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Abuse of the criminal justice system in Belarus

Reply to Recommendation¹: Recommendation 1832 (2008)

Committee of Ministers

1. As already indicated in previous replies to Parliamentary Assembly recommendations, the Committee of Ministers strongly encourages the Belarusian authorities to initiate structural and legislative reforms in line with the Council of Europe standards in the core areas which form the basis of the Organisation: democracy, human rights and the rule of law. In this regard, the Committee of Ministers recalls that a crucial step to be made by Belarus towards aligning itself to Council of Europe principles and values, allowing for closer co-operation with the Organisation, would be the immediate suspension and the subsequent abolition in law of the death penalty. In the same context, the Committee of Ministers shares the Assembly's opinion that Belarus should bring its criminal justice system in line with Council of Europe norms and standards and in the meantime should cease from using this system for political purposes.

2. The Committee of Ministers also agrees that the Belarusian authorities must, if their commitment to political openness and democracy is to be treated credibly, remove the obstacles blocking the registration and functioning of the opposition political forces, the NGOs and the media, and continue to co-operate with the OSCE/ODIHR on the reform of electoral legislation.

3. The Belarus authorities have indicated a wish to be involved in practical co-operation in the legal field (including through participation in Council of Europe conventions) on such issues as: extradition, money laundering, cybercrime and mutual assistance in criminal matters. Interest has also been expressed in the Convention on Action against Trafficking in Human Beings. The Committee of Ministers is ready to study implications and conditions for membership by Belarus in conventions in the fields mentioned above with a particular eye to the opportunities offered to bring the criminal justice system in Belarus into line with Council of Europe norms and standards. The Committee of Ministers is also bearing in mind the possibility of inviting Belarus to accede to the European Convention for the Prevention of Torture, as raised by the President of the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in his statement to the Ministers' Deputies on 15 October 2008.

4. The Assembly will recall that the Slovak and Swedish Chairmanships have both undertaken a number of initiatives, amongst which is an Agreement between the Council of Europe and the Belarus State University (BSU) on the establishment of a Council of Europe Information Point in Minsk which echoes the Assembly's initiatives. The Agreement was signed in May but registration by the Government of Belarus has not happened yet. It is important for the Information Point not only to become rapidly operational but also to be an open structure to which the public can have access without any restriction and which operates without any hindrance. For the Committee of Ministers, this is essential before any further steps are taken in the Council's relations with Belarus, in particular consideration of possible accession of Belarus to some Council of Europe conventions.

5. The Committee of Ministers will continue to provide assistance for Belarusian civil society in order to promote a democratic and pluralistic environment in Belarus.

1. adopted at the 1046th meeting of the Ministers' Deputies (21 January 2009)

