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Situation in Belarus on the eve of the presidential election

Report

Political Affairs Committee

Rapporteur: Mr Andres Herkel, Estonia, Group of the European People's Party

Summary

In the run-up to the presidential election in Belarus to be held on 19 March 2006, the Lukashenko regime has undertaken a series of measures to prevent even further any expression of dissent and obstruct the activities of democratic forces: the recently adopted 'anti-revolution law' is a confirmation of this state of affairs. In addition, the abuse of the criminal justice system for political purposes, the total control of state media by the regime and the increasing obstacles placed on the activities of the few existing independent media continue to preoccupy the Assembly.

From the democratic forces side, the recent election of the Single Candidate of the Unified Democratic Forces of Belarus to challenge the incumbent President in the election represents a positive development and a sign of increased maturity.

Under these circumstances, there cannot be any change in the Assembly's policy towards the Lukashenko regime, while its support to the consolidation of democratic forces should be intensified. However, should the Belarusian authorities give clear and conclusive signs of their commitment to move closer to Council of Europe standards in the fields of democracy, rule of law and human rights, the Assembly would be prepared to reopen appropriate communication channels.

A. Draft resolution

1. The Parliamentary Assembly recalls that it has followed developments in Belarus since 1992, in connection with the Belarus' application for membership to the Council of Europe. It expresses, therefore, its strongest regret that Belarus, unlike all the other European countries, does not meet the conditions to be a member of the Council of Europe in terms of pluralist democracy, compliance with the rule of law and respect for human rights and fundamental freedoms. The responsibility for this state of affairs lies with the present regime.

2. It is a matter of extreme concern that in the run-up to the presidential election to be held on 19 March 2006, the Lukashenko regime has undertaken a series of measures to prevent even further any expression of political dissent and obstruct the activities of democratic forces: in particular, the recently adopted 'anti-revolution law' which establishes, amongst others, prison sentences for training or financing the training of people to take part in street protests and for misrepresenting the situation in Belarus to foreign countries or international organisations, or distributing material or information containing such appeals, leaves scope for broad interpretation and to a risk of abuse.

3. Likewise, the detention of a number of opposition figures as a result of trials based on questionable charges confirms the abuse of the criminal justice system for political purposes and the lack of independence of the judiciary, which has been further undermined by the decree enabling President Lukashenko to suspend judges' powers and dismiss them from office.

4. The total control of state media by the regime as well as the increasing obstructions to the activities of the few existing independent media continue to preoccupy the Assembly. In this context, the Assembly welcomes the support given by the European Commission to independent broadcasting to Belarus from abroad.

5. The Assembly also recalls that the very participation of President Lukashenko in the forthcoming contest raises an issue of compliance with the rule of law: in its Opinion no. 314/2004 on the referendum of 17 October 2004 in Belarus, the European Commission for Democracy through Law (Venice Commission) argued that the 2004 referendum which removed the limitation of two terms in office, was contrary to the Belarusian law as well as Council of Europe standards.

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6. In light of the above, and given that no follow-up has been given to previous Assembly resolutions including, amongst others, Resolutions 1371 (2004) on disappeared persons in Belarus and 1372 (2004) on persecution of the press in the Republic of Belarus, the Assembly believes that there cannot be any change in its policy towards the Belarusian regime and the lifting of the suspension of Special Guest status for the Belarusian Parliament is not on the agenda at the present time.

7. However, should the Belarusian authorities give clear and conclusive signs of their commitment to move closer to Council of Europe standards in the fields of democracy, rule of law and human rights, the Assembly would be prepared to reopen appropriate communication channels. To this end, particular attention will be paid to whether all candidates have equal freedom to campaign, the overall fairness of the electoral campaign and the conduct of election procedures.

8. In this context, the Assembly notes as a positive measure the invitations addressed to various international institutions - including the OSCE, the ODIHR and the OSCE Parliamentary Assembly - to monitor the forthcoming election.

9. The Assembly cannot but welcome, as a sign of increased maturity of the Belarusian democratic forces, the recent election of the Single Candidate of the Unified Democratic Forces of Belarus to run in the 2006 presidential election and encourages democratic forces to maintain their unity, irrespective of ideological differences, in the aftermath of the election irrespective of its results.

10. On its part, the Assembly shall endeavour to intensify its support for the consolidation of democratic forces, the development of civil society, the provision of pluralist information and the promotion of Council of Europe values among the Belarusian population at large. In this context, the Assembly recommends that its political groups invite on a regular basis representatives of Belarusian democratic political forces to attend Assembly sessions and other Assembly events.

