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**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD**

**Report of the Special Rapporteur on the situation  
of human rights in Belarus, Adrian Severin**

## **Summary**

The mandate of the Special Rapporteur on the situation of human rights in Belarus was established by Commission resolution 2004/14 and extended by resolution 2005/13. The Commission requested the Special Rapporteur to establish direct contacts with the Government and with the people of Belarus, with a view to examining the situation of human rights in Belarus and following any progress made towards the elaboration of a programme on human rights education for all sectors of society, in particular law enforcement, the judiciary, prison officials and civil society, and to report to the Commission at its sixty-second session.

In 2005, like in 2004, the Government of Belarus has not cooperated with the Special Rapporteur in the fulfilment of his mandate, despite numerous attempts made to engage in a constructive dialogue. Therefore, the report is based on the findings of the Special Rapporteur's missions to Estonia, Latvia, Lithuania and Poland, consultations held in Geneva, Strasbourg and Brussels, and on media reports and documentary sources.

The Special Rapporteur expresses increased concern at the steady deterioration of the situation of human rights in 2005, and urges the Government of Belarus to put an end to the ongoing human rights violations described in the present report and to bring their perpetrators to justice; to recognize all the resolutions adopted by the Commission on Human Rights and the mandate of the Special Rapporteur; to launch a public education and public-awareness programme in the field of human rights; and to convene a national round table on the situation of human rights in Belarus.

The Special Rapporteur recommends to the Belarusian civil society to multiply its efforts towards the establishment of a dialogue with the Government, and to continue working towards the consolidation and democratization of the Belarusian civic multicultural nation. He recommends to the democratic political opposition of Belarus to disseminate widely its political programme and its human rights plan of action. He recommends to the international community, and in particular the United Nations, to support this process.

The Special Rapporteur urges the Government of Belarus to sign and ratify the International Convention on the Protection of All Persons from Enforced Disappearance as soon as it will be opened for signature and ratification, and recommends the Commission on Human Rights to request the Office of the United Nations High Commissioner for Human Rights to immediately establish a group of legal experts to investigate the responsibility of senior officials of the Government of Belarus in the disappearance and murders of several politicians and journalists, and make concrete proposals for their prosecution, in order to bring to an end the impunity of those involved in such crimes.

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## **Introduction**

1. The mandate of the Special Rapporteur on the situation of human rights in Belarus was established by Commission resolution 2004/14 and extended by resolution 2005/13. The Commission requested the Special Rapporteur to establish direct contacts with the Government and with the people of Belarus, with a view to examining the situation of human rights in Belarus and following any progress made towards the elaboration of a programme on human rights education for all sectors of society, in particular law enforcement, the judiciary, prison officials and civil society, and to report to the Commission at its sixty-second session.
2. The Special Rapporteur notes with regret that the Government of Belarus, like in 2004, has not responded favourably to his request to visit the country and has in general not cooperated with him in the fulfilment of his mandate. Therefore, the report is based on the findings of the Special Rapporteur's missions to Estonia, Latvia, Lithuania and Poland, and his discussions and consultations held in Geneva, Strasbourg and Brussels with representatives of Belarusian human rights and other civil society organizations, the United Nations and specialized agencies, the European Union, the Council of Europe, and diplomats. It is also based on media reports and various documentary sources.
3. The Special Rapporteur wishes to thank the Office of the United Nations High Commissioner for Human Rights (OHCHR) for the professionalism and dedication of the staff assigned to service his mandate.

## **I. ACTIVITIES OF THE SPECIAL RAPPORTEUR**

4. In fulfilment of the terms of his mandate, the Special Rapporteur addressed to the Government of Belarus a formal request for an invitation to visit the country, to which the Government did not reply.
5. On 2 and 3 June 2005, the Special Rapporteur held consultations in Geneva. The Permanent Mission of Belarus to the United Nations Office at Geneva did not accept to meet with the Special Rapporteur, who met with OHCHR officials, the International League for Human Rights and the Permanent Missions of Poland, Estonia, Latvia, Lithuania and the United States of America. Subsequently, he addressed a questionnaire on the situation of human rights to the Government of Belarus, with the objective to integrate its views in the present report. No answer was received to date. On 20 and 22 June, he participated in the twelfth annual meeting of the special procedures mandate holders and held consultations with the Permanent Missions of Ukraine and the Czech Republic in Geneva.
6. On 22 June, the Special Rapporteur informed the Government of Belarus of his intention to organize, in Minsk, a round table on the situation of human rights in Belarus. The Government did not answer. At the same time he proposed to the Government of the Russian Federation to hold this round table in Moscow, would the Government of Belarus decline to hold it in Minsk. The Government of the Russian Federation did not answer either.

7. The Special Rapporteur decided then to accept the invitation of the Government of Latvia to hold the round table in Latvia. He informed the Government of Belarus of this decision and requested Belarusian authorities to appoint its delegates to the round table. The Special Rapporteur was also invited by the Government of Estonia and by the NATO Parliamentary Assembly and the Parliament of the Republic of Lithuania to attend a "Seminar on Belarus" in Vilnius.

8. During the mission to Estonia, Latvia and Lithuania, which took place from 18 to 24 September, the Special Rapporteur met with numerous interlocutors. In Estonia, he met with the Chairperson of the Association of Belarusians in Estonia, parliamentarians, officials of the Ministry for Foreign Affairs, and with the Open Estonia Foundation. In Latvia, he met with members of the European Parliament, with the State Secretary of the Ministry for Foreign Affairs, and collected information from various Belarusian organizations - the Independent Institute of Socio-Economic and Political Studies (ISEEPS), the Belarusian Helsinki Committee, the Human Rights Centre Viasna, the Radio Electronics Trade Union, the newspaper *Nasha Niva*, the Association of Full Gospel Christians, the Women's Independent Democratic Movement - and met with the lawyer and one of the sons of the political prisoner Mikhail Marinich. The Government of Belarus was not represented.

9. The round table was also attended by representatives of the Latvian Parliament, the International Helsinki Federation, the Moscow Human Rights Institute, the East European Democratic Centre of Warsaw, the Federation of International Human Rights Leagues (FIDH), the International League for Human Rights, the Soros Foundation, the Organization for Security and Co-operation in Europe and the United Nations Development Programme (UNDP) in Minsk, as well as representatives of the Ministries of Foreign Affairs of Poland and the Czech Republic. The Ambassador of the United Kingdom to Belarus also participated in the round table, on behalf of the European Union.

10. In Lithuania, the Special Rapporteur participated in the seminar on Belarus in Vilnius and gathered information from representatives of the Belarusian political opposition (United Civic Party, Party of Freedom and Progress, Belarus Popular Front Party), independent media (*Belaruski Rynak* newspaper, Chairperson of the Belarusian Association of Journalists and 2004 Sacharov prize recipient Zanna Litvina), civil society (movement "Nash Dom" of Vitebsk, ZUBR youth movement, Belarusian Women's League), family members of victims of human rights violations, including the elder son of Mikhail Marinich and the wife of the disappeared Dmitry Zavadsky, members of the European Parliament, the Rapporteur on Belarus of the Parliamentary Assembly of the Council of Europe (PACE), and NATO officials.

