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HUMAN RIGHTS IN BELARUS: THE MAIN TRENDS OF PUBLIC POLICY

GENERAL MEASURES | LAW ENFORCEMENT PRACTICE | KEY REACTIONS
OF INTERNATIONAL STRUCTURES



Usually, the Belarusian Helsinki Committee employs the cornflower-blue color associated with human rights defense in the design of its publications. However, this time, we opted for Viva Magenta.

According to the Pantone Color Institute, Viva Magenta is the Color of the Year. Pantone describes it as audacious, full of wit, and inclusive of all, welcoming anyone and everyone with a verve for life and a rebellious spirit.

The Belarusian Helsinki Committee uses Viva Magenta to draw the world's attention back to Belarus, to remind everyone that we are part of the global process, and the security of our country affects the security of the whole region. Moreover, this color still belongs to the red family, which conveys the message that, despite the weariness surrounding the Belarusian agenda, the human rights situation here continues to deteriorate critically.



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| INTRODUCTION

The human rights situation in Belarus continues to be monitored and analyzed by Belarusian and international NGOs, as well as international organizations. Since 2012, the Special Rapporteur on the situation of human rights in Belarus acting within her mandate, is submitting regular reports¹. Situation reviews are also provided through alternative civil society reports to treaty bodies monitoring the implementation of the major UN conventions, as well as in the reports compiled by these bodies². In March 2021, a special mandate of OHCHR examination of the human rights situation in Belarus was established under the UN High Commissioner's auspices in response to the unwarranted use of force, torture against peaceful demonstrators that protested against the results of the 2020 rigged elections, and the subsequent repression³.

Starting in 2019, the Belarusian Helsinki Committee has compiled **the National Human Rights Index**, within which over 50 Belarusian experts evaluate changes for each specific human right. Belarusian NGOs regularly carry out specialized monitoring of the human rights situation⁴.

The events that unfolded since the beginning of 2020, as well as the war in Ukraine and Belarus' involvement in Russian aggression, have significantly impacted the situation in the country, including human rights policies and practices. The situation is constantly deteriorating, with daily reports of legislative changes, government initiatives⁵, and specific violations. Amidst this influx of information, **maintaining focus** and distinguishing between essential and minor aspects becomes challenging.

To ensure that significant events are not overlooked and to gain a better understanding of the situation in Belarus regarding the rule of law and human rights, we consider it essential to monitor the most notable and qualitative changes in the main trends of state policy in the human rights field.

To this end, the Belarusian Helsinki Committee will issue a periodic review starting from July 2023. The review does not aim to duplicate existing monitoring and reports, nor does it specifically monitor human rights violations within a particular period. Its objective is to provide our expert assessments of **the most significant qualitative changes in Belarusian state policy trends** in the field of human rights and the international community's reactions every six months. This will be done in three directions:

¹ <https://www.ohchr.org/ru/special-procedures/sr-belarus>

² <https://www.ohchr.org/ru/countries/belarus>

³ <https://www.ohchr.org/ru/hr-bodies/hrc/ohchr-belarus/index>

⁴ See, in particular, *Analytical Reviews of the human rights situation prepared by the Human Rights Center «Viasna»*: <https://spring96.org/en/publications> ; *Reviews of the situation with freedom of association and civil society organizations of the Republic of Belarus prepared by Lawtrend*: <https://www.lawtrend.org/english> ; *Electronic bulletins of mass media in Belarus prepared by the Belarusian Association of Journalists*: <https://baj.by/en/analytics/45> , etc.

⁵ We consider the current authorities in Belarus as the *de facto* authorities.

- *general measures*: systemic issues – legislation, strategies, and policies that generally shape the conditions and prerequisites for the fulfillment of human rights in the country;
- *law enforcement practices*: trends in violations of civil and political, social, economic and cultural rights;
- *key decisions and reactions of international institutions* related to the human rights situation in Belarus.

Our analytics will contribute to a better understanding of human rights trends in Belarus, aid international partners in navigating the Belarusian agenda, facilitate monitoring of systemic and qualitative changes in the situation, expand the human rights focus of analytics in related areas (political, economic, social, etc.), and serve as a useful resource for developing strategies and positions.

The review will typically be published twice a year, covering the periods of January to June and July to December.



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| SUMMARY

The main general policy trend observed in the first half of 2023 is an **intensified institutionalization (legalization) of the illegitimate actions of the state**.

We can speak about the state's inclination towards **formalizing discrimination and departing from the principle of formal equality**. While unequal treatment was previously predominantly a result of selective interpretation and implementation of the law (resulting in factual discrimination), it can now be asserted that the state has started categorizing individuals into different groups across various domains based on their loyalty to the state.

The institutionalization (legalization) of repressive measures has significantly expanded. Many areas now have legislative provisions that allow for arbitrary restrictions on human rights. The revision of the National Security Concept and the introduction of the concept of «**actors producing threat factors**» formalize and intensify the search for «enemies of the state». Merely having any connection with a foreign state now becomes grounds for special attention and the potential treatment of individuals as «enemies».

At the legislative level, there has been a «**nationalization**» of civil society, wherein the state has officially empowered itself to «appoint» organizations that are deemed to constitute civil society.

Since August 2020, the state has removed most of the legal and moral restrictions for the law-enforcement forces and some civil servants. We are now witnessing the long-term consequences of these actions. Society is gradually being **corrupted by a sense of impunity**. Notably, civil institutions are adopting illegal practices observed within law enforcement agencies and other unconventional behavior. It is particularly concerning that this trend has begun to manifest itself within the field of education.

At the same time, **propaganda, including military one, is being intensified** both at the general measures level and within law enforcement practices. This is evident in the active formalization of state ideology, and in the amplification of military propaganda in educational institutions (especially among schoolchildren).

There is an increase in **Russian influence and narratives** both at the general measures level and within law enforcement practices. This includes the adoption of legislative practices related to the notion of discrediting the army, a shift in policy towards the LGBTQ+ community; initiatives to develop joint approaches to history education; direct involvement of the Russian embassy in propagating their message to students in military and law enforcement universities; «normalization» of war crimes, and the portrayal of Russian propagandists as heroes.

The regime is strengthening measures to **undermine an alternative value system**, following two main directions: the active formalization of «anti-Westernism» and intensified discreditation of the Belarusian national identity, including symbols, organizations, heroes, historical events and the national struggle as a whole.

Furthermore, in the reporting period, the authorities acknowledged the scale of the problem with mass emigration after 2020 and started **manipulating the possibility of return at the systemic level** – in a form that creates additional grounds for arbitrary persecution, violates numerous human rights, and undermines human dignity.

Militarization and, as a result, control over conscripts are on the rise. In principle, control over people is being strengthened, and arbitrary state interference in personal life intensifies, meaning expanded attention on individuals with residence permits in other states, the intention to tighten control over the LGBTQ+ community and «childfree» individuals, persecution for financial donations to funds supporting victims of repression, new university enrollment campaign rules (including the requirement of a mandatory character testimony reflecting loyalty to the state), and widespread violation of children's rights due to involvement in a certain subculture (as seen in the case of the so called «PMC Redan»).

Among significant trends observed in law enforcement practices during the first half of 2023, there were the use of incommunicado detention against several prominent political prisoners, the first publicly known and overt criminal prosecution of an attorney for providing legal assistance to clients, the first sentences handed down *in absentia*, and the first conviction for «Belarusian nationalism».

Regarding changes in the reactions of international institutions to the human rights situation in Belarus, the most significant of them were: acknowledgment at the UN level of crimes against humanity committed by the Belarusian authorities prior to and following the 2020 presidential elections; re-launch of the OSCE Moscow Mechanism in relation to Belarus; recognition of the issue of political emigration of Belarusians after the 2020 events as an evident regional problem requiring joint action by European states; adoption of specific recommendations by the ILO on measures against Belarus under Article 33 of the ILO Constitution; recognition at the EU and the Council of Europe levels of the necessity to bring Lukashenko and other senior Belarusian officials to individual criminal responsibility in connection with the war in Ukraine.

