

## Belarus

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### Recent Developments

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### Introduction

Civil society in Belarus operates in one of the most restrictive environments in Europe. Historically, Belarusian CSOs have played a key role in advocating for democracy, human rights, and public participation, but their ability to operate independently has been severely curtailed, particularly since the contested August 2020 presidential elections. Many organizations have been forced to suspend activities, deregister voluntarily, or shut down under government pressure.

The legal framework is highly restrictive. Belarusian law bans unregistered associations and imposes criminal penalties for organizing or participating in their activities. Authorities have broad discretion to deny registration, restrict access to foreign funding, and suspend or dissolve organizations for minor infractions. Legislation such as the Law on Mass Events imposes stringent requirements for organizing assemblies, including prior approval, limits on eligible organizers, and prohibitive fees, effectively stifling public gatherings. Additional laws on media, extremism, and national security grant sweeping powers to censor speech, block internet access, and label dissenting voices as extremists or collaborators.

In practice, freedoms of association, expression, and assembly are almost entirely suppressed. Thousands of peaceful protesters, journalists, and opposition figures have been arbitrarily detained, many subjected to torture or long prison sentences. Independent media outlets have been shuttered, internet blackouts are routinely imposed during protests, and even minor public criticism of the government can lead to criminal charges. Security forces use excessive force with impunity, and courts lack independence, providing no meaningful avenue for accountability. These conditions have created a near-closed civic space, leaving little room for independent civil society to function.

### Civic Freedoms at a Glance

<b>Organizational Forms</b>	Public associations; national state-public associations; associations of legal entities; foundations; institutions; consumer cooperatives; religious organizations; non-profit private establishments
<b>Registration Body</b>	Ministry of Justice, oblast executive committees, and local councils and executive committees

<b>Approximate Number</b>	<p>According to the Ministry of Justice, on January 1, 2022, there were 15 political parties, 25 labor unions (including 20 at the national level and one at the territorial level and four trade unions in organizations), and 2,978 public associations (including 226 international, 785 national, and 1,967 local). There are 45 unions (associations) of public associations and 227 foundations, including 20 international, seven national and 200 local. Based on independent reporting, the wave of liquidations of NGOs has continued in 2023. Thus, at the end of January 2023, at least 768 NPOs were in the process of forced liquidation, including through applications for forced liquidation filed in court or forcibly removed from the Unified State Register of Legal Entities and Individual Entrepreneurs (URS). 421 organizations had also opted for independent liquidation as of January 31, 2023. The number of shut down organizations in the civic sector since 2020 has reached 1,189 institutionalized forms of NCOs (public associations, trade unions, foundations, non-governmental institutions and associations).</p>
<b>Barriers to Formation</b>	<p>Prohibition against unregistered associations; high minimum membership requirements; high registration fees; limits on eligible founders; burdensome documentation requirements; limited rights to appeal.</p>
<b>Barriers to Operations</b>	<p>Supervisory power allowing for interference with internal affairs of public associations and NPOs; restrictions on educational activity; broad grounds for suspension and liquidation.</p>
<b>Barriers to Resources</b>	<p>Prohibition to use of foreign aid prior to its registration by the government or for typical CSO activities (only social support and social services to specific disadvantaged groups are recognized as eligible purposes for CSOs to receive foreign aid); government bodies have broad discretion to deny registration of foreign CSOs; and to decide on whether or not to exempt foreign aid from taxes. Even a single violation of rules on receipt of foreign aid results in liquidation of a CSO. Local businesses are only permitted to donate funds to CSOs for a limited list of activities, which excludes most of traditional CSO activities, with harsh penalties for law violations.</p>
<b>Barriers to Expression</b>	<p>The governments labels people who protested against the fraudulent results of the August 2020 presidential elections, and who support them, as extremists and “nazi collaborators” and sets harsh penalties, including prison time, for exercising the right to freedom of expression, such as singing songs about the freedom of Belarus, posting information critical of the government, or just covering protests. Criminal penalties apply for assisting with “extremist” activity or distributing “false” information about the social or economic condition of Belarus, or the legal status of Belarusian citizens.</p>
<b>Barriers to Assembly</b>	<p>Non-citizens of Belarus, citizens not permanently resident in the country, and minors are restricted from organizing certain assemblies; notification to the authorities is required 15 days in advance of all public actions or mass events; there are wide-ranging legal restrictions on where assemblies may be held, and local authorities often use their power to force assemblies to be held on the outskirts of a city or in places far from the target audience; and excessive force is used against all peaceful protests and other mass events that are not sponsored by the government.</p>

## Legal Overview

This section provides a brief overview of Belarus’ legal framework for the promotion and protection of civic freedoms. Click a subheading for more, or [click here to expand all subheadings](#).

## RATIFICATION OF INTERNATIONAL AGREEMENTS

Key International Agreements	Ratification*
International Covenant on Civil and Political Rights (ICCPR)	1973
Optional Protocol to ICCPR (ICCPR-OP1)	No**
International Covenant on Economic, Social, and Cultural Rights (ICESCR)	1973
Optional Protocol to ICESCR (Op-ICESCR)	No
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	1969
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	1981
Optional Protocol to the Convention on the Elimination of Discrimination Against Women	2002
Convention on the Rights of the Child (CRC)	1990
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW)	No
Convention on the Rights of Persons with Disabilities (CRPD)	2016

Key Regional Agreements	Ratification
European Convention for the Protection of Human Rights and Fundamental Freedoms	No

\* Category includes ratification, accession, or succession to the treaty

\*\* In August 2022, Belarus' government decided to withdraw from the Optional Protocol to the International Covenant on Civil and Political Rights (OP-ICCPR), which was ratified on September 30, 1992. In the last 30 years, the ICCPR Committee has reviewed hundreds of complaints against the Belarusian state on issues ranging from freedom of expression, to the right to peaceful assembly, to fair trials in death penalty cases. The procedures have contributed to the development of jurisprudence on important issues for Belarus and other states parties.

The Committee noted that Belarus adopted its decision without providing any particular explanation and without holding any consultation with civil society at any stage of the national process of renunciation. With this step, Belarus became the fourth and only country in the 21st century to withdraw from the OP-ICCPR, which has been ratified by 117 countries.

The renunciation took effect on February 8, 2023, which was three months after the UN Secretary-General received the notification from Belarus. All complaints currently being considered by the Committee will still be processed, reviewed, and adjudicated. Cases found to be in violation of rights will also continue to be followed up on in accordance with the relevant provisions of the Committee's Rules of Procedure.

## CONSTITUTIONAL FRAMEWORK

The Constitution of the Republic of Belarus (with changes and additions adopted at the nationwide referenda of November 24, 1996, October 17, 2004 and February 27, 2022) contains the following provisions relating to civil society:

**Article 36.** Everyone shall be entitled to freedom of association. Citizens have the right to create political parties and other public associations, participate in their activities for the implementation and satisfaction of political, social, economic, cultural and other interests. Political parties and other public associations are created and operate in accordance with the law. Judges, employees of the Procurator's Office, the staff of bodies of internal affairs, the State Supervisory Committee and security bodies, as well as servicemen may not be members of political parties or other public associations that pursue political goals.

**Article 4.** Democracy in the Republic of Belarus shall be exercised on the basis of diversity of political institutions, ideologies and views. The ideology of political parties, religious or other public associations or social groups may not be made mandatory for citizens.

**Article 5.** Political parties and other public associations acting within the framework of the Constitution and laws of the Republic of Belarus shall contribute towards ascertaining and expressing the political will of the citizens and participate in elections.

Political parties and other public associations shall have the right to use state mass media under the procedure determined by legislation.

The creation and activities of political parties and other public associations that aim to change the constitutional system by force, or conduct propaganda of war, social, ethnic, religious and racial hatred shall be prohibited.

**Article 22.** All shall be equal before the law and entitled without discrimination to equal protection of their rights and legitimate interests.

**Article 23.** Restriction of personal rights and liberties shall be permitted only in the instances specified in law, in the interest of national security, public order, the protection of the morals and health of the population as well as the rights and liberties of other persons. No one may enjoy advantages and privileges that are contrary to the law.

**Article 33.** Everyone is guaranteed freedom of thought and beliefs and their free expression. No one shall be forced to express one's beliefs or to deny them. No monopolization of the mass media by the State, public associations or individual citizens and no censorship shall be permitted.

**Article 34.** Citizens of the Republic of Belarus shall be guaranteed the right to receive, store and disseminate complete, reliable and timely information of the activities of state bodies and public associations, on political, economic, cultural and international life, and on the state of the environment. State bodies, public associations and officials shall afford citizens of the Republic of Belarus an opportunity to familiarize themselves with material that affects their rights and legitimate interests. The use of information may be restricted by legislation with the purpose to safeguard the honor, dignity, personal and family life of the citizens and the full implementation of their rights.

