

State and Current Needs of Belarusian Civil Society Organizations (CSOs) in Situation of Political Crisis

Monitoring: July - December 2021

This paper is the first of a series of regular supplements to the study "State and Current Needs of Belarusian Civil Society Organizations (CSOs) in Situation of Political Crisis", which described the state and needs of Belarusian CSOs in 2020 and the first half of 2021. The purpose of this supplement is to describe the changes that happened to Belarus's organized civil society in the second half of 2021.

The empirical basis for the analysis of this monitoring is:

1. A roundtable organized in Tbilisi in October 2021 (attended by approximately 30 CSO representatives working in Belarus and abroad);
2. 8 semi-structured interviews with CSO activists involved in third sector development (December 2021 - January 2022).

OPERATING ENVIRONMENT AND STATE OF CSOs IN BELARUS IN SECOND HALF OF 2021

Over the analyzed period, the scale of institutional repressions against Belarusian CSOs was growing (inspections in May and June) with one of the most noticeable peaks in July 2021 when a series of arrests of civil society activists and searches in organizations' offices and activists' places of residence took place. Additionally, bank accounts of many organizations were blocked and dissolution or forced dissolution was launched, and is still underway, for CSOs of various types, including institutions, public associations, and foundations. As of February 28, 2022, according to Lawtrend, 366 nonprofit organizations in Belarus were in the process of forced dissolution (including lawsuits and forced removal from the Unified State Register of Legal Entities and Individual Entrepreneurs). There were 223 nonprofit organizations (public associations, foundations, and institutions) in relation to which statutory authorities or founders made a dissolution decision.¹ Notably, not only organizations that may be classified as political or civic, but also those that operate in the areas that are very distant from politics or civil-political rights were closed. For instance, organizations of beekeepers, bird advocates (e.g., APB-BirdLife Belarus), cultural heritage organizations (e.g., Belarusian ICOMOS Committee), sports associations, and other organizations were dissolved. Gradually, it became clear that the authorities' task was not only to dissolve legal entities, but also to make impossible the work of any civic democratic structures and prosecute anyone who may carry out civic activities. However, despite the repressions, there are still civil society organizations in Belarus that have retained their legal status and continue their activities, although on a limited scale.

Since January 22, 2022, Article 193.1 "Activities on Behalf of Unregistered Organizations" of the Criminal Code of the Republic of Belarus has been in effect again. However, it's still unclear how it will be applied in practice.²

¹ Lawtrend (2022). Situation with Freedom of Association and Civil Society Organizations in the Republic of Belarus: February 2022 Overview <https://www.lawtrend.org/freedom-of-association/situatsiya-so-svobodnoj-assotsiatsij-i-organizatsiyami-grazhdanskogo-obshhestva-respubliki-belarus-obzor-za-fevral-2022-g>

² A description of how the article had been applied before it was repealed in 2018 <https://baj.by/be/content/statya-1931-uk-otmenena-vo-vtorom-chtenii>

The economic conditions for CSOs' activities deteriorated, and the risk of harassment of citizens and businesses providing financial support to CSOs (including donations and crowdfunding) increased because such support was linked to allegedly "financing the protests". Receiving money in Belarus from any foreign counterparty under service or any other types of contracts has become virtually impossible as it is highly likely to cause repressive actions by law enforcement agencies³ - numerous inspections are taking place and criminal prosecutions are being initiated for receiving funds from abroad.⁴

In the media, official Belarusian propaganda uses hate speech against CSOs and activists. Along with the media, some CSOs (primarily human rights organizations) and their information resources are recognized as extremist.⁵ Cooperating with non-political CSOs also becomes "a crime". For example, after a propagandist article published in Belarus Today newspaper at the end of 2021, the cultural workers mentioned in the article were fired.⁶ Having become activated during 2020, the Belarusian diaspora remains active and is fueled by numerous emigrants leaving Belarus.⁷

State of Sector

The state of the third sector can be generally described as a crisis. Organizations continue to live in "a survival mode" and search for opportunities to persist and continue working in different formats and locations: in Belarus, abroad for Belarus, abroad for other target groups, etc. At the same time, some Belarusian organizations have ceased or suspended their activities. The sector is losing people rather than gaining them, especially in Belarus: people are choosing safer activities (e.g., moving to the IT sphere). Because of the unpredictability, the illogical nature of the repressions, and the uncertainty of the rules of the game (the understanding of what can and cannot be done), people turn on self-censorship and not only leave CSOs, but are also afraid of any civic activity. Some organizations have consciously decided to become non-public and "non-media" and consider the publicity of other CSOs that have members or staff in Belarus to be irresponsible.

