

Resolution 2172 (2017)¹

The situation in Belarus

Parliamentary Assembly

1. Over the past five years, since the adoption of Parliamentary Assembly [Resolution 1857 \(2012\)](#) and [Recommendation 1992 \(2012\)](#) on the situation in Belarus, the authorities of Belarus have engaged in greater international openness and dialogue, including with the Council of Europe, the European Union, the Organization for Security and Co-operation in Europe (OSCE) and the United Nations. This, for instance, allowed the Parliamentary Assembly to observe the last presidential and parliamentary elections in October 2015 and September 2016, respectively.

2. The Assembly deeply regrets that this positive trend has been undermined by the recent escalation of mass violence and harassment against peaceful protesters in February and March 2017. It deplores in particular the use of administrative detention and harassment to intimidate political opponents, journalists, human rights defenders and ordinary people for exercising their right to peaceful protest, and urges the Belarusian authorities to:

- 2.1. immediately release opposition activists still detained and investigate allegations of ill-treatment and intimidation against them;
- 2.2. continue dialogue with the international community and move towards greater engagement with independent civil society organisations and the political opposition.

3. Taking note of the final report of the OSCE's Office for Democratic Institutions and Human Rights on the 2015 presidential and 2016 parliamentary elections, the Assembly welcomes specific improvements and an improved climate surrounding both elections; however, it regrets that a number of long-standing shortcomings remain, including restrictions on political rights and fundamental freedoms, as well as procedural irregularities and lack of transparency.

4. The Assembly, which welcomes a number of positive developments, including the release of all political prisoners and the presence of two independent members in parliament, and the adoption by the government of the first National Human Rights Action Plan in Belarus for 2016-2020 in December 2016 and the registration of the Belarusian civil society movement "Tell the Truth", urges the authorities to rehabilitate former political prisoners, fully restore their civil and political rights, including the expunging of any criminal record and limitations on their participation in political life and in elections, and ensure that there is no obstacle to settling this critical issue.

5. Nevertheless, the Assembly regrets the lack of political will in the country to address repeated recommendations made by the Assembly and numerous international and regional human rights protection bodies to bring legislation into line with international standards in the field of democracy, rule of law and human rights. It therefore calls on the Government of Belarus to:

- 5.1. ensure respect for freedom of association and peaceful assembly, in particular by:
 - 5.1.1. effectively guaranteeing the rights of citizens to peaceful assembly and expression and refraining from using violence and intimidation against demonstrators and human rights defenders;

1. *Assembly debate* on 27 June 2017 (22nd Sitting) (see [Doc. 14333](#), report of the Committee on Political Affairs and Democracy, rapporteur: Mr Andrea Rigoni). *Text adopted by the Assembly* on 27 June 2017 (22nd Sitting). See also [Recommendation 2107 \(2017\)](#).