**Article 35.** The freedom to hold assemblies, rallies, street marches, demonstrations and pickets that do not disturb law and order or violate the rights of other citizens of the Republic of Belarus, shall be guaranteed by the State. The procedure for conducting the above events shall be determined by the law.

## NATIONAL LAWS, POLICIES, AND REGULATIONS

There are many laws and regulations that affect NPOs in Belarus today. At the same time, there are only a few primary laws and regulations that specifically address the activity of NPOs as a special form of legal entity. Such legislation primarily addresses issues of establishing and registering NPOs and does not address topics such as the regulation of benefits for NPOs. The basic legislation on issues of establishing

civil society organizations (CSOs) and their activities in Belarus includes (the most important pieces of legislation are italicized):

- The Constitution of the Republic of Belarus (with the changes and additions adopted at the nationwide referendums of November 24, 1996 and October 17, 2004).
- The Civil Code of the Republic of Belarus of December 7, 1998, #218-Z (with changes and additions).
- The Criminal Code of the Republic of Belarus of July 9, 1999, #275-Z (with changes and additions).
- The Code of Administrative Offenses of the Republic of Belarus of April 21, 2003, #194-Z (with changes and additions).
- The Tax Code of the Republic of Belarus of December 29, 2009, #71-Z (with changes and additions).
- The Labor Code of the Republic of Belarus of July 26, 1999, #296-Z (with changes and additions).
- The Law of the Republic of Belarus On Public Associations of October 4, 1994, #3254-XII (with changes and additions as at November 4, 2013).
- The Law of the Republic of Belarus On Political Parties of October 5, 1994, #3266-XII (with changes and additions as at June 4, 2015).
- The Law of the Republic of Belarus On Trade Unions of April 22, 1992, #1605-XII.
- The Law of the Republic of Belarus On the Freedom of Conscience and Religious Organizations of December 17, 1992, #2054-XII (with changes and additions as at December 22, 2011).
- The Law of the Republic of Belarus On Consumer Cooperation (Consumer Societies and Their Unions) in the Republic of Belarus of February 25, 2002, #93-Z (with changes and additions as of July 10, 2012).
- The Law of the Republic of Belarus On Republican State-Public Associations of July 19, 2006, #150-Z (with changes and additions as of May 4, 2012).
- The Law of the Republic of Belarus On Courts of Arbitration of July 18, 2011, #301-Z (with changes and additions as at December 13, 2011).
- Decree #302 of the President of the Republic of Belarus On Certain Measures to Regularize the Activities of Foundations of July 1, 2005 (with changes and additions as at June 11, 2009).
- Decree #50 of the President of the Republic of Belarus On Certain Measures to Regularize the Activity of Gardening Societies of January 28, 2008 (with changes and additions as of June 4, 2013).
- Resolution #408 of the Council of Ministers of the Republic of Belarus On the Procedure of Opening Representative Offices of Foreign Organizations in the Republic of Belarus and their Activity of May 30, 2018).
- Decree #2 of the President of the Republic of Belarus On Certain Measures to Regularize the Activities of Political Parties, Trade Unions and Other Public Associations of January 26, 1999 (with changes and additions as at June 2, 2015).

- Decree #1 of the President of the Republic of Belarus On State Registration and Liquidation (Termination of the Activity) of Business Entities of January 16, 2009 (with changes and additions as of February 21, 2013).
- Resolution #49 of the Ministry of Justice of the Republic of Belarus of September 13, 2005 On Certain Issues of Creating Public Associations and Their Unions (Coalitions).
- Resolution #48 of the Ministry of Justice of the Republic of Belarus On the Adoption of Normative Legal Acts on the Issue of Executing and Reviewing Documents Related to the State Registration of Political Parties, Trade Unions, Other Public Associations, Their Unions (Coalitions), and State Registration and Exclusion from the State Registrations Register, Registration and De-registration of Their Structural Units, of August 30, 2005 (with changes and additions as at February 3, 2014).
- Resolution #272 of the Ministry of Justice of the Republic of Belarus On Certain Issues Related to State Registration of Standing Arbitration Tribunals of February 18, 2014.
- Resolution #1445 of the Council of Ministers of the Republic of Belarus On the Publishing by Printed Mass Media of Information About the State Registration, Change of Name, and Dissolution of Standing Arbitration Tribunals Established as Non-Commercial Organizations of November 5, 2009 (with changes and additions as at February 18, 2014).
- Resolution #42 of the Ministry of Justice of the Republic of Belarus On Approving the Form of Documents Related to State Registration of Foundations of August 3, 2005 (with changes and additions as at November 14, 2007).
- Resolution #8 of the Ministry of Justice of the Republic of Belarus of January 27 2009 On Certain Measures to Implement Decree #1 of the President of the Republic of Belarus dated January 16, 2009 (with changes and additions as of August 8, 2017).
- Resolution #154 of the Council of Ministers of the Republic of Belarus On the Adoption of the Provision on the Procedure of Approving the Names of Commercial and Non-Commercial Organizations of February 5, 2009 (with changes and additions as of August 22, 2014).
- Resolution #20 of the Ministry of Justice of the Republic of Belarus On Approving the Names of Legal Entities of March 5, 2009 (with changes and additions as of January 21, 2014).
- Decree #425 of the President of the Republic of Belarus On Using the Words 'National' and 'Belarusian' in the Names of Legal Entities and Mass Media of September 8, 2005 (with changes and additions as of September 13, 2013).
- Law of the Republic of Belarus #384-3 On Official Heraldics (May 26, 2012).
- The Law of the Republic of Belarus On Mass Events in the Republic of Belarus of December 30, 1997, #114-Z (with changes and additions as at November 8, 2011).
- The Law of the Republic of Belarus On Accounting and Reporting of July 12, 2013 (#57-3).
- Resolution #43 of the Ministry of Justice of the Republic of Belarus On the Procedure of Publishing and the Content of Information to Be Reflected in a Foundation's Property Use Report of August 3, 2005.
- Decree #300 of the President of the Republic of Belarus On the Provision and Use of Gratuitous (Sponsor) Aid of July 1, 2005 (with changes and additions as of November 29, 2013).

- Decree #5 of the President of the Republic of Belarus on Foreign Gratuitous Aid of August 31, 2015.
- Resolution #779 of the Council of Ministers of the Republic of Belarus On Approving the Model Form of an Agreement on the Provision and Use of Gratuitous (Sponsor) Aid of July 13, 2005.
- Decree of the President of the Republic of Belarus on Approving the Provision on the Procedure of Exercising Control Over the Target Use of Gratuitous Foreign Aid of November 28, 2003 (with changes and additions as of March 14, 2013).
- Decree Resolution #9 of the General Affairs Office of the President of the Republic of Belarus on the Procedure of Registration, Receipt and Use of Gratuitous Foreign Aid of September 17, 2010 (with changes and additions as of June 13, 2012).
- Resolution #9 of the General Affairs Office of the President of the Republic of Belarus On the Procedure of Registration, Receipt and Use of Gratuitous Foreign Aid of September 17, 2010 (with changes and additions as of June 13, 2012).
- Resolution #150 of the Board of the National Bank of the Republic On Approving the Instruction on the Reporting Target Use of Gratuitous Foreign Aid Provided as Cash (with changes and additions as at November 14, 2008).
- Resolution #590 of the Cabinet of Ministers of the Republic of Belarus on Certain Changes and Amendments in some Resolutions of the Cabinet of Ministers of the Republic of Belarus of July 13, 2015.
- Resolution #1522 of the Council of Ministers of the Republic of Belarus of November 21, 2003 On Certain Measures to Implement Decree #460 of the President of the Republic of Belarus of October 22, 2003 (with changes and additions as at March 27, 2010).
- Resolution #1513 of the Council of Ministers of the Republic of Belarus On Approving the Provision on the Procedure of Evaluation of the Progress and Effectiveness of International Technical Assistance Projects (Programs) of November 26, 2004.
- Resolution #86 of the Ministry of the Economy of the Republic of Belarus On the Preparation by International Foreign Assistance Recipients of Project Proposals and Descriptions of Projects (Programs) of Said Assistance dated May 11, 2005.
- Resolution #86 of the Ministry of the Economy of the Republic of Belarus On Instituting the Form of an Application to Register an International Technical Assistance Project (Program) and Invalidate Resolutions of the Ministry of the Economy of the Republic of Belarus.
- Resolution #82 of the Ministry of the Economy of the Republic of Belarus On the Form of a Listing of Goods (Property, Including Funds), Works and Services Provided for the Implementation of International Technical Assistance Projects (Programs) dated May 4, 2010.
- Decree #374 of the President of the Republic of Belarus of July 9, 2001 On Exempting the Union of Public Associations "The Belarusian Confederation of Creative Unions," and the Creative Unions of the Republic of Belarus and Foundations Thereof from Profit and Value-Added Taxes (with changes and additions as at January 21, 2010).
- Decree 191 of the President of the Republic of Belarus On Supporting Physical Culture and Sports Organizations of April 15, 2013.
- The Law of the Republic of Belarus On State Support of Youth and Children's Public Associations in

the Republic of Belarus of November 9, 1999, #305-Z.