11. Finally, in respect of their respective policies and mandates, the Council of Europe, the European Union (EU) and the Organization for Security and Cooperation in Europe (OSCE) should enhance their information-sharing as regards Belarus. It is necessary to follow a common strategy in order to have a stronger impact on the democratisation process in Belarus.
12. In light of the above, the Assembly urges President Lukashenko and the Belarusian authorities to:
 - 12.1 embark resolutely on a path to reform liable to bring Belarus closer to Council of Europe standards in the fields of pluralist democracy, human rights and the rule of law;
 - 12.2 refrain from obstructing the free and fair running of the electoral campaign, and take positive action to ensure that pluralist information can be provided;
 - 12.3 ensure that the elections are held in full compliance with international standards;
 - 12.4 remove from the Central Election Commission those who have been involved in the fraudulent referendum and parliamentary elections of 2004, including its Chair, Ms Lidia Yermoshina;
 - 12.5 redress the composition of the territorial election commissions by ensuring equal representation of all sides;
 - 12.6 repeal the anti-revolution law;
 - 12.7 allow the immediate release of political prisoners, in particular Andrei Klimov, Mikhail Marinich, Pavel Severinets, Sergey Skrebets and Nikolai Statkevich;
 - 12.8 conduct an independent investigation into the fate of disappeared persons, as requested by Assembly Resolution 1371 (2004) on Disappeared persons in Belarus;
 - 12.9 remove the restrictive requirements for the registration and the activities of political parties and non-governmental organisations.
13. Besides, the Assembly reiterates its recommendation to the Russian Federation *'to make any political or financial assistance to the Government of Belarus conditional on the respect of the human rights and civil liberties of the people of Belarus'*, as stated in Assembly Resolution 1455 (2005) on the Honouring of obligations and commitments by the Russian Federation.
14. The Assembly also calls on Council of Europe member states to follow the example of the European Commission and give immediate financial, and if necessary logistical, support to independent broadcasting to Belarus from abroad, with particular emphasis on the provision of objective information on the situation in the country.
15. The Assembly invites the European Union to:
 - 15.1 extend the visa-ban to a greater number of high-ranking officials in the Lukashenko regime;
 - 15.2 consider easing visa requirements for ordinary Belarusian citizens, especially students;
 - 15.3 take appropriate steps to identify and freeze bank accounts and other assets belonging to President Lukashenko and others from his entourage.
16. In addition, the Assembly calls on the OSCE to put pressure on the Lukashenko regime, by appropriate means, to ensure that Belarus upholds commitments stemming from its membership to the OSCE.
17. It also invites the OSCE Parliamentary Assembly and ODIHR to coordinate their position on the observation of the forthcoming presidential election with the Assembly.

18. The Assembly calls on the Council of Europe, the European Union and the OSCE to:

18.1 improve information-sharing regarding Belarus and encourage the organisation of joint initiatives;

18.2 resume the activities of the Parliamentary Troika on Belarus on a stable basis.

19. Finally, the Assembly welcomes the initiative of its President, in co-operation with the Czech Minister for Foreign Affairs, to organise a Conference on Belarus in Prague prior to the presidential elections, and decides to participate in this Conference.

B. Draft recommendation

1. Recalling its Resolution(2006) on Situation in Belarus on the eve of the presidential election, the Assembly recommends that the Committee of Ministers:

1.1 include in the agenda of its relevant Rapporteur and Working Groups items concerning Belarus on a regular basis;

1.2 if political conditions allow, establish a School of Political Studies in Belarus, or a School of Political Studies for Belarusian citizens located in a neighbouring Council of Europe member state, easily accessible for Belarusians, with a view to promoting the formation of a Belarusian political elite and the development of a political culture;

if political conditions allow, set up an Information Office of the Council of Europe in Belarus, or use other existing Information Offices situated in neighbouring countries which are easily accessible for Belarusian citizens, to promote Council of Europe values in the field of democracy, rule of law and human rights among the Belarusian public;

1.4 support the establishment of joint programmes with the European Union and other relevant partners, in the fields of democracy, rule of law and human rights.

C. Explanatory memorandum

I. Introduction

1. Belarus is the only country in Europe which does not meet the conditions to be a member of the Council of Europe, given its absence of pluralist democracy, lack of respect for the rule of law and repeated violations of human rights and fundamental freedoms committed by its own government.

