
ANALYTICAL REPORT

APRIL – JUNE 2015

This analytical report is a result of cooperation between Belarusian human rights organizations: RHRPA “Belarusian Helsinki Committee” (“BHC”), Belarusian Association of Journalists (BAJ), Assembly of Pro-Democratic NGOs of Belarus, Educational Institution “Legal Transformation Centre”, Human Rights Centre “Viasna”, and Educational Charitable Institution “Committee “Solidarnasc”.

The main purpose of this analytical report is to reflect the situation of main human rights in Belarus, and indicate socio-political and economic factors that influence its development.

The report covers the period April through June 2015.

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CHAPTER 1. MAIN FACTORS INFLUENCING THE HUMAN RIGHTS SITUATION

During the period under review, the situation with human rights has been forming under new challenges. One of the most important events that agitated the public was the Presidential Decree №3 On prevention of social parasitism, issued on April 2 2015. It stipulates that citizens of the Republic of Belarus, foreign citizens, and stateless persons who were granted permission to resident habitually in the Republic of Belarus, in case of their non-contribution to financing of public expenditure or contribution to such financing for less than 183 calendar days during the tax period, have to pay the public expenditure financing levy at the rate of 20 base values. The decree, in fact, introduces a new form of forced labour. Moreover, the President has issued this decree in excess of his powers, as it applies since January 1st, though President is not entitled to issue retroactive decrees.

The decree introduces no differentiation and does not provide any exceptions for poorly protected groups of society which will apparently suffer most from realisation of its regulations. However, it is not clear now how the decree will be implemented in practice. Aliaksandr Lukashenka promised that the document was designed to struggle against social parasites, and "honest men who were in problematic personal situation"¹ would not suffer from it.

It should be noted as a positive event that on May 27 the House of Representatives of the National Assembly of the Republic of Belarus has finally passed the law On alternative service. The Constitutional Court of the Republic of Belarus pointed out the necessity to ensure a legislative basis for the right to apply for alternative service as far back as in 2000. It was noted in the decision that, according to the Constitution and Articles 1 and 14 of the law On universal military conscription (its amended version is the Law On military conscription and military service), Belarusian citizens are entitled, in particular, on religious grounds, to substitute military service with alternative one, which is to be ensured with an effective mechanism of its implementation. At the same time, the new law has a number of shortcomings.

The only grounds for application for alternative service are religious; the law does not take into consideration any other conscientious beliefs. The duration of compulsory military service, according to the new law, is twice as long as the military service: it is 24 months for individuals with higher education, and it is 36 months for individuals without it. Such long duration seems to be discriminatory, as the legislator does not explain it in any way, and handicaps greatly those who applied for alternative service as compared with those who do military service.

¹ http://www.belta.by/ru/all_news/president/Lukashenko-dekret-3-napravlen-protiv-tunejadtsev-a-ne-chestnyh-ljudej_i_702503.html

On May 4 Belarusian delegation submitted a national report to the UN Human Rights Council in the context of the second round of the Universal Periodic Review. Belarusian representatives noted the importance of the UPR procedure to Belarus, and told how recommendations given during the first round in 2010, were implemented. During the dialog of the Belarusian delegation with representatives of other countries, attention was devoted most of all to capital punishment, necessity to sign the Convention on the Rights of Persons with Disabilities and other international documents on human rights, freedom of assembly and association, and issues relating to political prisoners and pressure on journalists and human rights activists.

Many countries called upon Belarus to cooperate with the UNO human rights institutions and, in particular, let special rapporteurs visit the country. It should be noted here that a report by Miklós Haraszti, the UN Special Rapporteur on the situation of human rights in Belarus, was heard during the session of the Human Rights Council on June 23²; Miklós Haraszti failed to visit Belarus during his mandate, because the officials did not recognise his mandate and refused to grant him an entrance visa. He said that the situation of human rights in Belarus, especially political and civil ones, had been showing no signs of improvement during the period under review (since February 2014). The practice of short-term detentions of activists, human rights activists, and journalists has been continued and expanded. Censorship of mass media, criminalisation of all unsanctioned organisations, full dependence of courts from the President, prosecution of political opponents of the government, preservation of capital punishment also cause concern. The situation seems to be especially alarming in the context of presidential elections that are to be held in 2015.

