

Setting Up an NGO in Belarus: Challenge Yourself

Earlier this month the Belarusian authorities refused to register yet another human rights organisation called For Just Elections (*Za Spravedlivye Vybory*). To put it mildly, the three reasons for the refusal are odd: none of them seemed to be based on Belarusian legislation.

In addition, on 8 May 2013, the [Tell the Truth campaign](#) headed by ex-candidate for presidency Vladimir Nekliaev applied for state registration as a public association for the third time. Two previous attempts ended in refusals. As the campaign's activists commented before, "This year all the documents are prepared competently and thoroughly. If the registration body refuses registration, it will be a political decision". The registration body again declined their registration.

In Belarus, the application procedure for the registration of a public association (the main type of NGO based on membership) remains among the most complicated throughout the post-Soviet region. Barriers to entry vary from high minimum membership requirements to long decision-making processes on registration. Further still, even the successful passing of all these ordeals does not guarantee one's registration.

Tricky Consequences

The strict Belarusian rules on public associations have quite specific results. On the one hand, they encourage Belarusian public activists to comply with the legislation's requirements with a maximum of attention and seriousness. On the other hand, the existence of many organisations acting without registration in Belarus highlights the noncompliance of Belarusian laws with the basic principle of freedom of association.

Unlawful refusals to Tell The Truth and For Just Elections are no news for Belarus. In 2012, the Ministry of Justice registered 12 new international and republican public associations, while 19 associations of the same type received refusals.

The NGOs unwanted by the Belarusian government can find other ways to operate in Belarus. For instance, instead of registering a public association, activists can set up an institution – another organisational form for NGOs. It does not allow broad membership, but its registration procedure is much simpler. However, the state authorities can liquidate institutions easily as well.

Belarusian NGOs Abroad

Belarusian NGOs increasingly recourse to registration abroad. The Belarusian Institute For Strategic Studies, Assembly of NGOs, Centre For Transition Studies, and Palityčnaja Sfiera are just a few examples of NGOs operating in Belarus, but set up in other countries.

A brief outline of classification of Belarusian NGOs abroad offered by Belarusian lawyer Yury Chavusau is of particular interest here. Among others he singles out:

- NGOs that only need the status of a registered organisation. The status of a registered organisation is necessary to avoid sanctions for operating without registration based on Article 193-1 of the Criminal Code. The brightest example of NGOs of this type is Young Front registered in the Czech Republic;
- NGOs willing to circumvent restrictive Belarusian legislation on foreign aid. Belarusian rules on foreign aid require compliance with a long list of bureaucratic procedures, and in certain cases will even make receipt of foreign grants impossible. Registration of a foreign organisation abroad allows evasion of the difficulties.

This category of Belarusian NGOs abroad is the largest;

- NGOs originally created abroad to implement activities not possible to carry out in Belarus. For example, the Belarusian Human Rights House in exile in Vilnius founded for hosting annual Belarusian human rights schools, other seminars and conferences, etc.

Those who venture to get registered as a Belarusian public association should remember that barriers arise at almost every stage of the process.

Four Challenges of the Registration Procedure

Besides being ready to apply repeatedly for registration, setting up a public association also requires considerable resources: people, finances, expertise and time.

People. The wish to carry out activities across the whole territory of Belarus can make finding human resources a hard task. The founders will need at least 50 Belarusian nationals. The minimum number of founders for a local public association is ten people, but all of them must be permanently living in the respective territory. Legal entities cannot be founders of public associations.

Money. After finding the people, the restless activists have to think about money. State registration of local public associations and foundations costs the same as for commercial organisations. A national or international association or foundation, however, is required to pay twice the fee of the national commercial entity (approximately \$124). Additional expenses include fees for registration and for securing a legal address. The address cannot be the flat or house of its founder or anyone else. As a rule, initiative groups have to rent an office or part of one – which rarely costs less than \$40 per month.

Expertise. The pre-registration stage arrives: preparation of

more than a dozen of documents in accordance with numerous mandatory requirements, including using the font and the right size of margins. Registration authorities do not advise on the documents' correctness. As a result, if they subsequently find any faults (however minor) in your documents – they will use them to justify their refusal to register an organization. Moreover, after all reported faults are eliminated and the same set documents is submitted, registration body can refuse again – on different grounds.

Still some valuable assistance in drafting the documents for registration comes from other Belarusian non-governmental organisations such as Lawtrend. Those unaware of Lawtrend's services will either bear additional expenses for legal advisor, or should reconcile with the idea that this application round is not the last for them.

Time. It takes registration authorities one month to make a decision on the registration of a public association. The state authorities can prolong the term for one more month, if desired.

Registration By Any Means

Whatever difficulties Belarusian public associations face on their way to registration, it is worth completing. Public associations' operation without registration are illegal and can entail criminal liability.

In 2005, the notorious Article 193-1 became a part of the Criminal Code of Belarus. According to it, participation in activities of unregistered public association results in a fine, or arrest for up to six months, or a prison term of up to two years. The same rule applies to other types of NGOs.

So far Belarusian courts have used Article 193-1 for verdicts against 18 activists. State authorities often notify the civil society activists of the possibility of the Article's application, using it as a threat. Only during April 2013

Belarusian state authorities notified three civil society activists of the possibility to qualify their operation as falling within Article 193-1's scope.

