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Human rights situations that require the Council's attention

Situation of human rights in Belarus

Report of the Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin

Summary

In the present report, submitted pursuant to Human Rights Council resolution 53/19, the Special Rapporteur, Anaïs Marin, provides an overview of her major concerns regarding human rights in Belarus between 1 April 2023 and 31 March 2024. The report demonstrates an ongoing deterioration as the country entered a new electoral cycle. It overviews how repressive measures target Belarusian citizens inside and outside the country, affecting a broad spectrum of human rights. The report focuses on the right to freedom of association, revealing a targeted eradication of all independent associations in Belarus since 2021, which affects civil society organizations and initiatives, political parties, trade unions, bar associations and religious organizations.



I. Introduction

A. Summary

1. The mandate of the Special Rapporteur on the situation of human rights in Belarus was established in 2012 by the Human Rights Council in its resolution 20/13. It has been renewed on a yearly basis, for the eleventh time in 2023.
2. The present report, submitted to the Human Rights Council pursuant to its resolution 53/19, covers the period from 1 April 2023 to 31 March 2024.
3. The Special Rapporteur concludes that the human rights situation in Belarus has continued to deteriorate, due to a deliberate policy of deterring dissidence launched in the aftermath of the contested August 2020 presidential elections. This includes retaliatory measures against real and perceived opponents, handing out arbitrary prison sentences, harassing Belarusians who have sought exile abroad, and eradicating civic space. A concerning trend is the harassment and collective punishment of the relatives of individuals who have suffered or are suffering human rights violations in retaliation for upholding human rights in the aftermath of the 2020 human rights crisis.
4. The report highlights other concerning trends, including ill-treatment and deaths in custody, possible enforced disappearances, loosening of the legal framework governing the use of force by State agents, widespread arbitrary detentions, politically motivated convictions by courts, a continuing crackdown on freedom of expression and growing interference with the right to privacy.
5. The second part of the report examines the latest phase of the deliberate eradication, since 2020, of independent associations, overviewing how repressive laws and policies have purged civic space by selectively targeting grass-roots civil society organizations, opposition political parties, independent trade unions, minority religious organizations, bar associations, cultural associations and online communities.
6. The Special Rapporteur concludes that the human rights situation in Belarus remains extremely preoccupying and requires the Council's sustained attention.

B. Methodology

7. The report is based on allegations of human rights violations received by the Special Rapporteur over the past year, findings of United Nations human rights bodies and mandates, and first-hand interactions with civil society organizations, attorneys, victims of human rights violations and their relatives, as well as on publicly available sources. The report builds on more than 20 submissions received in response to a public call for inputs issued by the Special Rapporteur in December 2023, as well as on her consultations with various stakeholders in Lithuania, Poland, Switzerland and the United Kingdom of Great Britain and Northern Ireland.
8. The Special Rapporteur thanks all those who contributed to the present report. She admires the courage of victims of human rights violations, congratulates their relatives for their resilience and dignity, and commends the inventiveness and cautiousness of all those who continue to promote and protect human rights in Belarus in such adverse conditions.
9. The substantial risk of reprisals faced by victims of human rights violations, their relatives, and those who work on defending them, including by engaging with international human rights mechanisms, remains topical. Henceforth, where informed consent from victims or their relatives could not be obtained with a guarantee that no harm would ensue, the names of victims and sources, including of human rights-defending organizations submitting input for the present report, were kept anonymous as a measure of protection against retaliation.

II. Engagement with the international human rights system

10. In its resolution 53/19,¹ the Human Rights Council urged the Government of Belarus to cooperate fully with the Special Rapporteur, hence the mandate holder regrets that the authorities did not respond to her requests for access to the country and offers to meet. The Belarusian authorities did not attend the Special Rapporteur's interactive dialogues with the Human Rights Council and the General Assembly, held on 4 and 5 July and 25 October 2023 respectively.

11. Over the reporting period, the Special Rapporteur, together with other special procedures of the Human Rights Council, transmitted 13 communications to Belarusian authorities. By 1 April 2024, only two responses had been received.

III. Legal framework and related developments

12. During the period under review, Belarus entered a new electoral cycle. Against the backdrop of growing international isolation, interdependence with the Russian Federation increased. The domestic legal framework was adjusted to justify post hoc the continuous repression and harassment of dissenters at home and abroad, while measures were introduced to consolidate the authorities' grip on society and their impunity.

A. General developments

13. Belarus held parliamentary and local elections in February 2024. Organization for Security and Cooperation in Europe (OSCE) observers were not invited to monitor the process. The political opposition was not represented in electoral commissions, nor among the 110 deputies elected to the House of Representatives (the lower chamber of Parliament). At the end of the reporting period, parliamentarians were due to be appointed to the Council of the Republic (the upper chamber of Parliament) in April 2024. Subsequently, delegates are sent to form the All-Belarusian People's Assembly, a body given constitutional status in 2022.² Presidential elections are due at the latest in mid-2025. Aliaksandr Lukashenka, who has been in office for 30 years, has announced his intention to run.

14. The Government of Belarus continues to actively support the military aggression of the Russian Federation against Ukraine and has been facing sanctions as a result. International isolation has limited the authorities' room for diplomatic manoeuvre, while prompting them to seek deeper economic, political and military integration with the Russian Federation. The Belarusian population has no say in these developments. Those expressing disapproval of the Government's domestic and foreign policy have been labelled as "extremists" and prosecuted. Counter-terrorist and anti-extremist legislation continues to be instrumentalized to punish and deter political opposition.³ Militarization of the society, including of youth and children, is reportedly under way.

15. Notwithstanding the ongoing crackdown, which has pushed the political opposition to self-censorship, prison or exile,⁴ and the ongoing purge of civic space, the Government seems keen on proofing itself against any future challenges to its rule. The period under review thus saw sustained governmental efforts to legislate in order to restrict human rights even more.

B. Legislative developments

16. Law No. 337-Z of 3 January 2024 abolished the prohibition on security forces indiscriminately using arms against crowds and expanded the list of circumstances under

¹ See para. 22.

² [A/HRC/50/58](#), paras. 61 and 62.

³ See the Special Rapporteur's 2023 thematic report to the General Assembly ([A/78/327](#)).

⁴ See the Special Rapporteur's 2022 thematic report to the General Assembly ([A/77/195](#)).

which arms can be used against women, underage persons and persons with disabilities. Presidential Decree No. 37 of 1 February 2024 amended the Internal Service Regulations of the Armed Forces, providing that “the service person is not liable for harm caused” to a civilian “as a result of the use of physical force, special means or military equipment, or the application or use of weapons” if the harm is caused “in accordance with the requirements of general military regulations”.

17. Recalling that military personnel were assigned to crack down on protesters during the 2020 protests,⁵ and bearing in mind the findings of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on those events,⁶ the Special Rapporteur finds the amendments allowing for impunity of military forces as particularly worrying. She recalls that immunities provided to perpetrators of intentional killings and to their superiors are incompatible with article 6 of the International Covenant on Civil and Political Rights,⁷ ratified by Belarus on 12 November 1973. According to the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,⁸ intentional lethal use of firearms may only be made when it is strictly unavoidable in order to protect life.⁹

18. Several adopted or proposed measures are aimed at increasing surveillance over the population (Presidential Decrees No. 269 of 29 August 2023 and No. 927 of 25 September 2023; and Law No. 363-Z of 3 April 2024).

19. Presidential Decree No. 927 of 25 September 2023, on State registration and operation of civilian unmanned aerial vehicles, prohibits physical persons from importing, storing, selling, operating and manufacturing civilian drones.

20. The law on the mass media was amended to allow for banning foreign mass media from operating in Belarus (Law No. 274-Z of 30 June 2023).

21. Law No. 335-Z of 3 January 2024 granted Presidents of Belarus and their family members lifelong immunity from prosecution and investigation. Law No. 286-Z of 17 July 2023 allowed for trials against deceased persons for reasons other than rehabilitation.

22. National and linguistic minorities were deprived of the right to education in their mother tongues (Law No. 300-Z of 17 July 2023).

23. Further restrictions were introduced on freedom of association, targeted at religious organizations (Law No. 334-Z of 30 December 2023). Together with relevant special procedure mandate holders, the Special Rapporteur expressed concerns about this development.¹⁰

C. Measures targeting citizens relocating abroad and their family members

24. Law No. 268-Z of 11 May 2023 allowed the Committee of State Security (KGB) to prohibit exit from the country, for up to six months, to individuals whose departure “runs against the interests of national security”, opening the door for arbitrary restrictions on the right to leave one’s own country (art. 12 (2) of the International Covenant on Civil and Political Rights).