CHAPTER 2. OBSERVANCE OF HUMAN RIGHTS IN BELARUS

FREEDOM OF SPEECH

During the period under review, April through June 2015, the main problems in the sphere of expression of opinion were:

- intensification of prosecutions of journalists who contribute to foreign mass media;
- implementation of state registration of mass media production distributors;
- active interference of the Ministry of Information of the Republic of Belarus to the activity of Internet resources;

On the threshold of the presidential elections, intensification of pressure on journalists and mass media resources, as well as taking control over the distribution of

² http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A_HRC_29_43_ENG.doc

mass media production, create unfavourable background for the electoral campaign, and prejudice its free coverage in the mass media.

Intensification of prosecutions of journalists who contribute to foreign mass media

Prosecutions of journalists for contributing to foreign mass media without accreditation intensified in the second quarter of 2015. Sixteen journalists were fined during the second quarter of the year, and eight of them were fined in June, while only five journalists were fined during the first quarter.

All of them were fined for 20 to 50 base values (one base value is equal to Br180 thousand, a bit more than 10€). As before, the sanctions of the Part 2 of the Article 22.9 of the Administrative Violation Code were enforced on the journalists because of the fact their materials had been published in foreign mass media, not because of their content. The total amount of the fines imposed on journalists during the first half year of 2015, exceeded Br108 millions.

According to PA "Belarusian Association of Journalists", the Part 2 of the Article 22.9 of the Administrative Violation Code, used against journalists, does not stipulate responsibility for journalistic activity without accreditation. It stipulates the penalty for violation of procedure of mass media production and distribution, which does not include journalistic activity without accreditation. In terms of definitions included into the law On mass media, journalist does not create or distribute mass media production (editorial board does). Therefore he cannot be held accountable for the violation of procedures of aforementioned activities.

Moreover, bringing to administrative liability journalists whose materials have been published in foreign mass media violates the constitutional right of citizens to receive and disperse information, as well as regulations of the Article 19 of the International Covenant on Civil and Political Rights (including those concerning the permissibility of curtailment of free speech).

Implementation of state registration of mass media production distributors

On April 17 the Ministry of Information passed a resolution №3 On certain questions of state regulation of activity of distributors of radio, television, and printed mass media production. This resolution regulates registration procedure for mass media distributors, which is stipulated by the amendments to the law On mass media introduced at the last year-end. All mass media production distributors (except editorial boards of mass media) are obliged to submit to the Ministry of Information the information necessary to include them into the relevant State Register, before July 1, 2015. Any subsequent activity of distributors not included into the Register will be considered illegal. The Ministry of Information has been entitled to apply various sanctions to mass media distributors, up to

prohibition of their activity. Herewith, distributors are in fact forced to monitor content of the media under threat of these sanctions, which may become a form of hidden censorship.

Public distributors of mass media and individuals, who distribute printed mass media on non-profit basis (including those mass media which they publish themselves), turn out to be outside the law. There is a threat that they will be brought to account on the basis of Part 2 of Article 22.9 of the Administrative Violations Code, for the violation of the procedure of distribution of mass media production. Such practice has taken place before (in respect of distributors not only of mass media production, but also of leaflets and other non-periodical issues which are not considered mass media), but it may become widespread hereafter, especially during the electoral campaign.

Interference of the Ministry of Information to the activity of Internet resources

In the first half of May, the Ministry of Information submitted official letters to the editorial boards of a number of sites, signed by the minister of information Lidziya Ananich. The Ministry informed in those letters about their powers to apply sanctions to the owners of the sites (including issuance of warnings or restriction of access to the site), and notified that "violations of the legislation of the Republic of Belarus on mass media" had been discovered on these information resources. In this regard, the ministry ordered to provide information about owners of the sites.

Such letters were received by the following sites: "Svobodny Rehion" freeregion.info, "Belsaruskae Radio Racyja" (Poland) racyja.com, editorial board of the music portal "Tuzin Hitou", site of the United Civil Party supporters ucpb.org, and internet magazine kyky.org. It was not specified in the letters which materials, according to the Ministry, had violated Belarusian legislation.

