



THE OBSERVATORY
for the Protection of
Human Rights Defenders

Suppression of the Right to Defend Human Rights in Belarus:

Policy and Legislative Changes
in 2021-2023





We are watching





THE OBSERVATORY
for the Protection of
Human Rights Defenders

Suppression of the Right to Defend Human Rights in Belarus: Policy and Legislative Changes in 2021-2023

Acknowledgements

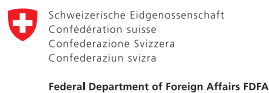
The Observatory for the Protection of Human Rights Defenders would like to thank all of those who contributed to this report.

We are particularly grateful to all Belarusian human rights defenders, who continue their work despite significant risks to their and their relatives' lives, liberty and well-being, for providing first-hand information on the status of civic space in Belarus in such difficult circumstances.

This report is dedicated to all our colleagues and friends who are currently being detained in retaliation for their human rights work in Belarus, namely Ales Bialiatski, Valiantsin Stefanovich, Uladzimir Labkovich, Nasta Loika, Leanid Sudalenka, Marfa Rabkova and Andrei Chapuk.



FIDH and OMCT are both members of ProtectDefenders.eu, the European Union Human Rights Defenders Mechanism implemented by international civil society. This report was produced notably within the framework of ProtectDefenders.eu. FIDH and OMCT would like to thank the Republic and Canton of Geneva, the Agence Française de Développement (AFD), the European Union, the Federal Department of Foreign Affairs of Switzerland and Ministry for Foreign Affairs of Finland for making the publication of this report possible. The contents of this report are the sole responsibility of FIDH and OMCT and shall under no circumstances be interpreted as reflecting the views of these organisations.



Ministry for Foreign
Affairs of Finland

DIRECTORS OF PUBLICATION:

Alice Mogwe, Gerald Staberock

AUTHORS OF THE REPORT:

Eugenia Andreyuk, Mariya Kvitsinskaya,
Tatiana Ziniakova, Paval Sapelka

EDITING AND COORDINATION:

Delphine Reculeau, Eugenia Andreyuk,
Dasha Kolav, Ilya Nuzov, Justine Lavarde,
Manon Cabaup, Kate Rudd

DESIGN:

Form Native

PUBLISHED:

June 2023

OMCT (ENGLISH ED.) = ISBN N°: 9782888940975

CONTENTS

Executive summary	5
Methodology	8
Introduction	9
Context of human rights defenders in Belarus before 2020	10
Characteristics of the persecution of human rights defenders (2020-2023)	13
The repressive toolbox deployed by Belarusian authorities on the human rights organisations and human rights defenders	16
3.1 Dismantling of formally-registered human rights organisations and informal initiatives	16
3.2 Criminalising human rights activities	21
3.3 Criminal and administrative detention of human rights defenders on non-political charges	23
3.4 Obstruction of independent legal aid and mass disbarment of lawyers	26
3.5 Restriction of the protection of workers' rights and independent trade union activities	29
3.6 Stigmatisation of human rights defenders in State propaganda and harassment of family members	31
Conclusions and recommendations	33

Executive summary

This report aims to demonstrate the severity of the human rights crisis in Belarus with respect to human rights defenders and human rights organisations. It analyses and documents the repressive laws and policies that have been used by Belarusian authorities to target them, especially since the contested 2020 presidential election and the massive protests that ensued. The politics of mass repression, which amounts to international crime of persecution, has not ceased since the beginning of the crisis in 2020. Human rights defenders have been one of the most actively persecuted social groups since 2021.

A wide range of tools are used to persecute human rights defenders in Belarus. These tools are deployed in the context of a concerted campaign by State bodies to ban and punish any independent human rights work. This report discusses the most commonly used tools for targeting human rights organisations and human rights defenders. Belarusian authorities adopt, amend and arbitrarily interpret national laws, while ignoring universal human rights standards and the recommendations of international human rights and accountability bodies.

This campaign of mass repression has effectively suppressed the right to defend human rights, making it impossible for defenders to engage in human rights work in Belarus without risking their life, liberty and security. In the last two years, repression has led to the destruction of institutionalised civil society in Belarus. All human rights organisations, independent media and trade unions have been shut down by the authorities, which consider their human rights activities extremist and as amounting to criminal offences. As at March 28, 2023, at least 82 human rights defenders, including members and employees of human rights organisations, trade unionists, lawyers and journalists, had been detained on fabricated charges.

As many human rights activists have been placed in detention or forced to leave the country, the victims of human rights violations and vulnerable groups are struggling to receive much-needed professional help or to access the already limited remedies for human rights abuses.

The report aims to highlight the systematic repression of human rights defenders in Belarus both before and after the 2020 protests, particularly through repressive legislation. It also makes recommendations to the governments of Belarus, other states and international organisations on how to restore and guarantee civic space and protect human rights defenders in Belarus.

The report makes the following recommendations:

To the government of Belarus:

- > Guarantee without exception the physical integrity and psychological well-being of all human rights defenders in Belarus, especially those in detention, and respect and protect their right to freedom from torture and other ill-treatment;
- > Publicly recognise the crucial and legitimate role played by all human rights defenders in advancing human rights;
- > Immediately and unconditionally release all detained human rights defenders, since their detention is arbitrary and seems to be merely aimed at punishing them for their legitimate human rights activities;
- > Put an end to all acts of harassment - including judicial and administrative - against all human rights defenders and human rights organisations in Belarus, and ensure in all circumstances that they are able to carry out their legitimate activities without any hindrance or fear of reprisal;

- > Ensure independent, impartial, transparent and effective investigations into all human rights violations against human rights defenders, in order to hold those responsible accountable;
- > Ensure adequate, effective and proportionate remedies and reparations to victims of human rights violations;
- > Guarantee and facilitate without exception the exercise of the rights to freedom of opinion and expression, freedom of association and freedom of peaceful assembly in accordance with Belarus' obligations under international human rights instruments and other relevant international standards, including the International Covenant on Civil and Political Rights and the UN Declaration on Human Rights Defenders;
- > Re-accede the Optional Protocol to the International Covenant on Civil and Political Rights and consent to other individual complaints procedures to UN human rights Treaty Bodies;
- > Fully comply with recommendations made by relevant UN human rights monitoring mechanisms, including Treaty Bodies, Special Procedures, and the Universal Periodic Review, in relation to the protection of human rights defenders;
- > Extend official invitations and arrange country visits for all relevant UN Special Procedures, including: the Special Rapporteur on the Situation of Human Rights Defenders, the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association, the Special Rapporteur on the Promotion and Protection of Freedom of Opinion and Expression and the UN Working Group on Arbitrary Detention.

To the United Nations (UN) and regional human rights mechanisms:

- > Call on the Belarusian authorities to end all human rights violations and all forms of harassment, intimidation and attacks against human rights defenders and to guarantee the rights to freedoms of opinion and expression, association and peaceful assembly;
- > Continue to take available measures to urge the Belarusian authorities to respect their obligations towards human rights defenders, including by documenting, reporting and condemning the ongoing violations, requesting visits to defenders in detention and regularly inquiring with the authorities about their health and detention conditions, as well as demanding the release of defenders in detention, and ensuring the legal assessment of individual cases and the general situation;
- > Provide platforms for Belarusian human rights defenders to advocate for their rights as well as those of their beneficiaries and continue to provide support to Belarusian civil society organisations within the available mechanisms;
- > Request an invitation to carry out an official visit to Belarus.

To foreign governments:

- > Continue to take measures to urge the Belarusian authorities to respect their obligations towards human rights defenders, including by: raising awareness in various fora, publicly disclosing and condemning human rights violations, requesting visits to human rights defenders in detention and inquiring with the Belarusian authorities about their health and detention conditions; demanding the release of defenders in detention in bilateral and multilateral fora; exploring additional targeted measures against the individuals allegedly responsible for the torture, ill-treatment, arbitrary detention and harassment of human rights defenders; and keeping the situation of defenders in Belarus high on the political agenda;

- > Fully utilise and explore additional available mechanisms for holding the Belarusian authorities to account for human rights abuses against human rights defenders, *inter alia*, by means of extraterritorial and universal jurisdiction and inter-State complaints under relevant treaties and through strengthening existing accountability mechanisms ;
- > Provide further financial and material support to Belarusian civil society organisations and human rights defenders, including those in exile, in particular by simplifying the registration procedures for non-government organisations forced into exile by issuing visas and other documents allowing the long-term stay of Belarusian human rights defenders in the host countries and by offering a rehabilitation programme for defenders who are victims of arbitrary detentions, torture, ill-treatment and other serious human rights violations.



Methodology

This report has been prepared by the World Organisation against Torture (OMCT) and the International Federation for Human Rights (FIDH) within the framework of the Observatory for the Protection of Human Rights Defenders,¹ a partnership of the OMCT and FIDH, to report on the deterioration of the human rights situation of human rights defenders in Belarus since 2020. It is based on analyses of newly adopted and amended legislation, published by Belarusian human rights organisations - Human Rights Center 'Viasna',² Human Constanta,³ Belarusian Association of Journalists,⁴ LawTrend,⁵ - and the Expert Council on NGO Law of the Conference of INGOs of the Council of Europe,⁶ as well as on the Observatory's own analyses.

The policies and repression deployed by the Belarusian government against human rights defenders have been documented by the Observatory for the Protection of Human Rights Defenders, as well as Belarusian human rights organisations and partners, including Human Rights Center 'Viasna', Human Constanta, LawTrend, Belarusian Association of Journalists, Right to Protection initiative. Additionally, the authors of the report held numerous meetings with Belarusian defenders to obtain first-hand information about the situation inside the country, the ongoing repression, and its effect on the Belarusian human rights defenders.

This report defines human rights defenders as any individual who, individually or in association with others, acts peacefully in the name of individuals or groups, to promote, defend, and protect the human rights and fundamental freedoms recognised by the Universal Declaration of Human Rights and guaranteed by various international human rights instruments. Defenders can be of any gender, of varying ages, from any part of the world and from all sorts of professional or other backgrounds. As a result of their active engagement in the defence of human rights, defenders tend to be subject to acts of reprisal, harassment, and violations of their rights by both State and non-State actors. The UN Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, outlines the right of individuals 'to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels,' and the responsibility and duty of States to 'protect, promote and implement all human rights and fundamental freedoms.'

Note: All names of Belarusian people and cities in the report have been transliterated from Belarusian into English.

¹ The Observatory for the Protection of Human Rights Defenders (the Observatory) was created in 1997 by the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT). The objective of this programme is to prevent or remedy situations of repression against human rights defenders. FIDH and OMCT are both members of [ProtectDefenders.eu](https://www.protectdefenders.eu), the European Union Human Rights Defenders Mechanism implemented by international civil society

² Human Rights Center 'Viasna', '[Legislative changes in Belarus. Legitimizing the repressions of the period of human rights crisis in 2020 - 2021](#)', July 26, 2021.

³ Human Constanta, '[Analysis of changes in anti-extremist legislation](#)', March 5, 2021.

⁴ Belarusian Association of Journalists, '[Law on Mass Media. Key points of changes and analysis of their application in practice \(RUS\)](#)', March 23, 2022.

⁵ LawTrend, '[New in the Belarusian Legislation about NGO: plans for 2023](#)', January 2023; '[Analysis of the draft law 'On the essentials of civil society'](#)', December 2022; '[Amendments to the laws on public associations and political parties](#)', 2022.