Strikingly, with all these troubles Belarusian public associations still get registered and operate: as of 1 January 2013 their number all over the country reached 2,477. [Links to the state](#) explain why many organisations manage to get registered. Others managed to register because of the strong motivation and determination of its founders – the leaders of Belarusian civil society.

Change.org Blocked in Belarus, New Civil Society Initiatives – Civil Society Digest

Two individuals arrested by the KGB in connection with the teddy bear stunt released in Belarus. Change.org – an international web site platform to sign petitions – blocked in Belarus. New initiatives for small small businesses, people with disabilities and human rights activists launched in Belarus.

[Two men accused of aiding teddy bear drop released by KGB](#). On August 17 KGB released journalist Anton Suriapin and real estate broker Sergey Basharimov on the conditions of proper conduct and travel ban. The two men remain to be formally accused of aiding an illegal border crossing of Belarus, until KGB has “full clarity regarding the circumstances of the investigated crime”.

[Change.org is blocked for Belarusians](#). The Russian version of the international Change.org platform, where the petition for the release of Anton Suryapin and Sergei Basharimov (detained on criminal charge of illegal crossing of the border of Belarus during the Swedish Teddy bear affair) is conducted, has been blocked on the territory of Belarus. Dmitriy Savelov, the campaign coordinator for Eastern Europe and Asia, claims that this only shows the meaningfulness and effectiveness of such online petitions.

[Independent Journalists detained in Vitebsk](#) – On Thursday, August 9, two hosts of Polish tv-channel “Belsat” Volha Startsttsina and Dzyanis Mikhailav were detained during shooting a news piece in the streets of Vitebsk. The news piece was dedicated to the upcoming elections in Belarus and whether the people know their candidates. The reasons for the detention have not been announced.

[School students will be taught counter-propaganda about December 19th](#) – A new schoolbook on preliminary military training has been issued in Belarus. Among other topics, this book contains chapters on “Informational war”. The book offers its own version of the events of December 19, 2010, depicting them as “a failed attempt of a conspiracy to overthrow the legitimate Belarusian government”.

[Avangard vs BRSM over Internet TV project](#). The Belarusian Republican Youth Union (BRSM) announced that it is launching its own internet-television A-TV. According to BRSM, which is the largest government-sponsored youth organization, the internet-TV is started on a voluntary basis, and will be covering social programs, debates and other timely issues. Shortly after the announcement, [Avangard issued a statement refuting BRSM's claims](#) for ownership of A-TV. According to Avangard, A-TV project, including resources, production team and journalists is the property of Avangard. The only involvement of BRSM is that it allows Avangard to use its TV

studio, in exchange for Avangard's assistance with production of TV content for BRSM's internal use.

Business

[Groundbreaking decisions announced by the government for small business](#) – The government has agreed to reduce the tax burden for small business and provided other opportunities for its development. This was announced at the August 8 meeting of the Council of Ministers. But the government should not stop on what has been achieved – the goals set by the authorities are too challenging to do so. Chairman of the Belarusian Union of Entrepreneurs, Alexander Kalinin, who spoke at the meeting, said in an interview with a Naviny.by reporter, that the Government's objective "is theoretically achievable."

[Head of Minsk Entrepreneurs Unions speaks against further sanctions from the EU](#) – head of Minsk entrepreneurs' union Vladimir Koryagin expresses to Sergei Glagolev from ej.byhis opinion on the possibility of Belarusian business suffering from possible sanctions from EU due to the recent diplomatic conflict with Sweden.

New Initiatives

[New project of the Disability Rights Office "Non-barrier environment monitoring"](#) has started. In July 2012, the office for protection of the rights of people with disabilities has started the implementation of its new project aimed at creation of the non-barrier environment monitoring tool and its pilot exercising.

[Belarus will host a rock festival for young people with disabilities](#) Rock festival for young people with disabilities "Step nasustrach!", organized by the volunteer movement "Warm smiles of the childhood" (TUD), will be held on September 16. According to the Igor Yurchik, the leader of the movement, the purpose of the festival is to promote the integration of young people with disabilities into society.

[International festival of the new ethno culture «Volnae Pavetra – 2012»](#) – the fifth annual ethnic festival is going to take place on August 25th at the Shabli village in Minsk region. The guests of the festival are ethnic bands from a number of countries, but the festival is still dedicated to spreading the Belarusian ethnic culture.

[Informational meeting: European programmes for CSO's in Belarus](#). An enlightenment institution “Office for European expertise and communications” is organising an informational event dedicated to the opportunities for civic organizations from Belarus interested in cooperation in the fields of culture, education, science, youth exchange, tourism and reforms in the Eastern partnership countries. The meeting will be held on August 22 in Minsk.

[A contest to participate in the second international training course on human rights for young people](#) – has been announced by Viasna human rights center. The course will bring together young activists from Belarus and Ukraine. The Belarusian Human Rights School announces a call for participation in the Second International training course on human rights, organized and coordinated a number of human rights organizations – the Ukrainian Helsinki Group, PA "M'ART" (Ukraine), the Human Rights Center "Postup" (Ukraine) and Viasna human rights center (Belarus).

Belarus Digest prepared this overview on the basis of materials provided by Pact. This digest attempts to give a richer picture of the recent political and civil society events in Belarus. It often goes beyond the hot stories already available in English-language media.