- Resolution of the Ministry of Education of the Republic of Belarus On Approving the Instruction on the Procedure of Forming the Republican Register of State-Supported Youth and Children's Public Associations of November 30, 2005, #101 (with changes and additions as at May 11, 2009).
- Decree #510 of the President of the Republic of Belarus of March 29, 2012 On Certain Issues of Renting and Free Use of Property.
- Resolution #550 of the Council of Ministers of the Republic of Belarus On Approving the List of Public Organizations (Associations) and Their Structural Units, Foundations, and Associations of Legal Entities and/or Individual Entrepreneurs (Associations and Unions) Entitled to 0.1 Reduction of the Base Rental Rate for Real Property of April 9, 2010 (with changes and additions as at June 22, 2011).
- Edict on Making Changes and Amendments to Some Codes of the Republic of Belarus No. 173-1, which abolishes criminal responsibility for acting on behalf of unregistered non-profit organisations, foundations, religious organisations and on behalf of organisations whose activities have been suspended (January 9, 2019).
- Law on Regulatory Legal Acts, which provides the possibility of holding public discussions (consultations) on draft regulatory legal acts, regulatory impact assessment, and legal monitoring (February 1, 2019).
- Edict on Making Changes and Amendments to Some Codes of the Republic of Belarus number 173-1 that abolishes criminal responsibility for acting on behalf of unregistered non-profit organisations, foundations, religious organisations and on behalf of the organisations whose activities have been suspended (Article 193-1) (July 19, 2019).
- Law on Regulatory Legal Acts, providing the possibility of holding public discussions (consultations) on draft regulatory legal acts, regulatory impact assessment, and legal monitoring (February 1, 2019) (On February 1, 2019, the government also approved the Instruction on the procedure for conducting legal monitoring, as well as the instruction on forecasting the consequences of adopting (issuing) regulatory legal acts stipulated by the Council of Ministers Resolution No. 54 issued on January 25, 2019).
- Law of the Republic of Belarus on Changes to Laws on Issues with Mass Media #110-Z dated May 24, 2021.
- Law of the Republic of Belarus on Changes to the Law of the Republic of Belarus on Mass Events in the Republic of Belarus # 108-Z dated May 24, 2021.
- Law of the Republic of Belarus on Amendments to Laws on Issues of Counteracting Extremism # 104-Z dated May 14, 2021.
- Law of the Republic of Belarus on Prevention of Rehabilitation of Nazism # 103-Z dated May 14, 2021.
- Decree by the President of Belarus #3 on Foreign Gratuitous Aid dated May 25, 2020
- Decree of the Soviet of Ministers of the Republic of Belarus and of the Department on Managing Affairs of the President of the Republic of Belarus dated August 27 2020 # 502/4 On Measures on Implementation of the Decree by the President of Belarus #3 On Foreign Gratuitous Aid dated May 25, 2020.



## PENDING REGULATORY INITIATIVES

### Bill on Political Parties

On January 25, 2023, the Bill on Political Parties [passed](#) two readings in Belarusian parliament. According to the Bill, amendments are to be introduced to the Laws on Political Parties” and on Public Associations,” which affects their general goals and objectives. In particular, the Bill provides that for a political party to be registered, it must have at least 5,000 members (instead of 1,000 previously). A political party should also have offices in each region of the country and in Minsk city, as well as in at least one-third of districts and cities of regional subordination in all regions of the country and in at least one-third of the districts of Minsk city.

*The above list is not exhaustive. If you are aware of other pending legislative initiatives not included here, please contact [asia@icnl.org](mailto:asia@icnl.org).*

## Legal Analysis

This section provides an in-depth assessment of Belarus' legal environment for civic freedoms, including the barriers to the exercise of the freedoms of association (formation, operations, resources), expression, and peaceful assembly. Click a subheading for more, or [click here to expand all subheadings](#).

### ORGANIZATIONAL FORMS

The development of Belarusian legislation in the sphere of freedom of association has been significantly influenced by European continental law. The Civil Code lists a number of organizational and legal forms for NPOs, as listed below. They can be divided into two categories: “membership-based associations” and “property-based associations.”

- Public and religious organizations (associations) are voluntary, membership-based associations of citizens uniting on the basis of their common interests to fulfill their spiritual and other non-material needs in accordance with the legislation. [Belarusian law provides for the establishment of the following types of public organizations: political parties, trade unions, and public associations.]
- National state-public associations are membership-based NPOs, their purpose being to implement tasks of state significance.
- Associations of legal entities (coalitions and unions) are membership-based NPOs founded under an agreement by and between commercial organizations and/or individual entrepreneurs to coordinate their business activities, as well as to represent and protect common property interests or to unite NPOs or commercial and non-commercial organizations.
- Foundations are property-based associations without membership, founded by one or more citizens and/or legal entities (or one legal entity) on the basis of voluntary property contributions. They pursue social, charitable, cultural, educational and scientific goals, the development of physical culture and sports, or other socially useful goals specified in their charters.
- Institutions are organizations set up by a proprietor in order to exercise managerial, socio-cultural or other non-commercial functions, funded by the proprietor in part or in full.
- Consumer cooperatives are voluntary, membership-based or property-based associations of citizens or citizens and legal entities for the purpose of fulfilling material (property) and other needs of their members.

The Civil Code listing of organizational and legal forms of NPOs is not exhaustive. For example, the Law on Local Government and Self-Government in the Republic of Belarus of January 4, 2010, #108-Z (amended as of December 22, 2011) provides that a collegial body for territorial public self-government is

also an NPO. Under the Law on Courts of Arbitration, a standing court of arbitration can be an NPO or a detached subdivision (subdivision) of a legal entity.

In addition, “non-profit private establishments” are non-profit organizations with one founder and are a form of registration that has been widely used by local activists due to an easier registration procedure. They are registered by local city councils, and not the Ministry of Justice. Statistics about them are not published, and they can be tracked from the news only.

An NPO seeking registration must correspond to one of the organizational forms included in the Civil Code or other laws. NPOs cannot operate without being registered.

According to the new amendments to the Law on Public Associations a common registry for NPOs and political parties will be created within the next three years.

Different types of NPOs are registered by different government bodies:

- The Ministry of Justice and chief directorates of Justice at the oblast executive committees and Minsk Executive Committee register the following types of NPOs: public associations, political parties, trade unions, foundations, their unions (coalitions), national state-public associations, and courts of arbitration. Justice directorates are also the competent authority for state registration of structural units of political parties; oblast and inter-oblast structural units of public associations; and inter-oblast, oblast, and the city of Minsk structural units of trade unions, if the governing body of the structural unit is located within the jurisdiction of the justice directorate.
- Oblast executive committees and the Minsk Executive Committee have the right to delegate a portion of their state registration authority to local executive and administrative bodies. Local executive and administrative bodies may register the following types of organizations: institutions, consumer cooperatives, gardening societies, unions (associations) of not-for-profit and/or for-profit organizations, individual entrepreneurs, and religious communities. Local executive and administrative bodies are authorized to consider applications from structural units of the associations, the registration of which is not within the competence of regional directorates of justice.
- The National Department for Religious Affairs is responsible for the state registration of religious associations, monasteries and monastic communities, religious brotherhoods and sisterhoods, religious missions, and seminaries.

## **Approximate Numbers**

As of January 1, 2021, there were 15 political parties, 25 labor unions, including 20 at the national level and one at the territorial level and four trade unions in organizations, and 3021 public associations, including 227 international, 789 national, and 2,005 local. There were 42 unions (associations) of public associations and 227 foundations, including 18 international, seven national, and 202 local.

## **PUBLIC BENEFIT STATUS**

Belarusian law does not recognize concepts such as “socially oriented,” “charitable” or “public benefit” organizations. Tax benefits are extended to organizations based on their type of activity. For example, Presidential Decree #497 of November 3, 2011 on Supporting Physical Culture and Sports Organizations lists a number of such organizations that are entitled to government support, including tax benefits.

## **PUBLIC PARTICIPATION**

The following national laws affect public participation in Belarus:

- Law of July 17, 2018 on Normative Legal Acts;

- Order No. 54 of January 25, 2019 with the Instruction on Predicting the Consequences of Adopting (executing) Normative Legal Acts; and
- Order No. 56 of January 28, 2019 on Public Discussion of Normative Legal Acts.