2. Shortly after becoming independent, in 1994 the Belarusians elected to the presidency a man who would firmly lead the country towards an authoritarian regime, through elections falling short of international standards, the control over the entire state apparatus and the violation and obstruction of fundamental rights and freedoms. President Lukashenko is now about to run for a third mandate, in elections scheduled for 19 March 2006, four months before his current term-of-office expires.

3. The very participation of Lukashenko in the presidential contest raises an issue of compliance with the rule of law: in October 2004, the constitutional limit of two presidential mandates was removed by a national referendum which was, as stated by the Venice Commission, in contravention of the Belarusian law.¹

4. The novelty of these elections is that, for the first time, the democratic political forces of Belarus have agreed on a single candidate to challenge the incumbent President, well in advance of the foreseen date of the elections. Similarly, a number of political figures respected the commitment not to present their candidature once a single contender was elected. Alexander Milinkevich, the Single Candidate of the Unified Democratic Forces, relies therefore on a cross-party private office, nomination group and electoral basis.

5. Other potential candidates include:²

- Valery Frolov, former General and leader of the opposition parliamentary group 'Respublika' in the previous legislature;
- Sergey Gaydukevich, leader of the pro-regime Liberal Democratic Party;
- Alexander Kazulin, leader of the Belarusian Social-Democratic Party (Hramada);
- Zyanon Poznyak, leader of the Conservative Christian Party; and
- Sergey Skrebets, former leader of the group 'Respublika', currently serving a prison sentence.

6. At the moment of writing, these potential candidates are in the process of collecting the 100,000 signatures necessary to be registered for the ballot. After 27 January, when this stage is over, the number and names of the contenders will be known. As of 17 January, Milinkevich's nomination group has already collected the necessary number of signatures.

7. The local authorities have formed 165 territorial election commissions, consisting of more than 2,000 members. They should represent political parties and NGOs, as well as different segments of society. Some opposition politicians, however, have raised strong criticism against the composition of these commissions, on the grounds that opposition parties are not represented (with the only exception of the Belarusian Popular Front which has one representative). In addition, the Central Electoral Commission (CEC) has set up a supervisory commission to scrutinise media coverage during the campaign.

II. Recent developments in Belarus

8. In Belarus the three traditional branches of power (executive, legislative and judiciary) as well as the fourth – the media – are not independent: *de facto*, and sometimes *de iure*, they are under presidential control and are used as instruments to perpetuate Lukashenko's power. The recent decree which enables the President to suspend judges' powers and dismiss them from office is a further confirmation of this state of affairs: it undermines the independence of the judiciary in a very similar way as the constitutional changes introduced following the 1996 referendum curtailed the

¹ European Commission for Democracy through Law (Venice Commission), Opinion no. 314/2004 on the referendum of 17 October 2004 in Belarus.

² Alexander Voitovich, former President of the Academy of Sciences of Belarus, has withdrawn his candidature.

powers and independence of parliament. In fact, it seems that in the run-up to the 2006 presidential election, the regime is using its pervasive control over Belarus' institutions to prevent even further any expression of political dissent.

i. Legislation limiting the freedom of action of democratic forces

9. In Belarus, there exists a complex set of legislation which affects, directly or indirectly, the freedom of action of democratic forces. The most recent example of this kind is the **anti-revolution law** - adopted by parliament only a few days before the announcement of the date of the elections – which introduces amendments to the Criminal Code and establishes prison sentences for:

- training or financing the training of people to take part in street protests (from 6 months to 3 years);
- misrepresenting the situation in Belarus to foreign countries or international organisations and asking them to act against the country's security, sovereignty and territorial integrity or distributing material or information containing such appeals (from 2 to 5 years); and
- organising or taking part in the activities of a suspended or closed non-governmental organisation or foundation (from six months to two years).

10. This is an obvious catch-all law, liable to be used by the regime against political opponents and independent media at any convenient time. It joins other pieces of legislation, all of them passed without meaningful opposition in parliament, which obstruct freedom of expression, of association and pluralism in general. Amongst others, the following have been introduced after the 2004 referendum and parliamentary elections:

- a law which criminalises **foreign assistance** on behalf of political parties, NGOs and civil society;
- a law which imposes on political parties and NGOs the **obligation to be located in public buildings**.

ii. Politically-motivated trials

11. In the wake of the 2004 parliamentary elections, a number of leading figures of the opposition have been eliminated from the public arena and sentenced to prison terms:

- Andrei Klimov, businessman and former member of Parliament;
- Mikhail Marinich, former Ambassador and candidate to the 2001 presidential election;
- Pavel Severinets, leader of the non-registered Popular Front youth movement;
- Sergey Skrebets, leader of the parliamentary group 'Respublika';
- Nikolai Statkevich, Chairman of the Belarusian Social-Democratic Party (*Narodnaya Hramada*).

