



THE ASSEMBLY
of pro-democratic
NGOs of Belarus

Monitoring

**of the situation with non-governmental organizations
and freedom of association**

Prepared by the Assembly of Pro-Democratic
Non-Governmental Organizations in Belarus

Final Report for 2009

The situation with the right to freedom of association in Belarus has not seriously changed during 2009. In 2009, the main problems in the field of creating public associations in Belarus and performing activities on their behalf remained the same as before. Thus, the following have been detected:

- The denial of registration of public associations and political parties on dubious grounds (including the socio-political position of the founders of the association) was often practiced;
- The ban on the activities of unregistered public associations, foundations, political parties and religious organizations has not been abolished: Article 193.1 of the Criminal Code “Illegal organization of activities of a public association, religious organization or foundation or participation in those activities” still establishes criminal responsibility for those activities;
- Many registered NGOs and political parties’ structures had a problem obtaining a legal address in the non-residential premises (conditions for non-governmental associations and political parties are worse than those for some forms of commercial organizations, whose founders’ private apartments may be registered as an organization’s legal address); it was also problematic for NGOs to ask governmental officials’ permission every time they rented premises for holding their meetings;
- The procedure of receiving foreign donations has remained very complicated and the permission of the State for getting money for the realization of each individual project is still required, while the domestic sponsorship can be obtained only for achieving the goals defined by the State.

Registration of public associations

The facts of registration of several independent NGOs (especially of the movement “For Freedom”) and of some local branches of political parties in 2008 and in the early 2009, had raised in some civil activists the hope for liberalization of registration procedures. But in 2009 those hopes were dashed. As it is known, during the period of January-April 2009 more than 15 citizens’ groups applied for registration as a national public association in the Ministry of Justice. An even greater number of applications for registration was filed in this period at the local level. However, the practice of registration has not changed and all these groups faced denials of registration.

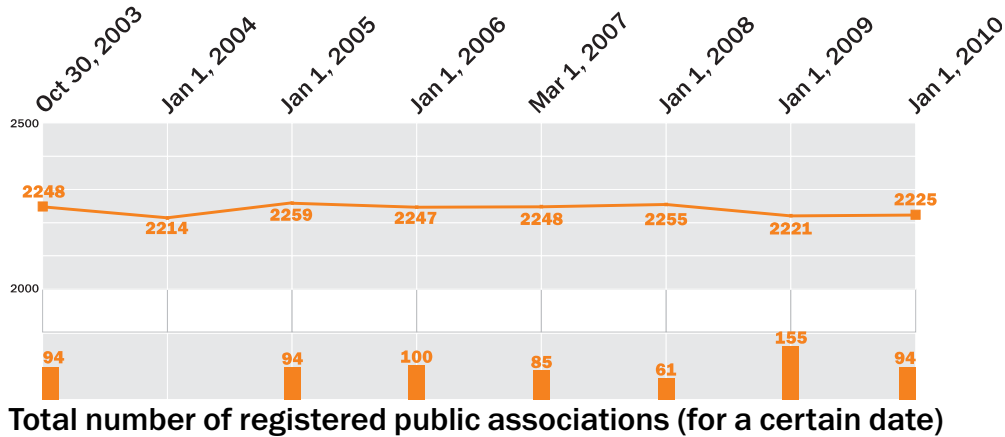
During 2009 three political parties were refused registration: The Belarusian Christian Democracy (denied registration twice), Belarusian Party of Workers (a legal successor of the Belarusian Party of Labor, liquidated in 2004) and the Party of Freedom and Progress (it was its fourth denial in the past few years). Since 2000, Belarusian authorities has not registered any new political party. Even some registered political parties (like The BPF party) were denied registration of their local branches.

In 2009 many youth organizations and human rights associations faced the denial of registration. For instance, public human rights association “Naša Viasna” (“Our Spring”) was refused registration twice, human rights association “Bieraściejskaja Viasna” (“Bieraście Spring”)— four times. Also such organizations, as the Assembly of Pro-Democratic Non-Governmental Organizations (Miensk), youth social organization “Young Social Democrats” (Miensk), youth public association “Modes” (Mahiloŭ), public association “Youth Christian Social Union Young Democrats” (Miensk), social cultural and educational association “Heritage” (Horadnia), Youth public association “Novy Kurs” (“New Destination”) from Miensk, cultural and educational public association “Załaty Leŭ” (“Golden Lion”) from Słonim and other organizations were denied registration. In most cases the grounds for refusal of registration were unreasonable and were obviously determined by the political will of the authorities to prevent the legal existence of those associations. Courts never satisfied complaints against the decisions of the Ministry of Justice regarding registration denials.

