



## **Assembly of Belarusian pro-democratic NGOs**

**<http://www.belngo.info>**

### **Main Tendencies of the Belarusian Third Sector Development and Functioning during March-June, 2005**

‘We are on the threshold of huge changes’ says a member of a legal advocacy organization who is analyzing development of the situation in the country. His opinion is easy to agree with, because spring months of 2005 were overly difficult for NGOs. There was no such large-scale attack on NGOs before. The regime is increasing its pressure and is toughening repressions, but such putting the screws on the sector resulted in certain breakdown. The system is crashing and the crash can be seen in many events of social and political life.

First of all, the majority of public organizations that does not want to register are performing their activities. The authorities can do nothing about this, though they try to influence not registered NGOs (impose fines on people who act on behalf of this organizations, send warnings to independent newspapers for records about not registered NGOs, demand to register public initiatives that are not registered). Then mass street actions are organized in such a form that they are hard to break up. Thirdly sabotage of the authorities’ orders is becoming more popular. This is proved by mass actions and other events that are not controlled by the authorities. The majority of non-government organizations do not pay attention to the acts of the authorities. At the same time the more the existing regime tries to control the third sector or to liquidate it, the tougher is the protest in response.

It is too early to forecast what the forms of the protest will be used in the future, what methods will be applied. However the tendency that was formed after 1996 is more and more obvious. In brief it goes like that: ‘people are separately, the state is separately’.

#### **The authorities and the third sector**

The problem of recurrent registration of legal addresses

The biggest problem that the authorities created for the third sector is a problem of legal addresses. Last October the Ministry of Justice of Belarus turned to all republican public organizations and political parties that had organizational structures in blocks of flats with the proposal to register their legal addresses in non residential premises or in one-flat block houses. So the necessity to register organizational structures once again aroused.

This action should be the next step in throwing out NGOs structures from the official sphere of activity. It is difficult for a public organization to pay a rent for an office, to find an office (the state authorities will not approve legal address in any office for any organization). And the most important is that not every organization needs an office at all.

We cannot say that NGOs did not struggle against recurrent registration. Several political parties and public organizations tried to appeal against these decisions in court, but the Supreme Court did not satisfy a single claim. F.Skaryna Society of Belarusian Language, Party of Communists Belarusian, United Civil party, Belarusian Popular Front party received waivers.

In spite of the fact that the Ministry of Justice extended the period for registration till June 1, only few organizations managed to register themselves. The main reason was that the local authorities did not give legal addresses to non-government organizations or refused to approve their registration at these addresses. The most ridiculous and anecdotal the situation was in Homiel, where Homiel department of Belarusian Association of Journalists managed to find a place for their legal address. This was a small room (3 m<sup>2</sup>) under the staircase in a residential house. Nevertheless the state officials demanded that the head of the organization should bring a written approval from sanitation service and from the Ministry of Emergency, though these questions were already cleared up in the agreement that was approved by communal services.

There are only two possible way-outs in this situation. Non-government organizations can overcome barriers with difficulties and find places for registration of legal addresses or to liquidate themselves formally. Nowadays a considerable part of Belarusian NGOs is waiting when they will be liquidated by the authorities, while they can self-destruct at any time.

#### New Forms, New Things

The recurrent registration campaign showed all capabilities of imagination of the authorities on suspending activities of public organizations. Even those organizations that have legal addresses can be deprived of them as the example of Belarusian Popular Front and Free Trade Union shows. On May 4 Belarusian Popular Front received a letter from housing and communal services of Saviecki district that contained demand to vacate the premises at vul. Varvašeni, 8 till May 15. The same happened to Free Trade Union at vul. Zacharava. These organizations did not panic; they stayed at their offices at the mentioned addresses and refused to leave them, at the same time demanded explanations. However they can be thrown away judicially at any time. The activists promise to oppose to forced eviction from their offices.

The authorities did not stop to realize other attempts to stop activities of most influential non-government organizations. In April, 2005 according to the decision of the Ministry of Justice the biggest independent analytical center of Belarus (Independent Institute of Social, Economic and Political Research) was liquidated. The accusations were typical: the organization was not functioning at its legal address and did not send report on its activity to the Ministry of Justice (in reality the leaders of the organization did not submit a filled-in form of a questionnaire of the ministry officials who made a survey after the referendum and parliamentary election) and so on. In this way according to the state authorities, the organization breaks the legislation severely and its own statute.