On June 18th the Ministry of Information restricted access to the site kyky.org. As it was stated in the report of the Ministry, certain publications of the web resource "contained deteriorative statements concerning the state holiday of the Republic of Belarus, the Victory Day, and citizens of the country who participated in it, these statements calling in question significance of this event for the history of the state, thus misrepresenting historical truth about the Great Patriotic War". Besides, the Ministry stated that certain publications contained "taboo words, deteriorative and sometimes offensive statements concerning certain social groups, nations, and religious denominations". The site was blocked on the ground of a letter sent to the Ministry by a Belarusian citizen who lived abroad. The editorial board of kyky.org had not received any warnings or orders.

Access to the site was resumed in 6 days, after the leaders of editorial staff of kyky.org held meeting with representatives of the Ministry (including first deputy minister Ihar Lutski), and after the editorial board removed from the site the publications the Ministry had made complaint about.

It became known in the middle of July that access to one more site, Hata.by, dedicated to sale and lease of real estate, was restricted and later resumed.

On June 24, the Ministry of Information blocked access to bizator.by, ekomok.by, ilotok.by, localmart.by, slanet.by; according to the minister Lidziya Ananych, these sites had been advertising medications improperly.

According to the Ministry of Information, the ministry has restricted access to 26 sites during the first half of the year; most of these sites distributed drugs or contained publications with taboo words. As it was indicated above, access was resumed to two of these sites after they had taken steps to "remedy the committed violations".

The Ministry of Information was entitled to block access to online resources (including foreign ones) extrajudicially on January 1, 2015, when amendments to the law On mass media, made in December 2014, came into force.

FREEDOM OF ASSEMBLY

During April-June 2015, the most noticeable events were:

- Chernobyl Way-2015, held in Minsk on April 26;
- applications for meetings and processions on May Day, submitted by activists;
- attempts to carry out protest actions against the Decree №3 On prevention of social parasitism, and pickets in support of political prisoners.

The most important and virtually the only mass action April through June was the procession "Chernobyl Way-2015", which was held in Minsk on April 26, the day of anniversary of the Chernobyl nuclear disaster. This time the action differed from the previous ones, as its format had been changed: its coordinators had submitted an application for a procession only, with no subsequent meeting. The action was coordinated by heads of a number of political parties and public organisations (Aliaksei Yanukevich, Yuri Hubarevich, Zmitser Kuchuk, Vital Rymasheuski, Illa Dabratvor). The authorities permitted them to carry out a procession during the period 14.00 through 16.00 from the Octiabr cinema to the memorable sign for victims of Chernobyl disaster erected at the intersection of Karastayanava and Arlouskaya Street. Human rights organisations observers who followed the action, recorded circa 540 of its participants at the assembly place, and circa 450 men by the memorable sign for victims of Chernobyl disaster³. Participants of the procession were holding placards and banners with slogans urging to renounce construction of a nuclear power station in Belarus, pointing out the danger of nuclear weapon in adjacent Russia, and expressing solidarity with Ukrainian nation. According to observers, the procession was absolutely peaceful and was followed all the way along by circa 100 police officers, including officers of special police squad, traffic

³ See more information at <http://belhelcom.org/ru/node/19730>

police, and administration of Main Department of Internal Affairs of Minsk City Executive Committee. The police officers had means of restraint with them, namely handcuffs, rubber truncheons etc. In spite of the fact that the procession was peaceful, observers recorded detention of two participants, Viktor Shaputska and Vitali Kalinouski. Both of them were holding Ukrainian flags and were released from the Soviet district department of internal affairs of Minsk in one hour without detention records being drawn. Thus human rights activists state the fact that the practice of voluntary detentions after mass events continues.