The total number of registered organizations has not increased in comparison with the previous years: according to the Ministry of Justice, only 94 new associations (including 3 international, 16 national and 75 local associations) and 8 new foundations (one international foundation among them) were registered in 2009.

The number of NGOs has not grown

The number of newly registered public associations (for a certain year)



Thus, the statistics shows that each year the organs of justice registered certain public associations just to compensate the decrease of the total number of NGOs, determined by the voluntary or forced liquidations.

On 26th January 2009 the public human rights association “Naša Viasna” applied for registration to the Ministry of Justice. Among the founders of the organization were human rights defenders, journalists and civil activists from different regions of the country that had been previously working in the Human Rights Center “Viasna”, which was liquidated by the decision of the Supreme Court of Belarus in October 2003. In 2007, the human rights defenders tried to legalize their activities, but the Ministry of Justice, as well as the Supreme Court of Belarus, refused to register them, despite the decision of the UN Human Rights Committee, alleging that the liquidation of “Viasna” in 2004 was a violation of freedom of association. In the Committee’s decision the fact of “Viasna’s” liquidation was interpreted as a violation of the right to freedom of association on behalf of Belarusian authorities, which were recommended to improve the situation. However, that UN recommendation was ignored by the Government.

On 11th March 2009 (in violation of the positions of law stating that the registration documents must be reviewed within one month after they have been submitted) information “About the refusal of State registration of public human rights association “Naša Viasna” appeared on the official website of the Ministry of Justice of the Republic of Belarus. On 19th March 2009 an appeal against the decision of the Ministry of Justice regarding the denial of “Viasna’s” registration was submitted to the Supreme Court. On 12th March 2009 the offices of the Helsinki Committee in Sweden, Norway, Netherlands, Moscow and Belarus sent a joint appeal to the Belarusian authorities calling upon them to reconsider the negative decision on the registration of “Naša Viasna”. According to the Committees, the reasons for non-registration of the organization, given by the Ministry of Justice, can not be considered unfounded. It was also noted that “creating a free field for the legitimate activities of human rights groups would have proved that Belarus is ready to build civil society and to improve the situation in the sphere of human rights.” However, the Supreme Court has not considered the arguments of the founders of the association “Naša Viasna” as sensible and did not change its decision regarding “Naša Viasna’s” registration.

Another try of the founders of “Naša Viasna” to re-register the organization was not successful either. On May 28, 2009 the representatives of “Naša Viasna” received the second denial of registration from the Ministry of Justice. Among the grounds for refusal of registration were mentioned the fact of civil and criminal prosecution of the association’s co-founders (though such ground for refusal is not mentioned in law) and some technical mistakes in the submitted documents (like, not all co-founders had written their home phone numbers apart from their mobile phone numbers). On 12th August the Supreme Court of Belarus turned down the appeal against the decision of the Ministry of Justice on the non-registration of “Naša Viasna”. The third attempt of registration failed as well, though all the reasons for denial were, as usually, unconvincing and groundless. Thus, the human rights defenders decided to stop trying to register the organization and applied to the UH Human Rights Committee, complaining for systematic discrimination of the right to the freedom of association in Belarus. According to Aleś Bialacki, the vice-president of the International Federation for Human Rights and the former Head of the Human Rights Center “Viasna”, re-elected as the Head of “Naša Viasna”, the process of registration of the organization was of no less importance than the fact of its registration, because it showed clearly the mechanism of violating the right for freedom of association, implemented by the Belarusian State.

Minor technical mistakes also served as the basis for the systematic denials of registration of the human rights organization “Bieraściejskaja Viasna”, a branch of “Viasna” in the Bieraście region. During 2009, “Bieraściejskaja Viasna” tried to get registration as a separate local union for four times (such attempts were also made by the organization in 2008). Co-founders of “Bieraściejskaja Viasna” were correcting all the mistakes identified in the document on the denial of registration, but each time judicial authorities found another grounds for refusal of organization’s registration.

