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## Empowered for Action

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# BELARUS 2024

## Country Report





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European Center for  
Not-for-Profit Law

# CSO Meter 2024: Belarus Country Report

Reporting period: January–December 2024

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.

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# ABBREVIATIONS & ACRONYMS

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AI	Artificial intelligence
AML/CTF	Anti-money laundering and counter-terrorism financing
BRYU	Belarusian Republican Youth Union ( <i>Bielaruski respublikanski sajuz moladzi</i> )
BYN	Belarusian Ruble
CSO	Civil society organisation
EaP	Eastern Partnership
ECNL	European Center for Not-for-Profit Law
EU	European Union
EUR	Euro
FATF	Financial Action Task Force
GDP	Gross Domestic Product
GDPR	General Data Protection Regulation (Regulation (EU) 2016/679)
GONGO	Government-organised non-governmental organisation
HRC	UN Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
ICNL	International Center for Not-for-Profit Law
ICT	Information and communications technology
KDB	State Security Committee ( <i>Kamitet dzjaržaŭnaj biaspieki</i> )
LGBTQ+	Lesbian, gay, bisexual, transgender/transsexual, queer/questioning, intersex, asexual, etc.
MIA	Ministry of Internal Affairs of the Republic of Belarus
MoJ	Ministry of Justice of the Republic of Belarus
NCO	Non-commercial organisation
OSCE	Organization for Security and Co-operation in Europe
REP	Belarusian Radio and Electronic Industry Workers' Union
UN	United Nations
USD	United States Dollar

# I. EXECUTIVE SUMMARY

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## Country context and key trends affecting the civil society environment

In 2024, the general context for civil society development in Belarus remains shaped by the authoritarian state policies that solidified as a political course in 2022–2023. These restrictive measures continue to impact civil society organisations (CSOs) and citizens both within the country and in exile, significantly shrinking the space for civic engagement and activity across nearly all sectors.

State policy still has two dimensions in relation to CSOs: one is aimed at introducing legislative and practical restrictions on the work of independent CSOs, many of which are treated by the authorities as undesirable actors; the other is aimed at supporting and building community organisations that are loyal to the state, many of which are directly or indirectly controlled by state agencies or otherwise subordinate to state policies. Within the first dimension, state agencies employ a wide range of sanctions against CSOs, including their forced dissolution, as well as repression against individuals associated with them. Within the second dimension, the state applies a complex set of legal and practical tools aimed at subordinating independent CSOs, developing government-organised non-governmental organisations (GONGOs), and financially or otherwise supporting organisations and public activities that align with state priorities.

The dual nature of state policy has increased CSOs' overall dependence on state authorities, deepened inequality within the non-profit sector, reduced the volume and influence of foreign financial support, and elevated the role of state funding and other forms of public assistance.

Some loyal CSOs and GONGOs were integrated into the regime's evolving political system in 2024, particularly during the elections of deputies to the 8<sup>th</sup> convocation of the House of Representatives and to local councils held on 25 February 2024. During the 2024 political campaign and the formation of the All-Belarusian People's Assembly, the most loyal public associations – including the pro-government Federation of Trade Unions of Belarus – were presented as the face of 'civil society' as defined by the previously-adopted Law on the Essentials of Civil Society. These groups sent delegates to the Assembly, reinforcing the state's controlled narrative of civic participation.

Two major waves of arrests and searches targeting civil society activists occurred: during the January–February pre-election period and again in November–December, ahead of the presidential elections scheduled for January 2025. Even between these peaks, repression remained intense, with hundreds of arrests and searches and dozens of prison sentences issued monthly. These actions were not offset by the limited pardoning process that began in mid-2024 and led to the release of 227 political prisoners by year’s end.<sup>1</sup> New arrests, however, kept the total number of political prisoners at no fewer than 1,299.<sup>2</sup>

Nonetheless, the number of new criminal cases of this type appears to be gradually decreasing. According to the Investigative Committee, ‘only’ 1,000 ‘extremist crimes’ were recorded in 2024, compared to a total of 22,500 over the previous five years.<sup>3</sup> This may suggest a modest decline in planned repressive measures targeting civil society.

The independent CSOs that have survived in Belarus now operate covertly and in a low-profile manner. They avoid publicising their work and are extremely cautious when engaging with foreign partners and donors, rightly considering such contact to be risky – or even too risky to be justifiable.

To understand the context of the situation for CSOs in Belarus, the level of political persecution of dissenters and the opposition in the country should be taken into account: it remains extremely high and even affects new groups which are now subject to repression (teachers, former journalists of banned media, protesters, subscribers to banned information channels on social networks, relatives of political prisoners, donors to solidarity funds, recipients of foreign aid, LGBTQ+ people, former election observers, etc.).

According to human rights defenders, there were 1,317 political prisoners in Belarus as of 1 October 2024 (215 of whom were included in a special humanitarian list as being under particular threat due to illness or old age), including 169 women. The early release of a number of political prisoners due to pardons was a notable new trend in 2024: more than 200 people were freed, including some extradited to Ukraine as part of the exchange of prisoners and detainees between the warring parties. At the same time, it should be noted that a comparable number of new detainees were imprisoned, offsetting the releases.

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<sup>1</sup> CSO Meter, ‘Belarus: Ahead of the 26 January presidential election, criminal charges against any opposition still used to suppress civic activity’, 21 January 2025, <https://csometer.info/updates/belarus-ahead-january-26-presidential-election-criminal-charges-against-any-opposition>.

<sup>2</sup> List of current political prisoners maintained by Viasna Human Rights Center and guidelines on the definition of a political prisoner

<sup>3</sup> CTV.by, ‘SC of Belarus: the system of measures to counter extremism is working’, 25 November 2024 (in Russian), <https://ctv.by/news/obshestvo/sk-belarusi-sistema-mer-po-protivodejstviyu-ekstremizmu-rabotaet>.

According to human rights defenders, the intensity of repression in Belarus is not decreasing. The number of people subjected to criminal prosecution for political reasons was 1,225 in 2021, 1,240 in 2022, and 1,600 in 2023. In the first nine months of 2024, 1,000 people were subjected to criminal prosecution for political reasons. At the time of this report, approximately 6,000 cases of political convictions to various forms of punishment have been recorded since the start of the presidential election campaign in May 2020 – and the next presidential elections are scheduled for January 2025.

At the same time, Belarus' isolation from the rest of Europe has continued, driven both by the deliberate policy of the country's leadership and by the sanctions against Belarus imposed by European countries, United States, Canada and others. In 2024, this dual set of factors, resulting from Belarus' involvement in certain aspects of Russian aggression against Ukraine, has significantly increased the impenetrability of the 'iron curtain' that formed along Belarus' western border between 2021 and 2023.

An important background factor in the development of CSOs in Belarus in recent years has been limited access to funding, due to sanctions imposed on Belarus in connection with its involvement in the Russian-Ukrainian war. For example, the Resolution of the 2024 General Assembly of the Eastern Partnership (EaP) Civil Society Forum urged European Union (EU) Member States to revise the implementation of Council Decision 2022/579 of 8 April 2022, namely, to introduce exemptions for civil society organisations re-granting EU funds to Belarusian residents, alongside existing exceptions for UN agencies concerning cash payments.<sup>4</sup>

On the other side of the iron curtain, a conglomerate of Belarusian political organisations based abroad or in exile is active and developing, including both organisations established abroad and those that have relocated their activities abroad as a result of persecution in Belarus or due to a credible threat of such persecution. It is these Belarusian CSOs located abroad that most often represent Belarusian civil society in the international arena. They also use information and communications technology (ICT) and the capabilities of electronic media to connect with their target groups inside Belarus, but they face strong resistance from the Belarusian authorities.

## Key developments and priorities in the civil society environment

In 2024, the overall country score for the CSO environment in Belarus remains at the same extremely low level (2.2) as in 2023, with no change in the average overall score for Legislation (2.7) and a deterioration in the average overall score for Practice (from

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<sup>4</sup> General Assembly of the EaP Civil Society Forum, Resolution of the 2024, 19 November 2024, <https://eap-csf.eu/content/uploads/2024/11/Resolution-of-the-General-Assembly-2024.pdf>.

1.7 in 2023 to 1.6 in 2024). Despite some changes in specific indicators in Legislation and in Practice, the overall score of 2.2 has remained unchanged since 2022, indicating a persistently highly unfavourable environment for CSOs across all assessed areas of the CSO Meter.

The overall scores in each of the 11 assessed areas remain the same, and only in two areas – Freedom of Association and Access to Funding – have changes in the scores for either Legislation or for Practice been registered. In both of these areas, the scores for Practice deteriorated, while an improvement in the score for Legislation in Access to Funding was due to the broadening of conditions for CSOs to receive funds from domestic corporate donors.

The state's campaign to liquidate CSOs continued in 2024 (albeit at a declining rate at the very end of the year) and has resulted in the termination of the activities of almost half of the total number of CSOs that existed in Belarus in 2020. The termination of republican public associations that had not amended their charters in accordance with the requirements of the 2023 updated version of the Law on Public Associations was a defining factor in the intensification of the liquidation campaign. Justice agencies warned public associations of the new legal requirement for them to have entities in all regions of the country, or, if an organisation could not comply with this requirement, to submit documents amending their charters to reclassify them from republican to local public associations.

CSOs that duly amended their charters most often did not face any impediments from the authorities and refusals to register such a change in status were rare. But many public associations simply ignored the new legal requirement and did not take any action. After warnings issued at short notice, the justice authorities filed lawsuits in court for termination of these public associations, which were readily granted by the courts. For many public associations, such terminations as a result of deliberate non-compliance with the law became a way to cease operations on their own terms – in the same way that many other CSOs chose to formally dissolve, either because they saw no viable way to pursue their mission under current conditions or because they were under pressure from state authorities.

The process of registering new CSOs is extremely slow and unable to compensate for the shrinking of the civic space as a result of coerced involuntary termination or forced voluntary dissolution. From 2021 to 2024, according to rough estimates, one new CSO was registered for every ten CSOs that were terminated.

The Belarusian government has begun to pay more attention to the creation of internal financial sources to support the activities of CSOs that have survived in the country. In

2024, the mechanisms for state funding of civil and youth initiatives enacted in law in 2022–2023 were supplemented by amendments to the legal regulation of domestic corporate sponsorship, which fundamentally changed the list of permitted purposes and, in practice, allowed all public associations to receive donations from business entities for any purpose specified in their charters. Opportunities for state social contracting for non-commercial organisations (NCOs) that have retained their registration are also expanding. However, inequality remains in this area – CSOs loyal to the government enjoy significantly greater access to state and private support than independent CSOs and initiatives.

The reduction in opportunities for CSOs to raise funds through the provision of services has been a negative trend. This has resulted from the misuse of licensing requirements and the practice of de facto (or veiled) licensing, which has been particularly evident in the decline in the number of private entities holding licences to provide social and educational services.

At the same time, state agencies are cracking down on foreign funding for CSOs. Alongside continued criminal prosecutions under the pretext of combating the financing of extremist formations, hundreds of people who received aid for political prisoners from abroad were prosecuted in 2024, including in dozens of criminal cases. The expansion of the scope of criminal liability for breaches of the procedures for receiving foreign aid, undertaken in 2024, followed the same trajectory: the authorities have broadened the application of Article 369<sup>2</sup> of the Criminal Code – previously rarely used – to cover not only violations in the *use* of foreign aid, but also in its *receipt*. The awaited Law on Foreign Gratuitous Aid, intended to replace the current Decree No. 3 on Foreign Gratuitous Aid, remains merely a prospect: its draft has yet to be published, and rumours abound about its content – including speculation that it may introduce a regulatory framework similar to the ‘foreign agents’ laws adopted in some other countries.

The authorities often apply criminal prosecution against Belarusian CSOs located abroad (especially those formed in neighbouring countries or re-established there after liquidation and persecution in Belarus), justifying this through the arbitrary inclusion of such organisations in the lists of ‘extremist formations’ by the Ministry of Internal Affairs (MIA) or the State Security Committee (KDB), as well as through their designation as terrorist organisations by a court decision based on a claim by the Prosecutor’s Office (applied to organisations assisting Belarusian combatants and their units in Ukraine). The practice of bringing criminal cases in absentia against activists of such foreign-based organisations and members of the emigrant opposition has significantly expanded, with harsh criminal sentences including long prison terms now being handed down in absentia, without the presence of the accused.

In general, the gap between CSOs operating inside Belarus and those located abroad continues to widen – both in terms of legal status and the focus of their activities. Belarusian CSOs abroad, functioning under different jurisdictions, face a distinct legal landscape and operate under conditions shaped by external factors. They adapt to the laws of their host countries, evolve accordingly, and develop their own priorities and perspectives on the challenges facing civil society – often diverging significantly from those of CSOs still based in Belarus. While stagnation, stasis, and a retreat into latent or survival modes typify the situation for many CSOs inside Belarus, those abroad are more likely to be actively exploring opportunities in their new environments. These include engaging the Belarusian diaspora and building partnerships within the host country, while viewing beneficiaries inside Belarus more as a passive recipients of support rather than as active implementers or partners.

All of the recommendations made in the CSO Meter 2023 report for Belarus remain valid and relevant, as none of them have been implemented. The sole exception – a modest positive development – was the expansion of permitted purposes for CSOs to receive domestic donations. However, this change still falls short of international best practice, as it retains a restrictive approach by defining in the relevant legislation only a closed list of permitted purposes, rather than the recommended model of defining only a list of prohibited purposes.

## Key developments

- Despite the ongoing campaign to terminate CSOs and the increasing role of state-dependent CSOs (including GONGOs), independent CSOs and initiatives still exist in Belarus – although they often operate covertly and without public coverage of their activities. The civil society landscape remains highly uneven: in some areas, such as trade unions, human rights, and opposition political parties, the work of independent CSOs is almost entirely relegated to the illegal sphere. In other fields – such as culture, leisure, sports, and youth – their activities are severely restricted. By contrast, in areas such as charity and consumer protection, CSOs can often function with relatively little state interference. Overall, however, the space for individual civil initiatives that are not identified with the work of CSOs is somewhat broader and less risky than the space for formal CSOs. Many initiatives operate at the individual level or carry out their work in the form of commercial legal entities or as individual entrepreneurs.
- The new version of Edict No. 300 enshrines amendments to the procedure for receiving and using domestic sponsorship aid, which has become the largest legal change in this area since 2005, when this edict was adopted. This generally

positive change goes together with the development of other mechanisms for funding of CSOs from domestic sources, including state ones, but while retaining unequal access to the latter due to politically motivated restrictions and loyalty-based selection.

- The above trend is contradicted by the reduction in the space for CSOs to engage in activities that require licences, special permits, certificates, or inclusion in a special register (the development of physical culture, e-commerce, distribution of printed publications, social care with the provision of accommodation, educational activities, excursion activities, etc.).
- The intensification of prosecution of CSOs for receiving and distributing foreign aid, including initiation of administrative charges and criminal cases against individuals who have received and transferred financial and other material aid to Belarus from abroad. The main tool here is the abusive use of accusations of funding extremist activities and certain CSOs being declared 'extremist formations' by the authorities.
- The loyal and state-controlled part of civil society actively participated in the political campaigns of 2024 (local and parliamentary elections in February 2024 and preparations for the presidential elections in 2025). However, despite the creation of additional legal conditions and a financial base for this mission by the authorities, the intensity of this participation was comparable to the elections prior to 2020. The reason for such inactivity lies in the general freezing of political pluralism in the country, where all opposition activity is forced out of the country or is punishable by law. Elections are wholly manipulated and there is no competitiveness even between loyal participants from controlled CSOs and pro-government political parties with different ideological colours.
- In 2024, criminal and other prosecutions of CSOs and activists operating in relation to Belarus from abroad intensified. These included the use of criminal prosecution in absentia and consideration of criminal cases in the absence of the accused with the delivery of guilty verdicts, and the identification, seizure and confiscation of real estate and other property in Belarus belonging to such persons.
- The re-registration of religious organisations began in July 2024 and will last for one year. It will force all religious organisations to bring their documents into compliance with the updated Law on Freedom of Conscience and Religious Organisations of 30 December 2023. The re-registration of religious organisations is part of a general process of pressure on civil society and affects

many CSOs established or supported by religious organisations. The separation of organisations into groups deemed acceptable and unacceptable to the authorities that first affected public associations, non-governmental institutions and foundations, then trade unions and political parties, has now spread to religious organisations.

- In the summer of 2024, the first sentence under Article 193<sup>1</sup> of the Criminal Code for the activities of a previously terminated organisation was handed down in Belarus. This was the first such sentence after a long pause and the reinstatement of this article into the Criminal Code in 2022. The punishment under this article was one year of imprisonment (but in combination with other incriminated political crimes, the total sentence under all articles in this case was 9 years of imprisonment and a fine), while the court's decision was made in the absence of the accused, who had left Belarus several years prior.

## Key priorities

1. Release all individuals recognised as political prisoners and stop all politically-motivated criminal cases and investigations;
2. Abolish the Law on the Countering of Extremism and all by-laws adopted under it, especially the Index of Extremist Formations and the Index of Extremist Materials;
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 termination of CSOs and restore real opportunities to operate for CSOs previously forcibly terminated in 2020–2024 (including public associations, foundations and private institutions, trade unions and their independent associations, religious organisations and opposition political parties);
5. Cease all forms of repression and discrimination against protesters, representatives of the opposition and CSOs, including mass administrative and criminal prosecution of activists inside the country and abroad in absentia, 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;
6. Eliminate legislative possibilities for and the practice of internet disruption and the blocking of websites without court decisions; and
7. Cease the misuse of anti-money laundering and counter-terrorism financing (AML/CTF) legislation and investigative powers in hate speech crimes to restrict freedom of expression and freedom of thought, as well as to restrict access to funding from abroad for charities, human rights and humanitarian CSOs.

