

# Monitoring

## The fulfilment of the suggestions of the European structures in regard to bringing NGOs and freedom of association to normal condition by the Belarusian authorities

Prepared by the Assembly of pro-democratic NGOs of Belarus



**The period of monitoring: 20.12.2008 - 28.02.2009 (the interim report #2)**

According to the report of the Ministry of Justice, on January, 1st 2009 in Belarus existed 15 registered political parties, 36 trade unions and 2221 civic organizations (among those 224 international, 702 republic and 1295 local). Thus, the number of the civic organizations decreased by 34. As well by the beginning of 2009 22 unions of the civic organizations and 75 foundations had been registered.

In total, in 2008 the Bodies of Justice registered 94 new civic organizations (local in their majority), 14 new foundations and 3 new unions of the civic organizations. 28 new organizational structures of political parties, 1297 organizational structures of trade unions, 10017 organizational structures of civic

organizations have been registered and put on a record. In total, these data coincide with the number of organizations registered in 2007, but exceed the data of 2005 and 2006.

Apart from those, some of the NGOs exist in a form of institutions which are registered as commercial organizations (this way of registration was implied by the Presidential Decree #1 on January, 16, 2009). At the moment this form of registration of non-commercial organizational is very close to the simplest way of registration-the so-called "stating way" (you need to provide a minimum number of documents, you do not need to confirm your legal address, the process of the registration takes just a couple of days and usually you get a legal status after all). According to the latest reports, it became very popular among those non-commercial organizations which are not able to register as civic organizations or foundations to register in the form of an institution.

### **1. Criminal Penalty for the Activities of Unregistered Organizations**

On February, 19 the leader of the department of the Union of Poles in Baranavicy, Tereza Selivoncyk, received from the prosecutor's office a warning of a possible call for criminal responsibility according to Article 193-1 of the Criminal Code. According to the words of Andrzej Poczobut, the member of the Head Council of the Union of Poles, it was the first time when the government decided to use the sadly known article 193-1 in regard to the members of the Union. Andrzej also says that at the same time the members of the Union on the territory of all the country started to experience a strong pressure from the authorities which agitate them to stop their membership in the organization. The members are being invited to the KGB, to the Ministry of Internal Affairs and to the prosecutor's office where they are told openly about the criminal persecution in case of their participation in the congress of the Union which is planned to take place on March, 14-15.

### **2. The Registration of Organizations**

The registration of the Civic Organization for Human Rights Defense and Education "The Movement "For Freedom" urged some civic organizations to try to get a registration and a legal status for themselves. As known, in January-February, 2009 more than 10 groups of citizens applied in the Ministry of Justice for their registration as republic civic organizations. In February the Ministry of Justice registered the republic civic organization "The Creative Youth League". Even more applications were submitted on the local level during this period.

On February, 7 the meeting of the association "Assembly of the pro-democratic NGOs" took place. On February, 27 the meeting of the youth civic organization "Center of the youth initiatives "Modes" was organized; on February, 28 the meeting of the party "Belarusian Christian Democracy" took place. As well in February activists in town Biaroza of the Horadnia region tried to register the civic cultural educational organization "Spadcyna", etc.

In January-February, 2009 the republic organization- Human Rights Center "Nasa Viasna" ("Our Spring"), as well as the local organization, Human Rights Center "Bresckaja Viasna" ("The Brest Spring") applied for a registration. Both of the organizations were created by the founders of the Human Rights Center "Viasna" which was liquidated twice (in 1999 and in 2003) and which was denied registration in 2007. Regarding these events the UN Committee on Human Rights announced the fact of the violation of the freedom of association by Belarusian authorities.

The Ministry of Justice did not make any decision concerning the case of the registration of the organization "Nasha Viasna" within one month (the officially established time for registering an organization). By February, 28 the decision was not made though all the documents were submitted to the Ministry of Justice by January, 26. The documents are being checked by the Ministry's official Alaksandar Haryton who was connected with the mass liquidation of NGOs in Belarus. For this reason he had been prohibited from entering EU together with other Belarusian officials, but later, in 2008, the visa ban in regard to Alaksandar Haryton was cancelled by EU.

