



INSTITUTE
FOR POLITICS
AND SOCIETY

Human Rights in Belarus

POLICY PAPER / DECEMBER 2018

NATALIIA OLIIEVSKA

WWW.POLITIKASPOLECNOST.CZ

OFFICE@POLITICSANDSOCIETY.CZ

Human Rights in Belarus

Policy Paper – Nataliia Oliievska, December 2018

European countries are working on creating an effective system of protection of human rights. There are institutions like the European Court of Human rights, where each citizen of the member-states of the Council of Europe can appeal. Thus, 47 countries are working together to fight together against the violation of human rights. Belarus is not one of these countries. According to Freedom House¹, Belarus received a score of just 21, which means that the status of this country is not free. Citizens of Belarus have the right to justice, to a fair trial, but they can only ask for protection in Belarus because Belarus is not a member of the Council of Europe. Therefore, its' citizens cannot appeal to the European Court of Human Rights. In 2018, two people were executed by the state (Podrobnosti.ua 2018). Due to the Death Penalty Worldwide, there are at least four people known to be on death row in Belarus. However, it is very important to mention the fact that some democratic states use the death penalty as well (USA, for example). The main difference between the use of the death penalty in the U.S and Belarus is that in America this type

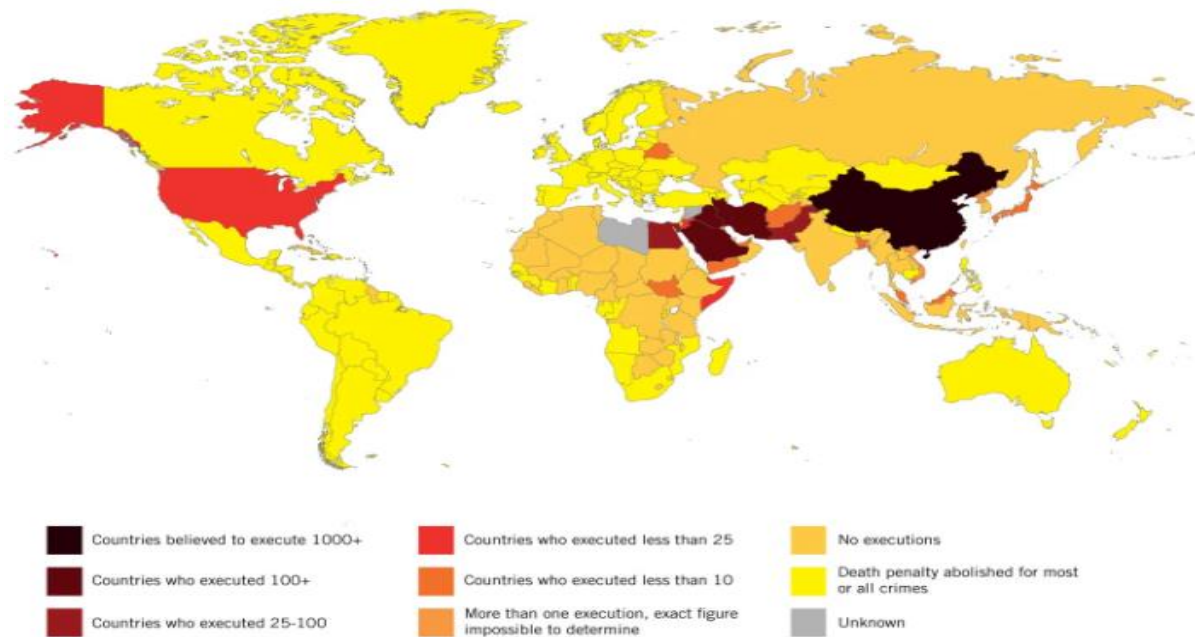
of punishment can only be used in cases of grave criminal offences. In Belarus, especially during 1990s, it was used by country's leader against its opponents. Moreover, the data about the death penalty is classified as a state secret, so the report of the Death Penalty Worldwide may be incomplete. Journalists and human rights activists have estimated that the number of executions carried out in the Republic of Belarus since 1990 is roughly 400. In the mid-1990s, Belarus executed approximately 47 people a year. In recent years, the annual average has dropped to between zero and four (Meduza 2018). Also, it is very important to note that the president of this country, Alexander Lukashenko, has been in power for 24 years.

