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Situation in Belarus

Report[1]
Committee on Political Affairs and Democracy
Rapporteur: Mr Andrea RIGONI, Italy, Alliance of Liberals and Democrats for Europe

Summary

Although Belarus is far from Council of Europe standards in the field of democracy, the rule of law and human rights, its authorities have recently taken important steps in the right direction. The report recommends that, in order to encourage the continuation of this process, the Assembly engages in a political dialogue with the authorities, while at the same time continuing to support the strengthening of democratic forces and civil society in the country.

To this end, the Bureau of the Assembly should restore Special Guest status for the Belarusian parliament, which has been suspended since 1997; at the same time, a delegation of the Belarusian extraparliamentary opposition should be invited to every Assembly session, as well as every time that the issue of Belarus appears on the agenda of the Assembly's committees.

A series of recommendations in areas such as political prisoners, electoral law and practice, freedom of association, freedom of assembly, freedom of the media and capital punishment are addressed to the Belarusian authorities. Within one year at the latest, the Bureau of the Assembly will assess the extent to which Belarus will have complied with them, as well as the co-operative attitude shown by its authorities in their relations with the Council of Europe.

1. Reference to Committee: Decision of the Bureau of the Assembly on 17.12.98, Order 562 (2000), Doc. 8544, Ref. 2444, 04.11.99, Resolution 1306 (2002).

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A. Draft resolution

1. The situation in Belarus has been the focus of close attention by the Parliamentary Assembly since 1992, when the Belarusian parliament was granted Special Guest status. Belarus' lack of progress in the field of democracy, human rights and the rule of law, however, led to the suspension of this status in 1997, and to the freezing of Belarus' membership application to the Council of Europe the following year. The Assembly continues to look forward to the time when Belarus meets the conditions to be a member of the Council of Europe and its authorities undertake a firm commitment to live up to the standards of the Organisation and embrace its values.

2. In recent months, important developments have taken place in Belarus: between January and August 2008, nine opposition figures considered as political prisoners were released, including former presidential candidate Alexander Kozulin. As a result, since then, in Belarus, there have been no internationally-recognised political prisoners. The Parliamentary Assembly welcomes this tangible progress and calls for it to be made irreversible.

3. The Assembly also welcomes the registration of the opposition movement *For Freedom!*, as well as the possibility for three independent media outlets – *Narodnaya Volya*, *Nashe Niva* and *Uzgorak* – to be published in Belarus and their inclusion in the state distribution network.

4. It also considers as a positive development the setting up of a number of Consultative Councils, under the aegis of the Presidential administration and other state bodies, as fora where the authorities can engage in a constructive dialogue with representatives of non-governmental organisations and civil society. The Assembly hopes that the outcome of the discussions taking place in the Consultative Councils will lead to inform legislative and policy measures.

5. Similarly, the Assembly takes note of the resignations handed over, in April 2009, by Mr Vladimir Nuamov, Minister of the Interior since 2000, who was considered involved in the disappearances of four political opponents in the years 1999-2000 and, for this reason, was under European Union visa-ban.

6. What adds to the importance of these developments is that they respond to precise demands coming from European organisations, and that they have been undertaken in the context of the resumption of political dialogue with the Belarusian leadership.

7. In effect, following the release of all political prisoners in Belarus, in October 2008 the European Union took the decision to resume contacts with the Belarusian leadership at the highest level and to suspend, even if partially and temporarily, the visa-ban against a number of high-ranking Belarusian officials, including President Lukashenko. This suspension was extended for an additional nine months in April 2009. The willingness of the European Union to normalise relations with Belarus was epitomised by the visit of the European Union High Representative for Common Foreign and Security Policy, Mr Javier Solana, to Minsk and his meeting with President Lukashenko on 19 February 2009.

8. Belarus is also one of the six countries that will participate in the Eastern Partnership, a new instrument designed to strengthen political and economic co-operation between the European Union and its Eastern and Caucasian neighbours, with a view to enhancing their stability and supporting democratic and market-oriented reforms. The level of Belarus' participation will depend on the overall development of its relations with the European Union. In this context, Belarus attended the Eastern Partnership summit in Prague, on 7 May 2009. The European Union also intends to establish a Human Rights Dialogue with Belarus.

9. The Council of Europe, for its part, has recently intensified its contacts with the Belarusian authorities: following a visit by a delegation of the Assembly's Political Affairs Committee in February, 2009, Minister Miguel Angel Moratinos conducted an official visit to Minsk, in March 2009, in his capacity as Chair of the Committee of Ministers. A few weeks earlier, the Belarusian authorities had finally given their consent to the opening of an infopoint on the Council of Europe in Minsk, an idea initiated by the Assembly itself and developed by the Slovak Chairmanship of the Committee of Ministers. The opening ceremony of the Infopoint is planned for June 2009.

10. Furthermore, in December 2008, the Congress of Local and Regional Authorities of the Council of Europe decided to grant observer status to the Council for Co-operation of Local Self-Government Bodies of the Council of the Republic of the National Assembly of the Republic of Belarus.

11. Despite recent positive developments, however, and the resumption of contacts with European organisations, the situation in Belarus continues to be a cause for concern.

12. Firstly, the parliamentary elections of September 2008 were a missed opportunity for a decisive change towards democracy, as they failed to meet European standards of freedom and fairness. As highlighted by the OSCE/ODIHR, serious shortcomings affected all stages of the electoral process, from the availability of pluralist information for voters to the lack of transparency of the vote count. These shortcomings inevitably cast a doubt over the representativeness of the present Parliament, where no single opposition candidate managed to gain a seat. It is, however, to be welcomed that, following the final OSCE/ODIHR assessment, the Belarusian authorities agreed to work with the OSCE/ODIHR on the reform of the country's electoral legal framework and practice, in order to align them with Belarus' OSCE commitments.

13. As regards respect for political freedoms, harassment and intimidation of opposition activists, in particular youth, continue to take place through various means, such as unwarranted searches of private houses, unlawful requisition of equipment, police brutality during demonstrations and forced conscription into the military service despite previous declarations of being unfit for service. In addition, a number of political activists are under house arrests and the criminal record of those political prisoners who were released has not been erased, with the result that they face limitations in the exercise of some rights, including the right to run for elections.

14. The Assembly also takes note of the fact that, as of today, three entrepreneurs, who are currently in detention, as well as other persons who are subjected to limitations of personal liberty, are considered by the Belarusian opposition as political prisoners or, at least, as victims of an abuse of the criminal justice system for political reasons. The Assembly calls for an independent investigation to be conducted into these cases, in order to clarify whether they are political prisoners and, if so, to secure their release.

15. The situation regarding freedom of association also gives rise to concerns: even if the political opposition movement *For Freedom!* was finally registered in December 2008, other opposition and human rights organisations continue to face obstacles in obtaining registration by the Ministry of Justice, the latest example being the human rights organisation *Nasha Viasna*, and its members risk prosecution for membership in a non-registered organisation, under Article 193,1 of the Criminal Code.