25. Resolution No. 798 of 20 November 2023 of the Council of Ministers introduced an obligation for Belarusian citizens relocating abroad to inform the State about their country of destination, and the names, dates of birth, places of work and addresses of their parents,

⁵ A/HRC/49/71, para. 34.

⁶ A/HRC/55/61, para. 17.

⁷ Human Rights Committee, general comment No. 36 (2018), paras. 27 and 64.

⁸ See <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement>.

⁹ See para. 9.

¹⁰ See communication BLR 7/2023. All communications, and replies thereto, mentioned in the present report are available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>. See also <https://www.ohchr.org/en/press-releases/2024/02/belarus-un-experts-concerned-about-new-law-freedom-conscience-and-religious>.

children and ex-spouses. Such data collection is preoccupying given reports about harassment of family members of expatriates and the exiled. Previously, Law No. 242-Z of 5 January 2023 had introduced an obligation for all Belarusians abroad to inform diplomatic services when holding other citizenships, foreign residence permits or “other documents of a foreign State, providing entitlement to benefits and other advantages”. These measures may result in unjustified interference with privacy and the family under article 17 of the International Covenant on Civil and Political Rights and lead to additional human rights violations.

26. Presidential Decree No. 278 of 4 September 2023 discontinued the issuance of passports and powers of attorney by Belarusian consulates and forbade real estate property transactions in Belarus under powers of attorney established abroad. Of particular concern is the situation of children born abroad to parents who cannot travel to Belarus to obtain documents confirming their children’s citizenship. In the long run, this may lead to loss of proof of citizenship and, potentially, to statelessness.

27. Presidential Decree No. 278 has been interpreted by Belarusian educational institutions as preventing them from delivering copies of documents certifying studies under powers of attorney issued abroad,¹¹ which impacts on the capacity of Belarusians abroad to study and work, affecting their rights under articles 6 and 13 of the International Covenant on Economic, Social and Cultural Rights.

28. The prohibition of property transactions with powers of attorney established abroad affects the enjoyment of the right to own property under article 17 of the Universal Declaration of Human Rights and creates a risk of financial precarity. Moreover, the authorities began expropriating property of citizens tried in absentia.¹² Meanwhile, and with punishments that are reminiscent of the infamous “anti-parasite” laws, housing and utilities charges were raised for able-bodied citizens who leave Belarus for over 30 consecutive days, except to go to countries of the Eurasian Economic Union (Council of Ministers resolutions No. 166 of 25 March 2022 and No. 756 of 1 November 2023).

IV. Human rights concerns

A. Right to life and physical integrity

1. Death penalty

29. A new sentence of death was handed down by Minsk Regional Court on 19 October 2023 and was upheld by the Supreme Court on 9 January 2024.¹³

30. On 12 October 2023, the Human Rights Committee yet again found a violation of the right to life and the right to a fair trial (arts. 6 and 14 of the International Covenant on Civil and Political Rights) in a case in which the death penalty was imposed in Belarus, which proceeded with the execution notwithstanding the interim measures granted by the Committee, in violation of article 1 of the Optional Protocol to the International Covenant on Civil and Political Rights.¹⁴

2. Deaths in custody

31. In November 2023, Belarusian non-governmental organizations (NGOs) reported being aware of 13 deaths of people in places of detention, most likely caused by inadequate or untimely medical care, as well as three deaths that occurred upon release from detention due to coronavirus disease (COVID-19) infections contracted in detention, since 2020.¹⁵

¹¹ See <https://news.zerkalo.io/life/50132.html> (in Russian).

¹² A/HRC/53/53, para. 39.

¹³ See <https://www.belta.by/society/view/vs-ostavil-bez-izmenenija-prigovor-roditeljam-trehletnego-semena-taratuty-smertnaja-kazn-i-25-let-609057-2024/> (in Russian).

¹⁴ *Khmelevsky v. Belarus* (CCPR/C/139/D/2792/2016), paras. 6.1–6.5.

¹⁵ See <https://www.ohchr.org/sites/default/files/documents/hrbodies/upr/midtermreports/ngosmidtermreports/UPR-Belarus-mid2023.pdf>.

Since then, reports of two more deaths in custody have appeared. Of these 18 persons, five were reportedly convicted on politically motivated charges¹⁶ and at least two are likely to have died due to medical negligence.¹⁷ None of the deceased underwent an autopsy.

32. The Special Rapporteur recalls that loss of life occurring in custody, in unnatural circumstances, creates a presumption of arbitrary deprivation of life by State authorities, in violation of article 6 of the International Covenant on Civil and Political Rights. Such presumption can only be rebutted on the basis of a proper investigation.¹⁸

B. Torture and other cruel, inhuman or degrading treatment or punishment in places of detention

33. Over the reporting period, together with other special procedures, the Special Rapporteur addressed to Belarusian authorities several communications in relation to alleged ill-treatment during “administrative arrests”,¹⁹ in prisons and correctional colonies.²⁰ Responses have only been received to two communications.²¹ Yet, even in those cases, no indication was given regarding the launching of an investigation into the alleged ill-treatment.

34. Multiple allegations have emerged about particularly harsh treatment of detainees deprived of liberty on political grounds. The Special Rapporteur is concerned that detention is taking an important toll on the health of most of those persons, in extreme cases leading to hospitalizations²² and even deaths.²³ She received concordant testimonies from former inmates about serious, possibly irreversible, degradation of the health of many political prisoners, such as losing sight and teeth, allegedly as a result of deliberately imposed malnutrition and ill-treatment, and inappropriate or untimely health care.

35. In prisons and correctional colonies, inmates convicted on politically motivated charges reportedly wear a special yellow mark, have arbitrary restrictions on communication with families and lawyers imposed on them, are frequently transferred to “punitive isolation cells” (SHIZO) and “cell-type spaces” (PKT), notorious for inhuman detention conditions, where they find themselves in solitary confinement and incommunicado detention, and are prohibited from receiving correspondence and packages, and even medicine.²⁴ Such transferrals are disciplinary sanctions for petty and far-fetched transgressions of penitentiary rules, such as an unshaved face, an unfastened button, or errors made while introducing themselves to prison staff in a lengthy oral report which inmates are obliged to deliver several times a day.

36. Under article 114 (1) of the Penal Enforcement Code, inmates placed in a SHIZO cannot receive visits or have telephone conversations, make purchases from the prison shop, receive or send post, use board games or smoke. They are not provided with bedding and cannot walk outside the cell. SHIZO cells are reportedly tiny (4m²) and cold. Inmates suffer sleep deprivation due to lights being on around the clock, and are prohibited from unfastening the bunk bed between 5 a.m. and 9 p.m. or sitting on the floor. Prisoners in a SHIZO reportedly suffer from hunger, due to insufficient prison rations.²⁵ Even though under article 113 (9) of the Penal Enforcement Code, placement in a PKT must be authorized by a medical professional and the inmates therein must be checked daily, in practice these provisions are reportedly not always observed.²⁶

¹⁶ See BLR 4/2023 and BLR 6/2023.

¹⁷ A/HRC/55/61, para. 36.

¹⁸ Human Rights Committee, general comment No. 36 (2018), para. 29.

¹⁹ See BLR 3/2023 and 10/2023.

²⁰ See BLR 3/2023, BLR 4/2023, BLR 6/2023, BLR 9/2023, BLR 11/2023, BLR 12/2023, BLR 13/2023, BLR 1/2024 and BLR 2/2024.

²¹ See the replies to BLR 9/2023 and BLR 1/2024.

²² See BLR 3/2023, BLR 4/2023, BLR 6/2023, BLR 13/2023, BLR 1/2024 and 2/2024.

²³ See BLR 6/2023 and BLR 13/2023.

²⁴ See BLR 4/2023, BLR 9/2023 and BLR 10/2023.

²⁵ See BLR 10/2023.

²⁶ See BLR 9/2023.

37. Article 112 of the Penal Enforcement Code allows for the placement of inmates in a SHIZO for up to 10 days and in a PKT for up to six months. However, there are no legal safeguards against the repeated consecutive imposition of disciplinary sanctions for different transgressions. Even though such disciplinary measures can be challenged in courts, these remedies are reportedly ineffective and even inaccessible, as inmates face restrictions on communication with their lawyers, or as a consequence of their lawyers having been disbarred.