I. GENERAL MEASURES: LEGISLATION, STRATEGIES, POLICIES THAT SHAPE THE CONDITIONS AND PREREQUISITES FOR THE FULFILLMENT OF HUMAN RIGHTS IN THE COUNTRY

KEY POINTS:

- the legalization of repressive measures has significantly expanded. At the regulatory level, voluntarist grounds have been introduced to restrict human rights and enable the arbitrary application of such concepts as «national security interests», «public necessity», «threat to national security», and «harm to national interests». Specifically, at least 5 regulatory acts were amended during the first half of 2023 for this purpose.
- a departure from formal equality is occurring. The state has ceased to play shy and is moving from de facto inequality practices to establishing a legislative framework that categorizes individuals as either «right» or «wrong» based on their loyalty to the state and their perceived «usefulness» to it.
- the formalization of ideology is on the rise. The state has openly prioritized state interests over people-centered ones and invented an ideological foundation to legitimize acts of lawlessness.

FORMALIZATION OF STATE IDEOLOGY AND STRENGTHENING OF STATE PROPAGANDA

Since January 2023, there has been **an active formalization of the state ideology across different spheres, forms, and levels**. While many of these narratives are not new, it is evident that since the beginning of 2023 the state has been making efforts to formalize them as much as possible, thereby laying the groundwork for the reinforcement of various forms of propaganda. This trajectory is bound to result

in an increase in systemic violations, particularly concerning freedom of expression, access to information, the right to education, persecution for dissent in its various forms, and discrimination.

In January 2023, a seminar titled «The Republic of Belarus: From Origins to the Present» took place in Minsk, organized by the Council of the Republic of the National Assembly. Subsequently, a resolution was adopted⁶, which can be considered an official view of the foreseeable future across the public institutions: participants of the seminar included representatives from the fields of science, education, culture, sports and tourism, law enforcement agencies, media, the church, pro-state public organizations, and the National Center for Legislation and Legal Research. The key narratives reflected in the resolution are the historical aspect (with a focus on the USSR as the primary reference point), the national one (declaring the significance of the Belarusian language and culture while discrediting «any forms of ethnic and cultural nationalism»), and **the socio-political dimension** (emphasizing the unique «state-legal identity» inherent to Belarusians, as well as governance and self-government systems «aligned with the worldview and mentality of Belarusians»).

A significant step in the formalization of ideology was the adoption at the end of June of a new document, **the Legal Policy Concept**⁷. On the one hand, this document represents a continuation of the established practice being formalized. On the other, it is indicative that this is the first endeavor to regularize the fundamental and defining aspects for the development of legal policy since 1992. Back then, shortly after the Declaration on State Sovereignty was adopted, the Judicial and Legal Reform Concept was adopted by the Resolution of the Supreme Council No. 1611-XII. Its implementation ceased in the early 2000s. After that, only a fairly «technical» Legislation Improvement Concept was adopted. It was only after the 2022 referendum that the authorities returned to defining the conceptual foundations of the operation of law in society. In March 2022, the Constitutional Court highlighted the necessity of creating such a concept in its annual address on the state of constitutional legality⁸.

The document introduces a novel concept of «**historical and ideological foundations and ideological imperatives of legal policy**». These foundations primarily revolve around the justification for prioritizing state interests over personal ones (this is how patriotism is defined in the Concept). Additionally, it seeks to rationalize why the legal norms and standards prevalent in democratic societies (which are also largely reflected in the document) should be applied with adjustments to accommodate

⁶ <https://zviazda.by/ru/news/20230125/1674647311-respublika-belarus-ot-istokov-do-sovremennosti>

⁷ <https://president.gov.by/ru/documents/ukaz-no-196-ot-28-iyunya-2023-g>

⁸ <http://www.kc.gov.by/document-74183>

«the specific path» of the Belarusian people. Simply put, **an ideological underpinning for acts of lawlessness has emerged.**

During the first half of 2023, **four new thematic «guidelines»⁹ were released for «unified information days»¹⁰**, aimed at highlighting the predominant trends of propaganda and providing a more detailed exposition of the narratives of the aforementioned resolution. The first guideline centers on the army and military security¹¹, the second focuses on the key takeaways from the annual presidential address held on March 31, 2023¹². The third guideline is devoted to the outcomes of the investigation into the genocide of the Belarusian people¹³, and the fourth presents the «correct position» regarding the history of the Second World War¹⁴.

The policy of **indoctrination** is gaining momentum, **including Soviet and Russian narratives within the realm of education.**

Firstly, in early January, the Minister of Education announced the implementation of the «School-Museum concept», meaning that every Belarusian school is expected to have either a museum or a dedicated exposition focusing on Belarusian statehood this year¹⁵.

Secondly, in February, I. Sergeenko, the head of the Lukashenka Administration, highlighted during a meeting of the Republican Council for Historical Policy operating on the basis of the National Academy of Sciences, that teachers in the regions have purportedly raised concerns about the lack of historical documentaries for demonstration to schoolchildren. According to him, **it is suggested that Soviet feature and documentary films be shown on the sixth school day**¹⁶. This signals the intention of a further inclination towards greater indoctrination through Soviet narratives and principles.

Thirdly, at the end of June, at the Xth Forum of the Regions of Belarus and Russia, the Federation Council and the Council of the Republic of the National Assembly announced an initiative to develop unified approaches to history education. The initiative aims to create «a unified, scientifically based historical standard containing conceptual assessments of historical events and figures». The final document of the forum formalized this announcement¹⁷.

⁹ Prepared by the Academy of Public Administration under the aegis of the President of the Republic of Belarus. Officially, they are called «materials for members of outreach groups»

¹⁰ Mandatory propagandistic events taking place in all state-affiliated institutions and organizations.

¹¹ https://minsk.gov.by/ru/actual/view/209/2023/inf_material_2023_02.shtml

¹² https://minsk.gov.by/ru/actual/view/209/2023/inf_material_2023_04.shtml

¹³ https://minsk.gov.by/ru/actual/view/209/2023/inf_material_2023_03.shtml

¹⁴ https://minsk.gov.by/ru/actual/view/209/2023/inf_material_2023_05.shtml

¹⁵ <https://news.zerkalo.io/life/29831.html?c>

¹⁶ <https://www.belta.by/society/view/sergeenko-est-zapros-na-sozdanie-novyh-dokumentalnyh-filmov-i-peredach-istoricheskoy-tematiki-547727-2023/>

¹⁷ <https://tass.ru/obschestvo/18145203>

In May 2023, the state film studio Belarusfilm released a **trailer for an upcoming feature film «On the Other Shore»** which centers around the mid-1920s when Western Belarus was part of Poland. State media has described the film as popular and «fateful», «devoted to the struggle of the «common people» against Polish landowners». The premiere is scheduled for September 17, 2023¹⁸.

SYSTEMATIC CAMPAIGN TO MANIPULATE POLITICS OF MEMORY BY REFRAMING¹⁹ GENOCIDE

The reframing of genocide should be singled out as a distinct trend, as it serves not only to create an environment conducive to the aforementioned human rights violations but also has a specific objective within the context of repressive policies. The objective is to discredit an alternative system of values upheld by dissenters, as well as targeting the dissenters themselves.

The discrediting effort extends to both so called «Western» values and national aspects that have played a significant role in peaceful protests, encompassing symbols, structures, heroes, and the broader national struggle. Furthermore, it goes beyond mere discrediting and entails an association with the most abhorrent phenomenon from the traditional perspective of Belarusian society – the actions of the Nazis on Belarusian territory during the Second World War.