12. The trials against these public figures, as well as those against Valeri Levonevsky, Alexander Vasiljev and many others, were political, based on questionable charges and ended in disproportionate sentences. The same can be said for the sentencing of Professor Bandazhevsky, who has now been freed on parole. In addition to political figures or critics of the regime, the wave of set-up trials has affected also businessmen and directors of large state companies who could have provided financial support and political backing to democratic forces.

iii. Absence of pluralist information

13. The total control of state media by the regime as well as the continuous obstructions to the activities of the few existing independent media have been widely reported by the Assembly and, more recently, by the OSCE³ and *Reporters sans frontières*. The latest matters of concern include:

- the introduction of legislation preventing commercial and non-profit organisations from using the words 'national' and 'Belarusian' in their names. As a result of this measure, many publications had to change their names and re-register, with all the difficulties that this implies.
- harassment against staff, publishers and retailers of independent publications;

³ OSCE, Representative on freedom of the media, Belarus: observation and recommendations, 10 March 2005.

- a growing number of independent publications being struck off the distribution system, this being performed by the state postal company.

14. The relentless efforts made by the regime to silence the most popular surviving independent newspaper – **Narodnaya volya** (circulation: 30,000) - is symptomatic: not only should the newspaper have changed its name as a result of the above-mentioned law, but its assets have been seized following a suit for moral damage lodged by Sergey Gaydukevich, leader of the pro-Lukashenko Liberal Democratic Party. The persecution of Narodnaya volya is ongoing: printing has been moved to Smolensk (Russian Federation) but the distribution of the newspaper has been blocked several times by the Belarusian customs, on spurious grounds.

15. The issue of pluralist information becomes pivotal in connection with the forthcoming presidential election. In this sense, the recent decision by the European Commission to grant a 138.000 euro contract to **Deutsche Welle Radio** to broadcast via radio and internet into Belarus for 15 minutes every day is a step in the right direction.⁴ Despite the criticism that has been raised against this project (as regards the duration of broadcasting, the use of the Russian language rather than Belarusian, and the adjudication of the tender to a foreign broadcaster as opposed to a Belarusian), it is an initiative which could lead the way to others of the same kind, even more attuned to the needs of the Belarusian public. In any case, it makes a breach in the isolation in which the Lukashenko regime has kept Belarusian citizens and strikes at the core of the problem: the absence of pluralist information is a major and permanent hindrance to the take off of the democratisation process in Belarus. Similarly, the access to broadcasting from abroad could offer Belarusians a different perspective over Europe, which in the official propaganda is stigmatised as poor, disunited and politically unstable.

iv. Increased powers of the police and the intelligence service

16. Following legislative amendments adopted in mid-May, KGB officials have the right to enter any private dwelling without a court warrant, as well as the right to tap telephone calls and infiltrate companies as regular workers. Besides, the anti-revolution law allows the police to hold terror suspects and persons suspected of malicious hooliganism for up to 10 days without charge.

III. The situation of democratic forces

17. There is no opposition – however moderate – nor independent member in the current Belarusian parliament. In this respect, it should be recalled that OSCE monitors found that the 2004 parliamentary election '*fell significantly short of international standards*'.⁵ Besides, Lidia Yermoshina, Chair of the Central Election Commission, is on the EU visa-ban due to '*her involvement in the fraudulent parliamentary elections and referendum of October 2004*'.⁶

18. Democratic forces, instead, operate outside the parliamentary arena, sometimes even illegally, given the restrictive requirements imposed by law. A high number of political parties exist, in addition to youth organisations and NGOs. Recent months have witnessed considerable repression against youth organisations and students, with more and more activists being expelled from schools and universities because of their political views, being harassed by security forces or detained. Amongst other associations, the Union of the Poles has been particularly targeted by the regime and subjected to various forms of harassment, which has led to diplomatic tensions with Poland.

