

National Human Rights Index

<https://index.belhelcom.org>

2022

Right to Take Part in Cultural Life:

Expert Commentary

The score: 1,6

Including scores by component:

- Participating in cultural life 1,5
- Access to cultural life 2,3
- Contribution to cultural life 1,0
- Protection of cultural diversity 1,5

The main challenges in the sphere of the right to take part in cultural life are noted in the 2019-2020 comments. In assessing the state of the right to take part in cultural life in 2022, the experts of the Index gave lower ratings than in 2021. The position of the experts is further explained below.

- **Participating in cultural life**

In 2022, according to experts, direct and indirect interference with the right to take part in cultural life, both by the state and by third parties, increased.

At the end of 2022, Belarus had 1,446 political prisoners, at least 108 of whom were cultural figures¹. At the end of the year, the Belarusian PEN Center also documented at least 1,390 cases of violations of cultural and human rights against artists, and the inclusion of 56 cultural materials on the list of “extremist materials”². Experts note the continued practice of politically motivated dismissals of cultural figures³ and “blacklists”, suppression of freedom of expression (in 2022 manifested itself in the form of persecution for anti-war positions and support for Ukraine and Ukrainian culture)⁴, arbitrary denial of permission to hold cultural events and cancellation of those already authorized, persecution

¹ <https://penbelarus.org/2023/03/03/rus-pravo-na-kulturu-belarus-2022.html#s50>

² Experts monitoring the Belarusian PEN Center have included teachers and teachers of foreign languages in the group of “cultural figures” since 2022.

³ The experts are aware of cases of repeated dismissals ordered by the Ministry of Culture of persons who managed to find a new job after being dismissed for political reasons. The recruitment procedure includes an assessment of the profile of the person from the previous employment: <https://news.zerkalo.io/life/28310.html>

⁴ See Freedom of Expression (2022). Expert comments.



#human rights

#business and human rights

#discrimination

#human rights based approach

#international human rights enforcement
mechanisms



office@belhelcom.org



www.belhelcom.org

of national minorities, discrimination against the Belarusian language and its speakers, and dissemination of narratives distorting the country's history. Self-censorship and anonymity within Belarusian jurisdiction or the transfer of cultural activities abroad were definitive conditions for maintaining individual cultural practices and continuing professional activities⁵.

During the period under review, there were at least 150 cases of administrative obstruction of cultural organizations, of which 75 were cases of forced liquidation⁶. Twenty-five of the oldest organizations were liquidated, including the Polish Folk Traditions Club, the Polotsk Jewish Cultural Centre, the Belarusian Association of Historians and the Belarusian Society of Germans. In addition to the measures listed, there has been "increased attention" to cultural sector organizations by the Ministry of Justice in the form of denial of cash transfers and registration of funding with the Department of Humanitarian Affairs, "advice" not to carry out certain activities, and unplanned termination of leases⁷.

One of the continuing practices of interference with the exercise of the right, which affects both participation in and access to cultural life, is the application of "anti-extremist" legislation. At the end of 2022, there were at least 102 cultural figures on the list of "persons involved in extremist activities" and 14 on the list of persons involved in "terrorist" activities⁸. At least 10 "extremist groups"⁹ are culturally oriented. "Extremist Materials"¹⁰ was expanded in 2022 with, among other things, Olgerd Baharevich's novel "The Dogs of Europe"¹¹ and Victor Lahor's book on military symbols, "Military History of Belarus. Heroes. Symbols. Colours"¹², a book by Vladimir Orlov and Pavel Tatarnikov entitled "Motherland: a colorful story. From Ragneda to Kosciuszko" (part 1)¹³, media products of The Village Belarus¹⁴, and a Belarusian translation of Joseph Brodsky's "The Ballad of the Small Tug" (according to

⁵ <https://penbelarus.org/2023/03/03/rus-pravo-na-kulturu-belarus-2022.html#s4>

⁶ Other measures included unannounced inspections by the Ministry of Justice, denial of a tour card, cancellation of events, suspension order, denial of registration, closure order, etc. (<https://penbelarus.org/2023/03/03/eng-pravo-na-kulturu-belarus-2022.html>)

⁷ Ibid.