In the end of March Horadnia Regional Executive Committee refused to register the Horadnia branch of the political party “BPF” and the Horadnia branch of the public association BPF “Adradžeńnie”. This refusal was confirmed by the decision of the regional court, despite the fact that it was justified solely by the fact that the documents submitted for registration of “Bieraściejskaja Viasna” had been printed in the wrong font which didn’t correspond to the official standards (there is no such ground of refusal in law).

On July 2, 2009 the Supreme Court upheld the decision of the Ministry of Justice on the non-registration of the public association “Youth Christian Social Union Young Democrats”. Co-founders of the association believe that there were no grounds for refusal of registration and those minor mistakes found in the documents submitted for registration could have been easily corrected if the Ministry of Justice allowed to do so. However, the Ministry officials qualified the situation as “unsubmitting documents required for registration”. According to the representatives of “Bieraściejskaja Viasna”, they were once again convinced that the actions of the Ministry of Justice were aimed at preventing the existence of registered NGOs and delaying the development of the country’s civil society.

The Assembly of Pro-Democratic Non-Governmental Organizations of Belarus also faced the refusal of registration in the spring of 2009, it was the second denial of registration received by the Assembly. On 9th April 2009 the leaders of the Assembly of NGOs received a letter from the Ministry of Justice informing them about the refusal of state registration. The Ministry of Justice refused to register the organization, explaining its decision by alleged violations during the establishment of the Assembly of NGOs. In particular, the Ministry stated that the treaty on its establishment was invalid, because the heads of the member organizations signed it without the agreement of the governing bodies of their organizations (which was not true, anyway). Another pretension was that the name of the organization allegedly did not point at the subject of activities of its members. Representatives of the Assembly consider the refusal politically motivated, as the treaty on the establishment of the Assembly was signed by the heads of the member organizations after they were authorized to do it by the assemblies of their organizations, thus abiding by all legal procedures. The Assembly of NGOs was founded by 7 public associations, including the Belarusian Helsinki Committee, Center “Supolnaść”, BPF “Adradžeńnie”, Center for Human Rights and three other public organizations from Verchniadźvinsk, Viciebsk and Mahiloŭ. On June 4, 2009 the Supreme Court of Belar-

us refused to satisfy the complaint against the Ministry's decision on non-registration of the Assembly of NGOs. In December 2009, the founders of the Assembly held another constituent meeting and applied for new registration in January 2010.

On March 19, 2009 the Department of Justice of the Mahiloŭ regional executive committee refused to register the public association "Center of Youth Initiatives "Modes" (Mahiloŭ). The reason for refusal were alleged violations in the statute of the association. The officials also offered to the co-founders of "Modes" to consider the possibility of registration in the form of institution. The refusal to register the association was also confirmed by the decisions of the courts.

On June 25, 2009 the central department of justice of Horadnia regional executive committee denied registration to the culture and educational public association "Spadčyna" from the town of Biarozauka on the grounds that the registration documents allegedly did not comply with legislation. The Head of the organization, Siarhiej Trafimčyk, believes that the denial of registration indicated the reluctance of authorities to see another legitimate democratic organization in the legal field. Members of "Spadčyna" tried to appeal against the decision in court, but the Horadnia Regional Court, and later the Supreme Court rejected the claim.

In November 2009 the main justice department of Horadnia regional executive committee denied the state registration to the culture and educational association "Załaty Leŭ" ("Golden Lion") from Słonim. The founders of "Załaty Leŭ" used to be members of another NGO – Słonim youth association "Vietraž", liquidated several years ago by court on the ground that it did not possess legal address. One of the founders of "Golden Lion", Aleś Masiuk, stressed that he saw the decision as politically motivated. "The authorities continue the practice of non-registration towards those people whom they consider as opposition. We could have satisfied the pretensions of the registering organ by introducing the necessary corrections to the charter the same day, but they simply denied us registration," – said Mr. Masiuk.

On 29th December the Horadnia Regional Court, after considering the complaint of the members of "Załaty Leŭ" against the justice department of the Horadnia region executive committee that had refused to register the organization, left the decision on non-registration in force. As stated by the representative of the NGO Aleś Masiuk, the judge confessed that most reasons for non-registration of the NGO were wire-drawn, but agreed that according to the registration documents the organization Board had too many powers, which allegedly contradicted to the Civil Code.