Other relevant laws affecting access to information include:

- Law of the Republic of Belarus dated November 10, 2008 r. № 455-3on Information, Informatization and Protection of Information;
- Law of the Republic of Belarus dated 17.07.2008 N 427-3on Mass Media;
- Law of the Republic of Belarus dated 18.07.2011 N 300-3on Appeals by Citizens and Legal Entities;
- Decree of the Soviet Ministers of the Republic of Belarus dated July 23 2012 # 667 on Some Issues of Working with Appeals by Citizens and Legal Entities;
- Regulation on the Procedure of Operation of Internet- cites of State Bodies and Organizations approved by the Decree of the Soviet Ministers of the Republic of Belarus dated 29.04.2010 № 645.

The Law of July 17, 2018 on Normative Legal Acts stipulates that the following documents are subject to public consultations: draft legal acts and governmental orders affecting rights, freedoms, and duties of citizens and legal entities or introducing new approaches towards the legal regulation of a specific area of social relations; draft legislative acts, which can significantly influence conditions for entrepreneurial activity; or other draft legislative acts on the initiative of state agencies. At the same time, certain drafts cannot be brought up for public discussion, such as draft laws relating to taxes and state secrets. This legislation contributed to an increase of draft laws being published on the national legal portal. For example, 195 drafts were published for online consultations in 2020 while only one draft law was published online in 2013 (See [CSO Meter Belarus Country Update 2020](#)).

According to Order No. 56 of January 28, 2019 on Public Discussion of Normative Legal Acts, the public consultation period should not be less than 10 calendar days. However, this norm is not always followed in practice. If a public consultation of a draft law has been announced, then the results should also be published for the public, but the scope and details of such a report have not been prescribed.

In practice, CSOs are not routinely invited into working groups on draft laws. When they are invited, the invitations are for only certain CSOs based on a special decision by a state agency to organize the development of the draft law. Rarely is there an open invitation for all affected CSOs. For example, in 2020, CSOs requested the Ministry of Justice to hold a public consultation in order to discuss draft regulations stemming from the newly adopted law against anti-money laundering and counter-terrorism financing. However, the Ministry of Justice adopted the law without any public consultation.

Due to the post-August 2020 election violence, many CSOs have decided to suspend their advocacy activities and cooperation with the authorities. As of January 2022, more than 200 CSOs are in the process of voluntary deregistration and more than 300 are in the process of involuntary liquidation. During the 2020 protests, at least four demonstrators were killed, and some died later in custody, and 30,000 peaceful protesters were arrested in the immediate aftermath of the presidential elections. More than 1,500 cases of abuse in police custody were also documented, and thousands of criminal investigations were launched against critics of President Lukashenko. As of January 2022, there are 969 political prisoners in Belarus, and at least 14,000 people have fled into exile. This data exemplifies how Belarusian authorities severely limit people's rights and public participation.

Lastly, the judicial system routinely ignores the standards of a fair trial. Having lost the main features of an independent self-governing institution, the legal profession itself has become an instrument of

repression against lawyers themselves. In general, lawyers carry out their activities under constant pressure, threats, and harassment. Moreover, the most active lawyers are subject to criminal and administrative prosecution, and many have lost their right to work.

## **BARRIERS TO FORMATION**

### **Prohibition of Unregistered Associations**

Unregistered associations are banned from all activities in Belarus. Under Article 193.1 of the Criminal Code, the organization of or participation in activities of unregistered associations is punishable by a fine, arrest for up to six months, or imprisonment for up to two years. Courts have sentenced at least 18 individuals for these actions, and the Prosecutor's office issued hundreds of official warnings under article 193.1 between 2005 and 2019.

### **Minimum Membership Requirements**

An NPO may be considered an international, nation-wide (republic-wide), or local public organization, depending on the territory where the NPO carries out its activities. For each type, Belarusian law places strict requirements on the number of founders. At least 50 founders are required to establish a nation-wide public association, who should reside/represent majority of oblasts (at least four out of six) and Minsk. A local public association must have at least ten founders representing at least two administrative-territorial subdivisions of the territory in which it is planning to operate. (The law refers to village councils as administrative-territorial subdivisions.)

### **Initial Capital Requirements**

To set up a foundation, the founders must have capital. Local foundations must have 100 basic amounts (one basic amount equals 27 Belarusian rubles or \$12.1) or \$1,210. International or nationwide foundations must possess 1,000 basic amounts or \$12,100.

### **Registration Fees**

State registration of local public associations and foundations costs the same as for commercial organizations. A national or international association or foundation, however, is required to pay twice the fee of the national commercial entity (approximately USD 145). In general, Belarusian legislation discriminates against public associations and foundations in comparison with for-profit and some other not-for-profit organizations, which effectively only need to apply to get registered.

### **Limits on Eligible Founders**

Citizens under the age of 18 cannot be founders of legal entities in Belarus with the exception of children and youth public associations that can be founded by citizens from the age of 16. Foreign citizens cannot be founders of public associations, with the exception of international public associations established in Belarus. By law it is not possible for natural persons to create associations with legal persons, with the exception of consumer cooperatives; by contrast, both associations of natural persons and associations of legal persons are allowed.

### **Documentation Requirements**

Public associations and foundations must prepare and submit a formidable package of documents for registration. If the documents meet the requirements, the entity will be registered within one month from the submission. The responsible authorities have broad powers to check the documents and have them examined by experts. A public association may be denied registration for insignificant breaches of the legislation in its charter as well as for submitting other documents and/or information that do not meet the requirements of applicable legislation, including forged or invalid documents. Since the legislation regulates even the font size in the registration documents and demands that every founder indicate their place of employment and home and business telephone numbers, it is not uncommon for a public association to be refused registration because of minor mistakes.

## **Limited Rights of Appeal**

If denied registration, the governing body of a public association may go to court. Since 2001, however, no court has allowed a claim of this kind. Furthermore, national and international public associations and foundations have no right to appeal against the decision of a court of first appearance because in their case the Supreme Court of Belarus is prescribed as the court of first appearance.

## **Foreign Organizations**

A foreign-based organization may not operate in the Republic of Belarus before it has registered its branch with the Voblast Executive Committee (or Minsk Executive Committee).

### **BARRIERS TO OPERATIONS**

#### **Limits on Educational Activity**

Since the Education Code of the Republic of Belarus took effect on September 1, 2011, the ability of NPOs to pursue educational activity has been open to question. This legislation classifies a very broad range of activities as educational (including training programs, thematic seminars, popular lectures courses, and personal empowerment workshops) and limits the list of entities allowed to carry out educational activity to those explicitly granted that right by law. With the exception of educational institutions, NPOs are not included in that list.

#### **Interference in Internal Affairs**

The Law on Public Associations provides that interference of state bodies and officials into the activity of public associations is not allowed. However, such interference takes place even at the registration stage, as the registration official may modify the goals, tasks, methods of activity, and the internal structure of public associations.

The same law authorizes registration officials to participate in any activities conducted by foundations, public associations, their structural units or unions for statutory purposes, as well as to demand and obtain information related to an organization's statutory activity and examine their documents and decisions.

A foundation, public association or union must notify the registering body about an upcoming meeting of its highest level governing body not less than seven days in advance.

#### **Reporting Requirements**

The law also requires foundations, associations, and unions to submit mandatory annual reports to registering bodies, including information about their continuing operation and the location of the governance body; statutory activities in the past year; the membership of the public association and its structural units; its composition; and lists of the members of elective bodies, with minutes of the election attached. In case of non-compliance with the reporting requirements in three subsequent years, the organization can be liquidated. Foundations must also publish reports in nationwide print media on an annual basis. The report shall include information on number of founders; assets and property, including property transferred by founders; income from events, income from economic activities, and other income; expenditures on public benefit activities as provided by the organization's statute; the number of for-profit organizations created by the foundation or where the foundation participates to carry out economic activities.

#### **Sanctions, Suspension, Liquidation**

Registering bodies may impose sanctions on public associations, including written warnings, suspension of activity, and liquidation.

The activity of a public association or union may be suspended for one to six months by a court decision

based on an application of the appropriate registering body. First, the registering body must issue a written warning. Then the public association or union has an opportunity to eliminate the violations within the established deadline and inform the registering office in writing with documented proof. When a public association or union is suspended for a term specified by a court decision, the public association or union is forbidden from carrying out any activity, except for those aimed at eliminating the violations. In practice, registering bodies rarely initiate the suspension procedure.

A public association or union may be liquidated by decision of the court if:

- it conducts propaganda for war or extremist activity;
- it violates the law and/or its constituent documents within a year after the receipt of a written warning;
- in the course of state registration of the public association or union, its founders commit violations of legislative acts that cannot be corrected;
- the number of members and composition of the association do not meet the requirements provided by law, according to its status and activities; or
- the organization is suspended and fails to correct the violations within deadlines set by the relevant court decision.
- In accordance with the recent amendments to the law on public associations, in case of failing to submit the reporting documents to the registering body for three years in sequence, the organization can be liquidated.