16. The Assembly regrets that, despite the inclusion of three independent publications in the state distribution network, the other independent media outlets cannot benefit from this scheme and cannot even be printed in Belarus. Similarly, the Assembly expresses concern at the difficulties encountered by foreign journalists in obtaining press accreditation and by foreign media, such as the satellite channel Belsat, in obtaining registration by the Ministry of Foreign Affairs. It takes note, however, of the numerous statements emanating from the Belarusian leadership and testifying to the willingness to ensure that the new media law is not implemented in such a way as to restrict freedom of expression. The Assembly wishes that the same could be said for the implementation of the Law on counteraction against Extremism, which has recently led to the suspension of the publication of the magazine *Arche*, later withdrawn following international pressure.

17. It also regrets that capital executions can still be carried out in Belarus, despite the reduction of the categories of crimes for which they can be inflicted, a decrease in the number of death sentences handed down in such cases and the fact that no executions have been carried out since February 2008. The Assembly recalls that, in the current Constitution, the death penalty is considered as a transitional measure and that no legal impediment prevents either the President or the Parliament from introducing a moratorium on executions. The Assembly also takes note that currently there are no capital sentences whose execution is pending.

18. Considering that, although Belarus is far from Council of Europe standards in the field of democracy, the rule of law and human rights, its authorities have recently taken important steps in the right direction, the Assembly resolves to encourage the continuation of this process by engaging in a political dialogue with the authorities, while at the same time continuing to support the strengthening of democratic forces and civil society in the country.

19. In the light of the above, the Assembly calls on its Bureau to:

19.1. lift the suspension of Special Guest status for the Parliament of Belarus;

19.2. also taking into account the opinion of the Political Affairs Committee, follow the situation in Belarus and, within one year, or sooner if the situation so requires, evaluate whether this country has made substantive and irreversible progress towards Council of Europe standards. In this context, special attention should be given to the extent to which Belarus will have complied with the recommendations made under paragraphs 21 and 22 of the present Resolution and to the co-operative attitude shown by the authorities in their relations with the Council of Europe;

19.3. in the context of the restauration of Special Guest status for the Belarusia Parliament and until the opposition is adequately represented therein, ensure that a delegation of the Belarusian extraparliamentary opposition is invited to every Assembly session as well as every time that the issue of Belarus appears on the agenda of the Assembly's committees;

19.4. invite the Political Affairs Committee to continue to follow the situation in Belarus, also relying on the activities carried out by its sub-committee on Belarus, and report back to the Assembly when necessary.

20. Furthermore, the Assembly calls on the Secretary General of the Council of Europe to appoint a panel of independent experts to investigate the new cases of alleged political prisoners in Belarus and those which might arise.

21. Being convinced that dialogue can be sustained only through Belarus' continuous progress towards Council of Europe standards, the Assembly calls on the Belarusian authorities to:

21.1. ensure the immediate release of all political prisoners (as would be determined by the process established by paragraph 20, above) and that there will be no set-back on this important issue;

21.2. provide their full co-operation with the Council of Europe in order to ascertain whether the allegations that there are still a number of political prisoners in Belarus are well-founded;

21.3. erase the criminal record of former political prisoners, in order to enable them fully to exercise their civil and political rights;

21.4. refrain from the harassment and intimidation of opposition activists;

21.5. discontinue the practice of forced conscription of opposition activists into the military service despite previous declarations of being unfit for service;

21.6. ensure the respect of freedom of association, in particular by:

21.6.1. removing all undue practical and legal obstacles to the registration of political parties, groups and human rights associations and introduce the possibility for them to have their legal premises in residential buildings;

21.6.2. allow the registration of the human rights organisation *NashaViasna*;

21.6.3. repeal Article 193,1 of the Criminal Code;

21.7. ensure the respect of freedom of assembly, in particular by:

21.7.1. enabling opposition organisations to hold demonstrations in places where they can be visible to the public opinion and

21.7.2. ensuring that law enforcement officials do not use excessive force unnecessarily against demonstrators;

21.8. reform the electoral legislation and practice by taking into account the recommendations of the OSCE/ODIHR and the European Commission for Democracy Through Law (Venice Commission), in order to align them to European standards and formally ask the Venice Commission, with which it holds associate status, to be involved in this process;

21.9. ensure freedom of the media and the provision of pluralist information, in particular by:

21.9.1. allowing the remaining independent publications to be printed in Belarus and to be distributed through the state network;

21.9.2. removing obstacles to the accreditation of foreign journalists;

21.9.3. registering the satellite channel BELSAT;

21.9.4. refraining from using the Law on Counteraction against Extremism as a pretext to restrict or shut down the activities of independent media outlets;

21.9.5. ensuring the non-restrictive implementation of the new media law, especially as regards the obligation of re-registration;

21.10. ensure the registration of the East European School of Political Studies and consider participation therein by young government officials;

21.11. give their full support for the functioning of the Infopoint on the Council of Europe in Minsk and the implementation of its activities;

21.12. make full use of the Council of Europe conventions of which Belarus is a party, by participating actively and constructively in the activities stemming from them.

22. Finally, the Assembly calls on the Belarusian parliament to take the lead in transforming the current *de facto* moratorium on the death penalty into a legal moratorium, by adopting appropriate legislation, as an intermediate step towards its complete abolition.

B. Draft recommendation

1. Referring to its Resolution … (2009) on the Situation in Belarus, the Parliamentary Assembly confirms its view that the measures recently undertaken by the Belarusian authorities, namely the release of all internationally-recognised political prisoners, the registration of the opposition movement *For Freedom!*, the possibility for two independent media outlets to be printed in Belarus and to be distributed through the state network, the co-operation with OSCE/ODIHR with a view to reforming Belarusian electoral legislation and practice, the creation of Consultative Councils and the consent to the opening of an Infopoint on the Council of Europe in Minsk are steps in the right direction, reflecting the authorities' willingness to engage with European organisations, including the Council of Europe, at a political level.

2. The Assembly reiterates its conviction that the best way for the Council of Europe to encourage the continuation of this process is by resuming political dialogue with the authorities, while continuing to support the strengthening of democratic forces and civil society in the country. At the same time, however, the Assembly insists on the fact that dialogue can only be sustained through continuous efforts by the Belarusian leadership to make progress towards the attainment of Council of Europe standards.

3. The Assembly, therefore, invites the Committee of Ministers to resume contacts with the Belarusian authorities, in particular by:

3.1. allowing the presence of the diplomatic representatives of Belarus at the meetings of its Rapporteurs' Groups every time that the issue of Belarus is on the agenda;

3.2. monitoring the situation in Belarus, also through the organisation of field visits, in particular as regards:

3.2.1. the issue of political prisoners;

3.2.2. freedom of association;

3.2.3. freedom of assembly;

3.2.4. freedom of the media;

3.2.5. electoral reform;

3.2.6. the death penalty;

3.3. considering in a positive spirit the accession of Belarus to Council of Europe instruments open to non-member states for which Belarus has made a formal request and, until accession is possible, consider ways of co-operating with the Belarusian authorities with a view to helping them bring the legislation of Belarus in line with Council of Europe standards.