19. Belarusian democratic forces have often been criticised for being very fragmented. It is a sign of increased maturity, therefore, that at the beginning of October 2005, a nation-wide Congress of Democratic Forces met in Minsk and elected Alexander Milinkevich as the single opposition candidate to run in the 2006 presidential election. His task is daunting, especially in light of the monopoly of information by the regime. This is why he wants to campaign by '*delivering the message straight to people's doors*'⁷, despite the harassment and difficulties posed by the authorities. His main objective is to '*bring Belarus back to the ranks of civilized countries*' by restoring the independence of the three

⁴ <http://www.delblr.cec.eu.int/site/page1885.html>

⁵ OSCE/ODIHR Election Observation Mission, Final Report, Republic of Belarus, Parliamentary elections October 2004.

⁶ Common Positions 2004/848 CFSP and 2005/666 CFSP.

⁷ Interview with Radio Free Europe, 3 October 2005.

branches of power, giving freedom to the press and starting economic reforms. In foreign policy, the Single Candidate intends breaking the self-inflicted isolation brought about by the regime and improve cooperation with European organisations, while preserving good relations with Russia.

20. Despite the progress of achieving unity for the election of a single presidential candidate, democratic forces in Belarus remain weak, fragmented and lack widespread support. To remedy this situation, Mr Milinkevich's election campaign should not be considered merely in the context of the forthcoming vote: most importantly, it is an opportunity to raise the profile and the visibility of democratic forces among the population at large and raise awareness about the real nature of the Lukashenko regime.

21. In addition, despite undeniable progress, it is essential for the Belarusian democratic forces to reach a further level of maturity and consolidation to address the post-election stage and present themselves as a viable, sound and coherent alternative to the regime in the long-term before the Belarusian electorate and international actors. A post-election strategy based on unity is necessary to continue to exert pressure on the regime and to catalyse the support of the international community.

22. The further consolidation of Belarusian democratic forces should be encouraged and supported from outside, despite the attempts made by the regime to outlaw funding and assistance from abroad, through contacts with like-minded democratic forces, states and organisations.

IV. The place of Belarus in the new Europe

23. In the last few years the geopolitical situation of Belarus has changed: on the one hand, following the latest EU enlargement, Belarus has become a new EU neighbour and the non-democratic nature of its regime has become a major political issue on the EU agenda, also under pressure from new members; on the other hand, following the 'rose revolution' in Georgia and the 'orange revolution' in Ukraine, the strategic importance of Belarus for the Russian Federation has grown, above all in fields such as communications, transport of energy, defence and access to Kaliningrad.

24. Even if 'special', the relation between the Lukashenko regime and the Russian Federation is not as straightforward as it may seem at first glance, as is shown in the slow pace with which the Union between the two countries is being implemented. It is certain, however, that the Russian Federation is at the moment the main actor having decisive means of pressure to obtain a softening of the regime. In this sense, the Assembly has explicitly called on Russia *'to make any political or financial assistance to the Government of Belarus conditional on the respect of the human rights and civil liberties of the people of Belarus'*.⁸

25. In general, with the exception of the Russian Federation, the approach of European states towards Belarus is based on two prongs:

- avoiding contacts with high level Belarusian officials, to indicate that the undemocratic behaviour of the present leadership is not tolerated and to eliminate the risk that the regime presents these contacts to the Belarusian people as a sign of validation by the international community;
- supporting civil society and democratic forces in the country.

26. It is interesting to note, however, that while the Belarusian economic performance is strongly dependant on its special relationship with the Russian Federation⁹, the volume of EU-Belarus trade is on the rise. Besides, the Program of Social and Economic Development of the Republic of Belarus for 2006-2010 advocates intensified trade and economic cooperation with new EU members and even calls for the establishment of a common European economic area with free movement of goods and persons.

27. This Program clearly overlooks the open criticism of the regime by all the EU institutions, and the repeated statements by the European Bank for Reconstruction and Development (**EBRD**) that its

⁸ Resolution 1455 (2005) on the Honouring of obligations and commitments by the Russian Federation.

⁹ Not only is Russia the main market for Belarus' exports but it is also a provider of energy at discounted prices.

availability to conduct the *'full range of its investment and lending facilities in Belarus, including financing for public sector projects and private-public enterprises'*, should progress against political and economic benchmarks being significant and demonstrably achieved.¹⁰ It may be an indication, however, that should the Lukashenko regime be looking westward for economic partnership, the EU would have strong means of pressure to ask for political reforms.

