

## Belarus: A system that allows human rights violations at any given time

Following the latest crackdown on peaceful protests, the European Union must increase international monitoring and ensure strong human rights conditionality in its relations with Belarus

*This April 2017 briefing note on Belarus was prepared by Human Rights House Foundation with the support of the Barys Zvozskaŭ Belarusian Human Rights House.*

The human rights situation in Belarus has been outside the spotlight of the international community since August 2015, when President Lukashenko pardoned the six remaining political prisoners. The EU praised this move by suspending sanctions levied against 170 persons and three entities in Belarus. The EU decided not to renew most sanctions in February 2016, despite Belarus not heeding the EU's calls for the civil and political rights of former political prisoners to be restored.

In the meantime, relations between the EU and Belarus have sensibly improved in a number of fields, notably because of the role of Belarus in hosting negotiations to solve the crisis in Ukraine. Over the past year and a half, the overall scale of repressions declined although no systemic changes have occurred to improve the human rights situation.

A year later – in April 2017 – Belarus is back under the spotlight as the authorities brutally crack down on peaceful protesters, observers, journalists and human rights defenders. A wave of peaceful demonstrations has triggered the authorities' repression and shown that nothing has changed in Belarus. The so-called progress on human rights has not happened. The international community must acknowledge this, renew its attention on Belarus, and engage strongly in supporting civil society.

Now more than ever, it is essential that the EU fully engages to achieve concrete improvements in the human rights situation in the country and further supports the mandate of the UN Special Rapporteur on Belarus. Setting benchmarks is the only way to ensure reforms that protect fundamental freedoms. Without such benchmarks, the EU will continue to be played by the so-called liberalisation or, in other words, President Lukashenko's window-dressing.

### Quick facts about Belarus



- Founding member of the UN and party to all of its main human rights treaties
- Only European State not a member of the Council of Europe and not party to the European human rights system
- Only European State still using the death penalty within its ordinary criminal law
- State governed by presidential decrees, which can overwrite any constitutional or legislative principle
- Although all political prisoners were released, including human rights defender Ales Bialiatski, they were not rehabilitated
- Legislation criminalising activities on behalf of unregistered organisations, including activities directed at promoting human rights, remains in place. This renders NGO activists at the mercy of the arbitrariness of the authorities, including arrest at any given time
- President Alexander Lukashenko has governed the country for almost a generation, having been first elected on 23 June 1994
- The 1994 presidential election is considered the country's only free and fair national election. Every election since has been marred by irregularities, human rights violations, and repressions in the lead-up and aftermath
- The 11 October 2015 presidential election and the 11 September 2016 parliamentary election were not marked by violence, unlike previous ones. However, the elections were not conducted in accordance with international standards.
- About 1000 people have been subjected to various forms of repression in connection with the so-called law on "social parasites". More than 200 of them were arrested, including human rights defenders and journalists.

## A new crackdown on peaceful protests

### The events of February/March 2017 show the true face of repression in Belarus

On 25–26 March, the Belarusian authorities arrested and in some cases violently attacked peaceful protestors, in Minsk and across the country. More than 700 people were arrested, and around 100 people were held overnight, many of whom then faced administrative charges in the courts. This came after the arrest of 300 people in connection with protests from 3–24 March.

Since February, numerous demonstrations have taken place protesting against the application of Presidential Decree #3 (On Prevention of Social Parasitism) and the overall economic policy pursued in Belarus. The authorities responded with repressions against independent journalists, human rights defenders, representatives of the political opposition, civil society activists, bloggers and ordinary people. About 1,000 people were subjected to various forms of repression; more than 200 of them were arrested, including human rights defenders and journalists.