Therefore, the main goal of this policy paper is to answer the question: "Is there a possibility of change in Belarus?" To meet this, aim the paper will discuss how Lukashenko came to power, a short summary of history of Belarusian protests, the activity of human rights organizations, as well as the role of international influence.

¹ Freedom House has its own system of identifying the level of democracy in countries. When 0=Least Free, 100=Most Free. More concretely, these 100 scores are divided among: civil electoral process (max 12 points), political pluralism and participation (max 16 points), the functioning of government (max 12 points), freedom

of expression and believe (max 16 points), associational and organizational rights (max 12 points), rule of law (max 16 points), personal autonomy and individual rights (max 16 points). Scoring Key: X / Y (Z), when X = Score Received, Y = Best Possible Score, Z = Change from Previous Year.

EXECUTIONS IN 2017



Source: Amnesty International USA, 2018

The position of human rights in Belarusian law

First and foremost, a guarantee of having human rights is declared in the 1994 Constitution of Belarus. The Constitution of the Republic of Belarus proclaims the rule of law and contains the human rights in section II of the document. In Article 21, the ensuring of rights and freedoms of Belarus' citizens is defined as the highest goal of the state. The state guarantees the rights and freedoms, which are enshrined in the Constitution, as well as laws which are stipulated by the state's international obligations.

So, is there a violation of the Constitution? Formally no. The leaders of Belarus very often mention Article 23, which says that a restriction of individual rights and freedoms is allowed in cases provided by law in the interests of national security, public order, protection of morals, public health, rights and freedoms of others (Konstitutsiya Respubliki Belarus 2004).

However, the state defines what is a security risk for the country, and the state is, literally, Lukashenko. Moreover, article 24 says that the death penalty can be used as an exceptional measure of punishment for especially serious crimes. Many groups, such as political opponents of Lukashenko in Belarus, Belarusian and European human rights organizations, a number of states (for example, USA and France), as well as international organizations (including the UN Human Rights Committee), allege that massive violations of human rights have been occurring repeatedly in the Republic of Belarus during President Lukashenko's rule. In the country, we can observe media monopolization and political censorship, mass arbitrary arrests and detention, criminal prosecution under far-fetched pretexts, abductions, torture and murder of political opponents of the regime, electoral fraud, violation of the rights of NGOs, etc.

Establishment of Lukashenko's regime

The dictatorship regime of Lukashenko was established in 1994. According to most of Belorussian newspapers, the 1994 election was actually the last democratic election in the history of Belarus. After the election in 1994, a one-round system of elections was established. Furthermore, since the 1994 elections, Alexander Lukashenko has not participated in any TV debates. The 1994 election was also the last peaceful election. After this people did not protest against Lukashenko (Gazetaby.com 2015).

Changing the rules of the game

In 1996, Lukashenko held a referendum and rewrote the Constitution. According to the new version, the presidential term was calculated from the moment when the new Constitution was ratified, that means since 1996. Despite of the constitutional change, the opposition organized an alternative presidential election in 1999, based on the fact that the President Lukashenko's term had expired. This attempt failed.

In addition, the year of 1999 was known as the year of disappearances of Lukashenko's opponents – former Interior Minister Yuri Zakharenka, former head of the Central Commission on Elections Viktor Hanchar, and businessman Anatoly Krasovsky. Thus, the presidential elections were held on September 9, 2001. So, elections took place not in 5 years, but in 7 years. According to official information, Lukashenko scored 75.65% of the vote at the general turnout of 83.86%. From 2001 we can see a new period in a history of Belarus: the period of mass arrests (Gazetaby.com 2015).