Less successful attempts to carry out mass actions on the anniversary of the Chernobyl nuclear disaster were recorded in other cities of the country. For example, in Vitebsk representatives of the Conservative Christian Party of Belarusian Popular Front submitted an application for a commemoration action in memory of Chernobyl tragedy on April 26. The activists planned to start the procession on 11.00 in the Park of 30 Anniversary of All-Union Leninist Young Communist League and walk through the city to the Mazurin Park in three hours, but the city executive committee prohibited the action. The grounds for the prohibition were usual, absence of contracts for services made with medical doctors, police officers, and housing and communal service workers, which had to be submitted immediately with the application. Thus, the permit to carry out a procession in Minsk again was the only exception to the policy of the authorities, which is characterized by permanent prohibitions of any mass event, carried out by civil activists on the anniversary of the Chernobyl nuclear disaster.

On the eve of the state holiday of the May Day, Brest activists of the Belarusian Social Democratic Party (Hramada) submitted an application for a demonstration to be carried out on the May 1, under the slogan "The state fails to implement its commitments towards the nation". Coordinators of this mass action intended to draw attention of the public and state bodies to the problem that state systematically fails to fulfill its duty to create favourable conditions for employment of population. During the demonstration its participants also intended to protest against the Decree №3 On prevention of social parasitism that introduced a so-called "parasites tax". Moreover, activists of the BSDP (Hramada) submitted an application for a May Day demonstration to be carried out in Mahilou, and a Baranavichy trade union activist Hryhory Hryk submitted an application for a May Day demonstration to be carried out in his city. All of these applications were rejected by local authorities. The application submitted by the Belarusian Trade Union of Radio-Electronic Industry was also rejected. Its members intended to carry out a meeting in the Peoples' Friendship Park in Minsk on May 1, dedicated to the support of trade unions and protection of social and labour rights of workers. Minsk City Executive Committee officials justified their rejection with the fact that mass festivities, a concert, and sport contest were to be carried out in the park at that time. In response to the rejection, the trade union activists decided to appeal against it in the Moscow district court of Minsk. According to the applicants, Minsk City Executive Committee violated with its decision the Constitution, the law On trade unions, the Statute of the trade union, and its own decision of May 2nd 2011, where they made a list of places where mass events were to be carried out, including the central performance venue of the Peoples' Friendship Park.

In Hrodna, Slonim, Lida, Astravets, and Orsha activists of the United Civil Party have been making numerous attempts to get permission by the local authorities to carry out informational pickets against the Decree №3 On prevention of social parasitism. Five applications of this kind were submitted to Hrodna City Executive Committee, and one more was submitted in Slonim, Lida, and Astravets each. All of them were rejected. UCP activists also intended to carry out protest actions against the Decree №3 in Orsha, where six pickets were to be carried out in different parts of the city on May 24 and 25, but the local district executive committee did not grant its permission to carry out these events. The above-listed facts make it possible to draw a conclusion that the authorities' attitude to mass events applicants was characterised by the invariable practice of issuing prohibitions and rejections, usually on formal grounds.

Authorities of Biaroza in Brest region, have also clearly showed such attitude, when local human rights activists submitted an application to district executive committee to carry out a picket in favour of discharge of political prisoners. It was to be carried out on a spot assigned by the authorities by the entrance to the local stadium on June 28. Besides the demand to discharge political prisoners (Mikalai Statkevich, Ihar Alinevich, Mikalai Dziadok, Yauheni Vaskovich, Artsiom Prakapenka, and Yuri Rubtsou), it was dedicated to the violation of constitutional rights of citizens by the above-mentioned Decree №3 On prevention of social parasitism. But the local authorities interpreted one of the paragraphs of the purpose of the picket as "incitement of national discord or hostility", this becoming the ground for rejection. Once the same ground became the ground for rejection to carry out a similar picket on March 9 2015, when the officials expressed a doubt concerning the suitability of the action of solidarity with political prisoners as they "had been convicted under different articles of the Criminal Code", i.e that, according to the authorities, they were "ordinary criminals". Biaroza human rights defenders appealed against the rejection in court. In court local authorities suggested that the demand to discharge political prisoners, which was to be made during the picket, was nothing less than call to extremism, war, violence, social and national hostility. The court heeded these arguments and denied the appeal filed by activists.