In an effort to combat what the President has referred to as “social parasitism,” the law targets and imposes a tax of around EUR 235 on Belarusians who have worked less than half of the year and who have not registered at the country’s labour offices. The situation remained tense despite the announcement of the President that the application of the law would be suspended for one year in order for it to be “corrected.” The President promised a tough reaction against “organisers of dissent” and instructed his interior minister to ensure “perfect order” is established in the country.<sup>1</sup>

UN Special Rapporteur on the human rights situation in Belarus, Miklós Haraszti, described the decree as “an arbitrary and cruel measure,” which is estimated to affect more than 470,000 Belarusians: “These people are not only singled out and stamped as ‘society’s parasites,’ but they are subjected to substantial fines amounting to the equivalent of EUR 235, or about two thirds of the average monthly wage in Belarus.”<sup>2</sup> The so-called law on “social parasite” will be addressed by the Special Rapporteur in his report to the Human Rights Council in June 2017.

The peak of the crackdown against protestors coincided with the celebrations of Freedom Day, an unofficial holiday that commemorates the creation of the Belarusian People’s Republic (BPR) on 25 March 1918.<sup>3</sup> Arrests of protestors were preceded by preventative detentions to stop reporting and monitoring. Police raided the offices of human rights organisation Viasna, detaining 57 people. These included local and international observers and representatives of foreign media and human rights organisations. While all 57 people were released later that day, one of the detainees, Aliaksei Loika, was taken to hospital after he was beaten by riot police during the raid.<sup>4</sup>

On March 21-22, the country’s security services detained numerous citizens in the framework of a criminal case on charges of preparing for mass riots (Part 3 of Art. 293 of the Criminal Code). All the detainees were taken into custody and placed in a KGB pre-trial prison and a detention centre. On March 23, a KGB spokesperson said that 26 people had been detained in the case, while more detentions were possible in the near future. These actions of representatives of law enforcement agencies were accompanied by gross violations of the detainees’ rights, in particular the unjustified use of physical force. Of particular concern are reports of lawyers being prohibited from visiting the detainees, violating the Constitutional right to defence. The large-scale repression was accompanied by a propaganda campaign in state-controlled media, aimed at whipping up hysteria and an atmosphere of fear in the society.<sup>5</sup>

<sup>1</sup> Belarus detains dozens amid “social parasite” protests, available at <http://humanrightshouse.org/Articles/22309.html>.

<sup>2</sup> Press release of the Special Rapporteur on the situation of human rights in Belarus, 14 March 2017, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21375&LangID=E>

<sup>3</sup> Belarus: Prominent human rights defender detained as protests continue, available at <http://humanrightshouse.org/Articles/22347.html>.

<sup>4</sup> True face of Belarus: Systematic repression, available at <http://humanrightshouse.org/Articles/22363.html>.

<sup>5</sup> Stop whipping up hysteria and atmosphere of fear in the Belarusian society, available at

More than 30 individuals were detained on suspicion of committing a crime under Art. 293, part 3, of the Criminal Code (training or other education of persons for further participation in mass riots, as well as financing or other material support of such activities). At the moment, 18 of them have been accused of such an offense. Human rights defenders view the case as politically motivated.

### **Within Belarus' system of repression, a crackdown could be expected**

Highly restrictive legislation remains in place in Belarus, allowing the authorities to, at any given time, arrest dissenting voices, human rights defenders, journalists, activists, or anybody else. The arbitrariness of the system has not been modified, and the authorities were ready to crack down on the population knowing that nothing and nobody could stop them.

In his latest statement, the Special Rapporteur on the situation of human rights in Belarus noted that “[the events of 25-26 March] prove the pre-meditated character of the repressive measures, and show an open return by the Government to its old policy of mass repression against citizens who exercise or dispense defence for human rights provided by the constitution and international treaties.”<sup>6</sup> The statement was endorsed by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, the UN Special Rapporteur on the situation of human rights defenders, Michel Forst, and the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye.

