Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 2499 (2023)[1]

Addressing the specific challenges faced by the Belarusians in exile

Parliamentary Assembly

1. The Parliamentary Assembly is deeply concerned by the fate of hundreds of thousands of Belarusians who are in exile because they had no other choice than to flee the repressive regime of Aliaksandr Lukashenka. If any doubts remained about the nature of this regime, the rigged presidential election of 9 August 2020 has shown its true character, turning Belarus into an open-air prison where human rights have been reduced to nothing.

2. The Assembly recalls Resolution 2433 (2022) "Consequences of the Russian Federation's continued aggression against Ukraine: role and response of the Council of Europe", in which it expressed its resolve "to intensify its engagement with Belarusian civil society, human rights defenders, independent journalists, academia and democratic forces respecting the values and principles of the Organisation".

3. The Assembly is impressed by the resilience, courage and determination of the Belarusians in exile who are fighting for democracy to prevail in their country. It is conscious that a new obstacle for them emerged on 24 February 2022 with the large-scale aggression of the Russian Federation against Ukraine, in which the Lukashenka regime is actively participating. It regrets that the more time that passes since 9 August 2020, the day Lukashenka in reality lost the elections, the further away in time the return of the Belarusians who find themselves in exile becomes.

4. The Assembly can only be impressed by the work and initiatives of the Office of Sviatlana Tsikhanouskaya and the United Transitional Cabinet of Belarus, which aim at providing their compatriots with the services the regime deliberately withholds.

5. Recognising that the Belarusian people cannot be equated with the Lukashenka regime, the Assembly considers that Belarusians in exile should not be treated in a discriminatory manner because of the participation of that regime in the war against Ukraine.

6. The Assembly emphasises that most of the Belarusians who have been forced to leave their country in the context of the 2020 presidential election have only one wish: to return to a democratic Belarus. It is therefore important that host countries do their utmost to ensure that they can stay legally and are welcomed in dignified conditions that are respectful of their fundamental rights, as guaranteed by the European Convention on Human Rights (ETS No. 5) and other relevant Council of Europe instruments, pending the establishment of a democratic regime in Belarus.

7. The Assembly deeply deplores that the Lukashenka regime is continuing to exercise pressure on those who have left the country, notably by refusing to provide consular services to its citizens and by threatening their security.

8. While many European countries have opened their borders to Belarusians, the Assembly notes that the closer those countries are to Belarus, the greater is their understanding of the situation of those fleeing.

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1. *Assembly debate* on 20 June 2023 (16th sitting) (see Doc. 15783, report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Paul Galles). *Text adopted by the Assembly* on 20 June 2023 (16th sitting).

9. While applauding Lithuania's and Poland's efforts to find legal and practical solutions to welcome Belarusians in exile, the Assembly notes that more can be done.

10. Regretting that too many obstacles and hurdles continue to affect those who have found themselves in other countries, the Assembly is convinced that better knowledge of the situation in Belarus and political will are the prerequisites to adopting measures which will alleviate as much as possible the difficulties of being in exile.

11. It calls upon member States to recognise the unique situation in which Belarusians in exile find themselves, requiring out-of-the-box solutions to ensure that they can live their lives as unimpeded as possible pending their return to a democratic Belarus.

12. The Assembly hails the establishment by the Committee of Ministers of a contact group on co-operation between the Council of Europe and the Belarusian democratic forces and civil society. This *sui generis* co-operation model, the first established with the Belarusian democratic forces by an international organisation, aims to provide the Organisation's support and expertise to strengthen Belarusian democratic society in line with Council of Europe core values. The Assembly is also delighted to welcome representatives of the Belarusian democratic forces in the work of its committees, by decision of the Bureau of the Assembly.

13. The Assembly strongly believes that it is high time to translate the political support that the Belarusian democratic forces enjoy among the member States into action and that measures taken against the Lukashenka regime should not affect the people fighting against it.

14. The Assembly is convinced that, in order to ensure full respect for human rights of Belarusians while they are in exile and, ultimately, to contribute to the democratic transition in their country, the Council of Europe member States should put in place relatively simple and non-costly measures within their own jurisdiction for those persons.

Legal entry and stay

15. While respecting visa requirements and ensuring the necessary security checks, member States should seek to keep their borders open for those fleeing the Lukashenka regime by taking, *inter alia,* the following measures:

15.1. issuing humanitarian visas in all embassies and consulates still operating in Minsk and expanding the eligibility criteria for such visas to relatives of political prisoners;

15.2. opening up and guaranteeing the possibility of granting visas for European Union countries, in those member States where a visa is not required for Belarusian citizens, without requiring a residence permit in those countries;

15.3. issuing multiple-entry Schengen visas for relatives of Belarusians in exile who come to visit them on a short-term and temporary basis;

15.4. issuing longer duration multiple-entry visas to be used as a back-up option for those who are at risk of arrest in Belarus. The United Transitional Cabinet of Belarus shall bear the responsibility of identifying and recognising the individuals who run this risk. The clearly defined criteria should be jointly developed by the cabinet with partners from member States.