This is the objective pursued through an extensive state campaign aimed at reframing the concept of genocide. This campaign commenced in 2021²⁰, continued actively throughout 2022²¹, and reached a qualitatively new level in the first half of 2023. In June 2023, amendments to the Criminal Procedure Code were adopted, allowing for the initiation of criminal cases for various crimes, including those related to genocide, against deceased individuals. Representatives of the state assert openly: «Today, in these challenging times and given the altered realities, it is important to do everything possible to preserve historical memory and truth about the events of the Great Patriotic War.²²»

¹⁸ <https://www.youtube.com/watch?v=VVHCnKQXksA>

¹⁹ Hereinafter, «reframing» means formulating the essence in a new way, giving other meanings.

²⁰ A criminal case was initiated investigating the genocide of the Belarusian people: <https://www.prokuratura.gov.by/ru/activity/rassledovanie-ugolovnogo-dela-o-genotside/>

²¹ The book «Genocide of the Belarusian People» was written (by unknown authors) under the editorship of the Prosecutor General A. Shved: https://belkniga.by/bel/catalog/ne_prostavlena_gruppa/genotsid-belorusskogo-naroda-z-439/; The Prosecutor General's Office did 8 projects with state media (mainly documentary film cycles), almost all of which draw parallels between the actions of the Nazis during WWII and the 2020 protests. 3 of them draw a parallel with Germany, Ukraine and Poland right in their titles: <https://www.prokuratura.gov.by/ru/activity/rassledovanie-ugolovnogo-dela-o-genotside/proekty-so-sredstvami-massovoy-informatsii/>

²² <http://house.gov.by/ru/interview-ru/view/vse-vinovnye-v-genotside-dolzhen-byt-izoblicheny-deputaty-prinjali-izmeneniya-v-ugolovno-protsessualnyj-kodeks-10355/>

Within the aforementioned propaganda materials concerning the investigation of the genocide, significant emphasis is placed on highlighting the involvement of Lithuanian, Polish, Ukrainian, and other nationalist groups, as well as their so-called «European allies», in the genocide of Belarusians alongside the Germans. The role of «Belarusian collaborators» is particularly underscored, highlighting their use of white-red-white symbols and the «Pahonia» coat of arms on their uniforms.²³

INTRODUCTION OF AN ACTORS-ORIENTED APPROACH IN IDENTIFYING NATIONAL SECURITY THREATS: FORMALIZATION OF THE SEARCH FOR «ENEMIES OF THE PEOPLE»

In March 2023, the Security Council of Belarus approved a draft of a new National Security Concept for Belarus²⁴. Compared to the previous concept from 2010, the draft of the new concept introduces several changes that not only reinforce propaganda narratives but also facilitate the arbitrary use and manipulation of grounds for restricting human rights, such as «the interests of national security».

Firstly, new concepts have emerged: «a challenge to national security» (an objectively evolving danger of inflicting harm to national interests), «a risk to national security» (an emerging danger of inflicting harm to national interests), and «electoral sovereignty» (the state's inherent and exclusive right to independently organize and conduct elections).

Secondly, and most importantly, the approach to identifying the sources of threats to national security has changed, now focusing also on individual actors. While the 2010 Concept listed among the sources of threats «factors or a set of factors», the new document expands this to include «factors or a set of factors, as well as **the actors producing them**». The representative of the General Staff of the Armed Forces, commenting in the state media, directly focuses attention on the fact that the new concept will allow them to react even at the stage of the emergence of the threat, and not upon its occurrence, while the subjects-sources of the threat are «traitors and saboteurs».²⁵ Obviously, this refers to Belarusian citizens holding anti-state positions (regardless of their location).

²³ https://minsk.gov.by/ru/actual/view/209/2023/inf_material_2023_03.shtml

²⁴ <https://pravo.by/document/?guid=3871&p0=P223s0001>

²⁵ <https://news.zerkalo.io/economics/33454.html?c>

CONSIDERABLE EXPANSION OF THE LEGALIZATION OF REPRESSION AGAINST POLITICAL OPPONENTS AND DISSENTERS

Norms have been formalized across various spheres at once, allowing for arbitrary interpretations of concepts such as «public necessity», «threat to national security», «harm to national interests», and the like. These provisions within the laws are clearly repressive in nature and are evidently adopted as «retaliatory measures» and a tool to combat political opponents, dissenters, and the «collective West» (especially in relation to property seizure and reporting foreign residence permits). They also serve to intimidate civil servants and the military.

Firstly, at the beginning of the year, the Law «On the Seizure of Property» was enacted, **violating several constitutional rights, primarily the right to property inviolability**²⁶. This law allows for property seizure from nearly any legal or natural persons, both Belarusian and foreign, based on vague and arbitrary grounds such as «unfriendly actions» against Belarus and dependency on decisions made by «unfriendly states» specified in the Council of Ministers» list.

At the same time, this property seizure does not even constitute confiscation, as it does not meet the requirements for confiscation (the amendments made to the Civil Code were made to another article, and not to the article on confiscation). It is noteworthy that the decision on property seizure is made by the Council of Ministers, and only then the State Property Committee submits an application to the Economic Court of Minsk for the seizure. Notably, the court decision on property seizure is subject to immediate execution, i.e. before its entry into force.

Secondly, in early January, another amendment was made to the Law «On Citizenship of the Republic of Belarus», enabling **the revocation of Belarusian citizenship acquired by birth** for individuals residing abroad that are recognized by the Belarusian court as extremists or harming the national interests of Belarus. Additionally, Belarusian citizens are now required to notify the competent authorities about their possession of a residence permit from another state or a similar document²⁷. These measures, combined with the subjective approach in the revised National Security Concept, the concept of «unfriendly countries», and the

²⁶ <https://pravo.by/document/?guid=12551&p0=H12300240&p1=1&p5=0>

²⁷ <https://pravo.by/novosti/obshchestvenno-politicheskie-i-v-oblasti-prava/2023/january/72724/>

like, effectively label any association with a foreign state, let alone residing abroad (first of all, we are talking about Western countries), as suspicious, making Belarusian citizens potential enemies who should be closely monitored.

Thirdly, in May, amendments were made to the Law «On the Procedure for Departure from the Republic of Belarus and Entry into the Republic of Belarus for Citizens of the Republic of Belarus», which **violate the freedom of movement for Belarusian citizens**²⁸. These amendments grant the KGB the authority to restrict the departure of individuals «whose departure contradicts the national security interests of the Republic of Belarus» for up to six months. Moreover, the ban can also apply to those against whom an administrative case is pending, even in the absence of a court decision (which is also unlawful). Special departure conditions are now imposed on senior officials of law enforcement agencies (requiring coordination with Lukashenka) as well as military personnel and civilian personnel associated with military formations and paramilitary organizations.

Fourthly, in May, amendments were made to the Criminal Code, further simplifying **arbitrary criminal prosecution for «crimes of an anti-state orientation.**²⁹» Two notable changes can be identified as qualitative shifts: **criminal liability has been introduced for discrediting the Armed Forces**, other troops and military formations, and paramilitary organizations (which was not previously present in Belarusian criminal legislation, but aligns with Russian practices). Another provision has been introduced with respect to officials, obviously aimed at intimidating them – **the possibility of applying the death penalty for treason committed by officials** in responsible or public positions, or by military officers at any level³⁰.

THE «NATIONALIZATION» OF CIVIL SOCIETY

At the beginning of 2023, a comprehensive review of fundamental legislation pertaining to freedom of association, freedom of conscience, and the functioning of civil society as a whole took place, resulting in significant limitations. The state has now formalized its authority to effectively «appoint» individuals who will represent civil society.