On April 15, 2009 the Ministry of Justice denied state registration to the Belarusian Christian Democracy (BChD), due to the lack of correspondence between the organization's charter and a questioning of its founders, held by the Ministry. The constituent meeting of the party took place in late February; after the documents for registration had been provided almost each of the founders was called by the representatives of the local ideological committees, KGB and police. Some BChD members were called by the administration of their workplace and were required to renounce their signatures under the threat of dismissal. It is important that the verification of the registration documents of the BChD was held personally by the Deputy Minister of Justice of Belarus Aleh Śližeŭski, from whom BChD activists received a negative answer concerning non-registration of BChD. But the next day, on 16th April, one of the leaders of the Belarusian Christian Democracy party Alaksiej Šejin was informed by an official of the Ministry of Justice that the decision to deny registration to the party had been suspended. The official reason of the suspension was that numerous claims of the BCD members and new information which might influence the decision on state registration of the BChD had been received. The final decision was made after verifying the new information, but it was still negative.

On 22nd July 2009 the Supreme Court dismissed a complaint of the Belarusian Christian Democracy party and agreed with the position of the Ministry of Justice regarding the non-registration of BChD. The decision

was made by the judge Valery Samaluk. The co-Chair of BChD, Alaksiej Šejin, commented on the issue: “The reasons of BChD’s registration denial are clearly political, our members have been pressed by the Ministry of Justice, KGB, the Ministry of Internal Affairs and the local administrations.”

BChD co-founders tried to register the organization once again the same year. On 9th December the Ministry of Justice denied state registration to the Belarusian Christian Democracy party for the second time. Inaccurate information about the regional assemblies of the party founders was cited as the official reason. It was the second registration denial to BChD in 2009. According to co-Chair of the party Vital Rymašeuški, there were dozens of cases when founders of the party were summoned to the ideological departments of executive committees or educational establishments and threatened. As a result, signatures were revoked by five persons.

On 15th June 2009 the Ministry of Justice has denied state registration to the Party of Freedom and Progress (PFP) on the basis that “representation requirements for the PFP founding conference were violated on many occasions”. Also “a spot check of the list of the PFP’s alleged founders established that many people had been misled into signing it”. The Ministry’s decision was spported by the Supreme Court.

On 15th December 2009 the Supreme Court of Belarus dismissed the appeal of the organizing committee of the Belarusian Party of Workers against the non-registration of the latter by the Ministry of Justice. Alaksandar Buchvostaŭ, Chairperson of the organizing committee, referred to cases of intimidation of founders of the party, as a result of which some of them revoked their signatures. He also stated that the organizing committee would start preparing to a new constituent assembly.

During 2009, two cases concerning registration denials to national public organizations were terminated in the Supreme Court. In the case of the Centre for Support of Chernobyl Initiatives, the Ministry of Justice recognized its previous statements about the falsification of signatures of the organization’s founders as incorrect, because those statements had not been confirmed by the results of numerous graphological expertises. Thus, the Ministry registered the association without waiting for a court decision (in this case there was obviously a sort of agreement between the founders of the Centre for Support of Chernobyl Initiatives and the Ministry officials, because the founders were invited to the Ministry and asked about their plans for the future). In another case, regarding social patriotic public association “Haryzantal”, even though the expertise did not confirm the fact of signature falsification of one of the organization’s founders, the Supreme Court denied “Haryzantal” registration on March 11, 2009.

Changes in legislation

The reasons for registration denial are formulated in Belarusian law very vaguely, which gives the officials a perfect opportunity to make absolutely groundless refusals. During 2009, government made statements about possible simplification of registration process for political parties and public associations by the means of introducing amendments into the Law “On Political Parties” and the Law “On Public Associations”. State media disseminated this information, stressing the fact that the process of registration would become much easier for NGOs, for instance, such reason for registration denial as “non-submittance of all necessary documents” would be eliminated. But a thoughtful analysis of the proposed amendments arises some doubts about their role in improving the situation with registration. On the contrary, the new Laws might give the State bodies some more legal possibilities to justify their dubious registration denials, as the new Laws contain more grounds for denial of NGOs’ registration. For instance, now an NGO can be denied registration, if its statute does not comply with the requirements of law regarding not only organization’s aims, methods and territory of activities, but regarding any other positions of the Statute.