One of the emblematic events during the period under review was, beyond all doubt, the decision of the United Nations Human Rights Committee on the complaint filed by Pavel Kazlou, an activist from Brest, concerning the violation of his right to freedom of assembly and freedom of expression. According to the complaint, Brest City Executive Committee violated the aforementioned rights when it prohibited a picket aimed at attraction of attention of city inhabitants to the violation of legislation on citizens' applications by local authorities, which was to be carried out in Brest on September 27 2009. In its decision the United Nations Human Rights Committee recognised the violation of civil rights and considered the decision of the authorities to prohibit citizens from assembling freely in a public place of their own choice, ungrounded.

The law №268 of the Republic of Belarus of June 4, 2015 introduced amendments and additions in a number of legislative acts, including the law of the Republic of Belarus On political parties of October 5, 1994. These amendments stipulate, in particular, that political parties, unions, and legal entities which they created are prohibited from receiving money or other property, directly or indirectly, from organisations whose founders (members, owners of property) include foreign states, foreign organisations, international organisations, foreign citizens and stateless persons.

The Decree №4 of June 2, 2015 introduced amendments and additions to the Decree №2 On certain measures to regulate the activity of political parties, trade unions, and other public associations. In accordance with these amendments and additions the regulation was excluded, that stipulated that at least 10% of workers (trainees) employed at the enterprise (institution, organisation) should be present for a trade union to be created and function. Certain regulations of the Statute on state registration (re-registration) of trade unions and their unions (associations) were brought into conformity with the current legislation.

The Ministry of Justice published the data concerning the activity of judicial bodies authorized to carry out state registration of public associations, funds during the first quarter of 2015. January through March 2015, the Ministry of Justice of the Republic of Belarus, main departments of justice of regional executive committees, and Minsk City Executive Committee registered 21 new public association (1 international, 2 republican, and 18 local), 1 union (association) of local public associations and 4 new funds (1 international and 3 local). As of April 1, 2015 15 political parties and 1078 party organisations, 37 trade unions and 228881 trade union organisations, 2607 public associations, including 228 international, 707 republican, and 1672 were registered in the country. 40314 organisational structures of public associations were registered and put on record. 34 unions (associations) of public associations, 159 funds, including 15 international, 5 republican, and 139 local ones, were registered.

The Ministry of Justice also provides information concerning the activity of registered public associations. The list of public associations which are registered in the Republic of Belarus, according to the areas of their activity, includes 688 sports and athletic ones, 398 charity ones, 272 youth ones, including 27 children ones, 232 educational, cultural and leisure public associations, 113 public associations of national minorities, 87 public associations of veterans and disabled soldiers and workers, 84 scientific and technical ones, 74 public associations of defenders of nature, historical and cultural heritage, 51 creative ones, 30 women's ones, and other.

On June 10-11 the Supreme Court of Belarus considered a complaint filed by the founders of the Human Rights Association "For Free Elections" against the denial of registration of this organisation. The Ministry has denied registration of this association, which was established to assist carrying out fair elections and monitoring of electoral campaigns in Belarus, for the third time; it did so in 2011 and 2013 as well.

The founders of the organisation think that the Ministry does not want to register it due to political reasons. They reject formal grounds for the third denial as insignificant, technical, and easily amendable: the word "republican", that indicated the status of the organisation, was added to its name in one place in the documents. Some of the founders also failed to tell an exact full name of the organisation during the inspection carried out by the Ministry of Justice, though all of them confirmed that they had participated in its establishment.

The United Nations Human Rights Committee made its considerations №2153/2012 of October 10, 2014, in connection with the second denial to register the association "For Free Elections" in 2013. According to these considerations, the Republic of Belarus violated rights of citizens to association when it did not register the organisation as far back as in 2011, when its initiators tried to achieve the status of a legal entity for the first time. Nevertheless, on June 11, 2015 the Supreme Court once again ruled that the denial of registration of this organisation by the Ministry of Justice was lawful and reasonable.

This denial of registration of the association "For Free Elections" illustrates numerous problems with freedom of association in Belarus: organisations submit documents for registration repeatedly and for a long time, denials of registration are based on insignificant technical violations or materials of a questioning of the founders, which is not stipulated by the law; nevertheless courts do not overrule decisions of registering bodies to deny registration, and decisions of the United Nations Human Rights Committee concerning the freedom of associations are not implemented.