11. The Special Rapporteur reconfirmed his readiness to visit Belarus, asking for an invitation and requesting a meeting with the Permanent Mission in Geneva to discuss the information collected during that mission. On 5 and 6 October, the Special Rapporteur participated in a meeting in Strasbourg of the PACE Sub-Committee on Belarus and met with the President of the Parliamentary Assembly of the Council of Europe.

12. Between 11 and 14 October, the Special Rapporteur met with the Regional Director for Europe and the Executive Director of Standards and Fundamental Principles and Rights at Work Sector of the International Labour Organization (ILO), the representative of the European Commission in Geneva and with Amnesty International. He held consultations with the

Permanent Missions of Latvia, the United Kingdom, Austria, Ukraine, the United States of America and Sweden. On 26 October, the Special Rapporteur attended a European Parliament hearing in Strasbourg with a group of Belarusian political opposition leaders.

13. On 22 and 23 November, the Special Rapporteur met in Warsaw with several members of the Union of Poles of Belarus to collect first-hand information on their persecution by Belarusian authorities during 2005. On 28 November, he again wrote to the Government of Belarus to request an invitation to visit the country in order to double-check his findings.

14. On 7 December, the Special Rapporteur had an exchange of views with the Personal Representative of the European Council's Secretary-General and the European Council's High Representative for Human Rights.

15. In addition, the Special Rapporteur received a great amount of documentary information from very diverse sources - them Belarusian, Russian, Polish, Czech, Latvian and Estonian civil society organizations, the Belarusian political opposition, international non-governmental organizations (NGOs) (International Helsinki Federation, Amnesty International, Human Rights Watch, FIDH, International League for Human Rights), members of several national parliaments and of the European Parliament, regional and international organizations (European Union Council and Commission, OSCE, Council of Europe, UNDP, ILO and the United Nations Country Team in Minsk), and the media. The present report was drafted on the basis of this information, as were the communications addressed by the Special Rapporteur to the Government of Belarus on several occasions:

- On 6 June, concerning the detention of Syarhei Skrabets, Valery Levaneuski, Paval Sevyarynets, and Mikola Statkevich, followed by a press release issued on 7 June condemning the politically motivated sentencing of the four Belarusian opponents;
- On 22 July, concerning the adoption of the new laws "On public associations" and "On political parties", the judicial liquidation of the Belarusian Social Democratic Party *Narodnaya Hramada* and the harassment of non-State media;
- Jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, on 17 August, concerning the gross violation of the freedom of expression of a Polish journalist as well as of numerous Belarusian journalists of Polish descent;
- On 10 October, concerning harassing measures against the newspaper *Narodnaya Volya*;
- On 24 October, concerning the murder of Vasil Hrodnikau, correspondent for *Narodnaya Volya*;
- Jointly with the Special Representative of the Secretary-General on the situation of human rights defenders, on 3 November, concerning the judicial harassment of the Belarusian Helsinki Committee;

- On 11 November, the Special Rapporteur issued a press release and urged the Government of Belarus to elucidate the murders of journalists Veranika Charkasova and Vasil Hrodnikau and bring those responsible to justice;
- On 15 November, an urgent appeal, jointly with the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the right to freedom of opinion and expression, and the Special Representative of the Secretary-General on the situation of human rights defenders, concerning the restrictions to travel imposed on lawyer Vera Stremkovskaya;
- On 7 December, an urgent appeal, jointly with the Special Rapporteur on the right to freedom of opinion and expression and the Special Representative of the Secretary-General on the situation of human rights defenders, on the adoption of amendments to the Penal Code and the Code of Criminal Procedure, further restricting freedom of expression and freedom of assembly and association. The urgent appeal was followed by a press release issued by the Special Rapporteur on 9 December.

## **II. THE APPLICABLE HUMAN RIGHTS LEGAL FRAMEWORK**

16. Belarus is a member of the United Nations and ratified the Charter, which contains provisions related to human rights; in addition, it is party to six of the seven major human rights treaties, namely the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination. In addition, Belarus ratified the Optional Protocol to the International Covenant on Civil and Political Rights concerning individual complaints, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. It is also party to 49 ILO Conventions.

17. It has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the Convention against Torture, and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Also, it has not ratified the Rome Statute of the International Criminal Court.

18. As concerns its reporting obligations, it has three outstanding reports: to the Committee on Economic, Social and Cultural Rights (due in 1999), to the Human Rights Committee (due in 2001), and to the Committee against Torture (due in 2004).

### **III. THE SITUATION OF BASIC FREEDOMS AND HUMAN RIGHTS**

#### **A. Civil and political rights; mechanisms of protection**

19. The present situation in the Republic of Belarus is characterized by the systematic violation of civil and political rights and the deprivation of Belarusian citizens of their right to effectively take part in the conduct of public affairs, and by the extreme weakness of human rights protection mechanisms. The judicial system is submitted to the executive power, there is no really independent legislative power, and no national human rights institution.

#### **Administration of justice and law enforcement, death penalty, disappearances and summary executions**

20. In 2004, the Working Group on Arbitrary Detention visited Belarus. In its report (E/CN.4/2005/6/Add.3), it noted the evident imbalance between the powers of the prosecution and the rights of the defence, in breach of international standards. This situation is of extreme concern since Belarus is the last country in Europe to apply the death penalty. A system which deprives accused persons of their right to defence can lead more easily to judicial errors. Such imbalance is embodied further by the abusive nature of the detention system. Physical conditions of pretrial detention are harsh. Detainees are often put under strong psychological pressure. The presumption of innocence is seriously undermined.

21. The regime of pretrial detention for minors is the same as for adults, which has worse consequences for them than for adults on account of their vulnerability. The situation of persons detained in facilities under the control of the KGB and the lack of oversight in cases of placement in psychiatric hospitals of persons under investigation are also issues of serious concern. Administrative detention is used against persons peacefully exercising their right to assembly, demonstration and freedom of expression, opinion or dissemination of information. The Code of Administrative Offences is used to repress demonstrators or political opponents.

22. The situation has worsened in 2005. In addition to the presidential powers of amnesty and to appoint and dismiss judges (art. 84 of the Constitution), Presidential Order No. 426 of 12 September 2005 gave President Lukashenko the right to release from any criminal liability, without trial, persons responsible for crimes inflicting an essential damage to State property or public interests.

23. The personalization and selectivity of the justice administration in Belarus is evidenced further by the fact that to date, the Government failed to elucidate the involvement of senior government officials in the disappearances of Yury Zakharanka, Viktor Hanchar, Anatol Krasouski and Dzmitry Zavadzki, and the murders of journalists Veranika Charkasova and Vasil Hrodnikau. On the other hand, Mikhail Marynich, a former Minister of the Republic of Belarus, whose detention since 2004 was declared arbitrary by the Working Group on Arbitrary Detention in Opinion No. 37/2005 of 2 September 2005, remains in prison. On 10 March, deprived of medical assistance, he suffered a stroke. The Special Rapporteur considers that this amounts to inhuman treatment.