³ Particularly, in February 2022, law enforcement agencies were given additional authority to report offenses for receiving and using foreign donations. For details, see <https://reform.by/295899-sotrudniki-gubopik-smogut-sostavljat-protokoly-o-narushenijah-pri-poluchenii-inostrannoju-pomoshhi>

⁴ Examples of cases and inspections – in a Lawtrend monitoring report <https://www.lawtrend.org/freedom-of-association/svoboda-assotsiatsij-i-pravovoe-polozhenie-organizatsij-grazhdanskogo-obshhestva-v-respublike-belarus>

⁵ For example, materials of the human rights center "Viasna" were recognized as extremist as early as in 2021 <https://www.dw.com/ru/sud-v-gomele-priznal-materialy-telegram-kanala-vesnaehkstremistskimi/a-60299576>

⁶ For more on this, see <https://ex-press.by/rubrics/kultura/2021/12/13/rasstrelnyj-spisok-kak-uvolnyayut-rabotnikov-kultury-upomyanutyx-v-state-sb>

⁷ At the same time, information about the number of Belarusians who left after the outbreak of the political crisis varies and, according to various estimates, ranges from 20 to 200 thousand people. <https://belsat.eu/ru/news/11-11-2021-skolko-belorusov-uehali-iz-strany-za-poslednie-15-mesyatsev-razbiraemsva/>

Many CSO activists and staff left during the summer and winter of 2021, at different times and for different reasons. Some organizations have no employees left in Belarus, others have some activists/employees left, and some have employees who are in prisons. Many organizations have experienced a team split: even when relocating, people often go to different countries based on their capabilities and personal preferences. At the same time, organizations actively get registered⁸ and receive official status in Lithuania, Poland, Ukraine, and Georgia, where they adapt to new jurisdictions. This poses both the problems of managing organizations that operate from multiple countries and the issues of solving unusual tasks (visas, legalization, psychological help, etc.). But, at the same time, it opens up new opportunities, such as organizing face-to-face team meetings, working in offices, etc. In addition, there is also a cluster of organizations that stay and work in Belarus while not being controlled by state GONGOs. When being surveyed, some respondents also expressed an opinion that you can do quite a lot in Belarus even today.

There is a growing gap in the sector due to the fact that relocated CSOs become estranged from the actual Belarusian context. Clustering by country is also taking place when organizations tend to cooperate primarily with other organizations located in the same country. Some point to competition and conflicts among individual organizations and initiatives, as well as conflicts with political structures. For instance, one respondent gave an example of a democratic political structure that demonstrated a lack of understanding of civil society and tried to use CSOs for political purposes. In addition, organizations are at different stages of implementing their activities: from continuing to work in Belarus in some form or having been recently dissolved to full institutionalization abroad. Consequently, there are different agendas for their activities. In addition, the field of activity also affects the way a particular organization functions. For example, many of the organizations that provide services to vulnerable groups choose to stay in Belarus given all the restrictions and risks because it is impossible to help their target groups otherwise. Other organizations, like those engaged in research, are not so restricted by this factor and can work from abroad more easily. It is important to note that there is a risk for organizations in Belarus to drop out of sight of their target audiences who simply won't know or receive information about their existence and activities, especially because of the crackdown on independent media and/or the replacement of civil society organizations by so-called "government-organized NGOs" (GONGOs).⁹

Repressions and Reactions to Them

Many elements of repressions, e.g. searches, arrests, detentions, CSOs' dissolutions, confiscations, blocking of accounts, criminal cases and summonses, inability to legally obtain finances to work in Belarus, negatively affected the psychological well-being of activists and people working in the sector. Many were not prepared for such a turn of events because they did not expect their organizations to get closed. In their opinion, they had been engaged in

⁸ Although, some CSOs in Belarus were registered in other countries (mainly in Lithuania and Poland) even before the events of 2020. See https://sympa-by.eu/sites/default/files/library/csos_abroad_short_1.pdf

⁹ For example, the Belarusian Republican Union of Youth, which belongs to GONGOs, stated that it was ready to replace closed organizations. For more details see <https://news.zerkalo.io/life/10342.html>

topics not related to politics and cooperated with the state with varying degrees of efficiency and intensity.

