



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

August 2024

Repressions against civil society organizations and activists continue in Belarus. Activists and representatives of civil society organizations of any organizational and legal forms are subject to administrative and criminal prosecution. Legislation on countering extremism continues to be actively used to suppress civil activism. During the monitoring period, several public initiatives, including OEES, were recognized as extremist groups. The authorities are increasingly actively seeking to punish citizens of Belarus who were forced to leave the country, including for intimidation and suppression of the civil activity of Belarusians abroad. The practice of trials in special (in absentia) proceedings has become widespread.

The first guilty verdict has been handed down under Article 193-1 of the Criminal Code of the Republic of Belarus (illegal organization of the activities of a public association, religious organization or foundation, or participation in these activities), which provides for liability for such actions after its return to the Criminal Code in January 2022. This is the first verdict for continuing the activities of a non-profit organization after its liquidation in the entire history of this article in the Belarusian criminal legislation.

According to the published draft amendments to the Criminal Code of the Republic of Belarus, it is proposed to expand criminal liability for violating the legislation on foreign gratuitous aid.

The campaign to liquidate non-governmental organizations continues. As of the end of August 2024, it amounts to at least 1.116 NGOs which is 30 more organizations than in the previous monitoring period. As of the end of August 2024, the number of organizations that decided on self-liquidation has decreased yet is at least 661. Consequently, the losses in Belarus's civil sector since the post-election period in 2020 amount to no less than 1.777 institutionalized forms of NGOs (including civic associations, professional unions, political parties, foundations, non-governmental institutions, associations, and religious organizations).

The situation with registered non-governmental organizations.

Public associations and foundations registered in Belarus continue to be subject to inspections, and written warnings are issued to them. Thus, [according to the information of the Main Department of Justice of the Minsk Regional Executive Committee](#), based on the results of monitoring the activities of local public associations in the first half of 2024, the activities of 52

public associations and 3 local charitable foundations were checked (while in total, as of July 1, 2024, only 112 public associations and 19 foundations (of which 8 are in the process of liquidation) were registered with this body). Concerning NGOs carrying out their statutory activities, a claim for liquidation may be filed at any time or (for example, to non-governmental institutions) a decision on forced liquidation may be made. Discrediting materials regarding them regularly appear on state TV or in the media, primarily in the information resource of the presidential administration "SB Segodnya", for example, during the monitoring period [about the private educational institution "Center for Support of Women's Entrepreneurship "ProWomen By"](#).

Along with exerting pressure, the authorities are trying to support old and build new forms of interaction with the remaining NGOs in the country. First, we are talking about cooperation with clearly pro-government organizations (such as the Belarusian Republican Youth Union (BRSM), the Belarusian Red Cross Society, the Federation of Trade Unions of Belarus, the Belarusian Union of Women, etc.). At the same time, attempts are being made to "include other organizations in the state field". For example, on August 28, 2024, [a working meeting with youth public associations registered in Minsk](#) was held at the Main Department of Justice of the Minsk City Executive Committee. On August 20, [a meeting of the public coordinating environmental council](#) under the Ministry of Natural Resources and Environmental Protection was held, where the draft Plan for the interaction of the ministry with the public on the promotion and implementation of environmental initiatives for 2024-2025 was considered, a decision was made to hold an annual public forum under the auspices of the Ministry of Natural Resources, within the framework of which public associations and other organizations will share their achievements, discuss current environmental issues. The government is actively changing the rhetoric regarding "civil society", and "public associations", dividing civil society into bad - Western and good - Belarusian. The state media are increasingly popularizing the activities of "good civil society", primarily the pro-state one.

Forced liquidation of non-governmental organizations

The liquidation of public associations continues to be intensive. As in the past few months, claims for liquidation were filed mainly against public associations registered with the Ministry of Justice – having republican and international status. It should be noted that during the monitoring period, the vast majority of such public associations were public associations that did not undergo the procedure for amending their charters established by law before March 1, 2024, and did not submit mandatory annual reports on their activities. Thus, the campaign for the forced liquidation of public associations in 2024 is not uniform. The following are subject to forced liquidation:

- 1) actively operating public associations (the grounds for liquidation in this case are mainly related to "assistance to extremist activity", for example, the participation of members of the organization in protests, Telegram channels, chats, etc. recognized as extremist. This ground for liquidation, as a rule, is not substantiated in any way: no specific facts, names and surnames of members of the organization are given, the liquidation cases contain official notes of the Ministry of Internal Affairs, the KGB or other structures marked "for official use only", which are either not provided for review by members of the organization and/or are also unfounded. In addition, such claims are not based on the law, since members of the organization were not granted the right by

the governing bodies to act on behalf of the organization, to represent the organization in actions, Internet resources);

2) public associations, primarily of national and international status, which were unable to comply with the new requirements of the Law "On Public Associations" on the mandatory presence and registration (registration) of organizational structures (the grounds for liquidation, in this case, is the failure to bring charters in accordance with the new requirements of the legislation);

3) public associations that have ceased their activities – also primarily of republican and international status (grounds for liquidation, in this case, may be grounds similar to those set out in paragraph 2 or failure to submit mandatory annual reports).

