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Human Rights Annual Report 2009 - Countries of Concern: Belarus

The positive trend that began when Belarus released three political prisoners in August 2008 has continued, and there have been small but welcome improvements in the course of 2009. But the Belarusian authorities continue to harass civil society, NGOs, religious organisations and the independent media, using administrative powers to restrict their activities.

In 2009, we continued our policy of engaging with Belarus through the EU. Belarus has played an active and constructive role in the multilateral part of the EU's Eastern Partnership launched in May. The Partnership is a long-term programme designed to promote democracy and good governance; strengthen energy security; promote environment protection; encourage people-to-people contacts; support economic and social development; and offer additional funding for projects to reduce socio-economic imbalances and increase stability.

However, we have been concerned about Tatsyana Shaputska, a law student at Belarus State University, and the press secretary for the youth organisation, Malady Front, who was expelled from university after taking part in the EU's Eastern Partnership Forum on Civil Society in Brussels in November. Although the Dean of the Law Faculty said that she had been expelled for being in Brussels without permission, civil society activists argue that her participation in the Forum on Civil Society was a more likely reason. We and EU colleagues are following developments closely.

The EU and Belarus held the first round of a Human Rights Dialogue in June. Discussion focused in particular on freedom of assembly and association, including labour rights; freedom of expression and information; freedom of thought, conscience and religion; combating different forms of intolerance and hate crimes; the rights of migrants and persons belonging to minorities; combating trafficking of human beings; the protection of different vulnerable groups; situations in prisons and detention facilities; and the death penalty. Although it will take time to produce meaningful results, the willingness of the Belarusian authorities to take part in this Dialogue is welcome.

In 2009, along with EU partners, we agreed to retain the policy of suspended travel restrictions. We were disappointed that Belarus did not make enough progress on human rights for us to be able to remove sanctions entirely. The five areas that the EU will focus on when we review this policy in October 2010 are political prisoners and politically motivated criminal prosecution; liberalisation of the media environment; reform of the election code; conditions for work of NGOs; and freedom of assembly and political association.

Belarus plans to hold local elections in spring 2010, and will hold a Presidential election before February 2011.

These are important opportunities for the authorities to demonstrate a commitment to improving the level of democracy. We welcome the dialogue that has been maintained with the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) following the Parliamentary elections in September 2008, and look forward to seeing more information about the proposed reform of the electoral code. However, we were disappointed that an important change – the right of observers to view the ballot papers as they are counted – was not included in the proposed reforms.

Freedom of Association and Assembly

We remain concerned about the continued harassment of those who exercise their right to peaceful assembly. Although there has been a decrease in cases of administrative arrests against democratic activists during public political events, administrative fines for taking part in non-sanctioned events are still quite common. The authorities grant permission to very few demonstrations. The excessive use of violence by the police and special troops against peaceful demonstrators continues to occur. Particularly worrying are reports towards the end of 2009 from activists of "mock kidnappings". A number of activists say that they have been forced into a car, threatened and beaten, had their mobile phones taken and are then released in remote locations. They suspect the security services of being behind these incidents. We are monitoring this new development closely, and have raised our concerns with the Belarusian authorities.

NGOs, political parties and trades unions also continue to face harassment. Expensive registration fees and excessive legal requirements are basic obstacles to NGO activity. NGOs can find it difficult to rent property for meetings, and individuals who sign up in support of organisations report that they receive threatening phone calls encouraging them to withdraw their names. Any organisation independent of the government is perceived by the authorities as a threat.

Registration is frequently rejected for minor irregularities in applications, including spelling mistakes and for criminal convictions of founding members – even when those convictions relate to their activity on behalf of the organisation they are attempting to register. Nasha Vyasna (Our Spring), an internationally respected human rights organisation, was refused registration for the third time in 2009. Political parties are also subject to these laws – the Christian Democratic Party, the Party of Freedom and Progress, and the Belarusian Party of Working People were all refused registration in 2009. No new political party has been registered since 2000.

