

National Human Rights Index

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2023

Right to Freedom of Association:

Expert Commentary

The score:	1.5	-0,1
<i>Including scores by component:</i>		
• Freedom of association: general principles	1.6	-0,1
• Activity of associations	1.4	-0,1

Assessing the state of the right to freedom of association in 2023, the Index experts gave lower scores than in 2022. **Among the main reasons:**

- changes to the relevant legislation further worsen the situation of public associations, political parties and religious organizations;
- the law "On the Fundamentals of Civil Society", which came into force in 2023, consolidates the inequality of public associations and excludes the absolute majority of public associations and all other non-profit organizations from civil society;
- expansion of the practice of recognizing membership-based organizations as "extremist formations";
- suppression of the culture of solidarity by the authorities through holding citizens accountable for donations to initiatives and solidarity funds that are later recognized as "extremist".

• Freedom of association: general principles

The legislation of the Republic of Belarus regulating the general principles of freedom of association underwent significant changes in 2023. For example, in February 2023, the law "On Amendments to the Laws on the Activities of Political Parties and Other Public Associations" was adopted¹, with its main provisions coming into force on March 4, 2023². In May 2023, the law "On the Foundations of Civil Society" came into effect³. In December 2023, the law "On Amendments to the Laws on the Activities of Religious Organizations" was adopted, presenting a new version of the law "On Freedom

¹ <https://pravo.by/document/?guid=12551&p0=H12300251>

² <https://csometer.info/updates/belarus-draft-amendments-laws-public-associations-and-political-parties-publishe> , <https://csometer.info/sites/default/files/2023-01/BELARUS%20Draft%20amendments%20to%20laws%20on%20public%20associations%20and%20political%20parties.pdf>

³ <https://pravo.by/document/?guid=12551&p0=H12300250>



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of Conscience and Religious Organizations" (to come into force on July 6, 2024)⁴. Additionally, in March 2023, new reporting rules for political parties were established, increasing the volume of reporting required to be submitted to regulatory bodies⁵.

Some positive changes in the regulation of civil society organizations (CSOs) mainly concern clarifications of technical issues that previously led to ambiguity in the application of the law⁶. However, the legislative changes listed below have had a negative impact on the situation regarding the implementation of the right to freedom of association in Belarus.

1. The requirement for the re-registration of political parties was introduced, which constitutes a significant intervention by the state in the exercise of rights and freedoms of CSOs. Additionally, this obligation undermines the presumption of legality in the creation and activities of associations. Experts also noted that re-registration as a restriction on the right to freedom of association is not necessary and proportionate. The requirement for re-registration was also introduced for religious organizations (to come into effect in 2024)⁷.

An extremely short deadline of 3 months was set for re-registration. During this period, parties were required to submit the necessary documents to the Ministry of Justice, along with information on the number of the political party members, including a list with each member's name, date of birth, citizenship, place of residence, place of employment (or study), and contact phone number. Opposition parties, having submitted documents for re-registration to the Ministry of Justice, did not provide lists of individual members as part of the overall package of documents due to security considerations⁸. As a result of the re-registration, only 4 pro-government political parties remained in the country: the Liberal Democratic Party of Belarus, the Communist Party of Belarus, the Republican Party of Labour and Justice, and the Belarusian party "Belaya Rus" created in 2023. All other political parties were liquidated, with the Belarusian Agrarian Party deciding to dissolve⁹.

2. For parties and public associations, a new obligation has been introduced – from the day of state registration, to ensure compliance with the main directions of domestic and foreign policy, and the concept of national security, as approved by the All-Belarusian People's Assembly (ABPA)¹⁰.

⁴ <https://pravo.by/document/?guid=12551&p0=H12300334>

⁵ <https://pravo.by/document/?guid=12551&p0=W22339749>

⁶ P. 2, Draft amendments to laws on public associations and political parties published monitoring and scoring timeline and instructions, CSO Meter, <https://csometer.info/sites/default/files/2023-01/BELARUS%20Draft%20amendments%20to%20laws%20on%20public%20associations%20and%20political%20parties.pdf>

⁷ <https://pravo.by/document/?guid=12551&p0=H12300334>, <https://www.lawtrend.org/english/draft-law-on-re-registration-of-religious-organizations-submitted-for-public-discussion>, <https://csometer.info/updates/belarus-all-forms-religious-organisations-may-need-re-register>

