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Decree 555 of Belarus: the travel ban for children from Chernobyl and Belarus

Reply to Written question[1]: Written question No. 562 (Doc. 11839)
Committee of Ministers

Written Question No. 562 by Mr Omtzigt (Doc. 11839)

Since the Chernobyl disaster, many volunteers in European countries have given hundreds of thousands of children the possibility of a holiday with a guest family.

On 13th of October 2008 president Lukashenko published decree 555, which had entered into force a few months earlier, which made it nearly impossible for groups of children to travel abroad.

After much international pressure the ban was suspended for one month over the Christmas holiday. Due to late publication of this suspension, only a small number of children was able to spend time abroad over Christmas.

Since 21 January 2009, the ban is fully in place again. Children are not allowed to travel unless the receiving country signs an extensive treaty, with an enormous number of guarantees by the receiving state.

This stifles the work of NGO's completely and makes exchanges completely impossible.

At the very same time Belarus is making a top priority of joining the Council of Europe. For this the Human Rights situation in Belarus should improve and part of this is the lifting of the travel ban.

Mr Omtzigt,

To ask the Committee of Ministers,

– Does the Committee of Ministers agree that the restrictions in decree 555 are a violation of the right to travel freely (with parental consent) for Belarus children?

– Is the Committee of Ministers prepared to make a permanent repeal of decree 555 a precondition for a new dialogue with the Belarus government or by which other means will the Committee of Ministers communicate to the Belarus authorities that they should revoke decree 555 and let these exchanges of children take place?

Reply by the Committee of Ministers

1. The Committee of Ministers observes that it is particularly important that Belarusian children whose lives have been affected by the consequences of the nuclear accident in Chernobyl can travel to other countries to receive medical care and other forms of support. At the same time, the legitimate concern to ensure their safety during their stay abroad must be addressed, while bearing in mind that Belarus is a Party to the International Covenant on Civil and Political Rights (ICCPR). Pursuant to Article 12 (2) and (3) of the ICCPR, "everyone shall be free to leave any country, including his own" and this right "shall not be subject to

1. adopted at the 1069th meeting of the Ministers' Deputies (4 November 2009)

any restrictions except those which are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognised in the […] Covenant."

2. The Committee has been informed that following the publication of Decree 555, bilateral agreements have been concluded to this end between Belarus and some Council of Europe member states, with a view to continuing the practice of allowing children from the Chernobyl area to spend holidays abroad.[2]

3. The Committee of Ministers hopes that the conclusion and application in good faith of bilateral agreements will bring this matter to a satisfactory end, first and foremost in the interest of the children concerned. It will continue to follow this issue.

2. Austria, Belgium, Germany, Ireland, Italy, Liechtenstein, Netherlands, Spain, Sweden and United Kingdom.