24. On 8 April, the Human Rights Centre “Viasna” and FIDH issued a report which concluded that numerous acts of torture and other inhuman treatment were currently practised in the Republic of Belarus, and that prosecution bodies and other State organs failed to adequately respond to acts of torture and refused to initiate criminal proceedings. Consequently, the Republic of Belarus did not meet the requirements of article 2 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The report invited the Special Rapporteur on Torture to visit Belarus, which could not happen to date.

25. Excessive use of force by police services was used to repress freedom of demonstration. On 7 July, during a demonstration on disappearances in Minsk, a police agent punched Sviatlana Zavadzkaya, the wife of the disappeared Dzmitry Zavadzki. On 16 September, an activist of the Zubr movement, Mikita Sasim, was severely beaten in Minsk during the “We Remember” action devoted to the sixth anniversary of the disappearance of Viktor Hanchar and Anatol Krasouski. Six other activists were also beaten that day.

26. Ill-treatment continues in prisons. The Human Rights Centre “Viasna” denounced the situation of prisoners in Mazyr colony, where torture and beatings were said to be common. However, abuses reportedly take place in most Belarusian prisons and their authors enjoy substantial impunity.

### **Separation of powers; human rights protection and the National Assembly**

27. Presidential powers are overdeveloped: the President can appoint and dismiss the Prime Minister and the members of the Government, the chairpersons of the Constitutional, Supreme and Economic Courts and the Procurator-General, the heads of local councils and other regional administrations. He can abolish acts of the Government and issue decrees and orders, which, in cases determined by the Constitution, have the force of law. The President also controls the elaboration and approval of the country’s budget. On 3 November 2005, he issued Order No. 520 providing that decisions on budget cuts or spending increases must be approved by him personally.

28. The functions of the Parliament are de facto limited to approving presidential initiatives. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) declared that the parliamentary elections of 17 October 2004, as well as the referendum that lifted the constitutional ban on a third term for President Lukashenka fell significantly short of OSCE commitments. As a result, the political opposition is not represented in the new Parliament.

29. State resources are mainly utilized to remunerate and control the bureaucratic machine, the police, the KGB and the army, to disseminate presidential propaganda, to pay the “social bribe” to obedient Belarusians and exclude or jail the others. There are persistent allegations according to which President Lukashenka reportedly controls an even bigger “presidential shadow budget”, the sources of funding and ways of utilization are unclear and not subject to democratic supervision.

30. An analysis made by the Independent Institute of Socio-Economic and Political Studies points out that “in August ... A. Lukashenka stated that he had been actually carrying presidential election campaign starting from 10 September 2001. This means that all the resources he has (administrative, financial, informational, etc.), i.e. all State resources, have been

used for only one purpose - his election for the third term in July 2006 ... As the election date comes, budgetary payments to certain population groups go up, Russia-Belarus relations turn steady, propaganda campaign gets more aggressive, self-isolation at the international arena increases, etc. All this wouldn't happen if not for the targeted and unlimited use of State resources".<sup>1</sup>

### **Freedom of opinion and expression and freedom of the media**

31. The right to freedom of expression is guaranteed by article 33 of the Constitution. However, a number of articles of the Belarusian Criminal Code are used by Belarusian authorities to suppress the lawful exercise of the right to freedom of expression: articles 188 (defamation), 189 (insult), 367 (defamation of the President), 368 (insult to the President) and 369 (insult to a government official). Defamation and insult through the media are prosecuted under articles 188 and 189 with imprisonment up to two years. Defamation of the President is punished with imprisonment up to five years.

32. On 18 April 2005, the NGO "Article 19" wrote to President Lukashenka to express concern about the deteriorating state of the freedom of expression in Belarus and called upon him to take all necessary measures to ensure that Belarus brings its legislation and practice in line with international standards. Numerous cases were mentioned. Journalist Veranica Cherkasova, stabbed to death in her apartment in Minsk on 20 October 2004, had investigated alleged arms sales to Iraq and published articles on Belarusian security services. According to the NGO, the investigation into her murder had produced no conclusive results and the investigating authorities were considering closing the case. This case follows that of Dmitri Zavadski, a cameraman who disappeared on 7 July 2000 and on whose fate the Belarusian authorities failed to shed light. The OSCE Representative on Freedom of the Media, Miklós Haraszti, in his report of 10 March 2005, also expressed alarm at the state of media freedom in Belarus, which has deteriorated in the last years.

33. On 31 May, President Lukashenka signed Presidential Decree No. 247, providing that non-State media could no longer use the words "national" and "Belarusian" in their titles; those which did should re-register with a new name within a period three months, or would become illegal. The re-registration was also intended to confuse the readers of independent periodicals and make it difficult for them to find their preferred publications at newsstands or in subscription catalogues.

34. In May, the State-owned printing house Hrodna refused to print the weekly *Głos nad Niemna* of the Union of Poles of Belarus (UPB), and published instead several fake issues of the weekly, without indicating - in breach of the law on publications - the names of the editorial staff, containing articles attacking the leadership of the UPB elected in March and Polish diplomats accused of subversive activities. In July, the registration and licensing department of the Minsk City Executive Committee refused to accept the new legal address of Dzienpres, the company issuing the newspaper *Den*, provided by the House of Poland in Minsk, on the grounds that the new board of the UPB being illegitimate, that address could not be registered.

35. In August, security services raided three apartments in Minsk, confiscated 12 computers and interrogated Andrei Obuzov and Pavel Morozov, who had released satirical cartoons on their website Third Way Initiative (<http://mult.3dway.org>). Legal proceedings were initiated also against Oleg Minich, the creator of the cartoon, which could lead to imprisonment for up to five years.

36. In September, Aliaksei Karol, editor of the independent newspaper *Zgoda*, and the journalist Aliaksandr Sdzvishkou were each fined \$US 1,200 by the Minsk Piershamaiski Court for “releasing false information”. On 26 September, the website [www.praca-by.info](http://www.praca-by.info), belonging to the independent trade union movement, was paralysed by a “hacker” attack. Other democratic organizations’ websites had experienced similar problems in 2005 (e.g. United Civil Party, BPF Party and Young Front).

37. The independent daily *Narodnaya Volya* is threatened with closure: on 14 June, the Minsk Leninski District Court imposed a compensation of US\$ 45,500 for moral harm for an article stating that Siarhiei Haidukievich, leader of the pro-presidential Belarusian Liberal Democratic Party, owed 1 million dollars to Saddam Hussein’s oil ministry. On 20 September, despite an appeal pending before the Supreme Court, the court seized the weekly’s assets and blocked its bank accounts to enable payments of this fine, despite the fact that 70 per cent of it had already been paid.