The opposition pointed to facts of falsifications committed in the process of elections. Nevertheless, on the voting

day, there were no mass protests in Minsk. However, it was followed by series of protests, which continued until 2003. West countries did not recognize the elections, but after the September 11 terrorist attack in the United States, world's attention to Belarus was extinguished. In that regard, in 2004 Lukashenko held another referendum, which allowed him to run for the presidency without any restrictions of terms.

Protests in 2006

In 2006, Lukashenko was in power for more than ten years. Elections were scheduled for March 2006, although the presidential powers ended in September 2006. At the end of 2005, it became known that almost all independent periodicals were excluded from the system of state propaganda. A month before the elections, members of the unregistered organization "Partnership" Timofey Dranchuk, Alexander Shalayko, Enira Bronitskaya, and Nikolai Astreiko were arrested in Minsk. They planned to organize independent observation of the elections. The day before the elections, a huge number of activists of the opposition were arrested. Lukashenko explained these repressions as measures to prevent extremist threats. In terms of the final result, these elections were without surprises. Lukashenko scored another elegant victory – 83% of the voters according to official data.

Part of the Belarusian society responded to the results of the elections with thousands of protesters at the October Square. On the date of the voting, there were approximately 10,000-30,000 people. On March 20, protesters gathered at October Square again and on March 25, the protest ended with brutal dispersal involving internal troops. Alexander Kazulin, the organizer of the procession, was arrested. Later he was sentenced to five

and half years of jail. (nvdatabase.swarthmore.edu, 2013) The total number of arrests remained unclear, and the Interior Ministry did not respond to requests for information. According to the New York Times, for one week 200 people were arrested (The New York Times 2006).

Protests in 2010

The 2010 campaign was remembered for its relative freedom in the competition. All presidential candidates had the chance to present their campaign. Despite all of that relative relaxation of tension, these elections cannot be considered as fully free and fair. Of course, it must be mentioned that there were protests in the centre of Minsk before the election, which were not dispersed by the police. Nevertheless, the situation changed after the elections. Without waiting for the final vote, opposition leaders called their supporters for protests to the October Square. According to official data, Lukashenko received 79.65% of the vote, Andrei Sannikov - 2.43%, the remaining candidates less than 2% (The guardian.com 2010). In the evening of December 19, tens of thousands of protesters came out on the streets of Minsk. On the way to the protest, a group of unknown persons attacked presidential candidate Vladimir Neklyayev with guns and batons. The presidential candidate was beaten and consequently hospitalized. The protesters were violently disrupted by special forces and internal troops. As a result, seven presidential candidates were arrested, and Nyaklyayev was taken from the hospital to the pre-trial detention centre (Gazetaby.com 2015). More than 600 people have been charged with public disorder (The Guardian 2010).

Protests in 2015

In 2010, 19 people declared their desire to run for the presidency. Ten initiative groups were registered. Only one opposing

presidential candidate, Viktor Tereshchenko, escaped arrest, jail, and interrogation after the election day. The fact that this time Lukashenko would remain the president was not doubted (even by the candidates themselves). Thus, opposition forces publicly reacted to the expected outcome of the vote. The day before the elections, on October 10, opposition representatives held a rally in Minsk against the falsification of the results. There were only a several hundred demonstrators. The poet, publicist, and leader of the campaign, Vladimir Neklyayev, demanded the government "Tell the Truth!" People were intimidated by state propaganda (daily.rbc.ua 2015). Pavel Sheremet thinks that the key moment was connected to the Maidan. Ukrainian Maidan Belarusians thought that there was no need for any protests because it was all a game that was profitable only for the Kremlin. Ordinary citizens were afraid that if they weakened Belarus, then Russian troops would enter as they did in case of Ukraine (svoboda.org 2015). Despite such attitude, one meeting was held on the voting day, with no riots or detentions taking place. The only difference from all previous campaigns is time oppositionists were allowed to walk with white-red-white flags. However, arrests began the day after the vote, again for the same white-red-white flags with which for two months people walked freely along the Belarusian streets. Nevertheless, the Western community acknowledged this election as legitimate and fair — for the first time since 1994 (documentarytube.com 2015).