- 5.1.2. revising article 193.1 of the Criminal Code, which currently criminalises participation in unauthorised associations and public events, by introducing a notification-based registration system;
- 5.1.3. removing undue practical and legal obstacles to the registration of political parties and independent civil society and human rights organisations, and allowing them the opportunity to house their legal premises in residential buildings;
- 5.2. ensure respect for freedom of expression and of the media, in particular by:
 - 5.2.1. putting an end to the practice of harassment and administrative prosecution of independent media, including online-based outlets and freelance journalists working with foreign media;
 - 5.2.2. enabling freedom of the press, including journalists' right to obtain and impart information without any interference, and investigating all violations of journalists' rights which unlawfully restrict media freedom;
 - 5.2.3. reforming the legal framework to avoid all forms of discrimination against non-State-controlled press, in particular freelance and online journalists;
- 5.3. ensure genuine political pluralism and free and fair elections, in particular by:
 - 5.3.1. resuming work on a comprehensive electoral reform and swiftly implementing the recommendations made by the OSCE election observation mission, also in co-operation with the European Commission for Democracy through Law (Venice Commission), of which Belarus is an observer member, in time for the municipal elections of February 2018;
 - 5.3.2. including substantial procedural safeguards that ensure integrity and transparency at all stages of the electoral process, and ensuring a politically balanced membership of election commissions;
 - 5.3.3. promoting a truly competitive political system and allowing unrestricted political activities and registration of political parties, especially during the electoral campaign;
 - 5.3.4. consider inviting the Council of Europe Congress of Local and Regional Authorities to observe the forthcoming municipal elections;
- 5.4. show genuine political will on the issue of the death penalty and the administration of justice, in particular by:
 - 5.4.1. not carrying out any of the death sentences recently pronounced against Kiryl Kazachok;
 - 5.4.2. rapidly introducing a *de jure* moratorium on the death penalty and executions, with a view to their abolition;
 - 5.4.3. encouraging public dialogue in society on the death penalty through public campaigns, television debates and parliamentary hearings, in co-operation with the Council of Europe;
 - 5.4.4. including representatives of the opposition, independent civil society and human rights defenders in the work of the parliamentary working group on the death penalty and setting up a clear timetable of meetings;
 - 5.4.5. reforming the judicial system to guarantee its complete independence and guaranteeing the right to fair court proceedings, the presumption of innocence and protection mechanisms to prevent confessions being made under torture;
 - 5.4.6. expressing interest in acceding to the European Convention for the Prevention of Torture, Inhuman or Degrading Treatment or Punishment (ETS No. 126);
 - 5.4.7. in line with [Resolution 1371 \(2004\)](#) on disappeared persons in Belarus, bringing to trial the perpetrators as well as the instigators and organisers of the disappearances of Yuri Zakharenko, Victor Gonchar, Anatoly Krasovski and Dmitri Zavadski;
- 5.5. implement recommendations issued by United Nations bodies;
- 5.6. suspend the construction of the Astravets Nuclear Power Plant (NPP) because of numerous violations, the lack of respect for international standards for nuclear safety and serious safety violations and major incidents during the construction of this plant. The worst violation in the conception of the plant was the selection of an unsustainable site for its construction. The construction of the Astravets

NPP would have a devastating impact on the health and safety of most of Europe and its people. Concerns have been raised since 2009 in all competent international organisations, including the International Atomic Energy Agency (IAEA), the bodies responsible for the Convention on Nuclear Safety, the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention), the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) and the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki Water Convention), European Union bodies and European nuclear safety organisations such as the Western European Nuclear Regulators' Association (WENRA) and European Nuclear Security Regulators Group (ENSREG), the United Nations and other organisations.

6. The Assembly also calls on the European Union to:
 - 6.1. take the above-mentioned recommendations into account in the framework of the European Union–Belarus Human Rights Dialogue;
 - 6.2. make support for Belarus conditional on political reforms in the field of democracy, human rights and the rule of law;
 - 6.3. strengthen support for independent civil society organisations and media;
 - 6.4. intensify co-operation in the framework of the European Union–Belarus Coordination Group, with the participation of experts and non-governmental organisations;
 - 6.5. depending on progress in the dialogue between Belarus and the European Union on the respect for democratic values, consider the possibility of lifting all remaining sanctions against Belarus, move forward on visa liberalisation and promote stronger relations with the World Trade Organization, including the possible accession of Belarus.
7. For its part, the Assembly resolves to:
 - 7.1. engage both with the authorities and with independent civil society to promote stronger relations with Belarusian society as a whole, on the basis of Council of Europe values and democratic standards;
 - 7.2. continue its activities and maintain high-level contact with the Belarusian authorities;
 - 7.3. invite the Committee on Political Affairs and Democracy to consider stepping up dialogue with the Parliament and independent civil society of Belarus by inviting members of parliament from the majority and the opposition, as well as representatives of independent civil society and of opposition political forces not represented in parliament, to attend its meetings during the Assembly part-sessions over the next two years.
8. The Assembly regrets that, in the absence of a moratorium on the death penalty and of substantial, tangible and verifiable progress in terms of respect for the democratic values and principles upheld by the Council of Europe, it is not in a position to call on its Bureau to lift the suspension of the special guest status for the Parliament of Belarus.