16. Member States should also facilitate expert-to-expert talks between their relevant migration authorities and the relevant representatives of the Belarusian democratic forces in exile to solve problems as they arise in a pragmatic way.

17. Member States are encouraged to put in place measures to ensure transparency in the decision-making process through which credentials are issued by non-governmental organisations (NGOs) to support the issuance of visas or the legalisation process.

18. Those member States which have not yet done so should rapidly develop legal instruments allowing for the legalisation of the stay of Belarusians in exile.

19. Recognising the importance of psychological stability and the feeling of safety for those who have left their home involuntarily or forcibly, the Assembly calls upon member States to provide long-term legalisation for Belarusians in exile, thus avoiding unnecessary hurdles and stress.

20. In order to support the work of their relevant migration offices, member States are encouraged to prepare a Belarus country factsheet and provide training for their staff on the actual situation in this country, so as to enable them to take prompt and sound decisions on individual cases.

Freedom of movement

21. Member States are encouraged, in co-operation with the European Commission, to identify adequate solutions to allow Belarusians in exile to travel within the European Union, notably through systematising the use of an "alien's passport" and/or continuing to recognise Belarusian passports which have expired.

22. The Assembly also invites member States, in close co-operation with the European Commission and the International Civil Aviation Organization (ICAO), to discuss with the relevant representatives of the Belarusian democratic forces in exile the possibility of issuing a passport for Belarusian citizens in exile which would be recognised by member States.

Safety and security

23. Underlining that deprivation of nationality should not lead to statelessness and that, even if Belarus is not a party to the United Nations conventions on statelessness, these are principles of international law and human rights law, which should be observed by all States; recalling that Belarus has accepted Georgia's recommendation under the 3rd cycle of the United Nations' Universal Periodic Review; and noting that Belarus pledged to accede to both United Nations conventions on statelessness at the High-Level Segment on Statelessness in 2019, the Assembly strongly encourages member States to do their utmost to recognise the importance of establishing statelessness determination procedures, which in turn would provide protection in host States to those rendered stateless.

24. As addressing a request to a Belarusian consulate, such as for certification of a clean criminal record necessary for the legalisation process or the prolongation of a passport, can lead to reprisals or threats against the applicants' relatives who stayed in Belarus or to the applicants themselves, member States are strongly encouraged not to require documents obtainable only through official Belarusian channels.

25. Member States should abstain from extraditing Belarusian citizens in exile on the basis of Red Notices issued by INTERPOL at the request of the Lukashenka regime, given the use of criminal prosecutions for political purposes. If in doubt, they are encouraged to verify INTERPOL requests from Belarus through the Law and Order Restoration Office of the United Transitional Cabinet of Belarus, which includes former law-enforcement officers who were dismissed for political reasons and who thus possess the necessary qualifications, experience and access to databases.

26. The Assembly is concerned that information transferred by European banks to Belarusian banks has been used by Belarusian security services to target human rights defenders in Belarus. The Assembly calls on member States to encourage the private sector to pay due heed to human rights issues in its operations and undertake the necessary due diligence to protect Belarusian human rights defenders who are clients of private sector businesses from risks of further persecutions as a result of their operations or information exchanges. Furthermore, member States should do their utmost to prevent the misuse of international criminal co-operation measures by the Lukashenka regime as an additional tool for repression.

27. More generally, member States should not deem Belarus to be a safe country. They are encouraged to send referral letters to the Prosecutor of the International Criminal Court expressing their concern for the situation in Belarus and asking him to respond to a communication submitted under Article 15, paragraph 2, of the Rome Statute of the International Criminal Court entitled "The situation in Belarus/Lithuania/Poland/Latvia and Ukraine: crimes against humanity of deportation and persecution" filed by the International Partnership for Human Rights, the Norwegian Helsinki Committee, Global Diligence LPP and Truth Hounds on 19 May 2021.

Democratic forces in exile

28. Given the tremendous role that the People's Embassies of Belarus can play, notably as communication channels with the national authorities, the Assembly strongly believes that member States should establish working relationships with them as representatives of a democratic Belarus and envisage supporting them through the provision of organisational, information and material assistance, with the aim of developing their competences and sustainability.

29. The Assembly strongly encourages the parliaments of those member States which have not yet done so to establish a parliamentary friendship group to create a network to share the best measures to support Belarusians in exile. It is convinced that such a network would also facilitate the dialogue with the Belarusian democratic forces in exile, including the Office of Sviatlana Tsikhanouskaya, the United Transition Cabinet of Belarus and the Coordination Council.

