundraising channels, some media and CSOs have turned to donations via Patreon, a membership platform that provides tools for content creators to earn funds from subscriptions – see more in IREX’s ‘Vibrant Information Barometer 2022 – Belarus’, [https://www.irex.org/sites/default/files/VIBE\\_2022\\_Belarus%20\(1\).pdf](https://www.irex.org/sites/default/files/VIBE_2022_Belarus%20(1).pdf).

precise definitions, as well as set a reasonable threshold for the amount of donations from abroad for which registration is not required;

- Abolish the Edict of the President No. 300 'On the provision and use of gratuitous (sponsor) aid';
- Remove from the Criminal Code articles punishing the financing of extremist activities (Article 361<sup>2</sup>) and violation of the procedure for using foreign aid (Article 369<sup>2</sup>);
- Restore the registration of CSOs that were forced to be liquidated during 2020-2022, as well as restore the system of crowdfunding platforms, operated without external interference from banks or law enforcement agencies, and make these open for any purposes for CSOs and informal groups to collect money for civil activities or charity;
- Allow public associations to conduct economic entrepreneurial activities on their own behalf, as well as to have bank accounts abroad;
- Introduce the definition of 'endowment' into legislation, taking into account the role of such instruments as a mechanism for CSO support;
- Introduce amendments to the law on state social contracting to ensure access to this mechanism for a broad range of CSOs, as well as introduce the tools for CSOs funding from the budget on a competitive basis; and
- Stop the practice of criminal and other persecution, demonization, and stigmatisation of CSOs and individuals for receiving foreign donations, fundraising for legal assistance, and other types of legitimate civic activity or philanthropy.

## 3.4 Freedom of Peaceful Assembly

**Overall score per area: 1.5/ 7**

**Legislation: 1.9/ 7**

**Practice: 1.2/ 7**

In 2022, the enjoyment of freedom of peaceful assembly continues to be the lowest scoring area. The public exercise of freedom of assembly leads to detention and prosecution, both administrative and criminal. The exercise of the right is de facto available only to groups and individuals expressing support for the actions of the authorities and at the initiative of the authorities. Massive anti-war protests in February and March 2022 were quelled by the authorities.

### Standard I. Everyone can freely enjoy the right to freedom of peaceful assembly by organising and participating in assemblies.

Freedom of assembly has traditionally been severely restricted in Belarus, both in law and in practice. After the mass peaceful protests in 2020, the authorities have continued imposing and applying restrictions on the exercise of the right to peaceful assembly. In 2022, there were no amendments to the main legislative acts relating to freedom of assembly (the Law ‘On Mass Events in the Republic of Belarus’, the Criminal Code, and the Code of Administrative Offences). However, the legislative restrictions adopted in 2021 (prohibiting broadcasting of mass events, criminal liability for a third violation of the rally procedure after previous penalties, abolition of elements of the notification procedure and others) continued to be in force and applied in practice by the authorities against those who exercised their right to peaceful assembly and expression.

There were no public rallies held in Belarus in 2022 due to large-scale persecution of organisers and participants. The exception was the protests in February and March 2022, the main agenda of which was the falsification of the referendum on the Constitution and the outbreak of the war in Ukraine. These peaceful assemblies were accompanied by mass detentions (of about 1,500 people).<sup>34</sup> On Sunday 27th February 2022, over 800 people were arrested all over Belarus for participating in protests against the war and the referendum on the Constitution. According to human rights defenders, some people were beaten following their detention and in the infamous Akrescina detention centre in Minsk, were not given any food in the period following their arrest. Belarusian courts have considered more than 267 administrative cases. In just two days, at least 230 people were imprisoned by court decision for terms of up to 15 days and only 14 money fines were imposed instead.<sup>35</sup> In addition, the Ministry of Internal Affairs reported nine criminal cases brought in connection with the referendum<sup>36</sup>.

Peaceful assemblies were usually covert and information about them was spread in the form of photos and videos in the media. Unlike in 2021, peaceful assemblies in support of the current political regime in Belarus were barely held in 2022.

---

<sup>34</sup> Ситуация с правами человека в Беларуси. Февраль 2022, (March 2022) – by Human Rights Center “Viasna” Ситуация с правами человека в Беларуси. Март 2022 (April 2022) – by Human Rights Center “Viasna”

<sup>35</sup> 230 people detained after anti-war and anti-referendum protests (February 2022) – by Human Rights Center “Viasna”

<sup>36</sup> Preliminary analytical report of the expert mission to assess the 2022 nationwide referendum on amendments to the Constitution of the Republic of Belarus – February 28, 2022 (In a revised version of the May 2022 report, the number of such criminal cases is assessed by human rights defenders as at least 11 – see more <https://belhelcom.org/ru/document/itogovyy-analiticheskiy-otchet-ekspertnoy-missii-po-ocenke-respublikanskogo-referenduma>)

The Law 'On Mass Events in the Republic of Belarus' was adopted in 1997 and has been amended 14 times since. The Law contains the following fundamental violations of international human rights standards: (i) the mandatory permissive principle is in force. At the same time, assemblies held by state bodies undergo a simplified approval procedure; (ii) spontaneous assemblies are not stipulated by law, counter-demonstrations are prohibited by law; (iii) the places allowed for conducting assemblies are limited, they are small and they are designated by the local executive authorities; and (iv) organisers are obliged to pay for the security services provided by law enforcement, as well as medical and cleaning services during a peaceful assembly.

Only adults (aged 18 and older) with Belarusian citizenship who are eligible to vote can be organisers of assemblies. Individuals cannot be organisers of assemblies which are expected to be attended by more than 1,000 people. Citizens who have been held liable for violating the procedure for conducting assemblies within the year preceding the event, as well as those previously convicted of crimes against public safety, order or morality, against the state or authorities are forbidden from organising assemblies. The law imposes additional sanctions on organisers that are legal entities. Indoor meetings of CSOs are often interpreted by the authorities as peaceful assemblies and their participants are persecuted.

#### **Standard II. The state facilitates and protects peaceful assemblies.**

The state usually does not facilitate the conducting of peaceful assemblies, except for isolated cases of assemblies in support of the current government. Any peaceful assembly must be authorised by the authorities through a complex bureaucratic procedure: an application must be filed no later than 15 days before the event. The authorities do not properly administer peaceful assemblies and do not engage in dialogue with organisers. The usual grounds for prohibiting peaceful assemblies are disproportionate and are not based on human rights standards. When challenging denials to conduct assemblies in courts, expedited terms for examination apply. However, despite this, judgments are usually delivered after the scheduled date of the assembly.

Heightened requirements apply to journalists attending a peaceful assembly. The amendments to the Law 'On Mass Events in the Republic of Belarus' introduced in 2021 prohibit live broadcasting of mass events held in violation of the established procedure for organising or conducting them in the media, online or via other information networks. It is also stipulated that in cases where the head or other member of the governing body of a political party or other public association (or a branch of one) publicly calls for the organisation and conducting of a mass event before obtaining permission, the governing body of the organisation is obliged to declare its disagreement with these actions in the media within five days of the date of



such actions being committed. The absence of such a statement is grounds for the incurrance of liability stipulated by legislative acts, for example, liquidation of the organisation.

Persecution of participants in peaceful assemblies is not limited to administrative sentences. Many face dismissal from their jobs or expulsion from educational institutions. Intimidation, torture and improper treatment in places of detention are also widely applied.

The authorities have developed and are adopting the law on the denunciation of the First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), which will, starting in February 2023, deprive people of the opportunity to apply to the United Nations Human Rights Committee with individual complaints. The Committee noted that Belarus adopted its decision without providing a particular explanation and without holding any consultation with civil society and non-governmental entities at any stage of the national process of denunciation.<sup>37</sup> Traditionally, a large number of complaints against Belarus to the Human Rights Committee contained messages about violations of the right to peaceful assembly.

### **Standard III. The state does not impose unnecessary burdens on organisers or participants in peaceful assemblies.**

The national law creates serious obstacles to the exercise of the right to peaceful assembly and provides the authorities with many opportunities for abuse. Organisers of an assembly are responsible for maintaining public order or for the actions of other persons during an assembly, and organisers must declare this in a special written form filed to the state agencies. In 2022, detentions and criminal trials against those who had participated in peaceful protests in 2020 continued. To identify participants, law enforcement agencies use special applications for facial recognition, as well as monitoring of media and online social networks.

Participants in the peaceful assemblies after the elections of 9 August 2020 face large financial claims from the state enterprise *Minsktrans*, which organises the operation of public transport in Minsk. According to the authorities, peaceful protests hindered the operation of public transport and the damage should be covered by the organisers and participants of the assemblies. Compensation for damages is also pursued; for

---

<sup>37</sup> The UN Human Rights Committee said that the Belarusian Government's recent decision to withdraw from the Optional Protocol will deprive victims of human rights violations in Belarus, who have been denied justice domestically, of bringing their complaints before the Committee. Belarus ratified the Optional Protocol on 30 September 1992. In the last thirty years, the Committee has considered hundreds of complaints against the State party on issues ranging from freedom of expression, the right to peaceful assembly to fair trials in death penalty cases, <https://www.ohchr.org/en/press-releases/2022/11/belarus-withdrawal-individual-complaints-procedure-serious-setback-human>.

example, the court held that pro-democracy activist Siarhei Tsikhanouski must pay more than 2.5 million BYN (about one million EUR) as compensation for damages to the state.

The database of people arrested for the protests (known as the *BESporiadki* database), which includes tens of thousands of people, continues to be used. In 2021, via Article 342<sup>2</sup> of the Criminal Code, liability was introduced for repeated (two or more) violations of the procedure for organising and conducting mass events (including public calls for the organisation or conducting of illegal assemblies). In 2022, the first practical application of the new criminal article was recorded by national human rights defenders. On 2 March 2022, the Frunzenski District Court in Minsk sentenced Aliaksandr Kutas, a homeless person, to one year in a penal colony under Article 342<sup>2</sup> of the Criminal Code for 'repeated violation of the procedure for conducting mass events'.

Since 2020, at least 955 people have been prosecuted under articles related to peaceful assemblies. 800 of these were charged under Article 342 of the Criminal Code ('actions grossly violating public order') and 155 people were charged under Article 293 of the Criminal Code ('mass riots').

According to Viasna Human Rights Center, at least 6,381 people were detained in 2022. Almost 1,500 of these were women and around 5,000 were men. It is also known that at least 15 minors were detained.

Viasna Human Rights Center has information about at least 3,272 court judgments. Belarusian courts imposed at least 938 fines totalling 888,224 BYN (nearly 305,000 EUR). Judges also ordered the arrests of at least 2,274 people. In total, Belarusians spent 28,804 days in detention centres (almost 78 years in total). At the same time, according to human rights defenders, only 47 cases were closed for various reasons.

On 23 March 2022, the Ministry of Internal Affairs began to publicly manage the list of people involved in extremist activities, which is still being updated and, at the end of the year, totalled 2,263 people. The grounds for inclusion on this list are court sentences, almost all of them are politically motivated. A significant number of people included on the list were convicted for group actions that grossly violated public order or for participation in 'mass riots' (862 persons under Article 342 of the Criminal Code and 142 persons under Article 293 of the Criminal Code). A significant proportion of political prisoners only have such status due to their exercise of the right to peaceful assembly. They have been charged with violating public order, organising and participating in mass riots, educating or otherwise preparing persons for participation in mass riots. Human rights defenders claim that there were no mass riots or actions grossly violating public order in Belarus.



Out of 1,446 political prisoners, 495 were recognised as such for being deprived of liberty on charges under Article 342 of the Criminal Code, as well as under Article 342<sup>2</sup> ‘Repeated violation of the procedure for organising or conducting mass events’. 202 political prisoners were charged under various parts of Article 293 of the Criminal Code (‘mass riots’).

#### **Standard IV. Law enforcement supports peaceful assemblies and is accountable for the actions of its representatives.**

The rules for the use of force by law enforcement officers during assemblies are not available to the public; only general laws on the use of force or weapons are published, but not by-laws that take into account the circumstances of mass events. However, taking into account the actions of law enforcement to disperse peaceful assemblies, detentions during peaceful and non-violent assemblies, and the use of riot control means, it is obvious that these rules are not based on a human rights approach.

The conditions for the use of physical force and less lethal weapons by law enforcement officers are described in the Law ‘On Internal Affairs Bodies of the Republic of Belarus’. In particular, according to paragraph 2 of Article 26 of the Law, physical force, less lethal weapons, lethal weapons, military and riot control vehicles can be used depending on the situation and at the discretion of the officers of the internal affairs bodies in the cases stipulated by the Law.

The legislation does not prevent arbitrary actions being taken by law enforcement to interfere in and disperse assemblies and there are no mechanisms for bringing those law enforcement officers guilty of violence to justice. Actual arbitrary interruptions or dispersals of peaceful assemblies are often reported.

In particular, CSOs whose leaders were prosecuted for participating in the protests have become targets. Leaders and activists of many CSOs were among those detained and prosecuted in the criminal proceedings referred to above and many of them were forced to leave the country under the threat of long prison sentences.

#### **Specific recommendations under Area 4:**

- Bring the legislation and practice of state regulation of peaceful assemblies in line with the human rights standards, including General Comment No. 37 of the UN Human Rights Committee and the OSCE Guidelines on Freedom of Peaceful Assembly, so that restrictions do not make the exercise of the right to freedom of peaceful assemblies by citizens (including foreigners and minors) and CSOs impossible;
- Release all political prisoners, provide mechanisms for compensation for violated rights, conduct rehabilitation and pay compensation. Stop political repression and politically-motivated criminal cases;

- Cooperate with the UN bodies (the Human Rights Committee, Special Rapporteurs and Working Groups) to restore violated rights and prevent violations;
- Establish legal and practical conditions that allow the conducting of counter-demonstrations and spontaneous rallies; allow peaceful demonstrations in practice and do not disperse them with violence and arbitrary preventive use of force; introduce a notification procedure for holding assemblies; abolish restrictions on places for assemblies; abolish payment for policing, medical and cleaning services during assemblies;
- Stop the criminalisation of peaceful assemblies and remove the respective articles from the Criminal Code;
- Stop the unfounded and disproportionate use of force against participants and organisers of any peaceful protests, as well as torture against arrested protesters; and
- Conduct an efficient investigation of torture against participants in peaceful assemblies; bring those responsible for violence by law enforcement agencies to justice.

## 3.5 Right to Participation in Decision-Making

Overall score per area: **2.7/7**

Legislation: **3.1 / 7**

Practice: **2.2/7**

In 2022, conditions for participation in decision-making remained unsatisfactory both for institutionalised CSOs and for the general public and citizens. Within the context of the cancellation of the elections to local self-government bodies, which were to be held in 2023, the campaign on public discussion of the draft new version of the Constitution to be put to a referendum became the main form of engaging the public in decision-making. However, this campaign was carried out under the banner of ensuring the semblance of 'nationwide participation' and 'nationwide support' and was of a propagandistic character. Alternative voices were hushed up and sometimes even punished. The atmosphere of fearmongering and mass repression still induced self-censorship among CSOs and led to the minimisation of any forms of interaction with the authorities, especially when it came to participation in decision-making.

### Standard I. Everyone has the right to participation in decision-making.

Access to participation in decision-making for CSOs remains insufficient. Even though there are mechanisms for participation in decision-making in legislation, many CSOs do not have access to these in practice because of political repression due to formal restrictions.

In an environment of mass arrests and torture, as well as criminal cases against the main CSO leaders and other forms of repression, the opportunities for CSOs' participation in decision-making have narrowed.

In practice, CSOs are not always invited to participate in working groups on draft laws. When they are invited, this is only for certain CSOs and by a special decision of a state agency organising development of the draft for discussion. It is very rare for an indefinite number of affected CSOs to be invited to working groups or consultations. Usually, only online participation in discussions of draft laws is available to an indefinite number of entities (as is the submission of written comments and proposals on the special state website 'Legal Forum').

Legal regulation of public participation in decision-making has been developing in recent years, but as a result of the campaign on liquidation of CSOs in 2021-2022, the pool of possible participants in such procedures has narrowed and many groups have lost representation even in those few existing participatory mechanisms. The legislation in this field still remains segmental. In particular, norms on public consultations are developed separately from the norms relating to access to information, appeals by citizens and legal entities, public councils and other fields of interaction between CSOs and state agencies. Public consultations and discussions on draft laws are not mandatory.

