

Position of Belarusian Human Rights Organizations as Regards Overall Human Rights Situation in Belarus

Preamble

We, representatives of the Belarusian human rights community, hereby express our joint position as regards the human rights situation in Belarus before the session of the OSCE Parliamentary Assembly and the next round of the EU-Belarus Dialogue on Human Rights, and point out to the following:

For the past two years, we have observed some positive trends in the situation of human rights in the country. However, the Government still fails to take measures to achieve systemic improvements in the field of human rights. Although the Belarusian human rights community has repeatedly called on the Government to take urgent restorative measures, Belarus has failed to make efforts to implement any of these steps.

The deterioration of the economic situation and the wide application of Presidential Decree #3 (On Prevention of Social Parasitism) resulted in the growth of protest activity in Belarus. Despite the calls of the human rights community to start a wide public dialogue about the situation that arose, the authorities resumed repression in response to the protest actions.

We regretfully note a sharp deterioration in the human rights situation in the country starting from March 2017; the Government has resumed the policy of widespread repressive practices: arbitrary detentions and arrests of participants in peaceful assemblies and human rights defenders, interfering with the work of journalists, politically motivated criminal prosecution, and expulsion of students from universities for politically motivated reasons. During the spring of 2017, more than a thousand people in the country were subjected to repression, and over 100 of them were arrested.

The police forcibly terminated the peaceful demonstration of protest, which was traditionally held on March 25 in Minsk, detained more than 700 participants and later brought 149 of them to administrative responsibility in the form of arrests. Before the demonstration, on March 22-24, the KGB initiated a criminal case allegedly on preparation of mass riots, and detained and placed in the detention facility more than 30 citizens of Belarus. A propaganda campaign in the state-owned media followed the detention. Later most of the detainees were released and the criminal case on preparation of mass riots was terminated. Nevertheless, as of 29 June 2017, seven persons remain in detention on charges of organizing an illegal armed group.

Michail Žamchužny и Dzmitry Palijenka recognized as political prisoners by the Belarusian human rights community, remain in prison. The human rights defender Elena Tonkacheva is forced to stay outside Belarus due to the decision of the Belarusian authorities on her exile. On 16 June 2017, her fourth petition to the Belarusian authorities, applying for the reduction of her exile term, was dismissed.

The country continues to use the death penalty, and the civil and political rights are significantly restricted both at the legislative level and at the level of the law enforcement practice.

The lack of information about the measures taken by the authorities to implement the OSCE/ODIHR recommendations as regards reforming the electoral legislation also raises concerns.

At the same time, the Belarusian human rights community has supported the approval of the Inter-Ministerial Plan of implementation of the recommendations adopted by Belarus as part of the second cycle of the Universal Periodic Review, as well as those formulated for Belarus by the human rights treaty bodies. However, to date, there is neither information there about any comprehensive practical measures taken to implement the Plan, nor public reports on its implementation. Besides, the adoption of the Plan has not yet resulted in the creation of permanent platforms for the interaction of the government agencies with the Belarusian human rights community.

We evaluate positively the adoption by Belarus of the National Action Plan on Gender Equality for 2017-2020, the National Action Plan for the implementation of provisions of the Convention on the Rights of Persons with Disabilities for 2017-2025, as well as the liquidation of the arrears in the submission of periodic reports to the UN treaty bodies, and the submission of the report on the fulfilment of the obligations under the International Covenant on Civil and Political Rights. Unfortunately, this generally positive step has not yet resulted in a qualitative improvement in the situation of civil and political rights.

In this regard, we appeal to the *representatives of the Belarusian authorities* and urge them to take effective measures to ensure the adequate protection of human rights and the compliance with the international human rights obligations, voluntarily entered into by Belarus, to prevent prosecution for political reasons and to release all the political prisoners. To stop the persecution of citizens for the implementation of their rights and freedoms, guaranteed by the national Constitution and international human rights obligations.

In particular, we urge the Belarusian authorities to take the following steps:

1. To stop and prevent the pressure on journalists and human rights defenders who fulfil their professional duties, in particular to remove the ban on the entry of the human rights defender Elena Tonkacheva, to register the Viasna Human Rights Centre and other civil society organizations applying for registration, to remove Article 193.1 of the Criminal Code, and to bring the legislation and practice, regulating the rights for freedom of speech, assembly, expression and association, in conformity with the international standards.
2. To vary the preventive measure against all defendants in the "illegal armed group" criminal case and to release them from custody.
3. To introduce a moratorium on the use of the death penalty as the first step towards the complete abolition.
4. To develop a dialogue with the human rights community, in particular, to arrange more meetings to exchange views and formulate proposals and recommendations, as well as consultations of the government bodies with human rights defenders, including representatives of unregistered human rights organizations, with the

assistance of the UN and European Union missions; to involve human rights defenders in dialogue processes, in particular, within the EU-Belarus and US-Belarus dialogues. The establishment of the Public Advisory Council on the implementation of the Inter-Ministerial Plan would be an important step, as well as the further implementation of the recommendations formulated as part of the UPR and by the UN treaty bodies.

5. To specify the actions under the Inter-Ministerial Plan through the adoption and publication of the relevant current plans by the relevant government agencies, as well as the relevant progress reports.
6. To ensure the invitation of the UN Special Rapporteur on the situation of human rights in Belarus and the UN thematic Special Rapporteurs, to cooperate fully with the UN treaty mechanisms, to fulfil human rights obligations, voluntarily entered into by the state, including the implementation at the national level of the views of the UN Human Rights Committee.
7. To take measures to implement the OSCE/ODIHR recommendations as regards reforming the electoral legislation.

At the same time, we appeal to the *international community and international institutions*, suggesting the following recommendations:

1. To keep on focusing on the issue of the observance of human rights by Belarus when building the international relations between the European Union and the Republic of Belarus, as well as with other countries.
2. The European Union should take measures in the format of the EU Council conclusions and publish a plan of the priority steps, expected from the Government of Belarus and aiming to achieve progress in the situation of human rights in the country. To agree upon a road map for the implementation of this plan with the Belarusian authorities, including the steps towards full cooperation with the UN and OSCE mechanisms.
3. To view the Belarusian human rights organizations as an important participant in the EU-Belarus and US-Belarus dialogue on human rights and to include them in these processes as the equal partners.
4. To assist in the creation and development of platforms for the interaction of the state bodies and the human rights community of Belarus, with a view to the effective fulfilment of human rights obligations.
5. The OHCHR should step up activities at the national level, including through the deployment of a Human Rights Advisor in the country.

We suggest that the civil society organizations should:

1. Support the joint position on the situation of human rights in Belarus and promote it at the national and international levels.
2. Take part in the preparation of alternative reports for the UPR and for the UN treaty bodies.
3. Exercise public control and monitoring of the compliance with the international human rights obligations entered into by Belarus, provide active assistance in the implementation of these obligations, and promote the universal human rights values in the Belarusian society.

Assembly of Pro-Democratic NGOs of Belarus
Belarusian Association of Journalists
Belarusian Documentation Center
Barys Zvozskau Belarusian Human Rights House
Belarusian Helsinki Committee
Viasna Human Rights Centre
FoRB Initiative
Human Constanta Advisory Centre on Current International Practices and Implementation of Them in Law
Office for the Rights of Persons with Disabilities
Legal Initiative NGO
Salidarnasć (Solidarity) Committee
Legal Transformation Center (Lawtrend)
Natállia Mankoŭskaja, human rights defender