38. After several disciplinary sanctions, inmates are labelled as “persistent offenders” and lose the chance to be amnestied or released on parole. Inmates added onto the State Security Committee’s list of persons involved in terrorist activities, such as the human rights defender Nasta Loika, cannot receive money transfers and can therefore not purchase anything inside the prison.²⁷

39. The Special Rapporteur received numerous allegations about denial of adequate medical assistance and care in prisons and correctional colonies, including in cases of life-threatening²⁸ and terminal²⁹ diseases, and about lack of consideration for personal vulnerabilities of inmates, such as advanced age.³⁰

40. The Special Rapporteur takes note of the statement by the Belarusian Ministry of Foreign Affairs which denies allegations of harsher detention conditions created for some prisoners and affirms that all prisoners receive necessary medical assistance.³¹ In the absence of cooperation of the Belarusian authorities and without any investigations launched, the Special Rapporteur cannot disregard as unfounded the allegations received.

41. Since 2020, at least 27 persons serving prison sentences on political grounds have allegedly been sentenced to additional prison terms under article 411 of the Criminal Code,³² which provides for punishment of up to two years of additional imprisonment for “malicious disobedience of lawful demands” of the penitentiary administration. This practice is incompatible with article 9 (prohibition of arbitrary detention) and article 14 (right to a fair trial) of the International Covenant on Civil and Political Rights.

42. The Special Rapporteur has received allegations about forced labour in correctional colonies and in “therapeutic labour preventoriums” (i.e. rehabilitation centres for persons suffering from alcoholism or drug addiction). Inmates in correctional colonies are allegedly forced to do hard physical labour for derisory pay and sometimes spend long working hours in extreme cold temperatures (as low as -30°C) or in heat without proper hygiene. Their state of health and their age are allegedly not taken into consideration – the only reason for being exempted from work being a certified disability. Correctional Colony No. 3 reportedly forces inmates to melt metal wire, a procedure which liberates harmful waste into the air. Notwithstanding a fine imposed on the colony by environmental authorities in 2023, this harmful practice has allegedly continued, the chimney being blocked to conceal the smoke.

43. The alleged cases of ill-treatment of detainees, including denial of proper medical assistance, placement in unhealthy environments and forced hard labour in dire conditions, run against the obligations of Belarus under articles 7 and 10 of the International Covenant on Civil and Political Rights, and articles 1, 2, 3 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Belarus on 13 March 1987, as well as articles 12 and 17 of the International Covenant on Economic, Social and Cultural Rights.

C. Enforced disappearances

44. The Special Rapporteur is extremely preoccupied about the prolonged incommunicado detention of several prisoners, which violates article 7 (prohibition of torture

²⁷ See BLR 11/2023 and BLR 12/2023.

²⁸ See BLR 3/2023, BLR 6/2023 and BLR 9/2023.

²⁹ See BLR 1/2024 and BLR 2/2024.

³⁰ See BLR 12/2023 and BLR 1/2024.

³¹ See https://mfa.gov.by/en/press/news_mfa/e87836d61ac07460.html.

³² See BLR 8/2023.

and cruel, inhuman or degrading treatment or punishment), article 9 (liberty and security of person) and article 16 (right to recognition as a person before the law) of the International Covenant on Civil and Political Rights, and may amount to enforced disappearance within the meaning of the Declaration on the Protection of All Persons from Enforced Disappearance.³³

45. In a joint communication to Belarus sent on 22 December 2023,³⁴ the Special Rapporteur and other special procedures referred to two imprisoned members of the political opposition, Mikalai Statkevich and Maria Kalesnikava, held incommunicado since February 2023. Reports had previously circulated about their ill-treatment and hospitalizations. The Special Rapporteur is aware of several other cases of prolonged incommunicado detention, including of the politicians Siarhei Tsikhanouski since March 2023 and Viktor Babaryka since April 2023³⁵ and the lawyer Maksim Znak since February 2023. Others have been subjected to consecutive shorter-term incommunicado detentions, such as the activist Palina Sharenda-Panasiuk, communication with whom has been lost on several occasions since her arrest in 2021, the last time being in December 2023.

D. Arbitrary detention

46. According to OHCHR, since 2020, tens of thousands of Belarusians have been arbitrarily arrested and detained on political grounds.³⁶ Viasna estimates that, as at 27 March 2024, there were 1,400 “political prisoners” in Belarus, in addition to 3,092 “former political prisoners” detained since February 2009.³⁷ The number of persons criminally sentenced to deprivation of liberty on political grounds may be higher, as some prisoners prefer not to go public for fear of retaliation.

47. There is a growing number of allegations of harassment, including arbitrary detention, of family members of prisoners and persons in exile. Reports have emerged about security forces conducting “raids” into homes and State-owned enterprises, inspecting and seizing digital devices and proceeding with arbitrary detentions. Between April and December 2023, human rights activists documented 66 such raids, during which several hundred people were detained. Arbitrary detentions are also reported in educational institutions, as on 30 November 2023, of 15 students of Brest State University, accused of distributing “extremist” and “Nazi” symbols on the Internet.³⁸

48. During 2023, at least 207 persons, including foreign nationals, were arrested during border-crossing checks. Almost all of them were sentenced to administrative arrests and fines for reposting news from independent media or for “picketing” with national symbols. Eighteen of them were criminally convicted.³⁹

E. Politically motivated prosecution and fair trial guarantees

49. As at 8 November 2023, law enforcement authorities had registered more than 16,000 crimes of an extremist nature since 2020,⁴⁰ nearly half of them in Minsk.⁴¹

³³ See <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-protection-all-persons-enforced-disappearance>.

³⁴ See BLR 13/2023.

³⁵ See <https://www.currenttime.tv/a/v-kakih-usloviyah-otbyvaet-srok-viktor-babariko/32799298.html> (in Russian).

³⁶ A/HRC/55/61, para. 15.

³⁷ See <https://prisoners.spring96.org/en/table>.

³⁸ See <https://belsat.eu/ru/news/01-12-2023-v-brestskom-universitete-imeni-pushkina-proshli-massovye-zaderzhaniya> (in Russian).

³⁹ See <https://spring96.org/ru/news/113903> (in Russian).

⁴⁰ See <https://sputnik.by/20231108/shved-zapad-prodolzhaet-popytki-destabilizirovat-obstanovku-v-belarusi--1080985825.html> (in Russian).

⁴¹ See <https://minsknews.by/sledstvennyj-komitet-za-poluchenie-vzyatki-bylo-vozbuzhdeno-74-ugolovnyh-dela-v-stolicze-v-2023-godu/> (in Russian).

50. As at 1 January 2024, 1,156 people, including 397 citizens of Belarus, were on the State Security Committee's "List of organizations and persons involved in terrorist activities". Between April 2023 and January 2024, 120 people were added to that list. As at 10 February 2024, the list of persons involved in extremist activities, compiled by the interior ministry, included 3,765 persons. Between April 2023 and February 2024, 1,127 names were added, including of journalists and bloggers, lawyers, and human rights, trade union or opposition activists.

51. Many persons facing terrorist and extremist charges are tried in absentia without fair trial guarantees, as the accused are reportedly not allowed to participate in the proceedings remotely or through legal counsel of their choosing.

52. In July 2023, Eduard Babaryka, son of the imprisoned challenger to Mr. Lukashenka at the 2020 presidential elections, was sentenced to eight years in prison on charges of tax evasion, money laundering, organization of mass disturbances and hate speech. Viasna has recognized him as a political prisoner.⁴²

53. On 28 November 2023, the Investigative Committee announced criminal proceedings against more than 100 members of the "Coordination Council of the Opposition". In November and December 2023, the authorities conducted 130 searches at the homes of Council members, including Sviatlana Tsikhanouskaya's press secretary Anna Krasulina, Council delegate Yury Hubarevich, human rights lawyer Roman Kislyak, National Anti-Crisis Management director Pavel Latushka and analyst Siargey Chaly, and issued 145 warrants for property seizure.⁴³ On 23 January 2024, the Investigative Committee announced the beginning of in absentia criminal proceedings against Ivan Kravtsov,⁴⁴ executive secretary of the Council.

54. On 25 January 2024, the Investigative Committee announced in absentia proceedings against some 20 policy experts referred to as "Tsikhanouskaya analysts" on charges of "conspiracy to seize power," "destructive activities against national security" and "contributing to inciting enmity" (arts. 357, 361 and 130 of the Criminal Code). Among those targeted are foreign academics.