# II. BELARUS – IN NUMBERS

## Basic data

**Population:** 9,155,978 (1 January 2024)<sup>5</sup> | **GDP per capita:** 7,829.1 USD (2023)<sup>6</sup> | **Number of CSOs:** 19 trade unions; 1,397 public associations (127 international, 305 national and 965 local) as of 1 January 2025; 227 foundations as of 1 January 2022;<sup>7</sup> and around 471 private institutions that meet the criteria of a CSO.<sup>8</sup> This number includes public associations and foundations that have decided to terminate, but have not yet completed the liquidation procedure and are still listed in the register. | **CSOs per 10,000 inhabitants:** around 2.5 (estimated) | **Registration fee for a CSO:** 20 BYN for private institutions; 200 BYN for local foundations and local public associations; 400 BYN for national and international public associations and for national and international foundations (approximately 5.5 EUR/54 EUR/108 EUR). | **Registration period for a CSO:** 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>9</sup> | **World Press Freedom Index:** 26.8 (167 out of 180 countries).<sup>10</sup>



**Country score: 2.2**  
**Legislation: 2.7**  
**Practice: 1.6** ↓

The scores range from 1 to 7, where 1 signifies the lowest possible score (extremely unfavourable – authoritarian – environment for civil society) and 7 signifies the highest possible score (extremely favourable – ideal democratic – environment for civil society).

Areas	Overall	Legislation	Practice
Freedom of Association	2.3	2.8	1.7 ↓
Equal Treatment	2.7	3.1	2.2

<sup>5</sup> National Statistical Committee of the Republic of Belarus, <https://www.belstat.gov.by/en/ofitsialnaya-statistika/Demographic-and-social-statistics/population-and-migration/population/annual-data/>.

<sup>6</sup> The World Bank, 'GDP per capita (current US\$) – Belarus', <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=BY>.

<sup>7</sup> Data of the MoJ of the Republic of Belarus, [https://minjust.gov.by/directions/compare\\_coverage/](https://minjust.gov.by/directions/compare_coverage/). It is important to note that this number includes public associations and foundations that have already stated their intention to dissolve themselves but have not yet completed the liquidation procedure and therefore remain listed in the official register. Since 2022, the MoJ has not published the total number of registered foundations, nor has it provided data on the annual number of newly registered public associations and foundations.

<sup>8</sup> Lawtrend, 'NGOs in Belarus: Registration Situation and Liquidation', 15 November 2024 (in Russian).

<sup>9</sup> Freedom House, 'Freedom in the World 2024 – Belarus', <https://freedomhouse.org/country/belarus/freedom-world/2024>.

<sup>10</sup> Reporters Without Borders, 'World Press Freedom Index 2024', <https://rsf.org/en/index>.

Access to Funding	2.2	2.6 ↑	1.8 ↓
Freedom of Peaceful Assembly	1.5	1.9	1.1
Right to Participation in Decision-Making	2.6	3.1	2.1
Freedom of Expression	1.8	2.4	1.2
Right to Privacy	2.4	3.3	1.5
State Duty to Protect	1.9	2.5	1.2
State Support	2.4	2.8	1.9
State-CSO Cooperation	2.3	2.7	1.9
Digital Rights	2.1	2.6	1.5

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

# III. FINDINGS

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## 3.1 Freedom of Association

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

Legislation: <b>2.8/7</b>	Practice: <b>1.7/7</b>
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The overall score in this area remains unchanged from 2023. However, in the score for Practice there is a drop of 0.1 points in 2024 due to new waves of forced dissolution of CSOs and the misuse of charges against CSOs for ‘extremist activities’, including the labelling of numerous initiatives as ‘extremist formations’. Further suppression of freedom of association in Belarus continued in 2024, including the rights to freely establish, participate in, and freely withdraw from an association. Since 2021, approximately 2,000 CSOs of diverse legal entity types have been either subjected to forced termination through judicial or extra-judicial procedures or have opted for voluntary termination. This has resulted in the termination of numerous public associations, including due to their inability to meet the criteria outlined in the revised legislation which came into force in 2023. In parallel, the number of newly registered organisations is around a tenth of the number of CSOs that have ceased to exist across the same period. In 2024, many forcibly terminated CSOs have been designated as ‘extremist formations’. There is persistent pressure on CSO members, including over one hundred CSO representatives who have been imprisoned. Foreigners are restricted in terms of the possibilities to establish associations according to the law. Since 2022, the activities of unregistered CSOs have been re-criminalised with the first conviction under this repressive provision occurring in 2024. Excessive state interference in CSOs’ activities, including searches, seizure of equipment and documentation, and blocking of bank accounts and websites, is common in Belarus, including under the pretext of AML/CTF legislation and countering extremism. Many Belarusian CSOs have been forced to leave the country under severe pressure and continue their activities from abroad, often also facing specific restrictions in the countries they have relocated to. In general, the implementation of freedom of association in Belarus has been persistently inadequate since the end of 2020. With each passing year, an increasing number of CSOs encounter growing challenges due to legislative and practical developments.

### **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.**

Article 36 of the Constitution of Belarus enshrines the right to freedom of association. However, the Constitution also limits the purposes for which associations may be formed, namely political parties and other public associations. The stated objective is

the ‘implementation and satisfaction of citizens’ political, social, economic, cultural and other interests’.

Foreigners are still forbidden from being founders of public associations.<sup>11</sup>

Criminal liability has been established for organising and participating in the activities of organisations (public associations, including political parties and trade unions, religious organisations and foundations) without state registration (Article 193<sup>1</sup> of the Criminal Code, which was abolished from July 2019 until 22 January 2022). On 2 August 2024, the first conviction under this article was handed down in absentia in connection with the activities of a public association after its termination.<sup>12</sup> It has been announced that another, second criminal case has been initiated in 2022 under the aforementioned article, pertaining to ‘the act of conducting the activities of a public association without the requisite registration under the guise of a commercial organisation.’ There have been no updates during 2024 on the outcome of this criminal investigation.

A 2023 amendment to the Law on Public Associations established the necessity for national-level public associations (50 individuals are required to establish and operate such associations) to have organisations in all regions of Belarus and Minsk. National-level public associations are also required to have a registered office address in non-residential premises.

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. Citizens face pressure due to their membership in CSOs, and CSOs are also targeted because of the individuals associated with them.

**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 this 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 a special unique font and the right size of margins. Registration authorities do not advise on the documents’ correctness.<sup>13</sup> As a result, if

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<sup>11</sup> Article 2, Law on Public Associations of 4 October 1994 (with amendments), <https://pravo.by/document/?guid=3871&p0=v19403254>.

<sup>12</sup> CSO Meter, ‘Belarus: First criminal sentence for continuing CSO activities after liquidation’, 14 August 2024, <https://csometer.info/updates/belarus-first-criminal-sentence-continuing-cso-activities-after-liquidation>.

<sup>13</sup> Belarus Digest, ‘Setting Up an NGO in Belarus: Challenge Yourself’, 12 June 2013.

any faults (however minor) are subsequently found in CSOs' application documents, the authorities will use these 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. For example, the Minsk Department of Justice refused to register the public association 'Health Harmony' in September 2024, and this refusal was further confirmed by a court decision.

Private residential premises cannot serve as a registered office address for a CSO, including local branches, and this requirement is a serious problem for all forms of CSO.

Belarusian courts are not independent. When considering registration appeals and termination or non-registration claims from CSOs, they show bias and usually side with the justice agencies.

In the context of mass liquidation of CSOs and systemic repression, the relevance of registering independent CSOs has significantly diminished. The number of NCOs that were registered in 2021 was ten times lower than the number of terminated NCOs for the same period. According to official statistics, which include NCOs in the process of termination, as of 1 January 2024 there were 1,973 registered public associations in Belarus (as of 1 July 2020, this number was 3,025). Following the termination of CSOs, many public activities of a non-commercial nature continue to be carried out through commercial legal entities and individual entrepreneurs established for this purpose.

Large-scale changes introduced into the Civil Code by Law No. 312 on Amendments to the Codes of 13 November 2023 have also affected the regulation of all forms of legal entities. In the amendments that entered into force on 1 July 2024, the list of permitted organisational and legal forms for NCOs was expanded. In addition to those previously cited in Article 46 of the Civil Code, gardening societies, proprietors' associations, republican state public associations, and unions of legal entities were added. A significant innovation was the introduction of the option for CSOs to operate using a government-approved model charter. However, no such model charters were approved for NCOs in 2024, and there are no indications that any are planned for the future.<sup>14</sup>

**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, including being subjected to civil and criminal liability, represents a significant and troubling trend in Belarus. The state's repressive apparatus is deployed against the full spectrum of CSOs

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<sup>14</sup> Neg.by, 'Новеллы ГК-2024: юридические лица, представительства и филиалы' (in Russian), <https://neg.by/novosti/otkrytj/novelly-gk-2024-yuridicheskie-litsa-predstavitelstva-i-filialy/>.

encompassing a diverse range of activities, including those located throughout the entirety of the Republic of Belarus or those that have relocated abroad.

CSOs have become targets for prosecution under the laws on extremism and terrorism. The practices of declaring groups as 'extremist formations' (for which there is no need to obtain a court decision), activists as heads and participants of extremist formations, and information resources as extremist materials has become widespread. For example, organisations that had previously been terminated, such as the Office for European Expertise and Communication and the RADA Union of Youth and Children's Organisations, were designated as extremist formations in 2024. This negative status has previously been assigned to such organisations as the Viasna Human Rights Center, the SYMPA Research Centre, the Belarusian Association of Journalists, the Belarusian Radio and Electronic Industry Workers' Union (REP), and the NGO Ecohome. The REP and Ecohome were recognised as extremist formations in violation of the law while their termination processes were still underway. Joining an organisation listed in the Index of Extremist Formations, as well as financing or participating in any of its activities (including those carried out long before the organisation was recognised as extremist) is interpreted as a crime under Articles 361<sup>1</sup> and 361<sup>4</sup> of the Criminal Code punishable by long-term imprisonment.<sup>15</sup>

Openly conducting human rights activities is not possible in Belarus. Numerous human rights defenders continue to serve prison sentences resulting from their professional activities, including the leadership and members of the Viasna Human Rights Center (including Nobel laureate Ales Bialiatski, Uladzimir Labkovich, Valiantsin Stefanovic, Marfa Rabkova, and Andrei Chapiuk), as well as human rights activist Nasta Loika. In a series of court decisions, information resources produced by human rights organisations, including the Belarusian Helsinki Committee, the Legal Initiative, the Office for European Expertise and Communication, and other CSOs, have been designated as extremist materials.

Furthermore, other CSO representatives are currently being held in custody, including Andrzej Poczobut (a member of the Union of Poles), Tatsiana Kuzina (an expert from the BIPART Research Centre), Pavel Belavus (a cultural activist and the founder of the independent public cultural initiative Art-Siadziba), Uladzimir Matskevich (founder of the Flying University, an education platform), Pavel Mazheika (former head of the Center for Urban Life), and Eduard Babaryka (former head of the crowdfunding platforms Ulej and MolaMola). Thirty-two representatives of trade unions and the labour movement are also currently serving prison sentences.<sup>16</sup>

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<sup>15</sup> Criminal Code of the Republic of Belarus, <https://pravo.by/document/?guid=3871&p0=Hk9900275>.

<sup>16</sup> Information about detained trade union members and trade union activists is published based on data from 'Solidarity'.

The government has taken action to suppress the activities of civil society representatives who have been forced to leave the country. For these purposes, criminal legislation on special (absentee) proceedings is widely used. Under special proceedings, the investigation of a criminal case may be completed without the participation of the accused who is located outside Belarus, and the case is tried in absentia with substantial violations of the right to a fair trial (including lack of legal assistance or opportunity to read the case file, and even to present arguments in defence). Special proceedings have been initiated against 144 persons, including 107 persons in 2024, since their implementation in September 2022.

Public associations are deprived of the right to independently conduct entrepreneurial activities and are required to establish a separate commercial legal entity 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, the 2023 amendments to the Law on Public Associations established mandatory compliance of the activities of public associations with the principal direction of the government's domestic and foreign policies, as well as the concept of national security, which has been approved by the All-Belarusian People's Assembly. The violation of this condition is grounds for the termination of public associations. In practice, CSO representatives are summoned to meetings with law enforcement agencies and other bodies, including with the objective of inspecting and adjusting the activities of CSOs.

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.

State bodies have created obstacles to the implementation of activities aimed at assisting 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, including beatings and torture. In January 2024, there were numerous searches and close to 300 detentions associated with the 'INeedHelpBY' initiative, which provided food aid to individuals experiencing financial distress as a result of political repression.<sup>17</sup> Over one hundred administrative violation cases have been initiated under Part 2 of Article 24.15 of the Code of Administrative Violations ('use of foreign gratuitous aid for terrorist and other extremist activities or other actions prohibited by law') against individuals and organisations that have received or distributed aid. The resulting penalties have

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<sup>17</sup> Viasna Human Rights Center, 'Belarusians on trial again for receiving "foreign aid"', 27 December 2024.

included substantial fines and the confiscation of the received aid, including through the recovery of its monetary equivalent (if it has not been possible to confiscate this assistance in kind). It is documented that, following their administrative liability in this series of cases, nearly 40 individuals have been subsequently charged with criminal offences, including the promotion of extremist activities.

In instances where associations are being dissolved by a court decision, the charters of the majority of public associations do not provide for the possibility of the creation of liquidation commissions on the association's own initiative. In practice, the courts do not create such liquidation commissions. The legislative gaps pertaining to this issue have been partially resolved by amendments to the Civil Code which state that a public association or religious organisation, in respect of which a court decision on termination has entered into legal force, shall appoint a liquidation commission (liquidator) itself. If, within two months of the date of entry into force of the court decision, the liquidation commission or liquidator has not been appointed, the responsibility for carrying out the liquidation passes to the registration authority. Changes to the Civil Code have also clarified some other aspects of the liquidation process regarding, among others, liquidation deadlines, notification of creditors, and preparation of the liquidation balance sheet.

Following this change to the Civil Code, the government introduced standardised liquidation balance forms under Council of Ministers Resolution No. 770 of 18 October 2024, which became mandatory for use as of 19 November 2024. Prior to the adoption of the resolution, there were no mandatory forms for the interim liquidation balance sheet and final liquidation balance sheet of a legal entity, and in practice the balance sheet form was used as a basis for their preparation. The new forms of documents differ significantly from the forms of accounting statements and pay special attention to information on recognised, partially recognised and unrecognised claims of creditors, as well as property of terminated entities (real estate, money in different currencies, securities, property rights, vehicles, and other assets).<sup>18</sup>

**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 termination by a court decision on referral from the Ministry of Justice (MoJ).

In the Minsk region alone, the activities of 52 public associations and 3 local charitable foundations were inspected by regional justice authorities during the first six months of 2024. As of 1 July 2024, only 112 public associations and 19 foundations (eight of

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<sup>18</sup> Council of Ministers of the Republic of Belarus, 'Постановление № 770 от 18 октября 2024 г. об установлении форм промежуточного ликвидационного баланса и ликвидационного баланса' (in Russian), <https://pravo.by/document/?guid=12551&p0=C22400770>.

which are in the process of liquidation) continue to have registered status in the Minsk region.<sup>19</sup>

Forced terminations of CSOs have been widely practised by the authorities since 2021. As of the end of December 2024, 1,186 CSOs were either undergoing forced termination or had already been terminated.<sup>20</sup> From 2021 to 2024, at least 707 organisations decided to self-terminate, including as a result of coercion. Self-termination is primarily due to pressure on the members and employees of CSOs, an unfavourable legal environment, and the overall socio-political situation in the country. The number of public sector organisations in Belarus that have been lost since the post-election period of 2020 are already at least 1,893 CSOs, including public associations, trade unions, foundations, non-governmental establishments, and associations (unions) of legal entities. The number of newly registered CSOs can be estimated only approximately, and is thought to be around 217 organisations in various forms for the period from 2021 to 2024.<sup>21</sup> This number represents around a tenth of the number of CSOs that were terminated during same period.

The government is pursuing a policy of destroying the institutional forms of CSOs. The grounds for forced termination may include formal reasons that have been typical for previous waves of termination of CSOs in Belarus. These include, for example, failure to submit annual reports, untimely submission of reports, lack of documents confirming the existence of a legal address, and failure to submit documents at the request of the registration authority, including lists of members of the organisation. In addition to the aforementioned formal grounds, the practice of terminating public associations in connection with their alleged promotion of extremist activities, including the dissemination of war propaganda, the participation of an organisation's members in protests, Telegram channels and chats that are recognised as extremist, has become increasingly common. This ground for termination, as a rule, is not substantiated in any way. For example, no specific facts or names of members of the organisation are given and the termination cases contain official notes made by the MIA, the KDB or other bodies marked 'for official use only', which are either not provided for review by members of the organisation and/or are unfounded. In addition, such claims are not based on a legal grounding, since members of affected organisations have not been granted the right by their governing bodies to act on behalf of the organisation or to represent the organisation in actions.