⁶ Expert Council on NGO Law of the Conference of INGOs of Council of Europe, '[Opinion on the compatibility with international and regional standards of recent amendments to the Belarusian legislation affecting NGOs](#)', October 18, 2022.

Introduction

Since the human rights crisis began to unfold in 2020, the Belarusian authorities have conducted a policy of systematic persecution of human rights defenders to silence any independent voices. This policy aims to dismantle the institutionalised human rights organisations and to force human rights defenders to stop their activities. Since 2020, Belarusian human rights defenders have been working in a climate of legal obstacles, criminal prosecution, detention, threats and stigmatisation that has forced many into exile. Incessant repression is causing civic space to shrink and is dramatically raising the stakes for human rights activism, progressively preventing the defence of human rights.

This report seeks to identify recent trends in the Belarusian authorities' policies towards human rights defenders, along with the toolbox of repression deployed since 2020. It will analyse both newly-introduced and amended laws as well as common policy practices. By highlighting the scale and effects of the repression faced by the human rights defenders in Belarus, the report aims to inform interested stakeholders and encourage them to take measures against the ongoing, severe human rights crisis.

The report is structured as follows: the first section sets out the circumstances of human rights defenders in Belarus prior to 2020; the second section provides a general description of the situation since 2020, and the third section analyses the specific types of repression deployed by the Belarusian government against the human rights defenders, specifically the dismantlement of formally-registered human rights organisations and informal initiatives, the criminalisation of human rights activities, the criminal and administrative detention of human rights defenders on non-political charges, the abolition of independent legal aid and massive disbarment of lawyers, the restriction of workers' rights protection and independent trade unions activities, the stigmatisation of human rights defenders in State propaganda and the harassment of their family members.



Context of human rights defenders in Belarus before 2020

Belarus has never had a strong track record for human rights or as a safe environment for human rights defenders. Aliaksandar Lukashenka's 28-year-long presidency has been marked by authoritarianism and systematic human rights violations, including the extrajudicial executions of political opponents⁷ and routine electoral fraud.⁸

Belarusian human rights defenders have always faced difficulties registering and running non-governmental organisations (NGOs), as well as arbitrary detention, criminal prosecution, searches, physical assaults, and other forms of harassment. This treatment would tend to escalate during waves of repression by State authorities against civil society, often peaking around political events such as elections.⁹

Since its adoption in the 1990s, Belarusian legislation on associations has required NGOs to be the State-registered before they can operate. The government has regularly interfered with State registration, refusing to grant it or stripping it from those NGOs it deems undesirable, thus making it impossible for these organisations to operate in the country. National legislation also imposes burdensome requirements on the operation of NGOs, obliging them to have a legal address in non-residential or commercial premises, to complete complicated procedures to register and receive foreign funding, and to undergo frequent inspections by the Belarusian Ministry of Justice, national tax authorities and other State bodies.¹⁰ Independent trade unions and media have always faced the same problems and restrictions as NGOs.

Illustrative case: Dissolution and refusal to grant registration to Human Rights Center 'Viasna' since 1998

Human Rights Center 'Viasna' was one of the first human rights organisations to face reprisals from the Belarusian regime.¹¹ The organisation started its work as a legal entity in 1996 under the name Viasna 96. In 1998 it was 'liquidated'—stripped off its registration status and forcibly dissolved—by the authorities. As a result of the dissolution, the organisation ceased to exist as a legal entity.

After re-registering in 1999, the organisation was monitoring the human rights situation in Belarus, drafting shadow reports on Belarus for international human rights bodies, observing elections and providing legal aid to citizens. In 2003, the Belarusian authorities ordered the organisation's dissolution, accusing it among other things of violating electoral legislation while monitoring the presidential elections in 2001. In 2007 and 2014, the Human Rights Committee issued its opinion on the case, finding the dissolution of 'Viasna' to be in violation of the right to freedom of association.¹² Despite the decision, 'Viasna' has never regained its registration status and has therefore continued working without it.

⁷ DW, '[Belarus: How Death Squads Targeted Opposition Politicians](#)', December 1, 2019.

⁸ OSCE/ODIHR, '[Election Observation Mission, Final Report](#)', Presidential Election in the Republic of Belarus, October 11, 2015; OSCE/ODIHR, '[Election Observation Mission, Final Report](#)', Presidential Election in the Republic of Belarus, December 19, 2010; OSCE/ODIHR, '[Election Observation Mission, Final Report](#)', Presidential Election in the Republic of Belarus, March 19, 2006; OSCE/ODIHR, '[Election Observation Mission, Final Report](#)', Presidential Election in the Republic of Belarus, September 9, 2001.

⁹ Civil Rights Defenders, '[State versus human rights defenders – unfair play](#)', October 28, 2014.

¹⁰ Amnesty International, '[What is not Permitted is Prohibited: Silencing Civil Society in Belarus](#)', April 2013.

¹¹ Human Rights Centre "[Viasna: 15 years of persecution](#)", September 14, 2011.

¹² UN Human Rights Committee, Aleksander Belyatsky et al. v. Belarus, CCPR/C/90/D/1296/2004, July 14, 2007, UN Human Rights Committee, [Natalya Pinchuk v. Belarus](#), CCPR/C/112/D/2165/2012, November 17, 2014

In 2003-2005, the registrations of dozens of independent non-governmental organisations were cancelled. In 2005, on the initiative of the State Security Committee (KGB), the Belarusian government introduced Article 193-1 into the Criminal Code (CC), which criminalised the activity of unregistered or dissolved organisations. It established a fine, the restriction of liberty or imprisonment for up to 2 years as punishment. Under huge international pressure and criticism, it changed criminal liability to administrative liability in 2019.¹³ In the interim, 17 people were charged under Article 193-1 of the CC, five of whom were sentenced to prison.

Illustrative case: The first criminal case under Article 193-1 of the CC, 2006

In February 2006, in the lead up to that year's presidential elections, a group of four human rights defenders (Tsimafei Dranchuk, Mikalai Astreika, Aliaksandar Shalaika and Enira Branitskaya), who were part of a civil election observers' initiative called Partnership, was detained. They were found guilty of violating the notorious Article 193-1 of the CC and sentenced to different prison terms, running from six months to one-and-a-half years.¹⁴

The next wave of repression occurred during and after the presidential elections in December 2010. The regime responded to peaceful protests against electoral fraud with arrests, confiscation of property and raids.¹⁵ Requests from UN Special Rapporteurs to conduct official visits were routinely rejected,¹⁶ while the State continued to 'obstruct and criminalise the legitimate activities of human rights defenders.'¹⁷

Illustrative case: Imprisonment of Ales Bialiatski (2011-2014)

Nobel Peace Prize Laureate (2022) and Head of 'Viasna', Ales Bialiatski, was detained in August 2011 on trumped up charges of tax evasion for 'concealment of profits on an especially large scale' (Article 243 part 2 of the CC). It was alleged that Bialatski had failed to pay income tax on income received in his foreign bank account. On November 24, 2011, the court found him guilty, sentencing him to four-and-a-half years' imprisonment and the confiscation of property. Bialiatski was released in August 2014.



¹³ Council of Europe, European Commission for Democracy through Law (Venice Commission), Opinion on the compatibility with universal human rights standards of Article 193-1 of the Criminal Code on the rights of non-registered associations of the Republic of Belarus, October 18, 2011.

¹⁴ Human Rights Center 'Viasna', 'Repressions during the presidential elections campaign in Belarus', September 19, 2006.

¹⁵ Human Rights Center 'Viasna', Belarus: Widespread searches and judicial harassment of human rights defenders following Presidential Elections, January 13, 2011.

¹⁶ Office of High Commissioner for Human Rights (OHCHR), Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Belarus, A/HRC/20/8, April 10, 2012, para. 10.

¹⁷ OHCHR, Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Belarus, A/HRC/20/8, April 10, 2012, para. 27.

The years following the 2015 presidential elections are often described as period of ‘liberalisation’ because it saw the release of most political prisoners.¹⁸ However, in reality, it was also marked by repressive practices, including the refusal to grant NGOs registration on petty grounds, human rights defenders being forced in exile, subjected to politically-motivated charges and physical violence.¹⁹ In 2017, a new cycle of repression began,²⁰ following protests against the proposed ‘Social Parasite’ decree, which was intended to tax the unemployed.²¹ The lawyer and law practitioner community was targeted, with extraordinary inspections taking place and licences being revoked,²² while other human rights defenders were subjected to preventative detention and even arbitrary forced psychiatric hospitalisation.²³

Illustrative case: Expulsion of Elena Tonkacheva (2014-2017)

On October 30, 2014, the Belarusian authorities informed **Elena Tonkacheva**, a leading human rights defender, and Head of the Center for Legal Transformation, that her residence permit had been revoked. At the time, Elena was a Russian citizen but had lived in Belarus for more than 30 years. According to the authorities, she had committed several public traffic regulation violations, meaning she was deemed a ‘threat to public order’. This became the official reason for her expulsion from Belarus. On November 5, 2014, the Office for Migration and Citizenship of Pershamayski District Police Department in Minsk ordered Tonkacheva to leave the country within one month. She was also prohibited from visiting Belarus for the following three years.²⁴

All these pre-existing trends and patterns have paved the way for the large-scale repression that followed the August 2020 presidential elections.

¹⁸ United Nations Special Rapporteur on the situation of human rights in Belarus, [Belarus: UN expert hails release of political opponents, points to further steps ahead of presidential polls](#), August 26, 2015.

¹⁹ United Nations Special Rapporteur on the situation of human rights in Belarus, [Statement by the Special Rapporteur on the situation of human rights in Belarus](#), February 9, 2016.

²⁰ United Nations Special Rapporteur on the situation of human rights in Belarus, [Report of the Special Rapporteur on the situation of human rights in Belarus](#), A/HRC/35/40, April 2017, 21 para. 5.

²¹ Human Rights Watch, [Belarus: ‘Freedom Day’ Crackdown: Mass Arrests, Beatings of Protesters, Journalists, Rights Defenders](#), April 3, 2017.

²² The Observatory for the Protection of Human Rights Defenders, Paris Bar Association, Human Rights Center ‘Viasna’, [‘Belarus: Control Over Lawyers Threatens Human Rights’](#), June 2018.

²³ Human Rights Committee [Concluding observations on the fifth periodic report of Belarus](#), CCPR/C/BLR/CO/5, November 22, 2018, paras. 33-34.

²⁴ Frontline Defenders, [Case History: Elena Tonkacheva](#)

Characteristics of the persecution of human rights defenders (2020-2023)

The largest protests in Belarusian post-Soviet history erupted following the August 2020 presidential election. The announcement of a landslide victory of Lukashenka was contradicted by ample evidence of electoral fraud, mobilising Belarusians to take to the streets with their demands for free and fair elections.²⁵ A violent crackdown on the peaceful protesters transformed the agenda, and demonstrators began demanding an end to killings, torture and persecution.²⁶ In response to these demands, the government intensified persecution of protesters, as well as civil society, significantly reducing the massive street protests by the end of 2020.

Repression had been gradually building during the pre-election period, with independent media workers and bloggers being detained on administrative and criminal charges.²⁷ The arrests of human rights defenders and journalists who exposed human rights violations started in autumn 2020, although this did not yet amount to the systematic persecution. Between May 2020 and the end of 2020, at least 15 bloggers, nine independent journalists, two employees of human rights organisations and 14 employees/activists of other NGOs were arbitrarily detained on criminal charges.