55. On 3 May 2023, the founder of the opposition channel Nexta, Stsiapan Putsila, was sentenced in absentia to 20 years in prison for organization of mass disturbances, public calls for the seizure of power and terrorism, and defamation and insulting of the President.⁴⁵ On 18 March 2024, the politician Aliaksander Dabravolski, the creator of the "New Belarus" application, Pavel Lieber, the head of the "Honest People" initiative, Elena Zhilochkina, and the head of "Malanka Media", Pavel Marinich, were sentenced in absentia to four years in prison under article 191 (2) of the Criminal Code for having "developed a plan for undermining" the 2022 constitutional referendum.⁴⁶

56. In February 2024, the prosecution requested 25 years of prison for Aliaksandr Azarau, the head of BYPOL, an association of former law enforcement officers who defected following the 2020 protests. Mr. Azarau and other BYPOL members are charged with 13 criminal offences, including terrorism.⁴⁷ In July 2023, Stanislau Lupanosau, ex-lieutenant colonel of the Main Directorate for Combating Organized Crime and Corruption, who cooperated with BYPOL, was sentenced in absentia to 18 years of imprisonment under article 356 (treason), article 352 (misappropriation of computer information) and article 426 (abuse of power) of the Criminal Code.

⁴² See <https://prisoners.spring96.org/ru/person/eduard-babaryka> (in Russian).

⁴³ See <https://www.belta.by/society/view/kazakevich-prokomentiroval-obyski-u-chlenov-koordinatsionnogo-soveta-603197-2023/> (in Russian).

⁴⁴ See <https://t.me/specprosk/47> (in Russian).

⁴⁵ See <https://www.belta.by/society/view/putilo-prigovoren-k-20-rudik-19-godam-kolonii-564580-2023/> (in Russian).

⁴⁶ See <https://belsat.eu/ru/news/18-03-2024-ozvuchen-zaochnyj-prigovor-za-popytku-sryva-referenduma-v-2022-godu> (in Russian).

⁴⁷ See <https://www.bbc.com/russian/articles/c2emr250dvqo> (in Russian).

1. Freedom of expression

Freedom of the mass media

57. As of 25 March 2024, there were 38 journalists and three media workers behind bars in Belarus.⁴⁸ This is over 4 per cent of the total number of jailed journalists in the world.

58. Law No. 274-Z of 30 June 2023 amended the law on the mass media, allowing for cancellation of the registration of a media outlet whose founder or editorial office has been included on an official list of terrorists or extremists, and for the banning of foreign media in retaliation for foreign States prohibiting the operation of Belarusian mass media on their territory.

59. According to reports received, between 1 April 2023 and 1 January 2024, at least 28 persons were detained for sharing information with independent media. Criminal prosecution was initiated in 2023 against former political prisoners Leanid Sudalenka and Vital Zhuk, who had given interviews about the conditions of their detention.

Prosecution for insulting authorities

60. According to Viasna, in 2023, at least 187 people were convicted for “insulting a representative of the authorities”, 324 for “insulting the President” and 162 for “inciting other social hatred” under articles 369, 368 and 130 of the Criminal Code,⁴⁹ offences punishable with fines or deprivation of liberty of up to 3, 5 and 12 years in prison, respectively.

2. Prosecution for distribution of “extremist” information

61. As of 10 February 2024, the “Republican list of extremist materials” maintained by the Ministry of Information⁵⁰ contained 4,733 materials. Most of the entries (1,581) are opposition Telegram channels and chats. During the reporting period, 1,542 information products were recognized as “extremist materials”.

62. Resolution No. 688 of 17 October 2023 of the Council of Ministers established the Minsk City Commission to evaluate symbols, attributes and information products for the presence of signs of extremism, in addition to the existing “republican” (nationwide) and regional commissions. The mandate of the Republican Commission was expanded to include verifying whether printed publications contain information “capable of harming the national interests of the Republic of Belarus”.

63. Human Constanta documented 2,580 cases of persecution under article 19.11 of the Code of Administrative Offences between 1 April 2023 and 10 February 2024 for sharing or liking “extremist” publications, or sending them in private messages or group chats. The most common punishment is a 15-day administrative arrest. Each repost is sometimes registered as a separate offence, resulting in several consecutive administrative arrests.

64. On 13 October 2023, the Human Rights Committee found a conviction for sharing an article from a social network recognized by judicial authorities as “extremist” to be contrary to the obligations of Belarus under article 19 (2) of the International Covenant on Civil and Political Rights.⁵¹

3. Prosecution for propaganda for “non-traditional values”

65. In February 2024, the Prosecutor General presented a draft law providing for administrative liability for “propaganda for non-traditional family relations”, including “propaganda for abnormal relations, paedophilia and voluntary refusal of childbirth”,⁵² targeting women and LGBTQ+ persons. The Office of the Prosecutor General announced

⁴⁸ See <https://rsf.org/en/country/belarus>.

⁴⁹ See <https://spring96.org/en/news/113991>.

⁵⁰ See <http://mininform.gov.by/documents/respublikanskiy-spisok-ekstremistskikh-materialov/> (in Russian).

⁵¹ *Katorzhevsky v. Belarus* (CCPR/C/139/D/3095/2018).

⁵² See <https://www.belta.by/society/view/shved-podgotovlen-zakonoproekt-ob-otvetstvennosti-za-propagandu-netraditsionnyh-semejnyh-otnoshenij-616267-2024/> (in Russian).

that it had secured the President's support for introducing administrative liability for propaganda for non-traditional sexual relations, gender reassignment, paedophilia and childfree ideology.⁵³ The Special Rapporteur condemns this initiative as contrary to the right to freedom of expression (art. 19 of the International Covenant on Civil and Political Rights) and the right to privacy (art. 17 of the Covenant) and deplores the fact that it may lead to discrimination in violation of article 26 of the Covenant.

F. Right to privacy

66. On 20 October 2023, the Human Rights Committee found that Belarus had violated the right to privacy under article 17 of the International Covenant on Civil and Political Rights by putting the human rights defender Leonid Sudalenka under unlawful surveillance.⁵⁴

67. Presidential Decree No. 269 of 29 August 2023, on measures to counter unauthorized payment transactions, ordered the National Bank of Belarus to organize information-sharing between law enforcement authorities and payment service providers on unauthorized payment transactions and attempts thereat. Presidential Decree No. 32 of 25 January 2024, on road transportation of passengers, introduced an obligation for all "road carriers carrying out non-scheduled transportation of passengers", such as taxis and minibuses, to provide exhaustive information to the Transport Inspectorate about their vehicles, drivers and dispatchers, to record all executed and non-executed transportation orders, to install video cameras inside their vehicles and to share information with the authorities.

68. Law No. 363-Z, signed on 3 April 2024, on the modification of laws on issues of ensuring national security, obliges mobile operators to share phone numbers of persons liable for military service with military enlistment offices and the State Security Committee, and legalizes the distribution of military summons via SMS. Another draft law adopted by the House of Representatives at its first reading on 22 November 2023 would introduce administrative liability for failure to inform the authorities about renting out accommodation to foreigners.⁵⁵

69. The Special Rapporteur has received reports about harassment by the police of persons who have served prison sentences on politically motivated charges. They face daily visits to their private residences and weekly summons to police stations for "preventive" activities, such as "prophylactic talks" and watching documentaries on the "evils" of political activism. This is done under the guise of article 28 of Law No. 122-Z of 4 January 2014, which allows for "preventive oversight" upon the convicts' release until their criminal records are expunged. The Special Rapporteur believes that such measures amount to arbitrary interference with privacy and the home, in violation of article 17 of the International Covenant on Civil and Political Rights, and may constitute psychological ill-treatment in violation of article 7 of the Covenant.

G. National and linguistic minorities

70. Law No. 300-Z of 17 July 2023 amended the law on the languages of Belarus, abolishing the right to education in their mother tongue for linguistic minorities.

71. In November 2023, the Ministry of Justice initiated the liquidation of Club Gervechiai, a 30-year-old Lithuanian minority association in Astravets district, Hrodna Region, where some 750 ethnic Lithuanians reside. In 2022, a Lithuanian school located there was forced to shift to providing education in the Russian language,⁵⁶ a requirement imposed on some Polish minority schools too.⁵⁷

⁵³ See <https://t.me/prokuraturabelarus/4397> (in Russian).

⁵⁴ *Sudalenko v. Belarus* (CCPR/C/139/D/2929/2017).

⁵⁵ See <https://www.belta.by/society/view/zakonoproekt-po-voprosam-prebyvanija-inostrantsev-na-territorii-belarusi-prinjat-v-pervom-chtenii-601156-2023/> (in Russian).