A public association or union can also be liquidated by a court decision for a single violation of the Law on Mass Events, as well as for violations of the requirements established by applicable law for use of gratuitous foreign aid. A public association may also be liquidated for unlicensed or prohibited activity or other repeated or gross violations of applicable laws (this usually gives grounds for the liquidation of an “undesirable” organization).

## **GONGOs**

The Belarusian government has set up its own NPOs (GONGOs), such as the Public Association Belarusian Republican Union of Youth and the Republican Public Association Belaya Rus.

Lastly, in 2021, Belarus’ State Security Committee (KGB) updated the list of “organisations and individuals connected to terrorist activities.” There are 18 new names on the list now, including:

- Former presidential candidate and politician, Sviatlana Tsikhanouskaya;
- Former diplomat and head of the [National Anti-Crisis Management](#), Pavel Latushka;
- Blogger and author of a popular Telegram channel, ‘MotolkoHelp’, Anton Motolko;
- Former law enforcement officer, Igor Makar;
- Former law enforcement officer and one of the co-founders of the ‘BYPOL’ initiative, Andrey Ostapovich;
- Former state investigator, Svetlana Khilko; and
- Former law enforcement officer, Stanislav Luponosov.

## Barriers to International Contact

The Belarusian authorities hinder NPOs' communication with organizations abroad. Since 2011, the number of representatives from foreign advocacy organizations who were denied entry to the country increased. The prohibition was extended even to those foreign nationals who do not require an entry visa under Belarus' international agreements, including even citizens of its Allied State, the Russian Federation.

Foreign citizens and stateless persons, except those who have a permanent/temporary residence permit in Belarus, have been denied entry by land into the Republic of Belarus as part of a [temporary suspension](#). Belarusian citizens and foreigners who have a permanent/temporary residency permit in Belarus have also been denied travel outside of Belarus by land as part of a [temporary suspension](#).

## BARRIERS TO RESOURCES

There is a prohibition on the use of foreign aid prior to its registration. Only social support and social services to specific disadvantaged groups are recognized as eligible purposes for CSOs to receive foreign aid. Government bodies also have a broad discretion to deny registration of foreign aid and to decide whether to exempt it from taxes. Even a single violation of rules on receipt of foreign aid results in the liquidation of a CSO. Further, local businesses are only permitted to donate funds to CSOs for a limited list of activities, which excludes most traditional CSO activities, with harsh penalties for related violations.

The 2020 Decree #3 of the President made regulation of receiving foreign aid and local support even more restrictive. Prior to Decree # 3, the law prohibited the use of foreign gratuitous aid (FGA) prior to its registration and for typical CSO activities, such as "the production and distribution of propaganda materials, organization of events, designated to conduct political and propaganda-mass work amongst the population"; provided government bodies broad discretion to deny registration of FGA and to decide on whether or not to exempt FGA from taxes. Decree #3 substantially changed the already very complex procedure for registration of and reporting on the use of FGA in terms of both technical and substantive details. Even a single violation of Decree #3's provisions results in liquidation of a CSO. Key changes include reducing the list of purposes for which FGA can be received. Decree #3 de facto only kept provision of social support and social services to specific disadvantaged groups as eligible purposes for CSOs to receive FGA.

## Other Issues

The legislation of the Republic of Belarus lists the purposes for which NPOs may receive aid from Belarusian legal entities and individual entrepreneurs. A violation of the procedure of rendering and using such aid triggers administrative responsibility.

Belarus lacks an open and transparent system of funding NPOs from the state budget and of informing the public about such funding.

Belarusian law forbids public associations and unions (coalitions) of public associations from engaging in independent entrepreneurial activity. They may do so only by participating in or founding a for-profit entity. Consumer societies and sports societies entered in a special list are exceptions to this rule.

There are no tax benefits for donations to NPOs.

## BARRIERS TO EXPRESSION

The ability to engage in free expression and advocacy is severely curtailed in Belarus. There are effectively no independent media organizations registered in Belarus. As of January 2022, there are 32 journalists in prison for carrying out their professional activities.

Severe restrictions on freedom of speech impede the work of journalists, including through arrest and criminal prosecution; the media generally, including through bans on newspaper printing and the blocking of internet sites; and also bloggers, members of election commissions, and whistle-blowers. Criminal

charges relating to defamation and insult to the president, inciting violence against the police, insult to the symbols of the state, and the spread of extremism are widely used as pretexts to prevent the spread of unwanted opinions.

The Law of the Republic of Belarus on Changes to Laws on Issues with Mass Media #110-Z dated May 24, 2021 (Changes to Law on Mass Media) establishes new requirements for media outlets and applies the same requirements to both mass media editorial offices and the owners of internet resources and online publications. Among other issues, the law:

- expands the list of reasons for refusal of state registration of mass media, which may now include, for example, instances where the name of the media coincides with or is confusingly similar to the name of a publication which was previously terminated;
- expands the list of reasons for suspending the publication of mass media to include the issuance of two or more written warnings for any violation of legal requirements within a year, as well as the adoption of a decision by the Interdepartmental Commission on Security in the Information Sphere (ICSIS) identifying the presence of messages or materials in media products, the dissemination of which could threaten national security;
- establishes new reasons for relevant government agencies to restrict access to internet resources and online publications. Access to an internet resource may be restricted, for example, for the publication of prohibited information; issuance of two or more notifications to the internet site's owner within a year; failure by the site's owner to comply with the requirements of the authorized government body; or decision of the ICSIS on the presence of content on an internet site which could threaten national security;
- prohibits mass media and internet sites from publishing the results of public opinion polls concerning the socio-political situation in the country, republican referenda, and elections, when such polls are conducted without appropriate accreditation;
- establishes new requirements for journalists, for example, to inform the editor-in-chief of the media outlet about possible lawsuits and other legal requirements in connection with the distribution of material they are preparing, and to observe restrictions established by electoral legislation; and
- prohibits journalists from using their rights and position for the purpose of concealing or falsifying information, spreading false information under the guise of reliable reports, collecting information in favor of a third party or organization that is not a media outlet, as well as spreading information in order to defame someone on the grounds of profession, place of residence or work, in connection with political beliefs, or discredit government agencies and other organizations.

Failure to comply with these requirements is equivalent to gross violations of labor duties, and the journalist in violation may be fired under labor law. Additionally, a journalist can be deprived of accreditation if he/she or the editorial office of the media outlet violated the accreditation procedure or disseminated information that "does not correspond to reality and discredits the business reputation of the organization that accredited the journalist, or committed a deliberate illegal act in the course of carrying out professional activities."

Additional restrictions are introduced by the Law of the Republic of Belarus on Prevention of Rehabilitation of Nazism # 103-Z dated May 14, 2021 (Law on Prevention of Rehabilitation of Nazism) and by the Law of the Republic of Belarus on Amendments to Laws on Issues of Counteracting Extremism # 104-Z dated May 14, 2021 (Law on Extremism). These laws label people who protested against the fraudulent results of the August 2020 presidential elections, and those who support them, as "extremists" and "Nazi collaborators" and impose harsh penalties, including imprisonment, for exercising the right to freedom of expression, such as singing songs about freedom of Belarus, posting information critical of the



government, or merely covering protests in Belarus. Criminal penalties apply for:

- financing, assisting with, undergoing training or other preparation for extremist activity, which is punishable with a prison term of up to eight years; and
- “discrediting,” which is a vaguely defined term, the Republic of Belarus, including, for example, distributing false information about the social or economic condition of Belarus, or the legal status of Belarus citizens in mass media or in other ways with “intention to substantially harm state and public interests,” which is undefined but punishable by a prison term of up to four years with or without a financial penalty.

Internet disruption is also broadly used, including during mass demonstrations. On the presidential election day on August 9, 2020, and in the days following, internet access was broadly disrupted throughout the country. In that same year, due to the post-August election violence, many CSOs decided to suspend their advocacy activities and cooperation with the authorities. As of March 2022, 382 CSOs are in the process of being liquidated or have been liquidated by an official decision, and at least 271 have shut down by themselves preemptively. According to OHCHR’s recent [report to examine the human right situation in Belarus](#), in the run-up to and aftermath of August 2020 presidential elections, between May 2020 and May 2021, at least 37,000 people were detained, with many of them placed in administrative detention for up to 15 days. Some 13,500 people were arbitrarily arrested and detained between August 9-14, 2021 alone. By March 2022, at least 1,048 people were being held in prison on what OHCHR’s investigation suggests are purely politically motivated charges, with several activists given sentences of 10 years or more. The report also documented multiple human rights violations, intentional protection of perpetrators of abuses by the state, and the lack of accountability.