State agencies organise public consultations with a focus on process and procedure to a greater extent, but rarely on true influence on the content of the decision (consultations are more accurately explanations of the decisions that are adopted, rather than CSOs influencing their essence). There are no legal mechanisms to redress any non-compliance with the rules on civil participation and the transparency of decision-making processes, including responsibility of state officials (except norms relating to leaving appeals unanswered, or failure to meet the deadline for a response).

In February 2022, the new edition of the Constitution of Belarus for the first time mentioned civil society as one of the actors to send delegates to the Belarusian People's Congress (BPC), a new representative body that is intended to stand above the separation of powers and 'determines strategic directions for the development of the society and the state'.

However, the draft laws developed later formulated a distorted content of the notion of civil society, having secured a special status for civil society actors that have special relations with the state and a special place in the decision-making system as participants in the BPC for a limited number of GONGOs.

The post-referendum bills introduce special privileges in decision-making for very few national-level public associations that have remained in Belarus. On 12 December 2022, the draft Law 'On the Essentials of Civil Society' was submitted by the

Government for consideration by the National Assembly. The law imposes special forms of interaction with the state for a small circle of public associations operating at the national level. Thus, despite the official title, the draft Law does not regulate civil society as a whole, but only the interaction of certain civil society actors with the state, especially regarding the election of civil society delegates to the BPC. Therefore, in the political dimension, the draft Law implements the relevant provisions of the new Constitution. It determines the entities that are entitled to nominate civil society representatives to the BPC. The procedure for such nominations will be determined by the new edition of the Electoral Code and the new law on the BPC.

The draft Law defines the notion of civil society quite broadly; however, it introduces a narrow definition of civil society entities:

- **Civil Society** – ‘a community of Belarusian and foreign citizens and stateless persons who permanently reside in Belarus and express their civil stance through participation in public relations and institutions that are not prohibited by law’.
- **Civil Society Entities** – ‘membership-based associations of citizens or unions of legal entities, regardless of quantitative, territorial or other qualifications, whose statutory activities are aimed at accomplishing the main objectives of interaction between state agencies (organisations) and civil society, specified in Article 4 of this law’.

The range of these objectives is wide in scope, but the list is closed and covers only a part of possible areas for CSO activities: human rights, gender equality, and many other key issues are missing. Many civil society entities fall outside of these definitions.

Thus, the proposed draft Law imposes a special hierarchy of CSOs which is not in line with international standards that provide equal treatment as a key part of freedom of association:

- **Non-commercial organisations that are not classified as civil society entities:** These are all non-membership forms of NCOs (institutions, foundations), as well as membership forms of NCOs which cannot be classified as civil society entities due to the incongruence of their areas of activity with the list specified in Article 4 of the law. It seems that a large number of public associations will fall into this category.
- **Membership forms of NCOs classified as civil society entities (public associations, including trade unions, as well as unions and associations of legal entities), whose activities are in line with the list of objectives specified in Article 4 of the law, but which do not have the required number of members or registered regional branches to fall into the third**

**category below.** General forms of interaction with the state have been defined for this group: participation of civil society entities in the work of collegial bodies of state agencies, public and consultative councils, meetings of local executive and regulatory bodies at their invitation; state authorities' assistance to civil society entities in their activities; participation of civil society entities in the formulation and implementation of state policies; submission of the proposals on the improvements of legislative acts to rule-making bodies by civil society entities; participation of civil society entities in the preparation and public discussion of draft regulatory legal acts; public control; and public procurement. This list of forms of interaction is not exhaustive; other legal acts may stipulate additional forms of civil society entities' interaction with the state. A large number of public associations will also fall into this category. At the same time, the law does not directly indicate the possibility of referring the already existing forms of NCO, such as state public associations (there are 7 such corporate entities today), political parties (there are 15, as of now) and religious associations, to the second (non-privileged) category.

- **Civil society entities with special relations with the state:** 1) national-level public associations whose number of members exceeds 100,000 people and that have branches in all regions of Belarus and in Minsk, or 2) trade unions that unite at least half of the trade unions cells registered in Belarus. The draft Law stipulates that the list of such organisations will be handled by the Ministry of Justice and will be published online. According to the Law 'On Public Associations' that is in effect, public associations must include information on their membership numbers in the reports which are to be submitted to the justice agencies each year. Special forms of relations with the state, available to this third, privileged category of organisations, will include only the types of activities that are related to the BPC, namely: election of delegates to the BPC in accordance with the procedure stipulated by law; holding meetings with the population, labour collectives, hotlines, dialogue platforms, public receptions, offsite meetings with citizens for collecting and developing proposals for discussion at the BPC; and participation in the implementation of the BPC's final decisions. It can be assumed that the total number of NCOs classified within this category will, at best, not exceed two dozen out of the total number of several hundred national-level public associations that have remained in Belarus. While it introduces special privileges for the third group of organisations, the draft Law does not essentially change the legal status of the organisations that do not belong to this group. The Law provides for certain mechanisms of state assistance to civil society entities in general (both general and privileged categories), such as the provision of state support.

All draft laws are developed in one of the two state languages of Belarus (in the majority of cases it is Russian and only in few cases Belarusian). There is no practice to officially introduce draft laws in the two state languages. As a result, language groups in Belarus are restricted in use of their language for participation in development of legislative proposals and submission of comments to draft laws.

**Standard II. There is regular, open and effective participation of CSOs in developing, implementing and monitoring public policies.**

The authorities make the most important decisions without any consultation.

The majority of participation mechanisms work only formally, are not effective and do not have true influence on decisions. This also applies to consultative bodies that are broadly spread but are efficient only in certain fields.

Because of the introduction of the new edition of the Culture Code, the public supervisory commissions for the protection of historical and cultural heritage have been liquidated in 2022. These cultural civil bodies will be dissolved in spite of the fact that they had previously been cited by CSOs and researchers<sup>38</sup> as being effective for CSOs and working transparently.

Because of the liquidation of CSOs and for other reasons, the composition of many public councils has been significantly reduced.

Many norms relating to ensuring public participation in decision-making are of a quasi-obligatory character (using such terms as ‘normally’ and other recommendatory constructs). Legal norms for CSO involvement in policy implementation, monitoring, and evaluation exist in only a few areas (such as environmental issues or business legislation) and do not exist in others or in general.

If a public discussion of a draft law has been announced, then its results should be publicly available. The scope and details of such a report have not been established, however. There has been a decline in public interest in the discussion of even the most important draft laws. In particular, this is manifested in a decrease in the activity rate of comments on the official website ‘Legal Forum’<sup>39</sup> in 2021-2022:

Table 2: Public interest in the discussion of draft laws

Year	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Number of legislative acts brought up	1	1	6	12	26	76	165	195	<b>178</b>	<b>133</b>

<sup>38</sup> Public Councils in Belarus: Legal regulation and practice (2014) (in Russian) [https://www.lawtrend.org/wp-content/uploads/2014/03/Pravovoe-regulirovanie\\_OS1.pdf](https://www.lawtrend.org/wp-content/uploads/2014/03/Pravovoe-regulirovanie_OS1.pdf)

<sup>39</sup> Legal Forum, <https://forumpravo.by/publicnoe-obsuzhdenie-proektov-npa/forum15/>.



for public online discussion in Legal Forum										
Number of comments	3	1	34	488	709	1,557	3,021	7,437	<b>1,166</b>	<b>881</b>
Average number of comments to a draft	3	1	5.6	40.6	27.2	20.4	18.3	38.1	<b>6.5</b>	<b>6.6</b>

This decline in participation contrasts with the previous period of growth and high activity of CSOs in influencing public decision-making in the previous phase of 2014-2020.<sup>40</sup> One of the possible reasons for the decline in user activity in the electronic system for commenting on draft legislation and regulations is the change in the format of the system's interface: this reform in 2022 entailed the re-registration of users, with re-identification by identity, and became more oriented towards commenting on specific pieces of text rather than free conceptual proposals for projects.

Even the most important draft legislation is discussed online within a very short timeframe. For example, the discussion of the draft Code of Civil Procedure took only three weeks in March 2022, which may be one reason why there were only 38 comments on this important and lengthy 380-page bill.<sup>41</sup>

Public participation, including CSOs, in the process of constitutional reform in Belarus was controversial. Despite the fact that there had been talks about possible amendments to the Constitution of 2004 for several years prior, the process of constitutional reform itself in 2021-2022 failed to become inclusive and pluralistic. There was uneven engagement from different society groups in the reform process, and the level of engagement depended on their attitude towards the existing political regime and assessment of the legitimacy of the current de facto president Lukashenko.

As a result of the acute political crisis associated with the disputed presidential elections in Belarus in August 2020 and subsequent protests, two opinion centres formed in society with regards to the nature and goals of future constitutional reform. Both the ruling elites and opposition groups publicly declared that the constitutional reform was a possible way out of the crisis. However, while the opposition forces viewed the constitutional reform as a mechanism for democratisation of the existing political system, the ruling group (including the president) viewed the reform as a

<sup>40</sup> See, for example 'Belarus Civil Society Organisations in Cross-Sectoral Dialogue' (Konrad-Adenauer-Stiftung, 2015), <https://www.kas.de/de/web/belarus/publikationen/einzeltitel/-/content/belarus-civil-society-organisations-in-cross-sectoral-dialogue>.

<sup>41</sup> [https://forumpravo.by/publicnoe-obsuzhdenie-proektov-npa/forum15/16857-proekt-kodeksa-grazhdanskogo-sudoproizvodstva-respubliki-belarus?PAGEN\\_2=3](https://forumpravo.by/publicnoe-obsuzhdenie-proektov-npa/forum15/16857-proekt-kodeksa-grazhdanskogo-sudoproizvodstva-respubliki-belarus?PAGEN_2=3).



means to strengthen the existing system. This dichotomy was also evidenced in the degree of participation of various CSOs in the constitutional reform.

The section of Belarusian civil society oriented towards democratic changes and the political opposition (including the part of it that had emigrated abroad) institutionalised their efforts in the form of drafting the so-called Constitution of the New Belarus.<sup>42</sup> The section of civil society focused on strengthening the existing political system and insignificant ('cosmetic') reform of the Constitution institutionalised their efforts in the form of the 'Roundtable of Democratic Forces'.<sup>43</sup>

The groundwork of the first abovementioned group was barely considered in the official process of constitutional reform. Representatives of the second group, however, were included in the Constitutional Commission established by Presidential Edict No. 105<sup>31</sup> of 15 March 2021 and actively participated in the work of the Commission.

In total, along with representatives of the National Assembly, the Constitutional Court and local authorities, only a few representatives of civil society were included in the Constitutional Commission consisting of 36 members. These were the chairwoman of the public association 'Belarusian Union of Women', the director of the information and analysis institution 'Roundtable of Democratic Forces', the chairman of the Youth Council under the National Assembly of the Republic of Belarus, the chairman of the public association 'Belarusian Republican Union of Lawyers', the first secretary of the Central Committee of the Communist Party, and the director of the information and educational institution 'Actual Concept'.

It is noteworthy that, despite the fact that this category of members of the Constitutional Commission is defined as 'representatives of public associations' in the text of the decree, only two representatives were from organisations actually registered as public associations - the Belarusian Union of Women (financed on a non-competitive basis directly from the state budget) and the Belarusian Republican Union of Lawyers. The institutions represented in the Constitutional Commission are not public associations, but represent the simplest form of NCO, which, according to Belarusian legislation, can be established by only one founder and does not provide for membership in the organisation of persons other than the founder (Article 125 of the Civil Code: 'An institution is an organisation established by an owner for performing managerial, social and cultural or other functions of a non-commercial nature and fully or partially financed by him/her').

While there are fifteen registered political parties in the country, a representative of only one political party was included in the Constitutional Commission (the Communist Party of Belarus).

---

<sup>42</sup> The groundwork related to this group can be found here: <https://kanstytucyja.online/>.

<sup>43</sup> The Roundtable's materials are presented here: <https://ksds.by/constitution/>.

Thus, only an insignificant number of civil society representatives were engaged in the work of the Constitutional Commission, representing the absolute minority of public associations and other forms of CSOs existing in Belarus.

The text of the draft amendments to the Constitution had been published a month before the referendum was scheduled. During this period, the authorities organised a discussion of the proposed draft, which was mainly carried out by labour collectives, as well as at the so-called 'dialogue platforms', organised with the participation of state bodies and pro-government public organisations. Such discussions were not transparent and, in essence, were just agitation in support of the authorities' proposed draft. During discussions of the amendments, additions to the draft Constitution and consideration of the submitted proposals, critical comments were not taken into account. This became another example of the formal practice of 'nationwide discussion' aimed at replacing transparent and inclusive discussion of the proposals by various public groups which were to be put to the referendum. The so-called nationwide discussion took the form of a nationwide campaign in support of the draft new version of the Constitution. Along with the state authorities, the pro-government republican public association 'Belaya Rus' took part in this campaign by collecting citizens' opinions.<sup>44</sup>

Despite the 'constitutional reform' and 'nationwide public discussion', the level of public involvement in this process and the level of communication between civil society and responsible agencies was low.

The parallel campaign of mass forced liquidation of CSOs, which started in June 2021 and was in progress until the constitutional referendum itself (affecting, according to various estimates, from a quarter to a third of the country's CSOs) was a particular obstacle to the involvement of a wide range of CSOs in discussion of the draft Constitution-2022.

In a number of cases, those who tried to participate in discussion of the draft Constitution and express alternative points of view were persecuted. Among these incidents was the following:

In January 2022, Mikalai Vitsikau, a retiree from Teryukha village in the Homiel region, sent his ideas about the new Constitution-2022 to the district newspaper *Mayak* and tried to organise a 'dialogue platform' on his own initiative, the holding of which was announced by the authorities as a form of public discussion of the draft Constitution-2022. A few days later, the house of the 68-year-old Vitsikau was broken into and searched, after which the 'rural provocateur' (as Vitsikau was called in the newspaper itself) was sent to a pre-trial detention centre. The investigators qualified the pensioner's letter as falling under Part 1 of Article 130 of the Criminal Code ('incitement

---

<sup>44</sup> <https://www.sb.by/articles/obsuzhdaem-proekt-konstitutsii.html>.

of social hatred'), then reclassified the charges under Article 369<sup>1</sup> (discrediting the Republic of Belarus). Before trial, Vitsikau was kept in a pre-trial detention centre and was ultimately sentenced to eight months' imprisonment.<sup>45</sup>

On 18 July 2022, Belarus withdrew from the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters of 25 June 1998 (the Aarhus Convention). This withdrawal has deprived CSOs and the wider public of rights regarding access to information, public participation and access to justice in governmental decision-making processes on matters concerning the local, national and transboundary environment.

### **Standard III. CSOs have access to information necessary for their effective participation.**

Only certain draft concepts and policies are published and brought up for public discussion. The most controversial and disputable draft normative legal acts are not brought up for public discussion and are often published only once they have been adopted or when drafts are submitted to the National Assembly. The plan for legislative activity is annually approved by edict of the president. However, the plan only contains the planned draft laws and not the draft decrees and edicts of the president that have greater legal force than the law.

Despite public access to information about the development of plans for legislative activity, the public is reluctant to participate in the development of proposals for inclusion in the plans. For example, in April 2022, only two public proposals on the inclusion of new draft normative acts in the legislative activity plan for 2023 were sent through the publicly-available mechanism: the Legal Forum electronic portal. Based on the results of the state selection in next legislative process stage, only one of these two drafts was included in the plan for 2023, the draft concerning the development of amendments to Edict No. 300 which regulates the procedure for provision of internal sponsorship aid from corporate sources (from Belarusian donors to Belarusian NCO recipients). There is very little information about the use of other mechanisms for submitting policy-making proposals. However, the decrease in public activity and advocacy by CSOs in general suggests that their number was extremely small.

Draft laws are published in their original form as they were submitted to the National Assembly. However, they are not updated after corrections are made in the course of discussions. The timing of answers to CSOs' questions is usually not violated by state officials, but sometimes violated by local authorities. Announcements of public hearings are often formal and de facto hardly noticeable to the public (especially hearings initiated by local authorities).

---

<sup>45</sup> Notice of the Belarusian Association of Journalists.

There is no special law or special norms on CSOs' access to information. If bills are published, this is often only in the initial version and, until the official publication of the adopted law, the public do not know what form the legislation will ultimately take.<sup>46</sup>

#### Standard IV. Participation in decision-making is distinct from political activities and lobbying.

Restrictions on participation of CSOs in political activities are not clearly defined, except for a ban (according to the Electoral Code) on nominating candidates at elections to the National Assembly and local councils.