4. At the same time, the Assembly calls on the Committee of Ministers to step up its activities in support of the development of civil society, with an emphasis on raising awareness of Council of Europe values and knowledge of its standards in Belarus, by:

4.1. establishing a voluntary fund with a view to financing traineeships at the Council of Europe for young Belarusians;

4.2. promoting the participation of Belarusian NGOs and civil society representatives in Council of Europe events;

4.3. encouraging its intergovernmental committees to organise meetings, seminars and other events in Belarus, and ensure that they are given high visibility;

4.4. setting up an information campaign on the Council of Europe, to be conducted throughout Belarus, also relying on the Infopoint on the Council of Europe in Minsk;

4.5. setting up a webpage on Belarus in the Council of Europe website, in order to facilitate access to relevant information by ordinary Belarusians;

4.6. co-operating with the European Union and the OSCE in the elaboration and implementation of joint programmes and other activities in Belarus.

C. Explanatory memorandum by Mr Rigoni, rapporteur

1. Introduction

1. Belarus is the only European country which is not a member of the Council of Europe. It is often referred to as an exception, in the sense that it did not follow the same path towards democracy as the other European countries which emerged from the dissolution of the Soviet Union.

2. In the last few years, the Council of Europe has also treated Belarus as an exception: while it has assisted 47 European countries in their endeavours towards democracy, through political dialogue and a great deal of patience, and has constantly made the choice to engage with them politically even when they do not entirely live up to their commitments and obligations, it has not done the same for Belarus.

3. The Assembly made the choice of isolating Belarus. Some might say that the Belarusian authorities isolated themselves by stamping on human rights and democratic standards. This is true, but rhetorical at the same time. The reality is that the Assembly decided that enough was enough and tried to see if, by isolating the Belarusian leadership, it would be possible to change the situation. We were proved wrong. It is not possible to isolate the Belarusian authorities without isolating the Belarusian people. Moreover, the developments of the latest months show that a careful combination of dialogue, constructive criticism and pressure can, on the contrary, achieve results.

4. In this report, I intend to call for a revision of the approach held by the Council of Europe towards Belarus over the last few years: if it continues with its current practice, unlike the other European organisations, the Council of Europe will miss the opportunity to have an influence on the situation in Belarus.

5. It is possible to remain consistent with one's own values and principles while maintaining a dialogue both with the Belarusian opposition and the authorities. This is, for me, the only way forward to promote the development of democracy in Belarus.

2. Relations between the Council of Europe and Belarus

2.1. Relations with PACE

6. Over time, PACE has oscillated between dialogue and isolation, as indicated by the following table:

Year	State of PACE-Belarus relations
1992	The Belarusian parliament is granted Special Guest status with the Assembly, in a similar way as all the other countries from Eastern Europe or the Caucasus which aspire to join the Council of Europe.
1993	Belarus presents a membership application to the Council of Europe.
1996	In Belarus, a referendum leads to a constitutional reform which strengthens the powers of the President. The 13th Supreme Soviet, the first and last parliament elected in a free and fair vote, is dissolved and a new parliament is formed.
1997	The Bureau of the Assembly suspends Special Guest status for the Belarusian parliament, with two arguments: a) the way in which the new legislature came into being deprives it of democratic legitimacy; b) the constitutional amendments introduced by referendum are illegal, do not respect minimum democratic standards and violate the principles of separation of powers and the rule of law.
1998	The Bureau suspends the membership application of Belarus to the Council of Europe.
1998-2004	Relations between the Assembly and the Belarusian authorities continue, even outside a formal co-operation format: in 2000 the Assembly ensures its presence to observe the parliamentary elections, and the following year it sends a delegation to observe the presidential elections, in both cases under the framework of the Parliamentary Troika on Belarus[2].
January 2004	Considering that the reasons that had led to the suspension of Special Guest status are still valid, the Bureau of the Assembly confirms the suspension of Special Guest status, further to a request from the Belarusian side to reconsider this decision.

2. The Parliamentary Troika on Belarus is a form of inter-parliamentary co-operation between the Parliamentary Assembly of the Council of Europe, the European Parliament and the OSCE Parliamentary Assembly, involving the bodies of the three assemblies with a specific mandate on Belarus.

Year	State of PACE-Belarus relations
April 2004	In its Resolution 1371 (2004), the Assembly decides that the informal presence of members of the Belarusian parliament during Assembly sessions or other Assembly events will be inappropriate until a proper investigation is carried out on the issue of disappeared persons[3]. During the debate, two separate groups of parliamentarians move amendments to have this provision deleted, with different arguments[4], but they are defeated.
2004-2006	There are no contacts between the Assembly and the Belarusian authorities, despite an ongoing debate within the Political Affairs Committee on the usefulness of this.
2006	Vladimir Konoplev, then Speaker of the Belarusian Parliament, is invited, together with the opposition presidential candidate Alexander Milinkevich, to address the Assembly in the context of the debate on the Situation in Belarus on the eve of the presidential election.
2007	On separate occasions, former PACE President Mr van der Linden and myself in my capacity as rapporteur conduct visits to Belarus.
2008	On two occasions representatives of the Belarusian parliament are invited, together with representatives of the opposition, to address the Political Affairs Committee in the context of discussions on the situation in Belarus
2009	An ad hoc sub-committee of the Political Affairs Committee led by Mr Lindblad, Chair of the committee, Mrs Hurskainen, Chair of the sub-committee on Belarus, and myself in my capacity as rapporteur conduct a visit to Minsk.

7. A key year for PACE-Belarus relations is 2004, when PACE starts a practice of isolation. The use of the term ‘practice’ rather than ‘policy’ is deliberate: as a matter of fact, the isolation of the authorities has never been a clearly formulated PACE policy but only the consequence of an interpretation of the Resolution 1371 (2004) on disappeared persons.

8. In effect, in the same meeting when it decided not to restore Special Guest status, the Bureau expressed the wish to observe the 2004 legislative elections in Belarus, to send a pre-electoral mission shortly before these elections, authorised the sub-committee on Belarus to visit Belarus after the April 2004 Assembly part-session and even confirmed its willingness to continue dialogue with all political forces in the country. None of this took place, as after the April debate in the Assembly a climate of mutual distrust prevailed.

9. This started to change in 2007, with the visit to Belarus of the then President van der Linden’s visit to Belarus, and my own visit some months later, which were followed by invitations to representatives of the Belarusian parliament to participate in exchanges of views on the situation in Belarus in the context of the Political Affairs Committee and its sub-committee on Belarus. In February 2009, an ad hoc sub-committee of the Political Affairs Committee led by Mr Lindblad, Chair of the Committee, accompanied by Mrs Hurskainen, Chair of the sub-committee on Belarus, and by myself, in my capacity as rapporteur, also conducted a visit to Minsk.

2.2. The visit by the Spanish Chairmanship of the Committee of Ministers

10. On 30 March 2009, Minister Miguel Angel Moratinos conducted an official visit to Minsk in his capacity as Chair of the Committee of Ministers. During his visit, which had the aim of evaluating Belarus’ level of commitment to the principles of the Council of Europe and stimulating internal reforms that would strengthen its relations with the Organisation, he met representatives of civil society as well as high-ranking officials, including the Minister of Foreign Affairs and President Lukashenko himself.