## BARRIERS TO ASSEMBLY

The Constitution of Belarus guarantees the freedom of assembly in Belarus as follows:

*Article 35. The freedom to hold assemblies, meetings, street marches, demonstrations and pickets, which do not disturb law and order or violate the rights of other citizens of the Republic of Belarus, shall be guaranteed by the State. The procedure of holding the above-mentioned events shall be determined by law.*

The specific law governing assemblies is the [Law on Mass Events \(LoME\)](#) No. 114-3 of December 30, 1997, with amendments. The law defines several types of “mass events,” such as: (a) assembly, (b) meeting, (c) street rally, (d) demonstration, (e) picketing, and (f) other mass event.

Among other key issues are that non-citizens of Belarus, citizens not permanently resident in the country, and minors are restricted from organizing certain assemblies. Prior approval by state authorities is also required for all public actions or mass events, and there are wide-ranging legal restrictions on where assemblies may be held. Local authorities further use their power to force assemblies to be held on the outskirts of a city or in places far from the target audience. Excessive force is also used on all peaceful protests and other mass events if not sanctioned by the government.

In addition, the law prohibits collecting funds and providing support to individuals for the purpose of paying penalties for violating rules on organizing mass events. Journalists present at a mass event are further subject to the same public order requirements that apply to organizers and participants. At the same time, the law prohibits live mass media and online coverage (livestreaming) of mass events that have been allegedly conducted in violation of the law.

Furthermore, non-citizens of Belarus, citizens not permanently resident in the country, and minors are restricted from organizing certain assemblies; prior approval by state authorities is required of all public actions or mass events; there are wide-ranging legal restrictions on where assemblies may be held; and local authorities often use their power to force assemblies to be held on the outskirts of a city or in places far from the target audience ; and excessive force is used on all peaceful protests that the government

does not itself organize. The law also prohibits collecting funds and providing support to individuals for the purpose of paying penalties for violating rules on organizing mass events. Journalists present at a mass event are also subject to the same public order requirements that apply to organizers and participants. At the same time, the law prohibits live mass media and online coverage (livestreaming) of mass events.

### **Limits on Eligible Organizers**

According to Article 4 of the LoME:

*Citizens of the Republic of Belarus permanently resident on its territory, of 18 years of age and over, and eligible to vote, and organizations registered in the prescribed manner, excluding organizations whose activities were terminated by legislative acts, may be organizers of an assembly of no more than 1000 participants.*

Thus, non-citizens of Belarus, citizens not permanently resident in the country, and minors are restricted from organizing certain assemblies.

In addition, the new amendments to the Law on Mass Events also restrict the right to organize the assembly by the individuals who are serving a suspended sentence and people who violated the Law on Mass Events in the previous year or who have committed crimes against peace, public order, and morality. Moreover, the amendments require the organizers to cover the cost of the public expenses for holding the event, such as police and medical stand-by assistance. The fees are highly prohibitive and serve as a deterrent to the exercise of the right. For example, to organize an assembly with more than 1,000 participants such cost is 250 basic amounts (approximately 3,125 USD). As a result, this year the organizers of the traditional Chernobyl Way, a mass rally to commemorate the Chernobyl catastrophe, did not submit their request for authorization of the assembly. The rally took place regardless and participants were fined for taking part in an unauthorized assembly. There are also numerous examples of local authorities denying the organizers' requests for holding assemblies in their locations of choice and directing instead to the pre-approved non-central locations, as stipulated by the law.

### **Vague Provisions**

In the LoME the term "picketing" is defined so broadly that on many occasions citizens do not know that their actions are classified as "picketing" and that they may be held criminally liable for seemingly innocuous actions such as holding artistic or charitable events in public places. Article 2 of LoME defines picketing as:

*public expression by a citizen or a group of citizens of socio-political group, personal or other interests, or a protest (without rally) on problems, including a hunger strike, with or without using posters, streamers, or other means. The joint mass presence of citizens in a public place set in advance (including open space), at a specific time, for conducting a planned action, organized (including through global computer Internet network or other information networks) in order to publicly express social and political interests or a protest, equals to picketing.*

### **Advance Permission**

The Law of the Republic of Belarus on Changes to the Law of the Republic of Belarus on Mass Events in the Republic of Belarus # 108-Z dated May 24, 2021 replaced the notification procedure for organizing and holding mass events with a prior approval procedure. In truth, the previous notification procedure was also, de facto, a prior approval procedure, but much simpler than the procedure in the amended law. The law prohibits collecting funds and providing support to individuals for the purpose of paying penalties for violating rules on organizing mass events. Journalists present at a mass event are subject to the same public order requirements that apply to organizers and participants. At the same time, the law prohibits live mass media and online coverage (livestreaming) of mass events, which violate the established procedure for their organization or conduct.

## Spontaneous Assemblies and Counter-Demonstrations

The law provides for no exceptions to the application requirement; spontaneous assemblies are thus prohibited. In conformity with Article 9 of the LoME, counter-demonstrations are also prohibited: "Holding several mass events in one place or on the same route simultaneously is prohibited."

### Time, Place, Manner Restrictions

Article 9 of the LoME prohibits the staging of mass events in certain locations, including:

- (a) in places that are prohibited to use for this purpose by local authorities;*
- (b) in facilities belonging to metro, railway, air or water transport;*
- (c) within 200 meters distance from the official residence of the President of the Republic of Belarus, the National Assembly or the Council of Ministers of the Republic of Belarus, underground road crossings and metro stations;*
- (d) within 50 meters from the buildings of state administration authorities, local authorities, diplomatic agencies and consulate buildings, courts, prosecution offices, territories of the organizations that provide security, state defence and vital functions for people (public transport, factories providing water, heat, energy, nurseries and schools); [...]*

Notably, the prohibition does not apply to events organized by state authorities.

Local authorities create additional 'place restrictions' by using their authority to prohibit mass events in certain places and therefore forcing organizers to hold mass events in designated areas, such as on the outskirts of a city or in places far from the target audience.

Also, the LoME includes limitations on the timing of mass events:

- (a) mass events held five or less days prior to the elections, referendum, and deputy recall are permitted only in specially designated places for holding mass events, excluding mass events organized by state authorities.*
- (b) holding assemblies, meetings, street rallies, demonstrations and picketing is prohibited between 10pm and 8am.*

Article 11 of LoME also states that:

*During an assembly, meeting, street rally, demonstration or picketing, the organizers and participants are not allowed to:*

- (a) hamper the movement of transport and pedestrians;*
- (b) interfere with the continuous functioning of organizations; or*
- (c) set up tents or other temporal structures.*

The LoME also includes media restrictions. Prior to receiving authorization to hold the mass event the organizer(s) or other individuals shall not be entitled to announce the date, place and time of the event in the media, on the Internet global computer network or on other information networks, or to produce and disseminate leaflets, placards, or other materials for this purpose. Liability is a fine or arrest for up to 15 days.

Besides LoME, the Law of the Republic of Belarus on Amendments to Laws on Issues of Counteracting Extremism # 104-Z dated May 14, 2021 (Law on Extremism) broadens the definition of and increases penalties for "extremism," which allows the government to charge any individual or organization, local or foreign, for participation in an unapproved peaceful gathering, possessing or giving away any "extremist" merchandise, such as items containing the "pogonia" national symbol, provision of any support to people participating in unapproved protests, calls to resist the regime, actions such as singing songs about free Belarus, or posting "knowingly false" information about the situation in Belarus, even in foreign media, among others. These activities are now considered an administrative offense or crime. The administrative penalties for violating these restrictions result in a fine of up to 2,000 Euros, and/or up to 30 days in

detention, and/or a prohibition on conducting professional activity for up to one year.

In addition, financing, assisting with, undergoing training or other preparation for extremist activity is punishable with a prison term of up to eight years. Further, “discrediting,” which is vaguely defined, the Republic of Belarus, including, for example, distributing false information about the social or economic condition of Belarus or the legal status of Belarus citizens in mass media or other ways when it is “intended to substantially harm state and public interests,” which is undefined, is punishable by a prison term of up to four years with or without a financial penalty.

The main purpose of the Law of the Republic of Belarus on Prevention of Rehabilitation of Nazism # 103-Z dated May 14, 2021 (Law on Prevention of Rehabilitation of Nazism) is to identify “Nazi criminals” and their “collaborators,” and prohibit and penalize their activities. The term “collaborator” is important, as it is defined in such a way to tie Belarus protesters’ symbols (the “pogonia” symbol and white-red-white flag) to Nazi collaborators. While during the Second World War, these symbols were used by some Belarussian Nazi collaborators, these are historic symbols of independent Belarus, including independence from the Soviet Union, unlawful dictatorship. The law connects all protesters using these symbols and flag to Nazis. This law will raise divisions among the people and limit their engagement in protests under these symbols, as many Belarussians still remember the damage from the Second World War and Nazis. Under this law, the use of a white-red-white flag makes one not only an “extremist,” but also someone who “supports collaborators with Nazi criminals.” The law is connected to the Law on Extremism, with administrative and criminal penalties applicable to extremist activities, such as those of “Nazi criminals” and their “collaborators.”