²⁸ <https://pravo.by/document/?guid=12551&p0=H12300268>

²⁹ <https://pravo.by/document/?guid=12551&p0=H12300256&p1=1&p5=0>

³⁰ See the position of the Belarusian human rights community on the expansion of the grounds for the use of the death penalty: <https://belhelcom.org/ru/news/vyrazhaem-reshitelnyy-protest-protiv-ocherednogo-rasshireniya-sfery-primeneniya-smertnoy-1>

Firstly, a new law titled «On the Foundations of Civil Society» was enacted, serving as a notable example of regulating previously unregulated aspects³¹. This law defines civil society and its subjects, while outlining the main objectives of interaction between the state and civil society entities. When presenting the law to the House of Representatives, the explicit purpose was stated as consolidating the collective efforts of individuals, society, and the state in pursuing the national interests of the Republic of Belarus³².

Secondly, amendments have been made to the laws «On Public Associations» and «On Political Parties», further restricting the functioning of these institutions³³. For instance, the minimum threshold for the establishment of a political party has been significantly increased (from 1,000 to 5,000 individuals), and **common goals that must be enshrined in the party statutes** have been established, such as safeguarding the inviolability of the constitutional order and promoting civil harmony.

Thirdly, in May 2023, a revised version of the law «On Freedom of Conscience and Religious Organizations» was proposed for public discussion³⁴. This new version includes provisions that admit, inter alia, «the special role of the Belarusian Orthodox Church in the historical formation and development of the spiritual, cultural, and state traditions of the Belarusian people».

INTENSIFIED MILITARIZATION

During the reporting six months, a significant state inclination towards militarization, including mobilization, has been observed.

Primarily, this is manifested through **the allocation of budget funds and the management of human resources**. From a human rights perspective, the changes described below pose a risk of systemic violations, including but not limited to freedom of thought and conscience, the right to life and health, and the right to education.

Thus, for instance, in January, a noticeable **increase in regional and Minsk budgets** for mobilization was observed. Expenditures related to «National Defense: provision of mobilization training and mobilization» rose by factors ranging from 1.06 to 4.35

³¹ <https://pravo.by/document/?guid=12551&p0=H12300250&p1=1&p5=0>

³² <http://www.house.gov.by/ru/news-ru/view/25-janvarja-goda-sostojalos-zasedanie-palaty-predstavitelej-na-kotorom-rassmotreno-desjat-64908-2023/>

³³ <https://pravo.by/document/?guid=12551&p0=H12300251&p1=1>

³⁴ <https://pravo.by/novosti/novosti-pravo-by/2023/june/74390/>

across different regions (with the highest increase recorded in the Mogilev region)³⁵. Additionally, it was reported by the Belarusian Investigative Center in June that Belarus has allocated 3.1 million rubles (over 1.1 million euros) from the budget for the purchase of Russian tactical unmanned aerial systems, marking the most expensive acquisition of its kind by the Ministry since the beginning of the conflict. Prior to this, the military department had only made one purchase of unmanned systems in 2021³⁶.

In May, the draft law «On the People's Militia» was passed in the first reading³⁷. The Minister of Defense emphasized the importance of «providing an opportunity for those not covered by mobilization measures to participate in the defense of the country»³⁸. It is crucial to note that participation in the people's militia cannot be refused, and individuals in the militia are granted several rights and powers typically associated with military and law enforcement agencies. This includes the use of weapons, detainment of individuals, and restrictions on the movement of vehicles. Given the political bias surrounding this event, the lack of preparedness among the «militia», and the opacity and lack of accountability of the system, these factors may pose a **threat to people's lives and health**.

Simultaneously, the State Secretary of the Security Council of Belarus, A. Volfovich, expressed the need to reintroduce the Soviet practice of drafting students into the army during their studies. It should be noted that this practice was implemented in the USSR during the Afghan War. Additionally, at the beginning of the year, the instructions regarding the determination of health requirements for individuals in relation to military service were revised. The requirements have become less stringent, allowing for the conscription of many individuals who were previously deemed unfit for health reasons during peacetime and/or limited to fit in war-time. The state justifies these changes by claiming it fulfills the desires of individuals «who are unable to realize their dream of joining the military.»⁴¹

HANDLING BELARUSIANS WHO LEFT AFTER 2020: MANIPULATING THEIR RETURN

Despite the authorities denial of an unprecedented wave of emigration following the events of 2020, and their dismissive labeling of those who left as «fugitives»,

³⁵ <https://news.zerkalo.io/economics/31289.html?c>

³⁶ <https://investigatebel.org/ru/news/zakupka-bespilotnikov-superkam>

³⁷ <https://pravo.by/document/?guid=3941&p0=2023039001>

³⁸ <https://news.zerkalo.io/life/32990.html?c>

³⁹ <https://news.zerkalo.io/life/36600.html?c>

⁴⁰ <https://pravo.by/document/?guid=12551&p0=W22339478&p1=1&p5=0>

⁴¹ <https://www.youtube.com/watch?v=JcFwjFT4XgQ&t=151s>

they specifically addressed this issue at the beginning of 2023. Narratives emerged suggesting the need to forgive and provide an opportunity for repentants to return home. In February 2023, Lukashenka issued a decree⁴² establishing the so-called «**Return Commission**», indicating that the authorities are acknowledging the scale of the problem. However, the wording of the decree, the narratives surrounding this topic, and the composition of the Commission all point to an attempt to further undermine the dignity of people and violate their rights.

Firstly, it is a fundamental right for individuals to freely return to their country of citizenship, as part of the freedom of movement.

Secondly, in the case of commission of an illegal act, everyone should be guaranteed a fair trial. However, the creation of a non-judicial body with the authority to decide «who to forgive and who to pardon» is a legal nonsense⁴³.

Thirdly, the very title of the decree, «On the Consideration of Appeals from Citizens of the Republic of Belarus Abroad Regarding Wrongdoings Committed by Them», indicates a violation of the principle of presumption of innocence.

Fourthly, the mechanism and conditions of treatment suggest that individuals should incriminate themselves and «confess» to engaging in «offenses and crimes of protest orientation» and publicly repent upon their return. Additionally, it is possible that some procedural actions may be taken against them, but only with the consent of the Prosecutor General. Moreover, a positive decision by the Commission does not grant immunity for other «offenses» that were not considered during the application review. This allows for the initiation of criminal cases based on arbitrary grounds against individuals who have already undergone the Commission procedure.

Thus, it is challenging to even refer to this as «indulgence», as the state retains the ability to subject individuals to further arbitrary persecution.

The composition of the Commission includes prominent propagandists known for their use of radical hate speech, including calls for the physical elimination of government opponents, as well as representatives of law enforcement agencies. Based on its composition, the Commission appears to be an amalgamation of a comrades court reminiscent of the late USSR and «troika» reminiscent of the Stalin era.

⁴² <https://president.gov.by/bucket/assets/uploads/documents/2023/25uk.pdf>

⁴³ Here we consider it useful to recall about vesting the Council of Ministers with a practically judicial function as to decisions on the seizure of property under the new law «On the Seizure of Property» (as mentioned above). This marks another evidence of the default of the justice system, the authority of the court. Functions that must be implemented exclusively by the court are transferred to the executive power

Furthermore, at the beginning of 2023, **several social advertising videos** were released targeting those who left the country, promoting the slogan «Come back!». In one of these videos, protest footage is depicted as «negative», while scenes of «peaceful life» featuring official symbols are portrayed as «positive». ⁴⁴

COPYING BY CIVIL INSTITUTIONS OF LAW ENFORCEMENT AGENCIES ILLEGAL PRACTICES AND OTHER UNCHARACTERISTIC PATTERNS

Carte blanche for violence irresponsibly granted by the state to law enforcement agencies in August 2020 has, among other consequences, led to another dangerous effect – the perversion of society by way of demonstrating the lack of any restraints. Specifically, there is impunity for violence if it is used to achieve «politically correct», pro-state objectives. It is noteworthy that the first instance where this effect manifested itself was within the sphere of education.