2.3. Council of Europe conventions

11. Even if Belarus’ membership application to the Council of Europe remains suspended, it is party to a number of Council of Europe instruments, which are open for signature and ratification to non-member states. Belarus is a party to the European Cultural Convention and an associated member of the Venice Commission and can, therefore, participate in relevant Council of Europe activities at a technical level. It has also ratified

3. Resolution 1371 (2004) on Disappeared persons in Belarus (Rapporteur of the Committee on Legal Affairs and Human Rights: Mr Pourgourides, Cyprus, EPP/CD).

4. One group asked for the deletion of this paragraph as the situation in Belarus could not be addressed without a dialogue with the authorities; another because Special Guest status should be conditional upon the four criteria set out by the Parliamentary Troika on Belarus in 1999 (real dialogue between the authorities and society; freedom of the media; strengthening the role of parliament and implementation of democratic standards in general) rather than only the issue of disappeared persons (see Report of debates, 28th April 2004).

the European Convention on Information on Foreign Law and its additional protocol (in 1997), the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (in 2002), the Council of Europe Anti-Doping Convention (in 2006), the Civil Law Convention on Corruption (in 2006) and the Criminal Law Convention on Corruption (in November 2007).

12. The Belarusian authorities have expressed the wish to join additional Council of Europe instruments, and this matter has been examined, in general terms, by the Rapporteurs Group on democratic stability (GR-DEM) of the Ministers' Deputies. Belarus, however, needs to revise some areas of its legislation in order to make it compatible with Council of Europe instruments. The Council of Europe could play its traditional role of assisting in this process, in order to make accession possible.

2.4. The Congress of Local and Regional Authorities

13. In December 2008, the Standing Committee of the Congress of Local and Regional Authorities of the Council of Europe decided to grant observer status to the Council for Co-operation of Local Self-Government Bodies of the Council of the Republic of the National Assembly of the Republic of Belarus. This status allows the representatives of the Council for Co-operation of Local Self-Government Bodies to participate in the events organised by the Congress.

14. In March 2009, at the first session of the Congress attended by the Belarusian observer delegation, its President ad interim, Ian Micallef, expressed appreciation for this participation and announced that a round table would be organised on the conformity of the Belarus' legislation with the European Charter of Local Self-Government; the Congress will also provide an expert assessment of the draft law on local self-government in Belarus.[5]

2.5. The Infopoint on the Council of Europe in Minsk

15. Finally, I look forward to the opening of an Infopoint on the Council of Europe in Minsk, an initiative on which I insisted considerably during my visit in 2007. Indeed, as correctly mentioned by the Assembly in its Recommendation 1734 (2006) on Belarus, on the eve of the presidential election of 19 March 2006, the opening of an information structure on the Council of Europe in Belarus could be a foot in the door for our Organisation to reach out to the Belarusian public and contribute to the dissemination of European values.

16. The availability of the authorities to open such an Infopoint in the premises of the State University in Minsk is a sign of their willingness to accept the exposure of Belarusian society to the Council of Europe discourse. I am pleased that this opportunity has not been missed and that, thanks to the efforts of the Slovak Chairmanship of the Committee of Ministers, an agreement to this end was concluded in May 2008. The ad hoc sub-committee of the Political Affairs Committee who visited Minsk in February 2009 could visit the premises made available by the State University, in the faculty of journalism.

17. I am pleased that, on 3 March 2009, the Belarusian government gave its final consent to the opening of the Infopoint and that now the Council of Europe and the University willl finalise the technical details. At the moment, the Council of Europe is selecting the staff for the Infopoint. The opening ceremony of the Infopoint is planned for June 2009.

3. The state of democracy, rule of law and human rights in Belarus

18. Since my first visit to Belarus as rapporteur, in 2007, there have been some major, objective and tangible improvements in the situation in the country.

– these improvements relate to areas falling under the core mandate of the Council of Europe;

– they respond to demands made by our Assembly, as well as by the European Union;

– and they are accompanied by consistent statements by the authorities testifying to their commitment to undertake a progressive, step-by-step and two-way process to come closer to Europe.

3.1. Release of political prisoners

19. Between January and August 2008, nine figures[6] of the Belarusian opposition serving prison sentences based on spurious charges and politically motivated trials were freed.

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5. Press release n° 180 - Congress Pdt ai welcomes agreed steps for future co-operation with Belarus.

20. Amongst them was Alexander Kozulin, leader of the Belarusian Social Democratic Party and candidate in the 2006 presidential election. He had been sentenced to five and a half years imprisonment on charges of hooliganism and incitement to mass disorder during a demonstration of protest against the conduct and the results of the 2006 presidential vote.

21. The importance of this liberation should not be underestimated: Mr Kozulin is a highly charismatic opposition figure, considered by many as someone who has a potential to antagonise President Lukashenko, and the latter is said to have personal grievances against him. Mr Kozulin refused several times to ask for the presidential pardon and, finally, was pardoned despite never having requested it.

22. These nine liberations have led a number of organisations and countries, including the United States of America, which are known for their criticism against the Belarusian authorities, to state that there are no more political prisoners in Belarus.

23. I consider the improvement of the situation in this area as a key progress which must be taken into account and responded to by the Assembly. Even more so, if one considers that, despite having undertaken a commitment to solve the issue of political prisoners upon accession, a few Council of Europe member states regrettably still have not succeeded.

24. Nevertheless, the allegations made by opposition representatives, that a number of people who are currently in detention or subjected to limitations of their personal liberty are political prisoners, should be looked into with the most attentive consideration.[7] In my opinion, in the framework of a dialogue with the Belarusian authorities and in a similar manner to what was done for some member states of the Organisation, the Secretary General of the Council of Europe should instruct a panel of independent experts with the task of investigating these cases and ascertaining whether they are political prisoners, according to the precise criteria already established by the Council of Europe.

3.2. Political freedoms

25. The situation as regards the enjoyment of political freedoms, in general, by Belarusian citizens is not very encouraging.

26. There have been important steps forward on the part of the authorities, such as:

– in December 2008, the registration of the movement *For Freedom!,* led by the former single opposition candidate for the 2006 presidential elections, after repeated attempts and legal quarrels that lasted more than a year; and

– a somewhat less repressive attitude towards the holding and conduct of some demonstrations, such as the demonstration following the parliamentary vote of September 2008.

27. However, obstacles to the activities of opposition parties, movements and NGOs still remain and the general climate is such that the expression of political views deviating from the official line is stigmatised, repressed and sanctioned, not only through measures taken by the judiciary and law enforcement officials but also by loss of employment and expulsion from universities.

28. Even if there are no more political prisoners, harassment and intimidation of opposition activists, in particular youth, continue to take place through various means, such as unwarranted searches of private houses, unlawful requisition of equipment, police brutality during demonstrations and forced conscription into the draft despite previous unfit declarations for military service. In addition, a number of political activists are under house arrest and the criminal records of those political prisoners who were released have not been cleared, with the result that they face limitations in the exercise of some rights, including the right to run for elections.