Illustrative case: Human rights defenders and journalists reporting human rights violations arrested in 2020

Ihar Losik, founder and blogger at the **Belarus Golovnogo Mozga (Belarus of the Brain)** Telegram channel and a freelance journalist for **Radio Free Europe / Radio Liberty**, was detained on June 25, 2020, and eventually sentenced to 15 years in a maximum-security prison.²⁸

Marfa Rabkova, Coordinator of the Volunteer Service at **Human Rights Center 'Viasna'**, was detained on September 17, 2020, and eventually sentenced to 15 years' imprisonment on 11 false criminal charges.²⁹

On October 2, 2020, a **'Viasna'** volunteer **Andrei Chapuk** was detained. In September 2022 he was sentenced to six years' imprisonment on fabricated charges.

Belsat TV journalists **Katsiaryna Andreyeva** and **Darya Chultsova** were detained in November 2020 during a protest they were streaming. They were sentenced to two years' imprisonment. In 2022, while serving her prison sentence, Katsiaryna was found guilty under a new fabricated criminal charge of 'high treason' and sentenced to eight further years' imprisonment.³⁰

After their relatively selective persecution of human rights defenders in 2020, the Belarusian authorities started to target civil society—especially the human rights organisations and its members—as an enemy of the State posing a threat to the authoritarian regime. As a result, from 2021, the regime clamped down on human rights defenders in what it referred to as a 'purge' on one of

²⁵ Current Time, ['Falsifications at Every Third Polling Station: "Golos" Questioned the Results of Election in Belarus, Announced by the Central Electoral Commission'](#), 11 August 2020; Kostya Manenkov and Daria Litvinova, 'Belarus Poll Workers Describe Fraud in Aug. 9 Election', *The Washington Post*, 1 September 2020; Wolfgang Benedek, [OSCE Rapporteur's Report under the Moscow Mechanism on Alleged Human Rights Violations related to the Presidential Elections of 9 August 2020 in Belarus](#), OSCE, October 29, 2020, p. 21.

²⁶ Amnesty International, ['Belarus: Police Unleash Appalling Violence on Peaceful Protesters'](#), 10 August 2020; Human Rights Center "Viasna", [Belarus: Violence, Abuse in Response to Election Protests](#), 12 August 2020; *The Economist*, ['The World Should Not Ignore Systematic Torture in Belarus'](#), December 5, 2020.

²⁷ [Amnesty International, 'Belarus: Growing crackdown on human rights ahead of presidential election'](#), June 29, 2020.

²⁸ Human Rights Center "Viasna", ['Sentences in the Tsikhanouski's case: 14 to 18 years in prison'](#), December 14, 2021.

²⁹ Human Rights Center "Viasna", Profiles of political prisoners, [Marfa Rabkova](#)

³⁰ Belarusian Association of Journalists, [EFJ: Belarus: journalist Katsiaryna Andreeva sentenced to 8 years for alleged treason](#), July 13, 2022.

civil society's moving forces.³¹

The year began with planned waves of massive raids and detentions of human rights defenders. On February 16, 2021, massive raids and searches were conducted at the offices of human rights organisations and NGOs, as well as at the private homes of human rights defenders and civil activists. Around 90 searches took place that day across Belarus. They included all major independent human rights organisations. On July 8 and 9, 2021, the police carried out nearly 70 raids on media outlets and the homes of journalists, arresting at least 15 journalists.³² On July 14-16, 2021, at least 45 searches were conducted at the homes of human rights defenders, as well as at the offices of NGOs across Belarus.³³ The searches and detentions began the day after the UN Human Rights Council adopted its resolution on the human rights situation in Belarus,³⁴ expressing deep concern over the unprecedented escalation of violations, including the systematic repression of human rights defenders and journalists.³⁵

In 2021, the Belarusian authorities also adopted new legislation to outlaw human rights activities in the country, legitimise repressive practices and provide new grounds and procedures for the suppression of civil society. Its dramatic effect is explained in detail below. The arrests and criminal prosecution of human rights defenders, together with other forms of repression became systematic in 2021-2022. Since then, every week there has been a new arrest of human rights defenders, forced closure of an organisation or conviction of groups as extremists.

Although systematic retaliation took place against human rights work in preceding decades, the scale of repression against human rights defenders since 2021 has been unparalleled. It amounts to systematic mass persecution given the number of people affected, and the variety of tools used to target the organisations and individuals engaged in protecting human rights.

The intentional nature of this repression is evidenced by the sheer number of government agencies involved in the crackdown on human rights defenders and by the public statements made by State officials. When asked about the mass dissolution of NGOs in a **BBC** interview following a humanitarian crisis at the Belarus-EU border,³⁶ acting president, Aliaksandar Lukashenka said: 'We'll massacre all the scum that you [the West] have been financing'.³⁷ The political and human rights crisis is a result of the coordinated action of the KGB, the Main Directorate for Combatting Organised Crime and Corruption of the Belarusian Ministry of Internal Affairs (GUBOPiK), the Ministry of Internal Affairs (MIA) and its territorial departments and agencies, the Investigative Committee, courts of all levels which depend entirely on the government,³⁸ the Prosecutor's Office, the Ministry of Justice, the Ministry of Information and other Ministries, the State Control Committee and State-owned and State-controlled media. The Belarusian government has also abandoned any cooperation with international human rights bodies, including the UN Special Rapporteur on the human rights situation in Belarus. It withdrew from the Optional Protocol to the International Covenant on Civil and Political Rights in February 2023.³⁹

³¹ The Guardian, ['Belarus regime steps up 'purge' of activists and media'](#), August 9, 2021.

³² World Organisation against Torture (OMCT) and Reporters Without Borders, ['Lukashenko's year-old crackdown on Belarusian journalists'](#), August 6, 2021.

³³ OMCT, [Belarus: New wave of searches and arrests of human rights defenders and journalists](#), July 16, 2021.

³⁴ United Nations Human Rights Council, Resolution A/HRC/47/L.13, [Situation of human rights in Belarus](#), 2021.

³⁵ OMCT, [Belarus: New wave of searches and arrests of human rights defenders and journalists](#), July 16, 2021.

³⁶ Human Constanta, Humanitarian crisis, 2022.

³⁷ BBC, [Belarus's Lukashenko tells BBC: We may have helped migrants into EU](#), November 19, 2021.

³⁸ The Special Rapporteur on the human rights situation in Belarus, [Belarus: Establishing independent judicial system should top the agenda for future reforms, says UN expert](#), October 26, 2020; Special Rapporteur on the human rights situation in Belarus, [Situation of human rights in Belarus](#), (A/75/173), July 17, 2020, paras. 20-24; Special Rapporteur on the human rights situation in Belarus, Report of the Special Rapporteur on the situation of human rights in Belarus, May 4, 2022, para.82

³⁹ Nasha Niva, [Belarus to denounce its participation in an important international agreement](#), August 18, 2022.

Figures revealing the scale of the crisis

As at February 28, 2023, at least **797** non-profit organisations were in the process of compulsory dissolution, while **432** organisations had been forced to resort to the self-dissolution.⁴⁰ In total, at least **1,229** institutionalised non-commercial organisations (public associations, trade unions, foundations, non-governmental institutions, and associations) had lost their registration since 2020, including all leading human rights NGOs.

As at March 28, 2023, **seven** lawyers had been detained, while at least **92** had been disbarred by the decision of Belarusian authorities.⁴¹ Most of those disbarred and detained were working on human-rights-related cases. Over **200** lawyers had reportedly left the bar since November 2021.⁴²

As at March 28, 2023, **seven** human rights defenders were being detained due to their human rights activities. Since August 2020 at least **12** human rights defenders were being detained under criminal charges;

As at March 28, 2023, **37** independent journalists were being detained for performing their journalistic duties and reporting on human rights situation;⁴³

As at March 28, 2023, at least **five** trade unions had been dissolved due to their labour rights advocacy, with **31** trade union members in detention.⁴⁴ At least **16** of them had been sentenced to imprisonment on fabricated grounds in violation of their right to a fair trial.⁴⁵

The crackdown affects a wide range of communities. Firstly, those who received support and services from dissolved human rights organisations, such as extremely vulnerable people, people with disabilities, people with serious, chronic, or terminal illnesses, ethnic minorities, and migrants. These people have been left without support or assistance from civil society.

The climate of impunity and fear has led to a mass exodus from Belarus of human rights defenders, civic activists, intellectuals, and many ordinary people.⁴⁶ It is estimated that between 100,000 and 300,000 people have been forced to leave the country.⁴⁷

At the end of 2022, the Belarusian government and parliament announced several legislative initiatives to enshrine its new policy on civil society. This included the amendment of the Belarusian Law on Public Associations and Political Parties,⁴⁸ the passing of a Law on the Essentials of Civil Society,⁴⁹ and the amendment of legislation on local authorities.⁵⁰

⁴⁰ Lawtrend, [Monitoring the situation of freedom of association and civil society organisations in the Republic of Belarus February 2023](#), December 2022

⁴¹ Defenders.by, [Important information](#).

⁴² The Special Rapporteur on the human rights situation in Belarus, [Report of the Special Rapporteur on the situation of human rights in Belarus](#), May 4, 2022, para. 85

⁴³ Belarusian Association of Journalists, [Repressions against journalists in Belarus 2023, list of colleagues in prison](#), June 10, 2022

⁴⁴ Human Rights Centre "Viasna", [Rights defenders demand the release independent trade union leaders](#), January 6, 2023

⁴⁵ IndustriALL Global Union, [Belarus must release detained leaders of trade unions](#), January 19, 2023

⁴⁶ Special Rapporteur on the human rights situation in Belarus, [Report of the Special Rapporteur on the situation of human rights in Belarus](#), May 4, 2022, para. 123.

⁴⁷ Reuters, [Belarus plans law to revoke citizenship of emigre opponents, minister says](#), September 6, 2022.

⁴⁸ LawTrend, [Changes to the legislation on public associations and political parties](#), January 2023.

⁴⁹ LawTrend, [Analysis of draft law 'On the essentials civil society'](#), December 2022.

⁵⁰ LawTrend, [New in the Belarusian legislation on NGOs: plans for 2023](#), January 2023.

||| The repressive toolbox deployed by Belarusian authorities on the human rights organisations and human rights defenders

The Belarusian authorities use a wide range of tools to disrupt and persecute civil society in the country. These include measures intended to dismantle NGOs and informal initiatives, the criminalisation and banning of human rights activities and criminal prosecution of people involved in them, the placing of human rights actors (e.g., independent lawyers or trade-unions) under strict control of the executive power, the stigmatisation of independent human rights defenders in State propaganda and other forms of harassment (e.g. the persecution defenders' relatives and family members).

These repressive methods have an impact on diverse aspects of human rights activities, ranging from NGOs' legal status to their public image. The Belarusian government has effectively created a repressive eco-system directed against any organisation or group in its own civil society which it perceives as disloyal.

3.1 Dismantling of formally-registered human rights organisations and informal initiatives

The dismantling of human rights initiatives and organisations began in 2021. The authorities go about this process in one of two ways, either: 1) by stripping NGOs of State registration (forced dissolution) and holding their employees and members criminally liable for working on behalf of an unregistered organisation; or 2) by considering organisations or initiatives as 'extremist' and holding their employees, members, supporters or even their beneficiaries or audience criminally liable for interacting with or supporting them in any way.