A new ground for denial of registration is going to be introduced into the legislation— “submitting by the organization documents and/or information, including fake or invalid documents, which do not comply with

the requirements of law”. This rule is not aimed at simplifying the process of registration, though it definitely makes it easier for governing officials to deny “unwanted” organizations registration. The proposed bill eliminates the possibility of correcting inaccuracies in the documents submitted for registration. Generally, the new version of the law is aimed at bringing legislation into line with the current practice of groundlessly denying registration to those public organizations, legalization of which is not desirable for the authorities. Other minor changes in the law are simply technical, but even those can not be regarded as somehow simplifying the registration procedure. For example, now the initiative groups submitting documents for registration should provide not only a paper, but also an electronic version of their organization’s statute. It is highly probable that the new bill could cause the actual re-registration of existing associations, as they had not submitted electronic versions of their statutes when registering.

Some of the registration denials which occurred last spring were actually based on the provisions of the new bill which have not come into force yet. For instance, in the case of the Belarusian Christian Democracy the grounds for registration denial listed in the new bill were used, as well as the procedure of “suspending of the registration process”, which is not included in the current edition of the law.

However, the new bill introduces some positive changes as well: now newly registered organizations should perform fewer activities, as the Ministry of Justice announced in March 2009. Now the newly registered organizations should not undergo many administrative procedures (such as obtaining permission for possessing its own seal, getting registered at the tax office and at the social security office, obtaining the registration indexes, etc.). Now, after registering an organization, the registering authority will report the fact to the administrative bodies mentioned above, thus all administrative procedures will take place automatically. However, it is surprising that this clearly progressive measure that facilitates post-registration activities of associations was not implemented by any particular legal act, but it has been simply introduced into the practice of the organs of justice.

This is the only real change in registration practice in 2009: now NGOs are registered with the tax authorities and other public bodies automatically after their registration (before they did it themselves). However, this fact in no way diminishes the existing registration barrier and only influences those organizations which have managed to get registered in the end.

In addition, a certain number of non-governmental organizations exist in the form of institutions which, according to the Presidential Decree #16 from 16th January 2009, are being registered under the same procedure as commercial organizations. Currently, the registration procedure of those non-commercial organizations is very close to the so-called “stating way” of registration (a minimum number of documents should be submitted for registration, no documents are required to confirm the legal address, the registration process takes several days and in most cases ends in obtaining legal status by the organization). Thus, according to reports, in 2009 the organizational form of institution became extremely popular among the non-profit organizations which were unable to register in the usual forms, such as public association or foundation. So many organizations which had been previously denied registration as public associations obtained a legal status of an institution (institutions differ from public associations by their organizational structure). This way such organizations, as the youth association “Right Alliance”, “Modes” and some others obtained registration. However, in autumn 2009 a couple of organizations regarded as the regime’s opponents had been denied registration even in that organizational form (which is recognized by law as a major violation of the established stating way of registration.) In late 2009 it became known that, by the initiative of the President Lukashenka, a preparation of a draft law “On Non-Commercial Organizations” had started, which could potentially complicate the registration process of those forms of non-governmental organizations which are not subject to special regulations and are being registered in a stating way.

Criminal liability for performing activities on behalf of unregistered organizations

In 2009, government continued to use Article 193.1 of the Criminal Code, intimidating social activists in order to force them to stop their activities within unregistered NGOs.

In August, an activist of the Bieraście branch of the Young Front, Mikhail Ilyin received a warning from the prosecutor's office which stated that if he did not cease his civil activities in the unregistered organization he would become a subject to criminal responsibility. Another warning from the prosecutor's office was received by the leader of the Bieraście Branch of the "Young Front" Julija Paško, on 28th December 2009. It should be also noted that the number of such warnings issued by the prosecutor's office can be much higher than that registered.

Members of the unrecognized by the authorities Union of Poles in Belarus were also threatened with Article 193.1. On 19th February 2009 Teresa Silivončyk, the Head of the Baranavičy branch of the Union of Poles in Belarus (UPB), received a warning from the prosecutor's office about criminal responsibility for activity in an unregistered organization. According to Andrzej Poczobut, member of the council of the organization, it hasn't been the first case when the authorities decided to use notorious article 193.1 of the Criminal Code against members of the Union of Poles in Belarus. As Mr. Poczobut said, activists of the Union of Poles were pressed openly all over the country in order to make them leave this organization. People were called in for conversations in the KGB, the Ministry of Internal Affairs, where they were threatened with criminal persecution.