⁸ <https://penbelarus.org/2023/03/03/rus-pravo-na-kulturu-belarus-2022.html>

⁹ See "List of organizations, formations, individual entrepreneurs involved in extremist activities" <https://www.mvd.gov.by/uploads/news/8642/f9ec26b67e0509bae39efc399cdc3f5fa900aee1.docx>

¹⁰ <http://mininform.gov.by/documents/respublikanskiy-spisok-ekstremistskikh-materialov/>

¹¹ <https://belsat.eu/en/news/24-05-2022-roman-olgerda-baharevicha-sobaki-evropy-priznali-ekstremistskim-materialom>

¹² <https://euroradio.fm/en/v-belarusi-priznali-ekstremistskoy-knigu-viktora-lyahora-o-voennoy-simvolike>

¹³ <https://euroradio.fm/ru/v-belarusi-priznali-ekstremistskimi-knigi-orlova-i-brodskogo>

¹⁴

https://tochka.by/articles/policy/sayt_i_vse_sotsseti_the_village_belarus_priznany_ekstremistskimi_materialami/#:~:text=%D0%A1%D0%B0%D0%B9%D1%82%20The%20Village%20%D0%91%D0%B5%D0%BB%D0%B0%80%D1%83%D1%81%D1%8C%20%D0%B8,%D0%BE%D1%82%2012%20%D0%B4%D0%B5%D0%BA%D0%B0%D0%B1%D1%80%D1%8F%202022%20%D0%B3%D0%BE%D0%B4%D0%B0%B0.



#human rights

#business and human rights

#discrimination

#human rights based approach

#international human rights enforcement mechanisms



office@belhelcom.org



www.belhelcom.org

the book's publisher, Andrei Janushkevich, the book attracted the attention of a law enforcement official "with the suspicious coloring of the tug in the illustration"¹⁵). Restrictions on the rights of persons included in these lists affect the ability to engage in publishing, teaching and financial transactions¹⁶.

In 2022, the obstruction of the activities of individual tour guides continued: following a wave of detentions of specialists in this field, the Decree of the Council of Ministers No. 582 "On tour services" was published, imposing requirements for the certification of tour guides. Council of Ministers Decision No. 839¹⁷ then introduced a requirement for the certification commission to request criminal records of candidates under articles of the Criminal Code that are used primarily for politically motivated prosecutions¹⁸. The existence of a criminal record under such articles or the fact of administrative liability (also under "political" articles) became grounds for barring a person from certification. That demonstrated the aim of the measure to prevent people with a high probability of having an alternative to pro-government position from working as tour guides.

Cultural workers, organizations and their activities remain vulnerable to interference with their rights by third parties. Pro-government activists and propagandists visit museums, exhibitions, theatres and bookshops in search of dissent. After the activist Olga Bondareva complained about the "Russia-hating, pro-Nazi" orientation of the exhibition of Anatoly Beloi's private museum, the latter lost exhibits depicting, among other personalities, Natalia Arsenyeva, Larysa Hienijuš and Kastuś Kalinoŭski. The activist also tried to prevent the Ostrovets library from being named after Adam Maldis, a famous Belarusian historian, local historian, writer and native of the city¹⁹. The activist called the Grodno Regional Executive Committee's cultural department's refusal of her complaint "sabotage of state security in the information field."²⁰ Other pro-state activists and journalists also voiced threats against

¹⁵ <https://t.me/newknihauka/16>

¹⁶ <https://humanconstant.org/17-korotkix-kartochek-pro-ekstremizm-v-belarusi/>

¹⁷ "On measures to support the tourism industry, develop domestic tourism and international inbound tourism" <https://pravo.by/document/?guid=12551&p0=C22200839&p1=1&p5=0>

¹⁸ From the analysis "The Situation of Human Rights in Belarus in 2022": the largest number of persons involved in "political" cases have been convicted under Article 342 of the Criminal Code ("Organization and preparation of actions grossly disturbing public order or active participation in them") (at least 932 protest participants have been convicted in total), and hundreds of people have been prosecuted under, among others, "defamatory" articles (Articles 367-369 of the Criminal Code) and Article 130 of the Criminal Code ("Incitement to racial, ethnic, religious or other social enmity or discord") (243 political prisoners). (<https://spring96.org/en/news/110468>)

¹⁹ According to Olga, Adam Maldis "is known for glorifying Russia-haters such as Ignatius Domeiko (an eminent scholar) of the Polish terrorist Vincent Kalinowski (a Belarusian national hero) [...] Moreover, A. Maldis became a frequent visitor to enemy Britain during the Cold War, and later in 2015 even offered to train Belarusian students at the Scorinov Library in London." (<https://reform.by/321836-proslavil-takih-rusononavistnikov-kak-ignatij-domejko-jabatki-dobrozhelateli-protiv-prisvoenija-imeni-adama-maldisa-ostroveckoj-biblioteke>)

²⁰ <https://nashaniva.com/ru/296306>



#human rights

#business and human rights

#discrimination

#human rights based approach

#international human rights enforcement mechanisms



office@belhelcom.org



www.belhelcom.org

the decision of the local authorities²¹. The experts note with concern the lack of any response by the competent authorities to attacks by activists and propagandists (to the point of using hate speech²²), the unreasonable and arbitrary demands to restrict the activities of individuals and organizations – on the contrary, the complaints of these individuals often lead to official prosecution²³.

