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## **Committee on Political Affairs and Democracy**

### **The situation in Belarus**

Rapporteur: Mr Andrea Rigoni, Italy, Alliance of Liberals and Democrats for Europe

#### **Introductory Memorandum**

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<sup>1</sup> Document declassified by the Committee at its meeting in Strasbourg, on 21 April 2015.

## 1. Introduction: relations between the Parliamentary Assembly of the Council of Europe (“the Assembly”) and Belarus over the past five years

1. On 10 April 2014, I was appointed Rapporteur, five years after my last rapporteurship on the situation in Belarus in 2009, which led to the adoption of [Resolution 1671 \(2009\)](#) and [Recommendation 1874 \(2009\)](#), on 23 June 2009.

2. It is worth recalling that, following the 1996 referendum, the Bureau of the Assembly, on 13 January 1997, suspended the special guest status of the Belarus National Assembly, considering that the way in which the new legislature had been formed deprived it of democratic legitimacy. Following the Assembly’s position in 2009, the Bureau of the Assembly decided to lift the suspension of special guest status for the Parliament of Belarus should a moratorium on the execution of the death penalty be decreed by the competent Belarusian authorities.

3. The moratorium was never decreed, on the contrary, two executions were carried out in 2010 in Belarus, which prompted the Assembly to adopt [Resolution 1727 \(2010\)](#) on *The situation in Belarus: recent developments* on 29 April 2010, with Ms Sinikka Hurskainen (Finland, SOC) as Rapporteur. The Assembly subsequently decided to suspend its activities with high-level contacts with the Belarusian authorities, having noted a “lack of political will” on their part to adhere to the Organisation’s values and a “lack of progress” towards Council of Europe standards.

4. On 22-25 August 2010, Ms Hurskainen paid the last visit to Belarus with a view to the Presidential elections in December 2010. On 6 October and on 18 November 2010, our Committee held two hearings on the Presidential elections, with the participation of representatives of the majority and of the opposition in Belarus, journalists and the Secretary of the Venice Commission.

5. The crackdown on protesters contesting these elections prompted an urgent debate during the January 2011 part-session, which led to the adoption of [Resolution 1790 \(2011\)](#), with Mr Andres Herkel (Estonia, EPP/CD) as Rapporteur. The Assembly reaffirmed its decision to put on hold its activities involving high-level contacts with the Belarusian authorities and called on the Bureau of the Assembly not to lift the suspension of the special guest status for the Parliament of Belarus until a moratorium on the execution of the death penalty had been decreed by the competent Belarusian authorities and until there was substantial, tangible and verifiable progress in terms of respect for the democratic values and principles upheld by the Council of Europe. Mr Herkel expressed his readiness in 2011 and 2012 to visit Minsk on the condition that he would be free to meet the persons he wished, including political prisoners.

6. On 10 March 2011, the Bureau of the Assembly set up an *ad hoc* Committee on Recent detentions, prosecutions and convictions of members of the opposition in Belarus. A report covering the period from 19 December 2010 to 1 October 2011 was made public by decision of the Bureau on 7 October 2011.<sup>2</sup>

7. The continuing deterioration of the situation of human rights and civil and political liberties throughout 2011 led to the adoption of [Resolution 1857 \(2012\)](#) and [Recommendation 1992 \(2012\)](#) on *The situation in Belarus*, on 25 January 2012, with Mr Herkel as Rapporteur. The Assembly reiterated its previous position.

8. While putting on hold high-level contacts with the authorities, since January 2011, the Assembly has stepped up its engagement with representatives of civil society, independent media and opposition forces. Since 2011, our Committee has held a number of hearings with civil society representatives regularly attending the part-sessions in Strasbourg. Furthermore, Mr Herkel participated in a number of events and bilateral meetings in several European countries. Unfortunately, he received no invitation to visit Belarus from the authorities during his rapporteurship from 2011 until 2014.

9. During the January 2013 part-session, the Assembly adopted [Resolution 1920 \(2013\)](#) on *The state of media freedom in Europe*, in which it condemned the persistent and systematic violation of media freedom in Belarus and reminded its government of its obligations under Articles 9, 19 and 25 of the International Covenant on Civil and Political Rights.