⁸ <https://csometer.info/updates/belarus-launches-campaign-forced-liquidation-political-parties>

⁹ <https://www.lawtrend.org/yanvar-noyabr-2023>, <https://spring96.org/en/news/112407>

¹⁰ See more about the All-Belarusian People's Assembly (ABPA) in the National Human Rights Index: The Right To Participate In The Governance Of State Affairs, Expert Commentary, 2022, https://belhelcom.org/sites/default/files/11right_to_take_part_in_the_conduct_of_public_affairs_2022.pdf



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Consequently, the list of grounds for the liquidation of public associations and parties has been supplemented with a corresponding provision – non-compliance with the activities to the main directions of domestic and foreign policy, and the concept of national security, as approved by the ABPA. These provisions allow for broad interpretation and have an ideological character, which is not a necessary and proportional limitation of the right to freedom of association, and contradicts the standard according to which a presumption of legality of the activities of public associations should be maintained in the state. This change effectively means a ban on the creation of opposition parties, independent public associations, and disproportionately restricts the freedom of founders and members of associations to choose the purposes and types of activities of associations.

3. In the law "On Freedom of Conscience and Religious Organizations", a norm has been introduced according to which the activity of religious organizations aimed at promoting extremist activities is prohibited. Given the broad definition of extremism provided in the legislation of the Republic of Belarus¹¹, experts noted that the basis for the prohibition in this wording disproportionately limits the right to freedom of association, undermining the presumption in favor of the legality of the establishment, goals, and activities of public associations.

4. All public associations must bring their charters into compliance with the new norms introduced by the law "On Amendments to the Laws on the Activities of Political Parties and Other Public Associations" within one year after the amendments come into force. Experts noted that some of the new requirements are difficult to meet and also complicate the continuation of activities by public associations¹². Moreover, some norms, in particular regarding the creation of branches by international associations, are formulated in a way that is difficult to understand. Public associations receive inconsistent comments on the application of norms from the regulator (Ministry of Justice), while the explanatory activities of the Ministry of Justice are formalistic (essentially, amounting to a duplication of the provisions of the updated legislation). In this regard, experts concluded that the situation has worsened in terms of the standard according to which legislation regulating the freedom of associations should be clear.

5. Arbitrary additional criteria have been introduced regarding individuals who may be members of a party, founders, and leaders of religious organizations, which contradicts the standard on non-discrimination of persons in their right to create associations and be part of them. It has been established that citizens who permanently reside outside the Republic of Belarus cannot be members of a party, and only a citizen of the Republic of Belarus, who permanently resides in Belarus, can be a founder or leader of a religious organization.

¹¹ P. 17, Analysis of the Legislation of the Republic of Belarus on Countering Extremism and Preventing the Rehabilitation of Nazism, International Center for Not-for-Profit Law (hereinafter – the Analysis of Legislation on Countering Extremism): <https://www.icnl.org/post/analysis/counter-extremism-and-anti-nazism-laws-in-belarus>

¹² <https://csometer.info/updates/belarus-draft-amendments-laws-public-associations-and-political-parties-published>



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6. The law "On the Foundations of Civil Society", which came into force in 2023¹³, effectively introduces a hierarchy of non-profit organizations, singling out certain subjects of civil society that have access to special forms of interaction with state bodies. This category of "privileged" organizations includes pro-government public associations – the Republican Public Association "Belaya Rus", the Belarusian Public Association of Veterans, the Public Association "Belarusian Union of Women", the Public Association "Belarusian Republican Youth Union", and the Federation of Trade Unions of Belarus¹⁴. At the same time, analyzing the text of the law, experts concluded that this law does not introduce changes to the existing system of public associations, the procedure for their creation, activities, financing, and liquidation. Although the adoption of such a special law legitimizes the concept of "civil society" as such and secures its place in the political system, the content of this concept presented in the law fundamentally differs from the generally accepted standards of interaction between the state and society, establishes inequality among public associations, and excludes the absolute majority of public associations and all other non-profit organizations from civil society¹⁵.