38. On 28 September, the State-run companies Belsoygzpechat and Mingorsoygzpechat managing press distribution and the publishing house Chyrvonaya Zorka unilaterally and without further explanation cancelled their contracts with *Narodnaya Volya*. On 7 October, Hrodna police detained Ivan Roman, correspondent of the newspaper *Salidarnast*, for distributing an issue of *Narodnaya Volya* devoted to the Congress of Democratic Forces. On 18 October, Vasil Hrodnikau, a *Narodnaya Volya* correspondent, was murdered in his house in Zaslau in the Minsk district. Since November, *Narodnaya Volya* is printed in Smolensk (Russia) because Belarusian printing houses refuse to collaborate with it. Belposhta, the State-owned postal service, which disseminates the press through subscription, decided to exclude *Narodnaya Volya* and two other private periodicals, *Salidarnast* and *Zhoda* from its subscription catalogue. To date, Belposhta has refused to disseminate at least 17 independent periodicals through subscription. Eleven more were banned from the State network of kiosks.

39. Finally, by a decree of the Council of Ministers of 8 November 2005, the Government decided to assume the virtual monopoly of public opinion: independent institutes wishing to hold opinion polls on electoral matters and on the country’s political situation and to publish their results must now request a legal accreditation with the Commission on Public Opinion Polls of the Belarusian Academy of Science of Belarus.

### **Freedom of assembly and association and right to participate in the conduct of public affairs**

40. Article 36 of the Constitution enshrines the rights to freedom of association and assembly. However, the organization of demonstrations is restricted by the law “On mass events”, amended in 2003 to allow the repression of unauthorized private meetings, and by the Code of Administrative Offences. Several administrative requirements hamper the exercise of freedom of association. Human rights organizations, trade unions and NGOs must register, and

receive official approval to operate only if they fulfil the requirements established by Presidential Decree No. 2 (1999) regulating the activities of political parties, trade unions and other public associations. Authorities can close down an organization after issuing two successive “warnings” for the breach of even minor administrative rules. Law No. 213-3 of 26 June 2003 allows Courts to close down an organization for one single violation of the legislation on public meetings.

41. In view of the upcoming 2006 presidential elections, authorities stepped up the persecution of independent organizations and the political opposition. In March 2005, the Ministry of Justice issued new rules on the registration of political parties, trade unions and public organizations, to be enforced within a one-month deadline under the sanction of de-registration. The same month, Belarusian authorities started persecuting the Union of Poles of Belarus. All this speaks for the intentions of Belarusian authorities to submit public organizations to Presidential rule.

42. On 15 May, politician Siarhey Skrebets was arrested in Minsk and accused of bribery. He is since then in detention awaiting trial. On 31 May, Mikalai Statkevich, former chair of the Party Narodnaya Hramada, and Pavel Seviarynets, a youth leader, were sentenced to three years of corrective labour for organizing a protest against the rigging of the 2004 elections and referendum. Their sentence was later reduced by one year, but Mikalai Statkevich will not be able to take part in the 2006 presidential elections.

43. On 10 June, a Minsk court sentenced the political opponent Andrei Klimau to 18 months corrective labour under article 342 of the Criminal Code (organization of group actions violating public order), for organizing a protest action on 25 March.

44. On 29 June, the Chamber of Representatives adopted amendments to the law “On public associations” (Law No. 36-3 of 19 July 2005), imposing additional reporting requirements to civil society organizations and unions, to be provided yearly to registering bodies, and prohibiting the activity of unregistered NGOs. Under the amended law, registered NGOs can also be suspended for up to six months by court decision or even liquidated for any violation of the rules on “mass events” or for reception of foreign aid. The law “On political parties” was also revised, allowing for suspension to up to six months of political parties by the Supreme Court on request of the Ministry of Justice, and prohibiting foreign funding to political parties.

45. In July, Presidential Order No. 300 restricted financial support from Belarusian organizations and donors. Presidential Order No. 382 of 17 August furthermore prohibited the use of foreign funding for “seizing and overthrowing of the Government, interference in the internal affairs of Belarus, encouragement of actions promoting war or political violence”, and imposed the official registration to “public discussion” events (workshops, seminars), organized with foreign support.

46. On 24 August, two activists of the Georgian Kmara movement, Georgi Kandelaki and Luka Tsuladze, were detained in Minsk because of “doubts” about the authenticity of their passports. A KGB official announced on television that they would be deported for interfering in the country’s internal affairs. Two days later, the Minsk Leninski District Court sentenced

three activists of Zubr to 10 days imprisonment for supporting publicly the Georgian activists. On 29 August, the two Georgians were sentenced to 15 days for “petty hooliganism”. Amnesty International declared them prisoners of conscience. On 2 September, they were released upon an order from the Minsk City Court.

47. On 14 September, Mikalai Zielianko, of the Minsk City Executive Committee, declared in a press conference that in 2005 in Minsk, 292 organizational units of different political parties were deregistered because of “irregular legal address”.

48. Following a bomb blast in Vitebsk on 22 September law enforcement officials and KGB officers carried out searches in the apartments of several opponents in Vitebsk.

49. On 2 October, Aliaksandr Milinkevich was nominated as the single candidate of the political opposition in Belarus, elected by the Congress of Democratic Forces of Belarus held in Minsk, without incidents.

50. On 29 October, 110 members of the organization “Partnership” were detained in Minsk for “unauthorized mass action”. Two days later, the Minsk Maskouski District Court sentenced “Partnership” leaders Mikalai Astreika, Enira Branitskaia and Aliaksandr Bondarau to a 15-day prison sentence and a fine.

51. In December, the National Assembly adopted amendments to the Criminal Code and the Code of Criminal Procedure, imposing heavier sanctions for “Discrediting the Republic of Belarus”, which includes providing “false information to a foreign State or international organizations, concerning (...) the Republic of Belarus”; there is aggravation of the offence (with up to five years’ imprisonment) if the information is “to the detriment of internal security, sovereignty or territorial integrity”, or if distributed through mass media. Among a number of other negative consequences, these provisions will, prevent Belarusian human rights defenders from communicating with United Nations special procedures.

### **Freedom of religion**

52. The Constitution provides for freedom of religion. However, the Government has restricted this right in practice. It has negotiated a Concordat and other arrangements with the Belarusian Orthodox Church, an exarchate of the Moscow-based Russian Orthodox Church, and provides the Belarusian Orthodox Church with privileges not enjoyed by other religious organizations.

53. The 2002 law “On religion” restricts the ability of religious organizations to conduct religious education, requires all religious groups to receive government approval to distribute literature, prohibits foreigners from leading religious organizations and imposes registration with the Committee of Religious and Nationalities Affairs of the Council of Ministers for all religious communities. The denial of registration of a religious organization is in breach of international human rights standards. In its Communication No. 1207/2003 of 23 August 2005, the Human Rights Committee found that Belarus had violated the religious freedom guaranteed in article 18 of the Covenant by refusing to register the Krishna Consciousness Society.