As a result of the authorities' actions and the persecution of activists on the basis of their affiliation with the civil society, civic activity was de facto amounted to political activity. For instance, one of the respondents noted that *"while they used to be people who could act and live more or less peacefully, ... now they are stigmatized as political activists and agents of the West who provoked these very protests"*.

As a separate issue, some respondents pointed out that the assessments of the situation in civil society on the international arena are voiced exclusively by political structures, not by CSOs themselves. Thus, the discrediting and accusations of organizing protests, as well as the dominance of political actors at the international level, reduce the subjectivity of the Belarusian civil society itself as independent and not directly related to politics.

Forecast for 2022

At the time of the interviews (December 2021-January 2022), respondents believed that CSOs would be adapting to the new working environment both in Belarus and abroad. Organizations would also continue to learn, adapt, and continue to work in the new context ("under the new game rules"). Although at the same time, there were suggestions (which were baseless, as is evident when writing this paper) that after the referendum¹⁰, which took place on February 27, 2022, there might be changes in operating conditions for organizations, both positive and negative. Some organizations deliberately suspended activities precisely in anticipation of changes after the referendum. In any case, sector representatives felt they would need to redefine their relationships with authorities, target groups, new initiatives, and other CSOs again.

In terms of work for the future, Belarusian organizations actively build networks and coalitions, consolidate within specific sectors, develop a common agenda, and are likely to keep doing so over the next year.

As for the expectations regarding what the government of Belarus would do, it was indicated that it would most likely continue to pressure and discredit CSOs as an alleged tool for "organizing color revolutions". In addition, there is some uncertainty about the possibility of application of Article 193.1 of the Criminal Code in relation to activists and how it would be implemented in practice.

¹⁰ For more on the referendum, see <https://belsat.eu/en/news/03-03-2022-cec-publishes-results-of-recent-referendum/>

Problems and Needs of Civil Society Organizations

Problems

Some of the most pressing problems for CSOs in the spring of 2021 (according to the survey conducted at that time) was the inability to make and implement long-term plans and projects due to the ever-changing situation. In general, the problem remains relevant, although some organizations report they are already in a position to engage in long-term planning. Thus, CSOs' planning horizon varies from virtually no planning to a timeline of 2-3 years. Some organizations (usually those that left early and are currently abroad) have expanded their planning horizons, have already held strategic sessions, and have made plans for a two- to three-year period based on the scenario of being in exile. It is worth noting that there are organizations in Belarus even today that actively continue their work, develop projects, and participate in competitions. However, uncertainty as an underlying context persists for all CSOs and affects various aspects of their activities, including the determination of organizational performance (consulting results, project impact and evaluation).

Problems of Activists and CSO Employees in Belarus

Security, both physical and digital, is the number one issue for third sector representatives in Belarus. Many of them are under criminal investigation, a non-disclosure agreement, or a written pledge not to leave their places of residence. Activists also talk about the kind of support they would need mentioning solidarity, financial and other resources (although there are virtually no safe ways to transfer them to Belarus today), equipment (which meets safety standards), psychological help and assistance in overcoming the feeling of stress, and assistance with emergency relocation (if necessary). In addition, CSO employees who stayed in Belarus say that they often feel excluded: *"We really feel abandoned here, not in the sense that there is no contact, but because we don't have what we used to have before - active involvement, joint planning and implementation of ideas, projects, activities, and so on"*. In addition, there are reports that some people from the public sector are moving to more secure sectors (e.g., the IT sector).