In December 2005, Article 193-1 was added to the Criminal Code as part of a series of amendments that provided for harsh punishment "for activities directed against people and public security". Belarusian human rights defenders and international human rights organisations have condemned this article, arguing that it was being used to apply pressure to activists and discourage them from supporting organisations that had not been able to register. In November, the authorities suggested they would make it an administrative, rather than a criminal, offence to act in the name of a nonregistered organisation, punishable by a fine rather than prison. While we welcome this step, it only partially addresses the problems faced by NGOs.

Protestant churches continue to face a difficult environment. The most high-profile of these is the New Life Church, which in December lost its appeal against a decision to evict it from its current property on the grounds that the building, a renovated cowshed, did not have approval for use as a church. It is illegal for religious organisations to rent property in which to worship.

Our Embassy in Minsk works closely with EU partners to raise our concerns about human rights issues with the Belarusian authorities. We maintain regular contact with civil society organisations devoted to human and civil rights, and observe their public demonstrations and court cases.

Freedom of Expression

The Belarusian state controls all media outlets, meaning that only officially approved views are heard by most of society. Independent journalists are still frequently harassed. The Polish-based TV and radio stations Belsat and Radio Ratsya have been unable to accredit their correspondents in Belarus, and journalists working for these organisations have received official warnings from the Prosecutor's Offices and the KGB.

There are some signs of change. A number of independent newspapers have been given access to state-run distribution. This includes Norodnaya Volya and Nasha Niva in November 2008, and the local Bobrujski Kurier and Volnaje Hlybokae in July. European Radio for Belarus has received permission to open a correspondent's office for a year.

Access to the internet is controlled through the monopoly of the national company Beltelekom, and strict rules are imposed on owners of internet cafés who are obliged to report when users visit banned websites. A more restrictive media law introduced in 2008 has not had any effect on internet access so far, although it remains possible that it will have some impact in future, particularly in the run-up to elections in 2010 and 2011.

Disappearances

2009 marked the 10th anniversary of the disappearance of three opposition representatives, Yuri Zakharenko, former Minister of the Interior, Victor Gonchar, former Vice-President of the Belarusian Parliament, and businessman Anatoly Krasovski. The Belarusian authorities have failed to open an independent investigation into these disappearances.

We support the efforts of activists in Belarus to maintain public awareness of the disappearances, including through a monthly Day of Solidarity since 16 September 2005, the anniversary of the 1999 disappearance of Gonchar and Krasovski. Although the EU suspended most of the travel restrictions on the Belarusian authorities in 2008, we have maintained restrictions on four people identified by the Council of Europe's 2004 Pourgourides Report as key actors in the disappearances and the cover-up that followed.

Death Penalty

Belarus continues to use the death penalty. EU Member States are working with local and international NGOs to promote public debate, and publicise EU views on the death penalty. We continue to urge Belarus to abolish the death penalty or, as an initial measure, to introduce a moratorium.

The Council of Europe (CoE) information point in Minsk has launched a campaign against the death penalty. During a visit in December, Jean-Louis Laurens, the CoE's Director-General for democracy and political affairs argued that no referendum was needed for the introduction of a moratorium, and expressed the hope that no executions would take place for the duration of the campaign. We support the CoE Parliamentary Assembly decision to offer Belarus honorary membership of the Council only after a moratorium is declared.

There are some positive signs. A referendum in 1996 found that 80 per cent of the population were in favour of the death penalty. Encouragingly, independent polling in September found that 55 per cent of people supported abolition. In November, President Lukashenko pledged that an information campaign would be launched to discuss the death penalty, which we hope will lead to a national moratorium.

Politically Motivated Detention

In May, Amnesty International announced that they considered 11 young people to be prisoners of conscience. They are currently serving sentences of restricted freedom after participating in a peaceful demonstration in January 2008.

We are also concerned about the cases of other activists not recognised as prisoners of conscience. We welcomed the release from prison of Yury Lyavonau in August. But Mikalai Autukhovich and Uladzimir Asipenka remain in pre-trial detention since their arrest on 8 February. We welcome indications from the authorities that their trials will be open, but are urging that these take place as soon as possible.