In 2022, the state continued to take legislative, administrative, judicial, budgetary, propaganda and other measures to realize the right to take part in cultural life – however, the question of their effectiveness in the face of the discriminatory approach of the authorities remains. Thus, in parallel with the adoption of positive measures to support politically neutral or pro-State organizations and activities, measures are being taken to impede the realization of the right to take part in cultural life. According to the experts, given the general hollowing out of the public sphere, its control by the State, the broadcasting of narratives unfavourable to certain national minorities and Belarusian culture, propaganda measures²⁴ were rather aimed at intimidating and destroying the motivation to participate in the cultural life of the country.

On January 22, 2022, Law No. 144-Z “On the Amendment of Codes” entered into force, bringing back into the Criminal Code article 193²⁵ (“Illegal organization of and participation in the activities of a public association”), which had already been abolished in 2019²⁶. Since 2022, organizing and participating in CSO activities without state registration is again punishable by up to two years of imprisonment. Thus, it was reported that the Procurator's Office of the Grodno Region had opened a criminal case against officials of Klerigata LLC, on whose basis the Union of Poles of Belarus worked, for illegally organizing and participating in the activities of a public association²⁷.

According to experts, the possibility of non-discriminatory realization of the right to take part in cultural

²¹ “The most sensible thing that the Executive Committee, which has made such a ‘wise’ decision with this renaming, can do now is announce on Monday morning that they have been confused there and are not renaming anything. It’s the weekend, really hell will break loose from Monday, they still have time to react. And if they don’t react, I will try very hard to make them have this Maldis hugging Kalinovsky for the rest of their lives in nightmares”

(<https://t.me/s/sewerfsefsd?q=%D0%BC%D0%B0%D0%BB%D1%8C%D0%B4%D0%B8%D1%81>)

²² See, for example, the cancellation of Fashion Week the day before: https://t.me/zheltye_slivy_premium/5317, https://t.me/zheltye_slivy_premium/5426; one example of incitement to hatred, ethnic, national and inter-State strife: <https://www.sb.by/articles/bandity-ak-vse-eshche-strelyayut-v-belorusov.html>.

²³ For an example, see the situation of the KACTUSS Theatre Workshop performance “Monsters on New Year’s Vacation” (<https://news.zerkalo.io/life/29091.html>)

²⁴ <https://www.sb.by/articles/bandity-ak-vse-eshche-strelyayut-v-belorusov.html>, <https://www.sb.by/articles/gde-mesto-proklyatykh-soldat.html>

²⁵ <https://pravo.by/document/?guid=12551&p0=H12200144&p1=1&p5=0>

²⁶ <https://www.lawtrend.org/freedom-of-association/ugolovnaya-otvetstvennost-za-organizatsiyu-i-uchastie-v-nezaregistrovannyh-organizatsiyah>

²⁷ <https://www.belta.by/incident/view/za-nezakonnuju-deyatelnost-firmy-v-grodno-kak-obschestvennogo-objedinenija-vozbuzhdenu-ugolovnoe-delo-534714-2022/>



#human rights

#business and human rights

#discrimination

#human rights based approach

#international human rights enforcement mechanisms



office@belhelcom.org



www.belhelcom.org

life is also negatively affected by the ineffectiveness and inaccessibility of existing legal protections (legislative guarantees are not enforced in practice, politically motivated processes are unfair²⁸).

The legislative provision of the right to choose one's own cultural identity is still not enforceable in practice on a non-discriminatory basis.