However the real reason of the closing up of this organization is not a secret, it spread realistic information about results of the referendum and election to the House of Representatives, 2004. The organization was liquidated in order to prevent such social surveys during other political campaigns.

Everything is clear about reasons of liquidation of Independent Institute of Social, Economic and Political Research, but what wrong was with scout organization is not understandable. The Supreme Court liquidated the Association of The Belarusian Scouts basing on the following claims of the Ministry of Justice. The Ministry paid attention to violations of the requirements to the legal address, to the lawfulness of Sojm (Council) that was organized in 2002 because of lack of registered structure units (for some strange reason the state officials noticed this fact only after three years). The leaders of the public organization did not agree with the pretensions and declared that there was no sense to struggle with the Ministry of Justice because 'it became just a punishing body'.

There is an alarming tendency of open interference of the Ministry of Justice into the internal affairs of the public organization 'Union of Poles in Belarus'. After the new leaders were elected at the 7<sup>th</sup> Congress of the Union in Horadnia in March, the Ministry of Justice declared the new leaders to be not legitimate. The state authorities of Belarus demonstrated a wish to leave the former leader on his position and started a large-scale attack on new leaders in all spheres. In addition to open and secret pressure they used such brutal methods as publishing a false newspaper on behalf of the Union. The case of Union of Poles in Belarus can

become symbolic. If the authorities of Belarus will split or destroy Union of Poles in Belarus despite protest of Poland, in the future these methods can be actively used against other 'disobedient' registered NGOs.

Tax inspection made its contribution in order to close up or to complicate maximally work of non-government organizations. Court proceedings on taxation of technical assistance of TACIS are worth mentioning. Belarusian Helsinki Committee came through court disputes on these issues and won the case. However the tax inspection does not give in and continue the lawsuit. Not long ago KGB showed interest for documents of Belarusian Helsinki Committee on international technical assistance. This was predictable; someone should find the fault even if it does even exist.

#### The Third Sector and the Authorities

It is obvious that public organization do not stop their activities when they are deprived of registration. There is a practice that was established since 2003, when NGOs are liquidated by the authorities, they still continue their activity as nothing has happened (some public activists confess that it is even easier and calmer to work in their new status).

During last three month a lot of youth initiatives started active work. Before that they were mentioned by independent mass media just occasionally. 'Razam', 'Voka', 'Treci šlach' launched a number of actions against renaming of Skaryna and Masherava avenues in Miensk. These actions resulted in consolidation of the mentioned initiatives and other structures such as Lyceum Youth, Young Front, Youth of Belarusian Popular Front, etc.

To some extend non-government organizations can thank Belarusian officials of the Ministry of Justice for unbearable conditions for NGOs existence. They force the public activists to look for not standard methods of work, to be careful, more active, and strong. During three month two main tendencies appeared in the work of organizations of the third sector:

The first one is broadening of variety of different methods of activities;

The second tendency is the process of consolidation of NGOs that was launched during mass purges in 2003 and development of cooperation.

What concerns the first tendency we have to underline that there was no such variety in work of Belarusian public organizations and initiatives for a long time.

Activists of Partnership public initiative organized collection of books for school libraries of Homel region that suffered mostly from Čarnobyl tragedy. On the occasion of World Health Day Partnership presented sport equipment to two schools of Hlyboki region (Viciebsk region).

Several non-government organizations of Masty region that are united in Democratic Paniamońnie alliance supported restoration of the monument commemorating voluntaries of 61 infantry regiment of Horadnia in Levyja Masty village. Several Horadnia youth organizations carried out a flash mob devoted to examination of air cleanness in the area of Horadnia bus station. Several tens of boys and girls managed to draw attention of citizens to gas contamination of air in this region.

School of a Young Journalist continues to function in Słonim. Słonim youth public organization Vietraž and local department of Belarusian Association of Journalists are realizing this project.. However the latter was deprived of registration not long ago because of lack of legal address. Still this fact did not influence the activity of public organization.