The Ministry of Justice also denied registration of Youth Public Association "Modern View" during the period of monitoring. This decision was also made on the ground of technical defects: the list of founders did not include home phone numbers of two of them, and a mistake was made in the name of the street where one of the founders lived.

In May-June organisational committee of a new political party "Belarusian Christian Democracy" informed about problems with the search of new premises to hold another founding congress of the organisation. Nevertheless, the founding congress was held on June 13, and the party now prepares documents for its registration for the fifth time. This initiative has already tried to register political party for four times, always facing denials. No political parties have been registered in Belarus since 2000, in spite of more than 15 attempts of different groups to found them.

In early June in Gomel, police officers conducted a search in the houses of Siarhei Nikalaenka, a pastor of the church "Transfiguration", and Aliaksandr Chuyeu, a deacon of the aforementioned church. The seal was seized and a number of documents of the community were suppressed. According to the aforementioned persons, an inspection is performed in their respect under the Article 1931 of the Criminal Code for the activity of the unregistered religious organizations.

It was specified in the decision on habitation inspection, signed by Homel public prosecutor Zaitsau, that in the houses of Siarhei Nikalayenka and Aliaksandr Chuyeu there might be "illegally kept religious literature or literature that contains information that

infringes on rights, liberties and legal interests of citizens, or might prevent them from executing their state, public, or family duties, as well as statutory documents of the aforementioned organisation, lists of its members, schedule of its events, reports on carried out events, financial reports, seals etc". On June 19 Viktar Kazachok, a judge of Central district court of Homel, fined pastor of the church "Transfiguration" Siarhei Nikalayenka Br3,6 million for conducting a service in rented premises. The court considered the service of an officially registered religious community to be an unsanctioned mass event, because it had not been approved by the district administration. The church "Transfiguration" was registered in accordance with established procedure in Homel in 2004. It was re-registered in 2012, and in 2015 it made a rental contract for church service premises.

In advance of presidential elections which are to be carried out on October 11, pressure on human rights organisation intensified. On May 3d Homel region department of the Investigation Committee summoned Leanid Sudalenka, the head of Homel department of the RPA Legal Initiative, for interrogation as a witness in a criminal proceeding. The Investigation Committee opened a criminal case on charges of dissemination of pornographic materials via the Internet (part 2 of the Article 343 of the Criminal Code), in connection with pornographic videos being allegedly spread from the e-mail box that belonged to the human rights activist, from the IP-address registered in a socio-political centre on 52 Paleskaya street in Homel. On April 8 a search was conducted in the socio-political centre in Homel, where offices of a few public associations were situated; 4 system units were seized. A search was also conducted in the flat of Leanid Sudalenka, where a system unit of a computer and a laptop were seized as well. In this case searches and seizures of computer engineering were conducted both in the public centre and Leanid Sudalenka's flat. On May 24 Leanid Sudalenka had to wait for three hours while crossing Lithuanian-Belarusian border at Kamenny Loh border entry point. The human rights activist was driving his car back from Vilnius where he had participated in the Not-For-Profit Law Forum. Both the human rights activist and his car were carefully examined; his laptop was seized for an inspection. Belarusian human rights organisations link all the facts of pressure on Leanid Sudalenko with his active human rights activity.

Within the framework of the Universal Periodic Review (UPR), Belarus submitted a report to the UN Human Rights Council on May 4. It has been the second round of the UPR for Belarus already. The country reported on implementation of recommendations received after the first round of the UPR in 2010.

Among the topics raised during the interactive dialog of the Belarusian delegation with other states, much attention was devoted to freedom of assembly and association, position of public associations, other civil society organisations, religious organisations, political parties, and trade unions. Recommendations were also made by the United States, Switzerland, Czech Republic, Denmark, Lithuania, and Poland to abolish criminal responsibility for activity of unregistered organisations (article 193.1 of the Criminal Code). Propositions to improve legal conditions for nonprofit organisations were voiced by Canada, Estonia, Germany, India, Ireland, Italy, Japan, Croatia, Luxembourg, the Netherlands, and others. For example, Ghana advised Belarusian government to simplify

the registration procedure for political parties and other associations and funds. Denmark recommended abolishing the article 193 - 1 which criminalises activity of non-registered organisations, as well as the whole system of obstacles, intimidation and prosecution of civil society organisations, including trade unions, ecological, LGBT, and human rights organisations. Canada proposed Belarus to lift restrictions from the civil society, including the prohibition on the receipt of foreign financial aid for the NGOs, restrictions on voluntary work in free time, obstruction of state registration of the NGOs in accordance with rights to free assembly and expression. Ireland recommended creating, in practice and by law, free atmosphere in which civil society organisations could act freely and securely, and participate fully in democratic processes.