10. In 2013, following discussions in the Bureau on the basis of a Memorandum prepared by the Secretariat under the instructions of the former President of the Assembly, Mr Jean-Claude Mignon, our Committee decided to organise an exchange of views on 27 June 2013, with the participation of a delegation from the House of Representatives (lower chamber) of the National Assembly of the Republic of Belarus, composed of: Mr Nikolai Samoseiko, Chairperson of the Standing Committee on International Affairs, Head

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<sup>2</sup> AS/Bur/AhBelarus (2011) 02Rev3.

of the Working Group on the Death Penalty in the House of Representatives and Chairperson of the Parliamentary Delegation for Contacts with the PACE, and Mr Aleksandr Zozulya, Chairperson of the Standing Commission on State-Building, Local Governance and Regulation, member of the Working Group on the Death Penalty.

11. I regret that the Belarusian Parliament did not seize this opportunity to show real progress in this key area. Following my appointment as rapporteur in 2014, two executions took place and I issued joint statements, together with the General Rapporteur on the abolition of the death penalty, Ms Marietta Karamanli, stating that “each execution is the wrong signal to send if Belarus wishes to establish closer relations with the Parliamentary Assembly”<sup>3</sup>.

12. I was invited by the Belarusian Parliament to visit the country on 25-26 February 2015 and, while I welcomed their openness, I reiterated the Assembly’s non-negotiable position on the establishment of a moratorium on executions with a view to abolishing the death penalty, as well as the release of all political prisoners. At the same time, I also stressed that “it is time for Belarus and our Assembly to start looking in the same direction, build mutual trust and set up an honest, transparent and regular collaboration”.<sup>4</sup>

13. It is worth recalling that, at any time, the Bureau of the Assembly may lift the suspension of the special guest status for the Parliament of Belarus, provided that a moratorium on the execution of the death penalty is decreed by the competent Belarusian authorities and that substantial, tangible and verifiable progress in terms of respect for the democratic values and principles upheld by the Council of Europe has been achieved. If the latter conditions are met, there is no need for a new decision by the Assembly; the Bureau itself may take the decision to lift the suspension of the special guest status by a two-third majority in line with Rule 60.11 of the Rules of Procedure of the Assembly.

14. In the present memorandum, I intend to provide the Committee with the main findings of my recent visit to Minsk and to give an overview on the recent developments in the country over the past few years. I have also proposed inviting representatives of the majority and of the opposition, as well as of civil society to a hearing organised by the Committee during the 2015 April part-session, to exchange views on the forthcoming Presidential elections of November 2015.

## **2. Recent signs of opening-up**

15. My discussions in Minsk, where I was accompanied by Ms Silvia Arzilli from the Secretariat of the Committee, focused primarily on the need to establish meaningful dialogue between our Assembly and the authorities in Belarus, in particular its Parliament. All my interlocutors, including the Speakers of both Chambers and the Minister for Foreign Affairs, acknowledged that problems do exist, as in any other country, and that they should be discussed openly with all international partners.

16. I could not agree more with this approach. The Assembly’s concerns are well known to the Belarusian authorities who need to show serious political will to address them if they wish to normalise relations with the Council of Europe and, in particular, its Parliamentary Assembly.

17. I also believe that parliamentary diplomacy has a role to play and I agree that these concerns should be discussed on an equal footing with all Belarusian interlocutors. My intention, as Rapporteur, is not to teach a lesson to Belarus but rather to find a common ground for dialogue, aimed at improving democratic standards and relations with the international community, and with the Council of Europe in particular.

18. Over the past year, the Belarusian authorities have been striving to normalise relations with Western capitals ahead of the Presidential elections scheduled for 20 November 2015 and of the European Union Eastern Partnership Summit in Riga in May 2015. The country is suffering a serious economic decline, exacerbated by falling oil prices, a weak currency, and depleted foreign currency reserves.

19. The conflict in Ukraine has shifted the country’s priorities and while Belarus had only demanded prosperity in the past, it now values peace, stability and independence more than ever, as I was told during my meetings in Minsk. Regardless of the Belarusian leadership’s self-interest and need to improve its international image, one cannot deny that Belarus is playing an important role in the regional context, with an autonomous and balanced stance on the Ukraine conflict and also in its relations with Moldova and Georgia, which has contributed to creating a positive climate between the European Union and Belarus.

<sup>3</sup> <http://www.assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=5278&lang=2&cat=5>.

<sup>4</sup> “Call for Belarus to take steps towards PACE”, 27 February 2015.

20. My meeting with the Ambassadors of Council of Europe member and observer States in Minsk, which was kindly organised by the Italian Ambassador, confirmed that Belarus' relations with the diplomatic community in Minsk has been steadily improving over the past few years.