3.1.1 Forced Dissolution of NGOs

The wave of at least 45 searches of homes of human rights defenders and NGO premises in July 2021,⁵¹ affecting at least 17 organisations, represented an attack by Belarusian authorities against organised independent civil society. On July 22, 2021, Lukashenka claimed: 'for such a small country [we have] around two thousand non-governmental organisations, non-commercial organisations, bandits and foreign agents.'⁵² On July 23, 2021, at least 48 NGOs that had previously been officially registered as non-governmental institutions learned they would be dissolved and de-registered by decision of the local authorities.⁵³

As at February 28, 2023, according to the monitoring conducted by LawTrend, 797 non-profit organisations were undergoing forced dissolution. New cases are still being filed. In total, at least 1,229 institutionalised forms of non-commercial organisations (public associations, trade unions, foundations, non-governmental institutions, and associations) have been dissolved since July 2021.⁵⁴ All the main national human rights organisations have been dissolved, including the Belarusian Association of Journalists, the Public Association 'Ecodom', the Belarusian PEN Centre, the Belarusian Helsinki Committee, the International Public Association Gender Perspectives, the Centre for Legal Transformation, the Office for the Rights of People with Disabilities, the Office for European Expertise and Communications, the Public Association Legal Initiative, Human Constanta, Legal Initiative, 'Zvyano'. At the time of drafting this report, there are no remaining professional human rights organisations with official registration in the country.

Illustrative case: Dissolution of the Public Association 'Zvyano'

'Zvyano' is a public association that was officially registered in Belarus in 2013. It was involved in human rights education and promoted citizen participation in public and political life. On April 5, 2021, **Tatsiana Hatura-Yavorskaya** and four other members of 'Zvyano', were arbitrarily detained in Minsk after organising an exhibition entitled 'Machine breathes but I don't', which shed light on the struggles of medical workers during the Covid-19 crisis and on the politicisation of healthcare in Belarus. They were sentenced to seven days' administrative detention. After the administrative detention, Tatsiana was charged with 'organising mass riots' (Article 342 of the CC).

On June 9, 2021, the Belarusian Ministry of Justice issued 'Zvyano' with a written warning, claiming that it had violated national legislation because only the Ministry of Health was permitted to monitor the healthcare system during the Covid-19 pandemic.⁵⁵ The organisation appealed the warning but lost at trial.

In August 2021, the Belarusian Ministry of Justice filed a request with Minsk City court for 'Zvyano' to be stripped of State registration and dissolved. On October 5, 2021, the court ruled in favour of the Ministry of Justice, and on January 17, 2022, the Supreme Court upheld the decision of the first instance, stating that 'Zvyano' was involved in extremist and discrediting activities. 'Zvyano' became the last of the principal human rights organisations to be dissolved by the court.



⁵¹ OMCT, ['Belarus: New wave of searches and arrests of human rights defenders and journalists'](#), July 16, 2021; BELSAT, 'Mass detentions and searches across Belarus: Who became regime's target on July 14', July 15, 2021.

⁵² Belta, ['From nuclear security to strengthening export, Lukashenko initiated consultations with Council of Ministers'](#), July 22, 2021.

⁵³ In accordance with Belarusian national legislation, an NGO registered as non-governmental institution can be dissolved by the local authorities that registered it, whereas an NGO registered as public association is dissolved upon decision of the court.

⁵⁴ Lawtrend, ['Monitoring the situation of freedom of association and civil society organisations in the Republic of Belarus February 2023'](#), December 2022.

⁵⁵ OMCT, ['Belarus : Obstacles to the freedom of association of 'Zvyano''](#), June 16, 2021.

This forced dissolution campaign extended to all sectors of civil society, including environmental (public association 'Ecodom', Center for Environmental Solutions, public organisation APB Bidlife Belarus), cultural (Belarusian PEN Center, Union of Belarusian Writers, national associations of Poles and Lithuanians), social (non-profit crowdfunding platform 'Imena', 'Dobra' foundation, 'BelSetka' Anti-AIDS group), gender (Gender Perspectives, 'Radislava'), sports (public association Grodno 4X4 Sports Club, Sports public association Support of Young Ice Hockey Players), etc. In many instances, these NGOs were stepping in to fulfil the role of the State in areas where the government should have been acting. The comprehensive decimation of the whole third sector in Belarus has affected much broader segments of the population, depriving vulnerable groups of services that are not provided by the State.

Mass forced dissolution took place in parallel to the reintroduction of Article 193-1 of the CC, prohibiting the activities of unregistered or dissolved organisations.⁵⁶ Back in 2011, the European Commission for Democracy through Law (Venice Commission) analysed the compatibility of Article 193-1 with international human rights standards, concluding that it violated the rights of freedom of association and freedom of expression. The Commission stated: 'the mere fact that an association has not passed state registration may not be a ground for penalizing actions connected with such an association since that would provide the authorities with control over the essence of the right to freedom of association'.⁵⁷

Today, the Belarusian government first forcibly closes down organisations before initiating the criminal prosecution of those which continue their activities. Those who continue their human rights activities without registration risk two years in prison. Consequently, much of the sector's work is forced underground or is continued in exile.

Illustrative cases: Criminal cases under Article 193-1 of the CC in 2022

*In June 2022 the criminal case under Article 193-1 of the CC was initiated against Director of Hrodna Children's Hospice, **Volha Velichka**.⁵⁸ On August 20, 2021, Hrodna Regional Court ruled on the forced dissolution of the organisation, which was registered in 2008.⁵⁹*

In November 2022 the homes of members of 'the Union of Poles in Belarus', an organisation protecting the rights and developing the culture of the Polish minority in Belarus, were searched and they were subsequently arrested. Later on, the General Prosecutor's Office brought action under Article 193-1, against several people involved in the organisation's work, due to it not being registered.⁶⁰ The organisation's leaders had been detained on extremist-related criminal charges in March of the previous year. However, the organisation's conflict with the Belarusian authorities dates all the way back to 2005.

Changes in media legislation were marked by the introduction of new restrictions on the registration of media outlets and the simplification of the procedure for terminating their activities, as well as the adoption of additional grounds for blocking online media and significant restrictions on the rights of journalists.⁶¹ As at June 2022, at least 33 independent media resources had been blocked and

⁵⁶ International Federation for Human Rights (FIDH), [Belarus: New amendment to the Criminal Code leaves no room for legal human rights activities](#), January 31, 2022.

⁵⁷ Council of Europe, European Commission for Democracy through Law (Venice Commission), [Opinion on the compatibility with universal human rights standards of Article 193-1 of the Criminal Code on the rights of non-registered associations of the Republic of Belarus](#), October 18, 2011.

⁵⁸ Hrodna.Life, [A new criminal case was started against the director of Hrodna Children's Hospice - newly-introduced article](#), June 20, 2022.

⁵⁹ Hrodna.Life, [Hrodna Children's Hospice is being liquidated](#), October 25, 2021.

⁶⁰ Nasha Niva, [Human Rights Defenders: Members of the Union of Poles are not the first one who faces such charges](#), November 14, 2022.

⁶¹ Belarusian Association of Journalists, [Law on Mass Media. Key points of changes and analysis of their application in practice \(RUS\)](#), March 23, 2022.

12 newspapers banned from print.⁶² More information about the repression of independent media can be found in the joint report of the OMCT and Reporters Without Borders (RSF), published in August 2021.⁶³

3.1.2 Classification of human rights initiatives as extremist formations

The body of anti-extremism provisions recently introduced in Belarusian legislation enables the government to classify any organisation or formal/informal group as extremist and ban it. The latest amendments to the Law of the Republic of Belarus on Countering Extremism, which was passed in 2021, provides an overly broad definition of the term ‘extremism’ in addition to a list of 18 loosely-defined acts that are deemed to threaten the ‘independence, territorial integrity, sovereignty, and foundations of constitutional order’⁶⁴. Article 1 of this Law provides that groups of people can be classified as ‘extremist formations’ at the sole discretion of the MIA or KGB, whose decision is not subject to judicial review.⁶⁵ Under this law, the extremist formation is defined as ‘a group of citizens that carries out an extremist activity or otherwise assists extremist activities or recognises the possibility of their implementation as part of their activity, or finances extremist activity’.

These provisions supplement the pre-existing classification of ‘extremist organisation’ (an organisation carrying out or facilitating extremist activities, or acknowledging the possibility of doing so as part of its activities, or financing extremist activities and was recognized as such by the court). This means that an unlimited range of groups and associations can now be classified as ‘extremist’, since the definition does not require them to have participated directly in any ‘extremist’ acts. These ‘formations’ are usually placed on the List of Organisations, Formations, Individual Entrepreneurs, Involved in Extremist Activities (List of Extremist Formations), which is maintained by the MIA.⁶⁶ Participation in an extremist formation is a crime under Article 361-1, part 3 of the CC that was amended in 2021.

Numerous initiatives, media outlets and organisations have been classified as extremist formations. These include the solidarity fund to help victims of human rights violations ‘BYSOL’, the Radio Free Liberty/Radio Europe, independent TV channel Belsat, information agency ‘Belapan’, EuroRadio, media ‘HrodnaLife’, media ‘Nasha Niva’, human rights organisation ‘Nash Dom’, and the Professional Union of Belarusians in Britain ‘PUBB’, among others. Hundreds if not thousands of people are arrested every year on criminal or administrative charges, simply for subscribing to the social media channels of organisations classified as extremist formations, or for reposting, liking or commenting on their posts.

⁶² Belarusian Association of Journalists, [Information about repressions against leading media](#), June 30, 2022.

⁶³ World Organisation against Torture (OMCT) and Reporters Without Borders, [‘Lukashenko’s year-old crackdown on Belarusian journalists’](#), August 6, 2021.

⁶⁴ Law of the Republic of Belarus [“On Countering Extremism”](#) No 203-3, 4 January 2007 (as amended on June 16, 2021), Article 1.

⁶⁵ Law of the Republic of Belarus [“On Countering Extremism”](#) No 203-3, 4 January 2007 (as amended on June 16, 2021), Article 1.

⁶⁶ Ministry of Internal Affairs of the Republic of Belarus, [On Measures of Countering Extremism and Rehabilitation of Nazism](#) (available in Russian through VPN only).

Illustrative cases: Groups classified as extremist organisations/formations

In November 2021 the KGB classified independent news agency 'BelaPAN' as an extremist formation. The following October 6, **Andrei Aliaksandrau**, **Iryna Leushyna**, and **Dzmitry Navazhylau**, all of whom worked at 'BelaPAN', were sentenced to 14, four and six years' imprisonment respectively, under various charges pertaining to Article 361-1 of the CC (creation and administration of an extremist formation).

In June 2022 the Supreme Court of Belarus held that independent media outlet TUT.BY was an extremist organisation. The organisation's activities on Belarusian territory were banned and its logos were prohibited. Prosecution in respect of TUT.BY began in 2021, with the arrest of its editor in chief and at least two journalists.

On October 19, 2022, the environmental organisation 'Ecodom' was classified as an extremist formation, in the first case of its kind concerning a dissolved NGO.⁶⁷ It is not yet clear whether any of its former members or supporters will face charges.

On March 7, 2023, it emerged that the KGB had arbitrarily classified the Belarusian Association of Journalists (BAJ) as an "extremist formation" and banned its activities. This makes the BAJ the first human rights organisation to be classified as an extremist formation.⁶⁸



⁶⁷ Reform.by, ['Environmental Organisation 'Ecodom' was recognized as extremist formation'](#), October 19, 2022.

⁶⁸ Observatory for the Protection of Human Rights Defenders, [Belarus: Belarusian Association of Journalists designated as extremist formation](#), March 15, 2023.

