

STOP PRESSURE ON CIVIL SOCIETY ORGANISATIONS IN CONNECTION TO THEIR RIGHT TO ACCESS TO FUNDING

Address by Belarusian civil society organisations

On January 21, Department of Financial Investigations at the Committee of State Control started investigation of the educational human rights defense institution "Office for the Rights of People with Disabilities." The director Sergey Drozdovskiy and lawyer Oleg Grablevsky were brought to the Committee, the accountant Tatiana Krishtal had her phone and computer confiscated. Unidentified people tried to enter the flat of the former deputy director Mikhail Matskevich. The Committee announced as the official reason for detention appropriation of resources received as gratuitous donations and foreign aid for the purpose of providing assistance to people with disabilities (Article 210 of the Criminal Code). There was earlier pressure and detention of the CSO employees in connection with their participation in the peaceful assemblies.

We consider this investigation as a continued line of pressure and criminal cases started in the last months against collecting, receipt and use of gratuitous monetary support in Belarus. Earlier, journalist Andrei Aliaksandarau and human rights defender Leanid Sudalenka were arrested based on the case of monetary support to the victims of human rights violations. Charges on criminal violation of the law on use of foreign funding were pressed against the employees of the institution "Journalist workshop Press Club." State mass media continue disinformation and intimidation campaign in connection to activities by the solidarity funds that provide aid to Belarusian citizens.

In second half of 2020 multiple non-profit organisations in Belarus faced unplanned inspections and ungrounded requests for documentation including on use of foreign or domestic aid. While in majority of cases the inspection verified absence of misuse of the received aid by the organisation, some clearly politically motivated cases resulted in criminal cases, e.g. charity institution "Paleskaya dabrynya" and others.

Belarusian authorities traditionally practice accusation in economic crimes for purpose of political prosecution. Earlier, director of the human rights center "Viasna" Ales Bialiatski, REP trade union chief Henadz Fiadynich, director of the information agency Belapan Ales Lipai and others were criminally prosecuted on tax evasion charges.

In connection to this we consider necessary to emphasize that CSO activities to seek, obtain and use resources for their work is considered a legitimate activity and is protected under international standards for freedom of association. Under these standards receipt of foreign funding is a legitimate component of the freedom of association and should not be used for criminal prosecution. According to the international standards and OSCE and Council of Europe guiding principles, states should not prevent receipt of funding from foreign or international sources, because such funding supports developing civil society's potential and enhances social, economic and human dimension of the country.

According to the Joint guiding principles on freedom of association developed by OSCE/ODIHR and Venice Commission of the Council of Europe (para. 22, 102-04, 166, 195, 200-22) any limitations to access funding from abroad, both from foreign or international sources, must be prescribed by law and pursue legitimate purpose in accordance with allowed certain limitations as prescribed by international standards in possible limitation of human rights, necessary in a democratic society and proportional to the pursued aim. Tax law should treat donations from

foreign sources similar to domestic donations, it should not impose income tax and other taxes on them. Obtaining foreign funding by civil society structures should not result in negative consequences. All organisations wishing to gain access to foreign funding should have the right to seek such funding and, if there are foreign donors willing to support their activities, receive and use such foreign funding in practice. The ability to seek, receive and use material resources is critical to the existence and functioning of CSOs. Criminalisation and delegitimisation of the CSO activities on the basis of the source of funding is unacceptable.

The current practice of numerous inspections and new criminal cases against leaders and employees of non-profit organisations, as well as the state media campaign to defame and discredit charitable aid violates these standards, creates unbearable conditions for non-profit organisations and hinders their legitimate activities to the benefit of Belarusian people and Belarusian society.

Imperfect and restrictive norms of the legislation of the Republic of Belarus on international and domestic charitable aid require great efforts from organisations to properly design and report on charitable aid and at the same time these norms create conditions for the threats of persecution, both administrative and criminal.

We, representatives of civil society organisations, consider prosecution of the management at the Office for the Rights of People with Disabilities as politically motivated and connect the pressure with their active citizen position and activities towards improving human rights conditions in Belarus.

Knowing the Office for the Rights of People with Disabilities as a responsible and trustworthy organisation, a long-term member of the Belarusian human rights defenders' movement, we strongly refute allegations of misuse of the organisation's funds. We view these allegations as insidious steps to discredit the good name and reputation of the Office for the Rights of Persons with Disabilities.

We believe that additional inspections of non-profit organisations receiving foreign funding and intimidation of activists are aimed at complicating the conditions for NGO activities. Earlier in 2020, Belarusian authorities adopted Decree 3 "On gratuitous foreign aid" that worsened earlier limitations on the NGOs' access to foreign funding; introduced mandatory reporting under anti-money laundering measures which is a disproportionate measure not corresponding to the risks; seized operations of the popular crowdfunding platforms MolaMola and Ulej, which provided an opportunity for NGOs to find funding from domestic sources in current unfavorable conditions.

Considering all the above, we, representatives of the Belarusian civil society organisations, DEMAND:

- To stop pressure on the Office for the Rights of Persons with Disabilities and other civil society organisations, to stop ungrounded and excessive inspections and other forms of control on organisations' activities and to stop using force during inspections.
- To stop all attempts to criminally prosecute Belarusian human rights defenders and civil society activists in connection with their legitimate activities to provide charitable and other aid to victims of human rights violations, including immediate release of Andrei Aliaksandarau, Leanid Sudalenka, Yulia Slutskaya and other CSO activists.

- To stop practice of intimidation and harassment of citizens in connection with the receipt, distribution and use of charitable aid, both from sources inside Belarus and abroad, as well as to eliminate excessive regulatory restrictions in this area.
- Immediately release all political prisoners, as well as citizens detained in connection with the exercise of freedom of peaceful assembly and freedom of expression in the post-election period and end political repression against the country's citizens.

Assembly of Non-Governmental Democratic Organisations;

Belarusian Center for Legal Transformation (Lawtrend);

Human Rights Center "Viasna";

"FORB Initiative"

"Human Constanta"

Belarusian Helsinki Committee

Scientific research institution Analytical Group "CET"

"EuroBelarus"

Center for Social Innovation

Hrodna Children's Hospice

Human Rights Movement "Our Belarus"

Belarusian Students Union

Belarusian National Youth Council "RADA"

"Ecadom"

"Nerush"

Education Center "POST"

Center for Regional Development

"Lev Sapieha Foundation"

Urban initiative "Good City"

"Nioman's friends"

NGO "EKAPRAEKT"

Human Rights Center "Legal Aid to Population"

Belarusian PEN Center

The Barys Zvozkau Human Rights House

Vitebsk public association "Self Governance and Society"

"Legal Initiative"

ABF Belarus

Institution Center for Modern Culture "Running turtle"

Belarusian Association of Journalists

Belarusian Documentation Center

"Civic Forum"

Social and educational institution «Center support of cancer patients «In the Name of Life»

The statement is also supported by the following members of the Civic Solidarity Platform:

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