Even before the fraudulent August 2020 election, according to “Spring’96” monitoring carried out in 2019, there were 234 documented cases of protesters being administratively prosecuted for exercising their right to peaceful assembly, including 13 people sentenced to short terms of detention. In January 2020 alone, according to the [same source](#), 92 people were charged under Art. 23.34 of the Administrative Code, with 87 of them subject to heavy fines and five facing administrative detentions. There are also numerous examples of local authorities denying the organizers’ requests for holding assemblies in their locations of choice and instead directing them to pre-approved non-central locations, as stipulated by the law.

## **Stigmatization**

The authorities labeled people who protested against the fraudulent results of the August 2020 presidential elections, and who support them, as extremists and “Nazi collaborators” and established harsh penalties, including prison time, for their exercising the right to freedom of expression by singing songs about freedom of Belarus, posting information critical of the government, or just reporting on the protests in Belarus.

## **Excessive Force and Criminal Punishment**

Belarusian police have used excessive force against all peaceful protests and other mass events that are not sponsored by the government. . Violent crackdowns on demonstrators are also common during and immediately after electoral campaigns. For example, in the wake of the August 2020 presidential elections, at least four demonstrators have been killed and over 30,000 peaceful protesters have been arrested in protests against the fraudulent election results.

The Law of the Republic of Belarus on Changes to Laws on Issues of Provision of National Security to the Republic of Belarus # 106-Z dated May 17, 2021 (Changes to Laws on National Security) changed a number of laws regulating the legal status of various government agencies including law enforcement (police), state border guard, internal military forces, state guard forces, state security service (KGB), and others. All these state bodies are authorized to use weapons and other force depending on “established circumstances” (undefined), nature of the crime or administrative offense, and personality of a person violating the law. The law states that such an official using weapons or other force is not liable for damage caused by the use of such force if he/she did so in compliance with the law. The requirements in the law, however, are not strict and allow employees of authorized bodies to use weapons essentially at

their discretion.

## Additional Resources

This section contains links to external reports and news reports relevant to civic freedoms. Click a subheading for more, or [click here to expand all subheadings](#).

### GLOBAL INDEX RANKINGS

Ranking Body	Rank	Ranking Scale (best - worst possible)
<a href="#">UN Human Development Index</a>	66 (2023)	1 - 193
<a href="#">World Justice Project Rule of Law Index</a>	105 (2025)	1 - 142
<a href="#">Transparency International</a>	114 (2024)	1 - 180
<a href="#">Fund for Peace Fragile States Index</a>	85 (2024)	179 - 1
<a href="#">Freedom House: Freedom in the World</a>	Status: Not Free Political Rights: 1 Civil Liberties: 6 (2025)	Free/Partly Free/Not Free 40 - 0 60 - 0

### REPORTS

UN Universal Periodic Review Reports	<a href="#">Belarus UPR page</a>
Reports of UN Special Rapporteurs	<ul style="list-style-type: none"><li>• <a href="#">UN Special Rapporteur on the human rights situation of Belarus</a> (2022)</li><li>• <a href="#">Report of the Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin</a> (2023)</li></ul>
U.S. State Department	<a href="#">Country report on human rights practices</a> (2024)
Fragile States Index Reports	<a href="#">Fund for Peace Fragile States Index</a>
Other	<ul style="list-style-type: none"><li>• <a href="#">The International Accountability Platform for Belarus (IAPB) progress report</a> (February-September 2022)</li><li>• <a href="#">Human Rights Watch World Report: Belarus</a> (2025)</li><li>• <a href="#">Amnesty International</a> (2021)</li><li>• <a href="#">A Report by Viasna</a> (2019)</li><li>• <a href="#">Belarus: CSO Meter</a></li><li>• <a href="#">Human rights in Belarus: The EU's role since 2016</a> (2018)</li></ul>
International Center for Not-for-Profit Law Online Library	<a href="#">Belarus</a>

### NEWS

[Lukashenko pardons 30 convicted in Belarus antigovernment protests](#) (September 2024)  
Belarusian President Alexander Lukashenko has pardoned 30 people convicted for antigovernment

protests, four years after huge demonstrations that prompted a massive crackdown on dissent and spurred a new wave of emigration. Lukashenko's office said in a statement that the move was a "humane gesture" that affected seven women and 23 men. Nearly 1,400 people remain in prison in Belarus for voicing dissent against Lukashenko, who has run the country for 30 years, according to rights group Viasna. Thousands of others have left the country.

#### **Belarus protest leader Maria Kalesnikava starving in prison** (September 2024)

When Belarusian leader Alexander Lukashenko used the full force of his security apparatus to smash mass demonstrations in 2020, Maria Kalesnikava became a symbol of the protesters' defiance. Snatched off the street by masked officers, the opposition campaigner was bundled into a van, driven to the border with Ukraine and threatened with expulsion "alive or in bits". She tore her passport into small pieces to thwart the attempt to deport her. She was sentenced to 11 years on charges including conspiracy to seize power. Four years on from her arrest, Kalesnikava, 42, is being held incommunicado in a tiny, stinking prison cell. The Belarus interior ministry did not respond to a request for comment on Kalesnikava's prison conditions.

#### **Council of Europe Confirms EU's Unwavering Support for Democracy and Human Rights** (February 2024)

The Council [of Europe] today approved conclusions reaffirming its unwavering support for the Belarusian people's quest for a free, democratic, sovereign and independent Belarus as part of a peaceful and prosperous Europe.... It strongly condemns the continuing persecution and intimidation campaigns against all segments of Belarusian society, the unprecedented level of repression, and restrictions on political participation.

#### **Lukashenka Tightens Screw Ahead of Belarus Elections** (January 2024)

President Aliaksandr Lukashenka is doubling down on repression as Belarus prepares for parliamentary elections in February. Since the 2020 presidential election, Lukashenka has accelerated his authoritarian crackdown and thousands of Belarusians who spoke out against the government have been physically beaten and wrongfully imprisoned. Opposition leaders and other members of the intelligentsia have been given lengthy prison sentences and some threatened with execution. Little will change as a result of the sham elections in February.

#### **Belarus Misuses Counter-terrorism and Anti-extremism Legislation to Stifle Dissent** (October 2023)

The Belarusian authorities are misusing counter-terrorism and anti-extremism legislation to further purge civic space, suppress freedom of expression and eradicate political opposition, a UN expert said. "Many opposition figures, civil society activists, human rights defenders, lawyers and journalists have been abusively labelled as "extremists", detained and prosecuted since 2020. Harassment, repression and fear compelled those who are not behind bars to seek refuge abroad," said Anaïs Marin, the Special Rapporteur on the human rights situation in Belarus.

#### **Loss of Citizenship for Opposition Activists** (January 2023)

An amendment to the Law on the Citizenship of the Republic of Belarus, signed by Alyaksandr Lukashenka, was published on January 10. Its provisions include the possibility of revoking the citizenship of a person living abroad who has been convicted by a final judgment for 'extremist' activities or other acts threatening state security. As explained by the initiator of the amendments, deputy Lilia Ananich, the intention was to legally stigmatize those engaged in 'anti-state activities' outside the country.

#### **Nobel Prize Laureate Ales Bialiatski on Trial Again** (January 2023)

On January 5, 2023, the trial in the politically motivated case of the Viasna human rights organization began. Three human rights defenders, each facing 7 to 12 years of imprisonment, are in the dock: Viasna chairman and Nobel Peace Prize laureate Ales Bialiatski, his deputy Valiantsin Stefanovic, and Human Rights Defenders for Free Elections campaign coordinator Uladzimir Labkov.