In May 2023, Belarusian State University copied **the unlawful practice of law enforcement agencies by filming and disseminating a «repentant video»**. It was posted on the official Instagram account of the Faculty of Law, in which a student of the faculty «confessed» to spreading «defamatory information about the faculty's administration, as well as information discrediting the Union of Belarusian Youth of the Faculty of Law». Subsequently, a second video was released in which the student, seemingly under duress, claimed that the first video was filmed voluntarily. This incident was condemned by a coalition of Belarusian human rights organizations with provision of a detailed analysis of the specific human rights violations involved.⁴⁵

In June, it came to light that there were two instances of **show trials held just at universities** (previously, public detentions occurred within educational institutions). At the initiative of the Baranovichi interdistrict Prosecutor's Office, a public court session took place at Baranovichi State University, where a student was convicted for making an offensive comment about Lukashenka on the Internet⁴⁶. Additionally, two students were tried at Belarusian State Technological University under the article regulating the propaganda, public display, manufacturing, and distribution of Nazi symbols and attributes⁴⁷.

⁴⁴ https://www.youtube.com/watch?v=7V9Gqf0WV_Y

⁴⁵ <https://belhelcom.org/ru/news/sovместnoe-zayavlenie-belarusskih-pravozashchitnyh-organizatsiy-po-povodu-rasprostraneniya>

⁴⁶ <https://nashaniva.com/ru/318578>

⁴⁷ <https://nashaniva.com/ru/319132>

The perversion of society also manifests itself in the gradual adoption of radical and degrading rhetoric, not only by notorious propagandists and law enforcement representatives but also by others. For instance, in June, during discussions on historic memory and the education system, a representative of the «youth parliament» at the National Assembly suggested that distorting facts or raising «sensitive issues» [by historians, scientists, and teachers – note] could be subject – if need be – up to the death penalty⁴⁸.

THE POLICY OF FORMALIZING DISCRIMINATION BASED ON SEXUAL ORIENTATION, GENDER IDENTITY AND REPRODUCTIVE CHOICE

Within the reporting period, there has been a significant shift in state policy towards the LGBTQ+ community, marked by the adoption of Russian narratives that reinforce formal inequality in legislation targeting LGBTQ+ individuals and childfree individuals.

In April, the Ministry of Information proposed to supplement the Mass Media Law with an LGBT propaganda ban⁴⁹. In June, the Prosecutor General's Office put forth a package of initiatives aimed at «protecting children from sexual violence and exploitation». These initiatives include strengthening parental responsibility and introducing administrative penalties for promoting non-traditional sexual relations, sex change, pedophilia, and childfree lifestyles. Additionally, a mandatory sex education course was proposed to be incorporated into the educational system⁵⁰.

While the outcome of these initiatives remains to be seen (and is important to monitor), it is already foreseeable that they will increase the vulnerability of an already marginalized LGBTQ+ community in Belarusian society. Furthermore, mentioning a special school course suggests the potential for the flow of propagandistic content in schools, thereby infringing upon the right to education, freedom of opinion, access to information, and personal privacy.

It is important to note that this policy shift and heightened attention towards the LGBTQ+ community aligns with the broader agenda of discrediting «Western» values, which are attributed to the «opposing camp» (similar to the reframing genocide campaign).

⁴⁸ https://www.youtube.com/watch?v=qRSU9h_TFQg

⁴⁹ <https://t.me/housegovby/10225>

⁵⁰ <https://t.me/prokuraturabelarus/4397>

It is indicative that, within the same package of initiatives, the state has also proposed amending the Criminal Code to include punishment for pedophilia, specifically suggesting chemical castration. Firstly, this represents a clear manipulation aimed at further stigmatizing the LGBTQ+ community, whose representatives are often associated with pedophiles within the homophobic rhetoric. Secondly, it demonstrates Belarus violation of its international human rights obligations, as punishment, regardless of the severity of the crime, should not infringe upon the absolute prohibition of torture and other inhumane punishments, while the latter include, inter alia, chemical castration.⁵¹

NEW UNIVERSITY ENROLLMENT CAMPAIGN RULES: REQUIREMENTS CREATING GROUNDS FOR DISCRIMINATION

In early January 2023, a new version of the Rules for Admission to Universities and Secondary Special Educational Institutions was adopted via a Lukashenka decree⁵². Among the changes is the introduction of a mandatory character testimony from the place of study, which applicants will be required to provide to admissions committees. This requirement applies to both full-time and correspondence course applicants, excluding foreign citizens, which is worth noting. The Ministry of Education has developed a form for these documents⁵³, comprising 7 detailed points where information is requested **without any legal grounds or relevance**, as it pertains to an individual's personal life and beliefs. For instance, the section on «moral qualities» requires the indication of one's «attitude towards state and public institutions, the constitutional order». Additionally, there is a separate section requesting information about participation in public events and public youth organizations, as well as details about disciplinary penalties and individual preventive activities taken with the applicant in the year preceding the issuance of the testimony.

When commenting on this innovation, a representative from the Ministry of Education stated that such a testimony «will not affect the competitive situation but is very important in order to immediately involve the student in the social life of the educational institution.⁵⁴»

⁵¹ See the statement of Belarusian human rights organizations regarding the initiatives of the Prosecutor General's Office: <https://belhelcom.org/en/news/demand-adherence-belarus-international-obligations-sexual-and-reproductive-rights-joint>

⁵² <https://pravo.by/document/?guid=12551&p0=P32300002&p1=1>

⁵³ <https://pravo.by/document/?guid=12551&p0=W22339639&p1=1&p5=0>

⁵⁴ <https://www.bpc.by/ru/press-meropriyatiya/item/817-press-konferentsiya-o-realizatsii-ukaza-prezidenta-respubliki-belarus-ot-3-yanvarya-2023-goda-2-novaya-redaktsiya-pravil-priema-lits-dlya-polucheniya-obshchego-vysshego-i-spetsialnogo-vysshego-obrazovaniya.html>

However, based on the content of the testimony form, it is evident that the requested information aims to identify individuals with «correct» and «incorrect» political views. In today's circumstances, such information immediately sets a certain direction for the treatment of individuals and their attitudes. Even if it does not directly impact the chances of admission, it will undoubtedly influence one's experience during the learning process.

Furthermore, it is evident that such requirements create additional pressure on applicants. Many of them, in order to avoid anticipated difficulties, may feel compelled to either join the Union of Belarusian Youth⁵⁵ or participate in pro-government events, among other actions, so that these activities are reflected in their character testimonies.

DEPARTURE FROM THE PRINCIPLE OF FORMAL EQUALITY

It is crucial to single out a specific trend of the state's inclination towards formalizing discrimination and deviating from the principle of formal equality. Previously, the primary issue was *de facto* discrimination, where discriminatory policies and practices were implemented despite formal equality being enshrined in the law. *De facto* discrimination has not disappeared, but since 2020, there has been a movement towards legalizing inequality.