The release of political prisoners and the absence of massive repressive actions in previous months, were a way for Belarus to maintain a good dialogue with the international community, in particular Europe, rather than the authorities showing a willingness for real progress. The authorities are now trying to shift the red line and test the international community's patience by repressing protests in a “measured way.” For years, some external observers kept arguing that the situation was improving, notably because no new waves of mass arrests took place, and because the situation in other countries in the region so drastically deteriorated, such as in Azerbaijan and Russia. The recent sharp deterioration observed in the overall human rights situation in Belarus indicates that the Belarusian authorities have resumed a policy based on the worst repressive practices.

### **Key media, civil society and opposition actors targeted**

In their attempts to muzzle independent voices who would denounce the crackdown, the authorities arrested and detained dozens before and during the protests. Pre-emptive attacks against journalists, observers and human rights defenders aimed at preventing them from carrying out their work during the protests. The authorities did not want journalists to show the true picture of what was happening, observers could not monitor it and human rights defenders could not provide necessary assistance.<sup>7</sup>

On 25 March, during a briefing of observers at the office of the HRC "Viasna," who were expected to monitor the Freedom Day protest, riot police raided the premises and all those present were forced down to the floor. More than 50 volunteers, journalists and representatives of foreign and international organisations were detained. As a result of unlawful use of physical force, Aliaksei Loika was hospitalised with a head injury.<sup>8</sup>

In addition to the detention of 57 observers and human rights defenders at the Viasna offices on 25 March, five human rights activists – Leanid Svetsik and Kastus Mardzvintsau (HRC "Viasna"), Pavel Levinau, Ales Yauseyenka, and Eduard Balanchuk (Belarusian Helsinki Committee) – were detained for

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<http://humanrightshouse.org/Articles/22341.html>.

<sup>6</sup> Press release of the Special Rapporteur on the situation of human rights in Belarus, 28 March 2017, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21454&LangID=E#sthash.mC0QayS8.dpuf>.

<sup>7</sup> True face of Belarus: Systematic repression, available at <http://humanrightshouse.org/Articles/22363.html>.

<sup>8</sup> Human Rights Situation in Belarus: March 2017, available at <http://spring96.org/en/news/86596>.

taking part in unauthorised gatherings. They were subsequently sentenced to administrative arrest, despite the fact that they were monitoring these protests and held observer badges. Pavel Levinau fell ill while in detention with high blood pressure and is now in hospital, but still faces administrative charges.<sup>9</sup> Human rights activist Andrei Strizhak, who coordinates activities of HRHF's International Law in Advocacy Programme in Belarus, faced administrative charges in connection with the protests. He was sentenced to 15 days of administrative arrest in absentia. The President of the Belarusian Human Rights House, Tatsiana Reviaka, was detained on 26 March along with 9 other people, at Kastychnitskaya square. She was released later on the same day.<sup>10</sup> Later, she received a summons to an administrative court to be tried for disobedience to the police and petty hooliganism; her trial is set for 18 April 2017.

As stated by the Belarusian Association of Journalists (BAJ), the month of March 2017 has been the worst since 2011 for Belarusian media, which faced an extraordinary level of pressure and repression by the authorities. During the month, it registered 123 cases of violations of journalists' rights, including 94 detentions and six cases of journalists being beaten by the police. In 10 cases journalists were punished with arrests varying from five to 15 days, in four cases journalists were fined for up to 40 basic amounts (which makes 920 BYN, or equivalent to 460 euro). More than 10 cases are yet to be resolved in court.<sup>11</sup>

On 31 March, the police raided and searched the Minsk office of Belsat TV. Computers were confiscated and journalist Ales Lubianchuk was taken to the Pershamayski district police department. The official reason behind the raid related to alleged illegal use of Belsat TV's trademark. However, the searches seem to be directly linked to the active coverage of recent protests by the channel.<sup>12</sup>

Opposition leader and former political prisoner Mikalai Statkevich was arrested and held incommunicado in KGB detention for almost three days.<sup>13</sup> Administrative arrests were used against the leaders of major opposition parties and movements, including the chairman of the United Civil Party Anatol Liabedzka, co-chairs of the Belarusian Christian Democracy Party (BCD) Vital Rymasheuski and Pavel Seviarynets, and chairman of the movement "For Freedom" Yury Hubarevich.<sup>14</sup>

This wave of arrests of opposition leaders, human rights defenders and journalists gives a sense of impunity in the country. The authorities show that, from the very top, they can decide the fate of dissenting voices as they wish.