On the eve of the official ending of the academic year three school-leavers obtained diplomas from voblaść organization of Skaryna Society of the Belarusian Language and valuable presents from Mahilou public organization 'Circle of Friends'. They became the winners of the Belarusian pentathlon, intellectual contest that was organized by public organization of Mahilou. The participants had to demonstrate their knowledge

of mathematics, the Belarusian literature, the Belarusian history, the Belarusian language and biology. All tasks, sums and answers of the Belarusian pentathlon had to be performed in Belarusian.

More than 50 children from boarding schools of Belarus took part in internet conference ‘Problems that orphans face when they start independent life, ways-out.’

During two hours they could ask questions and receive answers from qualified specialist in this sphere. Focus Group Public organization together with the department of education of Miensk city executive committee with the help of World Bank representation in Belarus in the framework of ‘Internet-Internat’ project organized events for socialization of children from boarding schools of Miensk voblaść.

Bieraście voblaść youth public organization ‘Suzorje’ launched ‘HUKi’ action on April 15. The action is promoting the Belarusian language music among local youth. Each participant could change audio cassette that he/she does not need for cassettes with music of the Belarusian groups.

These are just several vivid examples of variety types of Belarusian NGOs activities. Before that they only conducted seminars and published bulletins. We even do not mention enlargement of Belarusian internet. A lot of web-pages of non-government organizations and public initiatives appeared during this time. We will just emphasize that the most active in this direction is Treci Šlach.

What concerns the second tendency the situation is obvious.

Several public organizations of the youth of Vorša founded local coordination structure Council of Youth Organizations. On March 16 the Council organized the first joint action ‘I Love My Town’.

A meeting of local non-government public organizations and representatives and organizations of government sector that act in social sphere has taken place for the first time in Mahilou. Members of about 30 NGOs and 15 government organizations took part in the event that was named as forum of social initiatives ‘Welcoming the spring’. It came even to approval of Coordination Council of Public Organizations in the city executive committee.

An organization of falcons was created in Viciebsk. This is a network of national non-government organizations that work with children and teen-agers.

However the joint work of Belarusian non-government organizations became most apparent in Our Solidarity campaign. Public activists enlisted support of democratic deputies of local councils in the sphere of amendments to legislation; they forwarded appeals to deputies of the House of Representatives of the National Assembly of the Republic of Belarus, applied for personal appointment by legislators. In addition the activists of the public sector turned to the Constitutional Court with the appeal to use all of its power in order to restore guarantees for realization of citizens of Belarus their right to associate. Public activists stated basing on the analyses of the Belarusian legislation that ‘existing norms create hindrances to realization of the right to associate in Belarus, it contradicts to international responsibilities of our country in the sphere of human rights’.

It is clear that in the present situation in the country such actions could not give great results. Deputies of the House of Representatives that received appeals of public activists to use their power and to democratize the legislation avoided answering and did not express their opinion on the proposed changes. Several of them said that that was not of their business. A formal reply was given by the Constitutional Court. However the fact of such joint actions of public organizations is a good sign. The valuable experience is gained during such actions and it can be used in future work.

Liquidated organizations in Belarus found quiet an unusual way-out of the situation. Independent Institute of Social, Economic and Political Research, deprived of registration, and not registered by the Ministry of Justice ‘Legal Aid Alliance’ gained a status of public organizations in Lithuania. A center for registration of organizations that were liquidated in Belarus appeared in Czech. The last event is not only of practical

character for NGOs in Belarus (some problems of their activity are solved), but it has an important psychological aspect: public activists of forbidden organizations feel that they are not left to the mercy of fate and have support and recognition in the free world.

#### The Results of Work

After the analysis of NGOs activities in Belarus during last three months the following main conclusions can be drawn:

1. The third sector in Belarus (as in civilized countries) learned how to work totally without state support. And this is a positive factor because NGOs gain real independence. In the future non-government organizations will manage to become true experts and ‘opinion makers’, because they (as non-government press) will be outside the state policy. This means that they will gain more confidence of citizens. Obviously this presupposes good informational support (NGOs should bother about this).
2. In spite of all barriers of state structures of Belarus NGOs function and continue to function without official registrations. That means that the third sector reached a level of certain independence in its activities. Moreover they gained valuable experience of surviving in extreme conditions. We can be sure that the third sector of Belarus will be one of the strongest in Europe.
3. The variety of forms and methods of work is the evidence that the third sector is alive and is not going to surrender and moreover is developing. As a result all efforts of the state to create ‘artificial third sector’ (for example Belarusian Republican Union of Youth were unsuccessful. The project of ‘Belarusian ideology’ (the society does not believe in it) was ruined.
4. The main engine of the third sector of Belarus is youth that is the future. The authorities do not want to put up with oppositional youth and use their standard methods to struggle with it. The recent example is a document of the Minister of Education for administrative use only with instructions to ‘carry out pedagogic work with youth that takes part in actions of opposition right up to expulsion from the educational establishments’.
5. Even in situation of purges and repressions NGOs are not afraid and ashamed to cooperate with local authorities. This is a very important tendency because in a number of events it demonstrates maturity and strength of public organizations. They do every possible thing in order to realize useful deeds for the society paying no attention to who is in power now.

#### New Problems

In spite of all positive factors in the development of the third sector the members of NGOs of Belarus still have issues to think about. For example how to protect their members personally.

A group of members of Young Front was expelled from their educational establishments for active public position in May, others were threatened with sending down. The member of Young Front started a hunger-strike that continued for 12 days; however their demands were not satisfied. More over it is possible that this event provoked other repressive actions in respect of student youth. We mean the mentioned instructions of the Minister of Education ‘On measures of preventing engaging of students and school children into unlawful political activity’.

It seems that putting of such pressure can sooner or later result in break of the system, when no one will pay attention to such orders. But in order to realize this NGOs of Belarus have to work hard each day in difficult conditions that are created by the existing regime.



## **Legal Tendencies in the Third Sector**

March – June, 2005

*The continuation of liquidation of public organizations.* On March 4, Independent Institute of Social, Economic and Political Research, one of the biggest factories of thoughts in Belarus, was liquidated. According to the data of the Ministry of Justice the quantity of NGOs decreased by 38 organizations because of liquidations and forced self-destructions in the period from December 1, till June 1, 2005. According to the information of June 1, 2005 there are 17 political parties, 2300 public organizations, 45 trade unions in Belarus.

*Other forms of pressure on public organizations.* The Ministry of Justice sent several tens of written notifications to NGOs. The main reason for notifications was refusal of non-government organizations to liquidate their organizational structures that were situated in residential premises. The notifications were sent to the majority of political parties and a number of non-government organizations (Belarusian Helsinki Committee, F.Skaryna Society of the Belarusian Language, Belarusian perspective). Not a single attempt to make a complaint on these notifications in court was successful. The Ministry of Justice refused to acknowledge results of the regular Congress of the Union of Poles in Belarus, though it was abuse of authority. The state officials of the Ministry were not satisfied with leaders that were elected at the Congress.

*Liquidation of organizational structure* was a hard blow on the Belarusian third sector. More than 200 organizations that used flats for registration of legal addresses suffered from the ban on legal addresses in flat or residential premises. The number of organizations that suffered from this law is hard to count, but it goes about thousands of local departments and groups of republican organizations and parties. BPF Adradzhennie lost more than 80 organizational structures in regions. The majority of organizations refused to liquidate its organizational structures on a voluntary basis. As the mechanism of forced liquidation of these organizational structures was not stipulated in the legislation, the Ministry of Justice worked out amendments to legislation. According to these amendments organizational structures of parties and public organizations that received notifications were deprived of registration without court proceedings. The organizational structures were deprived of registration in the period of June 1-6. At the same time the Minister of Justice declared that he submitted a proposal on giving to organizations of disabled people and to charity organizations privileges that should allow them to use premises in block of flats. However the Belarusian legislation does not have definition for charity activity.

*New version of the law on public organization* that should have been adopted in the second reading in spring, however it was not submitted to consideration at the spring session of the House of Representatives. The draft of the law is being elaborated. Public activists sent several hundreds of appeals to deputies of the House of Representatives with proposals to the new draft. According to replies of the majority of deputies and the Ministry of Justice these proposals will be taken into account while working with the draft.

On the occasion of 60<sup>th</sup> Anniversary of the Victory public organizations of veterans of the Great Patriotic War were excused from fees for state registration.