⁵⁶ See <https://www.svaboda.org/a/32693285.html> (in Belarusian).

⁵⁷ See <https://news.zerkalo.io/life/21893.html> (in Russian).

72. According to reports received, the Belarusian language is increasingly perceived as a sign of political disloyalty and is being abandoned in favour of Russian in the public administration, education, culture and the mass media, upon orders from the hierarchy or out of fear of discrimination. Belarusian-language literature has reportedly been removed from penitentiary institutions and inmates who speak Belarusian are subjected to harsher treatment. The same holds true in all remaining spaces for public artistic expression.

73. The Special Rapporteur recalls that linguistic minorities have the right to use their own language, under article 27 of the International Covenant on Civil and Political Rights, article 30 of the Convention on the Rights of the Child, ratified by Belarus on 1 October 1990, and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, of 1992.

V. Right to freedom of association

A. General overview

1. International human rights law standards

74. The right to freedom of association involves the right of individuals to interact and organize among themselves to collectively express, promote, pursue and defend common interests.⁵⁸ Although obtaining legal capacity for an association can be subject to registration or notification, it is good practice for States to opt for the notification procedure or implicit approval of registration. The acquisition of legal personality should generally be viewed as a right, not as an obligation.⁵⁹ A denial of registration violates the right to freedom of association enshrined in article 22 of the International Covenant on Civil and Political Rights, if it is not legitimate or necessary, or in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.⁶⁰ A corollary of this right is the right not to join an association.

75. Freedom of association is indissociable from freedom of expression and freedom of peaceful assembly, which provide conditions for the effective exercise of other civil and political rights – notably the rights to participate in public affairs, to vote and be elected, and to enjoy freedom of conscience and of religion or belief – as well as economic, social and cultural rights. The right to freedom of association extends online, to private web communities and social networks.

76. States have a negative obligation not to unduly obstruct the founding of associations, or their activities,⁶¹ and a positive obligation to facilitate the tasks of associations, including by public funding, by allowing tax exemptions for funding from abroad⁶² or through charity fundraising.

2. Freedom of association in Belarus: general background

77. Under articles 2 (1) and 22 of the International Covenant on Civil and Political Rights, Belarus has an obligation to respect and ensure the right to freedom of association, which is also enshrined in article 36 of its Constitution. During its universal periodic review in 2020, the Government accepted as implemented or being implemented several recommendations

⁵⁸ See <https://www.ohchr.org/en/topic/freedom-assembly-and-association#:~:text=The%20right%20to%20freedom%20of,pursue%20and%20defend%20common%20interests>.

⁵⁹ European Commission for Democracy through Law (Venice Commission) and OSCE Office for Democratic Institutions and Human Rights, *Joint guidelines on freedom of association* (2014), paras. 151–154.

⁶⁰ Human Rights Committee, *Belyatsky v. Belarus* (CCPR/C/112/D/2165/2012), para. 8.5.

⁶¹ A/HRC/20/27, para. 64.

⁶² A/HRC/WGAD/2012/39, para. 48.

related to freedom of association.⁶³ However, this freedom has repeatedly been squelched for the past three decades, notably after the contested 2020 presidential election, with methodical purging of all “undesirable” associations, often under the pretext of fighting alleged mass disorder, extremism or terrorism. The purge targeted human rights defence organizations in 2021, followed by independent trade unions in 2022 and political parties in 2023, and continues in 2024 against religious organizations.

78. In his 2014 report to the General Assembly, the previous Special Rapporteur, Miklós Haraszti, stressed that freedom of association was limited in Belarus by a “threefold oppressive framework consisting of an overly restrictive registration regime, the selective denial of registration, and the criminalization of organizations functioning without registration”.⁶⁴ Recently, these three inhibiting factors have been complemented by a fourth oppressive element: legislation on State security, which, since 2021, has been instrumentalized to dissolve associations perceived as “disloyal” to the Government or critical of its policies.

79. The authorities have systematically denied registration to some organizations, such as groups advocating for the rights of lesbian, gay, bisexual and transgender persons, and the Christian Democracy Party. Legislative unpredictability has severely hampered the functioning of registered associations. Upon adoption of the law on public associations, in 1994, and upon the subsequent amendments to it, requirements to re-register were imposed. Some 300 associations out of the previous number of 787 did not undergo re-registration.⁶⁵ The number of public associations was thus cut from 2,500 to 1,300 in 1999.⁶⁶ In 2003–2005, a liquidation campaign led to 347 more NGOs losing registration. The Human Rights Committee recognized that the liquidation in 2003 of the Viasna human rights centre and the refusal to re-register it violated article 22 of the International Covenant on Civil and Political Rights.⁶⁷

80. As a result of these purges, in 2006 half of Belarusian NGOs operated unregistered,⁶⁸ a situation which exposed their founders and members to harassment from tax authorities, and to prosecution under article 193-1 of the Criminal Code, which criminalized the organization of and participation in unregistered, liquidated or suspended public associations, religious organizations or foundations. Partially following the Human Rights Committee’s recommendations,⁶⁹ in 2019 Belarus repealed article 193-1, only to reintroduce it in 2022 (Law No. 144-Z of 4 January 2022). Before 2019, 18 individuals had been held accountable under article 193-1. By November 2023, two more criminal cases had been initiated under this provision.⁷⁰

81. An additional way of restricting undesirable associations’ outreach in the public space, other than threatening their founders with lengthy prison sentences, has been to list them as “organizations involved in extremist activities”, on a list compiled since 2021 by the Ministry of Internal Affairs. It contained, as at 10 February 2023, 176 “extremist groupings” labelled as such extrajudicially, and two “extremist organizations” recognized as such by courts. No fewer than 62 “extremist groupings” were added to the list in 2023,⁷¹ including the Belarusian Association of Journalists and Viasna.⁷² As at 10 January 2023, at least 130 persons had been

⁶³ A/HRC/46/5/Add.1; and A/HRC/46/5, paras. 138.141 (Albania), 138.142 (Argentina), 138.145 (India), 138.146 (Italy), 138.162 (Finland), 138.181 (Republic of Korea), 138.183 (Denmark), 138.184 (Peru) and 138.193 (Czechia).

⁶⁴ A/69/307, para. 50, referring to A/68/276, A/HRC/26/44, A/HRC/23/52 and A/HRC/20/8.

⁶⁵ See <https://ngo.by/monitoring/pereregistracii-obshchestvennyh-obedineniy> (in Russian).

⁶⁶ Andrew Wilson, *Belarus: The Last European Dictatorship* (New Haven, Yale University Press, 2011), p. 178.

⁶⁷ *Belyatsky et al. v. Belarus*, communication No. 1296/2004; and *Belyatsky v. Belarus* (CCPR/C/112/D/2165/2012).

⁶⁸ Wilson, *Belarus: The Last European Dictatorship*, pp. 202–217.

⁶⁹ CCPR/C/BLR/CO/5, paras. 54–55.

⁷⁰ See <https://www.ohchr.org/sites/default/files/documents/hrbodies/upr/midtermreports/ngosmidtermreports/UPR-Belarus-mid2023.pdf>.

⁷¹ See <https://spring96.org/ru/news/113890> (in Russian).

⁷² See BLR 10/2023.

convicted since 2021 for establishing or participating in an extremist grouping under article 361-1 of the Criminal Code.⁷³

82. As at 1 July 2023, there were 2,408 registered public associations in Belarus,⁷⁴ a drop of 136 in six months⁷⁵ and of 613 since 1 January 2021. The drop may even have been greater, since official statistics do not include associations being liquidated and those not yet removed from the Unified State Register of Legal Entities and Individual Entrepreneurs. As at 13 March 2024, since 2021, 993 non-governmental non-profit organizations – institutions, foundations, trade unions and political parties – had been liquidated. In addition, since September 2020, 598 organizations have decided to dissolve themselves.⁷⁶ During 2023, there were reportedly 167 public associations in the process of forced liquidation, while 98 others decided to dissolve themselves.

83. The closure of some organizations has a tangible impact on society, for example, the liquidation of independent women’s organizations has deprived women and child victims of domestic violence of dedicated shelters, and of subsequent psychological support, in all regions of Belarus – a gap which has reportedly not been filled by public services.

84. Assessing the number of remaining independent non-profit organizations in Belarus is difficult, as some had to suspend their activities or relocate abroad, whereas others shifted to operating under the umbrella of commercial organizations, or operating underground.

