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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1482 (2006)[1]

Situation in Belarus on the eve of the presidential election

Parliamentary Assembly

1. The Parliamentary Assembly recalls that it has followed developments in Belarus since 1992, in connection with Belarus's application for membership to the Council of Europe. It expresses, therefore, its strongest regret that Belarus, unlike all the other European countries, does not meet the conditions to be a member of the Council of Europe in terms of pluralist democracy, compliance with the rule of law and respect for human rights and fundamental freedoms. The responsibility for this state of affairs lies with the present regime.

2. It is a matter of extreme concern that in the run-up to the presidential election to be held on 19 March 2006, the Lukashenko regime has undertaken a series of measures to prevent even further any expression of political dissent and obstruct the activities of democratic forces. In particular, the recently adopted "anti-revolution law" which establishes, amongst others, prison sentences for training or financing the training of people to take part in street protests and for misrepresenting the situation in Belarus to foreign countries or international organisations, or distributing material or information containing such appeals, leaves scope for broad interpretation and to a risk of abuse.

3. Likewise, the detention of a number of opposition figures as a result of trials based on questionable charges confirms the abuse of the criminal justice system for political purposes and the lack of independence of the judiciary, which has been further undermined by the decree enabling President Lukashenko to suspend judges' powers and dismiss them from office.

4. The Assembly recalls that, four years ago, the Minister of Information promised to send the draft media law to the Council of Europe for advice. In the absence of any action and with the media situation deteriorating, the Assembly was forced to adopt its Resolution 1372 (2004) on the persecution of the press in the Republic of Belarus. Two years later, on the eve of the presidential elections, the situation has not improved but actually worsened and freedom of expression is now blatantly flouted. Under such circumstances, the people of Belarus cannot receive the information necessary in order to form political opinions freely and make a democratic choice in the coming elections.

5. The Assembly also recalls that the very participation of President Lukashenko in the forthcoming elections raises an issue of compliance with the rule of law: in its Opinion No. 314/2004 on the referendum of 17 October 2004 in Belarus, the European Commission for Democracy through Law (Venice Commission) argued that the 2004 referendum which removed the limitation of two terms in office, was contrary to the Belarusian law as well as Council of Europe standards.

6. In light of the above, and given that no follow-up has been given to previous Assembly resolutions including, amongst others, Resolutions 1371 (2004) on disappeared persons in Belarus and 1372 (2004) on persecution of the press in the Republic of Belarus, the Assembly believes that there cannot be any change in its policy towards the Belarusian regime and the lifting of the suspension of special guest status for the Belarusian Parliament is not on the agenda at the present time.

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1. Assembly debate on 26 January 2006 (6th Sitting) (see Doc. 10806Doc. 10806, report of the Political Affairs Committee, rapporteur: Mr Andres Herkel; and Doc. 10814, opinion of the Committee on Culture, Science and Education, rapporteur: Mr McIntosh). Text adopted by the Assembly on 26 January 2006 (6th Sitting).

7. However, should the Belarusian authorities give clear and conclusive signs of their commitment to move closer to Council of Europe standards in the fields of democracy, rule of law and human rights, the Assembly would be prepared to reopen appropriate communication channels. To this end, particular attention will be paid to whether all candidates have equal freedom to campaign, the overall fairness of the electoral campaign and the conduct of election procedures.

8. In this context, the Assembly notes as a positive measure the invitations addressed to various international institutions – including the Organization for Security and Co-operation in Europe (OSCE), the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE Parliamentary Assembly – to monitor the forthcoming election.

9. The Assembly cannot but welcome, as a sign of increased maturity of the Belarusian democratic forces, the recent election of the Single Candidate of the Unified Democratic Forces of Belarus to run in the 2006 presidential election and encourages democratic forces to maintain their unity, irrespective of ideological differences, in the aftermath of the election, irrespective of its results.