The notion of lobbying is not defined in legislation, nor in practice. CSOs which, in the opinion of the state, are connected with the political opposition to the current authorities are restricted in practice on their access to decision-making. There are significantly fewer possibilities for public participation at the local level, as the existing legislative norms on public discussions of draft legal acts mostly relate to national level acts (laws, edicts, decrees and government regulations) and not to acts of local authorities.

It is common practice for state-funded CSOs that support the government to be invited to participate in consultations as the only possible representation of public opinion.

In general, GONGOs enjoy freedom in their political activities and do not distinguish these from their usual social activities. Independent CSOs, on the contrary, stay away from any connections with political actors, and especially with the political opposition, as this can lead to both forced liquidation and repression against CSO leaders (including criminal prosecution and long terms of imprisonment).

#### Specific recommendations under Area 5:

- Extend approaches, regulations and practice applied to participation of CSOs in decision-making on development of draft normative acts to the level of local authorities;
- Make all organisational and legal forms of CSO equal in their participation in decision-making, using the term 'non-commercial organisations' instead of 'public associations' in the respective legislation;
- Establish a practice whereby all affected CSOs are invited to consultations on draft legislative acts, instead of the practice of state bodies deciding to invite only certain CSOs;

<sup>46</sup> *Ekonomicheskaya Gazeta*. 4 January 2022. 'Tax uncertainty. Changes in the Tax Code have not been published and probably have not been signed' (in Russian - *Налоговая неопределенность. Изменения в НК не опубликованы и, вероятно, не подписаны*), <https://neg.by/novosti/otkrytyj/izmeneniya-v-nk-ne-opublikovany/>.

- Publish annual plans (lists) for government and presidential legislative activity on the development not only of draft laws, but also of draft presidential legal acts;
- Extend the list of normative legal acts which are subject to public discussions, making it obligatory to also bring up drafts affecting civil rights and freedoms for public discussion;
- Publish actual draft laws online in a constantly-updated form in accordance with the stages of the current legislative process of that draft law;
- Publish drafts of presidential decrees and edicts during the drafting of such acts;
- Restore the registration of CSOs that were forcibly liquidated during 2020-2022, including those dissolved by the courts or local administrations' decisions;
- Establish in law a mechanism for the consideration and harmonisation of the opinions of the involved stakeholders which had been submitted by them in the framework of public discussions of draft regulatory and legal acts;
- Develop the Law 'On public participation in decision-making' in consultation with CSOs, focus on expanding the opportunities for citizen and CSO participation, and not on introducing restrictions; and
- Enshrine in legislation the obligation to introduce draft laws to parliament, adopt laws, governmental orders, decrees and edicts of the president in both state languages – Russian and Belarusian.

## 3.6 Freedom of Expression

Overall score per area: **1.9/7**

Legislation: <b>2.4 / 7</b>	Practice: <b>1.3 / 7</b>
-----------------------------	--------------------------

Freedom of expression has remained almost unavailable to both citizens and CSOs inside Belarus, evident in the decline in the score in this area. In particular, this relates to the possibilities to freely speak out on the internet and on social networks, which is now severely punished. The vast majority of CSOs inside the country have stuck to the tactics of anonymising and concealing information about their own activities, fearing negative attention from repressive bodies (in many cases, reasonably). The space for independence has further shrunk due to the arrests and criminal prosecution of editors and journalists, and the classification of media, their editorial staff and subscribers of their Telegram channels as 'extremist formations', which entails criminal liability. Hundreds of information resources have been recognised by courts as extremist materials, which has entailed administrative liability for their publication, even on private pages and in private correspondence. In 2022, freedom of expression in Belarus was destroyed not only in the media, but freedom of communication between individuals was also attacked, as were distribution channels of information (online, social networks and messengers, especially

Telegram) and their audience. In general, practical restrictions on freedom of expression have gone beyond the scope of prosecution of public dissemination of opinions (prosecution of media and journalists) to the private sphere (prosecution for talks in private correspondence, at work, on public transport, subscriptions to banned media, having forbidden information on a smartphone, having forbidden books at home). Consequently, the vast majority of independent media outlets were forced to take a decision on relocation and continuation of their activities from abroad (in accordance with the latest legislative amendments, they are subjects to criminal prosecution in absentia, deprivation of citizenship, while their audience and journalists, or simply interviewed experts inside the country, are subjects to persecution). Many websites and electronic media are blocked, and private reposting of their news is punishable with severe arrests and fines.

In the practice of recognising groups of citizens as extremist formations, it should be emphasised that it is media structures (media outlets, blogs, communities on social networks) that are primarily included in the list of extremist formations by the state authorities.

The war in Ukraine has become a significant factor distorting the media field. The dominant state-run media has clearly taken the stance of propagandistic support for the Russian interpretation of the military conflict. Thus, in 2022, the information war has entered a new phase, and the Belarusian authorities continued cleansing the media field, using the controlled media as a tool of propaganda and manipulation.

#### **Standard I. Everyone has the right to freedom of opinion and expression.**

Freedom of opinion and expression is stipulated by legislation and the Constitution. But in practice, in 2022, individuals have generally not been able to engage in public discussions without fear of retribution, repression and criminal prosecution. In Belarus, the space for free political discussion is strictly limited both in law and in practice and any alternative civil expression is under pressure both online or offline, for citizens, CSOs, political parties, media and social networks, including direct criminal prosecution of free voices. Cases are frequently reported in which information viewed as critical towards the governing authorities has been prevented from being spread, or has become subject to criminal investigation.

Hate speech against specific groups, such as the political opposition, LGBTQ+ persons, human rights activists, CSOs or protesters is widespread among the state media and state-supported bloggers, particularly speech justifying new arrests, torture and other repression against these groups or individuals. The authorities misuse the legislation against radicalism, extremism and hate speech to restrict freedom of expression, including bans on publications. Direct violence from state agencies against journalists and bloggers has been reported in Belarus throughout the whole of 2022.

More than 5,000 'extremist crimes' in the first eleven months of 2022 were reported by the Prosecutor General's Office.<sup>34</sup> At the same time, 76 per cent of these related to statements on the internet in the form of 'word crimes' - slandering the president, insulting the president, discrediting Belarus, inciting hatred, or insulting a government official. As a separate group, over one hundred persons were convicted under criminal charges for comments on the internet related to the shootout in



September 2021, when a KGB RB officer was shot dead by a resisting citizen (Russian journalist Henadz Mazheika, who wrote about this incident, was also arrested and convicted of inciting hatred).

In addition, a number of journalists were added to the blacklist by the KGB RB as persons 'involved in terrorist activities' (both before and after the trials on their cases).

In 2022, the BelBusinessChannel TV channel stopped broadcasting without explaining the reasons. It was the only business TV channel in Belarus built on rebroadcasting the Russian RBC TV channel's programmes and filming its own programmes on Belarusian topics. The regional newspaper *UzHorak* and the oldest newspaper in Belarus *Belarusy i Rynak* stopped circulating. In the case of *UzHorak*, the reasons were not publicly explained and *Belarusy i Rynak* was shut down in accordance with an order of the Minister of Information.

In March 2022, the Ministry of Information issued warnings to two popular Belarusian radio stations - Radio Rocks-M and Radio BA - due to 'dissemination of materials that do not belong to the topics of the specialisation indicated in the radio programme registration documents'. There has been at least one recorded case in which a Belarusian CSO website received a warning from the Russian internet regulatory authority for using the word 'war' when referring to the invasion into Ukraine.<sup>47</sup> The news website *Blizko.by* was temporarily blocked following a decision of the Ministry of Information, as well as the website of the magazine *ARCHE* and a number of others. In some cases, unblocking of a website was possible only after the removal of the links to extremist materials, but in other cases, even fulfilment of this requirement was insufficient for unblocking. After the content from the list of extremist materials is removed from the site and it is unblocked, a new decision on blocking may soon follow, this time due to new allegations.

At least three employees of the state-run media were dismissed for making statements, which the authorities considered to be a display of disloyalty, and other employees were subject to penalties. Almost all major independent media outlets continued functioning from abroad, while some editorial offices underwent a second relocation after the outbreak of the war in Ukraine.

The conducting of opinion polls on social and political topics (even if they are not related to elections) requires special accreditation from the agency under the Academy of Sciences. There is a ban on publishing results of such opinion polls conducted without accreditation, violation of which is punished with a fine. Production of printed materials is subject to licensing and the distribution of books is allowed only after accreditation from the Ministry of Information.

---

<sup>47</sup> The website of the network of Belarusian environmental CSOs 'Green Portal', <https://greenbelarus.info/articles/31-03-2022/zelyonny-portal-poluchil-pismo-schastya-ot-roskomnadzora>.



In practice, total censorship is practiced in Belarus to prevent statements directed against the ruling regime, for example, even in theatres. According to Article 38 of the Law 'On Mass Media', it is forbidden in Belarus to spread information either in the media or online on behalf of organisations that do not have state registration.

## **Standard II. The state facilitates and protects freedom of opinion and expression.**

Almost all TV channels are owned by the state, which also owns major public and political newspapers and subsidises them directly from the state budget. The media market is de facto monopolised by the state. All media must be registered with the Ministry of Information and the work of foreign media and journalists is subject to accreditation. The authorities often refuse registration or accreditation to unwanted media.

Media diversity in Belarus is at a critical level and the conditions for the media have become even worse in 2022. According to the Center for New Ideas, in 2022, 'The media in Belarus have almost no opportunity to conduct their own independent information policy.'<sup>48</sup>

The legislation provides for a wide range of forms and grounds for restrictions on the imparting of opinions through criminal prosecution, restrictions on the media, control over the internet (in respect of both Belarusian and foreign websites), as well as restrictions on imparting of materials and 'propagandising extremist activity'. The terminology used in the legislation is often vague and allows divergent interpretations. Together with the ample powers of the Ministry of Information (on blocking of internet resources in circumvention of courts and initiating bans of newspapers through courts), the powers accorded to intelligence agencies, border guards and law enforcement agencies have created conditions in which the state has extremely broad and disproportionate opportunities to block the dissemination of information which the government considers unwanted.

According to unofficial data from the Prosecutor General's Office, over the past year, the content of almost 1,500 internet resources was declared 'extremist material' by court decisions, and more than a hundred media outlets and blogs (as well as communities in social networks) became 'extremist formations' following decisions by the KGB RB and the Ministry of Internal Affairs.

### **Dynamics of court decisions on the recognition of information materials as 'extremist'** (According to the Ministry of Information's official Index of Extremist Materials)

Table 3: Court decisions declaring materials 'extremist'\*

---

<sup>48</sup> <https://newbelarus.vision/index-resilience-2022/>.

Year	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Number of court decisions declaring materials 'extremist'	2	1	0	1	0	1	2	13	38	37	39	22	19	426	<b>637</b>

\* One court decision may contain from one to several dozen information objects being declared extremist materials. These can be both physical objects and files (flags, patches, badges, the contents of private postal items), books, pages on social networks, YouTube videos or channels, newspaper issues, images, symbols, or even songs.

The official list of extremist materials compiled in accordance with court decisions is available online. As of 1 January 2023, the list comprised 482 pages, 180 of which (or 40 per cent of the total volume) were decisions made in 2022.

According to national human rights CSOs, due to the overly-broad interpretation of the concepts of 'extremism' and the arbitrary expansion of the concept of 'terrorism', the arbitrary application of anti-extremist legislation and the disregard for international standards (in particular, soft law rules on freedom of expression), in 2022 Belarus widely applies repressive practices of suppressing expression of opinions and persecuting opponents of the authorities. They are used as part of the total suppression of dissent in society, in an atmosphere of instilling terror in all spheres of social relations. On the one hand, any independent information related to a wide range of issues is banned, from the socio-political sphere to culture and Belarusian-language content. On the other hand, violations of prohibitions entail persecution in a variety of forms: cruel treatment and torture, fines, confiscation of property, administrative imprisonment and criminal prosecution, forced psychiatric treatment, and threats of deprivation of citizenship. Much of this arbitrary repression was made possible by the absence of an independent judiciary and the involvement of the judiciary in punitive practices.<sup>49</sup> Whistle-blowers are not protected by law and are widely prosecuted in practice.

During 2022, several dozen journalists, bloggers, and media workers were arrested, searched, and prosecuted. As the Belarusian Association of Journalists reported, in 2022, 17 sentences were passed in criminal cases against journalists and media

<sup>49</sup> Viasna Human Rights Center. 2023. 'Restrictions on freedom of expression under the pretext of combating extremism and terrorism'.

workers, ranging from 1-14 years of imprisonment. Journalist Katsiaryna Andreyeva, sentenced to two years of imprisonment in 2020, was also found guilty of 'high treason' (Article 356 of the Criminal Code) shortly before the end of her imprisonment term and was for the second time sentenced to imprisonment, this time for eight years (with regard to the previous sentence). Another 11 new criminal cases against media workers were initiated, but, as of the end of 2022, these have not yet been examined by the courts.

The law enforcement agencies continued putting pressure on independent representatives of the press. In 2022, human rights defenders registered 43 cases of detentions of journalists and 55 searches. There were 20 cases of journalists being subjected to administrative arrests for up to 15 days, and four cases of journalists being sentenced to fines. In addition, representatives of law enforcement agencies summoned journalists for questioning, visited relatives and searched journalists' homes, including those who had left Belarus.

The non-judiciary blocking of websites, bans on websites and pages in social networks and on Telegram messenger that are recognised as extremist, putting obstacles in the way of the publishing and distribution of newspapers, criminal prosecution (including imprisonment) of journalists and bloggers, beatings of journalists by law enforcement, as well as threats to media editorial staff with demands to close their media, are all used as restrictions on freedom of speech.

Many media and associated individuals in Belarus have been punished with significant fines or arrests of up to 15 days for possession and distribution of materials recognised as extremist on their personal smartphones and social networks (for example, for reposting publications on social networks of pictures containing the logos of the most popular websites recognised as extremist).

The intimidation of media personnel continues in Belarus. Thirty-three journalists had been in prison by the end of the year, including representatives of the foreign-based media. In general, despite the release of some of the prominent journalists due to the expiration of their sentences, because of new arrests and new sentences, the total number of journalists in prison remained approximately the same as in 2021.

As in previous years, anti-extremist legislation has been a weapon in the fight against the independent press, primarily as a basis for restricting access to the content of independent media and initiating prosecutions for any participation in their activities. Thus, the first criminal case under the new 'extremist' Article 130<sup>2</sup> of the Criminal Code (denial of the genocide of the Belarusian people) was initiated in connection with publications in independent media – *Flagstock* and *Zerkalo*. Military expert Yahor Lebiadok was charged with promoting extremist activities under Article 361<sup>4</sup> of the Criminal Code for his comments to Euroradio (declared an 'extremist formation' after this interview). More generally, criminal prosecution for interviews,

filming and comments to 'extremist media', treated as extremists formations, has become a common practice.<sup>50</sup>

In Belarus, criminal liability for insult or defamation of officials or the president remains and is applied in practice in many cases. Hundreds of people are in prison in Belarus after being charged for critical comments on the internet under the pretence of insulting law enforcement, state officials, the president or incitement of social hatred against the social group 'law enforcement officers'. Besides the flagrant deterioration of the situation in Belarus, there are individuals reported as being imprisoned for insult or libel against the president, judges, state authorities, or for 'discrediting of the republic' on social media or on Wikipedia.

A non-party, but rigid 'ideological vertical' has been built in the country. There is a 'deputy head on ideology' posted in every state organisation, enterprise, school and university, whose task is to propagandise ideas of unquestioning support for the current president's course, the organisation of elections and discrediting of opponents to the regime, as well as the persecution of dissidents at their working places. Loyalty checks at places of employment are carried out in respect of both state officials and employees of state-owned enterprises (the dismissal of people with the 'wrong' views is common). Enshrining the state ideology as a phenomenon in the Constitution was one of the elements of the constitutional reform of February 2022. Later in 2022, a trend to deny freedom of opinion and a statement on the need to adhere to the state ideology was consolidated in the dominant state discourse.

Overall, the Belarusian authorities have pursued a deliberate policy of discrediting CSOs in the media. For example, the newspaper of the presidential administration *Belarus Segodnya* published a number of articles aimed at discrediting CSOs. There has also been a constant discrediting of CSOs through official statements at various levels.