85. In place of a genuine civil society, the Belarusian authorities have been nurturing their own “puppet” civil society organizations and associations. Some newly established entities loyal to the government adopt names similar to those of liquidated independent organizations, a mimetic tactic that confuses the uninformed public. Numerous sources indicated that only pro-governmental associations, such as the Belarusian Republican Youth Union or the “Belaya Rus” (“White Rus”) movement-turned-party enjoy recognition, support and funding from the authorities. They play an instrumental role in discrediting competing associations in the eyes of the population.

86. In February 2023, the legislation governing public associations, civil society organizations and political parties was amended, allowing the authorities to establish a hierarchy between organizations depending on their political loyalty, while discriminating against others.

B. Civil society organizations and initiatives

1. Crackdown on public associations

87. The law on public associations was amended by Law No. 251-Z of 14 February 2023, bringing some positive changes, such as lifting territorial restrictions on the operation of local public associations as well as the requirement for them to have founding members from at least two administrative territories. Online registration was permitted, while lawsuits related to denial of registration, suspension and liquidation of international and “republican” public associations were transferred from the competence of the Supreme Court to the regional courts and Minsk City Court, whose judgments, unlike those of the Supreme Court, are subject to appeal.

88. Yet, the amendments did not modify the complex, lengthy and costly procedure for registration of public associations, denounced by the Human Rights Committee as incompatible with article 22 of the International Covenant on Civil and Political Rights.⁷⁷ Moreover, they added a new requirement that all the associations’ legal entities must use non-residential addresses, which in practice is nearly impossible to satisfy, given that owners, fearing retaliation, refuse to rent commercial premises to an association perceived as “undesirable”. Furthermore, public associations and unions can now be liquidated if their

⁷³ See <https://spring96.org/ru/news/113890> (in Russian).

⁷⁴ See <https://president.gov.by/ru/belarus/society/obedinenija> (in Russian).

⁷⁵ CEDAW/C/BLR/9, para. 110.

⁷⁶ See <https://www.lawtrend.org/liquidation-nko> (in Russian).

⁷⁷ CCPR/C/BLR/CO/5, paras. 54 and 55.

activities are incompatible with the main internal and foreign policy orientations and the National Security Concept or if they engage in “terrorist and other extremist activities”.

89. The authorities seem eager to further reduce the number of “republican” public associations. National public associations, unlike local associations, can be transformed into political parties (art. 19 of the law on public associations) and, if their membership reaches 100,000 citizens, can accede to “special forms of interaction” with public authorities (art. 7 of the law on the foundations of civil society). Unlike other public associations, “republican” ones may use the words “national” and “Belarusian” in their names (Presidential Decree No. 247 of 31 May 2005). The authorities have reportedly been pressuring some “republican” public associations to change their status to local, thereby downgrading their outreach and prerogatives.⁷⁸

90. Law No. 251-Z set 4 March 2024 as a deadline for all public associations to bring their statutes into compliance with new requirements. Predictably, as at the end of February 2024, the number of associations that had registered their modified constituent documents was reported to be low.⁷⁹

2. Civil society’s subservient status

91. In 2022, the term “civil society” was introduced into the Constitution (art. 89.2). Law No. 250-Z of 14 February 2023, on the foundations of civil society, provided for State support for “civil society” but defined it in such a way as to exclude most independent civil society organizations, while granting special standing to subservient organizations satisfying the definition.

92. Under article 1 of the law, civil society organizations are composed of persons permanently residing in Belarus – which is exclusive of numerous organizations, including prominent human rights defence organizations, currently operating in exile. Article 4 lists the purposes that can be pursued by civil society organizations. The list does not include protection of human rights and seeks to marry activities of civil society organizations with the State’s political interests. Thus, interaction between civil society and State bodies can be aimed, *inter alia*, at ensuring national unity and State sovereignty, at the implementation of public policy, at strengthening trust in public bodies and at patriotic education of citizens. Article 4 also states that civil society organizations cannot engage in “extremist activities”, a term routinely misused for persecuting human rights defenders in Belarus. Hence, the law is not conducive to the realization of freedom of association for the purpose of promoting and protecting human rights and fundamental freedoms under articles 1 and 5 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders) of 9 December 1998.

93. Even though the law is flexible as to the size and the territorial location of civil society organizations, they do not all have the same legal standing. Article 7 establishes “special forms of interaction” with public bodies, such as the right to nominate delegates to the All-Belarusian People’s Assembly, to hold public consultations for making proposals to this body and to participate in the implementation of its decisions. Only “republican” civil society organizations with at least 100,000 citizens are eligible. In practice, only five civil society organizations enjoy such “special forms of interaction” with the authorities: “Belaya Rus”, the Belarusian Public Association of Veterans, the Belarusian Republican Youth Union, the Belarusian Women’s Union and the Federation of Trade Unions of Belarus.

94. The Government of Belarus is nurturing its own “civil society” by funding loyal civil society organizations, promoting their image in State-controlled mass media and boosting their membership. Independent civil society organizations, to the contrary, are made invisible in the public sphere and their members are subjected to various forms of harassment, including searches, interrogations, and administrative and criminal prosecution.

⁷⁸ See <https://www.lawtrend.org/freedom-of-association/situatsiya-so-svobodoj-assotsiatsij-i-organizatsiyami-grazhdanskogo-obshhestva-respubliki-belarus-obzor-za-maj2023-g> (in Russian).

⁷⁹ See <https://www.lawtrend.org/freedom-of-association/monitoring-situatsii-so-svobodoj-assotsiatsij-i-polozheniem-organizatsij-grazhdanskogo-obshhestva-v-respublike-belarus-fevral-2024> (in Russian).

3. Restricted access to funding, and prosecution for donations

95. State support to public associations is allocated by the President of Belarus, and only organizations loyal to him have ever had a chance to benefit from it.⁸⁰ Law No. 281-Z of 12 July 2023, on amending the laws on local government and self-government, introduced some improvements locally by allowing “civic initiatives”, including unregistered ones, to receive funding from local budgets on the basis of a tender. However, criminal liability for establishing and taking part in unregistered organizations still deters popular initiatives from seeking public funds.

96. Private funding for NGOs is restricted by Presidential Decree No. 300 of 1 July 2005, on the provision and use of gratuitous (sponsor) aid, and Presidential Decree No. 3 of 25 May 2020, on foreign gratuitous aid, which list the purposes for which organizations can receive donations. These lists do not comprise human rights defence activities. All foreign donations must be registered at the Department of Humanitarian Affairs of the Presidential Executive Office. According to reports received, the procedure is complex, and registration can be arbitrarily denied.

97. Sanctions for violation of the legislation on foreign gratuitous aid include liquidation of the organization and criminal prosecution of its leaders. Article 369-2 of the Criminal Code (“use of foreign gratuitous aid in violation of the legislation”) provides for punishment of up to two years of deprivation of liberty or three years of restriction of liberty for the use of foreign aid for illegal activities and for various “forms of political and mass agitation work among the population”. Organization of peaceful assemblies, strikes and seminars, as well as the production or distribution of campaign materials, fall into this category. Use of foreign aid can also be sanctioned under provisions of the Criminal Code related to extremist activities and to tax regulations. Receipt of donations from a foreign State was one of the motives for prosecuting the Chair of Viasna and two members, including Valiantsin Stefanovic, convicted on 1 March 2023 under article 228 (4) of the Criminal Code on fabricated smuggling charges.⁸¹

98. Another obstacle for NGOs to accede to private funding is that anyone who donates to organizations labelled as “extremist” can be prosecuted, including in the case of donations made prior to such labelling. The practice is reminiscent of how “helping an enemy of the people” was punished in Soviet times. Donators are reportedly summoned to interrogations and pressured to pay compensation, up to 10 times bigger than the donation made, to social infrastructure or to State-controlled civil society organizations. Those who refuse to pay are prosecuted under articles 361-2 (“funding extremist activities”) and 361-4 (“facilitating extremist activities”) of the Criminal Code, which provide for punishment of up to eight and seven years of imprisonment respectively. The sentences are based either on evidence of transactions via Belarusian banks, or on track records of donations made to individuals or organizations targeted by repression via Facebook, crowdfunding or charity platforms since the second half of 2020.

99. From April to December 2023, Human Constanta documented 20 convictions and 19 detentions for donations to solidarity funds made in 2020. In January 2023,⁸² security forces completed the identification of persons who had donated to the “BYSOL” and “BY_help” solidarity funds in 2020 and 2021, and charged them with “financing extremist activities” (under art. 361-2 of the Criminal Code).

