

STUDENT ORGANIZATIONS: ESTABLISHING AND REGISTERING ISSUES

The Republic of Belarus agencies do not have publicly available full information about the number of currently active independent student organizations and initiatives. According to Belarusian Ministry of Justice, there is 2 731 registered public associations as of January 1, 2017 out of which 320 are youth organizations and associations. However, in reality, student organizations form a very small number among those registered youth organizations as well as not all student organizations are registered.

The main problem in this is that registration authorities (Ministry of Justice or regional department of justice) pursue the process of registering public association/organization from political point of view rather than from judicial one. They register only those organizations, which would be recognized by the state as useful and appropriate or which establishment was initiated by the state directly or indirectly. All other initiatives are refused registration on far-fetched and insignificant grounds. So, student association/organizations are registered, as a rule, only if there is a letter of support from University's Rector.

At the same time, the activities of unregistered organizations are still prohibited by the law, which imposed criminal liability for violating this provision under the article 193-1 of the Criminal Code in the form of imprisonment for up to two years. This constitutes one of the most serious restrictions on freedom of association in the country.

Based on official information, Belarus has not convicted anyone under this article since 2011 but during 2006-2011 watchdog organizations registered at least 18 people representing youth associations who were convicted under the article

193-1 of the Criminal Code (in a number of later cases new criminal cases were initiated but suspended until trial). After 2011 human rights organizations registered numerous cases of official warning written by prosecutor's office and other state agencies against citizens participating in unregistered associations' activities that they may be prosecuted if they don't suspend their participation in such initiatives.

At the same time, Belarusian higher education establishments launched the process of establishing numerous 'official' student organizations many of which are not registered. The Belarusian State University (BSU) website contain information about no less than 12 student organizations (BSU student organizations). For example, university established BSU Community Council, which is not registered in accordance with Unified State Register of Legal Entities and Individual Entrepreneurs (Unified State Register). This shows uninformed application of legislation in relation to official (acceptable) and other organization, which contradicts the Constitution of the Republic of Belarus. Most of the student organizations established at the universities refer to

themselves as student self-governance organizations. At the same time, in accordance with Belarusian Code of Education (article 25), higher education institutions can establish other self-governing bodies such as Pedagogical Council, Board of Trustees, Parent Committee, Coaching Council, etc. The higher education institutions can establish other self-governing bodies based on the decision of President of the Republic of Belarus. Their activities are also determined by the Belarusian President. There is no other comprehensive legal framework for forming higher education institutions self-governance. Belarus also has a practice of establishing student organization based on the decision of local authorities. For instance, Gomel Regional Student Council was established based on the Gomel Regional Executive Committee decision #128 from February 19, 2009. Thus, majority of organizations presented as student organizations are not independent.

Belarus also widely applies practice of stigmatization of and discrediting public organization including student ones. The most vivid example of this practice is the use of social media in spreading false acquisitions against registered student organizations with active public position and not favored by the state. On February 17, 2016 students of Belarusian State Medical University, users of the social network “Vkontakte” and others received the message from account of Viktor Seryjr, representative of the university’s Coordinating Council of Student Self-Governance, where he stated that “Brotherhood of Organizers of Students Self-Governance”, “Center for Developing Students Initiatives” as well as “Student Council” are ‘unauthorized’ and ‘illegal’ youth organizations based on ‘reliable information’. In accordance with this statement, group leaders were asked to conduct “preventive talks” and “information hours” about undesirable students’ participation in these organizations’ activities because these organizations’ activities are ‘deliberately misleading with elements of antistate nature from the side of other forces’. In connection with this clearly illegal actions by the university’s administration, activists of these registered student organizations issued an open collective appeal as a protest against illegal and misleading information and actions.