Concerning the registration of the organization "Bresckaja Viasna", the Brest department of Justice denied it in registration.

After the integration of the company "Palimir" into the industrial concern "Naftan" (the town Navapolacak in the Vitebsk region), The Independent Trade Union applied for a re-registration of its status. But local authorities refuse to accept that the non-governmental trade union has become a common organization.

Underwent a re-registration 6 out of 7 religious communities of the International Society for Krishna Consciousness which operate in Belarus. For the moment only one community in Babrujsk (Mahilou region) did not manage to re-register.

In the end of 2008 at least two appeals on the decisions of The Ministry of Justice about the denials of registration were awaiting their review in the Supreme Court of Belarus. One of the appeals was from the Social Ecological Civic Organization "The Center for the Support of the Chernobyl Initiatives" and another one—from the Social Patriotic Civic Organization "Horizontal". In both cases the review of the appeals in court was delayed because the bodies of Justice required an examination of some founders' signatures in the documents submitted for the registration of the organizations, even though the activists came to court personally and proved their will to create the above mentioned organizations.

Moreover, reviewing the case of the Social Ecological Civic Organization "The Center for the Support of the Chernobyl Initiatives", the Supreme Court even appointed the second examination of the signatures, though the first one did not prove that the signatures had been faked. The process of the registration of the mentioned organization has been running since the spring of 2008 and the judicial proceedings of the appeal in the Court make an impression of those intentionally delayed by the representatives of the Ministry of Justice, as well as by judges themselves. It might be that all these delays in making the decision are connected with the unwillingness to deny these two organizations in registration during the 6-month trial period when EU stopped its sanctions against Belarusian authorities.

On January, 20 the local authorities of Baranavicy (the Brest region) denied in registration to the local branch of the civic organization "Belarusian Association of Journalists". In February Mahilou's authorities allowed the regional branch of the party Belarusian Popular Front to rent an office, which gives this organization an opportunity to be registered.

In March The Party of Labor which was liquidated in 2004 is planning to organize a congress. In April the meeting of The Party of Liberty and Progress which has been denied in registration 3 times during the last years will take place. The organization "Young Front" which is registered in Czech Republic has an intention to try to be registered in Belarus- for the 5th time. Though now it will be done in another way: at first they will try to register separate branches of the organization in different cities (for more information on this issue see paragraph 5 of the Monitoring).

### **3. Warnings, Inspections and Other Sanctions**

On January, 6, 2009 The Republic Civic Organization "PEN Center" received a written warning. The reason for the warning was the result of an inspection which was organized despite the declared by the authorities in the end of 2008 6-month moratorium on all kinds of inspections. The organization was accused of the lack of a legal address (despite of its lease agreement), of the violation of the rules of business, of receiving and sending an unsanctioned correspondence via e-mail and of an illegal defense of its rights (concerning the protests of the organization against the confiscation of a registered magazine "ARCHE" at the Belarusian-Polish border because of its so-called "extremist character").

In February the Homiel region's department of Justice sent a written warning to the Youth Non-Governmental Organization of Regional Studies "Talaka" which has existed in the region for more than 10 years. In the note of warning signed by the head of the department Vital Makarevic is mentioned that it had been issued for the use of unregistered symbols on its site and in the newsletters which "Talaka" distributed in the region. The members of the organization think that the warning is connected with the increase of the civic activity of "Talaka".

According to the information given by the members of the National Public Association "Belarusian School Society", after a couple of events organized by the Association in some schools, its members who worked there as teachers experienced pressure by their employers.

In accordance with the report of the Ministry of Justice, in 2008 28 civic organizations were liquidated judicially and some of them were liquidated by their founders, voluntarily. It is also mentioned that the Ministry of Justice issued only one written warning with regard to one political party, which is far less than the quantity of the written warnings issued by the Ministry during the previous years.