Problems of Organizations Abroad

In addition to problems related to relocation, legalization, etc., there are other, not so high-priority, problems that are nevertheless significant for the work of civil society organizations. For example, youth organizations working with student exchanges in Erasmus+ or European Solidarity Corps when registered in Lithuania, Poland and other countries are considered to belong to these countries and, therefore, must provide services to the residents of their host countries (send them on exchange programs), not residents of Belarus. According to respondents, they and their organizations need institutional support, professional

development opportunities, and consulting services. There are also political challenges. One of them is deciding whether organizations registered abroad have the right to represent Belarus.

From an organizational standpoint, organizations are often unable to hire new employees while the workload of those already employed has increased. This is due to the fact that some organizations believe that not all projects or tasks can be entrusted to employees located in Belarus for security reasons. It's unclear how you can recruit in an unfamiliar job market, besides there is an issue of trust and values. There are cases when already trained employees or organization members move to the business sector of the country to which they have relocated.

In the future, there may be problems arising from the fact that Belarusian organizations registered abroad will have to follow and comply with European standards of accounting, bookkeeping, and auditing, which may harm their Belarusian counterparties, partners, etc. Problems of the contrary nature are also possible if newly registered organizations will apply Belarusian standards of work (for example, using cash in their operations), which may lead to additional bank inspections and account blocking.

Objectives CSOs Set for Themselves

According to the first study, in April-May 2021, the most pressing challenges for CSOs were: ensuring the safety of employees and organizations as a whole; finding new formats for working with their target groups; and finding resources to support organizations' activities. During the monitoring, respondents confirmed the relevance of these points. In the area of "security", there is a need to build a holistic system of support for organizations (including consulting, policy development, equipment, software, etc.) and international assistance (non-extradition through Interpol, etc.). The search for resources has become especially urgent due to the costs of relocation and legalization in other countries and as well as the inability to travel freely to/from Belarus. Some respondents noted that there are currently enough programs providing support, so finding resources is not as challenging as it used to be. It is also important for organizations to reconsider their mission, activities, formats, target groups, interaction with new initiatives, partnerships, etc.

Areas of Support

During the spring 2021 survey, the most relevant areas of support for CSOs were: institutional support (ongoing organizational expenses); organizational development; and establishing/supporting coalitions and networks for collaborative action.

Institutional support is still considered very important; it must be flexible and allow for a great deal of uncertainty. The inflexibility of support in previous years, according to some

respondents, was partly the reason why some CSO employees are now imprisoned. Institutional support is needed first and foremost to preserve the organizations themselves, their human and expert potential.

Respondents mentioned that organizational development is an important focus for them, and there are providers/organizations that can help with that task. Respondents were divided in their opinion about the support of coalitions: some believed that networks pose a threat, not a benefit, to organizations inside Belarus. For organizations abroad, building networks and coalitions is a way to communicate and stay connected to "the ground" as well as to have a shared infrastructure. However, such coalitions must be established "from the grassroots", not at donors' initiative, and adhere to democratic procedures. Coalitions can also be important for the complex tasks of advocacy and promoting change at the policy level.

Other reported areas of required support included psychological help. Assistance is also needed with legalizing stay abroad and in solving related problems (visas, expiring passports, work permits, etc.).

In terms of organizing work processes for CSOs and activists in Belarus, it is very important that project requirements and donor reporting be flexible. According to activists and experts, it is important to consider the opinions of Belarusian organizations when planning support programs. If possible, donors need to roll out funding programs more quickly.

Target Groups, New Opportunities for CSOs. Integrity of Civil Society.

Target Groups

Access to target groups for Belarusian CSOs has become even more complicated. For organizations that lost their registration status, both in Belarus and abroad, access to many target groups has virtually disappeared, so has the infrastructure that facilitated it.

It is easier to continue working with those target groups that were previously active online, such as young people. At the same time, it's harder to work with vulnerable groups that are less suited to the online setting. For example, a hospice and its operations cannot be replaced by online activities. The research sector or the organizational development sector, on the other hand, have been less affected in this regard. Some organizations report staying in touch with volunteers and maintaining contacts and friendly ties with different organizations in Belarus, which helps them to stay in a relevant context.

Overall, representatives of Belarusian organizations positively assess the opportunities for working online, pointing out that they vary across various spheres: from education (formal and informal) to entertainment or networking. A hybrid approach, both offline and online, is also applied.