ARCHIVED NEWS

**Mikalai Autukhovich to be Tried Under the Criminal Code** (April 2022)

[Repression against NGOs protecting women's rights and gender equality in Belarus](#) (March 2022)

[UN Human Rights Committee condemns execution of Victor Pavlov](#) (March 2022)

[230 people detained after anti-war and anti-referendum protests](#) (February 2022)

[Authorities to re-impose criminal charges for unregistered organizations](#) (December 2021)

[Opposition leader Tikhanovsky jailed for 18 years](#) (December 2021)

[Maryia Kalesnikava and Maksim Znak sentenced to jail over historic protests](#) (September 2021)

[Supreme Court liquidates Belarusian Association of Journalists](#) (August 2021)

[OSCE human rights head voices serious concerns over continued rights violations](#) (April 2021)

[Over 200 detained on Freedom Day](#) (March 2021)

[Belarus Human Rights Situation Deteriorating](#) (February 2021)

[Belarus Strips Russian Journalists of Accreditation](#) (May 2020)

[120 People Affected by New Crackdown on Protesters](#) (May 2020)

[Belarus Must Stop Repression of Peaceful Protestors](#) (February 2020)

[Viasna Alerts UN Special Rapporteurs to Repression of Peaceful Protesters](#) (December 2019)

[Protesters Arrested and Fined for Rallying Against Integration With Russia](#) (January 2020)

[Ukraine Detains Five For Killing Belarusian Journalist in 2016](#) (December 2019)

[Belarus Among Worst Countries For Internet Freedom](#) (November 2019)

[Over One Million Foreign Visitors on Belarus' Travel Blacklist](#) (October 2019)

[Belarus' independent journalists face mounting fines](#) (September 2019)

[Unflagging Protest: Belarus's Opposition Inspired By A Pensioner](#) (August 2019)

[UNHRC renews mandate of Special Rapporteur on Belarus](#) (July 2019)

[UN Special Rapporteur on Belarus: "Too many issues ignored for too long"](#) (June 2019)

[Freedom Day Celebrations marked by excessive police interference](#) (March 2019)

[Editor-in-Chief Found Guilty](#) (March 2019)

[Prosecution of a blogger Siarhei Piatrukhin](#) (February 2019)

[Deep concern over execution of Asipovich](#) (January 2019)

[5 facts about new UN special rapporteur on Belarus](#) (September 2018)

[Clearly disproportionate crackdown on independent journalists](#) (August 2018)

[Belarus cracks down on journalists and publishers](#) (August 2018)

[7 journalists held in criminal case against independent websites](#) (August 2018)

[US LGBTQ poet and activist barred from Belarus](#) (August 2018)



[5th round of EU-Belarus Human Rights Dialogue takes place in Minsk](#) (July 2018)

[Human Rights Council discusses the human rights situation in Belarus](#) (June 2018)

[Belarus human rights record “devastating” as president tightens grip on power](#) (April 2018)

[Belarus human rights record “devastating” as president tightens grip on power](#) (October 2017)

[What Belarus and Brussels Discuss in Human Rights](#) (July 2017)

[Media Problems in Belarus](#) (July 2017)

[UN human rights expert calls unofficial visit to Belarus ‘first step’ towards cooperation](#) (July 2017)

[Comparison of “media battles” in Russia and Belarus](#) (June 2017)

[KGB drops charges against Young Front activists](#) (June 2017)

[A Belarusian Spring](#) (June 2017)

[The Council should renew the mandate of the Special Rapporteur on Belarus](#) (May 2017)

[Human Rights Situation in Belarus](#) (May 2017)

[Belarus Backsliding Badly on Human Rights: U.N. Report](#) (May 2017)

[UN expert decries Government’s return to mass violence against peaceful protestors](#) (March 2017)

[Riot police in Belarus attack protesters calling for end to ‘dictatorship’](#) (March 2017)

[Assembly announces the winners of the Civil Society Champions award-2016](#) (January 2017)

[Situation in Belarus still frozen, human rights defenders say](#) (December 2016)

[Investigative Committee Detains Two Bloggers over Inciting National Hate \(UPD\)](#) (December 2016)

[Cost of Protest: Belarusian Activists’ Fines](#) (November 2016) (*Russian*)

[Role and Place of Civil Society in Donor Support in Belarus](#) (November 2016) (*Russian*)

[Resolution on Situation in Belarus](#) (November 2016)

[Murder of Journalist Underscores Threats to Free Press](#) (July 2016)

[As Sanctions Are Suspended, Belarus’s UN Human Rights Monitor Remains on the Sidelines](#) (June 2016)

[Review of the freedom of association in Belarus in 1st quarter 2016](#) (May 2016)

[Ulad Vialichka: Civil society wants to take part in relaunch of the EU-Belarus relations](#) (March 2016)

[Issued Review Of Freedom Of Associations In Belarus](#) (February 2016)

[Top 10 Belarus Civil Society in 2015](#) (December 2015)

[In Belarus, threat to free speech in broad definitions of “extremist materials”](#) (December 2015)

[Belarus bookshop braves the state to publish Nobel winner’s work](#) (October 2015)

[Belarus president signs UN Convention on Rights of Persons with Disabilities](#) (September 2015)

[Civil Society in Belarus, 2000-2015](#) (September 2015)



[Pact Releases Report on Belarus' Civil Society](#) (September 2015)

[Analysis of changes on foreign gratuitous aid](#) (September 2015) (*Russian*)

[Fine for Religious Worship Re-imposed](#) (July 2015)

[Monitoring for 2nd Quarter of 2015 on Freedom of Association Published](#) (July 2015)

[Civil Society: Away from Politics and towards Cooperation with the Authorities](#) (June 2015)

[UN Human Rights Council Discusses Report of Belarus](#) (May 2015)

[First Belarusian Not-for-Profit Law Forum Takes Place in Vilnius](#) (May 2015)

[Elena Tonkacheva to be expelled from Belarus for three years](#) (November 2014)

[UN recognizes that Belarus violated the rights of Ales Bialiatski](#) (November 2014)

[Ales Bialiatski: Two years of silence in Belarus penal colony](#) (July 2014)

["Ales Bialiatski released, but other political prisoners remain in jail" – UN expert](#) (June 2014)

[Pinsk BCD coordinator gets warned](#) (January 2014)

[Belarus' senators approve amendments to laws on political parties](#) (October 2013)

[EU policy towards Belarus](#) (September 2013)

[What is not permitted is prohibited: Silencing civil society in Belarus](#) (April 2013)

[Belarusian Human Rights Defenders Need Support](#) (February 2013)

[Socially Oriented Mobile Applications for Belarusian Civil Society](#) (January 2013)

[Belarusian human rights center's property confiscated](#) (December 2012)

[Belarus human rights center staff facing eviction](#) (November 2012)

[EU renews Belarus sanctions due to human rights concerns](#) (October 2012)

[Belarus refuses cooperation with the UN Human Rights Committee in Bialiatski case](#) (September 2012)

[Amnesty International concerned over new probe of jailed Belarus activist](#) (July 2012)

[In Minsk, Eurovision winner Loreen expresses support for political prisoners](#) (July 2012)

[U.S., OSCE say Belarus bans activist from travelling](#) (July 2012)

[In Belarus, journalist arrested, charged with libel](#) (June 2012)

[The Observatory refers the case of Mr. Ales Bialiatski to the UN Working Group on Arbitrary Detention](#) (April 2012)

[European dialogue on modernization with Belarus launched](#) (March 2012)

## Key Events

### **International Covenant for Civil and Political Rights (ICCPR)**

Belarus ratified the International Covenant for Civil and Political Rights (ICCPR) in 1992. In October 2018, it presented its first report on its execution of the ICCPR to the UN Human Right Committee. Belarusian human rights defenders submitted an alternative report highlighting concerns about freedom of speech

and assembly, capital punishment, discrimination, torture, and other issues. They also provided a [range of recommendations](#), most of which were supported by the Committee.

Belarus faced multiple claims before the Committee for violating Article 22 of the ICCPR, which addresses freedom of association, but it has not complied with any concluding observations (e.g., Communication No. 1383/2005, *Katsora et al. v. Belarus*). In August 2022, Belarus withdrew from the Optional Protocol to the ICCPR (OP-ICCPR), cutting off individuals' ability to bring complaints to the Human Rights Committee for violations of their rights under the ICCPR.

### **International Condemnation of Civic Freedoms Violations**

The August 2020 presidential election and subsequent crackdown drew widespread condemnation from the UN, the Council of Europe, and numerous governments. On March 24, 2021, the UN Human Rights Council adopted a resolution condemning abuses of fundamental freedoms in Belarus, which Minsk rejected.

### **UN Monitoring of Human Rights Violations**

In March 2022, the UN Office of the High Commissioner for Human Rights (OHCHR) released a [report documenting widespread human rights abuses, the protection of perpetrators of abuses by the state, and the obstruction of accountability](#) both before and after the August 2020 elections. Between May 2020 and May 2021, at least 37,000 people were detained, including 13,500 during the week of the election alone. By March 2022, more than 1,000 people were being held in prison on politically motivated charges, with some serving sentences of 10 years or more.

In September 2023, the UN Deputy High Commissioner for Human Rights, Nada Al-Nashif, confirmed that civic space continues to shrink, noting “a campaign of violence and repression” against dissenting voices and ongoing impunity for human rights violations.

### **Expansion of Surveillance (Decree No. 368)**

On October 18, 2022, President Lukashenko issued Decree No 368, greatly expanding state surveillance powers. The decree requires online resources, including email providers, messengers, online retailers, and taxi and car sharing services, to retain user data and provide law enforcement and security agencies with direct remote access. These measures lack judicial safeguards, are not subject to court review, and further entrench the state's ability to monitor and suppress civic activity.

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<https://www.icnl.org/resources/civic-freedom-monitor/belarus>