3.2 Criminalising human rights activities

New legislation adopted in 2021 classified certain human rights activities as ‘extremist’. Under Article 1 of the Law on Countering Extremism any activities by individuals, political parties or domestic or international organisations, deemed to be detrimental to the independence, territorial integrity, sovereignty, basis of constitutional order and public safety, are classified as ‘extremist’⁶⁹. In practice, this outlaws all human rights and media activities connected with reporting on the human rights situation or on international crimes committed by State officials, as the Belarusian government denies having committed any human rights violations since 2020 and considers any criticism harmful to the State. Additionally, financing ‘extremist activities’ (Article 361-2 of the CC), aiding ‘extremist activities’ (Article 361-4 of the CC) and preparing for participation in ‘extremist activities’ (Article 361-5 of the CC) are now punishable offences.⁷⁰ Administrative liability for similar offences was also extended.

‘Calling for sanctions against Belarus’ became a criminal offence under Article 361 of the CC. Whereas, the offences of ‘insulting a representative of the government or his/her relatives’ (Article 369 of the CC) and ‘discrediting the Republic of Belarus’ were amended and their scope widened under Article 369-1 of the CC.

Persecution on the grounds of ‘anti-extremism’ reached a particularly unprecedented levels in 2021-2022.⁷¹ According to Human Rights Center ‘Viasna’ more than 400 people have been arrested under Articles 369 and 369-1 of the CC since their introduction.⁷²

Illustrative case: Criminal prosecution of Aliaksandar Danilevich

Aliaksandar Danilevich, a lawyer and professor, was detained on May 20, 2022, on criminal charges under Article 361-3 of the CC (‘calling for action intended to harm to the national security of the Republic of Belarus’ (‘calling for sanctions’)). Since his arrest **Aliaksandar** has been detained at the KGB’s pre-trial detention centre. Details of the criminal case against him are unknown as his lawyer is under a non-disclosure obligation. Shortly before his detention, Aliaksandar signed an anti-war appeal by lawyers concerning the armed aggression of Russia against Ukraine, following which disciplinary proceedings were initiated against him by the Belarusian Bar Association. He was also dismissed from the Belarusian State University, where he had taught in the Department of International Relations for more than 20 years.⁷³

Amendments to the Law on Mass Events in the Republic of Belarus, passed on May 24, 2021, legitimised the pre-existing State practice of banning the live streaming of unauthorised mass

⁶⁹ Law of the Republic of Belarus “On Countering Extremism” No 203-3, 4 January 2007 (as amended on June 16, 2021), Article 1.

⁷⁰ Law of the Republic of Belarus from May 26, 2021 No 112-3 ‘[On amendments to the codes on criminal responsibility](#)’, adopted on May 7, 2021

⁷¹ ARTICLE 19, Human Constanta, [Belarus: Right to freedom of expression and ‘extremism’ restrictions](#), March 18, 2021; International Center for Non-For-Profit Law, [Analysis of the laws of the Republic of Belarus on anti-extremism and preventing the rehabilitation of Nazism](#), July 28, 2021 (in Russian); International Center for Non-For-Profit Law, [Update on new restrictive draft legislation in Belarus](#), May 2021; Human Constanta, [Analysis of changes in anti-extremism legislation \(overview from the perspective of Belarus’ international obligations in the field of human rights\)](#), March 5, 2021; Human Constanta, [Review of the fight against “extremism” in Belarus in July-September 2022](#); Human Constanta, [Death penalty threats: review of the fight against extremism in Belarus in April-June 2022](#); Human Constanta, [“Extremism” in wartime – review of the fight against “extremism” in Belarus for January-March 2022](#); Human Constanta, [Overview of the fight against «extremism» in Belarus in October-December 2021](#); Human Constanta, [The fight against “extremism” with fatal outcomes – an overview of trends for August and September 2021](#); Human Constanta, [Overview of the fight against “extremism” in Belarus for June and July 2021](#); Human Constanta, [Review of the fight against “extremism” in Belarus for April-May 2021](#); Human Constanta, [Review of the fight against “extremism” in Belarus for January-March 2021](#); Human Constanta, [Review of the fight against “extremism” in Belarus for November-December 2020](#); Human Constanta, [Overview of the fight against “extremism” in Belarus for July-October 2020](#)

⁷² Human Rights Center ‘Viasna’, [List of Political Prisoners](#)

⁷³ Human Rights Center ‘Viasna’, [Political Prisoner: Aliaksandr Danilevich](#)

events⁷⁴ (see the case of Katsiaryna Andreyeva and Darya Chultsova described above). The Law on the Mass Media (amended on June 26, 2021) now bans the dissemination of unaccredited public opinion poll results on the country's socio-political situation, national referendums, presidential elections, parliamentary and local elections, and the dissemination of hyperlinks to reports and/or materials containing information prohibited from dissemination in the media or online.⁷⁵ The amendments also prohibit journalists from 'discrediting' the State, effectively banning any criticism of the State.

In a move to combat the public solidarity that emerged following the initial repressions of 2020, Belarusian authorities prosecute people who collected money for the payment of fines and other penalties or provided other forms of assistance to the victims of rights violations on charges of 'organising mass riots'. Several human rights defenders were sentenced for these activities.

Illustrative cases: Criminal prosecution for 'financing riots'

In January 2021 Head of 'Viasna' Homel office, **Leanid Sudalenka**, and two volunteers, **Tatsiana Lasitsa** and **Maria Tarasenka**, were detained on criminal charges. In November 2021, Leanid Sudalenka and Tatsiana Lasitsa were found guilty of 'organising and preparing action in flagrant breach of public order' (Article 342 parts 1 and 2 of the CC). They were accused of providing financial assistance to protesters, whereas in reality this was either humanitarian aid to vulnerable people or aid for legal assistance. The charges were backed by absurd 'evidence', for example a Facebook post by Sudalenka offering to buy firewood for the family of someone accused of 'mass rioting' in connection with the peaceful protests of 2020.

Leanid was sentenced to three years' imprisonment and Tatsiana, to two-and-a-half.⁷⁶ On September 2022 Tatiana was later pardoned and released.⁷⁷ Another 'Viasna' volunteer, Maryia Tarasenka, who stood trial in the same proceedings managed to leave Belarus before the trial.⁷⁸

On January 12, 2021, the journalists and human rights defenders **Andrei Aliaksandrau** and **Iryna Zlobina** were detained on charges of 'funding riots' (under Article 342 of the CC). The MIA stated that from August 2020 to November 2020 they had paid 250 fines on behalf of protesters. In June 2021, Andrei was additionally charged with treason (Article 356 of the CC) and tax evasion (Article 243 of the CC). Iryna was additionally charged with treason (Article 356 of the CC). When the trial started in April 2022, it emerged that Andrei had also been charged with participating in an extremist formation (Article 361-1 of the CC). On October 6, 2022, Andrei was sentenced to 14 years' imprisonment and Iryna, to nine.⁷⁹



⁷⁴ Law of the Republic of Belarus from May 24, 2021 No 108-3 '[On amendments to the law on mass events](#)'

⁷⁵ Law of the Republic of Belarus from July 17, 2008 No 427-3 '[On the Mass Media](#)'

⁷⁶ Observatory for the Protection of Human Rights Defenders, '[Belarus: Rights Organisations call on authorities to end politically motivated prosecutions](#)', November 3, 2021.

⁷⁷ Reform.by, '[Tatsiana Lasitsa pardoned](#)', September 24, 2022.

⁷⁸ Human Rights Center 'Viasna', '[Viasna activists Leanid Sudalenka and Tatsiana Lasitsa sentenced to 3 and 2 ½ years in prison](#)', November 3, 2021.

⁷⁹ Observatory for the Protection of Human Rights Defenders, '[Belarus: Criminalisation of independent BelaPAN journalists](#)', October 19, 2022.

3.3 Criminal and administrative detention of human rights defenders on non-political charges

In addition to facing prosecution under recently introduced anti-extremist legislation, human rights defenders are also prosecuted under criminal and administrative legislation. For example, they are charged with offences which appear in 'non-political' articles of the Criminal Code, such as 'tax evasion'⁸⁰ or 'non-payment of utilities',⁸¹ if the law enforcement agencies do not have enough information or evidence to prove their involvement in extremist activities or to divert international attention away from cases, they are involved in.

Illustrative cases: Criminal prosecution of Ales Bialiatski, Valiantsin Stefanovich and Uladzimir Labkovich, Human Rights Center 'Viasna'

Chairman of Human Rights Center 'Viasna' and 2022 Nobel Peace Prize laureate **Ales Bialiatski** was detained in July 2021 together with his colleagues **Valiantsin Stefanovich** and **Uladzimir Labkovich** following the mass raids on civil society organisations. All three were initially charged with tax evasion (Article 243 part 2 of the CC), in a repetition of the charges pressed against Ales in 2011 (when it was claimed that 'Viasna' was operating without State registration and had failed to pay taxes). In September 2022, new charges of 'smuggling money across the border by an organised group' (Article 228 of the CC) and 'financing group action in flagrant breach of public order' were brought against these human rights defenders (Article 342 part 2 of the CC).⁸² All three have remained in detention since July 2021. The trial started on January 5, 2023, and has been marred by numerous procedural violations. On March 3, 2023, Ales Bialiatski was sentenced to 10 years' imprisonment, Valiantsin Stefanovich, to nine, and Uladzimir Labkovich, to seven.⁸³

Criminal prosecution of Siarhei Drazdouski and Aleh Hrableuski, Office for the Rights of People with Disabilities

Director of the Office for the Rights of Persons with Disabilities, **Siarhei Drazdouski**, and a lawyer from the same organisation, **Aleh Hrableuski**, were detained in February 2021.⁸⁴ Earlier, the Department of Financial Investigations (DFI) of the Belarusian State Control Committee had searched the Office premises, confiscating computer equipment, phones, and documents. The human rights defenders questioned for hours and denied access to lawyers. Hrableuski was forced to remove his clothes, while Drazdouski was required to remain still for seven hours, causing him significant pain as a wheelchair user.⁸⁵ Both human



⁸⁰ Belsat, ['They asked to say that not all law enforcement are bad' Human rights defender Anastasia Lojka spoke of her case](#), August 17, 2021.

⁸¹ RadioFreeEurope/Radioliberty, [Two Belarusian Journalists Sentenced To 30 Months In Prison Each Amid Ongoing Crackdown](#), March 15, 2022.

⁸² Zerkalo.io, ['Smuggling and financing protests. "Viasna" political prisoners face new charges](#)', September 26, 2022.

⁸³ Observatory for the Protection of Human Rights Defenders, ['Belarus: Viasna members Ales Bialiatski, Valiantsin Stefanovich and Uladzimir Labkovich sentenced to prison'](#), March 3, 2023

⁸⁴ Office of the High Commissioner for Human Rights, ['Belarus: Crackdown on human rights defenders deepens - expert'](#), March 19, 2021.

⁸⁵ Office of the High Commissioner for Human Rights, Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Special Rapporteur on the situation of human rights in Belarus; the Special Rapporteur on the rights of persons with disabilities; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, [Communication AL BLR 4/2021](#), March 12, 2021.

rights defenders were charged with fraud for the alleged misuse of charitable donations and for providing assistance to people with no documented disabilities.⁸⁶ The crackdown on the Office is reportedly connected to its cooperation with UN agencies—an assertion confirmed by a statement issued by the Belarusian Ministry of Foreign Affairs.⁸⁷ Siarhei and Aleh were released on bail in July 2021.⁸⁸

Administrative legislation is also used to secure the prolonged detention of human rights defenders. Often authorities first bring charges in misdemeanours as hooliganism or disobedience to the police officers and put defenders under administrative arrest or several arrests in a row. Some detainees are forced to testify while they are under administrative arrest, and later their status is changed to the suspect under the criminal case.