100. On 29 August 2023, a Minsk court recognized YouTube videos of the online “solidarity marathon” of 29 July 2023,⁸³ which brought together 22,429 persons donating for political prisoners, as extremist material. On 3 October 2023, the Ministry of Internal Affairs

⁸⁰ A/69/307, para. 32.

⁸¹ See <https://www.ohchr.org/en/press-releases/2024/03/belarus-year-after-conviction-viasna-chair-and-members-concerns-about>.

⁸² See <https://nashaniva.com/307207> (in Belarusian).

⁸³ See <http://mininform.gov.by/documents/respublikanskiy-spisok-ekstremistskikh-materialov/> (in Russian).

announced that it had initiated criminal proceedings against some 60 organizers of the marathon and their “accomplices”, under charges of “funding extremist activities”.⁸⁴

101. On 16 January 2024, the State Security Committee recognized as an extremist grouping the INeedHelpBY initiative, which bought groceries for families suffering political persecution. On 23 January 2024, the State Security Committee conducted searches, interrogations and detentions, targeting at least 287 people, mostly women, for using INeedHelpBY. At least 127 persons reportedly faced prosecution under articles 361-1 (“participation in extremist activities”) and 361-4 of the Criminal Code (“facilitating extremist activities”), including Iryna Takarchuk, mother of a former political prisoner.⁸⁵

102. During the reporting period, two cases were brought to the attention of the Special Rapporteur concerning convictions of eight-and-a-half years and nine-and-a-half years in prison for donations to organizations recognized as “terrorist”.

C. Trade unions and student unions

103. Under article 8 of the International Covenant on Economic, Social and Cultural Rights and article 22 of the International Covenant on Civil and Political Rights, Belarus must ensure the right of everyone to form and join trade unions of their choice and the right of all trade unions to function freely. Belarus has long been criticized for disregarding these rights.

104. According to various sources, membership in a majoritarian, State-controlled (also known as “yellow”) union is often a sine qua non for workers, students and retirees to enjoy various benefits. In State-owned enterprises, only members of the “yellow” trade union can claim full social benefits, such as a thirteenth month of salary, paid parental and annual leave, or bank loans at preferential rates. Joining State-controlled unions is mandatory at the time of signing the job contract, and only members who pay fees to the trade union throughout their career enjoy full old-age pension benefits upon retiring.

105. On university campuses, discounts on mobile phone contracts or on sports activities are only granted to students who are members of the Belarusian Republican Youth Union, to the exclusion of any other students’ union.

106. “Yellow” trade unions are essential cogs in the chain of State control. They reportedly enjoy substantial financial resources and own real estate. Based on consultations with Belarusian workers, the Special Rapporteur believes that State-backed unions function for the State as instruments of surveillance, ideological education and disciplinary control, and serve the interests of corporate leaderships, often indistinguishable from the State itself. They allegedly cover up for illegal activities in workplaces, such as illegal labour by students, unpaid extra work, or a faster pace of work imposed on workers in order to meet unrealistic output objectives. The unions reportedly pressure workers to assume responsibility for resulting work accidents.

107. The State-backed Federation of Trade Unions of Belarus forms part of the country’s tripartite delegation to the International Labour Organization (ILO), despite the fact that its member unions are not genuine representatives of workers’ interests, independent from the State. Since early 2020, owners of medium-sized and privately owned enterprises without trade unions of their own have been pressured by the authorities to establish trade unions from scratch and join the Federation of Trade Unions of Belarus. This is done in a top-down way, to satisfy the authorities’ demand, and not at the initiative of workers or to meet their needs. The Chairman of the Federation of Trade Unions of Belarus, Mikhail Orda, who previously headed the Belarusian Republican Youth Union, led the 2020 election campaign group of the President, Mr. Lukashenka. His election to the House of Representatives in February 2024 appeared to many as a reward for his loyalty.

108. The 2020 human rights crisis prompted many employees to leave “yellow” unions to join or establish independent unions. Yet, doing so, calling for strikes and coordinating to

⁸⁴ See <https://t.me/pressmvd/9749> (in Russian).

⁸⁵ See <https://spring96.org/ru/news/114113> (in Russian).

defend the rights of their co-workers detained or fired for taking part in the post-election protests exposed them to repression from their employers and the authorities.

109. In the spring of 2022, soon after the Belarusian Congress of Democratic Trade Unions, which was a federation of four of the biggest independent unions, publicly condemned the aggression by the Russian Federation against Ukraine, almost all independent trade union leaders were detained. In July 2022, their unions were dissolved by court decisions.⁸⁶ Members of dissolved unions were not allowed to enter (or re-enter) “yellow” unions – a ban that left tens of thousands unemployed and compelled most of them to leave Belarus in search of a job abroad.

110. As at 1 January 2024, only State-backed trade unions that support the Government’s policy remain in the country, all independent trade unions having been dismantled and their leaders and members imprisoned or forced into exile.

D. Political parties

111. On 14 February 2023, Law No. 251-Z amended the law on political parties, with the announced objective of limiting the number of registered political parties ahead of the 2024 parliamentary elections. Amendments raised the minimum obligatory number of founding members of political parties from 1,000 to 5,000, and introduced a requirement for parties to have branches in Minsk and all regions of Belarus, with at least 100 founding members in each. Membership in political parties was prohibited to anyone except for citizens aged over 18 who permanently reside in Belarus. All political parties registered prior to the law’s entry into force were obliged to submit applications for re-registration within three months. Those which would not re-register, or dissolve themselves, were to be liquidated.

112. Most of the 16 political parties registered prior to that were unable to meet the new requirements. The law requires applications for re-registration to include personal data of all party members. This prompted legitimate safety concerns among opposition parties. Some decided not to apply for re-registration or submitted incomplete applications with no list of members.⁸⁷ As a result, 10 parties were dissolved within a year; one opted for self-liquidation; and only four, all reportedly loyal to the Government, were registered and could nominate candidates for the 2024 local and parliamentary elections: the Communist Party, the Liberal Democratic Party, the Republican Party of Labour and Justice, and Belaya Rus which was registered on 2 May 2023. The President, Mr. Lukashenka, stated that the re-registration procedure had “cleansed the playing field of decorative associations” and of political parties “whose efforts were aimed at undermining the foundations of the constitutional system”, claiming that the remaining parties would assist the Government with explaining its decisions to the population.⁸⁸

113. Law No. 251-Z also introduced new motives for dissolving political parties, such as incompatibility of their activities with internal and foreign policy orientations and the National Security Concept. It prohibited parties from receiving funds from persons residing abroad, including Belarusian citizens, or from accepting them as members.

E. Bar associations

114. In 2021, the country amended its legislation on the bar and the practice of law in Belarus (Law No. 113-Z of 27 May 2021), which forbade attorneys from practising law without membership in “territorial” (local) bar associations, and brought the appointment of Chairs and members of executive bodies of bar associations under the control of the Ministry of Justice. Access to the legal profession became dependent on an internship, which requires the candidate to be approved by the Ministry of Justice, and then a placement by the council of a “territorial” (local) bar association.

⁸⁶ A/HRC/53/53, paras. 78–85.

⁸⁷ See <https://nashaniva.com/ru/318375> (in Russian).

⁸⁸ See <https://president.gov.by/ru/events/vstrecha-s-rukovoditelyami-politicheskikh-partiy> (in Russian).

115. Between 2020 and November 2023, 47 lawyers were expelled from bar associations as a disciplinary sanction, following a procedure initiated by the Ministry of Justice.⁸⁹ According to allegations received, detention and administrative prosecution of a lawyer, notwithstanding the reason, are sufficient for the bar association to conclude that he or she has committed a disciplinary offence, whereas a conviction for certain administrative offences (such as “petty hooliganism”, “disobedience of a lawful order or demand of an official” or “distribution of extremist materials”) results in disbarment. The number of certified legal professionals has reportedly dropped by at least 431 since 2021. As at January 2023, Belarus had only one attorney per 5,693 inhabitants.⁹⁰

116. The Special Rapporteur has received reports about bar associations openly supporting the Government’s narrative, blurring distinctions between the profession of an attorney and that of a public official, or outrightly defending the executive’s policies, rather than their clients.

F. Religious organizations

117. Law No. 334-Z of 30 December 2023, amending the law on freedom of conscience and religious organizations, subjects all religious organizations to re-registration within a year of its entry into force on 5 July 2024. This is the first mandatory re-registration of religious organizations in twenty years.

