



Resolution 1857 (2012)¹

Final version

The situation in Belarus

Parliamentary Assembly

1. The Parliamentary Assembly is deeply concerned about the deteriorating situation of human rights and civil and political liberties in Belarus, since the adoption in January 2011 of [Resolution 1790 \(2011\)](#) on the situation in Belarus in the aftermath of the presidential election.

2. The Belarusian authorities have continued to take an increasingly repressive approach to any attempt to express dissent, with ongoing intimidation and arbitrary detentions and the targeting of members of the opposition, independent media, civil society activists and human rights defenders. Such actions confirm a worrying trend that the authorities in Minsk are deliberately turning their backs on Europe and the values it upholds.

3. The Assembly deplores that a number of individuals, including former presidential candidates and civil society activists, as well as prominent human rights defenders, remain in prison on political grounds. It notes that some of those who were sentenced to prison terms for their involvement in protests against the government have since been pardoned. However, some prisoners have alleged that they were pressured into appealing for clemency and admitting their guilt in order to secure release. In many cases, the released prisoners claim that they were subjected to torture, given inadequate medical attention and denied proper access to legal representation.

4. In the light of recent worrying developments in the fields of freedom of expression, of assembly and of association, the Assembly:

4.1. condemns the continuous persecution of members of the opposition and the harassment of civil society activists, independent media and human rights defenders in Belarus;

4.2. is deeply concerned about the conditions of detention of political prisoners, who are often held incommunicado and run a serious risk of torture and other forms of ill-treatment;

4.3. deplores the sentencing of Ales Bialiatski to four-and-a-half years of imprisonment for alleged tax evasion and considers this is tantamount to judicial harassment of a human rights defender for carrying out legitimate human rights activities in a country where independent organisations cannot register and receive funds from abroad;

4.4. condemns politically motivated recourse to taxation laws to suppress human rights defenders' activities;

4.5. deplores the recent legislative changes, adopted in October 2011, which further restrict freedom of expression, assembly and association, bringing the work of Belarusian non-governmental organisations under even tighter political control and which outlaw any foreign financing.

1. Assembly debate on 25 January 2012 (5th Sitting) (see [Doc. 12820](#), report of the Committee on Political Affairs and Democracy, rapporteur: Mr Herkel; and [Doc. 12840](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Ms Beck). Text adopted by the Assembly on 25 January 2012 (5th Sitting). See also [Recommendation 1992 \(2012\)](#).



5. As regards freedom of the media, the Assembly:
 - 5.1. notes with grave concern that independent newspapers and other independent media organisations continue to be harassed and targeted through the use of fines and intimidation of potential advertisers;
 - 5.2. condemns the practice of “warnings” issued by the Belarusian authorities against a number of journalists and human rights organisations, and considers that they constitute a violation of internationally recognised human rights standards;
 - 5.3. condemns the practice of creating so-called blacklists of journalists, human rights defenders and other activists, aimed at restricting the exercise of their professional work and freedom of movement.
6. As regards the death penalty, the Assembly:
 - 6.1. expresses dismay at the execution of the death sentences against Aleh Gryshkautsou and Andrei Burdyka, in July 2011, when their cases were pending before the United Nations Human Rights Committee, and the continuing failure of Belarus to take any tangible steps towards the abolition of the death penalty or the introduction of a moratorium on it;
 - 6.2. deplores the death sentences handed down on 30 November 2011 against Dmitry Konovalov and Vladislav Kovalev and is seriously worried that the investigation and the trial were marred by serious human rights abuses (including the use of torture in order to extract confessions), contradictions and gaps in the evidence presented at the trial; it calls on the competent authorities to carry out a full investigation of the allegations made in this context and to ensure true justice for the victims of the heinous acts of terrorism in question, and reiterates that such an irreversible, cruel and inhumane penalty is unacceptable, however heinous the alleged crimes;
 - 6.3. notes with regret that the work of the parliamentary working group on the study of the death penalty issue, initiated two years ago, has not produced any tangible results.
7. With regard to the situation of human rights and political freedoms, the Assembly reiterates its call to the Belarusian authorities to:
 - 7.1. release and rehabilitate all political prisoners, including those who were pardoned, and conduct a thorough and credible investigation into the allegations of ill-treatment and torture at the time of arrest and while on detention;
 - 7.2. refrain from putting pressure on political prisoners, guarantee proper legal and medical assistance to all prisoners, and allow their families adequate access to them;
 - 7.3. allow lawyers to perform their professional duties without fear of retaliation, reinstate the licences of those lawyers disbarred on political grounds and stop the extraordinary qualification exams for already qualified lawyers;
 - 7.4. repeal Article 193-1 of the Criminal Code, which penalises the organisation of, and participation in, activities of non-registered public associations;
 - 7.5. guarantee freedom of assembly and put an end to the use of force to disperse protests and arrest demonstrators;
 - 7.6. ensure freedom of expression and stop the harassment of journalists and independent media and the practice of “warnings”;
 - 7.7. allow the Organization for Security and Co-operation in Europe (OSCE) mission to return and resume operations in the country;
 - 7.8. co-operate fully with all international human rights organisations and respond positively to the requests for visits made by Assembly rapporteurs, United Nations bodies, the OSCE and the European Union, including to places where political prisoners are detained;
 - 7.9. immediately introduce a moratorium on executions, with a view to the complete abolition of the death penalty, in compliance with repeated calls from the Assembly; it urges the Belarusian authorities not to carry out the death sentences pronounced against Dmitry Konovalov and Vladislav Kovalev;
 - 7.10. hold to account the perpetrators as well as the instigators and organisers of the disappearances of Yuri Zakharenko, Victor Gonchar, Anatoly Krasovski and Dmitri Zavadski, in line with the Assembly’s urgent request first made in [Resolution 1371 \(2004\)](#) on disappeared persons in Belarus.