### **4. Following the Recommendations of the UN Human Rights Committee**

The judge of the Leninski district of Minsk city Ms Zulkouskaja denied starting a case grounded on Viktor Karniajenka's appeal against the Ministry of Foreign Affairs. It was all about the continuation of the work of the Homiel region civic organization "Civic Initiatives" according to the recommendation of the UN Human Rights Committee. Mr Karniajenka wanted a representative of the Ministry of Foreign Affairs (which is responsible for the control of the implementation of international agreements by Belarusian authorities) to come to the court and to answer, why organization "Civic Initiatives" is still prohibited.

### **5. Access to Premises**

In the beginning of February the civic association "For European Masty" (in the town Masty in the Harodnia region) could not get a legal address in an administrative building (which makes it impossible to register any civic organization in Belarus). The regional Executive Committee of Masty denied Ales Zarambiuk in giving him a legal address for his organization's registration explaining that there are no free offices.

In February the authorities of the town Mazyr in the Homiel region denied helping "Young Front" a legal address, motivating it by the legal prohibition to interfere with the work of civic organizations. On February, 6 the founders of the organizations referred to the local authorities with a request to help them in finding a place for the organization of a congress, as well as in obtaining legal address without having which it is impossible to register an organization. As the activists stress, this requirement (having legal address) makes the creation of civic organizations very hard because authorities, for instance, are used to oppressing renters who dare to conclude a lease agreement with civic organizations.

All in all, more than in 30 Belarusian cities the local branches of "Young Front" applied in the local Executive Committees for providing them with premises and with legal addresses which are necessary for their registration.

On February, 18 the Association "Protection of Monuments Society" was forced to abandon the premises in the center of Minsk where it has been located for more than past 20 years! The building was renovated by the organization and belonged to it. In 2004 the State nationalized the building, turned its ex-investor into a leaseholder and in 2008 forced the organization to move out. The Head of the Association thinks that all the promptness of moving them out can be explained by its active civic position: the organization often revealed to the publicity the facts of violations of the law on the protection of historic and cultural heritage.

## **6. Interference of the Authorities into the Constituent Meetings of Civic Organizations and Other Events**

The founders of the Social Civic Organization "Belarusian Christian Democracy" had troubles looking for a place to organize their constituent meeting on February, 28. The representatives of 10 institutions denied in renting their premises for political reasons (including the representatives of the Minsk Educational Center (IBB), of the Youth Theatre of Estrade, of the cinemas "Aurora" and "Centralny", of the Central House of Military Officers, of the House of Culture for the Railway Workers and those of MAZ, MTZ, "Sukno" and the House of the Republic). After the founders of "BChD" decided to organize their meeting in the center of Minsk, in the street, the authorities quickly found a place for them. But, at the same time, local authorities in the regions were creating difficulties for the members of "BChD" in organizing local meetings aimed at elections of the delegates who would go to Minsk. (The total number of the local meetings resulted in 63.) The authorities also threatened some members that they would be fired (or excluded from their colleges) if they take part in the constituent meeting of "BChD".

The administration of the Minsk Educational Center (IBB) agreed to rent its premises for the organization of an important forum of Belarusian NGOs-VI Congress of Non-Governmental Organizations and Initiatives which will take place on March, 6-7. But, as in case with "BChD", the organizers had many problems preparing for the event. For instance, the Homiel region Executive Committee did not give its permission for the meeting of Homiel NGOs and initiatives. Uladzimir Kacora, the Deputy Head of the National Public Association "Law Initiative", told us the following: the meeting had to take place in the House of Children and Youth Creativity "Junactva". We had agreed on everything with the director- discussed the rent, etc. But as the building belongs to the local authorities, Mr. Kacora asked Mr. Kiryzenka, the Deputy Head of the Regional Executive Committee on ideological issues, to give him an official permission for carrying out the meeting. Soon the director of the House of Children and Youth Creativity "Junactva" called Mr. Kacora and told him that he would not be able to rent him the premises. He did not tell any reasons saying that he could not discuss this issue on the phone.