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<sup>19</sup> Main Department of Justice of the Minsk Regional Executive Committee, 'Актуальная информация' (in Russian), <https://minobljust.gov.by/napravleniya-deyatelnosti/obshchestvennye-ob-edineniya-fondy-tretejskie-sudy/aktualnaya-informatsiya>.

<sup>20</sup> Lawtrend, The updated list of non-voluntary liquidated public associations, foundations, institutions and unions of legal entities (in Russian).

<sup>21</sup> Lawtrend, 'NGOs in Belarus: the situation with registration and liquidation' (in Russian), 27 December 2024.

Since April 2024, the forced termination of CSOs that began in 2021 has received a new impetus. A new phase of terminations of public associations, primarily of republican and international status, has commenced due to their failure to fulfil the requirement to bring their charters in line with the new requirements of the Law on Public Associations.<sup>22</sup>

Alongside termination of CSOs, several lawsuits were filed by the justice authorities in 2024 to suspend the activities of public associations for up to six months by court decision.

The amendments to the Law on Public Associations, which came into force in 2023, have removed the Supreme Court's jurisdiction as the court of first instance in cases concerning the termination of international and national public associations. This has technically enabled such associations to appeal court decisions on termination. However, in practice the amendment is insignificant because the courts endorse the stance of the judicial authorities by adopting decisions that align with their preferences.

Unlike public associations, the vast majority of forcibly terminated institutions are terminated 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, except for cases stipulated by law. However, interference in the internal affairs of CSOs by state agencies is a common practice. Article 194 of the Criminal Code provides for liability for obstruction of the lawful activities of public associations or interference in their activities. However, there are no known cases of prosecution under this article in practice.

Interference in the internal affairs of CSOs takes a variety of forms. These 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, the content of events and to change the leadership of organisations, and intimidation of CSO members and summoning them for interrogations. The practice of compelling public associations to alter their legal entity form to that of an institution (as non-member organisations) has been documented. The authorities are also actively using the existing international approaches aimed at implementing Financial Action Task Force (FATF) mechanisms on combating extremism and terrorism to interfere in the activities of CSOs.

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<sup>22</sup> CSO Meter, 'Belarus: New wave of liquidation of CSOs that fail to amend their charters', 12 March 2024, <https://csometer.info/updates/belarus-new-wave-liquidation-csos-fail-amend-their-charters>.

Another example of government intervention in the activities of CSOs is the periodic re-registration procedure. This aims to reduce the number of CSOs of different legal entity forms and to examine their documentation. The deadline for public associations to bring their charters into compliance with the new legal requirements expired on 4 March 2024. Following this, a new phase of termination of public associations began. Re-registration of religious organisations began on 6 July 2024 under amended legislation<sup>23</sup> and will continue until mid-2025.

Many Belarusian CSOs have been forced to decide on relocation abroad for security reasons in light of the extremely unfavourable environment in Belarus, as well as to continue their activities and mission. Poland, Lithuania and Georgia are the most popular destinations for CSOs that have relocated. However, pressure continues to be exerted on relocated organisations from within Belarus, including via criminal and tax cases.

In 2023 and 2024, several licensing mechanisms have been gradually introduced to limit the opportunities for interested parties to carry out certain service provision activities.<sup>24</sup>

On 1 July 2024, amendments to the Law on Social Care and the Law on Licensing came into force, which introduced licensing of activities on the provision of social services in the form of inpatient social care (care which requires admitting the patient to a hospital). There were 35 non-state entities carrying out such activities in Belarus and only six of them succeed in receiving the new licences.<sup>25</sup> In December 2024, the government initiated a review of the licensing requirements for premises providing social services and, as a result, rolled back some elements of the newly-introduced licensing requirements on social service providers due to their negative impact on the care homes sector.<sup>26</sup> The impact of this change on the decision of former social assistance providers (including CSOs) who have been compelled to depart from the social care sector – only then to return to it and attempt to provide this type of service again – remains uncertain.

The previously developed rural tourism sector also suffered a significant blow as a result of re-registration: following the process, the number of establishments

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<sup>23</sup> CSO Meter, 'Belarus: All forms of religious organisations may need to re-register', 8 January 2024, <https://csometer.info/updates/belarus-all-forms-religious-organisations-may-need-re-register>.

<sup>24</sup> CSO Meter, 'Belarus: Excessive licensing chokes civil society activities', 9 August 2024, <https://csometer.info/updates/belarus-excessive-licensing-chokes-civil-society-activities>.

<sup>25</sup> Organized Crime and Corruption Reporting Project, 'All private schools operating in Belarus have close ties to the government', 8 May 2024.

<sup>26</sup> CSO Meter, 'Belarus rolled back some excessive licensing requirements on social services', 1 July 2024, <https://csometer.info/updates/belarus-rolled-back-some-excessive-licensing-requirements-social-services>.

decreased by a factor of 2.3 — from 3,150 in 2021 to 1,348 estates in December 2024 (with 1,802 having been closed for three years).<sup>27</sup>

The introduction of licensing has also in practice reduced the number of CSOs engaged in physical education, cultural and entertainment events and educational activities. Even tour guides and their interpreters are now subject to professional requirements defined by the Ministry of Sports. In total, about 40 areas of activity are subject to licensing in Belarus, but many other areas and activities require accreditation, certification or inclusion in a special register. The number of these types of restricted activities is growing and expanding into new areas, including those popular among CSOs.

Direct interference by government agencies in the activities of CSOs in the form of directives and orders is also practiced. This is especially common in the sphere of physical culture and sports public associations. For example, in December 2024, the authorities ordered Slutsk Football Club to change its form from a public association to a state institution.<sup>28</sup> Also, in December 2024, the Nadzeya Children's Rehabilitation and Recreation Centre (established in 1994 for rehabilitation of children living in the territories contaminated as a result of the Chernobyl disaster) was nationalised. The shares in the statutory fund owned by the German association Friends of the Children's Center 'Hope' (50.7 per cent) and Belarusian socio-ecological public association 'Live Partnership' (about 25 per cent) were transferred into the ownership of the state according to a government resolution.<sup>29</sup>

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<sup>27</sup> **Euroradio**, 'Today, there are half as many agricultural estates in Belarus as there were three years ago', 8 December 2024.

<sup>28</sup> **Pressball.by**, 'Андрей Мишаев: есть вариант, при котором "Слуцку" предстоит начать выступления с третьего дивизиона', 13 December 2024 (in Russian), <https://pressball.by/news/football/andrej-mishaev-est-variant-pri-kotorom-slutsku-predstoit-nachat-vystupleniya-s-tretego-divizion/>.

<sup>29</sup> **Council of Ministers of the Republic of Belarus**, Resolution "On taking property into the ownership of of the Republic of Belarus" № 909 from 5 December 2024 г. (in Russian), <https://pravo.by/document/?guid=12551&p0=C22400909>.

## Specific recommendations under Area 1:

- Abolish the ban on the activities of public associations without registration by removing it from the Law on Public Associations, cancel criminal responsibility for organising and participating in the activities of an unregistered organisation (Article 193<sup>1</sup> of the Criminal Code) and review the sentences imposed under this article;
- Stop the practice of forced termination of CSOs, and revoke all court and local authorities' decisions on the forced termination of CSOs made between 2020 and 2024;
- Enshrine clear and distinct grounds for decisions on termination of NCOs by judicial means in legislation, such as conduct directly banned by the Constitution or the law;
- Release all persons recognised as political prisoners,<sup>30</sup> review and revoke all sentences imposed on them and pending decisions on their responsibility, pay adequate compensation to all political prisoners, and drop 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;
- Eliminate the practice of misusing the legislation on extremism and terrorism to pressure and persecute CSO representatives and their unjustified inclusion on the lists of persons involved in extremist and terrorist activities;
- Abolish the Law on Countering Extremism and all by-laws adopted under it, including the Index of Extremist Formations;
- Allow foreign nationals to act as founders of public associations;
- 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); and
- Ensure re-registration and the continued legal status of all religious organisations subject to re-registration until 5 July 2025, in accordance with the Law on Amendments to Laws on the Activities of Religious Organisations dated 30 December 2023.

## 3.2 Equal Treatment

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

Legislation: **3.1 /7**

Practice: **2.2 /7**

<sup>30</sup> List of current political prisoners maintained by Viasna Human Rights Center and guidelines on the definition of a political prisoner.

The overall score in this area remains unchanged, which reflects the established and legally codified policy of creating different regulatory frameworks for different categories of CSOs depending on their ideological loyalty. There is unequal treatment of CSOs compared to commercial entities and inequality within the civil society sector and this is reflected in the scores for this area. The changes in this area reflect the general socio-political situation and the state's policy of discrediting CSOs that are unwanted by the authorities. More favourable legislative conditions for the registration and activities of businesses compared to CSOs are still maintained. At the same time, in cases of expressing disagreement with the existing regime, both CSOs and commercial organisations become victims of the policy of persecution (closures, fines, and criminal prosecution). Special conditions have been created only for specific CSOs, primarily pro-government ones. The most prominent de facto cause of inequality for Belarusian CSOs is the gap between organisations that moved abroad to countries with a more CSO-friendly political and legal regime and those that stayed in Belarus and whose main activity centre is still inside the country (i.e. their decision-making centre, main target group, registered legal entity, property, funding sources). However, this analysis does not take into account the situation of relocated CSOs; it focuses solely on the environment for CSOs operating within the country.

#### **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 better conditions for registration, including more favourable deadlines for registration decisions, clear reasons for denying registration and the amount of the state fee for registration. The legislation sets out the same requirements as for commercial organisations only for CSOs in the very simple form of non-profit establishments (institutions). 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. However, the requirements for this are not defined at the legislative level, which makes it possible to refuse to approve any proposed name on the grounds that it does not correspond to the nature of the activity.

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 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, in addition to the general practice of state repression against CSOs, it is easier to set up and operate as a commercial organisation than as a CSO to carry out certain types of socially beneficial activities, even if the founders do not have profit-

making objectives. This is the case even though Belarusian legislation does not provide for the notion of ‘social entrepreneurship’.

When describing benefits for a wide range of legal entities, legislation often uses the terms ‘commercial organisations’ and ‘companies’, which excludes CSOs as recipients of such benefits. Some norms cannot be applied to CSOs due to this approach. For example, the procedure for changing the owner of an institution remains unregulated and is impossible because of this in practice.

A revision to the Tax Code at the end of 2024 deprived CSOs of the right to an investment tax deduction. Since 2025, CSOs, even those engaged in entrepreneurial activities, will not be further motivated to invest in real estate or productive assets – the tax deduction for investments will now be available only for commercial organisations.<sup>31</sup>

#### **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. The list in question comprises a total of 22 organisations. In addition, in September 2024, the right to lease privileges was also granted to the pro-government Liberal Democratic Party and its local branches. A select group of state-linked organisations, the list of which is also approved by an act of legislation, may be allocated state-owned premises for use free of charge. 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. This is exemplified by their participation in advisory councils established under various executive authorities.

The state policy is designed to achieve the following objectives: (i) the termination of active CSOs that do not espouse and disseminate the state ideology in any field of activity, including through the designation of such organisations as extremist; (ii) the discrediting of CSOs that are perceived as undesirable by the authorities in the eyes of

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<sup>31</sup> Pravo.by, ‘Налоги в 2025 году: что меняется в законодательстве’ (in Russian), <https://pravo.by/novosti/obshchestvenno-politicheskie-i-v-oblasti-prava/2024/december/79963/>.

the public, including in comparison with other existing structures and organisations; (iii) the accentuation of the role of specific state-linked organisations are positioned as carriers of the values of the Belarusian state and society; and (iv) engaging the remaining CSOs, including those without legal registration, provided that they do not publicly express disloyalty to the current regime, in the implementation of programmes with a social, environmental or cultural component. This represents a new trend for 2024.

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.

Following the precedent set in previous years, the Law on the Republican Budget for 2024 provides for the distribution of financial resources to two state-linked organisations: the Belarusian Union of Writers and the BRYU (which receives an annual budget allocation of approximately 4 million EUR). Additionally, the legislation establishes state support for a distinct category of NCOs, namely, republican state-public associations. Furthermore, financial resources derived from municipal budgets are also directed towards the upkeep of the regional committees of the BRYU<sup>32</sup>. The distribution of financial resources from the public purse to pro-government organisations is also addressed in the decisions on the local (regional, district, and city) budgets.

In addition, the Law on the Republican 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 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 enshrined in the Law on the Essentials of Civil Society, adopted on 14 February 2023. The Law does not introduce any changes to the existing procedures for NCO establishment, operation, funding or termination. At the same time, it introduces a hierarchy and inequality between organisations, allowing special forms of interaction with state agencies for some NCOs.<sup>33</sup>

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<sup>32</sup> President of the Republic of Belarus, 'Edict No. 559 of 17 December 2012 on Certain Issues of State Support for the Public Association 'Belarusian Republican Youth Union'', 17 December 2012 (in Russian), <https://pravo.by/document/?guid=12551&p0=P31200559>.

<sup>33</sup> For detailed information on the law, see CSO Meter, 'Belarus Country Report 2023', 2023, [https://csometer.info/sites/default/files/2024-03/CSO%20Meter%20Country%20Report%20Belarus%202023\\_1.pdf](https://csometer.info/sites/default/files/2024-03/CSO%20Meter%20Country%20Report%20Belarus%202023_1.pdf).

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, and 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.

### Specific recommendations under Area 2:

- Use the broad terms 'legal entities' or 'non-profit organisations' (for special preferences for non-profit organisations due to the specific nature of their non-profit activities) in normative acts when defining benefits and preferences, so that they can be dedicated to all possible forms of non-profit legal entities;
- 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 based on competition, which all CSOs, including unregistered ones, can participate in; and
- Shut down and erase the MIA's 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: **2.6/7**

Practice: **1.8/7**

The overall score in the area of Access to Funding remains low. This is despite the improvement in the score for Legislation from 2.5 in 2023 to 2.6 in 2024 due to the expansion of the legal framework for domestic donations. However, this is balanced by the deteriorating score in Practice from 1.9 in 2023 to 1.8 in 2024. Access to funding for CSOs in Belarus is characterised by harsh legislation, sanctions for its violation, the mass termination 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 the 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. Since 2022, the government of Belarus has enacted a series of legislative measures designed to enhance the accessibility of financial resources for CSOs within the country. These measures include the establishment of support programmes for youth organisations and the allocation of funding for civic initiatives at the local level. Nevertheless, the impact of technical improvements is undermined by an unparalleled level of repression and comprehensive control, encompassing the mass dissolution of aid recipients, pressure on domestic donors, and the misuse of criminal charges for alleged financing of extremism.

**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 assisting 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. In 2024, the practice of mass summonses for 'interviews' with the KDB in connection with donations to solidarity funds assisting victims of repression and other structures, which had commenced in 2023, was continued with vigour. Donors are encouraged to formally admit guilt for a criminal act and to pay an informal, non-statutory fine, which is often at least ten times the amount of the original donation, to special accounts designated for state social infrastructure facilities (such as hospitals and orphanages). The total value of charitable donations made in connection with the financing of extremist activities exceeded 37 million BYN (around 10 million EUR) by the end of 2023. However, the legal consequences of making donations to solidarity funds are not consistent. In some cases, criminal proceedings are initiated against the donors and the forced transfer of funds by donors to special accounts designated by law enforcement agencies does not necessarily exempt them from criminal liability.

One of the persons convicted under Article 361<sup>2</sup> of the Criminal Code for funding extremist activities, Vadzim Khrasko, a 50-year-old political prisoner, died of

pneumonia on the night of January 8 to 9, 2024. He was sentenced to three years imprisonment for several donations.

Mass termination of CSOs, along with the ban on the activities of unregistered organisations in Belarus, has significantly limited such CSOs' access to financial resources. Many organisations have been forced to abandon tools for raising funds that have been developed and have become widespread in the country, such as 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 termination of CSOs, pressure on business entities, and the general atmosphere of repression in the country have 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 has made them even more dependent on foreign funding. At the same time, on 27 March 2024, a new edition of the Edict of the President No. 300 on the provision and use of gratuitous (sponsor) aid was enacted that significantly broadened the scope for receiving and utilising sponsorship from Belarusian business entities. As a result, public associations may, as of 30 September 2024, direct financial aid received by them to any of their statutory activities beyond the narrow purposes previously provided for in the legislation.<sup>34</sup> This change potentially increases the pool of domestic funding available to civil society. Amendments to Edict No. 300 and the expansion of possible purposes for corporate donors is an issue that NCOs have continuously advocated for, including in the CSO Meter Country Report 2023. These changes are, however, happening against the backdrop of a decrease in foreign funding and the widespread persecution of civil society.

After searches were carried out at the offices of a significant number of CSOs, the bank accounts of many CSOs remain blocked. It is reported that, in the first half of 2024, about 10 million EUR worth of bank transfers were frozen by the security forces.

The Law on Measures to Prevent the Legalisation of Criminally-Obtained Income, the Financing of Terrorist Activity and the Financing of the Proliferation of Weapons of Mass Destruction obliges banks to monitor whether the financial transactions of CSOs correspond with their statutory objectives. 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 a CSO's size or the amount of its income.

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<sup>34</sup> CSO Meter, 'Belarus: Restrictions on CSOs' purposes for domestic funding removed', 15 January 2024, <https://csometer.info/updates/belarus-restrictions-csos-purposes-domestic-funding-removed>.