Years of the presidential election are the most active in terms of public protests, but despite that fact, there were rallies between years 2007 and 2018. During the last two years, approximately 820 people were arrested on the Freedom Day on 25th March — 700 people in 2017 and 120 people in 2018 (World

Organization against torture 2018). Nevertheless, there is no official information about how many people were arrested during protests. Because of that, we have only information from human rights centres to refer to.

Human rights defenders in Belarus

Despite the fact that Belarusian people cannot appeal to the European court of human rights, they are still trying to protect themselves on their own. There are many human rights defenders in Belarus like Viasna Human Rights Centre, LawTrend, Belarusian Helsinki Committee, the Belarusian Association of Journalists, the Office for the Rights of Persons with Disabilities, Initiative Human Rights Defenders against torture, and many other organizations.

The most popular (and the most attacked by the state) organization is **Viasna**. The main goal of Viasna is to contribute to the development of the democratic society in Belarus based on respect to human rights, which are described in the Universal Declaration of Human Rights and the Belarusian Constitution. The organization was created in 1996 during mass protest actions of the democratic opposition. Initially, Viasna was a group created to help the arrested rally participants and their families. Therefore, the original name was Viasna-96.

Only 3 years later, on 15 June 1999, the organization was registered as the Human Rights Center Viasna. On 28 October 2003, the Supreme Court of Belarus canceled a registration of Viasna. Workers of Viasna itself believed that the main reason for the cancellation was their participation in the observation of the presidential election in 2001 (spring96.org 2018). After some unsuccessful attempts to register the organization, Viasna

continued to function without permission from the state. After a crackdown on political activists – which were protesting after a controversial 2010 presidential election – state security forces have repeatedly searched Viasna's office. On 14 February, the founder of Viasna Bialiatski was summoned to the Public Prosecutor's office and warned that the government would initiate criminal proceedings against Viasna if the group would continue to work. It was possible because Viasna is an unregistered organization. On 26 November 2012, the Minsk office of Viasna was confiscated and sealed by the Belarusian government. Amnesty International described the courts' decision as a blatant violation of Belarus' international human rights obligations. Nevertheless, Viasna continued to work. In 2014, Bialiatski was suddenly released (Human Rights House Foundation, 2014).

Three years later, on March 25, 2017, at least 57 persons who were involved in the monitoring of on going peaceful protests (including foreign observers from Germany, France, Russian and Ukraine) were arrested at the office of Viasna in Minsk. The arrest took place ahead of peaceful protests to be held on March 25, 2017 (Worldwide Movement for Human Rights, 2017).

One year later, on March 25, 2018, the seven human rights defenders were arrested during an unauthorized demonstration in Yakub Kolas Square, Minsk, organized to commemorate the 100th anniversary of Belarus' proclamation of independence. The seven observers of Viasna and the Belarusian Helsinki summit were part of the observation delegation monitoring the demonstration, and were wearing an armband of observers. The police also detained several dozen protesters and four journalists of the Belsat TV channel. At least 120 people were detained

in connection with the demonstration throughout the country (World Organization against torture 2018).

Despite the states' oppression, human rights defenders are doing a pretty great job. Thanks to the research of such organizations like Viasna we can find out independent information about Belarus.

External influence

The EU and the USA are making an estimable contribution in the protection of human rights. The main way of influence is the imposing of sanctions and funding of projects that are aimed at the democratization of countries. Even though the influence of the USA and the EU is limited in Belarus, the situation has slightly changed since 2016. The main reason for the increased visibility of Western influence was the annexation of Crimea. Russia's aggressive policy towards Ukraine was the main reason, which forced Belarus to move closer to the EU (Segodnya.ua 2016). In addition, relations between the EU and Belarus became closer after the release of political prisoners in 2015.