## **Continued use of politically motivated imprisonments**

The release of remaining political prisoners in August 2015 was key in improving Belarus' international image, and has ultimately led to the lifting of EU and US sanctions. However, not only have the civil and political rights of those released not been restored, but the authorities continue carrying out politically motivated criminal prosecutions.

In 2016, human rights defenders recorded cases of criminal prosecution for political reasons against seven individuals. Now, human rights defenders recognise two of them as political prisoners. The persons detained in the case of preparing for mass riots will be most likely included in this list, so the number of political prisoners may grow dramatically in the near future.

One of the latest cases of politically motivated prosecution concerns activist Viachaslau Kasinerau, who was criminally charged under Part 1, Article 339 of the Criminal Code (hooliganism) on 28 March 2017.

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<sup>9</sup> Human Rights Situation in Belarus: March 2017, available at <http://spring96.org/en/news/86596>

<sup>10</sup> Belarus: Prominent human rights defender detained as protests continue, available at <http://humanrightshouse.org/Articles/22347.html>.

<sup>11</sup> Statement of BAJ Regarding Persecution of Journalists in March 2017, available at <https://baj.by/en/content/statement-baj-regarding-persecution-journalists-march-2017>

<sup>12</sup> Belsat Offices in Minsk Searched, Equipment Seized, available at <https://baj.by/en/content/belsat-offices-minsk-searched-equipment-seized>.

<sup>13</sup> True face of Belarus: Systematic repression, available at <http://humanrightshouse.org/Articles/22363.html>

<sup>14</sup> Human Rights Situation in Belarus: March 2017, available at <http://spring96.org/en/news/86596>

He was then serving 15-days administrative detention for his participation in a demonstration on 17 February. He is currently held at the Interior Ministry's detention centre in Minsk.

The charge stemmed from an action staged by Kasinerau on 12 March when the activist threw a noose on a statue of a Russian Empire policeman to express his public protest against police brutality and persecution of anarchist activists for their involvement in peaceful protests.

Viachaslau Kasinerau's actions are an expression of opinion and do not constitute criminal hooliganism, as they do not carry a public threat, do not involve the use of violence, and do not include the destruction of or damage to property. His pre-trial detention and possible further restriction of freedom are excessive and aimed at isolating the activist. This criminal prosecution, like the previous one in August 2015, is due to the activist's involvement in the anarchist movement, and is also a retaliation by law enforcement agencies.<sup>15</sup>

## **Continuing violations: No changes to restrictive legislation and repressive practices**

Despite a decline in the overall scale of repression in 2016, the authorities have maintained the same schemes of repression and human rights violations.

Based on the results of the second round of the Universal Periodic Review (UPR), the Council of Ministers of Belarus approved the Interagency Plan to implement the recommendations for 2016-2019, which was adopted by Belarus following that UPR cycle. Representatives of Belarus' human rights organisations supported the approval of the Interagency Plan and stressed their commitment to the common positions stated by representatives of the Belarusian human rights organisations in 2015-2016; they also called on the state to cooperate closely with the civil society organisations. Despite the regular appeals of the human rights community, there is no proper and full-fledged interaction between the state and human rights defenders.

Article 193.1 of the Criminal Code of Belarus, which criminalises activities of unregistered organisations, has not been repealed. Civil society organisations, including human rights organisations, operate under the constant threat of criminal prosecution. At the same time, failures to enable organisations to obtain official registration have been recorded.

The death penalty continues to be used in Belarus. In 2016, four people were executed and four new death sentences were handed down; two of the convicts are awaiting execution. Another death sentence has already been pronounced in 2017.