CSOs' access to funding is also severely restricted by the wide interpretation of AML/CTF norms. This applies both to CSOs that have stayed in Belarus and those that have relocated abroad. Thus, in the countries that Belarusian CSOs have relocated to, CSOs face significant restrictions on opening bank accounts (primarily in Georgia, but also in Germany, Poland, and Lithuania) and the movement of funds. The ability of CSOs to access funding is significantly influenced by the legislative framework of the host country. It has been reported that the adoption of the Georgian Law on Transparency of Foreign Influence has resulted in the majority of Belarusian CSOs registered in that country deciding to cease their activities.

Belarusian civil society's split into 'relocated' and 'domestic' CSOs has seriously affected the financial stability of CSOs. 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.

State support for CSOs in Belarus is underdeveloped and mainly targeted at specific state-linked organisations. In the wake of the norms introduced into the legislation in 2023 on the financing of civic initiatives at the local level,<sup>35</sup> calls for proposals were issued in the regions of Belarus to provide support to such initiatives. The adoption and implementation of such legislation is certainly a progressive step.

A total of 18 public associations have been included in the National Register of Youth and Children's Organisations that are eligible to receive state support. Nevertheless, in practice, only a select few of these organisations (chiefly the BRYU) receive state support. Moreover, two of these organisations were forcibly terminated in the summer of 2024.<sup>36</sup>

**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 funds received. In practice, it is often difficult to classify a foreign grant under 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 mandatory preliminary registration with the Department for Humanitarian Affairs of the Presidential Administration. The legislation stipulates a complex and

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<sup>35</sup> For information on the adoption of legislation on the financing of civic initiatives at the local level, see CSO Meter, 'Belarus Country Report 2023', 2023, [https://csometer.info/sites/default/files/2024-03/CSO%20Meter%20Country%20Report%20Belarus%202023\\_1.pdf](https://csometer.info/sites/default/files/2024-03/CSO%20Meter%20Country%20Report%20Belarus%202023_1.pdf).

<sup>36</sup> Ministry of Education of the Republic of Belarus, 'Республиканский реестр молодежных и детских объединений, пользующихся государственной поддержкой' (in Russian), <https://edu.gov.by/molodezhnaya-politika/obedineniya/reestr/>.

burdensome procedure for the receipt, registration and use of foreign gratuitous aid by CSOs, including detailed plans for the allocation of aid and onerous reporting. The Decree of the President of 25 May 2020<sup>37</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 the foreign aid. Donations from Belarusian citizens residing abroad are considered to be foreign donations and are subject to restrictions.

The legislation effectively classifies 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>38</sup>

Receipt of foreign aid by CSOs is included in the criteria for assessing the degree of risk for selecting audited entities for random inspections by the financial investigation bodies of the State Control Committee of the Republic of Belarus (the list of criteria is approved by the Committee itself).<sup>39</sup>

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 2024, for the first time, more than one hundred proceedings for administrative violations under Part 2 of Article 24.15 of the Code of Administrative Violations (‘use of foreign gratuitous aid for terrorist and other extremist activities or other actions prohibited by law’) were initiated against recipients of aid from an initiative to support the families of political prisoners.

In 2024, the National Assembly passed the Law on Amendments to the Codes on Criminal Liability Issues. The draft proposed significant amendments to the Criminal Code, including to Article 369<sup>2</sup> which extends criminal liability for offences in the sphere of foreign gratuitous aid.<sup>40</sup> It should be noted that Article 369<sup>2</sup> of the Criminal Code has not been widely applied in practice. Also, Article 24.14 of the Code of

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<sup>37</sup> The Decree of the President on foreign gratuitous aid No. 3 of 25 May 2020, with amendment from 8 November 2021, <https://www.pravo.by/document/?guid=12551&p0=Pd1500005&p1=1>.

<sup>38</sup> Lawtrend, ‘Freedom of association and legal environment for civil society organisations, Review for 2022: Belarus’, 1 March 2023.

<sup>39</sup> State Control Committee of the Republic of Belarus, ‘Критерии отнесения организаций к числу осуществляющих деятельность с высоким уровнем риска’ (in Russian), <https://www.kgk.gov.by/ru/kriterii-ru/>.

<sup>40</sup> CSO Meter, ‘Belarus: Expanding criminal liability for recipients of foreign aid’, 8 August 2024, <https://csometer.info/updates/belarus-expanding-criminal-liability-recipients-foreign-aid>.

Administrative Offences, which is necessary as a prerequisite for its application, was used relatively rarely. However, at the beginning of 2024, several identical cases of the application of Article 24.14 of the Code of Administrative Offences were recorded against persons providing assistance to political prisoners using funds raised from foreign sources.<sup>41</sup> Since January 2024, at least 126 court cases are known of in connection with administrative liability for receiving and using foreign aid to prepare aid parcels for political prisoners.<sup>42</sup> Thus, the expansion of the scope of application of Article 369<sup>2</sup> of the Criminal Code proposed by the draft law may threaten criminal prosecution in cases of repeated commission of such violations.

On 18 March 2024, the Department for Humanitarian Activities of Belarus published its performance results in the field of regulation of foreign gratuitous aid for 2023. The total volume of foreign aid received through the Department's mechanisms amounted to 75 million USD in 2023. This is a 14 per cent decrease compared to 2022, when the volume of such aid was over 87 million USD. In 2021, Belarus received over 102 million USD in aid, and over 91 million USD in 2020.<sup>43</sup> Presidential Decree No. 3 of 2020 ('general regulation of mandatory registration of foreign aid in Belarus') remained unchanged in 2024, and the previously announced plans to develop a special Law on Foreign Gratuitous Aid, in place of the current decree, remained unrealised.

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

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

### Specific recommendations under Area 3:

- Abolish or essentially broaden the existing restrictive list of objectives for which CSOs can receive foreign gratuitous aid, as well as another list of possible sponsor aid from internal resources, replacing both with a method of listing prohibited purposes for which foreign or internal aid cannot be received;
- Move from an authorisation-based system for registration of foreign aid to a notification-based system; simplify the conceptual construct and provide precise

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<sup>41</sup> Lawtrend, 'Monitoring of the situation with freedom of association and the status of civil society organizations in the Republic of Belarus August 2024', 9 September 2024.

<sup>42</sup> CSO Meter, 'Belarus: Expanding criminal liability for recipients of foreign aid', 8 August 2024, <https://csometer.info/updates/belarus-expanding-criminal-liability-recipients-foreign-aid>.

<sup>43</sup> CSO Meter, 'Belarus: Foreign aid declines despite the launch of digital registry tools', 5 April 2024, <https://csometer.info/updates/belarus-foreign-aid-declines-despite-launch-digital-registry-tools>.

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 terminated during 2020-2024, 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 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 CSO funding from the budget on a competitive basis; and
- Stop the practice of criminal and other persecution, demonisation, 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: **1.1/7**

In 2024, the enjoyment of freedom of peaceful assembly continued to be the lowest scoring area, as in 2023. The public exercise of freedom of assembly leads to detention and prosecution, both administrative and criminal. Protesters face torture and ill-treatment, and these human rights violations by law enforcement officers are not investigated. The exercise of the right is de facto available only to groups and individuals expressing support for the actions of the authorities or acting at their initiative.

**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 to impose and enforce restrictions on the exercise of the right to peaceful assembly. In 2024, 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 broadcasts of mass events, criminal liability for a third violation of the rally procedure after previous penalties, abolishing elements of the notification procedure, and others) remained in force and were applied in practice by the authorities against those who exercised their right to peaceful assembly and expression. The authorities continued to search for, detain and prosecute individuals who participated in peaceful assemblies in August and autumn 2020. In 2024, 1,019 such cases were recorded.

The Law on Mass Events in the Republic of Belarus was adopted in 1997 and since then 14 amendments have been made to it. The law contains the following fundamental violations of international human rights standards: (i) the permit principle is in effect. At the same time, assemblies held by state bodies undergo a simplified approval procedure; (ii) spontaneous assemblies are not provided for by law, counter-demonstrations are prohibited by law; (iii) locations permitted for assemblies are limited, small, and determined by local executive authorities; and (iv) organisers are required to pay for security services provided by law enforcement agencies, as well as medical and cleaning services during a peaceful assembly.

Assemblies can only be organised by adults (aged 18 and above), who have the right to vote and are Belarusian citizens. Individuals cannot organise assemblies in which more than 1,000 people are expected to participate. Citizens who have been held liable for violating the procedure for holding assemblies during the year preceding the event, as well as those who have previously committed crimes against public safety, order, or morality, against the state or authorities, are prohibited from organising assemblies. The law imposes additional sanctions on organisers who are legal entities. Indoor meetings of CSOs are often interpreted by the authorities as peaceful assemblies, and their participants are subject to persecution.

In 2024, no public assemblies critical of the current political regime of Alexander Lukashenko took place in Belarus due to widespread persecution of organisers and participants, as well as the mass migration of opponents and activists.

Peaceful assemblies criticising the current political regime were usually secret, and information about them was disseminated in the form of photographs and videos in the media after the event. Common forms include photo pickets and video pickets. In almost all cases, participants hide or retouch their faces, fearing detention and punishment.

At least 187 cases of administrative liability were imposed under Article 24.23 of the Administrative Code 'Violation of the procedure for organising and holding mass events.' At the same time, Belarusian courts often classify even a single picket as a 'mass event' and it is impossible to estimate how many of those arrested actually took part in

an unauthorised picket and at what specific time and year. Expressions of individual opinion that are not assembly in nature, such as a tattoo on a patient's body discovered during hospitalisation or a sticker on the cover of a document, are deemed unauthorised single pickets and sanctioned in the form of an arrest or fine.<sup>44</sup>

The conditions of administrative arrest remain inhuman and often torturous. Those arrested are subject to special worsened conditions: sleep deprivation, no bed linen or hygiene products, overcrowded cells, and beatings.

Pro-government peaceful assemblies were held in Belarus during 2024. Information on at least one hundred such events across various cities has been collected. However, it is often difficult to determine the organisers and the exact format, since the assemblies are held with the active support of executive authorities, and also take the form of motor rallies/relay races and others. Such assemblies are supported by the authorities, and the participants are not prosecuted. Usually, such assemblies are timed to coincide with state holidays: Independence Day, Victory Day, the Day of Remembrance of Internationalist Soldiers, and others.

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

The state usually does not facilitate peaceful assemblies, except for 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 fail to meet human rights standards. In practice, it is not possible to appeal the refusal in court; decisions are not enforced when they go against the authorities.

Heightened restrictions apply to journalists covering peaceful assemblies. 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 via media, online platforms, or 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 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 the actions occurred. The absence of such a statement is grounds for liability under legislative acts, for example, termination of the organisation.

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<sup>44</sup> Current Time Belarus, 'In Belarus, a man was arrested for seven days for "picketing" a tattoo of the "Pogonia" emblem on his leg in a Minsk hospital', 11 June 2024.

The persecution of participants in peaceful assemblies is not limited to administrative penalties. In 2024, dismissals from work or expulsions from educational institutions continued, including for participation in protests in 2020.

In October 2022, Belarus denounced the First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) and from 8 February 2023, Belarusians are no longer able to submit individual communications about violations of their rights to the UN Human Rights Committee (HRC). Traditionally, a large number of complaints against Belarus to the HRC contained reports of violations of the right to peaceful assembly. This had been virtually the only international mechanism available for redress. In 2024, no such complaints were filed, which significantly worsened the situation.

**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 with state agencies. In 2024, 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 media and online social networks.

The database of people arrested for the protests (known as the *Besporiadki* database), which contains tens of thousands of names, 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 holding mass events (including public calls for the organisation or conducting of illegal assemblies). In total, six cases of prosecution under this article are known. In two of these cases, court rulings were issued in 2024.

The trend of bringing families to criminal liability, such as spouses or parents and adult children, continued. Politically motivated criminal prosecution most often affects entire families or groups of relatives, who are prosecuted primarily under Article 342 of the Criminal Code. People who return to Belarus after living abroad for several years also continue to be prosecuted. In absentia proceedings are also used to investigate a number of politically motivated cases against those who were forced to leave Belarus. There are 144 known cases of in absentia convictions, of which at least 33 cases involve participation in peaceful assemblies, and in eight cases participation in a peaceful assembly was the only article applied under Article 342 of the Criminal Code.

During 2024, at least 1,019 people have been prosecuted under Article 342 of the Criminal Code ('actions grossly violating public order') and 24 people were charged under Article 293 of the Criminal Code ('mass riots').

Of the 3,753 political prisoners, 2,883 were recognised as such for being deprived of liberty on charges under Article 342 of the Criminal Code.

On 23 March 2022, the MIA began to publicly manage the list of people involved in extremist activities, which is still being updated and, at the end of the year, included 4,808 people. The grounds for inclusion on this list are court sentences, almost all of which are politically motivated. A significant number of people included on the list were convicted for group actions that grossly violated public order. 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 individuals for participation in mass riots. Human rights defenders claim that there were no mass riots or actions grossly violating public order in Belarus.

#### **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 publicly available, but not by-laws that address the specific context of mass events. However, considering the actions of law enforcement in dispersing peaceful assemblies, detentions during peaceful and non-violent assemblies, and the use of riot control methods, 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 may be used depending on the situation and at the discretion of 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 with and disperse assemblies and there are no mechanisms for bringing those law enforcement officers guilty of violence to justice. Instances of arbitrary interruptions or dispersals of peaceful assemblies are often reported.

In 2020 and later, numerous cases of torture against participants in peaceful assemblies, arbitrary arrests, were recorded. According to the Prosecutor General's Office, over 5,000 complaints of torture and ill-treatment have been filed. There are no known cases of investigations or prosecution of law enforcement officers. Torture against protesters in Belarus remains unpunished.

#### Specific recommendations under Area 4:

- Bring legislation and practice on the regulation of peaceful assemblies in line with international 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 effectively render the exercise of the right to freedom of peaceful assemblies by citizens (including foreigners and minors) and CSOs impossible;
- Cooperate with UN bodies (the HRC, Special Rapporteurs and Working Groups) to restore violated rights and prevent violations;
- Establish legal and practical conditions to allow 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 locations for assemblies; eliminate the requirement to pay for policing, medical, and cleaning services related to the holding of assemblies;
- End the criminalisation of peaceful assemblies and repeal the relevant articles of the Criminal Code; and
- End the unjustified and disproportionate use of force against participants and organisers of any peaceful protests, as well as torture against arrested protesters.

### 3.5 Right to Participation in Decision-Making

Overall score per area: **2.6/7**

Legislation: **3.1/7**

Practice: **2.1/7**

In 2024, the unchanged scores reflect that opportunities to participate in decision-making remained unsatisfactory for both institutionalised CSOs and the wider public. Alternative voices continued to be silenced in formal decision-making processes. An atmosphere of fear and repression fostered self-censorship among CSOs, causing them to minimise any interaction with authorities — particularly in decision-making. Official public discussion of draft laws in electronic form remains one of the few mechanisms for sending proposals on the legislative agenda, including proposals to eliminate gaps and defects in legal regulation. However, the outcomes of these public discussions are often summarised in a formal manner, without a clear and comprehensive assessment of all proposals.

**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. 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'). However, it is not mandatory to submit draft laws for such discussion, and many important acts are adopted without public discussion at any stage.

The Law on the Essentials of Civil Society imposes special forms of interaction with the state for a small circle of public associations operating at the national level. It also determines eligibility criteria for the entities that are entitled to nominate civil society representatives to the All-Belarusian People's Assembly.<sup>45</sup> In practice, only the five CSOs closest to the government recognised by the MoJ as meeting these criteria, and participated in nominating delegates for the All-Belarusian People's Assembly during the spring 2024 election campaign.<sup>46</sup>

There is no practice of officially introducing draft laws in the two state languages. As a result, language groups in Belarus are restricted in their use of their language for participation in development of legislative proposals and submission of comments on draft laws. With regard to official Codes, the situation is a bit better, as a special state commission publishes official translations of the Codes into Belarusian that correspond to the original. Thus, by the end of 2024, out of 27 codes, only one was adopted in Belarusian; the rest were adopted in Russian, but for 20 of them, an official translation into Belarusian was published.<sup>47</sup>

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

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<sup>45</sup> For a political science analysis of this specific body, see: Jakob Wöllenstein, 'One nation – two new representative bodies?', Konrad-Adenauer-Stiftung, <https://www.kas.de/en/web/belarus/laenderberichte/detail/-/content/political-system-in-belarus>. However, in this analysis – as in many other international reviews – a common misconception appears: the Presidium of this body is mistakenly portrayed as equivalent to the Politburo of the Communist Party of the Soviet Union. In reality, this comparison does not hold in 2024. The Presidium is not a powerful governing entity but rather a symbolic and decorative institution, providing honorary titles to individuals who are, in fact, not among the most influential figures in the Belarusian administrative system.

<sup>46</sup> In 2023, the MoJ determined that only five associations – the ones most loyal to the authorities – meet these criteria: the public association 'Belaya Rus', the Belarusian Public Association of Veterans, the BRYU, the Public Association 'Belarusian Women's Union', and the Federation of Trade Unions of Belarus, [https://minjust.gov.by/directions/compare\\_coverage/](https://minjust.gov.by/directions/compare_coverage/). In practice, these entities were allocated quotas for the nomination of delegates to the All-Belarusian People's Assembly in the 2024 elections by Resolution of the Central Election Commission: <https://rec.gov.by/uploads/files/Pdf/2024/post2024-20.pdf>.

<sup>47</sup> National Legal Internet Portal of the Republic of Belarus, 'Кодексы Республики Беларусь' (in Belarusian and Russian), <https://pravo.by/pravovaya-informatsiya/normativnye-dokumenty/kodeksy-respubliki-belarus/>.