In 2018, Minsk and Brussels have not yet reached an agreement in the negotiations on important political issues, but at the same time, they demonstrate good dynamics in project cooperation. Moreover, after a serious decline in 2015-2016, the growth of trade indicators between Belarus and the EU member states resumed. After February 2016, when the EU Council lifted most of the sanctions from Belarus, the atmosphere of the relations remains generally positive (thinktanks.by 2018). The intensity and level of political contacts increased.

During this period, several notable visits from high-level, European representatives to Minsk took place. The last meeting was on 25 April 2018. Nevertheless, the normalization of relations has not yet

led to significant political progress. No major agreements have been made on the so-called partnership priorities, or on simplifying the visa regime. But despite that fact, we can see improvement in these relations. On July 27, 2018, the Decree of the President of the Republic of Belarus came into force, according to which citizens of 74 states can enter and leave the Republic of Belarus in a visa-free regime for up to 30 days at Minsk National Airport (mfa.gov.by, 2018). However, the EU continues to criticize the present situation in Belarus. It insists on the releasing of all political prisoners, the respecting of human rights, and on the abolishment of the death penalty (News.tut.by 2018). The ALDE Group strongly criticized the Belarusian authorities' use of the death penalty as well.

The political relationship between Minsk and Brussels is going through a difficult period. That being said, in comparison to the crisis period of 2011-2013, we can see improvement in these relations (thinktanks.by, 2018). It was a period of sanctions. In March 2006, the European Council and the USA imposed sanctions on Lukashenko and other members of the Belarusian government. It was related to the arrest of peaceful demonstrators. In 2006, the Council adopted restrictive measures against Lukashenko, the Belarusian leadership, and the officials responsible for the violations of international electoral standards and international human rights law for the crackdown on civil society and democratic opposition, proposing a visa ban and possible further measures (The New York Times 2006).

In 2010, again after the presidential election, new people and organizations were added to the list of those who were sanctioned in relation to violations of human rights. Relations became especially aggravated after the events of December 19, 2010, when the opposition

organized a protest after presidential elections. Consequentially, the authorities detained hundreds of protesters, including those in opposition to the presidential candidates. Relations began to improve only after the release of the political prisoners in August 2015, as it was mentioned before (segodnya.ua 2016). Only on 28 February 2016, did the EU suspend most of the sanctions against Belarus. Despite that, on 22 February 2018, the Council decided to prolong arms embargoes and sanctions against 4 people (European Council 2018).

If we examine the influence of the USA, we must mention the fact that according to Belarusian analytics of thinktanks.by, USA-Belarus relations are not in priority for either side. Despite the growth of communication, the general approach of the US administration to Belarus has not changed— the United States continues to expect from Belarus comprehensive political reforms and improvement of the human rights situation.

Charge d'Affaires ad interim of the US in Belarus Robert Riley stated at a press conference in Minsk on January 30, that the US has not yet reached the time of the complete lifting of the sanctions. (BelarusFeed, 2018) Formally, US sanctions against Belarus continue to operate, but they have been put on hold. Early on, Belarus was subjected to US sanctions for undermining the democratic process and constituting an unusual and extraordinary threat to the national security and foreign policy of the United States. It is also subject to sanctions imposed by the EU for human rights violations, as previously mentioned. Also, Belarus has been determined to be a habitual violator of international human rights laws and accepted norms of international behaviour by the UN, OSCE, the European Parliament, the European Commission, and the NATO Parliamentary Assembly.

Conclusion

Despite the fact that most of the EUs' sanctions related to the violation of human rights in Belarus were suspended, the situation did not change drastically. The death penalty is still being used, basic human and political rights such as the right to a fair trial, right to protest, assembly, freedom of expression are not respected. The whole Belarusian system lacks transparency. There is no official information about how many people were executed and when it was done. Moreover, two political prisoners are still waiting to be released.