The practice of applying legislation in the area of regulating the fundamental principles of freedom of association indicates ongoing systemic and mass violations of human rights. In 2023, repressions against public associations continued. These repressions took various forms: detentions, searches, summonses for interrogations and preventive conversations, administrative and criminal prosecution of public association members, forced liquidation of public associations, persecution in absentia of public leaders forced to leave the country, including pressure on their relatives¹⁶ and associates in Belarus, and so on¹⁷. The review of the implementation of the right to freedom of association for the year 2022 thoroughly reveals the forms of persecution of public associations used by the authorities¹⁸. In 2023, the practice of coercing registration bodies to exclude certain citizens from the members of registered public associations became widespread¹⁹.

¹³ <https://pravo.by/document/?guid=12551&p0=H12300250>

¹⁴ https://minjust.gov.by/press/news/politicheskie_partii_obshchestvennye_obedineniya_i_drugie_nekommercheskie_%2520organizatsii/ob_otnesenii_obshchestvennykh_organizatsiy_k_subektam_grazhdanskogo_obshchestva/

¹⁵ Detailed analysis of the law: <https://www.lawtrend.org/english/analysis-of-the-draft-law-on-the-essentials-of-civil-society>

¹⁶ <https://www.bbc.com/russian/features-65404427>

¹⁷ P. 2 <https://www.lawtrend.org/wp-content/uploads/2023/05/Likvidatsiya-s-tablitsamired.pdf>, <https://www.lawtrend.org/english/timeline-of-freedom-of-association-violations-and-civil-society-prosecution-in-belarus>

¹⁸ P. 5-6 https://belhelcom.org/sites/default/files/10_right_to_freedom_of_association_2022.pdf

¹⁹ <https://www.lawtrend.org/english/monitoring-the-situation-of-freedom-of-association-and-civil-society-organisations-in-the-republic-of-belarus-may-2023>; For instance, in 2023, it became known about the expulsion of political prisoner Ales Pushkin (a few weeks before his death in captivity) and another 9 members from the Belarusian Union of Artists, <https://reform.by/nasha-niva-nezadolgo-do-smerti-alesja-pushkina-iskljuchili-iz-sojuza-hudozhnikov>



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Activists²⁰, human rights defenders²¹, trade unions members²², religious organizations, and clergy²³ were subjected to persecution. The liquidation of the "New Life" church, as well as the destruction of this church's building by the authorities' decision, was an unprecedented act of repression²⁴.

In 2023, the practice of using terrorism and extremism legislation to suppress freedom of association continued. Various subjects of the civil sector are declared extremist formations (this is done in an extrajudicial manner), activists as leaders and participants of extremist formations, and information resources as extremist materials. More about how authorities use terrorism and extremism legislation to suppress freedom of association can be found in the commentary on the implementation of the right to freedom of association for 2022²⁵.

In 2023, the practice of recognizing membership-based organizations as "extremist formations" significantly expanded.

	two months in 2021²⁶	2022	2023
Number of entities recognized as "extremist formations"	27	80	62

Over the year, 62 entities were recognized as "extremist formations"²⁷, among them one of the largest CSOs in Belarus – the Belarusian Association of Journalists (BAJ), forcibly liquidated in August 2021,

²⁰ For instance, members of the Union of Poles [Andrzej Poczobut](#), [participants](#) of the "Workers movement" ("Rabochy Rukh"), Deputy Director of the Minsk Bicycle Society [Maksim Puchynski](#), co-founder of the school for young managers of public administration Sympa [Tatiana Kouzina](#), co-chair of the "Speak the Truth" association [Andrey Dmitriev](#), founder of Symbal.by [Pavel Belavus](#), activist and art manager [Uladzimir Bulauski](#), co-founder of the crowdfunding platforms "Ulej" and "MolaMola" [Eduard Babaryka](#), cultural figure and Grodno activist [Pavel Mazheika](#), former head of the Mogilev branch of the international association "Ecoproject" Anna Skrigan, chairwoman of the regional public association "VeloGomel" [Sviatlana Korol](#), leader of the "Honest People" initiative [Elena Zhilochkina \(Zhivoglod\)](#), and the [Coordination Council case](#).

²¹ For instance, [Nasta Loika](#), [Uladzimir Hilmanovich](#), [Alexander Voiteshik](#), [Uladzimir Telepun](#), and [Leanid Sudalenska](#).