30. The Assembly also invites member States to provide funds for and contribute to the activities agreed in the framework of the Council of Europe's Contact Group on Belarus, in particular taking advantage of the activities proposed by the Secretariat of the Assembly under "Strengthening political dialogue".

Support to civil society

31. The Assembly is convinced that it is indispensable to create conditions to ensure the sustainability of Belarusian civil society organisations in exile, in particular by providing them with the tools and means to mobilise their compatriots in exile, to carry out their activities and to remain visible. This should be particularly the case for organisations aiming at developing and strengthening the Belarusian language and culture.

32. Underlining the role played by the Expert Council on NGO Law of the Conference of International Non-Governmental Organisations of the Council of Europe (Conference of INGOs) in supporting freedom of association in Europe, the Assembly strongly encourages member States to request its opinions on measures adversely affecting the operation of Belarusian NGOs in exile and to adopt policies accordingly.

33. It also encourages the constituent members of the Conference of INGOs to co-operate and assist Belarusian NGOs in exile.

Support to lawyers in exile

34. In the light of the repression faced by the legal profession in Belarus and the fact that many lawyers are in exile abroad, the Assembly calls for the recognition of the Belarusian Association of Human Rights Lawyers as the organisation entrusted with the promotion and protection of the human rights of lawyers deprived of the right to exercise their profession in Belarus, and with improving provision of legal assistance.

Access to education and culture

35. Recognising that children can be adversely affected by the forced exile of their parents, the Assembly encourages host countries to integrate Belarusian children promptly and to work towards strengthening their national identity and culture. The Assembly recalls the pertinence of the language education and linguistic integration tools for children developed by the Council of Europe, which can be used to help the integration of newly arrived Belarusian children into ordinary classes. At the same time, it also supports the creation of classes in Belarusian in schools where there are sufficient numbers of Belarusian children, open not only to members of the Belarusian national minority but also to those who have recently arrived.

36. The Assembly, impressed by the renewed interest in the Belarusian language and culture, strongly supports the initiatives by civil society organisations to preserve and strengthen these among the members of the long-established diaspora and the more recent arrivals. It therefore strongly encourages member States to facilitate the creation of publishing houses that work in Belarusian, the teaching of the Belarusian language and culture in universities and the development of new tools to support the dissemination of the Belarusian language and culture among those in exile and also within Belarus. It believes that it is crucial for Belarusian statehood that its culture and language find again their rightful place.

37. The Assembly, aware that academic freedom has been under attack for some years in Belarus, would welcome the creation of a scientific journal for liberal-minded scholars both in exile and in Belarus to be included in influential citation databases, such as Scopus, Web of Science or Google Scholar.

38. Recognising the role played by the European Humanities University, the only Belarusian university able to operate on the basis of academic freedom and adherence to European values, in exile in Vilnius since 2005, the Assembly invites member States, and the European Union, to further support this institution and open up further opportunities so that it continues to develop creative, free and critical thinking among Belarusian students and is in a position to attract scholars and students from Eastern Partnership countries.

39. Understanding the importance of terminology and adequate transliteration from Belarusian, the Assembly strongly encourages member States to correctly transliterate all terms relating to Belarus.

Access to financial services and the pursuit of economic activities

40. Recognising the difficulties faced by individuals, businesses and civil society organisations to open a bank account in some member States, the Assembly asks the member States to encourage their banks to make the distinction between the Lukashenka regime and the people who have fled it, in particular by allowing the "know your customer" due diligence procedure to be carried out by appropriate and relevant structures designated by the Belarusian democratic forces in exile.

41. The Assembly encourages the Government of Ukraine to co-operate with the Belarusian democratic forces in exile, particularly with the United Transitional Cabinet of Belarus, to conduct detailed checks of the bank accounts of Belarusians who had found shelter in Ukraine and, in the case of a positive outcome of such checks with regard to the national security of Ukraine, to proceed with the deblocking of the 50 remaining bank accounts that are currently inaccessible by their owners.

42. The Assembly welcomes the fact that many businesses were able to relocate from Belarus in particular to Georgia, Lithuania and Poland, but notes that difficulties persist. It encourages measures to be taken which will ease processes of transfer, accreditation, acquisition, access to credit, access to audit services, etc. In this context, it believes that the Poland Business Harbour could serve as a promising practice to be emulated by other member States. Ultimately, the Assembly trusts that these businesses, whether they are in the information technology, retail, logistics, small services or construction sectors, if allowed to operate and pay tax, will contribute to the economy of their host countries and help alleviate the efforts made by these States to welcome the Belarusians who found shelter from repression and violence.