In May 2009, for the first time since April 2008, a new criminal sentence under Article 193.1 was passed. Andrej Neščiarovič (Homiel) was found guilty, but granted amnesty. The case against him was launched in 2007 when the activists of the neo-fascist pro-Russian organization (RNE) in Homiel were prosecuted under Article 193.1. Since the time he had been accused, Neščiarovič was hiding in Russia, but returned to Belarus when granted amnesty.

In summer 2009, a case against the representative of the unregistered Unification Church, Jaühien Vołkaŭ, was launched under Article 193.1, but soon it was ceased. Nevertheless, in December 2009 it became known that this case had been re-launched.

Generally, for the period 2006-2009, human rights defenders possessed information about 17 persons that had been accused under Article 193.1 for their activities in unregistered associations. Thus, the numbers are the following:

2006 — 6 accused

2007 — 9 accused

2008 — 1 accused

2009 — 1 accused

No case was solved in favor of the accused

In the beginning of September the activists of the Czech NGO "Civic Belarus" received an official paper from Belarusian Ministry of Justice, which stated that Belarusian authorities were discussing the possibility of changing criminal punishment for participating in activities of unregistered organizations into the administrative penalty. This was the first signal that the authorities might revise Article 193.1 and reduce punishment for the activities of unregistered organizations. However, it was not the possibility of abolition of the ban of unregistered organizations' activities and the dissolution of Article 193.1 being discussed, but the mere reduction of liability for such activities. Later, the intentions to change the legal provisions concerning the responsibility for acting on behalf of unregistered organizations were confirmed by the representatives of the

Ministry of Justice (for instance, during the annual *Human Dimension* Implementation Meeting in Warsaw) and the members of the Presidential Administration. However, those statements had just a declarative character: no real steps towards the revision of Article 193.1 of the Criminal Code were taken, no bill concerning abolition of Article 193.1 was considered in the Parliament.

Written warnings

On January 6, 2009 the Republican Public Association “Belarusian PEN-Center” received a written warning. The warning was based on the organization’s inspection held by the authorities (in spite of the fact that in the late 2008 a 6-month suspension of conducting such inspections was announced). “Belarusian PEN-Center” was accused in the absence of a legal address, even though a valid rental contract was available. It was also accused (in violation of procedural law, by the way) in conducting an “unauthorized communication” via e-mail, as well as in an illegal protection of its members (the organization made statements of protest when the issue of the magazine “Arche” was confiscated by customs officers at Belarusian-Polish border as an “extremist publication”).

In February 2009, Homiel Regional Department of Justice issued a warning to the youth local history public association “Tałaka”, which had existed in the region for more than ten years. The official reason for the warning, mentioned in the order of the Head of the Department Vital Makarevich, is the use by the organization of unregistered national symbols on its website and in its advertisements spread by “Tałaka” in the region. The members of the association believed that the real reason for the written warning was the recent increase of their activities.

According to the members of the public association “Belarusian School Society”, after the organization, in late 2008, held a number of events in high schools, the members and leaders of BSS who worked as teachers were pressed upon by their employers.

Access to premises

The necessity for national and all other associations to possess an office in a non-residential building is a serious obstacle on the way of creating new organizations. Also for many already registered NGOs and party structures the necessity of obtaining a legal address in non-residential premises remains a problem. It turns out that certain legal conditions for organizing the work of NGOs and political parties are worse in comparison with those for commercial organizations that may be registered, for instance, in the private apartments of their founders. During 2009, many organizations published statements on the difficulties with the rental payments and in some cases those difficulties caused termination of organizations’ activities.

In early February, a public association “For the European Mastoŭščyna” (Masty town in Horadnia region) did not manage to get a legal address in the administrative building, which resulted in the non-registration of the organization. Masty regional Executive Committee refused to provide Aleś Zarembiuk with a legal address for the registration of a public organization, alleging that there is a lack of free premises.

In May 2009, authorities continued threatening BPF members to terminate their office lease. The landlord (public services controlled by authorities) expressed dissatisfaction with the tardy rental payments. The lease agreement of the office, according to the landlord, will not be prolonged. The party is also facing the threat of losing its legal address, which will probably lead to the loss of registration. The situation with the premises remains complicated for the organization, as the party has no money to pay the unreasonably high cost of the lease.

In April 2009, the Barysaŭ branch of the public association “Children in Need” was forced to cease its activities because of its inability to pay the rent for municipal property. Numerous requests of the organization to provide it with a reduced rate of rent, addressed to the local authorities, were not satisfied.