During the first half of 2023, a critical mass was accumulated across various domains. The subjective approach in the Concept of National Security, amendments in the Law on Citizenship (including specific requirements for individuals with foreign residence permits), restrictions on exit from the country for certain groups of Belarusians, expansion of the death penalty for treason to include state officials and the military, legislative consolidation of a «correct» civil society, the initiative to formalize discrimination based on sexual orientation, gender identity, and reproductive choice, and the introduction of new requirements for enrollment – all of these developments clearly indicate that the state, **through legislation** in various spheres, **has begun to divide people into different categories based on their loyalty to the state or adherence to specific value systems.**

Furthermore, the formalization of inequality has intensified not only in terms of categorizing individuals based on their values but also in relation to **a consumer-oriented attitude towards individuals and their «usefulness» to the state.**

⁵⁵ A pro-government youth association: <https://brsm.by/>

Hence, starting from 2023, Belarus has reintroduced the requirement for special payments from the «economically inactive» individuals (commonly referred to as the «parasite tax»). This tax was initially introduced in 2015 but was canceled following the protests in 2017, replaced instead by the obligation to pay the full cost of utility bills⁵⁶. However, as of 2023, special checks will be conducted to ensure that expenses are in line with incomes for individuals continuously listed in the «parasite» database for over five years. These individuals now face restrictions on non-taxable cash receipts from relatives, limited to no more than 100 basic units per year (approximately 1,170 euros). Amounts exceeding this limit must be paid. Not only does this violate the right to work, but it also formalizes unequal treatment based on employment.

Furthermore, in June 2023, the Ministry of Health issued an order that determines the number of placements for surgical pre-graduate internship «separately for male and female students»⁵⁷. The order claims that its rationale is to optimize the allocation of resources in higher medical education to meet the demand for specialist doctors. However, such distribution directly discriminates against women as the number of placements allocated for them is disproportionately smaller compared to male students. Consequently, men are granted places despite lower scores.

In addition to the illegality of such unequal treatment, this policy violates the right to education. Female students, despite their high scores and abilities, are restricted from freely choosing their desired specialization, while male students are compelled to pursue undesired specializations solely because they are considered «male».

⁵⁶ <https://news.zerkalo.io/economics/29702.html?c>

⁵⁷ <https://nashaniva.com/320585>

II. LAW ENFORCEMENT PRACTICE: VIOLATIONS OF CIVIL, POLITICAL, SOCIAL, ECONOMIC AND CULTURAL RIGHTS

KEY POINTS:

- forms of arbitrary interference in personal life are expanding;
- *incommunicado* detention used against political prisoners;
- first conviction for "Belarusian nationalism"

INTENSIFIED BORDER CHECKS

Special attention at the border has been directed to people who actively participated in the protests for a long time. According to the Viasna Human Rights Center, as of the beginning of 2023, 58 individuals who temporarily returned to Belarus from abroad for various reasons have been detained⁵⁸. However, following the sabotage attack against Russian aircraft at the Machulishchy airfield on February 26, 2023, border checks intensified and underwent qualitative changes.

Firstly, individuals are now being interrogated by plainclothes special services officers who refuse to identify themselves. **Secondly**, border guards now demand foreign residence permits (if possessed), which are then photographed and scanned. The possession of such a document often becomes the basis for enhanced inspection and further interrogation⁵⁹.

Three main groups may be identified that attract particular attention at the border: individuals that were subjected to responsibility under the «political» articles and listed in the «Disorders» database⁶⁰, individuals holding residence permits or national visas of EU countries, and Ukrainians residing in Belarus, as well as their relatives⁶¹. There is also information indicating that special attention is given to visas issued free of charge (this is indicated on the visa itself).

⁵⁸ <https://spring96.org/ru/news/110613>

⁵⁹ <https://spring96.org/ru/news/111864>

⁶⁰ According to available data, this database is compiled arbitrarily and includes everyone who was detained due to participation in protests, even if the case was terminated (such cases are really rare)

⁶¹ <https://news.zerkalo.io/life/40238.html?c>

INTENSIFIED CONTROL OVER CONSCRIPTS

Special attention is being given to teenagers during military registration, where they are asked about their stance on military actions in Ukraine⁶². Urgent calls for the «trainings» have been made as part of assessing the army's combat readiness, and in some cases, men have been taken directly from their workplaces to military units⁶³. Men previously deemed «unfit in peacetime» have been called for re-examination ahead-of-schedule due to revised criteria (see Section I)⁶⁴. In April 2023, the General Directorate for Healthcare issued an order to medical institutions in the Brest region to strengthen control over the issuance of disability certificates («sick leave») and the validity of hospitalizations related to military service.⁶⁵

PROSECUTION FOR FINANCIAL DONATIONS TO FUNDS SUPPORTING VICTIMS OF REPRESSION

At the beginning of the year, the administration of Belarusian Hi-Tech Park⁶⁶ started sending letters to its resident IT companies, containing lists of employees who had donated money to the BY SOL and BY_help funds, which the state deemed extremist organizations. The companies management engaged in conversations with employees and suggested meeting with KGB officers⁶⁷. This demonstrates, inter alia, how the state involves businesses in violating human rights (in this case, the rights of their employees)⁶⁸.

Individuals who attended these conversations reported being required to write a «guilty» explanatory note regarding their donations to the funds and to make a multiple of the donated amount as a supposed charitable donation to the addressees specified by the KGB officers. These individuals mentioned that, in response, they were provided with (or promised) an act on refusal to initiate criminal proceedings⁶⁹.

At the same time, in March, it became known that at least four arrests of IT company employees who were charged with criminal offenses related to their donations took place. It remains unclear whether these arrests were a result of their refusal to pay the contributions requested by the KGB⁷⁰.

⁶² <https://news.zerkalo.io/life/33508.html?c>

⁶³ <https://news.zerkalo.io/life/36189.html?c>

⁶⁴ <https://news.zerkalo.io/life/39423.html?c>

⁶⁵ https://t.me/belhalat_by/8308

⁶⁶ <https://www.park.by/>

⁶⁷ <https://devby.io/news/donaty-spiski>

⁶⁸ For more information on this dimension: <https://devby.io/news/anklav-svobody>

⁶⁹ https://news.zerkalo.io/life/30049.html?utm_source=editorial_block&utm_campaign=recirculation_tut&utm_medium=read_more

⁷⁰ <https://devby.io/news/arestovali-za-donaty>

Subsequently, the persecution extended beyond IT company employees, targeting individuals from various professions who had made donations through Facebook in 2020. KGB officers presented evidence of money transfers in screenshots and confronted individuals with an ultimatum: either confession or imprisonment⁷¹.

In May, this practice expanded further, with the involvement of the Financial Investigations Department in addition to the KGB. Some employees of state-funded organizations were dismissed, and some individuals were detained right at the border based on these lists (which means that these lists are available to border officials)⁷².

It should be noted that the pressure is exerted as well on the individuals who made donations to the so-called «extremist» funds even before the latter were officially recognized as extremist ones.

Yet, the IT sector still enjoys a specific attitude. The authorities are keen to retain a significant source of income and acknowledge that the mass exodus of the IT sector following the events of 2020 would inflict substantial damage on the economy. In this regard, it is indicative that a dedicated department was created within the KGB specifically for working with employees of IT companies⁷³.

MASS VIOLATION OF CHILDREN'S RIGHTS BY LAW ENFORCEMENT AGENCIES

Violation of the rights of minors by Belarusian law enforcement agencies is nothing new⁷⁴. However, in 2023, there was a notable instance of mass violation. In February, **183 minors**, who were supporters of the youth subculture «Redan» and participants of a planned meeting of the so-called «PMC Redan», were detained in various cities across Belarus.

The Ministry of Internal Affairs justified these detentions by citing a «possible mass brawl.» They further stated that teenagers under the age of 16 would receive warnings and be registered with the Juvenile Affairs Inspectorate, while those over the age of 16 would face additional administrative responsibility⁷⁵. Disturbingly, some detained children were forced to keep their hands raised in the cold in certain police departments.

This incident also resulted in pressure being exerted on parents and children through the school system. In several schools, parents received messages from school administrations demanding that they keep their children under strict control after

⁷¹ <https://t.me/viasna96/17231>

⁷² <https://news.zerkalo.io/life/40404.html?c>

⁷³ <https://news.zerkalo.io/life/40711.html?c>

⁷⁴ See the Belarusian Helsinki Committee 2021-2022 Analytical report on the violations of some rights of the child (education, law enforcement agencies, right to health): https://belhelcom.org/sites/default/files/violation_of_the_rights_of_the_child_belarus_1_0.pdf

⁷⁵ <https://t.me/pressmvd/7033>

school hours⁷⁶. The Belarusian Helsinki Committee conducted a detailed analysis⁷⁷ of this incident in light of the need to keep the balance between public safety concerns and children's rights to freedom of expression and freedom of assembly.