Belarus continues to tuck between cooperation with Russia and the EU. Because of the aggressive Russian policy against Ukraine, Belarus started to develop relations with the EU. It is probably for that reason that in 2015 Belarus released its political prisoners.

Nevertheless, Lukashenko continues to hold all the power in his hands, controls

all branches of government, and puts pressure on the opposition. We can conclude that Lukashenko can only make a concession to a certain extent when he needs it.

Unfortunately, the possibility of changing Lukashenko's regime does not exist. In light of the aforementioned information, we can summarize that internal influence did not have much of an affect on the situation with human rights in Belarus. The first sanctions were imposed in 2006, and Belarus just released political prisoners in 2015. The events of the Freedom Day in 2017 and 2018 (where protesters were detained) once again showed that the Belarusian authorities do not intend to stop using of their old policy: repression against citizens who are trying to advantage of its' rights. We can predict that there is no chance of another candidate winning in a future presidential election in 2020.

Bibliography

- Pravo.by. 2004. *Konstitutsiya Respubliki Belarus*. [ONLINE] Available at: <http://www.pravo.by/pravovaya-informatsiya/normativnye-dokumenty/konstitutsiya-respubliki-belarus/> [Accessed 26 July 2018].
- Vladimir Lyisenkov. 2018. *V Belarusi priveli v ispolnenie smertnyie kazni*. Podrobnosti.ua . [ONLINE] Available at: <http://podrobnosti.ua/2243419-v-belarusi-priveli-v-ispolnenie-smertnye-kazni.html> [Accessed 26 July 2018].
- Gazetaby.com. 2015. *20 faktov o tom, kak v Belarusi prezidenta vyibirali*. Salidarnasts. [ONLINE] Available at: https://gazetaby.com/cont/print_rdn.php?sn_nid=92581 [Accessed 26 July 2018].
- The Guardian. 2018. *EU lifts most sanctions against Belarus despite human rights concerns*. [ONLINE] Available at: <https://www.theguardian.com/world/2016/feb/15/eu-lifts-most-sanctions-against-belarus-despite-human-rights-concerns> [Accessed 26 July 2018].
- DocumentaryTube. 2016. *Alexander Lukashenko - The Last Dictator in Europe Reigns for 20 years and counting*. [ONLINE] Available at: <http://www.documentarytube.com/articles/alexander-lukashenko-the-last-dictator-in-europe-reigns-for-20-years-and-counting> [Accessed 26 July 2018].
- Radio Svoboda. 2015. *Lukashenko: v pyatyy raz, i ne diktator?* [ONLINE] Available at: <https://www.svoboda.org/a/27303491.html> [Accessed 26 July 2018].
- Rbc.ua. 2015. *Vybory v Belarusi: Lukashenko v pyatyy raz stanovitsya prezidentom*. [ONLINE] Available at: <https://daily.rbc.ua/rus/show/vybory-belarusi-lukashenko-pyatyy-raz-stanovitsya-1444588402.html> [Accessed 26 July 2018].
- Global Nonviolent Action Database. 2006. *Belarusian citizens protest presidential election, 2006*. [ONLINE] Available at: <https://nvdatabase.swarthmore.edu/content/belarusian-citizens-protest-presidential-election-2006> [Accessed 28 July 2018].
- spring96.org. 2018. *O Vesne*. [ONLINE] Available at: <http://spring96.org/ru/about> [Accessed 3 August 2018].
- Human Rights House Foundation. 2018. *Ales Bialiatski is suddenly released*. [ONLINE] Available at: <https://humanrightshouse.org/articles/ales-bialiatski-is-suddenly-released/> [Accessed 3 August 2018].
- Worldwide Movement for Human Rights. 2018. *Belarus: HRC "Viasna" office unlawfully raided, dozens arrested*. [ONLINE] Available at: <https://www.fidh.org/en/issues/human-rights-defenders/belarus-hrc-viasna-office-unlawfully-raided-dozens-arrested> [Accessed 3 August 2018].
- OMCT. 2018. *Belarus: Arbitrary arrest and subsequent release of seven observers of the Human Rights Center Viasna and the Belarusian Helsinki Committee (BHC), and obstacles to the right to peaceful assembly*. [ONLINE] Available at: <http://www.omct.org/human-rights-defenders/urgent-interventions/belarus/2018/03/d24793/> [Accessed 3 August 2018].
- Segodnya. ua. 2016. *ES snyal sanktsii s Belarusi: kakuyu igru zateyal Lukashenko, i chto budet delat Moskva*. [ONLINE] Available at: <https://www.segodnya.ua/world/es-snyal-sankcii-s-belarusi-kakuyu-igru-zateyal-lukashenko-i-cto-budet-delat-moskva-692344.html> [Accessed 10 August 2018].