V. International organisations and Belarus: one aim, different strategies

28. At European level, three organisations have a particular interest in the development of democracy in Belarus: the Council of Europe, the EU and the OSCE. All three of them openly criticise the regime for its undemocratic character and its poor human rights record. They have, however, different approaches as to the issue of dialogue with the Belarusian authorities. Regrettably, none of them has proved to have a decisive impact on the situation in Belarus.

i. PACE and the Council of Europe

29. Belarus applied for membership to the Council of Europe in 1993 and was granted Special Guest Status with the Parliamentary Assembly. As a result of the 1996 referendum, which increased the power of the president at the expenses of parliament, Belarus' membership application was frozen. In 1997, the Assembly suspended Special Guest Status for the Belarusian parliamentary delegation, with a decision later confirmed several times, most recently in April 2004.

30. The decision to 'suspend' rather than 'withdraw' Special Guest Status was motivated by the willingness of the Assembly *'to maintain contact and support positive developments'* in Belarus¹¹. In April 2004, however, the Assembly decided that even the informal participation of members of the Belarusian parliament during Assembly session would be inappropriate unless a serious enquiry was conducted as to the fate of disappeared persons.¹² In April 2005, the Bureau of the Assembly recommended that the Political Groups invite representatives of Belarusian democratic political forces to attend the Assembly part-sessions.

31. To sum up, the Parliamentary Assembly of the Council of Europe does not entertain any stable contacts with the Belarusian Parliament whilst it privileges contacts with Belarusian democratic forces. On the intergovernmental side, limited working contacts between the Council of Europe and the Belarusian authorities exist, as Belarus is a party to the European Cultural Convention and an observer with Venice Commission.

ii. The European Union

32. The policy of the European Union towards Belarus is also based on the two-pronged approach. In fact, the European Commission is a major donor in the support to civil society and democratisation, as well as in the humanitarian assistance to the victims of the Chernobyl incident: since 1991 it has disbursed a total of 222 million euros. For the period 2005-2006, assistance under the **European Neighbourhood Policy** (ENP) has been increased from around 10 to 12 million euros per year¹³, to be disbursed through the European Initiative for Democracy and Human Rights, the Decentralised Cooperation instrument – recently opened to Belarus – and the Tacis programme.

33. As far as the issue of the isolation of the regime is concerned, it should be mentioned that the European Union has adopted a **visa-ban** against officials responsible for obstruction of justice in relation to the disappearances which occurred in 1999 and 2000.¹⁴ This visa-ban, which obliges EU Member States to take necessary measures to prevent the entry into or transit through their territories of the persons concerned, has been subsequently extended to other people involved in the fraudulent parliamentary elections and referendum of October 2004 and in the repression of the subsequent peaceful demonstrations.¹⁵

¹⁰ Cfr. www.ebrd.com/country/country/belarus/index.htm.

¹¹ PACE press release, Belarus suspended, Ref. 11(97).

¹² Resolution 1371 (2004) on Disappeared persons in Belarus, paragraph 12.

¹³ Speech by Benita Ferrero-Waldner, Belarus Assistance Coordination Workshop, Vilnius, 18 March 2005.

¹⁴ Common Position 2004/661 CFSP.

¹⁵ Common Positions 2004/848 CFSP and 2005/666 CFSP. The list of people concerned by the visa-ban includes, as of today, 6 persons.

34. On the other hand, the Commission has recently announced its decision to open a **Delegation** in Belarus. This could contribute greatly to increasing the visibility of EU institutions, in addition to creating a new base from which to follow the political situation in Belarus and improve the flow of information.

iii. The Organization for Security and Cooperation in Europe (OSCE) and the OSCE PA

35. Belarus has been a member of the OSCE since 1992. As is well known, the OSCE does not impose conditions for membership relating to the attainment of a certain degree of democracy, human rights protection and respect of the rule of law. By becoming members, however, states undertake a series of commitments which they should uphold, amongst others guaranteeing respect of human rights and fundamental freedoms, ensuring that the will of the people is expressed regularly through free and fair elections and respecting the rule of law.

36. Relations between the OSCE and Belarus have been at times tense, to the extent that the organisation had to close down its presence in the country. Following a Memorandum of Understanding between the parties, a new **OSCE Office** was opened in Minsk in 2003. Among European organisations, the OSCE is therefore the one which is best placed to have first-hand information on the situation in Belarus, even if the Minsk Office tends to keep a low profile.