21. The Presidential elections may not be a favourable time for reforms. However, I believe that our Committee could provide a platform for regular and constructive dialogue at this critical time so that Belarus can be in a position to carry out important reforms and establish a legal framework which is consistent with its international obligations under the United Nations (UN) Universal Declaration of Human Rights. Belarus, as one of the founding members of the UN, is party to most international human rights instruments, including the six major human rights treaties<sup>5</sup> and aspires to fully comply with its international obligations in this sphere, as confirmed by Mr Makei, Minister of Foreign Affairs.<sup>6</sup>

22. I intend to refer to a number of reports recently published by other international organisations, including the UN, the Organization for Security and Co-operation in Europe (OSCE) as well as human rights organisations, whose representatives I've met several times in Strasbourg and in Minsk. At the same time, I would also like to highlight a number of timid signs showing Belarus' willingness to open up to dialogue.

23. Belarus has no territorial conflicts and disputes with its neighbours and openly supported Ukraine's territorial integrity.

24. The release of several political prisoners, including prominent human rights defender Ales Bialiatski, in June 2014, 20 months ahead of schedule, could be seen as an indicator of a new direction. Belarus still has six political prisoners, according to human rights organisations, the most notable being former presidential candidate Mikalai Statkevich. The other five, according to human rights defenders, are Mikalai Dziadok, Ihar Alinevich, Yury Rubtsou, Yauhen Vaskovich and Artsiom Prakapenka.<sup>7</sup> Our Assembly should remain consistent in its message concerning the release and rehabilitation of all political opponents, human rights defenders and activists who have been convicted for the exercise of their political rights. Many of my interlocutors in Minsk noted that the debate on political prisoners is a very complex one as some of Council of Europe member States also have similar problems and the numbers are often much higher.

25. For the first time in many years, on 5 March 2015, two opposition leaders, Pavel Seviarynets, co-chairman of the Belarusian Christian Democracy Party, and Lev Margolin, Deputy Chairperson of the United Civil Party, were invited to a round table organised by the State newspaper *Sovetskaya Belorussiya*, to present the anti-corruption platform of the opposition.

26. During his recent visit to Minsk, on 13-14 March 2015, Pope Francis' Secretary of State, Cardinal Pietro Parolin, said that the Holy See was ready to engage in a process of Belarus-Europe normalisation "in view of Belarus' geographical location and her role as a bridge between East and West".

27. During my talks with opposition leaders, I took note of their general availability to establish dialogue with the authorities with a view to the November elections. However, many of them underlined that any further progress and change in the status of Belarus in our Assembly should remain conditional upon an improvement in the human rights situation.

28. Ms Ermoshina, Chairperson of the Central Election Commission, expressed the hope that these elections will be recognised by the international community. It is to be noted that none of the previous elections have been recognised by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) as free and fair. During my visit, I stressed the importance of inviting a delegation of our Assembly to monitor this year's elections and, on 25 March 2015, Ms Ermoshina stated that the Commonwealth of Independent States, the OSCE and the Council of Europe would be invited to partake in international observation. The decision is now in the hands of the President.<sup>8</sup>

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<sup>5</sup> International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, International Convention on Elimination of Racial Discrimination, Convention on Elimination of All Forms of Discrimination Against Women, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Rights of the Child.

<sup>6</sup> See the section on "human rights" of the website of the Ministry of Foreign Affairs of the Republic of Belarus: [http://mfa.gov.by/en/organizations/human\\_rights/](http://mfa.gov.by/en/organizations/human_rights/).

<sup>7</sup> The last two prisoners also committed an offense, whose qualification is considered by the Human Rights Center *Viasna* as unfair, and the imposed penalty excessive.

<sup>8</sup> BelTA-Belarusian News Agency, CIS, OSCE, Council of Europe missions expected to monitor presidential election in Belarus, 25 March 2015.

### 3. Major human rights concerns

29. Human rights organisations continue to denounce the arbitrary preventive detention of activists on the basis of their membership in opposition groups, without legal grounds, especially in the period preceding political or social events. In 2014, The Human Rights Center “Viasna” documented a total of 253 cases of administrative detention.<sup>9</sup>

30. A recent emblematic example is the case of Ms Alena Tankachova. In November 2014, the Internal Affairs Department of the Pershamajski district of Minsk ordered her to leave Belarus and banned entry for the next three years, for alleged speed limit violations. Ms Tankachova, a Russian national, has lived in Belarus for 30 years and is the leader of the Minsk-based Center for Legal Transformation, also known as Lawtrend, which has criticised flaws in Belarusian legislation. UN Special Rapporteur for Human Rights in Belarus, Mr Miklós Haraszti, considered this a disproportionate measure to silence human rights defenders and deplored that there was no sign of improvement in the human rights situation.<sup>10</sup>

31. In the period 2010-2014, new regulations further restricted freedom of associations; registration of NGOs and political parties remains subject to arbitrary refusal and financing from internal and foreign sources is also severely restricted.<sup>11</sup> According to Amnesty International, the right to freedom of expression is still severely restricted, severe restrictions on freedom of assembly remain in place and NGOs continue to be arbitrarily denied registration.