In 2022, pressure continued on the Polish and Lithuanian national minorities. Examples include the change of education in the only remaining Lithuanian²⁹ and several Polish schools in the country into Russian³⁰, the aforementioned additions to the lists of persons involved in terrorist activities and "extremist" material by the Polish media and their staff, and reprisals against members of the Union of Poles. A planned event dedicated to the 90th anniversary of famous Polish writer and journalist Ryszard Kapuszczyński was cancelled in Pinsk on the recommendation of the state security authorities. The State media continue to disseminate narratives about the atrocities of Armia Krajowa, "Polish nationalist formations", "Ukrainian collaborators who massacred the civilians of Khatyn", "Ukrainian policemen" and "Lithuanian and Latvian punishers" during the Second World War³¹, with responsibility for war crimes during the Second World War being attributed to representatives of these national groups, including representatives of national minorities in Belarus. This narrative contains hate speech against these minorities and is the basis for the materials of state advocacy groups recommended for use as information materials. PEN noted dozens of cases of damage to soldier remembrance sites, including grave destruction³², monument demolition³³, plaque removal³⁴. While in 2021 the focus of repression was mainly on the Polish and Lithuanian minorities, in 2022 the Ukrainian national minority was also targeted. In 2022, there were detentions for supporting Ukraine and its culture, using official Ukrainian symbols, laying flowers at a monument to Ukrainian classicist Taras Shevchenko and performing publicly a song by the Ukrainian band Okean Elzy³⁵.

²⁸ See Right to a Fair Trial (2022). Expert comments

²⁹ See the closure of Pelias High School, which was taught in Lithuanian: <https://reform.by/325519-v-voronovskom-rajone-zakryli-litovskuju-shkolu>.

³⁰ <https://reform.by/310036-litovskie-shkoly-v-belarusi-perevodjat-na-belarusskij-ili-russkij-jazyki>; <https://news.zerkalo.io/life/15376.html>

³¹ See, among other examples, <https://www.sb.by/articles/gde-mesto-proklyatykh-soldat.html>, https://t.me/berezina_by/913, https://t.me/lebedeva_live/1009; **1.** Genocide of the Belarusian people. Informational and analytical materials and documents./ Office of the Prosecutor General of the RB. Under the general editorship of A.I. Sweden. - Minsk: Belarus, 2022 – https://www.prokuratura.gov.by/upload/genocid_belorusskogo_naroda.pdf - P.94-103

³² <https://news.zerkalo.io/cellar/17245.html>, <https://news.zerkalo.io/life/17484.html>, <https://news.zerkalo.io/life/17507.html?tg>

³³ <https://news.zerkalo.io/life/18454.html>

³⁴ <https://www.gov.pl/web/rossija/-----9>

³⁵ <https://penbelarus.org/2023/03/03/rus-pravo-na-kulturu-belarus-2022.html#s59>



#human rights

#business and human rights

#discrimination

#human rights based approach

#international human rights enforcement mechanisms



office@belhelcom.org



www.belhelcom.org

- **Access to cultural life**

Practices of systematic interference with cultural organizations and individuals continue to have a negative impact not only on participation but also on people's access to cultural life in all its diversity.

Compared to 2021, in which experts noted improvements due to the adaptation of museums, theatres and cinema to the unfavorable epidemiological situation, the overall situation regarding access to cultural venues, activities, services and events in 2022 continues to deteriorate. The above-mentioned interference practices deprive the population both of a wide range of opportunities to manifest cultural initiative without risk of persecution, as well as of a multitude of cultural organizations and venues (their activities are dismantled or obstructed), normal and familiar social activities, and cultural materials listed as “extremist”.

The inability to hold cultural events freely and openly for a wide range of people without risk of persecution compels some activities to go “underground” with limited access, which makes cultural practices viable but prevents cultural actors and the general public from meeting.

Since education and public information regarding the right to take part in cultural life remain effectively monopolized by public institutions, the impartiality of the information disseminated remains questionable.³⁶ Cultural heritage³⁷ events continue to be held in both large cities and small towns, with experts noting a tendency to further reduce the diversity they promote, to emphasize “safe” local practices presented as traditional by local authorities and participants. We also note³⁸ the reduction of cultural diversity to cooperation between “two brotherly peoples”, Belarusians and Russians, and the broad representation of Russian culture³⁹.

Raising awareness of the cultures of certain national minorities, as noted above, is carried out with distortions and negative connotations, to the extent of fomenting national discord instead of informing about the need to respect cultural heritage and cultural diversity.

Experts assess that the situation with regard to school curricula continues to deteriorate. Owing to the general attrition of staff in individual schools, opportunities for learning foreign languages are reduced. Activities aimed at familiarizing Belarusian schools with other cultures are not carried out. Hostile narratives against, among others, Poles and Lithuanians⁴⁰ in a general campaign to rewrite textbooks⁴¹

³⁶ In view of the dismantling of NGOs and the inclusion of the materials/channels of information they create in the lists of “extremists”.