37. Belarusian parliamentarians sit in the **OSCE Parliamentary Assembly**. Following the 2004 parliamentary election, the new Belarusian delegation signed a declaration by which it agreed on the organisation of a series of seminars in Belarus, on issues such as parliamentary democracy. These seminars never took place.

VI. Conclusions and recommendations

38. In light of the above, the following main conclusions can be drawn:

i. as regards the forthcoming election:

39. The potential for the 2006 presidential election bringing about a democratic change is limited:

- all the branches of the state in Belarus are used to further the power of the incumbent President and his entourage;
- the state media is controlled by the regime and hardly any independent source of information is available to the general public;
- legal, judicial and practical obstacles are placed on activities of democratic forces;
- even the date of the elections, by many expected for summer or autumn 2006, has been brought forward, with the consequence of reducing the potential impact of the opposition's campaign and of independent broadcasting from abroad;
- President Lukashenko will run for a third mandate even if this is contrary to the law.

40. In these circumstances, the chances for a free and fair electoral competition are also limited.

41. The importance of the forthcoming elections for advancing democracy in Belarus, however, should not be underestimated:

- the unity of the opposition for the election of a single candidate is a positive development, which could have far-fetching effects if this unity was maintained also in the post-election period, in spite of ideological differences;
- the single candidate is in a unique position to advance the cause of democracy among the electorate and raise the visibility of democratic forces;
- the interest of the international community in assisting the democratisation process in Belarus is growing, on the one hand in response to the toughening of internal repression, on the other as a result of the latest EU enlargement, which has brought several neighbours of Belarus into the EU fold and has made a new EU neighbour of Belarus. It is to be hoped that the forthcoming elections will act as a catalyst for the so far dispersed and uncoordinated efforts of the international community;

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- the lack of access to pluralist information has been identified by the international community as a key element preventing the democratisation process from taking off in Belarus. Major donors are now giving priority to making independent broadcasting from neighbouring countries available for Belarusians. This measure, if maintained over time, could prove to have a positive impact on the development of an informed public opinion.

42. The participation of democratic candidates makes it essential that independent monitors – in particular the OSCE/ODIHR – assess the compliance of the forthcoming elections with international standards. In this respect, the Parliamentary Assembly of the Council of Europe should try to ensure a presence during the elections through the participation of some of its members under the OSCE/ODIHR umbrella.

ii. as regards supporting democratisation in Belarus:

43. The Assembly should consider the development of democracy in Belarus as a priority. Therefore it should:

- intensify its contacts and activities with Belarusian democratic forces and invite them, through its Political Groups, to participate in Assembly sessions and other events;
- endeavour to organise visible events on the issue of the development of democracy in Belarus, with a view to stimulating the political debate and to raise awareness among the public at large. In this context, welcomes the initiative of its President, in cooperation with the Czech Minister of Foreign Affairs, to organise a Conference on Belarus in Prague prior to the presidential elections, and encourages its relevant Committees to participate or send representatives;
- call on the Committee of Ministers to intensify Council of Europe activities in the fields of civil society capacity-building, media, human rights and youth on behalf of Belarusian citizens;
- call on the Committee of Ministers to set up a Council of Europe information structure with Belarusian staff and providing material on the Council of Europe and its values in Belarusian language, if necessary located outside Belarus but within easy reach for Belarusian citizens.

44. Besides, international pressure might prove to be more effective if better coordinated. To this end:

- in respect of their different mandates and instruments, the Council of Europe, the EU and the OSCE should enhance their cooperation as regards Belarus, through the improvement of information-sharing and the organisation of some joint initiatives or events;
- in this context, the activities of the Parliamentary Troika on Belarus, formed by the PACE Sub-Committee on Belarus, the EP Delegation for Relations with Belarus and the OSCE PA Ad Hoc Working Group on Belarus, should be resumed and concrete activities conducted;
- in the short and medium terms, the activities of the Troika should focus respectively on the 2006 presidential and 2008 parliamentary elections and their aftermaths;

45. In addition, the European Union should be invited to:

- in the context of its competence in the field of visa policy and immigration, consider waving visa requirements for Belarusian citizens, especially students;
- extend the visa-ban to a greater number of Belarusians actively involved with the regime; and
- take appropriate steps to identify and freeze bank accounts and other assets belonging to President Lukashenko.

iii. as regards the Assembly strategy towards the Lukashenko regime:

46. Given the recent developments in Belarus and considering that no follow-up has been given to previous Assembly recommendations, there cannot be any change in the Assembly policy towards the Lukashenko regime and Special Guest status should not be restored.

