

## **FREEDOM OF ASSOCIATION AND THE STATUS OF NON-PROFIT ORGANIZATIONS IN BELARUS**

**Monitoring of the second quarter 2014. Review period: April 1 - June 30, 2014**

***Legal Transformation Center***

***Assembly of Pro-Democratic NGOs***

During the monitoring period, the changes implemented into the legislation on the registration of public associations, which came into force in the first quarter of this year, became the main factor that could potentially influence the status of non-governmental organizations. Despite some formal liberalization of conditions and criteria of registration, in reality chances of new public associations to obtain registration have not increased.

According to the Law “On amendments and additions to certain laws on political parties and other public associations” (Article 10 of the amended Law “On Political Parties”), a provision permitting to establish a political party by turning public association into a political party was added. As for the moment, one public association announced its intention to apply the new legal provision to create a political party by turning a public association into a political party. On March 15, at VIII Extraordinary Congress of the Belarusian Slavic Committee public association, it was decided to transform the public association into a party of the same name. In April 2014, the initiators of the party creation claimed that in the course of checking the lists of the party founders its members experienced pressure at work and there were attempts of forcing them to stop their activities related to the party establishment. Thus, the practice of creating parties by turning a public association into a political party still leaves open a possibility of restrictive actions by the registration authorities, so, most probably, it will not differ a lot from the long-existing mechanism of political parties creation (since 2000, when the Conservative Christian party of the Belarusian National Front was registered, none of the fifteen attempts to establish a political party were successful in Belarus).

The mandatory publication of announcements about the registration of new associations in the *Justice of Belarus* magazine supplement, envisaged by the legislative changes, has not created difficulties for the newly established organizations. On the magazine website, a separate section with information about the order of publication of announcements in the print edition, as well as examples of application forms and payment details were created. The new order of publication looks clearer and more precise than the earlier order of announcement publication in the “Respublika” newspaper and regional publications.

On April 16, the Supreme Court dismissed the appeal on the refusal to register the “Modern Look” public association. The association was refused registration due to the Ministry’s of Justice claim about the registration lists of its founders. Despite the fact that the association founders stated that all the mistakes would be quickly corrected, the Supreme Court regarded

these technical mistakes as unavoidable and acknowledged the decision of the Ministry of Justice to refuse registration to the organization as lawful.

The initiators of the “Free Region” public association said that they experienced pressure from the authorities. On April 4, in the morning, one of the founders of the “Free Region” public association, Ewegenij Parchinskij, was called by a police officer and offered to come to the police station for a talk. Ewegenij Parchinskij demanded an official written notice from the police.

On June 27, the Ministry of Justice received documents for registration from the “Pact” national human rights public association (“Movement for the implementation of the International Covenant on Civil and Political Rights”). The constituent assembly of the new human rights organization was held on June 7. Professor Mihail Pastuhou, LL.D was elected Chairman of the public association, while Leanid Sudalenka was elected its Executive Director. The main aim of “Pact” is to support Belarus in meeting its international obligations on human rights.

According to Art. 13 of the Law № 305-Z “On state support of youth and children's public associations in the Republic of Belarus” of November 9, 1999 which provides that local executive bodies create local registers of youth and children's organizations, the Baranavichy City Executive Committee adopted decision № 1082 “On approval of the Instruction on the creation of the city register of youth and children's civil organizations, associations (unions) of youth and (or) children's public associations benefiting from the state support” of 22 April 2014. The instruction also has application form for inclusion into the register of youth and children's civil organizations, associations (unions) of youth and (or) children's public associations benefiting from the state support attached to it. In 2007, similar decisions of the Babrujsk city, Minsk city and Minsk Regional Executive Committees were accepted and registered in the National Register of Legal Acts.

### **List of the newly registered non-profit organizations**

In total, during the monitoring period 19 public associations were registered (sports associations still constitute the majority among those newly registered organizations, although their number has decreased slightly compared to the first quarter of the year). In addition, 3 funds and 5 private institutions (except private educational institutions) were registered. According to the Ministry of Justice, during the review period the Ministry registered the following associations during the review period: Belarusan Golf Association, “Social Rehabilitation of the Disabled from the CIS and EEC Countries Through Dance, Work and Communication With Nature” international association/ “Special World” public association of disabled people changed its status from local to national.

#### ***Public Associations:***

1. Navalukoml sports youth public association “Spartak” (Viciebsk region)
2. National public association “Belarusan Beach Tennis Federation”
3. Brest city folklore and ethnographic association “Karolinka”
4. Historical and patriotic club “Search”, public association (Brest region)
5. Social and educational association “Together against Hepatitis” (Minsk)

6. Sports association “Belarusan Federation of Pankration and Martial Arts”
7. City public association “Minsk Water Polo Federation”
8. Puhavichy district association “Puhavichy Land” (Minsk region)
9. Public Association “Belarusan Dance Federation”
10. Pinsk regional charity public association “Our Children” (Brest region)
11. Professional Hockey club “Maladziechna”, public association (Minsk region)
12. Belarusan National X-ray and Endovascular Surgeons Society, public association
13. Azerbaijani community “Odzhag”, Homiel regional public association
14. Homiel regional public association of cat lovers “KotoMur”
15. Sports swimming club “Tsunami”, public association (Hrodna)
16. Charitable association “Listen to Your Heart” (Hrodna)
17. Viciebsk charity volunteer association “Helping Hand” (Viciebsk)
18. Homiel city public association “Consumers’ Rights Protection”
19. Homiel Regional Sport Dance Federation, public association

***Funds:***

1. Local fund “Cultural Heritage and Modernity” (Minsk)
2. Local charity fund of the Reverend Yefrasinnia Polackaja (Minsk)
3. Local Fund of assisting drivers on the roads of the Homiel region “Drive Assistance”

***Institutions:***

1. Volunteer Center “Nika”, cultural and educational institution
2. Research and educational institution “Centre for Interdisciplinary Humanities Research”
3. Private social institution “Mahiliou Regional Office for Social Solutions”
4. Cultural institution “Hrodna Rock Club”
5. Children’s and Youth Sports Club “Tinte”, private institution