INCOMMUNICADO DETENTION OF POLITICAL PRISONERS

The authorities in Belarus continue to violate the rights and conditions of detention of political prisoners. However, at the beginning of 2023, a practice of isolation of several prominent political prisoners and leaders from the outside world has vividly manifested itself.

In late April, it was revealed that presidential candidate V. Babariko had been hospitalized with signs of physical assault. This information was confirmed by the hospital, and in early June, it was reported that five doctors from the same hospital had been detained, arrested, fined, and subsequently dismissed⁷⁸.

Prior to these events, there had been a two-month period during which no written correspondence was received from the political prisoner⁷⁹. Additionally, at the end of March, the last attorney working on Babariko's case was detained, along with attorneys representing other well-known political prisoners. In early May, Babariko's relatives were denied access to the Department of Corrections, responsible for the maintenance and security of prisoners⁸⁰.

As of the end of June, there is no available information regarding V. Babariko's location or condition. Furthermore, since the beginning of February, there has been no information as to the condition of N. Statkevich, and since March, there has been no information about S. Tikhanovsky. M. Znak, M. Kolesnikova, and I. Losik are also reported to be in complete isolation.

FIRST PUBLICLY KNOWN CRIMINAL PROSECUTION OF AN ATTORNEY EXACTLY FOR PROVIDING LEGAL ASSISTANCE

The legal community in Belarus has been subjected to massive and systematic persecution by the authorities within the past three years⁸¹. As of the end of June 2023, a total of 10 attorneys have either been accused or sentenced in frame-up criminal cases, with 7 of them currently in custody⁸².

⁷⁶ <https://news.zerkalo.io/life/33675.html?c>

⁷⁷ <https://belhelcom.org/ru/news/chvk-redan-gosudarstvo-kultura-nasiliya-prava-cheloveka>

⁷⁸ <https://euroradio.fm/ru/vsekh-medikov-zaderzhannykh-v-novopolocke-uvolili-za-proguly>

⁷⁹ <https://www.dw.com/ru/sopernik-lukashenko-babariko-gospitalizirovan/a-65449555>

⁸⁰ <https://d367rzs5oyeba.cloudfront.net/315771?lang=ru>

⁸¹ <https://www.defenders.by/lawyers-persecution-2020>

⁸² https://www.defenders.by/criminal_prosecution_2020

At the beginning of 2023, attorney A. Danilevich received criminal charges that directly relate to the fulfillment of his professional duties as a lawyer, specifically providing legal assistance. One example of the alleged criminal activity mentioned in the charges against A. Danilevich is preparing letters and documents addressed to the Norwegian company «Yara», a major buyer of potash fertilizers from Belaruskali⁸³.

These letters were actually intended to remind the company of its obligations under the international framework of responsible business behavior and its own internal policies, under which the company should take action against human rights violations within its supply chain, specifically numerous violations of trade union rights and other employee rights by Belaruskali.

It should be noted that at present we do not have any information regarding the nature and specifics of the charges against the remaining nine attorneys.

FIRST CONVICTIONS IN TRIALS CONDUCTED *IN ABSENTIA*

In 2022, amendments were made to the Criminal Code of Belarus, introducing the possibility of conducting trials *in absentia*. The authorities have been using this as a «retaliatory measure» against their main opponents who are residing outside the country, which makes their apprehension difficult.

In 2023, the first convictions were handed down under this new provision. In January, five defendants in the «Black Book of Belarus case» were sentenced to 12 years in prison⁸⁴. In February, S. Tikhanovskaya was sentenced to 15 years, P. Latushko to 18 years, and M. Moroz, O. Kovalkova, and S. Dylevsky were sentenced to 12 years each⁸⁵.

These sentences not only violate the right to a fair trial for the individuals involved but also constitute **another stage in involving the judicial system and judges in making unlawful decisions and participating in acts of repression.**

THE FIRST SENTENCE FOR «BELARUSIAN NATIONALISM»

In May, a verdict was announced against Pavel Belavus, a well-known public figure and the director of the store Symbal.by, who actively promoted Belarusian culture. For the first time, the indictment contained a direct accusation of Belarusian nationalism: «under the guise of cultural and historical development, he spread the

⁸³ <https://belhelcom.org/ru/news/zayavlenie-v-svyazi-s-ugolovnym-presledovaniem-advokata-aleksandra-danilevicha>

⁸⁴ <https://reform.by/po-delu-chkb-vynesli-zaochnye-prigovory-po-12-let>

⁸⁵ <https://reform.by/dylevskij-kovalkova-i-moroz-poluchili-po-12-let>

ideas of Belarusian nationalism in various public social networks and on websites, the purpose of which was to change the government in Belarus»⁸⁶.

This accusation, combined with other actions such as the 2022 ban on using the Belarusian Lacinka (Belarusian Latin Script) in toponyms⁸⁷, and the state genocide reframing campaign, indicates a **deliberate effort to discredit Belarusian national culture and history**, as well as **promotion of narratives that support Russia's colonial policies at the state level**. This, inter alia, represents a systemic violation of the cultural rights of Belarusians.

INTENSIFIED PROPAGANDA OF WAR AND INDOCTRINATION THROUGH RUSSIAN NARRATIVES IN THE EDUCATION SECTOR

In general, the trends of ideological indoctrination in education persist⁸⁸, with significant changes observed in the ideological manipulation of schoolchildren and students in military and law enforcement universities, particularly in relation to propaganda of war and Russian narratives.

Firstly, in 2023, there has been a shift from simply justifying such actions in the context of «information work» to propagandizing specific war crimes, such as extrajudicial executions, on the part of teachers or administrators in a number of schools. A striking example is the Rechitsa Gymnasium, which accepted a sledgehammer as a gift for the school museum from an individual allegedly belonging to the Wagner PMC and involved in extrajudicial executions, including with a sledgehammer, in Syria in 2017⁸⁹.

Secondly, children are being compelled to «honor the memory» of Russian propagandists and portray them as heroes. For instance, in April 2023, schoolchildren in Gomel were taken to the «Russian House» for an event commemorating the unity of Belarusian and Russian peoples. During the session, they watched the film «Artek. A great journey.» Before the screening, they «paid tribute to the deceased Russian military commander Vladlen Tatarsky, who tragically died from a terrorist attack in a St. Petersburg cafe». The children were holding his portrait with the inscription «Let the hero be remembered forever, the enemy will be defeated, victory will be ours»⁹⁰.

⁸⁶ <https://citydog.io/post/zaden-syd-nachalo/>

⁸⁷ <https://news.zerkalo.io/life/29916.html?c>

⁸⁸ See the Belarusian Helsinki Committee 2021-2022 Analytical report on the violations of some rights of the child (education, law enforcement agencies, right to health): https://belhelcom.org/sites/default/files/violation_of_the_rights_of_the_child_belarus_1_0.pdf

⁸⁹ <https://malanka.media/news/24259>

⁹⁰ <https://news.zerkalo.io/life/36064.html?c>

Thirdly, there is evidence of direct Russian involvement in propaganda targeting students of military and law enforcement universities. In late February, the Embassy of the Russian Federation in Belarus, in collaboration with the International Fund for Social and Economic Support of Cultural Workers named after Belarusian people's artist Vladimir Gostyukhin, organized a screening of the feature film «Where Does the Border Run?» in Minsk⁹¹. This screening specifically targeted cadets from the Border Guard Service Institute, Belarusian academies of the Ministry of Internal Affairs and the Ministry of Emergency Situations, and the military faculty of BSU. The film serves to justify Russia's aggression against Ukraine and was produced with support from the Russian Presidential Foundation for Cultural Initiatives. V. Vanke, the Minister-Counsellor of the Russian Embassy, mentioned that this is not a one-time event.