²² For example, the leader of the Independent Trade Union of Radio and Electronic Industry (REP) workers, [Henadz Fiadynich](#), the leader of the Orsha Independent REP Trade Union, acting chairman of the REP trade union, [Vasil Berasnieu](#), REP trade union activist [Vatslau Areshka](#), chairman of the Free Trade Union Polatsk branch [Mikalai Sharakh](#), former leader of the independent trade union at the "Granit" enterprise, [Oleg Stakhaevich](#), former chairman of the independent trade union of JSC "Naftan" [Volha Brytsikava](#), and member of the strike committee of JSC "Naftan" [Aliaksandr Kukharenka](#).

²³ <https://belarus2020.churchby.info/monitoring/>, <https://reform.by/forum-18-belarusskie-vlasti-rastorgli-dogovory-ob-arende-chetyreh-hramov>, <https://spring96.org/en/news/113805>

²⁴ <https://euroradio.fm/ru/v-minske-razrushayut-zdanie-protestantskoy-cerkvi-novaya-zhizn>

²⁵ P. 11-15, https://belhelcom.org/sites/default/files/10_right_to_freedom_of_association_2022.pdf

²⁶ On 12 October 2021, Council of Ministers [resolution](#) No. 575 on measures to counter extremism and rehabilitate Nazism was adopted, which established the procedure for the Ministry of the Interior to maintain a list of organizations, formations and individual entrepreneurs involved in extremist activities.

²⁷ https://spring96.org/files/reviews/en/review_2023_en.pdf



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the human rights center "Viasna" and "Gomel Viasna"²⁸, the initiative "SYMPA," the Union of Belarusian Students, and others²⁹. The Criminal Code establishes liability for a person joining an extremist formation for the purpose of committing an extremist-oriented crime (participation in an extremist formation). In practice, however, members of such CSOs are at risk of criminal prosecution for the mere fact of participation in them (investigation and court do not ascertain the person's motives for joining the "formation") even before a specific extremist formation has been recognized as such (retroactive law application). Moreover, authorities arbitrarily include individuals who are not related to the structure in groups recognized as "extremist formations." Citizens are effectively punished for membership in an association through the application of legislation on countering extremism and terrorism. These practices clearly contradict the standards of the right to freedom of association, in the aspect of a ban to punish a person for membership in any association, preventing arbitrary interference in the exercise of the right to freedom of association, and maintaining the presumption of legality of the creation and activities of CSOs.

● Activity of associations

The situation with the freedom of activity of CSOs and their financing has worsened compared to 2022. In practice, laws and policies are not applied equally to various CSOs. Moreover, the practice of governmentalization of CSOs continues: while pressuring some organizations, authorities support the activities of others, representatives of pro-government organizations are included in public councils, awarded certificates, and announce regional projects that are effectively supported by the government. Different treatment is also demonstrated in the media: the practice of discrediting CSOs, including using the hate speech, persisted in pro-government media, in particular, in the newspaper of the administration of the president, Belarus Today³⁰.

In 2023, the practice of suppressing the culture of solidarity by holding citizens accountable for minor legal donations to initiatives and solidarity funds, which were subsequently recognized as "extremist", continued³¹. Despite the fact that these actions are not socially dangerous and were committed before the authorities decided to recognize CSOs as "extremist," such donations are considered by the state as financing extremist activities and entail criminal liability. In addition, people who made donations to solidarity funds, particularly BYPOL and BYSOL, through Facebook, are called in for conversations by the KGB. Those who attend such conversations are informed about the potential criminal liability for aiding extremist activities, are forced to write confessions about donations to "extremist funds," and are required to transfer large sums of money in support of state social institutions³².