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6. Dimitri Dashkevich and Artur Finkevich, leaders of the non-registered organisation *Malady Front* (Youth Front), Andrey Klimov, former member of parliament and member of the opposition United Civil Party, Andrei Kim, political activist, Yuri Leonov, Nicolai Avtuhovich and Syarhey Parsyukevich, entrepreneurs, Alexander Zdvizhkov, journalist and Alexander Kozulin, leader of the Belarusian Social Democratic Party.

7. These include some young opposition activists and enterpreneurs, some of whom had already been detained (Artsyom Dubski, Mikhail Pashkevich, Tatyana Tishkevich, Paval Vinahgradau, Ayaksei Bonda, Mikhal Kryvau, Ales Straltsou and Ales Charnyshou are under house arrest. Yuri Leonov, Nicolai Avtuhovich and Uladzimir Asipenka are in detention).

29. The main impediment to the exercise of freedom of association remains the application of the provisions on the registration of political parties and organisations. The conditions that must be met in order to obtain registration by the Ministry of Justice are exceedingly restrictive, with the result that, in the absence of registration, the organisation in question is considered as unlawful and its members risk criminal prosecution. The main factor precluding registration is the obligation to find premises to use as a legal address, not only because of the high cost of rent but above all because the overwhelming majority of buildings are state-owned and, in any case, residential buildings are not considered suitable for these purposes. Only a few days before writing, the human rights non-governmental organisation *NashaViasna* was refused registration, after years of repeated attempts.

30. As regards freedom of assembly, even if in the course of 2008 a number of demonstrations could be held without particular hindrance or without being followed by large-scale arrests, some of them were heavily repressed, especially those organised by entrepreneurs, journalists and youth organisations.

3.3. Elections

31. The parliamentary elections held in September 2008 were yet another source of disappointment, as they failed to meet European standards of freedom and fairness. Although PACE decided not to ensure its presence, as it had not received an official invitation, I was able to form my own first-hand opinion having observed the elections in my capacity as an Italian parliamentarian, attached to the OSCE/ODIHR mission.

32. For me it is quite unthinkable that, out of 110 constituencies, not one single opposition candidate was able to get elected.

33. There were indeed some improvements, such as:

– The fact that opposition representatives could sit in electoral commissions,

– the registration of a higher number of opposition representatives as candidates, compared to previous years, and

– a reduction of the proportion of voters using the system of early voting from 31.5% in 2006 to 26.2% and the sealing of early voting ballot boxes overnight.[8]

34. On the other hand, these improvements are less significant when one considers that:

– the number of opposition representatives sitting in the electoral commissions at various levels was very low and that they had only an advisory role, with no realistic possibility of influencing decision-making;

– the most delicate stage of the procedure is the counting of the votes, which was not transparent and during which international observers were not allowed to approach.

35. Regrettably, the overall assessment of these elections is that ‘the election environment in Belarus still did not allow genuine political competition and equal treatment of election competitors by the authorities. Serious concerns remain pertaining to fundamental rights of freedoms of assembly and expression, and access to plurality of views, constituting meaningful information necessary for voters to make an informed choice. The legislative framework continues to present obstacles to the conduct of elections in line with OSCE commitments. Previous concerns regarding the Electoral Code (EC), as expressed in past OSCE/ODIHR and Council of Europe Commission for Democracy through Law (The Venice Commission) reports and legal opinions, remain to be addressed’.[9]

36. It is, however, to be welcomed that, following the final OSCE/ODIHR assessment, the Belarusian authorities agreed to work with the OSCE/ODIHR on the reform of the country's electoral legislation and practice, in order to improve the environment for holding elections in line with Belarus' OSCE commitments. The first Round Table to this end was held in January 2009.

37. I expect that, in the context of a renewed dialogue and especially in the case of restoration of Special Guest status for the Belarusian parliament, PACE will be invited to observe future elections.

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8. The early voting procedure allows voters to cast their vote in the five days preceeding the polling day. In practice, students and employees are encouraged to vote according to this system.

9. OSCE/ODIHR Election Observation Mission Final Report, Belarus, Parliamentary Elections, 28 September 2008 (Warsaw, 28 November 2008). The quote refers to the joint opinion on the electoral legislation of the Republic of Belarus by ODIHR and the Venice Commission (October 2006), drafted at the Assembly’s request.

3.4. Media

38. There cannot be democracy without freedom of the media. Unfortunately, in Belarus there are a number of elements which make it particularly hard for ordinary citizens to have access to pluralist information:

– the printing and distribution of independent publications dealing with political issues are hindered by practical and legal obstacles;

– by contrast, the distribution of official or pro-governmental publications amongst the public at large is greatly encouraged;

– similarly, enormous resources are poured into the publication of print press or the production of TV programmes, very plainly supporting the Belarusian leadership, or depicting European democracies and institutions in a bad light;

– cases of harassment against independent journalists are not a rare occurence, with the result that many of them prefer to opt for self-censorship.

39. It would be naïve to think that these 'endemic' problems can be solved rapidly or easily. It is, however, a first important step in the right direction that, in November 2008, the Belarusian authorities decided to allow the printing in Belarus and the distribution through the state network of three independent newspapers, *Narodnaya Volya,Nashe Niva*and *Uzgorak*.

40. In addition, also in November 2008, the Belarusian Ministry of Information, together with the OSCE Representative on Freedom of the Media and the OSCE Office in Minsk, organised a round table on the Belarusian legislation on Internet media.

41. Despite these improvements, much more should be done to improve freedom of the media in Belarus and break the state's monopoly of information. Some of these measures are:

– the inclusion of the other independent publications into the state distribution network;

– the removal of obstacles to the accreditation of foreign journalists and the registration of foreign media, first of all the satellite channel BELSAT, whose registration was refused on 3 March 2009 on the grounds of inadequate documentation;

– ensuring that the new media law is not implemented in such a way as to limit freedom of the media, in particular as regards the obligation of re-registration;

– ensuring the full respect of freedom of expression, and refraining from using the Law on Counteraction against Extremism as a way to restrict the activities of independent media outlets, as it happened to the cultural magazine *Arche*, the publication of which was temporarily suspended in February 2009.

3.5. Capital punishment

42. Although recourse to capital punishment has been restricted to a few, particularly serious crimes, until not long ago death sentences were still handed down and carried out, 4 or 5 on average each year, with the latest execution having taken place in February 2008. For the sake of clarity, I should say that, as far as I know, the death penalty has never been inflicted upon political prisoners but only on people convicted for particularly serious and gruesome crimes.

43. During my 2007 visit to Minsk, as well as during the recent visit carried out by the ad hoc sub-committee of the Political Affairs Committee, we discussed the question of capital punishment with a number of officials, including the highest judicial authorities, as well as other specialists and NGOs. The authorities pointed out that the Belarusian public opinion is not ready to accept the abolition of the death penalty, as indicated by a referendum held in 1996 in which the electorate voted in favour of maintaining this form of punishment. On the other hand, the introduction of the death penalty in the Constitution is envisaged as a temporary measure, which is liable to be abolished when conditions are appropriate, and no legal constraints would prevent the President or Parliament from introducing a moratorium.