118. The amendments maintain stringent conditions for registration of “religious communities”: at least 20 citizens aged over 18 who reside in the same or adjacent localities. Religious communities are only allowed to operate within those localities. The law has made it more difficult to register “religious unions”, which have the right to establish monasteries, monks’ communities, brotherhoods and sisterhoods, religious missions and educational institutions. The number of communities of the same confession required for creating a “republican religious union” was raised from 10 to 15. A “republican” union must now include communities acting in all regions of the country and in Minsk. Registration of a “local” religious union still requires 10 religious communities acting in all or several regions. A new condition was introduced for both types of unions – that at least one of their member communities must have operated in Belarus for at least 30 years since its registration. Previously, the requirement was 20 years.

119. Following the amendments, religious organizations can only be led by Belarusian citizens who permanently reside in Belarus. The law broadens legal grounds for the suspension and dissolution of religious organizations, including such vague motives as “conducting an activity directed against the main domestic and foreign policy orientations of the Republic of Belarus, discrediting the Republic of Belarus, humiliating the national honour” or “other extremist activities”. The law establishes a blanket prohibition on religious organizations “engaging in political activities”. It also stipulates that religious education, religious literature or any other material with religious content must not contradict “the generally recognized traditional values of the Belarusian people and the ideology of the Belarusian State”.

120. Together with two thematic mandate holders, on 20 February 2024 the Special Rapporteur denounced the “climate of intimidation for religious leaders, communities or activities deemed to be unwelcome by the State” created by Law No. 334-Z.⁹¹ In August 2023, the same experts had written to the Belarusian authorities about the draft law, pointing to its contradiction with the obligations of Belarus under article 18 of the International Covenant on Civil and Political Rights.⁹²

⁸⁹ See https://defendersbelarus.org/persecution_lawyers_belarus.

⁹⁰ See <https://defendersbelarus.org/schrodinger-advice-bureaus>.

⁹¹ See <https://www.ohchr.org/en/press-releases/2024/02/belarus-un-experts-concerned-about-new-law-freedom-conscience-and-religious>.

⁹² See BLR 7/2023.

121. The restriction of the legislative framework is accompanied by repression against clergymen who have spoken out on political issues. According to Christian Vision,⁹³ as at 26 March 2024, 75 clergymen belonging to the Orthodox, Roman Catholic, Greek Catholic and Evangelical churches had suffered repression since 2020, including administrative and criminal prosecution and forced removal from posts. Several religious organizations and web resources, clergymen and believers have been included on official lists of extremist organizations, individuals and materials.⁹⁴ According to Baznica.info, in 2023, at least 24 priests from different confessions suffered repression, most often due to expressing solidarity with Ukraine.⁹⁵ According to Polskie Radio, in 2023, 10 Catholic priests were arrested in Belarus, making it the country in the world with the second-highest number of cases of prosecution of Catholic priests and monks.⁹⁶ In October 2023, Viasna reported that at least four men, currently or formerly related to the clergy of different confessions, were serving prison sentences on politically motivated charges.⁹⁷

122. On 12 December 2023, the Supreme Court upheld the liquidation of the New Life Full Gospel Church, whose publications against political repression had been recognized as “extremist”.

G. Cultural organizations

123. According to information received, between 2020 and the end of 2023, at least 228 cultural organizations were liquidated and at least 52 cultural workers were sentenced to imprisonment for between one and three years. In 2023, criminal proceedings were initiated against at least 79 cultural workers residing inside and outside Belarus.

124. The Special Rapporteur has received allegations about pressure exerted on artistic unions by the Ministry of Culture, which has led to exclusion from the Union of Artists of at least 20 members perceived as having expressed dissent. In December 2023, the “Pahonia” artistic union, which was over 30 years old, was liquidated.⁹⁸

VI. Conclusions and recommendations

125. **The Special Rapporteur deplores the continuing deterioration of the human rights situation in Belarus and is particularly concerned about repressive measures targeted at persons within and outside the country. The unprecedented crackdown on freedom of association since 2020 has led to the eradication of independent associations, purging civic space from “undesirable” ones for their perceived disloyalty to the authorities.**

126. **The Special Rapporteur takes note of the findings of the OHCHR examination of human rights in Belarus reflected in the report presented on 20 March 2024 to the Human Rights Council⁹⁹ and concurs with its recommendations.**

127. **The Special Rapporteur stands ready to cooperate with the group of experts appointed by Human Rights Council resolution 55/27 of 4 April 2024.**

128. **The Special Rapporteur encourages the international community to support the United Nations human rights mechanisms and Belarusian civil society, including organizations stripped of legal recognition in Belarus. She urges United Nations Member States to continue engaging in advocacy with the authorities of Belarus to**

⁹³ See <https://belarus2020.churchby.info/persecuted-priests-belarus-ru/>.

⁹⁴ See <https://belarus2020.churchby.info/persecution-of-the-religious-communities/> (in Russian).

⁹⁵ See <https://baznica.info/2023/01/v-belarusi-prodolzhayutsya-presledovaniya-svyashhennikov/> (in Russian).

⁹⁶ See <https://www.polskieradio.pl/396/7819/Artykul/3315645> (in Belarusian).

⁹⁷ See <https://spring96.org/ru/news/113092> (in Russian).

⁹⁸ See <https://euroradio.fm/ru/v-belarusi-likvidirovali-tvorcheskoe-obedinenie-pogonya> (in Russian).

⁹⁹ A/HRC/55/61.

promote human rights-based solutions to the pressing issues identified in the present report.

129. The Special Rapporteur reiterates the recommendations made in her previous reports. In addition, she recommends that the Government of Belarus:

- (a) Launch prompt, effective, impartial and transparent investigations into all deaths in custody;
- (b) Review the legal framework related to the use of force by State agents, in order to prohibit indiscriminate attacks, to ensure that physical force and arms are used as a last resort and to ensure that perpetrators of intentional killings and their superiors do not enjoy immunity;
- (c) Put an immediate end to and promptly and effectively investigate all alleged cases of ill-treatment in detention, with a view to prosecuting and punishing the perpetrators and providing redress to the victims;
- (d) Ensure to all detainees just and favourable conditions of work;
- (e) Consider granting a pardon or remission of sentence to prisoners suffering from severe or terminal illnesses, or substituting the imprisonment for an alternative form of deprivation of liberty, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);
- (f) Ensure proper legal safeguards and effective remedies against arbitrary detentions, including against arbitrary transferrals of convicted inmates to PKTs and SHIZOs;
- (g) Repeal article 411 of the Criminal Code which criminalizes malicious disobedience of demands of penitentiary authorities;
- (h) Put an end to the practice of interference with the private life of former inmates under the guise of “preventive” activities;
- (i) Repeal articles 368 and 369 of the Criminal Code which criminalize insults against the President and representatives of the authorities;
- (j) Repeal Law No. 286-Z of 17 July 2023 allowing for trials against deceased persons for reasons other than their rehabilitation;
- (k) Repeal Presidential Decree No. 278 of 4 September 2023 related to consular services;
- (l) Bring the domestic legal framework and law enforcement practice into compliance with article 17 of the International Covenant on Civil and Political Rights, in order to avoid over-surveillance of the population;
- (m) Abandon the draft law on administrative liability for propaganda for non-traditional values;
- (n) Put an end to and investigate the alleged widespread practices of initiation of criminal and administrative proceedings on politically motivated charges and of harassment of the population by law enforcement and security officers;
- (o) Ensure freedom of association by decriminalizing the setting up of and participation in unregistered organizations, simplifying the procedures for registering new organizations and making it easier for them to access private and/or foreign funding, ceasing prosecutions for donations to non-governmental organizations and initiatives, and abandoning the practice of arbitrarily designating associations as “extremist”.

130. The Special Rapporteur reiterates the recommendations made to United Nations Member States and other members of the international community in her 2022 report to the General Assembly¹⁰⁰ and further recommends that they:

¹⁰⁰ [A/77/195](#).

(a) **Adopt measures, in accordance with United Nations Member States' domestic legislation, to address the risk of massive loss by Belarusian citizens abroad of identity and travel documents;**

(b) **Make broader use of the universal jurisdiction to initiate criminal proceedings and issue international arrest warrants against alleged perpetrators of grave human rights violations committed in Belarus;**

(c) **Encourage the nine special procedures that received a standing invitation from the Government of Belarus¹⁰¹ to visit Belarus, including places of detention.**

131. **Acknowledging the lack of independence of the Federation of Trade Unions of Belarus, the Special Rapporteur recommends suspending its participation in the International Labour Conference.**

¹⁰¹ [A/HRC/WG.6/36/BLR/1](#), para. 22.