³⁷ <https://news.zerkalo.io/cellar/15010.html>

³⁸ <https://penbelarus.org/2023/03/03/rus-pravo-na-kulturu-belarus-2022.html#s61>

³⁹ <https://www.belta.by/society/view/sojuznye-parlamentarii-predlozhili-uvlichit-v-3-raza-finansirovanie-programm-v-sfere-kultury-nauki-i-513022-2022/>

⁴⁰ “Let’s call in history books, castles and museum expositions, for example, the period of the Rzeczpospolita – the occupation of Belarusian land by Poles. Ethnocide of Belarusians.” <https://news.zerkalo.io/life/8187.html>

⁴¹ Continuing the general trend of political use of the country's history in 2022 (<https://penbelarus.org/2023/02/13/eng-2022-j-god-%d0%b8stor%d0%b8cheskoj-pamyat%d0%b8-%d0%b8->



#human rights

#business and human rights

#discrimination

#human rights based approach

#international human rights enforcement mechanisms



office@belhelcom.org



www.belhelcom.org

and “pop-science books”⁴² have a negative impact on the learning process – deviation from the ideological narrative can lead to harassment of the teacher.

Despite the possibility provided for in article 82 para.6 of the Education Code, “pursuant to the wishes of pupils and their legal representatives, groups may be established in pre-school and general secondary education institutions where pupils learn the language of a national minority, classes in general secondary education institutions where pupils learn the language and literature of a national minority”⁴³. The Polish minority's appeal for the return of the minority language to schools was not successful.⁴⁴

In 2022, the development of methodological support for the optional course “Basics of Orthodox Culture” for grades 1-4, 5-9 of secondary schools continued. An optional course “Fundamentals of Spiritual and Moral Culture and Patriotism” (grades 5-7 of secondary school) was also introduced, designed with emphasis on the interpretation of ethics in the tradition of Russian Orthodoxy. Experts assess that this course contradicts the pluralistic description of religion, effectively ignoring the content and cultural contributions of all faiths except Orthodoxy, which is still used for ideological purposes.

Respect for the free access of minorities to expression, the free exercise of their cultural identity and practices continues to be discriminatory. Experts note a de facto ban on the cultural expression of the Polish and Ukrainian national minorities. School closures and changes in the language of instruction deprived the Polish and Lithuanian minorities of the opportunity to learn about their own culture in the national language. National minorities in general are, according to experts, vulnerable groups who are afraid to claim their cultural rights because of the risk of additional persecution.

Despite the existence and implementation of programs aimed at the inclusive enjoyment of culture by individuals and communities, experts note a general deterioration in the provision of effective and concrete opportunities for individuals and communities to enjoy culture due to reduced funding for organizational, logistical costs. Obstacles to cultural initiatives and venues also negatively affect the ability to fully enjoy culture.

pol%0%b8t%0%b8cheskogo-%0%b8spolzovan%0%b8ya-%0%b8stor%0%b8d8%0%b8d%0%b8-v-belarus%0%b8.html), declared the “Year of Historical Remembrance”, it became known that the Ministry of Education had sent letters to institutions of higher education asking them to find “distorting historical truth and memory” among textbooks in socio-humanities (<https://news.zerkalo.io/life/16052.html?c>). It is noted that such requests, given the blurred lines of “truth and memory distortion”, can be executed arbitrarily in individual educational institutions and allow “settling scores with whomever you want”.

“If a person works in the state structure, with young people, with the population at large, he must draw the line of the state including in the filing of historical information.” <https://www.sb.by/articles/sergeenko-problema-iskazhayushchikh-istoriyu-okolonauchnykh-knig-budet-reshena.html> ⁴²