There are no indications that a safe return to Belarus could be guaranteed for the persons who were forced to leave the country because of political persecution. For example, the authorities have again refused to lift the ban on the entry into the country imposed on Belarusian human rights defender Elena Tonkacheva.

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<sup>15</sup> Immediately release political prisoner Viachaslau Kasinerau, available at <http://spring96.org/en/news/86654>

## Parliamentary elections: Authoritarian window-dressing

Elections in Belarus are a moment of increased and heavy repression against civil society, as was the case during the presidential election in December 2010, when violations led to the Human Rights Council establishing the mandate of the Special Rapporteur on Belarus. While it is highly welcome that no violence occurred before, during, or in the direct aftermath of the presidential election in 2015 and the parliamentary elections in 2016, this fact alone does not signal an end to human rights violations. The authorities have adopted more sophisticated ways to silence dissenting voices in order to improve their image internationally. They do not resort systematically to the use of violence, but the legislation in place makes it impossible to hold free and fair elections.

Following the parliamentary elections on the 11 September 2016, the opposition now has two seats in Belarus. Pro-government MPs won 108 out of 110 seats in parliament with the two remaining seats being won by Anna Konopatskaya, a member of opposition party United Civil Party, and an independent candidate, Elena Anisim from the Belarusian Language Society, a leading NGO engaged in the protection of the Belarusian language and culture.

“The declared results of the elections can be neither confirmed nor denied. This also applies to the two representatives of the democratic forces, which were announced as winners in their constituencies and were elected to the parliament. Since the elections in their electoral districts followed the same pattern as in other parts of the country, it is most likely that we are dealing with a purely political decision of the authorities, which aims to show certain internal liberalisation in the country,”<sup>16</sup> commented Tatsiana Reviaka, president of the Barys Zvozkau Belarusian Human Rights House.

OSCE/ODHIR, which observed the elections, published an interim report highlighting concerns about the electoral system and legal framework, and the election administration.<sup>17</sup> Conclusions from observations carried out by activists from the Belarusian Helsinki Committee and the Human Rights Center “Viasna” denounced that the elections did not meet a number of key international standards for democratic and free elections. There were serious concerns with regard to the lack of equal access to state media for all candidates, lack of impartiality by the election commissions, misuse of administrative resources in favour of pro-government candidates, cases of forced early voting, and non-transparency of vote-counting procedures and election procedures for observers.<sup>18</sup>

The international community welcomed the absence of mass arrests and prosecutions of participants in the election campaign and activists. However, the political environment was far from favourable, as many rights were still restricted – freedom of expression and freedom of assembly, in particular.

The fact that two seats were won by MPs not supporting the government and that the authorities did not use their tools of repression were a result of political calculation. As highlighted by the Special Rapporteur in his report, this novelty “demonstrated the unchanged, fully guided character of the electoral process... While it was a gesture towards foreign policy partners, the manner of admittance of the two token opposition members served to prove to the national scene that the central command over election results had not been modified.”<sup>19</sup>

As a matter of fact, because of the highly restrictive legislation in place, the authorities could have freely decided otherwise and cracked down on dissenting voices.<sup>20</sup>

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<sup>16</sup> Far from free and fair elections in Belarus, available at <http://humanrightshouse.org/Articles/21872.html>

<sup>17</sup> Belarus, Parliamentary Elections, 11 September 2016: Interim Report, available at <http://www.osce.org/odihr/elections/belarus/261741>

<sup>18</sup> Parliamentary Elections. September 11, 2016. Analytical Report (full text), available at <http://elections2016.spring96.org/en/news/84963>

<sup>19</sup> Report of the Special Rapporteur on the situation of human rights in Belarus, 21 September 2016 (UN Doc.: A/HRC/71/394), para. 12, available at [http://ap.ohchr.org/documents/dpage\\_e.aspx?m=140](http://ap.ohchr.org/documents/dpage_e.aspx?m=140)

<sup>20</sup> Far from free and fair elections in Belarus, available at <http://humanrightshouse.org/Articles/21872.html>

## Need for sustained international monitoring

In June 2011, in the aftermath of the December 2010 presidential election, the Human Rights Council requested that the UN High Commissioner for Human Rights report on the human rights situation in Belarus.<sup>21</sup> The High Commissioner presented a number of recommendations to the Council in June 2012.<sup>22</sup> Years later, the Belarusian authorities have still not implemented these recommendations, just as they have systematically ignored the recommendations made by the Special Rapporteur appointed in June 2012.