54. Belarus failed to redress the violation within the 90 days deadline from the date of the resolution. Religious organizations, particularly the Evangelist church, remained under attack: in August, the Belarusian Evangelic Reformatory Association was liquidated by court decision, followed in September by the liquidation of the Belarusian Evangelic Church. Proceedings were also initiated against the “New Life” protestant church because of “unauthorized religious services” in private homes. Its administrator, Vasil Yurevich, was sentenced to a US\$ 2,000 fine on 7 October.

### **B. Social, economic and cultural rights**

55. The Special Rapporteur could not visit Belarus, and thus could not observe the economic and social situation in the country. The last report submitted to the Committee on Economic, Social and Cultural Rights dates back to 1996, the Government of Belarus having failed to submit its fourth periodic report due since June 1999. Hence, the information below is based on documentary sources.

#### **Right to an adequate standard of living, right to work and workers’ rights**

56. According to the *National Human Development Report 2004-2005*, 27 per cent of the population live below the official poverty line; however, poverty is higher in rural areas, where the incomes of some 50 per cent of the population are below the national subsistence level. In the same report, UNDP noted that the rural-urban disparities in demography, employment, incomes, education, and access to services emerged during the Soviet era and have deepened during the transition period. The shortage of professionals perpetuated the rural-urban gap in the quality of education and health services.

57. The official unemployment rate is 3.1 per cent. ISEEPS, however, estimates that the number of unemployed is nowadays two and a half to three times higher than the official data shows. Moreover, official statistics do not include the employees of non-profitable enterprises, who in normal conditions would be unemployed because of readjustment policies or bankruptcy, of whom there are almost one million. Therefore, the scale of actual and potential unemployment in the country can be estimated at almost one quarter of the economically active population. Those employed do not always enjoy just and favourable conditions of work, and wages are very low.

58. The overwhelming majority is employed in State-owned enterprises and is submitted to a fixed-term contract system. At the end of a contract term, one can be dismissed without any reason. “Political disloyalty” which, in fact, motivates most dismissals, is decided by “deputy managers for ideological work”,<sup>2</sup> who control the participation of workers in actions organized by the political opposition, and check subscriptions to independent media. Regular “days of political education” have been introduced to ensure “a proper understanding” of the President’s policies.

59. Trade unions’ freedoms are severely restricted in Belarus: the report of the ILO Commission of Inquiry<sup>3</sup> concluded that the Federation of Trade Unions of Belarus is not independent, and that basic civil liberties of trade union members and leaders, in particular the right to freedom of opinion, expression, and assembly, have been seriously infringed. No significant progress was made by the Government of Belarus in addressing the noted shortfalls.

On the contrary, in June 2005, the ILO Committee on the Application of Standards denounced the persistence of serious violations of Convention No. 87. This threatens the very survival of independent trade unions in the country.

60. On 18 October, the International Confederation of Free Trade Unions, in its annual survey, stated that the aim of President Lukashenka appeared to be a return to the Soviet days when trade unions were the “social pillars” of the State, under the control of the party or rather the so-called “Presidential Administration” which now exercises the authority previously vested in the party, that the Government spared no means in suppressing protests and opposition by unions to the daily violations of trade union and human rights in Belarus, and that workers were actively discouraged from joining independent trade unions. Those who did faced continual pressure at the workplace to leave the union or risk losing their jobs.

### **Right to the highest attainable standard of physical and mental health**

61. According to UNDP, the Belarusian health system has an emphasis on quantitative expansion and a limited focus on quality. According to the World Health Organization (WHO), the total 2002 expenditure on health represented 6.4 per cent of GDP, placing Belarus in 34th position out of 52 European countries. In 2003, life expectancy was 68 years, placing Belarus in 43rd position, despite a per capita income two times higher than that of Armenia, and over four times that of the Republic of Moldova. Investments in the health sector are low, while the high prevalence of tuberculosis and the increase of HIV/AIDS raise serious concerns. Since 1994, the number of chronic alcoholics has increased by 48.4 per cent, and the mortality rate due to alcohol problems has almost doubled since 1990.

62. Belarus is still facing the effects of the 1986 Chernobyl catastrophe. According to UNDP, in 2004, 1.5 million people (15 per cent of the total population), live in contaminated areas in Gomel, Mogilev and Brest oblasts, where life expectancy rates are unusually low and the incidence of cancer is abnormally high. Above-average unemployment, high rates of poverty, low incomes and poor access to social services and basic utilities are a common problem in the affected areas. The handling of the consequences of the catastrophe by the Government has been an object of criticism from many sides. For Jaroslav Romanchuk, the Chernobyl catastrophe became an opportunity to squander budget funds.<sup>4</sup>

63. In autumn 2003 the State Control Committee revealed massive violations of legislation in the implementation of Chernobyl programmes; 94.5 per cent of all organizations that were involved in construction under these programmes violated the law. The Belarusian nuclear medical specialist Yuri Bandazhevsky, who had criticized the way the Ministry of Health spent the resources available for research in this area, was arrested in 1999 and sentenced for corruption to eight years’ imprisonment, after a trial which according to OSCE, failed to meet international fair trial standards. He was finally released on 5 August 2005, under an amnesty declared by President Lukashenka.

### **Right to education**

64. According to UNDP, accomplishments of the education sector included high adult literacy rates and high educational enrolment ratios. However, like the health sector, education was underfunded: in 2003, public expenditure on education reached 6.0 per cent of GDP, the

internationally accepted minimum being 10 per cent, resulting in the low quality of education and a discriminatory system that widened the gap between Minsk and the countryside.

Universities and colleges charge tuition fees, and the commercialization of higher education imposed a heavy toll on the most vulnerable groups - children from poor families and rural school graduates.

65. Educational contents infringe article 13 of the International Covenant on Economic, Social and Cultural Rights, according to which the right to education implies that education should be directed to the full development of the human personality and the sense of its dignity, and strengthen the respect for human rights and fundamental freedoms. Instead, the Belarusian regime developed an official State ideology, essentially based on Soviet nostalgia and President Lukashenka's cult of the personality. Compulsory courses on State ideology were also integrated in the curricula of universities and colleges. In May 2005, the Ministry of Education issued a circular "On Measures of Non-Admittance of any Involvement of Pupils and Students in Unlawful Political Activities", which includes expulsion from educational institutions. Moreover, the Russification of the national education system advances, and teaching in Belarusian can only take place in almost underground structures, deprived of means and physical space. Nonetheless, recent surveys of ISEEPS clearly indicate that a majority of Belarusians are favourable to bilingualism, i.e. the equal status of Russian and Belarusian languages, including in the education system.

### **Women's rights**

66. According to UNDP, Belarusian women are severely affected by unemployment. Employers are often hesitant to hire women because they usually assume the dual function of employee in the workplace and mother at home (where domestic violence is a problem, affecting, to some reports, 30 per cent of women). The Belarusian legislation guarantees equality in the workplace, but it is not fully applied in practice. Women are vulnerable to discrimination in appointment and dismissal, especially since the introduction of fixed-term contracts and contracts of limited duration. Gender disparities are also visible in the disproportionately high number of women employed in low-paying sectors and in the existence of barriers to women's promotion. On average, women's salaries are 20 per cent lower than men's.