In February 2009, the local authorities of the Mozyr city (Homiel region) refused to assist the local branch of the “Young Front” in finding a legal address, explaining it by the fact that law prohibits to interfere with the activities of public organizations. On 6th February, the founders of the organization addressed local authorities with the request to help them finding a place for holding the constituent assembly, which can also be registered as a legal address of the organization (because, as already known, the registration of a public association is impossible without obtaining a legal address). According to the founders of the organization, the requirement for a public organization to have a registered address is one of the major obstacles on the way of establishing an NGO, as local authorities practice putting pressure on landlords who dare to conclude such lease contracts. Different offices of the “Young Front” have applied to the local executive committees of more than 30 cities of Belarus, requiring to provide them with premises for holding the constituent assembly and, accordingly, with legal addresses, necessary for the registration of local offices of the organization. But none of the requests were satisfied.

On 18th February 2009, the Association for Protection of Monuments was forced to abandon the premises in the center of Miensk, where it has been located for more than 20 years. Refurbishment of the building in 1980s was financed by the organization and the house belonged to it. In 2004 the State nationalized the building, turned its ex-investor into a leaseholder and in 2008 forced the organization to move out. The Head of the Association, Anton Astapovič, thinks that all the promptness of moving them out can be explained by its active civil position: the organization often revealed to the publicity the facts of violations of the law on the protection of historic and cultural heritage, performed by the State.

Non-governmental organizations still face problems when trying to rent premises and register them as a legal address for performing their daily activities, as well as when trying to find a place for holding special events or meetings.

The founders of the Social Civic Organization “Belarusian Christian Democracy” had troubles when looking for a place to organize their constituent meeting on 28th February 2009. The representatives of 10 institutions denied in renting their premises for political reasons (including the representatives of the Miensk Educational Center (IBB), of the Youth Theatre of Estrade, of the cinemas “Aŭrora” and “Centralny”, of the Central House of Military Officers, of the House of Culture for the Railway Workers and those of MAZ, MTZ, “Sukno” and the House of the Republic). After the founders of “BChD” decided to organize their meeting in the center of Miensk, in the street, the authorities found a place for them very quickly. But at the same time, local authorities in the regions were creating difficulties for the members of “BChD” in organizing local meetings to elect delegates who would go to Miensk (the total number of the local meetings resulted in 63.) The authorities also threatened some members that they would be fired (or excluded from their colleges) if they took part in the constituent meeting of “BChD”. On 28th February, on the day of the constituent meeting, 11 delegates going to the forum, were detained in Bieraście.

The administration of the Miensk Educational Center (IBB) agreed to rent its premises for the organization of an important forum of Belarusian NGOs—VI Congress of Non-Governmental Organizations and Initiatives which took place on 6-7th March 2009. But, as in case with “BChD”, the organizers had many problems preparing for the event. For instance, the Homiel Region Executive Committee did not give its permission for the meeting of Homiel NGOs and initiatives. According to Uładzimir Kacora, the Deputy Head of the National Public Association “Legal Initiative”, the meeting of organizations and initiatives had to take place in the House of Children and Youth Creativity “Junactva”. The organizers managed to agree orally on the rental of the premises with the director of “Junactva”. But, as the building belongs to the local authorities, mr. Kacora requested an official permission for carrying out the meeting from mr. Kiryčenka, the Deputy Head of the regional Executive Committee on ideological issues. Soon the director of “Junactva” called

Mr. Kacora and told him that he would not be able to rent him the premises. He did not explain anything, saying that he could not discuss this issue on the phone.

In May 2009 the annual congresses of Belarusian Association of Journalists and of the oppositional Belarusian Party of Communists took place in Miensk. On 20th June 2009 a meeting of the BPF Party members, as well as the meeting of supporters of the European way of development for Belarus was organized in Miensk. In December the meeting of the BPF party took place. The Organizing Committee of the V Congress of Belarusians of the World, which had been scheduled by the World Alliance of Belarusians “Bačkauščyna” (“Fatherland”) for 18-19th July, 2009, reported that they did have problems finding premises for holding the Congress, but finally they were granted premises by the Miensk City Executive Committee. At the same time, many registered organizations and initiative groups creating new organizations have problems in finding premises large enough for holding their meetings.