The grounds for liquidation may also be of a mixed nature, for example, those set out in paragraph 1 and paragraph 2.

There is also a recorded case of filing a claim for the liquidation of a foundation - the Local Cultural and Educational Charitable Foundation "Kislev" (Hrodna Region).

In total, as of August 31, 2024, according to [the monitoring conducted by Lawtrend](#)¹, there have been 1.116 NGOs in the process of forced liquidation, including lawsuits filed by registering authorities for liquidation or being forcibly excluded from the Unified State Register of Legal Entities and Individual Entrepreneurs (USR).

Non-governmental organizations deciding on self-liquidation

As of August 31, 2024, according to [the monitoring conducted by Lawtrend](#), there have been 661 NGOs (civil associations, foundations, institutions, and political parties) in which the authorized body or founders have decided to liquidate.

The decision on self-liquidation is primarily due to pressure on the members and employees of NGOs, an unfavourable legal environment, and the overall socio-political situation in the country. Thus, the private educational institution “Center for Support of Women’s Entrepreneurship “ProWomen By” (as of the end of August, it has the status of “active organization” in the Unified State Register) announced its closure due to pressure on the social network Facebook.

Administrative and criminal prosecution of the leadership and members of civil society organizations, and activists.

In connection with the performance of their professional activities, participation in civil society organizations, and the manifestation of civic activism, 6 human rights defenders, dozens of representatives of civil society organizations, and religious organizations, and 32 representatives

¹ The monitoring only records cases of forced liquidation and self-liquidation of non-governmental organizations (NGOs), and quantitative data does not include government institutions or republican state-public organizations. Consumer cooperatives, and other organizational and legal forms of NGOs besides religious organizations, public associations, foundations, private institutions, and associations are also not taken into account.

of trade unions and the labor movement continue to serve prison sentences². Pressure on representatives of religious organizations continues.

The authorities continued active demands to suppress the civil activity of Belarusians who were forced to leave the country. For these purposes, criminal legislation on special (absentee) proceedings is widely used. At the end of July 2024, 117 people were included in the [List of persons against whom special proceedings have been initiated and summoned to the criminal prosecution authority](#).

On August 19, human rights activist Uladzimir Khilmanovich was sentenced in absentia to five years in a maximum-security prison colony under Part 3 of Article 361-1 of the Criminal Code (participation in an extremist group) and Parts 1 and 2 of Article 361-4 of the Criminal Code (assistance to extremist activity) with a fine of 1,000 basic units (40,000 Belarusian rubles) with confiscation of some property belonging to the human rights activist in the event of non-payment. Activist and acting chairman of the Belarusian People's Front Party (BNF) Vadzim Saranchukou was sentenced in absentia to 4 years in prison and a fine of 24,000 Belarusian rubles under Parts 1 and 2 of Article 361-4 of the Criminal Code (assistance to extremist activity, committed repeatedly).

The first conviction under Article 193-1 for continuing the activities of an NGO after its liquidation.

On August 2, 2024, the Hrodna Regional Court issued a verdict in absentia in the case of Volha Vialichka, the former head of the “Hrodna Children's Hospice” Charitable Public Association, which was forcibly liquidated in August 2021.

Seven articles were brought against Volha, including Article 193-1 (unlawful organization of activities of a public association, religious organization or foundation or participation in their activities). The court found Volha guilty of operating a hospice after its liquidation and sentenced her to 1 year of imprisonment under this article. Based on the totality of the sentences, the sentence was 9 years of imprisonment and a fine of 12,000 BYN (approximately 3,400 EUR).

This is the first known conviction under Article 193-1 since its reintroduction to the Criminal Code in January 2022. Article 193-1 was removed from the Criminal Code in July 2019 following years of widespread criticism that it did not meet international human rights standards. During the first period of Article 193-1's existence (2005 to 2019), at least 18 people were convicted and hundreds of official warnings were issued by prosecutors against using the article.