32. Belarus is ranked 157<sup>th</sup> out of 180 countries in the 2014 Reporters without Borders press freedom index. Article 22.9 of the Administrative Code on the “unlawful creation and dissemination of mass media produce” has been used to prosecute freelance journalists writing for journalists based outside Belarus, claiming that they need formal accreditation with the Ministry of Foreign Affairs. At least four journalists were fined in 2014 and others received police warnings.<sup>12</sup>

33. According to the Belarusian Association of Journalists, on 13 March 2015, at the border crossing “Kamenny Loh”, Belarusian customs officers seized 47 copies of the report “Human Rights Situation in Belarus in 2014”, in English and Belarusian, prepared by the Human Rights Centre *Viasna*. A similar situation occurred in early July 2013, when 40 copies of the book by Ales Bialiatski “Enlightened by Belarusian Issue” were seized at the border crossing point “Kamenny Loh” and sent for examination of the content. Upon two expert examinations, a court of Ashmiany ruled to re-export the books back into Lithuania because they could harm the image of the Belarusian state.<sup>13</sup>

34. In December 2014, Belarus’ Minsk Economic Court fined the Logvinau Publishing House 1 billion rubles (about €83 000) for the unlicensed sale of books. The Ministry of Information rejected the company’s registration application eight times, each time claiming the application included minor errors.<sup>14</sup>

35. Media law amendments have also tightened the grip on the Internet and several independent websites were blocked in December 2014.<sup>15</sup> According to the Minister of Information, Ms Ananich, the practice of “warnings” is only limited to cases of “extremism” and “prevention of terrorism” and the Information Ministry is monitoring online media concerning “dissemination of unlawful information”, which puts all Internet-based communications under direct governmental censorship.

36. I deeply regret that nothing has been done to fulfil the demands of the Parliamentary Assembly in [Resolution 1371 \(2004\)](#), adopted on 28 April 2004, and subsequent Resolutions, as well several decisions of the UN Human Rights Committee and other international institutions, to investigate the cases of political disappearances in Belarus in 1999-2000.

37. One key issue which I was able to discuss in depth during my visit to Minsk was the moratorium on the death penalty, which is dear to me as an Italian parliamentarian coming from Tuscany. In Italy, the first pre-Unitarian state to abolish the death penalty was the “Granducato” of Tuscany in 1786, under the reign of Pietro Leopoldo, later Emperor Leopold II, in the wake of the ideas of Cesare Beccaria, an Italian

<sup>9</sup> International Federation for Human Rights and *Viasna*, Arbitrary preventative detention of activists in Belarus, September 2014. See also Human Rights Watch, World Report 2015: Belarus.

<sup>10</sup> UN Special Rapporteur on the situation of human rights in Belarus, Miklós Haraszti, “Systemic assault on dissent and the media, executions of death sentences continue in Belarus”, 24 December 2014.

<sup>11</sup> Legal Transformation Centre - Lawtrend, Analytical paper submitted to the PACE Rapporteur on 25 March 2015.

<sup>12</sup> Amnesty International report, 2 March 2015.

<sup>13</sup> Belarusian Association of Journalists, Human rights report seized on the border, 16 March 2015.

<sup>14</sup> See also Freedom House, Belarus fines publisher for publishing books, 9 January 2015.

<sup>15</sup> Reporters without borders, Belarusian authorities impose alarming Internet controls, 24 December 2014.

criminologist, jurist, philosopher, politician and one of the most influential of the Enlightenment thinkers, known for his treatise 'On Crimes and Punishment' of 1764, which I was proud to discuss with my interlocutors in Minsk.

38. Recently our colleague Ms Marietta Karamanli, General Rapporteur on the abolition of the death penalty, condemned the death sentence issued on 18 March 2015 by the Rechytsa district court against Siarhei Ivanou at the end of a trial which had been held in camera, just a few weeks after my visit to the country.<sup>16</sup> According to official information by the Minister of Justice, 326 death sentences were pronounced during the period 1990-2012. No statistics on the executions is available but it is widely assumed that all death sentences handed out have been executed.<sup>17</sup>