Illustrative case: Persecution of Nasta Loika

On September 6, 2022, a prominent Belarusian human rights defender was detained while attending the hearing of the so-called ‘**Revolutionary Action**’ group case,⁸⁹ in which political prisoners, including the representative of ‘**Viasna**’ **Marfa Rabkova**, were on trial. Nasta was released on September 21, 2021, after serving her 15-day administrative sentence. But, on the same day, she was re-arrested and sentenced to a further 15 days for ‘petty hooliganism’ under Article 19.1 of the Belarusian Administrative Code. She was released on October 6, 2022. But, on October 28, 2022, she was re-arrested and sentenced to four consecutive administrative jail terms on October 31, 2022, November 14, 2022, November 29, 2022, and December 14, 2022.

During November 14 hearing, Nasta reported that she was tortured and ill-treated in detention. The allegations were dismissed, and no investigation has been launched into them.⁹⁰ On October 28, 2022, a ‘confession video’ featuring Nasta, appeared on GUBOPiK’s Telegram channel, ‘Center’s Summaries’.⁹¹ On December 20, 2022, the propagandist media outlet ‘Sovetskaya Belarussia (SB)’ published another series of Nasta’s alleged confessions.⁹²

On December 24, 2022, the Investigative Committee of Belarus charged Nasta with ‘organising group action in flagrant breach of public order’ (Article 342 part 1 of the CC) and ‘incitement of racial, national, religious or other social hatred or discord’ (Article 130, part 3 of the CC). She remains in pre-trial detention.



⁸⁶ Observatory for the Protection of Human Rights Defenders, ‘[Belarus: Arbitrary detention of Siarhei Drazdouski and Aleh Hrableuski](#)’, February 12, 2021.

⁸⁷ Permanent Mission of the Republic of Belarus to the United Nations Office and other international organizations in Geneva, [On the misuse by the staff of the UN Office in Belarus of financial resources intended for legal aid to persons with disabilities and victims of domestic violence](#), October 12, 2021.

⁸⁸ Reform.by, [Lawyer of liquidated Office for the Rights of Persons with Disabilities left Belarus](#), January 12, 2022.

⁸⁹ Current Time, [“In a courtroom I wanted to go home so much!” Telling about the case of Marfa Rabkova – a 27-year old “Viasna” human rights defender, facing 20 years of imprisonment](#), May 12, 2022.

⁹⁰ OMCT, [Belarus : Defender Nasta Loika tortured in detention](#), November 18, 2022.

⁹¹ Bel-news.by, [6:0 Telegram deleted the GUBOPiK channel for the 6th time](#), April 20, 2022.

⁹² SB.by, [‘Spy network disguised as human rights volunteers uncovered by officers of the GUBOPiK. Volunteers? Rats! or How foreign agents work’](#), December 20, 2022.

Once incarcerated, human rights defenders face inhumane and degrading conditions in places of detention. Prisoners convicted on politically-motivated charges and those arrested and detained for exercising their human rights report widespread use of force and continued ill-treatment, which also includes overcrowding and unsanitary conditions.⁹³ In prison, human rights defenders are often issued with a yellow tag by prison authorities to indicate that they are 'prone to extremism'.⁹⁴



⁹³ The Special Rapporteur on the situation of human rights in Belarus, [Report of the Special Rapporteur on the situation of human rights in Belarus](#), May 4, 2022, para. 74.

⁹⁴ AP News, [In Belarus, yellow tags single out political prisoners](#), June 4, 2021.

3.4 Obstruction of independent legal aid and mass disbarment of lawyers

Since many formally-educated, practising lawyers assumed the roles of human rights defenders following the 2020 protests, they too became the target of repressive State policies. By late 2022, the Belarusian government had forced almost all independent lawyers to cease practising by disbarring, arresting or forcing them into exile, thus depriving the victims of human rights violations of any independent legal assistance.

The application of recently-amended Belarusian laws effectively limits lawyers' independence by subjecting their activities to the excessive control of the authorities, in particular the Ministry of Justice. These legislative amendments were designed to endow the authorities with unfettered discretion in regulating the legal profession. Such excessive control is not justified by any pressing necessity and is placing a disproportionate burden on law practitioners.

The legislative amendments passed in 2021, which tightened control over legal practice, include:

- > The elimination of all independent forms of legal practice, with the establishment of 'legal consultations' as the only legitimate form of legal practice. These consultations are not independent, since their composition must be determined by the territorial bar association in agreement with the Ministry of Justice and their activities are regulated by the Republican Bar Association in consultation with the Ministry of Justice;⁹⁵
- > The extension of the powers of the Ministry of Justice to encompass:⁹⁶
 - the right to single-handedly develop the rules of professional ethics for lawyers without the consultation of lawyers or lawyers' associations;
 - the right to determine the procedure for ordinary and extraordinary recertification of lawyers;
 - the right to monitor lawyers' compliance with legislation, including legislation on bar and legal practice, professional ethics rules and licensing requirements;⁹⁷
 - the right to approve or reject candidates as members or chairperson of the territorial bar council and to propose its own candidates in the event that it rejects the candidates proposed to twice.⁹⁸

Since late 2020 the Belarusian authorities have adopted a policy of forced, arbitrary disbarment of lawyers who are perceived as disloyal. The overall number of certified lawyers in the country was estimated to have dropped by at least 150 by early 2022 in comparison with 2020.⁹⁹

According to statistics published by the Right to Protection initiative in 2023, lawyers in Belarus have faced the following forms of forced disbarment:¹⁰⁰

- > disbarment as the result of the ordinary or extraordinary re-certification procedure (affecting 52 lawyers);
- > disbarment by decision of the territorial bar's disciplinary body (affecting 32 lawyers);

⁹⁵ [Law "On amending the laws on bar and legal practice"](#) No. 113-3, May 27, 2021, Article 3, para. 22.

⁹⁶ [Law "On amending the laws on bar and legal practice"](#) No. 113-3, May 27, 2021, Article 3, para. 27.

⁹⁷ [Law on amending the laws on bar and legal practice](#) No. 113-3, May 27, 2021, para. 27.

⁹⁸ [Law on amending the laws on bar and legal practice](#) No. 113-3, May 27, 2021, para. 31.

⁹⁹ RadioFreeEurope / RadioLiberty, [After a wave of repressions, there are 150 fewer lawyers in Belarus](#), February 7, 2022.

¹⁰⁰ Defenders.by, [Persecution of lawyers after 2020 election](#), July 21, 2022.

- > termination of licenses by decision of the Ministry of Justice, finding the lawyer's conduct incompatible with the status of a lawyer (affecting 8 lawyers).

As at March 28, 2023 at least 92 lawyers had been disbarred by decision of Belarusian authorities.¹⁰¹ Over 200 lawyers have reportedly left the bar since November 2021.¹⁰²

Illustrative cases: Disbarment of human rights lawyers

Siarhei Zikratsky, a lawyer who was defending **Belsat** journalist Katsiaryna Andreyeva, journalists of **TUT.by media**,¹⁰³ and Press Club's Director Ala Sharko and was also involved in various other human rights cases, was disbarred after failing to pass the extraordinary re-certification procedure. The disbarment procedure was initiated by the Ministry of Justice following the Siarhei's comments to Belarusian independent media and posts on his social media.¹⁰⁴

Ludmila Kazak's license was terminated by the decision of the Qualification Commission of the Ministry of Justice, which found that she had 'disobeyed the lawful order of a police officer' and therefore had committed 'an administrative offence under Article 23.4 of the Administrative Code'. Earlier, while representing the interests of politician Maria Kalesnikava, Ludmila had been detained by three masked men, forced into an unmarked car and later received a fine based on their anonymous testimonies against her.¹⁰⁵

Natallia Matskevich, who represented political prisoners and the 2020 presidential candidate Viktor Babaryka, was disbarred by decision of the Qualification Commission. It found her guilty of 'interrupting an investigative procedure' and of 'unethical action towards the parties of a procedure' for interrupting the investigator, speaking over the investigator and objecting to the statements of prosecution witnesses.¹⁰⁶

This trend of sweeping disbarments violates lawyers' right to freedom of expression and the right to legal assistance as one of the guarantees of a fair trial, as well as infringing the right to work. Human rights defenders are effectively being denied the rights to access a legal profession, to form professional associations or to express their opinions freely without fearing disbarment or other sanctions for so-called unethical conduct.¹⁰⁷

Another important development concerning lawyers is the criminal prosecution of human rights lawyers on various grounds. As at March 28, 2022, at least seven human rights lawyers had been detained on politically-motivated criminal charges.

Illustrative cases: Criminal prosecution of lawyers

On June 16, 2022, the Leninsky District Court in Minsk sentenced **Andrei Machalau**, a human rights lawyer known for providing legal assistance to torture survivors, independent journalists, human rights defenders and civil and political activists, to two years' restricted freedom in an open penal facility for 'using a false document' under Article 380, paragraph 1 of the CC.

Andrei was accused of using an invalid practising certificate and authorisation to take part in a trial held on June 17 and June 18, 2021. He had his licence revoked by the disciplinary commission and the council of the Minsk regional Bar Association on

¹⁰¹ Defenders.by, [Important information](#), 31 January 2023

¹⁰² The Special Rapporteur on the situation of human rights in Belarus, [Report of the Special Rapporteur on the situation of human rights in Belarus](#), May 4, 2022, para. 85.

¹⁰³ DW, [What are the disbarred lawyers doing?](#), February 23, 2022.

¹⁰⁴ Defenders.by, [Persecution of layers after 2020 election, Sergey Zikrasky](#), July 21, 2022.

¹⁰⁵ Lawyers for Lawyers, [Concerns about disbarment Liudmila Kazak](#), April 14, 2021.

¹⁰⁶ International Commission of Jurists, [Belarus: Bar Association should reinstate disbarred lawyer Natalia Matskevich](#), October 28, 2021.

¹⁰⁷ The Special Rapporteur on the situation of human rights in Belarus, [Report of the Special Rapporteur on the situation of human rights in Belarus](#), United Nations General Assembly, A/75/173, July 17, 2020.

May 31, 2021, for ‘offences incompatible with the status of a lawyer’. The notice of disbarment was sent to the Andrei’s former address, meaning he was not notified of the decision. Instead, he learned about the decision on June 18, 2021, while representing his client in the courtroom. An investigation for the use of an invalid document was later opened against him.