67. The equal participation of women in decision-making is an important aspect of gender equality. If women's representation in elected bodies is growing, the Government has only two women ministers and eight women deputy ministers.

### **Resources and sustainability of the system**

68. The social and economic system of Belarus is largely dependent on foreign trade (the EU and the Russian Federation being its two main trading partners). Nonetheless, its competitiveness is conditioned by the fact that roughly 80 per cent of all industry remains State-run. The industrial base is obsolete, and many of these firms are loss making. Important subsidies are required to maintain the country's agricultural sector, dominated by Soviet-era collective farms. According to UNDP, Belarus will not be able to maintain elevated levels of economic growth unless its enterprises are able to withstand competition from foreign producers in the domestic and foreign markets. However, many Belarusian manufacturers are finding it



increasingly difficult to afford a low price on their products. However, if reforms are urgent, their success was contingent on a constructive business environment, characterized by transparency, accountability, and the rule of law. Creating such a climate would bring additional foreign and domestic investments and help reverse the decline in investment activity.

69. Unfortunately, the Belarusian regime is not keen on strengthening transparency, accountability and the rule of law, and prefers to survive by other means. According to the Pontis Foundation Institute for Civic Diplomacy, the declared success of the Belarus economy (GDP growth of 11 per cent in 2004) was based on a difference in “special” import prices of raw materials for energy production from Russia (oil, natural gas) and its real value on the world markets, and that present statistics on foreign trade were attributable to the significant growth of value of exports to EU countries - namely, the value of oil products, which were exported to EU countries at world prices. However, these products were produced from Russian oil, the price of which for Belarus was significantly lower than actual world prices.

70. Are there other sources of income for the Belarusian regime and its officials? Belarus ranks 74th out of 146 countries in the Transparency International’s 2004 Corruption Perceptions Index, preceded by the Syrian Arab Republic and followed by Gabon, with a corruption perception index of 3.3 (10 meaning “highly clean”, and 0, “highly corrupt”).<sup>5</sup> Jaroslav Romanchuk explains that there was wide scale corruption within the Government system of public money distribution, because the more powers the authorities have the less powers citizens retain, and that if the Government was granted the right to take care of the citizen from the cradle to the grave it was bound to stomp on individual rights and to beget corruption; he also considers that without parliamentary, media and public control the system turned into a mechanism for enrichment of a few individuals at the expense of taxpayers - although the ultimate reason for such a situation was obviously the huge deficit of political competition and violation of the principle of division of powers. Several legal instruments address the issue of corruption; nonetheless, their application is selective, and they are mostly used as a means to harass political opposition and independent civil society organizations.

71. However, corruption would not be the only source of the “shadow budget” enabling President Lukashenka’s regime to control Belarus with the already described impact on the country’s human rights situation. Ethan Burger denounces “the secrecy surrounding the size of defence budgets, the large amount of money involved, the prevalence of middlemen in transactions, the difficulty in comparing the sale price of weapon systems ..., and other factors. While certain reporting is mandated under United Nations rules, such rules do not cover all military-related weapon sales and are not universally followed. Transparency International estimates that although weapon sales constitutes less than 1 per cent of total world trade, U.S. Department of Commerce sources estimate that corruption plays a role in 50 per cent of arms purchases. Commissions on arms sales (including kickbacks) are conservatively estimated at 10 per cent”.<sup>6</sup> Looking for information on such matters is not safe. Journalist Veranika Charkasava, murdered in her apartment in Minsk in 2004, was investigating Belarusian arms shipments to Iraq.

72. As Human Rights Watch noted, the sale of Belarusian weapons takes place regardless of legal obligations under human rights and international humanitarian law. The official reports of Belarus' arms exports registered in the United Nations Register of Conventional Arms show a large number of arms transfers to recipients whose human rights record should bar them from receiving arms, including the Sudan, Algeria, Cote d'Ivoire, Morocco, Uganda, the Islamic Republic of Iran, Yemen, Angola and Ethiopia.

### **C. Cultural rights and national minorities**

73. The most worrisome development in 2005 was the readiness displayed by the Government to destabilize the country's inter-ethnic relations and incite the majority against the Polish minority, with the objective to put under its full control the influential organization of the Union of Poles of Belarus (UPB, the Polish minority's representative body). On 11 March, the Ministry of Justice annulled the election by the VI Assembly of UPB, of a new board led by Anzhelika Borys. The Government organized a second assembly on 27 August. Between 26 and 29 August, several UPB activists and journalists were detained by the police. UPB delegates were obliged to participate in the repeated assembly under threat to be fired from work. Protesters and foreign correspondents were prevented from accessing the assembly, where a parallel leadership was imposed, provoking the split of the organization. Authorities persecuted UPB activists by constant interrogations and threats of losing their jobs. Ms. Borys' brother was dismissed from the police for refusing to bring his sister to an interrogation.

74. Given the gravity of the situation, the Special Rapporteur travelled to Warsaw to meet with Ms. Borys and other UPB activists on 23 November, the day after she was interrogated by the police for the 54th time in 2005. They informed the Special Rapporteur that in May, Belarusian printing houses refused to print *Glos Znad Niemna*, the UPB newspaper, despite valid contracts and the regular payment of printing services. Subsequently, a fake paper with the same name was distributed with the intent to disorient UPB followers, attacking the UPB leadership elected in March and "subversive" Polish diplomats. It appeared lately that the fake publication was paid for by the municipal administration of Grodno.

75. On 13 May, two days after the decision of the Ministry of Justice to annul the elections of the UPB board, a 40-minute long film was broadcasted on State television, suggesting that UPB was a subversive organization that with the help of Poland was preparing a coup in Belarus. Scenes of war, dead civilians, villages burning were showed, suggesting a scenario that the patriotic authorities of the country would not allow. The film singled out the Poles of Belarus as traitors working for the interests of Poland, which in turn was described as the perpetrator of Western anti-Belarusian policy.

76. On 11 August, the Minsk procurator's office issued warnings to several persons for violation of the law "On public associations", in connection with their participation on 6 August in a meeting of representatives of various minorities and churches, at which they had signed an appeal to President Lukashenka in defence of the legitimate chairperson of UPB, Anzhelika Borys.

77. The Roma minority (around 70,000 people) is also discriminated. Roma children have serious difficulties to enrol in school. As a result, 50 per cent of the Roma population is illiterate, 85 per cent did not complete secondary education, and 98 per cent of Roma are unemployed. There are neither schools nor newspapers in Romani. According to the lawyer Nicolas Kalinin, there is no official acknowledgement of this situation.