### Specific recommendations under Area 6:

- The release of all individuals recognised as political prisoners, including journalists, bloggers and people sentenced to prison for defamatory articles of the Criminal Code, the review and lifting of all sentences imposed on them and pending decisions on their liability, to pay adequate compensation to all political prisoners, to stop all politically-motivated criminal cases;
- Make laws and the practice of state regulation of freedom of speech congruent with human rights standards, including the UN Human Rights Committee's General Comment No. 34 on Article 19 of the ICCPR (2011), so that

---

<sup>50</sup> On 29 August 2022, the Investigative Committee detained journalist Ivan Murauyou. He was charged under part 3 of Article 361<sup>1</sup> of the Criminal Code ('Participation in an extremist formation'). On 26 December 2022, the City Court of Minsk sentenced Murauyou to two and a half years of imprisonment in a general regime penal colony. According to the Belarusian Association of Journalists, the case file was only two volumes with one 'criminal' episode. The charges relate to video filming for the investigation broadcasted by the Belsat TV channel in July 2022.

restrictions do not make exercise of the right to freedom of expression impossible for citizens (including foreign and underage ones) and CSOs;

- To abolish the Law 'On Countering Extremism' and all by-laws adopted under it, including the Index of Extremist Formations;
- Abolish the 'ideological vertical' as contradicting the Constitution and human rights principles;
- Carry out the de-monopolisation of electronic media and the privatisation of printed media;
- Funding of media from the state budget should be allocated through a transparent and open competition;
- State TV channels should become public service television, in respect of which a special law should be adopted;
- Exclude liability for defamation (Article 188), defamation of the president (Article 367), insult of the president (Article 368), insult of a state official (Article 369), discrediting the Republic of Belarus (Article 369<sup>4</sup>), public calls for organising or holding illegal assemblies, rallies, street marches, demonstrations or picketing, or involving persons in participating in such mass events (Article 369<sup>3</sup>) and calls for restrictive measures (i.e., sanctions) and other actions aimed at harming the national security of the Republic of Belarus (Article 361) from the Criminal Code;
- The system of website blocking and termination of newspaper publishing should be reformed and under the sole jurisdiction of the courts;
- The system of printed media registration should be notification-based; and
- Abolish obligatory accreditation of pollsters for conducting opinion polls.

## 3.7 Right to Privacy

Overall score per area: **2.5/7**

Legislation: **3.4 / 7** | Practice: **1.6/7**

The protection of personal data has continued to worsen in this area despite implementation of the practices in accordance with the Law 'On Personal Data Protection'. The Law contains positive norms, but at the practical level, citizens remain defenceless against intrusion into their personal lives by law enforcement or state propagandists. Political prosecution bodies not only broadly broadcast footage of secret video surveillance, but also practice mass 'confessions' in front of a video camera by those arrested, including those who have been tortured. Compulsory outings of LGBTQ+ persons are practiced under the threat of torture. Refusals to provide access to private correspondence or a smartphone are interpreted as disobeying law enforcement and in practice are often punished with arrests.

### Standard I. Everyone enjoys the right to privacy and data protection.

The Constitution guarantees the right to privacy, secrecy of correspondence and other messages and legislation provides for the protection of personal data. The right to privacy is in practice not protected from interference and unlawful restrictions by the state authorities.

Torture with the aim of obtaining a password for a smartphone or a chat group and examination of smartphones during arrests and detentions is broadly used. The presence of opposition websites or channels in the Telegram messenger application being among a person's viewed data resources can become grounds for arrest and violence and for criminal prosecution. Seizure of all data storage and communication devices is broadly used during both searches in homes and during arrests. Typically, smartphones and laptops are rarely returned to their owners.

In the context of the investigation of politically-motivated criminal cases, the authorities hunt out protest coordinators, forcibly de-anonymising and arresting the administrators of local protest chats and Telegram channels. This includes identification of administrators who work from abroad. In some cases, such persons have been arrested upon their return to the country (in at least a few cases, such arrests were the result of 'luring' a person into Belarus). The personal data of arrested persons and those accused in political cases, as well as information about the administrators and subscribers of opposition and protest Telegram channels, are regularly published in state media. The preliminary disclosure of details of criminal cases in an accusatory and biased manner is widely practiced by the state media.

The Ministry of Internal Affairs has created a unified database of participants in unauthorised demonstrations on the basis of resolutions aimed at bringing participants to administrative and criminal justice (known as the *BESporiadki* database). This system can automatically prepare reports on 'rioters'. On the basis of the database, it is possible to decide the question of 'response measures' in relation to both a specific person and a group united by one or more criteria (including preventive arrests, special controls on the border or in the working place, tax inspections, etc).

The legislation on personal data protection was adopted in 2021 in the form of the separate Law 'On Personal Data Protection'. In practice, however, this protection is effective only against interference by third parties, but not against interference by the state. For example, operational footage shot by hidden cameras in the offices of CSOs featured in numerous criminal cases, including the criminal case against the leaders of the Viasna Human Rights Center. State agencies use the received data for criminal prosecution and smear campaigns in the state media and to stigmatise human rights



defenders, CSO activists, trade unionists, journalists and other individuals unsatisfied with the authorities' policies. In the spring of 2022, footage by hidden cameras from the offices of independent trade unions was a component of the information support campaign for the liquidation of all independent trade unions in the country carried out by the authorities. Forced outings of LGBTQ+ persons in custody is a shameful new practice of the Ministry of Internal Affairs.

The Code on Administrative Offences provides for responsibility for violation of the personal data protection legislation (Article 23.7). Article 203<sup>1</sup> of the Criminal Code ('unlawful acts in connection with information on private life and personal data') covers the 'intentional illegal collection, provision of information about the private life and/or personal data of another person without his consent, which caused substantial harm to the rights, freedoms and legitimate interests of citizens.'

The legal requirements for CSO personal data protection activities are disproportionate and not justified by legitimate interests. CSOs themselves are unprotected from violations of privacy from the state.

Regarding the documents to be submitted for registration of public associations and foundations, the law requires that personal information (including a list of all the founders) be provided. In practice, this information is passed on to other state agencies for additional approval or examination, which in some cases leads to pressure on CSO members. The Ministry of Justice has the right to request any information from public associations, including lists of members.

## **Standard II. The state protects the right to privacy of CSOs and associated individuals.**

Despite the fact that the legislation requires the obligatory sanction of a prosecutor for searches, law enforcement officers arbitrarily intrude into CSOs' offices and the residences of their leaders to carry out arrests, searches and the seizure of equipment.

In accordance with the Law 'On measures to prevent the legalisation of criminally-obtained income, financing of terrorist activity and the financing of proliferation of weapons of mass destruction', public associations and foundations are required to publish extensive reports about their activities, income and expenses. With regard to the 2021 annual reports which were to be filed and published by March 2022, the requirement was introduced to include data about foreign and domestic donors with an indication of the amounts of support, about the aims of CSO events, about bloggers and journalists who attended CSO events, and also about social networks of organisations in the information about CSOs (the volume and specific content of the required information is not specified, which leaves room for discrepancy in its interpretation).



At the same time, in 2022, the disclosure, collection and dissemination of the personal data of law enforcement officers, judges, and officials often became the main charges in high-profile political criminal cases, including under Article 203<sup>1</sup> of the Criminal Code ('illegal actions with respect to information about private life and personal data'). The case of the so-called 'Black Book of Belarus' was the most prominent among them.

### Specific recommendations under Area 7:

- Establish an independent authority on the protection of rights of personal data subjects;
- Establish sanctions for unlawful acts relating to the collection, processing, provision and imparting of personal data that are appropriate and connected with the real threats from the state, also introducing specific norms of liability for state agencies' officials;
- Ensure sufficient guarantees that the legislation on protection of personal data will not be used to restrict the activities of journalists and CSOs, but is aimed at the protection of public interests;
- Stop publishing data on private life that has come to the knowledge of government agencies as part of programmes to discredit and stigmatise individuals, especially CSO leaders and activists;
- To close and destroy the Ministry of Internal Affairs' unified database of participants in unauthorised demonstrations (also known as the *BESporiadki* database) and its equivalents; and
- Put an end to non-selective electronic surveillance of citizens, including the interception of CSOs' phone calls and the monitoring of their internet communications without court orders.

## 3.8 State Duty to Protect

Overall score per area: **1.9/7**

Legislation: **2.5/7**

Practice: **1.2/7**

The scoring in this area has deteriorated because the state has again failed to protect and continued to suppress CSOs. The state does not protect CSOs and their activists from involuntary dissolution by decisions of state bodies, from repression, from defamatory attacks via propaganda or from the intrusion of state bodies into the internal affairs of CSOs and people's private lives. Laws against extremism have become one of the important prosecution mechanisms used against both CSO activists and any other people who disagree with the policies of the authorities. AML/CTF norms have become grounds for the liquidation of CSOs and for the blocking of activists' and politicians' bank accounts.

## Standard I. The state protects CSOs and individuals associated with CSOs from interference and attacks.

According to the law ‘On Public Associations’, the state guarantees protection of public associations’ rights and legitimate interests and interference by the state into the activities of public associations is forbidden.<sup>51</sup> In practice, however, this protection is not implemented.

Courts do not serve as a means to restore violated rights. Killings and tortures remain unpunished, while the use of hate speech and incitement to violence, including the justification of torture, are widely broadcast by state media.

The courts deliver judgments on cases on administrative offences via Skype, examination of a case can take only several minutes and almost always culminates in a guilty verdict. In the case of the mass arrest of hundreds of protesters (for example, protests in February 2022 against Belarus being drawn into the war in Ukraine), the courts work in a ‘conveyor-belt’ mode.

The Law ‘On the Bar and Lawyers’ activities in the Republic of Belarus’ gives the Ministry of Justice control over lawyers and has created preferential conditions for former legal employees of the Ministry of Internal Affairs to obtain the status of lawyer.

The right to unimpeded access to lawyers is still being violated. Lawyers are deprived of the opportunity to perform their duties in an environment of freedom and absence of pressure. Seventy-four attorneys were brought before disciplinary proceedings during 2022 (versus 48 in 2021 and 21 in 2020). During 2022, 58 lawyers were convicted or arbitrarily expelled from the legal profession. The actual grounds for this were their public and political views and activities, the exercise of rights and freedoms, including by involvement in politically-motivated cases. At the end of 2022, according to the register of lawyers on the Ministry of Justice website, 1,697 lawyers remained in the legal profession, while at the beginning of 2022, according to the same Ministry, there were 1,868 lawyers (i.e. a decrease of 181 lawyers).<sup>52</sup> By contrast, at the beginning of 2020, there were more than 2,200 lawyers at the Belarusian Bar. Thus, over three years, the number of lawyers in Belarus, already originally very small, has decreased by a quarter (this is also due to the elimination of the institution of private law offices as a special form of CSO, meaning that many lawyers have become ‘legal professionals in economic cases’ who have no right to defend individuals and are not included in the figures).

---

<sup>51</sup> Article 6 of the Law ‘On Public Associations’ of 4 October 1994, with subsequent amendments.

<sup>52</sup> ‘Right to Defense: 2022 Summary’ and ‘The Crisis of the Legal Profession in Belarus: How to Return the Right to Defense’, [https://www.defenders.by/recap\\_2023\\_eng](https://www.defenders.by/recap_2023_eng).

Self-government bodies joined the authorities in the campaign to persecute lawyers. The dependence of the Belarusian Bar on the executive branch in various aspects of its activities has become even stronger, and total control over lawyers' self-governing bodies has reached a new level, depriving the Bar of what remained of its independence and self-government.

Politicians and government officials engage in hate speech towards human rights CSOs, opposition groups, independent trade unions and CSOs receiving foreign funding. There is no mechanism for ensuring execution of decisions of international human rights bodies, in particular, those adopted by the UN Human Rights Committee in respect of Belarus on the basis of facts of violation of the right to association through liquidation of public associations or refusals to register them.

As noted previously, on 18 July 2022, Belarus withdrew from the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention). This deprived citizens of an additional opportunity to protect their environmental rights (by filing a complaint with the Aarhus Convention Compliance Committee and Special Rapporteur on Environmental Defenders, including on cases of harassment against environmental activists).

In August 2022, information appeared about the preparation for consideration in the first reading of the draft Law 'On the denunciation by the Republic of Belarus of the Optional Protocol to the International Covenant on Civil and Political Rights' (adopted 27 October 2022). The draft Law provides for the termination of Belarus' participation in the Optional Protocol to the ICCPR which establishes a mechanism for filing and considering complaints of individuals about violations of their rights in the UN Human Rights Committee. On 8 November, the UN Secretary General registered a note on Belarus' denunciation of the Optional Protocol. The last day for filing complaints to the UN Human Rights Committee on Belarusian cases is 8 February 2023.

**Standard II. Measures used to fight extremism, terrorism, money laundering or corruption are targeted and proportionate, in line with the risk-based approach, and respect human rights standards on association, assembly, and expression.**

The abuse of anti-terrorism and anti-extremism legislation continues to be a deliberate policy of the current government. This is evident in all of the areas covered by this report.

Legislation on extremism is still used both to justify blocking sites on the internet and to bring political opponents of the Government to criminal liability. In general, the legislation and practice of 'countering extremism' in 2022 is still very similar to the Russian model. But only in Belarus does the concept of 'extremism' even extend to

‘illegal’ mass events; spreading ‘knowingly false information’ about the situation in Belarus; insulting representatives of the authorities; and ‘discrediting’ state authorities. The ‘facilitation’ and ‘training’ of extremism and its ‘public justification’ are also criminalised. Groups of citizens are recognised as ‘extremist formations’ without trial.<sup>53</sup> ‘Extremist symbols’ include images of people previously convicted of extremism, as well as numerous media logos and watermarks. During 2022, anti-war slogans, web publications and posts on private social networks, and graffiti protesting the Russian invasion of Ukraine (including explicit pacifist statements) have also been interpreted by law enforcement as punishable extremist or hate speech.<sup>54</sup> Even clearly peaceful expressions of protest against the war, such as displaying Ukrainian flags, can lead to reprisals and imprisonment for extremist activities or activities of extremist formations.<sup>55</sup>

In this regard, human rights CSOs have stated their assessment that:

the Belarusian Government’s goals stand in stark contrast to those pursued by international organisations fighting terrorism and its basis — violent extremism. It is a fight against dissent and protests, as well as the brutal suppression of actions that have signs of offences, but committed with the aim of expressing a socio-political position, counteracting the strengthening of the potential of illegitimate authorities in the absence of opportunities for expressing opinions in another way. Manifestations of anti-war sentiment after the start of Russia’s full-scale aggression against Ukraine are yet another target of reprisals.<sup>56</sup>

The broad and vague definition of an ‘extremist organisation’ that was introduced in Belarus in 2021, was used in practice in 2022. Belarusian laws on combating extremism contain vague wording, allowing for broad interpretations, which creates possibilities for misuse of extremism charges, especially in relation to charges related to online publications. Extremist organisations include not only those that carry out extremist activities or fund them, but also those providing other assistance to extremist activities, or recognising the possibility to conduct extremist activities. If an organisation registered in Belarus is recognised as being ‘extremist’, its activity in the territory of the Republic of Belarus is prohibited and it must be liquidated on the basis of a court decision. A decision on designation as an extremist organisation can be taken by the Supreme Court upon the application of the Prosecutor General, the regional courts, and the court of the City of Minsk upon appeal from relevant prosecutors. The organisation’s property may be seized and the law prohibits the use

---

<sup>53</sup> Human Constanta, Viasna Human Rights Center, Belarusian Association of Journalists and SOVA Center for Information and Analysis (2022), ‘How ‘extremism’ violates human rights in Belarus: main theses from human rights organisations’.

<sup>54</sup> Беларусь весь год выступали против войны в Украине, а их за это преследовали – February 2023, Mediazona

<sup>55</sup> See the Lesia Ukrainka Street case: Human Rights Center “Viasna”

<sup>56</sup> Viasna Human Rights Center. ‘Restrictions on freedom of expression under the pretext of combating extremism and terrorism’.

of symbols and attributes of such an organisation. Article 423<sup>1</sup>, providing for punishment of up to three years' imprisonment for non-execution of a court decision on recognising an organisation as extremist, was included in the Criminal Code of the Republic of Belarus. In 2022, the Supreme Court of Belarus passed judgments declaring two informal foreign-based Belarusian organisations as terrorist organisations.