47. However, should the regime reverse its current policies and give clear and conclusive signs of its commitment to move closer to Council of Europe standards, the Assembly should be prepared to reopen appropriate communication channels. To this end, the compliance of these elections with international standards will be an important element to be taken into consideration.

Reporting Committee: Political Affairs Committee.

Reference to Committee: Ref. 3169, 23.01.06

Draft Resolution and draft Recommendation adopted by the Committee on 24.01.06

Members of the Committee: Mr Abdülkadir **Ateş** (Chairman), Mr Konstantin **Kosachev** (Vice-Chairman), Mr Zsolt **Németh** (Vice-Chairman), Mr Giorgi **Bokeria** (Vice-Chairman), Mrs Birgir Ármannsson, Mr Giuseppe Arzilli, Mr Claudio **Azzolini**, Mr Miroslav **Beneš**, Mr Radu-Mircea **Berceanu**, Mr Gerardo Bianco, Mr Alexandër **Biberaj**, Mr Luc Van den Brande (alternate: Mr Karim **van Overmeire**), Mrs Beáta **Brestenká**, Mrs Anna **Curdová**, Mr Noel **Davern**, Mr Michel Dreyfus-Schmidt, Mr Adri Duivesteijn (alternate: Mr Frans **Timmermans**), Mrs Josette Durrieu, Mr Mikko **Elo**, Mr Joan Albert **Farré Santuré**, Mr Per-Kristian **Foss**, Mr Jean-Charles Gardetto, Mr Charles Goerens, Mr Daniel Goulet, Mr Andreas Gross, Mr Jean-Pol **Henry**, Mr Joachim **Hörster**, Mr Ali Huseynov, Mr Renzo Innocenti, Mr Ivan **Ivanovski**, Mr Tadeusz Iwiński, Mr Elmir Jahić (alternate: Mr Sead **Avdzić**), Mr Ljubiša Jovašević (alternate: Mr Ivan **Brajović**), Mr Ivan **Kalezić**, Mr Oleksandr Karpov, Mr Oskars **Kastēns**, Mr Yuriy Kostenko, Mrs Darja **Lavtižar-Bebler**, Mr Göran **Lindblad**, Mr Younal **Loutfi**, Mr Mikhail Margelov, Mr Tomasz Markowski, Mr Dick Marty, Mr Frano Matušić, Mr Murat **Mercan**, Mr Jean-Claude **Mignon**, Mr Marko **Mihkelson**, Mrs Nadezhda **Mikhailova**, Mr João Bosco Mota Amaral, Mrs Natalia Narochnitskaya, Mrs Carina **Ohlsson**, Mr Boris Oliynyk, Mr Theodoros **Pangalos**, Mrs Elsa **Papadimitriou**, Mr Christos **Pourpourides**, Mr Gordon Prentice (alternate: Mr John **Austin**), Mr Gabino Puche, Mr Lluís Maria de Puig, Mr Jeffrey Pullicino Orlando (alternate: M.r Léo **Brincat**), Lord Russell-Johnston (alternate: Baroness **Knight**), Mr Peter Schieder, Mr Ingo Schmitt, Mrs Juana Serna, Mr Adrian Severin, Mrs Hanne Severinsen, Mr Samad Seyidov (alternate: Mrs Gultakin **Hajiyeva**), Mr Leonid **Slutsky**, Mr Michael Spindelegger, Mr Rainer **Steenblock**, Mr Zoltán **Szabó**, Baroness Taylor of Bolton (alternate: Lord **Tomlinson**), Mr Mehmet **Tekelioğlu**, Mr Tigran Torosyan, Mr José **Vera Jardim**, Mrs Biruté **Vesaitė**, Mr Varujan **Vosganian**, Mr David **Wilshire**, Mr Bart **van Winsen**, Mr Wolfgang **Wodarg**, Mrs Renate Wohlwend (alternate: Mrs Doris **Frommelt**), Mr Marco Zacchera (alternate: Mr Italo **Bocchino**), Mr Krzysztof Zaremba.

Ex-officio: MM. Mátyás **Eörsi**, Mats Einarsson,

N.B. : The names of the members who took part in the meeting are printed in **bold**

Head of the Secretariat : Mr Perin

Secretaries to the Committee: Mrs Nachilo, Mr Chevtchenko, Mrs Sirtori-Milner