44. In April 2008, I made a public appeal to the Belarusian parliament asking its Chairmen to take the lead in favour of the introduction of a moratorium on capital executions as an intermediate step towards complete abolition. This appeal was published in the newspaper *Narodnaya Gazeta*.[10] Although welcoming the fact that, since my open letter, no capital execution has been carried out and that no more death sentences have

10. On 12 April 2008.

been handed down, I regret that despite some discussions by Belarusian legislators, there has been no legislative follow-up to my proposal. I hope, however, that in the context of the development of further dialogue with the authorities, the current parliament will take the idea on board. The introduction of a moratorium is, in my opinion, an objective within reach which would bring Belarus closer to Council of Europe values and standards. It would also give a clear signal that, even if at the moment there is a *de facto* moratorium, the authorities are prepared to introduce a formal change in the legislation.

4. The opposition

45. Despite its participation in the 2008 parliamentary elections, the democratic opposition in Belarus is only extraparliamentary.

46. It is composed of a great number of political parties and groups, from the far left to the far right. The majority of these parties, however, is united under an umbrella structure, called the Unified Democratic Forces of Belarus (UDF) which, in 2006, managed to put forward a single candidate to run in the presidential elections, Mr Alexander Milinkevich.

47. However, despite its commitment to preserve unity, the UDF does not have a single leader or charismatic figure and its members are divided on a plethora of political issues, with the exception of their common opposition to the current leadership.[11] They often disagree on strategic issues, for instance whether to take part in the elections or to boycott them; or whether or not to engage with the authorities – and at what level.

48. In recent years, the UDF has approved several programmatic documents, including the project of a shadow constitution for Belarus and an economic platform. After the 2008 elections, it agreed on a number of measures called 'the priorities of the UDF in legislation changes for democratisation on the situation in the country during the next 6 months', which deal with electoral law, freedom of speech and freedom of the media, political freedoms and freedom of action for non-governmental organisations.

49. Outside the UDF, there are a number of other political parties and groups, such as the *For Freedom!* movement and the Christian Democratic Party, who count on well-known and reputable political leaders and certainly reflect the views and represent the interests of part of the Belarusian population.

50. Personally, I have admiration for the representatives of the Belarusian opposition, who conduct their political struggle with great courage and commitment, in very difficult conditions. I believe that the success of the democratisation process in Belarus depends to a large extent on the strengthening of the democratic opposition, its unity, its communality of vision, strategy and actions; in a nutshell, its potential to be considered a credible political force, first of all by the Belarusians.

51. I think that the main preoccupation for the Belarusian opposition, at this stage, should be how to gain widespread support among the Belarusian public, because at the moment their outreach capacity is limited. This can partly be explained with the authorities' control over the media and their manipulation of electoral results, as the opposition argues. In my view, however, this is also due to strategic mistakes made by the opposition itself and to limits stemming from its stage of development.

52. Increased efforts are needed on the part of the democratic opposition to:

– overcome internal divisions;

– modernise the functioning of its political parties and consider modernising party structures and leadership in such a way as to enhance credibility and visibility;

– have a clear message; clear, concrete and attainable objectives and a visible leadership;

– keep in touch with the needs, aspirations and grievances of society and give them political expression: most probably, some opposition's programmatic documents are too lofty and theoretical for average Belarusians who, even if they had access to them, would not understand in what way these documents would improve their life;

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11. The co-leadership (Political Council) of the UDF issued from the Congress is composed of 4 opposition leaders: Anatoly Lebedko, leader of the United Civic Party, Sergey Kalyakin, Chairman of the Communist Party, Vinchuk Viachorka, Leader of the Belarusian Popular Front party and Anatoly Levkovich, President of the Social-Democrats. A few days before the Congress, Alexander Milinkevich, who did not agree with the decision to have a collective leadership for the UDF, participated in the founding of the movement *For Freedom*, of which he was elected leader.

– endorse the potential for change coming from the business sector;

– devise a strategy of engagement with the Establishment.

53. As regards this last point, the opposition made attempts to engage with the authorities before the elections, but was not met by any positive reaction. However, after the elections, a number of Consultative Councils were set up under the aegis of the Presidential administration and other state bodies, to deal with various issues, ranging from human rights to media or social affairs. Representatives of civil society, NGOs, experts and also opposition leaders were invited to sit in these councils, in a personal capacity. I am hopeful that this opportunity to engage in a constructive dialogue will not be missed, and that the outcome of the discussions taking place within the Consultative Councils will be taken into account by the authorities.

5. The new European Union strategy of dialogue

54. Encouraged by the positive steps undertaken by the Belarusian authorities in a number of areas, the European Union has recently decided to restore the contacts with them which had been restricted since November 2004[12]. It has therefore embarked on a gradual normalisation of relations with the authorities, while continuing to support democratic opposition forces, NGOs and civil society.[13]

55. The first demonstration of the willingness of the European Union to engage in a step-by-step and two-way process with the Belarusian leadership was the suspension of the visa-ban against a number of high-ranking Belarusian officials, including President Lukashenko, for a period of six renewable months[14], which has now been extended for an additional nine months, until December 2009.

56. It is telling of the unity of the European Union institutions on the new strategy towards Belarus that also the European Parliament, which has always been an outspoken critic of the situation in the country and its leadership, has supported the Council of the European Union's decision by a large majority.[15]

57. Similarly, in response to the positive steps taken by Belarus and in line with the new strategy of the Organisation, the European Commission has entered into an intensified dialogue with Belarus in fields such as energy, environment, customs, transport and food safety and has confirmed its readiness to further expand the scope of these technical co-operation activities. It is also studying ways to adapt instruments such as the European Neighbourhood Policy and the newly devised Eastern Partnership to the specific case of Belarus. The office of the European Commission's Delegation in Minsk, opened in March 2008, will be instrumental to this end.

58. The willingness of the European Union to normalise relations with Belarus, which can be a key strategic and economic partner for Europe, was epitomised by the visit of Javier Solana to Minsk and his meeting with President Lukashenko on 19 February 2009.

59. Belarus is also one of the six countries that will participate in the Eastern Partnership, a new instrument designed to strengthen political and economic co-operation between the European Union and its Eastern and Caucasian neighbours, with a view to enhancing their stability and supporting democratic and market-oriented reforms. The level of Belarus' participation will depend on the overall development of its relations with the European Union. In this context, Belarus attended the Eastern Partnership summit in Prague, on 7 May 2009. The European Union also intends to establish a Human Rights Dialogue with Belarus.

60. The leading role that the European Union is now going to undertake, also in the promotion of democratic and human rights standards in Belarus, offers new opportunities for engagement also to the Council of Europe: the expertise of our Organisation could be valuable in the context of the Eastern Partnership, especially within the multilateral track.

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12. Council of the European Union Conclusions, General Affairs and External Relations, 2622th meeting, 22 and 23 November 2004, Brussels.

13. This new approach was discussed in detail during a hearing on 'EU Policy towards Belarus: recent developments', organised by the Political Affairs Committee on 16 December 2008.

14. Council of the European Union Conclusions, General Affairs and External Relations, 2897 meeting, 13 October 2008, Luxembourg. The suspension does not concern officials allegedly involved in the disappearances of 1999/2000 and the Chair of the Central Electoral Commission, Ms Yermoshina.