The authorities make the most important decisions without any consultation.

The majority of participation mechanisms work only formally, are often ineffective, and do not have real influence on decisions. This also applies to consultative bodies that are widespread but effective only in certain fields.

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

Many norms related to public participation in decision-making are quasi-obligatory in nature (using such terms as ‘normally’ or ‘as a general rule’ 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.

Nevertheless, in 2024, in two important acts for CSOs, some proposals made by CSOs during public consultations were reflected in the law:

- 1) the incorporation into the new Code of Civil Justice, adopted in March 2024, of a right of public associations to speak in court during civil litigation as representatives of the public,<sup>48</sup>
- 2) expanding the list of eligible purposes for receiving domestic aid from corporate donors, including any of the purposes listed in the charter of a public association.<sup>49</sup>

If a public discussion of a draft law has been announced, then its results should be publicly available, but the scope of such a report has not been established, however.

The number of legal acts submitted for public discussion was the lowest since 2017, and the interest of people and CSOs in public discussions of draft laws on the official website ‘Legal Forum’<sup>50</sup> remains low, as illustrated by the below table.

Table 1: Public interest in the discussion of draft laws and by-laws.

Year	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Number of legislative acts brought up for public online	1	1	6	12	26	76	165	195	178	133	92	65

<sup>48</sup> CSO Meter, ‘Belarus: New code of judicial procedure allows ‘space for public interest litigation’, 15 April 2024, <https://csometer.info/updates/belarus-new-code-judicial-procedure-allows-space-public-interest-litigation>.

<sup>49</sup> CSO Meter, ‘Belarus: Restrictions on CSOs’ purposes for domestic funding removed’, 15 January 2024, <https://csometer.info/updates/belarus-restrictions-csos-purposes-domestic-funding-removed>.

<sup>50</sup> Legal Forum of Belarus, ‘Публичное обсуждение проектов нормативных правовых актов’ (in Russian), <https://forumpravo.by/publichnoe-obsuzhdenie-proektov-npa/forum15/>.

discussion on the 'Legal Forum'												
Number of comments	3	1	34	488	709	1,557	3,021	7,437	1,166	881	2,841	1,952
Average number of comments to a draft	3	1	5.6	40.6	27.2	20.4	18.3	38.1	6.5	6.6	30.8	30

Even the most important draft legislation for CSOs or the public is discussed online within a very short timeframe (the law stipulates a minimum of 10 days). For example, the discussion on the new forms for approval of liquidation balance sheets in liquidation of any legal entities only ran for 10 days in July 2024 and received only one proposal,<sup>51</sup> and the draft model statutes of the most common forms of commercial legal entity (limited liability companies), which are extremely important for the commercial sector, received only 2 proposals in the same 10 days.<sup>52</sup> However, it is important to note as a positive precedent the case of the public discussion in November 2024 on the draft Health protection Code: when the CSOs submitted an online petition that the 10 days allocated for public discussion of this completely new 334-page legal act would be clearly insufficient, the authorities prolonged it for 2 months.<sup>53</sup>

It is notable that there are increasing instances where drafts of ministerial legal acts directly affecting the business environment are not even submitted to the Council for Entrepreneurship Development (a permanent consultative body under the government, previously considered one of the most successful mechanisms for state-civil society interaction). Also, as a negative aspect, it is noted that regulatory impact assessments are very rarely submitted to public councils for discussion together with the draft regulatory act.<sup>54</sup>

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

<sup>51</sup> Legal Forum of Belarus, 'Draft Resolution of the Council of Ministers of the Republic of Belarus "On Approval of Forms of Interim and Final Liquidation Balance Sheets"' ('Проект постановления Совета Министров Республики Беларусь "Об утверждении форм промежуточного ликвидационного баланса и ликвидационного баланса")' (in Russian), <https://forumpravo.by/publichnoe-obsuzhdenie-proektov-npa/forum15/17447>.

<sup>52</sup> National Legal Internet Portal of the Republic of Belarus, 'Draft Resolution on the Approval of Model Charters' ('Проект постановления об утверждении типовых уставов') (in Russian), <https://pravo.by/novosti/novosti-pravo-by/2024/june/78107/>.

<sup>53</sup> Legal Forum of Belarus, 'Draft Health Code of the Republic of Belarus' ('Проект Кодекса Республики Беларусь "О здравоохранении")' (in Russian), [https://forumpravo.by/publichnoe-obsuzhdenie-proektov-npa/forum15/17572?PAGEN\\_2=1](https://forumpravo.by/publichnoe-obsuzhdenie-proektov-npa/forum15/17572?PAGEN_2=1).

<sup>54</sup> Neg.by, 'Последствия принятия госрешений часто не оцениваются' (in Russian), <https://neg.by/novosti/otkrytj/posledstviya-prinyatiya-gosresheniy-chasto-ne-otsenivayutsya/>.

The plan for legislative activity is annually approved by edict of the president, and it includes planned government regulations, but not presidential edicts.

There is no specific law or provisions 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 does not know what form the legislation will ultimately take.

Access to official statistics in Belarus has become increasingly restricted, which negatively affects opportunities for access to information and influence on decision-making.

For example, there is no information in open sources about the number of newly registered public associations and foundations, or even fundamental demographic indicators such as the number of deaths and births are no longer publicly available.<sup>55</sup> Much economic information has become classified and inaccessible due to the policy of efforts to counter and circumvent economic sanctions imposed on Belarus by the EU, the United States, Switzerland, Canada and other countries.

#### **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 nominating candidates in elections to the National Assembly and local councils — an option available only to political parties.

It is common practice for state-funded CSOs that support the government to be invited to consultations as the sole representation of public opinion. This exclusive political role of the five mass membership associations was even more evident in the election of delegates to the 7<sup>th</sup> All-Belarusian People's Assembly from civil society: five CSOs were allowed to participate in a body whose decisions carry the force of authority and are binding for other CSOs, parties and other actors (such as determining the country's internal political direction).<sup>56</sup>

In general, GONGOs enjoy freedom in their political activities and do not distinguish these from their usual social activities. Independent CSOs, on the contrary, avoid any connections with political actors, and especially with the political opposition, as this can result in forced dissolution and repression against CSO leaders (including criminal prosecution and lengthy prison terms).

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<sup>55</sup> The last 'Demographic Yearbook' was released by the government in 2019. Since then, the National Statistical Committee has regularly updated data on the population of Belarus as a whole, but neither the precise numbers of births and deaths nor migration data are indicated.

<sup>56</sup> The 7<sup>th</sup> All-Belarusian People's Assembly was held in Minsk from 24–25 April 2024 with the participation of 1,200 representatives, nearly a third of whom were nominated by five GONGOs, Jakob Wöllenstein, 'Political system in Belarus: One nation – two new representative bodies?', Konrad-Adenauer-Stiftung e.V., 2024, <https://www.kas.de/en/country-reports/detail/-/content/political-system-in-belarus>.

### Specific recommendations under Area 5:

- Extend the approaches, regulations and practices applied to CSO participation in decision-making in the development of draft normative acts to the level of local authorities;
- Ensure equal treatment of all organisational and legal forms of CSOs in their participation in decision-making, by using the term ‘non-commercial organisations’ instead of ‘public associations’ in the respective legislation;
- Establish a practice of inviting all affected CSOs to consultations on draft legislative acts, rather than allowing state bodies to selectively invite certain CSOs;
- Extend the list of normative legal acts subject to public consultation, making it mandatory to submit drafts affecting civil rights and freedoms for public discussion;
- Publish draft laws online in a continuously updated format in line with the current stages of the legislative process;
- Establish in law a mechanism for the consideration and reconciliation of stakeholder input submitted during public discussions of draft regulatory and legal acts; and
- Enshrine in law the obligation to present draft laws to parliament, and to adopt laws, government orders and edicts of the president in both state languages – Russian and Belarusian.

## 3.6 Freedom of Expression

Overall score per area: **1.8/7**

Legislation: **2.4/7**

Practice: **1.2/7**

The scores remained unchanged in both the Law and Practice dimensions. Freedom of expression has remained almost unavailable to both citizens and CSOs inside Belarus, especially online, including social networks. The vast majority of CSOs inside the country have stuck to the tactics of anonymising their own activities, fearing negative attention from repressive bodies. The space for independence has further shrunk due to the arrests and criminal prosecution of editors and journalists, and the classification of media outlets, their editorial staff, and subscribers to their Telegram channels as ‘extremist formations’, which entails criminal liability not only for journalists, but also for audiences. Freedom of expression is being destroyed not only in the media, but also in communication between individuals (prosecution for talks in private correspondence, at work, on public transport, subscriptions to banned media, tattoos, banned books or songs, etc). Dozens of independent media outlets were forced to relocate and continue their activities from abroad (often being prosecuted in absentia), others simply stopped publishing. Many websites and electronic media are blocked, and private reposting of their content is punishable by severe arrests and fines. The dominant state-run media support only the interests of the ruling political group and stigmatise the opposition and civil society in exile. The state media is used to intimidate people by posting recordings of torture on their pages and channels, glorifying aggression against Ukraine, justifying it on the grounds of freedom of speech and the fight against threats to national security. At the same time, alternative voices are persecuted under the pretext of fighting extremism and hate speech.

## 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 2024, individuals and CSOs have generally not been able to engage in public discussions expressing alternative opinions. 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 and 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 prosecution.

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. The authorities misuse the legislation against radicalism, extremism and hate speech to restrict freedom of expression, including bans on publications and imprisonment for distributing content from media included in the Index of Extremist Materials.

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, at the time of the parliamentary elections in February 2024, there were 12 agencies on the list.<sup>57</sup> There is a ban on publishing results of such opinion polls conducted without accreditation, a violation of which is punishable by 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.

In November 2024, the Ministry of Information published a list of printed editions containing information messages and (or) materials, the dissemination of which may harm national interests — this includes 35 books, published in Belarus and Russia and not listed as extremist.<sup>58</sup> If these books are distributed, the Ministry of Information threatens to revoke the distribution permit of the guilty booksellers.<sup>59</sup>

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

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<sup>57</sup> Central Commission of the Republic of Belarus on Elections and Holding Republican Referenda, 'Список социологических структур, аккредитованных в настоящее время комиссией по опросам общественного мнения при Национальной академии наук Беларуси' (in Russian), <https://rec.gov.by/uploads/files/Calendar/opr.pdf>

<sup>58</sup> Ministry of Information of the Republic of Belarus, 'Список печатных изданий, содержащих информационные сообщения и (или) материалы, распространение которых способно нанести вред национальным интересам Республики Беларусь' (in Russian), <http://mininform.gov.by/documents/spisok-pechatnykh-izdaniy-soderzhashchikh-informatsionnye-soobshcheniya-i-ili-materialy-rasprostrane/>.

<sup>59</sup> Law of the Republic of Belarus on Publishing Activities, Article 33, point 2, paragraph 13, <https://pravo.by/document/?guid=12551&p0=H11200008&p1=1&p5=0>.

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 in production and distribution 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.

According to the Ministry of Information, as of 1 December 2024, there are 1,143 registered mass media in Belarus, 601 of them are non-state-owned. In today's realities, private ownership does not imply a critical stance toward government policy — self-censorship is common. However, this private media sector is shrinking at the fastest rate. In September 2020, there were 1,927 media outlets operating in the country - 40.1 per cent more than now. Back then, there were 1,285 private entities - in four years, this segment shrank by 53.2 per cent — i.e. more than half. Obviously, behind these figures lies the authorities' repressive eradication of independent socio-political media.<sup>60</sup> Over the past four years, there have been far fewer printed newspapers in Belarus. According to the National Statistics Committee, the number of newspapers has decreased by 22 per cent over this period from 471 in 2019 to 367 newspapers as of 1 April 2024 (199 state-owned and 168 non-state-owned). The one-time circulation of newspapers in the country dropped by 15.1 per cent (from 2.88 million to 2.45 million copies).<sup>61</sup>

Political repression in Belarus, coupled with diminishing space for independent journalism and CSOs, has forced dozens of media outlets into exile. Fleeing repression, many of these outlets relocated to EU countries. As a result, Czech Republic, Germany, Lithuania, and Poland have become new homes for approximately 48 Belarusian independent media organisations, as identified in the 2024 report by Thomson Reuters Foundation and by The Fix.<sup>62</sup> In exile, these media outlets continued serving their audiences, remaining a key voice of objective, high-quality journalism. CSOs that support independent media in these host countries have played a vital role in helping exiled Belarusian media adapt to their new environments. From legal and financial assistance to operational and mental health support, CSOs have provided comprehensive, flexible, and needs-based aid. However, the study highlights several aspects of support that remain unaddressed. For example, a new challenge identified by the respondents of this study relates to a lack of human resources for administrative, managerial, and reporting roles, as well as for the development of commercial products within media organisations. Some challenges arise from growing pressure from the Belarusian government, while others stem from the increasing costs of maintaining a functioning and relevant media entity in exile.

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<sup>60</sup> Detector Media, 'Такіх часоў яшчэ ніколі не было. Але незалежныя медыя не здаюцца' (in Belarusian), 13 December 2024,.

<sup>61</sup> Posirk Agency, analysis of official statistics, 1 May 2024.

<sup>62</sup> Thomson Reuters Foundation, 'Sustaining Independent Journalism: Civil Society Organisations' support for Belarusian and Russian exiled media', 2024.

Media publications on behalf of unregistered CSOs are prohibited according to Article 38 of the Law on Mass Media.

The legislation provides for a wide range of forms and grounds for restrictions on the expression 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’. Together with the ample powers of the Ministry of Information (on blocking of internet resources in circumvention of courts and initiating newspaper bans through the 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 powers to block the dissemination of information deemed undesirable by the government.

Table 2: Court decisions recognising information materials as ‘extremist’ (according to the Ministry of Information's official Index of Extremist Materials).

Year	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Number of court decisions declaring materials ‘extremist’*	2	1	0	1	0	1	2	13	38	37	39	22	19	426	637	<b>889</b>	<b>1,462</b>

\* One court decision may declare anywhere from one to several dozen information objects as ‘extremist materials’. These can include physical items and digital files—such as flags, patches, badges, the contents of private postal items, books, social media pages, YouTube videos or channels, newspaper issues, images, symbols, or even songs.

The official Index of Extremist Materials compiled in accordance with court decisions is available online and its rate of growth is increasing. As of end of 2024, the list comprised 1405 pages, 559 of which (or 39 per cent of the total volume of the Index) were decisions made in 2024.<sup>63</sup> According to the Belarusian Association of Journalists, since 2020, based on these court decisions the Ministry of Information has added 6,565 accounts to the Index of Extremist Materials, with two thousand added to the blacklist in 2024. Access to these resources is blocked on the territory of Belarus. In addition, according to the Ministry of Information 3,150 websites were blocked during 2024 on the Ministry’s own initiative without any court decision. This is slightly less than the

<sup>63</sup> Ministry of Information of the Republic of Belarus, ‘Республиканский список экстремистских материалов’ (in Russian), <http://www.mininform.gov.by/documents/respublikanskiy-spisok-ekstremistskikh-materialov/>.

3,388 blocked in 2023.<sup>64</sup> In total, during the last 10 years in Belarus, 15,000 websites have been blocked.<sup>65</sup>

In 2024, the first case of the annulment of a court decision recognising a book as 'extremist material' by a higher court was recorded. A two-volume work by Vintsent Dunin-Martsinkyevich was recognised as 'extremist material' by the Zhytkavichy District Court in November 2023. The decision of the district court was subsequently overturned by the Presidium of Gomel Regional Court on 11 March 2024. But, on 24 May 2024, the same District Court recognised the preface by Jazep Januszkiewicz to these same collected works of Dunin-Martsinkyevich as 'extremist materials'.<sup>66</sup>

At the same time, the authorities refrain from blocking the social media platforms themselves, like Facebook, Instagram or YouTube.<sup>67</sup>

A new negative practice has been court decisions recognising as extremist materials the names of individuals who may no longer be mentioned: two decisions of December 2024 banned any mention of two civil society activists regardless of the storage medium (flags, banners, emblems, chevrons, patches, stickers, labels, pins, badges, items of clothing, personal items, etc.), as well as those placed on digital photos and videos (in any events, scenes, episodes, or frames in electronic and print media).<sup>68</sup>

On this list of banned and declared extremist materials are the sites of reputable CSOs, such as the sites of the Belarusian Helsinki Committee, the Office for European Expertise and Communication, the International Committee for the Investigation of Torture, etc., added in 2024. The storage or distribution of hyperlinks to these materials (for example, by liking or sharing them in social networks) is considered an administrative offence punishable by a fine or arrest for up to 15 days.

It is important to emphasise that an interview or other contribution to a media outlet included in the Index of Extremist Formations<sup>69</sup> is interpreted as 'promotion of extremist activity' and can be punished under Article 361<sup>4</sup> of the Criminal Code with up to six years of imprisonment (and this provision is applied in practice).

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<sup>64</sup> Belta, 'Перцов: нам противостоят технологические гиганты из недружественных государств' (in Russian), 17 December 2024, <https://belta.by/society/view/pertsov-nam-protivostojat-tehnologicheskie-giganty-iz-ndruzhestvennyh-gosudarstv-654221-2024/>.