In 2021, the law also introduced the term 'extremist formation' and this has been applied in 2022 against CSOs. Its most important difference from the term 'extremist organisation' is that an extremist formation can be non-registered and can be recognised as extremist extrajudicially, by the Ministry of Internal Affairs or the KGB RB. As of the end of 2022, over a hundred 'extremist formations' were included in the list, including the quite well known, already liquidated CSO Ecohome and the REP trade union (however, media, Telegram channels, and informal communities in social networks make up the bulk of 'extremist formations'). The mechanism for appealing the Ministry of Internal Affairs' and the KGB RB's decisions on inclusion in the list is spelled out vaguely and organisations (such as Ecohome) have difficulty in appealing such decisions, also due to difficulties in accessing legal assistance.

Legislation on extremism is used both to justify blocking sites on the internet and to bring political opponents of the Government to criminal liability. The same applies to AML/CTF regulations, which were also unreasonably used to introduce financial reporting for CSOs. AML/CTF measures apply to all CSOs of two legal forms, public associations and foundations, regardless of the level of risk posed. The measures are not in line with the FATF risk-based approach and are not based on the official risk assessment.

The Belarusian Law 'On measures to prevent legalisation of criminally-obtained income, the financing of terrorist activity and the financing of proliferation of weapons of mass destruction' obliges banks to verify whether CSOs' financial transactions correspond with their statutory objectives. In accordance with the new edition of the abovementioned Law, starting in 2022, public associations and foundations are required to publish extensive reports about their activities over the preceding year and their income and expenses (some CSOs faced forced liquidations for technical errors while publishing these reports; in other cases the government groundlessly disclosed the personal data of CSOs' board members). In general, misuse of standards in the AML/CTF and anti-corruption fields for non-proportional restrictions on CSOs is still common in Belarus. The regulations on the reporting system for CSOs are excessive and non-proportional.

The authorities use anti-terrorist justifications as a pretext for their attempts to silence civil society, including through criminal prosecutions. At the same time, procedural guarantees for detainees and suspects in criminal proceedings are

significantly reduced. Pre-trial detention is used very frequently (almost always in politically-motivated cases) and it can extend over years and be based only on the gravity of the crime. The use of bail, house arrest, and other pre-trial measures is rare. Additional charges are often used for new crimes when a person is already in prison (in which case the pre-trial detention period begins again). As a result, for example, the manager of the largest national crowdfunding platform *MolaMola*, Eduard Babaryka, was imprisoned on criminal charges of tax evasion spending 2.5 years months in custody without trial.

During 2022, the Government announced that it would conduct a risk assessment of NCOs' involvement in money laundering and terrorist financing activities. The announcement was made at a training session held by the Moscow-based International Training and Methodology Centre for Financial Monitoring, where representatives of governmental agencies, financial monitoring bodies, member states of the Council of Heads of Financial Intelligence Units of the CIS Member States (Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan and Uzbekistan) and NCO representatives took part. Importantly, the new risk assessment in Belarus will be conducted when Russia and the Commonwealth of Independent States (CIS) consider similar strategies. The subsequent report will therefore presumably not be included in the regular cycle of AML/CTF risk assessment in accordance with the FATF methodology.

According to the State Control Committee, the main objective of the new assessment of the NCO sector is to identify NCO forms with low, medium and high risk of involvement in money laundering and terrorism financing activities. Based on this, the state will focus its control on forms, which are identified as high or medium risk. The assessment will allow the state to determine further regulations on the NCO sector and prevent involvement of these organisations in financing terrorism and other unlawful activities. As reported, the risk assessment will be conducted with the participation of governmental agencies and representatives of NCOs, and will include trainings.

### Specific recommendations under Area 8:

- Introduce the possibility for CSOs to appeal against any action of state bodies in court, which, in their opinion, violates their rights or the rights of their members;
- Release all individuals recognised as political prisoners, the review and lifting of all sentences imposed on them and pending decisions on their liability, the payment of adequate compensation to all political prisoners, to stop all politically-motivated criminal cases;
- To abolish the Law 'On Countering Extremism' and all by-laws adopted under it, including the Index of Extremist Formations;



- Prosecute persons who have committed targeted and politically-motivated actions to eliminate freedom of association under Article 194 of the Criminal Code ('the obstruction of the lawful activities of public associations'); and
- Introduce the risk-based approach to the legislation on AML/CTF, which takes into account actual non-involvement of CSOs in money laundering and terrorism funding activities, as well as stop assessment of CSOs' financial transactions' compliance with their charters as a criterion for relating financial transactions to those requiring special control.

## 3.9 State Support

Overall score per area: **2.4/7**

Legislation: <b>2.8 / 7</b>	Practice: <b>1.9/7</b>
-----------------------------	------------------------

State support for CSOs has been underdeveloped and the scores in this area for law and for practice remain the same as in 2021. At the same time, in 2022, some mechanisms for state support to CSOs on a competitive basis were developed and partially introduced into legislation. It is noteworthy that these mechanisms will already be available in 2023 to both registered CSOs and informal initiatives. Some of these mechanisms were tested in 2022.

### **Standard I. There are a number of different and effective mechanisms for financial and in-kind state support to CSOs**

The mechanisms for state support to CSOs in Belarus are underdeveloped. However, some positive legislative changes appeared in this area in 2022. Draft laws introducing procedures for the competitive distribution of budget funds among CSOs and informal initiatives were developed.

In 2022, legislation and practice provide for two main forms of state financial support to CSOs: direct funding of certain CSOs from the state or local budgets on a non-competitive basis and social contracting. There is also a special procedure for attracting funding stipulated for sporting organisations (including the appointing of certain enterprises to fund certain clubs).

In general, only a narrow and non-changing circle of CSOs receive state support. In-kind support in the form of reduced rental fees when renting state-owned premises is provided to CSOs that are included in the special list approved by the Government.



Besides social contracting, contracting of CSOs is not widespread and tender conditions for state procurement are usually formulated in such a way that they are unfavourable for CSO participation.

The authorities have developed a positive draft law on volunteering that takes into account the recommendations and references of CSOs, but this draft law has been at the development stage since 2020 without clear progress.

A notable trend in 2022, amid a general repressive practice and the introduction of criminal liability for organising and participating in the activities of unregistered organisations, has been the drafting of a number of laws containing positive regulations. Their incorporation in the legislation has been the result of long-term lobbying by CSOs and, in different circumstances, would have been perceived enthusiastically. A number of such norms are contained in the laws regulating specific CSOs' activities, in particular, environmental CSOs. The regulations also provide for changes in funding of CSOs which are not registered.

On 5 October 2022, 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 transforms approaches to providing support to youth public organisations. 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 BRYU, a public association. 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 for 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 Programme of Socio-Economic Development of Belarus for 2021-2025, approved by 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, the construction (erection, repair, reconstruction, restoration, improvement) of socially-important objects, the general prevention of offences, the prevention of injuries and fatalities, as well as solutions to 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 expenditure 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 subsequent public control over the expenditure, is widespread throughout the world. Therefore, the introduction of the norm on such budgeting into Belarusian legislation can be seen as progressive and is the result of long-term lobbying by CSOs.

In previous years, this mechanism for supporting local initiatives was tested at the regional level at the expense of corporate donors which held similar competitions in cooperation with local councils. In particular, in 2022, the Development Bank allocated 100,000 BYN (about 35,000 EUR) to each region for the support of local initiatives by local councils (at the same time, the general framework conditions for project funding resembled those that are now planned to be enshrined in law and funded by the state). Thus, the introduction of a new mechanism into the law is based on already-proven experience, and the only novelty will be the transition from bank funding of these competitions to funding from the budget (these funds have already been included in the budget for 2023).<sup>57</sup>

#### **Standard II. State support for CSOs is governed by clear and objective criteria and allocated through a transparent and competitive procedure.**

There are no transparent and competitive procedures for provision of state funding to CSOs. The only exception is social contracting. However, social contracting is available to a narrow circle of social CSOs, requires a lot of additional financial contributions from other resources and its application is subject to serious restrictions.

State funding of CSOs is not monitored and the results of the projects and programmes funded by the state are not published. CSOs that receive funds from the state participate in propaganda and agitation campaigns in support of the Government and pro-government policy, including stigmatisation campaigns.

As noted by representatives of youth organisations and initiatives, state financial support to youth projects is not free from political evaluation criteria and is generally under the direct<sup>58</sup> or indirect control of the BRYU.

---

<sup>57</sup> The Law 'On the Republican Budget for 2023' of 30 December 2022.

<sup>58</sup> Examples of competitions of this kind: <https://www.belta.by/society/view/brsm-objavil-o-starte-konkursa-molodezhnyh-initsiativ-467675-2021/>.

### Standard III. CSOs enjoy a favourable tax environment.

Belarusian CSOs do not assess the tax environment as favourable. The only benefit is the exemption of membership fees and internal donations from income tax.

Foreign donations and grants are not automatically tax-exempt. Besides registration of aid, a recipient must undergo a separate procedure for tax exemption and such exemption may be partially or fully refused. CSOs name lack of regulation of the tax status for charitable aid to individuals who receive it from CSOs as an unfavourable measure and, in some cases, tax inspectorates have even demanded that citizens pay tax on such aid. The procedure for obtaining a tax exemption status is not stipulated by law or government regulations. In almost all cases, a CSO must try lobbying an individual political decision by an authority (at the level of a law or a government) to obtain a tax deduction through inclusion in the list for tax exemption (compliance with any list of eligibility criteria is not enough to enjoy the tax deductions). Even when a CSO does not have any financial activity, it must submit nil tax declarations. Any sum received by an individual as a gift, so long as it does not exceed BYN 9,338 (approximately 3,200 EUR in December 2022) per year, is exempt from income tax.

In relation to donations to orphaned children or persons with disabilities, a donation that does not exceed BYN 18,660 (6,400 EUR) per year can be tax-deductible. Public associations are forbidden to directly conduct entrepreneurial activities; they need to establish a separate enterprise to be able to render services and sell goods. In cases of the conduct of entrepreneurial business activities by foundations and institutions, such income is subject to taxation like the income of any company. The law does not specify a special public benefit status, or a notion of social entrepreneurship. Leaders of CSOs who violate rules on foreign aid are charged with tax evasion in accordance with the Criminal Code and are sentenced to imprisonment. People who provided material or legal aid to victims of law enforcement violence after the presidential elections in 2020 faced criminal charges and investigation of their tax affairs.

The Tax Code stipulates preferences for donations to organisations of a certain kind. For instance, a certain amount of money given by donors to religious organisations, social service institutions, and some sports organisations is exempt from income tax. For organisations on the specific list enumerated in the Tax Code, and religious and sports organisations, there is a ceiling of how much tax can be deducted from corporate donations. The deduction cannot exceed 10 per cent of a donor's profit.

Many technical requirements on tax calculations are designed for commercial organisations and the specifics of CSOs are not taken into consideration. For example, when a CSO does not have any financial activity, it must submit nil tax declarations

every month. There are no official legislative definitions of ‘charitable activity,’ ‘charitable (public benefit) organisation,’ or ‘charity.’ The legislation uses different terms, such as donations, gratuitous (sponsor) aid, foreign gratuitous aid, and international technical aid, and sometimes the differences between these are unclear. In practice, this creates significant difficulties in the execution of donations for correct calculation of taxes and for the implementation of bank transactions.

Leaders and employees of CSOs who violate the rules for receipt of foreign aid and receive it into personal accounts or the organisation’s bank accounts abroad are charged with tax evasion in accordance with criminal procedure and are sentenced to imprisonment. There were several such criminal cases in 2022, including against Viasna Human Rights Center that involved dozens of accused and suspected persons. However, during the investigation in the Viasna case, the charges were reformulated and the final charge was brought under the ‘smuggling’ article.

In 2022, the tax authorities and the financial police conducted checks on people who donated money to foreign funds to help victims of political repression in Belarus (especially through crowdfunding platforms). In the process, it has been alleged that some donors were told that if they donated ten times the amount of their original donation to state foundations, this would lead to exemption from possible criminal liability (there is no official confirmation of such deals, although there were a fair amount of reports about its use).

#### **Standard IV. Businesses and individuals enjoy tax benefits for their donations to CSOs.**

The tax system in general does not stimulate businesses or individuals to provide charitable aid and there are no general tax deductions for donors. The legislation applies the mechanism of targeted provision of benefits. Tax deductions are also provided not for meeting certain criteria, but for direct inclusion of a donor or recipient organisation in a certain list.

For example, Article 181 of the Tax Code of the Republic of Belarus directly enumerates 17 CSOs, the provision of sponsorship aid to which Belarusian business entities may enjoy a tax deduction. This list of organisations in the Tax Code is sometimes renewed (five new organisations have been added to it lately), but there is no procedure or criteria for inclusion in this list, except for lobbying the adoption of a separate law on amendments to the Tax Code. Aid to any other CSO can be provided by a business entity only from post-tax profit and does not entail any tax deduction.

Moreover, the fact of sponsorship aid to any other CSO, except for those enumerated in the Tax Code, is sometimes treated by regulatory agencies and tax inspectorates as a potential risk and suspicious operation that requires specific control.

According to the general rules, tax deductions are not provided to corporate donors. In addition, donations from corporate donors cannot be anonymous and should be formalised through a written contract with the recipient.

#### Standard V. Legislation and policies stimulate volunteering

In Belarus, there is no legislation on the encouraging of volunteer activities or any volunteering regulation.

The authorities have developed a positive draft law on volunteering that takes into account the recommendations of CSOs (including references to ECNL in the background paper), but this draft law has been at the development stage since 2020 without clear progress.

Volunteer activists are often seen among political prisoners and those persecuted by the authorities for the mass protests that followed the 2020 presidential elections. For example, on 6 September 2022, Maria ‘Marfa’ Rabkova, coordinator of the volunteer service at Viasna Human Rights Center, was sentenced on 14 years and nine months in prison based on her being accused and convicted of organising mass riots, creating an extremist formation and ten other crimes. Andrei Chapiuk, a volunteer at Viasna Human Rights Center, was sentenced to five years and nine months in prison at the same trial.<sup>59</sup> Lawyers, medics, and other volunteers who assisted individuals leaving prison in 2020 were also targeted during repression in 2022. For example, on 2 July, lawyer Anastasia Lazarenka was arrested for providing legal assistance to participants of mass protests in August 2020. She was accused of organising actions that ‘grossly violate public order’<sup>60</sup> and was later sentenced to six years in prison.<sup>61</sup>

#### Specific recommendations under Area 9:

- Abolish the ban on the activities of public associations without registration, set this out in the Law ‘On Public Associations’ and cancel criminal responsibility for organising and participating in the activities of an unregistered organisation (Article 193<sup>1</sup> of the Criminal Code);
- Enshrine provisions on a non-discriminatory and open system for funding of non-state non-commercial organisations from the state budget on a competitive basis in legislation, which would stipulate publication of the data on the volumes of the allocated state aid to CSOs, as well as publication of reports by recipient organisations on its use;

<sup>59</sup> Тэрміны Марфы Рабковай і Андрэя Чапюка скарачаныя на тры месяцы. Разгледзелі апеляцыйныя скаргі дзесяці палітвязняў (March 2023) – by the Human Rights Center “Viasna”.

<sup>60</sup> У Мінску сёння пачынаецца суд над палітзняволенай адвакаткай Анастасіяй Лазарэнкай (May 2023) - by the Human Rights Center “Viasna”.

<sup>61</sup> Вынеслі прысуд адвакатцы Анастасіі Лазарэнка (May 2023) by Nasha Niva.

- Release all individuals imprisoned for tax violations for civil activities or CSOs' activities and lift all sentences imposed on them and pending decisions on their liability; pay adequate compensation to all such political prisoners;
- Introduce the mechanism of income tax percentage designation to CSOs for individuals;
- Enshrine in the Law 'On accounting and reporting' the possibility for simplified accounting in non-commercial organisations by the heads of such organisations without the need to employ a professional accountant and simplify tax reporting for CSOs which do not conduct entrepreneurial business activities; and
- When developing a framework legal regulation on volunteering, it is necessary to provide the opportunity to carry out volunteer activities both in the form of CSOs or business legal entities and in the form of collective or individual volunteer initiatives without the formation of a legal entity.

## 3.10 State-CSO Cooperation

Overall score per area: **2.4/7**

Legislation: <b>2.8 / 7</b>	Practice: <b>2.0/7</b>
-----------------------------	------------------------

All scores in the area of State-CSO cooperation remain unchanged compared to in 2021. Many CSOs deliberately gave up on advocacy and cooperation with the authorities in the atmosphere of repression. CSOs' cooperation with the state has reduced also due to the authorities stoking an atmosphere of fear throughout the whole public sphere and through direct decisions to eliminate CSOs from the sphere of interaction with the state. For example, liquidated CSOs were excluded from the public councils.