Many service organizations, having lost access to their target groups, have been forced into another area of work, e.g., policy-level advocacy, drafting development programs, etc., in order to continue working for the benefit of their target groups. The topic of future reforms is actively discussed and used by many CSOs. Those who did not have the expertise to develop policies try to acquire it or cooperate with those who can share it. There is also an apparent increased interest in the topic of human rights, but it is difficult to say what has prompted it. Some believe that this may be due both to donors' funding priorities, which are naturally driven by the deteriorating human rights situation, or to current trends. Some respondents criticized the situation: they believe that some CSOs do this only because it is easier and does not require direct contact with target groups. CSOs may also find target groups in their new locations to be able to work as well as to retain and develop expertise.

Nature of Relationship with Authorities

As a rule (with some exceptions), Belarusian CSOs today have virtually no relations with the authorities. For example, back in the fall of 2021, one organization was finalizing a project with local executive committees, which stated that they wanted to continue the cooperation. It also mentioned being able to carry out activities with schools. However, this organization also lost its registration status at the end of 2021. There are also cases of re-registration of some of the already dissolved local organizations, which occurs with the de facto support of local authorities. However, these are rare exceptions rather than a trend.

As a rule, organizations located abroad do not consider the current Belarusian authorities as stakeholders. When planning advocacy campaigns, alternative political forces and international organizations act as stakeholders instead.

Integrity of Civil Society

On the one hand, civil society in Belarus had not been monolithic and integral even before. However, today we can say that, regardless of the location of Belarusian organizations and activists, the missions of CSOs do not differ and are focused on working for the benefit and in the interests of Belarus. According to respondents, their organizations did not leave the country to become part of the civil society of their host countries. However, the problems and needs of organizations inside and outside the country differ because of the different external operating conditions.

Often, the management of an organization is located abroad, while its employees are in Belarus. There are also different views on how to act and what interests to pursue even within one single organization, especially if it is large and member-based. Activists abroad may prioritize publicity, while those in Belarus may prioritize safety. Bridging such gaps and

discrepancies requires considerable efforts, while approaches and possible formats for doing that have yet to be created/developed.

New Opportunities

Belarusian organizations that are forced to operate in other countries gain experience of working according to European and other standards, as well as experience operating in other political, economic, and cultural contexts in general. Organizations obtain new experiences of living in a different country, interacting with other cultures, as well becoming familiar with other practices of public administration and provision of public services, which can benefit Belarus and Belarusians upon their return to the country. In addition, connections are being established with host countries' governments and counterparts as well as with international organizations. Moreover, the opportunity for and experience of coalition building emerges. Respondents reported that the situation with resources has improved and that donors now use more flexible approaches in their work with Belarusian organizations.

KEY FINDINGS

Belarusian civil society organizations continue to operate in extremely unfavorable conditions. From broad political repression of activists in July 2021, the Belarusian government shifted to targeted institutional repression of CSOs of various forms that operate in various spheres. The process of mass dissolution of CSOs continues today. Many organizations and activists were forced to leave the country and now conduct their activities from abroad because of the greatly increased threats to their personal safety.

The current state of CSOs can be described as "survival" and "crisis". CSOs are losing not only their registration status in Belarus, but also people (especially in Belarus) and connections with target groups. In addition, it is suggested that the subjectivity of civil society is being undermined. There is a growing gap between "those who left" and "those who stayed", both people and organizations, their needs and problems.

Despite the increased repression and worsening conditions, as well as the fact that many CSOs are actually on the verge of survival, Belarusian CSOs continue to operate, mostly abroad or in a mixed format. Relocated organizations are in various stages of restarting their operations, from a recent relocation to a fully established organization with a revised operating strategy and plans for up to 3 years. Working abroad results in new challenges.

The needs and objectives of CSOs remain essentially the same as they were six months ago. Belarusian organizations consider solving security issues, maintaining ties with target groups, and finding resources to be their main objectives. When it comes to working with donors, there is a need for institutional and flexible support for CSOs.

Along with the challenges, CSOs operating abroad also face new opportunities: new partnerships, new experiences of living and working in a different environment, new connections with CSOs, host governments, and international organizations.