<sup>65</sup> Belta, 'Мининформ: за год заблокировано более 3150 интернет-ресурсов деструктивной направленности' (in Russian), 15 January 2025, <https://belta.by/society/view/mininform-za-god-zablokirovano-bolee-3150-internet-resursov-destruktivnoj-napravlenosti-699026-2025/>.

<sup>66</sup> Viasna Human Rights Center, '40.5% of all the "extremist" rulings were issued in 2024. What was recognized as extremist last year', 3 January 2025.

<sup>67</sup> Justice for Journalists Foundation, 'Attacks on media workers in Belarus in 2023–2024', 5 February 2025.

<sup>68</sup> Hrodna Life, "'You-Know-Who.' Two residents of Grodno cannot now be named' (in Belarusian), 23 December 2024.

<sup>69</sup> Ministry of Internal Affairs of the Republic of Belarus, 'Более 30 фактов противоправной деятельности зафиксировано в Гомеле и области' (in Russian), <https://www.mvd.gov.by/ru/news/8642>.

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, in 2024 Belarus continued to widely apply repressive practices of suppressing expression of opinions and persecuting opponents of the authorities. Much of this arbitrary repression was made possible by the absence of an independent judiciary.<sup>70</sup> Whistle-blowers are not protected by law and are prosecuted in practice.

During 2024, dozens of journalists, bloggers, and media workers were arrested, searched, and prosecuted. As the Belarusian Association of Journalists reported, despite the release of some journalists from prison in 2024, others have been convicted at the same time, and the total number of imprisoned media representatives has grown to more than 45 (Belarus is fourth in the world in the number of imprisoned journalists), and at least 60 searches of journalists have been recorded. A notable example is the conviction of Volha Radzivonava, a freelance journalist who contributed to the authoritative German newspaper *Die Tageszeitung*.<sup>71</sup> She was sentenced to four years in prison in December 2024 for discrediting Belarus, insulting and slandering the president, and inciting discord.<sup>72</sup> This case sets a new precedent, as such sentences were previously reserved for individuals associated with Belarusian exile publications.

As of 30 November 2024, PEN Belarus reported that at least 176 cultural figures, including no fewer than 39 individuals working in literature and the humanities (writers, translators, literary researchers, and public intellectuals), were not free – behind bars or in home confinement (about 10 per cent of all political prisoners).<sup>73</sup> Since 2020, more than 1,200 people have been convicted for insulting the president and slandering him (Articles 368 and 367 of the Criminal Code) and at least 211 people have been convicted under Article 370 of the Criminal Code with a maximum penalty of three years’ imprisonment for ‘desecration of state symbols’, reports the Viasna Human Rights Center.<sup>74</sup>

In 2024, 27 media workers were detained, 14 of whom were sentenced to administrative arrest. Furthermore, 66 searches and inspections were carried out in the offices of

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<sup>70</sup> Viasna Human Rights Center, ‘Restrictions on freedom of expression under the pretext of fighting extremism and terrorism’ (revised edition), 2024.

<sup>71</sup> General Prosecutor’s Office of the Republic of Belarus, ‘Four years’ imprisonment with a fine for providing extremist information to foreign media publications’ (in Russian), 18 December 2024, <https://prokuratura.gov.by/ru/media/novosti/nadzor-za-resheniyami-po-ugolovnym-i-grazhdanskim-delam/generalnaya-prokurat181224/>.

<sup>72</sup> International Federation of Journalists, ‘Belarus: Journalist Volha Radzivonava sentenced to four year jail term’, 17 December 2024.

<sup>73</sup> PEN Belarus, ‘Imprisoned writers’.

<sup>74</sup> Viasna Human Rights Center, ‘“Sunrise over the swamp”: at least 211 people convicted in Belarus for displaying red and green flag’, 23 December 2024.

media outlets and in journalists' apartments, 33 media workers were added to the state's list of extremists, and 12 to the list of terrorists.<sup>75</sup>

The non-judiciary blocking of websites, bans on websites, social media pages, and Telegram channels labelled 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 shut down their media outlets, are all used as restrictions on freedom of speech.

On 3 December 2024, a new version of Edict No. 630 was adopted, regulating the procedure for state bodies' response to 'socially significant' information.<sup>76</sup> This edict itself was issued back in 1997 and established the obligation of state bodies and organisations to consider critical materials against them published in state media. In addition to this, state bodies are now instructed to independently monitor important public information published in the media and on internet websites (such information is defined in the edict as 'information about acute socio-economic and socio-political problems, as well as critical materials and other relevant information of public interest'), and this process is to extend to other sources as well. In addition to monitoring, state bodies should also take measures to address problems reported 'through internet resources that ensure interaction between state bodies and citizens and legal entities.' Among the new responsibilities of the editors of state media are the creation of online platforms for interaction with citizens and legal entities 'to promptly collect socially significant information' and comprehensive discussion of published materials with citizens and organisations. According to the Belarusian Association of Journalists, in general, the edict looks like an act aimed at strengthening public control over the activities of state bodies and increasing the influence of the media.

### Specific recommendations under Area 6:

- The release of all individuals recognised as political prisoners, including journalists, bloggers and people sentenced to prison according to defamatory articles of the Criminal Code, the review and lifting of all sentences imposed on them, the payment of adequate compensation to all political prisoners, and an end to 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 restrictions do not render the exercise of the right to freedom of expression impossible for citizens (including foreign nationals and minors) and CSOs;

<sup>75</sup> Justice for Journalists Foundation, 'Attacks on media workers in Belarus in 2023–2024', 5 February 2025.

<sup>76</sup> President of the Republic of Belarus, 'Внесены поправки в указ о реагировании должностных лиц на критику в соцСМИ' (in Russian), 25 December 2024, <https://president.gov.by/ru/events/vneseny-popravki-v-ukaz-o-reakirovanii-dolznostnyh-lic-na-kritiku-v-gossmi>.

- Abolish the Law on the Countering of Extremism and all by-laws adopted under it, especially the Index of Extremist Formations and the Index of Extremist Materials;
- Pursue the de-monopolisation of electronic media and the privatisation of print media;
- State budget funding for media should be allocated through transparent competition and open calls;
- 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>1</sup>), public calls to organise or hold illegal assemblies, rallies, street marches, demonstrations or picketing, or involving persons in participating in such mass events (Article 369<sup>3</sup>), insult against a judge (Article 391) 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, and stop the practice of abusing Article 130 of the Criminal Code ('Incitement of racial, national, religious or other social hatred or discord') against authors of anti-war statements or critics of the authorities;
- Eliminate legislative provisions and the practice of internet disruption and website blocking without court decisions, the system of website blocking and termination of newspaper publishing should be reformed and placed under the sole jurisdiction of the courts; and
- Abolish mandatory accreditation of pollsters conducting opinion polls.

## 3.7 Right to Privacy

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

Legislation: <b>3.3/7</b>	Practice: <b>1.5/7</b>
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The scores in this area have remained unchanged in 2024. Implementation of the national legislation on personal data protection has been taking place in Belarus since 2020, which is generally in line with the General Data Protection Regulation (Regulation (EU) 2016/679) (GDPR) and in line with the regulations on information privacy in the EU. The National Center for Personal Data Protection is developing methodological recommendations in this area, including guidance tailored to the specific needs of CSOs. However, the protection of personal data does not account for interference by government agencies, which are endowed with significant rights to collect information and control private life and extensively practice collection, processing and use of private information, including the misuse of criminal investigations for political persecution. Involuntary outings of LGBTQ+ individuals occur. Refusal to grant access to private correspondence or smartphones is interpreted as disobedience to law enforcement and, in practice, is often punished by arrest. The main threats to the privacy of CSOs in Belarus are currently related to violations of privacy in the electronic sphere, particularly in relation to donations.

## 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 or unlawful restrictions by state authorities.

Seizure of all data storage and communication devices is broadly used both during home searches and arrests.

In the context of the investigation of politically-motivated criminal cases, the authorities hunt out protest coordinators, forcibly de-anonymising opposition representatives. This includes identification of administrators who work from abroad. In some cases, such persons have been arrested upon their return to the country (Viasna Human Rights Center reports at least 66 people convicted between January and October in political criminal cases after returning from abroad). The preliminary disclosure of details of criminal cases, including personal data of arrested persons, in an accusatory and biased manner is widely practiced by the state media.

The MIA 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).

The Law on Personal Data Protection has been implemented with due diligence and is not intended to restrict CSOs, the state regulator publishes explanations on its application, including those addressed to CSOs. In practice, however, legal protection is effective only against interference by third parties, but not against interference by the state. Forced outings of LGBTQ+ individuals in custody are a shameful practice of the MIA.

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.'

Political persecution bodies practice mass summons for the interrogation of individuals who have made donations to CSOs recognised as 'extremist formations'. This mainly relates to donations made in 2020-2021, but also to those made in subsequent years. Donations to the Belarusian military formation in the Armed Forces of Ukraine (the so-called 'Kalinouski Regiment') constitute a separate ground for prosecution. Donors identified by the security agencies face criminal prosecution, without the possibility of paying a 'ransom' (as is often possible in the cases of 2020-2021 donations to recipients now recognised as extremist groups).

The forced outing of LGBTQ+ individuals is used as a means of harassment, blackmail, inducement to cooperate with intelligence services, as well as a punishment during imprisonment, and is sometimes accompanied by covert surveillance.<sup>77</sup>

Regarding the documents to be submitted for registration of public associations and foundations, the law requires the submission of personal information, including a list of all 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 being exerted on CSO members. The MoJ 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.

By the end of 2024, there was a noted decreasing trend in the number of forced video confessions extracted from arrested persons (often with signs of torture), although political prisoners continue to be filmed in propaganda films.

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 on their activities, income, and expenses.

At the same time, in 2024, 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').

According to the MIA, over the past four years the number of video cameras of the Republican system for monitoring public security has increased tenfold and exceeds 40,000 devices.<sup>78</sup>

The Law on Amendment of Laws on Investigative Committee Issues of 24 May 2024 allowed Investigative Committee officers to obtain information about individuals (including personal data) from various information systems, without the consent of the individuals themselves and with remote access.<sup>79</sup>

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<sup>77</sup> Radio Liberty Belarus Service, 'Gay in prison, or how to survive with "low status". A blogger from Grodno, Vadzimati, gave a loud interview after his release', 8 January 2025.

<sup>78</sup> AV.by, 'В Минске опробуют системы автоматической фиксации нарушений' (in Russian), 20 October 2024, [https://av.by/news/v\\_minske\\_oprobityut\\_sistemy\\_avtomaticheskoi\\_fiksacii\\_narushenii](https://av.by/news/v_minske_oprobityut_sistemy_avtomaticheskoi_fiksacii_narushenii).

<sup>79</sup> Zerkalo, 'Lawmakers decided to give security forces another bit of super access to people's data. No need to ask folks for permission (if Lukashenko signs the bill)', 17 April 2024.

On 4 December 2024, parliament approved in the first reading a bill that would introduce changes to postal activities. One of the possible innovations in the bill, is the launch of a special database on postal items and providing law enforcers with round-the-clock access to it. According to the presentation of the bill, law enforcers will be able to access any mail information, which must be stored for five years.<sup>80</sup>

### Specific recommendations under Area 7:

- Establish sanctions for unlawful acts related to the collection, processing, provision, and dissemination of personal data that are proportionate and address the real threats posed by the state, and introduce specific liability provisions for officials of state agencies;
- 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;
- Cease the publication of 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;
- Dismantle and delete the MIA's unified database of participants in unauthorised demonstrations (also known as the *Besporiadki* database) and its equivalents; and
- End indiscriminate electronic surveillance of citizens, including the interception of CSOs' 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 scores have remained unchanged in 2024. The state does not protect CSOs and their activists from involuntary dissolution imposed by state bodies, from repression, from defamatory propaganda and from state intrusion into the internal affairs of CSOs and individuals' private lives. Laws against extremism have become one of the important prosecution mechanisms used against CSO activists and others who disagree with the policies of the authorities.

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

<sup>80</sup> Zerkalo, 'Security forces want to be provided with super access to the next set of population data. Details have become known about this', 4 December 2024.

According to the Law on Public Associations, the state guarantees protection of public associations' rights and legitimate interests, and prohibits state interference in the activities of public associations.<sup>81</sup> In practice, however, this protection is not implemented.

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

The Law on the Bar and Lawyers' Activities in the Republic of Belarus gives the MoJ control over lawyers and has created preferential conditions for former legal employees of the MIA to obtain the status of lawyer. The number of lawyers in Belarus is decreasing. As of 1 January 2022, there were 1,868 lawyers in Belarus, a year later there were 1,690, and at the beginning of 2024 - only 1,602. In October 2024, this figure decreased and now there are 1,590 lawyers engaged in professional activities in Belarus, equivalent to 17 lawyers per 100,000 people (in the EU in 2022, there were on average 180 lawyers per 100,000 inhabitants). Since 2020 more than 140 lawyers have been disbarred, and more than 260 lawyers were forced to leave the profession, fearing persecution by authorities.<sup>82</sup> On 28 February 2024, detentions of several lawyers took place in Belarus. The exact number of detainees and reasons remain unknown, but human rights CSOs estimate the number to be about 12 lawyers.<sup>83</sup>

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 UN human rights treaty bodies concerning Belarus, in relation to violations of the right to association through termination of public associations or refusals to register them.

**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 across all 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 2024 is still very similar to the

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<sup>81</sup> Article 6, Law on Public Associations of 4 October 1994 (with subsequent amendments).

<sup>82</sup> **Right to Defence initiative**, 'Deterioration of legal profession in Belarus: facts, reasons, assessments', cited by Viasna Human Rights Center, 31 October 2024.

<sup>83</sup> Belarusian Human Rights Organisations, 'Statement Regarding Mass Arrests of Attorneys on 28 February 2024', 28 February 2024.

Russian model. In Belarus, however, the concept of ‘extremism’ also extends 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>84</sup> ‘Extremist symbols’ include images of people previously convicted of extremism, as well as various media logos and watermarks.

Belarusian laws on combating extremism contain vague wording, allowing for broad interpretations, which allow for the 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.

In 2021, the law also introduced the term ‘extremist formation’ and this has been applied in 2024 against CSOs. Its most important difference from the term ‘extremist organisation’ is that an extremist formation can be non-registered and may be unregistered and designated extremist without judicial oversight, by the MIA or the KDB. As of the end of 2024, in total 257 ‘extremist formations’ were included in the list. During 2024, 88 new items have been added to this list, including well-known, already terminated CSOs Office for European Expertise and Communication and the RADA Union of Youth and Children’s Organisations, or non-registered in Belarus and operating mainly abroad, like International Committee for the Investigation of Torture in Belarus. However, media outlets, Telegram channels, and informal online communities in social networks make up the bulk of ‘extremist formations’ (in 2024, at least 35 media outlets were recognised as extremist formations and added to this register). The mechanism for appealing the MIA’ and the KDB’s decisions on inclusion in the list is vaguely defined and organisations 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 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 that CSOs’ financial transactions align with their statutory objectives. In accordance with the Law, public associations and foundations are required to publish extensive reports about their activities over the

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<sup>84</sup> Human Constanta, Viasna Human Rights Center, Belarusian Association of Journalists and SOVA Center for Information and Analysis, ‘How “extremism” violates human rights in Belarus: main theses from human rights organisations’, 2022.

preceding year and their income and expenses. The reporting requirements for CSOs are excessive and disproportionate, as well as becoming more difficult due to constant changes in forms and reporting requirements.

The government's long-term AML/CTF action plans are not targeted and disproportional, are not in line with the risk-based approach and are likely to have negative effects and risks for CSOs. As the government reported to the Eurasian Group on Combating Money Laundering and financing of terrorism, Belarusian authorities developed risk-based supervision mechanisms for the non-profit sector, including efforts to raise awareness of the potential misuse of such organisations.<sup>85</sup> The MoJ drafted, in coordination with the State Control Committee, the Action Plan aimed at mitigating terrorism financing risks in the non-profit organisations sector in 2022-2023, which was approved by the Interagency Commission. The MoJ is tasked with monitoring the implementation of the Action Plan, but traditionally without cooperation with CSOs as stakeholders. The MoJ drafted a Methodology of assessment of risks related to misuse of the non-profit organisations sector for terrorism financing purposes, including sources of information, and forms and methods of data collection, which was submitted for review and approval to the numerous state bodies. As reported, all public associations were subject to inspection and audit.

Another mechanism of terrorism financing preventive control includes annual workshops held for public associations and other CSOs. At these workshops, representatives of the registered organisations are informed, inter alia, about measures to be taken to prevent the abuse of NCOs for terrorism financing purposes.

In 2024, the MoJ continued the previously interrupted practice of conducting a live telephone hotline on issues concerning public associations. Among other things, topics included the amendment of statutes by public associations in connection with the Law on Public Associations updated in 2023. For example, the MoJ's online seminar on 24 October was hosted on Google Meet and included an opportunity for sign-ups from all interested public associations to send a representative and ask questions in advance. However, these measures did not prevent public associations that did not amend their charters from being forcibly dissolved, thus continuing the wave of CSO terminations.<sup>86</sup>

The Department for Humanitarian Affairs and his Public Council on Foreign Gratuitous Aid also held seminars on cooperation between state and public organisations in the regions and Minsk, especially for attracting foreign aid for socially essential purposes.

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<sup>85</sup> Eurasian Group on Combating Money Laundering and Financing of Terrorism, 'First Follow-up Report under regular monitoring (without TC re-rating) – 2022', 2022, [https://eurasiangroup.org/files/uploads/files/Follow-up\\_Report\\_Belarus\\_eng.pdf](https://eurasiangroup.org/files/uploads/files/Follow-up_Report_Belarus_eng.pdf).