### **Standard I. State policies facilitate cooperation with CSOs and promote their development.**

There are no framework policy documents on cooperation between CSOs and the state. Certain plans and programmes approved by the state provide for interaction between state agencies and CSOs during their implementation. However, the extent of CSO participation in the development of these plans, as well as the availability and sufficiency of financial support for their implementation, remains so far unsatisfactory.



## Standard II. The state has special mechanisms in place for supporting cooperation with CSOs.

Legislation does not contain framework regulations on mechanisms for cooperation and consultation between the state and CSOs.

Public councils with the participation of CSOs are widespread. However, they do not have unified standards and regulation principles, their composition is approved by the decision of a state body, and they do not form a hierarchical system.

The powers of public councils are usually very scant, except for councils on entrepreneurial activities. CSOs are rarely admitted as members to the councils at their own request, nor through their internal CSO elections. Councils are usually established through individual invitations initiated by state agencies. The selection criteria for participation of CSOs in consultative bodies are unclear and largely biased and the selection procedure is not transparent. Only in rare cases does the legislation regulate powers and rules of procedure for councils, most often the only regulative act is regulations approved by a state body itself under which a council is established.

For example, the Decree of the Ministry of Culture No. 106 of 24 November 2022 approved the regulation defining the procedure for the activities of regional (Minsk city) councils on the issues of historical and cultural heritage. The Ministry of Culture has improved the procedure for developing projects on protection zones for immovable material historical and cultural values. In accordance with the regulation, councils for facilitating the protection of historical and cultural heritage are established in local executive and administrative bodies of the regional territorial level. Adoption of this regulation was driven by the previously-adopted amendments to the Culture Code. However, the liquidation of many organisations deprived them of the opportunity to use the established cooperation mechanisms. For example, in the field of historical and cultural heritage protection, the Voluntary Society for Protection of Historical and Cultural Monuments, one of the oldest CSOs in the country established in 1965, was liquidated. The Society had been an active participant in public councils and other mechanisms for cooperation with the state (Yuras Meliashkevich, one of the leaders of this CSO, was taken into custody and faced criminal charges related to non-payment of taxes and insurance deductions from employees' salaries).

In April 2022, the Council for Entrepreneurship Development changed its status by presidential edict from a presidential advisory body and has been downgraded to an advisory body under the Government.<sup>62</sup>

### Specific recommendation under Area 10:

- Adopt a governmental order, based on relevant evidence and analysis on cooperation between CSOs and the state with the participation of a wide range of CSOs and state agencies. The order should also contain an action plan for up to three years, which would provide for funding for CSOs as co-implementers of its activities on a competitive basis, as well as with a procedure for regular monitoring, execution assessment and assessment of influence on policies.

## 3.11 Digital Rights

Overall score per area: **2.2/7**

Legislation: <b>2.8 / 7</b>	Practice: <b>1.6 / 7</b>
-----------------------------	--------------------------

The digital rights of Belarusian CSOs and citizens are significantly restricted at both the legislative and practical levels, and this has led to a decrease in the scores for both dimensions. Despite the fact that some private providers of internet services have certain benefits and programmes for CSOs, the online exercise of digital freedoms is strictly limited by state regulation and law enforcement's harsh practice of a policy of total control, repression, and the silencing of all independent voices.

**Standard I. Digital rights are protected, and digital technologies are compliant with human rights standards.**

The legislation does not guarantee the existence of a safe and enabling online environment and the protection and exercise of digital rights.

Legal norms<sup>63</sup> establish requirements for private digital service providers to provide the possibility to trace, control and intervene into private communications, without the knowledge to the object of the control. Freedom of speech online is restricted by

<sup>62</sup> Edict of the President No. 163 of 26 April 2021, <https://president.gov.by/be/documents/ukaz-no-163-ot-26-aprelya-2021-g-1619456765>.

<sup>63</sup> Edict of the President No. 129 'On approval of the regulations on the procedure of interaction of telecommunication operators with the authorities implementing operative-investigative activities' of 3 March 2010.

surveillance and blocking of internet resources, as well as by searches in providers' offices and in the editorial offices of online media. The Telecommunications Law allows the shutting down or limiting the operation of telecommunications networks and facilities in response to alleged threats to national security involving the internet.

Law enforcement, when making arrests, searching or carrying out random checks on the street, can ask for a person's mobile phone to check their chats and the internet resources that they have accessed. The refusal to show a private device is qualified as disobedience and is punishable by arrest for up to 15 days. If photos or videos of rallies, publications from extremist media or other prohibited information (in conversations and chats or subscriptions to social media) are found on the smartphone, arrest and prosecution (including criminal charges) will follow.

The state allows surveillance technology to operate unconstrained and unregulated and/or uses spyware/malware to carry out surveillance on CSOs and activists (according to state officials' statements). Operatives can inspect a computer not only by being directly present on location, but also through remote access. Without any additional paperwork, operatives are allowed to listen to telephone conversations and view email correspondence if a person uses two or more telephone numbers or two or more email accounts.

The state limits how surveillance technology can be used only for non-state operators and has introduced vast exceptions and derogations to prohibitions or limitations in the areas of national security, border control, and counter-terrorism laws.

National security, border control or counter-terrorism laws authorise opaque and unaccountable government requests for data, where the user has no knowledge or right to remedy.

The Ministry of Internal Affairs runs a unified database of participants in unauthorised demonstrations on the basis of resolutions aimed at bringing participants to administrative and criminal justice (known as the *BESporiadki* database, mentions of which have been recorded since the end of 2020). This system can automatically prepare reports on 'rioters'. On the basis of the database, it is possible to decide the question of 'response measures' in relation to both a specific person and a group united by one or more criteria (including preventive arrests, special controls at the border or in the workplace, tax inspections, etc). The state has established 'watchlists' of persons whose social media activity they monitor to inform future arrests/detention or for special border checks.

Measures to fight cybercrime, disinformation, hate speech/incitement to violence and terrorism are widely used to limit digital rights. Imprisonment for clicking 'like' or 'share' on specific posts on social media continues to be a common practice in 2022.

The widespread application of Article 24.23 of the Code of Administrative Offences for 'violating the procedure for organising and holding mass events' was followed by the wide usage of Article 19.11 ('distribution, production, storage, transportation of information products containing calls for extremist activity or promoting such activity'). Under this Article, people are convicted based on online reactions ('likes', etc.) on social media, reposts on public and private accounts, as well as in private messages, subscriptions to Telegram channels, public media pages, etc. The Article provides for the imposition of a fine in the amount of ten to thirty basic units, administrative imprisonment of up to 15 days or compulsory community service, and, with any of the penalties, confiscation of the object of an administrative offence, i.e., as a rule, a mobile phone. At the same time, in practice, people face charges even if they shared the content before it was blacklisted as 'extremist'. This Article is also indicatively used for political pressure and is applied repeatedly and consecutively.<sup>64</sup> According to official Supreme Court Statistics, a total of 2,719 people were convicted under this Article 19.11 for extremist calls and propaganda in 2022<sup>65</sup>.

State institutions engage in trolling, doxing or cyberattacks on CSOs and other members of civil society. CSOs and activists fear pressure or arrests for their online activities. State representatives lead smear campaigns against activists or CSOs on social media platforms (either by revealing their identity, using fake accounts, or posting anonymously).

Many criminal cases of conspiracies, attempted coups, planning of mass riots, acts of terrorism, and so on, are based on records of intercepted communications or disclosed from confiscated smartphones, as well as from meetings on Zoom or other platforms.<sup>66</sup>

Posting prohibited content online (for instance, links to extremist materials, banned media logos, calls for mass actions, publications on political topics or hate against law enforcement or the ruling political regime, insult to state officials, judges or the president) on social networks and messengers is a common reason for prosecution, including lengthy prison sentences. Subscription to banned media listed in the Index of Extremist Formations qualifies as participation in an extremist formation and constitutes an offence under Article 361<sup>2</sup> of the Criminal Code, as amended in 2021. Criticising the practice of recognising groups of citizens as extremist formations, it should be emphasised that it is media structures (media outlets, blogs, communities on social networks) that principally are included in the list of extremist formations by the state authorities.

---

<sup>64</sup> Restrictions on freedom of expression under the pretext of combating extremism and terrorism – Human Rights Center "Viasna"

<sup>65</sup> [https://www.court.gov.by/justice\\_RB/statistics/](https://www.court.gov.by/justice_RB/statistics/)

<sup>66</sup> For example, 'Wife fears for American snatched from Moscow and taken to Belarus', <https://abcnews.go.com/International/wife-fears-american-snatched-moscow-belarus/story?id=78807539>.

Publications on CSO webpages became grounds for court decisions to forcibly liquidate the CSO in question. The law allows the blocking of websites without a trial, and the practice is very broad, including for CSO websites.

The ability to create CSOs from abroad is limited by the fact that many websites of government agencies, including the Ministry of Justice and the Ministry of Internal Affairs, are restricted from being accessed outside of Belarus. At the same time, compared to 2021, the number of such websites of government agencies that cannot be accessed from abroad slightly decreased in 2022.

Internet communication, commenting on websites, and the use of mobile phones is only possible under conditions of user identification. Internet providers are obliged to provide intelligence agencies with access to information which is exchanged by users online. The authorities can demand provision of data about the online actions of any citizen.

In 2022, the possibilities for surveillance of internet users stipulated by law expanded even further. Edict of the President No. 368 of 18 October 2022 ('On the interaction of telecommunication operators, telecommunication service providers, and owners of internet resources with bodies carrying out operational-search activities') stipulated the creation of a special information system for electronic interaction of websites with security agencies. Previously, telecom operators were to maintain the online user tracking system. Henceforth, telecommunications service providers and website owners will also connect to it and receive respective notifications. According to the decree, website owners must, upon request, provide access to databases, automated systems of telecommunication service providers, information about users and the internet services provided to them. Otherwise, the website owners risk having their websites blocked. Control will be exercised through 'the system of technical means for ensuring operational-search measures'. Those implicated under the decree will have to purchase special equipment and software at their own expense.

According to the government order adopted in furtherance of the decree, the system will be used by the Operations and Analysis Center under the President, the KGB RB, telecommunication service providers, and owners of Internet resources. The Operations and Analysis Center and the KGB RB will compile lists of telecommunication service providers and website owners that will be required to register in the information system within a month, and, within three months, open online access to user databases for these organisations.

Experts suppose that, first of all, security and intelligence agencies will be interested in gaining access to large resources, including search engines, services supporting Apple iOS and Google Android ecosystems, social media, instant messengers,

mobility services, and payment systems.<sup>67</sup> It will be impossible for users or third party observers to determine whether the internet service is connected to the surveillance system. Internet resources that refuse to provide access to the security agencies may be blocked in Belarus.

## **Standard II. The state creates conditions for the enjoyment of digital rights.**

As noted by Freedom House's 'Freedom on the Net' 2022 review, in Belarus, authorities blocked the websites of CSOs throughout the coverage period, which was part of a wholesale assault on those organisations affected that included raids, arrests, and forced closures. While the Government did not repeat its previous shutdowns of internet service, it continued an intense campaign to suppress online dissent. Authorities blocked access to independent media outlets, foreign news sites, and materials deemed 'extremist'. In the context of an ongoing political crisis and the Russian invasion of Ukraine in February 2022, the Government stepped up its arbitrary arrests of media workers, bloggers, online activists, and ordinary users, imposing unprecedented prison sentences on those detained. The impact of the war and international sanctions on public opinion compelled the Government to sharply increase its propaganda and manipulation of the information environment. Security forces raided the homes of journalists and bloggers, continued to employ torture against those detained for criticising the Government online, and increased their use of forced 'repentant videos' to humiliate and marginalise critical voices.<sup>68</sup>

Prior to the February 2022 referendum on a variety of constitutional amendments, the Government blocked access to webpages that discussed independent monitoring of the vote and the opposition's campaign to intentionally spoil ballots as a form of protest.

Credible sources, which, however, are difficult to cross-check under the current conditions, claim that Belarus violated net neutrality during the Russian invasion of Ukraine by slowing down internet connections and restricting mobile communications in locations where Russian troops were deployed during preparations for the invasion of Ukraine from the southern part of the territory of Belarus.<sup>69</sup> At the same time, in contrast to previous assessment periods, there were no cases of total internet shutdown.

According to Edict of the President No. 116 of 22 March 2022, the Government received the authority to also block news aggregators. The decree obliges the owner of

---

<sup>67</sup> <https://www.delfi.lt/ru/abroad/belorussia/kak-kgb-rb-teper-budet-sledit-v-internete-uvidyat-ne-tolko-kommentarii-v-socsetyah-no-i-zapis-k-vrachu-ili-parikmaheru.d?id=91589835>.

<sup>68</sup> Freedom House. 2022. 'Belarus: Freedom on the Net 2022 Country Report', <https://freedomhouse.org/country/belarus/freedom-net/2022>.

<sup>69</sup> <https://nv.ua/ukraine/events/voyna-v-ukraine-v-belarusi-blokirovali-internet-chtoby-skryt-peredvizhenie-voysk-rf-50238568.html>.



the aggregator to prevent it from being used for posting information, dissemination of which is restricted by legislative acts, and also not to allow the spread of materials from internet resources, access to which is restricted by the Ministry of Information. If the owner of the aggregator fails to fulfil this obligation, the Ministry of Information will send them an order to eliminate violations. If this is not acted on, access to the resource may be restricted. The decree does not specify the aggregators; however, based on the definitions in the document, its effect may apply to Google and Yandex's recommendation services.<sup>70</sup>

Some digital inequalities persist, but they are narrowing, according to Freedom House. Belarus maintains high fixed and mobile-broadband penetration rates. According to official statistics, by the end of 2021, the number of users accessing the internet via these connections reached 3.2 and 9.1 million, respectively, out of the country's approximately 9.4 million people. Datareportal reported that Belarus's penetration rate at the start of 2023 was 86.9 per cent of the total population<sup>71</sup> (growing from the 85.1 per cent at the start of 2022).

The Internet Accessibility Index produced by Broadband Choices, a service that allows users to compare mobile data plans, ranked Belarus 37<sup>th</sup> of 164 countries in terms of average internet speeds and the cost and affordability of home broadband packages<sup>72</sup> (it fell from 20<sup>th</sup> position in 2021).

Nearly 87 per cent of the urban population and 71 per cent of rural residents are internet users. There were 8.27 million internet users in Belarus in January 2023.<sup>73</sup> Belarus's internet penetration rate stood at 85.1 per cent of the total population at the start of 2022. Analysis by Kepios indicates that internet users in Belarus decreased by 7,029 (-0.09 per cent) between 2021 and 2022. For perspective, these user figures reveal that 1.41 million people in Belarus did not use the internet at the start of 2022, meaning that 14.9 per cent of the population remained offline at the beginning of the year. There were 4.35 million social media users in Belarus in January 2022.<sup>74</sup> The number of social media users in Belarus at the start of 2022 was equivalent to 46.1 per cent of the total population, but it is important to note that social media users may not represent unique individuals.

The state does not guarantee open, accessible, and affordable internet. Belarus does not have a law requiring or protecting net neutrality, and practices hinder open and

---

<sup>70</sup> Мининформ сможет блокировать доступ к новостным агрегаторам за распространение материалов заблокированных сайтов 22 March, 2022 - «Зеркало»

<sup>71</sup> 'Digital 2023: Belarus' Datareportal. February 2023. <https://datareportal.com/reports/digital-2023-belarus>.

<sup>72</sup> Broadband Choices. 'Internet Accessibility Index', <https://www.broadbandchoices.co.uk/features/internet-accessibility-index>.

<sup>73</sup> 'Digital 2023: Belarus' Datareportal. February 2023. <https://datareportal.com/reports/digital-2023-belarus>.

<sup>74</sup> Ibid.

fast internet, favouring some websites over others (including the blocking of CSO sites without a court or any official decision, and so on).

The state does not ensure the existence of an independent, effective, adequately-resourced and impartial internet oversight mechanism and there are no effective remedies for violations of digital rights. The state misuses state secrets, national security, and criminal justice laws, among others, as obstacles to systematically hinder access to justice for digital rights.