The peculiarity of the sentence against Volha is not only that it is the first known sentence after the return of Article 193-1 to the Criminal Code, and that for the first time under this article, it was issued in absentia. The case of the Hrodna Children's Hospice is a new precedent: even taking into account previous practice, for the first time a sentence under Article 193-1 was issued

² Examples of representatives of civil society organizations in prison with terms of imprisonment, and information about being included in extremist and/or terrorist lists can be found in Lawtrend's monthly reviews of the situation with freedom of association and the situation of civil society organizations, for example, [for May 2024](#). Information about detained trade union members and trade union activists is published based on [Solidarity data](#).

for organizing and participating in the activities of a non-profit organization after its forced liquidation.

The use of legislation to combat extremism as a form of pressure on civil society organizations

Legislation on combating extremism continues to be actively used against representatives of civil society organizations: prosecution for money transfers to solidarity funds, as well as assistance to political prisoners and their families, including criminal prosecution, recognition of public initiatives as extremist groups, and information resources, social networks, etc. as extremist materials.

Thus, the Republican list of extremist materials already consists of 1223 pages. During the monitoring period, [materials deemed extremist included](#), among others, the information products posted on TikTok in the account "legal_initiative belarus", an Instagram page called "volha.vialichka", an Internet community on Facebook called "Mova Nanova Rechytsa", a page in X called "Freedom postcards | Volnyja pashtouki".

Nine new entities have been included in [the List of organizations, formations, and individual entrepreneurs involved in extremist activity](#) during the monitoring period. Thus, the Belarusian Political Prisoners Association was included in this list by decision of the KGB on August 12, with four specific names listed, the Polish non-governmental foundation "Freedom and Democracy" was included by decision of the Ministry of Internal Affairs on August 15, with two names listed, and the OEEC Initiative was included by decision of the KGB on August 20, with three names listed.

Planned changes to the Criminal Code for violation of legislation on foreign gratuitous aid.

On August 8, 2024, Lukashenka submitted to parliament [a draft law "On Amending the Codes on Criminal Liability Issues"](#). The draft provides for a major adjustment to the Criminal Code: it is proposed to revise sanctions for 97 types of crimes. Among other things, an adjustment is proposed for Article 369-2 of the Criminal Code, which provides for liability for violations in the field of foreign gratuitous aid.

At the moment, the receipt and use of foreign aid are regulated by presidential decree No. 3 "On Foreign Gratuitous Aid" dated May 25, 2020. In connection with the amendment of the constitution in February 2022, this decree should be replaced by a special law. Representatives of government agencies have repeatedly announced the development of such a law, without publishing more detailed information.

Criminal liability for violations of the legislation on foreign gratuitous aid was introduced in Belarus in 2011 when the Criminal Code was supplemented with Article 369-2, which as of the end of August is called "Use of foreign gratuitous aid in violation of the legislation of the Republic of Belarus."

The introduced draft law does not change the amount of liability established by Article 369-2: a fine, arrest, or restriction of freedom for up to three years, or imprisonment for up to two years. Administrative prejudice is also retained: criminal liability under Article 369-2 occurs only in the case of a repeat violation when it is committed within a year after the imposition of an administrative penalty for the same violation under Article 24.14 of the Code of Administrative Offenses.

However, the published new version of Article 369-2 provides for an expansion of the objective side of the crime. The current version of the article provides for liability for the use of foreign aid to carry out terrorist, extremist and other prohibited activities, finance political parties or hold meetings, prepare elections, produce or distribute campaign materials, hold seminars or other forms of political and propaganda work among the population.

The proposed new version appears more comprehensive: the receipt and (or) use of foreign gratuitous aid in cases prohibited by law is recognized as punishable. Consequently, it is proposed to extend criminal prosecution not only to the stage of using foreign aid but also to the stage of receiving it. It is also significant that the concept of "cases prohibited by law" is extremely broad. It includes an undefined field of possible violation of restrictions established by by-laws since the term "legislation" covers not only laws, but also the entire system of regulatory acts, which may not be related to the purposes for which it is prohibited to attract foreign aid.

Thus, the draft law is aimed at expanding the scope of criminal punishment for possible violations by recipients of foreign aid.

It should be noted that Article 369-2 of the Criminal Code has not been widely applied in practice. Also, Article 24.14 of the Code of Administrative Offenses, which is necessary as a prerequisite for its application, was used relatively rarely. However, at the beginning of 2024, several identical cases of 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. At least 100 court cases are known in January-February 2024 in connection with administrative liability for receiving and using foreign aid to form parcels for prisoners. Thus, the expansion of the scope of application of Article 369-2 of the Criminal Code proposed by the draft law may threaten criminal prosecution in cases of repeated commission of such violations.