39. In fact, it is difficult to obtain exact numbers of death sentences handed down as there is a lack of transparency about persons being held on death row. I have requested recent statistics from the representative of Belarus to the Council of Europe and I am waiting for a reply. According to the Italian human rights organisation "Hands off Cain" which fights against the death penalty in the world, 3 executions were carried out in 2014, none in 2013, 3 (at least) in 2012, 2 in 2011, 2 in 2010. In 2009, there were no executions, while four people were executed in 2008 and one in 2007.<sup>18</sup> Several convicts were executed despite the fact that their cases were pending before the UN Human Rights Committee. The latest execution was carried out in November 2014 and together with Ms Karamanli, I stated clearly that "[t]his is the wrong signal to send if Belarus wishes to establish closer relations with the Parliamentary Assembly".<sup>19</sup>

40. Mr Samoseiko, Chairperson of the Permanent Commission for International Affairs of the House of Representatives of Belarus, and Chairperson of the Parliamentary Working Group on the Death Penalty, reiterated in Minsk that the question of the abolition of the death penalty "remains open". The working group has participated in several events organised by international organisations, including the Council of Europe, NGOs as well national parliaments.

41. However, I regret that no real progress has been made since my last talks in 2009 and no changes have been introduced to national legislation or in practice regulating the scope of application or executions of capital punishment. Under the Criminal Executive Code of the Republic of Belarus, executions are carried out secretly; bodies of executed persons are not handed over to families and the place of burial is kept secret.<sup>20</sup> On 25 June 2014, the UN Human Rights Council adopted a resolution encouraging the Belarusian working group on the death penalty to expedite its work.<sup>21</sup>

42. I also held exchanges with Mr Miklashevich, Chairperson of the Constitutional Court, and thoroughly discussed Article 24 of the Belarusian Constitution which reads that "the death penalty can be applied as an exceptional measure of punishment for grave crimes in accordance with the law and only under court sentences until it is abolished". The scope of crimes punishable by the death penalty has been reduced in recent years. The death penalty may also, by means of a pardon by the President, be commuted to life imprisonment. Mr Miklashevich confirmed that the death penalty is a "temporary measure", and that a moratorium could be introduced by a decision of the President and Parliament at any time.

43. The head of the Belarusian Orthodox Church voiced a strong opposition to the death penalty during a round table organised by the Council of Europe in Minsk in June 2013 on "Religion and death penalty".

44. On 18 December 2014, as in previous years, Belarus abstained from the UN Resolution on a moratorium on the use of the death penalty at the UN General Assembly. Alexander Lukashenko has often said he would not introduce a moratorium as most Belarusians would object. It is worth noting that a moratorium could be introduced either by decision of the parliament or by a presidential decree. Many Council of Europe member States abolished the death penalty, even against the majority within the public opinion, as it is an issue of morality and strong political will. Most member States acted in the interest of their own people, not at the request of the Council of Europe.

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<sup>16</sup> <http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=5491&lang=2&cat=5>.

<sup>17</sup> CM/Inf(2014)11, Abolition of the death penalty in Europe, Information document by the Directorate of Human Rights and the Rule of Law on the death penalty in Belarus, 2 April 2014.

<sup>18</sup> 'Hands Off Cain' NGO, database accessed on 30 March 2015.

<sup>19</sup> PACE Rapporteurs deeply concerned at reports of execution in Belarus, 5 November 2014.

<sup>20</sup> Article 175 of the Criminal Executive Code of the Republic of Belarus, 16 July 1999, amended on 25 July 2012.

<sup>21</sup> A/HRC/26/L.14/Rev.1, 25 June 2014.

45. I also took note of a 2013 survey by Penal Reform International showing that opinions concerning capital punishment were more varied and nuanced than was often stated, while public attitudes about crime in general were strongly affected by respondents' social position, background and emotions. Key findings included:

- Support for the death penalty is 64%, significantly down on the 80% who supported capital punishment in a 1996 referendum;
- Concerns about personal safety appeared to be a key reason for supporting the death penalty;
- Three-quarters of respondents felt that convicting an innocent person was worse than letting the guilty go unpunished.<sup>22</sup>

46. It is worth recalling that in its [Resolution 1807 \(2011\)](#) on *The death penalty in Council of Europe member and observer States: a violation of human rights* the Parliamentary Assembly urged Belarus, which aspires to become a member State of the Council of Europe, as well as the United States of America and Japan, as observer States, "to join the growing consensus of democratic countries that protect human rights and human dignity by abolishing the death penalty". I have consistently stressed that the authorities' position on the death penalty is incompatible with Council of Europe values and cannot be negotiated with our Assembly. I will continue to urge the Belarusian authorities to reconsider their position on this crucial matter.