- TUT.BY. 2018. *Evroparlament prizval vlasti Belarusi soblyudat prava cheloveka i osvobodit politzaklyuchennyih.* [ONLINE] Available at: <https://news.tut.by/economics/589561.html?crnd=47135> [Accessed 10 August 2018].
- Thinktanks.by. 2018. *Belarus-ES: rastuschee sotrudnichestvo bez proryvov.* [ONLINE] Available at: <https://thinktanks.by/publication/2018/04/25/belarus-es-rastuschee-sotrudnichestvo-bez-proryvov.html> [Accessed 10 August 2018].
- C. J. Chivers. 2006. *U.S. and Europe Plan Sanctions Against Belarus.* The New York Times. [ONLINE] Available at: <https://www.nytimes.com/2006/03/25/world/europe/us-and-europe-plan-sanctions-against-belarus.html> [Accessed 11 August 2018].
- Consilium.europa.eu. 2018. *Belarus: EU prolongs arms embargo and sanctions against 4 individuals for one year.* [ONLINE] Available at: <http://www.consilium.europa.eu/en/press/press-releases/2018/02/23/belarus-eu-prolongs-arms-embargo-and-sanctions-against-4-individuals-for-one-year/> [Accessed 10 August 2018].
- BelarusFeed. 2018. *Robert Riley Supports Complete Abolition Of Anti-Belarus Sanctions.* [ONLINE] Available at: <http://belarusfeed.com/us-sanctions-belarus-2/> [Accessed 11 August 2018].
- meduza.io. 2018. *Off for sentencing.* [ONLINE] Available at: <https://meduza.io/en/feature/2018/03/07/off-for-sentencing> [Accessed 17 August 2018].
- The Guardian. 2018. *Belarus protests: more than 600 charged and opposition leaders in jail.* [ONLINE] Available at: <https://www.theguardian.com/world/2010/dec/21/600-charged-belarus-protests-lukashenko> [Accessed 17 August 2018].
- C. J. Chivers. 2018. *Belarus Protest Dispersed as Police Arrest Hundreds.* [ONLINE] Available at: <https://www.nytimes.com/2006/03/24/world/europe/belarus-protest-dispersed-as-police-arrest-hundreds.html> [Accessed 11 August 2018].
- The Death Penalty Worldwide. 2018. *The Death Penalty in Belarus.* [ONLINE] Available at: <https://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Belarus> [Accessed 19 August 2018].
- Posolstvo Respubliki Belarus v Ob'edinennykh Arabskikh Emiratah. 2018. *Grazhdane 74 stran mogu posetit Belarus bez vizi na srok do 30 sutok.* [ONLINE] Available at: http://uae.mfa.gov.by/ru/consular_issues/5days/ [Accessed 21 August 2018].
- ALDE. 2018. *Belarus: ALDE Group strongly criticises Minsk authorities' use of death.* [ONLINE] Available at: <https://alde.eu/en/news/1083-belarus-alde-group-strongly-criticises-minsk-authorities-use-of-death-penalty/> [Accessed 21 August 2018].