A number of countries called upon Belarusian government to discharge political prisoners immediately (Luxembourg, Lithuania, Czech Republic, Denmark, Norway, Poland, Canada, Australia), and stop prosecuting and putting pressure on independent journalists and human rights activists.

Immediately after the question-and-answer session a side event took place in the UN Human Rights Council, where representatives of the Human Rights Centre "Viasna", Legal Transformation Centre, and Assembly of Pro-Democratic NGOs of Belarus evaluated the answers given by the official Minsk. Belarusian non-governmental organisations accentuated importance of preservation of institution of UN special rapporteur on human rights, and expressed a desire that recommendations given to Belarus after the second round of the UPR, were as much specific as possible, thus requiring real changes to the legislation and the law enforcement practice to be made by the Belarusian government. Propositions concerning the recommendations, which could be made after the second round, were voiced during the event. The side event was organised by the International Civil Alliance Civicus with the assistance of the International Federation for Human Rights, Human Rights House Network, and Human Rights Watch. It was attended by more than 20 state delegations, including those of the EU, Finland, the United Kingdom, Poland, Slovakia, Czech Republic, Belgium, Romania, Hungary, Lithuania, and others).

On May 23-24 the first Belarusian Not-For-Profit Law Forum was held in Vilnius, organised by the Assembly of Pro-Democratic NGOs of Belarus, Legal Transformation Centre, European Centre for Not-For-Profit Law (Hungary), and Not-For-Profit Law Institute (Lithuania). Participants of the Forum, whose list included heads of largest nongovernmental organisations of Belarus and experts from Lithuania, Ukraine, Russia, Poland, Hungary, and Slovakia, discussed the most actual challenges in the sphere of law regulation of freedom of associations in Belarus; creation and promotion of the roadmap of reforms of non-for-profit law, aimed at improvement of freedom of associations situation in the country, was also declared.

ADMINISTRATION OF JUSTICE

During the period under review, an established practice of informing the public about consideration of the most significant cases by courts of different instances, continued.

Overwhelming majority of such cases is related to corruption scandals, drug traffic, and notorious homicides. Such practice was established a year and a half ago, after the plenum of the Supreme Court adopted the resolution №11 On ensuring the publicity when administrating justice and dissemination of information about the activity of courts in December 2013.⁴

The problem with the language of legal procedures continues. Court sessions in which Belarusian-speaking people take part, are conducted in Russian, and motions to conduct court sessions in Belarusian are often denied. In rare instances a translator may be provided to the citizens.

In this connection the RHRPA "Belarusian Helsinki Committee" published a report on observance of human rights of Belarusian-speaking citizens⁵. Having become familiar with the document, Minsk region court admitted that any restrictions of rights of parties to a trial, which are caused by insufficient knowledge or ignorance of a language, are inadmissible. The head of the court V. Kraiko drew special attention of judges of Minsk region to strict observance of this requirement.⁶

Human rights activists are also concerned that courts uphold numerous decisions of local authorities to prohibit mass events. For example, human rights activist Siarhei Housha filed a complaint against the decision of Baranavichy city executive committee to prohibit a picket on December 10 2014, and decision of Baranavichy court and Brest regional courts to uphold this prohibition. The Supreme Court finally recognised these decisions as lawful and denied the complaint of the human rights activist. According to the human rights activist, the Supreme Court did not take into consideration the fact that Baranavichy city executive committee had itself violated the law On mass events, as it had failed to specify the reason of prohibition and had violated the term of submitting response to the applicants about the taken decision.⁷

At the same time the main ground for prohibition of mass events is absence of contracts for cleaning the area, carrying out medical service and maintenance of a public order during the event. In most cases it is virtually impossible to make such contracts.