Civil Human Rights Organization “Naša Viasna” faced some problems when searching premises for holding its ordinary constituent meeting in the end of April 2009. Almost all organizations, asked by the founders of “Naša Viasna” to rent them premises for holding a meeting, refused to do that. As a result, the founders of “Naša Viasna” had to organize their meeting in the office of the BPF party.

The initiative group aiming to re-register Belarusian Party of Work, liquidated in 2004, was also complaining that it had difficulties organizing its constituent meeting.

The representatives of the unrecognized by Belarusian authorities Union of Poles in Belarus planned to participate in the meeting, dedicated to the election of delegates to the congress of the “official” Union of Poles, but were not allowed in by the authorities.

Belarus does not abide by the decisions of the UN Human Rights Committee

Belarusian Government did not abide by the decisions of the UN Human Rights Committee, according to which registration denials and liquidations of public associations in Belarus are considered as the facts of violation of the Covenant on Civil and Political Rights. At the moment there have been adopted three resolutions of the UN Human Rights Committee concerning the violation of freedom of association in the Republic of Belarus. These cases are the following:

- denial of registration of Human Rights Civic Organization “Helsinki-XXI”;
- judicial liquidation of Homiel Civic Organization “Civil Initiatives”;
- judicial liquidation of the Civic Organization “Human Rights Centre “Viasna”.

Numerous attempts to make the Government abide with the UN Committee decisions by appealing in the national courts were not successful, thus mentioned above public associations continue working as unregistered organizations and their members risk becoming subject to criminal responsibility for their activities.

On 23rd March 2009 the civil panel of Miensk City Court have rejected the complaint against the decision by the Ministry of Foreign Affairs, lodged by the members of the Homiel civic organization “Civil Initiatives” liquidated in 2003, denying the Civil Initiatives movement its rights to legal activity, though the UN Committee had adopted a decision stating that the organization’s liquidation by Belarusian authorities represents the fact of a violation of the right to association. Thus, the Foreign Ministry, which is in charge of implementing international treaties within Belarus, ignored the resolution of the UN Human Rights Committee and did not make any steps towards restoring violated rights of Belarusian citizens.

In 2004 Aleś Bialacki, the Head of the civic organization Human Rights Center “Viasna” liquidated in 2003, sent an appeal to the UN Human Rights Committee. On 24rd July 2007 the UN Committee adopted Communication No. 1296/2004 on the base of individual complaint, concluding that the dissolution of “Viasna”

was a violation of Article 22, paragraph 1, of the International Covenant on Civil and Political Rights. The Committee also concluded that, according to Article 2, paragraph 3 (a) of the Covenant, the claimants (the members of “Viasna”) were entitled to an appropriate remedy, including the re-registration of “Viasna” and compensation. After that Mr. Bialacki requested the Ministry of Foreign Affairs to inform him what steps had been taken by the Ministry to implement the UN Committee recommendations regarding the abolition of the registration of “Viasna”.

In April 2009 Mr. Bialacki received the response from the Ministry of Foreign Affairs, stating that Belarus does not consider the decisions of the UN Human Rights Committee as binding, but sees them as having a recommendational character. Thus, Belarusian authorities are not going to implement the decisions of the UN Human Rights Committee.

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It should be mentioned that the EU-Belarus dialogue became a factor that led to a certain liberalization of legislation in the sphere of non-governmental organizations’ activities. It was under the influence of this factor that government performed democratization in some fields, or at least declared about its intentions of doing so in the future (for example, admission of the probable abolition of Article 193.1).

But in general, since February 2009, when the period of suspension of the EU sanctions against Belarusian officials was extended, no improvements have happened in the sphere of the freedom of association: Article 193.1 of the Criminal Code was not abolished; the authorities did not register any new political party and, in practice, the registration process of public associations was not simplified. The first steps towards improving the situation with the freedom of association in Belarus should contain the abolition of Article 193.1 and the exclusion of all legislative acts which ban the activities of unregistered civil associations, as well as a real simplification of registration procedures of public associations (at least making the registration process of civil organizations similar to that of commercial organizations). Moreover, this simplification should be proved by the registration of those associations and parties that had been previously denied registration or liquidated by court decisions. It is also highly important that Belarusian authorities abide by the decisions of the UN Human Rights Committee concerning the violation of freedom of association by the means of forced liquidations and non-registrations of NGOs.