15. European Parliament resolutions of 9 October 2008 on the situation in Belarus after the parliamentary elections of 28 September 2008 and of 15 January 2009 on the EU strategy towards Belarus.

61. Now the ball is in Belarus' court: the European Union needs to see further tangible progress, in order to pursue confidently the line that it has undertaken with the suspension of the visa-ban. In particular, progress should be irreversible, and enshrined in legislative or systemic changes.

62. According to the European Parliament, in order to significantly improve relations with the European Union, Belarus should:

– remain a country without political prisoners,

– guarantee freedom of expression for the media,

– continue to co-operate with the OSCE on reform of the electoral law,

– improve conditions for the work of non-governmental organisations, and

– guarantee freedom of assembly and political association.

63. With this change of policy, the European Union joins the OSCE, which has always maintained a strategy of engagement with the Belarusian authorities. Belarus has been a member of the OSCE since 1992. Relations between the OSCE and Belarus have at times been tense, due to the outspoken criticism of the situation in the country by the organisation, but dialogue has never stopped. The OSCE has an office in Minsk which has proved of key importance to provide firsthand information on the situation in the country; in addition, Belarusian parliamentarians sit in the OSCE PA. At the moment, bilateral co-operation between the OSCE and Belarus has intensified, in particular in the field of electoral reform, and the OSCE representatives are satisfied with the degree of responsiveness shown by the authorities.

64. I am convinced that, by restoring relations with the Belarussian authorities, the European Union has made a wise decision and I hope that the Assembly will also follow a similar course of action.

6. Why is dialogue with the authorities necessary?

65. Belarus is the only European country which has not undertaken a transition towards democratic institutions, political pluralism and a free market economy. In 1990, upon becoming independent, it briefly set off on this path, but reverted to a state-controlled economy and to a system of power based around the figure of the President after the election of Alexander Lukashenko in 1994, who became President through free elections.

66. This pattern can be seen in society: in Belarus, the public's political awareness and the degree of development of society cannot be compared to those of any other European country, even those previously part of the Soviet Union. The political apathy of the population at large – which contributes to explaining the support for the system of power, as well as the weakness of and lack of widespread support for the opposition, are objective features of Belarus, illustrated by surveys and research conducted by independent observers and research centres.

67. The specificity of the Belarusian case should not be used as an excuse for acquiescing to non-democratic policies and human rights violations. It should, however, be kept in mind when devising a strategy to promote the development of democracy and human rights in this country.

68. In recent years, the Council of Europe has focused its activities towards Belarus on supporting democratic opposition forces, NGOs and civil society. However, this strategy has had only limited results, as these groups, being completely outside the current system of power and having only limited support amongst the population, have no substantial impact on the situation.

69. The Council of Europe should continue to give its support to democratic forces and encourage their further development and modernisation. PACE political groups should play a more prominent role in this field, something that they were encouraged to do but that – with the important exceptions of some political groups – failed to do or failed to do systematically. In addition, however indispensable, it is not sufficient to involve Belarusian opposition forces only in discussions concerning their country: they need to grow politically; to develop sound structures and programmes, finely tuned to the characteristics of their potential electorate and they need to be aware and participate in the main political debates taking place in Europe.

70. However, it is rather optimistic, let alone unrealistic, to think that the democratisation process in Belarus might be led exclusively by the Belarusian opposition.

71. Given the country's specificities, it is necessary to have a dialogue with the Establishment in order to have access to the Belarusian public and strengthen the awareness of democratic values, in particular amongst the young generation. Furthermore, the Belarusian Establishment is not single-minded: many people belonging to thepolitical *élite* are or could be receptive to the Council of Europe message and, precisely because they are part of the system of power, could have an impact on the situation in the country.

72. During my visits to Minsk, I was assured by the Belarusian authorities of their willingness to engage with our Organisation and its Assembly in a progressive dialogue. I was told that the authorities fully realise that, in this process, Belarus will have to take conclusive steps towards meeting Council of Europe standards, in the core areas of our Organisation. There is a readiness to do so, provided that the Council of Europe also takes progressive steps towards engaging with the Belarusian authorities. Similarly, there is a readiness to take on board criticism, provided that it is expressed in the context of dialogue.

73. This position has been repeatedly confirmed by the parliamentarians and the diplomatic representatives of Belarus who have taken the floor in the course of discussions on Belarus in the PACE Political Affairs Committee.

74. In addition, the recent resignation from his post by the Minister of the Interior, Mr Vladimir Naumov, should be seen as part of the reshufflings which have led to the removal from positions of power of all the main figures who were close to President Lukashenko at the beginning of this decade and who were considered by European organisations as directly involved in orchestrating and implementing his most repressive policies.

7. Conclusions

75. Special Guest status was set up by the Assembly in 1989 to forge closer links with the parliaments of Central and Eastern Europe in order to help these countries meet the conditions for membership of the Council of Europe. According to the Assembly's rules of procedure, Special Guest status can be granted by the Bureau to national parliaments of non member states, provided that the state concerned meets four requirements:

– it is European;

– has signed the Helsinki Final Act of 1 August 1975 and the Charter of Paris for a New Europe of 21 November 1990;

– has accepted the other instruments adopted by the OSCE Conferences;

– has signed and ratified the two United Nations Covenants of 16 December 1996 on Civil and Political Rights and on Economic, Social and Cultural Rights.

76. Special Guest status was suspended for the Belarusian parliament more than twelve years ago. It is now time for the Assembly to make an honest assessment of the situation in Belarus and the effectiveness of its policy:

– the practice of isolation of the authorities and support of the democratic opposition has not served the purpose of advancing the state of democracy, human rights and the rule of law in Belarus;

– in recent months, as never before, the Belarusian authorities at the highest level have given tangible signs of their willingness to come closer to Europe and have responded positively to a series of demands made by European institutions, including the Assembly;

– the greatest progress is that, since August 2008, there are no internationally-recognised political prisoners in Belarus, and there is a political commitment from the authorities not to step back on this issue;

– there has also been progress in the media field, with the possibility for three major independent publications to be published in Belarus and distributed through the national distribution network;

– improvements can also be seen in the areas of freedom of association and freedom of assembly, as well as the willingness of the authorities to engage with civil society.

77. At the same time, the Assembly should compare its attitude towards Belarus with its attitude towards other countries:

– amongst the member states of the Council of Europe, there are countries which still have political prisoners, where the exercise of freedom of association and freedom of assembly are hindered, where elections fall short of European standards; and

– the Assembly patiently engages with these countries and tries to raise their standards of democracy, human rights and the rule of law, through dialogue and the monitoring procedure.

78. Finally, the Assembly should keep in mind that the two other European Organisations with which it shares a communality of values – the European Union and the OSCE – have abandoned, or have never had, a policy of isolation. A joint position of these organisations is bound to have a greater impact on the Belarusian authorities.

8. Main recommendations

8.1. Relations with the Belarusian authorities

79. In the light of these considerations and for the sake of consistency in the Assembly policies, I have no hesitation in proposing that the Assembly re-establishes a structured and formal dialogue with the Belarusian authorities.