#### 4. Relations with the international community

47. Belarus is keen to contribute to creating a constructive atmosphere with neighbouring countries and adjusts its foreign policy accordingly so as to attract foreign investments, open new markets and remove sanctions. Against the background of the Ukrainian crisis, Belarus has established what is known as "multi-vector foreign policy", which also aims at counterbalancing the increasing dependence on Russia.

48. Together with its partners in the Customs Union and the Common Economic Space, Russia and Kazakhstan, Belarus is party to the Eurasian Economic Union (EEU), launched on 1 January 2015. In parallel, dialogue has been intensified with the European Union, China, the United States and Latin America. Bilateral relations with European countries have also increased steadily in 2014.<sup>23</sup>

49. With regard to the EU, Belarus is actively participating in the multilateral track of the EU Eastern Partnership. A day prior to my visit to Minsk, European External Action Service (EEAS) Deputy Secretary General, Ms Helga Schmid, held a number of meetings in Minsk, including with President Lukashenko, with a view to preparing a possible visit by the High Representative of the European Union for Foreign Policy, Ms Mogherini. Belarus agreed to start the interim phase of the "dialogue on modernisation" and to launch negotiations on Visa Facilitation and Readmission agreements.

50. On 27 March 2015, First Deputy Minister of Foreign Affairs of Belarus, Alexander Mikhnevich, said that Belarus was ready to do its best to promote the rapprochement between the Eurasian Economic Union and the European Union to prevent the emergence of new dividing lines.

51. I noted a great interest in Minsk in increasing cooperation both with the Council of Europe and the EU on technical matters, such as trade, economic assistance, border management, the fight against human trafficking, education and culture, children's rights, and sport. As Rapporteur for the Assembly and an active member of the Committee on Political Affairs and Democracy, I can only encourage more emphasis on the political and human rights spheres as well.

52. In 2014, the heads of the United Nations Development Programme (UNDP) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) visited Minsk. I regret that the UN Special Rapporteur for Human Rights in Belarus, Mr Miklós Haraszti, has never been invited to Belarus despite his repeated requests to visit the country, and was not able to have contacts with civil society organisations and opposition forces in the country to prepare his report. The second Universal Periodic Review cycle for Belarus will take place in May 2015 and I urge Belarus to fully co-operate with the UN mechanisms.

<sup>22</sup> Penal Reform International (PRI) - SATIO Group of Companies, Department of Sociological and Marketing Research, Crime and punishment: Public perception, judgment and opinion, April 2013.

<sup>23</sup> For further details, see the Annual Review of Foreign Policy of the Republic of Belarus and Activities of the Ministry of Foreign Affairs in 2014 (<http://mfa.gov.by/en/publications/reports/d5a4e2f5d0687d26.html>).

53. As pointed out by some commentators, Belarus' success in ensuring international acceptance, influencing foreign trade and improving its economy will largely depend on the degree of political liberalisation that the President will agree to tolerate,<sup>24</sup> especially with a view to the forthcoming elections.

## 5. Relations with the Council of Europe

54. In its latest reply to the Assembly's [Recommendation 1992 \(2012\)](#), the Committee of Ministers recalled that its strategic objective remained the integration of Belarus on the basis of the Organisation's values and principles.

55. Over the past few years, Belarus has shown interest in joining Council of Europe conventions and has set up an Info-Point in Minsk, which I inaugurated in 2009 and visited again in February. The mission of the Info-Point is to inform government agencies, media, universities, NGOs and citizens of Belarus on the fundamental values, legal instruments and priorities of the Council of Europe. I regret that the Info-Point is confined to Belarus' State University and cannot fulfil its potential. I also believe that the time is ripe to move to programme-based activities, to be jointly elaborated by the Council of Europe and the Belarusian authorities.

56. Belarus has joined 10 Council of Europe conventions, mainly in the field of culture, education, international law, the fight against corruption and human trafficking, anti-doping, and sports. It has been invited to sign the Convention on the counterfeiting of medical products and similar crimes involving threats to public health. It is a member of seven steering Committees. Since 2010, Belarus has been given the right to take part in the meetings of the Venice Commission as an associated member.

57. In December 2008, the Council for Coordination of Local Self-Government Bodies in Belarus, which operates under the authority of the Council of the Republic of the Belarus National Assembly, was granted observer status with the Congress. The Congress is planning to organise a seminar on local democracy in Belarus in the first semester of 2015 in cooperation with the Belarus authorities. This will focus on the European Charter of Local Self-Government and its application in Belarus.