The Law dated 28 June 2022 No. 176-3 amends the Law 'On appeals of citizens and legal entities' of 18 July 2011. According to this new Law, the applicants can submit electronic appeals to state authorities' bodies and other state organisations only through the unified (integrated) national state-organised information system for recording and processing of such appeals ([www.обращения.бел](http://www.обращения.бел)). This means that normal communications through email will not be considered with the requirements and guarantees on the time and procedure for consideration established by law. These changes came into force on 2 January 2023. Furthermore, CSO observers are concerned that the new system will discourage users and lead to a decrease in the number of appeals due to the need for electronic registration in the system (this is what already happened in 2022 during the re-registration of users of 'Legal Forum', the state system of commenting on draft laws).

Some internet service providers have special reduced rates available to social CSOs as part of their corporate social responsibility (CSR) programmes.

Digital literacy activities conducted by both the private sector and government agencies include a UN Population Fund-supported programme for elderly people launched in 2021.<sup>75</sup>

The state policy for overcoming the digital divide is included in the State Programme 'Digital Development of Belarus' for 2021–2025, approved by the Resolution of the Council of Ministers No. 66 of 2 February 2021 with a total budget of over 1 billion EUR. The Policy is the main practical tool for implementation of advanced information technologies in the sectors of the national economy.<sup>76</sup> The State Programme provides for the implementation of measures to create and develop modern ICT infrastructure, the implementation of digital innovations in sectors of the economy and 'smart city' technologies, as well as to ensure information security of such solutions (82 activities). In particular, in the state programme there are plans to develop an educational platform to improve the digital literacy of the population and modern educational content for courses to improve the skills of employees involved in the economy in the field of digital development. According to the results, in the first

---

<sup>75</sup> <https://www.undp.org/belarus/speeches/digital-future>.

<sup>76</sup> State Programme 'Digital Development of Belarus' for 2021–2025 (in Russian), <https://www.mpt.gov.by/ru/gosudarstvennaya-programma-cifrovoe-razvitie-belarusi-na-2021-2025-gody>.

two years of the programme (by the end of 2022), seven of the activities of the State Programme are fully completed and 42 have been contracted and, therefore, the results will soon be available to users. The rest of the projects are at various stages of project procedures and will also move into practical work in the near future.<sup>77</sup>

Due to the active development of digital technologies, the Ministry of Communications and Informatisation has been given additional powers. President Lukashenko signed Edict No. 136 'On the state administration body in the sphere of digital development and informatization issues' on 7 April 2022. The Ministry of Communications and Informatisation is empowered with new authority to manage the processes of digital development in the country and also the digital transformation of public administration across all sectors of the economy. The Centre for Digital Development will be created to provide practical support to digitalisation issues and their accelerated implementation. It will assist state bodies and organisations in the preparation and implementation of measures in the field of digital development. A Centre for Advanced Research in Digital Development will also be established. It will form proposals for draft forecasts of digital development, indicators of the level of digital development of industries and regions, and collect information to evaluate the effectiveness of the implementation of measures included in programmes in the sphere of digital development. The Centre will provide organisational support for expert evaluation of measures in the sphere of digital development, involving specialists from government agencies and organisations, and residents of the Hi-Tech Park. The edict expands the mechanisms of financial support for digital development processes and provides for the possibility of introducing software products that have already been developed. The processes of concluding and implementing contracts in the sphere of digital development are simplified.<sup>78</sup>

The Hi-Tech Park in Minsk is a form of government support for the development of the ICT sector, including significant tax benefits, access to information, and cooperation in decision-making. The Hi-Tech Park Administration acts as an intermediary between the IT business sector and the Government, which is established by law. There were contradictory reports about the success of this institution in 2022, but it is known that many employees of ICT companies were evacuated from Belarus, as well as the entire enterprises themselves.

In 2022, the practice of restricting access to state websites from abroad slightly decreased, although many state websites that are important for CSOs remain blocked for users from abroad (for example, there is no access to the Ministry of Justice website and to the Ministry of Internal Affairs website, the published Index of Extremist Formations, or the court hearing schedule). The use of digital services by the state is

---

<sup>77</sup> <https://pravo.by/novosti/obshchestvenno-politicheskie-i-v-oblasti-prava/2023/mart/73710/>.

<sup>78</sup> <https://president.gov.by/ru/documents/ukaz-no-136-ot-7-aprelya-2022-g>.

extremely restricted for CSOs and digital registration is impossible. Online registration elements available to business entities are unavailable to CSOs. At the same time, the planned amendments to the Law ‘On Public Associations’ in 2023 provide for the possibility for public associations to communicate with registration authorities online regarding registration issues, changes to registration documents and for filing mandatory annual activity reports.<sup>79</sup>

### Specific recommendations under Area 11:

- The release of all individuals imprisoned for tax violations for civil activities or CSOs’ activities in crowdfunding or ‘financing extremism’ and ‘financing public disorder’, the lifting of all sentences imposed on them and of pending decisions on their liability, and the payment of adequate compensation to all such political prisoners;
- To abolish the Law ‘On Countering Extremism’ and all by-laws adopted under it, including the Index of Extremist Formations;
- To close and destroy the Ministry of Internal Affairs’ unified database of participants in unauthorised demonstrations (also known as the *BESporiadki* database) and its equivalents; and
- To include in the State Programme ‘Digital Development of Belarus’ the creation of a system of effective digital registration of non-profit organisations (public associations and foundations), as well as legal and technical facilitation for digital crowdfunding platforms.

---

<sup>79</sup> On 31 December 2022, the Government of Belarus introduced the draft law on amending the laws on public associations and on political parties in the National Assembly. The draft law has been in the making since 2019. It was tabled for official public discussion and was even introduced in the National Assembly, but then withdrawn from it in 2020. However, the 2022 version of the draft law proposed by the Government is significantly worse compared to the previous versions, especially for political parties and large national-level associations, <https://csometer.info/sites/default/files/2023-01/BELARUS%20Draft%20amendments%20to%20laws%20on%20public%20associations%20and%20political%20parties.pdf>.

## IV. KEY PRIORITIES

---

The conditions for CSOs in Belarus have significantly deteriorated in 2022. The liquidation of hundreds of CSOs, the restoration of criminal liability for activities of unregistered organisations, the broad application of other articles of the Criminal Code for repression and intimidation of citizens and in order to coerce the media, CSOs and dissenting citizens into silence have all led to the state of the environment for CSOs in Belarus becoming one of the worst in the world.

Many CSOs, represented by their leaders and key activists, have left the territory of Belarus in order to continue conducting their activities and achieve their missions in other, supportive jurisdictions such as Lithuania, Georgia or Poland. For organisations that initially moved their activities to Ukraine, the beginning of the active phase of the Russian invasion led to a second evacuation, while many of them suffered from the blocking of bank accounts (this problem is also typical for organisations in Georgia). However, to a large extent, relocated CSOs lose their connection with target groups and lose a sense of the ‘pulse’ of life inside Belarus as a result. Some relocated CSOs are integrated into the political agenda of their host countries and become dependent on it (while their financial dependence increases, as well as dependence on the political context in these other countries). Meanwhile, the space for activities of CSOs whose activity centres and decision-making centres remain in Belarus, is rapidly shrinking, especially when it comes to dissemination of information.

Repression, as well as the forced relocation of CSOs and active citizens, are the key factors which should in the first instance be overcome in order for the conditions for CSOs to have a chance to improve.

The following key priorities identified by this report aim to stop the pogrom on civil society in Belarus, overcome the negative impacts of the repression, and restore the basic conditions under which CSOs’ activities are possible. The state should:

1. Release all individuals recognised as political prisoners, and stop all politically-motivated criminal cases;
2. Abolish the Law ‘On Countering Extremism’ and all by-laws adopted under it, including the Index of Extremist Formations;

3. Cancel criminal responsibility for organising and participating in the activities of an unregistered organisation (Article 193<sup>1</sup> of the Criminal Code) and abolish the ban on the activities of public associations without registration;
4. Stop the practice of forced liquidation of CSOs, cancel all court and local authorities' decisions on forced liquidation of public associations, foundations and private institutions made in 2020-2022;
5. Cease all forms of repression and discrimination against protesters, representatives of the opposition and CSOs, including mass civil and criminal prosecution, abuse of investigative powers, searches, seizures of data and communication devices, fines, arrests, the freezing of assets, forced public disclosure in the media (including social media) of personal data during investigations or arrests;
6. Carry out investigations into all deaths of protesters and other opposition representatives, bringing those guilty of murder to criminal justice, as well as thorough investigation of all allegations of torture;
7. Cease all forms of pressure on CSOs, lawyers and human rights defenders, journalists, and independent media, including the state-inspired campaigns aimed at discrediting these groups in the media;
8. Close and destroy the Ministry of Internal Affairs' unified database of participants in unauthorised demonstrations (also known as the *BESporiadki* database) and its equivalents;
9. Eliminate legislative possibilities and the practice of internet disruption and the blocking of websites without court decisions; and
10. Cease the misuse of legislation and investigative powers on combating terrorism and AML/CTF legislation to restrict freedom of expression and freedom of thought, as well as to restrict access to funding for charities and human rights and humanitarian CSOs.

Only after the above priority steps are taken will it be possible to realise any positive effects from implementation of the previous recommendations as laid out in the full edition of the first CSO Meter Report for Belarus (November 2019) and the additional recommendations laid out in this report.



# V. METHODOLOGY

---

The CSO Meter supports regular and consistent monitoring of the environment in which CSOs operate in the Eastern Partnership (EaP) countries. It consists of a set of standards and indicators in 11 different areas to measure both law and practice. It is based on international standards and best practices. The CSO Meter was developed by a core group of experts from ECNL and local partners from the six EaP countries.

ECNL has worked with the methodology experts RESIS since 2020 on adapting the CSO Meter methodology package to enable both qualitative and quantitative comparison of the different areas of the enabling environment across the EaP countries and years. The proposal for this model was consulted on and tested with the extended regional CSO Meter Hub via email and an online event. With the updated comparison model, we aim to (i) assess the environment for civil society in each of the 11 areas; (ii) enable tracking of developments/progress over the years per country; and (iii) compare the environments regionally.

The country partners, together with other CSOs, part of the CSO Meter Hub conducted the monitoring process and drafted the narrative country report. They also established Advisory Boards in each country, composed of expert representatives of key local stakeholders. The members of the boards have two main tasks: to review the narrative reports and to assign scores for every Standard based on the narrative reports.

The current report covers the period from January to December 2022.

## Monitoring process

The empirical basis of this assessment has been data from consultative activity of CSO Meter experts, as well as the results of their advocacy and monitoring work in the field of freedom of association and legal conditions for the activities of non-commercial organisations and initiatives, as well as analysis of advocacy outcomes.

In the course of this research, an online meeting and interviews with CSO leaders were organised and the authors analysed the legislation and current law enforcement practices. The members of the country advisory body have made a special contribution to the improvement of the research methodology to adjust it to the Belarusian reality. Namely, the report was discussed among 11 representatives of CSOs, including Hub members from Belarus.

For the Belarusian part of the research, data from the two sets of online surveys of leaders of Belarusian CSOs were used: the first one was held in April 2022 (158 persons have completed the online survey, 40 persons took part in 6 focus groups with CSO managers, volunteers and ex-workers, 20 CSO leaders and top-managers participated to deep interviews, including ex-leaders) and the second one took place in December 2022 (180 CSOs participated in the survey, and 74 organisations answered all the mandatory questions of the questionnaire).<sup>80</sup>

## Scoring process

The country researchers and the 6 Advisory Board members in Belarus reassessed each standard of the 11 areas of the CSO Meter tool in legislation and practice where change has occurred. Accordingly, scores have increased in cases where progress is shown, and decreases are motivated by certain cases of deterioration. The final score of each standard was then calculated according to a formula in which the researchers' score participates with 50 per cent, and the Advisory Board members' average score with 50 per cent. The score of each area is then calculated as the average value of the final scores of each standard and calculated and rounded with one decimal for presentation purposes. Generally, for the scoring procedure, a 7-point scale is used. The extreme values of the scale are conceived as the most extreme or ideal situation or environment. For example, (1) is an extremely unfavourable (authoritarian) environment, while (7) is an extremely favourable (ideal democratic) environment for CSOs. For more information on the CSO Meter tool, the scoring process, and the calculation, please visit <https://csometer.info/>.

---

<sup>80</sup>

[https://research.lawtrend.org/?fbclid=IwAR2tyas\\_QLrZjFe0Ob8q5GLc\\_FJmvpFVuRILWIGSEjwJ8wF\\_SWrtTFevirc#info-resources](https://research.lawtrend.org/?fbclid=IwAR2tyas_QLrZjFe0Ob8q5GLc_FJmvpFVuRILWIGSEjwJ8wF_SWrtTFevirc#info-resources).

# VI. REFERENCES

---

***Note:** The links to some source cannot be provided, since the Belarusian authorities arbitrarily recognised all the information posted on this resource as extremist material. These resources include, among others, links to materials produced by the Viasna Human Rights Center, the Belarusian Association of Journalists, the newspaper ‘Nasha Niva’, the radio stations ‘Radio Liberty’ and Euroradio, and many other media outlets, whose courageous journalists struggle selflessly for freedom of speech at the risk of their own personal security.*

## LEGISLATION

The Constitution of the Republic of Belarus of 1994, with subsequent amendments, including those adopted following the national referendum of 27 February 2022.

Civil Code of the Republic of Belarus of 7 December 1998, with subsequent amendments.

Tax Code of the Republic of Belarus of 19 December 2002, with subsequent amendments.

Criminal Code the Republic of Belarus of 9 July 1999, with subsequent amendments.

Electoral Code of the Republic of Belarus of 11 February 2000, with subsequent amendments.

Code of the Republic of Belarus on Administrative Offences of 21 January 2021, with subsequent amendments.

Code of the Republic of Belarus on Culture of 20 July 2016, with subsequent amendments.

The Law ‘On internal affairs agencies of the Republic of Belarus’ of 31 December 2010, with subsequent amendments.

The Law ‘On Public Associations’ of 4 October 1994, with subsequent amendments.

The Law ‘On Mass Events in the Republic of Belarus’ of 30 December 1997, with subsequent amendments.

The Law ‘On mass media’ of 17 July 2008, with subsequent amendments.

The Law ‘On accounting and reporting’ 12 July 2013, with subsequent amendments.

The Law 'On combating terrorism' of 3 January 2002.

The Law 'On normative legal acts' of 17 July 2018, with subsequent amendments.

The Law 'On operative-investigative activity' of 15 July 2015, with subsequent amendments.

The Law 'On physical culture and sports' of 4 January 2014.

The Law 'On the Republican Budget for 2021' of 29 December 2020.

The Law 'On the Republican Budget for 2022' of 31 December 2021.

The Law 'On the Republican Budget for 2023' of 30 December 2022.

The Law 'On Countering Extremism' of 4 January 2007, with subsequent amendments, including 14 May 2021, the Law 'On Amending Laws on Countering Extremism'.

The Law 'On measures to prevent legalization of criminally obtained income, financing of terrorist activity and financing of proliferation of weapons of mass destruction' of 30 June 2014, with subsequent amendments.

The Law 'On Information, Informatisation and Protection of Information' of 10 November 2008, with subsequent amendments.

The Law 'On the Bar and lawyers' activities in the Republic of Belarus' of 30 December 2011, with subsequent amendments.

The Law 'On Personal Data Protection' of 7 May 2021.

The Law 'On Amending the Law of the Republic of Belarus 'On the Fundamentals of State Youth Policy''' of 5 October 2022.

The Law 'On Internal Affairs Bodies' of 17 July 2007.

The Law 'On the denunciation by the Republic of Belarus of the Optional Protocol to the International Covenant on Civil and Political Rights' of 27 October 2022.

The Decree of the President 'On some measures on regulation of activities of political parties, trade unions, and other public associations' No. 2 of 26 January 1999, with subsequent amendments.

The Decree of the President 'On state registration and liquidation (termination of activities) of subjects of economic activities' No. 1 of 16 January 2009, with subsequent amendments.

The Decree of the President 'On foreign gratuitous aid' No. 3 of 25 May 2020, with amendment from 8 November 2021.

Regulations on the creation, activities and liquidation of the foundations in the Republic of Belarus, approved by Edict of the President No. 302 of 1 July 2005, with subsequent amendments.

Edict of the President 'On provision and use of gratuitous (sponsor) aid' No. 300 of 1 July 2005, with subsequent amendments.

Edict of the President No. 209 'On lottery activity on the territory of the Republic of Belarus' of 4 May 2007, with subsequent amendments.