⁴³ <https://pravo.by/document/?guid=3871&p0=hk1100243>

⁴⁴ <https://news.zerkalo.io/life/15376.html>



#human rights

#business and human rights

#discrimination

#human rights based approach

#international human rights enforcement mechanisms



office@belhelcom.org



www.belhelcom.org

- **Contribution to cultural life**

With regard to the events of 2022, experts note that it is virtually impossible to enjoy creative freedom without censorship. Self-censorship and avoidance of public expression have become conditions for cultural and professional survival. In a 2022 monitoring, the PEN Center, quoting philosopher Pavel Barkovsky, speaks of “bookcide” and the “planned and consistent destruction” of the Belarusian independent book sphere. In addition to adding 10 books to the lists of “extremist” materials⁴⁵, the year ended with the liquidation of two publishing houses (Limarius and Goliath), the suspension of two other publishing houses, difficulties in distributing books already published by independent publishing houses in particular – and Belarusian literature in general⁴⁶: State bookshops and libraries are forced to remove works by individual authors and publishing houses from the shelves. Pro-government activists and “concerned citizens” verify compliance and complain about the presence of “ideologically harmful” material in stores, with even non-extremist books being withdrawn from sale⁴⁷. Allegations that bookshops should be “cleansed” are made publicly, reprinted by pro-government media and not condemned or opposed by the State⁴⁸. The practices of politically motivated dismissals⁴⁹, blacklists restricting the ability to contribute to culture in public, censorship of the content of exhibitions⁵⁰ and

⁴⁵ “It is a great happiness that today we do not see books on bookshelves that are recognized as ‘extremist’, said Deputy Information Minister Igor Buzovsky”

https://news.zerkalo.io/cellar/18866.html?utm_source=news.zerkalo.io&utm_medium=news-bottom-block&utm_campaign=relevant_news; <https://penbelarus.org/2023/03/03/eng-pravo-na-kulturu-belarus-2022.html#s4>

⁴⁶ Books published in Belarusian attract increased attention from state bodies (https://news.zerkalo.io/cellar/18866.html?utm_source=news.zerkalo.io&utm_medium=news-bottom-block&utm_campaign=relevant_news)

⁴⁷ <https://penbelarus.org/2023/03/03/rus-pravo-na-kulturu-belarus-2022.html#s4>

⁴⁸ “Books should be removed from the sales grid. We have mechanisms in place to expedite this work. The changes that have taken place in historical politics since 2020 are systemic and correct. But, of course, I would like it to happen even faster” (<https://nashaniva.com/en/306565>)

⁴⁹ PEN Center reports that 19 highly professional theater professionals have been terminated or not renewed, dozens of layoffs in the music and museum fields: <https://penbelarus.org/2023/03/03/eng-pravo-na-kulturu-belarus-2022.html#s4>

⁵⁰ In addition to many other examples, see the removal of about 40 artists from the Art-Minsk exhibition (<https://nashaniva.com/en/289802>), the exhibition “This is a Diagnosis”, which opened for only a few hours (<https://reform.by/319482-eshhe-odna-zakrytaja-vystavka-bukalno-neskolko-chasov-prorabotala-jekspozicija-jeto-diagnoz-v-art-prostranstve-fabrika>), the history of the exhibition “SCULPTURE”, whose curator and gallerists refused to remove individual authors from the exhibition at the request of ideologues – the exhibition eventually closed immediately after opening – as did the gallery itself (<https://penbelarus.org/2023/03/03/eng-pravo-na-kulturu-belarus-2022.html#s4>).



#human rights

#business and human rights

#discrimination

#human rights based approach

#international human rights enforcement mechanisms



office@belhelcom.org



www.belhelcom.org

films⁵¹ and theatre repertoires⁵² have affected all cultural activities.

Amendments to the Code of Culture adopted in 2022, among other things, obliged the organizers of exhibitions to notify the local authorities in writing of their holding, specifying information about the organizers of the event themselves, the authors, their activities and works for display – unless the exhibition is organized by or in agreement with public authorities⁵³. PEN experts also note the need to coordinate the participation of each of the actors in Belarusfilm national film studio projects with the Ministry of Culture⁵⁴.

The procedure for certifying tour guides, introduced by Decree No. 582 “On tour services”, requires prior submission by the candidate of texts and technological maps of tours reviewed by “competent persons on the subject of the tour”, who in turn must confirm “the correctness of the methodology and the historical truth of the facts”; one of the criteria for evaluating the materials is based on “the centuries-old history of the development of Belarusian statehood and the cultural and spiritual traditions of the country”⁵⁵. Both the procedure itself and its requirements open the door to censorship in the appraisal process or self-censorship by the candidate.

Experts estimate that freedom of expression in any form remains as limited as possible in 2022.