#### **IV. CONCLUSIONS AND RECOMMENDATIONS**

78. **In the accomplishment of his mission, the Special Rapporteur has encountered for the second consecutive year an absolute refusal to cooperate by the Government of Belarus. All efforts made to engage in constructive dialogue were fruitless. The Special Rapporteur has consistently informed the Government of Belarus of all his findings based on information received from different sources, requested their official assessment, and made it clear that silence would be interpreted as a confirmation of their accuracy. The absence of any reaction implies that the Government of Belarus accepts the facts contained in this report.**

79. **On the other hand, the Belarusian political opposition and civil society cooperated actively with the Special Rapporteur. While there is no evidence to prove that persons who cooperated were persecuted for this reason, it appears that the Government of Belarus intends to obstruct such cooperation in the future, as demonstrated by the introduction, in the Criminal Code, of a new article on “Discrediting the Republic of Belarus” by submitting to international organizations “false information” on the situation in the country.**

80. **The decision of the Commission on Human Rights to establish a special procedure to monitor the situation of human rights in Belarus must be accepted and enforced by all States members of the United Nations. The systematic obstruction of United Nations special procedures in the fulfilment of their mandates violates the obligations the Republic of Belarus has accepted as a Member State of the United Nations. The present report demonstrates that Belarus also does not respect the obligations it has taken on under the international human rights instruments to which it has adhered to. Therefore, based on chapter II of the Charter, the Special Rapporteur recommends that the Security Council adopt appropriate measures to ensure the respect by the Republic of Belarus of its legal obligations.**

81. **The conclusions reached by the Special Rapporteur in his first report (E/CN.4/2005/35) were fully confirmed during the second term of his mandate. Therefore, the conclusions and recommendations contained in that report continue to be valid and should be considered an integral part of the present report.**

82. **The Government of Belarus did not consider any of the recommendations made by the Special Rapporteur. It also ignored the recommendations made by other special procedures, such as the Working Group on Arbitrary Detention (see E/CN.4/2005/6/Add.3) or by treaty bodies, such as the Human Rights Committee. In fact, the political system of Belarus is incompatible with the concept of human rights as enshrined in the Charter and in the international human rights instruments to which Belarus remains a party.**

83. On the contrary, the recommendations addressed to the Belarusian civil society and democratic forces were largely followed: democratic forces managed to unite themselves, not only with the objective to participate in the elections, but also to develop human rights and democratic culture in Belarus and empower Belarusian society to defend these values. The Union of Democratic Forces raises hopes in the foundation of a democratic and pluralistic Belarus, and facilitates the cooperation with the international democratic community. It should be encouraged and supported.

84. The Special Rapporteur notes that many of his recommendations addressed to the international community were not implemented, even though some positive steps are to be acknowledged. He would like to commend the European Union's efforts to promote human rights in Belarus, especially through radio and television programmes targeting the Belarusian audience, as well as the attention dedicated to the situation of human rights in Belarus by the Parliamentary Assemblies of the Council of Europe, OSCE and NATO, and by the European Parliament.

85. The Special Rapporteur also wishes to highlight the support given to his mandate by Poland, the Czech Republic, Latvia, Lithuania and Estonia, and the important contribution of international NGOs to the promotion of human rights in Belarus. He considers nonetheless that these efforts are insufficient, and calls upon the international community to take concrete action towards the fulfilment of all the recommendations addressed to it. The United Nations bears a particular responsibility in supporting the implementation of the recommendations of special procedures. Member States should ensure that the ongoing reform of the human rights system translates such an obligation into concrete powers and adequate resources for the United Nations High Commissioner for Human Rights to enable her Office to act in stronger and more effective support of special procedures. Cooperation between regional organizations and the United Nations, in particular the Commission on Human Rights and OHCHR should also be enhanced.

86. Such coordinated and powerful action appears even more necessary in light of the dramatic deterioration of the situation of human rights in Belarus in 2005. The situation is characterized by the rejection of pluralism in all sectors of society, the refusal of dialogue, the lack of inter-institutional checks and balances, the denial of civil rights and repression of political freedoms, and the persecution of intellectuals, opponents, independent journalists and human rights defenders by the State. The judiciary, like law enforcement and security agencies, is utilized as an instrument of political repression.

87. The breach of social, economic and cultural rights is also a matter of concern. An oligarchy formed by the managers of the unreformed former Soviet industrial-military-agricultural complex, has generated a political superstructure headed by President Lukashenka - at the same time the protector of and protected by that oligarchy - which preserves an obsolete command economy surviving only within a context of political oppression and social hardship. Workers' rights are violated and there are considerable imbalances between employment, wages and the provision of basic services and between rural and urban settlements.

88. The regime suppressed or put under its control every independent civil or economic initiative. It is reported that the President disposes personally of a shadow budget larger than the State budget. This budget, free from any civic or political oversight (as are its sources of funding), is utilized as a tool to “purchase” clients and to allow the regime to “bribe” the Belarusian society. The regime tries to keep people silent by satisfying their basic existential needs from extra-economic resources.

89. The regime reinforced its authoritarian character through the intensification of a post-Soviet propaganda and the development of the cult of the President’s personality using the State media and the national education system. The official State doctrine is directed against the consolidation of the Belarusian national identity, by imposing Russian as the real official language and by opposing and repressing the utilization of Belarusian language, culture and traditions. A strong Belarusian national identity as well as an internally-structured society are perceived by the regime as direct threats to its power, since it has the potential to reverse the present relation of passive dependency into one of participatory citizenship.

90. The present regime sees in cultural identity and in any structuring of the society a threat. At the same time, it is ready to use any cultural diversity to undermine social solidarity and encourage conflicts between different social and cultural groups to consolidate its control over the whole nation. Such a strategy, touching upon an ethnic issue, involves artificially the neighbouring States, thus affecting the international and regional stability and security. This proves that the deteriorating situation and the violations of human rights in Belarus raise problems that also have a security dimension.

91. The regime, not satisfied to control the country’s administration through its vertical bureaucratic machine and to monopolize the country’s economy to the profit of the “presidential oligarchy”, is now enhancing the “nationalization” of citizens’ souls and minds. This is being achieved by imposing an official State ideology based on the cult of the leader’s personality, on old Soviet values, on the idea of the aggressive Western failed social models threatening Belarusian values and traditions, and on a concept of an exclusive nation without cultural identity whose criterion of cohesion would be the unconditional submission of the individual to the will and the system of values of the leader in exchange of protection. Those who refuse this ideology are considered as being outside of the nation and therefore lose their rights. This is characteristic of totalitarian regimes.

92. Therefore, if one year ago President Lukashenka’s regime appeared as an authoritarian regime but not yet a dictatorship, it is the general conclusion of the Special Rapporteur that Belarus is now turning rapidly into a real dictatorship, with clear totalitarian inclinations.