<sup>86</sup> CSO Meter, 'Belarus: New wave of liquidation of CSOs that fail to amend their charters', 12 March 2024, <https://csometer.info/updates/belarus-new-wave-liquidation-csos-fail-amend-their-charters>.

## 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, including to the Constitutional Court;
- Abolish the Law on the Countering of Extremism and all by-laws adopted under it, especially the Index of Extremist Formations and the Index of Extremist Materials; and
- Introduce the risk-based approach to the legislation on AML/CTF, as well as end the practice of assessing CSOs' financial transactions for compliance with their charters as a basis for designating them as subject to special control.

## 3.9 State Support

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

Legislation: **2.8/7**

Practice: **1.9/7**

The scores remained unchanged in 2024. State support for CSOs remains underdeveloped. It is based on the unequal treatment of CSOs based on their political loyalty and integration into state structures. Many CSOs that are fully state-run (e.g., sports associations) enjoy state support in exchange for complying with state directives. Other GONGOs have direct financial support and enjoy a degree of independence, not as civil society structures serving the interests of their members, but as administrative authorities of the state. There has been some progress in recent years, including the expansion of state funding mechanisms through youth and civic initiatives, competitive financial support schemes, and social contracting. The state's overall approach to CSOs remains one of targeted support to selected organisations chosen on an exclusive basis.

### **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, such as the practical introduction of procedures for competitive distribution of budget funds among CSOs and informal initiatives.

In 2024, legislation and practice provide for three main forms of state financial support to CSOs:

- direct funding of certain CSOs from the state or local budgets on a non-competitive basis;
- social contracting contests; and
- financial support for civic and youth initiatives on a competitive basis.

But in general practice, only a narrow and unchanging circle of CSOs receive state support.

In-kind support in the form of reduced rental fees when renting state-owned premises is provided only to CSOs that are included in the special list approved by the government.

In Belarus, access to electronic legal databases is provided on a paid principle, but in 2024 for public associations and some other categories of CSOs the state supplier offers a 35 per cent discount on online subscriptions to official legal databases.

According to experts, the scope and amount of funds distributed to CSOs through government social contracting calls are increasing and are available to some independent social and health care CSOs (but the main implementers remain local Red Cross structures, controlled by the state and supporting ruling regime). Also, the number of recipients of social services under the state social contracts increased by almost 40 per cent,<sup>87</sup> and the procedure has been slightly simplified. Besides social contracting, contracting of CSOs remains rare, and tender conditions for state procurement are often formulated to disadvantage CSO participation.

The consolidated budget for 2024 provided for the allocation of 2.1 million BYN (611,000 EUR) in equal shares from the local and republican budgets to support civic initiatives. In the budget for 2025 (according to the Law on the National Budget for 2025 of Belarus of 13 December 2024) this amount is set to increase to 2.8 million BYN.<sup>88</sup> According to the Law, each civic initiative must add to a received amount at least 10 per cent of the estimated cost of the civic initiative in co-funding or own contributions.

In addition, according to Edict No. 425 of 13 September 2013 on Grants of the President of the Republic of Belarus in the spheres of science, education, health care, culture, and youth policy,<sup>89</sup> up to 100 grants are paid per year from the reserve fund of the President. These grants are provided monthly in the amount of 41 basic amounts and is paid within a year from the date of its grant (i.e. about 5,500 EUR per recipient per year). In fact, these budget funds were used in 2024 to provide 58 such grants 'for the implementation of priority social projects for Belarus' to representatives of organisations in the fields of science, education, healthcare, culture and youth policy.<sup>90</sup> However, there has been a clear downward trend in this area of grant funding since

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<sup>87</sup> Ministry of Labour and Social Protection of the Republic of Belarus, 'В Беларуси увеличивается количество получателей социальной помощи на дому' (in Russian), 16 August 2024, <https://mintrud.gov.by/ru/news-ru/view/v-belarusi-uvelichivaetsja-kolichestvo-poluchatelej-sotsialnoj-pomoschi-na-domu-8539-2024/>.

<sup>88</sup> Law of the Republic of Belarus No. 48-Z of 4 December 2024, 'О внесении изменений и дополнений в некоторые законы Республики Беларусь по вопросам социальной защиты' (in Russian), <https://pravo.by/document/?guid=3961&p0=H12400048&source=subscribe>.

<sup>89</sup> Edict No. 425 of 28 October 2013, 'О некоторых вопросах предоставления государственной адресной социальной помощи' (in Russian), <https://pravo.by/document/?guid=3871&p0=P31300425>.

<sup>90</sup> Council of Ministers of the Republic of Belarus, Владимир Караник о грантах Президента: Инновационные разработки лягут в основу больших проектов (in Russian) <https://www.government.by/ru/content/11174>.

2022: while from 2015 through 2021 the number of presidential grants awarded annually ranged from 67 to 103 grants (average of 85 grants annually), from 2022 through 2025 the number of grants awarded annually ranged from 35 to 58 grants (average of 47 grants annually).

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

In 2024, the regulations on holding contests of civic initiatives adopted in 2023 by the regional authorities and the Minsk City Executive Committee have been widely put into practice. Despite the fact that these regulations were developed based on the same model set out in the Law on Local Governance and Self-Governance, their practical implementation was very different. This was especially evident in the issues of publicity: in some regions the media and websites of state bodies widely informed the public about the announced competitions and criteria for distribution of support, published evaluation protocols for submitted projects, including specific deficiencies that prevented support from being granted, progress reports on project implementation and statistics on distributed aid – while for example in Minsk, these materials were practically not published. In general, although the procedure of aid distribution became clearer and more uniform, this had some negative consequences: the number of applications from civic initiatives for state support slightly decreased. Another problematic element in the practical application of these contests is the extremely short timeframe for submitting civic initiative projects: for some of the competitions announced, only a few days were allocated for project preparation and submission.

The consolidated outcomes of state-funded projects and programmes are not published, and a monitoring and evaluation system has not been established. 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 subject to political evaluation criteria and is generally under the direct or indirect control of the BRYU.

**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.

Starting from 1 January 2024, the new edition of the Tax Code will come into force stipulating that non-profit organisations must file tax returns (if the obligation to file them arises). This may only be done electronically; the formerly available option of filing a return in hard copy will be unavailable, even in cases where a minimal amount

of information needs to be provided.<sup>91</sup> This change in practice led to new costs for many CSOs due to the need to pay for electronic keys to enable the electronic filing of tax returns. For many CSOs it was impossible to obtain an electronic key if the management of the organisation was outside Belarus. In practice, obtaining the key was also connected with the need to stand in a long queue in person. Taken together, these complexities led to the decision to backtrack at the end of 2024 to repeal this newly introduced change: in December 2024 revision of the tax legislation temporarily reintroduced the exception that CSOs not engaged in business activities will again be able to submit tax reports on paper, but only for the 2024 and 2025 tax years.<sup>92</sup>

Another revision of the Tax Code on 13 December 2024 deprived CSOs of the right to an investment tax deduction: since 1 January 2025 CSOs, even those engaged in entrepreneurial activities, will no longer be incentivised to invest in real estate or productive assets – the tax deduction for investments will now be available only for commercial organisations.<sup>93</sup>

Foreign donations and grants are not automatically tax-exempt. Besides registration of aid, the recipient must undergo a separate procedure for tax exemption and such exemption may be partially or fully refused. CSOs cite the 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 (meeting eligibility criteria is not sufficient 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 10,431 BYN (approximately 3,036 EUR in December 2024) per year, is exempt from income tax.

In relation to donations to orphaned children or persons with disabilities, a donation that does not exceed 20,843 BYN (6,067 EUR) per year can be tax-deductible. Public associations are prohibited from directly conducting 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

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<sup>91</sup> Neg.by, 'Когда некоммерческие организации должны представлять налоговые декларации' (in Russian), 13 December 2023, <https://neg.by/novosti/otkryti/kogda-nekommercheskie-organizatsii-dolzheny-predstavlyat-nalogovye-deklaratsii/>.

<sup>92</sup> CSO Meter, 'Belarus: Restrictions on CSO tax declarations eased', 15 February 2025, <https://csometer.info/updates/belarus-restrictions-cso-tax-declarations-eased>.

<sup>93</sup> Pravo.by, 'Налоги в 2025 году: что меняется в законодательстве' (in Russian), <https://pravo.by/novosti/obshchestvenno-politicheskie-i-v-oblasti-prava/2024/december/79963/>.

institutions, such income is subject to taxation like the income of any company. The law does not define a public benefit status, or a notion of social entrepreneurship.

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 has no 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.

In 2024, 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). People who provided material or legal aid to victims of law enforcement violence after the presidential elections in 2020 faced criminal charges and extortion of compensation under threat of blackmail from KDB. MIA states that in the first 2 months of 2024 alone, 260 persons were identified who transferred money donations totalling more than 5,000 USD to the accounts of 'extremist' formations. Accordingly, these people 'reimbursed' more than 356,000 USD to various pro-government social funds and medical institutions.<sup>94</sup>

There are tax exemptions for student labour squads – groups of students organised to perform temporary work, usually during the summer, as part of various production or social projects. Student brigades often work in construction, agriculture, tourism, large events, etc. The income of student squad members received for their work in Belarus (or the wider Commonwealth of Independent States) is exempt from income tax. In addition, 50 per cent of the amount of social insurance contributed by student squad

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<sup>94</sup> Ministry of Internal Affairs of the Republic of Belarus, 'Современный экстремизм и противодействие ему' (in Russian), 14 March 2024, <https://minobl.mvd.gov.by/ru/news/9070>.

participants is directed to the BRYU for further redistribution for the purpose of development of the student squads' activities according to the approved programme, as well as for reimbursement of expenses of the sending organisations related to the student squads' activities.

Top executives of the outlawed Streamline language school faced charges of tax evasion, the Investigative Committee reported.<sup>95</sup> The Minsk city authorities launched Streamline's liquidation in late October, without specifying the relevant legal grounds or notifying the school. Streamline has operated since 1998. The essence of the charge is based on the assumption that, founded as a non-profit institution, the school evaded nearly 7.7 million EUR in taxes by transferring profits to affiliated business entities.<sup>96</sup>

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

The tax system in general does not incentivise businesses or individuals to provide charitable aid, and there are no general tax deductions for donors. The legislation uses a mechanism of targeted benefits provision. Tax deductions are not provided based on meeting general criteria, but rather on the direct inclusion of a donor or recipient organisation in a prescribed 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. Aid to any other CSO may only be provided from post-tax profits and does not qualify for 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 must not be anonymous and must be formalised through a written contract with the recipient.

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

In Belarus, there is no legislation promoting volunteer activity or regulating volunteering. Volunteers of human rights organisations and other banned CSOs labelled as extremist are subject to criminal and administrative prosecution, including

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<sup>95</sup> Investigative Committee of the Republic of Belarus, 'Школа иностранных языков Streamline недоплатила налоги на 17 миллионов: подробности расследования' (in Russian), 26 December 2024, <https://sk.gov.by/ru/news-usk-gminsk-ru/view/shkola-inostrannyx-jazykov-streamline-nedoplatila-nalogi-na-17-millionov-podrobnosti-rassledovaniya-14317/>.

<sup>96</sup> Mlyn.by, 'Стала известна причина, по которой закрылась школа иностранных языков Streamline' (in Russian), 26 December 2024, <https://mlyn.by/26122024/stala-izvestna-prichina-po-kotoroi-zakrylas-shkola-inostrannyh-yazykov-streamline/>.

for receiving foreign aid or facilitating so-called extremist activities.<sup>97</sup> However, calls for proposals for civic initiative funding from the 2024 budget include volunteer engagement as one of the criteria determining eligibility for support.

### Specific recommendations under Area 9:

- Abolish the ban on the activities of public associations without registration by removing it from the Law on Public Associations, cancel criminal responsibility for organising and participating in the activities of an unregistered organisation (Article 193<sup>1</sup> of the Criminal Code) and review the sentences imposed under this article;
- Enshrine provisions for a non-discriminatory and transparent system of funding for non-state NCOs from the state budget on a competitive basis in legislation, requiring the publication of data on the volume of state aid allocated to CSOs, as well as the publication of reports by recipient organisations on its use;
- Release all individuals imprisoned for tax violations in connection with civil or CSO activities, and lift all imposed sentences and pending decisions related to such liability;
- Introduce income tax percentage designation to CSOs for individuals;
- Include in the Law on Accounting and Reporting the option for simplified accounting in NCOs to be carried out by the heads of such organisations without the need to employ a professional accountant and simplify tax reporting for CSOs not engaged in entrepreneurial activities, both online and in paper format; and
- When developing a framework legal regulation on volunteering, it is necessary to allow volunteer activities to be conducted either through CSOs or business entities and in the form of volunteer initiatives without the formation of a legal entity being necessary.

## 3.10 State-CSO Cooperation

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

Legislation: **2.7 / 7**

Practice: **1.9/7**

The scores have remained unchanged in 2024. Many CSOs have deliberately withdrawn from advocacy, cooperation, or any form of contact with the authorities due to the atmosphere of repression (although in rare cases, communication still occurs at the non-political level between individual professionals). CSO cooperation with the state has also

<sup>97</sup> Human rights activists have stated that at least 126 court cases are known of since January 2024 related to administrative prosecution for using foreign aid to prepare aid parcels for political prisoners, at least 30 of which have been converted to criminal charges under legislation on counter extremism. CSO Meter, 'Belarus: Expanding criminal liability for recipients of foreign aid', 8 August 2024, <https://csometer.info/updates/belarus-expanding-criminal-liability-recipients-foreign-aid.sk.gov.by+3Csometer+3>

declined as a result of the authorities fostering an atmosphere of fear across the broader public sphere and through deliberate decisions to exclude CSOs from interaction with the state. In general, terminated organisations are unable to maintain any interaction with the authorities. There are no framework regulations or policy documents on mechanisms for cooperation and consultation between the state and CSOs.

#### **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 state-approved plans and programmes include provisions for interaction between state agencies and CSOs during their implementation. However, CSO participation in developing these plans, and the availability of sufficient financial support, remains 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.

The Law on the Essentials of Civil Society formalised different levels of cooperation with CSOs based on set criteria, including membership size, activity objectives, and the requirement to have organisational branches in all regions of the country. In practice, these criteria have entrenched the privileged legal and practical status of five GONGOs, including state-controlled trade unions.

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. According to the Ministry of Economy, 32 public advisory (expert) councils on entrepreneurship development have been established under state bodies.<sup>98</sup>

### **Specific recommendation under Area 10:**

- Adopt a government order 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; and
- Expand the legal definition of 'civil society entities' to include all forms of non-governmental non-profit organisations, civic initiatives, youth groups, and other citizen associations that are not legal entities, and provide them with broad mechanisms for engaging with national and local authorities.

<sup>98</sup> Neg.by, 'Бизнес просит госорганы глубже оценивать последствия нормотворчества' (in Russian), 1 December 2023, <https://neg.by/novosti/otkryti/biznes-prosit-gosorgany-glubzhe-otsenivat-posledstviya-normotvorchestva/>.

## 3.11 Digital Rights

Overall score per area: **2.1/7**

Legislation: **2.6/7**

Practice: **1.5/7**

The scores have remained unchanged in 2024. Although some private internet service providers offer benefits and programmes for CSOs, the online exercise of digital freedoms remains heavily restricted due to strict state regulation and law enforcement's policy of total control, aimed at silencing all independent voices. IT sector employees are under close regulatory scrutiny, and many tech giants, start-ups, and thousands of professionals have left Belarus, which is no longer viewed as a favourable environment for internet communications technology.

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

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

Legal norms<sup>99</sup> require private digital service providers to enable tracing, monitoring, and intervention in private communications, without the knowledge of the person being monitored. Freedom of speech online is restricted by 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 services in response to alleged internet-related threats to national security.

Operational Analytical Center under the Aegis of the President of the Republic of Belarus by its order No. 69 dated 4 April 2024 amended the instruction on registration of domain names in the national domain zone.<sup>100</sup> Domains associated with projects recognised as extremist materials are now cancelled after inclusion in the national index of extremist materials. This legalised the practice that had previously been applied without legal grounds to domains associated with extremist formations, including CSOs. Immediately after the issuance of this regulation, in April 2024 the Operational Analytical Center decided to cancel domain name registration records of a number of Belarusian media and CSOs. Moreover, this provision legitimised the ability to withdraw a domain even if the owner simply fails to confirm his or her details on a

<sup>99</sup> Edict 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 (in Russian), <https://pravo.by/document/?guid=12551&p0=P32200368>.