Since its establishment in 2012, the mandate of the Special Rapporteur on Belarus has repeatedly proven its worth. It has been key not only in providing constant independent monitoring of the situation, but also in highlighting some worrying trends that had not previously received sufficient attention. At a time when the international community witnesses a new crackdown on peaceful protesters, independent media and human rights organisations, it is all the more key to provide full support to the only independent mechanism monitoring human rights.

The Human Rights Council must renew the mandate in June 2017 to ensure that the only international tool to scrutinise Belarus remains available. This is essential in view of the system of violations still in place Belarus, which – as happened recently – can lead to the situation rapidly degenerating into an emergency, depending on the authorities' intentions.

In his first report in 2013<sup>23</sup>, the Special Rapporteur was among the first to analyse the nature of presidential decrees in Belarus, describing them “as the main, and in fact, supreme legislative mechanism in the country.” The Special Rapporteur has a unique perspective in understanding and documenting the systemic nature of human rights violations in Belarus, and this is reflected in his astute description of the Belarusian system as “permission-based.”

This “permission-based” system is the basis for the prevailing climate of fear that deters any attempt by persons within Belarus to express views or to organise in a way that the Government deems undesirable. This system consists of the *de jure* criminalisation of any public activity not previously authorised by the administration. The authorities themselves are able to decide under this *de jure* criminalisation whether an action should be *de facto* a criminal one, as well as what the form of punishment should be. This is on a wide scale of punishment ranging from administrative to penal, from fines to incarceration, and to the loss of unrelated civil rights. In other words, at any given time, anybody can be punished, arrested, and criminalised solely due to expressing their political views.

The Special Rapporteur is among the few international voices<sup>24</sup> to make visible the systematic policy of forced labour. He has done so from the start of his mandate, beginning with his first report to the Human Rights Council. In June 2014, he reported: "National, regional and local authorities regularly impose unpaid work on the working population through ‘subbotniks.’"<sup>25</sup> He also documented practices

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<sup>21</sup> United Nations Human Rights Council resolution 17/24 of 17 June 2011 (UN Doc.: A/HRC/RES/17/24), available at [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/RES/17/24](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/17/24).

<sup>22</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Belarus, 10 April 2012 (UN Doc.: A/HRC/20/8), available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/128/59/PDF/G1212859.pdf>.

<sup>23</sup> Report of the Special Rapporteur on the situation of human rights in Belarus, 18 April 2013 (UN Doc.: A/HRC/23/52), para. 9, available at [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-52\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-52_en.pdf).

<sup>24</sup> See also report by FIDH and HRC Viasna « Forced Labor and the Pervasive Violation of Workers' Rights in Belarus », available at <https://www.fidh.org/en/region/europe-central-asia/belarus/14364-forced-labor-and-the-pervasive-violation-of-workers-rights-in-belarus>.

<sup>25</sup> Report of the Special Rapporteur on the situation of human rights in Belarus, 22 April 2014 (UN Doc.: A/HRC/26/44), para. 112, available at [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-44\\_en.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-44_en.doc).

of forced labour in relation to the Ice Hockey World Championship, as documented by Belarusian civil society.<sup>26</sup>

The mandate has also been key in giving a voice to Belarusian civil society. The authorities in Belarus widely ignore civil society, but through the Special Rapporteur, Belarusian civil society enjoys a reserved channel of communication with the UN. This has raised international attention to the human rights situation in Belarus. In view of the recent crackdown, it is all the more vital to maintain the only international voice able to independently scrutinise the situation.