⁵¹ Among other examples: “In Belarus, it was never possible to organize an official screening of Vladimir Kozlov’s film ‘Three Comrades’ – as a result, the director posted the tape on his Youtube channel [58]. In October, it was revealed that the Investigative Committee had opened a criminal case against Olga Shved after the release of her documentary Kalinovsky [one of the leaders of the 1863–64 uprising and an anti-hero of state propaganda], and historian Vasili Gerasimchik, the main character of the film, was forced to leave Belarus due to persecution by the security forces. In November, the authorities banned Andrei Kudinenko’s play “Ten Lives of a Bear” – originally announced for release as part of the Lystapad Film Festival and in several cinemas in Minsk the film disappeared from the billboard” (<https://penbelarus.org/2023/03/03/eng-pravo-na-kulturu-belarus-2022.html#s4>)

⁵² “The Ministry of Culture did not allow the play ‘Kantrolnae sachynenne’ to be shown at the Young Audience Theatre, the plot of which is a conflict between alumni seeking justice and school administration. In September, officials from the Executive Committee did not approve the Musical Theatre operetta “The Duchess from Chicago”, which could see parallels with the current reality [jokes about starting a war, etc.], and the premiere scheduled for September 23 and 24 was cancelled. On November 11, the play did take place, but in a censored version. At the end of December, after an appeal by pro-government activist Olga Bondareva that the performance of the Theatre Workshop “KACTUSS” “Monsters on New Year’s Vacation” was not in line with the “spiritual and moral upbringing of children and young people”, a commission from the Ministry of Culture banned further screening of the production.” (<https://penbelarus.org/2023/03/03/eng-pravo-na-kulturu-belarus-2022.html#s4>)

⁵³ See art. 222 of the Cultural Code, <http://center.gov.by/v-kodeks-respubliki-belarus-o-kulture-vneseny-izmeneniya/>

⁵⁴ <https://penbelarus.org/2023/03/03/rus-pravo-na-kulturu-belarus-2022.html#s4>

⁵⁵ <https://pravo.by/document/?guid=12551&p0=C22200582&p1=1&p5=0>



#human rights

#business and human rights

#discrimination

#human rights based approach

#international human rights enforcement mechanisms



office@belhelcom.org



www.belhelcom.org

Discrepancies with pro-State public statements are automatically grounds for detention⁵⁶. PEN notes 197 cases of harassment for dissent⁵⁷ – including dismissals and demotions, reductions in teaching hours, expulsions from educational institutions, “preventive talks” with artists and summonses for questioning, harassment of those who have gone abroad through international wanted notices, vandalization of apartments, searches and confiscation of property. The practice of abusing “anti-extremist” legislation impedes not only freedom of expression but also the right to seek, receive and impart information and ideas.

In 2022, experts note that there are no practical guarantees of effective participation on a non-discriminatory basis in any important decision-making process. Even in situations where initial attempts by the public to exercise the right seemed successful, in the end experts are not aware of cases where people have been prevented from making decisions that are unfavourable to them.

- **Protection of cultural diversity**

Experts note the lack of effective measures to protect and promote the diversity of cultural expressions. Persecution of people for laying flowers at the monument to Ukrainian classicist Taras Shevchenko and public performance of a song by the Ukrainian band Okean Elzy, closure of Polish and Lithuanian schools or translation of education from the language of a national minority into Russian, lack of means of protection against the actions and speeches of propagandists and pro-government activists do not allow the assertion that all cultures can be the object of expression and dissemination.

In 2022, Belarusian culture still could not be freely expressed and disseminated. PEN noted at least 41 situations of discrimination based on the Belarusian language⁵⁸. In the February 2022 referendum, the commissions had no ballots in Belarusian. It is also noted that Mother Language Day was held in the virtual absence of Belarusian-language books on library stands. Of the 29 professional theatres, only 6 stage plays in Belarusian. In March 2022, artist Ales Tsirkunov was detained for “carrying white and red symbols and speaking in Belarusian.”⁵⁹ Political prisoner Oleg Kulesha wrote to his relatives that the administration of the colony had forbidden him to speak Belarusian⁶⁰. In August 2022, Belarusian Latina was attacked by propagandists – in an article published on the website “Minsk Truth”, it was described as “non-traditional jumbled text”, and the history of Latina was portrayed in a one-sided way, focusing on the use of “Nazis” and “the ardent Russophobe and executioner of the Belarusian peasant

⁵⁶ “In 2022, artists were detained for anti-war speeches, support for Ukraine and its culture: participation in anti-war actions, praying for peace, publishing and speaking on social media, posting ‘fake’ materials about the war, sending anti-war letters to state authorities, using official Ukrainian (blue and yellow) symbols and combinations of these two colors, writings in support of Ukraine, laying flowers at the monument to Ukrainian classic Taras Shevchenko, singing songs in Ukrainian” (<https://penbelarus.org/2023/03/03/eng-pravo-na-kulturu-belarus-2022.html#s4>). See also Freedom of Expression (2022). Expert comments.