58. In September 2012, the Secretary General of the Council of Europe, Mr Jagland, met with the newly appointed Minister for Foreign Affairs of Belarus, Mr Vladimir Makei, in the margins of the UN General Assembly session. Similar meetings took place in September 2013 and, most recently, on 4-5 December 2014 in the margins of an OSCE Ministerial Council in Basel. Minister Makei, who also represented Belarus at the Council of Europe in 1996-1997, confirmed Belarus' intention to take steps with a view to a rapprochement with the Council of Europe. During our meeting in Minsk in February, Mr Makei reiterated Belarus's interest in developing a pragmatic cooperation with the Council of Europe and its statutory bodies.

59. On 3 July 2013, the Committee of Ministers agreed to accept the request by Belarus for observer status with the Committee of Legal Advisers on Public International Law (CAHDI) "on the understanding that the matter will be followed in the light of developments in Belarus with respect to Council of Europe values". They also underlined that this decision should not be construed as an acknowledgement, by the Committee of Ministers, that the situation concerning the respect for the principles of the rule of law in Belarus is satisfactory.<sup>25</sup>

60. In 2012, Belarus also requested an invitation from the Committee of Ministers to accede to the Convention for the Protection of the Architectural Heritage of Europe and to the Convention on Cybercrime, and, in 2014, to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. During a consultation process with the Council of Europe member States, objections have been raised and it was not possible to identify the majorities necessary to invite the country to accede. Deficiencies in the procedural law, lack of safeguards, free participation of civil society, the use of the capital punishment were among the problems identified during the consultation.

61. In April 2014, the Council of Europe Secretariat presented a document on the co-operation with Belarus for the period 2014-2015,<sup>26</sup> structured around the Council's three operational pillars. A number of delegations within the Rapporteur Group on Democracy of the Ministers' Deputies (GR-DEM) found that the document did not adequately reflect the expectations of the Council of Europe regarding respect for human rights, democracy and the rule of law in Belarus as necessary conditions for a rapprochement towards the Council of Europe. Particular reference was made to the questions concerning the abolition of the death

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<sup>24</sup> Igar Gubarevich, Belarusian Diplomacy in 2014: Laying the Groundwork for 2015? - Belarus Digest, 8 January 2015.

<sup>25</sup> [CM/Del/Dec\(2013\)1175/2.4.](#)

<sup>26</sup> [ODGProg/Inf\(2014\)3.](#)

penalty, political prisoners and elections. While reviewing progress on Council of Europe activities in Belarus in 2012-2013, some delegations also indicated that the process of forging closer ties with Belarus could take place only if the country were seen to be making more effort to implement Council of Europe standards.

62. I am also convinced of the importance of promoting Belarus' accession to the core instruments of the Council of Europe rather than a policy of a Council of Europe *à la carte*, which disregards the essence of the Organisation. It is particularly important, for instance, that Belarus expresses interest in acceding to the European Convention for the Prevention of Torture, which is not the case for the moment.

63. The challenge for the Council of Europe, as well the United Nations and the European Union, is to promote a universalistic agenda of human rights which should not be interpreted in terms of geopolitical interests.<sup>27</sup>

## 6. Upcoming elections and the way forward

64. The forthcoming Presidential elections will be a litmus test for the Belarusian leadership to prove the seriousness of their intentions to establish an authentic dialogue and improve democracy and human rights standards. It is therefore all the more important that our Assembly be invited to monitor the elections and express its own views with regard to their regularity.

65. The OSCE/ODIHR monitored the September 2012 parliamentary elections in Belarus. The final report noted that, despite some improvements to the electoral law, many OSCE commitments, including citizens' rights to associate, to stand as candidates and to express themselves freely, were not respected. To enhance transparency and confidence in the election results, the report recommended that clear, open and transparent procedures for the counting of votes be established and strictly implemented, while preliminary and final results should be published with a complete breakdown of the vote by polling station. The report added that the role of the President in appointing senior officials to the Central Election Commission could be reconsidered so as to increase confidence in the body's independence. It also recommended that any restrictions on voter and candidate rights of citizens in prison or pre-trial detention should be proportional and clearly outlined in law, and that the legal framework should be amended to ensure that all decisions by election commissions are subject to judicial appeal.<sup>28</sup>

66. Unfortunately, a recent visit by the OSCE/ODIHR found that none of the previous recommendations had been implemented, despite the electoral amendments adopted in November 2013, which did not meet international standards.

67. Upon my proposal, a delegation of the Belarusian Parliament, along with opposition forces, have been invited to a regional conference organised by our Assembly on 4-5 June 2015 in Paris with the participation of Armenia, Azerbaijan, Georgia, Moldova and Ukraine. The theme will be "The implementation of the right to free elections: the challenge of implementing the electoral laws and the respect for Council of Europe standards".