8. With regard to the 2012 parliamentary elections, the Assembly urges the Belarusian authorities to:
 - 8.1. pursue the reform process of the electoral legislation and practice by taking into account the full set of recommendations of the Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the European Commission for Democracy through Law (Venice Commission);
 - 8.2. take immediate measures to strengthen the independence of the Belarus Electoral Commission and its regional bodies;
 - 8.3. invite international observers, including the OSCE and other parliamentary organisations, including the Assembly, to monitor the elections, as well as the electoral campaign;
 - 8.4. pursue further measures to ensure, both in legislation and in practice, the transparency of vote counting during elections and to give observers the opportunity to monitor effectively the voting process, the vote counting and the tabulation of the results.
9. The Assembly encourages all political forces and activists engaged in the forthcoming parliamentary election campaign to focus on the many challenges facing citizens and put forward concrete programmes of policy change for improving people's lives, focusing on political and economic reforms.
10. The Assembly considers that the international community's engagement with the people of Belarus should be broad, deep and long-term in nature. Openness, dialogue and multiple contacts are essential in order to reach out to Belarusian citizens.
11. Therefore, the Assembly resolves to:
 - 11.1. step up its engagement with representatives of civil society, independent media and opposition forces, as well as with independent professional associations, to increase support for their development, and to invite them to attend round tables, seminars and hearings organised by its committees;
 - 11.2. enhance co-operation between its different bodies working on Belarus and their counterparts in the European Parliament, the Parliamentary Assembly of the OSCE and the Civil Society Forum of the Eastern Partnership of the European Union, with a view to increasing the effectiveness of the activities of the European institutions aimed at strengthening civil society in Belarus.
12. Furthermore, the Assembly encourages the Council of Europe member States to:
 - 12.1. use their political and diplomatic leverage to convince the Belarusian authorities to take the relevant legislative initiatives to bring domestic law into conformity with internationally recognised human rights standards and to co-operate effectively with the Council of Europe, the (OSCE) and the European Union, as well as with United Nations bodies;
 - 12.2. align themselves on the European Union regime of targeted sanctions until the release and full rehabilitation of all political prisoners, and urge the Belarusian authorities to end the crackdown on political opponents;
 - 12.3. further develop channels of communication with representatives of Belarusian civil society, the independent media and opposition forces;
 - 12.4. consider revising international and bilateral mechanisms of information exchange with a view to preventing data misuse by the Belarusian authorities;
 - 12.5. consider reducing or eliminating entry visa fees for Belarusian citizens;
 - 12.6. continue to open universities and offer scholarship programmes to young Belarusian students, and establish links with the European Humanities University in exile in Vilnius, and with the Council of Europe School of Political Studies, also in exile in Kiev.
13. The Assembly also calls on the European Union and its member States to:
 - 13.1. maintain and consider strengthening the regime of targeted sanctions, especially against State-owned enterprises connected with President Lukashenko and other senior officials who continue to repress the Belarusian people, until the release and full rehabilitation of all political prisoners and the end of the crackdown on political opposition, independent media and human rights defenders;

13.2. continue to support, including financially, the development of civil society organisations, including human rights organisations and independent media, independent professional associations, grass-roots organisations with non-political missions and network-building organisations focused on making better use of the Internet and social networking tools, and offering opportunities for young people to become more engaged in their communities;

13.3. set up programmes of exchanges and professional training targeted at journalists and human rights lawyers.

14. The Assembly reiterates that there cannot be progress on dialogue with the Belarusian authorities without progress towards Council of Europe standards.

15. In the light of developments since the adoption of its [Resolution 1790 \(2011\)](#) in January 2011, the Assembly can only reaffirm its decision to put on hold its activities involving high-level contacts with the Belarusian authorities and its call to the Bureau of the Assembly not to lift the suspension of the special guest status for the Parliament of Belarus:

15.1. until a moratorium on the use of the death penalty has been decreed by the competent Belarusian authorities;

15.2. until there is substantial, tangible and verifiable progress in terms of respect for the democratic values and principles upheld by the Council of Europe.