10. On its part, the Assembly shall endeavour to intensify its support for the consolidation of democratic forces, the development of civil society, the provision of pluralist information and the promotion of Council of Europe values among the Belarusian population at large. In this context, the Assembly recommends that its political groups invite on a regular basis representatives of Belarusian democratic political forces to attend Assembly sessions and other Assembly events.

11. Finally, with regard to their respective policies and mandates, the Council of Europe, the European Union and the OSCE should enhance their information-sharing as regards Belarus. It is necessary to follow a common strategy in order to have a stronger impact on the democratisation process in Belarus.

12. In light of the above, the Assembly urges President Lukashenko and the Belarusian authorities to:

12.1. embark resolutely on a path to reform liable to bring Belarus closer to Council of Europe standards in the fields of pluralist democracy, human rights and the rule of law;

12.2. refrain from obstructing the free and fair running of the electoral campaign, and take positive action to ensure that pluralist information can be provided, in particular to ensure equal access to the media, during the election campaign, for all candidates participating in the presidential election;

12.3. ensure that the elections are held in full compliance with international standards;

12.4. remove from the Central Election Commission those who were involved in the fraudulent referendum and parliamentary elections of 2004, including its Chair, Ms Lidia Yermoshina;

12.5. redress the composition of the territorial election commissions by ensuring equal representation of all sides;

12.6. repeal the anti-revolution law;

12.7. allow the immediate release of political prisoners, in particular Andrei Klimov, Mikhail Marinich, Pavel Severinets, Sergei Skrebets and Nikolai Statkevich;

12.8. conduct an independent investigation into the fate of disappeared persons, as requested in Assembly Resolution 1371 (2004);

12.9. remove the restrictive conditions placed on the registration and the activities of political parties and non-governmental organisations;

12.10. comply with Article 19 of the Universal Declaration of Human Rights and with Article 19 of the United Nations' International Covenant on Civil and Political Rights, and respect freedom of expression in the media in accordance with Assembly Resolution 1372 (2004) and this present resolution;

12.11. respect academic freedom and, in particular, provide appropriate conditions for the European Humanities University to return to Minsk and for Belarusian students to participate in studies as well as student organisations abroad.

13. In addition, the Assembly reiterates its recommendation to the Russian Federation to "make any political or financial assistance to the Government of Belarus conditional on the respect of the human rights and civil liberties of the people of Belarus", as stated in Assembly Resolution 1455 (2005) on the honouring of obligations and commitments by the Russian Federation.

14. The Assembly also calls on Council of Europe member states to give immediate financial and if necessary logistical support to independent broadcasting to Belarus from abroad, which should preferably employ independent Belarusian journalists and broadcast in the Belarusian language about Belarus.

15. The Assembly invites the European Union to:

15.1. extend the visa ban to a greater number of high-ranking officials in the Lukashenko regime;

15.2. consider easing visa requirements for ordinary Belarusian citizens, especially students;

15.3. take appropriate steps to identify and freeze bank accounts and other assets belonging to President Lukashenko and others from his entourage;

15.4. support student exchanges from Belarus with universities in the European Union and continue supporting the European Humanities University in exile in Vilnius;

15.5. activate immediately financial support which had been allocated to European media broadcasting into Belarus.

16. In addition, the Assembly calls on the OSCE to put pressure on the Lukashenko regime, by appropriate means, to ensure that Belarus upholds commitments stemming from its membership to the OSCE.

17. It also invites the OSCE Parliamentary Assembly and ODIHR to co-ordinate their position on the observation of the forthcoming presidential election with the Assembly.

18. The Assembly calls on the Council of Europe, the European Union and the OSCE to:

18.1. improve information sharing regarding Belarus and encourage the organisation of joint initiatives;

18.2. resume the activities of the Parliamentary Troika on Belarus on a stable basis.

19. Finally, the Assembly welcomes the initiative of its President, in co-operation with the Czech Minister for Foreign Affairs, to organise a conference on Belarus in Prague prior to the presidential election, and decides to participate in this conference.