68. My approach to the regime in Belarus is often criticised for being unrealistic and naive. Actually, I have always strived to remain judicious and objective in my relations both with the authorities and the opposition forces in the country. I believe that our role as elected representatives is not only to criticise and assess the human rights situation in a country but also to encourage a sense of conviction to the path toward democracy, human rights and the rule of law. This can only happen through strenuous and consistent efforts to keep the dialogue open, with extreme caution and in spite of the obstacles.

69. It is in the Assembly's interest to seize what could be considered as a favourable momentum and to encourage Belarus to take further initiatives that could lead towards an improvement of the human rights situation and the full normalisation of relations with the Council of Europe. A first step for Belarus to show sincere openness to a meaningful dialogue with our Assembly should be an immediate moratorium on the use of the death penalty with a view to its permanent abolition.

70. I look forward to the exchange of views of 21 April 2015, with the participation of two representatives of the Parliament of Belarus and two opposition leaders, as well as a representative of the Human Rights Center "Viasna". It is my hope that this hearing could mark a new beginning in relations between Belarus and our Assembly and that concrete steps will follow.

<sup>27</sup> Alex Nice, *Playing both sides: Belarus between Russia and the EU*, Deutsche Gesellschaft für Auswärtige Politik – DGAPanalyse, March 2012, N°2.

<sup>28</sup> OSCE/ODIHR, *Election Observation Mission, Republic of Belarus Parliamentary elections 23 September 2012, Final Report*, 14 December 2012.

**Appendix**

**Programme of the fact-finding visit by**

**Mr Andrea RIGONI  
Italy, ALDE**

**Rapporteur of the Committee on:**

***The situation in Belarus***

**Minsk, Belarus  
25-26 February 2015**

**Wednesday 25 February**

- 08.00 - 08.45 Private meeting with the Italian Ambassador to Minsk, Mr Stefano Bianchi
- 09.00 - 09.45 Meeting with the Chairman of the House of Representatives of the National Assembly of the Republic of Belarus, Mr Andreichenko
- 10.00 - 11.20 Lecture at the Belarusian State University
- 11.30 - 12.30 Meeting with the Chairwoman of the Central Commission of the Republic of Belarus on Elections and Holding Republican Referenda, Ms Ermoshina
- 13.40 - 14.40 EU delegation - Private meeting with extra-parliamentary opposition leaders:
- Anatoly Lebedzka, United Civic Party
  - Pavel Severynets, Belarusian Christian Democracy
  - Aleksandr Milinkevich, Movement For Freedom
  - Uladzimir Bukshytynov, Movement Tell the Truth
  - Sergey Kalyakin, Just World
  - Aleksei Yanukevich, Belarusian People's Front
  - Iryna Veshtard, Belarusian Social Democratic Party Hramada
- 15.00 - 15.45 Meeting with the Minister of Justice of the Republic of Belarus, Mr Slizhevsky
- 16.00 - 16.45 Meeting with the Minister of Foreign Affairs of the Republic of Belarus, Mr Makei
- 17.00 - 17.45 Meeting with the Minister of Information of the Republic of Belarus, Ms Ananich
- 18.00 - 19.00 EU delegation - private meeting with NGOs and civil society representatives:
- Valiantsin Stefanovich, deputy of Ales Bialiatski, Viasna
  - Alleh Hulak, Belarusian Helsinki Committee
  - Andrei Bastunets, Independent Association of Journalists
  - Alexei Kozliuk, Lawtrend
- 19.00 - 20.00 Private meeting with the relatives of political prisoners

**Thursday 26 February**

- 08.15 - 09.15 Private meeting with the Head of EU Delegation, Ms Maira Mora
- 09.30 - 10.30 Meeting with the Chairman of the Council of Republic of the National Assembly of the Republic of Belarus, Mr Myasnikovich
- 10.45 - 11.45 Meeting with the Chairman of the Constitutional Court of the Republic of Belarus, Mr Miklashevich
- 12.00 - 13.00 Meeting with Chairpersons of standing committees of the House of Representatives of the National Assembly of the Republic of Belarus (foreign affairs, death penalty task force, human rights, national relations and media, state-building, local authorities and procedures, national security, health, culture, family and youth policy)
- 13.30 - 15.00 Reception on behalf of the National Assembly of the Republic of Belarus
- 15.40 - 17.00 Visit of the Information Point of the Council of Europe in Minsk
- 18.00 - 20.00 Reception hosted by the Italian Ambassador with the participation of Council of Europe member and observer States, as well representatives of the international community and of the Orthodox Church