²⁸ <https://csometer.info/updates/belarus-growing-number-csos-labelled-extremist-formations>

²⁹ <https://spring96.org/en/news/113514>

³⁰ For instance, see the materials devoted to the public association "Radislava" <https://www.sb.by/articles/nizhe-printsipy-vyshe-evrogonorary.html>, human rights center "Viasna" <https://www.sb.by/articles/tsirka-v-zale-suda-ne-budet.html>, urbanistic initiatives <https://www.sb.by/articles/toksichnye-sfery.html>

³¹ <https://news.zerkalo.io/life/59323.html>

³² <https://humanconstantia.org/en/overview-of-the-fight-against-extremism-in-belarus-for-april-june-2023/>



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A situation has arisen where citizens fear any mechanisms of financing CSOs, and the CSOs themselves cannot freely seek and receive resources³³; moreover, they are forced to resort to self-censorship. Independent CSOs are not free in their ability to receive financing³⁴, while the opposite situation occurs with government-supported CSOs. For example, the state has long failed to respond to the practice of administrative coercion to make donations to the Belarusian Red Cross Society (BRCS). The BRCS sets plans for collecting donations, and there is a system of rewarding the management for exceeding the financial plan and negative consequences in case of failure to meet it³⁵.

In the context of opportunities for obtaining resources, it should also be noted that in 2023, the legislation established a mechanism for state support of civil initiatives at the local level, reminiscent of participatory budgeting³⁶. However, experts noted that such a financing mechanism was used in practice even before its legislative establishment, so these changes did not have a significant impact on the situation regarding the implementation of the right to freedom of association.

Statistics in the field of the implementation of the right to freedom of association.

	2019	2020	2021	2022 ³⁷	2023
The number of newly established entities ³⁸	98	84	36		

³³ The case of the "Online Solidarity Marathon with Political Prisoners "We Care" is indicative, against the organizers of which a criminal case was initiated under Article 361-2 of the Criminal Code for financing extremist activities. The collection of funds for political prisoners and their relatives was characterized by the Ministry of Internal Affairs as "financing extremist activities." Authorities considered people who transferred money to accounts specified by the marathon organizers as involved in financing "criminal activity", <https://belsat.eu/ru/news/03-10-2023-gubopik-zavel-ugolovnoe-delo-za-provedenie-marafona-solidarnosti-nam-ne-vse-ravno>

³⁴ From the perspective of violating the freedom of financing of CSOs, the case of the human rights center "Viasna" is noteworthy. Thus, human rights defenders Ales Bialiatski, Valiantsin Stefanovic, Uladzimir Labkovich, Dmitry Solovyov were sentenced to long prison terms on a fabricated basis – smuggling. Law enforcement agencies qualified the receipt from a foreign country of legal amounts of money for the purposes of the public association's activities as such. The human rights defenders were fined heavily and a decree was issued to recover the amount of 752,438 rubles and 62 kopecks (almost \$300,000), which they allegedly "obtained criminally" through "smuggling by an organized criminal group". This case is also described in the 2022 expert commentary, https://belhelcom.org/sites/default/files/10_right_to_freedom_of_association_2022.pdf

³⁵ <https://buromedia.io/ru/investigations/temnye-storony-belarusskogo-krasnogo-kresta>

³⁶ <https://pravo.by/document/?guid=12551&p0=H12300281>

³⁷ No official statistics are available for 2022 and 2023

³⁸ According to the Ministry of Justice. It is important to note that official statistics do not reflect the full picture of the number of registered public associations in the country, as they take into account associations that are in the process of liquidation and are not excluded from the Unified State Register of Legal Entities and Individual Entrepreneurs (which is necessary for a legal entity to be considered liquidated). Many associations that were approved for liquidation in 2021-2022 are excluded from the register after quite a long time, and the information may not be entered until now. <https://www.lawtrend.org/freedom-of-association/situatsiya-so-svobodoj-assotsiatsij-i-organizatsiyami-grazhdanskogo-obshchestva-respubliki-belarus-obzor-za-mart-2023-g>



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The number of public associations in the process of forced liquidation ³⁹		2	141	357	167
The number of public associations that decided to self-liquidate ⁴⁰		20	129	128	98

	January 1st, 2020	January 1st, 2021	January 1st, 2022	January 1st, 2023	July 1st, 2023 ⁴¹
The total number of public associations in the country as of the specified date. ⁴²	2995	3021	2978	2544	2408

³⁹ According to Lawtrend: <https://www.lawtrend.org/liquidation-nko>

⁴⁰ According to Lawtrend: <https://www.lawtrend.org/liquidation-nko>

⁴¹ <https://president.gov.by/ru/belarus/society/obedinenija>

⁴² According to the Ministry of Justice:
https://minjust.gov.by/ministry/central_office/the_directorate_of_non_profit_organizations/,
https://minjust.gov.by/directions/compare_coverage/



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