⁵⁷ Not including administrative prosecution, increasing the total number of cases.

⁵⁸ <https://penbelarus.org/2023/03/03/rus-pravo-na-kulturu-belarus-2022.html#s77>

⁵⁹ <https://nashaniva.com/?c=ar&i=287445&lang=ru>

⁶⁰ <https://spring96.org/ru/news/106782>



#human rights

#business and human rights

#discrimination

#human rights based approach

#international human rights enforcement mechanisms



office@belhelcom.org



www.belhelcom.org

Kalinoŭski⁶¹. In terms of the value of the pro-Russian path of the Belarusian people, the use of Latin in the naming of goods and signs of Belarusian cities is criticized.

Censorship of cultural activities in the arts and other expressions continues to deteriorate, according to experts. Blacklists of cultural figures, extremist lists, politically motivated dismissals, the practice of prior coordination of cultural events and the banning of cultural events continue to be added. According to experts, personnel policy in all State institutions, including educational institutions, is now controlled by State security officials, which means that it is not possible to continue professional and pedagogical activities for highly qualified specialists with a “destructive” attitude⁶².

The State continues to budget for the protection, preservation and restoration of cultural heritage. However, the situation is deteriorating: in 2022, the outflow of highly skilled personnel continued (also due to the general repressive background), negatively affecting the preservation of cultural heritage. In January 2022, the Minister of Culture reported massive (about 300) politically motivated layoffs in the sphere⁶³. The Ministry of Culture lost specialists who “shared for their cause”⁶⁴ – the dismissed Natalia Khvir and Svetlana Krayushkina – “a great blow to the preservation of cultural heritage”⁶⁵.

In December, it was reported that a court hearing was planned to liquidate the Belarusian Voluntary Society for the Protection of Historic and Cultural Monuments, one of the oldest cultural and historical organizations in Belarus. Among other things, the organization fought against the demolition of historic sites and put forward proposals for their listing as cultural property⁶⁶.

According to the experts, the situation with regard to State provision of adequate financial or other assistance to cultural artists and organizations continues to deteriorate. Instead of material and other support, individuals and organizations continued to be obstructed, dismantled, suspended and politically dismissed, while pro-government organizations received funding and other assistance⁶⁷.

In 2022, the practice of depriving organizations of benefits continued. Council of Ministers Decision No. 761⁶⁸, which entered into force in March 2022, contains a multiplied list of CSOs for whom a reduction factor of 0.1 is applied to the base rates when renting real estate. Among those not included in the new list in 2022 are 15 culturally oriented organizations (Belarusian Union of Architects,

⁶¹ <https://mlyn.by/28082022/v-pautine-iz-laczinki-komu-nuzhny-netradiczionnye-krakozyabry-v-belorusskom-napisanii/>

⁶² <https://news.zerkalo.io/life/9593.html>

⁶³ “If you work in the civil service, there must be a commitment to state,” says the Minister of Culture. (<https://news.zerkalo.io/life/9593.html?c>)

⁶⁴ <https://news.zerkalo.io/cellar/8394.html>

⁶⁵ <https://penbelarus.org/2023/03/03/rus-pravo-na-kulturu-belarus-2022.html#s77>

⁶⁶ <https://news.zerkalo.io/life/29367.html?c>

⁶⁷ <https://penbelarus.org/2023/03/03/rus-pravo-na-kulturu-belarus-2022.html#s77>

⁶⁸ <https://pravo.by/document/?guid=12551&p0=C22100761>



#human rights

#business and human rights

#discrimination

#human rights based approach

#international human rights enforcement mechanisms



office@belhelcom.org



www.belhelcom.org



Belarusian Union of Masters of Folk Art, several Jewish associations, etc.)⁶⁹ There is also the problem of scarce funding for the cultural sector⁷⁰: salaries for cultural workers are 54.9 per cent of the national average⁷¹. The cultural budget of the city of Minsk accounted for 0.69% of the total budget of the capital⁷².

⁶⁹ <https://penbelarus.org/2023/03/03/rus-pravo-na-kulturu-belarus-2022.html#s48>

⁷⁰ Ibid.

⁷¹ <http://kimpres.by/index.phtml?page=2&id=18840>

⁷² <https://pravo.by/document/?guid=12551&p0=D922o0113271&p1=1&p5=0>



#human rights

#business and human rights

#discrimination

#human rights based approach

#international human rights enforcement mechanisms



office@belhelcom.org



www.belhelcom.org