During the court proceedings, Andrei’s right to due process was violated. He was denied his right to legal assistance, after his lawyer **Vitaliy Braginets** was placed under administrative arrest and the court refused to reschedule the proceedings until Vitaliy was able to represent Andrei or to let Andrei choose a new lawyer. Andrei ended up being represented by a court-appointed lawyer, whom he did not know and did not have the opportunity to communicate with in advance.¹⁰⁸

Vitaliy Braginets, the lawyer of Andrei Machalau and other human rights defenders and political prisoners, including 2022 Nobel Peace Prize winner Ales Bialiatsky was placed under administrative arrest in June 2022 for disobeying a police officer. After serving his administrative arrest period, he was kept in custody under pre-trial detention. On August 5, 2022, the qualification commission disbarred Vitaliy for ‘committing offences, incompatible with the status of lawyer’. Due to lawyers’ non-disclosure obligations, the charges against Vitaliy were only made public in January 2023. They include ‘incitement of social hatred’ (Article 130 part 3 of the CC), ‘calling for sanctions’ (Article 361 part 3 of the CC), ‘creation of an extremist formation or participation therein’ (Article 361-1 part 1 of the CC), and ‘active participation in action in flagrant breach of public order’ (Article 342 part 1 of the CC). On February 2, 2023 Vitaliy was sentenced to eight years’ imprisonment by the court of the first instance.¹⁰⁹

The massive disbarment and persecution of lawyers has had a dramatic effect, leaving the Belarusian population with severely limited access to independent legal assistance. For example, three of Ales Bialiatski’s lawyers were disbarred: Vitaliy Braginets was detained on May 23, 2022, first being sentenced to administrative detention, then charged with ‘extremism’-related crimes and disbarred (as described above); Viktor Matskevich was disbarred on December 1, 2022; and finally, Tatsiana Lishankova was sentenced to 15 days’ administrative detention on November 30, 2022, and then disbarred. This makes it extremely difficult for people facing criminal prosecution—especially on politically-motivated charges—to find a professional independent lawyer to represent their interests. It also creates a chilling effect, causing those lawyers remaining to refuse to work on politically-motivated cases

¹⁰⁸ OMCT, Belarus : [Criminal prosecution and limitation of freedom of man rights lawyer Andrei Machalau](#), June 2, 2022.

¹⁰⁹ Human Rights Center ‘Viasna’, [file:///Political Prisoner/ Vital Braginets](#)

3.5 Restriction of the protection of workers' rights and independent trade union activities

Like lawyers, trade union activists are a subcategory of human rights defenders who are particularly disfavoured by the Belarusian authorities. The events of 2020, wherein workers who actively participated in demonstrations suffered disproportionate repression, triggered the mobilisation of the trade union and workers' rights movement.¹¹⁰ Since then, the authorities have placed great legislative and executive emphasis on preventing the action of workers' rights initiatives and organisations.

Perceiving the strengthening of trade union movements as a threat to the political regime, State authorities amended labour laws to retaliate against growing workers' solidarity in 2021. Some of the key changes include:

- > Extension of grounds for employee dismissal to include (1) absence from work to serve administrative detention, (2) 'forcing' co-workers to participate in a strike or to otherwise cease performing their work duties, and (3) participating in an illegal strike;
- > Waiver of the requirement to seek the union's approval prior to dismissal;
- > Ban on advancement of political demands during a strike. This addition serves no real purpose in Belarusian national law, since under the Labour Code, strikes are already restricted to the resolution of collective labour disputes;
- > Prohibition of strikes at companies with hazardous production facilities, even though facilities with different hazard levels (moderate, high, very high) are found at almost all plants. Therefore, for a company to be deemed a 'hazardous production facility', it suffices for there to be equipment operated under excessive pressure, hoisting cranes in operation or mining work conducted on site.

Along with the above-mentioned changes in national legislation, the Belarusian authorities stripped independent trade unions of their registration and closed them down, detaining and prosecuting those who led the workers movement in 2021-2022. In April 2022, massive searches were carried out in the offices and houses of members of the Belarusian Congress of Trade Unions, Free Trade Union of Metal Workers, the Free Trade Union and the Union of Radio-Electronic Workers, as a result of which more than 20 trade union leaders and activists were arrested.¹¹¹ At least 10 of them remain in custody.

On April 7, 2022, the KGB decided that the Union of Radio-Electronic Workers was an 'extremist formation'. On July 12 and 14, 2022 Supreme Court forcibly dissolved four independent trade unions: the Free Trade Union of Metal Workers, the Free Trade Union, Union of Radio-Electronic Workers and the Belarusian Independent Trade Union. On July 21, 2022, it dissolved the association to which these independent trade unions belonged, the Belarusian Congress of Trade Unions.¹¹² The reasons given by court were their alleged involvement in 'destructive activities,' 'unauthorised mass events,' and the 'distribution of extremist materials'.¹¹³

¹¹⁰ Shaun Walker, Andrew Roth, ['Resign!': Alexander Lukashenko heckled by factory workers in Minsk](#), The Guardian, August 17, 2020.

¹¹¹ LawTrend, ['The situation with freedom of association and organisations of civil society of the Republic of Belarus: April 2022'](#), May 2022

¹¹² EuroRadio, ['The independent trade unions being liquidated in Belarus via the court'](#), July 13, 2022.

¹¹³ Hanna Liubakova, [Belarus dictator targets trade unions amid fears over anti-war mood](#), Atlantic Council, June 13, 2022.

According to the Belarusian Independent Trade Union, 31 trade union activists and leaders of democratic trade unions are currently being detained on politically-motivated criminal charges. Since 2021, five of them have been released after serving their prison term, whereas many more have been fired on political grounds.¹¹⁴

Illustrative cases: Criminal prosecution of independent trade union leaders

On December 26, 2022, Minsk city court sentenced activists from the Belarusian Congress of Democratic Trade Unions (BCDT), who had been detained on April 19, 2022. The union's Chairperson **Aliaksandr Yarashuk**, his deputy **Siarhei Antusevich** and the accountant **Iryna Bud-Husaim** were accused of 'action in flagrant breach of public order' (Article 342 part 1 of the CC), while Yarashuk was also accused of 'calling for sanctions and other action intended to harm national security of the Republic of Belarus' (Article 361 part 3 of the CC). Aliaksandr was sentenced to four years' imprisonment, Siarhei to two years' and Iryna to a year-and-a-half.¹¹⁵

On January 5, 2023, the same Minsk city court sentenced three other leaders of Belarusian independent trade unions: the former head of the Union of Radio-Electronic Workers **Henadz Fiadynich**, the leader of the Orša section of Union of Radio-Electronic Workers and a member of the Belarusian Helsinki Committee **Vasil Berasnieu**, and the Union of Radio-Electronic Workers' activist **Viachaslau (Vatslau) Areshka**. They were accused of 'calling for sanctions and other action intended to harm national security of the Republic of Belarus' (Article 361 part 3 of the CC), 'incitement of social hatred' (Article 130 part 3 of the CC), and 'establishment of an extremist formation or participation in it' (Article 361-1 part 1 and 3 of the CC). Henadz, 66, and Vasil, 73, were sentenced to nine years' imprisonment in a medium-security penal colony, while Viachaslau, 68 was sentenced to eight years in a general-security penal colony. It is also known that Vasil's health has deteriorated significantly during his time in detention.¹¹⁶

¹¹⁴ Charter 97, [Employees at Belarusian Enterprises Are Fired en Masse According to Special Lists](#), November 23, 2021.

¹¹⁵ Human Rights Center 'Viasna', [Rights defenders demand to release independent trade union leaders](#), January 06, 2023

¹¹⁶ Ibid.

3.6 Stigmatisation of human rights defenders in State propaganda and harassment of family members

Human rights defenders also face attacks in the form of State propaganda that demonises them, presenting them as ‘enemies of the State’ and ‘agents of Western powers’. Belarusian government media claims that human rights organisations ‘pump money from Western governments and organisations, with the professed good intention of creating a civil society.’¹¹⁷

Lukashenka declared that ‘the growth in the number of non-profit organisations signals the preparation of colour revolutions’ and that ‘several non-profit organisations circulated fake news, called for public disobedience, taught radical citizens the skills to fight law enforcement officers and made blacklists of people who are loyal to the country.’¹¹⁸ He also stated that the authorities would ‘massacre all the scum’ financed from abroad.¹¹⁹

Although State media are not widely trusted by the Belarusian society,¹²⁰ the hostile attitude towards civil society representatives is increasingly normalised among those who are loyal to the regime. By branding human rights defenders ‘enemies of the State’ or otherwise discrediting them, the State is breaching its obligation of due diligence to create a safe and enabling environment for human rights defenders, as enshrined in Article 2 of the UN Declaration on Human Rights Defenders.¹²¹

Illustrative cases: State propaganda against human rights defenders

The main Belarusian government media outlet SB.by (‘Sovetskaya Belorussia’ or ‘Belarus Segodnia’) regularly publishes news and investigative features on the independent civil society movement, demonising them and portraying them as corrupt, pro-Western organisations that seek to harm Belarusian interests. One of the largest ‘special’ reports, ‘Upside Down of the Rebellion’, depicts all independent civil society in this way, focusing in particular on human rights organisations.¹²²

*On December 20, 2022, SB.by published an article entitled **Spy network disguised as human rights volunteers uncovered by GUBOPiK officers**. It reported on the activities of the human rights organisation Human Constanta, employing the same vilifying State narrative. The publication contains the video testimonies of Nasta Loika, which were taken under duress during her detention, as well as details of team members’ private lives.¹²³*

The other wide-spread form of repressions is harassment of relatives of human rights defenders, either ones staying abroad or in Belarus, or even in detention. It includes ‘confessions’ videos of relatives, searches in their houses, detentions, administrative arrests, and criminal prosecution.¹²⁴

¹¹⁷ Tvr.by, [‘Who is fighting for human rights, and who is for power, calling himself a human rights defender, and why it is beneficial for the West to support the latter’](#), October 26, 2021.

¹¹⁸ Belta, [‘Lukashenko: NGOs under the guise of charity work out someone else’s political order’](#), July 30, 2021.

¹¹⁹ BBC, [‘Belarus’s Lukashenko tells BBC: We may have helped migrants into EU’](#), November 19, 2021.

¹²⁰ Euroradio, [‘Research: Belarusians suspect media of lying and look for news abroad’](#), May 15, 2021.

¹²¹ UN General Assembly, Resolution [A/RES/53/144](#), ‘Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms’, 8 March 1999, Article 2; International Legal Framework Committee, [International Legal Framework Applicable to Threats Against Human Rights Defenders](#), July 2019, p. 18.

¹²² SB.by, [‘Upside Down of the Rebellion’](#)

¹²³ SB.by, [‘Spy network disguised as human rights volunteers uncovered by officers of the GUBOPiK. Volunteers? Rats! or How foreign agents work’](#), December 20, 2022.

¹²⁴ Nash Dom, [‘Hostage-taking of the relatives of human rights defenders, activists and leaders in Belarus’](#), June 2022.

Illustrative cases: criminal and administrative prosecution of family members of detained human rights defenders

Darya Losik, the wife of imprisoned journalist **Ihar Losik**, actively fought for his release, spoke out at international fora and gave numerous media interviews to draw attention to his case and supported the families of other political prisoners. She was detained on October 18, 2022, after her apartment was searched. Darya was accused of 'facilitating extremism' (Article 361-4 of the CC) on the grounds of an April 2022 interview given to TV channel **Belsat**, which is classed as an extremist formation by the Belarusian authorities. According to the case file, in the interview Darya positioned herself as the wife of a political prisoner and criticised the State bodies responsible for criminal prosecution and the administration of justice. She also claimed that her husband was not guilty of committing criminal acts and had been unlawfully convicted, as well she called on the relatives of other convicts to follow her example. On January 19, 2023, the Brest Regional Court sentenced Darya to two years' imprisonment in a penal colony. Ihar and Darya have a young daughter, who is now living with her grandparents.

Vadzim Zharomsky, the husband of detained human rights defender Marfa Rabbkova, was arrested on December 23, 2022 and sentenced to 15 days' administrative detention. However, he was not released on January 6, 2023 when the detention period was due to expire, but was instead sentenced to another ten days of administrative detention. Vadzim has been very vocal about the protection of his wife and in drawing attention to her case.