Fourthly, educational institutions have been actively seeking individuals to fill the position of head of military-patriotic education since the beginning of the year. According to the Belarusian Investigative Center, within the first three months of 2023, the employment service advertised 182 such vacancies. Many of these job postings require applicants to have prior military service experience. Remarkably, in one of the Minsk schools, they were willing to consider hiring «a soldier of the Wagner PMC, who fought in Ukraine and holds Russian citizenship», for such a position⁹².

⁹¹ <https://sputnik.by/20230228/nuzhna-li-svo-v-minske-pokazali-film-ob-etom-1072751018.html>

⁹² <https://investigatebel.org/ru/news/minskaya-shkola-gotova-nanyat-byvshego-naemnika-chvk-vagnera>

III. KEY CHANGES IN THE REACTIONS OF INTERNATIONAL INSTITUTIONS CONCERNING THE HUMAN RIGHTS SITUATION IN BELARUS

KEY POINTS:

- the UN Human Rights Council has acknowledged the commission of crimes against humanity by the Belarusian authorities;
- the Parliamentary Assembly of the Council of Europe recognized the importance of the problem of political emigration of Belarusians after 2020;
- the ILO adopted specific recommendations on restrictive measures against Belarus under Article 33 of the ILO Constitution.

ACKNOWLEDGMENTS OF CRIMES AGAINST HUMANITY COMMITTED BY THE BELARUSIAN AUTHORITIES PRIOR TO AND FOLLOWING THE 2020 PRESIDENTIAL ELECTIONS

In February 2023, the UN High Commissioner for Human Rights presented a report on the human rights situation in Belarus. The report, based on the findings of designated experts, for the first time states that certain crimes committed before and after the 2020 presidential elections «**may amount to crimes against humanity**, as defined in international customary law, when such acts are committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack».⁹³

⁹³ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G23/009/01/PDF/G2300901.pdf?OpenElement>

RE-LAUNCH OF THE OSCE MOSCOW MECHANISM IN RELATION TO BELARUS

In response to the situation surrounding the 2020 elections in Belarus, the OSCE Moscow Mechanism was initiated for the first time by 17 OSCE member states in 2020⁹⁴. Subsequently, in March 2023, the Moscow Mechanism was launched for the second time following the proposal of 38 OSCE member states⁹⁵.

It is noteworthy that the second report, unlike the first one prepared by Professor W. Benedek, does not present significant and fundamentally new recommendations.

The initial report had suggested the establishment of an independent international body to conduct a comprehensive investigation into human rights violations during the presidential elections, involving forensic experts. While this specific recommendation was not implemented in this way, it served as a basis for the establishment of a mandate relating to the examination of the human rights situation in Belarus under the OHCHR in March 2021⁹⁶. Subsequently, in May 2021, three experts were appointed to carry out this mandate.⁹⁷

RECOGNITION OF THE ISSUE OF POLITICAL EMIGRATION OF BELARUSIANS AFTER THE 2020 EVENTS AS AN EVIDENT REGIONAL PROBLEM REQUIRING JOINT ACTION BY EUROPEAN STATES

At the beginning of the year, a special rapporteur was appointed in the PACE Committee on Migration, Refugees, and Displaced Persons to investigate the situation of Belarusians in exile⁹⁸. In early June, the rapporteur presented a report titled «Addressing the specific challenges faced by Belarusians in exile»⁹⁹. The report covers a wide range of issues, including the legalization process, access to education, the ability to continue their professional activities, and the issue of «double» exile for Belarusians who were forced to leave Ukraine after the war started. Based on this report, a PACE resolution was adopted, specifically devoted to these concerns.¹⁰⁰

⁹⁴ <https://www.osce.org/odihr/469539>

⁹⁵ <https://www.osce.org/files/f/documents/b/8/543246.pdf>

⁹⁶ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/073/49/PDF/G2107349.pdf?OpenElement>

⁹⁷ <https://www.ohchr.org/en/press-releases/2021/05/bachelet-appoints-experts-ohchr-examination-belarus?LangID=E&NewsID=27105>

⁹⁸ <https://pace.coe.int/en/news/8955/belarusians-in-exile-an-overlooked-issue-addressed-by-the-parliamentary-assembly>

⁹⁹ <https://pace.coe.int/en/files/31822/html>

¹⁰⁰ <https://pace.coe.int/en/files/32899/html>

ADOPTION OF SPECIFIC RECOMMENDATIONS BY THE ILO ON MEASURES AGAINST BELARUS UNDER ARTICLE 33 OF THE ILO CONSTITUTION

In 2023, the ILO investigation into the Belarusian situation, which began in November 2020 following the presidential elections, was concluded. Belarus became the second country¹⁰¹ in the ILO's over 100-year history to face sanctions under Article 33 of the ILO Constitution.

This decision was made due to violations of freedom of association and trade union rights. The ILO has been discussing issues regarding the government's policy towards trade unions since 2004, but the violations witnessed after 2020 reached a qualitatively new level in terms of their scale and severity¹⁰².

The application of Article 33 of the Constitution to Belarus takes advocacy to a different level.

Firstly, the exceptional nature of the situation per se (being the second case in the history of the ILO) signifies a grave violation of trade union rights and provides stronger grounds for demanding stricter and more specific measures.

Secondly, unlike resolutions from other international institutions, the ILO resolution includes an appeal to two additional actors: employers (businesses) and employees (trade unions). This reflects the tripartite membership structure of the ILO and establishes a basis for more comprehensive and systematic engagement with these two stakeholder groups.

Thirdly, the resolution explicitly calls on governments to uphold the principle of *non-refoulement* in accordance with international law. This serves as an additional guarantee that ILO member states should not deny protection to Belarusian trade union activists and members of independent trade unions.

ADOPTION OF SPECIFIC RECOMMENDATIONS BY THE ILO ON MEASURES AGAINST BELARUS UNDER ARTICLE 33 OF THE ILO CONSTITUTION

At the beginning of the year, the European Parliament passed a resolution calling for the establishment of a special international criminal tribunal to address the

¹⁰¹ The first was Myanmar, the decision on it was made in 2000 in connection with the widespread practices of forced labor.

¹⁰² For more information about this ILO process, see the Belarusian Helsinki Committee explanations: <https://belhelcom.org/ru/news/33-statya-mot-v-otnoshenii-belarusi-poyasneniya-ot-belaruskogo-helsinkskogo-komiteta>

crime of aggression against Ukraine. According to the model described in the resolution, the jurisdiction of this tribunal would not only extend to Putin but also to Lukashenka.¹⁰³ The same position has been confirmed in the PACE resolution.¹⁰⁴

In April, PACE adopted a resolution focused on the deportation and forced transfer of children and other civilians to Russia or other occupied territories in Ukraine.¹⁰⁵ This resolution officially recognized, for the first time, that the practice of deporting Ukrainian children and subjecting them to forced assimilation constitutes a form of genocide under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. In addition to Russian officials, Lukashenka is also mentioned in the context of accountability for this crime.¹⁰⁶



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¹⁰³ https://www.europarl.europa.eu/doceo/document/TA-9-2023-0015_EN.html

¹⁰⁴ <https://pace.coe.int/en/files/31620/html>

¹⁰⁵ <https://pace.coe.int/en/files/31776/html>

¹⁰⁶ See the legal analysis of this situation: <https://www.ipg-journal.io/ru/regiony/evropa/lukashenko-i-deti-1750/>