On June 2nd the Constitutional Court of the Republic of Belarus made decision On the right of citizens who witness in criminal proceedings, for legal aid⁸. Proceeding was commenced on the ground of an application filed by the RHRPA "Belarusian Helsinki Committee" concerning the necessity to fill the gap and enshrine in legislation the right of citizens who witness in criminal proceedings, for legal aid. It was specified in the application that there are no regulations in the procedural legislation that stipulate rendering legal aid to witnesses, this gap in practice leading to denial to render legal help to witnesses and thus to violation of rights guaranteed by the Constitution.

⁴ http://www.court.by/jurisprudence/Post_plen/general/b508a0b355b551ef.html

⁵ <https://drive.google.com/file/d/0B6SHEZjnYAeiSzVnaVI2eWITd3M/view>

⁶ <http://spring96.org/ru/news/78082>

⁷ <http://spring96.org/ru/news/78249>

⁸ <http://kc.gov.by/main.aspx?guid=21975>

The Constitutional Court recognised it as necessary for legislator to fill the gap in the legal regulation of the right in the Code of Criminal Procedure of the Republic of Belarus, and proposed to the Council of Ministers to prepare an appropriate bill On introduction of amendments and additions to the Code of Criminal Procedure, aimed at regulation of the right of witness to use legal aid from a lawyer during the conduct of investigative or other procedural actions.

On April 16 the Supreme Court informed that the judicial and legal reform can be finished this year: from 54 commissions given by the president in 2011, 48 have been already executed, and 6 are being executed at the moment⁹. Aliaksandr Lukashenka noted during the meeting with the head of the Supreme Court Valiantsin Sukala, that the reforms have been intended to increase efficiency of judicial and law enforcement systems, and increase protection of legitimate rights and interests of citizens of Belarus.

In June the House of Representatives of the National Assembly considered a number of bills, including a bill On introduction of amendments and additions to certain Codes of the Republic of Belarus, which stipulates correction of regulations of seven codes¹⁰. The largest number of novels will be introduced to the Code of Criminal Procedure. In particular, expansion of elements of appeal (it was noted during the address delivered during the session of the UPR working group) and development of institution of expedited criminal proceedings. For example, according to the bill, the court of appeal will be entitled to investigate and evaluate evidences, and opportunity will be provided to defendant and other persons to file an objection against the sentence passed without proceedings.

The bill proposes to introduce a number of important amendments to the Criminal Code, Administrative Violations Code, Code of Administrative Procedure, Code of Criminal Procedure.

It is also should be noted that the Supreme Court took part in the international academic and research conference Informational Technologies and Law (Legal informatisation-2015), which took place on May 28th. Its participants discussed how it is possible to introduce technical innovations into legal procedure. First deputy head of the Supreme Court Valery Kalinkavich noted that though such innovations should be introduced, they should not exclude essence and substance of the justice¹¹. According to the Supreme Court, "positioning of judicial system in the context of formation of information society is based on transparency as a new complex characteristic of justice, which is closely linked to openness, publicity, availability, lawfulness of justice, independence of judges". At the same time compromise should be reached between publicity of justice and procedural rules which protect personal data.

Besides, on May 4 Valery Kalinkavich spoke at the session of the UPR working group in the UN Human Rights Council. He told about Belarusian judicial system, making reference to the current process of improvement of the judicial system and transition from

⁹ http://court.by/justice/press_office/c3578cf2b6a60b3c.html

¹⁰ http://court.by/justice/press_office/d99500a6169b910c.html

¹¹ http://court.by/justice/press_office/ce1cccc546a0f643.html

the Soviet model to the modern procedure of appeals against criminal sentences and civil courts decisions, and accentuated that "no political considerations or ambitions should prevent from administration of justice and constructive legal cooperation"¹². At the same time Valiantsin Kalinkavich advocated assignment of judges by the President for five years term, saying that it does not contradict international practice. It should be noted, though, that under present-day Belarusian conditions, such practice affects independence of judges significantly.

¹² http://court.by/justice/press_office/fcb40ca22ca1b1d7.html