In the last year, the Belarusian authorities have started showing signs of interest in improving their relations with the EU, including on human rights. The resumption of the EU-Belarus human rights dialogue is one such sign. However, the absence of systemic changes and the renewed repression of peaceful protests demonstrate that these commitments are so far only a façade and that Belarusian authorities urgently need to take concrete steps.

The authorities should recognise the mandate of the UN Special Rapporteur and invite him to assess the situation on the ground. Only by allowing independent scrutiny of the country's situation, and by accepting and following subsequent recommendations, can Belarus aspire to improve its human rights record and receive the then deserved recognition by the international community. Once this cooperation with the authorities is initiated, the next steps would be to establish benchmarks for the mandate, showing what the Belarusian authorities need to achieve for the mandate to be extinguished.



*Protests against “social parasite” law in Belarus, March 2017. Copyright: <http://spring96.org/en>*

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<sup>26</sup> See interview with Valiantsin Stefanovich, Deputy Chairman of the Human Rights Centre “Viasna”, 26 May 2014, available at <http://spring96.org/en/news/71258>.

## Key recommendations for the international community

The EU needs to take sustained resolute action to address the worsening human rights situation in Belarus, as underlined by the renewed crackdown, general lack of progress, and unwillingness by the authorities to truly address human rights violations. A combination of constant monitoring, political pressure and common dialogue, and opening up a space for civil society is necessary to achieve progress.

### We call upon the European Union and its Member States to:

- Apply stronger and more consistent human rights conditionality to the development of relations with Belarus; set clear benchmarks to ensure reforms that protect fundamental freedoms.
- Ensure continued international scrutiny of the human rights situation in Belarus, including by supporting the renewal of the mandate of the UN Special Rapporteur on the Situation of Human Rights in Belarus.
- Regard the Belarusian human rights community as an actor in the EU-Belarus human rights dialogue; NGOs – including non-registered ones - should be an equal partner in this dialogue.
- Urge the Belarusian authorities, through all possible channels of communication, to take the following measures:
  - Stop whipping up hysteria and an atmosphere of fear in Belarusian society.
  - Immediately and unconditionally release all protesters, journalists, human rights defenders, civil society activists and opposition members who have been detained in connection with the recent wave of demonstrations solely for peacefully exercising their right to freedom of assembly and expression.
  - Stop the practice of preventive detentions.
  - End the persecution, harassment and intimidation of those who exercise their right to freedom of assembly, expression and association and ensure these rights to all Belarusian citizens.
  - Ensure that journalists are able to fully exercise their professional duties, including during peaceful demonstrations.
  - Thoroughly investigate the massive violation of rights of protests' participants and observers by representatives of law enforcement agencies and take measures to hold accountable those responsible of such violations.
  - Ensure strict compliance with all procedural safeguards to persons detained in the framework of the politically motivated criminal case; refrain from any form of pressure on persons involved in the proceedings, including defence lawyers.
- Request that Belarus develops a roadmap to implement minimal measures to ensure progress on human rights, including through full cooperation with mechanisms of the UN and the OSCE. These minimal measures include the following:
  - Recognise the mandate of the UN Special Rapporteur, start cooperation and ultimately invite him to carry out a country visit to assess the human rights situation.
  - Free political prisoners, repeal convictions of former political prisoners to restore their civil and political rights.
  - Reduce the ban on entry into the country imposed on Belarusian human rights activist Elena Tonkacheva, and ensure safe conditions for the return of persons forced to leave the country due to political persecution.
  - Register the Human Rights Center Viasna and other NGOs that apply for registration.
  - End the persecution of journalists of the Belsat TV channel and Radio Racyja, as well as of other journalists working for foreign media, and refrain from interfering with their professional activity in the country.
  - Introduce a moratorium on executions.
  - Repeal Article 193.1 of the Criminal Code, as well as the ban on the activity of unregistered organisations.
  - Work systematically to bring Belarusian legislation in the sphere of human rights in line with international standards.