<sup>100</sup> Order of the Operational Analytical Center under the Aegis of the President of the Republic of Belarus No. 69, 4 April 2024 (in Russian), <https://pravo.by/document/?guid=12551&p0=T62405642>.

personal visit. In 2024 the authorities have been depriving independent media from abroad of the opportunity to use local internet domains, forcing them to switch to non-national domains, leading to audience loss.<sup>101</sup>

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. If 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 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. 1 November 2024, according to the presidential edict No. 32 of 25 January 2024, video cameras are mandatory in the cabs of taxi and buses.<sup>102</sup> They are also obliged to record all bookings, both online and in person. Information about bookings will be stored for five years, and law enforcement officials and government agencies will have access to it. Experts note that in Belarus, various bases and registers are created for all sorts of occasions: *Besporiadki* with almost 39,000 people who participated in protests, unofficial list of individuals who signed in support of the nomination of opposition candidates for president in 2020, the registry of Belarusian citizens holding foreign residence permits and database mobile billing etc. Now the information from carriers, to which the authorities have always had access, will simply be collected and analysed in one place. Human rights CSOs are concerned that recordings from the cameras, installed in cars or buses, will go to a certain server in the 'Kipod' video surveillance and facial recognition system, and potentially be misused to further crackdown on activists. In particular, already existing video surveillance systems on the streets are used to detain persons subject to movement restrictions due to political activism or to arrest activists returning from abroad who are accused of disseminating extremist information. For example, employment checks using these database could lead to reprisals due to past participation in protests or independent CSOs.<sup>103</sup>

National security, border control or counter-terrorism laws authorise opaque and unaccountable government requests for data, where users have no knowledge of these requests and no right to challenge them. The MIA runs a unified database of participants in unauthorised demonstrations on the basis of resolutions aimed at

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<sup>101</sup> Justice for Journalists Foundation, 'Attacks on media workers in Belarus in 2023–2024', 5 February 2025.

<sup>102</sup> Edict No. 32 of 16 January 2024, 'О некоторых вопросах автомобильных перевозок пассажиров' (in Russian), <https://pravo.by/document/?guid=12551&p0=P32400032>.

<sup>103</sup> ReForum, 'A girl was arrested after a check when applying for a government job', 11 October 2024.

bringing participants to administrative and criminal justice (known as the *Besporiadki* database, in use since late 2020).

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 2024 (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).

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>104</sup>

The ability to create CSOs from abroad is limited by the fact that many websites of government agencies, including the MoJ and the MIA, are inaccessible from outside Belarus.

Internet use, website commenting, and mobile communication require 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 activities of any citizen.

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

The state control over the national segment of the internet was officially approved, but with little regard for the public's opinion: the Concept of ensuring the sovereignty of the Republic of Belarus in the sphere of digital development until 2030 was approved by Resolution of the Council of Ministers No. 1074 of 31 December 2024, which came into force on 16 January 2025.<sup>105</sup> On 22 November 2024, the House of Representatives held parliamentary hearings on 'Development of Digital Law in the Republic of Belarus' having discussed with representatives of academia and foreign experts the issues of digital personal data protection, quality of state databases, legal regulation of artificial intelligence, but without any involvement of CSOs and IT industry stakeholder representatives (the results of the hearings are documented by a parliamentary decision in January 2025).<sup>106</sup>

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<sup>104</sup> ABC News, 'Wife fears for American snatched from Moscow and taken to Belarus', 6 April 2021,

<https://abcnews.go.com/International/wife-fears-american-snatched-moscow-belarus/story?id=78807539>.

<sup>105</sup> Resolution of the Council of Ministers on the Concept of Ensuring Sovereignty of the Republic of Belarus in the Field of Digital Development until 2030 year No. 1074 of 31 December 2024 (in Russian),

<https://pravo.by/document/?guid=12551&p0=C22401074>.

<sup>106</sup> House of Representatives of the National Assembly of Belarus, '22 ноября 2024 года под председательством И.П. Сергеевко прошли парламентские слушания на тему "Развитие цифровых платформ"' (in Russian),

<https://house.gov.by/ru/news-ru/view/22-nojabrja-2024-goda-pod-predsedatelstvom-ipsergeenko-proshli-parlamentskie-slushanija-na-temu-razvitie-66503-2024/>.

As noted by Freedom House’s ‘Freedom on the Net’ 2024 review,<sup>107</sup> internet freedom in Belarus continued to deteriorate, and authorities blocked the websites of CSOs.

There were no cases of total internet shutdown, but there have been political statements of intent to return to this practice during the next presidential election, scheduled for January 2025.<sup>108</sup> On the eve of 2025, the government partially blocked YouTube for at least 20 minutes to prevent Belarusians from watching Sviatlana Tsikhanouskaya, the representative of Belarus’s political opposition in exile, deliver her New Year’s address (the authorities did the same thing as a year before). In November 2024, LiveJournal, a Russian-owned social networking service, was blocked in Belarus.<sup>109</sup>

Law enforcers and state ideologists advertise the browser extension ‘Stop Extremism’ in their Telegram channels. They claim that the browser extension is designed ‘to identify and warn users about content on the internet that is on the index of extremist materials. But the extension is a ‘trojan’ which is essentially a malicious programme that can download and install other programmes or record keystrokes, according to a report by the human rights organisation MayDay CSO.<sup>110</sup>

Some digital inequalities persist, but they are narrowing, according to Freedom House. Belarus maintains high fixed and mobile-broadband penetration rates. DataReportal reported that Belarus’s penetration rate at the start of 2024 was 89.5 per cent of the total population<sup>111</sup> (growing from the 86.9 per cent at the start of 2023). There were 8.48 million internet users in Belarus in January 2024<sup>112</sup> which makes Belarus’s internet penetration one of the highest in Central and Eastern Europe. Nearly 93.8 per cent of the urban population and 83.7 per cent of rural residents are internet users. The urban-rural digital divide is reflected more strongly among certain segments of the population. In cities and towns, for example, 60.7 per cent of citizens aged 65 and over used the internet in 2022; in villages the number was only 33.9 per cent.<sup>113</sup> Belarus ranks lowest in Europe – 110<sup>th</sup> out of 138 nations – in the 2024 edition of the Global Index on Responsible Artificial Intelligence (AI).<sup>114</sup>

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<sup>107</sup> Freedom House, ‘Freedom on the Net 2024: Key Developments, 1 June 2023 – 31 May 2024’, 2024.

<sup>108</sup> Yahoo News, ‘Lukashenko threatens internet blackout during 2025 elections to prevent protests’, 7 May 2024, <https://www.yahoo.com/news/lukashenko-threatens-internet-blackout-during-002941982.html>.

<sup>109</sup> Onliner.by, ‘В Беларуси ограничили доступ к LiveJournal’ (in Russian), 13 November 2024, <https://tech.onliner.by/2024/11/13/v-belarusi-ogranichili-dostup-k-livejournal>.

<sup>110</sup> Zerkalo, ‘Human rights activists: Security forces propose installing a browser extension called “Stop Extremism,” which is actually a malware Trojan’, 26 April 2024.

<sup>111</sup> DataReportal, ‘Digital 2024: Belarus’, 23 February 2024, <https://datareportal.com/reports/digital-2024-belarus>.

<sup>112</sup> DataReportal, ‘Digital 2023: Belarus’, 13 February 2023, <https://datareportal.com/reports/digital-2023-belarus>.

<sup>113</sup> National Statistical Committee of the Republic of Belarus, ‘Statistical Overview for the Day of the Elderly’, 28 September 2023, [https://www.belstat.gov.by/upload-belstat/upload-belstat-pdf/oficial\\_statistika/statobzor\\_elderly\\_2023.pdf](https://www.belstat.gov.by/upload-belstat/upload-belstat-pdf/oficial_statistika/statobzor_elderly_2023.pdf).

<sup>114</sup> Adams, R., Adeleke, F., Florido, A., de Magalhães Santos, L. G., Grossman, N., Junck, L., & Stone, K., ‘Global Index on Responsible AI 2024 (1st Edition)’, Global Center on AI Governance, South Africa, 2024, <https://www.global-index.ai/country/BY>.

There were 5.68 million social media users in Belarus in February 2024, representing almost 59.4 per cent of the total population, which was a growth of 1.4 million users (about 32 per cent) from the previous year,<sup>115</sup> but it is important to note that social media users may not represent unique individuals.

The state does not guarantee open, accessible, or affordable internet. Belarus does not have a law requiring or protecting net neutrality, and practices hinder open and fast internet, favouring some websites over others (including the blocking of CSO sites without court or official decisions).

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 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>116</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. However, experts note that mutual understanding between major players in the ICT industry and the government has disappeared, and consultations on internet regulatory decision-making have become less representative and generally lost some of their effectiveness.

The 6th Belarusian Internet Governance Forum, which was held on 3 December in Minsk, brought together over 300 businesspeople, representatives of ICT companies, and government agencies, but with minimal participation of CSOs (previously, CSOs were partners in organising the Internet Governance Forum<sup>117</sup> and satellite Youth Internet Governance Forums).

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<sup>115</sup> Ministry of Communications and Informatization of the Republic of Belarus, '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>.

<sup>116</sup> Ministry of Communications and Informatization of the Republic of Belarus, State Programme 'Digital Development of Belarus' for 2021–2025, <https://www.mpt.gov.by/ru/gosudarstvennaya-programma-cifrovoe-razvitie-belarusi-na-2021-2025-gody>.

<sup>117</sup> Human Constanta, 'No Dialogue Behind Bars. Open letter to international stakeholders related to participation in IGF.BY', 9 November 2023.

Belarus placed 110th out of 138 in the Global Index on Responsible AI 2024 edition, ranked with aggregated scores as the lowest in the European region.<sup>118</sup> Belarus's political landscape, dominated by authoritarian practices, heavily influences its approach to AI governance and the formulation of related rules and regulations. The centralised decision-making process often leads to a lack of transparency and minimal public engagement in developing AI policies. This environment may prioritise the use of AI for surveillance and control, sidelining critical ethical considerations, privacy, and human rights. The government's track record of suppressing dissent suggests a significant risk that AI could be further employed to enhance state surveillance capabilities, thereby infringing on citizens' freedoms and privacy. Experts say that in Belarus there is currently no space for independent CSOs that could freely, and on an equal basis with the state, participate in discussions about responsible AI.

On the international stage, Belarus's isolation, exacerbated by the fallout from the 2020 election protests and later by Belarus' engagement in the war in Ukraine, limits its participation in international AI governance dialogues. Sanctions and diplomatic tensions hinder Belarusian entities from engaging effectively in international forums, restricting the adoption of global AI norms and standards.

The government's tight control over the academic and research sectors, coupled with a broader suppression of dissent and independent initiatives, creates a challenging environment for independent AI researchers to freely collaborate on state-led projects. While there may be some level of engagement, especially in fields deemed strategically important by the state, such as military, these collaborations are often closely monitored and subject to strict regulations, limiting the scope and openness.

In 2024, 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 MoJ website and to the MIA website, the published Index of Extremist Formations, or the court hearing schedule ). Only limited online registration services are available to CSOs, but the Law on Public Associations provide 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.

The decrease in general amount of foreign funding occurred while the automated information system 'Humanitarian Activities' was being brought into service under the state programme 'Digital Development of Belarus' for 2021-2025. The online system allows for electronic interaction between the Department and legal entities, individuals and private entrepreneurs, who can now register as recipients of foreign aid and file

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<sup>118</sup> Global Center on AI Governance, 'Countries' scores on the Global Index on Responsible AI', <https://www.global-index.ai/Countries>.

electronic documents online. Services are provided free of charge via users' personal accounts.<sup>119</sup>

### Specific recommendations under Area 11:

- Release all individuals imprisoned for tax violations linked to civil activities or CSO activities, including crowdfunding or charges of 'financing extremism' or 'public disorder'; lift all sentences and pending decisions on their liability; and provide adequate compensation to all such political prisoners;
- Abolish the Law on the Countering of Extremism and all related by-laws, especially the Index of Extremist Formations and the Index of Extremist Materials;
- Close and destroy the MIA's unified database of participants in unauthorised demonstrations (the *Besporiadki* database) and any equivalent systems;
- Eliminate both the legal basis for and the practice of internet disruption and website blocking without a court decision; and
- Include the development of an effective system for the digital registration of non-profit organisations (public associations and foundations) within the State Programme 'Digital Development of Belarus'; also provide legal and technical support for digital crowdfunding platforms.

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<sup>119</sup> CSO Meter, 'Belarus: Foreign aid declines despite the launch of digital registry tools', 5 April 2024, <https://csometer.info/updates/belarus-foreign-aid-declines-despite-launch-digital-registry-tools>.

## IV. KEY PRIORITIES

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In general, the environment for CSO activities in Belarus remains consistently difficult and, in many cases, unbearable for any form of independent civic activism. Nevertheless, different initiatives independent of the state authorities, including those with the status of registered legal entities, continue to operate in Belarus, sometimes operating as informal groups or even underground units, despite the real and actively enforced threat of criminal prosecution, particularly through misuse of legislation on countering extremism. However, the government policy of co-opting civil society structures into the political system — primarily through GONGOs and loyal CSOs — has been implemented. One of the elements of this co-optation policy is the strengthening of the internal financial base for CSOs, including the introduction of new domestic funding mechanisms to compensate for the decline in foreign funding.

Sometimes this indirectly creates new legal elements that are positive for independent CSOs, but in the face of political pressure and a climate of non-tolerance for independent thought and any political discussion, many independent CSOs are unable to take advantage of these elements, remaining in a state of stasis and latency, operating narrowly within the confines of their specific mission.

Of the earlier recommendations made by CSO Meter, only the recommendation to expand the space for internal funding, was partially implemented, including through the expansion of eligible purposes for internal corporate donations in the new edition of Presidential Edict No. 300 (see Area 3: *Access to Funding*). The ban on the submission of the CSO tax returns in hard copy — introduced only a year ago and criticised in the previous edition of CSO Meter (2023) — has been temporarily lifted for the 2024 and 2025 tax years according to the December 2024 revision of the tax legislation (see Area 9: *State Support*). It should also emphasise the success of CSO advocacy efforts to prevent the deprivation of public associations' right to act as public representatives in courts in civil litigation cases, achieved through official public consultation on the draft Code of Civil Justice, adopted in March 2024 (see Area 5: *Right to Participation in Decision-Making*).

In light of this, the following seven recommendations – out of a total of 66 recommendations across 11 areas – are identified as key priorities:

1. Release all individuals recognised as political prisoners and stop all politically-motivated criminal cases and investigations;
2. Abolish the Law on the Countering of Extremism and all by-laws adopted under it, especially the Index of Extremist Formations and the Index of Extremist Materials;
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 termination of CSOs and restore real opportunities to operate for CSOs previously forcibly terminated in 2020–2024 (including public associations, foundations and private institutions, trade unions and their independent associations, religious organisations and opposition political parties);
5. Cease all forms of repression and discrimination against protesters, representatives of the opposition and CSOs, including mass administrative and criminal prosecution of activists inside the country and abroad in absentia, 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;
6. Eliminate legislative possibilities for and the practice of internet disruption and the blocking of websites without court decisions; and
7. Cease the misuse of anti-money laundering and counter-terrorism financing (AML/CTF) legislation and investigative powers in hate speech crimes to restrict freedom of expression and freedom of thought, as well as to restrict access to

**Only after these key priority steps are taken will it be possible to report any meaningful implementation of the previous recommendations of the CSO Meter Reports for Belarus, or the additional recommendations laid out in this report.**

# V. METHODOLOGY

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The CSO Meter supports regular and consistent qualitative and quantitative monitoring of the environment in which CSOs operate in the 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.

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.

This country report covers the period from January to December 2024.

## Monitoring process

This report was prepared through legal research based on the analysis of laws, draft laws, officially announced legislative initiatives and official explanatory statements. For the research of practical implementation, official statistics and databases provided a limited amount of information on the most important indicators, and therefore only played an auxiliary role. The main source for monitoring and analysing legal practice was the consulting experience of experts and CSOs that are part of the CSO Meter Hub for Belarus, as well as their activities in monitoring the state of human rights and advocacy in the domestic and international arena, including through international Human Rights mechanisms, especially within the framework of the UN and the OSCE. An invaluable source of information were media publications from both within the country and from Belarusian media in exile, as well as numerous surveys and research papers on specific areas of CSO activities in Belarus.

It is important to emphasise that CSO Meter analyses the situation in Belarus and does not cover the problems of Belarusian CSOs in exile, relocation or emigration. This exclusive focus is a distinguishing feature of this monitoring, as today the majority of analyses on the Belarusian civil sector focus on the foreign part of Belarusian CSOs, at best, combine relocated and internal Belarusian organisations into one set, and at

worst, simply ignore the existence of CSOs inside the country, focusing only on the problems of CSOs in exile.

It has become extremely difficult to find an expert from inside Belarus who will agree to answer the researcher's questions, even on condition of anonymity. These fears are not groundless, since a number of researchers have been sentenced to lengthy prison terms in Belarus, and some research CSOs were not only subjected to forced termination, but were also labelled by the authorities as 'extremist formations'.

In this context, it is necessary to note that Belarus is increasingly becoming a closed country, and it is becoming difficult to verify a considerable number of facts from independent sources

## Scoring process

The country researchers and the 8 Advisory Board members in Belarus reassessed each standard of the 11 areas of the CSO Meter tool in legislation and practice in areas where changes had occurred. Accordingly, scores have increased in cases where progress is shown, and decreases are justified by certain cases of deterioration. The final score of each standard was calculated using a formula in which the researchers' score counts for 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 to one decimal place for presentation purposes. Generally, for the scoring procedure, a seven-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, visit: <https://csometer.info/>.

# VI. REFERENCES

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*Note: The links to some source cannot be provided, since the Belarusian authorities have arbitrarily recognised all the information posted on these resources as extremist materials.*

## LEGISLATION

- The Constitution of the Republic of Belarus of 1994, with subsequent amendments.
- 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 of 12 July 2013.
- The Law on Combating Terrorism of 3 January 2002.
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- The Law on Operative-Investigative Activity of 15 July 2015, with subsequent amendments.
- The Law on the Republican Budget for 2025 of 13 December 2024.
- 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 Legalisation 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.
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- The Law on Personal Data Protection of 7 May 2021.
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