80. It seems to me that the restoration of Special Guest status for the Belarusian parliament is the best way to re-establish this dialogue. It would enable parliamentarians from Belarus to attend Assembly sessions and committee meetings, with the right to participate in the discussion but with no right to vote.

81. In addition, the restoration of Special Guest status would open up further possibilities for the Council of Europe as an organisation to expand its activities in Belarus, including in the core areas of democracy, human rights and the rule of law.

82. Although this decision lies with the Bureau, which can decide with a 2/3 majority, I feel that the Assembly should put its political weight behind this step. It is, indeed, a courageous decision but also a necessary one if the Assembly wants to be relevant and have an impact on the situation in Belarus.

83. The Belarusian leadership, for its part, should realise that the restoration of Special Guest status is a starting point rather than a point of arrival: it is the beginning of a closer dialogue which can be sustained only through continuous progress and improvement in the field of democracy, the rule of law and human rights, and through preparedness to accept constructive criticism in a co-operative and open spirit.

84. This is why, after the restoration of Special Guest status, the Assembly should continue to follow the situation in Belarus, to measure whether there is the right progress and the right attitude to proceed on the path of a structured dialogue.

85. Therefore, in one year's time at the latest, taking into account the opinion of the Political Affairs Committee, the Bureau should be invited to evaluate whether the Belarusian authorities have undertaken substantive and irreversible progress towards Council of Europe standards, indicating their resolve to embrace its values, and consider further action. In this assessment, the Bureau should pay special attention to developments occurring in the following areas:

– political prisoners

– electoral law and practice,

– freedom of association and assembly,

– freedom of the media, and

– capital punishment.

86. In this context, the activities of the sub-committee on Belarus should be geared to supporting the rapporteur on the situation in Belarus in assessing the evolution of the situation in the country, through the organisation of field visits and exchanges of views with the participation of guests from Belarus.

8.2. Support of democratic opposition, NGOs and civil society

87. The Council of Europe and the Assembly should not only continue, but also intensify, their contacts with the Belarusian democratic opposition and increase their support to the strengthening of civil society and non-governmental organisations in Belarus.

88. In particular, in order to associate these groups more closely to the work of the Assembly and ensure that a variety of views is taken into consideration, a delegation of the Belarusian extraparliamentary opposition should be invited at every Assembly session as well as every time that the issue of Belarus appears on the agenda of the Assembly's committees.

89. This invitation would have a great political significance, as it would be the very first time that individuals who do not hold a parliamentary mandate are so closely and systematically associated with the activities of the Assembly. At the same time, this involvement will hopefully mitigate the concerns expressed by some opposition groups to be left aside in the renewed dialogue between European organisations and the Belarusian leadership, by emphasising that democratic forces are to remain central interlocutors for the Assembly.

8.3. Co-operation with other European organisations

90. The Council of Europe and the Assembly should enhance their co-operation with the appropriate bodies and institutions of the European Union and the OSCE in order to improve the standards of democracy, human rights and the rule of law in Belarus. The Assembly should continue its co-operation with the European Parliament and the OSCE Parliamentary Assembly, in particular through the Parliamentary Troika on Belarus. The organisation of joint activities and the issuance of joint recommendations and statements should be strongly encouraged.

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Reporting Committee: Political Affairs Committee.

Reference to Committee: Decision of the Bureau of the Assembly on 17.12.98, Order 562 (2000), Doc. 8544, Ref. 2444, 04.11.99, Res. 1306 (2002)

Draft resolution and draft recommendation unanimously adopted by the Committee on 26 May 2009

Members of the Committee: Mr Göran **Lindblad** (Chairperson), Mr David Wilshire (Vice-Chairperson) (alternate: Mr Nigel **Evans**), Mr Björn Von Sydow (Vice-Chairperson), Mrs Kristina Ojuland (Vice-Chairperson), Mrs Fátima Aburto Baselga (alternate: Mr Pedro **Agramunt**), Mr Françis Agius (alternate: Mr Joseph **DebonoGrech**), Mr Alexander Babakov, Mr Viorel Badea, Mr Denis **Badré**, Mr Ryszard Bender, Mr Andris Bērzinš, Mrs Gudfinna Bjarnadottir, Mr Pedrag Boškovic, Mr Luc Van den Brande, Mr Mevlüt Çavuşoğlu, Mr Lorenzo Cesa, Mr Titus **Corlătean**, Ms Anna **Čurdová**, Mr Rick Daems, Mr Dumitru Diacov, Ms Josette Durrieu, Mr Frank Fahey, Mr Joan Albert Farré Santuré, Mr Piero Fassino (alternate: Mr Andrea **Rigoni**), Mr Per-Kristian **Foss**, Mr György **Frunda**, Mr Jean-Charles Gardetto, Mr Marco Gatti, Mr Charles Goerens, Mr Andreas **Gross**, Mr Michael **Hancock**, Mr Davit Harutiunyan, Mr Joachim Hörster, Mrs Sinikka Hurskainen, Mr Tadeusz Iwiński, Mr Bakir Izetbegović, Mr Michael Aastrup Jensen, Mr Miloš Jevtić, Mrs Birgen **Keleş**, Mr Victor Kolesnikov, Mr Konstantion Kosachev, Mr Jean-Pierre **Kucheida**, Ms Darja Lavtižar-Bebler, Mr René van der Linden, Mr Dariusz **Lipiński**, Mr Juan Fernando López Aguilar, Mr Younal Loutfi, Mr Gennaro Malgieri, Mr Dick Marty, Mr Frano Matušić, Mr Dragoljub Mićunović, Mr Jean-Claude **Mignon**, Ms Nadezhda Mikhailova, Mr Aydin Mirzazada, Mr João Bosco **MotaAmaral**, Mr Gebhard Negele, Mrs Miroslava **Nemcova**, Mr Zsolt Németh, Mr Fritz Neugebauer, Mr Hryhoriy **Omelchenko**, Mr Theodoros Pangalos, Mr Aristotelis Pavlidis, Mr Ivan **Popescu**, Mr Christos Pourgourides, Mr John Prescott (alternate: Mr John **Austin**), Mr Gabino **Puche**, Mr Ilir Rusmali, Mr Oliver Sambevski, Mr Ingo **Schmitt**, Mr Samad Seyidov, Mr Leonid Slutsky, Mr Rainder Steenblock, Mr Zoltán **Szabó**, Mr Mehmet **Tekelioğlu**, Mr Han Ten Broeke, Lord Tomlinson (alternate: Mr Denis **MacShane**), Mr Petré Tsiskarishvili, Mr Mihai Tudose, Mr Ilyas Umakhanov, Mr José Vera Jardim, Mr Luigi **Vitali**, Mr Wolfgang Wodarg, Ms Gisela Wurm (alternate: Mr Albrecht **Konečný**), Mr Boris Zala, Mr Emanuelis Zingeris.

Ex-officio: MM. Mátyás Eörsi, Tiny Kox

N.B.: The names of the members who took part in the meeting are printed in **bold**

Secretariat of the committee: Mrs Nachilo, Mr Chevtchenko, Mrs Sirtori-Milner, Ms Alleon