Human rights defenders living in exile face different types of pressure from the Belarusian authorities, such as extradition requests¹²⁵ (including via Interpol), espionage and harassment,¹²⁶ as well being denied Belarusian ID or social protection, including access to their pensions.¹²⁷ NGO members in exile face politically-motivated trials *in absentia*, according to newly amended laws that allow criminal proceedings to be held in the absence of defendants.¹²⁸

¹²⁵ The Special Rapporteur on the situation of human rights in Belarus, [Report of the Special Rapporteur on the situation of human rights in Belarus](#), July 20, 2022, para 80.

¹²⁶ LRT, ['Lithuanian lawyer arrested on suspicions of spying for Belarus'](#), October 04, 2022

¹²⁷ The Special Rapporteur on the situation of human rights in Belarus, [Report of the Special Rapporteur on the situation of human rights in Belarus](#), July 20, 2022, para 40.

¹²⁸ Law of the Republic of Belarus from May 13, 2022 No 165-3, ['On amendments to the Criminal Code of the Republic of Belarus'](#)

Conclusions and recommendations

Since 2021, a variety of repressive tools have been used by the Belarusian authorities against human rights defenders, as part of a concerted campaign to stifle perceived civic dissent and prevent human rights activities. These authorities adopt, amend and arbitrarily interpret national laws, ignoring universal human rights standards and the recommendations of international human rights and accountability bodies.¹²⁹ This has culminated in the denunciation of the Optional Protocol to the International Covenant on Civil and Political Rights.¹³⁰

The plethora of tools used to persecute human rights defenders in Belarus is wide-ranging and ever-expanding. It includes approaches aimed at dismantling civil society organisations and informal initiatives, at banning specific human rights activities and at the criminal prosecution and arbitrary detention of employees and members of human rights organisations, journalists, lawyers and trade unionists. State propaganda that systematically demonises independent human rights defenders supplements other forms of harassment. In the past two years, State repression has caused the destruction of institutionalised civil society in Belarus. All human rights organisations, independent media outlets and trade unions have been shut down by the authorities. Their human rights activities are deemed extremist and amount to criminal offences. As at March 28, 2023, at least 82 human rights defenders were being detained on fabricated charges.

Human rights defenders are a social group which is intentionally persecuted by the Belarusian regime in the ways described above, as they are perceived as dissidents who pose a threat to the regime. Persecution is also intended to punish human rights defenders for their activities and to deter any further human rights activism in the country, thus eroding every aspect of right to defend human rights in Belarus.

In the view of the conclusions, the following recommendations are formulated:

To the government of Belarus:

- > Guarantee without exception the physical integrity and psychological well-being of all human rights defenders in Belarus, especially those in detention, and respect and protect their right to freedom from torture and other ill-treatment;
- > Publicly recognise the crucial and legitimate role played by all human rights defenders in advancing human rights;
- > Immediately and unconditionally release all detained human rights defenders, since their detention is arbitrary and seems to be merely aimed at punishing them for their legitimate human rights activities;
- > Put an end to all acts of harassment - including judicial and administrative - against all human rights defenders and human rights organisations in Belarus, and ensure in all circumstances that they are able to carry out their legitimate activities without any hindrance or fear of reprisal;

¹²⁹ Eugenia Andreyuk, Anonymous, [International Mechanisms for Accountability for Human Rights Violations in Belarus](#), GMF, January 18, 2022.

¹³⁰ Nasha Niva, [Belarus to denounce its participation in an important international agreement](#), August 18, 2022.

- > Ensure independent, impartial, transparent and effective investigations into all human rights violations against human rights defenders, in order to hold those responsible accountable;
- > Ensure adequate, effective and proportionate remedies and reparations to victims of human rights violations;
- > Guarantee and facilitate without exception the exercise of the rights to freedom of opinion and expression, freedom of association and freedom of peaceful assembly in accordance with Belarus' obligations under international human rights instruments and other relevant international standards, including the International Covenant on Civil and Political Rights and the UN Declaration on Human Rights Defenders;
- > Re-accede the Optional Protocol to the International Covenant on Civil and Political Rights and consent to other individual complaints procedures to UN human rights Treaty Bodies;
- > Fully comply with recommendations made by relevant UN human rights monitoring mechanisms, including Treaty Bodies, Special Procedures, and the Universal Periodic Review, in relation to the protection of human rights defenders;
- > Extend official invitations and arrange country visits for all relevant UN Special Procedures, including: the Special Rapporteur on the Situation of Human Rights Defenders, the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association, the Special Rapporteur on the Promotion and Protection of Freedom of Opinion and Expression and the UN Working Group on Arbitrary Detention.

To the United Nations (UN) and regional human rights mechanisms:

- > Call on the Belarusian authorities to end all human rights violations and all forms of harassment, intimidation and attacks against human rights defenders and to guarantee the rights to freedoms of opinion and expression, association and peaceful assembly;
- > Continue to take available measures to urge the Belarusian authorities to respect their obligations towards human rights defenders, including by documenting, reporting and condemning the ongoing violations, requesting visits to defenders in detention and regularly inquiring with the authorities about their health and detention conditions, as well as demanding the release of defenders in detention, and ensuring the legal assessment of individual cases and the general situation;
- > Provide platforms for Belarusian human rights defenders to advocate for their rights as well as those of their beneficiaries and continue to provide support to Belarusian civil society organisations within the available mechanisms;
- > Request an invitation to carry out an official visit to Belarus.

To foreign governments:

- > Continue to take measures to urge the Belarusian authorities to respect their obligations towards human rights defenders, including by: raising awareness in various fora, publicly disclosing and condemning human rights violations, requesting visits to human rights defenders in detention and inquiring with the Belarusian authorities about their health and detention conditions; demanding the release of defenders in detention in bilateral and multilateral fora; exploring additional targeted measures against the individuals allegedly responsible for the torture, ill-treatment, arbitrary detention and harassment of human rights defenders; and keeping the situation of defenders in Belarus high on the political agenda;
- > Fully utilise and explore additional available mechanisms for holding the Belarusian authorities to account for human rights abuses against human rights defenders, *inter alia*, by means of

extraterritorial and universal jurisdiction and inter-State complaints under relevant treaties and through strengthening existing accountability mechanisms;

- > Provide further financial and material support to Belarusian civil society organisations and human rights defenders, including those in exile, in particular by simplifying the registration procedures for non-government organisations forced into exile by issuing visas and other documents allowing the long-term stay of Belarusian human rights defenders in the host countries and by offering a rehabilitation programme for defenders who are victims of arbitrary detentions, torture, ill-treatment and other serious human rights violations.



Establishing the facts

Investigative and trial observation missions – Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed rigorous and impartial procedures to establish facts and responsibility.

Experts sent to the field give their time to FIDH on a voluntary basis.

FIDH has conducted more than 1,500 missions in over 100 countries in the past 25 years. These activities reinforce FIDH's alert and advocacy campaigns.

Supporting civil society

Training and exchanges – FIDH organises numerous activities in partnership with its member organisations, in the countries in which they are based. The core aim is to strengthen the influence and capacity of human rights activists to boost changes at the local level.

Mobilising the international community

Permanent lobbying before intergovernmental bodies – FIDH supports its member organisations and local partners in their efforts before intergovernmental organisations. FIDH alerts international bodies to violations of human rights and refers individual cases to them.

FIDH also takes part in the development of international legal instruments.

Informing and reporting

Mobilising public opinion – FIDH informs and mobilises public opinion. Press releases, press conferences, open letters to authorities, mission reports, urgent appeals, petitions, campaigns, website... FIDH makes full use of all means of communication to raise awareness of human rights violations.

17 passage de la Main-d'Or - 75011 Paris - France

TÉL. : + 33 1 43 55 25 18 / www.fidh.org

Created in 1985, the World Organisation Against Torture (OMCT) works for, with and through an international coalition of over 200 non-governmental organisations - the SOS-Torture Network - fighting torture, summary executions, enforced disappearances, arbitrary detentions, and all other cruel, inhuman and degrading treatment or punishment in the world and fighting for the protection of human rights defenders.

Assisting and supporting victims

OMCT supports victims of torture to obtain justice and reparation, including rehabilitation. This support takes the form of legal, medical and social emergency assistance, submitting complaints to regional and international human rights mechanisms and urgent interventions. OMCT pays particular attention to certain categories of victims, such as women and children.

Preventing torture and fighting against impunity

Together with its local partners, OMCT advocates for the effective implementation, on the ground, of international standards against torture. OMCT is also working for the optimal use of international human rights mechanisms, in particular the United Nations Committee Against Torture, so that it can become more effective.

Protecting human rights defenders

Often those who defend human rights and fight against torture are threatened. That is why OMCT places their protection at the heart of its mission, through alerts, activities of prevention, advocacy and awareness-raising as well as direct support.

Accompanying and strengthening organisations in the field

OMCT provides its members with the tools and services that enable them to carry out their work and strengthen their capacity and effectiveness in the fight against torture. OMCT presence in Tunisia is part of its commitment to supporting civil society in the process of transition to the rule of law and respect for the absolute prohibition of torture.

8 rue du Vieux-Billard - PO Box 21 - CH-1211 Geneva 8 - Switzerland

TEL: +41 22 809 49 39 / www.omct.org



THE OBSERVATORY

Activities of the Observatory

The Observatory is an action programme based on the belief that strengthened co-operation and solidarity among human rights defenders and their organisations will contribute to break the isolation they are faced with. It is also based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression of which defenders are victims.

With this aim, the Observatory seeks to establish:

- > A mechanism of systematic alert of the international community on cases of harassment and repression of defenders of human rights and fundamental freedoms, particularly when they require urgent intervention;
- > The observation of judicial proceedings, and whenever necessary, direct legal assistance;
- > International missions of investigation and solidarity;
- > A personalised assistance as concrete as possible, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
- > The preparation, publication and world-wide dissemination of reports on violations of the rights and freedoms of individuals or organisations working for human rights around the world;
- > Sustained action with the United Nations and more particularly the Special Rapporteur on Human Rights Defenders, and when necessary with geographic and thematic Special Rapporteurs and Working Groups;
- > Sustained lobbying with various regional and international intergovernmental institutions, especially the Organisation of American States (OAS), the African Union (AU), the European Union (EU), the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, the International Organisation of the Francophonie (OIF), the Commonwealth, the League of Arab States, the Association of Southeast Asian Nations (ASEAN) and the International Labour Organisation (ILO).

The Observatory's activities are based on consultation and co-operation with national, regional, and international non-governmental organisations.

With efficiency as its primary objective, the Observatory has adopted flexible criteria to examine the admissibility of cases that are communicated to it, based on the "operational definition" of human rights defenders adopted by FIDH and OMCT: "Each person victim or at risk of being the victim of reprisals, harassment or violations, due to his or her commitment, exercised individually or in association with others, in conformity with international instruments of protection of human rights, to the promotion and realisation of the rights recognised by the Universal Declaration of Human Rights and guaranteed by the different international instruments".

To ensure its activities of alert and mobilisation, the Observatory has established a system of communication devoted to defenders in danger.

This system, called Emergency Line, can be reached through:

E-MAIL: alert@observatoryfordefenders.org

FIDH TEL: + 33 1 43 55 25 18

OMCT TEL: + 41 22 809 49 39



We are watching