Edict of the President No. 129 'On approval of the regulations on the procedure of interaction of telecommunication operators with the authorities implementing operative-investigative activities' of 3 March 2010, with subsequent amendments.

Edict of the President No. 163 'On changing the edict of the president' of 26 April 2021.

Edict of the President No. 292 'On approval of the Program of Socio-Economic Development of the Republic of Belarus for 2021-2025' of 29 July 2021.

Edict of the President No. 105 'On constitutional commission' of 15 March 2021.

Edict of the President No. 368 'On the interaction of telecommunication operators, telecommunication service providers, and owners of Internet resources with bodies carrying out operational-search activities' of 18 October 2022.

Edict of the President No. 136 'On the state administration body in the sphere of digital development and informatisation issues' of 7 April 2022.

Edict of the President No. 116 'On the news aggregators in the global computer network Internet' of March 22 2022.

The Resolution of the Ministry of Justice 'On approving legal normative acts on issues of completing and considering documents relating to state registration of political parties, labour unions, other public associations, their unions (associations), as well as state registration and exclusion from the registry, inclusion and taking from records information about their structural units' No. 48 of 30 August 2005, with subsequent amendments.

The Resolution of the Council of Ministers 'On introduction of the Regulations on the procedure for payment for public order maintenance services, rendered by internal affairs agencies, expenses relating to medical services, cleaning of the territory after holding of a mass event on it' No. 49 of 24 January 2019, with subsequent amendments.

The Resolution of the Ministry of Culture No. 106 'On the approval of the Regulation on councils on issues of historical and cultural heritage' of November 24 2022.

The Resolution of the Ministry of Justice of the Republic of Belarus 'On information on the activities of public associations and foundations' No. 153-1 of 30 October 2020, with amendments of 7 December 2021.

The Resolution of the Council of Ministers 'On measures to counter extremism and rehabilitation of Nazism' No. 575 of 15 October 2021.

The Resolution of the Council of Ministers 'On amending the Resolution of the Council of Ministers of the Republic of Belarus of 30 April 2013 No. 327' No. 761 of 27 December 2021.

The Resolution of the Council of Ministers 'On approval of the Regulations on the formation, funding and implementation of youth initiatives' No. 87 of 31 January 2023.

State Programme 'Digital Development of Belarus' for 2021–2025, approved by the Resolution of the Council of Ministers No. 66 of 2 February 2021.

## RESEARCH & REPORTS

The 2020 Civil Society Organisation (CSO) Sustainability Index for Belarus (December 2021) developed by the United States Agency for International Development, Bureau for Democracy, Conflict and Humanitarian Assistance, Center of Excellence on Democracy, Human Rights and Governance in partnership with FHI 360 International Center for Not-for-Profit Law (ICNL).

Mutual Evaluation Report of the Republic of Belarus (2019) Eurasian Group on combating money laundering and financing of terrorism.

Opinion on the compatibility with universal human rights standards of Article 193<sup>1</sup> of the Criminal Code on the rights of non-registered associations of the Republic of Belarus adopted by the Venice Commission at its 88th Plenary Session (Venice, 14-15 October 2011).

Eastern Partnership Index 2020-21. Charting Performance in the Eastern Partnership: Democracy and Good Governance, Policy Convergence and Sustainable Development (December 2021) by Eastern Partnership Civil Society Forum.

Belarus: Lawyers Under Threat - Increasing Suppression of the Legal Profession in Belarus (July 2021) by Lawyers for Lawyers (L4L), the American Bar Association Center for Human Rights (ABA CHR), and the International Bar Association Human Rights Institute (IBAHRI).

Legal aspects of NPO fundraising by electronic means in Belarus - an analytical overview (2018) by International Center for Not-for-Profit Law (ICNL).



Update on new restrictive draft legislation in Belarus (May 2021) by International Center for Not-for-Profit Law (ICNL).

Analysis of the Legislation of the Republic of Belarus on Countering Extremism and Preventing the Rehabilitation of Nazism (Анализ законодательства Республики Беларусь о противодействии экстремизму и недопущении реабилитации нацизма) (July 2021) by International Center for Not-for-Profit Law (ICNL).

Lawtrend. 'Freedom of association and legal conditions for civil society organisations in Belarus. Review Period: 2021' (January 2022).

Lawtrend. 'Freedom of association and legal environment for civil society organisations. Belarus. Review Period: 2022' (January 2023).

Implementation by the Republic of Belarus of international covenant on economic, social and cultural rights - Report of the coalition of Belarusian human rights organisations for 71<sup>st</sup> session of the Committee on Economic, Social and Cultural Rights (January 2022) by the Belarusian Helsinki Committee, Viasna Human Rights Center, Office for the Rights of Persons with Disabilities, Lawtrend, PEN Belarus.

'Belarusian CSOs registered abroad: no country for old rules' (2020) by School of Young Managers in Public Administration' (SYMPA/BIPART).

State and Current Needs of Belarusian Civil Society Organisations (CSOs) in Situation of Political Crisis (October 2021).

State and Current Needs of Belarusian Civil Society Organisations (CSOs) in Situation of Political Crisis. Monitoring report update: July – December 2021 (2022) by School of Young Managers in Public Administration' (SYMPA/BIPART).

Combating extremism and human rights. National anti-extremist legislation and law enforcement practice (2019) by Viasna Human Rights Center, the Belarusian Helsinki Committee, the Belarusian Association of Journalists, and 'Human Constanta' institution.

Baltic Internet Policy Initiative and Office for European Expertise and Communication public opinion poll 'Public Associations and Citizens Initiatives: Participation Potential' (2019, published 31 August 2020).

List of political prisoners, by Viasna Human Rights Center.

Guidelines on the definition of a political prisoner (2013) by Emil Adelkhanov, Intigam Aliyev, Anna Baranovskaya, Lyudmila Vatskova, Hanna Herasimava, Valentin Gefter, Aleh Hulak, Sergey Davidis, Eldar Zeinalov, Yevgeniy Zakharov, Inna Kulei, Olexandra Matviychuk, Tatsiana Reviaka, Olga Salamatova, Valiantsin Stefanovich, Alena Tankachova, Annagi Hajibeyli, Volodymyr Yavorsky, published by Viasna Human Rights Center.

Belarus. August 2020: 'Justice' for Protesters (March 2021) by Viasna Human Rights Center.

Politically Motivated Administrative Proceedings: Standards and Reality in Contemporary Belarus (January 2021) by Viasna Human Rights Center.

Criminal Prosecution for Political Reasons Belarus 2020-2021 (May 2021) by Viasna Human Rights Center.

National Human Rights Index (2021) by the Belarusian Helsinki Committee.

OSCE Rapporteur's Report under the Moscow Mechanism on Alleged Human Rights Violations related to the Presidential Elections of 9 August 2020 in Belarus.

The liquidation of social organisations in Belarus: what happened and what comes next for Belarusian civil society (December 2021) by Yury Arlouski, The Stefan Batory Foundation.

Freedom in the World 2021 by Freedom House.

Freedom in the World 2022: The Global Expansion of Authoritarian Rule (2022) by Freedom House.

Freedom in the World 2023 by Freedom House.

World Press Freedom Index 2021 by Reporters Without Borders.

Belarus: Freedom on the Net 2021 Country Report by Freedom House.

Belarus: Freedom on the Net 2022 Country Report by Freedom House.

Disinformation Resilience Index in Central and Eastern Europe in 2021 (September 2021) by Eurasian States in Transition Research Center (EAST Center).

Human Rights Situation in Belarus in 2021: Analytical review (January 2022) by Viasna Human Rights Center.

Human Rights Situation in Belarus in 2022: Analytical review (January 2023) by Viasna Human Rights Center.

The updated list of non-voluntary liquidated public associations, foundations, institutions and unions of legal entities from Lawtrend and Office for European Expertise and Communication.

How 'extremism' violates human rights in Belarus: main theses from human rights organisations. (2022) by Human Constanta, the Viasna Human Rights Center, the Belarusian Association of Journalists and SOVA Center for Information and Analysis.

*Belarus v. Viktor Dmitrievich Babariko* (October 2021) by Clooney Foundation for Justice (CFJ) and Covington & Burling LLP.

International Accountability Platform for Belarus - semi-annual reports #1-4 by International Accountability Platform for Belarus.

Joint other letter of the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the situation of human rights in Belarus; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders (2021) OL BLR 2/2021.

Information from the Republic of Belarus in response to letter AL BLR 8/2021 dated 7 September 2021 from special procedures of the UN Human Rights Council - 21-17602E HRC/NONE/2021/SP189.

UN Special Rapporteur on the situation of human rights in Belarus – Annual report on the situation of human rights in Belarus (2021). Human Rights Council (A/HRC/44/55).

UN Special Rapporteur on the situation of human rights in Belarus – report ‘Situation of human rights in Belarus’ (2021). General Assembly (A/76/145).

Situation of human rights in Belarus in the context of the 2020 presidential election (15 February 2021) - Report of the United Nations High Commissioner for Human Rights (A/HRC/46/4).

Misuse of Interpol’s Red Notices and impact on human rights – recent developments (2019) by Dr Rasmus H. Wandall, Dan Suter, Gabriela Ivan-Cucu.

Volunteering: European practice of regulation (2014) elaborated by ECNL.

Media environment in Belarus – Briefing paper (February 2022) by the European Parliament.

Mass Media in Belarus, Monitoring Report 2021 (February 2022) by the Belarussian Association of Journalists.

Mass media in Belarus in 2022. Annual review (January 2022) by the Belarussian Association of Journalists.

Vibrant Information Barometer– 2021 Belarus (August 2021) by International Research & Exchanges Board (IREX).

Vibrant Information Barometer– 2022 Belarus (May 2023) by International Research & Exchanges Board (IREX).

Review of the fight against ‘extremism’ in Belarus for January-March 2021 (April 2021) by Human Constanta.

Review of the fight against ‘extremism’ in Belarus for April-May 2021 (July 2021) by Human Constanta.

Overview of the fight against 'extremism' in Belarus for June and July 2021 (September 2021) by Human Constanta.

The fight against 'extremism' with fatal outcomes – an overview of trends for August and September 2021 (October 2021) by Human Constanta.

Overview of the fight against 'extremism' in Belarus in October-December 2021 (January 2022) by Human Constanta.

Review of the fight against 'extremism' in Belarus in July-September 2022 (October 2022) by Human Constanta.

Overview of the fight against 'extremism' in Belarus for October-December 2022 (March 2023) by Human Constanta.

Review of the practice of using 'extremist' articles under which citizenship can be revoked (October 2021) by Human Constanta.

Whom do the Belarusian authorities consider terrorists? Analytical note (May 2021) by Human Constanta.

Preliminary analytical report of the expert mission to assess the 2022 nationwide referendum on amendments to the Constitution of the Republic of Belarus – (February 2022) by the campaign "Human Rights Defenders for Free Elections".

'New Legislative Regulation in the Republic of Belarus as the Authorities' Response to the Events of 2020 and How It Correlates with International Standards in the Field of Human Rights' (June 2021) by Legal Transformation Center and the Belarusian Helsinki Committee.

Changes in the reporting legislation for public associations and foundations (December 2021) by Lawtrend.

Human Rights Committee Communication No. 1296/2004 According the Optional Protocol to the International Covenant on Civil and Political Rights (Ninetieth session 9 – 27 July 2007) - CCPR/C/90/D/1296/2004.

2022 Global Philanthropy Environment Index report – Belarus (March 2022) by the Indiana University Lilly Family School of Philanthropy.

Digital 2022 Global Overview Report – Belarus (January 2022) by 'We are Social'.

Internet Accessibility Index (2022) by Broadband Choices.

Internet Accessibility Index (2023) by Broadband Choices.

'Belarus Civil Society Organisations in Cross-Sectoral Dialogue' (Konrad-Adenauer-Stiftung e.V., 2015) <https://www.kas.de/de/web/belarus/publikationen/einzeltitel/-/content/belarus-civil-society-organisations-in-cross-sectoral-dialogue>.

‘Right to Defense: 2022 Summary’ and ‘The Crisis of the Legal Profession in Belarus: How to Return the Right to Defense’.

Public Councils in Belarus: Legal regulation and practice (2014) (in Russian)

[https://www.lawtrend.org/wp-content/uploads/2014/03/Pravovoe-regulirovanie\\_OS1.pdf](https://www.lawtrend.org/wp-content/uploads/2014/03/Pravovoe-regulirovanie_OS1.pdf)

The Situation Of Belarusian Civil Society Organisations: Survey Results

[https://research.lawtrend.org/?fbclid=IwAR2tyas\\_QLrZjFeoOb8q5GLc\\_FJmvpFVuRILWIGSEjwJ8wF\\_SWrtTFevirc#info-resources](https://research.lawtrend.org/?fbclid=IwAR2tyas_QLrZjFeoOb8q5GLc_FJmvpFVuRILWIGSEjwJ8wF_SWrtTFevirc#info-resources).

## NEWS ARTICLES AND OTHER MATERIALS

Council of Ministers of the Republic of Belarus, <http://www.government.by>.

Ministry of Justice of the Republic of Belarus, <https://minjust.gov.by>.

Ministry of Internal Affairs of the Republic of Belarus, <http://www.mvd.gov.by>.

Ministry of Information of the Republic of Belarus, <https://www.mpt.gov.by>.

Ministry of Foreign Affairs of the Republic of Belarus, <https://mfa.gov.by>.

Internet Portal of the President of the Republic of Belarus, <https://president.gov.by>.

Prosecutor General’s Office of the Republic of Belarus, <https://prokuratura.gov.by>.

Legal Forum, <https://forumpravo.by>.

Belarusian National Bar Association, <https://www.rka.by>.

Belarusian Telegraph Agency or BelTA, <https://www.belta.by>.

*Ekonomicheskaya Gazeta* (Экономическая газета), <https://neg.by>.

‘Belarusian civil society in Lithuania: how really welcome are we?’ (28 October 2021) by Lithuania Tribune.

‘July 2021: Black weeks for Belarusian Civil Society’ (July 2021) by Civicus.

‘Belarus NGOs condemn government crackdown after ‘black week’ of raids’ (July 2021) by The Guardian.

‘Interpol: les opposants bélarusses pourchassés à l’étranger’ (23 November 2021) by *Libération*.

Digital Future Welcome speech of the UNDP Belarus Resident Representative

Alexandra Solovieva at TIBO-2022, 6 June 2022

<https://www.undp.org/belarus/speeches/digital-future>.

Woman human rights defender Nasta Loika sentenced to seven years in prison by *Frontline* <https://www.frontlinedefenders.org/en/case/woman-human-rights-defender-nasta-loika-sentenced-seven-years-prison>.

Belarus Digest. 12 June 2013. 'Setting Up an NGO in Belarus: Challenge Yourself', <https://belarusdigest.com/story/setting-up-an-ngo-in-belarus-challenge-yourself/?pdf=1520>.

<https://en.wikipedia.org/wiki/Gleichschaltung>.

<https://prokuratura.gov.by/ru/media/novosti/nadzor-za-resheniyami-pogolovnym-i-grazhdanskim-delam/prodolzhali-rabotat-nesmotrya-na-reshenie-suda-o-likvidatsii-obedineniya-prokuratura-grodnenskoy-obl/>.

Republican List of Extremist Materials

<http://mininform.gov.by/documents/respublikanskiy-spisok-ekstremistskikh-materialov/>.

<https://www.bbc.com/news/world-europe-64833756>.

Belarus: Draft law "On Essentials of Civil Society" on Parliament's agenda

<https://csometer.info/updates/belarus-draft-law-essentials-civil-society-parliaments-agenda>.

<https://usa.mfa.gov.by/ru/embassy/news/e427e3032c6ebb49.html>.

Belarus' withdrawal from individual complaints procedure a serious setback for human rights protection, UN Human Rights Committee says,

<https://www.ohchr.org/en/press-releases/2022/11/belarus-withdrawal-individual-complaints-procedure-serious-setback-human>.

<https://ksds.by/constitution/>.

<https://www.sb.by/articles/obsuzhdaem-proekt-konstitutsii.html>.

<https://nv.ua/ukraine/events/voyna-v-ukraine-v-belarusi-blokirovali-internet-chtoby-skryt-peredvizhenie-voysk-rf-50238568.html>.

<https://sk.gov.by/ru/news-usk-gminsk-ru/view/podrobnosti-prestupnoj-deyatelnosti-rukovoditelej-i-rabotnikov-belapan-11143/>

<https://pravo.by/novosti/novosti-pravo-by/2022/july/70929/>.