93. The lack of true information about the social, political and economic realities of the outer world associated with a certain social safety net and the fear to lose it maintain a major part of the population reluctant to engage in social activism, resigned to accept

**human rights violations and the lack of civil freedoms. This social tranquillity does not mean however that Belarusians do not desire the respect of human rights and would not welcome democratic change.**

**94. The sustainability of the present artificial social stability is most uncertain, like the real origins of the financial resources of the Belarusian regime. The financial resources needed for the policy of “social bribe” cannot be produced in the present state of the obsolete Belarusian economy. Part of those resources come from the States that politically support the Belarusian regime or from trade with economic agents from other countries. The rest, which should be a considerable amount, is very likely to come from the involvement of the regime in illicit international trafficking, smuggling and organized crime. Thus, the violation of human rights in Belarus carries a criminal dimension that needs to be further investigated.**

**95. The Special Rapporteur firmly believes that the first responsibility for improving the dramatic situation of human rights in Belarus lies with the country’s authorities. Therefore, he urges the Government of Belarus:**

- To give a clear and immediate sign of its readiness to cease ongoing human rights violations and bring their perpetrators to justice;**
- To recognize all the resolutions of the Commission on Human Rights and the mandate of the Special Rapporteur;**
- To bring the country’s legislation, institutions and policies in line with international human rights and democratic standards;**
- To launch a public education and public awareness programme in the field of human rights;**
- To sign and ratify the International Convention on the Protection of All Persons from Enforced Disappearance as soon as it will be opened for signature and ratification;**
- To proceed with the legal, institutional and political reforms necessary to ensure the respect of the international legal obligations of Belarus in the field of human rights;**
- To convene an open-ended national round table on the situation of human rights in Belarus, with the participation of representative organizations of the Belarusian civil society and democratic political opposition, mandated to define, together with the Government, a road map for the implementation of the recommendations of the Special Rapporteur, of other special procedures and of the treaty bodies, particularly regarding freedom of the media and the independence of the judiciary.**

96. The United Nations High Commissioner for Human Rights should be mandated to take the initiative and to offer any assistance necessary for the organization of the national round table, which should take place in Belarus. If holding the round table in Belarus proves to be impossible, the High Commissioner should facilitate its organization in another country. The Special Rapporteur recommends that the international community provide OHCHR with the resources necessary to effectively fulfil this role.

97. The Special Rapporteur recommends to the Belarusian civil society to multiply its efforts towards the establishment of a dialogue with the Government, on the way to and within the framework of the round table, and to continue working towards the consolidation and democratization of the Belarusian civic and multicultural nation, by ensuring that its proposals reflect the wider aspirations of all sectors of the Belarusian society, including those of women and of vulnerable groups. Belarusians should be involved in the process of change from the grass roots and community level of society, through a systematic and participatory bottom-up approach. It is crucial to establish local non-political organizations dedicated to the promotion of joint projects based on the solidarity of existential interests of ordinary people and on the organized participation of citizens in the implementation of such projects. Likewise, civil society should aim at developing the conscience of the cultural identity of the Belarusians and the other ethnic and cultural groups living together with them, grounded on tolerance and respect for diversity.

98. The Special Rapporteur recommends to the democratic political opposition to disseminate widely amongst Belarusian citizens its political programme and its human rights plan of action, in order to enable the Belarusian people to take an active engagement in support of the democratic change process.

99. The international community has a crucial role to play, not only by ensuring to finally speak with one voice and act with one will, but also by avoiding keeping the human rights of the Belarusian people hostage of present geopolitical games.

100. The Special Rapporteur recommends to the international community to support the democratization process, by creating an international group of friends of human rights in Belarus, which should be supported by an international fund for the promotion of human rights in Belarus. OHCHR should be mandated and empowered to establish and service such multilateral bodies.

101. The Special Rapporteur recommends to the Commission on Human Rights that it request OHCHR to proceed with the immediate establishment of a group of legal experts mandated to analyse the responsibility of senior Government officials in the disappearances or murder of public persons, political opponents and journalists, and make concrete proposals for their international prosecution.

102. The Special Rapporteur recommends that the Secretary-General adopt appropriate measures to investigate the apparent involvement of senior Government officials in international organized crime and illegal arms sales, monitor the international financial cash flows of Belarus; and if necessary, freeze foreign bank accounts of those involved in illicit trafficking, and prosecute criminals.

103. While the isolation of Belarus should in all cases be avoided, the Special Rapporteur would like to state clearly that Member States, and particularly democracies, should be aware and should not ignore that present trading relations with Belarus do not grant a better quality of life to all Belarusian citizens, but allow President Lukashenka's regime to continue controlling all the country's resources, to subdue the minds and souls of the Belarusian people, and remain in power by systematically violating human rights and threatening international security. Trade relations should only be maintained in exchange of the immediate adoption of democratic reforms, first of all the organization of the round table on the situation of human rights in Belarus. Political decision-makers have the responsibility to take necessary measures in this respect. The European Union and the United States of America should maintain the travel restrictions for Belarusian officials, while international travel for ordinary Belarusians should on the contrary be facilitated. A reduction or even an exemption for visas fees would be much welcomed.

104. The Special Rapporteur recommends to the Council of Europe to adopt the necessary amendments to the European Convention on Human Rights that may open it to the signature by Belarus even before this country meets the standards for becoming a member of the Council. This would allow Belarusian citizens to bring cases of human rights violations committed in their country before the European Court of Human Rights. The Special Rapporteur recommends to the Government of Belarus to make a formal request to the Council of Europe in this sense, as a sign of goodwill.

105. The Special Rapporteur recommends to the regional organizations to organize an inter-parliamentary conference on the human rights situation in Belarus to raise international awareness on the dramatic situation in that country and to promote a coordinated international mobilization against the violation of human rights there. A European parliamentary "troika" formed by the European Parliament, the Parliamentary Assemblies of the Council of Europe and OSCE could take the lead in this respect.

106. Lastly, the mandate of the Special Rapporteur on Belarus by its mere existence was able to give a signal of international solidarity to Belarusian victims of human rights violations and to human rights defenders, to further raise international awareness of the situation of human rights in Belarus, to mobilize international support, and to indicate clearly to the Belarusian stakeholders what measures they are expected to take in order to ensure the compliance of Belarus with its international human rights and international law obligations as a dignified member of the United Nations. Therefore, the Special Rapporteur recommends to the Commission on Human Rights to extend this mandate further not only in time, but also to enlarge the scope of its mandate and its means.



**Notes**

<sup>1</sup> *IISEPS News*, Issue 3 (37), September 2005.

<sup>2</sup> Their task is to promote State ideology. In addition, State officers and State-run enterprises must subscribe to the governmental newspapers *Sovetskaya Belorussija* and *Respublika*. Military officers have to subscribe to *Vo Slavu Rodiny*. Police officers have to subscribe to *Na Strazhe*.

<sup>3</sup> Appointed under article 26 of the ILO Constitution (July 2004).

<sup>4</sup> “State of Corruption in the Republic of Belarus” (July 2004).

<sup>5</sup> In 2003, the Corruption Perception Index 2003 score was 4.2, and Belarus occupied the 53rd place out of 133 countries.

<sup>6</sup> Ethan Burger, “Belarusian Weapons Exports: A Possible Source of Laundered Funds?”, *Belarusian Review*, vol. 15, No. 4, 2004.

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